

Petitions, Justice, and Royal Authority in Late Medieval Castile

by

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Table of Contents

Acknowledgments	ii
List of Figures	vii
List of Tables	viii
List of Abbreviations	ix
Abstract	x
Chapter 1 Introduction	1
I. Petitioning the Monarch in Late Medieval Castile.....	3
II. The Growth of Records: The Reign of Isabel and Fernando	11
III. From Orders to Artifacts: The Trajectories and Circulation of Royal Decrees.....	20
IV. Dissertation Structure and Layout	29
Chapter 2 Justice Through Petitions: Development and Practice in Fifteenth-Century Castile	32
I. The Royal Hearings.....	33
II. Justice and Legitimacy.....	38
III. The Development of the Royal Institutions	46
IV. Summary Procedures.....	54
V. Royal Responses	59
VI. Petitioners and Arguments.....	62
A Lost Falcon (1487).....	63
A Robbery by the Royal Road (1478)	67
A Broken Lease (1478).....	71
A Fight in the Jewish <i>Aljama</i> (1487).....	76
VII. Conclusions	82
Chapter 3 The Royal Council: Spatial and Procedural Considerations	85
I. The Spatial Organization of the Royal Council	87

II. The Production of Petitions.....	95
III. Summaries of Petitions	101
IV. The Production of Royal Letters.....	107
V. Conclusions.....	113
Chapter 4 The Accessibility of Justice: Time and Travel in the Circulation of Royal	
Decrees	11
I. Petitioners as Travelers	118
II. Paces of Conveyance	131
III. Accessing the Royal Council	138
IV. Conclusions	146
Chapter 5 The Presentations of Letters: Performance, Obedience, and Violence.....	149
I. Presentations as Performances	152
II. Ceremonies of Obedience	159
I. Obedience Without Compliance	169
IV. Disruption and Violence	177
V. Letters of Protection	183
VI. The Power to Enforce	186
VII. Conclusions	191
Chapter 6 Petitions, Local Power, and Documentary Strategies: Four Examples	194
I. A Difficult Sentence to Enforce (1487)	196
II. The Banishment of a New Christian (1478)	202
III. Assaulted by the Sheriff (1495)	210
IV. A Letter in the Worst Place	217
Conclusion	226
Bibliography	232
I. Archival Sources	232
II. Printed Primary Sources	234
III. Secondary Sources	235

List of Figures

Fig. 1 The Number of Documents Retained by the RGS According to Years (1474–1501)	16
Fig. 2 Petitioners' Places of Origins, March 1485	26
Fig. 3 Petitioners' Places of Origins, March 1489	26
Fig. 4 Destinations of Royal Decrees, May 1490	27
Fig. 5 The Region of Tordesillas	65
Fig. 6 The Region of Seville and Palma	68
Fig. 7 The Region of Toro	77
Fig. 8 The Region of Cáceres and Trujillo	140
Fig. 9 Ranges of Distances from the Royal Council in Valladolid	145
Fig. 10 Ranges of Distances from the Royal Council in Cordova	146
Fig. 11 The Region of San Esteban de Gormaz	197
Fig. 12 The Region of San Clemente	203
Fig. 13 The Region of Cuenca	211
Fig. 14 The Region of Fuentepinilla	218

List of Tables

Table 1 The Number of Documents Retained by the RGS (1477–1480)	18
Table 2 The Number of Documents Retained by the RGS (1483–1486)	18
Table 3 The Number of Documents Retained by the RGS (1487–1490)	18
Table 4 Identified Travels of Petitioners, March 1489	119
Table 5 Identified Travels of Petitioners, March 1485	120
Table 6 Time Line of the Conflict of Maria González, July - August 1479	141
Table 7 Time, Distance, and Speed in Journeys to the Royal Council	145
Table 8 Time Line of the Conflict between Tudela and Darse	223

List of Abbreviations

AGS, CCA, PER = Archivo General de Simancas, Cámara de Castilla, Personas

AGS, CCA, PUE = Archivo General de Simancas, Cámara de Castilla, Pueblos

AGS, CRC = Archivo General de Simancas, Consejo Real de Castilla

AGS, PTR = Archivo General de Simancas, Patronato Real.

AGS, RGS = Archivo General de Simancas, Registro General del Sello

AMB = Archivo Municipal de Burgos

AMS = Archivo Municipal de Sevilla

ARCHV, RE = Archivo de la Real Chancillería de Valladolid, Registro de Ejecutorias

ARCHV, PC = Archivo de la Real Chancillería de Valladolid, Pleitos Civiles

Abstract

In the fifteenth century, the Crown of Castile witnessed an unprecedented influx of petitions, as tens of thousands of Castilians traveled to royal courts to present petitions to their monarchs. This dissertation focuses on petitioning for royal justice as a perspective from which to study the social and political life of late medieval Castile. Drawing on hundreds of unstudied records, I analyze not only the content of Castilian petitions, but also the ways in which royal responses to these petitions functioned on the local level of the town and village. By tracing the social lives of the so-called “letters of justice” that were granted in response to petitions of grievance, I analyze the ways in which Castilians employed these royal decrees in local conflicts. Also inquired are the local reactions to the presentations of these documents, including expressions of obedience, “obedience without compliance,” and violence. I demonstrate that while many petitioners obtained royal decrees in order to exert pressure on opponents, the presentations of these documents in Castilian localities had a substantial performative component as public events intended for the eyes of the community. Furthermore, thousands of decrees circulating in public spaces provided the monarchy a mechanism for disseminating notions of royal authority. My research suggests that the royal institutions encouraged the proliferation of decrees by maintaining a high level of responsiveness and accessibility, thus rendering petitioning a path of action suitable for generating swift interventions into local conflicts. In this respect, this dissertation draws attention to the consolidation of royal authority as a process of intensifying communication between rulers and subjects, rather than a top-down assertion of

power. It demonstrates that petitions of grievance became sites for the enactment, circulation, and negotiation of core ideas about the monarch, the subject, and the law. When they obtained and presented royal decrees, thousands of Castilians turned themselves, in a sense, into agents of royal authority, asserting the monarch's right to intervene in local jurisdictions. The proliferation of royal decrees in Castilian villages and towns intimately affected the political life of these communities, marking new possibilities for political protest, negotiation, and participation.

Chapter 1

Introduction

On November 21, 1478, the magistrates of the Royal Council of Fernando and Isabel, the king and queen of Castile, granted a royal decree to a woman named Leonor González de Avila in response to a petition of grievance. In the petition, González de Avila complained about the many wrongs she had suffered from Pedro de Palos, her husband in the past thirty years. Palos, she claimed, had never provided for her, kept her from his bed, and took “public concubines” whom he brought to the house where she lived, making her, his legitimate wife, serve them “as if she were a slave.”¹ González de Avila further claimed that after consuming her dowry, her husband found an excuse to send her back to her father’s house, where she lived for ten years. However, when her parents died, Palos, having heard about the inheritance she received, invited her to return to his house, expressing a wish to resume their marital life and promising to leave his other women. González de Avila, who “believed that he would do so, and treat her well,” returned to live with her spouse and entrusted him with the funds of her inheritance, only to discover that nothing had changed: within a few weeks Palos had returned to his old ways and brought his concubine back to the house.² According to González de Avila, although “knights

¹ AGS, RGS, November of 1478, fol. 38: “diciendo que... el dicho su marido sienpre ha tenido e tenia mançebas publicas, non fasiendo vida maridable con ella nin le dando mantenimientos nin vestuarios que le son neçesarios, trayendo las dichas mançebas ala casa donde ella morava, e fasiendo que ella syrviесе a ellas como esclava, e teniendo a ella apartada de su cama...”

² Ibid.: “E dis que como supo que el dicho su marido que los dichos sus padre e madre eran falleçidos, por aver la herençia que ellos le venia, le dixo que la queria llevar a su casa e faser vida maridable con ella, e dexar a las mançebas que tenia. E que ella creyendo que asy lo fasia e la trataria bien, que ovo de yr con el e que le entrego setenta e çinco mill mrs... e otros veinte mill mrs... dis que despues que a ella tomo en su casa e reçibio los dichos noventa e çinco mill mrs. el dicho su marido que dende a quinze dias se bolvio ala dicha su mançeba, teniendo la

and relatives and other people” had approached him, demanding that he either keep the promises he made to his wife or return the inheritance, Palos did not change his ways.³ The decree that the Royal Council granted to González de Avila in response to her petition was addressed to the lord of her town, Palma de Rio, instructing him to inquire into her case and render judgment without delay.

The case of González de Avila exemplifies some of the main issues explored in this dissertation. In the following pages, I focus on petitioning for royal justice as a way by which late medieval Castilians like González de Avila tried to intervene in disputes they had with other subjects of the Crown as well as with local and royal officials. Archival evidence shows that in the course of the fifteenth century petitioning the Castilian monarch developed as a widespread phenomenon. In the final quarter of this century alone there were tens of thousands of Castilians who not only petitioned their monarchs, but also, like González de Avila, succeeded in obtaining royal decrees in their favor.⁴ To submit petitions, Castilians had to either travel to the royal court themselves or to send a procurator (*procurador*) equipped with a notarized mandate (*carta de poder*). In the case of González de Avila, the journey to the Royal Council was probably not too complicated an endeavor: Since the royal court was resident in Cordova at the time, González de Avila could follow the trail from Palma de Rio up the Guadalquivir river. The journey to

en la casa donde ella estava, fasiendo lo como de antes e non dando le a ella mantenimientos nin cosa alguna que le era necesario.

³ Ibid: “E que como quier que por muchos cavalleros a parientes e otros personas ha seydo requerido el dicho su marido que faga vida con ella, e le de lo que ha menester, que lo non ha querido faser nin le ha querido tornar nin resituir lo que ha reçibido della... e dis que sy asy oviese a pasar que ella reçibira grand agravio e dano...”

⁴ See the discussion of the extant records in this chapter below. The population of Castile was, at the end of the fifteenth century, the largest among the Iberian kingdoms, containing roughly 4,200,000 people. For comparison, the territories that formed the Crown of Aragon had only 855,000 people. Miguel Ángel Ladero Quesada, *Ciudades de la España medieval* (Madrid: Dickinson, 2010), 30–32. This estimation, based on tax records, means that roughly 80 percent of Iberians were Castilians. The estimation includes the Muslims who remained in Granada after the conquest of 1492 as well as the population of the Canary Islands. Other scholars have offered a slightly higher estimation: Henry Kamen, “The Mediterranean and the Expulsion of Spanish Jews in 1492,” *Past and Present* 119 (1988): 30–55 refers to 4,300,000 people, whereas the estimation provided by Teofilo F. Ruiz *Spain’s Centuries of Crisis: 1300–1474* (Sussex: Blackwell, 2007), 29, is slightly higher: 4,500,000.

Cordova, of roughly 55 kilometers, might have taken her two days to complete, perhaps with an overnight stop in one of the villages or inns along the road.⁵ In countless other cases, however, petitioners traveled for days, and even for weeks, in order to arrive at the seat of the Royal Council.

I. Petitioning the Monarch in Late Medieval Castile

In late medieval Castile, the monarch was usually petitioned in writing. The Castilian petition was a document of typically one or two folios in length. It was drawn up by a notary (*escribano*), either in the petitioner's locality or at the royal court. The institutions of the royal court sorted petitions into two categories: those concerning "grace," and those concerning "justice". The first group included requests for various rewards, exemptions, licenses, legitimation of descendants, bequeath of public offices, and remission of crimes. At the end of the fifteenth century, these petitions were handled by the royal secretaries of the Council of the Chamber and had to be personally approved by the monarchs.⁶ The second category of petitions, which consisted of grievances and requests for redress, were handled by the magistrates of the Royal Council, a high royal court that had the mandate to govern by decrees and administer justice on behalf of the monarch.⁷ Petitioning for royal justice was predicated on the idea that the monarch, as the supreme administrator of justice, had a duty to correct wrongs and injuries. Each

⁵ While there was traffic of goods on the Guadalquivir between Cordova and Seville, it is more likely that petitioners like González de Avila made their journeys inland, either by foot or on the back of a pack animal. On transportation and travel in this region in this period see Ricardo Córdoba de la Llave, "Comunicaciones, transportes y albergues en el reino de Córdoba a fines de la Edad Media," *Historia. Instituciones. Documentos* 22 (1995): 87–118.

⁶ On the handling of these petitions see in particular Salustiano de Dios, *Gracia, merced y patronazgo real: la Cámara de Castilla entre 1474-1530* (Madrid: Centre de Estudios Constitucionales, 1993); Idem, "The Operation of Royal Grace in Castile, 1250-1530, and the Origins of the Council of the Chamber," in *Legislation and Justice*, ed. Antonio Padoa Schioppa (Oxford: Clarendon Press, 1997), 159–73.

⁷ On the Royal Council see Salustiano de Dios, *El Consejo Real de Castilla (1385-1522)* (Madrid: Centro de Estudios Constitucionales, 1982). While Castilian monarchs sometimes presided over sessions of their Royal Councils, the task of reviewing and determining petitions of grievance was, by and large, entrusted to a selected group of magistrates, many of whom were legal experts. On these issues see also Chapter 3 of this dissertation.

subject, however humble, had the right to voice complaints before the monarch and to receive remedy of justice (*cumplimiento de justicia*). At the royal court, the immediate objective of a petitioner was to obtain a royal decree in his or her favor. These documents, known in the sources as royal provisions (*provisiones*) or letters of justice (*cartas de justicia*), were granted to successful petitioners, and they usually contained a royal command made in their favor. It was up to the beneficiary of the royal decree to convey the document to its addressee and demand compliance with the command it enclosed. González de Avila, for example, had to return to Palma de Rio, appear before the lord of the town, present the decree, and demand that he conduct the trial against her spouse in accordance with the instructions of the Royal Council. The presentation of royal decrees to addressees had to be made in the presence of two witnesses and a notary, who was in charge of reading the document to its addressee and then recording the act of demand (*requerimiento*) made by the beneficiary of the document, as well as the response of the addressee.

The social composition of Castilian petitioners was diverse. One finds among them city-dwellers and villagers, nobles and commoners of various social statuses and professions: peasants, artisans, and merchants. The Jewish and Muslim subjects of the Castilian monarchy also submitted petitions, as did converts and their descendants (*conversos*).⁸ Most petitioners were male, although, as the case of González de Avila shows, there were also many female petitioners.⁹ The complaints that petitioners raised before the Royal Council were also diverse in

⁸ Before the expulsion of 1492, the number of Castilian Jews was around 70,000, or 1.6 percent of the total population. See the discussion of Kamen, "The Mediterranean". Miguel Ángel Ladero Quesada, *Judíos y conversos de Castilla en el siglo XV: Datos y comentarios* (Madrid: Dykinson, 2016), 32, estimates that the number of Jews in Castile in 1492 was between 70,000 to 90,000. The number of Muslims was even lower, amounting to less than 20,000 people, as estimated by Miguel Ángel Ladero Quesada, *Los Mudéjares de Castilla en tiempos de Isabel I* (Valladolid: Instituto Isabel la Católica de Historia Eclesiástica, 1969), 17–20, based on tax records.

⁹ According to Timothy Haskett, "The Medieval English Court of the Chancery," *Law and History Review* 14 (1996): 245–313, at 285, the rate of female petitioners in the English court of the chancery in the fifteenth century

their subjects, including cases of homicide, injury, rape, illegal imprisonment, robbery, stealth, and adultery, as well as various complaints about property offenses and financial disputes. In addition, the Royal Council accepted appeals of judgments pronounced by lower courts, and dealt with complaints about the inability to enforce sentences in cases that had already been adjudicated. On a random morning in May 1480, the magistrates of the Royal Council attended to complaints about the breaching of a business contract in Ciudad Real,¹⁰ the violation of the privileges of the knights of Écija by the municipal council of that city,¹¹ an attack against a citizen of Cordova by an urban official combined with an attempt to implicate the citizen in heresy through false testimonies,¹² theft of money from a monastery,¹³ slanders that a Jew from Segovia had suffered,¹⁴ and three different cases of road banditry and robbery.¹⁵ What these cases shared in common was the claim of petitioners that they had suffered “a great wrong and harm” (*grande agravio e daño*) and their request for the monarch to provide justice.

By directing their complaints to the Royal Council, thousands of Castilians sought to bring royal authority to intervene in their local conflicts. Since the petition opened a direct channel between the subject and the sovereign, it could be used to bypass local jurisdictions. In fact, in many instances petitioners tried to persuade the magistrates of the Royal Council to “call up” their lawsuits, that is, to order that they would be commissioned to royal judges in substitute for the local judges of the local city, town, or village. In other cases, petitioners obtained royal decrees that helped them press local courts and officials to accept their lawsuits or accommodate other judicial needs. Since the Royal Council had the authority to employ administrative decrees

was around 13 percent. I estimate that the rate of women among Castilian petitioners was close and perhaps slightly higher than that.

¹⁰ AGS, RGS, May of 1480, fol. 125.

¹¹ Ibid., fol. 60.

¹² Ibid., fol. 167; Ibid., fol.166.

¹³ Ibid., fol.164.

¹⁴ Ibid., fol. 79.

¹⁵ Ibid., fol. 121; Ibid., fol.122; Ibid., fol. 165.

in the resolution of disputes, as well as summary judicial procedure, by bringing their cases to the Royal Council many petitioners were trying to achieve judicial redress while evading the costs and length of an ordinary trial.¹⁶

While the records do not specify why González de Avila turned to the Royal Council, her decision to do so may have stemmed from the difficulty of finding justice at the local level. In fact, González de Avila explicitly asked in her petition that the Royal Council appoint a judge “without suspicion” who could provide her a remedy of justice. This request may be an indication that González de Avila did not trust a local judge or court, which in her case might have been the local ecclesiastical court. The royal decree she obtained from the Royal Council both authorized and pressed the secular lord of her town to look into the case, ensuring that his judgment would be rendered according to summary procedure.

As this case illustrates, petitioning the Castilian monarch should be understood as part of the forum-shopping exercised by people in a society whose legal order was comprised of multiple and sometimes competing jurisdictions. Within this legal order, the right of the monarch to intervene in local jurisdictions was not without contestation, and it risked being challenged on a variety of grounds. The citizens of the free cities of the kingdom, for instance, had the privilege of being tried first by the judges of their own localities. Castilians who petitioned the Royal Council in the hope of generating royal interventions into these urban jurisdictions had, therefore, to explain why their case pertained to royal justice. As will be demonstrated in Chapter 2, this sort of argumentation usually invoked the petitioner’s inability to achieve redress through the operation of the local institutions of justice.

¹⁶ For the different kinds of royal responses to petitions of grievance, see the discussion in Chapter 2 of this dissertation.

In comparison with the scholarship dedicated to similar practices in other late medieval and early modern European polities, petitioning the Castilian monarch has received little scholarly attention.¹⁷ To be sure, some aspects of this practice have been discussed by historians who studied the development and the operation of the institutions of the royal court, notably Salustiano de Dios and Gustavo Villapalos.¹⁸ While these scholars have greatly enhanced our understanding of the history of petitioning in Castile, their focus has usually been royal institutions and their personnel rather than the petitioners themselves. What has been hardly studied is how the men and women who flocked to royal courts in order to present complaints engaged the machinery of royal justice, and how they used petitioning as a tool of intervention in a wide array of social conflict. Furthermore, as will be discussed momentarily, although many historians of late fifteenth-century Castile have relied on the information found in royal decrees, the ways in which these documents actually functioned have been largely overlooked. By exploring how royal documents were appropriated and “put to work” in local conflicts, this dissertation adds to a growing body of scholarship dedicated to the political lives of ordinary

¹⁷ Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France* (Palo Alto: Stanford University Press, 1987) marked an important milestone in the study of petitionary practices in pre-modern European societies. Following Davis’ work, various studies examined petitions and petitioners from the perspective of cultural history, focusing in particular on pardon and the royal grace. For recent studies of late medieval petitions of grievances see Gwilym Dodd, *Justice and Grace: Private Petitioning and the English Parliament in the Late Middle Ages* (Oxford: Oxford University Press, 2007); W. Mark Ormrod, Gwilym Dodd and Anthony Musson, eds., *Medieval Petitions: Grace and Grievance* (York: York Medieval Press, 2009); Simon Teuscher, “Threats from Above and Requests from Below: Dynamics of the Territorial Administration of Berne, 1420-1450,” in *Empowering Interactions: Political Cultures and the Emergence of the State in Europe*, ed. Wim Blockmans, André Holenstein & Jon Mathieu (Farnham: Ashgate, 2009), 101–114; Gwilym Dodd, “Writing wrongs: the drafting of supplications to the crown in later fourteenth-century England,” *Medium Aevum* 80, 2 (2011), 217–246; Gwilym Dodd and Sophie Petit-Renaud, “Grace and Favour: the Petition and its Mechanisms,” in *Governance and Political Life in England and France, c.1300–1500*, eds. Christopher Fletcher, Jean-Philippe Genet and John Watts (Cambridge: Cambridge University Press, 2015), 240–278.

¹⁸ de Dios, *El Consejo*; Gustavo Villapalos Salas, *Los recursos contra los actos de gobierno en la Baja Edad Media. Su evolución histórica en el reino castellano (1252–1504)* (Madrid: Inst. de Estudios Administrativos, 1976). Castilian petitions for royal pardon have received some attention as independent subjects for study. See José Manuel Nieto Soria, “Los perdones reales en la confrontación política de la Castilla Trastámara,” *En la España medieval* 25 (2002): 213–26; Roberto José González Zalacain, “El perdón real en Castilla: una fuente privilegiada para el estudio de la criminalidad y la conflictividad social a fines de la Edad Media,” *Clio & Crimen* 8 (2011): 290–352.

Castilians.¹⁹ My aim here is to examine how disputants like Leonor González de Avila obtained royal decrees, how they employed them in order to intervene in local dynamics of power, and how—and to what extent—their petitionary and documentary practices affected the Castilian political culture more broadly.

The late medieval period, as Gwilym Dodd and Sophie Petit-Renaud have recently asserted, “was an age of petition par excellence: it was a period which saw a remarkable growth of its use.”²⁰ According to John Watts, “a combination of royal legislation, privately or locally controlled jurisdiction, and central interventions based on petitions for redress was, in fact, a common model for justice in the kingdoms of the period.”²¹ The advancement of petitionary practices in Christian Europe during the thirteenth, fourteenth, and fifteenth centuries went hand in hand with the growing influence of Roman Law and the emergence of jurisprudence and political thought that emphasized “good government” as the purpose of rulership.²² In Castile, the development of petitionary practices in the fourteenth century seems to have been inspired by the papal curia, which attended to thousands of petitions every year.²³ Towards the end of the

¹⁹ The political lives of ordinary Castilians in the later middle ages is a growing scholarly field. See in particular the following works of Hipólito Rafael Oliva Herrer: *Justicia contra señores. El mundo rural y la política en tiempos de los Reyes Católicos* (Valladolid: Universidad de Valladolid, 2004); “Espacios de comunicación en el mundo rural a fines de la Edad Media: La escritura como contrapeso del poder,” *Medievalismo: Boletín de la Sociedad Española de Estudios Medievales* 16 (2006): 93–112; “La prisión del rey”: voces subalteranos e indicios de la existencia de una identidad política en la Castilla del siglo XV,” *Hispania* 71, no. 38 (2011): 363–388; “Sobre la politización ordinaria de la gente común a fines de la Edad Media,” in *Una nueva visión de la Edad Media: Legado y renovación* (Logroño: Instituto de Estudios Riojanos, 2016), 259–290. See also various contributions in the following collections: *La comunidad medieval como esfera pública*, ed. Hipólito Rafael Oliva Herrer, Vincent Challet, Jan Dumolyn, and María Antonia Carmona Ruiz (Sevilla: Universidad de Sevilla, 2014); *Los grupos populares en la ciudad medieval europea*, ed. Jesús Ángel Solórzano Telechea, Beatriz Arizaga Bolumburu, and Jelle Haemers (Logroño: Instituto de Estudios Riojanos, 2014); *The Voices of the People in Late Medieval Europe: Communication and Popular politics*, ed. Jan Dumolyn, Jelle Haemers, Vincent Challet, and Hipólito Rafael Oliva Herrer (Turnhout: Brepols, 2014).

²⁰ Dodd and Petit-Renaud, “Grace and Favour,” 240.

²¹ John Watts, *The Making of Polities: Europe, 1300–1500* (Cambridge, UK; New York: Cambridge University Press, 2009), 209.

²² On these issues see *Ibid.* See also Chris Wickham, *Medieval Europe* (New Haven: Yale University Press, 2016), 235–251.

²³ For petitionary practices in the papal curia see Peter Linehan and Patrick Zutshi, “Fiat A: the Earliest Known Roll of Petitions Signed by the Pope (1307),” *The English Historical Review* 122, no. 498 (2007): 998–1015; Barbara

fourteenth century, the Castilian royal administration even borrowed some of the terms used in papal responses to petitions. In fact, the model in which a written petition generates a response in the form of a letter that is granted to an interested party can be found, with some variations, in several of Castile's neighboring kingdoms. In late medieval France, royal institutions granted letters of justice to petitioners containing commands directed to local officers of justice.²⁴ In the Crown of Aragon, the royal *audiencia* of the fourteenth century attended to petitions of grievance and had authorities similar to the *audiencia* to be established in Trastamara Castile.²⁵ In England, the court of the chancery was authorized to respond to "bills of complaints" by means of decree.²⁶ This process, which intended to enforce the law where the ordinary legal procedures had failed,²⁷ was close in spirit and practice to the ways of the Royal Council in Castile.

Whereas studies of late medieval petitions have taught us a great deal about the concerns of petitioners, the social and political concepts reflected in their requests and complaints, the rhetorical and narrative structures they employed, and the procedures employed by the institutions to which they directed their petitions, the reactions that responses to petitions generated on the local level remain largely understudied, due to the dearth of relevant sources. Castilian records help to remedy this as they often allow us to trace the trajectories of royal decrees after they were granted to petitioners. In many cases, it thus becomes possible to study

Bombi, "Petitioning between England and Avignon in the First Half of the Fourteenth Century," in Ormrod et al. *Medieval Petitions*; Patrick Zutshi, "Petitions to the Pope in the Fourteenth Century," in Ormrod et al. *Medieval Petitions*, 82–98; Andreas Meyer, "The Curia: The Apostolic Chancery," in *A Companion to the Medieval Papacy: Growth of an Ideology and Institution*, ed. Keith Sisson and Atria A. Larson (Leiden and Boston: Brill, 2016). As noted by Zutshi, "Petitions to the Pope," more than 20,000 petitions were submitted to the papal curia between 1362 and 1365.

²⁴ Dodd and Petit-Renaud, "Grace and Favour," 241.

²⁵ For the royal *audiencia* in the Crown of Aragon see Jon Arrieta Alberdi, *El consejo supremo de la Corona de Aragón* (Zaragoza: Institución de Fernando el Católico, 1999), 34–71; Teresa Canet Aparisi, "Las audiencias reales en la Corona de Aragón: De la unidad medieval al pluralismo moderno," *Estudis* 32 (2006): 133–174.

²⁶ Haskett, "The Medieval."

²⁷ John H. Baker, *An Introduction to English Legal History* (London & Boston: Butterworths, 1990), 117–119.

how petitioning affected a local conflict, which contributes to a more comprehensive account of petitioning as a specific avenue within a larger repertoire of political and judicial avenues.

Petitioning the Castilian monarch was part of a broader process of growing legalization of political life in the later Middle Ages.²⁸ In Castile, increased availability of paper in large quantities since the fourteenth century may have fostered this process,²⁹ as did the development of judicial models inspired by Roman law. The study of petitionary practices in the fifteenth century offers a particularly productive vantage point from which to gain insight into the ways in which Castilian disputants engaged the system of royal justice. Particularly telling and pertinent is the fact that many of the petitions brought before the Royal Council concerned tensions between different jurisdictions, courts and procedures, as well as difficulties in executing sentences in cases that had already been adjudicated. Thus, the study of Castilian petitions serves to illuminate a variety of aspects of the legal system as it was experienced and practiced by ordinary people in late medieval Castile.

²⁸ On this process in Castile see in particular Richard Kagan, *Lawsuits and Litigants in Castile, 1500–1700* (Chapel Hill: The University of North Carolina Press, 1981).

²⁹ For the history of paper in late medieval Iberia in general and in Castile in particular see, María Josefa Sanz Fuentes, “Tipología documental de la Baja Edad Media castellana: documentación real,” in *Archivística: estudios básicos* (Sevilla: Diputación Provincial de Sevilla, 1983), 237–256; Robert Burns, “Paper Comes to the West,” in *Europäische Technik im Mittelalter 800 bis 1400. Tradition und Innovation*, ed. Uta Lindgren (Berlin: Mann, 1996), 413–22; Isabel García Díaz and Juan Antonio Montalbán Jiménez, “El uso del papel en Castilla durante la baja Edad Media,” *VI congreso nacional de historia del papel en España, Actas* (Valencia: Conselleria de Cultura, Educació i Esport: 2005), 399–415; María Esperanza Simón Valencia, “La historia del papel en la Castilla medieval: el archivo de la Catedral y la judería de Burgos en el siglo XIV,” *Espacio, Tiempo y Forma* 27 (2014): 503–524; By 1400, if not before, paper had superseded parchment as the main writing materials in the chancery. Scholars have shown that paper was used by the royal chancery as early as the reign of Fernando III (1217–1252). The first paper documents in the archives of the Cathedral of Burgos are dated from the 1330s. The first notarial registries that have survived from Castile, dating from the 1390s, are made of paper. The main advantage of paper was that it was much cheaper than parchment. According to Castilian royal records, in the end of the thirteenth century the cost of paper may have been three times cheaper than parchment. The history of paper in late medieval Iberia was also marked by the replacement of a locally produced paper—that is, the “Hispanic” paper that was produced in centers such as Seville and Toledo—with Italian paper which rapidly advanced throughout the lands of “Yspania. In the course of the fifteenth century, Italian paper came to dominate the consumption of paper in Castile. In 1502, Genoese merchants entered Murcia with 11,780 reams of paper (10 *balas*), a quantity corresponding to more than half a million folios. Italian papermakers also established mills at a number of sites in the Iberian Peninsula.

II. The Growth of Records: The Reign of Isabel and Fernando

Although evidence from earlier periods will be considered, the analysis offered in this dissertation concentrates on the final decades of the fifteenth century, a period that corresponds to the mutual reign of Isabel of Castile and Fernando of Aragon. (1474–1504). The decision to focus on this period derives from the state of the records, which permits, for this period, the study of petitions in much greater depth than before. By the time of their joint reign, petitioning the monarch had already emerged as a significant phenomenon involving tens of thousands of people. As will be discussed in the next chapter, the royal *audiencia*, where the kings of Castile were accustomed to hear the complaints of their subjects, seems to have developed into an important royal ceremony already in the fourteenth century. Since the 1390s, the Royal Council attended to petitions of grievance in more or less the same fashion as the Royal Council of Isabel and Fernando a century later. The early ordinances of the Royal Council certainly give the impression that petitioning was widely practiced. However, given the scarcity of surviving records from this period, the scope of petitioning and the development of this practice in the course of the fifteenth century remain unclear. In this respect, what makes the reign of Isabel and Fernando radically different from the reigns of their predecessors is the survival of documents in unprecedented quantity. These include the records of the royal registries, as well as petitions, royal decrees, notarial testimonies of notification, and thousands of other judicial records. The kind of analysis that this dissertation aims to provide, which focuses on the actual uses of petitions in local conflicts, is difficult to conduct for earlier periods. Furthermore, there is reason to believe that the volume of petitionary practices did witness an increase under Isabel and Fernando, even though, in the absence of sufficient records from previous periods, this hypothesis cannot be fully certified.

The path of Isabel and Fernando to the Castilian throne passed through a long succession conflict that divided not only the Castilian nobility, but also the society more broadly.³⁰ Already in 1464, a league of influential nobles led a rebellion against King Enrique IV (1454–1474), crowning his half-brother, the young prince Alfonso, as King Alfonso XII in 1465, in a ceremony that also included the deposition in effigy of Enrique. The period between 1465 and 1468 witnessed various clashes between the followers of the two contenders as they were trying to secure their control over the kingdom. A temporary truce was achieved after the death of Alfonso, in 1468. This was also the point when the supporters of the prince endorsed the cause of his older sister, princess Isabel. In 1474, following the death of Enrique IV, the violent struggle resumed, developing into a war between the partisans of Enrique’s daughter, Juana, and her husband, King Afonso V of Portugal, and those of Isabel and Fernando of Aragon, the princess’s husband since 1469. The war, from which Isabel and Fernando had emerged triumphant, lasted until 1479.

The restoration of justice to a kingdom devastated by tyranny and war was, in fact, at the heart of the political discourse propagated by the adherents of Isabel and Fernando, even before the death of Enrique.³¹ Attending to the petitions of the aggrieved had an important propagandistic function because of the centrality of the administration of justice to the notion of kingship.³² In the course of the war of succession, the Royal Council of Isabel and Fernando attended to thousands of petitions. Furthermore, it seems that Isabel, as a female ruler, had a

³⁰ For an overview of the political context see Luis Suárez Fernández, *Los Reyes Católicos: la conquista del trono* (Madrid: Ediciones Rialp, 1989), 75–182; John Edwards, *The Spain of the Catholic Monarchs, 1474–1520* (Hoboken, NJ: Wiley, 2001), 1–37.

³¹ Scholars have emphasized the investment of Isabel and Fernando and their supporters in discourses and ceremonies of justice. Ana Carrasco Manchado, *Isabel I de Castilla y la sombra de la ilegitimidad: propaganda y representación en el conflicto sucesorio (1474-1482)* (Madrid: Silex, 2006). On the circulation of such discourses before the war see *Ibid.*, 18–19. On the restoration of justice as a central motif in the rhetoric of the Isabelian party during and after the civil war see also Oliva Herrero, *Justicia*, 192–197.

³² On these issues see more in Chapter 2 of this dissertation.

particular interest in public ceremonies of justice-making, and in the representation of such ceremonies as a way to demonstrate her capacity to govern.³³ As Cristina Guardiola-Griffiths has recently put it, “the representation of Isabel as the *hacedor de justicia* (supreme justice maker)... bent the gender ideology that had previously characterized her.”³⁴ Petitions of grievance provided Isabel and Fernando an opportunity to display the royal commitment to justice on a massive scale, as these petitions entailed thousands of royal decrees that traveled across the kingdom. Those decrees became an important part in the arsenal of media that the new monarchs had employed in order to proclaim their sovereignty.

The hypothesis of growth in petitionary practices during Isabel and Fernando’s reign gains support from the establishment of a second Royal Council in 1477. The leadership of this Royal Council was entrusted to one of the most powerful magnates of the kingdom, the Count of Haro, Pedro Fernández de Velasco, who also held the title of the Constable of Castile.³⁵ The Royal Council, which came to known as the *Consejo de Allende* because of its location “beyond” (north of) the Guadarrama Mountains,³⁶ was in charge of the governance in Old Castile and León, as well as in the other northern territories of the Crown. According to Fernando de Pulgar, a royal chronicler, the establishment of this second Royal Council was ordered by Isabel to guarantee that the administration of justice in the north be kept, while the royal court was far

³³ On female rulers in Castile see Joseph F O’Callaghan, “The Many Roles of the Medieval Queen: Some Examples from Castile,” in *Queenship and Political Power in Medieval and Early Modern Spain*, ed. Theresa Earenfight (Aldershot: Ashgate, 2005), 21–32. See also Theresa Earenfight, *The King’s Other Body: Maria of Castile and the Crown of Aragon* (Philadelphia: University of Pennsylvania Press, 2010), 22.

³⁴ Cristina Guardiola-Griffiths, *Legitimizing the Queen: Propaganda and Ideology in the Reign of Isabel I of Castile* (Lanham: Bucknell University Press, 2010), 21.

³⁵ On this noble see Alfonso Franco Silva, *Entre los reinados de Enrique IV y Carlos V. Los Condestables de linjae Velasco (1461–1559)* (Jaén: Universidad de Jaén, 2006), 47–79.

³⁶ The name came from the concept of *allende los puertos* (beyond the mountain paths). The Guadarrama Mountains were seen as dividing the kingdom into two parts.

from the region.³⁷ The duplication of the Royal Council may have had a precedent during the reign of Enrique IV, when the king had marched to a campaign in the south.³⁸ However, under the rulership of Isabel and Fernando, the use of a second Royal Council became more frequent: the *Consejo de Allende* was active between 1477–1482, 1484–1493, 1495 and 1498–1500.³⁹ It tended to alternate between Burgos and Valladolid, notwithstanding a few months in which it operated from other localities such as Medina del Campo or Tordesillas. In all probability, the co-existence of the two Royal Councils resulted in the proliferation of petitions, for it allowed Castilians to direct their complaints to whichever Royal Council was closer to their localities, thus reducing the distance and time factors of petitioning. The sources show that in the final decades of the fifteenth century, each of the two Royal Councils attended to thousands of petitions of grievance. The decision to establish a second Royal Council stemmed from a view that saw the handling of petitions as fundamental to effective rulership. The exercise of the royal grace, on the other hand, remained in the hands of monarchs, which meant that Castilians who petitioned for the royal grace were still required to travel to their court.

Of great importance to the study of Castilian petitions in this period are the records of the “general registry of the seal” (*Registro General del Sello*, or in short RGS), which is one of the main collections of the *Archivo General de Simancas* (AGS). The documentation of this collection originates in the royal “registries,” where copies of the documents that had passed

³⁷ Fernando del Pulgar, *Crónica de los Reyes Católicos por su secretario Fernando del Pulgar*, vol.1, ed. Juan Meta de Carriazo (Madrid: Espasa-Calpe, 1943), 289, 444–445. See also De Dios, *El Consejo*, 161–163. The queen left with the Constable several members of her Royal Council, as well as another noble, the “admiral,” Alonso Enriquez. A royal decree from 1487 explained that the Constable received full powers to govern and administer justice in the name of the monarchs in order to advance the peace and “good government” of the north, while the monarchs were “occupied in the war against the moors.” See: AGS, RGS, January of 1487, fol. 15

³⁸ Diego Enríquez del Castillo, *Crónica de Enrique IV*, edited by Aureliano Sánchez Martín (Valladolid: Universidad de Valladolid, 1994), 149. According to this chronicler, the king left in Valladolid the Count of Haro and the archbishop of Toledo

³⁹ De Dios, *El Consejo*, 161–163; See also Francisco de Paula Cañas Gálvez, “La itinerancia de la corte de Castilla durante la primera mitad del siglo XV,” *E-Spania* 8 (2009).

through the great royal seal were produced and kept. The documentation of RGS is organized in bundles (*legajos*) according to years and months. They date from the period between 1454 and 1689, although in reality only a few dozens documents have survived from prior to 1475.⁴⁰ Indeed, the reign of Isabel and Fernando is the first period from which a significant number of registry records have come down to us. For the period between 1475 and 1501, the records are both cataloged and made available online via the Portal of Spanish Archives' website (PARES).⁴¹ These early records were produced in three different royal centers: the royal *Casa y Corte* ("household and court") that traveled with the monarch and where the Royal Council and the Council of the Chamber handled petitions for justice and for grace; the *Consejo de Allende* which issued only letters of justice; and the court of the *Audiencia y Chancillería* in Valladolid, which served as an appellate royal court that also had jurisdiction over certain civil and criminal lawsuits.⁴² Each of these three courts maintained a royal seal to which a registry was attached. When royal decrees passed through the seal, the keeper of the registry (*registrador*) would produce a copy of the document to be kept at the records of the registry.⁴³ It should be remarked, however, that although one does encounter in the RGS some documents that originated in the records of the *Audiencia y Chancillería*, almost all the documents found in this collection were produced either at the *Casa y Corte* or at the *Consejo de Allende*.⁴⁴

⁴⁰ This is not to suggest that royal institutions did not produce and keep registries before, but that the content of these registries is lost almost in their entirety.

⁴¹ For the website see:

http://pares.mcu.es/ParesBusquedas/servlets/Control_servlet?accion=3&txt_id_desc_ud=117090&fromagenda=1&txt_primerContiene=1

⁴² On the different jurisdictions of these institutions see Chapter 2 of this dissertation.

⁴³ For the type of documents that had to be sealed and registered in this way, see María Josefa Sanz Fuentes, and Miguel Calleja Puerta, "La documentación judicial en el reino de Castilla, Baja Edad Media," in *La diplomática dei documento giudiziari (dai placiti agli acta sec. XII-XV)*, Bologna, 12-15 settembre 2001, ed. Giovanna Nicolai, (Rome: Scuola Vaticana de Paleografia, Diplomatica e Archivistica, 2004), 128–129; See also De Dios, "The Operation," 1997, 162–163. see also Chapter 3 of this dissertation.

⁴⁴ For the history of the RGS see Angel de la Plaza Bores, *Archivo General de Simancas: Guía del investigador* (Madrid: Ministerio de Cultura, 1992), 167–169. Prior to their landing at Simancas, the records of the fifteenth-century registries were kept in Valladolid, in the archives of the *Audiencia y Chancillería*, where they were

The extant documentation of the RGS gives some sense of the scope of petitioning during the final decades of the fifteenth century. According to the catalogue of this collection, which runs until 1501, the RGS retains the remarkable number of 68,113 documents dating from the period between 1475 and 1501. While in the absence of systematic analysis of these records one cannot tell how many of them are copies of royal decrees issued in response to petitions, there is no doubt that the vast majority of the records fall, in fact, under this category. My own estimation is that 80 to 85 percent of RGS documents are copies of letters of justice and grace that were granted to parties in response to their petitions.⁴⁵ Even if this percentage is somehow lower in certain months, the records of the RGS still bear witness to tens of thousands of petitions that were directed to and processed by the high courts of the monarchy.

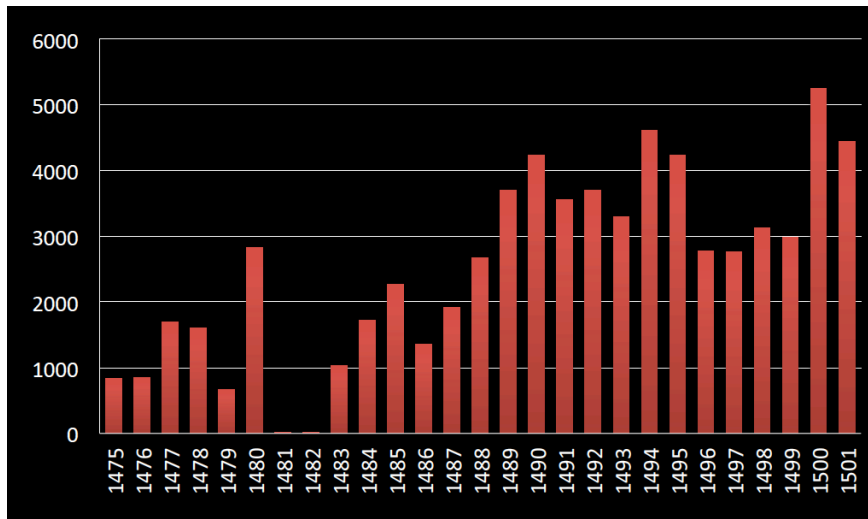


Figure 1: The number of documents retained by the RGS according to years (1474–1501)

deposited since the end of the fifteenth century. In the Cortes of Alcalá de Henares in 1498, the monarchs ordered their *registradores* to keep at court only recent records from the previous three years. The older registers had to be shipped to Valladolid and deposited in the chests of the *Audiencia y Chancillería*. In the second half of the sixteenth century, with the conversion of the castle in Simancas into a royal archive, it was decided to move these ancient records from Valladolid to the new archive. More than 120 bundles of old registry records passed through the gates of Simancas in 1592. The chief archivist of the time, who lamented the messy state of the records, estimated that months would be taken for him and his staff to properly organize these papers.

⁴⁵ For example, out of 191 documents preserved at the RGS from January 1478, at least 173 are copies of letters granted to petitioners. Out of 228 copies of letters preserved from July 1485, at least 191 represent responses to petitions. From March 1489, the RGS retains of 369 copies of decrees issued in response to petitions and only 64 copies of other documents.

A number of additional observations can be made once the RGS records are sorted according to years and months. As can be seen in Figure 1, more records are extant from the final years of the fifteenth century: while the RGS retains 19,473 documents from 1475–1488, the number of documents from 1489–1501 is 48,640. The year that left the greatest amount of registry records is 1500, with 5,243 documents. Other years abundant in records are 1494, 1501, and 1495 with 4,606, 4,444 and 4,234 documents respectively. Given that most of these copies are of decrees granted to petitioners, the greater number of registry records dating from the final decade of the fifteenth century may be indicative of increasing petitionary practices as the reign of Isabel and Fernando progressed, although it is certainly also possible that difference in the quantity of records is the result of documentary loss for the 1470s and 1480s rather than an increase in the actual production of records in the 1490s. At any rate, it is clear that the registry records that have come down to us from this period are far from complete. As Figure 1 shows, only a few records have survived from the years 1481 and 1482.

Additional irregularities become apparent once the month, rather than the year, is taken as the unit of analysis. The data presented in Tables 1, 2, and 3 provides a number of examples of inconsistencies between months of the same year. The records of the first five months of 1479, for instance, seem to be missing almost in their entirety. The same is true for the first months of 1483, to August 1480 and to September 1486, to mention only a few more examples. In most likelihood, the low quantity of records from these months derives from loss of documents rather than any disruption in the dispatch of documents by the royal centers.⁴⁶

⁴⁶ Similar anomalies can also be found in records from the 1490s. For example, the RGS has only 16 documents dating from August 1494, a month in which the royal court was in residency in Segovia.

	<i>1477</i>	<i>1478</i>	<i>1479</i>	<i>1480</i>
January	50	225	12	174
February	228	133	4	283
March	193	78	5	450
April	123	86	5	208
May	55	113	6	263
June	95	142	23	314
July	52	129	131	18
August	146	135	106	14
September	150	179	151	279
October	231	45	33	298
November	171	130	115	245
December	197	204	80	280
Total	1691	1599	671	2826

Table 1. The numbers of documents retained by the RGS (1477–1480)

	<i>1483</i>	<i>1484</i>	<i>1485</i>	<i>1486</i>
January	3	16	135	51
February	5	272	297	169
March	0	244	196	200
April	8	38	329	126
May	2	101	92	219
June	28	137	248	167
July	61	180	235	80
August	80	139	42	92
September	10	170	256	4
October	294	234	87	126
November	287	95	136	12
December	248	93	220	106
Total	1026	1719	2273	1352

Table 2. The numbers of documents retained by the RGS (1483–1486)

	<i>1487</i>	<i>1488</i>	<i>1489</i>	<i>1490</i>
January	50	329	404	198
February	111	256	342	341
March	121	213	441	599
April	170	162	62	288
May	100	243	295	409
June	96	246	285	188
July	112	344	384	524
August	372	145	408	389
September	240	148	377	353
October	250	56	141	332
November	97	280	324	232
December	203	246	232	378
Total	1922	2668	3695	4231

Table 3. The number of documents retained by the RGS (1487–1490).

For certain months, the RGS retains records that were originated in only one royal center. Among the RGS records of January and February 1487, for instance, there are no copies of documents issued by the *Consejo de Allende*. Whereas it is possible that the Constable and the magistrates of his Royal Council were completely inactive during these months, it seems more likely that the relevant registry documentation has simply been lost. To give another example, almost all the RGS records of May 1487 were produced by the *Consejo de Allende*, whereas only eight documents dating from this month were produced at the *Casa y Corte* in Cordova. This figure, too, is likely to be the result of loss of records rather than of minimal dispatching activities. Moreover, in other archival collections, notably the *Cámara de Castilla* (CCA) at the AGS, it is not uncommon to encounter original letters of justice that were granted to petitioners that, for some reason, bear no matching copy at the RGS. For example, the RGS has no copy of the letter of justice that the Royal Council granted to Teresa Garcia, a widow from the town of Cáceres, on July 12, 1479 in Trujillo, even though the collection retains 131 documents dating from this month, of which 12 are copies of royal decrees that were dispatched in Trujillo on the very same day.¹ Another case in point is that of Maria González, another widow from Cáceres, who obtained a royal decree from the Royal Council in Trujillo only eight days after Teresa Garcia. The original document that was granted to González is found today in the records of the CCA. The RGS, on the other hand, bears no matching copy of document, even though it does retain six other copies of royal decrees issued on the same day in the same royal center.² While it is impossible to say why the copies of these letters of justice cannot be found in the RGS, it is clear that these cases are not unique.³ In fact, given that only a small minority of the decrees that

¹ AGS, CCA, PER, 11, Garcia Teresa, a document without number (an original royal letter from July 12, 1479).

² AGS, CCA, PER 12-1, González, Maria, a document without number (an original royal letter from July 20, 1479).

³ For a few other examples of royal letters that have no corresponding copy at the RGS see AGS, CCA, PER, 25, Salto, Alfonso, a document without number (an original royal letter from February 23, 1478); AGS, CCA, PER 24-

left these royal courts found their way to the royal archives, one must assume that the gap between the extant records of the RGS and the records that were actually produced is quite considerable. All this is to emphasize how massive in scale petitioning the monarch in the final decades of the fifteenth century was. On the basis of the RGS, it is safe to say that between 1475 and 1501 there were tens of thousands of Castilians who obtained royal letters through petitioning. In particularly busy months, the royal institutions processed hundreds of petitions and distributed hundreds of royal letters to interested parties.⁴

III. From Orders to Artifacts: The Trajectories and Circulation of Royal Decrees

The combination of abundant records, an accessible catalogue, and fairly short and formulated documents organized in chronological order have made the RGS a chief source for the social, political and legal history of Castile in the final decades of the fifteenth century. The records of this collection figure prominently in studies of royal politics and policy, as well as in works dedicated to the history of various Castilian localities.⁵ Scholars have also drawn heavily on RGS documentation in works on specific social groups. For example, it is hard to imagine how the historiography of the Castilian Jewry in the second half of the fifteenth century would have looked like without the rich volumes of documents published by historians such as Yitzhak

1, Rodríguez, Lope, a document without number (an original royal letter from June 4, 1478); AGS, CCA, PER 29-1, Valdivieso, Gironimo, a document without number (a report on a presentation of royal letter from August 2, 1478); AGS, CCA, PER 12-1, Gómez, Anton, a document without number (a testimony of notification of a royal letter from November 24, 1478); AGS, CCA, PER 12-1 González de Ortega, a document without number (an original royal letter from July 3, 1484); AGS, CCA, PUE, 17-1, San Roman de la Cuba, no.228 (an original royal letter from July 1, 1484); AGS, CCA, PER, 25, Salamanca, Catalina de, a document without number (an original royal letter from November 23, 1491).

⁴ Certainly, the number of the records is not equivalent to the number of the people who petitioned the monarch, as there were many Castilians who obtained more than one royal letter. On the other hand, in many cases petitions were presented on behalf of more than one individual.

⁵ In studies of localities whose municipal records are meager or had been lost, historians have sometimes taken the RGS as their primary source of information. For example, see Diego Torrente Pérez, *Documentos para la historia de San Clemente (Cuenca)* (Madrid: Marsiega, 1975).

Baer or Luis Fernández Suarez, which are largely based on RGS records.⁶ While acknowledging their important contribution to our understanding of Castilian society and politics at the end of the fifteenth century, we should also realize that most of these RGS-based studies share a problematic tendency of disregarding the political process of which the records of the RGS were part. More specifically, the dominant approach in the historiography has been to study merely the content of royal decrees, while largely ignoring questions of documentary use and reception. Whereas historians have focused on the events and stories that can be extracted from the copies of royal letters of justice that are found in the RGS, they have neglected the ways in which these royal letters were actually used. In short, royal letters came to be treated as if they were merely texts, while their trajectories as textual artifacts have been overlooked.

This interpretative paradigm, in which royal documents are reduced to their content, clearly derives from excessive reliance on the RGS as a source for information. Indeed, the focus on copies of royal documents rather than on originals has shaped the historiographical outlook, in the sense that historians have limited their accounts to what the copy, as a type of record, allows us to see. Whereas copies of royal letters of justice may offer many insights into the conflicts that had generated their production, in themselves these copies disclose nothing about the trajectories of the original decrees, that is, the documents that were granted to the petitioners and left the royal court. What happened after disputants obtained royal decrees in their favor? How did disputants bring these documents into effect in social interactions, and what could be their impact within conflicts? Such questions have been largely disregarded in the

⁶ Yitzhak Baer, *Die Juden im christlichen Spanien*, Vol.2 (Berlin: Akademie Verlag, 1936); Luis Suárez Fernández, *Documentos acerca de la expulsión de los Judíos: 1479–1499* (Madrid: Consejo Superior de Investigaciones Científicas, 1964). The RGS records have also loomed large in recent studies in legal history which dealt with themes such as the prosecution of sexual offenses, violence against women, or conflicts within late medieval families that tended to use RGS documentation in addition to copies of writs of execution (*cartas ejecutorias*) found in the registries of the *Audiencia y Chancillería* in Valladolid.

historiography. By studying the records of the RGS only for their content, historians have, in effect, stripped royal decrees of their materiality as objects that circulated in particular historical spaces, where they generated a variety of reactions. While studies have used copies of royal decrees to reconstruct late medieval conflicts, they have failed to address the development of these conflicts after the dispatch of the royal decree, as well as the roles that the decrees themselves came to play in them. The political history of late medieval Castile has, thus, overlooked the place that royal documents occupied in conflicts and negotiations over power in local spaces.

One objective of this dissertation is, therefore, to explore the trajectories of royal decrees as artifacts in motion. To reconstruct such trajectories, I use notarial testimonies of notification, which could be found in the CCA. Such testimonies were written down by the notaries, who read the decrees to their addressees, either on the reverse side of the original document or into a separate booklet. As mentioned above, the production of records of notification was an integral part of the practice of petitioning, because the record of notification provided the necessary proof that the decree was indeed presented to its addressee. The analysis of notarial records of notification can offer insights of two types. First, since both the royal letter and its record of notification bear dates, the juxtaposition of the two dates makes it possible to trace the time it took the beneficiary of the decree to convey it from the place of issue to the place destination. Second, the record of notification can inform us about the interactions that took place during the presentation of the royal decree because the notaries used to record the response of the addressee to the notification of the document.⁷ As we shall see, the trajectories of royal decrees can

⁷ The CCA retains dozens, if not hundreds, of original royal letters of justice with records of notification on their reverse side, as well as many booklets with information on presentations of royal decrees. Most of these records seem to have been submitted to the Royal Council as evidence, even though it is often unclear why a certain document found its way back to the royal archive. Unlike the RGS, whose documentation is organized

sometimes be reconstructed on the basis of other types of documents, such as petitions and even copies of royal decrees, insofar as they contain information about the presentations of previous decrees issued in the same conflict.

The findings of this dissertation show that by the end of the fifteenth century, royal decrees granted to petitioners came to play a central role in mediating social interactions within Castilian communities. A wide range of Castilians made efforts to obtain these textual artifacts in order to convey them back to their localities and present them to various officials and adversaries. Invoking the royal authority embedded in a letter of justice may have had an empowering effect within a local dispute, even in cases when the royal command enclosed in the letter was ultimately not fulfilled. As we shall see, the presentation of royal decrees in public spaces provided opportunities to assert social claims and to enact political identities in front of the community. Since letters of justice often included clauses of summons to the royal court, as well as a threat of penalty, they could be enacted as a form of legal vexation or vengeance. Moreover, the kind of pressure that these documents afforded their beneficiaries to exert sometimes served as a leverage in a negotiation between disputants and their opponents. Castilian rulers, on their part, facilitated and even encouraged the flow of petitions and royal decrees, which were understood to enhance royal authority.

In this sense, it may be useful to consider the practice of petitioning the Castilian monarch from the perspective of what recent studies on state-building in late medieval and early modern

chronologically and displays little diversity of type—the CCA retains different types of documents that are organized in a loose and sometimes inconsistent order based on names or places that appear in the documents. Although the notarial and judicial records found in the CCA are often richer in details than the registry records of the RGS, they received much less attention, perhaps due to the lack of a detailed catalogue. This means that in certain scholarly fields, evidence found in important types of records—witness deposition records are a significant example—has been largely overlooked. Most of the records of the CCA are not available online. The original letters of justice found in this collection contain the signatures of the members of the Royal Council and sometimes of the monarchs. Many of these letters also contain remnants of the wax seal. These originals are also distinguishable from the copies of the RGS in layout of the document.

Europe have termed “empowering interactions.” This perspective stresses the participation of multiple subjects in the constitution of sovereign authority through the widening and intensification of mechanisms of political communication in the late medieval and early modern period. As André Holstein has noted, “the transformation of interfaces between centers and peripheries, opened up entirely new fields for political action and for the exercise of political power.”⁸ Castilian petitions of grievance fit into this pattern. On the one hand, they were able to empower subjects in local interactions. On the other hand, they helped reproduce royal authority in the localities, because through them, as Stefan Brakensiek has remarked with respect to late medieval and early modern political culture more broadly, “the individual subject could be integrated much more deeply into communication, which enhanced the ability of the princes and their bureaucracy to penetrate the country to a high degree.”⁹

In recent decades, historians have debunked simplistic and largely exaggerated notions of centralized royal power in early modern Spain.¹⁰ The fragmentation of authority and the dependency of the monarchy on the collaboration of the cities and of the local elites has been particularly emphasized, as has been the *Cortes* as a key site of forging consensus between monarchs and the leaders of the commonwealth. This dissertation builds on this scholarship, but it also seeks to unearth an even more complex interplay of forces, and a greater participation of

⁸ André Holstein, “Introduction. Empowering interactions. Looking at Statebuilding from below,” in Blockmans and al. *Empowering interactions*, 18–19.

⁹ Stefan Brakensiek, “New perspectives of state building and the implementation of rulership in Early Modern European Monarchies,” in *Structures on the Move: Technologies of Governance in Transcultural Encounter*, eds. Antje Flüchter and Susan Richter (Berlin: Springer Science & Business Media, 2012), 36–37.

¹⁰ See the notes of James S. Amelang, “The Peculiarities of the Spaniards: Historical Approaches to the Early Modern State,” in *Public Power in Europe: Studies in Historical Transformations*, ed. James S. Amelang and Siegfried Beer (Pisa: Pisa University Press, 2006), 39–56. For a few examples see Ruth Mackay, *The Limits of Royal Authority* (Cambridge: Cambridge University Press, 1999); John B. Owens, *‘By My Absolute Royal Authority’: Justice and the Castilian Commonwealth at the Beginning of the First Global Age* (Rochester: University of Rochester Press, 2005); Jorge Ortuño Molina, “Local Elites and Royal Power in Late Medieval Castile: the Example of the Marquesado de Villena,” *Viator* 39, no. 1 (2008): 157–183; Regina Grafe, *Distant Tyranny: Markets, Power, and backwardness in Spain, 1650–1800* (Princeton: Princeton University Press, 2011).

subjects in the project of constituting royal authority. By examining how petitions functioned in local conflicts, the dissertation suggests that in the Crown of Castile, royal authority was also negotiated through thousands of local interactions, in which a wide range of local actors, including commoners, relied on royal letters as a basis for making social claims. When they obtained, circulated, and presented royal decrees, late medieval Castilians turned themselves, in a sense, into agents of royal authority, reiterating words and notions that stressed the monarch's right to command and intervene. By invoking notions of royal authority by means of decrees, they actualized this authority, asserting its applicability to local jurisdictions and concrete circumstances.

Of course, the wide circulation of these decrees was fundamental to their impact as a mechanism of communication that disseminated royal authority. The geographical diversity that underlay this circulation can be illustrated through a few concrete examples. On the basis of the catalogue of the RGS, I have created two maps (Figures 2 and 3) of the localities from which petitioners arrived at the royal courts in two random months, March 1485 and March 1489, and one additional map (Figure 4) that shows the destinations of royal decrees issued by the royal administration in another random month, May 1490. In the first example, of March 1485, the monarchs and *Casa y Corte* were in residency in Andalusia, traveling between Cordova, Guadajoz, Carmona, and Écija, whereas the *Consejo de Allende* operated from Valladolid. The green markers in Figure 2 stand for all the identified localities from which petitioners arrived in that month at the Royal Council in Valladolid, whereas the yellow markers stand for the places of origins of the petitioners that arrived at the royal court in the south.¹¹

¹¹ The map does not show *all* the localities from which petitioners came to the royal court, because there are various cases in which the place of origin is ambiguous. Furthermore, the copies of the letters of justice that were dispatched in the royal court in Andalusia did not survive. This means that the green markers correspond to letters of justice,

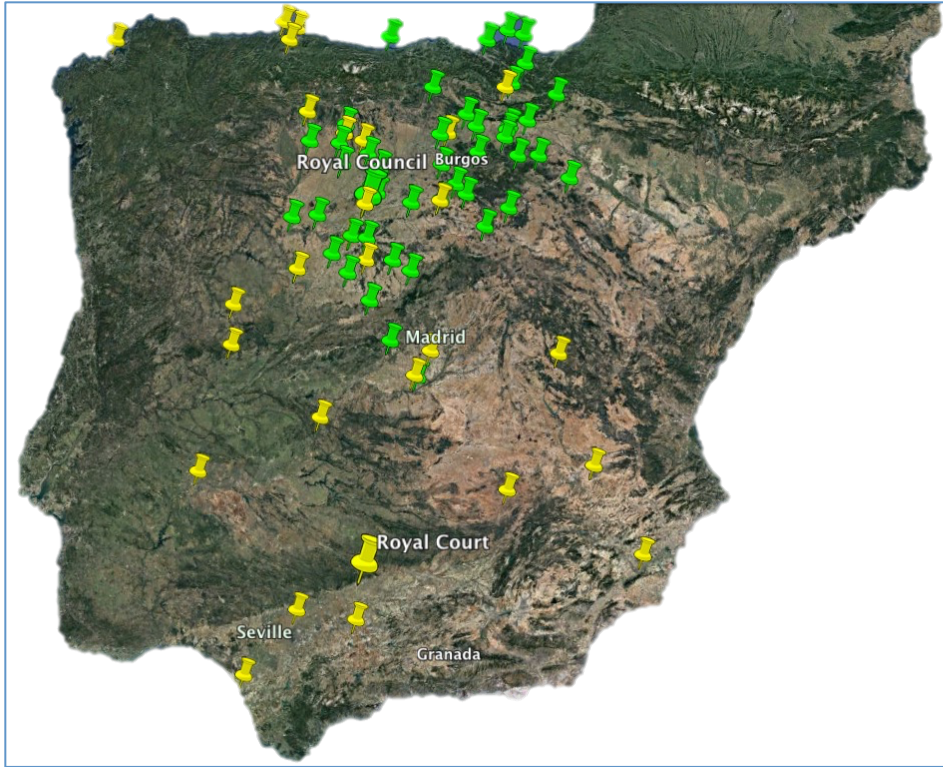


Figure 2: Petitioners' places of origin, March 1485. Sources: Google Earth; RGS

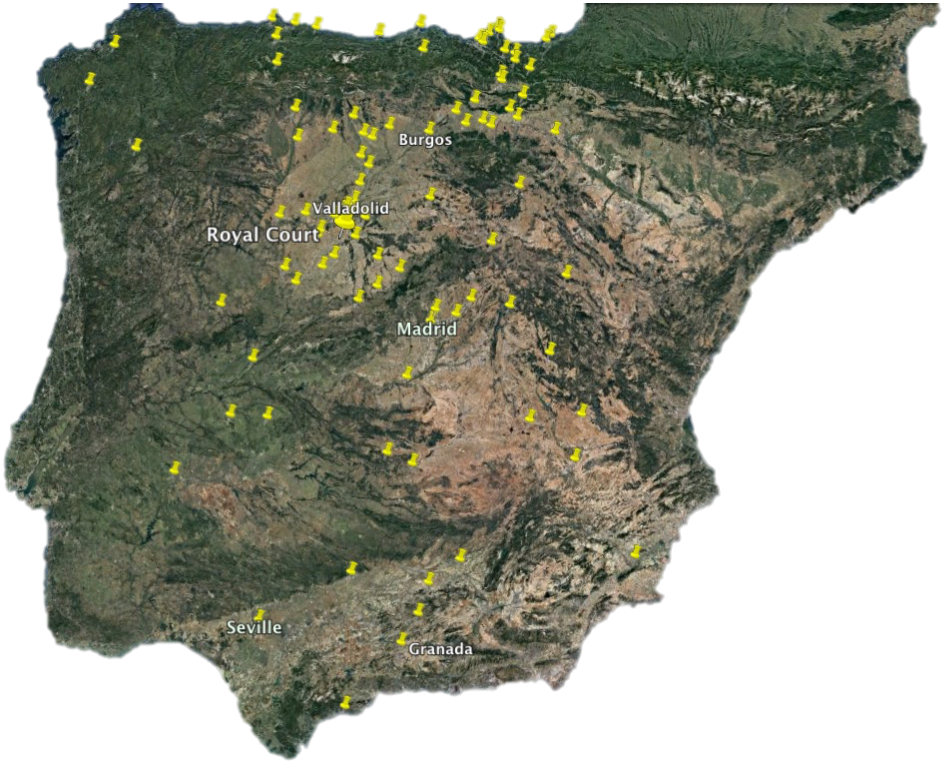


Figure 3: Petitioners' places of origin, March 1489. Sources: Google Earth; RGS

while the yellow to letters of grace. Since these letters could only be granted by the monarch, Castilians who wished to petition for them had to travel to Andalusia, even if they lived in the northern territories.

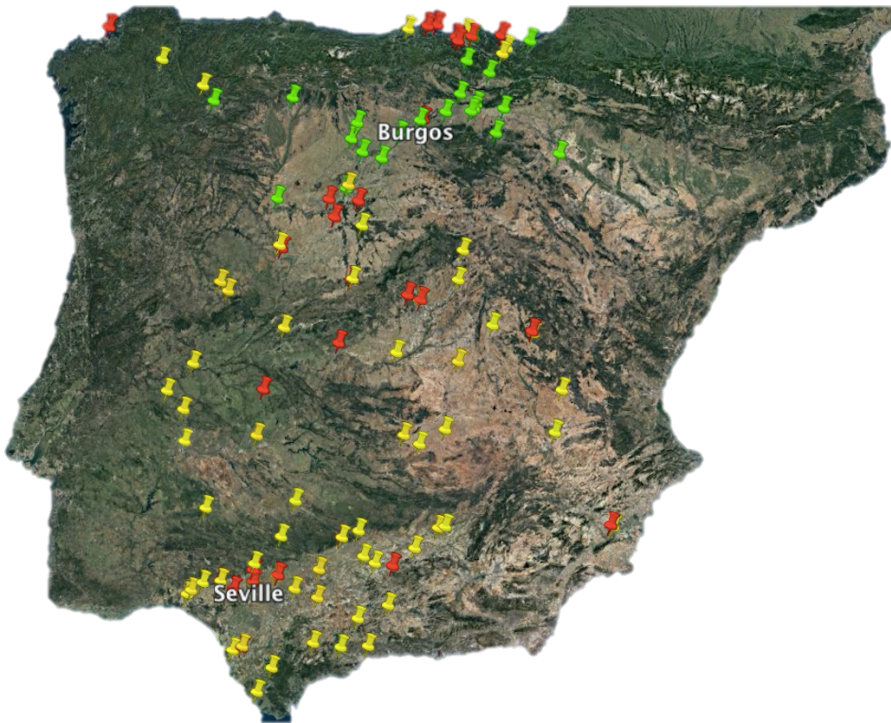


Figure 4: Destinations of royal decrees, May 1490. Sources: Google Earth; RGS

The second example, displayed in Figure 3, represents the places from which petitioners arrived at the royal court in March 1489. All the records that have come down to us from this month were produced by the chancery of the *Casa y Corte* in Medina del Campo.¹² The third example, displayed in Figure 4, is a map organized according to the destinations of royal decrees issued in May 1490, a month in which the royal court was in residence in Seville, while the *Consejo de Allende* was in Burgos. The green markers in Figure 4 stand for the destinations of letters of justice issued in Burgos. The yellow and red markers stand, respectively, for letters of justice and grace dispatched by the *Casa y Corte* in Seville.¹³ In each of the three months

¹² If the Constable and the magistrates of his Royal Council also issued letters of justice in this month, then the copies of these rescripts did not survive. The RGS does not retain copies of letters of justice dispatched by the Royal Council of the Constable from December 1488, and from January, February, and March 1489. In these months, the royal court was in residency in Valladolid and Medina del Campo. Letters of justice were issued by the members of the Royal Council of the monarchs. However, the records are also lacking in copies of royal letters of justice issued by the Constable from April 1489, a month in which the royal court traveled to Andalusia.

¹³ It should be noted that many of the localities that appear in Figure 4 were destinations to more than one royal letter. For example, in the city of Seville there were dozens of royal letters that had been granted to supplicants in order to be presented.

represented in these figures, petitioners came to the *Casa y Corte* or to the *Consejo de Allende* from dozens of different localities, sometimes traveling hundreds of kilometers in the process. The three maps illustrate that royal decree traveled to the remotest parts of the kingdom and were presented not only in great urban centers, but also in small towns and villages. In each of these localities, at least one royal decree had to be read “word by word” in the presence of witnesses. In a very literal sense, then, the massive dissemination of decrees produced and reproduced spaces in which the royal word resonated. With their formulaic language, royal decrees underscored the supreme authority of the monarch, who ruled by the grace of God, was committed to justice, and had the right to intervene in local affairs by conferring grants and favors or by correcting injustices.

How frequent was it, for late medieval Castilians, to witness presentations of royal decrees? The answer to this question certainly depends on the locality under consideration. For the artisans and merchants who conducted their businesses at the public squares of the major urban centers, the presentation of royal letters must have been a common sight. In final decades of the fifteenth century, in centers such as Seville or Valladolid, dozens and perhaps hundreds of royal decrees were presented every year. The situation was different, however, in smaller communities. For example, in the decade between 1485 and 1495, the people of Mondragon, a small town in the mountains of Guipúzcoa, possibly witnessed the presentation of a royal decree once every four months. The RGS retains 33 copies of royal letters of justice and grace that were dispatched by the royal chancery in this decade, and the destination of which was Mondragon. The citizens of Iniesta, a small town located some 85 kilometers south east of Cuenca, seem to have witnessed more presentations. One finds in the RGS copies of 54 decrees that were granted to petitioners between 1485 and 1495 and were intended to be presented in Iniesta in the same

decade. These examples, which seem representative of the broader pattern, suggest that while presentations of royal decrees in villages and small towns did not occur on a daily basis, they were familiar as political events that took place every few months. In this regard, it should be noted that the exposure to presentations of royal decrees was greater than what the records of the RGS allow us to see, for, as we noted above, the actual number of documents dispatched by royal chanceries was higher.¹⁴

IV. Dissertation Structure and Layout

To analyze how petitionary practices shaped the political life and culture of late medieval Castile, I draw on a range of historical sources. The archival basis of this study consists of approximately 350 unedited documents from the *Archivo General de Simancas*. Dating from the final quarter of the fifteenth century, these documents include original petitions presented at the Royal Councils of Isabel and Fernando, letters of justice that were granted to petitioners, copies of royal letters found in the royal registries, notarial testimonies of presentations of royal letters, several sets of witness deposition records submitted as evidence to the Royal Council, and copies of writs of execution (*cartas ejecutorias*) issued by the Royal Council. In my research, I have also used evidence compiled from the archives of the royal Chancillería in Valladolid, notably fifteenth-century writs of execution, as well as the books of acts of two Castilian municipalities: Burgos and Seville. Finally, in order to supplement my own archival work, I have used collections of documents that had already been published by other historians, as well as a handful of normative sources such as judicial codes and ordinances, and literary sources such as chronicles, all available in printed editions.

The following five chapters explore different aspects of petitioning for royal justice as a

¹⁴ Other types of royal documents were also in circulation. Royal *albalaes* and *cartas misivas*, for example, did not leave trace at the RGS, because they did not pass under the great seal of the Crown.

social practice. Chapter 2 proceeds by analyzing the relation between petitioning and Castilian concepts of justice and royal authority. It was commonly held that subjects were entitled to be heard by their monarchs and obtain redress of justice. That the monarch's duty was to administer justice was crucial to political discourses in late medieval Castile, whether it was used to legitimize royal power or to legitimize resistance to it. The chapter then moves on to discuss the development of the royal institutions of justice from the thirteenth to the fifteenth centuries and the kind of responses that these institutions offered to complaints of injustices. The final part of the chapter focuses on the arguments made by five petitioners. These examples illustrate the ways in which petitioners engaged with notions of royal justice, constructing particular narrative accounts and negotiating questions of jurisdiction. The examples also provide several insights on the role of supplemental documents in the petitioning process.

Chapters 3, 4, and 5 follow the processes of obtaining, conveying and presenting royal letters of justice. Chapter 3 analyzes some of the spatial and procedural aspects of the Royal Council as an institution responsible for attending to petitions and dispatching letters of justice. Drawing on the fifteenth-century ordinances of the Royal Council, it investigates the process that followed the arrival of petitioners at the seat of the Royal Council, and the particular model that this institution developed for handling petitions, including the divisions of space and labor within the Royal Council and the interactions between petitioners and royal officials. In Chapter 4, the investigation moves on to address questions of time and mobility in petitionary practices. The chapter proceeds from an examination of the experience of travel in late medieval Castile. The discussion then turns to the questions of time and speed in the circulation of royal decrees: How much time did it take for petitioners to convey royal letters of justice to their destination? How much time was needed in order to obtain such letters? The findings of this chapter point to the

accessibility of royal justice. In late fifteenth-century Castile, rounds of traveling to the Royal Council, presenting a petition, obtaining a royal letter of justice and conveying this letter back to the petitioner's locality could be completed within a few weeks and, in certain cases, within a few days, due to the relatively short time that the Royal Councils took to process petitions and issue responses. Thus, fifteenth-century Castilians were able to use petitioning in order to generate swift royal interventions into pressing matters. By keeping the petitionary ways open and accessible, the royal institutions, in effect, encouraged more subjects to petition, which resulted in fostering the circulation of royal decrees.

The dynamics that the circulation of royal decrees created in Castilian localities is the topic of Chapter 5, where I consider questions of ceremony, spectacle and violence in the presentation of royal letters. By examining records of notifications of royal letters together with a variety of reports and complaints made by petitioners, I argue that in order to fully appreciate the ways in which petitioning could be used as a tool in social conflicts, we need to consider not only its judicial, but also its performative dimensions. I show that presentations of royal letters of justice were often constructed as public performances in which disputants drew on royal documents as a way to publicize and assert social claims and to enact political identities in front of the community. The chapter then moves to discuss a range of responses to such presentations, including ceremonies of obedience, the concept of obedience without compliance, and violence. The dissertation is brought to conclusion in Chapter 6, which offers a more detailed analysis of four case studies. Exemplifying some of the main issues explored in previous chapters, these cases allow for various insights about the impact that petitioning seem to have had in the context of local power struggles, calling attention to the documentary strategies employed by petitioners.

Chapter 2

Justice Through Petitions: Development and Practice in Fifteenth-Century Castile

Justice by means of petitions was a massive phenomenon in late fifteenth-century Castile. As Chapter 1 has shown, during the reign of Isabel and Fernando tens of thousands of Castilians were able to obtain royal letters of justice by presenting petitions of grievance to one of the two Royal Councils that were operative at that time. The purpose of this chapter is to provide the necessary institutional, legal, and discursive background to understand and analyze Castilian petitions of grievance. The chapter has three specific aims. The first is to set the practice of petitioning to the Royal Council against the backdrop of late medieval Castilian discourses of justice, legitimacy, and authority. The second is to examine this phenomenon in relation to a broader set of judicial practices and institutions. The third is to start unpacking the ways in which fifteenth-century Castilians used petitions of grievance in order to intervene in local disputes, as well as the types of royal responses that petitions tended to generate. The chapter opens by discussing the place of petitions in relation to Castilian understandings of justice. The discussion then turns to survey the development of the royal institutions of justice from the end of the thirteenth to the fifteenth centuries. Some procedural aspects, notably the summary judicial procedure and the recourse of the *expediente*, are also considered. The final section of the chapter, which is also the longest, is dedicated to the analysis of four cases from the end of the fifteenth century. These examples will help illuminate the arguments and narrative strategies employed by petitioners, the range of royal responses, and the documentary strategies that often accompanied petitioning.

I. The Royal Hearings

“The king must show himself free to hear the petitions and complaints of all those who come to his court seeking justice.” These words open the discussion of royal government in the *Ordenanzas Reales*, the monumental compilation of Castilian laws published in 1484 by the jurist Alfonso Díaz de Montalvo. The statement is followed by an explanation: Since the temporal power of the king derives from celestial majesty, making judgment and justice is inherent to his office. As the supreme administrator of justice, the king needs “to sit and judge in public two days a week with the members of the Royal Council and the judges of the royal court. And these days are Monday and Friday: Monday for hearing petitions and Friday for hearing prisoners.”¹ A commitment to justice also explains, for Montalvo, the itinerant nature of the Castilian monarchy:

The king should travel through all the lands and dominions, doing justice. And he travels with his Royal Council, and judges and other officials... in order to know the state and deeds of the cities, and towns and places, and to punish and castigate the delinquents and evildoers, and to guarantee the peaceful and quiet life of the realm.²

The association between the king and the administration of justice was one of the pillars of Castilian political thought during the later middle ages. As Pino Abad has noted, the idea that the chief mission of the king is to oversee and repair the administration of justice was reiterated

¹ Alfonso Díaz de Montalvo, *Ordenanzas Reales de Castilla, recopilados y compuestos por el doctor Alonso Díaz de Montalvo* (Madrid, 1779), Libro II, Título I, Ley I: “Liberal se debe mostrar el rey en oír peticiones, y querellas, a todos los que a su Corte vinieron a pedir justicia porque el Rey según la significación del nombre se dice Regiente, o regidor, y su propio oficio, es hacer juicio, y justicia, porque de la celestial magestad recibe el poderío temporal. Porende ordenamos, de nos assentar a juicio en publico dos días en la semana con los del nuestro Consejo, y con los Alcaldes de nuestra Corte; y estos días sean lunes, y viernes: el lunes a oír peticiones, y el viernes a oír los presos, según que antiguamente esta ordenado por los Reyes nuestros predecesores. E otrosí por que al nuestro Consejo vienien continuamente negocios arduos nuestra voluntad es saver como, y en que manera se despachen; y que la justicia se dé prestamente á quien la tuviere. E por ende nos place de estar, y entrar en el nuestro Consejo de la justicia, el día del viernes cada semana. Y mandamos que en aquellos días se lean, y se provean las quejas, y peticiones de fuerzas, y de negocios arduos; y las quexas si algunas hoviere de los del nuestro consejo, y de los oficiales de la nuestra casa, porque mas prestamente se provean.”

² *Ibid.*, Libro II, Título I, Ley III: “Conviene al Rey que ande por todas las tierras, y señorios, usando de justicia, y que ande con el su Consejo, y Alcaldes, y los otros oficiales con la menos gente que pudieren, para sabe el estado de los hechos de las Ciudades, y Villas, y lugares, para punir, y castigar los delinquentes, y malhechores; y procurar como el reino viva en paz, y sosiego.”

time and again in Castilian juridical works dating from the later Middle Ages, as well as in modern scholarship.³ The origins of this idea extended, of course, far beyond the Iberian peninsula and deep into the past.⁴ Two hundred years prior to Díaz de Montalvo's *Ordenanzas*, the *Siete Partidas*, the great legal code of King Alfonso X, explained that "the kings are the vicars of God who were put in charge of the peoples in order to sustain them through justice and truth."⁵ Behind this view lies an understanding of justice as divinely ordained, and of the king as the vicar of Christ whose mission is to uphold this order. Justice, understood in distributive terms, was portrayed in the *Partidas* as inherent to the royal office and essential to the body politic, to which it gave life and unity:

And the saints said that the king is a lord placed on the land on God's behalf in order to uphold justice and to give each one what they deserve. And for that reason, they called him the heart and soul of the people. For, like the soul that lies at the heart of man and through which the body lives and sustains itself, in the king lies justice, which is the life and sustenance of the people of his lordship.⁶

If the *Partidas* and the *Ordenanzas* linked the royal commitment to justice to the king's place as a vicar of Christ,⁷ the idea that the administration of justice was the essence of kingship was also shared by the contractual model of royal power, according to which the king's powers derive from the people. In this model, which in fifteenth-century Castile found influential proponents among various jurists and theologians based at the University of Salamanca, the people grant the king powers to sustain the common good (*res publica*). The administration of

³ Miguel Pino Abad, *El recurso de suplicación en Castilla: expresión de la gracia regia* (Madrid: Marcial Pons, 2006), 17. See the references provided by this author.

⁴ See various contributions in *The Cambridge History of Medieval Political Thought c. 350-c. 1450*. Vol. 1, ed. James Henderson Burns (Cambridge University Press, 1988), esp. 424–519.

⁵ *Las siete partidas del Rey Don Alfonso el Sabio*, ed. Real Academia de la Historia (Madrid: La imprenta real, 1807), partida II, I, V: "Vicarios de Dios son los reyes cada uno en su regno puestos sobre las gentes para mantenerlas en justicia et en verdat quanto en lo temporal, bien asi como el emperador en su imperio."

⁶ *Ibid.*: "Et los santos dixeron que el rey es señor puesto en la tierra en lugar de Dios para cumplir la justicia e dar a cada uno su derecho, et por ende lo llamaron corazon et alma del pueblo; ca asi como el alma yace en el corazon del home, et por ella vive el cuerpo et se mantiene, asi en el rey yace la justicia, que es vida et mantenimiento del pueblo de su señorío."

⁷ On Díaz de Montalvo, in this regard, see Salustiano de Dios, *El poder del monarca en la obra de los juristas castellanos (1480–1680)* (Cuenca: Ediciones de la Universidad de Castilla-La Mancha, 2014), 25.

justice was seen as key to this mission.⁸ Thus, whether they received their powers from God or from the people, the relationship between kings and their subjects was predicated on justice. As we shall see, in late medieval Castile this view found articulation in political discourses that extended beyond the worlds of theologians and scholars. Indeed, arguments concerning the king's duty to enforce justice were raised by a range of social actors in order to make various political claims. Notions of royal justice, furthermore, played an important part in shaping the ways in which Castilian people envisioned the political world around them and made sense of their own place in it. As Owens has observed, "a series of interpretative schemes associated with monarchy, tyranny, justice and royal freedom from particular interests provided the conventional understanding of politics by which members of the commonwealth understood and formulated judgments about actions and utterances."⁹

The *Ordenanzas* of Díaz de Montalvo reveals a large degree of continuity between the thirteenth and the fifteenth centuries. The same notions of royal power that informed the *Partidas* were central to Díaz de Montalvo's work as well. Establishing this sort of continuity was, in fact, one of the main purposes of Díaz de Montalvo's project. Isabel and Fernando, the new monarchs whose path to the throne passed through a succession struggle and crisis of legitimacy, were to be linked to past monarchs not only through lineage, but also through legislation. Yet the juxtaposition of the *Ordenanzas* and the *Partidas* also reveals certain differences in envisioning royal justice, one of which had to do with the role of the royal hearings of petitions. As the quotation that opens this section illustrates, Díaz de Montalvo portrayed the *real audiencias*, which had to be conducted twice a week in the presence of the

⁸ As José Manuel Nieto Soria, "Three Models of Monarchy in Fifteenth-Century Castile," in *Power and Persuasion: Essays on the Art of State Building in Honour of W.P. Blockmans*, ed. Peter Hoppenbrouwers, Antheun Janse and Robert Stein (Turnhout: Brepols, 2010), 97–99, notes, this model gained popularity in the fifteenth century within circles of scholars and jurists based at the University of Salamanca.

⁹ Owens, *Absolute Royal Authority*, 36–37.

monarch, as an epitome of royal justice. This was not the case in the *Partidas*. The great Alfonsine code simply did not mention the kind of public royal hearings celebrated by Montalvo. The closest practice described in the *Partidas* was the handling of *alzadas*—appeals against royal officials—by a special officer known as the *adelantado mayor*.¹⁰ This is not to say that the concept of a royal hearing did not exist in thirteenth-century Castile. As Foronda has recently shown, the *Libro de los doze sabios* (c.1255), a Castilian work composed in more or less the same period as the *Partidas*, emphasized the hearings of petitions as an important royal duty:

The king or the prince or the governor (*regidor*) must grant a good hearing to all those who come before him, and he should provide a fair remedy of justice to all of them. And he must hold a hearing for his people twice or three times a week, and observe the petitions himself, whence he can learn who are the offenders and robbers and of bad deeds.¹¹

Yet despite this thirteenth-century reference, there are reasons to believe that the public royal hearing emerged as an important ceremony of justice-making only in the first half of the fourteenth century, during the reign of Alfonso XI, the great grandson of Alfonso X. According to Garriga, it was probably only then that the kings of Castile began to conduct a public hearing once or twice a week.¹² In the Cortes of 1312, Alfonso XI, still in his minority, gave his consent to sit on Fridays in a public place together with the royal judges (*alcaldes*) and other officers of

¹⁰ *Las siete partidas*, II, IX, XIX. See also David Torres Sanz, *La administración central Castellana en la baja edad media* (Valladolid: Universidad de Valladolid, 1982), 138.

¹¹ Cited in François Foronda, “Las audiencias públicas de la reina Isabel en Sevilla, 1477: ¿la resorción administrativa de un improbable ritual de gobierno?,” in *Gobernar en tiempos de crisis: las quiebras dinásticas en el ámbito hispánico (1250-1808)*, eds. José Manuel Nieto Soria and María Victoria López-Cordón Cortezo (Madrid: Sílex, 2008), 151: “de buena abdiencia deve ser el rey o príncipe o regidor a todos los que antél venieren, e remediarlos a todos justamente con justicia y gual. E deve en la semana dos o tres vezes dar abdiencia al su pueblo, e ver las peticiones por sy mesmo, por que por ay podrá saber cuáles son forçadores, e robadores, e obran de malas maneras.”

¹² Carlos Garriga, *La audiencia y las chancillerías castellanas (1371–1525)* (Madrid: Centro de Estudios Constitucionales, 1994), 48.

the royal court in order to determine lawsuits.¹³ Moreover, the king agreed to be available for the hearing of petitions:

Each time that a complainer from whatever town or place in my lordship comes before me, he shall present to me his complaint by petition. And, should I have time, I shall hear him and dispatch [a response], or I shall order a judge of my court to dispatch [a response] according to that which has been said.¹⁴

Two aspects here require comment. First, the complaint by means of petition (*querella por petición*) is distinguished from the lawsuit (*pleito*). The king needs to hear petitions and lawsuits, but the Friday public hearings are associated with the latter whereas the handling of “complaints by petitions” seems to take place whenever the king has time. Second, the passage also implies that petition of complaint is a recourse available only to those living within the royal demesne. This is a narrower practice in scope than the one that we encounter in the fifteenth century, where the kings of Castile accepted grievances from all their subjects.

According to Garriga, in the course of the fourteenth century the judges and legal advisors who assisted the monarchs in their *audiencias públicas* came to be known as *oidores*, which is the Castilian equivalent of the Latin *auditores*. Already in the fourteenth century, these officials began to act independently without the monarch’s presence at the sessions where petitions were heard.¹⁵ A royal document from 1334 is signed by “our *oidor* of the petitions from the territories [*reinos*] of Toledo and Andalusia.”¹⁶ The *oidores*, then, emerged as a specific group of judges attached to the royal court but distinguished from the *alcaldes de corte*. In the

¹³ *Cortes de los antiguos reinos de León y de Castilla* (Madrid: Real Academia de la Historia, 1866), vol I, 198, no. 1: “Primeramente tengo por bien de me asentar cada ssemana el dia de vierens en lugar publico, tomando connigo los mios alcaldes e los otros omes bonos de mi corte, e de oyr los pleytos delos presos e delos rreptos e las suplicaciones e los pleytos que demandaren alos oficiales de mi casa, en razon dela justicia, e en ninguno de sus oficios; e los otros pleytos que toviere por bien delos oyr e delos library...”

¹⁴ *Ibid.*, 205, no. 36: “Otro si tengo por bien que cada que algun querelloso viniere ante mi de cualquier villa o lugar del mio sennorio que me muestre sso querella por petición; e ssi yo touier tiempo en quel pueda oyr, oyr lo he e librar lo he assi commo fallare que es derecho o mandare a un alcalde de la mi corte que lo libre luego ssegund que dicho es.” See also Gustavo Villapalos Salas, *Los recursos*, 140, no.94.

¹⁵ Garriga, *La audiencia y las chancillerías*, 48–50.

¹⁶ “Roy Dias, dean de Salamanca, nuestro clerigo, oydor por nos de las petyçiones de los Reynos de Toledo e del Andalusia.” Cited in *Ibid.*, 50.

final decades of the fourteenth century, under Trastámara rule, this machinery became more standardized. The first ordinances for the royal *Audiencia*, as a supreme tribunal of justice, were published by Enrique II in 1371. Enrique's successors restructured the Royal Council, which seems to have assumed some of the original functions of the *Audiencia*. In the fifteenth century, public royal hearings were usually conducted in the Royal Council. Before discussing the institutional developments in more depth, a few additional remarks need to be made with respect to the interconnection between royal justice and political legitimacy.

II. Justice and Legitimacy

A few years after the publication of Díaz de Montalvo's *Ordenanzas Reales*, Fernando del Pulgar, a royal secretary and chronicler, penned an account of the royal hearings that queen Isabel held upon her entrance to Seville in the summer of 1477. According to Pulgar's *Crónica de los Reyes Católicos* (c.1490), the royal hearings took place inside the royal palace in Seville, where the queen gathered the members of the Royal Council, as well as many other officials:

And she ordered all her secretaries to come before her with the petitions of those who suffered grievances, and to make there, in public, a summarized account (*relación*). And then she ordered that without any delay the complainants receive justice. And if one of the cases brought before her required the hearing of another party, she committed the case to one of the doctors of her Council, instructing him to examine the case with great care and to learn the truth, so that within three days the aggrieved party could achieve justice. And in this way, two months after the arrival of the queen in the city many lawsuits and disputes, both civil and criminal, were determined and came to an end. And many people became dis-aggrieved, as they were compensated for the property and possessions that were taken from them in their entirety. And because of these acts of justice which the queen had ordered to be execute, she became much loved by the good and much feared by the evil.¹⁷

¹⁷ Pulgar, *Crónica*, 310. The full description reads: "Acordó de dar audiencia publica los días de viernes. E en una grand sala de sus alcaçares venía aquellos días, y en un estrado alto se asentaba en una silla cubierta de un paño de oro; e maneaba que se asentasen en un lugar bazo de donde ella estaba, a la una parte los prelados y caballeros, e a la otra los doctores de su Consejo e de su corte. E mandaba que todos sus secretarios estuviesen delante della, y tomasen las peticiones de los agraviados, e que fiziessen allí en publico relación dellas. E mandaba asy mismo estar ante ella los alcaçaldes e alguaciles de su corte e sus ballesteros de maza. E luego mandaba fazera todos los querellantes complimiento de justia, sin dar lugar a dilacion. E si alguna causa venía ante ella que requiriere oyr a

As Foronda has pointed out, Pulgar's account can be situated within a narrative tradition that depicted the kings of Castile as administering justice by public hearings that took place at the *Alcazar* of Seville.¹⁸ This passage is also one of the few narrative accounts of the summary judicial procedures of the Royal Council in the fifteenth century. As we shall see, a common royal response to petitions was to entrust the case to one of the royal judges of the court, so he would determine the case in summary procedure. What distinguished the scene depicted by Pulgar from the regular operation of the Royal Council was the personal presence of the queen during the sessions, as well as the public aspect of the event.

Certainly, Pulgar's account of the royal hearings in Seville had propagandistic purposes. In the course of the succession war and well into the 1480s and 1490s, chroniclers working at the court of Isabel and Fernando labored to construct historical narratives designed to legitimize their rulership.¹⁹ Pulgar's chronicle was part of this endeavor. As one of the queen's loyal servants, his writings tended to aggrandize Isabel's virtues and successes. If Díaz de Montalvo depicted the royal hearing of petitions as an epitome of royal governance, Pulgar offered a narrative account that demonstrated not only the queen's commitment to justice, but also her remarkable capacity to offer it to her subjects. It was, after all, the initiative of the queen that managed to restore justice to the people of Seville.

la parte, cometido a algun doctor del su consejo, y mandaba de que pusiese diligencia en examinar aquella causa, e saber la verdat della, de tal manera que dentro del tercero día alcançase justicia del agraviado. E asy desta manera, en espacio de dos meses después que llegó la Reyna en aquella çibdad, se feneçieron muchos pleytos e debates çiviles e criminales determinados entre las partes, e puestos en execucion, e desagrauidades e restituyades muchas personas en la posesión de los bienes e heredamientos que les eran entrados e tomados; los quales mucho tiempo antes estavan pendientes. E con estas justicias que mandava executar, era muy amada delos buenos e temido de los malos.“

¹⁸ Foronda, “Las audiencias públicas.”

¹⁹ On the historical production of the royal court see Richard Kagan, *Clio and the Crown: the Politics of History in Medieval and Early Modern Spain* (Baltimore: Johns Hopkins University Press, 2009), 37–42. See also David A. Boruchoff, “Historiography with License: Isabel, the Catholic Monarch and the Kingdom of God,” in *Isabel la Católica, Queen of Castile: Critical Essays*, ed. David A. Boruchoff (New York and Basingstoke: Palgrave Macmillan, 2003), 252–253.

To be sure, archival records show that the Royal Council was quite active in Seville during Isabel's and Fernando's long stay there in 1477 and 1478. The Royal Council heard in this period hundreds of petitions that led to the issue of royal letters of justice. There is no reason to believe, moreover, that the queen avoided the opportunity to attend at least some of the sessions of this institution so she could personally preside at sessions of public hearings of petitions, a venture whose symbolic value was clear. What is more difficult to establish is the extent to which these petitionary practices were able to introduce dramatic changes to the erratic politics of the Andalusian city. In this respect, not all contemporary commentators shared Pulgar's enthusiasm. In fact, at some point before 1480, another royal chronicler, Alfonso de Palencia, provided a very different, and much less favorable, account of the queen's public hearings of 1477.²⁰ According to Palencia, these hearings could not resolve the tensions between the urban factions in Seville, notably between the aristocracy and the common people:

The animosities between the courtiers and the people increased more and more, as the mockeries and insults exacerbated the animosities. Nothing was done in order to repair the abuses, aside from certain public audiences where the monarchs heard the complaints of the people. The queen conducted those after the arrival of Don Fernando, sitting on Saturdays on the throne to listen to the people's complaints about the vexations of the wicked. But this ostentatious tribunal achieved little effect.²¹

Palencia's complex relations with Isabel led to his removal from the royal court around 1480, according to his own testimony due to his refusal to subject his chronicle to censorship.²² If the account of the "ostentatious" tribunal that Isabel introduced to Seville in 1477 played any role in

²⁰ Alfonso Fernández de Palencia, *Gesta hispaniensa: ex annalibus suorum dierum collecta*, ed. Robert Brian Tate and Jeremy Lawrance (Madrid: Real Academia de la Historia, 1998). On Palencia as a writer and a historian see the introduction of Tate and Lawrance in *Ibid.*, xxxv-lxx, as well as Madeleine Pardo, "Alfonso de Palencia (1424–1492)," in *Castilian Writers, 1400–1500*, ed. Frank Domínguez and George D. Greenia (Detroit: Gale Group, 2004), 156–172; Fernando Gómez Redondo, *Historia de la prosa medieval castellana*, in 4 vols. (Madrid: Cátedra, 2007), 3511–17.

²¹ Cited in "Las audiencias públicas," 168: "Los rencores entre cortesanos y el pueblo fueron creciendo más y más y las burlas y los insultos fueron exacerbando los ánimos. Nada se hacía para corregir los abusos, fuera de ciertas audiencias públicas que los Reyes oían las quejas del pueblo, como lo hacía la Reina antes de llegar de D. Fernando, sentándose los sábados en el trono a escuchar las reclamaciones de las gentes contra los atropellos y vejámenes de los malvados. Mas este aparatoso tribunal produjo escaso resultado."

²² Pardo, "Alfonso de Palencia," 168.

the chronicler's falling out of the queen's grace, then Pulgar seems to have learned the lesson well.

Palencia's unflattering report on the royal attempt to resolve the social strife in Seville alludes to the dangerous potential that justice, as a key political concept, could assume. Indeed, the idea that the administration of justice is a central royal mission was a double-edged sword. On the one hand, it could be harnessed to legitimize royal actions and command and even to prescribe the judicial supremacy of the monarchy, since the king reserved the right to intervene in inferior jurisdictions in order to "make justice." On the other hand, since the king had a duty to administer justice, the image of a monarch failing to do so could be mobilized to legitimize resistance to royal command. What measures could be taken to deal with kingly incompetence to enforce justice or, worse, with a king whose rulership worked to undermine justice and the common good rather than upholding them? These issues, which occupied the writings of various late medieval scholars and theologians, had obvious links to the question of tyranny. Whereas tyranny, according to a number of authors, could be resisted by force, the problem with resisting a lawful king was that he was said to be the vicar of God, which meant that resorting to violence could be considered an act of sacrilege. Given this conundrum, it is not surprising that what one finds in the discourses of various late medieval rebels is the separation of the kingly figure from the agents that operated royal government; or, in other words, the idea that royal government had been seized by corrupted tyrannical officials. This sort of reasoning allowed certain acts of resistance to royal government to be presented not only as lawful resistance to tyranny, but also as intended to free the king from tyrannical influence. At other moments, however, kings themselves were deemed tyrants.

The history of Castile during the Trastámara dynasty offers a number of examples of how notions of justice could be wielded as a weapon against the monarch. The first example goes back to the founder of the dynasty, Enrique de Trastámara, who was Queen Isabel's great-great grandfather. In 1369, outside the walls of Montiel, Enrique, the bastard son of King Alfonso XI, slaughtered his legitimate half-brother, King Pedro I, at the end of a long conflict. Aside from the overly amicable attitude that Pedro I had allegedly shown towards Jews, a main claim in Enrique's propaganda was that the king had failed to administer justice. This sort of rhetoric was intended to build legitimacy for Enrique's revolt against the king.²³ Another example is the revolt that broke out in the city of Toledo in 1449, during the reign of Isabel's father, King Juan II. Responding to a new toll imposed on the city by Alvaro de Luna, Juan II's influential "favorite," the people of Toledo stormed the gates and bridges of the city and took them from Luna's supporters. The uprising then turned into an assault on a local group of Christians of Jewish descent ("conversos") who had been accused of both heresy and collaboration with Luna. Likewise, the rebels prevented the king from entering Toledo and even engaged his troops in battle as they approached the city's walls.²⁴

In a treatise aimed at legal justification of the revolt, Marcos García de Mora, a *bachiller* in law who had emerged as one of the leaders of the revolt, drew on the great fourteenth-century Italian canonist, Bartolus de Saxoferrato, to justify the actions taken by the community of

²³ Julio Valdeón Baroque, "La propaganda ideológica, arma de combate de Enrique de Trastámara (1366–1369)," *Historia, Instituciones, Documentos* 19 (1992): 459–467; Carlos Estepa Díez, "Rebelión y rey legítimo en las luchas entre Pedro I y Enrique II," *Annexes des Clchm* 16 (2004): 43–61.

²⁴ For the revolt of Toledo see *De la sentencia-Estatuto de Pero Sarmiento a la instrucción del Relator*, eds. Tomás González Rolán, & Pilar Saquero Suárez-Somonte (Madrid: Aben Ezra Ediciones, 2012), xviii–xciv; Rosa Vidal Doval, 'Nos soli sumus christiani': *Conversos* in the Texts of the Toledo Rebellion of 1449," in *Studies in Memory of Alan Deyermond*, eds. Andrew M. Beresford, Louise M. Haywood and Julian Weiss (London: Tamesis Book, 2013), 215–36; Óscar López Gómez, "El impacto de las revueltas urbanas en el siglo XV: a propósito de la rebelión de 1449 en Toledo," *Edad Media Revista de la Historia* 15 (2014): 175–91. For general considerations of the "converso problem" in fifteenth-century Spain see David Nirenberg, *Anti-Judaism: The Western Tradition* (New York and London: W. W. Norton & Company, 2012), 217–45.

Toledo, which he described as lawful resistance to tyranny. According to the *bachiller*, “the princes who are negligent with respect to the execution of justice—if their negligence is great or universal, or if they deal with their subjects and naturals in cruelty, if they defend heretics and, after being demanded, continue in such negligence or cruelty or dissent—lose the administration of their principalities, kingdoms and lordships.”²⁵ García de Mora claimed that the people of Toledo had suffered for a long time from the criminal conduct of Luna’s men and his supporters, the “*conversos*,” and that they demanded several times that the king administer justice. According to him, when there is “absence of justice” (*defecto de justicia*) the duty and authority to administer justice moves from the king to the prince and then, if the prince fails too, to the cities of the realm.²⁶ Although Toledo was only one city, the political crisis generated by the revolt was, in fact, acute. As attested by contemporary documents, Juan II was worried that the situation might get out of hand, and that other cities might follow Toledo.²⁷

The aristocratic revolt that broke out against Isabel’s half brother, King Enrique IV, provided another fertile ground for discourses that tackled royal incompetency in the arena of justice. In 1464–1465, the league of nobles and churchmen who challenged Enrique’s leadership circulated a number of texts in which they demanded that the king repair the administration of justice. In these documents, which clearly aimed to reach a broad audience, the nobles demanded that the king reform the royal institutions of justice and remove corrupted officials and heretics

²⁵ Marcos García de Mora, “Apelación y suplicación,” in Tomás González Rolán, & Pilar Saquero Suárez-Somonte (eds.), *De la sentencia-Estatuto de Pero Sarmiento a la instrucción del Relator* (Madrid: Aben Ezra Ediciones, 2012), 208: “...notario concluso es de derecho que los príncipes que son negligentes en la ejecución de la justicia, si su negligencia es grande o universal, o si tratan cruelmente a sus súbditos e naturales, si defienden los hereges e siendo ,requeridos continúan en la tal negligencia o crueldad o disçension, pierden la administración de los príncipados, reinos e señoríos...”

²⁶ *Ibid.*, 232: “pues fue requerido por muchas vezes que administrase justicia a la dicha çibdad e a los dichos reinos e proçediese contra el dicho tirano e herejs, e no lo quiso o no lo pudo fazer mediante la dicha tiranía e por ende, en defecto de justicia, la administración se devolvió al dicho señor Príncipe... y en defecto del dicho señor Príncipe se devuelve la administración a las çibdades de los dichos reinos.”

²⁷ For example, see the letter of Juan II from February 15, 1449, in *Memorias de Don Enrique IV de Castilla* (Madrid: Real Academia de la Historia, 1835), 23.

from the royal court. Another demand was that Enrique conduct public hearings of petitions at the Royal Council.²⁸ The failure of the negotiations between the parties paved the way, in the spring of 1465, to open war, with the rebels proclaiming Enrique's half brother, Alfonso, as the new king.

Alfonso de Palencia, who began his career at the royal court as a secretary of Enrique IV but later joined the anti-Enrique party, embedded in his historical narrative many of the claims made against Enrique by the leaders of this party. In his great historical work, the *Gesta Hispaniensia*, Palencia recounted the debates within the Castilian Church over the possibility of deposing Enrique as a tyrant. Palencia sided, of course, with those who sanctioned the use of force against Enrique.²⁹ Throughout the *Gesta*, Palencia's accounts of Enrique IV read like a long indictment consisting of cases that demonstrate the tyranny of Enrique and the destruction that his rulership inflicted on the commonwealth. One of the key stories, in this regard, was Enrique's refusal to provide justice to petitioners in Seville. According to Palencia, when the king visited the city in 1455, one of the soldiers in his Muslim Guard kidnapped a young Christian woman and carried her off to Granada, where he made her his concubine.³⁰ Once the abduction had been discovered, the woman's parents rushed to the gates of the *Alcazar* accompanied by a large crowd. There, they happened to encounter the king, as he was heading out of the palace. The parents cried out and begged for royal justice, but Enrique did not listen. On the contrary, he reproached the parents for their negligence, which, he said, led to the kidnapping of their daughter. The king then ordered that the parents be publicly flogged, an order

²⁸ "Sentencia arbitral de Medina del Campo," in *Ibid.*, 373–374.

²⁹ For example, see Palencia, *Gesta hispaniensa*, 361–362.

³⁰ Palencia, *Gesta hispaniensa*, 117. For an analysis of the story see François Foronda, "The Seville Abduction or the Collapse of the Order of Ritual in the Public Audience (1455)," *Imago, Temporis. Medium Aevum*, III (2009): 219–229; Echevarría, Ana. *Knights on the Frontier: the Moorish Guard of the Kings of Castile (1410-1467)* (Leiden & Boston: Brill, 2009), 195–196.

that was not executed thanks to the eventual intervention of two noblemen who were able to dissuade the king from his cruel plan.

Palencia's report on the abduction in Seville was part of a series of accounts that demonstrated the inversion of justice under Enrique IV's reign: rather than giving each one what they deserved, Enrique's kingship, as Palencia depicted it, was characterized by the infliction of evils and wrongs on the innocent and the good Christians, while protecting criminals and infidels and allowing them to prosper. It is not surprising that in order to counter this narrative Diego Enriquez del Castillo, a contemporary chronicler who was responsible for one of the few favorable representations of Enrique IV's regime, underscored the commitment of this monarch to the enforcement of justice. As he put it, Enrique IV "has never lost the administration of justice, which he always held in such a way that the court was at great peace and ease."³¹ At a different point in the chronicle, Enriquez del Castillo recounted an incident in which the king punished one of the influential officials at the royal court in response to a petition of grievance that protested an unlawful confiscation of merchandise by the official.³² The secretary, Garci Mendez de Badajoz, was one of the chief courtiers whom the noble league demanded be removed from office.³³ While the chronicle of Enriquez del Castillo did not deny the increasing instability and political violence that marked the beginning of the 1460s, the chronicler ascribed these troubles not to the bad government of the king but to certain aristocratic conspirators, notably the archbishop of Toledo and the Marquise of Villena, who later headed the rebellion against Enrique IV. For Enriquez del Castillo, these men, who were entrusted with the leadership of the Royal Council, sought to stir up the populace in order to prepare the ground for the revolt

³¹ Enríquez del Castillo, *Crónica*, 159: "tanpoco se perdía la administración de la justicia, que sienpre se dava en ella tal horden que la corte estava en mucha paz y sosiego..."

³² *Ibid.*, 181.

³³ "Sentencia arbitral," 385.

against the king. For that purpose they deliberately sabotaged the administration of justice by neglecting the complaints brought before them.³⁴

These examples illustrate the central place that images of royal justice played within Castilian discourses of legitimacy. Since the fourteenth century, petitions of grievance were becoming an important avenue for subjects not only to vent, but also enact their position as members of the commonwealth and demand their monarchs to fulfill their role as administrators of justice. In the public royal hearing, the encounter between an attentive monarch and a petitioner who had suffered injustice epitomized the notions of the king as a chief administrator of justice, and of the subject as entitled to be heard and receive a remedy of justice. By enacting these identities, and the reciprocal relationship between them, the practice of petitioning helped reproducing the powerful image of a community of subjects governed by a just king. The same was true for petitioning in the Royal Council, which was understood as an extension of the monarch. The public royal hearings that the kings of Castile were asked to give in the Royal Council once or twice a week were intended to maintain this connection. Of course, petitioning the Royal Council was not the only path that Castilians seeking royal justice could take. In order to understand the place of petitioning within the world of late medieval Castilians, it is useful to quickly examine the royal institutions of ordinary justice.

III. The Development of the Royal Institutions

Like many other late medieval polities, the Crown of Castile was a patchwork of royal, ecclesiastical, aristocratic, and municipal jurisdictions that intersected and overlapped at various points. The kings of Castile acted as lords within their own domain (*realengo*), but they also reserved the right to act as supreme lords with authority to intervene, in certain circumstances, in

³⁴ Enríquez del Castillo, *Crónica*, 209.

other jurisdictions.³⁵ Broadly speaking, the period between 1250 and 1500 witnessed a movement towards standardization of judicial procedures and the development of Castilian jurisprudence inspired by Romano-canonical procedures. This process was paralleled by the development of new administrative and judicial institutions that acted on behalf of the monarch at both the royal court and in the territories.³⁶ In this context, it is important to note that rather than a centralized system, the royal apparatus of justice that had emerged by 1400 assumed the form of a complex network of agents and institutions that did not always act in coordination, and sometimes competed over jurisdictions.

The reign of Alfonso X (1252–1284) marked a fundamental moment with respect to the development of a royal apparatus of justice. Already in the first half of the thirteenth century, during the reign of Alfonso's father, Fernando III, the reception of Roman law had made an impact on Castilian legal scholarship.³⁷ The judicial order of the kingdom was, at that point, a checkboard of dozens of different codes (*fueros*) that provided the basis for the customary laws applied on the ground.³⁸ Perhaps on the advice of jurists from Salamanca, Fernando III introduced to the newly conquered territories of Andalusia only one legal code, the *Fuero Juzgo*.³⁹ Fernando's son, Alfonso X, went further, presiding over a massive project of legal codification. The scholars who worked at his court produced three major compendiums—the *Fuero Real*, the *Especulo*, and the *Siete Partidas*—that emphasized the supreme judicial authority of the king. These codes introduced to legal practice many procedures drawn from the

³⁵ Carlos Estepa Díez, "La monarquía Castellana en los siglos XIII–XIV: Algunas consideraciones," *Edad Media, Revista de Historia* 8 (2007), 81.

³⁶ David Torres Sanz, *La administración central*, 125.

³⁷ The literature on the reception of the Roman law in thirteenth century Castile is vast. For overviews, see Antonio Pérez Martín, *El derecho procesal del 'Ius Commune' en España* (Murcia: Universidad de Murcia, 1999). See also Antonio García y García, "Ecclesiastical Procedure in Medieval Spain," in *The History of Courts and Procedures in Medieval Canon Law*, ed. Wilfried Hartmann and Kenneth Pennington (Washington: The Catholic University Press of America, 2016), 392–425.

³⁸ Kagan, *Lawsuits and Litigants*, 23–24.

³⁹ *Ibid.*

Romano-canonical tradition. Despite the many difficulties that the application of these ambitious codes encountered during the lifetime of Alfonso X, their influence on later generations of jurists, judges, and litigants was fundamental. The *Partidas*, for example, established the scheme for criminal procedure that prevailed for centuries.⁴⁰

Aside from the grand project of legal codification, Alfonso X worked to extend the jurisdiction of the royal judges (*alcaldes*) operating at his court. In the *Cortes* of Zamora in 1274, the king asserted royal jurisdiction over a range of cases that from then on could be determined in the first instance by the judges of his “household and court” (*Casa y Corte*),⁴¹ who until that moment had dealt mostly with appeals and arbitration. The distinction that was starting to take hold was between *pleitos foreros*—lawsuits that had to be determined in the place where the plaintiff lived, or where the deeds in question took place—and *casos de corte* that had to be determined at the king’s court.⁴² These *casos de corte* pertained to crimes such as homicide, treason, banditry, rape, monetary counterfeit, and the violation of royal protection.⁴³ In accordance with the ordinances of 1274, the royal court hosted twenty three judges who traveled with the king. Nine of them had to come from Castile, eight from Leon, and six from Extremadura. Representing these different provinces, they were bound to be versed in the different local *fueros*.⁴⁴ In addition, there had to be in court three *alcaldes de alzadas*, who dealt with grievances caused by the agents of the kings and heard the appeals of lawsuits determined by the *alcaldes de casa y corte*.⁴⁵

⁴⁰ María Paz Alonso Romero, *El proceso penal en Castilla (siglos XIII al XVIII)* (Salamanca: Universidad de Salamanca, 1982), 15.

⁴¹ Torres, *La administración central* 126–27; Garriga, *La Audiencia y las Chancillerías*, 48;

⁴² Miguel Angel Pérez De la Canal, “La justicia de la Corte de Castilla durante los siglos XIII al XV,” *Historia. Instituciones. Documentos* 2 (1975): 383–482, at 412.

⁴³ *Ibid.*, 397–398; Torres, *La administración central*, 132; Pino Abad, *El recurso de suplicación*, 25, no. 42.

⁴⁴ Torres, *La administración central*, 126–28.

⁴⁵ Pérez De la Canal, “La justicia de la Corte,” 419; Torres, *La administración central*, 135–38.

In the fourteenth century, even though the old *fueros* continued to be used locally, the Alfonsine codes gained more prominence. With the fortification of royal power under Alfonso XI, the monarch, in the ordinances of Alcalá of 1348, made the *Partidas* the official law to be used in royal courts.⁴⁶ Furthermore, in sources dating from the 1350s, one starts to observe the term *alcaldes de rastro* with respect to a particular class of royal judges.⁴⁷ Unlike the *alcaldes de casa y corte*, who ruled the *casos de corte* as well as appeals of lawsuits that began in local courts, the *alcaldes de rastro* held territorial jurisdiction over a range of five leagues (approximately 27.5 kilometers) from the seat of the monarch.⁴⁸ Since the Castilian royal court was itinerant—in the fourteenth century it tended to travel along the triangle of Burgos, Madrid, and Valladolid—the tribunal of the *alcaldes de rastro* established, in effect, a mobile royal jurisdiction that permitted more subjects to bring lawsuits before the central royal courts.

Under the first monarchs of the Trastámara house the institutions of the royal court underwent further expansion. In the Cortes of Toro in 1371, shortly after his ascension to the throne, Enrique II introduced a series of reforms to the judicial apparatus of the court. These included the reduction of the number of *alcaldes de casa y corte*, and the official establishment of the *Audiencia* as a supreme tribunal of royal justice.⁴⁹ As mentioned above, after 1385 Enrique's successors, Juan I and Enrique III, restructured the Royal Council into another supreme tribunal. Although it was initially conceived of as an institution of government, the Royal Council soon came to acquire judicial capacities, turning itself into a proper court. The judicial capacities of this institution were officially recognized in the royal ordinances of 1459

⁴⁶ Alonso, *El proceso penal*, 37–38.

⁴⁷ Pérez De la Canal, “La justicia de la Corte,” 419.

⁴⁸ *Ibid.*, 415; Alonso, *El proceso penal*, 126.

⁴⁹ Garriga, *La Audiencia y las Chancillerías*, 62.

and then in the Cortes of Toledo in 1480.⁵⁰ The different stages in the evolution of these institutions under the first Trastámara kings is a complex matter that goes beyond the scope of the current discussion. The important point is that, despite certain modifications, the core judicial-administrative structures that had emerged in the formative period of the final decades of the fourteenth and the first decades of the fifteenth centuries persisted throughout most of the fifteenth century.

The first half of the fifteenth century was also a significant period with respect to the development of the Castilian doctrine of supreme judicial authority of the monarch, which derived from the understanding of the king as the supreme administrator of justice. From the perspective of legal practice, the supreme position of the monarch could manifest itself in a number of domains aside from legislation. First, there was no judicial instance above the king, which meant that judgment of any lay judge could be appealed before the supreme royal courts.⁵¹ Monarchs could also decide to exercise their grace by pardoning subjects who had been convicted of crimes. Furthermore, the recourse known as the *suplicación* allowed litigants to seek the king's grace when there was no additional appeal—that is, when all the judicial instances had been exhausted.⁵² Not less significantly was the “calling for” of lawsuits, a right that Castilian monarchs aspired to assert for cases deemed as pertaining to “the king's service.”⁵³ As Juan II put it in a royal decree from 1428: “each time, upon the realization that my service would be enhanced by hearing and ordering to hear civil and criminal cases, I shall hear and order to hear them here in my court”.⁵⁴ Lastly, Castilian monarchs reserved the right to intervene

⁵⁰ de Dios, *El Consejo*, 160.

⁵¹ Salustiano de Dios, “Las instituciones centrales de gobierno,” in *Isabel la Católica y la política*, ed. Julio Valdeón Baruque (Valladolid: Ámbito, 2001), 226.

⁵² Pino Abad, *El recurso de suplicación*, 21.

⁵³ Alonso, *El proceso penal*, 118; Torres, *La administración central*, 32.

⁵⁴ Cited in Alonso, *El proceso*, 118.

in local jurisdictions on the grounds of an absence of justice (*mengua de justicia* or *defecto de justicia*) and the need to correct grievances.⁵⁵ Such interventions, whose actual efficacy is of course a different question, could be conducted by means of royal investigators (*pesquisidores*) or appointed judges (*jueces comisarios*), as well as by decrees issued as responses to petitions.

If we examine the judicial landscape of the Crown of Castile around 1450, we discover that the supreme royal institutions are divided between two centers, one stationary and the other mobile. In Valladolid we find the court known as the *Audiencia y Chancillería*, which was the product of a unification between the *Audiencia* and the judges that accompanied the royal chancellor and were known as the *alcaldes de corte y chancillería*. Aside from other judicial faculties, the *Audiencia y Chancillería* served as a supreme appellate court for both civil and criminal matters.⁵⁶ This tribunal had two classes of judges: the *alcaldes* who dealt with criminal cases and the *oidores* who were experts in civil litigation. In first instance, the *alcaldes* heard cases that fell under the category of *casos de corte* and that came from all the territories. In addition, they determined the appeals of criminal lawsuits initiated before local judges. The *oidores* accepted the appeals of civil cases. The judges of the *Audiencia y Chancillería* also held territorial jurisdiction for civil and criminal cases in first instance that extended to five leagues from the seat of this tribunal. Finally, the *alcaldes* and the *oidores* had the authority to “call for” ongoing lawsuits from inferior courts, insofar as a litigant was able to demonstrate suspicions with respect to the local judge presiding the case.⁵⁷ At the end of the fifteenth century, the Catholic Monarchs established two additional *Chancillerías*: one in Ciudad Real (1494), and another in Granada (1502).

⁵⁵ Pino, *El recurso de suplicación*, 21; de Dios, “Las instituciones centrales,” 226.

⁵⁶ Torres, *La administración central*, 168–169; José Luis de las Heras Santos, *La justicia penal de los Austrias en la Corona de Castilla* (Salamanca: Universidad de Salamanca, 1991), 67.

⁵⁷ Garriga, *La Audiencia y las Chancillerías*, 102; Alonso, *El proceso penal*, 117.

The second important center of royal justice was the *Casa y Corte*, which was understood as the physical space surrounding the monarch. In the middle of the fifteenth century we find there the *alcaldes de corte* and *rastro* together with the members of the Royal Council. The *alcaldes de corte* had jurisdiction to hear in first instance lawsuits stemming from the range of five leagues from the *Casa y Corte*. However, they also dealt with many different lawsuits commissioned to them by the Royal Council. For its own part, the Royal Council had an exclusive authority to resolve grievances by means of royal decree. However, as we shall see, many cases that were brought before the Royal Council did lead to a trial (*via de proceso*), conducted either before the magistrates of the Royal Council or before judges to whom they commissioned to hear the lawsuit.

How did these developments and structures affect fifteenth-century litigants? Arguably, the coexistence of multiple and overlapping jurisdictions offered resourceful Castilians opportunities for forum shopping. While we should not overestimate the degree to which legal subjects managed to play the judicial order to their own ends, in many localities there was more than one judge who could claim jurisdiction over a given lawsuit, which meant that plaintiffs could choose the tribunal where they wished their lawsuits to be handled. Aside from local judges, who were elected either by the community or by the local lord, the ecclesiastical tribunal of the diocese could be the address for particular types of cases.⁵⁸ The institutions of royal justice constituted themselves, in many respects, as another alternative. Indeed, in villages and towns located within the royal domain, plaintiffs often had the opportunity to pursue a case before royal officials such as *merinos* or *corregidores* who had jurisdiction to determine civil and criminal

⁵⁸ On Castilian ecclesiastical courts see García y García, "Ecclesiastical Procedure."

cases in first instance.⁵⁹ The legal proceedings usually took place before a deputy (*lugarteniente*) with formal education in law.⁶⁰

Litigants could also try to have their lawsuits heard by the judges of one of the supreme royal tribunals; namely, the *alcaldes de corte*, the magistrates of the Royal Council, or the *alcaldes* or *oidores* of the *Audiencia y Chancillería*. There were a number of ways in which this could be arranged. Plaintiffs who lived near the common routes along which the royal court tended to travel could wait until it passed into their vicinity in order to initiate a lawsuit—based on the principle of the five leagues jurisdiction—before the *alcaldes de corte*. Another way, insofar as the lawsuit could be presented as a *caso de corte*, was to turn to the *Audiencia y Chancillería*. In such a case, the litigant claimed that the case pertained to the king and, therefore, must be heard at the king’s court. Litigants who had lost cases before a local judge could also appeal to the *Audiencia y Chancillería*, and, if they were involved in an ongoing lawsuit, they could also try to have a supreme royal tribunal order “call for” their case.⁶¹ Finally, litigants could present a petition of grievance at the Royal Council. Whereas in theory appeals of local tribunals had to go to the *Audiencia y Chancillería*, records from the second half of the fifteenth century show that the Royal Council heard appeals and “called for” lawsuits from

⁵⁹ De las Heras Santos, *La justicia penal*, 60–61. On the *corregidores* see María Asenjo González, “Función pacificadora y judicial de los corregidores en las villas y ciudades castellanas a fines de la edad media,” *Medievalista* 18 (2015): 3–28. Already in the thirteenth century the monarchy cast on the territories of the Crown a network of *adelantados* and *merinos*, magistrates entrusted with of representing the king in local affairs. Directly appointed by the monarch, these officials functioned—as Cristina Jular has aptly put it—as the king’s face on the territory. See Cristina Jular Pérez-Alfaro, “The King’s Face on the Territory: Royal Officers, Discourse and Legitimizing Practices in the Thirteenth- and Fourteenth-Century Castile,” in *Building Legitimacy: Political Discourses and Forms of Legitimacy in Medieval Societies*, ed. Isabel Alfonso, Hugh Kennedy, and Julio Escalona (Leiden and Boston: Brill, 2004), 107–138. In the *adelatatos*, there were also *alcaldes mayores*, who traveled around and could serve as a first instance, but also as a second instance. See Alonso Romero, *El proceso penal*, 109.

⁶⁰ At the time of the Catholic Monarchs, the *corregidores* held office for short periods of time, usually a year or two years, at the end of which a royal agent would often be sent to conduct an inquest into their deeds (*residencia*). These investigators also constituted an address for local lawsuits.

⁶¹ Alonso, *El proceso penal*, 121; Garriga, *La Audiencia y las Chancillerías*, 80.

inferior courts. Moreover, a specific recourse allowed to appeal the judgments of the *Audiencia y Chancillería* before the Royal Council.

IV. Summary Procedures

Both the *Audiencia y Chancillería* and the Royal Council applied a particular mode of judicial procedure known as summary procedure. The ordinances of the *Audiencia* for 1371 explain that the *oidores* hear lawsuits initiated by petitions rather than by an ordinary complaint (*libello* or *demanda*) and that they determine these lawsuits “summarily and without the [normal] form of procedure.”⁶² In the Cortes of 1436, the procurators of the cities of the Crown reminded the monarch that according to the laws of his predecessors, which he had also confirmed, the judges of the *Audiencia* must make judgment “simply and plainly without the [normal] form of procedure, only by examining the reality and truth of the process.”⁶³ This formula—which in some of its variations also speaks of a procedure without the ‘noise’ of courts and lawyers— was often used to describe the methods of the Royal Council and its agents. As scholars have shown, it was a translation into Castilian of the common legal phrase ‘*simpliciter et de plano, ac sine strepitu et figura iudicii*’, which was known from canon law.⁶⁴ Indeed, summary procedure was a shortened form of procedure developed by the jurists of canon law since the middle of the thirteenth century. It became more popular around 1300 when, as James Brundage notes, “a

⁶² *Cortes*, vol. II, 189–190: “oyan los pleytos por peticiones, et no por libellos nin por demandas nin por otras escripturas, et quelos libren ssegunt derecho ssumaria miente et sin fegura de juyzio.” See also the discussion in Garriga, *La Audiencia y las Chancillerías*, 67–68.

⁶³ *Cortes* vol. III, 303, no.36: “symple mente e de plano syn figura de juyzio, salvo sola mente acatada rrealidad e verdad delos proçesos”.

⁶⁴ Kenneth Pennington, “Introduction to the Courts,” in *The History of Courts and Procedures in Medieval Canon Law*, eds. Wilfried Hartmann and Kenneth Pennington (Washington: The Catholic University Press of America, 2016), 26. The Latin reads: “simpliciter et de plano, ac sine strepitu et figura iudicii.” See also James. A. Brundage, *Medieval Canon Law* (London & New York: Routledge, 1995), 139; De Dios, *El Consejo Real*, 450.

demand for a simplified and speedier procedure had become insistent.”⁶⁵ It is also possible that the war against heresy also lurked in the background.⁶⁶

According to Kenneth Pennington, modern historiography has often misrepresented summary procedure. He notes that “there is probably no aspect of medieval and early modern procedure that has created more problems of interpretation for modern scholars.”⁶⁷ In particular, scholars have sometimes viewed this procedure as opposed to due process. However, as Pennington explains, “summary procedure was not a subversion of due process but only a shortening of some parts of the trial.”⁶⁸ In the beginning of the fourteenth century, the papacy published various guidelines, clarifications and limitations for the application of summary procedure, first in the Council of Villena (1311–1312), and then in the decretal known as the *Constitutiones Clementinae* (1314) under the constitution known as *saepe contingit*. Further interpretations were provided by the jurist Johannes Andreae in 1322 in his gloss of the *Constitutiones Clementinae*.⁶⁹ These texts gave fourteenth-century canonical judges authority to employ summary process when dealing with disputes pertaining to marriage, usury, tithes, benefices, and heresy.⁷⁰

The basic principles of summary procedure will be discussed momentarily. For now it suffices to say that the norms established by the papacy and the canonists during the first decades of the fourteenth century were later adopted by both ecclesiastical and secular courts across the

⁶⁵ Brundage, *Medieval Canon Law*, 139; idem, *The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts* (Chicago: The University of Chicago Press, 2008), 450.

⁶⁶ Pennington, “Introduction to the Courts,” 24. See also Thomas F. Fudge, *The Trial of Jan Hus: Medieval Heresy and Criminal Procedure* (Oxford: Oxford University Press, 2013), 91–92.

⁶⁷ Pennington, “Introduction to the Courts,” 8.

⁶⁸ *Ibid.*, 29. See also Fudge, *The Trial of Jan Hus* 92: “*Saepe Contingit* strove to ratify an expeditious process while maintaining the concept of a fair trial within the medieval framework of due process.”

⁶⁹ Pennington, “Introduction to the Courts,” 27.

⁷⁰ Brundage, *Medieval Canon Law*, 140. Pennington, “Introduction to the Courts,” 26.

continent.⁷¹ In the Crown of Castile, there are signs of the use of summary procedures in the fourteenth century and more so in the fifteenth century.⁷² However, while ecclesiastical courts in Castile may well have resorted to this mode of procedure,⁷³ it is not clear whether and to what extent it was used by secular judges at the local level as well. It is not unlikely that the supreme royal courts of the fourteenth and fifteenth centuries reserved for themselves the right to determine lawsuits according to a summary procedure. Royal records dating from the time of the Catholic Monarchs certainly give the impression that it was not the default mode of procedure employed by lay judges. By contrast, judges appointed by the Royal Council were often instructed to apply a summary procedure. It should be noted that in the supreme royal courts of fifteenth-century Castile we find two types of expedited processes. The first, employed by both the *Audiencia y Chancillería* and the Royal Council, drew on the model laid out by canon law. It was a shortened judicial procedure that led to a normal sentence. The second, the *expediente*, was practiced exclusively by the Royal Council as a recourse of governance that allowed the Royal Council to respond to a petition of grievance by issuing a decree that contained a royal command made in favor of the petitioner without the need to conduct a trial.⁷⁴

In order to appreciate the place of summary procedures in the Castilian apparatus of royal justice, it may be useful to examine first how an ordinary trial worked. As noted, late medieval Castilian procedure drew heavily on Romano-canonical traditions. The *Partidas*, as well as other legal works from the thirteenth century onward, followed the Romano-canonical distinction between the accusatory and the inquisitorial mode of procedures. The former procedure pertained to a trial between parties, in which a plaintiff had to prove an accusation against a

⁷¹ Pennington, "Introduction to the Courts," 25.

⁷² Villapalos, *Los recursos*, 155.

⁷³ García y García, "Ecclesiastical Procedure," 402.

⁷⁴ Villapalos Salas, *Los recursos*, 155–158; de Dios, *El Consejo Real*, 362–363, 429–431.

defendant. The latter pertained to suits initiated *ex officio* by an officer of justice based on public rumor or common knowledge.⁷⁵ Both procedures made use of written statements and proofs. Procurators, attorneys (*abogados*) and notaries played a crucial role in both. To initiate a lawsuit in the accusatory procedure, the plaintiff or a procurator on their behalf had to present a complaint (*libelo* or *demanda*), usually in writing, before a judge with a jurisdiction over a defendant. The judge would then issue a summons (*emplazamiento*) to the defendant. If a defendant had failed to report to court—after three citations and an official declaration of their *rebeldía*—he or she would lose the case by default as contumacious. When defendants did present themselves before the judge, they had to be given the opportunity to respond to the plaintiff’s official accusation, normally within twenty days. At this point, the defendant could also try to challenge the process by raising “exceptions,” which could either terminate the lawsuit in its entirety or slow down the proceedings.

With the exceptions adjudicated, the judge would normally assign the parties a certain term to gather evidence and present it in court. In the accusatory procedure, the burden of proof was on the plaintiff. To convict, plaintiffs had to present at least two reliable eyewitnesses. Written depositions were acceptable in Castilian courts, but all testimonies had to be properly collected and recorded, with witnesses taking oaths. Following the presentation of the witnesses, the litigants could raise legal arguments against the evidence collected by the adversary party. In principle, defendants had to be imprisoned during the proceedings. But if the punishment was not corporal they could avoid imprisonment by providing guarantors. In criminal cases, when sufficient evidence was lacking, the judge could decide, under certain circumstances, to apply

⁷⁵ For a useful overview of the ordinary procedure, as it is represented in the *Partidas*, see Robert I. Burns, “Introduction to the Third Partida,” in *Las Siete Partidas, Volume Three, Medieval Law: Lawyers and their Work*, trans. Samuel Parsons Scott (Philadelphia: University of Pennsylvania Press, 2001), ix–xxxv, esp. xi–xii. See also the discussion and analysis of a case in Henry Ansgar Kelly, *Canon Law and the Archpriest of Hita* (Binghamton, NY: Medieval & Renaissance Texts & Studies, 1984), 89–112.

torture in order to generate a confession from the defendant.⁷⁶ According to the *Partidas*, the entire legal process could not exceed two years, at the end of which, if conviction could not be attained, the defendant had to be acquitted.

The summary procedure that the fourteenth-century canonists developed was intended to shorten the typical delays of ordinary court proceedings. A judge following summary procedure could significantly reduce the first stages of trial, which included the defendant's response to the allegations and the raising of exceptions. The judge could also limit the numbers of witnesses, and disregard holidays. According to the *saepe contingit*, the judge should "curtail the causes of delays, cause the *litis* to be as brief as possible, repelling dilatory and frustrating exceptions and appeals, the contentious arguments of advocates and proctors, while limiting a superfluous throng of witnesses."⁷⁷ However, the judge must not eliminate "necessary proofs and a legitimate defense."⁷⁸ Oath-taking could not be spared either.⁷⁹

It is difficult to tell how these principles were used by Castilian judges. The letters of appointment that late fifteenth-century royal judges usually received contained the "simply and plainly" formula known from the canon law tradition. Yet such letters often instructed the judges to summon any relevant party to the case, including witnesses. These were methods associated with the inquisitorial judicial procedure. Moreover, Castilian royal judges were usually instructed "to only learn the truth" about the case,⁸⁰ which could mean that the summary procedure practiced in Castile accepted lower standards of proof. If this was indeed the case,

⁷⁶ Alonso, *El proceso penal*, 47.

⁷⁷ Cited by Fudge, *The Trial of Jan Hus*, 91–92. See also Pennington, "Criminal Procedure," in *Dictionary of the Middle Ages: Supplement, Vol. 1*, ed. William C. Jordan (New York: Scribner, 2004), 314; idem, "Introduction to the Courts," 27.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ See for example AGS, RGS, December of 1478, fol. 28: "por que vos mandamos que luego veades lo suso dicho e llamades e oydes las partes a quien lo suso dicho atañe breuemente e de plano syn escrepitu e figura de juyçio, sabida solamente la verdad, no dande logar a luengas nin dilaçiones de malyçia..."

then the formula “to only learn the truth” articulated the distinction between figuring out what happened in a given case and being able to prove it according to the strict set of norms established for the ordinary judicial procedure. In other words, the Castilian judge following summary procedure could make judgment not only faster than his ordinary counterpart, but also based on less evidence.

V. Royal Responses

By presenting their petitions of grievance to the Royal Council, many Castilians sought to generate royal interventions into local disputes. The first stage of such interventions was the issue of a royal letter of justice. In fifteenth-century Castile it must have been easier to obtain such documents from the Royal Council than from the *Audiencia y Chancillería*, whose scope of activities, as a judicial institution par-excellence, tended to be narrower. As discussed above, the *Audiencia y Chancillería* accepted appeals of lawsuits, heard in first instance lawsuits pertaining to *casos de corte*, and unilaterally “called for” ongoing lawsuits from inferior courts. Although the Royal Council was established as an institution of government, it gradually acquired full judicial capacities. Indeed, the historical records show that the boundaries between “government” and “justice” were rather fuzzy. The Royal Council “called for” lawsuits and accepted appeals in addition to dealing with a large range of complaints through decrees. What was common to the cases it handled was a claim that a subject had experienced a “great wrong and harm,” or, in other words, an injustice. Drawing on the common notion of royal justice, Castilian petitions always included a concrete request to repair the “wrong” caused to the petitioner. In accordance with convention, disputants contended that by fulfilling this request the monarch would show them favor (*merçed*) and administer justice.

The letters of justice that petitioners obtained were also known as *provisiones* or *mandados*.⁸¹ A highly formulary text, the letter of justice always opened by listing the realms and lordships over which the monarch ruled “by the grace of God,” to be followed by a specification of the addressee or addressees of the letter and the greeting, *salud y gracia*. In many occasions, letters of justice added a general request for assistance from any local official to whom the letter might be presented. The reiteration of the claims made in the petition came next. These typically consisted of a brief narration of the alleged grievance, including the time and place in which it occurred, and sometimes estimation of the damages caused to the petitioner, for which the Castilian accounting unit, the *maravedí*, was used. Also reiterated was the request from the monarch, to be followed by a royal command in favor of the petitioner and a threat of potential loss of the royal favor and punishment in the case of non-compliance. Letters of justice included a clause that instructed any notary to whom the letter might be presented to provide an authenticated record of the act of notification. The date and place of issue were the ultimate details found in royal letters of justice, after which came the signatures of the magistrates who granted it.

The examination of late fifteenth-century Castilian letters of justice reveals a repertoire of six common responses. First, the Royal Council could ask petitioners to provide more information or evidence about the “wrong” they claimed to have suffered. In this scenario, a petitioner would typically receive a letter addressed to a local official with instructions to hand over relevant documents or to oversee the production of a new written proof by accepting witnesses from the petitioner and properly recording their interrogations and depositions.

⁸¹ On judicial royal documentation in fifteenth-century Castile see the useful overview of Sanz Fuentes and Calleja Puerta, “La documentación,” 112–36.

Second, the Royal Council could appoint an agent to obtain the necessary evidence through an inquest. The investigator would normally be ordered to send the Royal Council the sealed written inquest, so that the magistrates could review it. On some occasions, investigators had to arrest and send along suspects as well. Third, in the event that the Royal Council decided to accept or to “call for” a lawsuit, or to accept an appeal of a lawsuit, the petitioner would receive a letter of summons addressed to the party responsible for the alleged grievance. The lawsuit would be determined by the magistrates themselves, the *alcaldes de casa y corte* or any other judge appointed by the Royal Council. Fourth, the Royal Council could also respond to a petition by committing the case to a judge with instructions to travel to the territory and determine the lawsuit in a summary procedure. As noted, judges could also be instructed to summon witnesses on their own initiative and to effectively conduct an inquest. Fifth, the Royal Council could authorize an agent to travel to the territories in order to execute a certain command or sentence. The magistrates usually resorted to this path of action at an advanced stage of a conflict, if the petitioner had returned to the Royal Council to complain about his or her failure to achieve *cumplimiento de justicia* through previously obtained letters of justice. Sixth, the Royal Council could decide to resolve a grievance through the *vía de expediente*. This recourse of government, over which, as De Dios notes, the Royal Council had exclusive authority,⁸² seems to have been practiced with greater frequency after 1430.⁸³ The purpose of the *expediente* was to solve the grievance only through decree in a way that precluded a normal judicial sentence.

In the *vía de expediente*, a petitioner would receive a letter of justice addressed to the party responsible for the alleged grievance with orders to undo whatever had caused the grievance in the first place; for example, by returning a property or compensating the petitioner

⁸² De Dios, *El Consejo Real*, 362–363.

⁸³ Villapalos Salas, *Los recursos*, 22–23.

for his or her troubles. To avoid infringing the old principle that guaranteed subjects the right to be heard, royal decrees granted in the *vía de expediente* included clauses of summons assigning the addressee of the letter a term—usually between six to thirty days—to appear before the Royal Council to present objections to the royal command. The main difference between this clause and the normal letter of *emplazamiento* was that in the *expediente* the summons was not mandatory but depended on the addressee’s response. In other words, if the addressee fulfills the command enclosed in the letter, there shall be no further intervention on part of the Royal Council. The summons will be activated only insofar as the addressee refuses to fulfill the command. In the event that the addressee decides to arrive to the Royal Council in order to present objections, the dispute will most likely turn into a lawsuit, to be handled by the Royal Council or by an appointed judge. However, refusal to fulfill the royal command, followed by failure to show up at the Royal Council, could lead to declaring the *rebeldía* of the letter’s addressees and to the pronouncement of a judicial sentence against them in their contumacy. The different scenarios associated with the *vía de expediente* illustrate the difficulty in classifying the Royal Council’s responses to petitions as either “governmental” or “judicial.” This difficulty has to do not so much with the diverse recourses used by the Royal Council, but with the common scenario in which cases handled through a recourse of government (*expediente*) often ended up as lawsuits in every respect; namely, when addressees refused to comply with the royal decrees that had been issued against them.

VI. Petitioners and Arguments

Let us turn now to the analysis of a few concrete cases that would allow us to see how petitioning the Royal Council in late fifteenth-century Castile worked in practice. It is important to note that although these cases embody a repertoire of scenarios, legal arguments, and royal

responses, they are far from providing an exhaustive overview of either the different social actors and groups that petitioned the Royal Council, or the types of situations that brought them to petition. From a different perspective, the examples that will be discussed below illustrate some of the methodological challenges that one encounters when trying to reconstruct medieval and early modern legal disputes. As we shall see, the extant documentation allows for only a partial reconstruction of conflicts that usually had more stages. The social status of the petitioners and their adversaries, as well as other details pertaining to context, are often difficult to establish as well. What all the cases show in great clarity is how Castilian assumptions and ideas about royal justice informed the arguments and the narrative accounts made by petitioners.

Specifically, petitioners tended to craft narrative accounts that justified royal interventions in local jurisdictions. This was often accomplished by appropriating the notion of an absence of justice (*mengua de justicia*), as petitioners were trying to demonstrate—and there could be a number of ways to do so—the shortcomings of the local institutions of justice. The advice of notaries and legal advocates probably lurked behind such accounts of absence of justice, although their precise influence in particular cases is hard to trace and measure. The examples show, at any rate, how petitions constituted a site for enacting and circulating such notions of justice.

Moreover, they provide several insights into the links between petitioning the Royal Council and other judicial and administrative practices, pointing out in particular the significant role that locally produced records and local processes of record making played in the petitioning process.

A Lost Falcon (1487)

The first case to be discussed in this section is that of Gonzalo de Villafañe, a citizen of Segovia, who in 1487 presented a petition of grievance at the *Consejo de Allende* in Tordesillas. While the petition itself has not survived, the letter of justice that Villafañe obtained on May 4th

1487, as well as the copy of this document, can be found at the AGS.⁸⁴ Villafañe, about whose life we do not know much from other sources, must have been a member of the urban aristocracy of Segovia. The letter of justice reveals that he was the owner of an exquisite Saker falcon (*halcon sacre*) which he claimed to have bought for a gigantic sum of 80,000 *maravedis*. With this kind of money, in the 1480s, Villafañe could have probably purchased for himself several horses or perhaps a dozen mules.⁸⁵ Villafañe's troubles began some seven months prior to the presentation of his petition, when he lost the falcon during a morning hunt. The royal letter, citing the gist of his petition, specified the efforts Villafañe had made in order to trace his bird: "He showed the fullest diligence by which he was obliged. He sent men and letters to all the places where the said Saker could have landed... he had it cried out publicly, and he even inquired secretly within all the households of the great magnates and knights of the realm."⁸⁶

Finally, it came to Villafañe's attention that his falcon had fallen into the possession of a certain nobleman, Sancho de Rojas, who gave it to his son, Diego. Rojas was the lord of an estate in the rural area between Burgos and Palencia, some 200 kilometers from Segovia. In his petition to the Royal Council, Villafañe told the magistrates how he approached Rojas and—showing proofs of ownership over the falcon—demanded that he return the bird. Villafañe also involved the justices of Burgos. But Rojas would not return the Saker. According to Villafañe, all that he was willing to offer him were three other falcons, an offer that the Villafañe would not accept

⁸⁴ AGS, CCA, PER, 30-2, Villafañe, Gonzalo (original royal letter from May 1487). A copy of the royal letter issued in response to Villafana's petition is found at the AGS, RGS, May of 1487, fol. 64.

⁸⁵ In a petition from 1478, Alfonso Yañez, a citizen of Andujar, argued that a mule stolen from him was later sold for 5,000 *maravedis*. See AGS, RGS, December of 1478, fol.42. In AGS, CCA, PUE, 17-1, San Roman de la Cuba, a document without a number (an original royal letter from July 1484), the villagers of San Roman de la Cuba estimated that each of the two stolen mules cost 6,000 *maravedis*. In the example discussed below, from 1478, Anton Garcia de Triguillos demanded 8,000 *maravedis* for the death of his horse. On the other hand, Martin Fernández de Córdoba, a jury of the city of Jahen, claimed that the horse stolen from him during riots that broke out in the city cost 30,000 *maravedis*. See AGS, RGS, October of 1477, fol.122.

⁸⁶ AGS, CCA, PER, 30-2, Villafañe, Gonzalo (original royal letter from May 1487). The full citation reads: "E diz que se fizo todas las diligençias que hera e obligado enviado onbres e cartas por todos los logares donde el dicho sacre se podia asentar e... faziendo lo a pregonar publicamente e aun pesquisando secretamente por todas las casas de los grandes e cavalleros destos nuestros reynos."

because “his falcon was valued at much more.”⁸⁷ Villafañe requested the Royal Council to intervene in his favor by ordering Rojas to give back his falcon or to pay him the bird’s worth.



Figure 5: The Region of Tordesillas

The Royal Council decided to resolve the case through the *expediente*. The letter of justice that Villafañe received ordered Sancho de Rojas and his son—whichever of the two had the Saker—to send the bird to the Royal Council within six days from the day of notification, together with any written proof of ownership, so that the Royal Council could examine the proofs and witnesses of the two parties and decide how to proceed.⁸⁸ However, if Rojas failed to send the bird within the assigned term, the Royal Council would determine the case based only on Villafañe’s claims. Granting this letter, the magistrates agreed, was “the better and faster resolution of the affair,” meaning that they considered the *expediente*, in this case, as preferable

⁸⁷ Ibid.: “Lo qual, diz que, non aveyes querido nin quereyes fazer, poniendo a ello vuestras escusas yndevidas, e diziendo le que le dariades tres falcones por el. Los quales, diz que, el non quiso faser por que, diz que, el dicho su sacre valia mucho mas.”

⁸⁸ Ibid: “...mandamos que de dia que con esta nuestra carta fuerdes requeridos vos o qual quier de vos fasta seys dias primeros syguientes trayades o enbiedes ante nos al nuestro Consejo el dicho falcon sacre, e trayades asy mismo quales quier titulos o escrituras o testigos que sobre lo suso dicho tengayes para en gurada de vuestra derecha...”

to an ordinary civil procedure.⁸⁹ The inscriptions found on the reverse side of the letter suggest that three days after its date of issue, a procurator acting on Villafañe's behalf presented the document to Sancho de Rojas in his castle, roughly 100 kilometers from the seat of the Royal Council in Tordesillas. The record of notification also indicates that upon the presentation of the letter Rojas declined to fulfill the royal command, explaining that he had already given the Saker to his son. He proposed that the procurator address the letter to him. We do not know, unfortunately, how the dispute continued beyond that point.

Villafañe's petition exemplifies some of the rhetorical and documentary strategies that informed many other petitions as well. However short, the narrative accounts found in these texts were often designed to support the petitioners' arguments and requests. The basic element of such accounts was an injustice caused to a petitioner by an adversarial party, but another common motif was the petitioner's failed attempts to achieve *cumplimiento de justicia* prior to petitioning the Royal Council. Like Villafañe, numerous petitioners recounted their efforts to approach their adversaries and demand that they correct the wrongs they had committed. Presenting a demand to the party responsible for the alleged injustice indicated that the aggrieved party was ready to pursue her or his case. Furthermore, it could function as a threat, which might open room for negotiation. Like Villafañe, many petitioners also pointed to their efforts to involve the local authorities. In his case, it was the justices of Burgos who were called to resolve the dispute. By stressing their failed attempts to resolve the cases, petitioners aimed to substantiate the need for royal intervention, the point being that other recourses had been exhausted. As the ultimate administrator of justice, the monarch was called to intervene.

⁸⁹ Ibid.: "fue acordada por que mejor e mas breve espediçion oviese este negoçia que deviamos mandar dar esta nuestra carta."

Villafañe's case also calls attention to the use of supporting documentation in the process of petitioning. Castilians commonly supplemented their petitions with documents composed for them in advance. As Villapalos remarks, petitioning was often preceded by a procedure known as the *requerimiento*, in which claimants had notaries record their efforts to achieve justice by making a demand from an adversarial party.⁹⁰ The term itself, *requerimiento*, designated both the ceremony of making the demand and the notarial testimony that recorded it. Again, the purpose of the *requerimiento* was to demonstrate an effort to resolve the case before involving the Royal Council. It is almost certain that Villafañe's procurator had a notary with him when he demanded that Rojas return the falcon. Moreover, the letter of justice that Villafañe obtained stated that all his arguments were "clearly shown by a certain proof and by a letter from the city of Burgos that he presented before us in our Royal Council."⁹¹ The "proof" of ownership was probably a bill of purchase, whereas the letter from Burgos must have been a record of the failed mediation. If this document also recorded Rojas offering Villafañe three falcons, then that obviously strengthened the latter's claim, demonstrating that his adversary implicitly recognized his right regarding the Saker. What would have been the Royal Council's response to Villafañe's petition had he not presented these supporting documents? In most likelihood, the Royal Council would require more evidence before ordering Rojas to send the falcon for inspection. What we begin to see is that being capable of producing records, and controlling local processes of recording, could be essential for generating royal interventions through petitioning.

A Robbery by the Royal Road (1478)

⁹⁰ Villapalos, *Los recourses*, 160–163.

⁹¹ AGS, CCA, PER, 30-2, Villafañe, Gonzalo (original royal letter from May 1487): "Lo qual todo, diz que, paresçia e paresçie claramente por una provavnça e por una carta dela dicha çibdad de Burgos que ante nos en el nuestro Consejo presentava e presentô."

Unlike Villafañe, who opted for a swift royal intervention in an ongoing dispute, many Castilians came before the Royal Council to seek justice for injuries that had transpired years before. To settle old scores through legal process was, in fact, a rather common route of action that was not limited to petitions presented at the Royal Council. What the Royal Council could offer claimants, besides faster proceedings, was a process that cut through local jurisdictions. It is usually difficult to tell what was behind the specific timing in which petitioners chose to pursue an old grudge. A certain change of the political circumstances, the proximity of the royal court, or new knowledge that had come to light could all serve as motivations for petitioning the Royal Council. A criminal case handled by the Royal Council in Seville in 1478 illustrates this route of action and the kind of dynamic it could generate. The information concerning the case comes from a copy of a writ of execution (*carta ejecutoria*) granted in September 1478 to a citizen of the town of Palma in Andalusia.

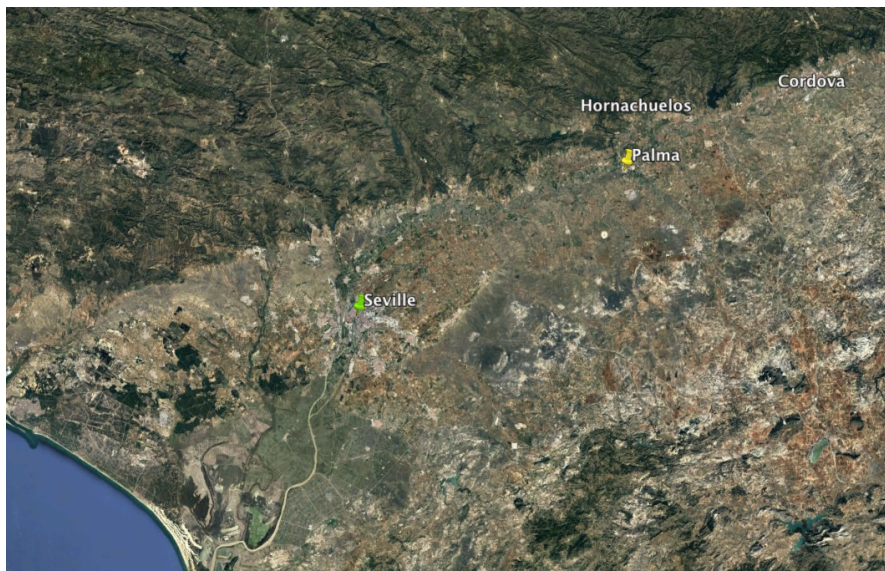


Figure 6: The Region of Seville and Palma

This document was not the first one that the petitioner, Anton Garcia de Triguillos, had obtained from the Royal Council. Some time earlier, but probably in the same year, Triguillos

presented a petition of grievance to complain about an assault to which he had been subjected five years earlier. The incident took place in August 1473, when Triguillos was traveling by horseback along the royal road north to Palma, “safe and sound and doing nothing for which he deserved to receive evil or damage.” This expression was a standard formula that can be found in numerous complaints of violent aggressions. Its purpose was to emphasize that the petitioners did not provoke their attackers, and that the violence they suffered was not part of a feud or reprisal.

In his petition, Triguillos told the magistrates how, at some point near the village of Hornachuelos, five armed men approached him “with the intention of injuring, killing, and robbing him.” According to him, the men, whose names he specified in his petition, were all citizens of the nearby village, Hornachuelos. Four of them were on foot and one rode a horse. The men attacked Triguillos, who was lucky enough to escape with his life. However, he was badly injured: “they inflicted on him certain injuries that cut his body and flesh, and much of his blood spilled out, especially due to a blow inflicted on his arm, which left him in a bad condition and for which he had to stay in bed.”⁹² Triguillos estimated the costs he suffered at 16,000 *maravedis*. This included his horse, which later died from the injuries it suffered, as well as his

⁹² AGS, RGS, September of 1478, fol. 70: “el dicho Antonio Garcia Triguillos por su procurador que en el nuestro consejo presento, nos fizo relacion, disiendo que en un dia del mes de Agosto que pasó de M CCCLXXIII anos, quel viniendo por el camino real que viene, que dela dicha villa de Fornachuelos a la dicha villa de Palma, salvo e seguro non faziendo nin disiendo cosa alguna por que mal nin daño deviese resçebir, que llegando çerca dela Guadamelena?] salieron al dicho camino los sobre dichos con proposyto delo ferir e matar e robar e que poniendo en obra su mal proposyito dandose favor e ayuda los vnos a los otros e los otros a los otros que arremetyo vno dellos a cauallo con su lança enla mana (*sic*) e los otros a pie con sus lanças e espadas e otras armas y que le dieron çiertas feridas de que le cortaron el cuerpo e la carne e le salio mucha sangre especialmente de una lançada que le dieron enel braço de que estuvo muy mal enla cama. Et asy mismo que le dieron otra lançada e feridas a un caballo suyo en que el yva de que murio luego por cabsa delo qual diz que ellos cayeron e yncurrieron en mucho grandes e graues penas çeuiles e creminales...”

own recovery. Triguillos declared his intention of prosecuting his attackers at the royal court, and requested the Royal Council to punish them.⁹³

We do not know why Triguillos chose to petition at that particular moment. Other cases show that it was not uncommon for victims of robberies to present complaints against their attackers years after the event. It might have taken time to identify one's attackers and to gather evidence against them. At any rate, the writ of execution from September 1478 suggests that, in response to his first petition, the Royal Council granted Triguillos a letter of summons addressed to the five men he identified as his attackers. This meant that the Royal Council had accepted the lawsuit. The letter of summons assigned the men thirty days from the day of notification to appear in person before the Royal Council in order to face prosecution. It also commanded them to pay Triguillos the sum he demanded for the death of his horse and his personal recovery.

How did Triguillos identify his attackers? Did he present evidence together with his petition? The document does not say. However, judging by the royal response, which was quite severe and very favorable to Triguillos, it is certainly possible that evidence—probably in the form of a witness deposition record—was indeed presented. Another question has to do with previous attempts to achieve *cumplimiento de justicia*. Did Triguillos try to contact his attackers and demand compensation before turning to the Royal Council? Did he try to involve the local authorities? Again, if he made such efforts, the letter of execution is silent about them. However, it should be noted that, unlike Villafaña, Triguillos did not have to demonstrate that he had exhausted other recourses before petitioning the Royal Council. Road banditry clearly fell under the category of *casos de corte*, meaning that the royal jurisdiction over the case was uncontested.

From the writ of execution we also learn about the events that followed the granting of royal summons: “and our said letter was read and notified on behalf of the party of Anton Garcia

⁹³ Ibid.

de Triguillos, as attested by a testimony that has been presented to us...”⁹⁴ In other words, a procurator sent by Triguillos arrived at the village of Hornachuelos, traced the five men, presented them the summons to court, and had the notification recorded by a notary. Since the five men had failed to appear before the Royal Council, Triguillos was entitled to declare their *rebeldía*, which he did. The procedure included a series of callings and declarations by public criers outside of the Royal Council in the course of an entire month.⁹⁵ With the *rebeldía* officially declared, the lawsuit could be brought to conclusion without hearing the defendants, which meant victory by default for Triguillos. The record shows that the sentence was pronounced by the magistrates of the Royal Council rather than the *alcaldes de casa y corte*, which points, again, to the profound involvement of this institution in the determination of lawsuits. The writ of execution that Triguillos received ordered the arrest of the five men, who were to be sent as prisoners to the royal court, their movable goods and property confiscated. It was for Triguillos to assume responsibility for the enforcement of the sentence—that is, by presenting the writ of execution to an officer with jurisdiction in Hornachuelos and demanding compliance with the royal command. The sources do not disclose whether or not he was successful in doing so.

A Broken Lease (1478)

The third example, which revolves around a dispute between tenants and their landlord in the city of Cordova, illustrates some of the arguments that petitioners and their adversaries made

⁹⁴ Ibid.: “la qual dicha nuestra carta por parte del dicho Anton Garcia de Triguillos segund paresçia por testimonio que ante nos presentó les fue leyda e notificada e los requerió que dentro en los dichos terminos en ella contenidos paresçiesen personalmente ante nos en el nuestro consejo...”

⁹⁵ Ibid.: “Et por el dicho Antonio Garcia de Triguillos les fueron acusadas sus rebeldias de la dicha nuestra carta, e los nueue dias de corte, e fueron pregonados tres dias continos e fue puesta la demanda e acusaçion contra ellos, e acuso la rebeldía de los nueue dias de la demanda, e atendio e espero los veynte dias de exepçiones e defensiones e les acuso.”

in order to advance or fight against royal interventions in their affairs.⁹⁶ The petitioner, Alfonso Martínez Devides, a citizen of Cordova, obtained in February 1478 a royal letter of justice from the Royal Council in Seville. In his petition, Martínez Devides claimed that he and his wife were the tenants of a wealthy man named Gonzalo González, who also held the office of a juror (*jurado*) of Cordova. According to the contract that the two parties made in 1466, Martínez Devides and his wife were entitled to occupy for the rest of their lives a shop-house that belonged to González. The rent, of 1,600 *maravedis* per year, seems to have been relatively low due to certain repairs that the tenants had agreed to take upon themselves. Martínez Devides claimed that he and his wife occupied the premises, paid the rent, and completed the repairs as agreed. However, the situation had changed unexpectedly when “the scandals and damages occurred in the city.” At that time, the house was burned and destroyed, and Martínez Devides and his wife left Cordova.⁹⁷

Although Martínez Devides did not identify himself as a descendant of Jewish converts, the “scandals and damages” to which he referred must have been the riots against New Christians that broke out in Cordova in March 1473. According to contemporary accounts, the riots erupted following a procession in *calle de Feria*, the street where González’s house was located. Furthermore, we know that, following the riots, many New Christians were expelled from the city, which explains why Martínez Devides and his wife had to get out of Cordova. A second riot against New Christians, presumably those who had returned to Cordova, erupted in the city in 1474.⁹⁸ Martínez Devides himself mentioned that he did not dare to enter the city

⁹⁶ AGS, CCA, PER 12-1, González Gonzalo, a document without number (original royal letter from February 9, 1478).

⁹⁷ *Ibid.*: “fasta tanto que vinieron los escandalos e danos en la dicha çibdad acaesçidos, en los quales dis que la dicha casa fue quemada e destruyda e que el e su muger e fijos se ovieron de salir dela dicha çibdad.”

⁹⁸ For an overview of these events see John Edwards, “The ‘Massacre’ of Jewish Christians in Córdoba, 1473-1474,” in *The Massacre in History*, eds. Mark Levene and Penny Roberts (New York; Berghahan Books, 1999), 55–68.

because it was not “pacified and safe.”⁹⁹ This detail was crucial because, as Martínez Devides recounted, at some point in 1474 González had contacted him and demanded that he and his wife return to the house and resume the rent payments. However, since the couple was too frightened to do so, González found a new tenant to whom he rented the premises, also for life.¹⁰⁰ Martínez Devides, who considered this development “a great grievance and damage,” sought royal redress. Ready to return to Cordova, he requested that the Royal Council force González to respect his contract from 1466 and resume the tenancy of Martínez Devides and his wife.

Martínez Devides included an additional argument in his petition: González, he said, was “a powerful person and well connected in the said city.” For that reason, Martínez Devides would never be able to achieve justice in Cordova. This argument anticipated contestation with respect to the royal jurisdiction over the case, and was designed, in effect, to defend it. The letter of justice that Martínez Devides obtained drew on this reasoning when it asserted that, due to González’s influential status in Cordova, “the hearing of this case pertains to us.”¹⁰¹ Using the *expediente*, the letter ordered González to allow the return of Martínez Devides and his wife and the continuation of their contract. If González had any objections, he could raise them at the Royal Council within fifteen days from notification.¹⁰²

González did have objections. When Martínez Devides presented him the royal letter and demanded his compliance, he responded by claiming that the command enclosed in the letter was invalid. The notary who accompanied Martínez Devides in the presentation of the letter recorded

⁹⁹ AGS, CCA, PER 12-1, González Gonzalo, a document without number (original royal letter from February 9, 1478): “e dis que puede aver quatro anos que por vuestra parte fue requerido que fuese a poblar la dicha casa e ala tornar... como antes estava que por que la dicha çibdad de Cordova... non estava bien asentada nin paçifica nin segura a el non (osara?) yr ala dicha çibdad.”

¹⁰⁰ Ibid.

¹⁰¹ Ibid.: “Pero sy contra esto que dicho es alguna cosa quisyeredes desir o alegar en guarda de vuestro derecho por que lo asy non devades faser e cunplir por quanto dis que vos soys onbre poderoso muy enparentado enla dicha çibdad tanto e por tal manera que alla con vos non podia alcançar conplimiento de justiçia nin las justiçias de alla podian de vos faser, por lo qual a nos pertenieçen dello oyr...”

¹⁰² Ibid.

the main arguments provided by González to justify his refusal to comply: First, the royal command should not be fulfilled because the decree must be considered “sobretiçia y obretiçia,” meaning that it was obtained through a false account. Second, González cannot be obliged by the royal command because he was not within the range of five leagues from the royal court. Lastly, the royal command violated the legal privileges of the city of Cordova. As a citizen of Cordova, González was subject to its charter (*fuero*) and was entitled to have his case adjudicated there.¹⁰³ It is worth noting that González challenged the royal letter as if it were a lawsuit that the Royal Council had “called for.” In reality, however, the Royal Council did not respond to Martínez Devides’s petition as pertaining to a lawsuit (*pleito*), but rather used the *expediente*, for which the five leagues rule was, in any case, irrelevant. Indeed, González’s main point was that the dispute between him and his tenants did not pertain to the Royal Council and should be determined, instead, as an ordinary lawsuit by a local court in Cordova.

Following the notification of the royal letter, González decided to assert his right to be heard by the Royal Council. He must have been concerned that his arguments, recorded by the notary on the reverse side of the letter, might not persuade the Royal Council, and that, in his absence, the magistrates would pronounce a sentence against him. He therefore sent a procurator to Seville to argue on his behalf. This entailed a series of five petitions presented by the two parties in the beginning of April 1478. These petitions disclose that at the heart of the debate was the question of González’s social status in Cordova. The main line of argument that González’s procurator pursued was that even though González was indeed a juror, he was first of all “an

¹⁰³AGS, CCA, PER 12-1, González Gonzalo, a document without number (record of notification from March 6, 1478): “ E en quanto en el conplimiento della, que el non es tenido nin obligado a cosa alguna delo por ella contenido e requerido... como es la dicha carta sobretiçia e obrretiçia, e ganado contra toda verdad e por que segund derecho e leyes reales la tal çitaçion non se puedo nin puedo entender contra el allende delas çinco lenguas costituídos por las leyes reales que no mas, que dixo que el es vesino dela çibdad de Cordova dodne el deve ser demandado e ay (sujeto a?) su fuero e juridiçion...”

accountant and a merchant.” From this it followed, supposedly, that he had no power to obstruct justice in the city or to forcibly dispossess Martínez Devides. For this reason, the procurator told the magistrates, “there is no cause nor reason for which your court should take up the case outside of the said city of Cordova, where the two parties are citizens.” Accordingly, the royal letter of justice was “invalid and unjust,” and the Royal Council had to “remit the case and leave its determination to the justices of the said city of Cordova.”¹⁰⁴

As with the other cases discussed in this section, we do not know how the dispute between Martínez Devides and González ended. This example demonstrates, however, how local actors appropriated in practice ideas about justice, royal authority and the law. The arguments that the two parties employed in their petitions reveal shared assumptions about the monarchy’s rights and limitations when intervening in local jurisdictions. Both parties seem to have believed that the royal administration of justice was constrained by local privileges and arrangements. Whereas the treatment of certain offenses—banditry by the royal road, for instance—clearly fell under the purview of royal jurisdiction, there was a large range of conflicts that could be potentially framed as pertaining to justice, but in which the right of the Royal Council to intervene was more limited. At more or less the same time as Martínez Devides, dozens of other New Christians who lost property, goods, and public offices during the riots of 1473–1474 were also trying to achieve justice through petitioning. In most of these cases, however, the petitioners claimed that their adversaries were directly responsible for *fuercas* (aggressions). This was not the case with Martínez Devides and González. Could the Royal Council interfere in a dispute over the violation of a lease contract? To account for this kind of intervention, Martínez Devides

¹⁰⁴ AGS, CCA, PER 12-1, González Gonzalo, a document without number (Gonzalo González’s petition from April 3, 1478): “Por eso e por que non ay cabsa nin rason alguna por que esta cabsa se pudiese traer a vuestra corte nin ante vuestra altesa fuera dela dicha çibdad de Cordova, e por que las partes ambos son vesinos dela dicha çibdad, e digo que la dicha carta es ninguna e ynjusta, e que vuestra altesa deve dexar e remetyr al conosçimiento dela dicha cabsa alas justiçias dela dicha çibdad de Cordova.”

sought to establish his inability to achieve justice on the local level. This inability, at least as it was framed by his petition, did not have to do with his being a New Christian, but with the social status and connections that his adversary allegedly had in the city. As far as we know, Martínez Devides never tried to prosecute González at a local court. Thus, he had to stress the pointlessness of this route of action by suggesting that his former landlord was “a powerful person.” The dispute between Martínez Devides and González exemplifies a sort of systemic understanding of the role of the monarch as the supreme administrator of justice. In this view, the monarch’s duty was to guarantee the orderly administration of justice. Royal power cannot override local privileges and laws as long as the local institutions of justice function well. When such institutions fail to work, then there is a ground for royal interventions.

A Fight in the Jewish *Aljama* (1487)

The fourth and final example to be discussed in this chapter has to do with a conflict from the 1480s between members of the Jewish *aljama* of Toro. This conflict offers a good vantage point for observing not only the ways in which Castilian Jews sought to draw the Royal Council to intervene in their local disputes, but also, more broadly, the difficulties that petitioners could encounter when dealing with local officials generally and when trying to bring royal letters of justice to bear on local politics in particular. The petitioner in this case, Abraham Abenjamin, traveled in May 1487 from Toro to the nearby town of Tordesillas, where the *Consejo de Allende* was in residence. In his petition, Abenjamin protested an injury he suffered from the hands of another Jew from Toro, the physician Rabi Salamon Colodre. According to the royal letter that cited Abenjamin’s petition, “it was five or six years ago when the said Rabi Salamon,

notwithstanding any fear of God, our lord, and of our justice, slapped him on the face, while he was at the Jewish quarter doing or saying nothing for which he deserved evil or damage.”¹⁰⁵



Figure 7: The Region of Toro

As with many other petitioners who tried to achieve royal justice years after experiencing a grievance, it is difficult to tell what made Abenjamin take his case to the Royal Council at that particular moment.

Like other petitioners, Abenjamin underscored his failed attempts to achieve justice from the authorities of his town. According to him, he first placed a criminal denunciation against Colodre before a royal investigator who was staying in Toro at that time.¹⁰⁶ The investigator heard witnesses, but, according to Abenjamin, failed to provide him remedy of justice.

Abenjamin claimed that he had presented the investigator a formal *requerimiento*, demanding that he punish Colodre, but the investigator refused to do so. Abenjamin then tried to obtain a

¹⁰⁵ AGS, CCA, PER, 1-21, Aben Jamil, Abraham, a document without number (original royal letter from May 26, 1487): “puede aver çinco o seys anos poco mas o menos que el dicho rabi Salamon syn temor de Dios, nuestro señor e dela nuestra justiçia, non faziendo nin diziendo por que mal nin dapno deviese reçibir estando se salvo e seguro en la juderia dela dicha çibdad, diz que, el dicho rabi Salamon le dio una bofetada en la cara...” The perpetrator’s lack of fear was a common formula, as well as the lack of provocation on part of the victim.

¹⁰⁶ Ibid.: “diz que el ovo dado quexa del dicho rabi Salamon ante el liçençiado del Canpo, nuestro pesquisidor que a la sazón diz que hera en la dicha çibdad. El qual, diz que, fizo pesquisa sobre lo suso dicho. La qual, diz que, paso por ante Andres del Tavada, escriuano público e vezino dela dicha çibdad.”

copy of both the *requerimiento* and the set of depositions in order “to bring and present” these records to the Royal Council, “so that he could achieve *cumplimiento de justicia* more quickly.” This attempt, also met with failure: despite his many requests, the notary who recorded these proceedings refused to hand over to Abenjamin any of the copies.¹⁰⁷ Seeing himself aggrieved, Abenjamin turned to the Royal Council. He wished for his case to be “called for” by the Royal Council and, as was customary, to see his adversary imprisoned for the course of the legal process.

Abenjamin was not successful in having Colodre arrested. Although the Royal Council heard his petition and issued a decree in his favor, the magistrates decided not to “call for” the lawsuit. Instead, they commissioned the case to the *corregidor* of Toro, instructing him to retrieve the depositions mentioned by Abenjamin, review them, and determine the lawsuit in a summary procedure.¹⁰⁸ This line of resolution shows that royal responses to petitions did not have to override local jurisdictions. The Royal Council could also work from within such jurisdictions: namely, by directing instructions to territorial officers who already had jurisdiction over the case in hand. The royal letter granted to Abenjamin specifically ordered the *corregidor* to proceed in such a way that the Jew could achieve his justice and have no reason to return to complain before the Royal Council.

However, as attested by a handful of additional documents, Abenjamin was far from satisfied. A few months after obtaining the decree, he appeared again before the Constable and his Royal Council—this time in Burgos, almost 200 kilometers northeast of Toro— and

¹⁰⁷ Ibid.: “El qual, diz que, fue requerido por el asaz vezes que le quisyese dar la dicha pesquisa, e un requerimiento que fiso al dicho pesquisidor, en que le pidio que le fiziese conplimiento de justia, para lo traher e presentar ante nos, para que mas brevemente le fuese fecho conplimiento de justia çerca delo suso dicho. Lo qual, diz que, el dicho escriuano no quiso faser nin le dar las dichas escripturas, nin el dicho pesquisidor le fiso conplimiento de justia.”

¹⁰⁸ Ibid.

presented a second petition. The royal letter that Abenjamin received this time reiterated in more details the grievance he had suffered from Colodre five or six years earlier. The slap on his face, the letter informs us, was given “in the middle of the plaza of the Jewish quarter, in full daylight, and before all the Jews and all the quarter.”¹⁰⁹ This was, then, a matter of being publicly dishonored in front of the entire community. In his second petition, Abenjamin protested his inability to achieve justice through the royal decree that was issued in his favor on May. According to him, when he presented the document to the *corregidor* to whom the Royal Council had committed the case, the latter refused to help him because he was “very favorable” to Colodre, who served as his personal physician.¹¹⁰ Thus, despite the direct royal command, there was no investigation nor trial.

Worse still, Abenjamin told the Royal Council that at some point in August 1487, Colodre had publicly slapped him again, this time inside the synagogue. There, in front of the entire *aljama*, Colodre, his brother, and his nephew insulted Abenjamin with ugly words and tried to injure and kill him.¹¹¹ Abenjamin complained about this incident to the *corregidor*, but to no avail. In fact, when Abenjamin implied that he might take his complaint to the Royal Council, the *corregidor* threatened to have him imprisoned.¹¹² Moreover, according to Abenjamin, in September 1487 the Colodre brothers had successfully carried out another move against him. Illegally conjoining (*fiseron liga y monipodio*) with one of the judges of the *aljama*, they were able to have Abenjamin excommunicated. The judge forbade him from entering the synagogue, banning him from any “commerce and conversation.” In his petition, Abenjamin contended that

¹⁰⁹ AGS, RGS, October of 1487, fol. 108: “le ovo dado una bofetada en la cara en la mitad dela plaça dela juderia dela dicha çibdad ante todos los judios dela juderia e de dia claro...”

¹¹⁰ Ibid

¹¹¹ Ibid.

¹¹² Ibid.

if the situation were to continue, he would receive “a great wrong and harm.”¹¹³ The royal decree that was issued for him this time, on October 2, 1487, committed the case to a new judge, one of the *regidores* of Toro, who was instructed to summon the two parties and determine the lawsuit in a summary procedure.¹¹⁴

The next pieces of information that come to us from this case are found in a letter of justice granted to Colodre’s brother on December 5, 1487, following a petition of grievance he presented at the Royal Council, also in Burgos, in his name and as a procurator of his brother. It seems that the Colodre brothers were quite unhappy with the re-opening of Abenjamin’s lawsuit before a new judge. In their petition, they argued that Abenjamin obtained his letters of justice by concealing the truth from the Royal Council. The truth was, they claimed, that Abenjamin simply lost his initial lawsuit against Colodre and that a valid sentence against him had already been pronounced. Saying nothing about this sentence, Abenjamin, according to the Colodre, petitioned the Royal Council, claiming that he could not achieve *cumplimiento de justicia*. His intention was clearly to tire them through litigation (*fatygar en pleito*).¹¹⁵ Although these were powerful arguments, they did not suffice to persuade the magistrates of the Royal Council to retract the decree issued for Abenjamin two months earlier. What the Royal Council was willing to offer Colodre was a letter of justice addressed to the new judge, the *regidor*, with instructions to determine the case together with a second judge,¹¹⁶ a procedure used in some occasions in which litigants raised suspicions against the judge presiding over their case.

¹¹³ Ibid.: “el dicho raby Salamon Coldre e el dicho su hermano fisieron liga e monipodio con la dicha Haaron de Duenas contra el para le echar dela dicha juderia e de toda el aljama e juderia dela dicha çibdad fisyendo le poner pena e penas al dicho Haron de Duenas que el non entrase enla synoga nin oviese comerraçion nin conversaçion con ello. En lo qual dis que sy asy oviese a pasar que el reçeberia en ello grand agravio e dano.”

¹¹⁴ Ibid.

¹¹⁵ AGS, RGS, December of 1487, fol. 101.

¹¹⁶ Ibid.

The result of the legal procedure conducted by the *regidor* is unknown, but it was certainly not the final stage in the legal battle between Abenjamin and Colodre. A copy of a writ of execution found in the *Archivo de la Real Chancillería* in Valladolid shows that more or less at the same time that these proceedings were unfolding, Colodre initiated another lawsuit against Abenjamin. The physician sued Abenjamin in civil litigation before the *corregidor* of Toro, complaining about certain damages that Abenjamin had allegedly done to his vineyard. After the two parties had presented their witnesses, the *corregidor* ruled in favor of Colodre, ordering Abenjamin to pay 4,000 *maravedis* to Colodre as compensation for his damaged vines.¹¹⁷ Abenjamin appealed this sentence to the *Audiencia y Chancillería* in Valladolid, but failed to prove his cause. The royal *oidores* declined his appeal in April 1488.¹¹⁸

The conflict between Abenjamin and the Colodre brothers offers a number of important insights into the use of petitioning the Royal Council in late fifteenth-century Castile. For one thing, the case reminds us that Jews, like their Christian counterparts, were very active as petitioners and litigants. Abenjamin's story joins many other cases that demonstrate that until the very last moment before the expulsion of 1492 Jewish litigants made effort into having their cases heard before royal courts, and that they used royal avenues of justice not only in disputes with Christians or Muslims, but also as a way to intervene in disputes with fellow coreligionists. Like other Castilians, Jews petitioned the Royal Council not simply as an alternative to local institutions of justice, but as a potential way of disrupting the judicial processes of these institutions.

Like some of the other cases analyzed above, Abenjamin's story exemplifies the influence that local procedures of documentary production could have over the ability of

¹¹⁷ ARCHV, RE, Caja 12, 27.

¹¹⁸ Ibid.

petitioners and litigants to successfully generate judicial processes. That Abenjamin—or perhaps the notary or the advocate who assisted him in pursuing his cause—deemed it necessary to include in his first petition not only an account of his previous failures to achieve justice, but also an explanation of why there was no single document that he could present in order to support his claims, suggests that the magistrates expected to see such documents together with the petitions. Judging by the pre-petitioning activities of many Castilians, it seems that late fifteenth-century petitioners were well aware of such expectations. Finally, Abenjamin's story demonstrates the kind of backlash that petitioning the Royal Council could produce. Indeed, Abenjamin's troubles did not disappear when he presented the royal letter he obtained in May 1487. On the contrary, they worsened, with Abenjamin finding himself again publicly humiliated and then excommunicated. Even though the Colodre brothers also resorted to the Christian legal authorities, it seems likely that the cause for Abenjamin's excommunication was his attempt to have a fellow Jew imprisoned by royal judges, an endeavor that could have led to his being banned as an informer (*malshin*). Similar issues pertaining to the potential impact of royal letters of justice on local constellations of power—including retaliations against petitioners, a danger that was not limited, of course, to Jewish petitioners—will continue to emerge in many of the cases presented in the following chapters.

VII. Conclusions

This chapter has discussed the development of justice through petitions as an important political phenomenon in late medieval Castile. As we have seen, the idea that informed the development of petitionary practices was that the king's chief mission was to administer justice to his subjects. This concept of royal duty and authority had important discursive implications, as it allowed both for the legitimation of royal power and challenges to the monarch on the ground

of failing to do justice. Furthermore, due to presiding over the administration of justice, the king of Castile and his agents were able to claim supreme judicial authority when intervening in other jurisdictions. A chief argument in the defense of such interventions was that they were required for the correction of injustices..

In many respects, the idea that subjects had a right to complain to their kings and to have their grievances resolved defined the relationship between monarchs and subjects. This powerful fiction of reciprocity gained new meanings when masses of Castilians actually started to petition the royal institutions, obtain letters of justice, and sometimes succeed in having royal investigators and judges act in their favor. As we have seen, the public hearing of petitions emerged as an important royal ceremony at the beginning of the fourteenth century. It then underwent a process of expansion and standardization. Under the Trastámara dynasty, petitioning the king became a massive phenomenon, with the Royal Council being the main site for petitions of grievances to be heard. This process culminated towards the end of the fifteenth century, during the reign of Isabel and Fernando. The two Royal Councils that operated through most of this period attended to tens of thousands of petitions.

The four concluding examples demonstrate a range of royal responses to petitions. These include the “calling for” lawsuits, the commissioning of cases to investigators and judges, and resolution by decree. Based on these examples, I have suggested that fifteenth-century Castilians often attempted to supplement their petitions by presenting the Royal Council written evidence of some sort. In fact, a successful petitioning could depend on locally produced records. From a different perspective, the cases discussed in this chapter also illustrate how ideas about royal justice came to inform concrete utterances and behaviors of late medieval Castilians. Many petitioners appropriated the notion of absence of justice in order to argue for royal interventions

in local jurisdictions. A common motif found in countless of petitions has to do with the failure, or inability, of the subject to achieve *cumplimiento de justicia* through the institutions of his or her villages or town. Petitioners often crafted narrative accounts that supported this sort of argument. Although notaries and legal advocates may well have played a significant part in shaping such accounts, the reiteration of these fictions of justice through countless utterances have deeply shaped the Castilian political culture. In this sense, the petition of grievance constituted an important site for the enactment and circulation of core ideas about the monarch, the subject, and the law. We shall turn now to tackle the petitionary practices of the Castilian Royal Council from a different angle: the spatial and procedural aspects that underlay the production and dispatch of royal letters.

Chapter 3

The Royal Council: Spatial and Procedural Considerations

As Chapter 2 has shown, fifteenth-century Castilian petitioners appropriated and deployed notions of royal justice in order to generate royal interventions in their local conflicts. Such interventions were made by means of letters of justice obtained from the Royal Council. The current chapter explores the Castilian mechanism of petition-and-response from the perspective of procedure and documentary production at the Royal Council. What exactly happened when petitioners appeared at the Royal Council and sought the king's justice? What do we know about the bureaucratic process that turned complaints into royal decrees? The procedures of dispatching documents by the Royal Council have been discussed in a number of studies on royal administration in late medieval Castile. These works shed much light on the evolution of the Royal Council, the types of documents it issued, its personnel, internal division of labor, and the relations it had with other royal institutions. Less scholarly attention, however, has been given to the petitioners who came before the Royal Council and to the part that they played in the production and dissemination of royal decrees.¹ Petitioners were obviously crucial to these processes, as it was their petitions that initiated the majority of the documents issued by the Royal Council.

From a petitioner's perspective, appearing before the Royal Council was a route of action whose purpose was to obtain a royal letter of justice. As will be further discussed below, the first

¹ In this way, for example, Salustiano de Dios, whose *El Consejo Real* is still the most important study of the Royal Council, has very little to say about petitioners or their interactions with the royal officials in court.

step in this procedure was the composition of a written petition, a document that had to be processed by one of notaries of the Royal Council. In the next stage, the petition would be summarized and presented before the magistrates. It was for them to determine whether and how the monarch should respond to the petitioner's request. In the case of a successful petition, the magistrates would instruct one of the notaries at court to draw up a letter of justice, which would then be scrutinized, signed, copied and sealed. To accept the document, the petitioner would have to pay the fees of the different clerks involved in the process, which, at the end of the fifteenth century, was around 75 *maravedis* for relatively simple cases. This sum was equivalent to the wage of a simple worker for more or less four days of labor.²

In what follows, I marshal the extant evidence to illuminate key aspects of the procedures of dispatching letters in the Royal Council. If the historiographical tendency to overlook the role of petitioners in these procedures can be explained, in part, by the legacy of institutional history, there is also a real challenge of evidence. As we shall see, the sources that came down to us offer only little information on the interactions between petitioners and royal officials. Whereas some observations can be made, other questions remain open to speculation. In my discussion, I draw on a series royal ordinances that were published between 1385 and 1490.³ These portray the responsibilities of the different officials at the Royal Council, the ways in which decisions had to be made, and the procedures of reviewing, producing and distributing documents. The normative perspective of the ordinances can be complemented by the proceedings of the *Cortes*, where the procurators of the major cities of the Crown sometimes complained about the conduct of the Royal Council, as well as by a handful of narrative accounts found in chronicles. Finally, the

² Based on the figures cited by Agnus Mackay, *Money, Prices and Politics in Fifteenth-Century Castile* (London: Royal Historical Society, 1981), 146.

³ These ordinances were published by Salustiano de Dios in "Ordenanzas del Consejo Real de Castilla (1385-1490)," *Historia. Instituciones. Documentos* 7 (1980) [hereafter: *Ordenanzas del Consejo*]: 269–320.

records themselves—that is, the petitions, royal letters, and copies of royal letters preserved in various archival collections—can also be used to illuminate certain aspects of the documentary practices of the Royal Council.

The dispatch of royal decrees was a process in which Castilian notions of justice and royal authority materialized on paper. But this process also had a transformative effect with respect to the papers themselves. Through a series of oral and textual interactions between petitioners and officials within a carefully regulated space—the seat of the Royal Council—simple pieces of paper became royal artifacts invested with legal standing and charismatic power. It was the qualities instilled in the papers through this bureaucratic procedure that encouraged Castilians to obtain them.

I. The Spatial Organization of the Royal Council

From different sources, we learn that in order to present a petition of grievance, petitioners or their procurators had to appear physically at the seat of the Royal Council. The royal ordinances of 1390, which were the first to detail the procedures of handling petitions within this institution, required that the operations of the Royal Council remain centralized. According to these ordinances, the Royal Council had to work from one designated location established in proximity to the monarch.⁴ The ordinances of 1406 added that, if possible, the Royal Council should be allocated with a chamber in the same house where the monarch resided.

⁴ Ibid., 277 (ordinances of 1390): “Ordenamos que esta cámara de el Consejo ovier de estar sea siempre en la posada do nos posaremos, e si non estuviéramos en el lugar do el Consejo estudier que sea apartada en la posada que fuese para nos uno Camara do tengan el Consejo, e si non ovier posada sennalada para nos que sea apartada otra posada para ello, por que todos los del Consejo sepan a donde deven venir.”

Otherwise, the seat of the Royal Council should be set as close as possible to the person of the monarch.⁵ Later ordinances reiterated this rule.⁶

The issue of proximity to the monarch was also raised in the Castilian *Cortes*. For example, in the *Cortes* of Ocaña in 1469 the procurators of the cities asked Enrique IV to reform his Royal Council which, they claimed, had become “disordered.” Among other things, the procurators protested the situation in which certain magistrates dispatched royal decrees while being away from the royal court.⁷ This, they argued, led to general distrust and to disobedience to royal decrees. The procurators requested that the king appoint new magistrates to serve in full residency at his court. They demanded that the Royal Council operate from no other site but the king’s court or palace or “the church closest to the place where the royal person is present, as established by the laws of the realms.”⁸ This insistence on proximity between the king and his Council arose from a belief that the authority of the Council derived directly from the royal person. Even if the monarch was absent from most of the sessions where petitions came to be determined, his nearby presence at court, as well as the regular updates he received about the operation of his Council, were taken as crucial for the orderly function of this institution.⁹

But the Royal Council did not simply function as an extension of the royal person. While the dispatch of decrees by the Royal Council was accomplished on behalf of the king, the practice also drew legitimacy from the legal expertise of the *letrados* that served as magistrates,

⁵ Ibid., 282 (ordinances of 1406): “Otro si ordeno que esta cámara do el Consejo hobiere de estar que sea siempre en la posada do yo posare, é si no hobiere logar en la dicha posada que los aposentadores den siempre una posada que sea buena para donde tengan el dicho consejo, lo más cerca que se fallare de la posada donde yo posaré...”

⁶ Ibid., 293 (ordinances of 1442), 296 (ordinances of 1459), 306 (ordinances of 1480).

⁷ *Cortes de los antiguos reinos de León y de Castilla* [hereafter: *Cortes*], vol.3 (Madrid: Real Academia de la Historia, 1866), 770–71, petition 2.

⁸ Ibid., 771: “non dé lugar nin liçençia para que se haga consejo en otra parte saluo en vuestra corte o en vuestro palaçio o en la yglesia mas çercana de donde vuestra rreal persona posare segund lo disponen las leyes de vuestros rreynos...”

⁹ As discussed in Chapter 1, in the final decade of the fifteenth century Isabel and Fernando established a second Royal Council that operated outside of the royal court. Led by the Constable Pedro Fernández de Velasco, this Royal Council alternated between several sites in Castile, notably Valladolid and Burgos.

as well as from the principle that good rulers must take counsel from the prelates and magnates of their kingdom. Furthermore, the idea that the kings of Castile might issue letters of justice on their own, without having these documents first confirmed by the members of the Royal Council, encountered much opposition over the course of the fifteenth century. In the *Cortes* of Burgos of 1453, the procurators complained about letters of justice that, although being signed by Juan II, were neither signed nor confirmed by his magistrates. Such letters did “great disservice” to the king and caused “a great harm to the republic of the kingdoms and to the king’s subjects.”¹⁰ Similar complaints were made during the reign of Enrique IV. In the *Cortes* of Toledo in 1462, the procurators insisted that no letter be accorded the great seal of the Crown before being scrutinized and approved by at least three magistrates of the Royal Council.¹¹ In the *Cortes* of Ocaña in 1469, the procurators protested yet again the grievances caused by letters of justice that the king had “sometimes issued” without consulting his Council. They asked the king to refrain from issuing such letters and to leave this task to his magistrates. If the king still wished to dispatch decrees, they had to be first approved and signed by the magistrates.¹²

The composition of the Royal Council was a mixture of prelates, knights and *letrados*, who were usually doctors of law. The ordinances of 1442 determined that the number of the magistrates residing at the king’s court should be twelve, of whom there should be two prelates, six knights and four doctors.¹³ Those twelve magistrates were also known as the *diputados*—

¹⁰ *Cortes*, vol.3, 669, petition 24: “...non seyendo las dichas cartas e provisiones vistas nin acordadas en vuestro Consejo, nin referendas en las espaldas delos de vuestro Consejo segund que se rrequiere, lo qual es en gran deservicio vuestro e en danno dela republica de vuestros regnos e de vuestros subditos e naturales.”

¹¹ *Ibid.*, 745–747, petition 57.

¹² *Ibid.*, 798–799, petition 16: “Suplicamos que de aqui adelante no libre ni dé carta de justiciã ni alvala ni çedula de justiciã tocante a derecho de partes e quello dexe e rremite a los de vuestro Consejo de justiciã para aquellos las libren, e si vuestra alteza las oviere de librar que no las libre fasta que sean acordadas e firmadas en las espaldas, delos del vuestro Consejo, e mande que las cartas que de otra guisa fueren despachadas que non valgan...”

¹³ *Ordenanzas del Consejo*, 292 (ordinances of 1442). On the composition of the magistrates who served in the Royal Council see De Dios, *El consejo*, 254–55. See also, Gustavo A. Villapalos Salas and José María Castán Vázquez, *Justicia y monarquía: puntos de vista sobre su evolución en el reinado de los Reyes Católicos: discurso*

those delegated with the power to govern on behalf of the king. Since the Castilian monarchy frequently conferred the title “magistrate” (*consejero*) as a token of honor to noblemen and followers, there were, in fact, many aristocrats who could boast of being “of the King’s Council.” Yet, affiliation with the Royal Council did not confer the right to determine cases and sign royal decrees. Although the magistrates by title enjoyed certain privileges—when it came to accessing the Royal Council, for instance, —the royal ordinances clearly stated that the dispatch of letters of justice must be reserved to the twelve magistrates *diputados*.¹⁴

Not all the magistrates *diputados*, however, had to be present in any given session of the Royal Council. The ordinances of 1406 established that issuing a royal letter of justice required the signatures of a minimum of one prelate, two knights and two doctors.¹⁵ The ordinances of 1459 rendered this rule more flexible, determining that one prelate and three *letrados*, or alternatively a session of four *letrados*, would suffice.¹⁶ Moreover, the ordinances of 1459 increased the number of *letrados* in the Royal Council, setting the configuration of this institution to two prelates, two knights and eight doctors.¹⁷ A similar proportion between the different groups persisted during the reign of the Catholic Monarchs, whose ordinances from 1480 referred to one prelate, three knights and nine *letrados*.¹⁸ The gradual increase of *letrados* in the Royal Council in the course of the fifteenth century suggests an increasing degree of professionalization, and perhaps a growth in the influx of petitions. More petitions brought to the Royal Council may well have required an extended number of legal professionals.¹⁹

leído el día 16 de junio de 1997 en su recepción pública como académico de número, por Gustavo Villapalos Salas, y contestación de José María Castán Vazquez (Madrid: Marcial Pons, 1997), 130–31.

¹⁴ *Ordenanzas del Consejo*, 304 (ordinances of 1465), 312 (ordinances of 1480).

¹⁵ *Ibid.*, 282 (ordinances of 1406).

¹⁶ *Ibid.*, 298 (ordinances of 1459). For this issue see De Dios, *El consejo*, 433.

¹⁷ *Ordenanzas del Consejo*, 296 (ordinances of 1459).

¹⁸ *Ibid.*, 306 (ordinances of 1480).

¹⁹ de Dios sees the growth of *letrados* in the Royal Council as indicative of an increasing royal power over this institution. According to him, the influence of the Castilian nobility over the Royal Council was greater at the

In spatial terms, the Royal Council was organized around a chamber of justice. It was in this room that the magistrates convened every morning to hear petitions and preside over the dispatch of royal decrees. The royal ordinances required that access to the chamber of justice be controlled and restricted. Two royal officers—*ballesteros de maza*—were to man the door and summon parties whose cases the magistrates wished to hear.²⁰ The ordinances also set a penalty for petitioners bursting into the chamber of justice without an invitation: the handling of their petitions was to be postponed until the next day.²¹ Behind this regulation must have been petitioners seeking to speed their cases by coming into direct contact with the magistrates. The general thrust of the royal ordinances, in this regard, was to guarantee a chamber of justice as a discrete, reserved space where decisions could be made without pressure or interference from the outside. This also affected the officials of the Royal Council itself. While the notaries who worked at the Royal Council frequented the chamber of justice, carrying documents in and out, when the magistrates were in session the number of notaries present in the room had to be kept to the minimum. The ordinances of 1390 determined that when secret or sensitive matters were discussed by the magistrates there should be only one notary in the room. By contrast, when regular petitions were handled, a maximum of three notaries was allowed.²² According to the ordinances of 1432, when one notary presented petitions or read letters of justice before the

beginning of the fifteenth century. I believe that this thesis might be too simplistic, as it assumes that the nobles among the magistrates represented the interests of the nobility. But the interests of “the nobility” were never monolithic nor did they necessarily run in contrast to those of the monarchy. Furthermore, it is also not clear that the knights who served as magistrates were indeed loyal to “the nobility.” As for the *letrados*, they, too, operated in a tangle of changing interests and alliances and their loyalty to the monarch was not always warranted. A good example can be found in the revolt against Enrique IV in the 1460s, in which several of the *letrados* in the royal court became supporters of the king’s foes.

²⁰ *Ordenanzas del Consejo*, 278 (ordinances of 1390), 283 (ordinances of 1406), 293 (ordinances of 1442), 297 (ordinances of 1459).

²¹ *Ibid.*, 278 (ordinances of 1390), 283 (ordinances of 1406), 293 (ordinances of 1442), 297 (ordinances of 1459), 308 (ordinances of 1480),

²² *Ibid.*, 277–278, See also *Ibid.*, 293 (ordinances of 1442).

magistrates, no other notary should be present in the room.²³ The ordinances of 1459 added that no notary should witness the magistrates when they debated cases or cast votes.²⁴

The presence of magistrates by title in the chamber of justice was another issue addressed by the royal ordinances. Knights and *letrados* who were “of the King’s Council” received priority over other parties in the sense that they could enter the chamber of justice to argue in person before the *diputados*. However, the royal ordinances made it clear that those magistrates by title had no right to further intervene in the procedures. According to the ordinances of 1480, “if knights and *letrados* who have the title of the Council wish to enter to our Council to dispatch their affairs, after saying their things they shall leave [the room], and shall not hear other affairs or issue our letters.”²⁵ An exception to this rule was to be made when the magistrates by title were archbishops, bishops, dukes, counts, marquises or grand masters of the military orders. In these cases, the non-*diputados* magistrates were to be allowed to stay in the chamber of justice and listen to the discussions as long as they pleased. But still, determining cases and issuing letters of justice could be done “only by those who were delegated and by no one else.”²⁶

What we begin to see is that the decision-making process in the Royal Council usually relied on texts and mediation—that is, on written petitions presented to the magistrates rather than on oral presentations of petitioners. Indeed, the dispatch of royal decrees did not require the magistrates to interview petitioners in person. Judging by the royal ordinances it seems that

²³ Ibid., 287 (ordinances of 1432): “...que cada escrivano saque la relacion de sus peticiones, e que cerca de los dichos escrivanos se tenga en Consejo esta orden: que este en tanto que se ficiere la relacion de las peticiones, e acordads las provisiones de aquellas peticiones que el tal escrivano tovriere que aquel salga fuera del Consejo e dexen los del Consejo para que vean las peticiones que quier de los otros escrivanos tovieren, en los cuales se guarde esta mesma orden, de guisa que quando se ficiere la relacion de las peticiones del un escrivano e se leyeren sus cartas non este otro escrivano alguno.”

²⁴ Ibid., 297 (ordinances of 1459).

²⁵ Ibid., 312 (ordinances of 1480): “e sy algunos otros caualleros o letrados que tengan titulo de Consejo quisieren entrar al nuestro Consejo a despachar sus negocios, que luego que ouiere fablado aquel aquello por que entraren, se salgan e non oyan otros negocios nin libren nuestras cartas.”

²⁶ Ibid.: “pero sy fueren arcobispos o obispos o duques o condes o marqueses o maestros de Ordenes, por que estos son de nustro Consejo por razon del titulo, queremos que puedan estar en el nuestro Consejo quanto ellos quisieren; libren solamente los que fueren diputados e no otros algunos...”

petitioners were normally expected to remain outside the chamber of justice, where they waited for their petitions to be discussed and, if successful, for royal letters of justice to be drawn up and handed out.²⁷ The reliance on written documents in a process that separated magistrates from petitioners and petitioners from their written petitions made the sessions of the Royal Council different from the traditional royal hearing (*audiencia publicas*), in which rulers and petitioners came into direct contact. It is important to note, in this context, that the Royal Council did not replace the public hearing, which the kings of Castile were still very much expected to conduct throughout the fifteenth century.²⁸ In the royal ordinances of 1440, Juan II stated his intention to conduct a public hearing within the chamber of justice every week on Friday. The public hearing displayed the king's control over the Royal Council and his direct involvement in the administration of justice, but it also offered an opportunity for petitioners to bypass the mediation of written petitions. In contrast to the regular sessions where the magistrates presided, in the king's presence "the doors shall be open for those who wish to enter, so that each one of them would have the opportunity to complain and to be heard."²⁹

While the work of the magistrates took place within the chamber of justice, the space outside that room was the domain of the notaries *de cámara*. In many respects, these clerks constituted the interface of the Royal Council, serving as mediators between magistrates and petitioners. Upon their arrival at the seat of the Royal Council, petitioners had to approach one of the notaries, whose workshops must have been placed in proximity to the chamber of justice. It was the notaries who handled the petitioners' documents, and it was they who were responsible for drafting letters of justice and distributing them to petitioners.

²⁷ As mentioned above, this did not apply to magistrates by title, to whom the right to enter the chamber of justice and speak one's mind was reserved.

²⁸ On the representations of the public hearings see François Foronda, "Las audiencias."

²⁹ *Ordenanzas del Consejo*, 289 (ordinances of 1440): "...yo me entendio asentar los viernes en audiencia publica, e que esten las puertas abiertas a quantos quisieren entrar por que cada uno aya facultat de se querellar, e ser oydo..."

The royal ordinances set the number of notaries at the Royal Council at six.³⁰ Like the magistrates, they were appointed by the king and had to reside at the royal court.³¹ Serving as a notary at the Royal Council was a prestigious position that could function as a springboard for social and political advancement.³² García Fernández de Alcalá, for example, appears in the records as one of the six notaries of the Royal Council in 1443. By 1465, he had already served in a number of senior positions in the royal administration, including as an accountant of the royal rents in Andalusia, a procurator of the town Cuenca, a secretary of Enrique IV, and a chief coordinator of the tribunal of the *Casa y Corte*.³³ The royal chronicler Fernando del Pulgar is another example of an administrator whose political career began as notary at the Royal Council.³⁴

In the fifteenth century, the notaries of the Royal Council earned a basic salary of roughly 9,000 *maravedis* per year, excluding fixed fees they collected on a regular basis for handling documents, as well as the rewards they sometimes gained for their services.³⁵ The influence and prestige of these clerks, however, came from the role they played in the process of dispatch. By virtue of their office, the notaries of the Royal Council were exposed to sensitive materials from all the territories of the Crown. They often interacted with members of the Castilian aristocracy, and might sometimes have found themselves in a position to shape political decisions. That the

³⁰ On the notaries of the Royal Council see Martín Postigo, *La Cancillería Castellana*, 236–37; De Dios, *El consejo*, 313–27; Francisco de Paula Cañas Gálvez, *Burocracia y cancillería en la corte de Juan II de Castilla (1406–1454): Estudio institucional y prosopográfico* (Salamanca: Ediciones Universidad Salamanca, 2012), 83–109.

³¹ The ordinances of 1432 created a rotation based on three groups of six *escribanos de cámara* who had to serve for four consecutive months in the Royal Council. See *Ordenanzas del Consejo*, 287 (ordinances of 1432). No mention of this rotation, however, is made in the later ordinances and it seems to have been revoked. As María de la Soterraña Martín Postigo, *La cancillería Castellana de los Reyes Católicos* (Valladolid: Universidad de Valladolid, 1959), 236 notes, in was in the *Cortes* of Madrigal in 1476 that the Isabel and Fernando stipulated that only the six permanent *escribanos de cámara* who reside in the Royal Council would be allowed to enter into the Royal Council, that is, to handle the affairs of this institution. It is likely that the notaries working at the Royal Council had apprentices who worked under their supervision and assisted them in processing the paperwork.

³² Cañas Gálvez, *Burocracia*, 144–45.

³³ *Ibid.*

³⁴ Pulgar is mentioned as one of the six notaries in *Ordenanzas del Consejo*, 296 (ordinances of 1459).

³⁵ De Dios, *El consejo*, 322–23; Cañas Gálvez, *Burocracia*, 98–101.

royal ordinances explicitly forbade the notaries of the Royal Council to advocate for parties or to serve as their procurators before the magistrates suggests that this was indeed a concern.³⁶

II. The Production of Petitions

While it is clear that the notaries of the Royal Council were in charge of drawing up royal letters of justice and distributing them to petitioners, much less is known about the interactions between notaries and petitioners in the earlier stages of the petitioning process. Who penned the petitions that were presented to the magistrates? Did the notaries of the Royal Council only gather and review petitions and other documents, or did they take a more active role in producing these records? There is a certain ambiguity in the sources with respect to these questions. To be sure, the petitions that have come down to us are formulaic documents, whose format follows a strict pattern.³⁷ There can be no doubt that they were drawn up by trained clerks. But were these clerks the notaries of the Royal Council? The records of various Castilian municipalities show that petitions presented before local authorities were not very different in style and form from those presented before the Royal Council. Writing a proper petition was a skill that any Castilian notary must have possessed. Furthermore, we know that petitioners at the Royal Council often supported their petitions by additional documents—witness deposition records or letters of attorney, for instance—and that these records were produced locally, by the notaries of their villages or towns. Did petitioners have these local notaries draft their petitions before embarking on the journey to the Royal Council? In some cases, they certainly did. For example, a petition

³⁶ *Ordenanzas del Consejo*, 287 (ordinances of 1432): “Que los escrivanos de camara non sean procuradores nin solicitadores de negocios algunos en el Consejo, nin los del Consejo gelo consientan.” See also *Ibid.*, 303 (ordinances of 1459), 312 (ordinances of 1480).

³⁷ Petitions of grievance always proceeded from a formulaic recognition of the monarch’s power and the petitioner’s humility. The petitioner’s account of the injustice he or she suffered came next. This account was followed by the petitioner’s request from the monarch as the provider of justice. Almost never did Castilian petitions exceed two folios.

dating from 1479 signed by dozens of citizens of Ciudad Real must have been drawn up in that town and only then conveyed to the royal court.³⁸

The idea that people arrived at the Royal Council with petitions that had been prepared for them in advance gains further support from the royal ordinances of 1390 and of 1406, which refer to “the petitions that come from the whole realm.”³⁹ Since the word “petitions” (*peticiones*) usually designates, in Castilian sources, written petitions, these ordinances seem to suggest that when petitioners arrived at the royal court they had petitions with them. This was also the interpretation of Salustiano de Dios, who remarks in passing that the expedited procedures in the Royal Council began when petitioners presented petitions to the notaries of the Royal Council.⁴⁰

Yet, there are some reasons to believe that the notaries of the Royal Council were also engaged in drafting petitions. To obtain a royal letter of justice did not always bring a dispute to its conclusion, and, in practice, many disputants had to petition the Royal Council a second and even third time. Multiple petitioning occurred, for instance, when disputants wanted to declare the *rebeldía* of opponents who had failed to present themselves at court, or when they wanted to counter the claims of those opponents, if—after being presented with a letter of summoning—they did appear before the Royal Council. In cases where multiple petitions were presented in short intervals of time, it is clear that the notary who drew up these documents was working in proximity to the chamber of justice.

This can be illustrated by a concrete example. In the course of one week in June 1486, Pedro Bayle and Juan Martin, two citizens of the village San Martin de Trevejo, presented three

³⁸ AGS, CCA, PUE 6–1, Ciudad Real, no. 64.

³⁹ *Ordenanzas del Consejo*, 278 (ordinances of 1390): “...las petiziones que vinieren de todo el regno”; *Ibid.*, 283 (ordinances of 1406).

⁴⁰ De Dios, *El Consejo*, 432: “Presentada la petición o el memorial ante los escribanos—de cuyo acto algunas veces daban fe o testimonio fechado en la petición y siempre en los procesos—éstos estaban obligados a entregarlas al relator...”

different petitions to the Royal Council in Valladolid. In the first, dated June 10, the two petitioners asked the magistrates to declare the *rebeldía* of their rivals from San Martín de Trevejo, who had failed to comply with a previous summoning to the Royal Council. The *rebeldía* was declared by a crier at the public square of Valladolid on June 11, 12 and 13.⁴¹ On June 14 and 17, Bayle and Martín appeared once more before the Royal Council and presented two additional petitions. They now insisted that since the *rebeldía* has been declared, the Royal Council must determine their case *ex parte*.⁴² The three petitions that Bayle and Martín presented between June 10 and June 17 must have been produced in Valladolid. While this could have been accomplished by one of Valladolid's public notaries, it is also possible that the three petitions were penned by one of the notaries of the Royal Council. Although it is usually impossible to tell the identity of the notary behind a petition, given the fact that many petitioners found themselves in a similar situation to that of Bayle and Martín, it would not be surprising to discover that many of the petitions that have come down to us were, in fact, drawn up by the notaries of the Royal Council.

The question of where and by whom a given petition was penned is significant because of the power relations embedded in this procedure.⁴³ Certainly, it would be misleading to assume that the authorship of petitions belonged to the petitioners alone, while the notaries functioned merely as writing hands. In the encounter between petitioners and notaries, claims turned into written records. Whereas the evidence concerning such encounters is scant, it is safe to assume that the expertise exercised by the notary went beyond his capacity to write and deploy judicial

⁴¹ AGS, CCA, PUE 17-1, San Martín de Trevejo, a document without number (a petition from June 10, 1486; inscriptions on the bottom and on the reverse side of the document).

⁴² *Ibid.*, no.76 (a petition from June 14, 1486); *Ibid.*, a document without number (a petition from June 17, 1486).

⁴³ For the interactions between people and notaries in Spanish America, and especially of the power relations that underlay many of these interactions, see Kathryn Burns, *Into the Archive: Writing and Power in Colonial Peru* (Durham: Duke University Press, 2010).

formulas. On many occasions, drafting petitions probably also involved a certain degree of cultural mediation, as it required the notary to reformulate certain claims and events in terms of the legal order of the realm. The notary was expected to master the grammar of justice—that is, the rhetorical schemes that would allow a petition of grievance to achieve full efficacy. Moreover, since most petitioners could not read the petitions they submitted to the Royal Council, they had to trust the notary not to misrepresent their stories and intentions, indeed to put his cultural skills in the service of their interests, rather than against them.

It is in relation to this dynamic of trust and mediation that the identity of the notary could matter greatly. For better or worse, in small villages and towns the notaries might have known the petitioners, their kin, and their adversaries personally. Furthermore, being at the center of the local arena, notaries could even be involved in the same conflict that had driven a petitioner to seek justice. As attested by many complaints dating from the fifteenth century, securing the collaboration of local notaries was not always an easy task. Petitioners belonging to a different urban faction or having a conflict with the powerful members of their communities could face tremendous challenges when trying to produce or retrieve judicial papers. The notaries of the Royal Council, by contrast, were supposed to be detached from these local grids of power and influence. Yet, for them, the petitioners were usually complete strangers.

If the notaries of the Royal Council were indeed active in drawing up petitions for parties, then their services must have been appealing for those petitioners who may not have been able to trust the notaries in their own localities, or—for whatever reason—could not have access to their services. It is also possible that having a petition drawn up by a specialist of the royal court was seen as offering a better chance to gain a favorable judgement from the magistrates. Here, however, arises another set of questions, which has to do with the agenda that the notaries of the

Royal Council may or may not have had as officers of the court. To what extent did petitions produced by the notaries of the Royal Council differ from those drawn up by local notaries? Could the notaries of the Royal Council give counsel to petitioners, and when did such counsel develop into real advocacy, which, as we have seen, was officially prohibited by royal ordinances? Conversely, one wonders whether the notaries of the Royal Council were obliged to accept all the petitioners who dropped by their workshops, or whether they were involved in a process of selection, in which unwarranted petitions could be turned down. In the absence of sufficient evidence concerning the interactions between notaries and petitioners, the answers to these and to other similar questions remain hypothetical. My point here is to suggest that the production of petitions cannot be taken as transparent or divorced from power, and that behind the petitions that have come down to us lay a space of mediation and negotiation, which we normally cannot penetrate. Questions such as the familiarity or hostility between notaries and petitioners, as well as the notary's position in relation to particular dynamics of power, must have affected the decisions made by petitioners, and might have shaped the extant records in ways that are difficult to detect.

When crafting a petition of grievance, the petitioner and the notary engaged in a process of story-telling. Even though petitions to the Royal Council, due to their concise character, offered only limited space for narration, the accounts of injustice they consisted of were still stories that had to be carefully shaped and controlled, ones whose particularities could bear significant consequences. By and large, petitioners sought to obtain royal decrees as a way to generate interventions into local conflicts. But these conflicts were often far more complex than the circumstances that petitioners were willing to share in their petitions. The question of how to frame a specific incident, how to contextualize a story of it in relation to a broader social setting,

was therefore key, and there were, undoubtedly, many cases in which it was in the petitioner's best interest to decontextualize—that is, to hide or downplay certain aspects of a conflict of which she or he were part by presenting the events as isolated instances of aggression and injustice.

If the framing of information within petitions could affect the response of the magistrates, there was yet another level on which such stories mattered, and that had to do with the textual correlation between petitions and the letters of justice that, in successful cases, were based on them. As a rule, letters of justice reiterated the petitioner's main claims in his or her petition, either in full or in an abbreviated version. This means that the story contained in the petition constituted the basis for the letter of justice. Now, as I demonstrate in Chapter 5, the presentations of royal letters of justice in Castilian localities often had a substantial performative function. Such presentations tended to be constructed as public performances of claims-making, in which petitioners could assert their rights and honor before the community. Thus, for many petitioners the intended audience of their petition went beyond the immediate audience—that is, the magistrates—to include the people of their villages and towns. When local notaries or criers read aloud letters of justice in the entrance to the church or at the town's square, the petitioners who had obtained these letters gained publicity, as their stories were pronounced and reiterated. The petition, in this sense, offered an opportunity to construct a story that would potentially gain public resonance. If letters of justice reiterated notions of sovereignty, they also reproduced the stories of petitioners in their own words. However concise, the accounts of injustice found in Castilian petitions may well have been constructed with this potential impact in mind.

III. Summaries of Petitions

As mentioned above, the Royal Council made its decisions based on written summaries of petitions. Once a petition had passed under the hands of one of the six notaries of the Royal Council, a summarized report of the document (*relación*) had to be made. This method, in which written petitions were subject to a second level of mediation, was probably imported to the royal administration in Castile from the papal curia. In the papal chancery of the fourteenth century, the refrendary (*refrendarius*), the clerk who was in charge on reviewing and summarizing petitions, had to bring these summaries to the pope, so he could decide on the appropriate response.⁴⁴ In Castile, royal ordinances dating from the end of the fourteenth and the beginning of the fifteenth centuries assigned the task of summarizing petitions to an officer of the same name: the *refrendario*.

As Torres Sanz has noted, Castilian refrendaries were recruited from the royal secretaries.⁴⁵ Although we do not know how many of them were employed at the Royal Council, the royal ordinances of 1390 use the plural form, which suggests that there were more than one. On the other hand, the ordinances of 1406 mention only a *refrendario*. In any event, it is clear that the refrendaries were distinguished from the notaries of the Royal Council. It seems likely that they were considered more senior and held in higher regard. In fact, if the magistrates at the chamber of justice formed the internal circle of the Royal Council and the notaries who interacted with the petitioners outside that room formed an external circle, then the refrendaries were those who connected and coordinated between these two circles.

The royal ordinances of 1390 describe the responsibilities of the refrendaries as follows: “they must take all the petitions that come from all the kingdoms of the Crown; and when they

⁴⁴ On petitionary practices in the papal curia see the references mentioned in Chapter 1 of this dissertation, note 23.

⁴⁵ Torres Sanz, *La administración central*, 123.

take a petition, they, together with the notary of the corresponding province, extract its summary, place it in a memoir, and make a *relación* before the Council, specifying the substantial reasons and motivations behind the petition.”⁴⁶ The refrendary, then, was responsible for producing a document called a memoir (*memorial*), in which he placed the summarized reports of the petitions that passed through the notaries. As the royal ordinances state, the summary of a petition had to be made in collaboration with the notary.⁴⁷ However, it is not clear whether the notary also had to accompany the refrendary when he entered the chamber of justice to report to the magistrates. The ordinances did emphasize that the notary had to keep the full petition in hand, “so that if some doubt might be raised by the *relación*, the petition could be read in the Council.”⁴⁸ It should be noted, in this regard, that Castilian sources used the term *relación* to designate both the textual summary of the petition and the delivery of this summary, which seems to have been conducted through an oral presentation.

As a bureaucratic technique, the conversion of petitions into summarized reports at the Castilian Royal Council followed the same method for at least a century. The royal ordinances of 1480 depict this procedure in almost identical terms to those found in the ordinances of 1390.⁴⁹ The intention that lay behind the *relación* was, presumably, to allow for a larger cluster of petitions to be managed in a shorter period of time. Later in the fifteenth century, this idea was

⁴⁶ *Ordenanzas del Consejo*, 278–279 (ordinances of 1390): “E fecho del oficio de los refendarios deve ser este, que tomen todas las petiziones que vinieron de todo el regno, e como tomaren la petizion saque la suma della con el escrivano de cuia provincia fuere, e pongala en su memorial, e faga relacion della en el Consejo, e diga las razones e motibos substanciales de la petizion...” The ordinances of 1406 reiterate the same procedures. See *Ibid.*, 283 (ordinances of 1406).

⁴⁷ The royal ordinances of 1432 suggest that the notary had to make the summarized account by himself: “and each notary has to extract the account of his petitions.” See *Ibid.*, 287 (ordinances of 1432): “E que cada escrivano saque la relacion de sus peticiones...” The rest of the text makes it clear that the presentation of the summarized accounts in room of justice had to be made by the notaries. Yet this is the only ordinance that make such suggestions. If that was a novelty introduced around 1430, it seems to have been revoked in later years. As will be discussed below, the responsibility of making *relaciones* became associated with the officers known as *relatores*.

⁴⁸ *Ibid.*, 279 (ordinances of 1390): “e tenga la petizion presta el escrivano por si alguna dubda ovier en la relacion se pueda leer la dicha petizion en el Consejo.”

⁴⁹ *Ibid.*, 309 (ordinances of 1480): “...e que digan en la relacion las causas e motivos sustanciales dela peticion e tengan la peticion presta por que si alguna dubda ovriere en la relacion se puede leer la peticion en el Consejo.”

articulated by the royal chronicler, Fernando del Pulgar. According to Pulgar, in 1477, when queen Isabel I agreed to conduct a public audience in Seville, she “ordered that all her secretaries come before her, and—taking the petitions of the aggrieved—make there, in public, a *relación* [of the petitions].”⁵⁰ We have seen that Pulgar depicted the public audiences of Isabel as an enormous success, an expression of good rulership that entailed the recuperation of justice in a city swallowed by discord and disarray.⁵¹ Pulgar’s account underscores the extraordinary nature of the *audiencia* presided over by the queen: it was due to the disorderly situation in Seville that she decided to concentrate royal efforts in the field of justice, summoning *all* the secretaries of her court to help her manage the flow of petitions. Indeed, many secretaries could make multiple *relaciones* in the same time. According to the chronicler, these *relaciones* had to be made “in public,” which seems to suggest that they were pronounced before the queen, perhaps in the presence of the petitioners as well.

Pulgar also referred to the technique of making *relaciones* in a different part of his chronicle, where he described the division of labor in the Royal Council during the *Cortes* of Toledo in 1480. This account, too, presents the *relación* as a solution to an overload of petitions: “and in another section [of the Royal Council] prelates and doctors were ready to listen to petitions and to distribute letters of justice. And they had so much work in examining the complaints and the responses, and the judicial processes and evidence that had arrived from all the parts of the realm that they could not keep up with this labor, because the cases were many and of diverse types. And they divided [the cases] between them, so that a *relación* could be

⁵⁰ Pulgar, *Crónica*, 310: “E mandaba que todos sus secretarios estuviesen delante della, y tomasen las peticiones de los agraviados, e que fiziessen allí en publico relación dellas.”

⁵¹ See the discussion in Chapter 2 of this dissertation.

made in the Council. And afterwards, when they reconvened, they examined together the *relaciones* of these processes.”⁵²

If summarizing petitions and other judicial documents helped to rush the resolution of cases, this technique was also a potential source of contestation. The royal ordinances stated that *relaciones* must include “the substantial reasons and motivations behind the petition.”⁵³ But who got to decide what these substantial reasons and motivations were? In the *Cortes* of Toledo of 1436, the procurators complained about the harms caused by partial *relaciones*, arguing that justice could not be properly administered if the magistrates were exposed to only part of the reasons provided by the petitioners.⁵⁴ Hence, they requested that “a complete *relación*, with all the reasons that the petitioner had placed in the petition, shall be made in the Royal Council.”⁵⁵ While Juan II accepted this request, a very similar complaint was made just two years later, in the *Cortes* of Madrigal of 1438. There, the procurators protested that “it happened many times, and it still happens, that such accounts were not fully made according to the contents of the petitions presented by the petitioner. And for that reason, the petitioner’s justice could not be fully attended and kept.”⁵⁶ The procurators asked that entire petitions be read at the Royal Council, and that if a *relación* must be made, petitioners or their procurators be permitted to review and sign it. In this way, they claimed, petitioners would know that their petitions had

⁵² Ibid., 421: “En otra parte estaban prelados e doctores, que entendían de oyr las peticiones que se daban, e dar cartas de justicia; e estos tenían tanto trabajo en ver demandas e respuestas e procesos e informaciones que venían de todas las partes del reino ante ellos, que no pudiendo sufrir el trabajo, por ser muchas las causas, e de diversas calidades, repartían entre si los para hazer relación en aquel Consejo, e después todos juntos veían las relaciones de los procesos...” See also the discussion of this passage in Villapalos, *Monarquía y Justicia*, 132–33.

⁵³ *Ordenanzas del Consejo*, 278–79 (ordinances of 1390)

⁵⁴ *Cortes*, vol. 3, 265, petition no.6. See also de Dios, *El Consejo*, 433.

⁵⁵ *Cortes*, vol. 3, 265, petition no.6: “por ende muy omill mente suplicamos a vuestra alteza, que provea enello, mandado que se faga rrelaçion conplida de todas las razones que el suplicante pidiere en su petiçion al tiempo que se fiziere la tal rrelaçion en vuestro alto Consejo...”

⁵⁶ Ibid., 325–26, petition no.17: “E muy poderoso sennor, por que muchas vezes acaesçido e acaesçe que por las dichas rrelaçiones non se fazen conplida mente segund que se contiene enlas petiçiones quel suplicante pone, su justia non es tan conplida mente entendida nin guardada.”

been properly summarized, and there should be no reason for complaint.⁵⁷ In response to this request, Juan II repeated his instruction from 1436. He also added that the *relación* of the petition should be presented to any petitioner who might wish to see it. If, after reviewing the *relación*, the petitioner still desired the entire petition to be read before the magistrates, then this should also be accommodated.⁵⁸

From a certain point around 1430, the responsibility of summarizing petitions and presenting them to the magistrates became associated with the figure of the *relator*.⁵⁹ This royal officer took over the powers that the earlier ordinances of 1390 and 1406 had assigned to the refrendaries. In royal ordinances dating from after 1440, the *relator* appears as the officer who is in charge of “making the *relación* of the petitions.”⁶⁰ He was also responsible for summarizing legal processes, royal inquests and the other judicial papers that arrived on a regular basis to the Royal Council,⁶¹ as well as for setting the daily agenda of this institution. Each morning, the *relator* or his deputy (*lugarteniente*) would present the magistrates with a list of all the cases that were to be attended on that day. In principle, petitions had to be discussed according to the order of their arrival to the Royal Council. But the magistrates reserved the right to prioritize cases of

⁵⁷ Ibid.: “Por ende muy alto sennor a vuestra sennoria muy omill mente suplicamos quele plega que las dichas peticiones todas sean leydas en el vuestro Consejo, e si rrelaçion dellas se oviere de fazer quele rrelator quela oviere de fazer quela lieua escripta e firmada del nonbre del suplicante e de su procurador, por tal manera quel suplicante sepa commo la dicha rrelaçion se faze conplida mente e non aya razon de se quexar, que por su rrelaçion non ser fecha conplida mente perdió su derecho.”

⁵⁸ Ibid.: “Aesto vos rrespondo que a mi plaze e mando que las tales rrelaçiones se saquen conplidamente, e quela parte que quisiere su rrelaçion que le sea mostrada, e si entendiere que algo aya de annadir quello annada, e si pediere que se lea la peticion original mente que se faga asi...”

⁵⁹ On the office of *relator* see: Torres Sanz, *La administración central*, 122–24; de Dios, *El Consejo*, 327–31; Idem, *Gracia*, 135–42; Cañas Gálvez, *Burocracia*, 72–74.

⁶⁰ *Ordenanzas del Consejo*, 291 (ordinances of 1442): “...para que el su *relator* faga relacion dellas [of the petitions].” See also Ibid., 299 (ordinances of 1459): “quel mi *relator* saque relacion de todas las peticiones.” In Ibid., 307 (ordinances of 1480), the *relator* is mentioned as the officer who “extract or make the *relacion* according to custom” [“que saque o faga las realciones segun se acusunbra”.]

⁶¹ For example, see the description in Ibid., 311 (ordinances of 1480): “e que traydas las tales pesquisas los del nuestro Consejo las manden dar al nuestro *relator* o su logar teniente o a quienlos del nuestro Consejo les mandaren para que saque la relación dello por escripto elas fagan enel termino que por ello les fuere mandado. E quel dicho *relator* o su *lugarteniente* sea tenuto de reduzir ala memoria delos del dicho Consejo las pesquisas que estovieren pendientes enel Consejo, dos vezes cada dia.”

great urgency. According to the royal ordinances, the *relator* was to hang a copy of the daily agenda on the door outside the chamber of justice, so that petitioners could follow the status of their cases.⁶² A second list containing the results of the petitions that had already been processed, as well the name of the notary entrusted with the task of drawing up the relevant letter of justice, had to be displayed there as well.⁶³

While the *relator* acted as a chief coordinator of the different parts of the Royal Council, he was also expected to serve as the main link between the Royal Council and the monarch. He was to keep the monarch informed about the proceedings of the Royal Council and about the decisions made by the magistrates. Additionally, the royal ordinances of 1440 and 1442 instructed the *relator* to keep a monthly account of all the cases discussed in the Royal Council. This account had to include the names of the magistrates who were present in each of the sessions of the Royal Council, the original petitions that were presented, their *relaciones*, and the decisions that were made in each case.⁶⁴ In later ordinances, however, there is no mention of the *relator*'s book. The ordinances of 1490 only mention that "in the Royal Council there should be a book of the things that were declared in the memoir."⁶⁵

The *relator*'s place within the Royal Council gave him enormous political influence.

During the reign of Juan II, the *relator* Fernando Díaz de Toledo was one of the most powerful

⁶² This was, originally, one of the responsibilities of the *refrendario*. See *Ordenanzas del Consejo*, 279 (ordinances of 1390): "Otro si el dicho refendario, cada dia, el dia de Consejo... ponga una cedula a la puerta del dicho Conceio en que diga estos son los negocios e cosas que hoy se deven fazer relacion en el Consejo, por que las partes a quien atannieren esten alli atendiendo sus libramientos, e los otros sen vayan a librar sus haciendas." See also *Ibid.*, 284 (ordinances of 1406), 299 (ordinances of 1459), 309 (ordinances of 1480).

⁶³ *Ibid.*, 279 (ordinances of 1390), 284 (ordinances of 1406).

⁶⁴ *Ordenanzas del Consejo*, 288 (ordinances of 1440): "Otro si que el mi relator aya cargo en cada mes de fazer un libro de todas las cosas que pasaren, en el qual sea escrito quienes son los del mi Consejo que se asientan dia alli, e si son todos de un acuerdo que ansi escriba, e si fueren opiniones que escriba las opiniones..." See also *Ibid.*, 291 (ordinances of 1442).

⁶⁵ *Ibid.*, 315 (ordinances of 1490): "Yten, que se aya en el Consejo un libro en que se asientan las cosas que estan declaradas en el memorial."

men in the royal court.⁶⁶ The chronicle of Juan II portrayed the *relator* as an astute and efficient administrator in whom the king had fully confided. The chronicler emphasized the central role that Díaz de Toledo played as a spokesman of the Royal Council and a link between the Royal Council and the king, praising him for his leading role in the restoration of order to Valladolid and Zamora after urban upheavals in 1427.⁶⁷ On the other hand, Díaz de Toledo's Jewish ancestry, combined with his political power and proximity to the king, made him a central target of the party that sparked the uprising of Toledo in 1449. One of the main arguments made by the rebels of Toledo concerned the dispatch of royal decrees. Díaz de Toledo, the rebels claimed, had long dominated the procedures of dispatch. The decrees that the royal administration had issued under his guidance, they said, were corrupted by Jewish depravity and, for that reason, lacked legal validity.

IV. The Production of Royal Letters

When a *relación* was made in the Royal Council, the magistrates had to decide on the royal course of action. From a rather early stage, the royal ordinances included clauses that dealt with the deliberation of cases in the Royal Council. Here too, the emphasis was put on the efficiency of procedures. To avoid wasting time, an argument that had already been made by one magistrate should not be repeated by another.⁶⁸ To maintain a substantive discussion, the order of speaking had to be set according to the social status of each magistrate, beginning with those of lesser status and moving to those of the highest status.⁶⁹ Whenever needed, the magistrates could

⁶⁶ de Dios, *Gracia*, 105; Cañas Gálvez, *Burocracia*, 68.

⁶⁷ "Crónica del serenísimo príncipe don Juan, segundo Rey deste nombre en Castilla y León," in *Biblioteca de Autores Españoles*, vol. LXVIII (Madrid: 1953), 452, 480, 494, 518.

⁶⁸ *Ordenanzas del Consejo*, 278 (ordinances of 1390): "... los que fablaren non repitan las razones que fueren dichas..." See also *Ibid.*, 282 (ordinances of 1406), 293 (ordinances of 1442), 296 (ordinances of 1459), 307 (ordinances of 1480).

⁶⁹ *Ibid.*, 275 (ordinances of 1389).

summon petitioners, so that they could be better informed on a particular matter.⁷⁰ The final decision had to be made through voting, in the course of which no notary was allowed to remain in the chamber of justice. If the magistrates, moreover, were to vote on a sensitive affair, they could also have the *relator* and his deputy leave the room.⁷¹ When the magistrates could not agree on the resolution of a case, the *relator* had to bring the petition in question to the attention of the king.⁷²

Once the magistrates determined the royal response to a petition, they entrusted the task of producing a letter of justice to one of the notaries of the Royal Council. As we have seen, such letters were often addressed to adversarial parties, commanding them to rectify an injury inflicted on the petitioner or summoning them to appear before the Royal Council. It was also common for the Royal Council to request more information from petitioners. Many petitioners received letters that instructed local judges and notaries to accept the testimonies of the witnesses that the petitioner would present before them, or to release relevant judicial documentation. There were also letters of appointment, in which the Royal Council authorized agents to make investigations, arrests, or to execute certain rulings or royal commands. As mentioned above, most of these letters gave their addressees an opportunity to appear before the Royal Council within a certain window of time in order to assert their right to be heard and to argue against the command enclosed in the royal decree that affected them.

When Castilian letters of justice were issued in response to petitions, rather than *ex officio*, the second and the third clauses of the document reiterated the claims made by the petitioner in

⁷⁰ Ibid., 283 (ordinances of 1406).

⁷¹ According to Ibid., 297 (ordinances of 1459): “al tiempo quel mi relator, o su lugarteniente, ovier de facer relacion e los del mi Consejo ovieren de decir su parecer e voto, no esten en el Consejo salvo aquellos e el dicho relator o su lugarteniente, pero que en el caso que entienda que cumple puedan mandar e manden que algun dellos o el dicho relator, o su lugar teniente, salgan del Consejo en tanto que fablan...”

⁷² Ibid., 293–294 (ordinances of 1442), 297 (ordinances of 1459).

her or his petition, as well as the specific requests they made from the king. When writing such clauses, the notaries used the original petition, sometimes incorporating into the royal letter of justice entire chunks of the account of the injustice, as it had been made in the petition. This was the case, for example, with the royal decree that the Jewish leader and financier Abraham Seneor obtained from the Royal Council on March 18, 1485, following a petition he had presented in the name of the Jewish *aljama* of Segovia. In this petition, Seneor complained against Antonio de la Peña, a Dominican friar from the convent of Santa Cruz in Segovia, whose scandalous sermons, according to Seneor, had incited the common folk of Segovia against the Jews. The preaching of this friar, who threatened to take his sermons inside the Jewish quarter, created such a commotion in Segovia that certain people “said in public that they would ring the bells and set out to rob the Jewish quarter.”⁷³ In response to Seneor’s petition, the Royal Council appointed an agent to conduct an inquest. The royal letter of appointment reiterated word by word the account made by Seneor in his petition, changing only the pronouns.⁷⁴

Since we do not have many cases in which both the petition and the royal letter have survived, it is difficult to assess the extent to which copying entire accounts from the petition to

⁷³ AGS, CCA, PER 27, Seneor Abraham, a document without number (petition from 1485): “Vuestro omill servidor don Abrahan Seneor con omill e devida reverençia beso vyestras reales manos e me encomiendo en vuestra altesa. A la qual plega saber que en el monasterio de Santa Crus dela çibdad de Segovia esta un fray Antonio dela Pena dela orden de Santo Domingo. El qual ynjusta e non devidamente e movido con mala yntençion en deservio de Dios e de vuestra altesa e en grand escandalo dela dicha çibdad muy escandalosamente ha fecho e fise sermones en las çibdad e en sus aravales e en el dicho monasterio de Santa Cruz con grand ynpetud e escandalo profeçiendo e disiendo cosas malas e feas e ynjuriosas en grand ofensa e ynjuria mia e delos judios dela dicha çibdad, disiendo e publicando publicamente en los sermones que fase porna el predicatorio que dentro en la juderia e fiera un escandalo tal que toda la çibdad non lo pueda remediar. E disiendo publicamente que sy non pueyese fuego al monte que non podrian echar los lobos afuera, e llorando en el predicatorio e comoviendo e provocando a las gentes synples a llorar con el, e fasiendo otros abtos e cosas de grande escandalo, por donde toda la çibdad ha estado e esta muy escandalisada e alborotada, e la cosa ha llegado en tanta confusyon que a causa delos dichos sermones e predicaciones algunas personas han dicho e disen publicamente que den a las canpanas e vayan a robar la juderia dela dicha çibdad e otros cosas muy feas en grand deservio de Dios e de vuestra altesa, de manera que sy vuestra altesa non lo manda remediar luego se esperar recresçar grandes escandalos e danos en la dicha çibdad.”

⁷⁴ *Ibid.*, a document without number (an original royal letter from March 18, 1485). Luis Suárez has published the text of this letter in his *Documentos*, 250–253. Suárez’s transcription is based on the copy of the document that is found in the *Registro General del Sello*.

the royal letter was a common practice. Certainly, there were instances in which the notary who drew up the royal decree significantly shortened the petitioner's account of the injustice. For example, the royal letter that Lope Rodríguez, a citizen of the town San Clemente, obtained from the Royal Council in June 1478 omitted many of the details that Rodríguez included in his original petition, where he protested the "tyrannies" of a local royal magistrate.⁷⁵ Various omissions from Rodríguez's account were also made in the second letter of justice that he obtained in August 1478, following two additional petitions.⁷⁶ In the absence of sufficient evidence it is hard to tell why in certain cases the notaries fully cited the petitioner's account, while in other cases the transition from the petition to the royal letter witnessed massive reductions. Reasons such as social status or connections in the royal court might be part of the explanation, insofar as the pressure exerted by influential petitioners could allow them to dictate how their claims and story would be represented in the royal letter.

The sources suggest that the production of Castilian letters of justice underwent a process of editing and revising, in which the work of the notary came under scrutiny.⁷⁷ The royal ordinances of 1459 mention a stage in which a "clean" version of the document had to be drawn up.⁷⁸ It appears that after receiving the instructions from the magistrates, the notary who was entrusted with preparing the royal decree would make a draft version, which would then be subject to examination. It is not clear who examined the draft—whether it was the magistrates, or perhaps, the *relator*,—but the few drafts of royal letters that have come down to us suggest that

⁷⁵ AGS, CCA, PER 24–1, Rodríguez Lope, a document without number (a petition from May 1478); *Ibid.*, a document without number (an original royal letter from June 4, 1478). For a further discussion of this case see Chapter 6 of this dissertation.

⁷⁶ *Ibid.*, a document without number (a petition from July 1478); AGS, RGS, August of 1478, fol. 48.

⁷⁷ See de Dios, *El Consejo*, 441–442.

⁷⁸ *Ordenanzas del Consejo*, 302 (ordinances of 1459): "que todas las cartas que se acordaren en el dicho mi consejo, despues que fueren fechas e ordenadas en limpio para se librar..."

corrections made in this stage could be quite substantial.⁷⁹ Following an examination of the draft, the notary proceeded by preparing a “clean” version of the letter, which he then had to pass through a second stage of scrutiny. This stage, according to the royal ordinances, consisted in reading the letter—probably aloud—before the magistrates.⁸⁰ We do not know whether the notary had to read the document by himself, or whether this was responsibility of the *relator*. The latter, in any event, had to sign his name at the bottom of the document.

For letters of justice to be valid, they had to bear the signature of at least four magistrates. These signatures were usually placed on the reverse side of the document,⁸¹ although in many occasions the magistrates also signed on the internal side of the letter as well. The royal ordinances stressed that letters of justice must be signed within the chamber of justice, rather than in any other space, such as the magistrates’ houses. As with many other regulations for the Royal Council, the reasoning was to keep the procedures of dispatch as centralized as possible, thus to avoid various types of fraud and other misconduct.

The magistrates’ scrutiny of the royal letter was also intended to monitor the fees that the notaries charged petitioners. To prevent notaries from charging too much, the royal ordinances required them to specify their fees on the reverse side of each royal letter that passed through their hands, where they also had to put their sign. The inscriptions found on dozens of original royal letters demonstrate that the regulation was indeed observed. At the time of the Catholic Monarchs, the standard fee for drawing up a letter of justice was a *real* and a half, or 45 *maravedis*.⁸² In the end of the fifteenth century this sum was slightly higher than what one would

⁷⁹ In the case of Lope Rodríguez, for example, an entire clause concerning the appointment of a royal investigator appears as crossed out in the draft version, and is absent from the final version of the letter that was granted to Rodríguez on October 1478. See AGS, CCA, PER 24-1, Rodríguez Lopez, a document without number (a draft of a royal letter); AGS, RGS, October of 1478, fol.39.

⁸⁰ *Ordenanzas del Consejo*, 302 (ordinances of 1459), 312 (ordinances of 1480).

⁸¹ Since royal letters came folded, these signatures could be seen before opening the letter.

⁸² Between 1475 and 1478 the worth of one *real* was 30 maravedis. See Mackay, *Money, Prices and Politics*, 146.

pay, for instance, for two rabbits.⁸³ The fee went higher if there was more than one petitioner. Thus, when Pedro Bayle and Juan Martin, the two petitioners from the village San Martin de Trevejo, obtained their royal letter of justice they had to pay the notary who drew up the document three *reales*.⁸⁴ If a royal letter was granted to a group of people, the notary's fee could be tripled. Four and a half *reales*, or 135 *maravedis*, was the sum that Abraham Seneor had to pay in 1485 for the royal letter he solicited on behalf of the Jewish *aljama* of Segovia.⁸⁵ This was also what the members of the fraternity of the hospital of San Jorge in Cuenca paid for the letter of justice they obtained from the Royal Council in 1494.⁸⁶ In addition to these fees, petitioners were also charged for the petitions and the other judicial documents they passed through the notaries. Lope Rodríguez, the petitioner from San Clemente, had to pay 96 *maravedis* for the eight different documents he had processed.⁸⁷ The price for the presentation of each document was twelve *maravedis*.

The final stage before a royal letter of justice was distributed to a petitioner was the seal and the registry, which were located one next to the other. The *registrador* was the notary in charge of producing copies of royal decrees before passing them to the seal. Such copies had to be made "word by word." According to the royal ordinances of 1490, "a great penalty should be assigned to the notaries if they change anything in the registry of the letters they make."⁸⁸ From a different perspective, the seal and registry constituted an additional checkpoint for the royal

⁸³ Based on *Ibid.*, 143.

⁸⁴ AGS, CCA, PUE 17-1, San Martin de Trevejo, no.76 (an original royal letter from May 1486; inscriptions on the reverse side of the document).

⁸⁵ AGS, CCA, PER 27, Seneor Abraham, a document without number (an original royal letter from March 1485; inscriptions on the reverse side of the document).

⁸⁶ AGS, CCA, PUE 7-1, Cuenca, no.33 (an original royal letter from December 1494; inscriptions on the reverse side of the document).

⁸⁷ AGS, CCA, PER 24-1, Rodríguez Lope, a document without number (a petition from May 1478); *Ibid.*, a document without number (an original royal letter from June 4, 1478).

⁸⁸ *Ordenanzas del Consejo*, 317 (ordinances of 1490): "y pongase grand pena en los escribanos sy mudaren algo del registro en las cartas que fiziern."

letters before they left the chancery. The *registradores* and *selladores* were instructed not to process letters of justice that had not been properly signed by the magistrates. Besides the notary's fees, petitioners had to pay fees for the seal and the registry, which were ten and twelfth *maravedis* respectively.⁸⁹ The rate of these fees, too, were specified on the reverse side of the royal letter.

V. Conclusions

In the fifteenth century, as thousands of royal letters were traveling through Castilian territories, royal government became increasingly associated with paper. Given the centrality of the royal letter of justice as a site for the manifestation of sovereignty, of monarchical power over the territories, it is not surprising to discover that paper was also at the heart of contemporary debates about royal authority and its limitations. As the proceedings of the Castilian *Cortes* attest, the question that came to govern many of these debates had to do with the circumstances in which royal decrees lost their binding effect. While fifteenth-century Castilians often challenged royal letters on the grounds of the lack of jurisdiction or a conflict with existing laws, privileges and previous royal commands, claims concerning the improper procedures of dispatch were also used to make such challenges.

The ordinances for the Royal Council show that, despite some modifications, the model for managing petitions remained more or less stable throughout the fifteenth century. As we have seen, this model was marked by a textual-based decision-making process that separated magistrates from petitioners and petitioners from their petitions. In this bureaucratic sequence,

⁸⁹ For a few examples see AGS, CCA, PER 12-1, Gonzalo González, a document without number (an original royal letter from February 1478; inscriptions on the reverse side of the document); AGS, CCA, PER 24-1, Rodríguez Lope, a document without a number (an original royal letter from June 1478; inscriptions on the reverse side of the document); AGS, CCA, PER 2-1, Arquilla, Juan, no.251 (an original royal letter from 1484; inscriptions on the reverse side of the document); AGS, CCA, PER 12-1, Gonzalo de Hortega, a document without a number (an original royal letter from July 1484; inscriptions of the reverse side of the document).

oral complaints were turned into written petitions that were then presented orally to the magistrates. This sequence tended to enhance the efficiency of the Royal Council and its capacity to manage growing numbers of petitions. The publication of royal ordinances, from time to time, displayed monarchical commitment to the orderly operation of the Royal Council. These ordinances disclose the Castilian monarchy's efforts to standardize the procedures of dispatch, while addressing the potential concerns of the members of the political society.

In the dispatch of royal letters of justice, pieces of paper were turned into artifacts that granted their holders the legitimacy to make social claims. I have emphasized that this transformative process cannot be fully understood without the petitioners, whose petitions generated the production of hundreds of thousands of royal decrees. I have suggested, moreover, that petitioners not only attempted to obtain these letters of justice, but also to affect their phrasings and wordings. Petitioners' accounts of injustice could gain public resonance when incorporated into royal decrees that, having being conveyed to their destinations, were publicly presented and read before the members of the local community.

Chapter 4

The Accessibility of Justice: Time and Travel in the Circulation of Royal Decrees

In March 1489, a royal agent was sent from the royal court at Medina del Campo to the town of Badajoz to investigate a recent murder. The royal letter of appointment, from which we learn about this incident, provides very little information on what it deemed “a very ugly deed worthy of punishment.” It appears that several citizens of Badajoz killed one of the Jewish citizens of the town and inflicted injuries upon a few other Jews.¹ The letter does not disclose the victims, the perpetrators, the circumstances in which the violence erupted, or to what extent it was connected to other conflicts between Christians and Jews in Badajoz. In the absence of the royal inquest, which has not survived, any answer to these questions is a matter of speculation. Like countless other traces of violence in the archive, the evidence remains partial and decontextualized, allowing for only a fragment of a story.

Despite the incompleteness of the information provided, the royal letter of appointment nevertheless offers an important insight into the Castilian system of expedited justice. For one thing, the investigator’s appointment came in response to a petition. Someone, whose identity is not disclosed by the letter, had been actively seeking the Crown’s intervention. For that purpose, the petitioning party went from Badajoz to Medina del Campo, where the royal court resided.

The distance of the journey between these two towns, about 360 kilometers, is indicative of the

¹ AGS, RGS, March of 1489, fol. 411: “çiertos vesinos dela çibdad de Badajoz fueron en ferir e matar un judio della, e que a otros dieron çiertos feridas. E por que lo suso dicho es cosa fea e digna de pugnición e castigo mandamos dar este nuestra carta para vos. Por la qual nos mandamos que luego que vos ynformades e fagades pesquisa e ynquisiçion...”

effort that must have been expended in the process. Furthermore, according to the royal letter, the killing of the Jew had taken place only eight days earlier.² This means that within just over a week, the anonymous petitioner was able not only to embark on and complete a journey of several hundred kilometers, but also to present a petition and generate a governmental response in the form a royal inquest. If the information about the time of the murder is indeed accurate, then the document attests to the speed of petitioning as a political process and, indirectly, to the accessibility of the central institutions of the Crown.

This chapter explores Castilian petitionary practices from the perspective of time and mobility. It recasts the history of petitioning into a history of travels, of hundreds of thousands of movements of people and documents to and from royal courts. As we have seen, in order to obtain royal letters in their favor, petitioners or their procurators had to present themselves at the royal court. In the final two decades of the fifteenth century, letters of justice could also be obtained from Pedro Fernández de Velasco, the Constable of Castile, who, acting as Vice-King, oversaw a second, independent Royal Council that alternated between Burgos and Valladolid. The sources do not reveal how petitioners knew where the court was, but the fact that so many of them were able to find their way suggests that news about its whereabouts circulated widely. As the royal court traveled, crowds of petitioners followed it.

It is now scholarly consensus that late medieval and early modern European societies were highly mobile. As one historian has recently summarized: “Between the fourteenth and the eighteenth centuries, the numbers of traveling, sometimes very considerable distances, increased, probably significantly... though specific evidence can be elusive, significant numbers of ordinary people were clearly moving across considerable distance.”³ Castilian records attest to

² Ibid.: “a nos es fecha relación que puede aver ocho dias pocos mas o menos tiempo...”

³ Hamish Scot, “Travel and Communication,” in *The Oxford Handbook of Early Modern European History, 1350-*

travels to the royal court of tens of thousands of petitioners, many of whom were ordinary people. Thanks to the particular recording practices of the Castilian administration, the distance and speed of such travels can in many cases be measured. As we shall see, royal decrees dispatched in response to petitions usually specify the place and date of issue. Dates and places are also found in the notarial testimonies that recorded the presentations of royal letters. As for the petitions, while they did not always bear dates, the marginalia found on many of them may disclose the day on which they were presented at the royal court. When petitions of grievance indicate the time of reported injury, it becomes possible to assess the time it took petitioners to arrive at the royal court and to obtain royal letters of justice in their favor.

By tracing and analyzing the trajectories of petitions and royal rescripts, particularly letters of justice, this chapter argues that the speed in which cycles of petitioning-and-response could be completed played an important role in increasing the circulation of royal papers. The evidence that will be presented shows that Castile of the late fifteenth century was a place where—within a few weeks, and sometimes days— petitioners could reach the Royal Council, obtain letters of justice in their favor, and convey these documents back to their localities, dozens and even hundreds of kilometers away. If the speed of such orbits calls attention to the efforts made by petitioners, it also attests to royal policy. To foster and perpetuate the circulation of royal rescripts, the monarchy created a highly accessible apparatus of government. In fact, in the final decades of the fifteenth century, petitioners could expect to receive royal letters of justice within a few days of their arrival at the seat of the Royal Council. The responsiveness of this institution, coupled with the short waiting times at court, encouraged masses of people to seek royal letters of justice as a means of generating swift intervention in local conflicts.

1750: Volume I: Peoples and Place, ed. Hamish Scot (Oxford: Oxford University Press, 2015), 165–191, citation in 171.

I. Petitioners as Travelers

In 1466, Gabriel Tetzl, a German visitor to the Iberian Peninsula, described a trip through northern Castile: “We rode in burning heat over very high mountains and often, day after day, we saw neither houses nor men nor beasts.”⁴ Of the area of Burgos he wrote: “We rode thorough the most desolate mountains, where one sees neither man nor beast. There was no water, nothing but naked mountains without trees.”⁵ Later, at the beginning of the seventeenth century, the count of Gondomar, ambassador to the English court, still grimly noted: “Travelling through (Spain) is more painful and uncomfortable than through any deserted region anywhere in Europe, for there are no beds... no inns, no food.”⁶ Well into the eighteenth century, the painter Antonio Ponz shared a similar sentiment: “You can choose between being scorched on the roads in summer for the lack of trees, or lose your way in winter, with snow, floods and lack of food.”⁷

The hardships of travel may have been a literary *topos*. But it was also a reality which even the well-off could not avoid. In his study of royal entries in late medieval and early modern Castile, Teofilo Ruiz has commented on the written accounts that often accompanied such events: “More than anything else, one is struck in reading these narratives by how physically grueling the voyage must have been. Bad roads, bad weather, poor lines of supply... were constant.”⁸ These observations applied for petitioners as well. They need to remind us that behind the standard phrases that characterize Castilian royal letters— “it has been reported to us” or “they presented a petition”—lay the labor of human and animal bodies that journeyed for days and even weeks across a countryside that was often far more hostile than hospitable.

⁴ *The Travels of Leo of Rozmital through Germany, Flanders, England, France, Spain, Portugal and Italy 1465–1467*, ed. and trans. Malcolm Letts (Cambridge: Hakluyt Society at the University Press, 1957), 78.

⁵ *Ibid.*, 79.

⁶ Cited in James Casey, *Early Modern Spain: A Social History* (London and New York: Routledge, 1999), 12.

⁷ Cited in *Ibid.*

⁸ Teofilo F. Ruiz, *A King Travels: Festive Traditions in Late Medieval and Early Modern Spain* (Princeton and Oxford: Princeton University Press, 2012), 186.

As we have seen, in an average month at the end of the fifteenth century the central royal institutions granted royal letters to petitioners coming from dozens of different localities. Many of these people, furthermore, traveled hundreds of kilometers before arriving at the royal court. Let us take another look at the records of two months from the RGS: March 1489 and March 1485. From March 1489, a month in which the royal court resided at Medina del Campo, the *Registro* retains 433 copies of royal letters, of which 369 were issued in response to petitions.⁹ If we deduct from this number the second letters that some petitioners received, as well as cases in which petitioners seem to have been members of the royal court, it is still possible to identify with a high level of certainty 227 different trips to Medina del Campo, with petitioners coming from 108 different localities. As can be seen in Table 4, in most of the identified travels—141 cases—the petitioners journeyed for more than 150 kilometers before arriving at the royal court. The largest cluster of cases—78 in number—involved petitioners who traveled between 250 to 399 kilometers to the royal court.

Distance of travel to the royal court (kilometers)	Number of identified travels
Less than 30	27
30 – 59	17
60 – 99	31
100 –149	11
150 – 249	45
250 – 399	78
More than 400	18
Total	227

Table 4: Identified Travels of Petitioners, March 1489

⁹ The following figures are based on an analysis of the catalog of the *Registro* for March 1489: http://pares.mcu.es/ParesBusquedas/servlets/Control_servlet?accion=3&txt_id_desc_ud=1595011&fromagenda=1&xt_primerContiene=1. The sources do not tell how many petitions were rejected by the Crown.

An analysis of the 196 documents preserved in the *Registro General del Sello* from March 1485 exhibits a similar geographical diversification.¹⁰ This month represents a more complex example because the surviving records originated in two different courts: while 129 documents are copies of royal letters issued in Valladolid by the Royal Council headed by the Constable of Castile, the remaining 67 documents are copies of letters issued by the Council of the Chamber or the Royal Council attached to the royal court, which traveled in this month between a few towns in Andalusia, notably Écija, Cordova, and Guadajoz. Overall, the records of the *Registro* from March 1485 hold 180 copies of letters granted in response to petitions, of which there are 103 identifiable travels of petitioners coming from 68 different localities.

Distance of travel to court (kilometers)	The Royal Council in Valladolid	The royal court in Écija, Cordova, Carmona, and Guadajoz
Less than 30	3	1
30–59	12	0
60–99	12	0
100–149	15	2
150–249	24	4
250–399	6	4
More than 400	0	20
Total	72	31

Table 5: Identified Travels of Petitioners, March 1485

As can be seen in Table 5, of 72 identified travels to the seat of the Royal Council in Valladolid, in 24 cases petitioners journeyed a distance of 150 to 249 kilometers. In additional 15 cases, the distance of such journeys was between 100 to 149 kilometers. Of the 31 identified trips to the royal court in Andalusia there are 20 cases of journey greater than 400 kilometers. Most of these cases pertain to letters of grace, in which petitioners requested grants, licenses or pardon. Such letters were issued by the Council of the Chamber and they had to be signed by the

¹⁰ For the catalogue of this month see: http://pares.mcu.es/ParesBusquedas/servlets/Control_servlet?accion=3&txt_id_desc_ud=1594962&fromagenda=1&xt_primerContiene=1.

monarchs themselves. Whereas Castilians from the northern parts of the peninsula could direct their petitions of grievance to the Royal Council in Valladolid, if they wished to obtain letters of grace they had no alternative but to take the road south and present themselves at the royal court before the secretaries of the Council of the Chamber. One of longest routes undertaken by a petitioner in March 1485 belonged to a man named Bernardino. Having killed one of his father's domestics by hitting him on his head with a stick, Bernardino traveled from Oviedo to the royal court in Cordova, a trip of roughly 750 kilometers, to beg for the royal pardon. The copy of the letter of pardon preserved in the *Registro* shows that his petition was successful.¹¹

As we have seen, the records of the *Registro* represent only part of the royal letters that were actually issued in response to petitions. Based on the extant documentation, it is therefore hard to draw definite conclusions with respect to the geographical patterns that informed petitionary practices. In reality, there were probably many more travels of petitioners arriving to court from nearby localities. What the records of March 1485 and March 1489 do demonstrate with clarity is that journeys of hundreds of kilometers were all but uncommon. However, to understand what such journeys might have meant for the people who undertook them, we need to turn to some of the general aspects that shaped the experience of traveling in late medieval and early modern Castile.

To understand what such journeys might have meant for the people who took to the road for justice, we need to consider some of the general aspects that shaped the experience of traveling in late medieval and early modern Castile. Roads provide a good starting point for such a discussion. With rivers difficult for navigation, most of the travelling within the Iberian Peninsula had to be conducted over land. Petitioners traveling to the royal court could rely on an

¹¹ AGS, RGS, March of 1485, fol. 178.

extensive system of roads and trails, many of which were centuries old. Like other parts of the former Roman Empire, medieval Iberia inherited a large system of Roman roads, the remains of which can still be seen in various places today. These paved roads (*calzadas*) were designed to allow the travel of people, pack animals and carriages. Although eroded in many sections, the Roman roads provided the basis for the main routes for over a millennium. It was only in the second half of the eighteenth century that the ancient system of routes underwent significant transformations.¹²

In the later middle ages, Castilian legislation designated the roads part of the public domain. The *Siete Partidas* and the other major legal codes of the 13th and 14th centuries determined that like streets, squares, and common woodlands, roads were to be used free of charge.¹³ In reality, however, tolls were sometimes collected, especially where a road has been recently repaired or at river crossings. Gabriel Tetzl, the German traveler, recounted a violent encounter with a group of “Jews and heathens” who garrisoned a bridge, for whose crossing they demanded a fee.¹⁴

From a legal point of view, keeping the roads in an adequate condition was the responsibility of the municipal authorities.¹⁵ Castilian villages and towns would sometimes raise special levies intended to fund public works, which often included the repair of local bridges and roads. Contemporary sources, however, create the impression that the bad conditions of roads presented a constant problem for travel and transportation. Whether due to inadequate maintenance or whether because of natural disasters, many road segments became, in effect,

¹² Máximo Diago Hernando and Miguel Ángel Ladero Quesada, “Caminos y ciudades en España de la Edad Media al siglo XVIII,” *En la España Medieval* 32 (2009): 347–82, at 356.

¹³ *Ibid.*, 352.

¹⁴ *The Travels of Leo of Rozmital*, 78–9.

¹⁵ David E. Vassberg, *The Village and the Outside World in Golden Age Castile: Mobility and Migration in Everyday Life* (Cambridge: Cambridge University Press, 1996), 43.

unusable.¹⁶ The Castilian monarchy, for its part, made efforts to force the municipalities to repair the roads passing through their vicinities. Prior to royal entries, the Crown would sometimes demand that local authorities mend those roads along which the King planned to travel.¹⁷ The Royal Council would sometimes send *corregidores* to oversee the construction of new road parts.¹⁸

A handful of RGS documents offer some lively examples of bad roads and the efforts made to repair them. In September 1491, for instance, the Royal Council sent word to the authorities of Torquemada, a small town in old Castile, demanding that the town repair a nearby road. According to the royal command, there were two specific points where passage during winter endangered the lives of the animals and forced pedestrians to take a long detour.¹⁹ In a petition dating to March 1492, after the winter, the town of Torquemada complained to the Royal Council about the same road: whereas the people of Torquemada had fulfilled their duty, spending many funds on repairing the eroded road parts as instructed, the villages down the road did nothing of that sort. As a result of this negligence, the petitioned claimed, the travelers (*caminantes*) in that region suffered great losses, seeing their pack animals “get injured and even die.”²⁰ In response to Torquemada’s petition, the Royal Council ordered the *corregidor* of Palencia to examine the said road parts and arrange for its fixing by the nearby villages.

Another example is a petition from 1491, in which the town of Durango complained about the poor conditions of a nearby road.²¹ Serving most of the travelers who passed through

¹⁶ Ibid.; Marvin Lunenfeld, *Keepers of the City: The Corregidores of Isabella I of Castile (1474–1504)* (Cambridge: Cambridge University Press, 1987), 150.

¹⁷ Ruiz, *A King Travels*, 93, 153.

¹⁸ Diago Hernando and Ladero Quesada, “Caminos y ciudades,” 357–58.

¹⁹ AGS, RGS, September of 1491, fol. 164: “Estan dos pasos muy malos a donde en tiempo de ynbierno, diz que, peligran a muchas bestias, e los caminantes que van a pie non pueden pasar syn rodear grand trecho...”

²⁰ AGS, RGS, March of 1492, fol. 366: “a cabsa delo qual, diz que, muchos caminantes delos que por alli pasan...les mueren e lisan muchas bestias.”

²¹ AGS, RGS, January of 1491, fol. 52.

the county of Biscay, this road, it was argued, was key to the entire area. However, it was “so broken and destroyed” and full with potholes that during winter it became impossible “to walk or travel there without great labor, especially for animals and carts.”²² According to the petition, which creates the impression that the road in question was indeed of Roman origin, all the paving stones used to assemble the road were broken and torn away. Fortunately, there were some townsmen who—for the service of God, the Crown and the good of the land—had volunteered to repair it in such a way that “both animals and carts could pass there without any danger.”²³ The problem was that in order to complete these construction works, some lumber had to be chopped off from a woodland belonging to a nearby village. Seeking the Crown’s intervention, the authorities of Durango requested a special permission to collect the wood they needed for repairing the road.

Such examples call attention to the importance of carts and pack animals to overland transportation in Castile. Harnessed to draft horses, oxen, or mules, carts became so central to the Castilian networks of inland commerce that in the sixteenth and seventeenth centuries, a significant number of people, especially in rural communities, used to supplement their income by spending two or three months a year working as carters.²⁴ Carts and pack animals were also crucial to the Crown’s military efforts. For example, during the siege of Baza in 1489, the Castilian army made use of roughly 14,000 draft and pack animals to maintain the supply lines and to transport artillery. To attract skilled drivers, the Crown granted carters various tax exemptions.²⁵ In early modern Castile, the use of trains of pack mules also became common.

²² Ibid: “esta tan cortado e destruydo e tan lleno de [extremedades?] e aroyos que... en el dicho camino non pueden andar nin caminar en el tiempo delos ynbiernos salvo con muy gran trabajo, en espeçial las bestias e carros.”

²³ Ibid: “las calçadas que en el dicho camino solian aver dis que todas estar desfechas e desbaratadas e que algunas personas por serviçio de Dios e nuestro, e por el buen dela dicha tierra, dis que, fecha ofersçiado de reparar e faser de nuevo ... en manera que asy las bestias como carros pueden pasar sin peligro.”

²⁴ Vassberg, *The Village and the Outside World*, 38.

²⁵ Ibid., 39.

According to David Vassberg, “carts were the usual means of transport in areas with relatively flat terrain, whereas pack mules were preferable in hilly or mountainous zones.”²⁶

It is usually hard to tell the means by which petitioners traveled to the royal court or the seat of the Royal Council. As will be discussed below, the speed at which some petitioners were able to obtain and convey royal letters hints at the use of riding animals. In the Iberian Peninsula— “the land of the mule,” as James Casey put it—mules were highly popular as mounts.²⁷ In 1466, for example, Tetzl depicted an encounter with a Castilian nobleman who rode a mule. This German traveler was particularly intrigued by the fact that this nobleman’s servants were forced to run in front of him, sometimes for many kilometers a day.²⁸ Male aristocrats, however, were usually expected to travel on horseback. A royal ordinance from the beginning of the sixteenth century even prohibited knights from riding mules.²⁹ Mules were deemed more appropriate for clerics and *letrados*, as well as women and commoners.

Whereas some petitioners clearly used mounts, it is fair to assume that in numerous cases—perhaps in most of them—petitioners still travelled on foot. If traveling in the company of a mule or a horse presented an obvious advantage on long journeys because such animals could be loaded with provisions, the fodder needed for their subsistence made such travels much more expensive. In his study of medieval mobility, Geert Berings wrote: “A large majority of medieval people travelled on foot, even though this is not revealed in most of the sources. . . . Horseback riding was an extremely expensive affair.”³⁰ This observation holds true for later centuries as well. As Hamish Scott notes, in 1510 a yet-to-be-famous preacher named Martin

²⁶ Ibid.

²⁷ Casey, *Early Modern Spain*, 12.

²⁸ *The Travels of Leo of Rozmital*, 90.

²⁹ Antonio de la Torre, “Viajes y transportes en tiempo de los Reyes Católicos,” *Hispania* XIV (1954): 365–410.

³⁰ Geert Berings, “Transport and Communication in the Middle Ages,” in *Kommunikation und Alltag in Spätmittelalter und früher Neuzeit*, ed. Helmut Hundsbichler (Wien: Österreichische Akademie der Wissenschaften, 1992), 68.

Luther walked from Erfurt to Rome and back, a journey of roughly 2,000 kilometers. In the beginning of the eighteenth century, the young organ player Johan Sebastian Bach walked 350 kilometers on one occasion.³¹

The account books of certain municipalities provide information on travels made by official messengers in fifteenth-century Castile. Such messengers were regularly employed by Castilian villages and towns in missions ranging from conveying information to nearby villages and towns to representing communal interests before regional and royal courts.³² In the beginning of the fifteenth century, a messenger in the service of the village Paredes de Nava embarked on a journey to the royal court in Barcelona and then to the papal court in Perpignan, some 1,800 kilometers round trip. For the purpose of this journey, the messenger had to borrow a horse from one of the villagers. On other occasions, Paredes de Nava sent mounted messengers to Salamanca, a journey of some 300 kilometers round trip, and to Aguilar de Campoo, a journey of some 180 kilometers. But there were also times in which messengers were sent on foot.³³ As Óscar López Gómez notes, in fifteenth-century Toledo the travel mode of messengers varied according to the destination and the social status of the messenger. On relatively short trips messengers usually preferred travelling by foot. Travelling on horseback or on mule was common if the messenger was of high rank.³⁴

In their journeys to and from royal courts, many petitioners had to pay for accommodations. The need for accommodation was obviously greater in winter or when traveling was made in the company of a pack or riding animal. For a few *maravedís*, villagers

³¹ Hamish, "Travel and Communication," 171.

³² On messengers in the service of Castilian municipalities see Cristina Cuadra García, "Los mensajeros de la villa a fines de la Edad Media," in *Caminos y caminantes por las tierras del Madrid medieval*, ed. Cristiana Segura Griaño (Madrid: Asociación cultural Al-Mudayna, 1994), 205–15; Óscar López Gómez, "Correos, mensajeros y estantes en la Castilla del siglo XV. Algunas consideraciones," *De Medio Aevo* 7 (2015), 1–26.

³³ Jesús M. Fuentes Pérez, "Con pan y vino se anda el camino. Los viajes en la Castilla medieval," *Espacio, tiempo y forme. Serie III. Historia medieval*, 8 (1995): 85–109.

³⁴ López Gómez, "Correos," 12–13.

would sometimes host travelers in their houses. Moreover, by the end of the fifteenth century, the Castilian landscape was already dotted by inns (*posadas* or *ventas*), even though the coverage of this network was far from complete.³⁵ The services offered by such establishments ranged from a stack of hay to full board.

A petition from 1490 includes an interesting account of a night spent in a Castilian inn, which gives us some idea about the conditions, and sometimes dangers, that travellers might have encountered in these lodging places. In the petition, a man named Miguel de Sasiola complains to the Royal Council about the theft he endured during his stay in an inn at the town of Magaz.³⁶ According to the petition, Miguel and his servant (*moço*) arrived at the inn after darkness. Miguel was carrying—presumably in a sack—a number of expensive garments made out of cotton. With their mules housed in the stables, the wife of the innkeeper sent a girl to show the two guests the way to the room where they were to spend the night. Miguel claimed that the hostess promised him that in that room his belongings would be safe. He and his servant then dined and intended to go to sleep. However, “since the bed did not have good sheets, the said hostess came there [to the room] to change the sheets.”³⁷ According to Sasiola, this gave her an opportunity to see where he kept the garments. He blamed the hostess for complicity in the theft.

For individuals with entrepreneurial spirit, establishing an inn could offer an opportunity for profit. In 1490, a citizen of Puebla de Alcocer in Extremadura petitioned the Crown to request a license to construct an inn by the road that crossed the hills south of the village. Since the road lacked an inn, he explained, “many travelers perish there during the summer, from either

³⁵ Ibid.

³⁶ AGS, RGS, September of 1490, fol. 186.

³⁷ Ibid: “...e que enbio una moça con el que le alumbrase e ensena se la camara. E alli donde diz que guardo se puso el dicho lino, e que despues de çenar el se fuera acostar ala dicha cámara. E por que la cama no tenia buenas savanas, la misma huespeda viniera a echar otros savanas...”

hunger or thirst.”³⁸ In response to his petition, the Crown granted the man a license to build an inn with a corral. Like many other innkeepers, he also received an exemption from sales tax (*alcabalas*).³⁹ In the region of Cordova in 1478 there were apparently twelve inns that enjoyed similar privileges, secured already in the time of Juan II.⁴⁰ Following the conquest of Granada, the Crown awarded loyal servants with licenses to establish inns with similar exemptions.⁴¹

The profit that could be made from hosting travelers and selling them provisions also generated conflicts. For example, in 1490 the Royal Council granted a letter of protection to an innkeeper from Vitoria named Martin. Six years earlier, Martin had opened an inn by the road near Vitoria. In his petition, he argued that he had operated the establishment peacefully and without any contestation, until a group of local knights sought to take control of his inn.⁴² In some cases, it seems that local nobles tried to create a monopoly over the services offered to travelers by forcing them to stay in their own inns and by preventing other subjects of the Crown from hosting travelers and selling them supplies. A royal ordinance from 1492 condemned such practices and confirmed the rights of any villager and townsman to host travelers in their houses.⁴³ A barber from the town of Vera, near Almeria, invoked this ordinance in 1501 in a petition of grievance he submitted at the Royal Council.⁴⁴ The barber explained that he could not make a living in Vera, because it was too small a town. For that reason, he wished to open a guesthouse that would host travelers and offer them provisions. The authorities of Vera, however, rejected his initiative, claiming that the town already had a guesthouse and that there

³⁸ AGS, RGS, May 1489, fol. 16: “en el camino que va dela Puebla de Alcoçer ala Cabeça de Buey que es en la [sierra?] non ay ningund poblado nin venta, a cuya cabsa en el tiempo de verano muchas personas pereçen en el camino ansy de hanbre como de sed.”

³⁹ Ibid. For a similar example see AGS, RGS, February of 1490, fol. 2.

⁴⁰ As indicated by AGS, RGS, September of 1478, fol. 115.

⁴¹ AGS, RGS, July of 1493, fol. 6; February of 1494, fol. 123; February of 1495, fol. 8; February of 1495, fol. 16; October of 1496, fol. 6; November of 1496, fol. 10.

⁴² AGS, RGS, March of 1490, fol. 347.

⁴³ Cited in AGS, RGS, April of 1502, fol. 242.

⁴⁴ Ibid.

was no need for another one.⁴⁵ In response to the petition, the Royal Council ordered the urban authorities to allow the barber to proceed with his plans.⁴⁶

In addition to the conditions of travel and accommodation, Castilian sources also offer some information on the costs of travel in the fifteenth century. According to Jesús Fuentes Pérez, who studied the accounting book of Paredes de Nava, a small village in the province of Palencia, the average daily costs for the travel of one person in the company of a pack animal, excluding the salary of the messenger, was around 20 *maravedís*.⁴⁷ Most of this sum was spent on accommodation and food for the messenger and animals. The fees paid for courts, notaries, and attorneys, as well as the gifts that messengers would sometime give to intercessors, represented additional costs. After his journey to the royal court in Barcelona, the messenger of Paredes de Nava, for example, demanded reimbursement for twelve partridges and three rabbits which he bought on his way and gave to the nephew of the vice-chancellor. The gift was intended to expedite the treatment of the village's judicial affairs.⁴⁸

Court records from the later decades of the fifteenth century suggest that in cases that were brought before royal tribunals, the expenses of travel and accommodation could easily exceed the fees paid for the legal proceedings. A good example is the lawsuit conducted by Luis Esquivel, a converted Jew from Medinaceli.⁴⁹ In 1499, Luis sued three citizens of Medinaceli, who had dispossessed him of his property in that village. When his case arrived at the appellate court in Valladolid, some 200 kilometers from Medinaceli, the royal judges summoned Luis's

⁴⁵ Ibid.: "e agora maestre Xristoval vesino desa dicha çibdad de Vera nos fizo relaçon por su petiçon diziendo que él es barbero desa dicha çibdad e que por ser pequeña dize que non puede mantener con el dicho ofiço, e que queria hazen un meson para acoger los caminantes publicos ayuda[r] de su mantenimientos, e que esa dicha çibdad dize que non gelo consyente, diziendo que tiene un meson de acoger e que non ha de aver otro, e sy le quiere hazer que le han de quitar la vezindad que tiene lo qual es contra la dicha nuestra pramatica, e en su agravio e dapno."

⁴⁶ Ibid.

⁴⁷ Fuentes Pérez, "Con pan y vino," 91–2.

⁴⁸ Ibid., 94.

⁴⁹ ARCHV, PC, Fernando Alonso, Caja 602, 5.

adversaries to court. When the three failed to present themselves, Luis easily won the case. A report drafted by an officer of the court listed Luis's expenses during the legal proceedings. Apparently, Luis paid some 1100 *maravedís* for various notarial services and the issue of documents, such as a royal letter of summons or a writ of execution (*carta ejecutoria*). However, the travel and living costs, for which Luis's adversaries were also charged, were much higher, amounting to more than 9,000 *maravedís*.

The report listed three journeys taken by Luis: in the first, he traveled from Medinaceli to Valladolid to bring his case before the appellate court; in the second, he returned to Medinaceli to summon his rivals to court; and in the third, he traveled back to Valladolid again to complete the legal process. The court's officer estimated that these journeys, of a total length of roughly 600 kilometers, took Luis 30 days to complete, and that he had to spend two and a half *reales* (87 *maravedís*) on each day of traveling. This included the costs of a horse and the salary of a servant.⁵⁰ Additionally, the court charged Luis's adversaries with his living expenses for the 86 days in which he had to wait in Valladolid for the lawsuit to be completed.⁵¹ Even if such calculations were somewhat exaggerated, they still demonstrate that traveling to court could be a costly endeavor.

For travelers, being subject to violent assaults must have been another major concern. As elsewhere in Europe, road banditry was not uncommon. In fact, attacks on travelers and merchants were among the main reasons for the establishment of *hermandades* in the fourteenth and fifteenth centuries. Petitions of grievance dating from the end of the fifteenth century present many stories of violent incidents *por el camino*. In periods of political crisis—such as the 1460s

⁵⁰ Ibid., fol.11r–11v: “De tres caminos que fize, de uno probenir por la carta e el otro para los yra enplazar, a el otro para venir a esta corte ala villa de Medinaçeli que es desta corte treynta e ocho leguas que son, e andadia de treynta dias en todos tres caminos, e gaste cada dia yo e un moço e un caballo dos reales e monta a ello.”

⁵¹ Ibid.: “Delos dias que estando aqui en poner la demanda e acusar las rebeldias desde veyente e seys dias de abril de noventa e nueve anos fasta oy que son ochenta e seys dias yo e un moço e un caballo a dos reales cada dia.”

and 1470s—attacks against merchants and travelers were probably exacerbated. But it should be noted that notwithstanding the existence of such evidence, the extent to which the roads were dangerous is difficult to assess. Contemporary sources, including tens of thousands of royal letters granted to petitioners, suggest that, despite the obstacles, the roads were filled with travelers.

II. Paces of Conveyance

To fully appreciate petitioning as social practice we need to know how fast petitioners could travel and how long it took royal decrees to reach their destinations. Recent scholarship in the field of early modern news-systems and communication has paid considerable attention to the development of postal routes in sixteenth-century Europe.⁵² Under the Habsburgs, the famous Taxis family consolidated its monopoly as royal postmasters, overseeing a sophisticated network of mounted couriers. Under Philip I (1502–1506), when the postal services had been extended to Spain, the Taxis family guaranteed the delivery of letters from Brussels to Toledo in 12 days and from Brussels to Granada in 15 days.⁵³ Their couriers could travel at a speed of about 110–120 kilometers per day, which were unprecedented speeds for such long journeys. This became possible due the establishment of a permanent network of relay stations that allowed the exchange of horses and usually of riders as well. With such stations, the efficiency of the mounted courier was brought to a peak.⁵⁴

⁵² Brendan Dooley, ed., *The Dissemination of News and the Emergence of Contemporaneity in Early Modern Europe* (Farnham: Ashgate, 2010); Andrew Pettegree, *The Invention of News: How the World Came to Know About Itself* (New Haven: Yale University Press, 2014), 17–21; Simon Davies and Puck Fletcher, eds., *News in Early Modern Europe: Currents and Connections* (Leiden and Boston: Brill, 2014); Scott, “Travel and Communication,” 172–76; Joad Raymond and Noah Moxham, eds., *News Networks in Early Modern Europe* (Leiden: Brill, 2016).

⁵³ Cristina Borreguero Beltrán, “Philip of Spain: The Spider’s Web of News and Information,” in *The Dissemination of News and the Emergence of Contemporaneity in Early Modern Europe*, ed. Brendan Dooley (Farnham: Ashgate, 2010), 26–28.

⁵⁴ The maintenance of this system, however, became so expansive that the monarchy could not afford to keep it exclusive. Within two decades, the Taxis’s postal service opened itself to noblemen and wealthy merchants.

Unlike the Crown of Aragon, where a regional postal system had existed since the thirteenth century, notably in Valencia,⁵⁵ the dispatch of messages in the Crown of Castile had to rely on private messengers. Under the Catholic Monarchs, the Castilian Crown made significant efforts to improve the dispatch capacity of the royal administration. In 1477, the office of the chief of couriers (*trotero mayor / oste mayor*) was introduced to the royal court to oversee a growing team of royal couriers.⁵⁶

At least to a certain degree, the activities of these couriers depended on ad hoc borrowings of mounts. This can be seen, for example, in the petition of a man named Pedro Vizcaino who complained to the Royal Council in 1498 about one of the royal couriers to whom he loaned a mule “to make a certain trip.” The royal chief of couriers acted as a guarantor for both the mule and the money that had to be paid upon the messenger’s return. The angry petitioner claimed that while courier had gone on his way, the mule was never returned. Nor could he force the royal chief of couriers to compensate him.⁵⁷ In a different case from 1498, a royal courier complained about a man from whom he had bought a horse. Although the courier had already paid the man, the latter would not provide the animal.⁵⁸

Castilian sources show that fifteenth-century royal messengers could, in some cases, travel at speeds that were not so different from their sixteenth-century counterparts who had relay stations at their disposal. For example, in January 1479 a royal messenger riding from Barcelona to Valencia to announce the death of king Juan II completed a journey of

⁵⁵ José Toledo Girau, *Los Correos en el reino de Valencia* (Valencia: Ayuntamiento de Valencia, 1958).

⁵⁶ Lopez Gómez, “Correos,” 11.

⁵⁷ AGS, RGS, August of 1498, fol.148: “diziendo que, estando nos en la villa de Alcalá, el ovo alquilando un mula a Juan Çerrero correro para que fuese enella çierto camino e le pagase çierto alquiler, e que por la dicha mula e alquiler della diz que le salio por fiador Beltrran oste de correos... e diz que nunca mas despues aca el dicho Juan Çerrero le a buuelto la dicha mula e alquiler della, e que como quier que el ha requerido al dicho Beltrran oste su fiador que le de e pague la dicha mula e los alquileros della o su justa estimaçion, diz que le non ha querido faser...”.

⁵⁸ AGS, RGS, December of 1498, fol. 288.

approximately 350 kilometers in only three days and nine hours.⁵⁹ In the same month, another messenger rode from Valencia to Trujillo to announce to Fernando and Isabel the death of their son, prince Juan. The messenger completed this journey in seven days, which means that he kept an average daily speed of 80 kilometers for a journey of roughly 560 kilometers.⁶⁰ Based on a handful of royal documents dating from the end of the fifteenth century, Antonio de la Torre has shown that in relatively short journeys messengers employed by the royal court could travel a daily distance of 70 and even 110 kilometers.⁶¹ The author of the chronicle of Juan II was impressed by the rapid travel of the *relator*, Fernando Diaz de Toledo, when on one occasion in 1427 he rushed from Valladolid to Zamora, completing a journey of more than 90 kilometers in six hours.⁶²

The well-documented itineraries of the kings of Castile in the fifteenth century provide another source of information. These itineraries show that a small group of riders—the kings and their close entourage—could sometimes travel at a daily speed of 60–80 kilometers. On one occasion in 1435, King Juan II and his men completed a journey of 65 kilometers in one day. In another instance, this king covered 79 kilometers in one night.⁶³ Yet these were unusual travels undertaken in moments of urgency. Maintaining such speeds for more than a few days was a complicated task even for a small group of skilled riders. A trip taken by King Fernando II in March 1482 was probably a more representative example of a fast royal travel. Following news

⁵⁹ Toledo Girau, *Los Correos*, 15.

⁶⁰ *Ibid.*

⁶¹ de la Torre, “Viajes y transportes,” 367–69.

⁶² *Crónica de Juan II*, 439.

⁶³ Francisco de Paula Cañas Gálvez, *El itinerario de la corte de Juan II de Castilla (1418-1454)* (Madrid: Sílex, 2007), 48–9.

of the siege of Alhama, Fernando and his men rode south, from Arevalo to Cordova, maintaining an average daily speed of 50 kilometers.⁶⁴

On many occasions, the royal entourage was composed of riders and pedestrians—squires and servants—which obviously slowed down the pace of travel. This was probably the case with a journey from Tordesillas to Astorga, undertaken by Fernando in February 1482. In this journey, the king and his companions covered 150 kilometers in five days.⁶⁵ When the entire court moved along with the monarch, the progress was even slower. As Francisco de Paula Cañas Gálvez observed, during the reign of Juan II, when the royal court was on the move, it typically completed 20–30 kilometers per day.⁶⁶ Such travel speed was also characteristic of the courts of Enrique IV and of the Catholic Monarchs. In February 1487, for example, the royal court marched 250 kilometers, from Toledo to Andujar, in twelve days.⁶⁷ Slightly faster was a trip from Salamanca to the monastery at Guadalupe in April 1486, where the court completed a journey of 250 kilometers in only nine days.⁶⁸

When medieval sources provide information on overland journeys of ordinary people, the average travel speed ranges between 20 to 60 kilometers per day depending on the season and the means of transportation. As mentioned above, a large portion of overland travel in the middle ages and the early modern period was made on foot. Whereas the use of mounts could make the journey more convenient, not everyone could afford it. Furthermore, it did not necessarily make

⁶⁴ Rumeu de Armas, *Itinerario*, 101. In May 1459, Enrique IV traveled from Soria to Medina del Campo in five days, suggesting a daily speed of 47 kilometers. See Juan Torres Fontes, *Itinerario de Enrique IV de Castilla* (Murcia: Consejo Superior de Investigaciones Científicas, 1953), 99. As Rumeu de Armas *Itinerario*, 163 indicates, in October 1488, Fernando II traveled from Valladolid to Plasencia in only five days, suggesting a daily speed of 45 kilometers.

⁶⁵ *Ibid.*, 109.

⁶⁶ Cañas Gálvez, *El itinerario*, 48–9.

⁶⁷ *Itinerario de los reyes católicos*, 150.

⁶⁸ *Ibid.*, 138–39. For a few examples from the itinerary of Enrique IV see Torres Fontes, *Itinerario de Enrique IV*, 169–171. In January and February 1465, the court alternated between Segovia, Medina del Campo and Olmedo. Royal documents issued in this months suggest that when the court traveled, it did so in speed of 20–25 kilometers per day.

the trip faster. According to Berings, “from late medieval messenger accounts it becomes apparent that messengers on horseback did not as a rule achieve better than their pedestrian colleagues.”⁶⁹ Berings estimated that a medieval pedestrian could walk 20–45 kilometers per day. A similar pace was characteristic of those traveling with pack animal loaded with cargo. Riders could complete 50–60 kilometers per day if they traveled light. But a trained runner could attain similar speeds.⁷⁰

Such estimates are in line with the extant records from fifteenth-century Castile. The account book of Parades de Nava indicates that the average daily travel speed of this village’s messengers was 40 kilometers in the winter and 60 kilometers in the spring and summer.⁷¹ According to James Casey, in sixteenth-century Spain a distance of 50–60 kilometers was considered a good daily travel.⁷² Thus, a journey from Barcelona to Madrid should have taken around two weeks. Ten additional days were needed to continue the trip from Madrid to Seville.⁷³

The pace at which Castilian royal decrees were conveyed to their destinations can be reconstructed by comparing the date of issue with the date of presentation. In the fifteenth century, an average pace of conveyance for royal letters was 20 to 25 kilometers per day, although in many cases the daily pace was 25 to 35 kilometers. A pace of conveyance of 40 to 50 kilometers represented the fastest cases. This can be seen, for example, in the books of acts of the urban council of Burgos, where presentations of royal letters were sometimes recorded. For the years 1429 and 1441, Burgos’s books of acts record 12 presentations of royal letters. In this

⁶⁹ Berings, “Transport and Communication,” 70.

⁷⁰ Ibid.

⁷¹ Fuentes Perez, “con pan y vino,” 90.

⁷² Casey, *Early Modern Spain*, 14.

⁷³ Ibid.

cluster, there are four cases in which the daily pace of conveyance was less than 20 kilometers,⁷⁴ four cases in which it was between 20 to 30 kilometers,⁷⁵ three cases in which it was between 30 to 40 kilometers,⁷⁶ and one case in which it exceeded 40 kilometers.⁷⁷ In the slowest conveyance, 26 days were required for a royal letter to travel 250 kilometers, from Alcalá de Henares to Burgos.⁷⁸ In the fastest case, a royal decree sent from Madrigal de las Altas Torres was presented to the councilmen of Burgos, roughly 200 kilometers away, only four days after its issue.⁷⁹ It is important to remember that these figures do not represent the actual travel speed, which must have been higher. The time span between the dispatch of a royal decree and its presentation at the destination also included preparations for the journey, interactions with legal representatives and notaries, and sometimes waiting for a convenient opportunity to present the document to its addressee.

The common paces of conveyance give a sense of the expectations that fifteenth-century Castilians must have had with respect to the time that took documents to travel from one site to another. Castilians knew, for example, that two weeks was a reasonable time for a royal decree issued in Salamanca to arrive at Seville, a distance of roughly 470 kilometers. This was the time that it took the Jewish *aljama* of Seville to convey a letter of protection obtained from Juan II in 1450.⁸⁰ Conversely, the 30 days that took a royal agent in 1445 to convey a royal letter from León to Seville—a distance of approximately 660 kilometers—represented a rather slow pace of travel, which probably had to do with the fact that this journey took place during winter.⁸¹

⁷⁴ AMB, LA, 6, fol. 2v–3r, 40r, 62v; AMB, LA, 10, fol. 45r–45v.

⁷⁵ AMB, LA, 6, fol. 33r, 53v, 59r–60r, 63v.

⁷⁶ AMB, LA, 10, fol. 8r–9r, 16v–17v, 26v–27v.

⁷⁷ AMB, LA, 6, fol. 37v.

⁷⁸ *Ibid.*, fol. 2v–3r.

⁷⁹ *Ibid.*, fol. 37v.

⁸⁰ AMS, Sec.10, B-A.C, 1450, without a month, fol. 21v–22r.

⁸¹ AGS, CRC, 654, 6, fol. 1r–2v.

Similar ratios of time and distance characterized the conveyance of royal decrees in the later decades of the fifteenth century as well. Records from this period show that in the fastest cases the conveyance of royal letters was marked by an average speed of 40–50 kilometers per day. This was true not only for the travels of royal agents or the rich,⁸² but also for ordinary people, who in many cases showed themselves equally capable of rushing the documents they obtained across great distances. In June 1485, for example, the *procuradores* of the común of Zamora conveyed a letter of justice from the Royal Council in Valladolid to Zamora, a distance of roughly 100 kilometers, in only two days.⁸³ In March 1496, a man named Sebastian Brasa, a petitioner from Torquemada, conveyed overnight a royal letter of justice from Valladolid to Torquemada, a distance of approximately 60 kilometers.⁸⁴ Conveying a royal letter from Cordova to Oviedo in 20 days, as the petitioner Alfonso Garcia de Granada did in the June 1484, represents another fast trajectory. It suggests a daily speed of approximately 35 kilometers for a journey that crossed most of the Iberian Peninsula.⁸⁵ An example of an average pace of conveyance can be found in the case of Pedro de Orduña, a petitioner from Palencia who gained a royal letter of justice in Burgos on July 3, 1490. The presentation of this document took place in Palencia, some 90 kilometers from Burgos, on July 6.⁸⁶ As for a slow pace of conveyance, it can be found in the case of another citizen of Palencia, a Jew named Yuce Agay. Having

⁸² In September 1478, for example, a royal investigator equipped with a letter of appointment travelled from Seville to San Clemente, a journey of roughly 460 kilometers, in ten days. See AGS, CCA, PER, 24-1, Rodríguez, Lope, a document without number (an original royal letter from August 31, 1478; a royal investigation conducted in San Clemente on September 9-12, 1478). Another example can be found in the case of Gonzalo de Villafañe, a wealthy citizen of Segovia, whose *procurador* conveyed a royal letter of justice in May 1487 from Tordesillas to Monzón in two days. The distance between the two towns is approximately 90 kilometers. See AGS, CCA, PER, 30-2, Villafañe, Gonzalo (original royal letter from May 1487).

⁸³ AGS, CCA, PUE, 23, 42, Zamora (an original royal letter from June 17, 1485).

⁸⁴ AGS, CCA, PER, 4-1, 167, Brasa, Sebastian (an original royal letter from March 22, 1496).

⁸⁵ AGS, CCA, PER, 2-1, 251, Argulles, Juan (a copy of a royal letter from July 1484).

⁸⁶ AGS, CCA, PER, 20-1, Orduña Pedro (a testimony of notification of a royal letter in Palencia in 1490).

obtained a royal letter in his favor in Burgos on September 1487, Yuce had his letter presented in Palencia ten days later.⁸⁷

III. Accessing the Royal Council

How much time did it take to obtain a royal letter of justice in fifteenth-century Castile? In certain cases, Castilian sources offer information that allows us to address this question. For example, when petitions or royal decrees specify the date in which the petitioner suffered the alleged injustice it becomes possible delineate the time frame in which the travel to the royal court and the submission of the petition were completed. Relevant information can also be found in the supporting documentation that petitioners submitted to the Royal Council, insofar as these records show the disputants in their localities before embarking on the journey to the Royal Council. As discussed in Chapter 2, some Castilians pleaded for royal justice months and even years after suffering an injury. However, the records also provide various examples of petitioners arriving at the Royal Council a week or two after the event, having completed the journey from their localities.⁸⁸ In certain cases, petitioners seem to have presented themselves before Royal Council within a few days of the alleged injury. For example, Miguel de Sasiola, the merchant whose cargo of precious clothes had been stolen during a night's stay in an inn at the town of Magaz in 1489, seems to have obtained a letter of justice in his favor only one day after the

⁸⁷ AGS, CCA, PER, 1, 128, Agay, Yuce (a testimony of notification of a royal letter in Palencia in 1487).

⁸⁸ For three relevant examples see: AGS, CCA, PER 7-1, 142, Cifuentes, Juan, a document without number (a royal decree r from May 1493); AGS, CCA, PER, 2-1, no. 54, Andres, Gonzalo (a petition from July 1493); Rafael García y García de Castro, *Virtudes de la reina Catolica* (Madrid: Consejo Superior de Investigaciones Cientificas, 1961), 437–39. Juan de Cifuentes, a citizen of Salamanca, presented a petition of griveance eight days after a group of local knights attacked his house in Salamanca and abducted his niece. To present this petition, Cifuentes embarked on a journey of roughly 100 kilometers, from Salamanca to Olmedo. In 1493, Gonzalo Andres, a judge in the village Aroyo traveled to Valladolid to complain about the attack he suffered from the kinsmen of a certain villager whom he tried to arrest. The petition was presented in Valladolid, approximately 80 kilometers from Aroyo, nine days after the attack. The third example pertains to the case of Abraham Zaba, a Jew from Zamora, who obtained a royal letter of justice less than two weeks after a violent incident. According to Zaba's petition, on April 10, 1487, when he and his father were praying at the synagogue of the town, Sancho, a judge of the *hermandad*, burst into the sanctuary and gave his father several blows with his rod. To present the petition, Zaba traveled from Zamora to Valladolid, a journey of roughly 90 kilometers.

incident had taken place. To present his petition, Sasiola had to rush to the *Consejo de Allende* in Burgos, a distance of roughly 80 kilometers from the inn in which he had spent the troublesome night.⁸⁹

Once the element of time is incorporated into the analysis of petitioning, it becomes clear that the Royal Council was remarkably accessible to petitioners. The sources suggest that petitioners did not have long to wait for their cases to be determined, because the Royal Council was usually capable of processing petitions and dispatching letters of justice within a few days. The ability to obtain royal decrees in relatively short periods of time, insofar as it was known to disputants, had important implications in terms of the ways in which Castilians employed petitioning as a route of political action. The short waiting times at court cheapened the costs for petitioners, sparing them the need to pay for lodging at the seat of the Royal Council. Moreover, it allowed disputants to “strike while the iron was still hot,” that is, to rush complaints and obtain royal decrees as a way to generate swift interventions in ongoing conflicts and pressing matters.

The impact that an accessible Royal Council could have on the development of a local dispute can be demonstrated through the case of Maria González, a widow and a citizen of the town of Cáceres. On July 12, 1479, the *corregidor* of Cáceres ordered his servants to seize six oxen that were in the possession of the widow’s son, as a punishment for damages that the son had allegedly perpetrated on another citizen of Cáceres. Maria González, who claimed that the oxen belonged to her and not to her son, deemed the confiscation illegal. Knowing that the royal court was in residence in the nearby city of Trujillo, some 40 kilometers east of Cáceres, González decided to petition for royal justice. The records show that at some point after July 12, she took the road from Cáceres to Trujillo, where she presented her petition at the Royal Council.

⁸⁹ AGS, RGS, September of 1490, fol. 186. According to Sasiola, the stealing of the clothes took place on September 9, 1490. The copy of the letter of justice that was granted to this petitioner bears the date September 10.



Figure 8: The Region of Cáceres and Trujillo

On July 20, the Royal Council granted González a royal decree that instructed the *corregidor* to return four of her oxen together with 4,000 *maravedís* as compensation for two of the animals that had already been butchered. In accordance with the *expediente*, the Royal Council assigned the *corregidor* three days to either fulfill the command or send his objections to the Royal Council.⁹⁰ The records that pertain to this case show that, upon obtaining the royal decree, González immediately took the road back to Cáceres. On July 21, she was already in Cáceres, where she had a local notary present the royal letter to the *corregidor*. Overall, it took González less than nine days to reach out to the Royal Council, obtain a royal decree in her favor, return to her town and present the document to its addressee. If González had submitted any record to substantiate her petition, then these nine days may have included the production of that document.

⁹⁰ AGS, CCA, PER 12-1, González Maria, a document without number (a testimony of presentation of royal letter in Cáceres on July 21, 1479).

July 12, 1479	<p>In Cáceres, the <i>corregidor</i> orders the killing of González's oxen in Cáceres</p> <p>González travels from Cáceres to Trujillo</p> <p>González presents a petition to the Royal Council in Trujillo</p>
July 20, 1479	<p>In Trujillo, the Royal Council issues a letter of justice in favor of González</p> <p>González travels from Trujillo to Cáceres</p>
July 21, 1479	<p>In Cáceres, González presents the letter of justice to <i>corregidor</i> and demands his compliance</p> <p>González travels from Cáceres to Trujillo. The <i>corregidor</i>'s representative travels from Cáceres to Trujillo</p> <p>In Trujillo, the <i>corregidor</i>'s representative presents his objection to González's petition</p> <p>In Trujillo, González responds to the <i>corregidor</i>'s representative and protests her inability to present a required a document due to the pressure exerted by the <i>corregidor</i> on the notary</p> <p>In Trujillo, the Royal Council issues a letter of justice in favor of González, ordering the notary of Cáceres to release the relevant documents.</p> <p>González travels from Trujillo to Cáceres</p> <p>González presents the letter to the notary and obtains the relevant documents</p> <p>González travels from Cáceres to Trujillo</p> <p>González presents a petition at the Royal Council, together with the papers she obtained</p>
August 16, 1479	<p>In Trujillo, the Royal Council issues a new letter of justice in favor of González</p> <p>González travels from Trujillo to Cáceres</p>
August 20, 1479	<p>González presents the letter of justice to the <i>corregidor</i>, which orders him to compensate her for her losses.</p>

Table 6: Time Line of the Conflict of Maria González, July – August 1479.

As can be seen in Table 6, the presentation of the royal letter in Cáceres on July 21 1479 did not end the dispute between González and the *corregidor*, but rather led the parties to undertake a series of judicial maneuvers, about which we have indirect evidence from a later document. It appears that after the presentation of the royal letter by González, the *corregidor* sent a procurator to Trujillo in order to present his objections and explain why the confiscation of

the oxen was, in fact, legal. González then traveled again to Trujillo, where she obtained a copy of the *corregidor*'s petition and responded to his allegation in a second petition she directed to the Royal Council. Although these petitions have not survived, we know that González complained about her inability to obtain a particular record that, she contended, could prove her case. More specifically, González claimed that the notary who had recorded the confiscation of her oxen had refused to surrender these proceedings to her due to pressure exerted by the *corregidor*. In response to this petition, the Royal Council granted González a second decree, ordering the notary to provide her a copy of the relevant record. With this decree, González returned to Cáceres and was, in fact, able to obtain the document she wanted. Once more, she traveled to Trujillo, came before the Royal Council, and presented the document together with a third petition.

On August 16 1479, the Royal Council granted González a new decree addressed to the *corregidor*, reiterating the previous command made in favor of González. On August 20 1479, a local notary in Cáceres recorded how González had presented the decree to the *corregidor* and how the magistrate complied with the command, returning her the four oxen together with the compensation determined by the Royal Council. Overall, the time that took González to achieve *cumplimiento de justicia* through petitioning was five weeks, in the course of which she travelled three times to Trujillo and back, submitted three petitions to the Royal Council, and obtained three different royal decrees, which she then presented to their addressees. The time line of this conflict illustrates how a persistent petitioner, who was willing to travel hither and thither in pursuit of justice, could mobilize the mechanisms of the petition, exploiting the proximity of the royal court and the accessibility of the Royal Council.

Certainly, completing rounds of obtaining and presenting royal decrees took more time when petitioners had to travel across greater distances. But even when petitioners had to travel from greater distances, the entire process could still often be completed in less than two months. Consider, for example, the case of Pedro Bayle and Juan Martin, two citizens of San Martin de Trevejo in Extremadura, who presented a petition of grievance before the *Consejo de Allende* in Valladolid in the spring of 1486 to complain about the defamatory rumors that two fellow townsmen were spreading against them.⁹¹ Several petitions, royal letters, and records of notification pertaining to this conflict allow for a partial reconstruction of the time line of the conflict. These records show that on April 22, 1486 Bayle and Martin were at San Martin de Trevejo, where they presented witnesses to a local judge and a notary and produced a witness deposition record. Equipped with this set of depositions, the two men then travelled to Valladolid, some 270 kilometers north of San Martin de Trevejo. The journey, the submission of their petition, and the production of a royal decree in their favor took them less than fifteen days, as attested by a royal letter of summons issued in their favor on May 6 1486. A procurator acting on behalf of Baile and Martin rushed this document to San Martin de Trevejo, travelling in an approximate daily speed of 45 kilometers, and had it pronounced to his patrons' opponents.⁹² To have their opponents summoned to the court of the Royal Council, Baile and Martin needed three weeks. Within an additional week, in Valladolid, they declared the *rebeldía* of their foes, who had failed to present themselves at court, and asked the Royal Council to rule the dispute in their favor.⁹³

⁹¹ AGS, CCA, PUE, 17-1, no. 76, San Martin de Trevejo (original royal letter from May 1486). A copy of this letter is preserved in AGS, RGS, May of 1486, fol. 117.

⁹² Ibid. (original royal letter from May 1486, inscriptions on the dorse).

⁹³ Ibid. (a petition from June 1486).

Another example can be found in the legal struggle of a man named Lope Rodríguez.⁹⁴ To appeal a sentence of banishment to which he was subjected by a royal governor, Rodríguez traveled from the Marquisate of Villena to the royal court in Seville, some 480 kilometers away. Rodríguez embarked on this journey on either May 6 1478 or a few days later. His petition, in any event, was presented at the Royal Council in Seville on May 27 together with a witness deposition record. On June 4 1478, the Royal Council granted Rodríguez a letter of summons addressed to the governor. The records show that a procurator acting on Rodríguez's behalf was able to present the document to the governor in the city of Albacete on June 22 1478. This means that Rodríguez needed around 46 days to petition the Royal Council and put into effect the royal decree he succeeded in obtaining. This included eight days of waiting in Seville, as well as an overland journey of approximately 1000 kilometers.

The time lines that these and other cases disclose allow for some general assessment of the time that late fifteenth-century Castilians normally required to complete rounds of obtaining and presenting royal decrees. Table 7 sets the variables of speed and waiting time at the Royal Council against a backdrop of distance from the royal court, according to three speed scenarios. The fast scenario represents a journey made in an average daily speed of 50 kilometers and two days of waiting at the Royal Council. The medium and the slow scenarios represent journeys made at the rate of 35 and 20 kilometers per day, and four and six days of waiting at the seat of the Royal Council respectively.

⁹⁴ On this case see the extended discussion in Chapter 6 of this dissertation.

Distance in Kilometers		(Back and forth to RC)		
		Fast *	Medium **	Slow ***
0–100	Blue	4–6	7–9	11–16
100–150	Green	6–8	10–13	16–18
150–200	Yellow	8–10	13–16	21–26
200–250	Orange	10–12	16–21	26–31
250–350	Red	12–16	21–26	31–41

* Fast scenario: Daily speed: 50 km; Time at RC: 2 days.

** Medium scenario: Daily speed 35km; Time at RC: 4 days.

** Slow scenario: daily speed: 20km; Time at RC: 6 days.

Table 7: Time, Distance and Speed in Journeys to the Royal Council

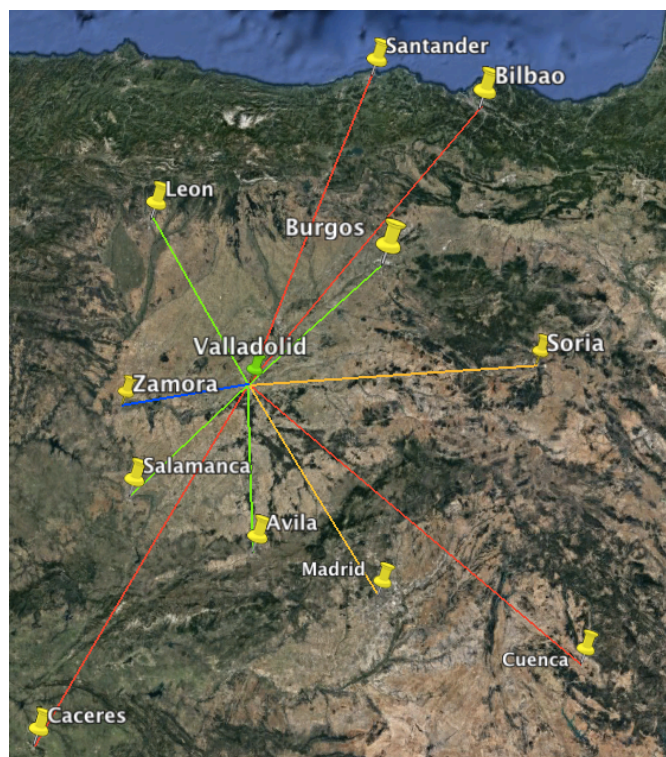


Figure 9: Ranges of Distance from the Royal Council in Valladolid

Figures 9 and 10 illustrate ranges of distance of various localities from Royal Councils located in Valladolid and Cordova. These figures do not purport to provide an accurate representation of actual journeys to the Royal Council. Rather, they give a sense of how the interplay of time, distance, and speed of travel could shape the practice of petitioning. On the basis of these figures

we can estimate, for example, that petitioner who walked from Seville to the Royal Council in Cordova, a journey of approximately 130 kilometers, might have needed ten days to obtain a royal decree, walk back to Seville and present it to an addressee, if the waiting time at the Royal Council was short.



Figure 10: Ranges of Distance from the Royal Council in Cordova

A petitioner living in Toledo and traveling to the Royal Council in Cordova, a journey of roughly 300 kilometers, could expect to be back in Toledo with a royal decree in her favor within two weeks, if she was both fast and lucky. If her speed of travel was a rather slow—for instance, 20 kilometers per day— and if she had to spend six days at Cordova before the Royal Council granted her the decree, then the completion of the round could be made within five weeks.

IV. Conclusions

In this chapter, I have demonstrated both the speed in which the royal courts operated and the troubles involved in travelling to and from the royal court. In fifteenth-century Castile, obtaining letters of justice was often a complex and difficult endeavor not only due to financial

costs, but also because of the great distances that many disputants had to cross before they could submit their petitions. The evidence presented in this chapter shows that many Castilians did, in fact, travel across dozens and even hundreds of kilometers, usually by foot and sometimes on the back of an animal. Such journeys must have shaped the meaning of petitioning and the value attached to royal decrees. Indeed, royal justice was something that petitioners felt in their feet, after walking for days and weeks in order to obtain it. From this perspective, to travel to the royal court was to engage in a sort of a legal pilgrimage. The hardship of travel was part of the ritual, in which petitioners entrusted themselves to the “favor” of their monarchs. If the petition enacted the reciprocal relationship between the subject and the ruler, the journey that the petitioner had to undertake in order to submit it demonstrated his or her reverence of royal authority.

In the final section of the chapter, I have shown that the handling of petitions by the Royal Council in late fifteenth century Castile was a relatively fast process. The petition of grievance allowed Castilians to generate swift interventions into local disputes. Indeed, the archival materials suggest that the accessibility of the Royal Council was more than a propagandistic representation crafted by the chroniclers of Isabel and Fernando. Keeping the petitionary paths open and accessible was a deliberate policy of royal institutions that saw petitioning as a central manifestation of government, and the dissemination of royal decrees as an important medium for exercising and consolidating authority. In fact, it seems fair to assume that the responsiveness of the magistrates and the relatively short waiting times at the Royal Council had an encouraging effect on petitioners and contributed to the high volume of the phenomenon. After 1477, an active *Consejo de Allende* north of the Duero helped to create perceptions of royal presence in the territories. Royal decrees became an available resource to be obtained and employed in local conflicts. The duplication of the Royal Council during the reign

of Isabel and Fernando meant that, in the final decades of the fifteenth century, the distance between the great majority of Castilians and one of the two Royal Councils was less than 600 kilometers. Within this range, rounds of obtaining and presenting royal decrees could usually be completed within a month or two. Finally, the effort exerted by numerous Castilians to obtain royal decrees suggests that petitioning was perceived by many as a promising route of action. The fact that masses of Castilians traveled hundreds of kilometers to obtain these textual artifacts implies expectations about their efficacy in social interactions. In what ways, and to what extent, these letters proved efficient as instruments of conflict and what kind of dynamics their presentations generated will be discussed in the next two chapters.

Chapter 5

The Presentation of Letters: Performance, Obedience, and Violence

It was the first day of September 1484, when a man named Gonzalo Savana walked into the plaza of San Juan in Zamora carrying a royal letter in his hand. The letter was addressed to Pedro Gómez Manrique, the *corregidor* of the city, who held a public hearing at the plaza on the same day. A local notary who was present at the plaza accepted the document from Savana's hands and inspected it. The signatures of four members of the Royal Council, as well as the unmistakable sign of the great seal of the Crown, attested to its authenticity.¹ When the notary began to read the letter aloud, it became clear that the document had been issued in response to a petition of grievance that a woman named Antonia Brasa, a widow from the town of Toro, had presented at the Royal Council. The *corregidor*, Pedro Gómez Manrique, may well have remembered the widow. After all, only a short while before—“on some day in August,” as the letter stated—he had banished her from Toro. The banishment, furthermore, had been preceded by a corporal punishment known as “shaming.” Tied to a donkey, Brasa was led naked through the streets of Toro, while the *corregidore*'s men flogged her. This dishonoring punishment was intended not only to inflict bodily pain but also to destroy the social reputation (*fama pública*) of Brasa as a good woman.²

¹ AGS, CCA, PER, 4-1, no.167, Brasa, Antonia (inscriptions on the dorse of an original royal letter from August 27 1484). A copy of the letter is found at AGS, RGS, August of 1484, fol. 47. Pedro Gómez Manrique belonged to the less successful branch of a famous aristocratic dynasty. He was the lord of a number of villages and towns in the valley of Ezcaray. Manrique served as the *corregidor* in Zamora and Toro in 1484-1485. One of his more famous cousins, another Gómez Manrique, served as the *corregidor* of Toledo.

² *Ibid.* Antonia's petition did not survive, although its substance is conveyed in the royal letter. An almost identical description to the punishment she described can be found in a complaint made in 1496 by Juana Martínez, a citizen

What the *corregidor* may not have been aware of was that following her banishment from Toro, Brasa had taken the road to Valladolid, some 60 kilometers to the east, where she petitioned the Royal Council. In that petition, Brasa claimed that the punishment had been inflicted unjustly, as a vindictive response to a complaint she had earlier made against Manrique's deputy-judge (*alcalde*) in Toro. According to her, instead of examining her complaint, the *corregidor* and his deputy-judge punished her for her audacity to complain. She also implied that this was done without a legal process. Brasa asked the Royal Council to revoke her sentence, restore her *fama pública*, and see that the two officers who had maltreated her pay restitution. In response to her petition, the Royal Council granted Brasa the letter of justice that Gonzalo Savana, acting as her procurator, presented five days later in the plaza of San Juan in Zamora. The letter assigned Manrique and his judge six days to submit the legal process made against Brasa, so that the members of the Royal Council could review the case and decide what would constitute justice. Once the notary finished reading the letter, Savana made the *requerimiento*: he demanded that the *corregidor* comply with the royal command, and asked the notary to produce an official testimony of the presentation of the letter, so he could prove that it had been presented to Manrique.³

of the town Torre de Don Jimeno. See AGS, CCA, PER, 16-2, Martínez, Juana. Like Antonia, Juana was punished by a local judge. She too was then banished from her town. As indicated by various depositions collected in Cuenca in 1478 against the *corregidor* of this city, the punishment was applied to many people, men and women, in ways that were described as harsh and unjust. See AGS, CCA, PER, 29-1, Valdivieso, Gironimo, a document without number (royal investigation from 1478). On the legal and political implications of "fama" see Chris Wickham, "Gossip and Resistance among the Medieval Peasantry," *Past & Present* 160 (1998): 3–24; Thelma Fenster and Daniel Lord Smail, eds., *Fama: The Politics of Talk & Reputation in Medieval Europe* (Ithaca: Cornell University Press, 2003); Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423* (Ithaca: Cornell University Press, 2003), 160–206. For the late medieval Iberian context see Jesús Ángel Solórzano Telechea, "Justicia y ejercicio del poder: la infamia y los delitos de lujuria en la cultura legal de la Castilla medieval," *Cuadernos de historia del derecho* 12 (2005): 313–353; Marie A. Kelleher, *The Measure of Woman: Law and Female Identity in the Crown of Aragon* (Philadelphia: University of Pennsylvania Press, 2010), 39–44.

³ *Ibid.*: "dixo que protestava e protesto delo que enplazar por virtud della al plazo, e segund que enella se contiene. E asy pedia e pido por testimonio signado en el signo notario, e rogava los senores que fuesen testigos."

As we have seen, interactions such as the one just depicted, in which recipients of royal letters, or procurators on their behalf, presented letters of justice to their opponents, were common in late fifteenth-century Castile. Such presentations, or notifications, were recorded by notaries on the reverse of the royal letters or in separate booklets of evidence produced on site. This chapter analyzes the social interactions surrounding the presentations of royal letters of justice in Castilian localities, focusing attention on questions of spectacle, performance and violent reprisals. As Brasa's case shows, presentations of royal letters were often constructed as public events in which a disputant made a demand of an opponent while drawing on a particular artifact: a royal letter. As an event, the presentation of a royal letter had three stages: the reading of the document by the notary, the demand (*requerimiento*) made by the beneficiary of the letter or her procurator, and the response made by the addressee.

My discussion in this chapter proceeds from an analysis of the performative aspects of Castilian letters of justice. To be sure, the presentation of such letters, insofar as it was part of legal processes, had an important procedural function. However, as public events, presentations of royal letters were also governed by the dynamic of spectatorship, as presenters often sought to assert or impose social identities while drawing public attention to their performance of claim-making. The rest of the chapter turns to chart a repertoire of reactions to presentations of royal letters, ranging from displays of obedience, disobedience, and violent reprisals. Sections two and three analyze the increasing ritualization of obedience to royal letters in fifteenth-century Castile, as well as the development of contemporary notions of non-compliance. They show that the foregrounding of ritualized obedience to royal documents paralleled the expansion of non-compliance with royal commands. This expansion seems to have been a product of the increasing attempts of royal institutions to intervene in local settings through the circulation of

letters granted to petitioners. Sections four, five and six examine disruptive and violent reactions to presentations of royal letters, the acquisition of royal letters of protection, and the capacity of the Royal Council to enforce its commands. Through the exploration of the presentations and reactions to royal letters, the chapter demonstrates that petitioning cannot be adequately understood as social practice when examined only through the prism of its function within a process of adjudication. A performative logic underlay both the presentations of royal letters of justice and the reactions they sparked in Castilian localities. As textual artifacts, royal letters both enabled and prescribed particular kinds of performances, which different historical actors sought to mobilize for various ends.

I. Presentations as Performances

Letters of justice were documents of legal standing. Typically, they included a directive in favor of the petitioner, ordering an adversarial party, a royal agent, or local authority to do something within a specific period of time. As discussed in previous chapters, in most cases royal letters were given directly to petitioners, who then had to convey and make their contents known to their addressees. To put such letters into effect, to make their command operative, a set of conditions had to be met. First, the *requerimiento* had to be made in person, either by the recipient of the letter or by a procurator officially delegated with powers by a letter of attorney (*carta de poder*). There was, however, some flexibility about what counted as a legitimate notification. Taking into consideration that opponents might try to avoid being notified, letters of justice often included a clause that specified the norms: If an addressee could not be found, the letter must be read before the doors of his or her house to their spouses or sons; if those were absent as well, the letter could be pronounced before to their servants or closest neighbors. The

assumption was that these relatives, servants, or neighbors would deliver the commands enclosed in the letter to the addressee, who “could not pretend ignorance.”⁴

To be considered valid, presentations of royal letters had to be carried out in the presence of at least two witnesses. Notaries were obviously also crucial, as they were in charge of certifying the documents and having them read to their addressees. Given the fact that both the disputants and the adversaries might be illiterate, this made perfect sense. As part of the procedure, notaries were also obliged to record the presentation of the letter. In fact, royal letters almost always included the following clause: “And we command whichever notary summoned for this purpose, under the punishment of [losing] our favor and of ten thousand *maravedi* for our chamber, to give a testimony signed with his signature.”⁵ As we shall see, notaries also played important roles in disrupting presentations of royal letters, for example by refusing to record them.

It is important to note that the type of “work” that the presentations of royal letters accomplished on a social level was not limited to the legal-procedural aspects of the event. Recent studies in the anthropology of bureaucracy have emphasized the roles played by documents in constructing both subjects and forms of sociality.⁶ For example, in present day Islamabad, as Matthew Hull observes, petitions “are particularly important as representations and

⁴ See, for example, AGS, RGS, July of 1493, fol. 262: “Por la qual vos mandamos que del dia que vos fue de leyda e notificada en vuestras personas si podieredes ser avades, e sy non antes las puertas delas casas de vuestras moradas fuere de los saber a vuestras mugeres o fijos si los avedes, e sy no a vuestros omes o criados o vezinos mas çercanos, para que vos lo digan e fagan de lo saber pro manera que venga a vuestras notiçias, e de ello non podayes pretender ynoeçençia...”

⁵ Ibid.: “E de como esta nuestra carta vos fuere leyda e notificada e la conplida mandamos, so pena dela nuestra merçed e de diez mill mrs. para la nuestra camara, a qual quier escriuano publico que para esto fuere llamado que dé ende al que vos la mostrare testimonio signado con su signo, por que nos sepamos en como conplides nuestro mandado.”

⁶ Matthew S. Hull, “Documents and Bureaucracy,” *Annual Review of Anthropology* 41 (2012): 251-267, especially 259.

enactments of normative political subjectivity.”⁷ During the imperial period, the language of petitions to kings and notables “worked in concert to enact a strong hierarchical bond between petitioner and addressee.”⁸ This was also true for fifteenth-century Castile. Petitioning was one way through which Castilians enacted the political subjectivity of humble and loyal servants of their monarchs. With petitions of grievance, Castilians were also constituting themselves as *agraviados*, legal subjects who endured injustices and merited of a royal redress. By their very nature, then, petitions represented the reciprocal relationship between subjects and their rulers. While petitioners “entrusted” themselves to the monarch’s favor, recognizing the monarch’s authority, they were also expecting the monarch to provide them justice. Royal letters issued in response to petitions constituted an act of reciprocation. Such letters underscored the sovereign position of the monarchs, that is, their authority to administer justice by intervening in a large array of local situations and jurisdictions. The transition from petitions to royal letters was marked by a shift in the subject-position of the disputant. Once a royal letter was granted to a petitioner, the latter turned from someone who begs for justice to someone who is entitled to it. This shift was reflected in the language employed in petitions and royal letters: Whereas petitioners “supplicated and asked,” presenters of royal letters were “demanding.” As performances, presentations of royal letters of justice allowed Castilians to enact the position of entitled subjects. They were now the beneficiaries of royal justice, subjects whose causes were recognized by the monarch.

Equally significant was the potential capacity of presentations of royal letters to impose subject positions on the letters’ addressees. The ways in which royal letters, as textual artifacts,

⁷ Matthew S. Hull, *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan* (Oakland: University of California Press, 2012), 88.

⁸ *Ibid.*, 90.

could be employed to that end can be explained in terms of what sociologists Iddo Tavori and Colin Jerolmack call “molding the social self.”⁹ Developing a pragmatist approach to the study of human-nonhuman interactions, these authors point at the ways nonhuman beings (objects or sometimes animals) actively mediate interactions between different social actors by offering “perceptual affordance.” According to them, nonhumans may influence “the anticipations people have of each other.”¹⁰ In other words, they “mold the social self by structuring how one will be perceived by others and constraining the possibilities for alternative presentations of self.”¹¹ While nonhumans should not be taken as passive bearers of symbolic meaning, they also should not be imbued with “the same sense of agency as humans have,” as some proponents of actor-network theory tend to do.¹² According to Tavori and Jerolmack, what commonly happens in social interactions is that “an alter uses nonhumans as a hook for interaction with an ego.”¹³ Nonhumans become, in this sense, “resources that an alter uses to constrain and transform the presentation of self that an ego can enact.”¹⁴ However, the process in which nonhumans “mold social selves” may unfold in surprising ways: “In certain contexts, nonhumans can also provide resources for what could be called an 'interactional ambush' by imposing a social identity onto people which is completely outside of their situational expectations—but which they must nonetheless reckon with.”¹⁵

The presentations of Castilian letters of justice often constituted such “interactional ambushes.” In them, a disputant appropriated an artifact—a royal letter—to impose a particular social identity on an opponent or a third party. Aside from the legal function of the notification,

⁹ Colin Jerolmack and Iddo Tavori, “Molds and Totems: Nonhumans and the Constitutions of the Social Self,” *Sociological Theory* 32, no. 1 (2013): 64–77.

¹⁰ *Ibid.*, 74.

¹¹ *Ibid.*, 67.

¹² *Ibid.*, 69.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*, 68.

in the case of Antonia Brasa, for example, the presentation made by her procurator in the plaza of San Juan in Zamora enacted the political subjectivity of Brasa as a legal subject who had suffered an injustice and was now asserting her right for a fair process. But this presentation was also an attempt to impose on Pedro Gómez Manrique, the *corregidor* who punished Brasa, a particular political subjectivity. While Manrique was conducting a public hearing, serving as the administrator of justice, the letter suggested that he was, in fact, responsible for injustice. The letter addressed him, moreover, as a subject of the Crown who must follow the law and obey the orders of his monarchs. Instead of being the giver of commands, Manrique was now commanded. And while the orders came from the Royal Council, the person who demanded compliance, making the command operative, was the representative of a woman whom he himself had punished. The meanings charged into such a performance and interaction clearly exceeded the legal-procedural aspect of the letter.

That such performances and interactions were made in public was obviously significant. When Gonzalo Savana presented the royal letter on behalf of Antonia Brasa, he was engaging in a claim-making that involved not only the *corregidor* and the notary, but also a group of other people: the witnesses mentioned by the notary in his testimony of notification, as well as all those who happened to be present at the plaza of San Juan, where the reading of the letter and the claim-making that followed it took place. Like numerous other presentations of royal letters, Savana's performance was meant to be seen and heard. Squares and other public spaces were commonly selected as sites for such performances, precisely because it was likely that a crowd would be there to watch the performance unfold. As public events, presentations of royal letters were therefore characterized by what sociologist Ari Adut calls "the dynamics of

spectatorship.”¹⁶ The presence of spectators imbued such performances with meanings that went beyond their legal-procedural aspect. Spectatorship enhanced the social identities enacted in such interactions. One potential effect of the spectatorship that characterized presentations of royal letters was what Adut defines as “publicity.” For Adut, publicity is not merely “the transmission of information or something being known by a lot of people.” It is also different from “publicness—that is, simply being in a public space.”¹⁷ Publicity, rather, should be understood as “the attention on a focus by a public.” Included in “publicity” are the effects of collective attention prompted by a certain event.¹⁸ The key point is that publicity has the potential to “significantly alter the social status of an individual by making him or her the focus of attention and by granting him or her opportunities to perform.”¹⁹ Publicity functions thus as a resource that political actors often try to appropriate, although at the same time it might also function as a political constraint.²⁰

In late medieval Castile, the pressure exerted by presentations of royal letters derived not only from the royal sanctions and threats enclosed in such documents, but also from the collective attention prompted by these letters being read in public spaces. In this sense, presentations of royal letters allowed parties to publicize their political claims, to turn them into a topic of conversation, and to inscribe them into the “common knowledge” of the town or the village. Of course, not all spaces where royal letters were presented were distinctly public. In cases pertaining to public offices, for example, royal letters were typically read inside the urban council in the presence of only a small elite audience consisting of the councilmen and other

¹⁶ Ari Adut, “A Theory of the Public Sphere,” *Sociological Theory* 30, no. 4 (2012): 238–262, at 242.

¹⁷ *Ibid.*, 244.

¹⁸ *Ibid.*, 244–245. Adut explains that by prompting collective attention, certain types of events can construct a public, that is, “a collectivity consisting of strangers who realize each other as the spectators of the same thing.”

¹⁹ *Ibid.*, 246–247.

²⁰ *Ibid.*

public officers of the city. It was also common for presentations of royal letters to be carried out near the houses of their addressees. But even in such instances, when the audience was bound to be small, visibility and audibility were inherent in the procedure.

Presentations of royal letters were often understood as challenges that beneficiaries of royal letters posed to their opponents. At stake was honor, as well as the social identities that such performances would build or undermine. The publicity that presentations of royal letters tended to confer enhanced the challenge. By publicly accentuating the contestation between the parties, as well as the support granted to the claim-maker by the Crown, presentations of royal letters were events in which the social status of an opponent could be called into question. The pressure to answer, to react to the challenge, derived not only from the royal word that commanded addressees to do something, but also—and perhaps more significantly—from the gazes and whispers of the community.

For someone like Brasa, the public performance that the royal letter afforded could be appealing as an inversion of power relations, albeit of a symbolic and temporary nature. The presentation of the letter literally gave Brasa a voice, as her account of the conflict, which the royal letter reiterated, was read aloud at the center of the plaza. Since the letter was addressed to both the *corregidor* and his judge, there had to be two different presentations, one in Zamora and the other in Toro. The public nature of these events was particularly significant given the “shaming” to which Brasa had been subjected. This punishment, which was also orchestrated as a public event, had stripped the widow not only of her clothes, but also of her good reputation and her local citizenship in Toro. The presentation of the royal letter could be the first step for restoring her *fama pública*.

II. Ceremonies of Obedience

Notarial testimonies of notification disclose a particular ceremony of obedience performed by Castilian officers and dignitaries to whom royal letters were presented. This ceremony, which was practiced as an immediate response to the presentations of royal letters, was recorded by the notary who produced the testimony of notification in the aforementioned case of Antonia Brasa. Writing on the reverse side of the royal letter that had been granted to Brasa, the notary documented the *requerimiento* made by Brasa's procurador, but also the response of the *corregidor*. According to the notary, once he finished reading Brasa's letter,

The lord *corregidor* took the letter in his hands, and kissed it, and put it on his head, and said that he obeyed it with his greatest reverence and according to the law, as a command of his king and queen and natural lords, may God nourish them and let them reign for long and good times with accretion of many more kingdoms and lordships.²¹

This set of gestures, in which *corregidores*, councilmen, judges and other magistrates and vassals of the Crown took the royal letters that were presented to them into their hands, kissed them, placed them on their heads, proclaimed obedience to the royal command and implored God to bless the monarchs, is recorded on the reverse side of numerous royal letters dated from the final decades of the fifteenth century. While the ceremony has received little attention in the scholarship of royal rituals in late medieval Castile,²² archival evidence shows that by the end of the fifteenth century it was, in fact, pervasive. From Andalusia in the south, to the Cantabrian coast in the north, local and royal officers, as well as noblemen, who were the addressees of

²¹ AGS, CCA, PER, 4-1, no. 167Brasa, Antonia, (inscriptions on the dorse of a royal decree from August 1484): "E luego el dicho señor corregidor tomo en sus manos la dicha carta, e beso la, e puso la sobre la cabeça, e dixo que la obedeçia e obedesio como carta e mandado de sus rey e reyna e señores naturales con la mayor reverençia que podia e de derecho devia, a quien Dios mantenga e dexa bevir por reynasen mucho tiempo [sic] e buenos, con acrescentamiento de mas reynos e señorios." On the following day, Brasa's letter was presented to its second addressee, a judge (*alcalde*) of Toro named Juan Alvarez de Mirantes. The judge's response, documented by a local notary on the dorse of the letter was very similar: "E luego el dicho bachiller alcalde dixo que obedeçia e obedesio la dicha carta como carta e mandado de sus reyes e señores naturales a quienes Dios dexa bevir e reynar por muchos tiempos e buenos con agreçimiento de muchos mas reynos e señorios."

²² On royal rituals in the time of Isabel and Fernando see in particular José Manuel Nieto Soria, *Ceremonias de la realeza: propaganda y legitimación en la Castilla Trastámara* (Madrid: Narea, 1993); Álvaro Fernández de Córdova Miralles, *La corte de Isabel I: ritos y ceremonias de una reina (1474-1504)* (Madrid: Dykinson, 2002).

royal letters responded to the presentations of these textual artifacts by following more or less the same ritual protocol, and notaries took pains to record them doing so.²³ When royal letters were presented in urban councils, the members of the council would sometimes pass the letter among themselves, performing the ceremony one after another.²⁴ The ceremony was also performed by churchmen.²⁵ Ordinary people, on the other hand, are not recorded to have performed such gestures. If they did show their reverence to royal letters in the same fashion, it was not

²³ Examples include: AGS, CCA, PER, 24-1, Rodríguez, Lope, a booklet without a number (report of a royal investigator from September, 1478, fol.3v): “Luego, los dichos alcaldes e regidores tomaron la dicha carta con aqueulla revernçia que devya, e la pusieron sobre sus cabeças. E dixeron que la obedechian e obedechieron como carta de sus señores rey e Reyna e señores naturales a quienes [Dios?] dexa e beye e reguir por largos tiempos e buenos...”; AGS, CCA, PUE, 6-1, no. 78, Ciudad Real (a report of an investigation conducted in Ciudad Real in February 1479, fol. 3v): “Luego el dicho señor corregidor tomo la en sus manos e puso la sobre su cabeça, e dixo que la obedechia e obedechio como carta e mandado de sus reyes e señores [a quienes Dios dexa bevir?] e regnar por muchos tiempos e [buenos?] con mayor acresamiento de regnos e señorios a su santo servicio...”; AGS, CCA, PER, 18-1, Molina, Fernando, a booklet without a number (report on a presentation of a royal letter to a corregidor in the city of Ubeda in June 1479, fol.8r-8v): “E luego el dicho señor corregidor tomo la dicha carta delos dichos señores reyes en sus manos, e dixo que por sy e en nonbre delos dichos alcaldes e regidores e pregonero que la obedechia e obedechio con aquel acatamiento e revernçia que podia e devia como carta de nuestros rey e Reyna e señores naturales, cuya vida e salud [cobdiencia?] con acreçimiento de mas reynos e señorios, e beso la e puso la ençima de su cabeça...”; AGS, PUE, 23, no. 42, Zamora (inscriptions found on the back of a royal letter presented in Zamora in June 1485 to a number of the local officers): “E luego el dicho bachiller Diego Peres tomo la dicha carta en sus manos e beso la e puso la sobre su cabeça e dixo que la obedesia e obedesio con la mayor revernçia que podia e devia e como carta e mandado de sus rey e Reyna e señores.”; AGS, CCA, PER, 30-2, Villafaña, Gonzalo, document without a number (inscriptions found on the back of an original royal letter that was presented to the lord of the town of Monzon in May, 1487): “E luego el dicho señor Sancho de Rojas dixo que obedechia e obedechio la dicha carta con la mayor revernçia que podia como carta de sus reyes naturales que Dios dexa bevir e regnar por muchos tiempos e buenos como por sus altesas es[?] e tomo la dicha carta e la beso”; AGS, CCA, PER 9-2, Escobar Pedro, a royal letter without a number (inscriptions on the back of the letter that was presented to an judge in February 1490, in the village of Villacarlón de Campos): “E luego el dicho alcalde tomo la dicha carta en sus manos e beso la e dixo que la obedechia con la mayor revernçia que podia e devia.”; AGS, CCA, PER, 2-1, no. 176, Aranda Juan de (inscriptions on the dorse of a royal letter presented to a judge in the town of Aranda de Duero in August 1491): “El qual dicho alcalde tomo en sus manos la dicha carta de sus altezas e dixo que la obedechia e obedechio e de derecho devia como carta de sus reyes e señores naturales, a los quales Dios dexase bevir e regnar por muchos tiempos e buenos a su santo servicio. La qual, el dicho alcalde puso sobre su cabeça.”

²⁴ For example, See AGS, CCA, PER, 25, Salto Alfonso, a booklet without a number (report on the visit of a royal investigator in the town of Palos), fol. 2r.: “E luego los dichos alcaldes e regidores e todos los otros que estava[n] en el dicho cabildo respondieron e dixeron que reçebian la dicha carta, e la tomavan e tomaron en sus manos e la besaron, e pusieron en sus cabeças. E dixeron que la obedechian e obedechieron como carta de su Reyna e señora natural, a la qual Dios dexa bevir e regnar por muchos tiempos e buenos.”

²⁵ When Luis de Acuña, the bishop of Burgos, was presented in 1488 with a royal letter, a local notary recorded how the prelate “received the letter in his hands, and said that he obeyed it in the best way he could and must. And in a sign of obedience he put it on his tonsure.” See AGS, CCA, PER, 1-1, no. 81, Acuña, Luis: “...reçibio la dicha carta en las manos e dixo que la obedechia e obedechio segund e como mejor podia e devia e en senal de obedechia la puso ençima de su corona.” See also the recorded response of the vicar of the bishop of Osma, who was presented with a royal letter in July 1484 in AGS, CCA, 12-1, González de Ortega, Fernando., a royal letter without a number (inscriptions on the back of the document): “... dixo que obedechia e obedechio la dicha carta delos dichos señores reyes con la revernçia que devia, puniendola como la puso sobre su cabeça.”

considered important enough to be put on paper. It may well be the case that the performance of the ceremony was considered an honor reserved to officers and other leading members of the commonwealth.

For fifteenth-century Castilians, kissing a royal letter and placing it on the head was a sign of obedience. Such gestures resonated, moreover, with other acts of ritualized submission. In the Castilian ceremony of homage, for instance, the kiss figured prominently. Unlike its French counterpart, where lords exchanged mouth kisses after grasping their vassals' clasped hands, the Castilian version of the ritual was humbler, with vassals only kissing their lord's right hand.²⁶ This custom is recorded in numerous medieval sources, including narrative accounts. The chronicler Pulgar, for example, reported that when Afonso V of Portugal entered Castile in order to fight his opponents, Fernando and Isabel, the leaders of the pro-Juana faction in the Castilian nobility, including the Duque of Arévalo and the Marquise of Villena, came to kiss his and Juana's hands and to swear fealty to the couple, "as the legal codes of Spain requires to do to the Kings of Castile and Leon."²⁷

Yet the custom of kissing the king's hands, the *besomanos*, was not confined to the ritual of homage; it was practiced, in fact, as "an act of submission performed by the great lords of the realm, and even lowly royal officials."²⁸ As Teofilo Ruiz has shown, it was common for royal entries to include a separate ceremony, either at the royal palace or by the city's gates, to allow the local notables and officials to express their obedience by kissing the king's hands.²⁹ Such

²⁶ Edward Muir, *Ritual in Early Modern Europe* (Cambridge: Cambridge University Press, 2005), 36.

²⁷ Fernando del Pulgar, *Crónica*, 51: "e todos aquellos caballeros besaron las manos del Rey de Portugal é á ella, e ficiéronles juramento é omenage de fidelidad, que segun los fueros de España se requería facer como á Reyes de Castilla é Leon."

²⁸ Teofilo F. Ruiz, "Unsacred Monarchy: The Kings of Castile in the Late Middle Ages," in *Rites of Power: Symbolism, Ritual, and Politics Since the Middle Age*, ed. Sean Wilentz (Philadelphia: University of Pennsylvania Press, 1999), 125–26.

²⁹ Teofilo F. Ruiz, *A King Travels: Festive Traditions in Late Medieval and Early Modern Spain* (Princeton: Princeton University Press, 2012), 119, 138, 161, 173. See also Luis X. Morera's dissertation, *Cities and*

ceremonies were carefully orchestrated events, in which the participants and their spatial positions were determined according to “a strict protocol of rank.”³⁰ Kissing the king’s hands, after all, brought subjects into direct contact with the royal body. The gesture, which conferred honor on the kisser, was thus limited to members of the ruling elite.³¹ On the other hand, textual kisses of the king’s hands—articulated in the formula “I kiss the hands of your royal highness”—were commonly employed to open petitions to the monarchs. In that sense, all sorts of petitioners engaged in royal kissing, regardless of their social status.³²

Kissing the royal letter can be interpreted in light of this tradition of ritualizing contact between royal bodies and the notables of the realm. What the officer or the vassal kissed was, presumably, not the paper, but the seal, which represented the royal person. Thus, insofar as royal letters were understood to emanate from the monarch, kissing them was metonymic, standing in for kissing the king’s body in his actual presence. In this view, the kiss was an act of recognition of the presence of the monarch contained within the seal.³³ According to Wayne Allinson, in Tudor England, where royal letters were typically kissed by the envoys who presented them, such gestures made these documents “almost like relics, giving corporeal substance to written words on paper.”³⁴ The placement of the royal letter on one’s head, a gesture that involved removing one’s hat, can also be seen as an acknowledgment of royal presence.

Sovereigns: Ceremonial Receptions of Iberia as Seen from Below, 1350-1550 (University of Minnesota, 2010), 13, 58, 112.

³⁰ Ruiz, *A King Travels*, 119.

³¹ As Ruiz “Unsacred Monarchy” notes, this tradition may well have been originated in the political culture of the Caliphate of Cordova. According to Maribel Fierro, “Pompa y ceremonia en los califatos del occidente Islámico (s. II/VII-IX/XV),” *Cuadernos del CEMyR* 17 (2009), 125–152, at 136, kissing the hand was a way in which the members of the courtly elites saluted the ruler.

³² See, for example, AGS, CCA, PER, 4-2, no.342, Burgos, Juan. On this formula see also Morera, *Cities and Sovereigns*, 112.

³³ This point has been made with respect to royal letters in sixteenth-century England by Wayne Allinson, *A Monarchy of Letters: Royal Correspondence and English Diplomacy in the Reign of Elizabeth I* (New York: Palgrave Macmillan, 2012), 190–91.

³⁴ *Ibid.*, 33.

While in the presence of the king, subjects were expected to remain bareheaded.³⁵ Moreover, as Edward Muir observes, hat gestures were common in early modern rituals of adulation. Hats were to come off when letters from persons of higher ranks were read, or when the king's or the pope's names were mentioned in a conversation.³⁶

To place a royal letter on one's head was to ratify the king's superior position. In Castile, as elsewhere in medieval and early modern Europe, political discourses explicitly referred to the monarch as the head of the body politic.³⁷ When an officer placed a royal letter on his head he thus embodied this imagery, in which authority was understood to descend from the head down, from the monarch to the officers and other notables of the Crown. The formula that followed the gesture—the urging of God to provide the monarch with more kingdoms and lordships—was pronounced as a prayer. In the earlier examples, the formula was sealed by “amen.”³⁸ Such words, moreover, recalled the formula with which Castilian royal letters were usually opened, where monarchs deemed themselves rulers by “the grace of God,” stating the kingdoms and lordships subjected to their rule. Thus, the words of the obeying officer, who recognized royal authority by pronouncing the formula of obedience, closed the symbolic circle that started by the proclamation of the divine authorization of royal sovereignty.

Whereas historians of late medieval Castile have dedicated little attention to the ceremony of obedience to royal letters, the topic has received more consideration by scholars working on Spanish colonial contexts. In Spanish America, officers are reported to have performed the aforementioned gestures continuously, at least until the eighteenth century. Joanne Rappaport and Tom Cummins, for example, analyze the ritual in their discussion of literacy in

³⁵ For example, see the citations in Antonio Feros, *Kingship and Favoritism in Spain of Philip III* (Cambridge: Cambridge University Press, 2000), 82.

³⁶ Muir, *Ritual*, 132–33.

³⁷ For example, see Feros, *Kingship and Favoritism*, 252.

³⁸ The word “amen” is absent from records of notification dated from the 1470s onward.

the Andean world of the sixteenth century.³⁹ These authors argue that in medieval Iberia, the ritual of obedience to royal letters was practiced by both Christians and Muslims, although its roots are unclear: “It could have arisen from either Christian or Muslim political culture, but most likely it was a ritual common to both and mutually recognized.”⁴⁰ Rappaport and Cummins postulate a Roman or Byzantine origin.⁴¹

Although the evidence to that end remains scarce, there is at least one indication that Byzantine imperial officers may have indeed performed a similar ceremony as early as the ninth century when presented with a royal letter. The annals of Eutychios, the patriarch of Alexandria from 932, include a description of a similar set of gestures in an account that also draws an interesting analogy between kissing royal letters and kissing religious images.⁴² The context is Eutychios’s report on the iconoclastic policies of emperor Theophilos (813-842). According to Eutychios, when Theophilos ordered the removal of holy images from all churches, the patriarch of Alexandria Sophronius wrote an extensive treatise in defense of images and their veneration. Eutychios’s account attributes Sophronius the following argument:

Whenever a document from the king arrives, sealed with the king’s seal, and the official is told, ‘this is the king’s seal, and his document’, does he not rise to take the document in his hand, to kiss it, to put it to his head and his eyes? His standing, and his kissing the document, is not to honor the scroll, or the wax that is sealed on the scroll, or the ink that is inside the scroll; nor is his standing or his honor for the document. It is certainly not for any one of these features. It is only to honor the king and the king’s name, since this is his document.⁴³

³⁹ Joanne Rappaport and Tom Cummins, *Beyond the Lettered City: Indigenous Literacies in the Andes* (Durham: Duke University Press, 2011), 196–97.

⁴⁰ *Ibid.*, 197.

⁴¹ *Ibid.*

⁴² Juan Signes Codoñer, *The Emperor Theophilos and the East, 829-842: Court and Frontier in Byzantium During the Last Phase of Iconoclasm* (Farnham and Burlington: Ashgate, 2016), 401–2. On kissing icons in Byzantium see: Hans Belting, *Likeness and Presence: A History of the Image Before the Era of Art*, Edmund Jephcott trans. (Chicago and London: University of Chicago Press, 1994), 172, 225; Joanna Cannon, “Duccio and Devotion to the Virgin’s Foot in Early Siennese Painting,” in *A Wider Trecento: Studies in 13th and 14th Century European Art Presented to Julian Gardner*, ed. Louise Bourdua and Robert Gibbs eds. (Leiden: Brill, 2012), 53.

⁴³ Cited in Codoñer, *The Emperor*, 402.

Although the exact history of this ceremony remains obscure, another piece of evidence suggests that it was also performed in Ottoman times. An Ottoman account from the second half of the seventeenth century describes the performance of a rather similar set of gestures, situating it within a curious diplomatic context: the 1665 visit of the sultan's envoy to the court of Leopold I, the emperor of the Holy Roman Empire.⁴⁴ According to this account, the Ottoman ambassador Kara Mehmed Agha, who was sent to Vienna as part of peace negotiations between the Ottomans and the Habsburgs, set forth in advance a number of conditions as to how he should be received by the emperor. Not only should Leopold descend from his throne and personally greet the ambassador, he should also show his reverence to the sultan's letter, which would be presented to him by the ambassador, by kissing the document and placing it on his head. After describing the successful negotiation of Kara Mehmed Agha, the Ottoman account emphasizes that these conditions were fully accepted. In fact, the response of Leopold and his courtiers exceeded the demands:

Signaling his respect for the sultan's written word [command], the emperor received the scroll with both hands and pressed it to his lips twice. He then placed it on his head and, as he turned to his right, all the courtiers present on that side doffed their hats and prostrating themselves on the ground gave thanks for peace. He then turned to his courtiers, priests and advisers standing on the left, who paid the same gestures of respect by baring their heads and touching their heads to the ground.⁴⁵

It is not entirely clear when Castilian officers and other notables began to respond to presentations of royal letters by performing a ceremony of obedience similar to the one depicted above.⁴⁶ While the practice is well recorded for the final decades of the fifteenth century, the

⁴⁴ Rhoads Murphey, *Exploring Ottoman Sovereignty: Tradition, Image and Practice in the Ottoman Imperial Household, 1400–1800* (London: Bloomsbury Publishing, 2008), 67–70.

⁴⁵ Cited in *Ibid.*, 69–70.

⁴⁶ The documents of the “Camara de Castilla,” with their ample of evidence dated to the final decades of the fifteenth-century, are not very reveling in that regard, because the great majority of the documents they contain are dated from the final decades of the fifteenth century, a time when the ceremony was already inaugurated.

earliest examples I was able to trace are dated to the 1430s.⁴⁷ In one of them, a report on a royal inquest conducted in Seville in 1445, one of the judges of the city is said to have responded to the presentations of two royal letters in the following way: “And in response, the said Lope took those letters in his hands, and he put them on the top of his head, and he said that he obeyed them with the reverence as letters of his king and natural lord, may God let him live and rule for long and good times.”⁴⁸ Similarly, in another example dated February 1448, a notary in the town of Santander depicted the judges and councilmen of the town responding to the presentations of two royal letters by taking the documents in their hands, placing them on their heads, and proclaiming their obedience to the monarch.⁴⁹ Neither account, mentions kissing the royal letters.

One point that becomes clear upon considering evidence from local archives, notably the “books of acts” of various municipal councils, is that the oral component of the ceremony, the formula that proclaimed obedience and urged God to maintain the monarch’s rule, can be traced back at least to the final decades of the fourteenth century. In Ledesma, a small town situated on the Torme some forty kilometers downstream from Salamanca, a notary recorded it in 1386:

And once that letter was read, the said council and good men said that they obeyed that letter of that king with the greatest obedience and reverence required, as a letter and order of their king and natural lord, may God let him live and reign for many good times, amen.⁵⁰

⁴⁷ Cited in María Concepción Quintanilla Raso, “La nobleza,” in *Orígenes de la monarquía hispánica: propaganda y legitimación*, ca. 1400-1520, ed. José Manuel Nieto Soria (Madrid: Dykinson, 1999), 83, no.64: “Et el dicho condestable dixo que obedesçia la dicha carta del dicho señor Rey, con la mayor reverençia que podía e devia, asi como carta de su Rey e su señor natural cuya vida e salud cobdiçia sobre todas las cosas, e que la besava e ponía ençima de su cabeça.”

⁴⁸ AGS, CRC, 654, 6, fol. 2r.: “E el dicho Lope, en respondiendto tomo la dichas cartas con sus manos e puso las encima dela cabeça, e dixo que las obedesçia con la reverençia que devida asy como cartas de su rey e señor natural... a quien Dios dexe bevir e reganr por muchos tiempos e buenos.”

⁴⁹ Published in Jesus Ángel Solórzano Tellechea, *Colección diplomática del archivo municipal de Santander (1295–1504)* (Santander: Fundación Marcelino Botín, 1995), 130, doc. 91: “Et los dichos alcaldes, e regidores, e procurador tomaron las dichas cartas del dicho sennor Rey en sus cabeças e dixeron que las obedecían e obedesçieron con todas las mayores reverençias que podían e devyan, asy commo a carta e mandado de su Rey e sennor natural, el qual Dios mantenga, e dexe bevyr e reynar por muchas tiempos baso su santo servicio.”

⁵⁰ Published in Alberto Martín Expósito and José María Monsalvo Antón, eds., *Documentación medieval del archivo municipal de Ledesma* (Salamanca: Ediciones de la Diputación de Salamanca, 1986), 121, doc.61: “Et la

If the members of the Ledesma's ruling elite also showed their reverence by kissing the royal letter or placing it on their heads, the notary did not see it necessary to record. This was also the case with records of notification prepared in other Castilian towns during the first half of the fifteenth century. Pronunciations of the same formula of obedience are recorded in the "books of acts" of places such as Cuéllar in 1402 and 1405,⁵¹ Cuenca in 1417, 1419, and 1420,⁵² Burgos in 1429,⁵³ Avila in 1436,⁵⁴ or Ciudad Rodrigo in 1440.⁵⁵ On all these occasions, local notaries who committed to memory the words pronounced by the local officers mentioned no physical gestures. This may suggest that kissing royal letters and placing them on one's head were later

dicha carta leyda, el dicho conçejo et omes bonos dexieron que obedesçían la dicha carta del dicho sennor rey con la mayor obedensçia e reverençia que devían, como carta e mandado de su rey e su sennor natural, a que Dios mantenga e dexa vevir e regnar por muchos tienpos e bonos, amen."

⁵¹ Published in Balbino Velasco Bayón, *Colección documental de Cuéllar, 934-1492* (Cuéllar: Ayuntamiento de Cuéllar, 2010). For the response to the presentation of a royal letter in January 1402 see *Ibid.*, 353-354: "E luego el dicho conçejo e alcalldes e rregidores e omes buenos dixeron que obedeçían las dichas carta del dicho señor infante con la mayor rreverençia que debían e podían, commo cartas de su señor natural, al qual Dios mantenga por muchos tienpos e buenos a su serviçio, amen." See *Ibid.*, 401-3 for the response to the presentation of a letter in March 1405: "E los dichos alcalldes e rregidores obedesçieron la dicha carta con la mayor rreverençia que devían commo carta de su rey e su señor natural, al qual mantenga Dios por muchos tienpos e buenos syenpre rrenando, amen."

⁵² Published in Antonio Chacón Gómez-Monedero and Pedro Martínez Escribano, eds., *Actas municipales del ayuntamiento de Cuenca I, años 1417, 1419, 1420* (Cuenca: Ediciones Ayuntamiento de Cuenca, 1994). For the response to two letters presented don October, 1417, see *Ibid.*, 15: "E presentada e leída la dicha carta del dicho sennor rey, luego el dicho Concejo e cavalleros e escuderos e oficiales e omnes buenos de la dicha çibdat dixeron que la obedeçían e obedesçieron commo a carta de su rey e sennor natural, el qual Dios mantenga e dexa bevir e regnar al su santo serviçio por muchos tienpos e buenos, amen. E que son prestos de la conplir en todo e por todo segund que en ella se contiene"; *Ibid.*, 17: "E presentada e leída la dicha carta, el dicho Concejo e oficiales dijeron que la obedesçían commo carta de su rey e sennor natural, al qual Dios mantenga e dexa bevir e regnar al su santo servicio por muchos tienpos e buenos, amen." See also: *Ibid.*, 53-5, 74-8, where the urban officials are recorded to have responded in an identical way to presentations of royal letters on November 16, 1419, and on April 6, 1420.

⁵³ Archivo Municipal de Burgos, Libros de Actas [henceforth: AMB, LA], 6, fol.33v for a royal letter presented at the municipal council on April 21, 1429: "los dichos alcaldes e regidores... e omes buenos dixeron que obedesçían e obedesçieron la dicha carta del dicho sennor rey con toda la mayor reverençia que podían e devian asy como carta e mandado de su rey e de su sennor natural, el qual Dios mantenga e dexa bevir e regnar por muchas tienpos e buenos a su serviçio, amen." Similar responses are documented in *Ibid.*, fol.38r for a royal letter presented on April 27, 1429; and in *Ibid.*, fol.40r for a royal letter presented on May 5, 1429.

⁵⁴ Published in Ángel Barrios García, Blas Casado Quintanilla, Carmelo Luis López and Gregorio del Ser Quijan, eds. *Documentación del Archivo Municipal de Ávila, Vol. I (1256-1474)* (Ávila: Ediciones de la Institución "Gran Duque de Alba" de la Excama. Diputación Provincial de Ávila, 1988). For a letter presented on June 20, 1436 see *Ibid.*, 107-8, doc.45: "E luego el dicho conçejo, justicia et regidores dixeron... que ellos le obedesçían con la mayor reverençia que debían et podían de derecho, commo carta de su rey et señor natural, a cuya merçed ellos son, al qual Dios mantenga et dexa vivir e reynar por muchos tienpos et buenos, amen.""

⁵⁵ AGS, PTR, 58, 51, fol. 376v.: "dixeron que obedesçían la dicha carta del dicho señor rey con la mayor reverençia que podían e devian de derecho como a carta de su rey e señor natural, el qual dixeron que Dios dexase bevir e reynar por muchos tienpos e buenos al su santo serviçio sobre todos los del mundo, amen."

additions to a ceremony of obedience that had consisted only of a speech act. On the other hand, that such gestures are not described can also derive from notarial norms of abbreviated language. Abbreviated reports on the pronunciation of the formula of obedience were sometimes made, for example in the “books of acts” of Burgos from 1429 and 1441,⁵⁶ and of Avila from 1436.⁵⁷

On the basis of these findings, two hypotheses present themselves with respect to the chronology of the Castilian ceremony of obedience to a royal letter. In the first, the ceremony was part of Castilian political culture long before the fifteenth century, although it was not systematically recorded. In the second, the corporal elements of the ceremony were introduced only in the fifteenth century, probably in the 1430s, as additions to an older oral ceremony. According to this view, it was only with the reign of Juan II that Castilian officers started to kiss royal letters and to place them on their heads, although within a few decades the ritual was already instituted into the political culture. Whereas the available evidence does not allow for deciding between the two hypotheses, it is nonetheless clear that in the second half of the fifteenth century it became customary to produce elaborate documentation of responses to royal letters, and that the ceremony of obedience that is depicted in such records consists of both corporal and oral components.⁵⁸

⁵⁶ See, for example, the response to a letter presented in Burgos on December 28, 1429, as recorded in AMB, LA, 6, fol. 3r “e presentada, obedesçieron la con revençias devidas etc.” See also the descriptions of the responses to letters presented in June and July, 1429 in Ibid, fol.54v, 60r., 62v. See also the short description of the response (“fue obedesçida”) to a letter presented on October 31, 1441, as recorded in AMB, LA,10, fol.81v.

⁵⁷ Published in Tomás Sobrino Chomón, ed., *Documentación del Archivo Municipal de Ávila, Vol. II (1436-1477)* (Ávila: Ediciones de la Institución “Gran Duque de Alba” de la Excama. Diputación Provincial de Ávila, 1999), 24, doc.112: “e luego el dicho Alfonso Sanchez de Noya, bachiller, alcalde mayor del adelantamiento de Galizia, dixo que obedesçia e obedesçio la dicha carta del dicho señor rey, e que açebtava el dicho poder e que estaba presto de lo conplir en todo e por todo, segund e por la forma que en ella se contenia en quanto en él hera.”

⁵⁸ This is evident, for example, in the “books of acts” from Ávila, where records of notification from the 1470s onward, unlike their earlier counterparts, usually include both the physical and the oral elements of the ritual. For examples see: Ibid, 73, doc.133 for the presentation of a royal letter on February 9, 1475; 100, doc.148 for a royal letter presented on May 3, 1475; 104-105, doc.150 for a royal letter presented on May 8, 1475; 117, doc.157 for a royal letter presented on May 13, 1475; 131, doc.164 for a royal letter presented on July 14, 1475; 200, doc.183 for a royal letter presented on May 16, 1476. See also Carmelo Luis López, *Documentación del Archivo Municipal de Ávila, Vol. III (1478-1487)* (Ávila: Ediciones de la Institución “Gran Duque de Alba” de la Excama. Diputación

III. Obedience without Compliance

Performing the ritual of obedience to a royal letter did not necessarily mean that those who carried out the gestures it prescribed were also willing to follow royal commands. In fact, on many occasions they did not. One way through which Castilians resisted royal orders was to proclaim obedience without compliance. In the course of the fifteenth century, Castilian legal culture accentuated the distinction between “obeying” a royal letter and “complying with” its commands.⁵⁹ While “obedience” was understood as the respect shown towards the royal authority from which the letters emanated, “compliance” stood for the actual fulfillment of the royal dictate. Reflected in expressions such as “obey but do not comply” (*obédezcuse, pero no se cumple*), the concept of obedience without compliance delineated a political scheme in which subjects could refuse to carry out royal orders while still maintaining their respect towards royal authority.

Several scholars have demonstrated the importance of obedience without compliance within the political culture of late medieval Castile, and in the early modern Spanish empire more broadly. According to John Elliott, when subjects declared their obedience without compliance they “simultaneously demonstrated respect for the royal authority while asserting the inapplicability of royal orders in this particular instance.”⁶⁰ The scheme was famously invoked by Hernán Cortés in 1519, when, notwithstanding a direct order from of his superior, the royal

Provincial de Ávila, 1999), 74, doc. 256 for a royal letter presented on October 12, 1479; 88, doc.259 for a royal letter presented on November 27. In some occasions, however, only the oral formula was recorded as a response for the presentation of royal letters. See Sobrino Chomón, *Documentación del Archivo Municipal de Ávila*, 231, doc. 200 for a royal letter presented on September 17, 1476; 240, doc.202 for a royal letter presented on October 10, 1476; 263, doc.214 for a royal letter presented on January 22, 1477. See also Luis López, *Documentación del Archivo Municipal de Ávila, Vol. III*, 94, doc.289 for a royal letter presented on May 24, 1481.

⁵⁹ In reference to this concept, I follow the historiographical convention, which translates the term *obediencia* as “obedience.” The meaning of “obedience,” in this context, is perhaps closer to the meaning of obeisance in modern English.

⁶⁰ John Huxtable Elliott, *Empires of the Atlantic World: Britain and Spain in America, 1492-1830* (New Haven: Yale University Press, 2006), 131-132. See also Rappaport and Cummins, *Beyond the Lettered City*, 197-198.

governor of Cuba, Cortés decided to embark on an expedition to the American mainland.⁶¹ That “the King’s subjects could obey while not complying” was, for Ruth Mackay, one of the most important principles regulating the political life in seventeenth-century Castile.⁶² Obedience without compliance, she observes, formed part of a broader repertoire of social and legal mechanisms that permitted subjects to negotiate, bargain with, and even resist royal authority without threatening the structures of the civil society.⁶³ In Mackay’s view, the legitimation of non-compliance in certain instances stemmed from medieval and early modern notions of justice and the common good:

If the common good was the criterion for the justice of law, orders to subjects had to be just and reasonable. If they were not, then subjects would not comply unless the king explicitly commanded them to, and in that case a distinction was almost always made between obedience to the king and compliance with his dictate.⁶⁴

Refusing to comply with commands deemed unjust or contrary to established laws or privileges demarcated a space for negotiation, as contested orders were sent back to the central institutions of the Crown for further review. In such cases, the command did not have to be carried out until being reasserted by the Crown.⁶⁵ According to Mackay, this gave rise to “a long tradition of ignoring unwelcome orders from middle royal officials until they were confirmed with the king.”⁶⁶ Elliott and Mackay’s observations also hold true for Castile of the Catholic Monarchs. In fact, the proclamation of obedience without compliance became, by this period, a common scenario in presentations of royal letters to officers and vassals of the Crown, as well as to ordinary Castilians. Addressees of such letters were expected to declare whether or not they intended to comply, while the notaries who presented the letters were obliged to record their

⁶¹ Ibid.

⁶² Mackay, *The Limits*, 2.

⁶³ Ibid., 3.

⁶⁴ Ibid., 24.

⁶⁵ Ibid., 2.

⁶⁶ Ibid., 24.

responses. “And as for compliance,” wrote one notary in a small town in Extremadura in March 1492, “he said that he will give his response [later].”⁶⁷ The notary recorded the reaction of the town’s judge to a royal letter that ordered him to release a man named Martin Sanchez from prison. Before saying these words, the judge, who eventually refused to comply, performed the ritual of obedience: he took the royal letter in his hands, kissed it, placed it on his head, and made “all the solemn acts that such a case requires.”⁶⁸

Reflected in the notarial testimony of these performances was the understanding that responses to royal letters were comprised of two different components: obedience and compliance. Whereas obedience had to be performed immediately and in any event, the declaration of non-compliance could be given either on spot or within a day, for example when addressees wished to prepare a written declaration. However, the division between obedience and compliance also informed cases where addressees did in fact agree to comply. Thus, recording the presentation of a royal letter in Zamora in 1485, a notary depicted the ritual of obedience performed by a local notable to whom the letter was presented. The notary then added: “and as for compliance, he said that he was ready to fully comply with all that is found in the letter.”⁶⁹

If the recipients of royal letters depended on written testimonies to prove that their letters were, indeed, presented, the sources show that adversarial parties were often eager to get their responses recorded. The general understanding was that testimonies of notifications might find

⁶⁷ AGS, CCA, PER 26, Sanchez de Gata, Martin, a document without number (a booklet made on March 1492), fol.2v-3r: “E luego el dicho alcalde tomo la dicha carta en sus manos y la beso e puso sobre su cabeça e dixo que la obedeçia e obedeçio como a carta de sus altetas y sus reyes naturales e fiso toda la solemnidad que tal cabso se require e dixo que en quanto al complimiento della, que él daría a ello su respuesta...”

⁶⁸ Ibid.

⁶⁹ AGS, CCA, PUE, 23, no. 142, Zamora (inscriptions on the reverse side of an original royal letter): “E luego el dicho bachiller Diego Peres tomo la dicha carta en sus manos e beso la e puso la sobre su cabeça e dixo que la obedsia e obedsio con la mayor reverençia que podía e devia e como carta e mandado de sus rey e reyna e señores. E que cerca del complimiento della que estava presto dela conplir en todo e por todo segund que en ella se contiene.” The addressee also demanded to copy of the notarial testimony of the presentation.

their way at some point into the hands of the members of the Royal Council. By having their responses put in writing, addressees of royal letters tried to ensure a certain degree of control over the representation of their reaction upon the presentation of the letter, as well as control over the case more broadly. Some addressees insisted that their response be attached to the testimony of notification. Thus, the judge from the previous example warned the notary that he should not provide a testimony without incorporating his own declaration. He even added a curse: should the notary release the testimony without the judge's response, let him be subjected to "every kind of evil or damage or death."⁷⁰ Such a threat, which betrays a concern about being misrepresented, also calls attention to record-making as a highly politicized process. Despite their seemingly neutral surface, notarial testimonies were often embedded in various power dynamics and were sites of social contestation. Hence that which entered the records did not always correspond to that which was actually said or done.

The concept of obedience without compliance encompassed, by the final decades of the fifteenth century, a broad array of situations in which addressees of royal letters refused to fulfill royal commands on various grounds. This, however, had not always been the case. In late medieval Castile, the formula "*obedézcase pero no se cumpla*" was been initially conceived as a solution to a rather specific scenario, namely, the contradiction between royal decrees and the law. According to Benjamín González Alfonso, the origins of "*obedézcase pero no se cumpla*" can be traced back to the great Alfonsine codes of the thirteenth-century, the *Partidas* and the *Especulo*.⁷¹ There, it is clear that the formula was designed to reconcile royal commands with

⁷⁰ AGS, CCA, PER 26, Sanchez de Gata, Martin, a document without number (a booklet made on March 1492), fol.2v-3r: "e dixo que pedia e pidio a mi el dicho escriuano non le diese el dicho testimonio syn su respuesta con protestaçon que fiso so que todo mal o daño o desfallaesmiento cargase sobre mi el dicho escriuano por yo ansy le dar el dicho testimonio [e?] protestaçon mios syn esta su respuesta."

⁷¹ Benjamín González Alonso, "La fórmula 'Obedézcase pero no se cumpla' en el Derecho castellano de la Baja Edad Media, *Anuario de historia del derecho español* 50 (1980), 469–488. See also the insights made by: Gustavo Villalpalos Salas, *Los recursos*, 21–7.

local legal traditions. The principle was that the commands enclosed in royal letters must be fulfilled unless they contradict local *fueros*. In that case, the commands might be ignored, but they had to be sent back to the Crown for reconsideration.⁷²

During the second half of the fourteenth century, however, obedience without compliance became increasingly emphasized as a mechanism designed to protect royal legislation from royal governance. As González notes, the focus of fourteenth-century discussions of the formula, notably at the Cortes, shifted from royal letters contrary to local *fueros* to royal letters contrary to previous royal letters and royal legislation, especially royal decrees that had been pronounced at the Cortes. In González's words:

What had been from the outset a mechanism of contesting letters contrary to charters (*cartas desaforadas*) and a way to preserve the integrality of the municipal laws in face of an expanding royal law, has been later transformed into an instrument of maintaining royal laws in face of the acts of governance of the monarch himself.⁷³

The fifteenth century witnessed the intensification of such discussions.⁷⁴ During the reign of Juan II, the cities' representatives at the Cortes repeatedly petitioned the monarch to broaden the scope of situations in which it was legitimate to show non-compliance. At the center of many of those discussions was the question of appointments to public offices. The procurators asserted the cities' rights to not comply with royal letters of appointments that exceeded the established number of public officers.⁷⁵ This debate tackled a structural tension between a monarchy that strove to distribute more favors and grants as a manifestation of its sovereign power and the urban elites who were interested in concentrating control over the distribution of political authority at the local level.

⁷² González Alonso, "La fórmula," 478–81.

⁷³ Ibid., 487: "Lo que fuera en sus orígenes un mecanismo de contención de las cartas desaforadas, un modo de preservar la integridad de los Derechos municipales ante la expansión del Derecho regio, se transforma luego en instrumento de conservación de las leyes regias frente a las disposiciones de gobierno del propio monarca."

⁷⁴ Ibid.

⁷⁵ Ibid., 485.

All this is to suggest that the application of obedience without compliance went through a process of expansion. González highlights an important fourteenth-century shift, in which justifications for non-compliance came to be centered on contradictions between royal commands and previous royal laws and letters. However, an equally significant process seems to have occurred in the course of the fifteenth century. In the period between the reign of Juan II and the Catholic Monarchs, obedience without compliance turned into a general scheme invoked in situations that went much beyond contradictions between royal laws and letters. By the final decades of the fifteenth century, the scheme articulated the “inapplicability” —as John Elliott aptly put it in his discussion of Hernán Cortés— of the royal commands in a concrete instance.⁷⁶

The expansion of obedience without compliance as a legitimate political performance may well have been related to a parallel process that took place around the same time; namely, the increasing circulation of petitioning and royal decrees. Consider, for example, a petition presented to Enrique IV by the procuradores of the major cities of the Crown at the Cortes of 1462.⁷⁷ On that occasion, the procuradores complained about what they described as a common phenomenon of unjust summons to the royal court. The procuradores protested the ease with which the Crown issued such summons in response to petitions, as well as the lack of standards and coordination between the royal institutions.⁷⁸ Royal summons, they requested, should be passed first through the Royal Council, and should be signed by at least three of its members.⁷⁹ The main point was that letters that did not meet this standard should be obeyed but not complied

⁷⁶ Elliott, *Empires*, 132–33.

⁷⁷ *Cortes*, Vol. 3, 762.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*: “e que las cabsas por que ayan de ser llamadas las tales personas sean primero vistas en vuestro Consejo e las tales çedulas de llamamiento sean sennaladas ala menos de tres que rresydierren en vuestro Consejo.”

with, and that the people who refused to comply should not be punished in any way.⁸⁰ The procurators' complaint attests to the growing circulation of petitions and royal letters in the time of Enrique IV, as well as to the efforts made to standardize the practice. However, their petition also captured a more basic tension. It demonstrated that the increase of royal attempts—expressed in royal letters—to intervene in local contexts opened a broader space for potential conflict and contradiction. Increasing circulation of royal letters, in other words, inserted the Crown as a third party in a growing number of conflicts. While such interventions asserted and expanded the meaning of royal sovereignty, they also put royal authority at risk of being disrespected or perceived as ineffective and weak. In this light, the expansion of obedience without compliance can be seen as a mechanism of mediating this ambivalence. It permitted payment for non-compliance with a symbolic currency of ritualized recognition of royal authority. The obvious result of this process was the circulation of more papers, for non-compliance opened the door to more petitions and rescripts and, thus, for further reiteration of political formulas and performances.

The explanations offered by Castilians who proclaimed non-compliance varied greatly. On some occasions, royal commands have been deemed a detriment. For example, when a man named Diego Zabarcos demanded that the councilmen of Avila respect a royal letter that awarded him one of the urban notariates, one of the councilmen to whom the letter had been presented declared his non-compliance. After kissing the letter and placing it on his head, the councilman contended that Zabarcos's appointment breached the city's privileges. He implied

⁸⁰ Ibid.: "...sy las dichas çedulas e alvalaes de llamamiento de otra guisa se dieren o libraren, sean avidas por obrreptiçias e sobreptiçias e que sean obedecidas e non conplidas, e que aquellas personas contra quien dirigieren, por las non conplir non yncurran en pena alguna."

that it had always been the notable families of Avila, rather than the monarch, who had the right to select a replacement for a deceased notary.⁸¹

In many cases, refusals to comply rested on claims concerning the false nature of the petition on the basis of which the royal decree had been obtained. Thus, a judge (*alcalde*) in the town Aranda de Duero explained his refusal to comply with a royal letter that ordered him to release from prison a man named Juan de Aranada, a canon at the church of Santo Domingo de la Calzada, by deeming the letter “obreption and subreption.” Acquired by the canon’s procurador, the letter was rushed from Burgos to Aranda de Duero, some 85 kilometers, overnight. The judge claimed that the letter was obtained through a false account, and was thus void of legal standing.⁸² To substantiate his case, the judge employed an additional line of argument. The letter presented to him, he contended, did not reflect the true royal will. It was, in fact, at odds with previous letters, issued by the monarchs themselves, which had ordered the judge to keep the canon in custody. Since the new letter was issued by the *Consejo de Allende*, the matter was to be brought directly to the monarchs, so that they could determine their preferred line of action.⁸³

Inability to comply constituted another typical explanation for non-compliance. The testimony of notification found on the backside of the royal letter that was issued for Antonia Brasa in 1484 suggests that this was the main line of argument employed by Pedro Gómez Manrique, the *corregidor* who had sentenced Brasa to corporal punishment and exile. As discussed above, when presented with the royal letter that ordered him to send the Royal Council the legal procedure made against Brasa, Manrique responded by performing the ritual of obedience. Immediately afterwards, however, he excused himself from complying. According to

⁸¹ Published in Chomón, *Documentación del Archivo Municipal de Ávila*, 94–5, no.145.

⁸² AGS, CCA, PER, 2-1, no. 176, Aranda, Juan de (inscriptions on the dorse of a royal decree from August 1491).

⁸³ *Ibid.*

the notarial testimony, he said that he would have been ready to comply with the letter, except that he could not. The relevant documents, he said, had been lost.⁸⁴

IV. Disruption and Violence

Given the fact that the content of royal letters of justice had to be made known to their addressees, it is hardly surprising that procedures of notification became a target for strategies of disruption. Some addressees tried to avoid the presentation itself. For example, in November 1501, when a royal agent tried to present a letter of justice to Juan Téllez Girón, the Count of Ureña and one of the powerful magnates in Andalusia, he discovered that the doormen at the Count's palace were instructed to deny his entry.⁸⁵ This was despite the fact that the Count had been informed about the royal messenger who was waiting outside of his palace with a royal letter. Téllez Girón knew very well what was contained in that document, namely, a royal command to release a certain slave he held illegally. Two weeks earlier, the Count had refused to surrender the slave to a royal sheriff specifically sent to enforce his release.⁸⁶ The royal agent who came by Téllez Girón palace in November 1501 ended up reading the royal letter to the servants whom he asked to inform their lord.⁸⁷

A greater challenge was to deal with uncooperative hostile officials. Like other legal practices, petitioning depended on notaries not only as trained scribes, but also as agents of truth

⁸⁴ AGS, CCA, PER, 4-1, no.167, Brasa, Antonia (inscriptions on the dorse of a royal decree from August 1484).

⁸⁵ AGS, CCA, PER, 1-1, no.34, Abucequin, Francisco (inscriptions on the dorse of a royal decree from November 1501).

⁸⁶ AGS, RGS, September of 1501, fol. 216.

⁸⁷ AGS, CCA, PER, 1-1, no.34, Abucequin, Francisco (inscriptions on the dorse of a royal decree from November 1501 "ley esta carta de sus altezas desta otra parte contenyda toda de verbo a verba de nuestro en la palacio de el qonde de Vruena e ala puerta de su cámara en su avesençia del dicho qonde, por que el portero de su casa no me quiso dar logar de entrar nin menos el qonde me quiso dar audiencia, para que yo en su presencia gela podiese notificar, aun que le fue dicho por un su mastersala y otras personas de su casa de como estaba ally un portero de sus altezas. E viendo que a ello no me quería dar logar nin presentar de muchos tiempos... e dixen a çiertos criados del dicho conde que dixesen a su senoria como ally notificaba la carta de sus altezas, pues que su senoria no me queria dar audiencia. Y ley la toda a altas voces."

capable of substantiating legal transactions. Without the notary to provide the testimony of notification, beneficiaries of royal letters could not prove that their letters had been presented to their addressees. Furthermore, on many occasions petitioners depended on local notaries and judges to record and preside over the production of legal evidence in the form of witness deposition records. Whereas these public officers were legally obliged to assist petitioners, as well as those who could present royal letters of justice issued in their favor, in reality their collaboration had to be secured and was not to be taken for granted. In Castilian villages and towns, prominent positions such as that of a notary or a judge were often controlled by and reserved to the sons of the dominant families of the community. Thus, petitioners who sought to act against members of the political elite of their locality could encounter difficulties in a range of documentary practices, such as recording official *requerimientos* and presentations of royal letters, getting copies of judicial records, or producing witness deposition records. One of the agents sent to present a letter of justice to the Count of Ureña in 1501 reported that there was not a single notary in the town of Osuna willing to notify the letter and record its presentation.⁸⁸ The notaries may well have been afraid to give their assistance to the notification of a royal letter that was likely to upset the lord of the town. The archives in Simancas abound with complaints about insubordinate notaries who, notwithstanding direct royal orders, refused to surrender or produce documents. Since the judicial process depended on documents, these obstructions had the potential of creating significant delays. In some cases, they forced disputants to travel back to the Royal Council and present petitions of grievance.

Threats and violent reprisals were other methods to which opponents resorted in order to disrupt legal procedures. We have some reports of physical attacks, incarceration, and other

⁸⁸ Ibid, : “en la su villa de Osuna no hallo escriuano alguno que le quyese dar testimonio del dicho requerimiento nin dela notificación delas dichas çedulas.”

reprisals directed against petitioners or their allies during and after presentations of royal letters. To give one example, Yuce Vallid, a Jew from Medina del Pumar, complained to the Royal Council about Pedro de Palacios, a merchant from Medina de Riosco, to whom he presented a royal letter of justice in November 1487. The letter ordered Palacios to return Vallid a sum of money that he had allegedly taken from him unlawfully.⁸⁹ According to Vallid, when he approached Palacios, accompanied by a local notary, Palacios grabbed the document from his hands, punched him, and then arranged for his imprisonment in the municipal prison.⁹⁰ The notary, who witnessed the entire exchange, refused to provide Vallid any record of it. The letter of justice that Vallid received ordered the notary to provide a testimony of the event.⁹¹

It is difficult to tell how common violent interactions such as this were. Given the great influx of petitions in the final decades of the fifteenth century, the number of reports of violent outburst during presentations of royal letters is not very impressive. However, it is important to remember that our knowledge of such incidents is contingent on complaints coming from those suffering the assault. There were probably cases where the assailants were effective enough as to terrorize and suppress their complaints and to efface from the record the existence of violence. That the risk of violence was widely recognized by Castilian recipients of royal letters is perhaps attested by the extensive employment of procuradores. Whereas litigants hired procurators for their practical consultant and assistance in court, one of the main tasks of these human proxies, when it came to presenting royal letters, was to maintain a safe distance between disputants and their opponents.

In certain cases, procurators and notaries also fell prey to attacks. Juan Fariña, the procurator of the town of Santiago, is reported to have reached the “brink of death” at one

⁸⁹ AGS, RGS, September of 1487, fol. 162.

⁹⁰ AGS, RGS, February of 1488, fol. 243.

⁹¹ *Ibid.* The case was later commissioned to a royal judge.

occasion, in 1491, when he tried to present a royal summons that the urban authorities had obtained against the archbishop of Santiago. When Fariña, carrying the royal summons, approached the archbishop's palace, several men came out of the building and beat him up, leaving him with two broken ribs.⁹² In 1489, the community of Ojacastro, a small village in what is today La Rioja, petitioned the Royal Council after Pedro Manrique, a neighboring lord, had arrested two villagers as trespassers. According to the petition, when a procurator and a notary presented Manrique a formal *requerimiento*, demanding that he release the prisoners, the latter began to pronounce threats and was "on the brink of throwing the procurator and the notary out of the window."⁹³ Moreover, Manrique retaliated by abusing the prisoners, putting them in great chains, their heads in the stocks.⁹⁴

A detailed account of a violent reaction to a presentation of a royal letter is also found in a complaint made by the Jewish *aljama* town Valmaseda. In response to the expulsion of Jews from Valmaseda by the local authorities, the community had presented several petitions of grievance at the Royal Council.⁹⁵ When a notary and a procurator acting on behalf of the community returned to Valmaseda and presented a royal summons to a number of local leaders, among them a citizen named Sancho de Terreros and a local judge named Sancho de Velasco, the latter two responded as follows:

And straight afterwards, the said Sancho de Terreros had forcibly snatched that letter from the notary who made the summons, neither complying with nor obeying it. And he also took from the notary's hands a record that concerned the way in which the notification of the said summons was made. And the said judge, Sancho de Velasco, tore

⁹² AGS, RGS, March of 1491, fol. 323: "... a çierta parte dela casa del dicho arçopispo salieron a el çiertos onbres e que teniendo la dicha casa (e) le diesen tantos palos fasta que le quebrantaron dos ostyllas, e le daron muchos golpes delos quales, dis que, estuvo mucho malo e que lleugo a punto de muerte." As inidacted by AGS, RGS, June of 1500, fol. 115, in the spring of 1500, when the community of Cinco Villas and Valdecanales sent a notary to notify a royal letter of justice obtained against the Count of Aguilar, the Count's servants, according to the petition of the community, ambushed the man and beat him up.

⁹³ AGS, RGS, June of 1489, fol. 152.

⁹⁴ Ibid.

⁹⁵ AGS, RGS, March of 1486, fol. 60. The document was published by Suárez Fernández, *Documentos*, 278–280.

it into pieces, which he threw at their feet. And he arrested the notary and the procurator who issued them the summons and took their arms, speaking many injurious words and other shameful things, and leading them to the public prison of that village.⁹⁶

The judge then threatened to execute the procurator and the notary unless they recanted the summons, which they were coerced to do. A fourth example is that of Diego González, a notary from the village Medellín in Extremadura, who was publicly dishonored during an act of notification in his village in November 1492. The document that González undertook to deliver was not a royal letter of justice, but a writ issued by the inquisitors of Leon prohibiting the authorities of Medellín from intervening in an ongoing investigation. González reported that when he finished reading the letter to the judge of Medellín, the latter, without saying anything, slapped him on the face. The incident took place in front of many spectators, including knights and other notables of Medellín.⁹⁷ Later on, when González tried to gather evidence to support a petition of grievance, his potential witnesses were threatened and stepped down. Furthermore, the Count of Medellín banished González from the town under the pain of death. Seeking royal justice, González traveled roughly 900 kilometers, to the Royal Council in Barcelona, where he presented his petition a few weeks after the incident. The legal battle that ensued lasted for a few years

⁹⁶ Published by Suárez Fernández, *Documentos*, 284–286. The full citation reads: “Con la qual dicha nuestra carta dize que fueran requeridos para que la compliesen e que por virtud della fueron çitados y enplasados, e que luego encontinente el dicho Pero Sanches de Terreros dis que por fuerça tomara y arrebatara al escriuano por quien se fiso el dicho enplasamiento la dicha nuestra carta syn la obedesçer nin complir y que asi mismo tomara al dicho escriuano de sus manos un escripto de como les notyficavan el dicho enplasamiento y quel dicho Sancho de Velasco, alcalde lo rasgara e fesiera pedaços y lo echara a sus pies y que prendiera al dicho escriuano y a su procurador que les fasian el dicho enplazamiento, deziendoles muchas ynjurias e otras cosas desonestas y los llevaran a la carçel publica de la dicha villa e les tomaran sus armas y diziendoles que los avian de enpozar e llevar a justiçia al arbol de Garnica y que los matarian si non se desidixeron del dicho enplasamiento y lo diesen por ninguno, lo qual dis que ellos fesieron por puro temor y miedo dellos e porque non los matasen segund paresçia por ciertos testimonios que ante nos fueron presentados.” On the “tree of Guernica” see Julio Caro Baroja, “Sobre el árbol de Guernica y otros árboles con significado jurídico y político,” in Idem, *Ritos y mitos equívocos* (Madrid: Ediciones Istamo, 1981), 353–393.

⁹⁷ AGS, RGS, January of 1493, fol. 221: “...e que yendo le a notificar la dicha carta en un dia del mes de noviembre del ano pasado de mill quatroçientos e noventa e dos anos, estando el dicho alcalde en la plaça dela dicha villa, e estando mucha gente de cavallos e escuderos yentas personas presentes, en presençia de todos ellos, syn mas desyr nin hablar, diz que, le dio un abofetada.”

Such reports draw attention to the performative dimension of violence. They demonstrate that violence could do much more than slow down or disrupt the legal process. Violent reactions to presentations of letters of justice were often meant to be seen in public. As discussed above, aside from the legal pressure that royal letters put on opponents, royal decrees afforded their beneficiaries opportunities to mold selves by publicly enacting subject positions onto themselves and onto their adversaries. Public presentations of royal letters were often viewed as challenges and were sometimes reciprocated as such. Making demands or serving summons to court could call into question the social standing of an opponent, exposing them to the risk of losing face in the eyes of the community. Furthermore, presenting a royal letter was a challenge that could be made, at least in theory, across the lines of social hierarchy— that is to say, by commoners to their superiors.

In response to such challenges, addressees of royal letters could pursue different paths of action, ranging from fulfilling the royal command, to proclaiming obedience without compliance. Within this range, a violent reaction was a way to restore petitioners back in their place by proving the inability of the royal letter to unsettle the local arrangements of power. This may have been particularly meaningful when power relations between parties were deeply asymmetrical. If disputants tried to use royal letters in order to act upon power relations, violent reactions to the presentations of such letters were unequivocal reminders of where power really lay, of who was, in fact, in charge. Insofar as presentations of royal letters constituted attempts to make the king present in a given local setting, a violent reaction reduced the king to an abstract idea, a presence existing on paper alone. Finally, one needs to bear in mind that accounts of violent reactions to royal letters were also tales that were meant to be read at court. As representations, they illustrate how notions of conflict, justice, and law could be mobilized by

disputants. Whereas disputants depicted themselves as legal subjects who followed the legal procedure, they often deemed their opponents oppressors who respected neither the law nor the royal authority.

V. Letters of Protection

One way through which petitioners sought to deal with the risk of violent reactions to acts of notification was obtaining royal letters of protection (*cartas de seguro*). As Quintanilla Raso has recently noted, royal letters of protection have received little scholarly attention.⁹⁸ Such documents, in her view, were typically issued in the context of aristocratic feuds or in reaction to aristocratic aggression, constituting one instrument through which the Castilian monarchy exerted pressure over the nobility.⁹⁹ The records, however, show that by the final decades of the fifteenth century the practice of obtaining royal letters of protection went far beyond the nobility. An examination of the catalog of the RGS suggests that from 1475 and 1501 the central royal institutions issued approximately 2,500 letters of protection, the beneficiaries of which came from diverse social groups. Whereas villagers and townsmen did sometimes obtain such documents in disputes with local lords or neighboring aggressive noblemen, in numerous occasions royal letters of protection were granted in disputes between non-aristocratic actors. They were commonly used, for instance, in conflicts between urban families. In principle, the letter of protection proclaimed a monarchical commitment to safeguard a petitioner who had expressed “suspicion” and “fear” of harm from an enemy. Once publicized, the letter extended the royal “protection and defense” to the beneficiary and his or her kin. Any attack against them, or against their property, was to be considered an offense against the monarch. Letters of

⁹⁸ María Concepción Quintanilla Raso and Remedios Morán Martín, “De la paz general al seguro regio. Para la comprensión jurídica,” *En la España Medieval* 36 (2013): 31–59, at 47–9.

⁹⁹ *Ibid.*

protection instructed officers of justice to treat such attacks with gravity. The assailants were to be prosecuted with rigor, being subjected to “the greatest civil and criminal punishments preserved for those who break the protection of their kings and natural lords.”¹⁰⁰

The records of the RGS disclose an important pattern with respect to royal letters of protection; namely, that petitioners often obtained them in addition to other letters of justice.¹⁰¹ The petitioner Fernando Martínez de Lerma, for example, received from the Royal Council a letter of protection on the same day that he obtained a different letter of justice that commanded his adversary, Juan Mejia, to return a certain house he had seized from Martínez de Lerma in Cordova.¹⁰² In a typical manner, Martínez de Lerma’s letter of protection mentioned neither the other letter of justice nor the nature and details of the dispute. The letter only stated that Martínez de Lerma had expressed his fear from Mejia and his suspicion that the kinsmen and servants of the latter might try to

injure, or kill, or harm, or capture him, or his wife, or sons, or men, or servants, or domestics, or other people at his command... or that they might catch or seize from them their goods, or that they might try to carry out, or order to do so, a certain evil or damage.¹⁰³

¹⁰⁰ This was a standard formula. See, for example, AGS, RGS, May of 1478, fol. 96: “sy algún o algunas personas contra esta dicho nuestro seguro fueren o pasaren o quisiaren yr o pasar, que vos las dichas nuestras justiçias pasades e proçendades contra los tales, e contra sus bienes, a las mayores penas civiles e criminales que por derecho fallades, como contra aquellos que pasan e quebrantan seguro puesto por carta e mandado de sus rey e reyna e senores naturales.”

¹⁰¹ Letters of protection were subject to separate fees which seems to have been higher than the fee paid for most other types of royal letters. As attested by AGS, CCA, PER 24-1, Rodríguez, Lope, a document without a number (draft of a royal letter from October 1478), this petitioner paid 135 *mrs.* for a royal letter of protection, whereas a writ of execution (*carta ejecutoria*) cost him only 90 *mrs.*

¹⁰² AGS, RGS, May of 1478, fol. 96.

¹⁰³ *Ibid.*, fol. 1r: “Sepades que Fernando Martínez de Lerma vesino dela dicha çibdad de Écija nos fiso relaçion por su petiçion, disiendo que él se teme e reçela que por odio e mal querencia que con él ha e tyene Juan Mexia vesino dela dicha villa de Montoro, que los sus omes o criados e paniguados e otras personas que por él han de faser, que ante vos las dichas nuestras justiçias por sus nonbres entiendo declarar, lo feriran o mataran o lixaran o prenderan, a él o a su muger e fijos e omes e criados e apaniguados e otros personas que por él han de faser, a asy mesmo ante vos las dichas justiçias entiendo de declarar, o que les tomaran o enbargaran sus bienes o les faran o mandaran faser otro mal o dapno.”

Given the context in which this letter of protection was granted, it is clear that Martínez de Lerma was concerned that Mejía might try to retaliate after receiving the royal letter that ordered him to return the house in Cordova. The royal letter of protection, with its threat of punishment, allowed Martínez de Lerma to exert additional pressure on his opponent. In this regard, it should be noted that the violation of royal protection was an offense that fell under the category of *casos de corte*, which meant that it could be prosecuted directly by one of the central royal courts. In this sense, letters of protection helped disputants to strengthen the claim for royal jurisdiction over their case. Once a beneficiary of a royal protection becomes a target of violence, the royal jurisdiction over his or her dispute becomes more difficult to contest, as the case itself turns into a matter of violating the royal protection.

There was another respect in which royal letters of protection could prove beneficial for their recipients, and that had to do with publicity. Unlike most letters of justice, the royal letter of protection had to be publicly proclaimed by a crier (*pregonero*) at the designated local spaces where news was customarily announced.¹⁰⁴ This meant that, aside from the promise of royal defense, letters of protection afforded their recipients access to a local medium of communication, which, almost by definition, guaranteed publicity. A notarial record from the end of the fifteenth century offers a good description of the practice of publicizing the royal protection. The record pertains to a letter of protection obtained from the Royal Council in 1491 by Alfonso González, a citizen of Medina del Campo. González petitioned the Royal Council in Burgos, expressing his fear of several townsmen who were in conflict with his son, Francisco de Medina. Alfonso Vizcaino, a carpenter and servant of González, agreed to act as a procurator for his employer and his son, taking upon himself the task of presenting the letter of protection to the

¹⁰⁴ For public criers in late medieval Castile see José Manuel Nieto Soria, “El pregón real en la vida política de la Castilla Trastámara,” *Edad Media, Revista de Historia* 13 (2012): 77–102.

authorities of Medina del Campo. That the father and son needed the services of a procurator may suggest a sense of danger, although the exact circumstances of the case are not clear. The record shows that Vizcaino, accompanied by a notary, presented the letter of protection to a local judge and then performed the *requerimiento*.

In response to the presentation of the letter, the judge showed his obedience and ordered that the letter be publicly proclaimed. This procedure took place two days later at the “square and major market” of Medina del Campo. The notary who produced the official testimony wrote: “Alfonso Vizcaino, on behalf of his party, the said Francisco de Medina, had the letter of protection of their highnesses cried out in loud voices, character by character, in the following manner: the public crier proclaimed it, while I, the said notary, was reading all the content of the letter until its very end.”¹⁰⁵ This sort of public proclamation could be constructed as a display of power. It provided disputants a venue to voice their cause and to preemptively threaten their opponents. The public proclamation ensured, moreover, that the conflict be enacted as common knowledge (*fama publica*) in the local community. Thus, more than a royal instrument designed to keep the nobility in check, the royal letter of protection was a tool used by a range of actors to publicize a conflict, threaten an opponent, and help bring a conflict under royal jurisdiction.

VI. The Power to Enforce

When recipients of royal letters of justice complained about their inability to achieve *cumplimiento de justicia*, they had to present at the Royal Council written evidence to show that the royal letter had been properly presented to its addressee. The magistrates who reviewed such petitions often had in front of them not only the recipient’s complaint, but also the objections

¹⁰⁵ AGS, CCA, PER 17-1, Medina, Juan, a document without number: “Alosno Viscayno en el dicho noble del dicho Francisco de Medina su parte apregonon la dicha carta de seguro de sus altetas suso ynexerta a altas boses toda ella letra por letra en este manera: el dicho pregonero apregonado e yo el dicho escriuano leyendo por la dicha carta de seguro toda ella fasta en fyn della”

raised by his or her opponent, insofar as such objections were included in the official record of notification produced by the notary upon the presentation of the letter. Refusals to comply with a royal letter of justice could develop into a full trial at the Royal Council when addressees asserted their right to be heard and present objections before the royal court. In many cases, the Royal Council responded to complaints about non-compliance by granting the disputant a new royal decree (*sobrecarta*) reiterating the command made in the previous decree and insisting that it be fulfilled. A more difficult problem, from the perspective of the Royal Council, was how to deal with recurrent refusals to comply or with violence directed against recipients of royal letters.

It would be naïve to assume that the magistrates of the Royal Council were always keen to see their commands enforced. The rule of law could not always be reconciled with the political interests of the monarchy, and petitions could become a source of nuisance when the remedy requested by disputants put the Royal Council on a collision course with important allies and vassals of the monarchs. It is not hard to imagine that in many cases the magistrates were, in fact, reluctant to intervene in local conflicts. However, the well-established norms of legality and due process that were held in high regard by the *letrados* who inhabited the institution made it difficult for the Royal Council to simply dismiss complaints about injustices, let alone complaints about disobedience to royal decrees, even when attending to such grievances was politically inconvenient. Issuing more decrees in response to such complaints was probably a productive solution to the tension: on the one hand, the issue of decrees constituted a reaction that demonstrated the Royal Council's commitment to justice and to the enforcement of its orders; on the other hand, decrees were, after all, pieces of papers and dispatching them was still very far from the exercise of actual coercive force. When the Royal Council had to deal with complaints against Castilian nobles and other powerful men, it did not hesitate to command,

intimidate, and even level great fines. However, the actual power to enforce such decrees was much more limited.

In terms of coercion, the magistrates did not have at their disposal a police force or military units ready to be sent to the localities. Instead, they drew on a pool of agents to whom they commissioned cases in an ad hoc fashion. The model of coercive intervention used by the Royal Council took the form of a raiding expedition: a royal agent would travel to the locality, conduct an inquiry, seize bodies and goods, and sometimes inflict punishment on site. The agents of the Royal Council operated as contractors on an individual basis, and they were usually expected to hire extra muscle if necessary. The sheriffs (*alguaciles*) of the royal court were often sent to make arrests and carry off prisoners to the Royal Council. Doormen (*porteros*), notaries and other officials of the court were also appointed to act as special investigators or executors of judicial sentences. The Royal Council granted these agents an incentive in the form of a special salary to be taken from the plunder, that is, from the confiscated goods of suspects and prisoners.

A major weakness of these royal raids was a lack of continuous presence on the ground. It was not uncommon, for example, for a royal sheriff sent to make an arrest to discover that his suspect had long been gone from his or her house and could not be found. On such an occasion, the sheriffs would usually try to confiscate the suspect's goods. This could also become a complicated endeavor if the relatives of the suspects tried to do whatever they could in order to disrupt the procedure. At the end of the day, the royal agent had limited time and resources and could not do much beyond a one-time raid. There was certainly the network of *corregidores*—which Isabel and Fernando had famously tightened—that was intended to provide the monarchy more latitude to act through continuous presence in the localities. The Royal Council did commission coercive tasks to *corregidores*, who also had the advantage of knowing the area.

However, *corregidores* often pursued their own agenda, and in many places they were caught in a dense web of relations that entangled them in local interests. From this perspective, a sheriff sent directly from the royal court had at least the advantage of not being rooted in local politics, which made them more reliable in a sense.

Reactions that involved direct violence seem to have been less common as forms of resistance to the agents of the Royal Council, although some violent incidents did leave their mark on the record. One such incident took place in February 1478 in the town of Palos in western Andalusia, when a royal sheriff and a notary were attacked by an angry mob.¹⁰⁶ In all likelihood, the two officials had come to Palos in order to execute a sentence pronounced by the Royal Council a few weeks earlier concerning the freeing of islanders from La Gomera, in the Canaries, who had been illegally captured and enslaved by seamen from Palos.¹⁰⁷ The attack against the royal officials, which left the sheriff wounded and the notary dead, took place when they broke into a local household in order to free one of the captives. When news about the incident arrived in Seville, the queen ordered another royal sheriff to travel to Palos, conduct an inquiry and punish the culprits. The letter of appointment that was given to the sheriff authorized him to hire horsemen to ride with him. The daily salary—of 300, 60 and 30 *maravedís* for the sheriff, his notary, and each of the horsemen respectively—had to be taken from the plunder.¹⁰⁸ The records show that the sheriff and his men arrived at Palos two weeks after the attack. After receiving the obedience of the local notables in a public ceremony held in front of the local church, the sheriff conducted a short inquest, at the end of which he oversaw the demolition of

¹⁰⁶ AGS, CCA, PER 25, Salto, Alfonso, a document without a number (a booklet with a royal investigation from February 1478).

¹⁰⁷ See the following writ of execution from February 6 1478: AGS, RGS, February of 1478, fol. 119.

¹⁰⁸ AGS, CCA, PER 25, Salto, Alfonso, a document without a number (a booklet with a royal investigation from February 1478).

two houses that belonged to the main assailants, who fled the town immediately after the attack.¹⁰⁹

A conflict that involved the community of San Roman de la Cuba, a village located some 75 kilometers north of Valladolid, and the commander of a nearby fortress exemplifies another limit of the royal raid as a form of coercive intervention, namely, the inability of royal sheriffs to arrest powerful men who had the means to shield themselves behind stonewalls. On July 1, 1484, following a petition of grievance submitted to the Royal Council in Valladolid, the villagers obtained a royal letter of justice against the commander, whom they accused of illegally seizing two of their mules. Records pertaining to this case show that four days later, when a notary and a procurator acting on behalf of the community presented the decree to the commander and demanded his compliance, the commander had the two representatives imprisoned for three days. This led to a second petition of grievance and to the issue of a warrant of arrest against the warden.¹¹⁰ On July 12, 1484, only one week after the presentation of the first royal letter and the violent reaction of the commander, a royal sheriff was already at the gates of the fortress to make the arrest. The notary who accompanied the sheriff recorded how the warrant was taken up the walls of the fortress, where the commander inspected it, sent it back down, but still refused to surrender himself. Unable to make the arrest, the sheriff searched for goods he could seize. He was informed about a few mules that the commander allegedly owned in a nearby village, which he then confiscated and carried off to Valladolid.¹¹¹

This case draws attention to the ambivalent character that coercive interventions launched by the Royal Council could sometimes take. On the one hand, the villagers of San Roman de la Cuba were successful in generating a swift royal intervention into their conflict. By bringing a

¹⁰⁹ Ibid.

¹¹⁰ AGS, CCA, PUE, 17-1, no.226, San Roman de la Cuba (an original royal letter from July 1484) .

¹¹¹ Ibid.

royal sheriff to arrest the commander they had shown their opponent their power, putting him on the defense and causing him losses.¹¹² On the other hand, the impact of the royal intervention was rather limited. The sheriff could not complete the arrest, and the commander remained in control of the fortress. Furthermore, a later document from 1493 suggests that years after this incident the commander was still in control of the fortress and was still wanted by the royal authorities.¹¹³

VII. Conclusions

The evidence considered in this chapter calls attention to the basic tension between the demand for royal letters of justice and the difficulty to enforce the commands enclosed in them. On the one hand, the records show how during the reign of Isabel and Fernando thousands of Castilians tried to advance royal interventions in their affairs by obtaining letters of justice from the Royal Council. As we have seen, besides paying fees to various officials and legal representatives, petitioners often had to embark on long journeys to complete rounds of obtaining and presenting royal decrees, which implies expectations about the potential capacity of these textual artifacts to affect local disputes. The archives abound nevertheless with evidence of resistance to royal decrees. As we have seen, many Castilians excused themselves from fulfilling royal commands by proclaiming obedience without compliance and sending their objections and responses to the Royal Council. In other cases, addressees of royal letters ignored them altogether, or tried to disrupt the procedures of notification, or sometimes even resorted to threats and violence. To what extent, then, was petitioning the Royal Council an effective avenue of political action?

¹¹² The fact that the villagers were able to generate such a swift response was probably related to the fact that San Roman de la Cuba was part of the lordship of the Enriquez family. Together with the Constable, the admiral Enriquez was a leading figure in the *Consejo de Allende*.

¹¹³ AGS, RGS, January of 1493, fol. 184.

This chapter has demonstrated that presentations of royal letters were often orchestrated as public performances of claims-making intended for the eyes of the community. The letter displayed the petitioner's ability to successfully engage the royal institutions of justice and to convey documents across distances. Letters of justice afforded opportunities to voice and publicize grievances, enact political identities, and expose rivals to "interactional ambushes" that portrayed them as perpetrators. In a society where honor played an important role in shaping identities and mediating social interactions, the presentation of the royal letter of justice, regardless of whether or not it was fulfilled, had significant meaning as an assertion of rights. If the "injustice" suffered by the petitioners constituted a challenge that put their honor at risk, obtaining and presenting letters of justice forced addressees to respond to such challenge without losing face. Presentations of royal letters were able to create public conversation about the issue and therefore to shape the *fama publica* of the petitioner.

Just as there was a performative element to the presentation of the royal letter, I have argued that reactions to presentation of royal letters also operated on a performative level. As has been shown, the presentations of many royal documents were accompanied by rituals of obedience that were performed by Castilian officials and aristocrats. Fifteenth-century Castile witnessed an increasing recording of such rituals, which was a process that paralleled the expansion of the concept of non-compliance with royal decrees. This concept, of vetoing a royal command, was, in itself, a product of the expansive attempts by the Castilian monarchy to intervene in local settings by means of decrees granted to petitioners. The notion of "obedience without compliance" allowed local actors to contest the decision of the royal court without directly disrespecting its authority—which made it all the more crucial for the addressees to have their ritualized reactions recorded by the notary. The tools that the petitioners and the royal court

had at their disposal to ensure the carrying out of the court's decision, as well as to protect the petitioners against harm, were limited but not entirely ineffective. What the petitioner achieved in the end was an assertion of greater agency over their social identity and relations by dragging their adversaries into legal struggles—although it was not guaranteed that the struggle would end in their favor. Even though petitioners were not always successful in bringing about the results they wanted, they were often able to harass those who had offended them. Petitioning the Royal Council allowed humble citizens to remind local magistrates and notables that there was an authority higher than theirs, while asserting their own status as subjects who were entitled to justice.

Chapter 6

Petitions, Local Power, and Documentary Strategies: Four Examples

The previous chapters have demonstrated that by obtaining and presenting royal letters of justice, fifteenth-century Castilians tried to intervene in a wide range of social conflicts. Many of the examples considered in these chapters have suggested that petitioners—and among them many “ordinary” people—not only understood how royal institutions operated, but were also capable of appropriating and mobilizing complex legal procedures and political concepts to their own advantage. The chapters have also illustrated the difficulty of enforcing royal commands on the ground, as well as the various ways in which royal decrees could empower disputants, regardless of whether the commands enclosed in them were fulfilled. To further unpack the ways in which petitioning the monarch functioned in late medieval Castile, this chapter offers an analysis of four case studies, which exemplify many of the aspects explored in previous chapters, and especially the interplay between the royal authority and local constellations of power.

The specific characteristics of Castilians localities certainly played a role in shaping the results of interactions between beneficiaries of royal letters of justice and their opponents. Spatial factors such as distance from the royal court affected the capacity of local actors to resist royal commands. Castilians living in areas where the Royal Council did not have great latitude to act could disregard royal commands more easily than those living in places where royal power was more present and formidable. The position of a disputant within a particular set of relations and arrangements was, of course, another important factor. Making the powerful comply with a royal command must have been hard to achieve from a position of social inferiority and isolation,

especially when the power differences between disputants and their opponents were profoundly asymmetrical. Conversely, when disputants enjoyed substantial influence in their communities and were able to rely on solid networks of support, their ability to bring letters of justice to bear upon a local conflict may have been greater.

The four cases that will be considered below demonstrate that one's position within local power relations affected the practice of petitioning not only in a negative way, that is through one's ability to disrupt legal processes, but also in a productive one. As we have seen, written evidence, notably witness deposition records, played a major role in determining the responses of the Royal Council. However, the capacity to produce judicial documents was often contingent on social influence, for in order to create a witness deposition record, disputants had to be able to recruit deponents and secure the collaboration of local notaries and judges.¹ The mechanisms that allowed subjects to empower themselves in local arenas, like petitions to the monarch, were often constrained by these arenas' own dynamics of power. It is important to note in this regard that the local structures that shaped the impact of royal decrees in a given town or village may not have been known to, or well assessed by, the people who turned to royal justice. A certain degree of uncertainty was inherent to the practice of petitioning. How would the Royal Council respond to a disputant's complaint? What would happen if a royal letter of justice was presented to its addressee? Would the royal command be enforced in case of disobedience on part of the addressee? The answers to these questions were not always easy to predict. In many respects,

¹ In late medieval Castile, such records were produced either in the context of an inquiry made by an officer of justice, or when litigants and petitioners wished to validate their claims with evidence. In the latter case, parties had to recruit deponents and introduce them before a local judge, who would then interrogate them, separately and under oath, according to an interrogatory presented by the recruiting party. This process had to be recorded by a notary, in the presence of witnesses.

presentations of royal decrees served as a test for power, as they teased out the forces embedded in local structures.

I. A Difficult Sentence to Enforce (1487)

The first example is a legal conflict from 1487 between Juan de Burgos, a silversmith and a citizen of the city of Burgos, and Leonor Ortiz de Orozco, a citizen of San Esteban de Gormaz, a small town located some 110 kilometers south of Burgos. The conflict between the two revolved around the silversmith's attempt to bring into effect a royal writ of execution (*carta ejecutoria*) that allowed him to get hold of a large share of Ortiz's property. While the writ of execution is now lost, a number of other documents, and in particular a royal letter of justice that the Royal Council granted Burgos on August 13, 1487, shed light on the circumstances that generated the conflict.² It appears that at some point before, perhaps as early as 1474,³ Burgos had been subjected to a robbery committed by Ortiz's husband, Tomas Daza. According to the royal decree from August 13, 1487, Burgos was traveling along a road south of Burgos, when Daza and a companion ambushed him. The two assailants, who were mounted and armed, forced the silversmith into a nearby woodland, where they plundered his cargo, including a few plates of gold, coins of various types, some fine pieces of clothing, and a mule.⁴

Since road banditry clearly fell under royal jurisdiction, Burgos was easily able to press charges against Daza at the king's court. The records do not reveal how and when the silversmith

² AGS, CCA, PER, 4-2, no. 341, Burgos, Juan (a copy of a royal letter from August 13, 1487). Another copy of the letter is preserved in AGS, RGS, August of 1487, fol. 365.

³ Whereas the exact time of this incident is unspecified in the extant documentation, judging by a very similar complaint that had been made against Tomas it may well have been taken place as early as 1474. For the other complaint see AGS, RGS, December of 1487, fol. 134.

⁴ Ibid. "el dicho Tomas Daça e Rodrigo su conpanero dis que le salteraon en el camino real que viene dela villa de Cobarrubias a la dicha çibdad de Burgos cerca de lugar despoblado de Ruyalejos harmados a caballo. Los quales dis que le dieron de bara palos por le llevar y meter en un monte donde le metieron por fuerça. E dis que le tomaron e robaron una mula color pardilla y tres reales de oro que podían pesar ochenta e çinco castellanos de oro e seys çientos e diez reales de plata e setenta pieças de oro deoblas e florines e ducados e çiertas ropas de vestir que podía valer tres mil mrs."

discovered the identity of his assailant or that Daza was a citizen of Esteban de Gormaz. But it is clear that Burgos had denounced Daza before the royal judges in Valladolid (*alcaldes de corte y chancillería*), and that, in response to his denunciation, the court gave him a letter of summons addressed to Daza. The records suggest that Burgos, probably by means of a procurator, successfully presented the summons to Daza, who failed to present himself at court. With the *rebeldía* of Daza having been declared by Burgos, the royal court proceeded *ex parte* and rendered judgment in favor of the silversmith. The writ of execution that Burgos received instructed the local officers of justice in San Esteban to arrest Daza and send him to Valladolid, where he was to be put to death. In addition, the writ of execution granted Burgos a compensation of 40,000 *maravedís* for his losses and legal expenses, to be confiscated from Daza's property in San Esteban.



Figure 11: The region of San Esteban de Gormaz

Yet when the silversmith had the writ of execution presented to a local judge in San Esteban and demanded his obedience and compliance, he discovered that the municipal authorities would not cooperate. He therefore petitioned the Royal Council, presenting written

evidence to show that the writ of execution had been presented. In response to the petition, on August 13, 1487, the Constable and the magistrate of the Royal Council appointed a notary named Fernando de Salas to act as an executor of the sentence against Daza. The letter of appointment instructed Salas to travel to the town of San Esteban de Gormaz, track down and arrest Daza and bring him before the Royal Council. Additionally, he was authorized to seize and confiscate Daza's property and goods, put them up for auction, and pay the silversmith the compensation he ought to receive according to the writ of execution.⁵ The duration of this appointment was for fifteen days, for which Salas's reward was determined to 2,250 *maravedís*. The funds had to be taken from the plunder together with additional 900 *maravedís* to cover the salary of a notary that Salas was to hire and take with him in his mission.

The records show that Salas arrived at the town of San Esteban only four days after the issue of the royal decree, that is, on August 17. He then continued a few kilometers down the river, to a small village, where Ortiz's household was located. Since Daza had fled the town in advance, Salas could not make the arrest. However, he did oversee the confiscation of all the goods that he was able to find in Ortiz's household, from pigs and other farm animals, to grain, to furniture and cloth that were kept within the house. As Ortiz put it in a statement she later presented to a local judge, "there was nothing left, save the structure of the house where she lived."⁶ In addition to the goods of the household, Salas had also put up for auction some of Ortiz's land.

⁵ AGS, CCA, PER, 4-2, no. 341, Burgos, Juan (a copy of a royal letter from August 13, 1487): "E vayades donde el dicho Tomas Daça estoviere e le prendayes el por cuerpo, e lo trayades preso e buen recabdo ante nos ala nuestra corte, e lo entregaeyes a los nuestros alcaldes della o a qual quier dellos... E otrosi vos mandamos que fagayes entrega e execucion en quales quier bienes muebles e rayses e semonientes del dicho Tomas Daça donde quier que los fallaredes, e los vendades e [remetades?] en publica al moneda, segund fuero, e delas mrs. que valiere entregades y fagades pago al dicho Juan de Burgos platero o a quien su poder oviere..."

⁶ AGS, CCA, PER, 20-1, Ortiz de Orozco, Leonor (a booklet of depositions produced in San Esteban de Gormaz on August 18-19, 1487), fol.2r-2v: "un executor que se dice delos reyes nuestros senores que se llama Fernando de Salas ayer, viernes primero pasado en la tarde fue al dicho lugar Pedreaja, e entro en su casa, e le tomo todos sus

To fight against the confiscation of her goods and property, Ortiz decided to launch a petition to the Royal Council. On the following day, she appeared before one of the local judges of San Esteban with the intention of collecting evidence to support her petition, to which the judge gave his consent.⁷ On August 19, Ortiz presented the judge six deponents whose testimonies were then recorded in a small booklet by one of the town's notaries. The deponents confirmed Ortiz's main claim, according to which the property seized by the royal executor belonged to her alone, being part of her dowry.⁸ Although Daza had the right to manage his wife's property, she remained the owner. In fact, the deponents insisted that Daza did not have any property of his own. According to one deponent, before marrying Ortiz, "he had neither goods nor property... save a few clothes for his personal use."⁹ Another deponent claimed that Daza owned nothing but a horse and a few clothes.¹⁰ The deponents pointed to the fact that the alleged robbery was said to have taken place before Ortiz and Daza were married. One of them noted that "he heard from many people that he [Tomas Daza] was not married to the said Leonor Ortiz during the time when, according to sentence, he had committed the robbery."¹¹

That in such pressing circumstances Ortiz did not immediately launch her petition to the Royal Council but instead spent two days on producing a witness deposition record is another indication that Castilians understood very well how the Royal Council operated, and how useful

bienes muebles... asy ropas de bestir e de camas [vestidas?] e prestas de casa fasta los [bancos?] e vestias e puercos e farina e trigo e todo, que non dexo cosa sino el casco de su casa en que morava, e ansy mismo le tomo todos sus bienes rayses que non dexo cosa alguna dellos."

⁷ This procedure seems to have required married woman to use their husband as a procurator. Since her husband was absent, the judge allowed Ortiz to present the deponents herself.

⁸ For discussion of similar arguments made in lawsuits conducted in the Crown of Aragon, see Kellher, *Measure*, 55–56.

⁹ *Ibid.*, 3v: "sabe que al tiempo e sason que el dicho Tomas Daça caso con la dicha Leonor Ortiz de Horosco que el non tenia bienes muebles nin rayses... salvo algunas ropas de su persona e que sabe que todos los bienes muebles e rayses que agora tiene el dicho Tomas Daça, e muchos mas que a vendido, que son todos suyos dela dicha Leonor Ortiz de Horsco su muger."

¹⁰ *Ibid.*, fol. 4v.

¹¹ *Ibid.*, fol. 4r.: "a oydo dice a muchas personas que non era casado con la dicha Leonor Ortis al tiempo que paresçe por la dicha sentençia que se fiso el dicho robo..."

favorable records could be in the process of obtaining a royal decree. With the booklet of depositions produced, Ortiz entrusted the record to her nephew, together with a notarized mandate (*carta de poder*) to act as her procurator in this case. The nephew then rode to the seat of the Royal Council in Burgos, where he presented the petition and the booklet, claiming that the royal executor had no jurisdiction when he seized and confiscated his aunt's property. The RGS retains a copy of the royal decree that was granted to the nephew on August 23 in response to the petition. This means that, within four days, Ortiz's nephew was not only able to complete a journey of roughly 110 kilometers but also to submit the petition and to obtain a royal decree in his aunt's favor. If the nephew was traveling in a rush, which is likely, he was probably able to complete the journey to Burgos in two days, or even in a day and a half. Thus, the time that he waited in the seat of the Royal Council for the petition to be processed and the royal decree to be drawn up must have been two days at most. Addressed to Salas, the letter of justice that the Royal Council had granted to Ortiz's nephew ordered Salas to suspend the confiscation until further inquiry. He had to accept evidence concerning the ownership of the property and goods in question, and to complete their confiscation only if it was found that the legal owner was indeed Daza.¹²

Like many other Castilians, Ortiz petitioned the Royal Council in order to generate a swift royal intervention in a critical moment. The round of obtaining and presenting a royal decree took her around eight days to complete, assuming that her nephew was able to convey the royal letter to San Esteban and present it the royal executor in more or less the same time that took him to travel to Burgos. Although the decree did not annul the confiscation—it subjected it to further inquiry—it is hardly surprising that such a development was resented by the silversmith, Burgos, who immediately petitioned the Royal Council, protesting the decree

¹² AGS, RGS, August of 1487, fol. 206.

granted to his opponents. Specifically, Burgos claimed that any inquiry concerning the ownership of the confiscated property would cause him “wrong and harm” because of the local influence that Ortiz and Daza seem to have had in San Esteban. In the words of his petition, “due to the connections, and relatives, and friends, and allies that the said Tomas Daza and his wife have in that town, they could prove whatever they wish, truthful or not, in order to defend their property.”¹³ The extant documentation does not reveal whether this argument was able to persuade the magistrates of the Royal Council, although it is difficult to believe that it did. That the investigation was to be conducted by a royal agent probably seemed fair enough.

The conflict between Burgos and Ortiz illustrates some of the tensions between the royal authorities and the local powers on the ground. As discussed above, the silversmith used the recourse of the petition with the hope of intervening in a local setting where he seems to have had very little influence. The petition allowed him to launch such an intervention within a short period of time. This attempt, however, was blocked by Ortiz who mobilized the same resource in her favor. The difference between the two petitioners, Burgos and Ortiz, was that the latter clearly had more influence in the town of San Esteban, which she certainly used in order to produce a favorable judicial record. Burgos’s counter-petition point to the fact the decisions of the Royal Council were dependent on evidence produced on the local level. The processes in which such evidence was produced were sometimes highly politicized. In this sense, the decisions made by the magistrates of the Royal Council were at least to some extent shaped by local dynamics of power.

¹³ AGS, CCA, PER, 4-2, no. 342, Burgos, Juan (petition without a date): “En lo qual muy poderosos señores yo sera e soy muy agraviado si tal probisyon se fiziese por que segund los favores que el dicho Tomas de Aça e su muger tienen en la dicha villa, e los parientes amigos e aliados que en ella tienen, todo quanto quisiere probar aun que non sea verdad por defender los bienes...”

II. The Banishment of a New Christian (1478)

The second case study involves the legal struggle of a New Christian named Lope Rodríguez, who petitioned the Royal Council following his banishment from his town, San Clemente, in May 1478.¹⁴ This case offers a good example of the political dynamic that petitioning the Royal Council could create on the ground, and of its potential impact in the context of a local conflict. In particular, Rodríguez's case demonstrates how subjects acting from a position of relative inferiority were still able to mobilize, in certain cases, the mechanisms of the petition as a way to successfully confront local configurations of power. Rodríguez's legal struggle also illustrates some of the documentary strategies that tended to supplement petitions of grievance, and the ways in which access to and control over records were conducive of generating effective royal interventions.

San Clemente was part of the Marquisate of Villena, a territory that, in the second half of the fifteenth century, belonged to the lordship of the Pacheco clan. At the background to Rodríguez's banishment from San Clemente were tensions between Old Christians and New Christians in the Marquisate of Villena, during and after the succession war of 1474–1479, as troops loyal to Isabel and Fernando invaded the Marquisate to fight against the Pacheco. In the Marquisate, the conflict ended with the conquest of most of the territory by the troops of Isabel and Fernando and the incorporation of many local towns, including San Clemente, into the royal domain.¹⁵

¹⁴ The cluster of documents pertaining to this case is found at AGS, CCA, 24–1, Rodríguez, Lope.

¹⁵ The towns and villages of the Marquisate belonged to the Pacheco, a powerful noble clan that rivaled Isabel and Fernando. On the conquest of the Marquisate see Juan Torres Fontes, "La conquista del marquesado de Villena en el reinado de los Reyes Católicos," *Hispania* 13 (1953), 37–151; Aurelio Pretel Marín, "La guerra sucesoria de los Reyes Católicos (1475–1480) y sus repercusiones dentro del Marquesado de Villena," in *II Congreso de Historia de Albacete: del 22 al 25 de noviembre de 2000*, vol.2 ed. Aurelio Pretel Marín (Albacete: Instituto de Estudios Albacetenses Don Juan Manuel, 2002), 115–150; and Ortuño Molina, "Local Elites."



Figure 12: The region of San Clemente

The records pertaining to Rodríguez's case suggest that an attempt to attack the New Christians of San Clemente took place around November 1477. Between 1475 and 1477, a number of similar attacks had erupted in a few other localities in the Marquisate of Villena with various degrees of success. The townsmen of Villena, for example, massacred and sacked the local "conversos" during an uprising against the Pacheco. In San Clemente, by contrast, the move against the *conversos* was repressed from its outset by the new royal governor of the Marquisate, a royal judge named Fernando de Frias. It was after this failed riot that the anti-*converso* faction in San Clemente had turned to judicial avenues, approaching the governor with criminal denunciations against several citizens of the town, and particularly against Lope Rodríguez, who may have been a prominent figure in a local circle of the New Christians. Around January 1477, following these complaints, Frias ordered the arrest of Rodríguez and an investigation against him. Four months later, he sentenced Rodríguez to an exile of thirty years from San Clemente and all the lands of the Marquisate of Villena.

After the banishment, Rodríguez travelled from the Marquisate of Villena to Seville, a journey of roughly 500 kilometers, which he completed in approximately three weeks. On May 27, 1478, by the gates of the *Alcazar* of Seville, Rodríguez presented a petition of grievance that requested the Royal Council to accept his appeal and revoke his sentence. In his petition, Rodríguez recounted the injustice he had suffered at the hands of Frias. This magistrate, he contended, used to extort money from innocent people like himself. When Rodríguez refused to pay Frias, the latter took his revenge by persuading Rodríguez's enemies in San Clemente to criminally denounce him based on falsified evidence. According to Rodríguez, his enemies first tried to reopen an old lawsuit concerning his alleged participation in the trafficking of stolen horses. When this path failed, they accused him of committing certain "heresies"; specifically, in whipping a crucifix and having his sons circumcised.¹⁶ However, according to Rodríguez, as no evidence could be found, Frias ended up banishing him under a different pretext, now saying that Rodríguez was a rioter and disloyal to the monarchs.¹⁷

To be sure, Rodríguez did not try to hide his Jewish ancestry. The references to the "heresies" that he had allegedly committed made it clear that he was, in fact, a Christian of Jewish descent. However, Rodríguez's petition did not mention any conflict between Old Christian and New Christians in San Clemente. Instead, Rodríguez framed his case in terms of a broader story about a corrupted magistrate. Presenting himself as "one of the people," Rodríguez protested the "great tyrannies" committed by Frias and the suffering of the people of the Marquisate of Villena. He even requested the Royal Council to send to the Marquisate a royal

¹⁶AGS, CCA, 24-1, Rodríguez, Lope, a document without a number (a petition from May 27 1478): "diciendo que yo açota a Ihesu Xristo, e que tenia mis fijos retajados." Whipping crucifixes and vexing other sacred images were accusations made in the 1480s in several inquisitorial trials against Christians of Jewish descent.

¹⁷ Ibid.: "diciendo que era alborotador e desrvidor de vuestra altesa."

investigator to verify his claims against Frias, so that “the good of the land” could be restored.¹⁸ Like many other examples we have encountered, Rodríguez’s petition demonstrates how fifteenth-century Castilians engaged and appropriated notions of tyranny and good government in rhetorical strategies aimed to garner the support of the Royal Council.

Aside from the petition, Rodríguez presented to the magistrates a set of favorable depositions, prepared in San Clemente some three months earlier. That Rodríguez was able to arrange the production of such a record, while being imprisoned, is not trivial. It suggests that he had some degree of political influence in San Clemente. In fact, certain documents pertaining to Rodríguez’s case imply that the production of this witness deposition record was a sort of compromise dictated by the councilmen (*regidores*) of San Clemente following the protest of Rodríguez and his allies against what they considered an unfair procedure taken against him. The record was prepared as part of a process of criminal denunciation in which Rodríguez complained against the defamation of his person by means of false rumors. In an unusual fashion, the process was presided over by two *alcaldes* and recorded by two notaries. These officials represented two rival factions in San Clemente. The testimonies themselves create the impression that the witnesses who testified for Rodríguez coordinated their accounts. As a set, the witness deposition record suggested that a man named Andres Soriano was responsible for spreading false rumors against Rodríguez. According to the witnesses, it was Soriano who denounced Rodríguez to the governor, claiming that there was public talk in San Clemente that Rodríguez kept in his house a crucifix and that he flogged it every Saturday. Rodríguez’s witnesses, of course, denied the existence of this rumor and insisted that it was maliciously falsified by Soriano. Although the favorable depositions did not prevent the banishment of

¹⁸ Ibid.: “como uno del pueblo, en la mejor manera e forma que puedo e devo por lo que cumple al servicio de vuestra alteza e al bien de toda aquella tierra, le suplico mande prover e remedia en los grandes coyechos e tiranias que vuestros subditos e naturales padeçen de el dicho governador...”

Rodríguez from San Clemente, the process supplied Rodríguez with a textual artifact that could be used later, which he did when petitioning the Royal Council. The political negotiations that surrounded the production of the record suggest that the people of San Clemente were well aware of the discursive power invested in such a record, and of the possibility of using it as a political resource.

The Royal Council decided to accept Rodríguez's appeal. On June 4, 1478, Rodríguez received a letter of justice that assigned the governor twenty days to appear before the Royal Council in Seville in order to present his claims against Rodríguez, insofar as the legal process had been initiated *ex officio*. The letter stated that if the procedure followed the accusatory mode, the summons must be applied to the plaintiff or plaintiffs. It also ordered any notary of San Clemente who may have recorded proceedings against Rodríguez to provide a copy of the relevant documents. Moreover, some two weeks after the presentation of Rodríguez's petition, the Royal Council sent an agent to the Marquisate of Villena with instruction to inquire into the deeds of the governor.¹⁹ Although the letter of appointment does not mention Rodríguez, such an investigation was essentially what he had proposed that the Royal Council do.

It appears the Royal Council's decision came in reaction to a number of complaints against Frias. We know of two other citizens of San Clemente who, more or less at the same time as Rodríguez, presented petitions against what they described as the corrupted ways of Frias.²⁰ It is even possible that Rodríguez coordinated the account he provided in his petition with the accounts of the other townsmen. Although records pertaining to the royal investigation against

¹⁹ AGS, RGS, June 1478, fol. 56.

²⁰ See the complaint of Juan Lopez Tintero in AGS, RGS, May of 1478, fol. 42.

the governor have not come down to us, there is reason to believe that it did take place.²¹ As for Rodríguez, the records suggest that, after obtaining the letter of justice he took the road back to Castillo de Garcimuñoz, a town in the part of the Marquisate of Villena that was still controlled by the Pacheco clan. It was probably there that Rodríguez found a procurator to present the royal summons on his behalf.. Only eighteen days after the issuing of the royal letter in Seville, Rodríguez's procurator presented it to the governor in Albacete, a town located at the southern part of the Marquisate.²² As indicated by the record of notification, when the procurator made the *requerimiento* and demanded the governor's compliance, Frias performed the ceremony of obedience, kissing the letter, putting it on his head and so on. He also promised to comply, naming Soriano and another citizen of San Clemente as the plaintiffs who, according to him, initiated the trial against Rodríguez. From Albacete, then, Rodríguez's procurator proceeded to San Clemente, where, on June 25, 1478, he traced the two accusers and had them notified and summoned to the royal court.²³

On July 25, 1478, Rodríguez was already back in Seville, where he declared the *rebeldía* of his opponents and also presented a new petition of grievance at the Royal Council. It appears that the presentation of the royal letter of justice in the Marquisate of Villena did not unfold without resistance after all. First of all, Rodríguez contended that the notary of San Clemente refused to provide a copy of the legal process that had been conducted against him. Meanwhile, Rodríguez's enemies in San Clemente intimidated the procurator to such an extent that he had to

²¹ For the Royal decree that appointed a special investigator see AGS, RGS, June of 1478, fol.56. See also Rodríguez's description in AGS, CCA, 24-1, Rodríguez, Lope, a document without a number (a petition from July 21, 1478).

²² AGS, CCA, PER, 24-1, Rodríguez, Lope., a document without number (record of notification of the royal letter in Albacete on June 22 1478 and in San Clemente in June 25, 1478).

²³ AGS, CCA, PER, 24-1, Rodríguez, Lope., two documents without numbers (Rodríguez's complaint from July 1478; the deposition of San Clemente's councilman from July 21, 1478).

flee for his life.²⁴ Furthermore, despite displaying his obedience to the royal summons, Frias tried to take vengeance from Rodríguez, sending men to demolish his house in San Clemente. This attempt, however, was blocked by the municipal authorities. One of the *regidores* of San Clemente even took the journey to Seville, where he testified in favor of Rodríguez, recounting a series of other abuses made by the governor.²⁵ Rodríguez himself named two other petitioners who had suffered from Frias's violent reprisals. One of them had returned to the Marquisate with a royal letter obtained against Frias only to be thrown into a prison cell. Another petitioner was later humiliated by the governor's brother, who mocked his attempt to complain.²⁶ A few days later, one of the governor's friends stabbed the petitioner, leaving him seriously wounded.²⁷ With such methods, Rodríguez claimed, Frias "had the entire land overwhelmed and terrorized, acting as if he was its absolute lord, against whom no one dares to complain."²⁸ Rodríguez also brought up the issue of the royal investigator who was sent to the Marquisate in June 1478. He claimed that in order to sabotage the investigation, Frias, sent word to different towns of the region, instructing his supporters to resist the royal investigator and to deny him entry.²⁹ Frias acted, Rodríguez concluded, "as if he has no king nor lord."³⁰

Rodríguez's struggle ended in a legal triumph. At some point in July 1478, a procurator representing the governor arrived in Seville with a witness deposition record made against Rodríguez. The main claim that this record made was that Rodríguez had his sons circumcised.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.: "e a Juan Lopez Tendero que el otro dia se vino aqui a quexar de çiertas synrasones que le fasia, vuestra altesa le dio una provision sobre ello. E en llegando a la carta, le prendio e llevo preso a Albaçete. E despues que lo salto, quito la el ofiçio de alcalde. E luego el hermano del dicho alcalde de Frias le injurio de palabras por que se avia venido a quexar."

²⁷ Ibid.: "E otro dia syguiente uno de sus amigos e paresçiales del dicho alcalde de Frias le dio çinco lançadas de que queda a la muerte."

²⁸ Ibid.: "E asy trae asombrada e temorisada toda la tierra, como senor absoluto de ella que non ay quien se ose venir a quexar de el."

²⁹ Ibid.

³⁰ Ibid.: "La trae e esta tal como sy non toviese rey nin senor."

This was a serious allegation because practicing circumcision was considered a clear indication of judaizing. To disprove the allegation, Rodríguez proposed to subject his sons, who remained in San Clemente, to an examination. The Royal Council accepted his proposal. In September 1478, a second royal investigator travelled from Seville to San Clemente. Following the investigator's report, in which he determined that the sons were, in fact, not circumcised, the Royal Council decided to annul Rodríguez's banishment.³¹ A royal decree issued in October 1478 permitted Rodríguez to return to San Clemente and imposed heavy legal costs on Andres Soriano and another citizen of the town who made the denunciation against Rodríguez.³²

That someone like Rodríguez was able to emerge triumphant from a conflict that involved not only other members of his community, but also a high-ranking royal magistrate calls attention to the efficacy of petitioning as a recourse that allowed Castilians to act upon power. As far as the documents allow us to see, prior to his petition, Rodríguez did not have any special connection at the royal court. In fact, his social position was a precarious one on two different levels: First, he was a *converso* suspected of heresy at a time when such accusations were gaining more and more resonance within royal circles. Second, he had a problematic record in terms of loyalty to Isabel and Fernando. There are reasons to believe that, during the succession war, Rodríguez was identified as a supporter of the Pacheco. Frias and his other accusers claimed that he was still loyal to that party, which could make him seem suspicious in the eyes of the magistrates of Isabel and Fernando. To some extent, Rodríguez's judicial success derived from his strategic deployment of political discourses and records. However, his victory was also contingent on the assistance he received, at a number of critical moments, from other citizens of San Clemente. It is difficult to know how his case would have ended without having

³¹ Ibid., a report of a royal inquest from September, 1478.

³² Ibid., a royal letter from October 24, 1478.

witnesses speaking in his favor, including one of the San Clemente's *regidores*. In this sense, Rodríguez's case demonstrates that success in petitioning depended on receiving at least some sort of support at the local level. In order to produce evidence, parties had to show capacity to recruit the members of their community to serve as deponents, as well as to obtain the collaboration of *alcaldes* and notaries—officials who themselves were often implicated in the same conflicts.

III. Assaulted by the Sheriff (1495)

The third example also involves a complaint against a local magistrate. It was presented at the Royal Council in Madrid by a resident of Cuenca named Isabel de Molina. In April 1495, Molina traveled from Cuenca to the royal court in Madrid, a journey of approximately 170 kilometers, and presented a petition of grievance against Pedro de Rojas, the sheriff (*alguacil*) working under the *corregidor* of Cuenca. While Molina's petition is now lost, we do have a copy of the royal letter of justice she received from the Royal Council.³³ According to this document, Molina claimed that the sheriff had been trying "to sleep with her carnally" on various occasions.³⁴ Nine days before the presentation of her petition, on a Sunday night, he came by her house and tried to sleep with her again. Molina persistently refused: "by the name of God, and by our justice, she required that he leave her alone, and leave her house." Reacting to her refusal, the sheriff "hit her with the rod [of justice] and said to her many ugly and insulting words."³⁵ He then tried to force himself upon her again, yet Molina's screams drew the neighbors, who rushed into the house and chased the man away.³⁶

³³ AGS, RGS, April of 1495, fol. 325.

³⁴ Ibid.: "aviendo otras muchas veses trabajado de dormir con ella carnalmente..."

³⁵ Ibid.: "e por que le requiero con Dios e con la nuestra justia que la dease, e se fuese de su casa, dis que, le dio del palos con la vara, disiendo le muchas palabras feas e ynjuriosas."

³⁶ Ibid.



Figure 13: The region of Cuenca

The different elements of Molina’s account—the sheriff’s persistence in trying to sleep with her, the active refusal she had shown, his attempt to use the rod of justice to subdue her to his desires, and finally his forced flight from the house— were intended to demonstrate the criminal nature of the sheriff’s actions and to portray them as cases of abuse of power by an officer of justice. Yet whereas Molina requested that the sheriff be “punished and castigated,” the Royal Council wished to receive more information about the case. The letter of justice she was able to obtain was addressed to the *bachiller* de Orduña, a royal agent who was already operating in Cuenca, having been appointed some three months earlier to conduct a series of other inquests in the region. As we have seen, committing a case to a royal investigator was a common response to petitions of grievance, especially in complaints of grave offenses or in cases involving royal officials. The letter of justice instructed the *bachiller* to accept witnesses from both Molina and Rojas, as well as from any other party that he himself might find useful to summon. All the depositions had to be sealed, and sent to the Royal Council.³⁷

³⁷ Ibid.

I was not able to find the *bachiller*'s investigation, if it had indeed been conducted. However, the *Cámara de Castilla* section at the *Archivo General de Simancas* retains another document that pertains to Molina's case, which is a short set of depositions collected in Cuenca in the first week of April 1495—that is, immediately prior to Molina's travel to the Royal Council in Madrid.³⁸ This particular record calls attention to a common challenge in working with the records of the CCA: the difficulty in determining why a certain document ended up in the royal archives, who sent it, for what purpose, and why it has been preserved. In Molina's case, it is tempting to assume that the set of depositions was presented to the Royal Council by Molina herself in order to support the claims found in her petition. The record opens with a detailed complaint made by Molina and it then continues with the depositions of three witnesses she brought to testify. As we have seen, supplementing petitions with written evidence is a pattern that many cases display. In Molina's case, the witness deposition record suggests that before approaching the Royal Council she had tried to achieve justice at the local level by issuing a complaint against Pedro de Rojas before his superior, the *corregidor* of Cuenca. Demonstrating that such an attempt had been made could support Molina's petition for redress. However, as will become clear immediately, the depositions found in this document also include details that cast doubts on the account that Molina gave in her petition.

It seems that Molina, who was known in Cuenca as “the Valencian,” lived in a room, or perhaps a gallery, located on the second floor of a house that belonged to a citizen of Cuenca named Fernando Çeço. A servant named Isabel de Sansido lived on the first floor of the house and was among the three deponents whose testimonies were included in the record. An *escalera*—a stairway, or perhaps a ladder—connected the first floor with the second. In her

³⁸ AGS, CCA, PER 18-1, Molina Ysabel, a document without number (a booklet of depositions made in Cuenca on April 4, 1496).

complaint, Molina recounted two incidents in which she confronted Rojas by this *escalera*, the first of which ended with her rape. According to Molina, a week before her complaint, during nighttime, Rojas entered her house and tried to climb up the stairway to reach her room: “and she told him not to climb up, and because of this certain other things passed between them, and he called her a slutty whore; and because of this, she told him many additional words, and then he made it with her on her bed by force and against her will.”³⁹ The second incident had similar characteristics: again, Rojas entered the house and tried to climb to her room, and again she confronted him at the stairway, which led to the exchange of words. The difference was that this time the sheriff also hit her with his rod. However, he was not able to force himself on her again, as the neighbors rushed in and interfered with his attempt.

The servant, Isabel de Sansido, affirmed in her testimony that Rojas hit Molina with his rod at the stairway underneath her room when she was trying to prevent him from climbing up. However, Sansido set this incident against a much broader backdrop of relations between the sheriff and the woman. Rojas, she testified, used to frequent Molina’s room. Prior to that night he had been there “perhaps one hundred times.”⁴⁰ On one occasion, Sansido went up to Molina’s room and found the sheriff there. Sansido said that she believed that Rojas and Molina used to sleep together on various occasions.⁴¹ When asked by the judge “whether she knows or believes that the said Isabel [de Molina] tends to do it carnally with other people,” Sansido answered that she saw that many people enter the house and go up to Molina’s room. However, she did not

³⁹ Ibid., fol. 1r.: “el dicho Pedro de Rojas, alguazil, avia venido un dia desta semana, estando ella un noche en su casa e avia subido, e avia en conoçido a llegar a ella, e que ella le avia dicho que non llegase a ella, e que sobre esto pasaron otras cosas, e que le dixo de puta ramerava, e que sobre esto le dixo otras muchas palabras, e que se hecho en su cama della por fuerça e contra su voluntad.”

⁴⁰ Ibid., fol. 2r.

⁴¹ Ibid., fol. 2v.

know whether or not they were sleeping with her.⁴² Another witness, a neighbor named Juan Conegera, also suggested that Rojas used to frequent Molina's house: "he saw many times, during days and nights, how the sheriff went in and out of the house of the said Isabel [de Molina]."⁴³ The witness said that he heard from Isabel de Sansido that Molina and Rojas were sleeping together. In fact, he heard from other people that Molina used to have carnal relations with other citizens of Cuenca.

Moreover, Conegera reported having seen how, on various occasions, Rojas brought Molina gifts.⁴⁴ The bringing of gifts is also mentioned in Sansido's deposition. According to her, one time Rojas appeared at the house with some "sweet oranges," and asked her, Sansido, to carry them up to Molina. Sansido followed his request and offered the fruits to Molina, who accepted them. On a different occasion, the sheriff sent with Sansido some trout, which Molina took as well.⁴⁵ Although Sansido reported that Rojas used to sleep with Molina, and that he hit Molina with the rod of justice when she refused him, the accounts that she and Conegera provided in their depositions were quite different from the story told by Molina in her complaint. Both Sansido and Conegera depicted the sexual relationship between the woman and the sheriff as having a long history predicated on reciprocity. They implied that Molina did not usually protest the company of Rojas in her room, and that she accepted and enjoyed his gifts. What then did lead to that violent incident at the stairway? Conegera believed that it had to do with the presence of another man in Molina's company. According to him, on that night he observed that the servants of one of the canons of the Cathedral were waiting outside of Molina's house. The

⁴² Ibid., "Preguntada si sabe o cree que la dicha Ysabel tenga que hazer carnalmente con otras personas, dixo que vee entrar muchas personas e sobir casa de la dicha Ysabel...pero que non sabe si duermen con ella."

⁴³ Ibid., fol. 3r.: "y que a visto muchas vezes como el alguazil entrava e salia muhcas vezes, de noche y de dia, [de] casa la dicha Ysabel..."

⁴⁴ Ibid.

⁴⁵ Ibid., fol. 2v: el dicho Pedro de Rojas dio a este testigo naranjas dolçes que le llamase a la dicha Ysabel de Molina, e que ella ge las llevo, e que la dicha Ysabel reçibio, e que otra vez le dico unas truchas, y que este testigo ge las llevo e dio a la dicha Ysabel..."

witness later heard that the canon “was there, with her, and that for that reason she did what she did, refusing to let the sheriff climb up.”⁴⁶

The most striking aspect of this small set of depositions is that it was clearly the product of Molina’s initiative. She was responsible for both placing the complaint against Rojas and recruiting the witnesses. However, Molina did not control the interrogation of her witnesses and the production of the witness deposition record—procedures that, presumably, had not been conducted in her presence. The question that arises is why Molina presented the Royal Council a set of depositions that could subvert her story. Three hypotheses present themselves in this regard. The first is that Molina did not submit the record. Although she initiated its production, it is possible that the document was sent to the Royal Council at a later stage, perhaps by Rojas, in order to undermine Molina’s account. In fact, it is possible that Molina decided to embark on the journey to Madrid only after she realized that her attempt to launch a local complaint against the sheriff was bound to fail due to the hostile depositions provided by the witnesses she recruited. The second hypothesis is that Molina simply did not know what was inside the record. Indeed, it is important to bear in mind that many of the historical actors who used records such as royal letters or witness depositions—sometimes in highly sophisticated ways—could not read them, and were dependent on the mediation of notaries and other experts. If Molina was not present during the interrogation of the witnesses, and if she could not read the booklet in which their testimonies were gathered, it is possible that she was misinformed about the content of the depositions. In this scenario, Molina was probably led to think that the content of the depositions was supportive of her cause. Lastly, it is also possible that Molina knew what the depositions said, but still decided to submit them to the Royal Council. If what she wanted to achieve was

⁴⁶ Ibid., fol. 3r.: “y que vido como la noche que esto paso estava los criados del canonigo Gregorio por alli e que oyo dezir que el canonigo estava con ella y que por esta cabsa ella fizo lo que fizo envio dexar sobir el alguazil y que vee a muchas personas entrar y salir alli.”

royal intervention, it was perhaps better to present some sort of evidence, even if it was ambivalent with respect to her version of the events. In this regard, it should be remembered that the set of depositions did suggest that the sheriff hit Molina with the rod of justice after she refused to have sex with him.

Molina's petition, and the witness deposition record that pertains to her case, illustrates how seemingly small details in one's petition could be significant to broader efforts of framing legal cases. It is clear that Molina sought to frame her complaint as a story about an abusive officer of justice. This was an effective framework because in fifteenth-century Castile royal attitudes towards grievances caused by royal officials came to be seen as indicative of both the good and bad kind of kinship. As discussed above, Enrique IV was highly criticized for allegedly not preventing his officials from robbing the common people. For Molina's story, it was important that the sheriff hit her with the rod of justice, the symbol of his authority and of the local administration of justice. This detail helped her present herself as a victim not only of the violent aggression of Rojas the man, but also of tyranny, understood in terms of the abuse of public power for one's personal gains and desires. The oranges and trout that Molina had received from Rojas, according to the deponents, were small details that were, of course, included in support of a different narrative framework.

Molina's case draws attention to the politics that lurked behind local processes of record-making. It shows that if petitioners made efforts to produce records to help them justify their requests from the monarchy, controlling the processes of record-making was quite a different story. The sources do not reveal whether the magistrates of the Royal Council had a chance to review the depositions before commissioning the case to a royal investigator. This response was milder than what Molina had opted for in her petition. But it was certainly not dismissive of her

complaint. Politically, it is not unlikely that Molina's story has in it more than what meets the eye. It is possible that her complaint had some links to the strife between urban factions in Cuenca, and particularly to rivalry between the *corregidor* of Cuenca and his men and some of the leading figures in the city's church. From a different perspective, Molina's story reveals expectations about the potential efficacy of petitioning the Royal Council. According to all signs, Molina was an unmarried woman who was also a foreigner in Cuenca. Even if she had powerful allies or lovers, her social position seems to have been quite vulnerable. That a woman like Molina was willing to undertake the long journey to Madrid in order to place a complaint against a local officer of justice suggests that she viewed petitioning as a potentially fruitful avenue of action.

IV. A Letter in the Worse Place (1485)

The strategic use of records is also exemplified by the final case study to be discussed in this chapter, which concerns a conflict from 1485. The information about this case comes from several documents, the most detailed of which is a booklet consisting of the legal process against a man named Pascual Darse.⁴⁷ Darse was a citizen of Cabreajs del Pinar, a small village in the diocese of Osma, some 170 kilometers east of Valladolid. He was arrested on August 31 1485 by the officer of justice (*merino*) of Fuentepinilla, a town located some 40 kilometers to the south, following an incident that involved a citizen of that town, a Jew named Salamon de Tudela. The legal process contains the criminal denunciation of Tudela, who claimed that Darse had slapped him on his face and then made an attempt to attack him with a weapon.

⁴⁷ AGS, CCA, PER, 28-2, Tudela, Salamon, a document without a number (a booklet with from August 1485). In the end of the fifteenth century, Fuentepinilla formed part of the lordship of the count of Aguillar. The officer of justice represented, therefore, the lord of the town. The process against Darse consists of the denunciation made by Tudela, the depositions of four witnesses he presented, the verdict pronounced by officer and a few additional proceedings concerning the imprisonment of Darse.



Figure 14: The region of Fuentepinilla

According to this denunciation, Darse’s violent outburst was triggered by the presentation of a royal decree, a letter of summons to the royal court that Tudela had obtained against him from the Royal Council in Valladolid. When Tudela, who was accompanied by a local notary, approached Darse in order to present him with the summons, the latter grabbed the royal letter from the notary’s hand and, turning to Tudela, urged him repeatedly to put the letter in the “worst place” (*peor lugar*).⁴⁸ The concrete meaning of the “worst place” becomes clear later in the process against Darse, as Tudela and a handful of deponents who spoke in his favor identified it with the Jew’s buttocks. Curiously, Darse was reported to have pronounced this last word in Hebrew: “Take your letter, Jew, and put it in the *savar*’, which means buttocks,” was how Tudela reiterated the speech in his denunciation.⁴⁹ Furthermore, Tudela and his deponents

⁴⁸ Ibid, fol. 2r.-2v.: “E el dicho Pascual Darse dixo que tomase la carta e mala pusiese en el peor lugar. E esto dixo tres e quatro veces antes el escriuano e testigos.”

⁴⁹ Ibid, fol.4r.: “toma tu carta, judio, e pone la en el savar que quiere desir rabo”. That “savar”/“sanar” is a word in Hebrew is based on the testimony of the *escribano* González Ramirez, in Ibid, 6r., who was the person who read the letter to Darse. In his testimony, Ramirez reported to have heard Darse saying: “take your letter and put it in... and

claimed that when Tudela requested the notary to produce a record of the “ugly words” that Darse had pronounced against the royal letter, so that he could complain to the Royal Council in Valladolid, Darse issued a threat: “if you, Jewish dog, go to Valladolid, I will have the letter and the [notarial] testimony put in your buttocks.”⁵⁰ To this, Tudela answered that Darse was “not being himself,” meaning that he was drunk. According to the denunciation, it was at this point that Darse, bursting with rage, slapped Tudela on his face and then tried to grab the weapons of some of the people who witnessed this exchange.⁵¹ Tudela concluded his denunciation by asking the *merino* of Fuentepinilla to keep Darse in custody until the Royal Council could be informed about the case and determine “to what justice merits a man who pronounces such ugly words against the orders of his kings, and slaps him who conveys them.”⁵²

The violent encounter between Tudela and Darse, as it is represented in this record, illustrates some of the performative aspects of petitioning as social practice. Although the text does not disclose where the presentation of the royal summons took place, it is clear that it was conducted in a public space, in front of a crowd. Like some of the other examples discussed above, the exchange of words and gestures in this case seems to have followed the logic of challenge and riposte, where an action made by one party is reciprocated by another in an escalating mode. If the presentation of the royal decree was practiced as a challenge, a provocation that empowered Tudela by allowing him to boast over his opponent with a summons to the court, then Darse reciprocated through the disruptive gesture of seizing the document from

then a word which he [Ramirez] did not understand what it meant because he [Darse] said it in Hebrew” (“tomad la carta e pone la en el, e bocable que adelante dixo que non-lo entendio lo que queria desir, por que lo dixo en abrayco”). It is possible that the word “savar” is a mispronunciation (or miscopy) of זנב (“zanav”), which means “tail”. “Tail” is also one of the potential meanings of the Castilian word “rabo”.

⁵⁰ Ibid, fol. 4r.: “sy tu perro judio bas a Valladolid yo te fare meter la carta e el testimonio por el rabo”. See also Ibid, fol. 4v., 6r

⁵¹ According to Tudela, Ibid, fol.2r.: “...yo le obe de desir que non estava en sy e que creya que estava borracho. E él entonces alço la mano e dio me de bofetadas.”

⁵² Ibid, fol.2v.: “...fasta que los altesas lo sepan e determinen e manden la justiciya que merese ome que talas palabras tan feas dise contra los mandamientos de sus reyes, e abofeta el que las [intiman?].”

the notary's hand before he could actually read it. Furthermore, by invoking Tudela's Jewishness and proposing that he put the letter in his buttocks, Darse then reasserted his own Christian superiority. As the exchange continued, Tudela's suggestion that Darse was drunk was a reframing that emphasized his own superior position. It was this remark, according to the legal process, that provoked the physical attack. Also of interest in this interaction is the semiotic interconnectedness of the "ugly words" attributed to Darse: the suggestion to place the letter in "the worst place" may be seen as an inversion of the ceremony of obedience, in which Castilian notables and officials kissed royal documents and placed them the top of their head. If the head of the officer was the noblest place for a royal letter to be placed, then the "worst place" might as well be the buttocks of a Jew.

Additional documents demonstrate that the violent encounter between Darse and Tudela was only the tip of the iceberg of a long and complex legal dispute. It appears that Tudela and Darse were the procurators of two rival parties. Darse served as the procurator of the people of his village, Cabrejas del Pinar, whereas Tudela was the procurator of a few Jewish moneylenders based in Fuentepinilla. At the background of the exchange between Tudela and Darse were growing tensions between Jews and Christians in the diocese of Osma following the promulgation of the new laws of interest at the *Cortes* of Madrigal in 1476, which restricted the permissible interest rate to 30 percent.⁵³ Furthermore, the *Cortes* of Madrigal introduced a new regulation that forbade Jewish creditors from using Jewish deponents in lawsuits concerning debts. Given these circumstances, it is hardly surprising that the decade after the *Cortes* of Madrigal had witnessed an influx of petitions by Christian disputants who protested the illegal "usuries" extracted from them by Jewish creditors.

⁵³ On these conflicts see Enrique Cantera Montenegro, "Pleitos de usura en la diócesis de Osma en el último tercio del siglo XV," *Anuario de Estudios Medievales* 12 (1982): 597–622, at 603–604.

In the beginning of 1485, in response to several petitions of this sort, the Royal Council appointed a royal judge, the *bachiller* Luis Arias de Salamanca, to act as a special investigator to render judgement in a summary procedure in cases concerning illegal interest rate at the dioceses of Sigüenza and Osma.⁵⁴ The village of Cabrejas, represented by Darse and a local priest, was one of the communities which appeared before the *bachiller* Arias to pursue a lawsuit against a network of Jewish moneylenders. The people of Cabrejas claimed that a Jew from Fuentepinilla named Todroz Bienveniste had charged them 8,000 *maravedís* for a loan of 12,000 *maravedís*, which was double what the laws of Madrigal allowed.⁵⁵ The records show that the *bachiller*, who quickly ruled in favor of Cabrejas, had ordered Bienveniste to return to the villagers 8,000 *maravedís* and an additional 400 *maravedís* for legal costs.⁵⁶ However, immediately after this verdict, in February 1485, Bienveniste, who was represented by Tudela, delivered a petition of grievance to the Royal Council, asking the magistrates of to accept his appeal against the *bachiller*. In this petition, Tudela pointed to a series of irregularities in the work of the *bachiller*.⁵⁷ Among other things, he claimed that the royal judge had persuaded people to re-prosecute decades-old cases considered “lost causes.”⁵⁸

In response to this petition, the Royal Council granted Tudela two royal decrees: the first, which was addressed to the *bachiller* Arias, suspended the verdict;⁵⁹ the second was the summons whose presentation, according to the legal process against Darse, had triggered his

⁵⁴ The letter, from February 18, 1485 was published in Montenegro, “Pleitos,” 614–615. At first, the *bachiller* held jurisdiction only for the diocese of Sigüenza. It seems, however, that some Jewish creditors moved from that dioceses to the dioceses of Osma, where the *bachiller* did not have jurisdiction. In January 1485, several Jews were able, through petitioning, to have some of the sentences of the *bachiller* annulled. On these issues see Ibid., 598–603.

⁵⁵ As indicated by ARCHV, RE, Caja 8, 3, fol. 1v.

⁵⁶ Ibid., fol. 2v.

⁵⁷ Published in Montengero, 616.

⁵⁸ Ibid.: “A asimismo diz que vos aveis entermetido e entremeteis a conosçer contra los dichos judíos, sus partes, en cosas que ha veinte años e más tienpo que pasaron. E teniéndolas los labradores olvidadas, diz que vos ge las fazeis pedir ante vos, e que los dichos labradores con esperança que vos les dais piden lo que no les deven e que les levantan cada día pleitos sobre ello.”

⁵⁹ The letter, from March 2, 1485 was published in Ibid., 615–616.

outburst. This letter of justice, in effect, had “called for” the lawsuit to be heard before the magistrates, assigning Darse and the villagers of Cabrejas fifteen days from the day of notification to appear before the Royal Council to pursue their cause.⁶⁰ It is important to note in this regard that while the summons against Darse was dispatched in March 1485, the actual presentation of the letter did not take place until the end of August. This, apparently, was not a coincidence. In the beginning of July 1485, that is, more than three months after the royal summons was issued, Darse petitioned the Royal Council, claiming that Tudela had deliberately refrained from presenting him with the royal decree he had obtained.⁶¹ It appears that whereas Tudela had presented the first royal letter to the *bachiller* Arias, thus having his verdict suspended, he and his party were not in any rush to present the summons to Darse, an action that might lead to the continuation of the judicial process. Instead, Tudela and his associates decided to withhold the letter and wait.

In light of this background, one might wonder how to interpret the violent encounter between Darse and Tudela, as represented in the procedure against Darse. Was Darse provoked into disrespecting a royal letter? Was the entire account of his violent outburst a fabrication constructed by a shrewd Tudela with biased deponents and an officer of justice? While we cannot know what words and gestures were exchanged between this Jew and this Christian on August 31, 1485, it is clear that the representation of Darse’s violent outburst was strategically appropriated by Tudela. In fact, through the construction of such a representation, Tudela was able to implicate his opponent in disrespect of the royal authority.

⁶⁰ AGS, RGS, March of 1485, fol. 45.

⁶¹ AGS, RGS, July of 1485, fol. 97.

January 13, 1485	The Royal Council commissions the lawsuits over usuries in the <i>bachiller</i> Luis Arias de Salamanca to ⁶²
February 18, 1485	The Royal Council extends the jurisdiction of the <i>bachiller</i> . ⁶³
March 2, 1485	Salamon de Tudela, on behalf of Bienveniste brothers, obtains a royal letter of justice that inhibits the legal proceedings. ⁶⁴ He obtains a second letter of justice that summons Pascual Darse and the priest, Juan Sanchez, to the Royal Council. ⁶⁵
July 2, 1485	Pascual Darse petitions the Royal Council and obtains a letter of summons against Todroz Bienveniste and Salamon de Tudela. ⁶⁶
August 31	The <i>merino</i> of Fuentepinilla arrests Pascual Darse, who had allegedly attacked Salamon de Tudela during the presentation of the letter.
August 31, 1485 - October 4, 1485	The <i>merino</i> of Fuentepinilla conducts a legal proceeding against Pascual Darse. ⁶⁷
November 20, 1485	Guarantors of Darse's village give sureties for his release. ⁶⁸
December 10 1485	Pascual Darse, who did not present himself at the Royal Council, surrenders himself to the <i>merino</i> . ⁶⁹
December 13 1485	The <i>provisor</i> of the bishop of Osma imposes an interdict on the church of Fuentepinilla. ⁷⁰
January 28, 1486	The procurator acting on behalf of the <i>merino</i> of Fuentepinilla petitions the Royal Council and obtains a decree against the <i>provisor</i> , ordering the <i>provisor</i> to send the Royal Council the legal process against Fuentepinilla. The Royal Council gives orders to send Pascual Darse to the royal prison. ⁷¹
April 1487	The <i>Real Audiencia</i> in Valladolid issues a writ of execution against Todroz Bienveniste. ⁷²

Table 8: Time Line of the Conflict between Tudela and Darse

While the slap that Darse had allegedly delivered to Tudela was treated by the *merino* as a relatively light offense, his contempt for the royal word was not: the sentence that the *merino* pronounced against Darse determined that he be punished by the royal authorities. In order to be released from prison, Darse would have to promise, and provide sureties, that he would travel to Valladolid with the record of the legal process made against him, and present himself before the Royal Council, so that the magistrates might determine his punishment. This creative judgement

⁶² AGS, RGS, January of 1485, fol. 50.

⁶³ AGS, RGS, February of 1485, fol. 172.

⁶⁴ AGS, RGS, March of 1485, fol. 44.

⁶⁵ AGS, RGS, March of 1485, fol. 45.

⁶⁶ AGS, RGS, July of 1485, fol. 97.

⁶⁷ AGS, CCA, PER, 28-2, Tudela, Salamon, a document without a number (a booklet with from August 1485).

⁶⁸ Ibid. fol. 8r.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ AGS, RGS, January of 1486, fol. 28

⁷² ARCHV, RE, Caja 8, 3.

put Darse in an impossible situation: since he refused to accept the *merino*'s condition, he remained imprisoned. If, as Darse claimed in his petition from July 1485, Tudela's intention was to gain time through legal tricks, then the legal process against Darse had certainly accomplished this goal. Imprisoned in Fuentepinilla, Darse was effectively neutralized as a legal agent and could not return to the Royal Council in order to pursue his case. The records pertaining to this affair show that almost three months after the arrest of Darse, two representatives from the village of Cabrejas appeared before the *merino* of Fuentepinilla and provided sureties for Darse's release from custody. In accordance with the *merino*'s judgment, Darse was assigned fifteen days to present himself before the Royal Council together with the process made against him. However, Darse did not fulfill this condition. On December 10 1485, he returned to the *merino*, and admitted that he had never gone to Valladolid. In order to protect his guarantors, Darse accepted his incarceration.

Yet the records also suggest that Darse and the people of Cabrejas were eventually able to receive help from another powerful actor: the *provisor* of the Bishop of Osma. It appears that instead of negotiating with the Royal Council, Darse and his associates had turned to the *provisor* and persuaded him to intervene in their favor. On December 13 1485, the *provisor* had imposed an interdict on the town of Fuentepinilla, stopping the services of the local church until Darse was released from prison. This resulted in a petition of grievance that the *merino* had directed to the Royal Council. On January 28, the magistrates granted the *merino* a royal decree, commanding the *provisor* to clarify his actions before the Royal Council and ordering that Darse be sent as a prisoner to the the Royal Council. While the extant records do not tell us how the conflict developed from that point, we do know that the lawsuit was finally transferred from the Royal Council to the court of the *Audiencia*. A partial copy of a writ of execution issued by the

oidores of this court in April 1487 suggests that Benveniste and Tudela had finally lost the trial against Cabrejas, even though this record provides very few more details.

The conflict between Tudela and Darse illustrates how representations of violent reactions to the presentations of royal decrees could be mobilized for judicial and political ends. Like the other examples considered in this chapter, this case demonstrates that the production of records was a highly politicized process, and that documentary strategies and control over records were crucial to successful petitioning.

Conclusion

In this dissertation, I have suggested that a vast circulation of royal decrees granted in response to petitions of grievance came to play a central role in the political life of late medieval Castile. As textual artifacts, these “letters of justice” were at the heart of thousands of local interactions in which different historical actors invoked royal authority in order to make social demands. Although the extant records preclude any neat charting of the historical development of this practice, petitioning for royal justice seems to have emerged as an ostentatious royal ceremony in the first half of the fourteenth century. In the second half of this century, and particularly during the reigns of the first Trastámara monarchs, the royal institutions that were in charge of handling petitions underwent a process of standardization and expansion. This was the formative period in which the administrative infrastructure of the fifteenth century was set in place. As we have seen, by 1400, the magistrates of the Castilian Royal Council were already presiding over a large machinery of justice based on petitionary practices. The fifteenth century saw a significant increase in such practices, culminating in the reign of Isabel and Fernando, with the establishment of a second Royal Council. Between 1475 and 1501, tens of thousands of Castilians traveled to royal courts, submitted petitions, and returned to their localities carrying royal letters of justice issued in their favor. Whether they were recipients of such letters, their addressees, or simply spectators to their presentations, masses of Castilians participated in their circulation.

In studying petitioning as a social practice, this dissertation has analyzed not only the contents of petitions and letters of justice, but also their social lives as textual artifacts. In this

regard, I have demonstrated some of the advantages of examining the original—rather than the copies of—royal decrees. As discussed above, the inscriptions found on the reverse side of many royal decrees provide valuable information about the actual ways in which fifteenth-century Castilians employed these documents in social interactions. While I have pointed out the performative dimensions of presentations of royal letters, more research is needed in order to determine how such presentations were situated within a broader repertoire of documentary practices and social interactions. To what extent, for example, did presentations of royal letters differ from public performances that involved other types of documents? Addressing such a question may lead to a novel, more comprehensive account of the political culture of late medieval Castilian towns, and specifically of the role of documents within it. Likewise, it may be useful to compare Castilian performances of documents with similar practices in other late medieval polities.

The cases analyzed throughout the dissertation illustrated various scenarios in which Castilians petitioned the Royal Council, as well as a range of reactions to the presentations of royal decrees. As we have seen, at the heart of many disputes were questions of jurisdiction. For many Castilians, petitioning the monarch provided a way to bypass local jurisdictions, sometimes with the hope of avoiding ordinary litigation altogether; namely, by having the Royal Council resolve their cases using the *expediente*. In other cases, disputants practiced petitioning with the hope of exerting pressure on local officials and judicial institutions. The existence of multiple—and sometimes competing—jurisdictions afforded Castilians a certain degree of forum-shopping. To this end, the rhetorical strategies deployed by Castilian petitioners often resonated with the notion of the monarch as a supreme administrator of justice. Crafting stories that stressed their inability to achieve justice through the operation of the local institutions of

justice, petitioners pleaded for royal intervention. By doing so, they effectively acknowledged the right of the monarch to override lower jurisdictions, insofar as justice could not be otherwise achieved. The notaries who drew up petitions were obviously involved in the shaping of such stories and legal arguments. Their role as mediators was also expressed by reading royal letters to their addresses, and recording their presentations. The emergence of petitioning as a widespread practice in the fifteenth century depended on the dense network of notaries who were deployed in hundreds of different localities throughout the kingdom. At the same time, the evidence analyzed in this dissertation also suggests that many Castilians knew very well how the royal institutions operated, and were, in fact, capable of mobilizing complex administrative and judicial procedures in highly creative ways, sometimes notwithstanding insubordinate and hostile notaries and other local officials. The logic that underlay the actions of many petitioners reveals a high degree of deliberation and sophistication.

Moreover, I have suggested that the great demand for royal letters of justice—despite the hardships of travel and other the efforts required in order to obtain such documents—implies expectations about the efficacy of petitioning as a route of action. As we have examined, there were certainly cases in which the petition was able to change the dynamic of a local conflict to the advantage of the petitioner. Yet, uncertainties and risky outcomes were not uncommon to this practice too, as seen in the examples of adversaries disregarding royal letters, or resorting to violence when presented with them. In this regard, I have argued that the question of efficacy cannot be reduced to whether or not the commands enclosed in these documents were fulfilled. Royal decrees afforded their recipients opportunities to voice and publicize grievances, shape *fama*, expose adversaries to “interactional ambushes” that portrayed them as perpetrators of crimes, threaten them into negotiations, and in some cases legally exhaust them.

I have also suggested that the vast circulation of royal decrees was an important part of the context in which the concept of “obedience without compliance” became prominent in the Castilian political culture. The proclamation of obedience without compliance permitted subjects to resist royal commands without violating royal authority. Over the course of the fifteenth century, the expansion of “non-compliance” went hand in hand with an increasing emphasis on the ceremonial aspects of “obedience” to royal decrees. In terms of the actual capacity of the Royal Council to enforce its commands, the sources show that it varied greatly between places and circumstances. Whereas in some instances refusal to comply with royal commands was responded to by royal raids, in which armed men were sent to the localities to enforce orders or seize bodies and goods, in many other instances it only gave rise to the dispatch of more decrees. Indeed, the responsiveness of the Royal Council enhanced the circulation of royal decrees, even when the orders enclosed in them were not fulfilled, because it encouraged addressees to voice their objections by presenting counter-petitions to the Royal Council. On many occasions, such counter-petitions were able to subvert the previous royal decisions.

By attending to petitions of grievance Castilian monarchs enhanced their sovereignty in two different ways. First, petitioning enacted the reciprocal relationship between the monarch and the subject, thus tying the royal institutions to the Castilian multitudes in bonds of dependency and patronage. Second, petitioning fostered communication between the royal centers and the various localities. As discussed above, royal decrees were meant to be read aloud, and their presentations were often constructed as public events intended for the eyes and ears of a local crowd. Thus, the circulation of these documents in Castilian localities provided the monarchy a key medium for the dissemination and reiteration of notions of royal authority. Petitioning the monarch can certainly be seen as part of a broader story about the Castilian

monarchy's efforts to extend its reach and penetrate the localities. In the fifteenth century, such efforts assumed different forms, and occurred on multiple fronts. The obvious examples of such a trend include the expansion of royal taxation through local networks of tax-farmers, the involvement of *corregidores* in the politics of Castilian cities and towns, and, after 1480, the activities of the new—royal controlled—inquisition. What made responses to petitions distinct, in comparison with other manifestations of royal authority on the ground, was the fact that these responses were sought by the subjects themselves. In this respect, the influx of petitions witnessed in fifteenth-century Castile reveals the centrality of ordinary Castilians to the consolidation of state power. When they obtained and presented royal letters of justice, thousands of Castilians asserted the applicability of a royal command to a concrete situation. By so doing, they themselves, in a sense, became agents of royal authority.

I have argued that the Castilian monarchs encouraged the proliferation of petitions by maintaining an accessible administrative infrastructure. Towards the end of the fifteenth century, rounds of obtaining and presenting royal decrees could be completed within a few weeks, and sometimes within days. This allowed many subjects to employ petitioning as a way to generate swift interventions into local conflicts. The complex interplay between royal authority and local forces was a related issue discussed throughout the dissertation. Indeed, by obtaining royal decrees, numerous petitioners tried to empower themselves within local constellations of power. However, the capacity to do so also depended on one's position within a set of local relations. While petitioning the monarch did not normally dismantle local power structures, on various occasions it was able to disrupt them. The impact of mass petitioning on the consolidation of power by local elites, and of the role of petitioning as a form of collective action employed by commoners against elites, await further research. However, it is clear that by the end of the

fifteenth century, petitioning the monarch had already emerged as a significant avenue through which ordinary Castilians sometimes challenged the authority of knights, territorial magistrates, and other local notables. If Castilian monarchs worked to forge sustainable alliances with local elites, the decrees they distributed in response to petitions created bonds of patronage with a wider range of actors, including the humbler members of the community.

In this dissertation, I have argued that petitionary practices deeply affected the political culture of late medieval Castilians. The local negotiations of royal authority through tens of thousands of interactions, in which disputants used royal decrees in order to make social demands, shaped Castilian understandings of justice, the law, the monarchy, and the relations between center and peripheries. The increasing circulation of royal decrees in Castilian towns and villages marked new possibilities for political protest and negotiation, while reproducing the notion of a community of subjects governed by a just monarch. In this respect, this dissertation has illuminated important elements of the backdrop against which the burgeoning bureaucracy of the sixteenth-century Spanish empire came to be developed. Indeed, the practices that had consolidated over the course of the fourteenth and fifteenth centuries continued to expand in the sixteenth century, both in Castile and in the colonies under Spanish rule. Further research remains to be done to determine how petitioning continued to shape the political lives of Spaniards as imperial subjects. By taking into account questions of time and distance, the materiality of bureaucracy and communication, and the influence of multiple social actors, we may reassess the impact of petitioning on local politics in the early modern Hispanic world, and examine the multifaceted ways in which practices that were born in a relatively confined region were came to be deployed across a global space.

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