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Daybreak in Dark Times

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Commune, the Municipality, the Nobility and the
Urban Oligarchy in Catalonia

Miguel Amorós

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The dawn of a civilization is characterized by the absence of the State, and the decline of a civilization, by its ubiquity. Ours has been no exception. The first glimmer of freedom, the village commune, appeared just at the end of the Roman Empire and then spread further during the disintegration of the Frankish Kingdom, a process accompanied by the crisis of large scale rural property and the slave mode of production. The cities were gradually abandoned due, among other causes, to the pressure of taxes and military conscription, and the population took up residence in rural areas. Enormous differences in wealth led to the emergence of gangs of the disinherited who since the times of the Bagaudae roamed about the countryside and besieged the centers of power. In the edicts of the Carolingian kings that were directed during the 9th and 10th centuries against the conspiracies and associations of *villains*, we can discern a peasant resistance that was manifested in various forms: runaway serfs, occupations of land, arson, robberies and looting of properties.... The most important function of authority,

tax collection, was particularly detested. During this period, the inhabitants of the Valle de Aran killed the son of the Count of Ribagorça and lived for fifty consecutive years without any rulers, and paid no taxes during that time.

It is true that in the less Romanized zones, in the valleys of the Pyrenees, for example, the disappearance of the Carolingian state favored a return to local clan and tribal traditions, based on the communitarian organization of the territory, but this time linked to geographical proximity rather than to kinship, as was the case in the Cantabrian region. Each settlement possessed a particular territory in common, which is why most property was logically communal. One could not even speak of private property at all beyond the houses with their nearby hay-ricks or gardens; at most, one could speak of fields or enclosures for temporary private use, concerning which various modalities of use existed: *emprius*, *camp oberts*, *boïges*, *orris*.... The care and maintenance of the animals were also mostly communal, as were the pastures. Communal usufruct was just as important for these agrarian societies as the goods themselves. We are not referring to such practices as the construction and maintenance of roads, bridges, irrigation ditches, mills or ovens, the collective purchase of wheat or moneyless exchange in settlements or vicus. The assemblies of neighbors rendered decisions on lawsuits, sanctions, defense and other questions of common interest, in accordance with orally transmitted customs. The population continued cultivating the fields after the Moslem occupation, but once the Moslems were driven from the area, the Counts, the only State authorities that remained, attempted to establish, via their agents, and by way of “*aprisión*”¹ and “*ruptura*”, their military and fiscal administration in the newly won territories. Thus, communities

¹ During the Carolingian era, fallow or waste land which, in Septimania or the Spanish March, was granted in benefice to a peasant for a term of thirty years for the purpose of land clearance and settlement [Translator’s Note].

that were previously more or less independent were emerging alongside small free landowners, *masos* and large estates that had previously been cultivated by slaves, now transformed into tenant farms, where all the varieties of dependence existed: *serfs, tenents, colons, manents, parcers...*

Collectives were not the norm, nor was the allodial property whose roots went back to Roman times: neither was capable of replacing large scale property, nor did they have sufficient force to suppress the representatives of the almost nonexistent royal authority, the Counts (who were first appointed in 843), who administered their patrimony after the Capitularies of Quierzy issued by the Emperor Charles the Bald. Guifré el Pilós was the first Count of Barcelona who bequeathed his position by inheritance. The rural community coexisted alongside other powers, often in conflict with them. Throughout the 11th century, as the authority of the Counts declined, the pressure of the military chiefs who commanded the castles (the *castlans*) caused the situation of the peasants to deteriorate, most of whom submitted either voluntarily or by force to vassalage. This implied imposts, fees, labor services and other burdens that drastically curtailed their freedom, ruined their farms and led to the loss of their lands (the small allodial properties disappeared in the 11th century, along with any vestiges of state authority). Feudalism was at first a regime of appropriation of rents, rather than a regime of ownership. The power of the nobility was “*banal*”² rather than “*dominical*”³; it was based

² Based on feudal “banalities”, involving economic monopolies on certain necessary processes related to agriculture or other productive activities, such as milling grain or pressing wine, which were jealously exploited by military vassals, who, in exchange for the use of their mills or presses by their serfs or *villains*, exacted a portion of the product or a monetary fee [Translator’s Note].

³ Based on the Roman concept of *quiritary*, or in contemporary English terminology, “fee simple” ownership, which is the most comprehensive form of individual ownership under modern English common law [Translator’s Note].

on jurisdiction rather than on possession, which did not mean that its beneficiaries neglected to take advantage of the lands of the fisc (public lands) or the communal lands, or any piece of land that fell into their hands. The feudal class was more inclined to exploit the land they had appropriated with the farmers attached to it, but they also rented out or surrendered their possessions by means of emphyteutic leases. Furthermore, the need to repopulate the land for their own benefit paradoxically compelled them to create spaces of liberty by way of concessions of exemptions and privileges to those who wanted to settle on it and cultivate it, especially in the semi-desert frontier regions (the basin of the Llobregat River) that had been seized by *aprisión*.

There is no doubt that the usurpation by the nobility was carried out with violence, for it generated resistance that led to the formation of the Assemblies of Peace and Truce in 1021. At the meetings held by these movements, a place was set aside around the churches—the *Sagrera*—where the exercise of violence was punished with excommunication. The initiative was under the control of the abbots and priests, who wanted to guarantee attendance at religious services and the markets without the authority of the clergy being challenged. It is likely enough that the first gangs of armed peasants known later as *sagramentals*, because of the oath (*sacramentum*) that accompanied their formation, responded to the need for self-defense against the feudal enemy. The flimsy authority of the Counts did not permit them to play an effective role in these assemblies until 1202, when a network of royal representatives or *veguers* was formed to address this issue, and the “Peace of God” gave way to the “Peace of the Lord-King”. By then, however, the correlation of forces had changed due to the emergence of a new element that enjoyed a certain degree of autonomy, that is, the *villas* or municipalities.

Towards the end of the 10th century, cities practically did not exist. The reality of the places that were still called cities

funds, perversion of justice, incompetence, nepotism, corruption.... In 1455 the municipal government of Barcelona was momentarily overthrown by the popular party of *La Busca*, supported by the crown, but it was soon restored to power. The strengthening of the monarchical State had reached the point where it was harmful for its class interests. Entrenched in the *Generalitat* and the *Consell de Cent*, in an alliance with the nobility, it fought against the peasants, the *buscaires* and the king, becoming embroiled in a civil war that ended with its defeat in 1472. This was only a temporary setback, however; in its very defeat it recovered some of its positions. The war had much worse results for the *remences* peasants, who were forced to engage in another revolt. The foundations of oligarchic influence remained intact; the losers were the popular institutions and classes, who were burdened with higher taxes and dues. Barcelona would not recover the commercial power it enjoyed in the past, which did not affect a class that was now living off of revenues derived from rents, rather than from trade. The electoral reforms introduced in association with the system of adjustments in the major cities complicated the patrimonialization of the municipal governments, but did not abolish it. The *Corts de Montsó* of 1510 granted the “*ciudadanos honrados*” the same rights as the knights and the petty nobility. The merger of the kingdoms of Castile and Aragon that created Spain did not appear affect the cities one way or the other. The Catalanian urban oligarchy, now with noble status, continued to manage the “*Principado*” in favor of its own interests until the War of the Spanish Succession, although with momentary eclipses (such as that of the *Guerra dels Segadors*) and enduring uprisings by the popular sector at critical moments. It bequeathed to modernity a model of power that is today supported and zealously imitated by the “*soberanista*” party.

was thus minimal. Barcelona had only 1,500 inhabitants, and the other cities, Perpiñán, Girona, Besalú, la Seu and Cardona (which had just been founded), had barely a couple hundred residents. They were administrative centers and their artisanal or mercantile activity was scarce or nonexistent. As for their status, it did not differ very much from that of the peasants. They were subject to feudal “*malos usos*”⁴; their privileges and customs were not respected. This situation changed, however, in the 12th century, a period of economic and military expansion. This was the era of the conquest of the lands extending from the Llobregat to the Ebro, an area that was later known as *Catalunya Nova*. A 12th century Italian chronicle called Ramón Berenguer III the *dux catalenses*, although the word “Catalonia” does not appear in the written record until 1217, and this was in Lleida. The first conquests were Balaguer and Tarragona, which were followed by Lleida and Tortosa when the County of Barcelona was merged into the Kingdom of Aragon in 1137. In order to repopulate the new regions, “*Cartas Puebla*”⁵ were granted, whose privileges went beyond the free administration of the territory and allowed for the organization of an unrestricted communitarian life: full rights of ownership, personal freedom, security, suppression of any form of dependence, exemption from dues and labor services, the right to hold fairs and markets, the power to resolve their own lawsuits, self-government.... Not all the cities possessed complete autonomy, however: Tarragona was at first under the divided rule of the archbishop and the Norman mercenary who participated in its conquest; Lleida was at first partitioned between the Count of Urgell, the Count of Barcelona and the Order of the Templars; Tortosa remained in the hands of the

⁴ “Abuses”: the feudal lords’ abusive imposition of extra labor services, dues and other forms of tribute on the peasants in excess of traditional customary rights [Translator’s Note].

⁵ Charters granted by the royal authority for settlements in the lands recently conquered from the Moslems [Translator’s Note].

Moncadas and the Templars until 1294, Agramunt was subject to the Count of Urgell.... Also, in the new domains of the nobles who contributed to the military effort the peasants settled in these regions enjoyed advantageous collective contracts.

In conjunction with these developments, in “*Catalunya Vella*” [“Old Catalunya”] charters of *franqueses i privilegis* were also granted. Thus, “*villas francas*” like Puigcerdà and Figueres were founded. In parallel with these changes, the regions along the old frontier, such as Tàrraga and Cervera, were developed as *mercadals*. Even the monasteries were forced to cede liberties and grant franchises to the inhabitants of their fiefs (as in Camprodón, San Juan de las Abadesas, Banyoles). Little by little, all the cities would break free of the feudal yoke, obtaining new exemptions and recovering old liberties, thus setting an example for the people of the villages, who put pressure on their lords to acquire the same franchises. Barcelona, liberated from almost all the dues and services to which it had previously been subjected by the system of vassalage, was transformed into an important commercial center that traded in salt, leather, weapons, fabrics and agricultural products. There was constant construction of new urban districts where the merchants, moneychangers and artisans lived, so that by the year 1200 it had 10,000 inhabitants. Until the middle of the 12th century, the cities did not have stable institutions, and convoked assemblies on occasions when circumstances required them. Later they would be organized in *confratrias*, associations of neighbors that usually forbade the admission of priests and nobles, united by a solemn oath of defense, similar to that of the French *commune jurée*. The general tenor of municipal life was characterized by the enjoyment of liberties, a free market, exemptions from taxes and dues, self-government and even, sometimes, the right to coin money. All these rights, of course, were nominally under the protection of the *princeps*, the king,

latter, but also advocated with all its power the enforcement of royal jurisdiction. Then, amidst the profound crisis of the 13th century, the increasing need for generating revenues from rents led the nobles to more intensively exploit the peasants under their jurisdiction. On the other hand, oligarchic power in the cities had caused urban uprisings and revolts, which were sometimes pacified by means of executions. Catalanian feudal society was beginning to break up due to the popular response; in the municipalities, because of the indignation of the *poble menut*, and in the countryside by the “*malos usos*” and the *remença* question. The lower orders organized their associations and presented memorials of their grievances; the peasants who fled from the seigneurial estates occupied *masos rònecs* (abandoned lands) from which they resisted the barons. A convenient remedy that diverted the social crisis from its logical course was the anti-Jewish pogrom, but an even more effective measure to achieve the same end was the expansionist war between the Monarchies of Castile and Aragon, known as the *dels dos Peres*. The war was declared when the royal coffers still had not been refilled after the expense incurred by the *Unión* popular uprising of Valencia, which had itself been triggered by royal taxation. The occasion was effectively taken advantage of by the oligarchy, which obtained maximal representation as a real force on the permanent Commission formed at the *Cortes* of 1358 to raise taxes for the war, the *generalitats*, known as the *Diputació del General*. At that time Barcelona had a meager population of 34,000 inhabitants.

The hegemony of the patriciate was sanctioned by the creation of the Generalitat and, later, by the *Compromiso de Caspe*. The big bourgeoisie of Catalonia was on the winning side, which chose the Castilian Fernando, “the Antequerano”, as King. Its members bought titles of nobility and adopted an aristocratic way of life. Municipal rule became so absolute that it engendered all the vices that are associated with the uncontrolled exercise of power: embezzlement of public

protests and riots. The provisional solution led to the formation of a council of two hundred *prohombres* belonging to the three urban orders [“*manos*”]. Nonetheless, the oligarchy persisted in its attempts to shift the balance of forces in its favor and in 1265 the number of members of the council was reduced by half: this was known as the *Consell de Cent*. A similar process unfolded in the other “major” cities that were the administrative centers of the various Counties, but the patricians did not succeed in abolishing the “general council” until the end of the century, and the last general councils to hold power were eliminated in Lleida (1386) and Manresa (1393). With its privileges confirmed in perpetuity in Barcelona—the *Recognoverunt proceres* of 1284—the municipal authority was, without any debate, authorized to select its councilors and convene its councils.

The urban oligarchy soon extended its arena of influence to the surrounding countryside, by becoming the owner of the land. Furthermore, as administrator or landlord of seigneurial properties, it ultimately inherited many rights that had previously pertained to the nobility. It thus became a solid defender of “*malos usos*”, feudal services, peasant adscription to the land, and burdensome dues. Its interests were much less opposed to those of the nobility than to those of the other “orders” (“*manos*”), as it was an implacable enemy of the *remences* peasants (the glebe serfs of Catalunya Vella). But its political power clearly depended on the Monarchy. In the 13th and 14th centuries the ruling class was still the nobility, whose rights and abuses had been confirmed in the *Usatges*. Royal jurisdiction did not affect more than 14% of the territory and 22% of the population. The 12th century proved to be more favorable for the Barons than for the Counts and the King, but during the 13th century the Barons entered into conflict with the Monarchy, leading to various *deseiximents* or renunciations of the oath of loyalty, until they were defeated in 1280 at Balaguer. The urban patriciate not only supported the crown, since the bourgeois order was intimately linked with the fortunes of the

the highest authority. Its representatives, elected by a *consell general*, that is, by an assembly of “all men” convoked to reach an agreement (*concilium*), attended the meetings of *Pau i Treva* and advised the royal representatives, the *batlle* or the *curia*, with regard to matters of high justice or finance. They were at first called *jurats*, following custom, or *cónsols*, which was a word derived from the Roman past. Assisted by the advisors or *consellers*, they exercised administrative, fiscal and ordinary justice functions, always controlled by the *consell*, which met at the foot of the city walls, in a courtyard or in the atrium of a church. In Barcelona these meetings were held on the stairs of the Royal Palace or in the cloisters of the Convent of Santa Catalina. Up until the 14th century there was no single building dedicated to such gatherings, such as, for example, the “*palacio de la Paeria*” of Lleida or the “*Salón de Ciento*” in Barcelona. As the city grew, however, the “General Council” was reduced to an assembly of *prohoms*, i.e., prestigious citizens, which status was at first conferred on the basis of their moral authority; later, when the citizenry was stratified into “*menores*” and “*mayores*”, it was based on their possessions or wealth.

The whole collection of town charters, exemptions, royal privileges, popular grants and communitarian “franchises” constitutes a considerable legal corpus that demarcates the passage from a customary regime of self-government to a different regime based on the written law. The decisive step was taken during the 13th century with the introduction of the common law (derived from an interpretation in a medieval sense of the Justinian Code), whose most important index is the concept of *universitas*. The “*universidad*” is the community as a juridical personality, independent of its individual members. As an autonomous entity with its own patrimony, it is empowered to provide itself with institutions of government and administration of the communal property in accordance with its customs and laws, appointing the responsible repre-

sentatives and officials required for its operations. As a result of these stipulations, an enormous amount of documentation would be generated, and the specialists in the laws, that is, notaries and jurists, would play a leading role in this institution. During this period the municipal regions were completely structured on three levels: the magistrates (who in Lleida and Cervera were called *paers*), the advisory council and the limited general council, along with an ever-expanding bureaucracy. This model would later be imitated in the rural districts, where the *comú* was the equivalent of the *universidad*, and they would be governed by an elected Communal Council composed of “*cónsules*”.

The economic growth of the 13th century would have an impact on the cities, transforming them into centers of power and wealth with a distinct differentiation of classes or “*manos*” [“hands”]. In Barcelona, the popular estate was subdivided in 1226. The *mà major* corresponded to the urban patriciate, dedicated to money-lending, foreign trade and real estate finance. This group dominated the *Consell de prohoms* of Barcelona. The manufacturers, merchants and “artists” or professionals belonged to the *mà mijana* or *mà mediocre*; the sailors and the artisans belonged to the *mà menor*. The masses of apprentices, journeymen, poor people and women were not represented in this system. Logically, power and influence were apportioned directly in accordance with wealth, and were therefore concentrated in the *mà mayor*, a small group whose members called themselves *ciudadans honrats* in Barcelona, and simply *cives* in Girona. In short, the big bourgeoisie. The incipient patrician oligarchy established very close connections with the crown, because the latter’s expansionist military expeditions were financed by the oligarchy. The Catalanian-Aragonese Monarchy, an embryonic State that did not include all the Counties, was further reinforced in its struggle against the aristocratic military caste, first by the Assemblies of Peace and Truce, and later by *Las Cortes* (the first formal session

of the Catalanian *Corte* was convened in Barcelona in 1283), although this was achieved only in exchange for concessions to the military elements that reinforced the institution of serfdom and the institution of servile adscription to the soil, the *remença*. The crown had permanent representatives in every municipality under its jurisdiction. What was peculiar about these representatives was the fact that they had to abide by the determinations of the Council and had to respect the local *consuetudines* [customary rights] and common law.

The atmosphere of freedom that pulsed through the cities prevailed in hard times, when the cities had to be defended with arms in hand from the barons and “*castlans*”, but the peace that was favorable for market relations did not prove to be favorable for an extension of that same freedom, but rather favored its transfer into the hands of a handful of city elites, enriched on land speculation, financing the royal enterprises, purchase of the public debt and trade on a grand scale. The function of the new bourgeois oligarchy was similar to that which had been performed up until that point by the Jewish minority. Now that the *cives e burguenses* [citizens and bourgeoisie] were on the same level as the *cavallers e varvassors* [knights and vassals] in the royal compilation of *Los Usatges*, the bourgeois elite would attempt to obtain a monopoly over the municipal government and manage it for its own profit. In this undertaking it could count on the invaluable collaboration of the crown. It is evident that there was a parallel development between its consolidation as a directive group and the establishment of a hierarchical and bureaucratic municipal regime, in which direct election was replaced by royal appointment and the system of cooptation. Contrary to what took place in Castile, the petty nobility did not play any role in the Councils. The suppression of the general assemblies, replaced by limited councils that excluded any popular representation, would be a milestone in the patricians’ rise to municipal power. In Barcelona it was the product of a royal grant of franchise of 1249 that provoked