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Accountable to the community? Medieval officials in Castile: the perspective from below

María Ángeles Martín Romera 

History, University College London, London, UK

ABSTRACT

The article discusses the role of the population in shifting the accountability of officials from the private to the public sphere in the late medieval period, when these procedures proliferated across Europe. It focuses on Castile in a European perspective as an example of two revealing developments: first, the role of urban representatives in legislation that ensured royal officials would account at the end of their term of office in the localities – despite the reticence of the Crown. Second, it points to flexibility in the use of this procedure, known as *residencia* and based on *sindacato*, employed at the discretion of communities and not exclusively at that of the elites. The article advocates reflection on the importance of the population at large generally in enforcing procedures that placed accountability in the hands of the public, and the adoption of a ‘bottom up’ approach to this topic.

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Introduction

The development of bureaucratic administration, the increasing number of officials and the question of accountability in late medieval Europe has been an expanding field of research in recent decades.¹ The twelfth and especially the thirteenth centuries, with their renewed interest in Roman law, brought a wave of regulations aimed at holding officials to account, a development linked to new notions of corruption. Although accountability had been important before, this period witnessed a particular reflection on offices and duties, expressed in legislation, and, importantly, accountability became not only a concern for an official's superiors but also for people more generally. Despite this increasing emphasis on official responsibility, historians have failed to

CONTACT María Ángeles Martín Romera  m.romera@ucl.ac.uk  History, University College London, Gower Street, London WC1E 6BT, UK

¹ To name but a few recent titles: John Sabapathy, *Officers and Accountability in Medieval England, 1170–1300* (Oxford: Oxford University Press, 2014); Thierry Pécout, ed., *Quand gouverner c'est enquêter: les pratiques politiques de l'enquête princière (occident, XIIIe – XIVe siècles): actes du colloque international d'Aix-en-Provence et Marseille, 19–21 mars 2009* (Paris: De Boccard, 2010); William Chester Jordan, 'Anti-Corruption Campaigns in Thirteenth-Century Europe', *Journal of Medieval History* 35 (2009): 204–19; Claude Gauvard, ed., *L'enquête au moyen âge: études réunies par Claude Gauvard* (Rome: École française de Rome, 2008); Romain Telliez, 'Per potentiam officii': les officiers devant la justice dans le royaume de France au XIVe siècle (Paris: Champion, 2005); Laurent Feller, ed., *Contrôler les agents du pouvoir* (Limoges: Pulim, 2004).

analyse the role of the population at large in enforcing procedures that placed accountability to a greater or lesser degree in the hands of the public.²

Since Weber, the development of accountability has been indissolubly linked to the rise of the state, as well as to the *Idealtypus* of the impartial – and even impersonal – official;³ so much so, that different voices have already spoken of historians' obsession with the state-paradigm,⁴ a trend that started among early modernists and which has now advanced into medieval studies as well.⁵ Leaving aside the focus on the state, and institutional and political change, the transition from feudal forms of power to an officialdom that was expected to be impartial and faithful only to a central power and/or to the public good required a social and cultural transformation. In other words, it depended upon a transformation of the customs and mentalities of a wider population that interacted, either daily or occasionally, with officials and judges. That population encompassed not only the limited set of citizens who constituted the pool of people eligible for office, but also the wider spectrum of subjects who turned to courts and councils, and the public as a whole who witnessed the acts of justice and government. Our knowledge of these developments has been informed by fundamental works on courts of law and the characteristics of medieval procedure (especially by anthropological perspectives on law and justice).⁶ In comparison to the attention given to state formation, however, there has been an astonishing lack of interest in the parallel social and cultural transformation. Beyond the dichotomy between a state imposing its power on the one hand, and oppressed or resisting local communities on the other,⁷ we still know little about how the

² Since the article has a comparative approach over a *longue durée*, references to the population and local communities involve very different realities, depending on time and place, as well as the processes of accountability. 'People' and 'population' are used in the wider sense of subjects, as opposed to officials and central powers. In discussing the case of Castile, I have tried to be as specific as the sources allow; but it is important to note that many of these procedures, like the *residencia*, invited all to make claims against officials without specifying who was entitled to present those claims; they were, therefore, open to all including women.

³ Max Weber, *Economy and Society. An Outline of Interpretive Sociology* (New York: Bedminster Press, 1968).

⁴ Rees Davies, 'The Medieval State: The Tyranny of a Concept?', *Journal of Historical Sociology* 16 (2003): 280–300.

⁵ For example, including many works from the 1980s and 1990s: Joseph R. Strayer, *On the Medieval Origins of the Modern State* (Princeton: Princeton University Press, 1970); Jean-Philippe Genet, ed., *L'état moderne: genèse, bilans et perspectives. Actes du colloque tenu au CNRS à Paris les 19–20 septembre 1989* (Paris: CNRS, 1990); the series of volumes under the general editorship of Wim P. Blockmans and Jean-Philippe Genet on the origins of the modern state in Europe, from the thirteenth to the eighteenth centuries, including Wolfgang Reinhard, ed., *Power Elites and State Building* (Oxford: Clarendon Press, 1996), and Peter Blickle, ed., *Resistance, Representation and Community* (Oxford: Clarendon Press, 1997); Thomas N. Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton, NJ: Princeton University Press, 2009).

⁶ Chris Wickham, *Courts and Conflict in Twelfth-Century Tuscany* (Oxford: Oxford University Press, 2003); Massimo Vallerani, *Medieval Public Justice* (Washington, D.C.: Catholic University of America Press, 2012); Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423* (Ithaca, NY: Cornell University Press, 2003). Witnesses and proofs as source of judicial truth have been a particular topic of study: Laure Verdon, 'L'aveu à travers les études médiévales. Bilan historiographique et pistes de recherche', in *Quête de soi, quête de vérité du moyen-âge à l'époque moderne*, eds. Lucien Faggion and Laure Verdon (Aix-en-Provence: Publications de l'Université de Provence, 2007), 77–82; Yves Mause, *Veritatis adiutor: la procédure du témoignage dans le droit savant et la pratique française (XII–XIV siècles)* (Milano: A. Giuffrè, 2006); Daniel Lord Smail, 'Witness Programs in Medieval Marseille', in *Voices from the Bench: The Narratives of Lesser Folk in Medieval Trials*, ed. Michael Goodich (New York: Palgrave Macmillan, 2006), 227–50; Bruno Lemesle, ed., *La preuve en justice: de l'antiquité à nos jours* (Rennes: Presses universitaires de Rennes, 2003).

⁷ Wim Blockmans, 'Voracious States and Obstructing Cities', *Theory and Society* 18 (1989): 733–55; Samuel K. Cohn, *Lust for Liberty. The Politics of Social Revolt in Medieval Europe, 1200–1425: Italy, France, and Flanders* (Cambridge, MA: Harvard University Press, 2006). Later works have pointed to these limitations and tried to present a more multi-faceted vision of cities and popular politics: Christian Liddy and Jelle Haemers, 'Popular Politics in the Late Medieval City: York and Bruges', *English Historical Review* 128 (2013): 771–805; Patrick Lantschner, *The Logic of Political Conflict in Medieval Cities. Italy and the Southern Low Countries 1370–1440* (Oxford: Oxford University Press, 2015), 5.

wider population adapted to these changes, let alone how local communities, instead of the state or higher elite, may have been responsible in some degree for this metamorphosis.⁸

This study focuses on the role of the people in general in relocating the accountability of officials from the private to the public sphere in the late medieval period, precisely at the point when procedures underpinning these responsibilities proliferated all over Europe and became well established practice. It discusses the role of the population, not only in terms of its role in procedure, but also in promoting regulation, through legislation that ensured officials were accountable to local communities and not just to central powers. In doing so, the article aims to uncover a fundamental element in the wider picture of the socio-political transformation of late medieval Europe.

Paradoxically, despite the lack of locally produced documentation for late medieval Castile, the Spanish case is an important example of two revealing developments. First, from the thirteenth century, experimentation with different models and procedures for the accountability of officials resulted in the predominance of the *juicio de residencia* (based on the Roman *sindacato*). The *juicio de residencia* was a procedure that took place at the end of an official's period of office, and which attributed a more prominent role and stronger control in the process to the local community, unlike the *pesquisa* or *visitas*, which were ad hoc inquests under the control of central powers, similar to *enquêtes* and visitations.⁹ Second, the Castilian case is remarkable because of the enduring struggle in the *Cortes* – the general assembly of the kingdom – where the representatives of the cities, in spite of the reluctance of the monarchy, gradually succeeded in establishing specific rules for the conduct of royal officials and their accountability.¹⁰

The first part of the article focuses on the participation of the late medieval population in the judicial system and, consequently, in the procedures to enforce accountability which spread across Europe from the thirteenth century and which were largely based on the process of inquest (*inquisitio*) and the depositions of witnesses. Beyond this participation, the article argues that the different modalities of accountability that developed responded to an underlying struggle between opposing tendencies: the accountability of officials to their superiors, or to the communities under their jurisdiction. The second

⁸ As Wayne Te Brake affirmed, popular actors are still regarded as mostly external to state formation: 'The unfortunate result is that popular political actors are more often than not portrayed as the noble, if largely ineffectual, victims of larger historical processes far beyond their control': Wayne Te Brake, *Shaping History. Ordinary People in European Politics, 1500–1700* (Berkeley: University of California Press, 1998), 5. Even perspectives on state formation from below tend to underline conflict as the main arena for popular agency, although more recent works that understand conflict as a structural system of negotiation rather than as a disruptive phenomenon offer more possibilities: Blickle, ed., *Resistance, Representation and Community*; Lantschner, *Logic of Political Conflict*. More nuanced perspectives on popular political actors can be found in Héloïse Hermant, ed., *Le pouvoir contourné: infléchir et subvertir l'autorité à l'âge moderne* (Paris: Classiques Garnier, 2016); Wim Blockmans and others, eds., *Empowering Interactions: Political Cultures and the Emergence of the State in Europe 1300–1900* (London: Routledge, 2016); Michael J. Braddick and John Walter, eds., *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland* (Cambridge: Cambridge University Press, 2001).

⁹ Benjamín González Alonso, 'El juicio de residencia en Castilla, I: origen y evolución hasta 1480', *Anuario de Historia del Derecho Español* 48 (1978): 193–248; idem, 'Los procedimientos de control y exigencia de responsabilidad de los oficiales regios en el Antiguo Régimen (Corona de Castilla, siglos XIII–XVIII)', *Anuario de la Facultad de Derecho de la Universidad Autónoma de Madrid* 4 (2000): 249–72; Moritz Isenmann, *Legalität und Herrschaftskontrolle (1200–1600): eine vergleichende Studie zum Syndikatsprozess: Florenz, Kastilien und Valencia* (Frankfurt am Main: Klostermann, 2010).

¹⁰ For the Castilian *Cortes*, although attributing restricted agency to the cities, see Juan Manuel Carretero Zamora, *Cortes, monarquía, ciudades: las Cortes de Castilla a comienzos de la época moderna (1475–1515)* (Madrid: Siglo XXI de España, 1988).

part offers the Castilian case (in a comparative perspective with other solutions in Aragon, France and Italy, among others) as a paradigmatic example of the development of how officials might be held to account from below, in two different ways. On the one hand, this can be seen in the role of urban representatives in ensuring legislation that confirmed, against the wishes of central powers, a procedure that held royal officials to account at the end of their period of office. On the other hand, it points to an otherwise elusive praxis that hints at a flexible use of this same accountability at the discretion of communities and not exclusively at that of the elites.

The role of the population at large in developing accountability in late medieval Europe

John Yunck has described a broad tradition of corrupt judges and, by extension, officials as a recurrent *topos* in both literary and popular complaint between the thirteenth and fifteenth centuries.¹¹ That tradition ran in parallel to unprecedented developments in legislation, regulations and treatises about judges and officials, and the expansion of increasingly bureaucratic judicial and administrative procedures. While institutional transformation has been extensively discussed, popular tales about crooked and venal officers hint at a phenomenon less explored by historians: a shift in the collective imagination of late medieval people that reflected the transformation of their understanding of power, the attributes of authority, their relation to powerful individuals and the constraints on the latter. Beyond this popular *topos*, there is extensive evidence of this parallel socio-cultural transformation. The distinction between a bribe and a gift in different European languages around the thirteenth century is an indication of the discussion generated by traditions of gift-giving.¹² Customary gifts to people representing authority were increasingly considered tainted, not only in law, but also in popular mentality.

At this point, new elements were added to and transformed the traditional expectations of feudal reciprocity and respect for customs. There are questions about the degree to which people adhered to 'new' standards of incorruptibility, the pace at which these changes took hold of a public sphere where officials interacted with subjects and citizens,¹³ and the extent to which these standards depended in practice on strategies within existing power struggles or on schemes to resist those in authority. These are all challenging but fundamental questions which may remain opaque to historians. There is, however, an area where this phenomenon may be explored: the participation of the public in the practices of official accountability from the thirteenth century on.¹⁴

Among the most successful modalities of accountability from this period were those based on the *sindacato*, a system of control over the public officials that reappeared

¹¹ John A. Yunck, *The Lineage of Lady Meed. The Development of Mediaeval Venality Satire* (Notre Dame: University of Notre Dame Press, 1963).

¹² C.M. Woolgar, 'Gifts of Food in Late Medieval England', *Journal of Medieval History* 37 (2011): 6–18 (17).

¹³ Medieval notions of a public sphere have been defended in different works, most notably in Patrick Boucheron and Nicolas Offenstadt, eds., *L'espace public au moyen âge: débats autour de Jürgen Habermas* (Paris: Presses universitaires de France, 2011); Jan Dumolyn and others, eds., *The Voices of the People in Late Medieval Europe: Communication and Popular Politics* (Turnhout: Brepols, 2014).

¹⁴ Marc Boone, 'Le comté de Flandre au XIV^e siècle: les enquêtes administratives et juridiques comme armes politiques dans les conflits entre villes et prince', in *Quand gouverner c'est enquêter*, ed. Pécout, 474. Boone suggests that late medieval *enquêtes* in Flanders would have inoculated notions of accountable authority in the developing political culture.

with the recovery of the Roman law starting at the University of Bologna. Different versions of the *sindacato* were adopted across Europe, from Italian cities to the kingdoms of Naples, Castile, Aragon, England and France.¹⁵ Under the *sindacato* it was established that, at the end of a term of office, the official must stay in the city and face the potential claims that any of the inhabitants might have against the justice that he had dispensed.¹⁶ While evidence for this process appears across Europe at about the same point, in the thirteenth century, the implementation of different regional systems was uneven, discontinuous and developed in different ways depending on the particular economic and political context of each territory.

At the same time, the contemporary extension of the inquest (*inquisitio*) favoured its incorporation into procedures like the *enquêtes*, *pesquisas* and visitations, which also aimed at establishing accountability: these co-existed with the *sindacato*. *Inquisitio* was a procedure which highlighted the role of the population, since it turned on questioning witnesses to determine judicial truth, situating them at the centre of the process.¹⁷ The sayings of reputable men, their role as advocates of the *publica fama* of officials, were, next to other proofs, the backbone of the procedure.

The active role of the population at large in the medieval judicial system is well known and has been addressed from many angles, with extensive studies about negotiation, arbitration, witnesses,¹⁸ *publica fama*,¹⁹ and the performative and ritual aspects of justice,²⁰ among others. They have contributed to a reassessment of the role of judges and their sentences in the overall system, as well as playing down an outdated, top-down vision of justice. Furthermore, historical works on legal anthropology confirm that the participation of the public in the procedures and their active engagement in judicial affairs were a common element in late medieval communities, institutional differences between the various judicial systems notwithstanding.²¹

¹⁵ Isenmann, *Legalität und Herrschaftskontrolle*; Jordan, 'Anti-Corruption Campaigns'.

¹⁶ Classic works on the *sindacato* are Gino Masi, 'Il sindacato delle magistrature comunali nel secolo XIV: con speciale riferimento a Firenze', *Rivista Italiana per le Scienze Giuridiche* 5 (1930): 43–115, 331–411; Victor Crescenzi, 'Il sindacato degli ufficiali nei comuni medievali italiani', in *L'educazione giuridica*, vol. 4 (Perugia: Libreria Editrice Universitaria, 1981), 383–529. More recent works include case studies, such as Riccardo Ferrante, *La difesa della legalità: i sindacatori della repubblica di Genova* (Torino: Giappichelli, 1995); Maria Assunta Ceppari Ridolfi, 'Il sindacato degli ufficiali del comune di Siena', in *Siena e il suo territorio nel rinascimento*, vol. 3, ed. Mario Ascheri (Siena: Edizioni Il Leccio, 2000), 15–42; and proposals for international comparisons, such as Isenmann, *Legalität und Herrschaftskontrolle*; John Sabapathy, 'Accountable *Rectores* in Comparative Perspective: The Theory and Practice of Holding Podestà and Bishops to Account (Late Twelfth to Thirteenth Centuries)', in *Hiérarchie des pouvoirs, délégation de pouvoir et responsabilité des administrateurs dans l'antiquité et au moyen âge*, eds. Agnès Bérenger and Frédérique Lachaud (Metz: Centre de recherche universitaire Lorrain d'Histoire, site de Metz, 2012), 201–30.

¹⁷ Massimo Vallerani, *Medieval Public Justice* (Washington, D.C.: Catholic University of America Press, 2012); Lotte Kéry, 'IX. Inquisitio – denuntiatio – exceptio: Möglichkeiten der Verfahrenseinleitung im Dekretalenrecht', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 87 (2001): 226–68.

¹⁸ In addition to the works cited in note 6 above, see Luigi Provero, 'Dai testimoni al documento: la società rurale di fronte alle inchieste giudiziarie (Italia del nord, secoli XII–XIII)', in *L'enquête au moyen âge*, ed. Gauvard, 75–88; Didier Lett, *Un procès de canonisation au moyen âge: essai d'histoire sociale. Nicolas de Tolentino, 1325* (Paris: Presses universitaires de France, 2008).

¹⁹ Claude Gauvard, 'La "fama", une parole fondatrice', *Médiévales* 24 (1993): 5–13; Thelma Fenster and Daniel Lord Smail, eds., *Fama: The Politics of Talk and Reputation in Medieval Europe* (Ithaca, NY: Cornell University Press, 2003); Heather Kerr and Claire Walker, eds., *Fama and Her Sisters: Gossip and Rumour in Early Modern Europe* (Turnhout: Brepols, 2015).

²⁰ Claude Gauvard and Robert Jacob, eds., *Les rites de la justice. Gestes et rituels judiciaires au moyen âge occidental* (Paris: Le Léopard d'or, 2000); Lucien Faggion and Laure Verdon, eds., *Rite, justice et pouvoirs: France-Italie, XIVe–XIXe siècle* (Aix-en-Provence: Presses universitaires de Provence, 2012).

²¹ Wickham, *Courts and Conflict in Twelfth-Century Tuscany*.

Although the procedures for securing accountability relied on these systems, there has been much less reflection on the role of the general population within them, with two narratives predominating in both medieval and early modern studies. On the one hand, the increase in the number of officials and the establishment of accountability has been seen as an element driven by a tendency to centralisation, inherent in the origins of pre-modern states;²² on the other hand, investigations have found their inspiration in wider studies of corruption.²³ Both have contributed to our knowledge of accountability, but they have tended to minimise the agency of local communities, either as passive or at least secondary actors, at some distance from central power and its officials, or as a group without power in a system of institutionalised corruption.²⁴

It is undeniable that accountability was accompanied by mechanisms of information and control, as well as by a more consistent presence of central powers across their territories, elements which support the interpretation of accountability, especially under the form of *enquêtes*, as a governing and centralising device.²⁵ As much as these new procedures had a potential for centralisation, however, they also consolidated practices that confirmed the prominent role of the population in accountability. Some elements of this role have already been suggested. Claude Gauvard highlighted that the *enquêtes* were a means of bringing together rulers and subjects, although more in the sense of consolidating the established hierarchy than in attributing any impact on the central government to the general population.²⁶ Marc Boone has been more assertive of the role of local communities in the *enquêtes* of late medieval Flanders, affirming that they were able to turn the procedure against the prince.²⁷ Finally, Philippe Jansen has analysed a system of local representation within the commissions sent by cities, towns and villages to testify in the great *enquête* conducted in Provence by Leopardo da Foligno (1332–3).²⁸

²² Jean-Paul Boyer, 'Construire l'état en Provence. Les "enquêtes administratives" (mi-XIIIe siècle-mi-XIVe siècle)', in *Des principautés aux régions dans l'espace européen*, ed. Bernard Demotz (Lyons: Université Jean Moulin Lyon 3, 1994), 1–26; Jordan, 'Anti-Corruption Campaigns'; Claude Gauvard, 'Introduction', in *Quand gouverner c'est enquêter*, ed. Pécourt, 13.

²³ Ronald Kroeze, André Vitória and Guy Geltner, eds., *Anticorruption in History: From Antiquity to the Modern Era* (Oxford, Oxford University Press, 2018).

²⁴ For the early modern period, there is a tendency for historians to affirm that accountability procedures such as *sindacato* or visitations were administrative devices exclusively at the service of the state. Corruption studies, although they have brought new insight to the interaction between the population and rulers by focusing on infractions of the law by officials have led to the belief that they mostly went unpunished and, therefore, that these procedures were not efficient in protecting the interests of the people – and that that accountability in practice was little more than a charade in which the population could hardly hope for reparation or justice. Although we need to review our concept of inefficacy when discussing vast, long-lasting bureaucratic systems that had a strong presence in society, there is still much to be done in that direction: Andújar Castillo, Francisco, Antonio Feros and Pilar Ponce Leiva, 'A Sick Body: Corruption and Anticorruption in Early Modern Spain', in *Anticorruption in History*, eds. Kroeze, Vitória and Geltner, 149–50.

²⁵ Pécourt, ed., *Quand gouverner c'est enquêter*; Boyer, 'Construire l'état en Provence'; Jacques Beauroy, 'Centralisation et histoire sociale: remarques sur l'Inquisitio vicecomitum de 1170', *Cahiers de Civilisation Médiévale* 37 (1994): 3–24; Isabella Lazzarini, 'L'enquête et la construction de l'état princier entre XIVe et XVe siècle: quelques exemples en Italie du Nord', in *L'enquête au moyen âge*, ed. Gauvard, 405–27.

²⁶ Gauvard, 'Introduction', in *Quand gouverner c'est enquêter*, ed. Pécourt, 17–19. Gauvard finds the impact on central government much more evident in the petitions sent to the king, the *requêtes*: Claude Gauvard, 'De la requête à l'enquête: réponse rhétorique ou réalité politique? Le cas du royaume de France à la fin du moyen âge', *L'enquête au moyen âge*, ed. Gauvard, 429–58.

²⁷ Boone, 'Le comté de Flandre au XIVe siècle', 472.

²⁸ Philippe Jansen, 'La participation des communautés et de leurs représentants à l'enquête comtale de 1332–1333', in *Quand gouverner c'est enquêter*, ed. Pécourt, 397–419. This *enquête* has been edited and studied in multiple volumes

It would be futile to attempt to establish a unified vision of the role of medieval people in these activities, as there were many socio-political scenarios and a considerable range of procedures; but there are two key underlying aspects which are capable of further analysis. Firstly, the impact of the generalised inquisitorial method, placing witnesses at the centre of the process, allows historians to analyse and compare depositions, claims and, exceptionally, some aspects of identity and social background.²⁹ Secondly, amidst the different procedures, used alternatively or simultaneously (sometimes targeting different officials or institutions),³⁰ we might question why some of them, such as the *sindacato*, became fundamental to the system of accountability in certain territories, while in others more centralised systems prevailed.

The tension between private and public accountability in medieval Europe

John Sabapathy has drawn attention to a crucial aspect of accountability: to whom were officials accountable? He has enumerated the different contexts in which officials were accountable in England from the eleventh to the thirteenth centuries, showing that at the beginning of the period the predominant pattern was for the administrators of kings, lords and institutions (lay and religious) to be held to account mainly by their superiors. This arrangement is consistent with an officialdom largely based on service, a concept pervading offices throughout the Middle Ages.³¹ Such a model relies on a direct relationship between the act of delegating power and the right to hold the delegate accountable.³² In England, although Sabapathy registers attempts to shift that accountability from superiors to the community,³³ he considers that even complaints that were passed up to superiors were integrated in a top-down structure that allowed superiors to control the process.³⁴

As against this model, in the *sindacato* the Italian *podestà* was accountable to the commune, implying a notion of public service or common good at the centre of responsibilities.³⁵ In the different versions of the *sindacato* which developed in late medieval Europe, officials had to respond to the claims of the people, they had to undergo a local examination facing local witnesses who set out their own version of *publica fama* – or public reputation – against which officials' behaviour might be measured. They must – in short – face local standards that weighed their exercise of authority and the fairness of their execution of justice. If the *sindacato* created a space for popular politics, it was

by a group of researchers led by Thierry Pécourt, the first one being Thierry Pécourt, ed., *L'enquête générale de Leopardo da Foligno en Provence orientale: avril-juin 1333* (Paris: CTHS, 2008).

²⁹ Good examples of the potential of such an analysis are the works of Marie Dejoux, *Les enquêtes de Saint Louis: gouverner et sauver son âme* (Paris: Presses universitaires de France, 2014), 219–96; Rodrigue Lavoie, 'Le pouvoir, l'administration et le peuple en Provence à la fin du XIII^e siècle. Essai d'histoire des mentalités d'après l'enquête administrative de Charles II (1289–1290)' (Ph.D. diss., Université d'Aix en Provence, 1969).

³⁰ Alexandra Beauchamp, '"Contra injurias, violencias, corrupciones sordidas, fraudes enormes, extorsiones ilícitas...": enquêtes générales et contrôle des officiers royaux dans la Couronne d'Aragon des années 1340', in *Quand gouverner c'est enquêter*, ed. Pécourt, 55–76.

³¹ Rosemary Horrox, 'Service', in *Fifteenth-Century Attitudes: Perceptions of Society in Late Medieval England*, ed. Rosemary Horrox (Cambridge: Cambridge University Press, 1994), 61; Philippe Contamine, 'Le moyen âge occidental a-t-il connu des "serviteurs de l'état"?', in *Les serviteurs de l'état au moyen âge. XXIX^e Congrès de la S.H.M.E.S. (Pau, mai 1998)* (Paris: Publications de la Sorbonne, 1999), 9–20.

³² Bérenger and Lachaud, eds., *Hiérarchie des pouvoirs*.

³³ Sabapathy, *Officers and Accountability in Medieval England*, 48–51.

³⁴ Sabapathy, *Officers and Accountability in Medieval England*, 227–8.

³⁵ Sabapathy, *Officers and Accountability in Medieval England*, 46.

not any precursor of democracy;³⁶ rather, it often meant that officials were subject to the friendships, enmities and private interests that animated many of the witnesses – and accusers – involved in the process. Notwithstanding the reasons that lay behind the actions of the members of the community, however, this method still confirms the argument that there were two different models of accountability, one to superiors, a top-down system, centred on the private accountability of officials for their role; and a second one, to the communities under an official's rule, a bottom-up system, of public accountability.³⁷ In practice, these models co-existed and between these two poles there was room for combinations of both, even within the same procedures. The *enquêtes*, a particularly versatile system of control that embraced multiple solutions, are a good example of how the same procedure could allot very different roles to the population.

The act of *enquêter*, *inquirir*, *pesquisar*, *inquirere*, investigations that relied on the *inquisitio*,³⁸ ranged from inquiries about a particular incident, to general surveys that might elucidate and establish property, rights, taxes, heretical behaviour or compensation. Many of these *enquêtes*, a subset known as *reformatio curialium*, were directed at holding officials to account.³⁹ At the same time, *enquêtes* varied widely in terms of the power invested in the officials responsible for the enquiry: for example, whether they were to report to central power or whether they were invested with sufficient judicial and executive power to decide cases *in situ*. Even if the population maintained a strong role as witnesses, the *enquêtes* allowed the prince to establish ad hoc solutions for each particular case, for example whether it was opportune to start an investigation, who should be appointed to lead the inquiry, what powers should be invested in him and whether the case should, in the last resort, be decided at the prince's court.

Sindacato, on the other hand, was a procedure that took place automatically at the end of an official's term of office, and actively invited the citizens to take part in the system of control. Consequently, *sindacato* has been identified with a more 'republican' style of government, and inquisition and visitation with a more absolutist one.⁴⁰ Moritz Isenmann has argued that such a model fails to explain the success of *sindacato* as used by the monarchies of early modern Spain, regimes which he deems examples of absolutism.⁴¹ Guy Geltner denies altogether that there might be a link between *sindacato* and a particular political system.⁴² This needs some clarification, however. Notwithstanding

³⁶ These romanticised interpretations of the *sindacato* have been addressed by Susanne Lepsius, 'Die mittelalterliche italienische Stadt als "Utopie". Eine Untersuchung am Beispiel von Hermann U. Kantorowicz, Georg Dahm, Woldemar Engelmann', in *Stadt-Gemeinde-Genossenschaft*, eds. Albrecht Cordes, Joachim Rückert and Reiner Schulze (Berlin: Erich Schmidt Verlag, 2003), 389–455.

³⁷ The dual character of these systems makes them particularly susceptible to criticisms, especially when these models were unlikely to exist purely in one or another form. My intention is merely to describe two tendencies turning to concepts widely used in the historiography, even if they are problematic since socio-political phenomena are hardly uni-directional. For the concept of private and public in the Middle Ages, see Giorgio Chittolini, 'Il "privato", il "pubblico", lo stato', in *Origini dello stato: processi di formazione statale in Italia fra medioevo ed età moderna*, eds. Giorgio Chittolini and others (Bologna: Il Mulino, 1994), 553–90. I borrow the ideas of descending and ascending accountability from John Sabapathy, who refers to Ullmann's model: Sabapathy, *Officers and Accountability*, 227–8.

³⁸ Theodor Bühler-Reimann, 'Enquête-Inquesta-Inquisitio', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 61 (1975): 53–62.

³⁹ Jean-Paul Boyer, Michel Hébert and Thierry Pécout, 'Les procédures de *reformatio*: le registre AD13, B 1066', in *L'enquête générale de Leopardo da Foligno en Provence: réformation et vérification, 1332–1334*, ed. Thierry Pécout, (Paris: Éditions du Comité des travaux historiques et scientifiques, 2015), 143–53.

⁴⁰ Ferrante, *La difesa della legalità*, 239.

⁴¹ Isenmann, *Legalität und Herrschaftskontrolle*, 19.

⁴² Guy Geltner 'Fighting Corruption in the Italian City-State: Perugian Officers' End of Term Audit (*sindacato*) in the Fourteenth Century', in *Anticorruption in history*, eds. Kroeze, Vitória and Geltner, 115.

the limits of *sindacato*, it is undeniable that, in principle, it allowed more room for participatory politics than other processes of accountability, even if the result of that participation was far from our modern concerns for transparency or enforcing good government. If despotic powers kept in place a *sindacato* system because it was considered a fundamental source of legitimacy, that decision was *per se* a concession to the participation of the public and to accountability to the public, no matter how that concession ultimately played out. Insofar as the process of accountability brought together rulers and subjects, we need to question why some models were successful in some regions and not in others, and what that might tell us about their different political systems and distinct dynamics in the relations between their subjects and rulers.

The *ius corrigendi* that attributed to sovereigns the task of correcting (*enmendar*) their kingdoms and especially their administrators, together with the moral obligation of kings towards their subjects,⁴³ contributed to wider notions of accountability. The means of controlling their officials and compensating their subjects were multiple, however; after an initial period of experiment, the most rational choice for princes would have been to opt for procedures that left them with a stronger degree of discretion and control over the whole process. Marie Dejoux's work analyses the so-called *enquêtes de reparation* of Louis IX of France (1226–70) as a procedure distinct from *enquêtes* that were intended to serve governmental and administrative purposes.⁴⁴ In *enquêtes de reparation*, the motivation was mainly moral. Even more interesting for this article is that, unlike administrative *enquêtes*, in the *enquêtes de reparation* the main focus was local. It was there where the procedure took place (from the testimonies of witnesses to the sentences and reparations); and, furthermore, as Dejoux shows, the records were not meant to be sent to the royal court. The court appears therefore as detached from the process once the *enquêteurs* had been sent with powers of considerable autonomy. From the late thirteenth century on, however, the predominant model would be that of the *enquêtes administratives*, where compensating the population for the officers' misdoings was only one aspect among other more administrative objectives. Shortly after Louis IX's first *enquêtes* in 1247, his brother Alfonse de Poitiers, as count of Toulouse, ordered several *enquêtes* in his territories. In 1251 he sent four auditors to receive the claims of his subjects and offer reparations. In following years, however, the auditors were replaced by *enquêteurs* whose purpose was no longer to offer reparations, but to ascertain the boundaries of land and rights.⁴⁵

Indeed, if the processes of accountability were merely an expression of state formation, the expected outcome would have been that of modalities that attributed the prince a stronger control prevailing over other initial experiments. That is what seems to have happened in France, moving from different uses of *enquêtes*, including those *de reparation*, to *enquêtes* mainly serving centralising efforts. As that model has been widely researched, it has overshadowed the point that that was not always the case in other territories, and particularly in those in which the system based on the *sindacato* prevailed over *enquêtes*; that is, the pattern of research has focused on *enquêtes*, and since they represent a more centralising model, then that perspective has prevailed over the analysis of

⁴³ Dejoux, *Les enquêtes de Saint Louis*.

⁴⁴ Dejoux, *Les enquêtes de Saint Louis*.

⁴⁵ Pierre-F. Fournier and Pascal Guébin, eds., *Enquêtes administratives d'Alfonse de Poitiers: arrêts de son parlement tenu à Toulouse et textes annexes, 1249–1271* (Paris : Imprimerie nationale, 1959).

the local perspective and public participation, which seems more relevant in the *sindacato* model, where there is a stronger public control of the process. If we consider the variety of process that developed in different European regions, however, we must assume that underlying the different attempts to establish regulations for officials there must have been a contest over to whom officials were to be held to account, that is, who had that right to hold them accountable.

Without denying that these systems were fuelled by attempts at centralisation and by the design of princes, there remains the question why in some regions models prevailed that had a stronger element of public participation. The degree to which those procedures were in the hands of the local population has been mostly ignored by historians, however, as it conflicts with explanations connected to the narratives of centralisation and corruption. Ultimately what needs to be questioned is the role of the population in the development of some models of accountability and their imposition at the expense of others.

Castile and the *juicio de residencia*: 'bottom-up' regulation

The case of Castile provides a unique perspective on the success of the *sindacato* in the long term. If we compare the Castilian *residencias* with other early modern procedures for accountability, one of the most striking aspects is that, while the *sindacato* lost relevance in most European regions in favour of the visitation (*visitatio*),⁴⁶ *visitas* in Castile did not approach the significance of *residencias* in terms of their magnitude, the institutions involved and the connection to the population in general.⁴⁷ While *visitas* have been considered a means of government during the medieval and early modern periods in other regions of Europe, and even in other Hispanic territories in the Americas, Aragon and Naples,⁴⁸ in Castile they did not occur often or regularly enough to ensure a similar level of relevance. The causes for this unusual predominance of the *sindacato* in the long-term, which as far as I know is only paralleled in Genoa,⁴⁹ have not been addressed, even though they might shed light on the different dynamics that underlay the development and consolidation of practices of accountability across Europe.

Castile, like other European territories, witnessed experiments with different means of accounting, including examples of the private or top-down model employed alongside public or bottom-up accountability, as well as mixed solutions like the *pesquisas* and the *visitas*, similar to *enquêtes* and inquisitions. In the second half of the thirteenth century, letters from kings and lords to their *merinos* (bailiffs) included specific clauses establishing the conditions under which those officials would be held accountable to their lords, that is, implementing a top-down approach.⁵⁰ The struggle between the

⁴⁶ For example in Germany: Klaus Mencke, *Die Visitationen am Reichskammergericht im 16. Jahrhundert. Zugleich ein Beitrag zur Entstehungsgechichte des Rechtsmittels der Revision* (Cologne: Böhlau Verlag, 1984).

⁴⁷ On Castilian *visitas*, see Carlos Garriga Acosta, 'Control y disciplina de los oficiales públicos en Castilla: la "visita" del Ordenamiento de Toledo (1480)', *Anuario de Historia del Derecho Español* 61 (1991): 215–390.

⁴⁸ Geltrude Macri, 'Visitas generales e sistemi di controllo regio nel sistema imperiale spagnolo: un bilancio storiografico', *Mediterranea. Ricerche Storiche* 13 (2008): 385–400; Teresa Canet Aparisi, 'Procedimientos de control de los oficiales regios en la Corona de Aragón: consideraciones sobre su tipología y evolución en la época foral moderna', *Estudis: Revista de Historia Moderna* 13 (1987): 131–50; Mireille Peytavin, *Visite et gouvernement dans le royaume de Naples (XVIe–XVIIe siècles)* (Madrid: Casa de Velázquez, 2003).

⁴⁹ Ferrante, *La difesa della legalità*.

⁵⁰ The *merindades* were the territorial divisions under the control of *merinos* between the Duero and the north of Spain. Cristina Jular Pérez-Alfaro, 'The King's Face on the Territory. Royal Officers, Discourse and Legitimizing

monastery of Oña and other lay powers around 1278 provides many examples. Prince Fernando wrote to the *merinos* of several territories in the north of Castile to enforce an earlier prohibition directed to his tax collectors and confirming the exemption of the monastery's vassals.⁵¹ The accountability clause stipulated that if the *merinos* were to do otherwise, whatever harm the abbot and his vassals might receive, the prince would order twice its monetary value to be taken from the *merinos'* own property, and would turn to the *merinos* and their men to hold them accountable.⁵² Other lords, such as Juan Núñez, lord of the Albarracín, Lope Díaz de Haro and Nuño González used similar clauses to order their *merinos* to protect the rights and estates of the same monastery and its vassals.⁵³ The underlying logic was that delegation of powers to an official implied the right to hold officials accountable and, therefore, there was no difference in substance between the letters sent by the prince and those sent by the other lords.

The second half of the thirteenth century was also the point at which the *juicio de residencia* began to develop in Castile. Despite a slow start, the *residencias* developed markedly during the early modern period, and the device was exported as a tool of government to the territories in the Americas. That success has made the *residencias* and the *visitas* into a major historiographic topic in the Iberian world, central to discussions relative to empire, state-building and bureaucracy. With rare exceptions,⁵⁴ however, Spanish historiography, especially for the early modern period, has long denied any real agency to the public in the operation of the *residencias*. Late medieval and legal historians of the *residencias* have been much more assertive of the role of the population – or more precisely the role of cities represented in the *Cortes* – in the development of these procedures. Classic works on medieval *corregidores* and *residencias*, however, although explicitly and accurately pinpointing the role of the population in pressing through legislation on accountability and officials, remain at the same time hostage to a teleological narrative that places emphasis on the development of the state. Largely published in the 1970s, these works conclude that *residencias* were the outcome of a long-term drive by the Crown for unity and centralisation.⁵⁵

The first mention of the procedure (not described as a *residencia* at this point) appeared in the *Partidas* (c.1250),⁵⁶ the most important example of Castile's attempt

Practices in Thirteenth- and Fourteenth-century Castile', in *Building Legitimacy. Political Discourses and Forms of Legitimacy in Medieval Societies*, eds. Hugh Kennedy, María Isabel Alfonso Antón and Julio Escalona Monge (Leiden: E.J. Brill, 2004), 107–38.

⁵¹ Alfonso Antón, María Isabel Alfonso and Cristina Jular Pérez-Alfaro, 'Oña contra Frías o el pleito de los cien testigos: una pesquisa en la Castilla del siglo XIII', *Edad Media: Revista de Historia* 3 (2000): 61–88.

⁵² 'Et non fagades end al por ninguna manera, si non quanto danno ell abbat sobredicho et sus uasallos tomassen por quanto uos y auedes a faser de uesttras casas gelo mandaria todo entregar doblado. Et demas a uos et a quantos auedes me tornaria por ellos.' Juan del Álamo, ed., *Colección diplomática de San Salvador de Oña (822–1284)*, vol. 2 (Madrid: CSIC, 1950), doc. 632 (10 July 1275).

⁵³ Álamo, ed., *Colección diplomática de San Salvador de Oña*, docs. 607 (30 November 1273), 613 (6 May 1274) and 640 (31 March 1276).

⁵⁴ José Manuel de Bernardo Ares, 'Los juicios de residencia como fuente para la historia urbana', in *Actas II Coloquio de historia de Andalucía, Córdoba, Noviembre 1980* (Córdoba: Publicaciones de Caja de Ahorros y Monte de Piedad de Córdoba, 1983), 1–24; María Ángeles Martín Romera, 'Empowered Citizens and Questioned Officers: the Spanish Residencias (15th–17th Centuries)', in *The Officer and the People*, eds. María Ángeles Martín Romera and Hannes Ziegler (Oxford University Press, forthcoming).

⁵⁵ e.g. Benjamín González Alonso, 'El juicio de residencia en Castilla, I: origen y evolución hasta 1480', 199.

⁵⁶ The procedure appears for the first time in the *Partidas*, but the term *residencia* does not appear until much later: in 1406 a *residencia* was performed and named as such for the first time, in the city of Murcia, and in 1419 the *residencia* was so named in the legislation derived from the *Cortes* of Madrid of that year. The sessions of the itinerant *Cortes de*

to create a common law, which, therefore, presented a strong claim for the king's role as sovereign and supreme judge in matters legal. This work, however, did not come into effect until 1348: Alfonso X (1252–84) faced rebellion by nobility and cities in the last years of his reign, and his project to push forward a common law was one of the causes of that rebellion. As a consequence, the law was not applied nor enforced. In 1348 the so-called *Ordenamiento de Acalá* reinstated the laws in the *Partidas* as subsidiary law (applicable in the absence of customs or other legal jurisdiction), so it was only from this point that there was an official attempt to enforce its provisions – and the degree to which the dispositions included in the *Partidas* were enforced in the later medieval period depended upon many factors. Before the late fifteenth century, kings showed little interest in promoting the *residencias* either in law or in practice. Municipalities in Castile, however, saw this model as desirable and strove to enforce *residencias*.

In its original version in the *Partidas*, the *residencia* implied that, after his term of office, a judge must remain (*residir*) for 50 days in the locality where he dispensed justice in order to give redress to those who had been wronged by him.⁵⁷ During this period, the town crier would proclaim daily that those with complaints against the judge would receive justice, without specifying limits to the sort of people who might have the right to claim.⁵⁸ The procedure was analogous to the Roman *sindacato* which was adopted in Italy especially in connection with officials from outside a municipality who served as *podestà*.⁵⁹

In Castile, the *residencia avant la lettre* was associated with the royal officers who dispensed justice, especially the *alcaldes* or *jueces de fuera* or *de salario*.⁶⁰ Royal bailiffs of these kinds were often considered as outsiders and the *residencias* represented a means of constraining their action within municipalities and the territory more widely. In 1293 the cities represented in the *Cortes* demanded that Sancho IV (1284–95) suppress these *jueces de fuera* and that those he had nominated during the previous five years undergo a *residencia* – to last 30 days – in the municipalities where they had dispensed justice.⁶¹ These were the first calls to apply the procedure of the *residencia*, and they appeared as demands driven by urban representatives. They insisted on a procedure for accountability, which was to take place in their municipalities and which was to be enforced locally – as opposed to royal control over royal officials.⁶²

The *Partidas* and the imperial ambitions of Alfonso X provoked strong opposition; it was this that lay behind the uprising of his son Sancho, supported by the nobility and the

Castilla y León are edited in Manuel Colmeiro, ed., *Cortes de los antiguos reinos de León y de Castilla*. 7 vols. (Madrid: M. Rivadeneyra, 1861–1903). References are made to the specific meeting, the place, year and number of the petition, e.g. *Cortes* of Madrid, 1419, petition 6.

⁵⁷ *Residencia* in Spanish comes from *residir*: to stay, i.e. here the obligation of officials to remain in the localities where they had dispensed justice or performed their office while they were held to account.

⁵⁸ *Partidas* III, 4, 6: 'faziendo dar pregón cada día publicamente, que si algunos y oviere, que ayan querella dellos, que le complirán de derecho' ('making a public proclamation each day that if there were any who had complaints against them, they will be granted justice').

⁵⁹ On the *sindacato* see note 16 above. On the *podestà*, Jean-Claude Maire Vigueur, ed., *I podestà dell'Italia comunale* (Rome: École française de Rome, 2000).

⁶⁰ They were called 'de fuera' (from outside) or 'de salario' (salaried) because they came from outside the locality and their salary was to be paid by the towns where they were sent: Nilda Guglielmi, 'Los alcaldes reales en los concejos castellanos', *Anales de Historia Antigua y Medieval* 7 (1956): 79–109.

⁶¹ Agustín Bermúdez Aznar provided a list of all mentions of royal judges in the *Cortes* from 1284 to 1292, to demonstrate that the increased number of these officials in this period resulted in the petition of 1293: Agustín Bermúdez Aznar, *El corregidor en Castilla durante la baja edad media* (Murcia: Universidad de Murcia, 1974), 51–2.

⁶² Similar demands for accountability took place in other European regions and states, coinciding with crises in the authority of princes, for example in Flanders: Boone, 'Le comté de Flandre au XIVe siècle', 471–2.

cities. The 1293 petition shows that, while there was opposition to the *Partidas* as a whole, cities considered the *residencias* as a valuable procedure. About a decade after the uprising against Alfonso X, they asked his son Sancho IV to implement this system of control; their petition was granted, although we do not know how effectively it was put into practice.⁶³

In Castile, in 1348, in another important piece of legislation, the *Ordenamiento de Alcalá*, a new type of royal official, with wide powers, is first mentioned: the *corregidor*. The *corregidores* were to become the main representatives of the king across the country; like the *podestà*, they had to come from a different area in order to prevent collusion with powerful citizens of the locality where they had authority.⁶⁴ Initially, they were sent only occasionally, mostly with the aim of bringing order in specific conflicts.⁶⁵ Henry III (1390–1406) extended the use of *corregidores*, nominating a higher number of these officials;⁶⁶ but it was only with Queen Isabella and King Ferdinand in 1480, that the office of *corregidor* became permanent in each of the main cities and territories of Castile.

From 1348 on, the employment of *corregidores* went hand in hand with the development of *residencias*. The *Ordenamiento de Alcalá* also included a regulation for the *residencias*, almost identical to the one in the *Partidas*; but as Bermúdez Aznar has pointed out, and as with the *residencias*, it was not the king who initiated regulation of the *corregidores*. A priori he had no interest in providing rules to constrain his officials, but preferred to use them at his discretion.⁶⁷ Rather, it was again the cities, represented in the *Cortes*, who took the lead as the main parties defining the qualities of a person who might become a *corregidor*, the duration of the term of office and – particularly – the circumstances that could trigger his nomination and dispatch to a city. Following the increased use of *corregidores* during the reign of Henry III, the *Cortes* turned intensively in the period 1407–34 to regulating these officials.

The petitions of the urban representatives in the *Cortes* sought to limit the nomination of the *corregidores* to the cases where the city or the greater part of its members had asked the king to send his official.⁶⁸ Viewing cities as monolithic entities resisting royal, official intrusion is too crude an interpretation of the struggle in the *Cortes* to define the conditions for nominating and sending *corregidores*. The divisions within the cities often favoured situations where one faction asked the king to send a *corregidor*, in the hope

⁶³ *Cortes* of Valladolid, 1293, petition 4.

⁶⁴ On the *corregidores*, see Fernando Albi, *El corregidor en el municipio español bajo la monarquía absoluta* (Madrid: Instituto de estudios de administración local, 1943); Benjamín González Alonso, *El corregidor castellano (1348–1808)* (Madrid: Instituto de Estudios Administrativos, 1970); Bermúdez Aznar, *El corregidor en Castilla*; Marvin Lunenfeld, *Keepers of the City. The Corregidores of Isabella I of Castile (1474–1504)* (Cambridge: Cambridge University Press, 1987); José Ignacio Fortea Pérez, 'Los corregidores de Castilla bajo los Austrias: elementos para el estudio prosopográfico de un grupo de poder (1588–1633)', *Studia Historica. Historia Moderna* 34 (2012): 97–144.

⁶⁵ Yolanda Guerrero Navarrete, 'La política de nombramiento de corregidores en el siglo XV entre la estrategia regia y la oposición ciudadana', *Anales de la Universidad de Alicante. Historia Medieval* 10 (1994): 99–124; eadem, 'Orden público y corregidor en Burgos (siglo XV)', *Anales de la Universidad de Alicante. Historia Medieval* 13 (2000–2): 59–102; María Asenjo González, 'Función pacificadora y judicial de los corregidores en las villas y ciudades castellanas, a fines de la edad media', *Medievalista On Line* 18 (2015): 1–28.

⁶⁶ Emilio Mitre Fernández, *La extensión del régimen de corregidores en el reinado de Enrique III de Castilla* (Valladolid: Universidad de Valladolid, 1969).

⁶⁷ Bermúdez Aznar, *El corregidor en Castilla*, 66. A more detailed account of the discussions in the *Cortes* summarised in these paragraphs can be found on Bermúdez Aznar's book.

⁶⁸ This matter is discussed, for example, in the *Cortes* of Palenzuela, 1425, petition 30; *Cortes* of Madrid, 1435, petition 17: 'respondió quele plazia de non proueer dende adelante de corregidor en ninguna çibdad nin villa nin lugar, saluo pidiendolo la tal çibdad o villa o la mayor parte'. Bermúdez Aznar, *El corregidor en Castilla*, 124–6.

that he would defend their side, ultimately benefiting the king's desire to intervene through the dispatch of his representative. The *Cortes'* repeated demands for new legislation or for compliance with earlier laws that restricted the Crown's initiative in nominating *corregidores* demonstrate that the kings often disregarded those limitations.⁶⁹ The cities' attempt to control nominations was finally defeated in the *Ordenamiento de Toledo* in 1480, when Ferdinand and Isabella established that there would be *corregidores* on a permanent basis in all the main cities and territories of Castile, even if the individuals concerned were appointed for one or very few years alone. This setback, however, has often overshadowed other aspects where the criteria sought by urban representatives ended up as the norm in the kingdom.

There were two demands made by the *Cortes* relating to the accountability of officials which succeeded in defining the legislation of the *corregidores* and the *residencias*. Limiting the duration of the *corregidores'* term of office was one area where the *Cortes* succeeded in the long term. This was directly linked to ensuring that officials could be held accountable. Urban representatives affirmed that when the term of office of officials was prolonged, they became so powerful that no inhabitant of the cities dared raise a claim.⁷⁰ The maximum duration varied between one or two years until the *Cortes* of Valladolid in 1442, when the king promised to nominate each *corregidor* for one year only, unless he was informed that the official had performed his duty faithfully and that it suited the respective city or town that he should continue. In that case, the king could prolong the appointment, but only for another year.⁷¹ While there is no mention before the sixteenth century of a *residencia* being required on the prolongation of the office, it seems sensible to deduce that a similar formality was implied, since the king had to be informed and the city content. Kings often tried to and did break the rule, but it remained the accepted norm: José Ignacio Fortea Pérez, studying early modern *corregidores*, has calculated that in the period between 1588 and 1633 *corregidores* were each in office on average for three years – that is, even in a period with an absolute monarch.⁷²

That there should be a *residencia* at the end of the term of a *corregidor's* office was the other successful demand made by the cities. The permanent presence of *corregidores* in the main cities and territories of the kingdom from 1480 ensured as well the regularity of the *residencias* that until that point had been mostly contingent on the occasional

⁶⁹ Bermúdez Aznar, *El corregidor en Castilla*, 123–37.

⁷⁰ As is customary when debating policies, there were often different opinions regarding what might be the best option to ensure that officials were held accountable, since no solution seemed to be ideal. If permanent officials were more likely to collude with the elites and were harder to prosecute, officials appointed for an annual term were considered eager to accumulate wealth quickly and illegitimately: *El libro de los enxemplos* (Barcelona: Dirección y Administración, 1885), 162–3. Attempting different solutions often resulted in inconsistent and sometimes contradictory demands for legislation in the *Cortes*. The cities' demand for limited terms, however, was quite consistent and conflicting petitions were more in evidence in Aragon or in sixteenth- to seventeenth-century Castile. See Alexandra Beauchamp, 'Purga de taula and Other Procedures of Royal Officers' Accountability in the Medieval Crown of Aragon (14th Century)', in *The Officer and the People*, eds. Martín Romera and Ziegler; José Ignacio Fortea Pérez, 'Quis custodit custodes? Los corregidores de Castilla y sus residencias (1558–1658)', in *Vivir el Siglo de Oro: poder, cultura, e historia en la época moderna: estudios homenaje al profesor Angel Rodríguez Sánchez*, ed. Bartolomé Bennassar (Salamanca: Ediciones Universidad de Salamanca, 2003), 179–222. It is worth noting as well that, before the figure of the *corregidor* became permanent, the economic burden the office implied for the city that paid his salary constituted another significant reason to limit their nomination and the duration of their term.

⁷¹ *Cortes* of Valladolid, 1442, petition 10.

⁷² Fortea Pérez, 'Los corregidores de Castilla', 104. For the period before 1588 there are no registers allowing similar statistical calculations.

dispatch of royal officials. The procedure underwent an astonishing development both in its geographical range and in the regularity with which it was carried out. Its role in the administrative procedures of Spanish empire from the end of the fifteenth to the seventeenth centuries cannot be overstated. It was one of the main mechanisms linking territory and court, leading to a bureaucratic system of immense proportions.

The *residencia* in practice

We have no direct records of *residencias* until the end of the fifteenth century and mentions of the procedure in practice are rare. Beyond information drawn from legislation, it is difficult to grasp how *residencias* worked in practice in medieval Castile.⁷³ There are two main questions regarding its function that need to be addressed. Firstly, to which extent were the *residencias* implemented? And secondly, if the enforcement of the legislation was promoted by urban elites of the main Castilian cities, does that mean that the procedure was merely a weapon in the hands of urban elites to counteract the Crown's officials?

For a long time it was thought that the earliest documentary reference to an effective execution of a *residencia* was one relating to the city of Murcia in 1406. Sancho Ruiz, the *alcalde* (the lieutenant of the *corregidor*) underwent a *residencia* of 50 days.⁷⁴ On each of those days the town crier invited the population of the city to present any claim they might have against his performance in office. At the end of this period, the city informed the king that there had been no claims against the official and that the city regretted his departure. That outcome (the absence of claims and the laudatory implications of the letter) must be interpreted not so much as a sign that the system was unable to hold officials accountable, but as the result of a successful relationship or even a negotiated agreement between the official and the inhabitants of Murcia and/or its elite.⁷⁵

Most scholars have understood that the discussions about the *residencias* in the *Cortes*, must be interpreted as evidence that somehow these procedures took place in practice and that the cities took measures to hold officers accountable at some level.⁷⁶ The lack of sources together with this rather late reference to a *residencia* in operation, however, were nonetheless problematic. The discovery of further evidence, from almost a century earlier, in a seigniorial town, provides a much more consistent proof of the system in operation. In February 1310, the Lady of El Puerto de Santa María, a small town in Andalusia, hosted a meeting in the city council.⁷⁷ El Puerto had been

⁷³ But see González Alonso, 'Los procedimientos de control', and Luis García de Valdeavellano, 'Las partidas y los orígenes medievales del juicio de residencia', *Boletín de la Real Academia de la Historia* 153 (1963): 205–46.

⁷⁴ Letter edited in Mitre Fernández, *La extensión del régimen de corregidores*, 88–9.

⁷⁵ José Antonio Jara Fuente provides an illuminating account of the negotiations between the city of Cuenca and its *corregidor* without the intervention of the Crown in the fifteenth century: José Antonio Jara Fuente, 'Entre el conflicto y la cooperación: la ciudad castellana y los corregidores, praxis de una relación política hasta la monarquía isabelina', *Studia Historica. Historia Moderna* 39 (2017): 53–87.

⁷⁶ Especially in the works in note 73 above.

⁷⁷ 4 February 1310, Seville, Archivo Ducal de Medinaceli, Sec. Puerto de Santa María 3–12 (previously in Sec. Cogolludo, 3–55). The original document has been preserved alongside a copy that was ordered in 1747. In the eighteenth-century copy the scribe mentions that the original document should be sent back to the archive after the transcription. It seems, however, that the document remained instead, and this is arguably what has ensured the preservation of this rare testimony. Manuel González Jiménez had pointed to this early *residencia* in 1982, but his discovery was only added to the discussion of *residencias* by Benjamin González Alonso much later, in 2000, although subsequent works, such as that of Isenmann, have overlooked both publications and, therefore, this important

conquered from its Muslim rulers in 1260 and had been a seigniorial town since that date under different lords.⁷⁸ Lady María Alfonso Coronel was the widow of the last lord, Guzmán el Bueno, who had died in 1309. At the meeting of the town council in 1310, she proclaimed that anyone having a claim against her bailiff, the *alcaide* Bonavía, should make a complaint to her and she would do justice. After this announcement, the bailiff left the council session and María Alfonso Coronel repeated the invitation. She insisted that she would grant justice in any case where an individual had suffered wrongdoing at the instance of Bonavía.⁷⁹

This is the earliest account known to date of a *residencia* taking place, almost a century before the one held in Murcia. It proves that the *residencias* were in operation earlier and were not mere legislative desiderata discussed in the *Cortes*. The right to enforce *residencias* upon the bailiffs (*alcaldes* and *alguaciles*) was one of the privileges that King Alfonso X granted El Puerto de Santa María in 1283: 'After a year, at the end of their term, they shall stay in the place 40 days to give justice [redress] the complaints against them'.⁸⁰ The implication is that, soon after the *Partidas*, the *residencia* was already a royal privilege in a small town; a decade later, in 1293, the *Cortes* demanded and were granted that the king's judges sent to the cities undergo *residencias*; and at least from 1310 we know that the town of El Puerto was making use of its 1283 privilege.⁸¹

Several elements of this example from El Puerto are worth analysing. Firstly, El Puerto was a small town as well as a seigniorial town with no representation in the *Cortes*. The fact that it was one of the first localities that we know of to implement *residencias* contradicts the assumption that these procedures only concerned urban elites with a vote in the *Cortes*. Further, it proves that the population considered officials' accountability as useful *per se*, and not just as a medium to counteract royal intrusion, a factor absent in El Puerto. There is no doubt that the procedure legitimised the authority of their lady, but it also ceded that authority to the participation of the population and their claims to redress. The privilege of nominating *alcaldes* and *alguaciles* was granted to the inhabitants of the town, who met annually and chose 'with the advice of whomever had the town in the name of the king'.⁸² In the act of *residencia*, Lady María Alfonso Coronel

precedent: Manuel González Jiménez, 'El Puerto de Santa María en tiempos de Alfonso X (1264–1284)', *Gades* 9 (1982): 241; González Alonso, 'Los procedimientos de control'; Isenmann, *Legalität und Herrschaftskontrolle*. I am grateful to the Fundación Casa Ducal de Medinaceli and in particular to Rosalía Marqués de los Ríos for her assistance with access to this document.

⁷⁸ The most common form in English would be 'reconquered'. There is an ideological charge in the 're' in 're-conquest' that has been addressed by historians in Spain, but has been somehow lost in translation: Martín F. Ríos Saloma, *La Reconquista en la historiografía española contemporánea* (Madrid: Sílex, 2013); Alejandro García Sanjuán, *La conquista islámica de la Península Ibérica y la tergiversación del pasado: del catastrofismo al negacionismo* (Madrid: Marcial Pons, 2013).

⁷⁹ Archivo Ducal de Medinaceli, Sec. Puerto de Santa María 3–12: 'ella era aquélla que si algún tuerto o querella oviera fecho [Bonavía] a qualquier que ella gelo farie emendar e conplir de derecho.'

⁸⁰ 'A cabo del año, cumplido su tiempo, que estén en el lugar a fazer derecho de las querellas que dellos dieren quarenta dias.' After the *carta de población* in 1281, the privilege to choose *alcaldes* and *alguaciles* annually was granted in response to a petition from the town. It is unclear whether the additional right to hold them accountable was part of the initial petition: Manuel González Jiménez, *Diplomatario andaluz de Alfonso X* (Sevilla: El Monte. Caja de Huelva y Sevilla, 1991), 555.

⁸¹ In order to calibrate these and other sources for the period, it is necessary to understand that urban sources are much more limited for this period in Castile than in other European regions. Civic literacy, as described by Sarah Rees Jones, developed significantly: later in Castile: Sarah Rees Jones, 'Civic Literacy in Later Medieval England', in *Writing and the Administration of Medieval Towns: Medieval Urban Literacy*, vol. 1, eds. M. Mostert and A. Adamska (Turnhout: Brepols, 2014), 220. In this context, the lack of mention of *residencias* is by no means a proof of non-compliance, but rather an expected and unfortunate result of the lack of sources.

switched her role from adviser to benevolent ruler, but she was at the same time extending the town's privilege to hold officials accountable from its *alcaldes* and *alguaciles* to the *alcaide* she had nominated.⁸³

Were *residencias* controlled by local elites? It is undeniable that local elites would have had a very different profile in major cities like Toledo, Burgos or Seville than in small towns like El Puerto. Regardless of those differences between and within elites, if we turn both to the accounts of *residencias* in the early modern period in Spain and to those of similar procedures in medieval Europe, they largely confirm the participation of all sorts of individuals. The records of the *sindacati* in the cities of Italy go as far as including even small claims presented by unlikely members of the elite, some of them women.⁸⁴ That data are consistent with the use that underprivileged inhabitants of early modern Castilian cities made of this procedure, from collective claims to individual attempts to use the procedure as a sort of appeal court to overturn an unsatisfactory judgement made by the official.⁸⁵ Although it can be assumed that elites would be better equipped with resources and the requisite knowledge to participate in the *residencias* and, more importantly, they would be less likely to be intimidated by the potential for retaliation at the hands of the official, there is no reason to believe that common people in medieval Castile did not respond to the town crier's public call to present their claims. At El Puerto, when Lady María Alfonso Coronel offered to make amends for her bailiff's misdeeds, everyone replied that they had no complaint – except one individual. Juan Núñez, a butcher, presented a petition against the bailiff and two of his lieutenants because they would not allow him to work in his butcher's shop.⁸⁶ Juan Núñez might have been relatively wealthy and respected in El Puerto, but his trade shows a profile well below our preconceived vision of late medieval urban elites. The middle classes could participate in the *residencias* and did accuse officials.

Finally, it is important to emphasise that the *residencia* in El Puerto was hosted locally by the widow of the previous lord, María Alfonso Coronel. In addition to gender issues that might have affected the legitimacy of her position,⁸⁷ there are two crucial aspects of the *residencia*: immediacy and orality. Everything indicates that the *residencia* was performed in public, and that it led to no written acts or records. In the unlikely case that the butcher presented a written petition, it has not survived. Oral procedure confirms that the *residencia* was conceived for a local sphere that mostly escaped royal control and that, until the sixteenth century, it was not designed to produce a detailed record to be remitted to the Crown.

⁸² Manuel González Jiménez, *Diplomatario andaluz de Alfonso X*, 555: 'Onde vos mando que os aiuntedes cada anno y fazed alcalldes y alguazil por vuestro fuero, con consejo del que toviere el logar por mí.'

⁸³ The *alcaldes* and *alguaciles* had judicial roles, while the *alcaide* was more of a military figure.

⁸⁴ Ceppari Ridolfi, 'Il sindacato degli ufficiali', 26.

⁸⁵ María Ángeles Martín Romera, 'El control silenciado: el papel de la población en los juicios de residencia', *Memoria y Civilización* 22 (2019): 191–220.

⁸⁶ Archivo Ducal de Medinaceli, Sec. Puerto de Santa María 3–12.

⁸⁷ I cannot address here questions of gender to the extent they deserve. I would point to two different factors, however. On the one hand, although women's rule was the exception in Castile, it was not as exceptional as in other European regions, and Castilian laws were far less restrictive with regard to women's inheritances than, for example, in England. On the other hand, although it might be mostly coincidental, it is interesting to note that the first mention of the appointment of a *corregidor* in Castile (before the office was mentioned in the legislation) was also in a seigniorial territory under the rule of a lady, Beatriz de Portugal.

This orality is a distinct trait of in the administration of Castile, especially in local contexts, and one that constrains modern research. Royal inquests like *pesquisas* were more likely to produce written documentation and for it to be preserved by the royal chancery. Even these inquests, as in other European cases, often show that the records only included summaries of the testimonies and claims. This problem is not exclusive to Castile; Portugal is a more extreme case, where the records of *residências*, known from 1521 onwards, rarely contain the depositions of witnesses even as late as the eighteenth century.⁸⁸ In the much better documented case of Provence, independent of the *enquêtes* that have been preserved, there are references in legislation from 1288 to the duty of *bailes* and *viguiers* to visit the areas they administered twice a year to receive complaints and control potential encroachments, but they have barely left any records, probably because they were not meant to be sent back to the Angevin court.⁸⁹ Processes of accountability that lay further from the ambit of central powers are less likely to have survived.

While this frustrates the possibility of deeper analysis, it draws attention to the performative dimension of the act of accountability and alerts us to the fact that we might be attributing a stronger role to written sources and their record than they actually played. The performance of the *residencia*, the public presentation of claims against the official, would have been a cathartic moment, condensing the relations and dynamics established between inhabitants and the royal representative during his term of office. This dimension is overlooked in the early modern period, where historians have focused on the central perspective of the Crown and on cases when the decision was remitted to the royal council, and the final adjudications it made. It is doubtful, however, whether these subsequent decisions (often delivered when the official had left the city) had an impact locally that was similar to the effect of the process itself on the spot. These debates *in situ* rested ultimately on discussion of the official's *publica fama* by witnesses, claimants, other officials and bystanders. It was these which would have had the greatest impact on both the individual inhabitants and the city's collective memory of its own self-regulation.

Here, comparison with territories where more substantial documentation of accountability has survived could shed new light. Unlike Castile, there are numerous records of French *enquêtes*, Italian *sindacati* and the Aragonese *taula* that allow a much more precise analysis of the role of both plaintiffs and witnesses. Where research in Castile cannot easily proceed further, Aragonese, Italian or French sources can provide a more nuanced perspective of public participation in accountability procedures in other contexts.

Conclusion

Cases from the Iberian peninsula are important in disclosing the role the population in general played in transferring the accountability of officials from the private

⁸⁸ Adelaide Costa, 'Royal Judicial Officials Held to Account by Local Communities (Early Sixteenth-Century Portugal)', in *The Officer and the People*, eds. Martín Romera and Ziegler; Nuno Camarinhas, 'As residências dos cargos de justiça letrada', in *Cargos e ofícios nas monarquias ibéricas: provimento, controlo e venalidade (séculos XVII–XVIII)*, eds. Roberta Stumpf and Nandini Chaturvedula (Lisbon: Centro de História de Além-Mar, 2012), 161–72.

⁸⁹ Boyer, Hébert and Pécout, 'Les procédures de *reformatio*', 200–1.

responsibility of an official to his lord to a position in which there was public accountability, from official to the community. In this model, the population was not only active in participating in these procedures, but also in the promotion of their regulation through the creation of legislation that ensured officials were accountable to local communities and not just to central powers. Unlike the predominant narrative, mostly based on the English and French cases, this article exposes the accountability of officials as a phenomenon relying on a much more complex dialectical development where urban communities were responsible for the ultimate success of the *residencias*.

Accountability from below was not only a formal institutional development, but also a transformation of the relationship between communities and officials, where the balance of power was influenced by these new procedures. This transformation constitutes a key ingredient in a broader socio-cultural change in the perception of power and the development of officialdom in Europe. Moreover, it ultimately suggests that the involvement of the population in new standards and procedures for accountability was key for the success of a new model of officialdom. The relation between the role of the people in holding power accountable and the different political systems that developed across Europe remains a question for future enquiry.

The assumption that there is a struggle to impose accountability from below, or from above, implies different actors working in different interests. Regardless of the much more homogeneous discourse about the duties, requirements and ideal qualities of officials, central powers and local communities – when in charge of the process of accountability – were likely to have targeted different aspects of the performance of officials. Even if the offence were marked out by the same words (abuse, excess, negligence), central powers would be more prone to prosecute officers accused of embezzlement or collusion with other powers, while ignoring local claims that they might regard as trifles or petty pleas.⁹⁰ For the king the main objective of accountability, in addition to his moral and religious concerns, was to strengthen the bond between and control over his officials and subjects, their adequate compliance with his orders and the effective execution of royal policies, especially regarding revenues and tax collection. At the same time, it was a way of establishing limits on other potential influences (whether they came from cities, the nobility or the Church) that could alienate officials from the crown's desires.

Urban dwellers in turn might represent a wide variety of interests depending, not only on difference of status (from the elites to marginal groups), but also on different jurisdictions (a very common argument in claims against officials) or different factions within the city. All of them, however, might have benefited from the consolidation of an accountability based on the *sindacato* that regularly invited them to defend their interests against the official under scrutiny. While their claims would have needed to fit the categories of misdoings applicable to officials, the almost impossible standards of impartiality required of officials often served as cover for promoting their arguments. The proceedings of the *residencias* in the sixteenth century show that the *corregidores* were more likely to be prosecuted severely in the face of strong conflicts between oligarchical

⁹⁰ In this regard, Laure Verdon's article is most revealing about the redefinition and extension of the category of *usurpatio* in Angevin legislation and its role in the *enquêtes*, especially that of Leopardo da Foligno (1332–4): Laure Verdon, 'La notion d'*usurpatio* et ses usages: apports de la législation et des enquêtes à la construction de la souveraineté en Provence (1250–1335)', in *Quand gouverner c'est enquêter*, ed. Pécout, 317–28.

factions. Opposition to tax imposts and royal decrees, however, also triggered fierce claims against *corregidores*, but these involved a wider spectrum of the population. Further, middling individuals often made use of the *residencias* to complain at personal grievances at the hands of officials and it was not unusual for these complainants to receive economic compensation.

While many of the ingredients for the participation of communities in holding officials accountable were present in the fourteenth and fifteenth centuries, the sources often prevent us from determining how their interests were represented and the degree to which they resembled sixteenth-century scenarios. Nevertheless, such evidence as there is suggests new questions concerning public participation in securing the accountability of officials, which we might answer, at least in part, through an analysis of other European and especially Mediterranean scenarios. In this regard, it is not that the Iberian case is extraordinary, but rather that, as it demonstrates a clear case of success in securing public accountability in the face of the community, it provides important evidence that we might consider when looking at accountability in other regions, where we need to consider the forces working from below in shaping attitudes to officials and their responsibilities.

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Note on contributor

María Ángeles Martín Romera is a Marie Skłodowska-Curie Fellow at University College London and works on the social history and the political culture of the later Middle Ages in Mediterranean Europe. She completed her PhD at Universidad Complutense de Madrid, in 2012 and was a post-doctoral researcher at Ludwig Maximilians-Universität, Munich, in 2013–18. Her research interests lie in a multidisciplinary approach to the different ties that bind society together and the daily practice of power in the interactions between authorities and local communities.

ORCID

María Ángeles Martín Romera  <http://orcid.org/0000-0002-0079-8257>