

**THE LEGAL LEXICON IN THE FIRST DICTIONARY OF  
THE SPANISH ROYAL ACADEMY (1726-1739)**

**THE CONCEPT OF THE JUDGE**

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# Theoretical Background



Lexicographical legacy of the Royal Spanish Academy:

- includes 23 editions of the general monolingual dictionary of the Spanish language (1726-2014);
- allows the study of the Spanish language from different perspectives;
- enables different approaches to history of lexicology and lexicography from the 18th century to today.

## AIMS OF THE THESIS

1. Interpretation the **lexicographical treatment of the legal lexicon** in four editions dating from four different time periods: **the 18<sup>th</sup>, the 19<sup>th</sup>, the 20<sup>th</sup> and the 21<sup>st</sup> century.**
2. Investigation of the extent to which the lexicographical data reveals:
  - the semantic-paradigmatic properties of the lexical units;
  - the influence of the external factors on the lexicographical information (such as the current state of law, the political situation, and the *Zeitgeist* of the era).
3. Overview of the reflection of the semantic development of the legal lexicon in the Academy's dictionaries.

## DATA COLLECTION

Method 1:  
diatechnical marks.

DEFENSORIA. f. f. Term. forense. El ministerio ò exercicio del Defensor: y tambien se suele llamar assi el acto de discernirle el cargo. Lat. *Munus atque officium Patroni.* ARANC. del año 1722. f. 23. De las *defensorías* à pedimento de parte, ocho reales.

Method 2:  
key concepts from the  
relevant legal texts.

ABAD BENDITO. El que exerce y tiene jurisdicción Episcopal. Lat. *Abbas solemniter inauguratus.*

# LEGAL VOCABULARY IN THE *DICCIONARIO DE AUTORIDADES* (1726-1739):

## NUMBERS AND FACTS

### SOURCES OF THE LEGAL LEXICON

- The legal lexical units in the *Diccionario de Autoridades* quote a total of 196 different texts.
- Only 29 of these texts are quoted in more than 10 entries.
- The most frequently quoted documents are:
  - 1) a law code promulgated by King Felipe II in the 16th century, *La Nueva Recopilación de las Leyes del Réino*, quoted in almost 17% of the entries and subentries of the corpus of this study.
  - 2) a law code *Las siete partidas* compiled during the reign of Don Alfonso X in the 13<sup>th</sup> century, that appears in 3,5% of the entries and subentries of the corpus.

# NUMBERS AND FACTS

## SUBJECT FIELD LABELS

- A total of 489 entries and subentries in the corpus are marked as authentic legal lexical units using various references that provide some limitation of employment.
- Two main methods of diatechnical labelling of the legal lexicon:
  1. The lexical units used in what they designate as *estilo forense* ('forensic style'), i. e. subentries that treat general language lexical units used in a legal context, labeled as: “**en lo forense**”, “**en el estilo forense**”, “**en lo jurídico**”, etc.;
  2. The specialised lexical units marked as legal terms by employing the following labels: “**term. forense**”, “**término forense**”, “**term. jurídico**”.

## SUBJECT FIELD LABELS

- Sporadic labelling of the relation of a lexical unit to a specific legal area by shortcuts and sense indicators in the definitions:

**DECRETO.** En el Derecho Canónico es la constitucion, ò establecimiento que el Sumo Pontifice ordena ò forma , consultando los Cardenales , sin ser preguntado de alguno. Lat. *Decretum Pontificium*. ILLESC. Hist. Pontif.lib. 5. cap. 2. Otros muchos *decrétos* y constituciones hizo este doctíssimo Papa en diversas matérias.



# THE CONCEPT OF THE JUDGE IN THE *DICCIONARIO DE AUTORIDADES*

- The extralinguistic factors related to the legal context surrounding the publication of the dictionary: the Bourbon reforms and the advancing Enlightenment thought.
- The *Diccionario de Autoridades* reflects a broad image of the fragmentation of the judicial system of the Old Regime.
- The concept of judge is treated within a total of 63 entries and subentries related to the different officials who, among their other duties, had the authority of presiding over different types of court proceedings.

## ALCALDE AND JUEZ

- 47 of these denotations are lemmatized as either an *alcalde* ('mayor') or as a *juez* ('judge'):

**ALCALDE.** f. m. La persona constituida en la Dignidad de Juez, para administrar justicia en el Pueblo en que tiene la jurisdicción. Voz Arabe de *Cadi*, que vale Juez, ò Gobernador, añadido el artículo *Al*, y otra *l* antes de la *d*, con la corrupción de mudar la *i* en *e*. Lat. *Prætor, oris. Præfectus regunde Reipublicæ vel criminibus puniendis*. PARTID. 3. tit. 20. l. 8. Ricos omes, quando los pone el Rey tierra, ò quando face Alfezrez, ò Mayordomo, ò Adelantado, ò Merino, ò

“The person enjoying the dignity of judge, that administers justice in the town under their jurisdiction [...]”, s.v. *alcalde*.

**JUEZ.** f. m. El que tiene autoridad y poder para juzgar. Viene del Latino *iudex*. FR. L. DE GRAN. Trat. de la Devoc. cap. 3. §. 3. Tratan (los escrupulosos) à Dios como tratarian con un *juéz* achacoso, que anduviessse buscando puntillos de derecho y maneras de calumnias, para negar al reo su justicia.

“The one who has authority and power to judge [...]”, s.v. *juez*.

- A total of 17 different subentries are devoted to *alcalde* exercising different types of jurisdictions.
- 13 of these refer to the concept of a judge of ordinary jurisdiction and 4 to judges of special jurisdictions.

**ALCALDES DEL CRIMEN.** Se llaman los que residen en las dos Chancillerías de Valladolid y Granada. Usan Garnacha, y vara: tienen la jurisdicción ordinaria, y alcanza en los de Valladolid hasta encontrar con el río Tajo, y los de Granada de el Tajo allá: y los Corregidores de una

An example of *alcalde* ('mayor') denoting a concept of judge of ordinary jurisdiction.

colas y catos que occurrerem  
**ALCALDE DE SACAS.** Juez à quien está cometido el zelar no se saquen del Reino las cosas que por sus leyes y pragmáticas se prohibe su extracción. Lat. *Prator cui cura est, ne res venales extra Hispaniam asportentur.* RECOP. lib. 3. tit. 11. l. 1. Mandamos que los nuestros *Alcaldes de sacas* antes que usen de los dichos oficios, &c.

An example of *alcalde* ('mayor') denoting a concept of judge of a specialised jurisdiction.

- A total of 13 different subentries are devoted to *juez*.
- 8 of these refer to the concept of a judge of ordinary jurisdiction and 5 to judges of special jurisdictions.

**JUEZ MAYOR DE VIZCAYA.** El señalado en la Corte de Valladolid, para oír las primeras instancias, en todos los pleitos civiles y criminales de los naturales de Vizcaya. Lat. *Judex pro Cantabris.*

An example of *juez* ('judge') denoting a concept of judge of ordinary jurisdiction.

**JUEZ DEL ESTUDIO.** El señalado por las Universidades, para definir las causas de los curfantes y matriculados. Es limitada su jurisdicción, según las Bulas y Privilegios Reales de las erecciones de las Universidades. En Salamanca mantiene el nombre de Maestro Escuela, porque el Juez del estudio está ali-gado a esta dignidad en la Cathedral. Lat. *Ju-dex pro Scholasticis Universitatis.*

An example of *juez* ('judge') denoting a concept of judge of a specialised jurisdiction.

- A thin line between the concept of *alcalde* and the concept of *juez* :

ALCALDE DE LA MESTA. Juez nombrado por la cuadrilla de Ganaderos, y aprobado por el Concéjo, para conocer de los pleitos de pastores, y demás cosas pertenecientes à aquella Cabaña de la cuadrilla, que le nombró. Dura su comision quatro años. Lat. *Pretor à pastori-*

“Judge appointed by the *Mesta*, and approved by the Council, to hear the lawsuits of shepherds, and other things related to group that appointed him [...]”, s. v. *alcalde*.

JUEZ ENTREGADOR. Oficio en la Mesta, que el que le exerce, llevando su audiencia, y mudandola en diversos Lugares de los Partidos, compele y obliga à guardar las leyes y privilegios de la Mesta, y multa à los transgresores. Lat. *iudex pro pecuarijs.* QUEV. Mus. 5. Xac. 7.

*Y era Juez entregador de fulléros, y de flores.*

“Official in the *Mesta*, that can move the hearings to the locations of the parties, and that enforces compliance with the laws, and fines the transgressors [...]”, s. v. *juez*.

- **The degree of authority** is often portrayed by two objects that symbolized the judicial power in the 18th century: *la garnácha* (distinctive clothing that was used exclusively by the counsellors and the judges of the Real Audiencia) and *la vara* (the cane used by certain officials as an emblem of their authority).

ALCALDE MAYOR. Juez de letras sin Garnácha, con jurisdicción ordinaria, aprobado por el Rey en su Consejo Real y Cámara de Castilla, como Assessor del Corregidór de alguna Ciudad. Suelese tambien llamar en algunas partes Teniente de Corregidór. Lat. *Urbani Pratoris Assessor iudex.*

“Learned judge without *Garnácha*, with ordinary jurisdiction, approved by the King in his Royal Council and Chamber of Castile [...]”, s. v. *alcalde*.

ALCALDE DE CASA, CORTE, Y RASTRO. Juez que usa de Garnacha, y vara: tiene la jurisdicción ordinaria en la Corte, y cinco leguas en contorno: y para conocer de hurtos se extiende à veinte. Asisten dos con la Casa Real siempre que el

“Judge who uses *Garnacha*, and a *vara*: he has ordinary jurisdiction in the Court, and five leagues around it [...]”, s. v. *alcalde*.

- Apart from the two groups of nouns lemmatized as either *juez* or *alcalde*, there are 16 additional entries that treat professions with capacities similar to those of judge of ordinary jurisdiction, as well as 13 entries devoted to the officials of specialised jurisdictions.

**VISITADOR.** Se llama tambien el Juez , ò Ministro , que tiene à su cargo el hacer la visita , ò reconocimiento en qualquier línea.

“A judge in charge of conducting a visit or a recognition on any basis [...]”, s.v. *visitador*.

**ADELANTADO.** f. m. Oficio en España, que corresponde à Presidente , ò Gobernador de Provincia , que con la Audiencia que havia en ella juzgaba de todas las causas civiles y criminales. Dixo se Adelantado , por estar mas adelantado los otros para los negocios de importar

“Office in Spain, which corresponds to the president, or governor of the province, who, judges all civil and criminal cases [...]”, s.v. *adelantado*.

**OIDOR.** Se llama tambien qualquiera de los Ministros Togados, destinados, en los Consejos , Chancillerias y Audiencias , para oír en justicia à las partes, y decidir , segun lo que unas y otras alegan. Lat. *Auditor. Regius con-*

“Any of the higher officials in the councils, chancelleries and proceedings, in charge of hearing the parties, and taking decisions, based on the allegations [...]”, s.v. *oidor*.

The image shows the spines of four old, leather-bound dictionaries. The text on the spines is handwritten in brown ink. From left to right, the spines are labeled: 'DICCIONARIO Castellana Tomo. 1.', 'DICCIONARIO Castellana Tomo. 2.', 'DICCIONARIO Castellana Tomo. 3.', and 'DICCIONARIO Castellana Tomo. 4.'. The paper is aged and yellowed, and the ink is somewhat faded.

# Conclusion and future work

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