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# MEDIEVAL LEGAL REALISM [Times New Roman. Font: 13,5]

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**ABSTRACT**

This is a Research Note about the ongoing Project on the semantics of pactism (*pactisme*) in Catalan ancient law. *Pactism* is the name of the legal doctrine that grounds the validity of legal provisions upon a pact-based model. It was developed as a basis for Catalan Public law in the 13th, 14th and 15th centuries….. [Indentation: 0,5 left and right, Font: 11, up to 200 words]

***Keywords:*** legal realism, pactism, pact-based model…. [Font: 11, Up to 5 key words]

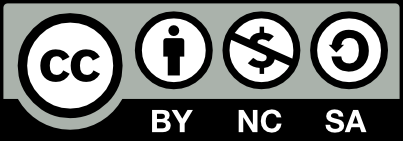
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# LEGAL REALISM [Heading 1; Bold; Font 12; Indentation: 0 left, 0,2 right and Special: hanging 0,5]

Talking about legal realism in the Middle Ages seems like making a historical mistake or a retrospective and undue projection of a legal doctrine of the 20th c. onto a distant past. ‘Medievalism’ is a common term used to discredit such attempts…. [Font: 12; Indentation: 0.2 left and right, Line spacing: 1.15]

# MEDIEVAL LEGAL REALISM

The link between Pragmatism and medieval legal doctrines has recurrently been noticed in the literature so far (Warbeke 1911, Mulligan 1946, Palmer 1956). Leo Strauss (1953) made a cause out of it…. [Paragraph Spacing: 0 pt before, 8 pt after]

[Indentation: First Line 0,63] A ‘mystical’ political body was created across time to support political institutions and public law. The Crown of Aragon was a “community of communities”, as asserted in many documents dated in the 13th, 14th and 15th c. (Montagut Estragués 2012)[[1]](#footnote-1), and collected and theorised by the doctrine of the most prominent legal scholars of the 16th and 17th c. (Ferro 2013).

# THE PROJECTS ON PACT-MODELLING SEMANTICS

Let’s enumerate some of the features of this early realism…

## *3.1. Nearest neighbor [Heading 2*, Bold, *Font: 12,* *Italics;* Indentation: 1 left, 0,2 right, Special Hanging 0,76; Paragraph Spacing: 0 pt before, 8 pt after, Line Spacing: 1,5*]*

Assigning intentions to the adversary and reifying them is entering into a meta-pragmatic discourse that is beyond any rational possibility of dialogue. This lies at the core of the apologetic Christian canon. As asserted by Ryan Szpiech on Martí’s use of Hebrew and Arabic languages, “he puts the text itself in display as a proof in service of his Christian polemic argument” (Szpiech 2016: 187). Hebrew sources are not only treated as authorised sources, but as imagined enemies.

In his translation to Latin into Hebrew characters and his transliteration of Arabic text into Hebrew characters, he does not only proffer the imagined knowledge of his polemic enemy. By giving these non-Jewish authorities a Hebrew garb, a form that is implicitly non-Christian but still comprehensible, he also aims to approximate the imagined perspective of the imagined Jewish enemy by simulating the authority of an ‘original’ (in this case non-Latin) text. (Szpiech 2016: 187). [Long direct citation, Justify, Indentation: 1,25, Font: 12, Spacing 1,15, three or more lines long]

The dynamic scalation from respect to enmity can be captured by the following matrix:

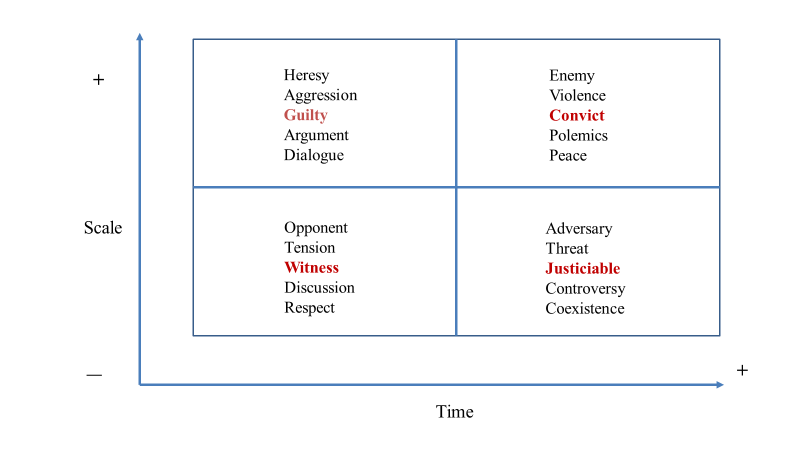


Fig. 1. Catalan matrix of dialogue and conflict

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1. T. de Montagut (2012: 112) quotes a direct exerpt of the *Cort General de Montsó* 1382-1384 [General Courts, Parliament] offered by Prince Martí to the Monarch Pere el Cerimoniós : “*no solament en lo cors místic lo qual es compost de cap et de diverses membres distants, ans encara en lo cors qui viu en unitat de spirit*” [“not only in the mystical body which is made up of head and several distant members, but still in the body that lives in unit of spirit”]. [Font: 1o; Indentation: 0 left and 0,19 right; Line spacing: Single; Paragraph spacing: 3,3 pt before, 0 after]. [↑](#footnote-ref-1)