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The late mediaeval General Court of Catalonia and early constitutionalism[1]

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Abstract

This text analyses the main characteristics of the Cort General de Catalunya (General Court of Catalonia) in the late Middle Ages, an entity which served as the venue where the *universitas* and the monarchy—the two general institutions that represented Catalonia politically and shaped this nation's unique political dualism—met to discuss the affairs of the land. This institution became the core of Catalan pactism, and its constitutional importance is based not only on the approval of general laws and the creation of a new state's taxation, but also on the creation of dynamics meant to ensure the rule of law, along with the establishment of institutions like the Diputació del General of Catalonia, which played a key political and social role in Catalonia's institutional system until the Bourbons' Nueva Planta Decree imposed in the early eighteenth century dictated that it be eliminated.

Keywords: mediaeval Catalan institutional history, mediaeval Catalan parliamentarism, legal pactism, political dualism.

The Cort General de Catalunya[2] (henceforth, General Court of Catalonia) is one of the prime examples of European assemblies in which dialogue, negotiation and constant exchanges between a prince and the general community represented took place. It engendered a political reality in which the monarch never had absolute power, while his subjects used these assemblies to both contest and share the sovereign's *plenitudo potestatis*.

In Catalonia, this entire political and institutional dimension was indisputably linked to another mediaeval phenomenon or doctrine that has been extensively studied, namely pactism, whose utmost expression was the general laws approved in the General Court thanks to the Estates' ability to co-legislate.[3] This is reflected in the *Extragravatorium Curiae* by the jurist Jaume Callís, which was finished in 1423[4] and printed in 1518,[5] a crucial work with widespread repercussions which is believed to be the first treatise on the workings of the late mediaeval Court. Other reference works on the late mediaeval Court's procedures were published in the modern period, like the *Speculum principum ac iustitiae* by the Valencian Pere Belluga (written in 1441 and published in 1530)[6] and the *Apparatus super constitutionibus Curiarum Generalium Cathalonie* by the equally famous Tomàs Mieres (also written in the late fifteenth century and printed in 1631).[7]

More works were published in the modern period, when the Court met less frequently. One of the most prominent was the *Pràctica, forma y stil de celebrar Corts Generals en Cathalunya y matèries incidents en aquelles* [Practice, form and way of holding General Courts in Catalonia and matters that affects them] by Lluís de Peguera (written between 1604 and 1610 and published in 1632),[8] a work heavily influenced by Callís which must therefore be accounted for in a study on the dynamic of the late mediaeval Court, even if it was published in the modern period.[9]

Not only do these works describe the procedural issues of an institution that was an accessory to the monarch, who convened it precisely to seek counsel and financial aid, but they also reveal the Court's political, legal and social centrality.

The historiography of the General Court has been quite bountiful, especially regarding the modern period, with seminal works like 'El dret públic català' by Víctor Ferro,[10] a work that is still a must-read for any study that seeks to address the structure, logic and nature of the General Court; and the proceedings of the Barcelona conference on the Catalan Courts in 1988,[11] which continue to afford a broad overview of the matter. Those proceedings, along with the contributions by Oriol Oleart[12] and Núria Sales,[13] are part of the body of work that Àngel Casals claims Eva Serra considered crucial to '*donar cos a una nova lectura de les Corts*' (give rise to a new interpretation of the Courts).[14] Serra also stands out not only for

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her contributions that survey the institutional dimension of the modern General Court and compare it with the Courts of Aragon and Valencia but also because she provides a vision of the municipal dimension represented, which sheds light on the Principality's thinking and political base, even though this perspective has yet to materialise for the late mediaeval period.[15] On the other hand, among many other works cited in this article, we cannot downplay the importance of the different volumes that *Textos Jurídics Catalans* has published thus far on the laws of the mediaeval and modern Courts, nor the works by Manuel Sánchez, Pere Ortí and Pere Verdés on taxation and the treasury, subjects that are impossible to dissociate from the General Court.

On the assemblies of *Pau i Treva* and the feudal curia in the General Court

The origin and evolution of the General Court of Catalonia can be seen in the handful of rules of parliamentary law that the institution itself enacted, given that most of the regulations that determined its processes were originally based on customary law, and the Catalan jurists' role was to compile them and fill any possible regulatory gaps based on *ius commune*.[16] Proof of this can be seen in the different treatises and tracts mentioned above in both the mediaeval and especially modern periods.

The General Court in the late Middle Ages was the outcome of the merger, so to speak, of two feudal institutions: the comital court and the *Pau i Treva* [Peace and Truce of the Lord] assemblies. The latter were promoted by the Church, which lacked the political power to repress private feudal violence and thus sought the protection of certain social sectors and a limit on the armed struggle to certain days of the week. The *Pau i Treva* assemblies also had the greatest influence on the institutionalisation of the General Court, given their organisation as an assembly with the extensive participation of the country's political and social elites, unlike the feudal court, which was more restricted, and the laws that were approved in them, which were based on general pacts. Therefore, they were very useful for monarchs like James I, who watched as the state structures grew and sought political compromise. The General Court gradually took root as an institution under this king and had developed its basic and indispensable features especially by 1228; components of both institutions could be seen in its structure until 1264, when the *Pau i Treva* ceased being negotiated and, according to Gener Gonzalvo, the precursor of what would become the submission of grievances appeared. The General Court received its *de iure* institutionalisation in 1283 under the reign of Peter II, ushering in the famous legal pactism. Indeed, even though the legislative power was held solely by the monarch under James I, this was actually an entire evolution and tradition which got underway with this king in Lleida in 1214.[17] The General Court was solidly institutionalised by the fourteenth century, and under Peter the Ceremonious it was held via a very formal exchange process characterised by the absence of virtually any spontaneity. Peter attached a great deal of importance to holding the Court and first deployed the parliamentary rhetorical richness that his successors would carry on. The General Courts held by this king, especially the universal ones involving all the realms and lands, were as important and representative in the history of European mediaeval parliamentarism as the French parliaments held during the same period or the English parliaments, especially the one in 1376 in which the figure of the speaker emerged as the spokesman of the general community.[18]

Jaume Callís was a jurist whose close relationship with the General Court (he was the *habilitador*, judge of grievances and *tractador de Corts* [Court procurator][19] between 1414 and 1432) made him one of the great late mediaeval experts in the parliamentary institution. In his *Extragravatorium Curiarum*, he posed the following eight questions or doubts about the entire universe represented by the General Court: 1) Where does the name *Cúria* or *Cort* come from?; 2) What are the different way the terms *Cúria* or *Cort* are used?; 3) When is the General Court of Catalonia convened?; 4) How is the General Court of Catalonia convened?; 5) Where should it be held?; 6) Who should be convened and who are the interested parties?; 7) Who should negotiate and take decisions in the Court?; and 8) How should be Court be concluded and certified?[20] On the other hand, the first compilation of Catalan law, which was ordered by the 1412-1413 General Court and printed for the first time in 1495, had a part entitled *De celebrar Corts e en quin temps e lochs e ab quals persones se deu fer e com lo iuy de la Cort deu ésser observat* [On holding the Courts, time and place, with whom and how the Court's judgement must be followed] and elaborates on some of the questions posed by Callís, which is no coincidence if we bear in mind that he was one of the jurists in charge of codifying the general law of the Principality and translating it into Catalan.[21]

Fig. 1. The royal coat-of-arms (with the traditional red pales) and the coat-of-arms of the General of Catalonia (Cross of Saint George) are shown the same size and height on folio 1 of the Llibre de Vuit Senyals, revealing their equality, in which neither prevailed over the other. This aspect represents the political dualism of the Principality of Catalonia and the parity of the two entities within the institutional system and in the production of laws. (p. 5)

Therefore, both this compilation and the *Extragravatorium Curiarum* must have been written parallel to each other during the same period and mutually influenced each other, a factor that we shall see below through the rules from the late mediaeval period stipulated in that compilation:[22]

- *Usatge*[23] number 80, called *Iudicium in curia datum*, attributed to the Court the ability to exercise judicial functions and therefore referred back to one of the typically feudal competences of the comital Curia, which was to mete out justice. Flocel Sabaté tells us that the count usually presided over the Curia, which was frequent after the second half of the twelfth century, but he also had to submit to it in disputes against his vassals. In this case, he ceased presiding over it to instead become a party in the case subjected to trial to prevent him from serving as both judge and party in the same case. Thus, the Curia was revealed to be not merely the count's auxiliary wing but also a supreme judicial instance where the count himself had to appear and whose rulings he had to abide.[24]
- *Usatge* number 81, called *Iudicia curiae*, was an important rule that established the priority of sources for a judicial proceeding: the *usatges* were the main source and the Visigothic *liber iudiciorum* the subsidiary source, followed by the prince's judgement and the decisions of the Curia.[25] Therefore, it shows one of the historical features of the Catalan legal system, namely the plethora of rules establishing the priority of sources since the early periods.
- Constitution number 23 of the General Court of Barcelona in 1283 established that the *General Cort als cathalans per al bon stament e reformació de la terra* [the General Court for the Catalans for the good state and reform of the land] had to be held at least once a year within the territory of Catalonia. Therefore, it recognised the importance of meeting regularly at an interval between Court assemblies that was not overly long, while also pointing to the institution's political centrality in public affairs by showing that it was comprised of the three Estates and therefore the country's political elites (*prelats, religiosos, barons, cavallers, ciutadans e hòmens de viles* [men of the Church, barons, knights, citizens and village men]). However, this rule had an exceptional clause which allowed the king not to convene the Court within the stipulated timeframe *si per alguna justa rahó* [if for fair cause] he was prevented from doing so, which removed some of the rigidity, the reason it was largely ignored.
- Constitution number 4 of the General Court of Barcelona in 1299 specified that the first Sunday of Lent every year was the day when the General Court would meet, alternating in the cities of Lleida and Barcelona, although another location could be chosen as long as it was in Catalonia and provided the king sent notification at least two months in advance. Any Court which could not be held due to the king's illness or absence for other reasons would meet one month after his recovery or return.
- Court chapter number 33 of the aforementioned Court was approved after a case of contumacy, in which one of the Estates sought to block any agreement by its absence. In this specific case, the Church estate left the Court in order not to be subject to certain decisions and thus be able to continue enjoying certain exemptions and freedoms. Faced with this situation, the Estates present at Court (nobility and citizens) protested and asked the king to stipulate that from then on contumacy and potential absence could not block the Court's proceedings, and that any agreements taken would be fully valid and applicable to the absent estate. This situation may have arisen because the Court had decided that the *bovatge*, a tax that the kings often requested at the beginning of their reign, was only collected by the Church, given that the military and citizen Estates had become exempt from it after agreeing with the monarch to sell it for 200,000 pounds.[26] Consequently, this regulation on contumacy established an extremely important general rule in parliamentary law, which Víctor Ferro claimed was decisively applied in taxation in the General Court in 1362-1363, when the *generalitats* were created (the taxes of the general community used to pay off public debt), which all the Estates were obligated to pay, with the Church estate remaining subject to the jurisdiction of the Diputació del General de Catalunya (the governing body of the Estates created by the General Court) on ordinary tax matters.[27] On the other hand, the *universitas Cathalonie* appeared in this provision, here with the name of the *General de Catalunya* (henceforth, the General of Catalonia), which represented the institutionalisation of the Catalan *populus* and their recognition as a political community.[28] This revealed their continuity and validity even though they were one of the Estates that did not attend the Court. Along with the king, this clearly described the political dualism typical of the Principality.
- Constitution number 2 of the General Court of Lleida in 1301 was a rule that expanded the minimum interval between Courts to three years, while also giving the General of Catalonia the right to ask that the Court be held before the established times. Therefore, the initiative to convene the Courts was no longer exclusive to the king, although this did not seem to generate an obligation on the part of the monarch given that the final decision was his and his alone. This constitution also stipulated that the people convened to attend the General Court had to be represented by procurators if their absence was justified. Furthermore, if they could not attend or they or their procurator arrived late, the agreements already taken would be fully valid and compulsory for everyone.

– Court chapter number 10 of the aforementioned General Court repealed the provisions that prevented future tax redemptions, given the Church estate's return to the General Court.[29]
– Constitution number 24 of the General Court of Girona in 1321 regulated knights' representation through *síndics* (village representatives) or procurators, who were called *tractadors* in this provision. They had to be elected in a type of assembly held in the vigueries, which apparently not all knights could attend, where the affairs of the Court were to be discussed and later forwarded by those representatives. Callís states that unless someone already had the right to serve as a representative by law or by custom, the *síndic* or representative of the *universitas* or corporation was also chosen by means of a general meeting of the entire village, its council or other mechanisms defined by the city, by the majority of those attending and with the authority of the veguer and the bailiff.[30]
– Constitution number 30 of the General Court of Perpignan in 1351 regulated the parliamentary procedure of the procuration of the *síndics* of the chapters and *universitas*. Specifically, it established that the procurators had to be Catalans and could only be proxies for one person, and that a person with the right to attend the Court could not serve as the procurator of a person who could not attend, except knights, who could serve as the procurators (*tractadors* in the previous rule) of other knights. On the other hand, it stipulated that a person summoned but who could not attend the Court had to notify the reason via a notary deed that was sworn on oath. Through its *habilitadors*, the Court would reserve the right to declare whether or not the reason for their absence was justified. The procurator had to submit the notary document which attested to the party's impediment to attending, while this regulation also established the penalty of not being able to submit grievances if it was determined that the cause of the absence and procuration was not justified.
– Constitution number 19 of the General Court of Cervera in 1359 stipulated that when the impediment to attending the Court might be a source of shame, danger or harm, it was sufficient to mention these causes without having to specify them and have them verified. According to Callís, this entailed impediments to the nobility who were unable to ride a horse because of disease in their private parts, the *pudendes* according to Peguera (we are guessing they are referring to a type of haemorrhoids). Both authors also note that the category of *shame* included the fact that the *persona noble o molt noble* [noble or very noble person] had an inferior-ranking enemy who might endanger their life on their way to Court.[31]
– Court chapter number 8 of the General Court of Barcelona in 1365, presided over by queen Elionor, led the Estates to regard the king failing to preside over the General Court as harmful, as the Court could only be held with the holder of public power. This is why they accepted the delegated presidency of the queen as an exceptional measure, while protesting that it could not create a parliamentary custom that would serve as a precedent and become the monarch's right. The monarch accepted the Court chapter but reserved the right to allow the queen to preside when necessary.
– Constitution number 4 of the General Court of Sant Cugat in 1419 regulated the physical layout of the attendees of the General Court and the Parliaments. As seen in the miniature of the 1495 compilation, the king would occupy the highest place in the gathering, where his seat of honour would be located; the king's man-at-arms would be on the first tier next to the throne level, the only person who could occupy one of the throne levels. The remaining attendees would be placed below, while the chancellor, the vice-chancellor and the king's other officials would occupy the bench right in front of the seat of honour, and the other attendees would be arranged on the benches on the sides and in the back.
– Constitution number 3 of the General Court of Barcelona in 1422 stipulated that if the king was unable to reach the town where the General Court or the Parliament was convened and met (*injucció*), it could only be delayed a maximum of 40 days. After this period, the Court or the Parliament would dissolve itself (*re ipsa circunductus*) and be called off, and the attendees would be absolved and allowed to leave with no consequences.
– Constitution number 4 of the aforementioned Court stipulated that the meetings of the Courts and Parliaments could not be held in towns with fewer than 200 hearths due to logistics, we believe, as there had to be enough houses to accommodate all the participants, as well as the services needed for an organisation of this size.

Therefore, it is clear that the legal system of the General Court was initially based on the feudal regulations of the *usatges* of Barcelona, which centred on the administration of justice, and were later complemented with the regulations characteristic of the late mediaeval Court, namely constitutions and Court chapters, given that it had become the supreme legislative body of Catalonia, influenced by the pactist spirit of the *Pau i Treva*. This important attribution was determined by the celebrated constitution number 14 of the General Court of Barcelona in 1283, which, as is common knowledge, laid the foundations of legal pactism by attributing the aforementioned co-legislative capacity to the three Estates in conjunction with the king. However, that had not been part of the section in aforementioned compilation from 1495 but instead was part of a series which clearly show the in-

Fig. 2. Miniature of the 1495 compilation of Catalan law that shows the distribution of the attendees of the General Court, as stipulated by constitution number 3 of the General Court of Sant Cugat in 1419 (p. 8).

stitution's subsequent role, in that they contained rules regulating reparations of grievances. The rules define who the lawmaker is and what the different generally valid rules are, as well as aspects regarding the laws' interpretation and observance, especially the monarchy's being beholden to the rule of law and the pact-based rules.[32]

The General Court and the production of laws

The legislative authority of the General Court is unquestionably the utmost materialisation of Catalan pactism, as well as this institution's most important attribution and characteristic. The celebrated constitution number 14 of the General Court of Barcelona in 1283,[33] mentioned above, confirmed and legally established the synallagmatic nature of the traditional production of Catalan general law, which became a constant constitutional precept until the Bourbons' Nueva Planta was imposed. Just as happened with the Diputació del General of Catalonia, aspects of the Court took shape during the course of the fourteenth century; thus, it reached the fifteenth century and the modern period in a more structured, well-defined form. That holds true of the type of rules that the Court generated, given that, as Josep Maria Gay states, initially the Court's legal provisions were indistinctly called *estatuts*, *ordinacions*, *capítols*, *constitucions*, *restitucions*, *declaracions* or *confirmacions* [statutes, ordinances, chapters, constitutions, restitutions, declarations or confirmations]. The Court's dynamic did not create a clearer division in the rules until the second half of the fourteenth century, dovetailing with the advent of the Court chapters, rules formulated by the Estates and sanctioned by the monarch[34] at least since the General Court of Cervera in 1359 to regulate the conditions of the donations and begin to organise the powers of the Diputació del General of Catalonia, which entailed restricting some of the king's privileges.

The legislation produced by the Court, regulations that jurists and authors refer to as *lleis generals pactades*, *lleis paccionades* or *lleis pacte* [general pact-based laws, pact-based laws or pact laws], has been classified into three different forms: *constitucions*, *capítols de Cort* and *actes de Cort* [constitutions, Court chapters and acts of Court].

Constitutions were rules proposed by the monarch which had to receive the approval of the Estates by virtue of the aforementioned constitution 14 of 1283, although Víctor Ferro believes that this royal initiative may have been either real or fictitious. According to this author, '*la fòrmula més corrent, després del preàmbul on s'expressaven els motius i la intenció de la norma, deia "amb lloació i aprovació de Cort estatuïm i ordenam*"' [the most usual formula, after the preamble, which outlined the motives and intention of the rule, said 'with the praise and approval of the Court we hereby enact and order'].[35] Constitutions at least formally gave the legislative initiative to the king. In contrast, in the Court chapters, the Estates had the legislative initiative, while the king's role was to consent and enforce the law. Thus, Court chapters were composed of two essential parts: the proposal from the Estates and the royal provision, which tends to appear at the end of it with the formula *Plau al senyor rei* [It pleases the king] regardless of whether this consent was given totally or through amendments if only partially accepted. Could the king totally reject a Court chapter? Yes, although it was not very common, and what we find in the *Llibre de Vuit Senyals*, the first compilation of the legal system of the late mediaeval Diputació del General which the Court ordered as a reaffirmation of its jurisdiction after the arrival of the Trastámaras, is that two things could happen: the first is that the king would respond with a proposal aimed at satisfying the Estates, which would respond with the provision *Plau a la Cort* [It pleases the Court] if they agreed (whereupon the Court chapter would enter into force), and the second is that the king would directly reject the proposal without a counter-proposal, allowing the Estates the sole option of leaving the proposal suspended and presenting it again at the next Court. This is what happened—just to cite an example—

with Court chapter 59 in 1376, in which the Estates asked the king to give up the right of taxation for a just cause (which, through *ius commune*, enabled him to unconditionally ask for financing due to marriage, cavalry or rescue), given that the general communities of the different realms were very *oppremuts e encarregats* (oppressed and burdened) by the taxation and donations they had to pay. The monarch responded that *no demanen just* (the petition was not just), and the Court chapter did not enter into force. It was again presented at the 1378 Court, but the king merely referred back to his response in 1376. Finally, a milder version of the proposal (only limited to the progenitor's second marriage) was presented in 1380, when it did enter into force.[36]

According to Josep Maria Gay, a Court chapter was ultimately a request from the Estates that did not culminate with or could not be formulated as a constitution.[37] In the *Llibre de Vuit Senyals*, we find that in 1380 the Estates asked the king *fer d'aquells e de cascú d'aquells* (Court chapters), *constitució o constitucions, privilegi o privilegis* [turn those (Court chapters) into constitution or constitutions, privilege or privileges]. Regarding the motivation behind this petition, bearing in mind that both constitutions and Court chapters are general pact-based laws, Núria Sales says that a constitution is a 'supreme juridical rule' and that a Court chapter 'had to be confirmed in each new Court'.[38] Therefore, perhaps the Estates wanted to make the agreements reached on their initiative more robust and thus provide stronger legal armour to the jurisdiction of the General of Catalonia. In this sense, it should be noted that in any case the Court chapter was a widely used device, and there is no evidence that the Estates regularly and insistently asked a Court chapter to be transposed into a constitution. Therefore, we should not assume that the purpose of the former was always to become the latter. On the other hand, Court chapter number 27, also from 1380, asked all the Court chapters of the Court and their provisions made by the king to have the *força e efficàcia de constitució e d'acte de Cort General* [power and efficacy of constitution and act of the General Court] and be observed as such. This shows that in that period they had a sufficiently clear view of the nature of Court chapters, which was considered an official act of Court, and therefore the outcome of any decision taken during the Court that had the authority and efficacy of a constitution and thus the rank of pact-based law and general law.[39] Consequently, as Josep Maria Gay notes, there does not seem to be any tangible criterion that enabled a constitution to be distinguished from a Court chapter.[40]

The third type of rule that emanated from the Court, the act of Court, is a kind of law that has prompted many opinions and is difficult to distinguish from the constitutions in light of the aforementioned Court chapter 27 of 1380. The majority of authors concur that an act of Court generically refers to any act agreed upon or enacted by the General Court, which could encompass internal or occasional provisions taken to ensure that the Court operated smoothly, particular laws decreed by the king at the request or one or more Estate, pre-existing lower-ranking laws that were elevated to the status of pact-based law on the request of the Estates, or future regulations that the Court let the Diputació del General draft on its own judgement.[41] However, Josep Maria Gay states that these regulations did not solely involve a regulatory act, as demonstrated by the rulings on grievances, but also included provisions that emerged from outside the Court, which it would elevate with the power of law, even though normally they would not have been published or compiled outside the Courts.[42] The first Court chapter of the General Court of 1368-1369, as reported in the *Llibre de Vuit Senyals* and in line with the ideas of Soler and Gay, is enlightening: it stated that the regulatory authority granted to a committee of the Estates to promulgate ordinances and provisions that regulated the tributes of the General of Catalonia would have *plena força e valor e fos haüt per acte de Cort* [full force and value and would be applied as an Act of the Court][43] Thus, the way the act of Court is expressed in this case is through these ordinations and provisions, which would ranks as pact-based laws. Finally, Eva Serra states that although it is still open to debate, an act of Court was also a broad, versatile type of content in Valencia and Aragon that along with constitutions, *furs* and Court chapters could not be revoked by just one of the parties; instead, the consent of the king and Estates was needed to amend and revoke them, a fundamental principle in the laws of these three countries.[44]

The observance of law, the jurisdiction of the General of Catalonia and the royal oath

Poc valdria fer lleis i constitucions si no eren per nos i nostres oficials observades [...] [It would make little sense to make laws and constitutions if they were not followed by me (the king) and by our officers]. This is how constitution number 32 of the Court of 1481 began, also known as the *observança* or *poc valdria* constitution, which reveals that the creation of law through pactism could hardly be separated from those dynamics and instruments whose goal was to ensure fulfilment of the general laws and the legal system itself. The General Court also played a crucial role in this, and in this specific case all it did was set down in law what by then, in the late Middle Ages, was already part of Catalan constitutionalism, namely the supreme nature of general law over any authority held by the prince, especially the monarchy and its officials. This assumed that any provision not reached by pact that could harm the legal system would be declared null and void *ipso facto*, and therefore no authority in the country should enforce it without criminal or administrative repercussions. In the prelude to the Nueva Planta, it was ultimately unable to forestall the creation of Tribunal de Contrafaccions [Court of Contraventions], a mixed Court

equally representing the king and the General of Catalonia which operated as a perfectly bilateral Court of constitutional guarantees, given that none of the two parties could cast the deciding vote.[45]

But before the *poc valdria* constitution was approved, the General Court had had certain dynamics and attributions of its own since the thirteenth century which enforced fulfilment of the laws and preservation of the principle of legality. One example is submitting grievances in which the Estates asked for the reparation of all harm that the royal administration caused by violating the recognised rights of any of the Estates, the General of Catalonia, *llocs singulars* [universities and other municipalities] or private individuals. In this procedure, a commission had to be appointed with equal representation, including nine judges [*proveïdors*] appointed by the Estates and nine more appointed by the king, who would hear, determine, define and execute all the grievances submitted to the Court. The rulings of this commission were considered *acte de Cort i judici en Cort*, as mentioned above, and their proper fulfilment was made a condition for granting them, while part of the donation was set aside for potential monetary indemnification.[46] This aspect turned this important attribution of the General Court into yet another instrument to defend pact-based laws, as it was in this institution that the Estates awarded the financing that the Crown needed, usually for wars. According to Sebastià Soler, the fact that the donation was ultimately voted on, after resolving grievances and approving laws, is the key to the Estates' power in front of the king, which perfectly expresses the synallagmatic nature of the General Court and the entire political system. The Estates always approved such funding with the reminder that it was a *donatiu graciós fet per aquesta vegada tan solament* [kind donation made solely on this occasion], emphasising its extraordinary nature to prevent it from becoming a regular obligation. However, in practice it could actually be considered an obligation, just as it was elsewhere. They also asked the monarchy to be strictly kept away from any affair related to the donation (collection, management, execution, expenses, etc.), leaving it in the hands of the bodies delegated by the Estates, like the Diputació del

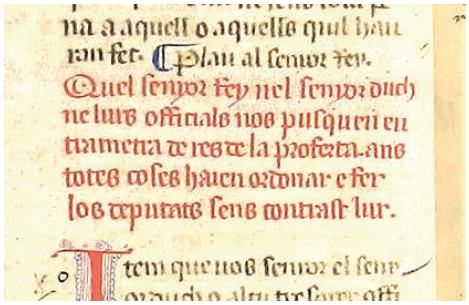

Fig. 3. Heading of Court chapter number 52 of the General Courts of 1376, which shows the limitations of royal power, such that the monarch may not intervene in the autonomy of the General of Catalonia under any pretext (p. 13).

General, unlike in other places like France, England and Castile, where it remained in the monarch's hands.[47]

Here is where we find the origin of the formation of a treasury parallel to the royal one, with an entire fiscal and tax administration meant to provide the assistance granted to the monarch. This became widely used in the fourteenth century under the intense war policy implemented by Peter the Ceremonious, when the General Court took decisions that transformed the state's tax system, especially after 1365, when the highest fiscal pressure in the entire century was being exerted, dovetailing with the award of the largest donation that the General Court ever granted a monarch until then. Given this situation, and borrowing the example of the policy developed by municipalities since the 1330s and 1340s, the General Court was forced to issue public debt by selling perpetual and lifetime pensions known as *censals morts* and *violaris* due to the difficulty of urgently collecting the tributes created in 1362-1363 to pay the donations, the aforementioned *generalitats* that were levied on the production and sale of wool, as well as the import and export of other products at certain customs points in the Crown, which would remain as a guarantee of fulfilment of the interest and repayment of the debt.[48]

In the late 1360s, that temporary committee of the Estates made up of a dozen deputies plus a dozen councillors-advisors that the General Court had appointed to manage the donation in 1359 had become a standing administration known officially as the Diputació del General de Catalunya, and unofficially as the *Generalitat* after the second half of the sixteenth century,[49] which was gradually institutionalised due primarily to the difficulties paying off the public debt. In 1367, the General Court noticed that large amounts of money from the major donation in 1365 had yet to be collected and suspected that cases of corruption might exist within the Diputació. Therefore, it decided to terminate all the staff and audit all the accounts, leaving the institution in the hands of a single leader, the regent Pere Vicenç, who was succeeded by Bernat Bussot. A model was established that lasted until 1375, when the institution's collegial governing system was permanently restored.[50] This reveals the important role played by the General Court in the oversight of the country's institutions and the creation of anti-corruption policies, which would later lead to the creation of the *Visita del General*, an institution that was in charge of overseeing the actions of the senior officials of the *Generalitat* particularly during the modern period, until the Bourbons eliminated all the Catalan institutions in 1714.[51]

Therefore, it is impossible to dissociate the General Court of Catalonia from the *Generalitat*, thus making it one of the most representative examples of political dualism in Europe. However, it is not the only one, as there were similar experiments in the Comtat Venaissin, in Normandy, in Provence, in Friuli and in the Duchy of Brabant in the thirteenth and especially fourteenth centuries. However, none of these experiments achieved the

level of institutionalisation, the large degree of autonomy and the political and social clout of the Diputació del General of Catalonia.[52]

All of this was possible thanks to the centrality of Catalan parliamentarism and its awareness and ability to limit the king's *plenitudo potestatis* permanently in anything related to a donation. This fostered the creation of the General of Catalonia's jurisdiction, as well as other provisional or temporary powers like the *Princeps namque usatge* (an important feudal power that allowed the king to impose military service on the entire population in the case of a defensive war) in 1373, as the General Court banned the king from invoking it for three years and only allowed him to regain the privilege when the loan of 130,000 *lliures* [pounds] that the Court had granted him had been repaid or when only 20,000 *lliures* remained. During the period when the king was unable to invoke this *usatge*, its interpretation and the management of the expenses was overseen by a committee of the Estates which advised the regent of the Diputació regarding under what circumstances it could be used, as well as what money was requested and how it would be raised.[53]

Last but not least, it is worth highlighting the General Court's role as an institution in charge of validating the king's jurisdiction via the oath. Unlike in other places like France and England, the aphorism *the king/queen has died; long live the king/queen*, which meant that the successor ascended to power as soon as his or her forerunner died[54] (this is what we have seen even today with the death of Queen Elizabeth II of the United Kingdom), did not apply in Catalonia. Here, succession was conditioned by the new king swearing the oath to the General law of the Principality and the union of the Crown's realms and lands before the subjects would swear fealty to him. Furthermore, the laws stated that if the General of Catalonia swore fealty before the successor or new lord did, this oath would have no validity and the subjects would be under no obligation to the successor, nor could he impose any punishment on them.[55]

Conclusions

The General Court's forerunners dated from the feudal period, but it started to be institutionalised and found the political place that would characterise it in the mediaeval and modern periods in the thirteenth century with James I. The birth of this institution is closely tied to the city representatives' access to the power in that century that had traditionally been reserved for the privileged orders. This phenomenon occurred not only in Catalonia in 1214, but also in the rest of Europe, and in the fourteenth century it played a key role in representing the general community and creating a new treasury which, according to Michel Hébert, gave rise to a kind of fiscal contract that sought a right to veto for most of the aspects that institutionalised it. More frequent gatherings, the creation of standing committees of the Estates, the compulsory nature of consent for tax policy, the submission of grievances and the limitations on the monarch's privileges transformed the simple fiscal contract into a complex political contract that allowed an administration parallel to the royal one to be constructed, along with the establishment of election and deliberation processes under the concept of co-governance[56] or political dualism.

The General Court was not an institution serving the monarchy, which used it solely for counsel and financial aid, but instead the arena that issued the constitutional practices and rules that brought stability to the institutions and defined the legal and political culture of Catalonia, one of whose mainstays was pactism. The monarchy's submission to the rule of law and tax rules was associated with this phenomenon, as was oversight of the General of Catalonia's activities, which would acquire a jurisdiction with extraordinary clout in political and social life thanks to the General Court. This is why when faced with any sign that this entire reality could be questioned or changed, the Court's response was to harness the different compilations of the general law of the Principality or the specific law of the General of Catalonia to show that this entire dimension could only altered via pactism itself, and therefore that the jurisdiction of the General of Catalonia could only be upset via the General Court, that certain institutions had to have an equal composition and that, in short, the monarchy could not prompt a rupture between the country and its laws, which is what the imposition of the Nueva Planta ultimately achieved in 1714-16, putting an end to that constitutional stability that had remained unchanged for centuries.

Notes and references

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[2] Ever since the first studies on this matter appeared in the nineteenth century, it has been common in the literature to use the plural form *Corts Generals* to refer to gatherings of the Court of Catalonia due to the influence of Spanish. However, its real name in Catalan is in the singular form, *Cort General*, which refers to gatherings of the king and the Estates, or simply the *Cort*, although the latter refers only to the Estates in many provisions. This is how the majority of sources refer to it, along with the main authors on the subject such as Víctor Ferro, Oriol Oleart and Sebastià Soler. Indeed, Soler also tells us that the Catalan name comes from the vulgar Latin *cors, cortis*, which in turn comes from the Latin *cohors, cohortis* (enclosure, farmyard), which would have been used to refer to everything from the site where animals were enclosed to the place where the king and his retinue met. In contrast,

when the institution appears in the mediaeval Latin form *Curia Generalis*, this tells us that it comes from the Latin word that means 'site of the Senate and other assemblies', while with mediaeval Latin after the eleventh century it came to mean 'court of a prince, judicial court'. Finally, what does appear in the plural form *Corts Generals* is the joint gathering of the Courts from all three peninsular kingdoms in geographically strategic locations, like Montsó. Víctor Ferro. *El dret públic català. Les institucions a Catalunya fins al Decret de Nova Planta*. Societat Catalana d'Estudis Jurídics. Barcelona 2015, pp. 222-223; Oriol Oleart. 'Organització i atribucions de la Cort General'. In: *Les Corts a Catalunya. Actes del Congrés d'Història Institucional*. Generalitat de Catalunya. Barcelona 1991, pp. 22-23; Sebastià Soler. 'La Cort General a Catalunya. Síntesi de la institució. Projecció posterior a la seva extinció'. In: Josep Serrano (Coord.). *El territori i les seves institucions històriques. Actes. Volum 1*. Fundació Noguera. Barcelona 1999, pp. 120-123.

[3] *Vid.* Tomàs de Montagut and Pere Ripoll. 'El pactisme a Catalunya: una concepció dual de la comunitat política'. In: *Revista de Dret Històric Català* [Societat Catalana d'Estudis Jurídics]. Vol. 20. Barcelona 2021, pp. 189-201; this article is based on the English version of the article published online, 'Pactism in Catalonia: A Dual Conception of the Political Community'. In: *Journal of Catalan Intellectual History*. 12: 8-24, DOI: 10.2478/jocih-2019-0012; Vicent Baydal. 'Los orígenes historiográficos del concepto "pactismo"'. In: *Historia y política*. No. 34. Madrid 2015, pp. 269-295.

[4] Jesús Lalinde. *La persona y la obra del jurisconsulto vicense Jaume Callís*. Il·lustre Col·legi d'Advocats de Vic. 1980, p. 62.

[5] Jaume Callís. *Extragravatorium curiarum per dominum Jacobum de Calicio*. Petrum Posa. Barcelona 1518.

[6] Preti Vidonaei. Paris 1530.

[7] Sebastiani A. Comellas. 2 vols. Barcelona 1621.

[8] Gerony Margarit, Barcelona 1632; *vid.* Tomàs de Montagut. 'Estudi introductori'. In: Lluys de Peguera. *Pràctica, forma, y estil, de celebrar Corts Generals en Cathalunya y materias incidents en aquellas*. Rafel Figueró. Barcelona 1701. Facsimile edition. Generalitat de Catalunya. Departament de Justícia. Centre d'Estudis Jurídics i Formació Especialitzada. Centro de Estudios Políticos y Constitucionales. Madrid 1998.

[9] Regarding the treatises and tracts devoted to the Courts' dynamic in the modern age, Eva Serra pointed to the most important works in the Catalan and Aragonese areas prior to the Nueva Planta, like *Commentariorum de actionibus* by Antoni Oliba (1606), *De pactis nuptialibus* by Joan Pere Fontanella (1612-1622), *Ceremonial de Cort* by Miquel Sarrovira (1599), *Adnotationes decisivae, non minus utiles quam necessariae, ad causam debatorum quae in Curiis Generalibus Cathaloniae* [...] by Bernabé Serra (1563), *Discurso breve sobre la celebración de Cortes de los fidelíssimos Reynos de la Corona de Aragón* by Gabriel Berart dedicated to Count-Duke Olivares (1626), *Discursos sobre la calidad del Principado de Cataluña, inclinación de sus habitantes y su gobierno* by Francesc Gilabert (1671), *Summari, índex o epítome dels admirables y nobilíssims títols d'honor de Catalunya, Rosselló y Cerdanya* by Andreu Bosch (1628), *Epítome* by Francesc Grases i Gralla (1711), *Modo de proceder en Cortes de Aragón* by Jerónimo de Blancas (1641), *Forma de celebrar Cortes en Aragón* by Jerónimo Martel and *Tratado de celebración de Cortes Generales del reino de Valencia* by Llorenç Matheu i Sans (1652). Eva Serra, citing Montagut, also says that while the authors of the Courts held in Aragon were historians, in Catalonia they were jurists who experienced parliamentary life from the inside, such as Callís, an author whom all the others have borne in mind. Eva Serra. 'La vida parlamentària a la Corona d'Aragó: segles XVI i XVII. Una aproximació comparativa'. In: J. Sobrequés, J. Agirreazkuenaga, M. Morales, M. Urquijo and M. Cisneros (coords.). *Actes del 53è Congrés de la Comissió Internacional per a l'Estudi de la Història de les Institucions Representatives i Parlamentàries*. Vol. 1. Parlament de Catalunya. Barcelona 2005, pp. 501-504.

[10] Víctor Ferro. *El dret públic català…, op. cit.*

[11] *Les Corts a Catalunya. Actes del Congrés d'Història Institucional…, op. cit.*

[12] Oriol Oleart. *Els greuges de cort a la Catalunya del segle XVI*. Universitat de Barcelona. Barcelona 1992.

[13] Núria Sales. 'Diputació, síndics i diputats. Alguns dels errors evitables'. *Pedralbes: revista d'Història moderna,* 15 (1995), pp. 95-102.

[14] He said this referring to the new historiography that started to appear in the 1980s and especially the 1990s, which signalled a change in the view of Catalonia's institutional history in the sixteenth and seventeenth centuries, given that some authors, like Cárcel, had offered biased, negative interpretations of the Catalan Courts. Àngel Casals. 'La Cort General: una gran herència i un gran repte de futur'. In: Agustí Alcoberro and Diego Sola (Coords.). *Eva Serra i Puig. Sessió en memòria*. Institut d'Estudis Catalans. Barcelona 2020, pp. 107-108.

[15] Ibid. *Vid.*, among other works, Eva Serra. 'La vida parlamentària a la Corona d'Aragó: segles XVI i XVII. Una aproximació comparativa', *op. cit.*; and 'Butlletí bibliogràfic sobre les Corts catalanes'. In: *Arxiu de Textos Catalans Antics*. Institut d'Estudis Catalans. Barcelona 2007.

[16] Eva Serra. 'La vida parlamentària a la Corona d'Aragó…', *op. cit.* p. 501.

[17] For a more exhaustive picture of the origin of the *Pau i Treva* and how it evolved into the General Court, see Gener Gonzalvo. 'Les assemblees de Pau i Treva i l'origen de la Cort General de Catalunya'. In: *Les Corts a Catalunya. Actes del congrés d'història institucional*. Generalitat de Catalunya. Ministry of Culture. Barcelona 1991, pp. 87-88; regarding the claim that the General Court of 1214 must have been the first one, given that it was the first time the citizen estate was convened, and

thereafter it always attended it alongside the privileged Estates, see Stefano M. Cingolani. 'Lleida Agost (?) 1214'. *Revista de Dret Històric Català [Societat Catalana d'Estudis Jurídics]*. vol. 15. 2015; and Flocel Sabaté. 'Cortes y representatividad en la Cataluña bajomedieval'. In: G. Navarro and C. Villanueva (Coords.) *Cortes y parlamentos en la Edad Media peninsular*. Monografías de la Sociedad Española de Estudios Medievales. Murcia 2020.

[18] Michel Hébert. *Parlamenter. Assemblées représentatives et échange politique en Europe occidentale à la fin du Moyen Age*. Éditions de Boccard. Paris 2014. pp. 39-41, 61, 66, 345-347.

[19] The *habilitador* was a figure who was charged with enforcing the rules regulating participation and representation in the General Court. A commission of 18 *habilitators* was appointed, three chosen from each of the Estates and nine more chosen by the monarchy, and their main job was to check that those attending the General Court had the right to attend it. Regarding the figure of the judge of grievances, see the explanation below about the submission of grievances, and regarding the functions of the *tractadors*, they were similar to the function of intercomuning in the English parliament, which conveyed stances, initiatives and decisions that the king and the Estates took separately, especially in matters related to legislation and donations. See Víctor Ferro. *El dret públic català…*, op. cit.

[20] Jesús Lalinde. *La persona y la obra del jurisconsulto vicense Jaume Callís. op. cit.*, p. 62.

[21] For an exhaustive picture of the first compilation and the role played by Callís and the other jurists, see Daniel Álvarez. 'Elaboració de la Compilació de 1413'. In: *INITIUM - Revista catalana d'història del Dret*. No. 21. 2016, pp. 429-469; *Compendium Constitucionum Cathalonie Narcís de Sant Dionís*, Textos Jurídics Catalans, Parlament de Catalunya – Departament de Justícia, Barcelona 2016.

[22] Regarding the laws that date from the modern period, and bearing in mind the 1702 compilation, they include the following provisions: constitution 15 of the General Court of Montsó in 1510, which stipulated that family trials should be conserved in the archives of the corresponding Estates (the Church Archive in Tarragona for the Ecclesiastic Estate, the archive of the Diputació for the military Estate and the archive of the city of Barcelona for the citizen Estate); Court chapter 12 of the General Court of Montsó in 1553 on the compulsory condition that the *síndics* attending the Court had to be natives of the *universitas* that they represented; constitution 15 of the General Court of Barcelona in 1599, which established that a soldier under the age of 20 could not vote at Court or in the proceedings of the branches or Estates; constitution 23 of the General Court of Barcelona in 1702, which added further provisions to the previous one; and Court chapter 35 of the same Court, which banned any official or staff of the king who received a salary or pension from him from attending Court (and parliaments) or meetings of the Estate to which they belonged (and from sending a *procurador* there) because this would be tantamount to infiltration by the royal milieu. Therefore, this was a regulation on incompatibility over a potential conflict of interest which reaffirmed that it had always been like that, a policy that sought the stability of pactism. Joan-Pau Martí and Josep Llopis. *Constitucions i altres drets de Catalunya. Edició facsímil* [1704]. Textos Jurídics Catalans. Departament de Justícia. Generalitat de Catalunya. Barcelona 1995.

[23] The Usatges of Barcelona are a set of feudal customary law rules which came about in the early Middle Ages and were written down in the first half of the twelfth century. They remained in force until the Nueva Planta decrees from the early eighteenth century and are considered the legal and political foundations of Catalonia. The English version can be seen in Donald J. Kagay, *The Usatges of Barcelona: the Fundamental Law of Catalonia*, University of Pennsylvania Press, 1995.

[24] Flocel Sabaté. 'Judici entre el comte Ramon Berenguer IV i Bernat d'Anglesola'. In: *Ilerda*. No. 49. 1991, p. 129.

[25] *Que iuys de la Cort e els usatges de grat sien rebuts e seguits com sien per temprar la duresa de la ley; e que les coses sien jutjades segons lo*[s] *usatge*[s], *e on no bastaran usatges torna hom a les leys e arbitre del príncep e a son uiy de la Cort.*

[26] Despite the apparent discontent of the Ecclesiastic Estate, the fact is that this tax, only found in the Principality of Catalonia but not in the king's other realms or lands, was collected just twice in the entire fourteenth century, when Alphonse the Benign (1327) and Peter the Ceremonious (1336) ascended to the throne. According to Manuel Sánchez, it is a tribute whose sale launched it on the road to extinction late in the century. Manuel Sánchez. 'La evolución de la fiscalidad regia en los países de la Corona de Aragón (c. 1280-1356)'. In: *Europa en los umbrales de la crisis. 1250-1350:* [proceedings of the] XXI Semana de Estudios Medievales. Estella, 18 to 22 July 1994. 1995, pp. 397, 407. Jordi Morelló. 'Vers l'obtenció d'una franquesa fiscal: el rescat del bovatge al Camp de Tarragona (1347)'. In: *Historia et documenta*. No. 4. 1998, pp. 42-43.

[27] Víctor Ferro. 'El dret català durant els segles XVI i XVII'. In: *Revista de Dret Històric Català* [Societat Catalana d'Estudis Jurídics]. Vol. 12. Barcelona 2013. pp. 49-50.

[28] Tomàs de Montagut. 'La monarquia i les institucions dels territoris. Les diputacions del General'. In: E. Belenguer (ed.), *Ferran II i la Corona d'Aragó*. Barcelona 2018, p. 368.

[29] This Court chapter does not appear in the first compilation but was included in the 1702 compilation.

[30] Jesús Lalinde. *La persona y la obra del jurisconsulto vicense Jaume Callís. op. cit.* p. 67.

[31] Jesús Lalinde. *La persona y la obra del jurisconsulto vicense Jaume Callís. op. cit.*, p. 65; Lluís de Peguera. *Práctica, forma y stil de celebrar Corts Generals en Cathalunya*

y matèries incidents en aquelles. Geroni Margarit. Barcelona 1632. p. 70.

[32] The titles in question are the following: *De reparació de greuges en la Cort o per quals persones sia faedora*; *De leys, usatges e constitucions*; *De interpretació de constitucions*; and *De observar constitucions axí per officials reals com de la senyora reyna*. Pere Michel and Diego Gumiel. *Constitucions de Catalunya: incunable de 1495.* Facsimile edition. Textos Jurídics Catalans. Departament de Justícia. Generalitat de Catalunya. Barcelona 1988.

[33] *Volem, estatuïm i ordenem que si nos o els successors nostres alguna constitució general o estatut voldrem fer a Catalunya, aquella o aquell el fem amb l'aprovació i el consentiment dels prelats, dels barons, dels cavallers i dels ciutadans de Catalunya o, ells apel·lats, de la major i la més sana part de aquells,* that is, that it was approved by the majority of attendees.

[34] Josep Maria Gay. 'La creació del dret a Corts i el control institucional de la seva observança'. In: *Les Corts a Catalunya. Actes del congrés d'història institucional*. Generalitat de Catalunya. Departament de Cultura. Barcelona 1991, pp. 87-88.

[35] Víctor Ferro. *El dret públic català… op. cit.*, p. 349.

[36] Pere Ripoll. *El Llibre de Vuit Senyals de la Generalitat de Catalunya (segle XV)*. Textos Jurídics Catalans. Parlament de Catalunya. Barcelona 2023.

[37] Josep Maria Gay. 'La creació del dret a Corts i el control institucional de la seva observança', *op. cit.,* p. 88.

[38] Núria Sales. 'Diputació, síndics i diputats. Alguns dels errors evitables', *op. cit.*, p. 99.

[39] Pere Ripoll. *El Llibre de Vuit Senyals de la Generalitat de Catalunya… op. cit.*

[40] The same author also tells us that Tomàs Mieres's definition is still valid; it stated that *les constitucions són les lleis fetes en Corts Generals a súplica dels tres braços i el rei hi parla en primera persona; capítol de Cort és el que es fa en Cort a súplica dels tres braços, o de dos, o d'un sol, i el rei hi parla en tercera persona amb la fòrmula 'Plau al senyor rei'* [the constitutions are made by the General Court at the request of the three Estates, in which the king speaks in the first person; the Court chapter is the rule made on the request of all three Estates, or two, or a single one, in which the king speaks in the third person with the formula 'It pleases the king']. Josep Maria Gay. 'La creació del dret a Corts…', *op. cit.,* p. 88.

[41] Sebastià Soler. 'La Cort General a Catalunya…' *op. cit.*, pp. 136-137.

[42] Josep Maria Gay. 'La creació del dret a Corts…', *op. cit.,* p. 89.

[43] Pere Ripoll. *El Llibre de Vuit Senyals de la Generalitat de Catalunya… op. cit.*

[44] Eva Serra. 'La vida parlamentària a la Corona d'Aragó…' *op. cit.*, p. 525.

[45] The *poc valdria* constitution was not a Court chapter as claimed by some authors, who are likely confused by the 1702 compilation that refers to it as a constitution 'chapter'; instead, it was a rule formally proposed by the king, which in this case shows the fictitious nature of his legislative initiative that Víctor Ferro discusses, given that the monarchy would have been unlikely to limit its own regulatory power so categorically. The monarchy's submission to the rule of law and the nullity of its acts that ran counter to the general law encompassed those acts motivated by exceptional measures (*motu proprio* or *certa scientia*) and extended to any act or decision that any official or judge handed down to enforce the illegitimate law. Therefore, it also included pecuniary and spiritual punishments, as well as appeals to the Reial Audiència (appellate court) in the case of disputes. This institution and the impossibility of questioning the rulings from a Court that was closer to the king in some periods prompted the need to revise the system, especially after the sixteenth century. For a more exhaustive review of this matter, see Ernest Belenguer. 'La legislació político-judicial de les Corts de 1599 a Catalunya'. In: *Pedralbes. Revista d'Història Moderna*. Barcelona 1987; Eva Serra. 'El sistema constitucional català i el dret de les persones entre 1702 i 1706'. In: *Butlletí de la Societat Catalana d'Estudis Històrics*. No. XXVI. Barcelona 2015; Regarding the Tribunal de Contrafacciones (Court of Contraventions), see Josep Capdeferro and Eva Serra. *La defensa de les Constitucions de Catalunya: el Tribunal de Contrafaccions (1702-1713)*. Departament de Justícia. Generalitat de Catalunya, Barcelona 2014; Josep Capdeferro. 'Zones grises de l'observança. Diputació i/versus contrafaccions'. In: *I Jornada de Dret Públic Català Víctor Ferro Pomà*. Societat Catalana d'Estudis Jurídics. 2020. Regarding the formula *obedézcase pero no se cumpla*, its nature and the cases that entailed the nullification of the illegitimate law without criminal or administrative consequences, see Benjamín González. 'La fórmula "Obedézcase pero no se cumpla" en el Derecho castellano de la Baja Edad Media'. In: *Anuario de historia del derecho español*. No. 50. 1908. Regarding Castilian decisionism, see José Garrido. 'Quod principi placuit legis habet vigorem: su recepción en la Corona de Castilla'. In: *Fundamentos romanísticos del derecho contemporáneo*. Vol. 1. 2021.

[46] Víctor Ferro. *El dret públic català…*, *op. cit.*, pp. 269-273; Court chapter number 87 of the Courts of 1376.

[47] Sebastià Soler. 'La Cort General a Catalunya…', pp. 140-142; Víctor Ferro. 'La Deputació del General, un organisme creat per les Corts'. In: *L'autogovern de Catalunya: els precedents.* Tomàs de Montagut, Josep M. Sans i Travé, Carles Viver i Pi-Sunyer (Coords.), Fundació Lluís Carulla. Barcelona 2004.

[48] For a more exhaustive view of the impact of the public debt policy, see Manuel Sánchez. 'Las primeras emisiones de deuda pública por la Diputación del General de Cataluña (1365-1369)'. In: *La deuda pública en la Cataluña bajomedieval.* Consejo Superior de Investigaciones Científicas (CSIC). Institución Milá y Fontanals. Departamento de Estudios Medievales. Barcelona 2009; Manuel Sánchez. *Pagar al rey en la Corona de Aragón du-*

rante el siglo XIV (estudios sobre fiscalidad y finanzas reales y urbanas). Consejo Superior de Investigaciones Científicas (CSIC). Institución Milá y Fontanals. Departamento de Estudios Medievales. Barcelona 2003.

[49] Pere Ripoll. 'Les Corts catalanes del 1376: un moment representatiu de la consolidació jurisdiccional i institucional de la Generalitat de Catalunya segons el *Llibre de Vuit Senyals* (s. XV)'. In: *La memòria del regne: arxius, fonts i tipologies documentals. 600 anys de la Generalitat Valenciana*. Publicacions Universitat de València. At press.

[50] For a more exhaustive view of the newly created figure of the regent, see Pere Ripoll. 'La Generalitat de Cataluña bajo el gobierno del regente Pere Vicenç (1367-1369)'. In: *Revista de Estudios Histórico-Jurídicos*. XLII. Valparaíso. Chile 2020.

[51] For a more exhaustive view of the *Visita del General*, see Ricard Torra. *Anticorrupció i pactisme: la Visita del General a Catalunya* (1431-1714). Afers Editorial. 2020.

[52] For an examination of the phenomenon of committees of the Estates in Europe, see Pere Ripoll. 'Processos d'emancipació estamental a l'Europa medieval: les altres Generalitats' In: *Afers. Dossier: Una historiografia emergent*. Vol. XXXVI. Josep Capdeferro, Ricard Torra (Coords.). Editorial Afers. Catarroja 2022.

[53] This was stipulated in Court chapter number 4 of the aforementioned General Court. For a more exhaustive view of the transformation of the fiscal apparatus due to the influence of this *usatge*, see Manuel Sánchez. *La convocatoria del usatge Princeps namque en 1368 y sus repercusiones en la ciudad de Barcelona*. Quaderns d'Història Barcelona 2001.

[54] This is what Ernst Kantorowicz expounded on at length in 1957 when he spoke about the royal duality based on the 'body natural', which dies, and the 'body politic', which remains. Ernst Kantorowicz. *The King's Two Bodies: A Study in Medieval Political Theology*. Princeton Classics. 2016 (latest edition). This matter has been examined more recently by Stanis Perez. *Le Corps du roi. Incarner l'État. De Philippe Auguste à Louis-Philippe*. Perrin. 2018.

[55] For an exhaustive view of the oath, see Montserrat Bajet. *El jurament i el seu significat jurídic al Principat segons el dret general de Catalunya (segles XIII-XVIII). Edició de la 'forma i pràctica de celebrar els juraments i les eleccions a la ciutat de Barcelona en el segle XV'*. Universitat Pompeu Fabra. Seminari Permanent i Interuniversitari d'Història del Dret Català 'Josep M. Font Rius'. Barcelona 2009, p. 44-60.

[56] Michel Hébert. *Parlamenter…*, *op. cit.*, pp. 7, 583-590.

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Pere Ripoll Sastre holds a PhD in law and is a professor at the Universitat Pompeu Fabra. His main lines of research are the legal system of the fourteenth-century Generalitat de Catalunya and mediaeval Catalan public law. He has been a member of different research groups in this field since 2014 and has served as a visiting researcher at Corpus Christi College in Oxford University and the University of Quebec in Montreal.