

Catedrático de la Universidad Estatal de León López González,

Hermenegildo;

Catedrático de la Universidad Internacional en Moscú Raytarovski, V.V.

The Leones parliament of 1188: The first parliament of the western world (The Magna Carta of Alfonso IX)

In the history of parliaments, the concept of “The Great Charter” is widely acknowledged (in Latin, Magna Carta Libertatum). This is the title given to the charter which was signed by King John on 15 June 1215 and it is considered one of the most significant constitutional acts of England.

However, in contemporary Historiography, this document is mentioned alongside the Magna Carta of León signed by King Alfonso IX in 1188. This document came before the English Carta Magna and plays an important role in understanding the development of the parliamentary system in Europe. The Leonés Carta Magna is inseparable from the term Spanish term “Cortes” in the same way that King John’s Carta Magna cannot be separated from the term ‘Parliament’.

In dictionaries, the term ‘parliament’ is defined in the following way (in French parlement<parler): it is the assembly or legislative house made up by those representatives elected by the people in elections. The hyponyms of “parliament” are Althing (in English - althing), Bundestag, Asamblea estatal, Asamblea, Kneset, Majlis, Rada, Reichstag, Rikstag, Dieta, Senado, Skupshina (assembly in Yugoslavia), Storting, Consejo, Tynwald, Ting, Folketing, Jural, Eduskunta, Cortes, etc.

“Cortes” is the general assembly of the kingdom which was established by the king of the old Spanish kingdoms to deal with issues of state such as the writing of laws and the introduction of taxes. “Cortes” or “curia” in medieval Spain was the term used to describe the institution which was attended by representatives of the different states.

Only the high clergy and the nobility could attend in the different ‘Cortes Leonesas’ which were convened until 1137. Later however, the ‘Curia Plena’ allowed the participation for the first time of representatives of towns and villages, along with the nobility and clergy.

If we accept the widely-held opinion that the English Parliament of 1215 and the Leones Cortes of 1188 are synonyms, we can then in this article assume that ‘Cortes Leonesas’ and ‘parliament’ are one in the same. At the doctrinal level, both Cortes and Parliament make reference to the concept of ‘parliamentarism’. However, ‘cortesism’ does not exist in the same way that terms such as “ksentism”, “seimism”, “juralism”, etc. do not exist either.

Considering the fact that the Leones Cortes was a forerunner to the English Parliament and, consequently to all of modern Europe, the question arises as to the origins of parliamentarism and its establishment. We will deal with these issues in this article. When revising the history of parliamentarism, we have to consider which was the first parliament in Europe. Indeed, recently disconcerting news about the study of the origin and development of parliamentarism came to the attention of the public.

On the 19th of June 2013, the UNESCO recognized León as the “cradle of parliamentarism”. The ‘Decreta’ de León was written during the celebration of a ‘curia regia’ during the reign of Alfonso IX (1188-1230). The ‘Decreta’ de León of 1188 has been declared “Memory of the World” by the UNESCO for being “the oldest written document of the parliamentary system in Europe”. To be exact, the documents of these decrees make reference to the oldest European parliamentary system known to date.

These documents, whose origins go back to the kingdom of León of medieval Spain, are the result of the celebration of a special ‘curia regia’ convened by Alfonso IX of León. They reflect an original model of government and administration in the context of medieval Spanish institutions in which the people took part for the first time “at the highest level” with the king, church and nobility through elected representatives in villages and towns. As we can see, the UNESCO recognizes these documents as proof that the medieval Kingdom of León and the ‘urbe regia’ is the cradle of European parliamentarism instead of in England, as it had been considered until now.

Among other historical documents, we have studied the archives written in the official language and which were published in 1914 by Professor Ángeles Moran Márquez (BOLETÍN DE LA REAL ACADEMIA DE LA HISTORIA, №3). This is the oldest document of the European parliamentary system in which the Cortes Leonesas are mentioned:

“latino deí Ordenamiento de las Cortes de León en 1188. item constitutioiies ehisdem regís incliti edite apud Legwnem in mense septemhri. Snh era M.CC.XXX.II et promúlgate consequenter apud compostellam iu concilio X Kalendas nonembris.A dei gratia Rex. legionis et galletie! ómnibus regni sui prelatís et principibus et populis Uniuersis salutem. Sicut de turbatione.quam regnantium solent habere primordia Regno quoque nostro multa mala succreuerunt sic in tranquillitate quam fecít dorninus nobis que contra iustitiam sunt hactenus usurpatal tenemur extirpare. Nichil est autem iustitie tam contrarium quam aliena seu palam. seu furtim surripere. Omnem igitur uiolentiam tollere cupientes. Communi delíberatione statuimus. ut nuil LISrem quam alius in possessione tenuerít siue mobilem siue immobilem. seu magnam seu quantumlibet modicam audeat uiolenterocephare, Oaod si fecerit et rem ipsam duplatam ei qui passusest uiolentiam restituat. et uoci regie...)”

It is interesting to point out that these documents were not discovered recently, but were quite old and had been considered false by other researchers. Diego Asensio García, in his recent publication “El Reino de los Cuatro Poderes” breaks down the importance of the law in the old Kingdom of León, while also describing the historical context in which the Cortes came about and were approved by law. Apart from this publication, there are other historical studies which note the correlation between views on the period during which the Magna Carta was signed in León in 1188 and the structure of the medieval courts in those centuries.

However, it is important to point out that the ‘official’ history often does not adapt to developments in recent years. Furthermore, there has been a great reluctance to confront the dogma that democracy had been born in England.

An important historian and novelist, Juan Pedro Aparicio, underlined that the Cortes Leonesas, or in modern parlance, the parliament of the Kingdom of León, was actually more important than the discovery of America.

Despite these respected opinions, 25 years ago when the 800th anniversary of the first Cortes Leonesas was celebrated, some researchers questioned the possibility that such a revolutionary idea about government and its subjects could have emerged from this distant western part of the Iberian Peninsula.

It is useful at this stage, in order to understand better this phenomenon, to review the historical and social context within which Alfonso IX took the political initiative and, as a result, the first assembly of the world was born.

Who was Alfonso IX? How did he convene in León a curia regia – the central organ of government of the monarchy- which, for the first time, was attended by representatives of the towns and which gave birth to a very different type of Cortes.

Alfonso was the son of Fernando II of León and Urraca of Portugal. His parents were blood cousins and for this reason the church annulled their marriage. Fernando then went on to marry Teresa Fernández of Traba and, after this marriage was also annulled, he finally married Urraca López of Haro. After the death of Fernando in 1188, Alfonso had great difficulty acceding to the throne which was rightly his by birth right. On one side, his stepmother Urraca wanted him killed so that her own son Sancho could become king, even though he had been born later than Alfonso. Civil war was about to break out in the kingdom of León. But at this time, Alfonso, the son of Fernando II and fruit of his first marriage, came back from Portugal to organize the funeral of his father. On the 23rd of January 1188 he was crowned king of León.

The beginnings of his reign were very complicated. The Portuguese and the Castilians had their eye on the lands of León from the east and the west. Meanwhile, from the south came the great threat of the Arabs. As well as all this, the economy of the kingdom was completely bankrupt.

In this complex situation, the monarch of 17 years of age convened the famous Cortes de León in 1188. For the first time, representatives of the most important towns

of the kingdom were called to make decisions about the important issues of state. The meeting was attended by nobles, clergy and representatives of the popular class from the towns of León, Astorga, Oviedo, Benavente, Zamora, Toro, Salamanca, Ledesma, Ciudad Rodrigo and some others whose names have been lost through the years.

How can we be sure that the kingdom of León was the first and that it was prepared to make a historical leap which would sow the seeds of democracy? We have to turn to logical arguments in order to find explanations for this historically important fact. Let us now deal with the most significant facts relevant to this case:

a) Julio Caro Baroja, a well known anthropologist, historian, linguist and writer from Spain, in his famous text “The Peoples of Spain” rightly observed: “It is difficult to find in all of Europe a region in which the elements of modern culture meet in such harmony with facts of a remote past”. This was written over a century ago but it is still valid today for those who remember and appreciate the achievements of the Reconquista – the historical process in which the Christian kingdoms of the Iberian Peninsula gained control of the lands ruled by the Muslims and then established the free peoples of Spain. These peoples served as a base for the social and economic structure based on equality between those who made up this society. The institutional evolution would reach its peak in a remarkable meeting in 1188 which everyone now accepts is the first Cortes in Europe based on popular representation. The fact that, as early as 1188, rights was given to those who until then had not had practically any, was an extraordinary piece of progress.

What is this great historical leap composed of? What happened at the time to lead to this event taking place? First and foremost, this is the creation of the basic conditions for the development of a democracy. As is well known, democracy is a socio-political and economic system of relations between free and equal men who have the same right to vote and the same responsibilities. They are not only free and equal before the law, they are also seen as equal in social relations of daily life.

It is important to point out that at the time they were people who did not serve lords but were directly under the rule of the king and, partly, of the church. But even in these cases, these peoples had certain privileges, certain democratic rights and also the rights to express their opinions and interests by themselves or through their elected representatives in their communities.

b) Some specialists in this area have claimed that the spirit of democracy can be found in the first settlements which were located in the north-west of the Iberian Peninsula where the Cantabrian and Astur cultures crossed. Both these peoples were known for resisting invasion from the outside and for defending their freedom. Other historians go further than this and suggest that the solidarity which both these peoples expressed in their social relations can be found in many things – starting with their type of housing constructions. This type of traditional housing is known as “palloza” (or also *pallouza* or *pallaza*) and can be found all along the borders of Cantabria and Asturias. These houses have a circular or oval shape, with low walls of stone and are usually covered by rye stalks. These houses had an equalising effect on the social condition of their inhabitants and this led to an egalitarian spirit which in turn proved to be the origin of the democratic spirit in this part of the country.

c) A third group of researchers highlight the following event which took place at the beginning of the kingdom of León: In order to protect its territory, two main forces came together and this led to the development of democracy. On the one hand there was the union of individual and collective relations in the medieval society and, on the other hand, it was the union between the kings and their people who had a common objective – to throw out the Arabs from the territory which had been conquered by them in 711. According to some historians, this closeness between the kings and their people laid the basis for the construction of a society which was more democratic than others and which played an important role when Alfonso IX was crowned in 1188 and during his reign.

Although historians differ in how to describe the Cortes Leonesas of the 12th century, there is no doubt that the aforementioned historical events allowed for the establishment of the political institution which carried the same name as institutions

convened by other kings before 1188- Curia or Cortes. In other words, it was common in León, for a very long time before, for ‘curias plenas’ to be convened by new monarchs or in times of great difficulty.

As as we can see, historians agree that the Cortes Leonesas are considered the first parliamentary democracy of Europe because the people’s representatives joined the parliament in 1188 before any other Spanish kingdom. This is confirmed by many other authorities in the area, including John Kean in his essay “The life and death of democracy” or the most recent work of Diego Asensio García “El Reino de los Cuatro Poderes”. But we should also mention another important publication by the Russian historian Piskorskiy V.K. who, during his travels in Spain in 1897, wrote in his book “*Cortes durante el período de transición desde los siglos medievales hasta los siglos modernos*”. “The king Alfonso IX convened the archbishop of Santiago and the bishops, together with the nobility and the representatives of the towns. The king swore that he would respect the laws and would maintain for the clerics and the lay people of his kingdom the good customs that had been established by his predecessors. He also promised that he would make neither peace nor war, nor would he make agreements without beforehand bringing together the bishops, nobles and good men whose advice he would take. He also swore that no matter what someone accused the king of, the king would harm neither that person nor his belongings without first calling together his parliament to decide on what justice should be done...”

The Carta Magna of Alfonso IX also established punishments for those who dared to take the belongings of another. No one could take the property of another without being allowed to by the judges or mayors appointed by the king himself.

Furthermore, anyone that killed someone who had broken the laws of the king would not himself be punished if he was proven to be in the right. Finally, it was permitted to appeal to the parliament following the established rules of the ‘fuero’ (in Spanish) or ‘charter’.

It is perhaps useful to spend some time exploring this new term ‘fuero’ or ‘charter’. ‘Fuero Juzgo’ was the code of the Gothic monarchs and was one of the most important and advanced documents of the period which followed the fall of the Roman Empire.

This legal document was much more advanced in the defence of the citizen that one might expect, taking into account the time in which it was written. It is irrefutable proof that the civilization it was written for was making vast strides towards civilization. During the establishment and consolidation of democracy in the reign of Alfonso IX, the “Fuero de León”, which had been passed by the Leones King Alfonso V in 1017 for the citizens of the town of León, had great importance. The general consensus of historians is that the “Fuero de León” is the first main collection of civil rights to be drawn up during the ‘dark ages’ of the medieval ages.

We can make the following conclusions and highlight the main characteristics of Alfonso IX’s Carta Magna:

- The defence of human rights was above the abuse of authority.
- NO discrimination was allowed based on a person’s sex, social condition or religion.
- The document maintained the principles of secrecy of correspondence and the inviolability of the home.
- It was necessary to convene the Cortes (parliament) whenever decisions had to be taken referring to the declaration of war or the signing of peace agreements
- For a certain period the currency of the kingdom could not be devalued

To sum up the importance of the convening of the Cortes in 1188 and from then on, it is interesting to quote the words of historian Luis Suarez Fernández:

“When he convened his famous Cortes in 1188 The King Alfonso IX was the first King to put the power of law above his own power, and not vice versa.”

There is a growing agreement among experts that in these Cortes, that the King, the nobility and the clergy were joined in the decision making process for the first time in the history of Europe by representatives of the common people – the “Cives electi”. This clearly proves that representative democracy was not born in England but rather in the Cortes Leonesas of 1188.

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