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Catalan-Aragones Acculturation

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Summary
Acculturation has been the empirical foundation of the anthropological history of humanity, and has unified the history of languages, societies, and cultures. Acculturation referred to all cultural events resulting from the acquisition, modification, or reinterpretation of a culture, particularly the reception and assimilation of cultural elements specific to one social group by another. The term acculturation became widely accepted among American anthropologists in the late 19th century to refer to the changes that occurred when social groups with different cultural traditions merged. In the kingdoms of Aragon, Valencia and Majorca, and in the principality of Catalonia, the transition from their high medieval law to that which characterized the late Middle Ages and the Modern Age occurred without difficulty, in some because, as they were newly conquered kingdoms, there were no major obstacles to establishing a specific legal system, and in others because, due to various factors, a new order was achieved (not by replacing the old one as in Castile), but through the gradual evolution of their traditional law, resulting from its adaptation to the trends of new times aimed at achieving the legal unification of the kingdoms and the incorporation into their respective systems, to a greater or lesser extent, de jure or de facto, of European common law. The incorporation of Jaime I into the repopulation enterprise after the conquest of Majorca came to put an end to this policy, starting with the recovery of the city of Valencia, and the grating as a general law of the kingdom of a new code (the Furs), in which Justinian law was given ample room.

Keywords: *Acculturation, Historical sociolinguistics, Liber Iudiciorum, Usatges, Fuero de Jaca, Fueros de Aragon, Furs.*

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I. Introduction

The entry of anthropology into medieval history was one of the most significant historiographical developments in the last third of the last century. Indeed (since 1970), there was an enrichment of perspectives and a deepening of knowledge about the configuration of society, and especially its behavior in relation to the occupied territory. In particular, J.A. García de Cortázar (1985) proposed starting from the conception of society and space as elements of a system, whose evolution occurred through the complexity of its social organization. He established the close connection between the formulas of economic reproduction and the structures of domination and social cohesion, as well as the system of values.

1.1. The introduction of anthropology (and medieval history) into the history of language came later and could be dated to the end of the last century. F. Gimeno (1988, 1990: 138-44) showed that sociolinguistics was born from an anthropological commitment that ultimately considered linguistics as a chapter of social and cultural anthropology (and the psychology of knowledge). General sociolinguistics, as an extension and revision of institutional disciplines (linguistics, sociology, and anthropology), integrated a *sociology of language* and a *strict sociolinguistics*, as well as the *ethnography of communication* (see C. A. Ferguson, 1959; J. A. Fishman, 1971; D. Hymes, 1971, 1974; F. Gimeno, 2019: 182-96).

Studies on language contact and culture contact in Europe did not enjoy widespread coordination, although the precursors were European (W. Leopold, E. Haugen and U. Weinreich). U. Weinreich (1953: 37-40) commented that for some anthropologist language contact was nothing more than an aspect of culture contact, and language transfer was a facet of social diffusion and acculturation. However, despite the increase in anthropological interest in problems of contact, particularly in the United States of America after the First World War, studies on language contact and culture contact did not enjoy widespread coordination, nor was the relationship between the two fields of study properly defined.

The most interesting problem in language transfer was the interaction of social and cultural factors that promoted or impeded such transfer. Anthropologists investigating acculturation were forced to include linguistic evidence as indications of the overall process of acculturation, while linguists needed the help of anthropology to describe and analyze those factors that governed language transfer and were truly within the realm of culture.

II. Acculturation

Within the broad sociocultural framework of languages in contact, U. Weinreich (1953: 236-43) described language substitution as the displacement of the habitual use of one language by that of another. Language substitution, which involved changes in the social and cultural functions of a language, had to be distinguished from language change, which considered the process of transformation in the structure of the language over time, space, society and situation (see F. Gimeno and M. V. Gimeno, 2003: 24-64, 101-35).

Acculturation has been the empirical foundation of the anthropological history of humanity, and has unified the history of languages, societies, and cultures. The hypothesis of human history as a succession of acculturations was more appropriate to linguistic, social, and cultural facts and to the continuity of history itself. There was no linguistic change without languages in contact, and both the history of linguistic change and linguistic substitution were part of acculturation, based on social and cultural diffusion. It was not, therefore, merely a linguistic issue, but also a social and cultural one. The primary principle of the history of linguistic change and linguistic substitution was the acculturation of social groups, with social and cultural interbreeding.

2.1. Our working hypothesis has been that within the anthropological history of the Spanish language there was a linguistic and cultural continuity, based on the successive and diverse historical acculturations (Indo-European, Basque-Iberian, Pheno-Punic- Greek, Roman, Christian, Germanic, Visigothic, Byzantine, Islamic, Catalan-Aragones, Castilian and Anglo-Saxon), with the linguistic and cultural transfers that implied the social and cultural mixing of these groups, and the adaptation to a new sociocultural context (see, F. Gimeno, 1995, 2025a, 2025b, 2025c).

During the second half of the last century, major contributions to historical linguistics accumulated, which were far from being recognized by historians of languages. These contributions have represented significant achievements and technical applications in the face of decontextualized purposes and previously inexplicable events. The only viable solution was the intrinsic relationship between language, society, and culture. Acculturation has been the empirical foundation of the anthropological history of humanity, and has unified the history of languages, societies and cultures (see F. Gimeno, 2019, 2024b).

The association between structure and homogeneity was a false assumption, since linguistic structure included the orderly differentiation of social groups and registers, through rules governing variation within the speech community. Moreover, a “structured heterogeneity” of language was proposed, and maternal dominance implied the control of such heterogeneous structures (see U. Weinreich, W. Labov and M. I. Herzog, 1968: 187-8; F. Gimeno, 1990: 79-87).

Variation and change were distinct dimensions of linguistic evolution, and ongoing variation and linguistic change should never be confused. If all change implied ongoing variation, not all variation implied change. Indeed, linguistic change based on the discontinuous interaction of parents and children simplified the issue to a generational variation, but the parents' grammar was the first component of the child's early grammar, ensuring acculturation and continuity of family transmission.

2.2. Acculturation referred to all cultural events resulting from the acquisition, modification, or reinterpretation of a culture, particularly the reception and assimilation of cultural elements specific to one social group by another, with adaptation to a new sociocultural context. The term *acculturation* became widely accepted among American anthropologists in the late 19th century to refer to the changes that occurred when social groups with different cultural traditions came together, and there was no distinction between whether it should be applied to the results or the processes of cultural change.

Acculturation thus encompassed those events resulting from direct and continuous contact between social groups with different cultures, with the corresponding changes and reinterpretations in the original culture of one or both groups. The terms "acceptance," "adaptation," and "reaction" referred to the assimilation of cultural elements and their reinterpretation within new groups, as well as the rejection of these elements. Gradually, the term *transculturation* has become a minority term compared to the more common acculturation. While the latter had been used to refer to the change of only one or both poles of contact, in the case of transculturation it has generally been used in relation to a single society or group (see F. Gimeno, 2024c).

Anthropological research into the history of language proposed the deduction of linguistic variables and the social and cultural factors of the past, and empirically verified them in the present. Historical sociolinguistics faced the need to materialize the most plausible working hypotheses on the historical, sociological, and cultural reconstruction of the processes of oral formation and written standardization of Romance languages, based on empirical principles for a grammatical theory of linguistic change. In accordance with these foundations, it has gone beyond the descriptive contributions of historical pragmatics, based on the functionalist analysis of stable discursive traditions of written texts (see B. Frank and J. Hartmann, 1997; D. Jacob and J. Kabatek, 2001; F. Gimeno, 1988, 1995).

The autonomous version of linguistic change advocated by the Neogrammarians was unacceptable in our time, and the phonological rules of historical-comparative linguistics were simplifications of linguistic change. This was especially true when we considered the geographical and social differentiation of language, within its own "structured heterogeneity," and variability as part of the communicative competence of the various generational and social groups that coexisted within the speech community. Only in this way was it possible for the social history of language to become a true reality, with the necessary complementarity between homogeneity and heterogeneity. Moreover, both linguistic change and the ongoing change were neither mechanical nor merely phonologically determined.

2.3. Innovations were ongoing linguistic variations and changes that could only be fully and completely understood and explained in relation to social and cultural factors, and not in linguistic characteristics for their social and cultural justification. Languages were excellent instruments of expression and communication of the cognitive development of social groups within a speech community. Linguistic change was never a problem, nor even a complex matter of oral or written traditions, but a process in which the successive generational replacement of different social groups and diverse cultures was directly involved. The analysis and delimitation of the complex relationships between linguistic variables and social and cultural factors, as well as the historical, sociological, cultural, and legal determinants of the various Romance-speaking communities, was fundamental (see B. Malmberg, 1966: 207-22; F. Gimeno, 1995: 39-53, 2019: 343-51).

Faced with a partial diachrony of the various linguistic levels (and even, descriptively, of all of them) of the Romance languages, we should nowadays assume an anthropological history of the communicative competences of successive generations and social groups, within the various Romance-speaking communities (see H. López Morales, 1989, 2006; F. Gimeno, 1995: 27-39). The qualitative and autonomous descriptions of linguistic change in the Latin compilation of the early medieval Riojan glossaries prevented us from seeing and understanding the social multilingualism of hybrid manuscripts (as well as the implicit normalization of the Romance languages), through regulating the multiple linguistic variables and factors (social and cultural), as well as the superficial variants of the texts.

In this sense, synchronic monolingual description techniques were insufficient and inadequate in themselves for the analysis of linguistic variation in these manuscripts, and the study of the sociological, cultural and legal changes that determined the written standardization of the romances. Only in this way have we revised the hypotheses of historical dialectology and diachronic functionalism that prevailed throughout the last century, and we offer new research on the anthropological history of the formation of Hispanic Romance languages.

III. Catalan-Aragones Acculturation

Firstly, it is necessary to highlight the survival of the Visigothic system in force in those territories where, due to various circumstances, its inhabitants were able to maintain the Visigothic tradition through the application of the *Liber Iudiciorum*, although in each of them it occurred in different forms and at different times.

3.1. As regards the area of law in Catalonia, A. M. Barrero (1993: 248-51) has stated that for the *Hispani* established in Septimania and Catalonia, the transition from Muslim domination to their dependence on the Carolingian Empire did not entail a transcendental change, since by virtue of respect for the principle of personality of the laws, the Franks did not offer any obstacle to the application of the *Liber*, although only in the private sphere, since (in the same way as the Muslims) they imposed their own political organization through *capitularia* dictated by the kings (Charlemagne, Louis the Pious and Charles the Bald) that contained norms relative to their personal condition and their properties, their military obligations and criminal law.

Later, once independence was achieved, the Catalan counts, busy with resettlement, granted charters of population and franchises of local scope. In terms of special law, these were applied to matters they regulated, taking precedence over the "Gothic laws," whose subsidiary validity was expressly recognized. The frequent references to the *Liber* in documents implementing the law until the beginning of the 11th century were conclusive proof of the *Liber* 's continued status as the general law of the territory. However, from then on, the situation created by society itself and the progress of the repopulation process would reveal the increasing inadequacy of the old Code and force the search for new solutions.

Given the lack or scant existence of legal regulation, custom gained importance in the initial moments of the formation and development of the Christian kingdoms, and how (with the passage of time) it came to be formulated in specific norms to serve as inspiration for the actions of judges, in such a way that in certain territories and at different times it could be noted the coexistence with others, and even the supremacy over them, of a legal system that could be classified as *judicial creation,* which has come down to us recorded to a greater or lesser extent in a series of texts from the various territories where the system was most deeply rooted.

These texts, despite their differences in content and assessment, circumstances of formation, etc., presented some common features that had to be attributed to the nature of the law contained in them, such as their

compilation nature, their formation in judicial environments by anonymous authors, the (generally) poor technical training of these, in contrast with the perfect knowledge of the law they contain, the relatively late date of their elaboration and, finally, their territorial scope of validity, without prejudice to the strictly local origin of some of their rules.

3.2. In Catalonia, the first compilation of this nature in time, in terms of its technical perfection and its importance for the development of Catalan law, was the one known as *Usatici Barchinonenses* or *Usatges* of Barcelona, born (as indicated in its initial chapters that attribute it to Count Ramon Berenguer I) both to supply the inadequacies of the *Liber* and to update its rules, in accordance with the social and economic evolution experienced by the Catalan counties as a result of their intense process of feudalization.

A text of enormous complexity in the form that has been preserved due to its successive reworkings over time, it seems (judging by the most recent research) that its first draft must have been dated to the second half of the 12th century in the Curia of Barcelona, where an anonymous jurist was responsible for collecting the sentences issued by his judges, generating a practice or *usualia*, together with some general constitutions. Because it was produced privately, it would take a long time before it received royal sanction, which was not an obstacle to it enjoying full authority and prestige from the outset and its scope of application, initially limited to the territories dependent on the Count of Barcelona, was progressively extended to other counties and cities in Catalonia and other kingdoms of the Crown.

From the middle of the 12th century, in the region of Alto Aragon, Navarra and Zaragoza, activity of this type could be detected, although here it was not to cover the inadequacies of the *Liber*, but rather the scarce existing formulated law, a few late general provisions and some local privileges and municipal charters of a brief type. However, the action of the Aragones practitioners (or in some cases perhaps a cleric expert in law) presented greater multiplicity and dispersion: thus, among the preserved texts, several drafts could be distinguished, whose similarities between them revealed the use of more than one common model that undoubtedly collected a territorial law, the *For ancient Aragon*.

Regarding the origin of the drafts, although Jaca has traditionally been considered the basic center, the few local references the texts contained indicated Huesca and Zaragoza as centers of this activity, and the identification of one of these drafts with the municipal charter of that city was late. After 1247, because of the promulgation of the *Fueros de Aragon* (also known as the *Código de Huesca*) as general law of the Kingdom, this work (already limited to the mere copying and reworking of the old drafts) was reduced to the Navarrese sphere.

3.3. Finally, a third system should be highlighted: that of the *fueros y costums municipales*. Compared to the previous ones, according to A. M. Barrero (1993: 252), it was presented as the most characteristic of the period. In principle and in general, due to its uniqueness with respect to the sources of any other historical period and its interest because in its formation (at least the most developed ones) the confluence of each and every one of the different modes of production of law could be detected (see A. M. Barrero and M L. Alonso, 1989; F. Gimeno, 1995: 107-20).

Within the medieval context, because it occurred, although to very different degrees, in all kingdoms and because of its influence, due to its close relationship with the repopulation process, in the formation and political development of the same and, also, in another order of things, because the number and variety of preserved texts contributed in an important way to obtaining a better knowledge not only of law, but also of multiple aspects of the political, social and economic organization of that time.

Although political factors had a much smaller impact on the formation of early medieval legal sources than those derived from the natural characteristics of the territory, the manner in which it was repopulated, the origin and status of the settlers, and the time and manner in which the regulations comprising it were formulated. The fact that this specific type (the *fueros* and *costums*) occurred in different forms and degrees of development in all Christian kingdoms allows us to opt for this criterion when offering a brief overview such as the one attempted here.

IV. Fountain System in the Territories of The Crown of Aragon

In the kingdoms of Aragon, Valencia and Majorca, and in the principality of Catalonia, the transition from their high medieval law to that which characterized the late Middle Ages and the Modern Age occurred without difficulty, in some because, as they were newly conquered kingdoms, there were no major obstacles to the establishment of a specific legal system, in others because, due to various factors, a new order was achieved not by replacing the old one as in Castile, but through the gradual evolution of their traditional law, resulting from its adaptation to the trends of new times aimed at achieving the legal unification of the kingdoms and the incorporation into their respective systems, to a greater or lesser extent (*de jure o de facto)*, of *European Common Law*.

However, beyond these common tendencies and some circumstantial aspects derived from their dependence on the same person as the holder of power, because these are territories with different political and legal constitutions, the rights and systems of sources of each of them will follow their own peculiar development and their own rhythms of evolution.

4.1. In Aragon, according to A. M. Barrero (1993: 255-9), manifestations of local law could be found in its various stages of development. The earliest surviving texts, of a brief nature, were dated to the late 11th and early 12th century, when the southern advance began. They were granted by King Sancho Ramírez and King Pedro I. Designed to encourage population settlement, they exhibited privileged charters and were also of particular interest, highlighting the two distinct systems the Aragonese kings initially employed to address repopulation: one, that used in Jaca, based on equal charters; the other, that of Barbastro, involved the (more or less general) application of privileged class law: that of the infanzones.

Jaca's (1077) first charter, as well as the subsequent royal privileges it was granted, favored the city's development, so it was soon considered particularly suitable for the establishment of urban centers with intense commercial activity and, consequently, attractive to people from outside the region. Various 14th-century accounts concurred in presenting Jaca as the center of its own legal system, which spread widely beyond its immediate territory and even extended far beyond the kingdom's borders.

Indeed, there was greater evidence of Jaca's spread in Navarre than in Aragon, where circumstances were different, so it was only granted to a few nearby locations. This expansion of the Jacatian law was due, judging by the preserved documents, to the royal initiative, and appeared closely linked (especially in Navarre) to the repopulation process generated around the Jacobean route (see M. Molho (ed.) (1964), (reed.) (2003), vol. I.; A. M. Barrero, (2003), II: 111-60; F. Gimeno, 1995: 103-115, 153-5).

Of greater importance for the subsequent development of Aragonese law seems to have been the participation of the Pyrenean nobility in the reconquest, whose privileges were imposed in those cities, such as Barbastro, which were entrusted to them for repopulation, and which also became a local law that acquired wide diffusion, through the charter of Tudela in Navarre, and as the charter of Zaragoza not only in Aragonese lands, but also in the Catalan Litera and in the north of the new kingdom of Valencia.

Once the Ebro was reached, Alfonso I's first actions in the lands of Extremadura reflected a continuation of the strategy followed until then, but the support of the Aragones nobility, due to their limited number and their privileged status with respect to their military obligations to the king, must have quickly proved inadequate for the occupation of the vast and barren lands of the border.

Documentation revealed that the Battler found a solution in the law of the Castilian councils (Medinaceli, Soria), whose charters were granted or served as inspiration for those of several communities on the Navarrese-Aragones front (Carcastillo, Cáseda, Daroca, Calatayud). This took root in the region to the point that, when sometime later circumstances allowed Alfonso II to continue his advance in the southwestern corner of the kingdom with the collaboration of the military Orders, the occupation was carried out through the express application of the charter of Daroca (in Teruel) or the granting of population charters.

The maintenance of these well-defined methods of action throughout the entire repopulation process was the cause of the limited diversity of Aragones local law, as well as the significant development of territorial law, which also found application at the local level in the regulation of numerous cases not covered by the short charters.

4.2. In the new kingdoms of Majorca and Valencia, the advanced age of the period and the manner in their conquest and repopulation were carried out prevented the development of a specific local law. In the Balearic Islands, repopulated by Catalans from the Empordà region who assisted in their conquest, the king himself granted charters of population to the city and island of Majorca. And by his lord (the archbishop of Tarragona) to Ibiza and Formentera, the regime established in the Lérida and Tortosa laws was applied, without specifying the application of any other law, except for the *Usatges* in cases of insults and injuries.

Later, the rule of Majorca would extend to Ciudadela, Mahón, and the island of Menorca. Meanwhile, with the conquest of Valencia undertaken by the Aragones and Catalans, the occupation and settlement of each place was also carried out through the granting of the original charters to the settlers in the corresponding town charters: that is, the charter of Zaragoza in the Maestrazgo region, the *Costums* of Lérida in the northeastern region of Castellón, and, exceptionally in Morella, the Castilian of Extremadura, identified with the charter of Sepúlveda.

The incorporation of Jaime I into the enterprise after the conquest of Majorca put an end to this policy, and repopulation was undertaken, beginning with the recovery of the city of Valencia, and the grating of a new code (the *Furs*) as the general law of the kingdom, in which Justinian's law was given ample space. Nothing here stood in the way of the early acceptance of European currents, which in other Christian kingdoms were to encounter the difficult obstacle of a rich legal tradition deeply rooted in the half-millennium of their existence.

4.3. The decision of Jaime I, according to A. M. Barrero (1993: 274-84), to put an end to the legal uncertainty of the Aragones kingdom caused by the existence of the various drafts that had been formed on private initiative since the middle of the 12th century, and were presented as compilations of the law of the kingdom, culminated in the promulgation of a general character, in the Cortes of Huesca in 1247, of an official draft of the *Fueros de Aragon*.

As in those that it recast, the content of this code strictly adhered to the traditional Aragones legal system, in the different areas (private, criminal and procedural), without admitting recourse to any source other than "natural sense and equity" and without any external influence being detected in it, except for that of Roman law in the merely formal aspect of its organization in accordance with that of Justinian's code, despite probably being the work of the distinguished jurist trained in Bologna, Vidal de Canellas .

In the act of promulgation, recorded in the work's prologue, the king emphasized the general scope of its validity, insisting on the mandatory application of its provisions by the judicial authorities. However, this declaration did not affect the survival of municipal rights, whose preferential application in the matters they covered was guaranteed by their status as special law. This explained why Extremadura, which was governed by its complete and sufficient legal system (the Teruel charter), was not incorporated into the general legal system until 1598, due to the voluntary renunciation of its inhabitants' individual rights.

4.4. Once traditional law was consolidated in a definitive and official version, the Aragones legal system henceforth found its path of development in the formulation of new norms of diverse origins: first, the charters and acts of the Cortes resulting from their legislative action, the former of a solemn and fundamental nature, the latter of a regulatory purpose. Given the deep-rooted conceptions of pacts in Aragones territories, royal decrees were only admitted insofar as they were directed toward the development of the charters and could not in any way prevail over them.

Along with the law, the interpretation of the laws by jurists in the light of custom, judicial decisions, natural reason and equity, gave rise to the formulation of other types of rules, called *Observancias* because they collected the law of practice, of which several collections were formed from the middle of the 13th century, widely surpassed by Jaime de Hospital, author of the *Observantiae regni Aragonum*, in which he achieved a perfect construction of the Aragones legal system.

However, not long after, in 1437, this means of renewal was interrupted when it was collected and consolidated in an official compilation of the uses, observances and Court Acts made by Martín Díez de Aux under the title *Observantiae consuetudinisque regni Aragonie*. At the end of the Middle Ages, the Aragones legal system was established in writing in its two fundamental sources: the charters and the observances.

From a technical point of view, the overall compilation work fell far short of the perfection that might be expected from the level attained by Aragones legal science. The two compilations compiled the *Código de Huesca*, the charters of subsequent Cortes up to the time of its printing (or of subsequent editions), and the *Observancias* of Díez de Aux. However, while the first, printed perhaps in 1476, did so chronologically, the official compilation of 1552 opted for a systematic order, inserting the charters into the corresponding headings of the *Código de Huesca*, according to their content or into others that were now being added. It also offered the novelty of incorporating, after the observances, a third part in which the repealed or obsolete charters were reproduced chronologically.

4.5. Nor did the Catalan legal system, as it entered the late medieval and modern periods, experience any abrupt changes in the direction of its evolution, although this took place in a very different way to that seen in the Kingdom of Aragon. With public power largely uninhibited from the task of creating law by the decentralized structure of the Principality and entrusted to society, the evolution of its legal system offered its own pace and characteristics, which were reflected in the prolonged survival (until the beginning of the 15th century) of the early medieval tradition, reflected in the broad development of local laws and their belated replacement by a uniform system of law achieved not so much by the extension of general law, limited in scope and therefore insufficient, but by the integration into the system, through both local and general law sources, of common law, which would eventually be recognized as the supplementary legal system for the entire Principality.

However, in Catalonia, local law was characterized by its late appearance and lesser development. Until the mid-12th century, when its territorial scope was reduced to "Old Catalonia" and with the general regulations of the *Liber Iudiciorum*, the needs arising from the repopulation process could be satisfied with the granting of brief population charters and franchises focused on the regulation of land ownership and, at most, some aspects of the organization of community life.

It was true that already in the 13th century the increasingly sensitive aging of the Visigothic code led to the growing abandonment of its application, as well as the inadequacy of the general law constituted at that time almost exclusively by the *Usatges*. But it was not until it reached the definitive line of the Ebro, when the existing legal vacuum became fully evident, and an environment favorable to the development in these lands (the "new

Catalonia") of a local law of an urban nature, which was to emerge *ex novo*, both due to the impossibility, given the diverse origins of the new settlers, of imposing the law of a group, and because of the lack of urban tradition of the Catalan counties.

This local law, which, according to the sources themselves, consisted of the privileges of the princes, written (and unwritten) customs, and the statutes and ordinances of the local authorities, was recorded in writing in various editions drawn up in the 13th and 14th centuries, and, exceptionally (as was the case in Girona), in the 15th. Its highest expression was reached in the *Llibre de los Costums de Tortosa* (1277-79), as the result of a long and difficult process of gestation provoked by the confrontation between the university and the Templar lordship. Furthermore, it was based both in its organization and in its content on Justinian law, and offered a similarity, undoubtedly due to the use of the same sources, with the *Furs* of Valencia.

The settlement of new inhabitants in the main cities recovered from the Muslims (Tortosa and Lérida) was carried out by granting population charters, the content of which (agreed with their inhabitants) established the fundamental rules for the administration of justice in the neighborhood domain, in addition to guaranteeing free possession of the city and its boundaries and the enjoyment of a series of privileges.

4.6. However, with the exception of the Tortosa Code, none of these drafts constituted a complete legal system in themselves and, while expressly recognizing this, they instead referred to the application of other sources, which differed in each case depending on the political situation of the territory or the degree of development of general law at the time of their drafting, but all coinciding in their recourse to Roman Canon law, which thus appeared to become an integrating element for overcoming Catalan legal localism.

The unification of local law was also achieved through the dissemination of the statutes of certain cities; thus, the customs of Tárrega, Balaguer, Horta, and Miravet were inspired by or directly used the law of Tortosa. Before and after the final drafting of the customs, they spread to the surrounding area: those of Perpignan were applied in Collioure, and those of Aran in the Espot Valley.

And the same occurred with the specific law of the city of Barcelona, clearly differentiated from the *Usatges*, which at the end of the 13th century gave rise to the formation of two compilations of the city's law, the *Recognoverunt Proceres*, approved by Pedro III in the Cortes of Barcelona in 1284 and the *Ordinacions* on urban easements, whose origin was attributed to a King Jaime (probably the second) known by the name of its author (Sanctacilia).

Both texts, especially the *Ordinacions*, became valid by express concession in numerous localities throughout the Principality, while, independently, many others came to enjoy Barcelona law in the public domain, and sometimes also in the private domain, through the formulas of *carreratge* and *veinatge*, that is, their conversion into streets of the capital (regardless of their proximity) and their inhabitants into neighbors.

A few years later, at the same time that this statute was being adopted by other cities in the county of Urgell (Agramunt, Balaguer), the Order of the Temple was busy repopulating the Miravet region, by granting the charter of Zaragoza. These first charters, along with other royal privileges that followed, served as a channel for the normal development of communal life in these cities, whose development soon required the formulation of new regulations, the result of the statutory capacity of their authorities and the practice of their judicial and governing bodies, which at a certain point became necessary to compile.

Thus, from the second third of the 13th century, a series of drafts of *usos* and *costums* emerged in these cities (Lérida, Tárrega, Horta, Miravet, Balaguer), formed at the request or under the auspices of the universities by jurists, sometimes anonymous, others such as Guillermo Botet in Lérida or Tomás Mieres in Gerona, already of accredited fame in their time. As well as in other cities of old Catalonia and the French South (Perelada, Perpignan, Collioure, Gerona) and in some valleys of the Pyrenees (Aran, Aneu and Espot).

These were, in general, not very extensive texts that left out important domains of public relations, referring to other legal systems, such as the "Gothic laws," the *Usatges* of Barcelona, and the "Roman laws." Given the limited application that the texts themselves recognized to the first two legal systems mentioned, it was evident that by the second half of the 13th century, European customary law had already effectively taken root in the municipal domain. This was fully confirmed when, as in Tortosa, it was incorporated as a separate law in the final draft of its *Costums*.

4.7. At the beginning of the year 1250, a new era began to dawn on the horizon for the Christian kingdoms, as the moment of their maximum territorial expansion coincided with a climate of internal peace conducive to the consolidation of their political organization, their economic development and their cultural rebirth under the auspices of the recently created Universities, whose work in the field of Law was to be of capital importance as vehicles for the dissemination of a new legal system which, having arisen in Italy following the discovery of the legislative work of the Emperor Justinian, soon took root throughout Western Europe, becoming integrated to a greater or lesser extent into the legal systems of the future States of this part of the continent.

The concepts advocated by this European Common Law concerning the political constitution of kingdoms and the identification within the corresponding territorial scope of the imperial figure with that of the "prince" determined a change of attitude in the sovereigns in relation to the exercise of power, manifest in the legal order in the fact of taking upon themselves, based on the duty to maintain justice among the peoples, the task of creating law, counting for this purpose on the effective help of new generations of university-trained jurists, imbued with these doctrines and provided with a high scientific and technical preparation.

The consequences of this on the source systems in force in the Hispanic kingdoms were immediate and noticeable. Regarding the methods of producing norms, the law regained the predominant role it had held in the Visigothic period, with the displacement of custom and judicial decision, while legal science took on special importance, coming to fill to some extent, through the work of jurists, the numerous gaps in the legal systems.

These, in an attempt to be comprehensive and encompass all branches of law (only by its peculiar nature would commercial law be subject to independent regulation), necessarily had to refer, as subsidiaries, to other sources, whether traditional sources of the kingdoms, or other external sources such as the "Laws" (civil and canon), or to norms arising from the power of interpretation of law, which in some kingdoms was reserved for the king and in others was also entrusted to the wisdom and understanding of the judges.

On the other hand, since the scope of the laws was general and the legislative activity of the kings was intense, both in the courts and by themselves by virtue of their own authority, a clear tendency could be seen in all the kingdoms to achieve their legal unification to the detriment of local and territorial rights, which (by not being renewed) were falling into disuse until they were reduced to the condition of "singular" law for the regulation of some institutions and specific aspects that managed to endure.

The configuration of the new system in each kingdom presented its own peculiarities, as well as the pace and methods of its implementation were different, but, in any case, once this was achieved, its consolidation and development occurred without essential alterations until the end of the Ancient Régime, except in Valencia and, partially, in other kingdoms of the Aragones Crown due to the effects of the Nueva Planta Decrees.

4.8. Nor was there any break with the previous period in the domain of general law, since the *Usatges* remained the fundamental source of the same until the collapse of the system in the 18th century. However, these (unlike the codes of general law of other kingdoms of the Crown), as they were not officially promulgated, were conceived as a living text susceptible to continuous adaptation by jurists and updating through subsequent royal provisions, which gave rise to the formation of different versions.

Along with the *Usatges*, general law included the legislation promulgated, with increasing intensity during the late medieval period, by the king in the Cortes (*Constitucions* and *Capitols de Cort*) or by royal initiative, but with the approval of these (*acts of Cort*), while, given the dominant pactist conception, expressly recognized and accepted by Pedro III in the Cortes of Barcelona in 1283, it has been understood to infer that the royal pragmatics lacked authority in the event of contradiction with the laws of the Principality, which (in the opinion of some authors) finds justification in the political conditions of the time, but in no way in the existence of any legal impediment to the exercise of the *summa potestas* by the prince.

While in the compilations of Catalan local law there was no hesitation to recognize the need to resort to other legal systems (including common law) in the face of the inadequacy of one's own, this was not the case in the field of general law. Quite the contrary, from official sources, in open contradiction with the de facto situation, its application would be vetoed by two provisions of Jaime I, with the prohibition of lawyers invoking Roman laws in court (1243) and years later, in 1252, with respect to the judicial action of legal experts, except in their own cases, and of invoking Gothic, Roman and canon law in secular lawsuits, having to proceed in the absence of an applicable rule according to the natural sense, which (as in Aragon) would in practice be identified, as just and equitable, with Roman laws.

This divergence between legislation and practice was not overcome until 1409, when for the first time the Cortes of Barcelona recognized as subsidiary sources of local rights, the *Usatges* and the constitutions and chapters of the Court, the *Dret comú, equitat e bona rahó*, a provision that in the Modern Age would be altered by the conditioning of the appeal to equity and its adaptation to "the rules of common law and those that referred to the authors on matters of equity".

The recognition of common law as supplementary to the Catalan system was not the only cause of its intense Romanization; rather, it occurred fundamentally through the practical adoption of Roman norms as customs and the interpretation of Catalan sources in light of European legal science by those responsible for their application.

4.9. The compilation movement appeared early in the Principality, probably not so much because of the difficulties that arose in understanding legislation that was not too abundant, but because of the usefulness of having a work of this nature as a vehicle for disseminating general law at the time of its implementation as a supplement to local law.

There were two (or three, depending on the authors) compilations carried out by commissions appointed for this purpose to comply with the agreements of the Cortes (of Barcelona in 1412-1413 and of Monzón in 1553 and 1585), in which their formation was decided. The first, prepared immediately in accordance with the criteria established by the Cortes (the translation of the *Usatges* and constitutions in Catalan and their arrangement in rubrics) was not published, with the experimentation and corresponding updating and incorporation of the texts of feudal law (*Costums de Catalunya* and *Commemoracions de Pere Albert*), until 1495.

Not so the second one, which after its approval by Felipe II was published in 1589 under the title of *Constitutions i altres drets de Catalunya*. Both were characterized by their distribution in independent volumes: one containing the *Usages* and *Constitutions* and Court chapters, and the other containing the royal provisions and their systematic organization, each of them according to its own ordering criteria. The 1589 compilation added a third volume, which (as in the Aragones compilations) included all superfluous, contradictory, or later norms, which were thus formally repealed.

V. The Rights of Mallorca and Valencia

The incorporation of Majorca into the Crown of Aragon as an independent kingdom determined the creation of its own law, distinct from that of Aragon and Catalonia, although vicarious to the latter as it was the original law of the majority of the population, who, moreover, were not obliged to rely on a pre-existing legal tradition on the islands. And yet, this clear affiliation, manifest (in the opinion of island historian R. Piña) in the value attributed to custom as the basis of the normative system, the respect for the pact-based conception of law, and the full acceptance of common law, by remaining outside the general law of the Principality (except for a specific period or by way of privilege), achieved a peculiar development through the creation of its own system of sources, based on the charter of franchises granted by Jaime I to the city and island of Majorca, adopted years later in the Pitiusas, and finally extended to Menorca after its conquest.

5.1. Majorcan law was established through legal provisions which, in the absence of its own Cortes, always emanated from the king, or by delegation of his lieutenant, sometimes in response to his personal initiative, other times to the request of the kingdom expressed through the Grand and General Consell. Destined mostly to regulate public life, these provisions took the form of charters of liberty and franchise, and from the 14th century onwards, pragmatic charters appeared. Alongside royal legislation, the provisions of government and ordinances on a wide variety of matters were of particular importance and intensity, whether issued by the viceroy or arising from the statutory capacity recognized for the juries, although these were subject to approval by royal authority.

Customs also always occupied a central place in the Majorcan legal system, encountering no obstacle to its validity other than the possibility of its contradiction with the privileges, exemptions, and pragmatics. However, its role was essential until 1299, since (since the 1230 charter did not provide for the subsidiary application of another legal system, and the *Usatges* were limited to cases of insults and injuries), it proved to be the only expressly recognized source that filled the gaps in clearly inadequate legislation.

Possibly, the origin of these "good customs" was found in the customs of its first settlers, mostly from the Empordà region, which would develop and renew through their adaptation to the new environment, as well as being completed with those born from the action of the institutions, whose customs came to be collected in the 14th century in a collection under the title *Stili sive ritus curiarum*. The Majorcan legal system is completed by common law, legally recognized as a subsidiary source of customs and privileges in 1299, although it seemed likely that some of its rules had been incorporated previously as customs.

The Majorcan legal system, established by Jaime II in accordance with this order of precedence, was altered in 1365 by the effect of the policy of expansion of general law of the Principality of Pedro IV, which extended to the islands and established its application in the privilege of Guixol, in the absence of the kingdom itself, instead of the common one. This situation lasted until 1439, when the privilege of Gaeta granted by Alfonso V restored the previous order.

In any case, judging by the documentation of the time, this measure did not hinder in any way the development of indigenous law, nor did it diminish interest in its compilation, which had been addressed since the 14th century privately or by official request, and gave rise to the production of several compilations of diverse content such as the *Liber regum* or the *Libro de San Pere*, which were never published. It was, however, published in 1663, with the title *Ordinacions y sumari dels privilegis, consuetuts y bons usos del regne de Mallorca*, formed on a selective basis by the notary Antonio Moll.

5.2. Jaime I's decision to actively and personally participate in the recovery of the Levantine Moorish kingdom completely changed the course of the enterprise. Until then, the process had been carried out thanks to the efforts of the Aragones nobility and some Catalan border towns, following the early medieval method of repopulation and territorial organization through the granting of charters of town. Once Valencia was occupied by capitulation on September 28, 1238, and the definitive boundaries south of the Júcar River were reached within

a period of eight years, the king retained the territory under the direct rule of the Crown, without ceding it to those who participated in his conquest. He took charge of the repopulation, thus overcoming the obstacles that could have prevented him from fulfilling his objectives, such as those of Majorca, of providing the new kingdom with an independent political constitution and its own legal system.

This policy, along with the virtually complete absence of a Christian legal tradition in these lands, which had been strongly Islamized since ancient times, allowed the Conqueror to act with complete freedom when establishing his legal system. However, here, as in the islands, he did not limit himself to establishing its foundations on a series of privileges and franchises. He also provided the kingdom with a complete legal system by promulgating, in 1240, with the advice and in the presence of several bishops, nobles, and prominent men of the cities, a code that presented a "compilation of customs" that was to govern the city and kingdom of Valencia. The illustrious Vidal de Canellas may have participated in its development.

Its content and formal structure showed that it was not formed from a law with customary roots, but from the collection of rules of very diverse origin: fundamentally from the royal privileges granted until then to the city, which were reproduced literally from Justinian law, especially the *Código*, but also from the *Digesto* and the *Institutiones* and from some medieval sum such as *Lo Codi*, from canon law (from the *Decreto* and the *Decretales*) and to a lesser extent from other texts such as the *Consuetudines ilerdenses*, the *Liber* and the *Usatges*.

Conceived as the sole source of the kingdom's law, sufficient in itself, no other recourse was foreseen in its absence than natural reason and equity. Thus formed, the work was subject to successive revisions that slightly affected its content and changed its name (from *Consuetudines* to *Fori*, and in the Romance versions *Furs*, which was probably related to the promulgation of the *Fueros de Aragón*) until arriving in 1271 at a definitive version, approved and declared as such by the Cortes with the royal promise that it could not be modified except where clearly necessary.

5.3. Although the sovereign's intention regarding the Code's general scope in the prologue, he initially implemented it locally, with the express concession granted to each town at the time of its occupation. Therefore, it did not seem likely that its validity would extend to the Castellón region, previously repopulated by Aragones and Catalans in accordance with the laws of their place of origin.

What happened, however, in 1261, by virtue of the oath sworn to the city and kingdom of Valencia by Jaime I, at the request of the Cortes, to uphold the charters in such a way that, having initially been the product of a voluntary and unilateral act of the king, they now acquired the status of agreed law and were therefore irrevocable.

As in the other kingdoms of the Crown, the coexistence of a general law with its own in those towns that had received a different charter as a privilege (those of Zaragoza, Cervera, Lérida or Extremadura) as singular rights and therefore of preferential application in what they regulated, should not in principle present any difficulty.

However, these disputes arose not for legal reasons, but rather due to the demands of the nobility against Jaime I's decision to keep the kingdom under the Crown, thereby depriving them of the possibility of obtaining fiefdom under the Aragones charter. This conflict would force the Conqueror's successors to accept the application of the Aragones charters at the local level, whose validity extended in some towns well into the Modern Age.

5.4. Once the *Furs* were definitively established in the 1271 text and any ordering of the system was excluded, the system was henceforth developed through legislation always conditioned by their agreed-upon nature. They therefore constituted the norms issued by the Cortes, which enjoyed agreed-upon status, whether they were "Furs" or general laws agreed upon between the three branches and the king, or "Acts of the Court" if their approval was requested by only one or two of the branches. The legislative activity of the Cortes, intense in the late medieval centuries, gradually declined until it entered a clear decline in the mid-17th century.

Alongside the legislation of the Cortes, legislation was also developed that was dictated by the king on his own initiative and by virtue of his authority in the form of "privileges," and from the 14th century onward, also "pragmatics" aimed at the development of the *Furs* and compliance with their provisions. Both, if not agreed upon, could be repealed in the event of a contradiction with the *Furs*, if they were protested by the Cortes through the presentation of the corresponding *greuge* or grievance.

Faced with such limited regulatory resources, in practice, Valencian law was forced to find a broader path to development through the precept that allowed recourse to natural reason and equity in the absence of legislation. As in the other kingdoms of the Crown, these were identified with common law, and like them, there was no shortage of measures on the part of the sovereigns, both drastic and ineffective, expressly prohibiting or tending to avoid the (in their opinion) abusive application of Roman and canon law.

5.5. Of the various initiatives and projects for the compilation of Valencian law that took place between the 15th and 16th centuries, some official, others private, only three became a reality. All of them were drawn up according to the criterion of reproducing the texts in their entirety, two focused on the compilation of the *Furs* and the third on that of royal privileges. The first in time (1482), carried out by L. Palmart, based on a manuscript by G. Riucech, collected in its first part the *Furs* of Jaime I. In the second, it gathered in chronological order those approved by subsequent kings, ending with a brief treatise of a procedural nature, a sentence of the Conqueror and several royal pragmatics and provisions.

Many years later, in 1547, the one formed by J. Pastor was approved by royal privilege and published. Taking advantage of the work of the notary L. de Alanya, he compiled all the furs and Court acts promulgated up to 1542, in accordance with a peculiar systematic organisation consisting of the ordering of the *Furs* according to the rubrics of Jaime I. Following the provisions contained in each of them, and the reproduction of a second part as "extravagant furs", in chronological order, of those whose content did not agree with the rubrics of the latter. The compilation only of the royal privileges, not the pragmatics, compiled by L. de Alanya with the title *Aureum opus regalium* was published in 1515.

In the war waged for the succession to the Spanish throne, the cost of their support for the Austrian Archduke Charles was high for the vassals of the Crown of Aragon, and especially for the Valencians. Having decided on military action in his favor, Felipe V proceeded to promulgate a series of decrees that put an end to the political organization of each kingdom and, consequently, the development and application of its public law.

However, this was not the case for other domains of law, in which, as they were less compromising for the power of the monarchy and the stability of the enthroned dynasty, the sovereign was able to progressively demonstrate his greater liberality.

The abolition of indigenous institutions, and therefore of the Cortes, by virtue of the mentioned decrees had the immediate consequence of reducing the sources of lawmaking to royal legislation, which meant the end of the normative development of their respective legal systems in all kingdoms, given the centralist interests of the Crown. Their continued validity and degree of application were conditioned by changes in the king's attitude toward the issue at different times during his intervention.

The monarch's initial stance of extreme radicalism (justified by his disengagement from the oath of respect for the fueros, motivated by his subjects' disobedience, and by the right of conquest) was evident in the Decree of 1707, by which he abolished and repealed the legal systems of Valencia and Aragon. This measure, apart from the subsequent recognition of the personal rights of the nobles who had remained loyal to him, had repercussions in Valencia, which was henceforth fully integrated into the Castilian system.

While Aragon (in 1711), by the Nueva Planta decree for the organization of the Audiencia, saw the application of its civil law recognized, both in the first instance and on appeal to the Council of Castile. The subsequent decrees of 1715 and 1716 for the Audiencias of Majorca and Catalonia, respectively, extended this recognition in those territories to the criminal, procedural, and commercial domain. The absence of any reference to the application of supplementary rights gave rise to theoretical discussions that did not affect the prevalence of Castilian law in practice.

5.6. With regard to a global approach to the reconquest of the domains (still in Islamic hands) of the upper and middle courses of the Turia, Júcar and Guadiana rivers, against the forces of the second taifa kingdoms and the Almohad Empire, J. A. García de Cortázar (1973: 168-175) stated that it was clear in the Treaty of Tudilén, signed by Alfonso VII of Castile and Ramón Berenguer IV of Aragon in 1151.

It expressed the transition from military actions, carried out according to immediate strategic criteria (control of a valley, domination of mountain passes, occupation of an important stronghold) by each of the kingdoms, to the development of a reconquest plan in which the two great peninsular powers (the Crowns of Leon-Castile and Aragon-Catalonia) previously divided up the Muslim territories that each one was to incorporate into their domains.

This treaty, in addition to underlining a theoretical peninsular primacy of Alfonso VII and an abandonment of the traditional Castilian aspirations towards the Levantine facade, indicated as a Catalan-Aragones task the conquest of the Muslim kingdoms of Valencia, Denia and Murcia, except for a few places in this that corresponded to Castile, to which Aragon had to pay a certain submission.

This wide possibility of expansion along the Mediterranean coast that the pact offered to Aragon was considerably curtailed by a new treaty (of Cazola , of 1179), in which, marginalizing the old provision of vassalage of Aragon with respect to Castile, the future conquests were agreed on an equal footing, of which Aragon corresponded substantially to those of the Muslim kingdoms of Valencia and Denia, and Castile to that of Murcia, both areas separated by a line (from the port of Biar to the promontory of Calpe) that was imprecisely fixed, which motivated new litigation when the effective conquests were made.

The conclusion of the Reconquista in the domain of the Balearic Islands, Levante and the Guadalquivir Valley, against the weakened Almohad Empire and the corresponding taifas that replaced it, took place between

1220 and 1264. During this final period of the reconquest enterprise, the general approaches of the same continued in full force, as agreed between Aragon and Castile in the treaties of Tudilén and Cazola, although when it came to carrying out the actual conquests it was necessary to specify the areas to be incorporated into each of the two Crowns.

This was the meaning of the new Treaty of Almizrà of 1244, in which Alfonso (the future Alfonso X), as Crown Prince of Castile, and Jaime I of Aragon resolved the issues raised by the occupation of the Kingdom of Murcia, with the ratification of the Treaty of Cazola and the establishment of a more precise line that clearly delimited the areas of their respective conquering activities.

As for the Murcia region, it had been incorporated into the Crown of Castile between 1243 and 1244, by virtue of a submission pact signed by the King of Murcia, besieged by Aragones, Grenadians, and Castilians, with Prince Alfonso. The shortage of Christian settlers turned the rule of Murcia into a military occupation of the kingdom by Castilian troops, who appeared to be superimposed on the Muslim authorities. The uprising of the Muslim population forced Alfonso X to enlist the help of his father-in-law, Jaime I, in the new reconquest of those territories, an undertaking that concluded in 1266.

Later (1296-1300), as consequence of the war with Castile, Jaime II occupied all the lands of the Kingdom of Murcia. The arbitration award of Torrellas (1304) and the agreement of Elche (1305) stipulated the division of the original Kingdom of Murcia into two parts, and established the Bajo Segura, with the area of Orihuela, as the southern border of the Crown of Aragon.

The southern zone (except Guardamar and Cartagena) was assigned to the Crown of Castile, and the northern lands were assigned to Aragon. Apart from Cartagena, these lands were incorporated by Jaime II into the Kingdom of Valencia, under the name of *Regnum Valentiae Ultra Sexonam* (or *Procuració General d'Oriola*), with the formal sanction of its annexation and the power to govern itself by the *Furs of Valencia* shortly after (1388) (see J. M. del Estal, 1982; J. M. Nadal and M. Prats, 1982: 171-94; A. Mas, 1994; B. Montoya; 1996; J. F. Domene, 2023: 115-40; F. Gimeno, 1985, 2024d).

VI. Conclusions

1. Acculturation has been the empirical foundation of the anthropological history of humanity, and has unified the history of languages, societies and cultures. Acculturation referred to all cultural events resulting from the acquisition, modification, or reinterpretation of a culture, particularly the reception and assimilation of cultural elements specific to one social group by another. The term acculturation became widely accepted among American anthropologists in the late 19th century, referring to the changes that occurred when social groups with different cultural traditions merged. The entry of anthropology into history was one of the most significant historiographical developments, and there was a deepening of knowledge about the configuration of society, and especially its behavior in relation to the territory occupied.

2. The hypothesis of the history of humanity as a succession of acculturations was more appropriate to the linguistic, social, and cultural facts and to the continuity of history itself. Our working hypothesis has been that within the anthropological history of the Hispanic Romances there was a linguistic and cultural continuity, based on the successive and diverse historical acculturations (Indo-European, Basque-Iberian, Pheno-Punic-Greek, Roman, Christian, Germanic, Visigothic, Byzantine, Islamic, Catalan-Aragones, Castilian, and Anglo-Saxon), with the linguistic and cultural transfers that implied the social and cultural interbreeding of these groups, and the adaptation to a new sociocultural context. Our working hypothesis is confirmed once again.

3. Regarding the domain of law in Catalonia, the first compilation in time, in terms of its technical perfection and its significance for the development of Catalan law, was the *Usatges* of Barcelona, created both to compensate for the inadequacies of the *Liber* and to update its rules, in accordance with the social and economic evolution experienced by the Catalan counties as a result of their intense process of feudalization. A text of enormous complexity in the form it has preserved due to having been subject to successive reworkings over time, it seems that its first draft must have been dated to the second half of the 12th century in the environment of the Curia of Barcelona, where an anonymous jurist was responsible for collecting the sentences issued by its judges, generating a practice, along with some general constitutions. From the beginning, it enjoyed full authority and prestige, and its scope of application, initially limited to the territories dependent on the Count of Barcelona, was progressively extended to other Catalan counties and cities and other kingdoms of the Crown of Aragon.

4. In the kingdoms of Aragon, Valencia and Majorca, and in the principality of Catalonia, the transition from their High Medieval law to that which characterized the Late Middle Ages and the Modern Age occurred without difficulty, in some because, as they were newly conquered kingdoms, there were no major obstacles to establishing a specific legal system, and in others because, due to various factors, a new order was achieved (not by replacing the old one as in Castile), but through the gradual evolution of their traditional law, resulting from

its adaptation to the trends of the new times aimed at achieving the legal unification of the kingdoms and the incorporation into their respective systems, to a greater or lesser extent, *de jure o de facto*, of European common law. The decision of Jaime I to put an end to the legal uncertainty of the Aragones kingdom, motivated by the existence of the various drafts that had been formed on private initiative since the middle of the 12th century and were presented as compilations of the law of the kingdom, culminated in the general promulgation, in the Cortes of Huesca in 1247, of an official draft of the *Fueros de Aragon*.

5. In the new kingdoms of Majorca and Valencia, the advanced age of the period and the way in which their conquest and repopulation were carried out prevented the development of a specific local law. In the Balearic Islands, repopulated by Catalans from the Empordà region who assisted in their conquest, the king himself granted charters of population to the city and island of Majorca. And by his lord (the Archbishop of Tarragona), the regime established in those of Lérida and Tortosa was applied to Ibiza and Formentera, without specifying the application of any other law except that of the *Usatges* in cases of insults and injuries. Later, the regime of Majorca would extend to Ciudadela, Mahón, and the island of Menorca. Meanwhile, with the conquest of Valencia undertaken by Aragones and Catalans, the occupation and habitation of each place was also carried out through the granting of the original jurisdiction of the settlers in the corresponding charters of population. The incorporation of Jaime I into the company after the conquest of Majorca put an end to this policy, and repopulation was undertaken, starting with the recovery of the city of Valencia, and the grating of the concession as a general law of the kingdom of a new code (the *Furs*), in which Justinian law was given ample room.

6. Jaime I's decision to actively and personally participate in the recovery of the Levantine Moorish kingdom completely changed the course of the enterprise. Once Valencia was occupied by capitulation on September 28, 1238, and the definitive boundaries south of the Júcar River were reached within eight years, the king retained the territory under the direct rule of the Crown, without ceding it to those who participated in his conquest. Instead, he took charge of repopulation, thereby overcoming the obstacles that might have prevented him from achieving his objectives, such as in Majorca, of providing the new kingdom with an independent political constitution and its own legal system. This policy, along with the virtually complete absence of a Christian legal tradition in these lands, which had long been strongly Islamized, allowed the Conqueror to act with complete freedom when establishing his legal system. But here he did not limit himself, as in the islands, but provided the kingdom with a complete order by promulgating in 1240, with the advice and in the presence of several bishops, nobles and prominent men of the cities, a code that presented a "compilation of customs" that was to govern the city and kingdom of Valencia, in whose elaboration the illustrious Vidal de Canellas may have participated.

7. In the war waged for the succession to the Spanish throne, the cost of their support for the Austrian Archduke Carlos was high for the vassals of the Crown of Aragon, and especially for the Valencians. Once military action was decided in his favor, Felipe V proceeded to promulgate a series of decrees that put an end to the political organization of each kingdom, and consequently to the development and application of its public law. The suppression, by virtue of the aforementioned decrees, of the indigenous institutions, and therefore of the Cortes, had the immediate consequence of reducing the sources of lawmaking to royal legislation. This meant the end of the normative development of their respective legal systems in all kingdoms, given the centralist interests of the Crown. The initial position of extreme radicalism was evident in the Decree of 1707, by which the legal systems of Valencia and Aragon were abolished and repealed. This measure, apart from the subsequent recognition of the personal rights of the nobles who had remained loyal to him, had repercussions in Valencia, which was henceforth fully integrated into the Castilian system.

8. While Aragon (in 1711), by the Nueva Planta decree for the organization of the Audiencia, saw the application of its civil law recognized, both in the first instance and on appeal to the Council of Castile. The subsequent decrees of 1715 and 1716 for the Audiencias of Mallorca and Catalonia, respectively, extended this recognition in those territories to the criminal, procedural, and commercial domain. The absence of any reference to the application of supplementary rights gave rise to theoretical discussions that did not affect the prevalence of Castilian law in practice.

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