CHAPTER ONE

THE STRUGGLE FOR POWER

This chapter provides an analysis of a longitudinal survey of municipal and monarchical relations; it seeks to establish the antecedents of parliamentary power, clerical and legal mechanisms of authority, and royal interaction. Divided into five sections, this survey documents transitions from the late medieval period to the defeat of the comuneros in April 1521: (1) the Trastámara legacy (1369–1504) of royal alliances with nobles, the cities and towns, and the church; (2) the patronage system introduced by Philip I (r. 1504–1506); (3) the reactivation of the patronage policies of Charles’ Burgundian regime of 1517–1521; (4) political discourses of the comuneros during the comunero revolt (1520–1521); and (5) the comunero platform of justice. The common denominator in all of these institutional changes is the active role that the cities and towns of the Cortes played in supplying the guidelines of judicial operations and good government and in forcing monarchs to accept municipal power.

The Late Medieval Compromise: The Dynastic and Municipal Partnership

The strong communal spirit of over 28,000 municipalities confronted Charles as he repeatedly attempted to generate capital for his ambitions, from the beginning to the end of his reign.¹ Charles discovered

¹ For similar resistance by the Cortes to royal demands made by subsequent Habsburg rulers, see Charles Jago, “Habsburg Absolutism and the Cortes of Castile,” America Historical Review 86 (1981): 307–326. Jago writes that “the principle of no taxation without consent gave the Cortes and the eighteen cities it represented the ability to block and frustrate the interests of the crown and placed them in a strong position to negotiate tax agreements favorable to their own” (310). Furthermore, he adds that “the Cortes acquired extensive fiscal and administrative powers and increased its political influence” (312). I would like to add that the Cortes had already, since the comunero revolt, acquired such powers and had become accustomed to force the monarchy to address their grievances prior to any financial settlement. See also his article, “Philip II and the Cortes of Castile: The Case of the Cortes of 1576,” Past and Present 109 (1985): 24–43.
within the first few months of his reign that for the kings of Spain the fundamental basis of authority (and income) was the municipal contract, which consisted of the royal obligation to support and enhance the judicial system required by the cities. Indeed, the first Trastámara monarch, Enrique II (r. 1369–1379), could not have succeeded in usurping the throne without the financial and political backing of productive municipalities.\(^2\) During the tumultuous fourteenth and fifteenth centuries Spanish monarchs succeeded precisely because they provided *merced* to their supporters, in particular the cities of the Cortes.\(^3\)

Charles also did not initially understand what the Trastámara monarchs had long ago realized: the Spanish church was essential for their survival.\(^4\) Beginning with Enrique II, ecclesiastical privileges such as the political advancement of churchmen, regal fiscalization (use and expropriation) of ecclesiastical revenues, and the benefice system as royal patrimony were products negotiated between the king and powerful lords, many of them churchmen who established a tradition of loyalties and dependencies. Enrique II incorporated the ecclesiastical estate into his government with confessors, jurists, and bishops assuming positions in royal government. He took advantage of the precedent of ecclesiastical patronage and even gained the support of peninsular rulers and theologians. The church hierarchy became an integral part

\(^2\) For the thesis of municipal prosperity, see Casado Alonso, *Señores, mercaderes y campesinos*, 46. For the municipal contract between Enrique II and municipalities, see Julio Valdeón Baruque, *Enrique II de Castilla: la guerra civil y la consolidación del régimen, 1366–1371* (Valladolid: Universidad de Valladolid, 1966).

\(^3\) For analysis of the relation between the monarchy and the Cortes in the fourteenth century, see Julio Valdeón Baruque, “Las cortes en tiempos de Pedro I y primeros Trastámaras,” *Las cortes de Castilla y León en la Edad Media: actas de la primera etapa del congreso científico sobre la historia de las cortes de Castilla y León, Burgos, 30 de septiembre a 3 de octubre de 1986*, 2 vols. (Valladolid: Cortes de Castilla y León, 1988), 1:183–217. For the ascendance of the Cortes, especially after the reign of Juan I (r. 1379–1390), who began to convolve the Cortes solely for the *procuradores* of the cities and towns, excluding churchmen and aristocrats, see César Olivera Serrano, “Las Cortes en Castilla en el primer tercio del siglo XV,” *Hispania* 47/166 (1987): 405–436. For the subsequent development of the Cortes as an instrument of municipal agendas, see Olivera Serrano, *Las Cortes de Castilla y León y la crisis del reino (1445–1474): el registro de Cortes* (Burgos: Congreso Internacional sobre la Historia de las Cortes de Castilla y León, 1986), especially chapter 13 regarding the city of Toledo during the reign of Juan II (r. 1406–1454).

\(^4\) Note that churchmen played a critical role in the comunero revolt. For details, see chapter one, section 4, “The Comunero Revolt.” For role of mendicants in the revolt, see Luis G. Alonso Getino, *Vida e ideario del maestro fray Pablo de León, verbo de las comunidades* (Salamanca: Establecimiento Tipográfico de Calatrava, 1935), especially chapter three.