



THE GENERAL PRIVILEGE OF ARAGON OF 1283 AS A FUNDAMENTAL DOCUMENT OF MEDIEVAL STATE ORGANISATION*

IGNACIO CZEGUHN**

ABSTRACT

The article deals with the privilege of Peter III in Aragón. It examines the content of the privilege and its consequences for the further development of the Aragonese kingdom in the Middle Ages. In particular, the relationship between the king and the nobility is examined. It also explores the extent to which the privilege can be regarded as a document that stands in the tradition of European fundamental laws.

Keywords: *Privilege of Aragón 1283, pactism in the middle ages in Aragón, Peter III of Aragón, privilege of the Union, the “Justicia of Aragón” as judge*

The General Privilege of Aragon of 1283, also known as the Privilege of the Union, is a significant historical document regarding the

* On the whole see Sarasa Sánchez, 1984; also Sarasa Sánchez, 1979; Sanchez Aranda, 2011, pp. 361-376.

** Professor, Freie Universität Berlin, Fachbereich Rechtswissenschaft, PhD, jush-ist@zedat.fu-berlin.de, ORCID: 0000-0002-8722-4327.

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development of the law of the kingdom and the Crown of Aragon. It is considered by some scholars as the aragonese Magna Carta, comparable to the English Magna Carta of the early 13th century.¹ In this article I will summarise the reasons for its importance, the historical context in which it was developed and its importance for the kingdom of Aragon.

The General Privilege of 1283 is a legislative text that lists a series of agreements and laws between King Pedro III of Aragon and the aragonese nobility. The text was written in the aragonese language and was made public in Saragossa on 3 October 1283. This document addressed the subjects of the kingdom of Aragon and the kingdom of Valencia, to which this series of laws and agreements applied.

The General Privilege of Aragon is linked to the legislative development of the kingdom of Aragon during the Late Middle Ages and to pactism as a form of government. A pactism that was characteristic of the Crown of Aragon between the 13th and 15th centuries and which reflected its socio-economic changes within the kingdom.² This period saw a shift in the economic axis towards Catalonia and the Mediterranean, with the rise of the bourgeoisie in the Catalan cities, and where the aragonese nobility saw their economic and political future in some danger.³ This development would lead to a struggle by the nobility to maintain their privileges.

1. HISTORICAL CONTEXT

However, in order to understand the Privilege of the Union, it is, first of all, necessary to understand its historical context. A series of particular circumstances brought King Peter III into conflict with the aragonese nobles. They would exert pressure for the approval of this agreement of 1283.

1 Lima Torrado, 2015, pp. 7-34.

2 Colás Latorre, 1997, pp. 269-294.

3 Zulaica Palacios, 1994, pp. 39-57.

1.1. THE KINGDOM OF ARAGON AT THE END OF THE 13TH CENTURY

At the end of the 13th century, the kingdom of Aragon was basically an agricultural economy. The creation of the kingdom of Valencia by James I after the reconquest of those lands had disappointed many aragonese nobles who saw the Valencian campaign as a way of expanding their lands.⁴

On the other hand, treaties with France and Castile had also limited aragonese territorial expansion in other directions. In this context, economic power shifted towards the Mediterranean, with the support of a rising Catalan bourgeoisie, which saw the Mediterranean as an economic improvement.⁵

The kingdom of Aragon remained a peripheral economy that did not benefit from the maritime trade boom and would not benefit from future aragonese conquests in the Mediterranean Sea.

Instead, it would suffer from the general economic crises that would later affect all the states of the Crown of Aragon.⁶

1.2. THE STATUS OF THE ARAGONESE NOBILITY⁷

The aragonese nobility found themselves in an unwanted situation because they were disadvantaged, despite having actively participated in the military conquest of Valencia.

The nobility wanted to participate more in politics in order to counterbalance the weight of the principality of Catalonia in the monarch's decisions and to maintain their economy and privileges, which they perceived to be threatened.

4 Guinot Rodríguez, 2017, p. 167.

5 Riera i Melis, 2008, num. 1, pp. 9-16; also, Guinot Rodríguez, 2009, pp. 33-47.

6 See Guinot Rodríguez, 2017, p. 38.

7 Utrilla Utrilla, 2009, pp.199-218.

1.3. THE REBELLION OF THE NOBILITY IN 1283

Against this background, the starting point for the confrontation of the aragonese nobility against the king was the conquest of Sicily in 1282.⁸ This enterprise led the Pope in Rome to excommunicate Peter III of Aragon and to grant the crown of the aragonese kingdom to Charles of Valois, son of the King of France. The excommunication and the granting of the aragonese crown endangered the aragonese territory and the monarch's own crown.⁹

In this situation, the aragonese seized the opportunity to strengthen themselves. "Facing his excommunication, King Peter III had to cooperate with them militarily in order to overcome the threat of a French invasion from the north.

Thus, in Tarazona during the summer of 1283, when the troops were called up to defend the borders of the kingdom against the foreseeable French invasion, the nobles rebelled and presented their grievances and complaints to the king.

The king's response to this rebellion went unheeded and Peter III was forced to move the council from Tarazona to Saragossa.

1.4. THE AGREEMENT BETWEEN KING PETER III AND THE ARAGONESE NOBILITY

On 3 October 1283, an agreement was reached in Saragossa. This agreement became known as the General Privilege of Aragon or simply the Privilege of the Union.¹⁰ This Union refers to the Union of aragonese nobles formed in 1283, whose aim was to show a common front to defend their rights and privileges against the king.

The content of the approved text included all the claims of the nobility, which shows that the nobility's pressure was successful. The 31 articles constituted a set of confirmations of aragonese law that had been

8 On the whole see Runciman, 1958.

9 Guinot Rodríguez, 2017, p. 203.

10 González Antón, 1975, p. 87 f.

legislated throughout the Middle Ages and which sought to unify the laws for the kingdom, as well as to update them and put them into effect as soon as possible.¹¹

2. STRUCTURE OF THE GENERAL PRIVILEGE OF ARAGON OF 1283

The General Privilege of Aragon, granted by King Peter III the Great at the Cortes of Saragossa in 1283, begins with an introduction in the first person by the King of the Crown of Aragon, Peter III, in which he comments on the year and the place where he is meeting, Saragossa on 3 October 1283. It also states with whom he is meeting, highlighting wealthy nobles, knights, infanzones and citizens of towns and villages.

The subsequent 31 chapters can be divided into 3 basic general groups: relations between the king and his subjects, privileges of the rich men and administrative aspects.¹²

The final part of the text acknowledges that the abovementioned provisions are granted by the king and permanently confirmed

3. THE IMPORTANT CONTENTS OF THE PRIVILEGE OF THE UNION

Once the historical and social context that led to the approval of a text in which the king was subject to compliance with the laws and the need to rely on the estates of the kingdom for his government is known, the chapters of the General Privilege are easier to understand. They also provide information on the administrative functioning of the kingdom and on certain economic and fiscal aspects.

11 Lalinde Abadía, 1980, p. 55 f.

12 Texto de las peticiones de la Unión al rey en el Privilegio General. Extraído de González Antón, 1975, p. 6 f.

All the approved chapters benefited the nobility and resolved 6 main issues:

- (1) The problems of the nobility and feudal relations with estates
- (2) Central and local administration
- (3) The general economic system
- (4) The fiscal system
- (5) The administration of justice
- (6) The political constitution

To give an example, one aspect of the regulation of the administration of justice is chapter 3, which refers to the actions of the Justice of Aragon. The Justice of Aragon became a key priority for the administration of justice in Aragon from 1283 onwards.¹³ And with the Privilege of the Union, his role was regulated in a less arbitrary way. This system of justice would last until the end of the Middle Ages, but would see its power decrease from the Modern Age onwards.

Indeed, when the rebels wrested the famous *Privilegio General* from the monarch, its third article stipulated that the Justice of Aragon should adjudicate all court cases with the consultation not only of the nobles but also of the citizens and good men of the towns. Such a condition, obviously, could only be met when the king convened the Cortes, once a year, as was now promised. Another article emphasises that the sovereign could not seize noble lordships without a sentence of the justice given under the same conditions. It can be said, therefore, that in 1283 the justice became, in theory, the highest judge for lawsuits brought by all free aragoneses and not only by nobles, but with the limitation of needing the advice of a wide range of people, without their number and quality being specified. What appears to be the enshrinement of justice does not hide the clear political intentions of the unionists, and it is clear that not all free aragoneses could take their lawsuits to the royal courts.¹⁴ The powers of the justice were extended, but in an unspecific manner, especially if we bear in mind that the convening of the Cortes

¹³ González Antón, 2000, p. 47 f.

¹⁴ See on the whole *Comentarios de las cosas de Aragon* by Gerónimo de Blancas, 1590, Publication date 1878, Publisher Zaragoza, Impr. del Hospicio.

would always be highly irregular. The realities of the situation make it necessary to point out other nuances: no one disputes the king's power as supreme judge, an unquestionable attribute of his sovereignty, even if the justice could decide against him in certain feudal lawsuits; on the other hand, the justice would continue to be a royal official and adviser ("our servant") acting on the orders of the monarch, who could appoint and dismiss him without any objection being raised.¹⁵ At the height of the unionist euphoria, Peter III appointed Juan Gil Tarín "for as long as it pleases us"; Alfonso III appointed M. Pérez de Huesca "as long as you act well and faithfully in the said Justiciado", and Juan Zapata for life for his proven loyalty. None of the appointments specify the powers of the office or, of course, even refer to the terms of the General Privilege. Martínez de Artasona and Gil Tarín were dismissed; the former was accused by Peter III of having disobeyed and insulted him. Tarín dared to summon the king, by order of the Unionists, to come and meet them where they were; he was not acting, then, as a judge who summons the parties, but as a gentleman devoted to the revolting side. However, he was not relieved of his functions and was even confirmed by Alfonso III. These years, troubled by a rebellion increasingly confined to the aristocracy and the minority that dominated Saragossa, did not allow for the normal development of nascent institutions such as the Justicia or the Cortes themselves. The fact that the king has the prerogative of dismissal does not automatically turn the magistrate into his docile instrument of his. But the Union itself does not seem to have had confidence in the magistrate that it itself has promoted. He hesitates about the advisability of promoting his figure, so that in the Union's own internal ordinances it is stated that all Aragonese who are in litigation or are at odds in a private war can go to the Justice of Aragon indistinctly or only to the justices of each place. It seems that, deep down, they did not trust him, probably because the tenor of the traditional privileges gave more reason to the monarchy than to their beneficiaries and did not guarantee them the advantages they wanted in order to be respected. This was the real weakness of the armed rebellion in relation to the sacred feudal privileges: this right was not on their side.

15 González Antón, 2000, p. 36 f.

4. CONSEQUENCES OF THE GENERAL PRIVILEGE OF ARAGON AND THE PACTISM

This text, the General Privilege of Aragon, granted by King Peter III the Great¹⁶ at the Cortes of Saragossa in 1283, was a common achievement for the aragonese nobility in particular and, in general, for the kingdoms of Aragon, Ribagorza, Teruel and Valencia.

The Privilege of the Union laid the foundations for the constitutional development of Aragon. In medieval society, periods of war were often moments of political change, to a greater or lesser extent, due to the need for the monarchy to obtain greater economic resources. The Cortes of 1283 are a paradigmatic example of this mechanism: in order to obtain this extra income, Peter III had to offer legislation and privileges to the participating social groups. This situation, considered by many authors to be the starting point of pactism in the Crown of Aragon, has been researched extensively, especially in its more formal and specific aspects.¹⁷

It also opened the door to the participation of the estates in the king's assemblies. This resulted in a "pactista" type of government. In this type of government, the king needed to reach an agreement with the different estates before applying any important political or economic measure.

The aragonese pactism was characteristic for the late Middle Ages, before the monarchy evolved towards an ever-greater authoritarianism, which later gave rise to an absolute government, already within the modern European states.

16 Peter III of Aragon, known as the Great (1239 – 1285) King of Aragon. He was the son of James I the Conqueror, whom he succeeded in 1276 as ruler of Aragon, Catalonia and Valencia, but not of Mallorca, as the Balearic Islands (along with Roussillon, Cerdagne and the Lordship of Montpellier) passed to his brother James II of Mallorca. With the completion of the Aragonese Reconquest during the reign of James I the Conqueror (with the help of Peter, who participated as an infant in the conquest of Valencia and Murcia), Aragon had no frontier left with the Muslims; Peter III then directed the kingdom's energies towards Mediterranean expansion which gave rise to problems with France and the papacy.

17 Guinot, 2007, p. 169.

Finally, I do not want to overlook a relevant aspect: this governmental pactism in Aragon was not a democracy as we know it today. It was an agreement between the estates of the kingdom for its government. Unlike in other peninsular kingdoms, where there were only three estates, in the Cortes of Aragon, the representative assemblies of each of the estates were called “arms” and there were four of them: the high nobility (rich men), the low nobility (knights and *infanzones*), the clergy, and the representatives of the towns and places (universities).¹⁸ They were always convened by the king and were generally held in La Seo de Zaragoza, although there were many other towns that hosted them. Despite this, it laid the foundations of a government based on compliance with the laws, on agreement and on the limitation of royal power. And it gave rise to institutions and rules that were much more participatory than those of any other European state at the time.

Another consequence is the preferential treatment of the aragones nobility. This favourable character perfectly visible in the document. I would highlight the following articles:

Article 1: On confirmation by oath of the privileges, usages and liberties by the king in the Kingdom of Aragon, Ribagorza, Valencia and Teruel.

Article 28: On the obligation of the monarch to convene the Cortes of the Kingdom of Aragon once a year in the city of Saragossa.¹⁹

18 Luis Gonzalez, 2000, pp. 119-130, especially p. 129.

19 *Quare supplicarunt quod dignaremur confirmare dictos foros, usus, libertates, consuetudines Aragonie prelibaratas et privilegia universa que habent et instrumenta donacionum et permutacionum per nos et per nostros perpetuo observare. Preterea universi predicti nobis humiliter intimarunt quod etiam pluribus, iuribus, libertatibus et usibus fuerant et sunt per predecessores nostros et per nos spoliati et in pluribus erant et fuerant contra foros, usus, consuetudines, libertates et privilegia agravati et in suo iure diminuti; quare petierunt cum humilitate instante quod ad illas de quibus fuerant spoliati eos restituere dignaremur et quod daremus seu concederemus eis omnia et universa res et jura que consueverunt habere. Et universi predicti ut nos redderent cerciores de premissis que petebant ad illa nobis filio nostro dompno Alfonso articulatim holare (sic) alter et aparte et per capitula legi fecerunt in scriptis in forma qui sequitur: Estas son las cosas de que son spuilados los rrichos omnes, mesnaderos, cavaleros, infançones, ciudadanos, e los omnes de Aragon e de Ribagorça e del rregno de Valencia e de Teruel:*

These articles contain two interesting points. Firstly, the king had to submit to the legislation of the kingdom, highlighting the previously approved *Fueros*, which in many cases favoured the landed nobility.

Secondly, the king had to govern the kingdom together with the council of the nobility and the citizens of the towns, reflected in the obligation to convene annual Cortes.

This was intended to limit the king's royal authority and arbitrariness. Henceforth the king had to comply with the laws passed in the Cortes with the advice of the estates.

5. CONSEQUENCES AND EFFECTS OF THE GENERAL PRIVILEGE OF ARAGON

This assembly of Saragossa and its decrees can be considered as a starting point for the future aragonese parliament, since it demonstrates the king's will to govern with the Cortes, as well as its annual convocation.

The implementation of the chapters of the General Privilege was neither easy nor was it always achieved. Immediately afterwards, Peter III wanted to rely on the Catalan bourgeoisie to confront the aragonese nobility, who rebelled against him and forced him to approve an agreement that he did not support. But in the end, Peter III had to give up his attempt and enforce what had been agreed. It also meant that he had to develop a similar text in Catalonia, in order to avoid committing offences within the kingdom and provoke possible future rebellions within the Catalan principality. The monarchs after Peter III would have to continue to apply the chapters of the General Privilege. At the Cortes of Monzón in 1289²⁰, the General Privilege was confirmed. Subsequently,

— Que el senyor rey observe e confirme fueros, costumpnes, usos, privilegios e cartas de donaciones e de camios del regno de Aragón e de Valencia e de Ribagorça e de Teruel. (...)

Item, quel seynor rey faga cort general de aragoneses en cada un ayno una vegada en la ciutat de Çaragoça. see the text in: *El privilegio general de Aragón, la defensa de las libertades aragonesas en la Edad Media*, Estudio y edición de Sarasa Sanchez, E. Cortes de Aragón, Zaragoza 1984, pp. 79-90.

²⁰ González Antón, 1978. Cfr. 2. 3. 2. «Las Cortes Generales de Monzón», pp. 68-69.

it was also confirmed by King James II in 1325. Finally it was repealed by Peter IV in 1348.²¹ In these Cortes of 1348, as in many others held by Peter IV, some of the key parts of the kingdom's political-administrative framework were regulated. As for the Justice, his powers were increased: The regent of the Office of the Governor and the judges of the kingdom were obliged to consult him in all court cases regarding doubts about the prescriptions of the privileges, liberties, uses and customs of Aragon. They had to suspend the court proceeding until they received a reply. It is comparable to the current system of concrete judicial review. The confrontation between monarchy and aristocracy that took place in Aragon from the mid-13th century to the mid-14th century, the period during which the Union was in power, ended in 1348 with the defeat and prohibition of this insurgent movement.²²

It is clear that, although a large part of the kingdom initially joined the Union, it was the nobility that started and maintained the movement. This is how Peter IV himself understood it. Consequentially, if he wanted to divide its members, he attracted to his side a few wealthy men who until then had taken an active part in the rebellion. At this point, the Aragonese nobility, displaced by the recent social and political transformations, saw how it was losing part of its power, so it reacted by confronting the other institution that disputed it, the monarchy, not so much to take it away as to share it and adapt it to its new needs.²³ The defeat of the Union and the subsequent repression of the rebels resulted

21 Peter IV. Of Aragón (1336-1387), son of Alfonso, Count of Urgel, and Teresa of Entenza, when his grandfather James II died and his father Alfonso IV acceded to the throne, he was the first-born son, so that on his death he became the new Aragonese sovereign (1336). He married four times: to María of Navarre, Leonor of Portugal, Leonor of Sicily and Sibila of Forciá. The Catalans wanted the King to go to Barcelona before taking the oath of allegiance and his coronation in the capital of the Crown, but the sovereign decided to begin the acts in Zaragoza, as he did, placing the crown himself; he then went to Lleida and later to Valencia. He soon wished to incorporate the kingdom of Mallorca, with Roussillon, into his territories, which he achieved in 1344. He also faced the noble rebellion in Aragon and Valencia; he defeated the Aragonese unionists in Epila in 1348, limiting their privileges.

22 González Antón, 1975.

23 Sarasa Sánchez, 1989, pp. 35-45.

in a new political landscape. The monarchy reasserted its authority and ensured that a similar rebellion would not be repeated in the future by sanctioning the prohibition of the Union in the courts. Certain institutions and offices of the kingdom were strengthened, such as the courts themselves and the governor general's office. Above all, however, there was a reorganization of the structures of the nobility, as some branches of certain lineages disappeared, and others were consolidated thanks to royal favour. In short, a nobility that was less critical and more inclined towards the monarchy was created.²⁴

6. CONCLUSION

The Privilegio General is a very interesting text for learning more about the history of the Crown of Aragon during the Late Middle Ages. It also helps us to understand the particularities of the government of the Crown. Pactism became a particular characteristic of the kingdom of Aragon with respect to other peninsular and European states. As a result, some have considered it, perhaps with enthusiasm as the beginning of European parliamentarism, although this is more and more discussed nowadays.

The character of the pactism remained, not only in the Kingdom of Aragon, but also in Catalonia and Valencia. A pactism that contrasted with the greater authoritarianism that existed in Castile. A character that should not be overlooked in order to understand later historical events that took place in Spain during the Modern Age and even to understand contemporary Spain.

24 Sesma Muñoz, 1987, pp. 245-273, especially p. 253; Simón Ballesteros 2012.

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