How much power did kings actually have, and how did government really function, in early modern Spain? Many historians have written on this topic, but J.B. Owens declares that they have gotten it mostly wrong. Instead of an increasingly strong, centralized, and bureaucratic state, Owens perceives a Spanish Crown dependent on cooperation from competing social groups; when monarchs tried to exercise “absolute” dominion, they only angered one or another of these factions and thus ended up undermining their own authority. Similarly, Owens insists that the Spanish monarchs were unable to impose a rigid idea of loyalty to the state on their subjects. Different segments of society understood the relationship between themselves and the monarch in different ways, and if the king violated a particular group’s criteria for good government, resistance or even rebellion could result. In the end, Owens depicts the early modern Spanish monarchy as surprisingly weak and inept, and Spanish “absolutism” as a distortion projected backwards by later generations.

This is a dense book, which tries to accomplish several things at once. On the broadest level, it is the first part of a projected trilogy, an extended meditation on the “nature of Castilian monarchical government between 1400 and 1700” (vii). Books two and three will discuss the roles played by municipal oligarchies and the territorial aristocracy, respectively; this volume focuses on royal judicial institutions, and the king’s role as the ultimate arbiter and enforcer of justice. More specifically the book analyzes a particular lawsuit that remained unresolved for generations, precisely because it hinged on the question of royal authority. The book is thus “a type of microhistory,” as Owens suggests, in that it examines an extraordinary court case in order to illuminate larger sociopolitical issues (9). Owens follows the vicissitudes of this case (known at the time as the “Belalcázar lawsuit,” after the count of that name, a central player) from its inception in the mid-fifteenth century to its sudden denouement in the late sixteenth century. Along the way, we learn a great deal about Castilian politics, on both the national and local levels.

It all begins during the reign of King John II (1406-1454), a time of chaos
and civil war in Castile. In 1445, John made a fateful decision to award a large swath of land in south central Castile to a noble named Gutierre de Sotomayor, in return for military service. The problem was that the land belonged to the city of Toledo, not the king; John evaded this technicality by invoking his “absolute royal authority” to do as he pleased with other people’s property. Toledan authorities protested loudly, of course, and would continue to protest for decades. Sotomayor’s descendants meanwhile enjoyed the rights to the land and rose in prominence, eventually becoming the Dukes of Bejar. Unable to sue the king, the city of Toledo tried to take the noble family to court, claiming that they had seized the land illegally. The lawsuit thus became a literal test case for what “absolute royal authority” (a commonly used phrase throughout the period) actually meant. Owens also uses this case to illustrate how different “interpretive schemes” concerning royal power existed simultaneously in early modern Spain. Was the king’s authority based on his ability to reward personal service, as the high nobility believed, or was it rooted in his role as the enforcer of justice and the law of the land, as municipal authorities preferred to see it?

Partly because of the on-again, off-again history of the lawsuit, it often seems peripheral rather than central to the work. Of the book’s eight chapters, only two are devoted to the actual trial. Chapter one sets up the book’s theoretical framework; chapter two describes the historical context for John II’s problematic gift; chapter three explains why Ferdinand and Isabella refused to allow the lawsuit to be given a hearing. The Catholic monarchs, who first had to consolidate their own power in Castile and then had to complete the conquest of Granada, could not afford to alienate a powerful noble family. Although Toledan authorities petitioned royal justice several times, and both sides gathered evidence, the monarchs suspended proceedings indefinitely. Then dynastic politics intervened: a foreign prince became King Charles of Spain, as well as Holy Roman Emperor. The perceived indifference of Charles and his Burgundian councilors to Castilian affairs led to the famous Comunero Revolt of 1520-1521. Toledo was one of the centers of the revolt, and as Owens suggests in chapter four, resentment over the Belalcázar lawsuit was a major factor. In Owens’ interpretation, the Comunero Revolt was not a radical attempt to overthrow the system, but rather an “essentially conservative” and traditional reaction to the king’s failure to uphold the laws (112). In any case, the revolt forced Charles to pay attention to Castilian needs,
including reform of the judicial system, which had become increasingly corrupt. It is in this context that, starting in 1523, Toledo finally got its trial.

In chapters five and six we finally get to the heart of the book, a detailed analysis of the Belalcázar lawsuit, and of the judicial proceedings that surrounded it. Based on exhaustive research in municipal and state archives, these chapters provide an intimate glimpse of how the theory and practice of law really worked (or not) in early modern Spain. Given the complexities of the case, and the number of people involved, I would have liked a more straightforward narrative, and perhaps a timeline or chronology, but the basic story is clear: the original grant of land was illegal. The Duke's lawyers tried to obfuscate matters and delay the hearing (for example, by deposing witnesses who happen to be in America at the time), but they could never deny this basic fact. Nonetheless the tribunal did not find for Toledo until 1536, and the Duke's appeal was not denied until 1555. The length of the trial is an indication of its importance: the tribunal knew it was being watched, and that its verdict would be taken as a judgment on the power of the king. According to Owens, the tribunal's decision was a victory for the municipal patricians' view of royal authority.

Or it would have been, if Philip II had not ruined it. Charles V had been careful to stay neutral and prevent the nobility from influencing the royal tribunals; his son rejected that trend in favor of "authoritarian" rule. He transferred jurisdiction over the Belalcázar case to the Council of Castile, a body dominated by grandees; in 1568 the Council reversed the tribunal's verdict. Owens speculates that the king himself may have had a hand in this decision, although he admits he has no hard evidence. The author clearly dislikes Philip and feels that justice was not done. In his final chapter, Owens also suggests that Philip (and his seventeenth-century descendants) made a serious mistake by ruling in such an arbitrary manner. The paradox of "absolute royal authority" is that the exercise of such power causes resentment and resistance, but the Spanish monarchs did not recognize this fact. As Owens concludes, "No ruler among the last Habsburgs understood how to be a truly respected and widely supported monarch," which explains the crisis of the Spanish Monarchy in the seventeenth century (233). I believe Owens overstates his case here. Nonetheless he has provided a valuable counterargument against the idea of the uninterrupted rise of absolutism in Spain, and this book is sure to spark much further discussion.