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# THE LEGAL LEXICON IN THE FIRST DICTIONARY OF THE SPANISH ROYAL ACADEMY (1726–1739)

## The Concept of the Judge

**Abstract** This paper consists of a short analysis of the sources and the treatment of the legal lexicon in the first dictionary published by the Spanish Royal Academy (1726–1739), followed by a longer commentary on the representation and the treatment of the concept of judge, in which the reflection of the extralinguistic factors in the definitions stands in focus. The results highlight the relevance of the legal context of that era for the treatment of the lexicon related to the legal domain, but they also demonstrate the pattern in which the lexicographic data displays peculiarities of legal matters.

**Keywords** History of lexicography; legal lexicon; Spanish lexicography; Spanish Royal Academy

### 1. Preliminaries

The research presented below is part of a doctoral thesis *The history of the legal vocabulary in the dictionaries of the Royal Spanish Academy (1726–2014)*.<sup>1</sup> This thesis aims to explore and interpret the lexicographical treatment of the legal vocabulary and the vocabulary related to the legal domain<sup>2</sup> in the first monolingual general language dictionary (the *Diccionario de autoridades* 1726–1739) and three posterior editions (the *DRAE* 1884, one of the editions published under the 20th century, and the *DRAE* 2014) published by the Royal Spanish Academy, and to investigate the extent to which the lexicographical data reveals not only the semantic-paradigmatic properties of the lexemes, but also the existing state of the language and the historical changes in the Spanish legal vocabulary. The study adopts a diachronic and comparative approach, in order to provide an overview of the semantic development of this lexicon while examining its treatment and prevalence in Spanish academic lexicography from the 18<sup>th</sup> century to the present day.

The study of the fragment presented in this article belongs to the part of the research devoted to the legal lexicon and the lexicon related to the legal domain in the *Diccionario de Autoridades* (in continuation *Autoridades*),<sup>3</sup> the first dictionary published by the Spanish Royal Academy (1726–1739), in a crucial era for both the history of law and the history of lexicography. This part of the study represents a starting point of the thesis and aims to set the ground for future comparative analysis of three posterior versions of the academic dictionary, followed by a comparative diachronic study of the findings.

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<sup>2</sup> By “legal lexicon” I refer to the distinct specialised and semi-specialised lexicon used in both oral and written legal discourse, particularly in courtroom proceedings. By “lexicon related to legal domain” I mean the lexical units that partly belong to the general language but that denote concepts closely related to the legal sphere.

<sup>3</sup> For a more detailed study on the *Autoridades*, cf. Blecua (2006), Freixas (2010), Lázaro Carreter (1972), Ruhstaller Kuhne (2002) among many others.

## 2. The legal domain in the *Autoridades*

In the first half of the 18<sup>th</sup> century, the Spanish justice system began a profound transformation that would continue through the following centuries, and whose consequences are in evidence to this day. It is in the midst of this reformation process that the Spanish Royal Academy was founded (1713) with the purpose to fixate the words of the Castilian language at its greatest state, and that the elaboration and the publication of the first dictionary of the Spanish Academy (1726–1739) took place. The treatment of the lexicon related to the legal domain in the *Autoridades* can, therefore, only be understood by recognizing the extralinguistic factors related to the legal context surrounding the elaboration and publication of this dictionary: on the one side, the Bourbon reforms, and the consequent inclination towards an absolutism with characteristics similar to the French, and, on the other side, the rationalism and humanitarianism of advancing Enlightenment thought.<sup>4</sup> Accordingly, the lexicon related to the legal sphere that was integrated into this dictionary captures a very peculiar moment in Spanish law history.

The fact that a general dictionary implements a significant number of specialised legal lexical units as an integral part of its microstructure shouldn't come as a surprise, since the gradual migration of certain specialized and semi-specialised lexical units into the general language, and the consequent admission of these units in the general language dictionaries, is a common consequence of the incorporation of specialized knowledge into the common knowledge.<sup>5</sup> The first Spanish academics were aware of this phenomenon and stated already in the forward of their dictionary the intention to include and respectively label the lexicon related to the practice of the courts of justice (*Autoridades* 1726, para. 10), even though the principal idea was to elaborate a common language dictionary.

Considering the fact that legal language is the product not only of the people who speak and write it, but also of the jurisdiction and the professionals that use it (Tiersma 2008, p. 8), the semasiological characteristics of the legal lexical units lemmatized in dictionaries at different points in the past vary accordingly.<sup>6</sup> As Cabré et al. (2011, p. 116) explain, not even definitions of terminological units in dictionaries are exempt from the influence of ideological modulators, even when these treat –allegedly objectively– scientific or legal issues. In this sense, the *Autoridades* offers a series of terms whose definitions allow the user to comprehend the imprint of the conception of justice of the early 18<sup>th</sup> century. However, I do not aim to offer here a panorama of the characteristic traits of legal science present in the first academic dictionary. My goal is rather to illustrate the treatment of the aforementioned lexicon, and to highlight the reflection of the juridical issues of that time in the lexicographic data devoted to the concept of judge, while focusing on the presence of extralinguistic factors in two aspects of the microstructure: labels and definitions.<sup>7</sup>

<sup>4</sup> The 18<sup>th</sup> century, the century of The Enlightenment, commenced with a change in the reigning royal house of the Hispanic Monarchy. When the king Carlos II, the last Habsburg Hispanic monarch, died without successors (1700), the Spanish crown passed to Philip V (1700–1746), descendent of the French House of Bourbon and one of the grandsons of the French Roi Soleil, Louis XIV, triggering the War of the Succession, which subsequently resulted in the territorial integration and legal unification of the monarchy.

<sup>5</sup> On the specialised lexicon in the general dictionaries, cf. Pérez Pascual (2012). On the case of legal terms in dictionaries, cf. Nielsen (2015).

<sup>6</sup> On the legal language and the reality, cf. Olivecrona (1999) and Baldinger (1985).

<sup>7</sup> To collect the entries for the analysis, I performed a manual extraction of the entries from the digital version of the *Autoridades* using two different methods. Firstly, for the gathering of the entries dealing

## 2.1 Sources of the legal lexicon

The creators of the *Autoridades* aimed to produce a cult reference work that would exhibit and preserve the Castilian language at its finest state and that would be based on the most respected literary and non-literary works. According to Freixas, the Greco-Roman tradition of including *autoridades* ('authorities'), *i.e.*, the sources of lexical data quoted in the final part of most of the articles in this dictionary, was decided by looking up to the dictionary published by Accademia della Crusca (1691) and allowed the Spanish academics to illustrate what they considered the proper use of lexical units (Freixas 2003, p. 33).

Just as the rest of the lexicon that forms part of this dictionary, the lexical units related to the legal sphere were extracted and exemplified by relying on different texts that the first Spanish Academy members had at their disposal.<sup>8</sup> The number and the variety of the texts used for the extraction of the legal lexicon demonstrate the considerable amount of documentation that were used as sources. Nevertheless, this doesn't mean that each of the entries in the dictionary comes from a textual source and includes an exemplifying quote. In fact, the largest part of all the entries that form part of the corpus of this research – almost 20% – is not related to any source, attesting the willingness of the academics to incorporate vocabulary specific to different professions even when they couldn't find an appropriate source to rely on, as was previously confirmed by the findings of M. Freixas (2010, p. 339).

The entries that do include a source of information show the high level of heterogeneity that was already demonstrated by the investigations on other types of specialised lexicon in *Autoridades*.<sup>9</sup> However, it is worth mentioning a disparity in the preference among the sources of legal lexicon. The entries that form part of the corpus of this research quote a total of 196 different texts, while only 29 of these are quoted in more than 10 entries. By far the most frequently quoted document is a code of law promulgated by King Philipp II in the 16<sup>th</sup> century, *La Nueva Recopilación de las Leyes del Réino*, quoted in almost 17% of the entries and subentries of the corpus (*alcalde de sacas* (s. v. *alcalde*), *calificador del santo oficio* (s. v. *calificador*), *asistente*). Closest to that, in terms of number of citations, is a law code *Las siete partidas* compiled during the reign of Don Alfonso X the Wise (1252–1284), that appears in 3,5% of the entries and subentries<sup>10</sup> (s. v. *merino*, *prueba*, *quebrantamiento*).

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with the specialised legal lexicon I relied on the comments and indications of diatechnical usage and extracted the specialised legal lexical units that were marked as such. Secondly, in order to detect the lexical units related to legal domain that were not marked by the academics, I performed a search of a total of 80 key legal concepts prominent in the 18<sup>th</sup> century in the digital version of the dictionary. These legal concepts were previously gathered from relevant legal texts dating from the 17<sup>th</sup> and 18<sup>th</sup> century Hispanic Monarchy. Thus, the key concept "jurisdicción" ('jurisdiction'), referred to the entry *abad bendito* (s. v. *abad*). After a detailed analysis of the gathered terms, it was possible to separate those that actually belonged to the legal field from those that were primarily linked to some other sphere of the general terminology.

<sup>8</sup> Many studies have been conducted so far on the sources implemented in the *Autoridades*, such as Lázaro Carreter (1972); Desporte (1998–1999); Freixas (2010, 2003, p. 412) estimated that there is a total of 460 writers quoted. For the legal sources in *Autoridades* in particular, cf. Freixas (2006).

<sup>9</sup> Cf. For example Gutiérrez Rodilla (1994–1995) on the study of the medical lexicon in *Autoridades*.

<sup>10</sup> For a detailed overview of the legal documents in *Autoridades*, cf. Freixas (2006).

## 2.2 The subject field labels

Even though the specialised vocabulary was not initially planned as a part of the *Autoridades*, many authentic specialised lexical units found their way in. The data corpus of this study contains a total of 489 entries and subentries marked as authentic legal lexical units using various references that provide some limitation of employment,<sup>11</sup> such as in cases of the articles *absolver de la instancia*, *arraigar*, *enormíssima*, *estelionato*, *evicción*, *lucro cessante* (s. v. *lucro*), *obligación antidoral* (s. v. *obligación*), *peculado*, *reivindicación*, *reivindicar*, *término ultramarino* (s. v. *ultramarino*), etc. On the other hand, a significant part of the corpus is made out of the lexical units denoting different concepts related to the legal domain that were not marked as legal lexical units, such as *abogacía*, *fiscal*, *sentencia*, etc.

The creators of the *Autoridades* recognized the relevance of indicating the peculiarities of use and employed different strategies in form of comments and abbreviations in order to inform whether the employment of a lexical unit is related to any social stratum – *vulgar*, *rústica*, *culta*, etc. –, or if it is exclusive to some geographical area – *usado en Andalucía*, *es mui común en Asturias*, *Galicia*, *y la costa de Cantabria*, etc. – or, if it is a term belonging to a domain of specialized knowledge – *en Medicina*, *término de Música*, etc. As far as the legal lexicon is concerned, the most striking features of lexicographical treatment are the various procedures used by the Academy to indicate the legal nature of a lexical unit. The variations in lexicographical indications and labels reveal the lack of a regular procedure. When it comes to the degree of specialisation of a term, we can distinguish two main methods of labelling entries and subentries treating specialised and semi-specialised juridical lexical units that were used in the legal discourse by the professionals involved in the work of the courts of justice in 18<sup>th</sup> century Hispanic monarchy:

- 1) Firstly, the data gathered for the purpose of this research shows that the academics point out the lexical units used in what they designate as *estilo forense* ('forensic style').<sup>12</sup> These are, for the most part, subentries that treat general language lexical units which would adopt a specialized meaning when used in a legal context. According to the extracted data, there are 387 of these lexical units. The labelling of these was performed mainly by using the following indications: "en lo forense" (s. v. *presentarse*, *rebelde*, *suplicar*, *ver*), "en el estilo forense" (s. v. *conato*, *dar la causa por conclusa* (s. v. *concluso*), *fallar*, *pieza de autos* (s. v. *pieza*) etc.), "en lo jurídico" (s. v. *caso*, *ingenuidad*, *conjunto*, *variante* etc.), "en el derecho" (s. v. *ingenuo*, *enemigo*, *preterición*, *causas mayores* (s. v. *mayor*), etc.).
- 2) Secondly, there are 102 specialised lexical units marked as legal terms. These are distinguished by employing the following marks: "term. forense" (s. v. *caso negado*, *divisorio*, *interusurio*, *escriturar*), "término forense" (s. v. *auto*, *abrogacion*, *capitulaciones*, *recisión*), "term. jurídico" (s. v. *peculado*, *indotación*).

The relation of a lexical unit to a specific legal area is sporadically marked by shortcuts and sense indicators in the definitions, such as:

- (1) DECRETO. **En el Derecho Canónico** es la constitución, o establecimiento que el Sumo Pontífice ordena o forma [...] (s. v. *decreto*);

<sup>11</sup> On the questions of labelling in the *Autoridades*, cf. Blanco Izquierdo/Clavería (2019, pp. 340–346).

<sup>12</sup> As Henriquez Salido explains, with the indication *forense* the academics refer to the lexical units used in the professional activity of lawyers and the justice courts (2010, p. 155). For a detailed overview of the employment of the technical label *forense* inside the definitions of *Autoridades*, cf. Henriquez Salido (2010, pp. 157–163).

- (2) PRETERICIÓN. **En el derecho Civil** se entiende la omisión del que teniendo hijos herederos forzosos, no hace mención de ellos en su testamento [...] (s. v. *preterición*);
- (3) CUERPO DE DELITO. **En la Jurisprudencia criminal** es la señal, o vestigio que queda de haberse cometido el delito, que sirve de principio y fundamento para su averiguación y castigo [...] (s. v. *cuero*).<sup>13</sup>

These examples show that the creators of the *Autoridades*, at least in a sporadic manner, marked not only the difference between the technical and the general lexicon, but also between the lexical units used in a certain context and the specialised vocabulary. Moreover, they tended to occasionally specify the legal terms even more precisely by stating the legal branch in question. This does not insinuate, however, that each of the legal concepts was marked as such, nor that the rules were consistently applied.

### 2.3 The treatment of different legal areas

The lexicographical data gathered for the purpose of this study reveals, on one side, a wide variety of legal vocabulary, and, on the other side, unequal representation of different areas of law. The previously described diversity of the sources of lexical data employed by the academics justifies this inequality. To achieve a more complete vision of the varied range of concepts, I separated the extracted lexical units into different groups based on the legal area they are related to. Due to space limitations, only four groups of entries will be commented here.

The monopolization of the executive, legislative and judicial powers by the monarch is one of crucial elements of the society of the Old Regime, and it is perhaps best portrayed by the entry of the noun *decreto* ('decree'), defined as any order or determination of the king, in the matters related to justice, grace, or government. The medieval conception of a king as, above all, judge and of justice as a domain of the activity of royal power can be observed in the subentries of the entry *imperio: mero império*, defined primarily as the absolute power over the vassals embodied in the prince, and *mero mixto império* defined as the jurisdiction delegated by the prince to the lord of vassals or to the magistrates allowing them to judge and punish crimes, by imposing the corresponding corporal punishment.<sup>14</sup> As per García-Gallo (1971), the jurisdictional power, in particular, is considered one of the most important manifestations of sovereign power. This supremacy of the king not only over the judges, but also over the church, can be perceived in a comment in the entry *tuitivo, va* ('protective') that relates this adjective to a power the king has to lower the penalty inflicted by the ecclesiastical judges.

The legal concepts explicitly related the set of legal norms, promulgated, or recognized by the Catholic Church,<sup>15</sup> i. e., the canon law (such as *decreto, matrimonio spiritual* (s. v. *matri-*

<sup>13</sup> Every example quoted in this article was extracted from the digital version of the *Autoridades*. The bolded text was formatted by the author.

<sup>14</sup> "Mero império. El absoluto poder que reside en el Príncipe sobre sus vassallos [...]" (s. v. *imperio*); "Mero mixto império. La jurisdicción comunicada por el Príncipe al Señor de vassallos o a los Magistrados, para juzgar las causas y castigar los delitos, imponiéndoles la pena corporal correspondiente [...]" (s. v. *imperio*). The English versions of ancient Spanish texts included in this article have been translated by the author.

<sup>15</sup> A detailed overview of the ideology and the treatment of the religious lexicon in *Autoridades* is given in an article by Rodríguez Barcia (2004).

*mónio*), *irregularidad*, *canones*, etc.), and to the concepts corresponding to the norms of the legal system of the monarchy that regulates the social dimension of the religious factor, i. e., the ecclesiastical law<sup>16</sup> (*beneficio curado* (s. v. *curado*, *da*), *divorciar*) together with the concepts related to the court of the Spanish Inquisition (*calificador del santo oficio* (s. v. *calificador*), *inquisidor general* (s. v. *inquisidor*), *inquisidor*), are treated in a total of 113 different entries and subentries. The fact that canon and ecclesiastical law used to be synonyms until the Protestant Reformation in the 16<sup>th</sup> century, and that it was not before the 19<sup>th</sup> century that the distinction between two different branches of law begun to be clearly outlined (Mantecón Sancho 2018, p. 11), explains the synonymous use of the terms *canónico* and *eclesiástico* and the treatment of these two branches of law as one and the same within the *Ius ecclesiasticum*.

The influence of the harshness of the Old Regime's justice is the maybe most palpable in definitions of the entries devoted to different judicial actions related to criminal proceedings. It is true that some of the lexical units related to this field were lemmatized and defined by relying on ancient legal texts whose origins can be tracked to the Visigoth era. Consequently, these entries describe concepts that were outdated in the 18<sup>th</sup> century, demonstrating the willingness of the academics to preserve this archaic vocabulary in their dictionary.<sup>17</sup> Such cases are the ancient methods of proving innocence described in the articles *caldaria*, *compurgación* and *purgación vulgar* (s. v. *purgación*), that rely on superstitious practices and ancient gothic customs. Nevertheless, the means of interrogation marked in the *Autoridades* as authentic judicial methods actively used in that time often rely on subjecting the accused to torture: *tormentar*, *dar tormento* (s. v. *dar*), *questión de tormento* (s. v. *question*), and *tormento*. The phenomenon of social segregation in criminal processes is reflected in the entry of, for example, the noun *pruebas*, that is defined as a legal means of gathering evidence used particularly for proving noble lineage. On the other hand, it is in the 18<sup>th</sup> century when, influenced by the Enlightenment movement, the relevance of methods of proofs such as that of legal medicine significantly increased.<sup>18</sup> Even though the term “*medicina legal*” (‘legal medicine’) is not lemmatized in this very form, the *Autoridades* does capture this current in the entry *cuerpo de delito* (s. v. *cuerpo*) that provides an encyclopaedic definition of *corpus delicti* by approaching it from the point of view of criminal jurisprudence, describing in detail the practice of proving that a crime actually has been committed while founding examples on a criminal practice text from the late 17<sup>th</sup> century.

The cruelty of the punishments was not far behind. If we categorise the penalties in the corpus according to the legal good affected, we can see that there are twelve articles dedicated to corporal legal punishments, being outnumbered only by the monetary penalties. Nine of these represent the different modalities of capital punishment: *ajusticiar*, *arcabucear*, *crucificar*, *enrodar*, *executar*, *garrote*, *pena capital* (s. v. *pena*), *pena ordinaria* (s. v. *pena*), *poner en un palo* (s. v. *palo*). The social segregation is, once again, demonstrated in the lack of empathy and the severity of the sentences for ordinary people in contrast to the clemency shown to the noble and privileged classes. That can be grasped in the definition of the sub-article *castigo ó pena de azótes* which outlines this concept as punishment that causes infamy and regularly consists of 200 whip blows, and which is imposed on delinquents who

<sup>16</sup> These definitions of the canonical and the ecclesiastical law are given in the glossary by López Álvarez/Ortega Giménez (2010, p. 168).

<sup>17</sup> The tendency of preserving the archaic lexicon in the dictionaries of the Spanish Royal Academy has been demonstrated by Jiménez Ríos (2001), Ruhstaller (2002) and Freixas (2003), among others.

<sup>18</sup> Cf. Alzate Echeverri (2018) for concept of legal medicine in the 18<sup>th</sup> century.

are not noble. However, the definition of the entry *azotar* that denotes the same concept, describes it as a penalty for “those delinquents that deserve such a punishment due to their crimes” indicating the changing perspective on the relation between the level of guilt and the punishment.<sup>19</sup>

### 3. The concept of judge in *Autoridades*

One of the defining factors of the legal dimension of the society of the Old Regime was the fragmentation of the juridical system.<sup>20</sup> Besides the royal jurisdiction and the local jurisdictions (such as municipal and seigniorial jurisdiction), special jurisdictions had been created in relation to different subject matters. These include jurisdictions, with their respective courts and officials, that dealt with domains such as trade (*alcalde alamin*),<sup>21</sup> religious matters (*juez conservador*),<sup>22</sup> military (*mariscal*), or universities (*juez del estudio*), but the jurisdictions that concerned very specific issues such as so-called *jurisdicción de la Mesta* (*juez entregador*) that used to resolve legal disputes of cattlemen.

A direct consequence of such a juridical system was the existence of numerous judicial, quasi-judicial, and advisory bodies, some royal and some regional, with overlapping jurisdictions and a perplexing hierarchical structure. A broad image of this phenomenon can be perceived in the lexicographic treatment of the modern concept of judge, i. e., a judicial official entrusted with the jurisdictional power to interpret the law, process, and resolve trials, as well as to execute the respective sentence.<sup>23</sup> This concept 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. As many as 47 of these are lemmatized as either an *alcalde* (‘mayor’) or as a *juez* (‘judge’).

The office of an *alcalde* in the 18th century was similar to that of a modern one, with the addition of the duties of administrating justice.<sup>24</sup> This profession is, therefore, easily confused with that of a *juez*. The lexicographic entry in the *Autoridades* devoted to the noun *alcalde* defines it as “the person enjoying the dignity of judge, that administers justice in the town under their jurisdiction” (s. v. *alcalde*).<sup>25</sup> On the other side, the noun *juez* is defined as “the one who has authority and power to judge” (s. v. *juez*).<sup>26</sup> There are seventeen different subentries devoted to *alcalde* exercising different types of jurisdictions. Thirteen of these refer to the concept of a judge of ordinary jurisdiction (*alcalde de alzadas*, *alcalde de casa*, *alcalde de gradas*, *alcalde de hijosdalgo*, *alcalde de la hermandad*, *alcaldes del crimen*, *corte y rastro*, *alcalde mayor*, *alcalde mayor*, *alcalde ordinario*, *alcalde pedaneo*, *alcalde*, *alcaldes de hijosdalgo*) and four to judges of special jurisdictions (*alcalde alamin*, *alcalde de la mesta*,

<sup>19</sup> On the penal enlightenment in Spain, cf. Agüero/Lorente (2012).

<sup>20</sup> The diversity among the kingdoms that formed part of the Hispanic Monarchy—with Castile and Leon on the one side, and Aragon, Catalonia, and Valencia each in possession of their own legislation—led to a justice system that was fragmented on numerous levels.

<sup>21</sup> For all of the subentries related to the concept of *alcalde*, s. v. *alcalde*.

<sup>22</sup> For all of the subentries related to the concept of *juez*, s. v. *juez*.

<sup>23</sup> Definition of the noun “juez” (‘judge’) as given in a dictionary by Pallares (1986, p. 460).

<sup>24</sup> *DPEJ* (2016), s. v. *alcalde*, *desa*.

<sup>25</sup> “ALCALDE. s. m. La persona constituida en la Dignidad de Juez, para administrar justicia en el Pueblo en que tiene la jurisdicción [...]” (s. v. *alcalde*).

<sup>26</sup> “JUEZ. s. m. El que tiene autoridad y poder para juzgar.” (s. v. *juez*).

*alcalde de obras y bosques, alcalde de sacas, alcalde mayor entregador*). Moreover, there is a total of thirteen entries treating different types of the concept of *juez*. Eight of these refer to the concept of the judge of ordinary jurisdiction (*juces de competencias, juez de enquesta, juez conservador, juez de comission, juez in curia, juez mayor de Vizcaya, juez supremo, juez*), and five to that of specialised jurisdictions (*juez escolástico, juez del estudio, juez entregador, s. v. mariscal*). The definitions in these entries illustrate a thin line between the concept of *alcalde* and the concept of *juez* from the juridical point of view, such as following examples:

- (4) 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 [...];
- (5) ALCALDE DE LA MESTA. **Juez** nombrado por la cuadrilla de Ganaderos, y aprobado por el Concéjo, para conocer de los pléitos de pastóres [...];
- (6) ALCALDE MAYOR. **Juez** de letras sin Garnácha, con jurisdicción ordinaria, aprobado por el Rey en su Consejo Real y Cámara de Castilla [...];

The role and the responsibilities of these officials vary widely across different jurisdictions and the lexicographical information introduced in *Autoridades* conveys an image of this variation. The degree of authority is often portrayed by two objects that symbolized the judicial power in the 18th century: *la garnácha* and *la vara*. The first one refers to the distinctive clothing that was used exclusively by the counsellors and the judges of the Real Audiencia<sup>27</sup> (*s. v. garnácha*), while the second one represents the cane used by certain officials as an emblem of their authority (*s. v. vara*). The dictionary often relies on these two symbols to illustrate the level of judicial power and the ranking among the numerous officials in charge of administering justice:

- (7) ALCALDE DE GRADAS. [...] **Usan Garnácha, y vara:** tienen la jurisdicción ordinaria en su territorio, y forman sala para determinar las causas criminales [...];
- (8) ALCALDE DE OBRAS Y BOSQUES. [...] **Trahe Garnácha, y vara;** pero no la puede levantar en la Corte, sino solo en los bosques, y sitios de la casa del campo [...];

The perplexity of the hierarchical structure can be observed in the lemmatization and the definitions of the two different concepts as applied to the judge of noblemen:

- (9) ALCALDES DE HIJOSDALGO. Se llaman los que residen en las Chancillerías de Valladolid y Granada, donde forman sala con Escribanos de Cámara [...] Conocen de los pléitos de hidalguía, y agrávios que se hacen à los Hidalgos [...] **Trahen Garnácha, pero no usan vara** [...];
- (10) ALCALDE DE HIJOSDALGO. Se llama en los lugares donde hai mitad de oficios el Alcalde ordinario, nombrado por el estado de los hijosdalgo. **Trahe vara, pero no Garnácha.** Se elige todos los años, y es acto distintivo de nobleza [...].

At this point, one can perceive an additional aspect of the previously mentioned justice fragmentation, that relies on social stratification. While royal justice rested with the king and was in force across the entire territory of the monarchy, regional justice was often in the hands of the noblemen (*s. v. señorío, señor*) or the abbots of the monasteries that had the right to judge both civil and criminal matters (*s. v. vicariato, vicario*). Moreover, the nobles were assigned special jurisdiction, which provided their own judges (*alcalde de la hermandad, alcalde de hijosdalgo, alcaldes de hijosdalgo*) that adjudicated over legal disputes among them.

<sup>27</sup> A court in charge of administering royal justice.



Apart from the two groups of nouns lemmatized as either *juez* or *alcalde*, there are sixteen additional entries that treat professions with capacities similar to those of judge of ordinary jurisdiction (s. v. *adelantado*, *alguacil*, *asistente*, *alamin*, *asses-sor*, *asociado*, *auditor*, *baile*, *conjudice*, *corregidor*, *judicantes*, *justicia de aragón*,<sup>28</sup> *magistrado*, *magistrado*, *merino*, *ministro*, *oidor*, *ordinario*, *pesquisidor*, *regente*, *señor*, *sequestro*, *tabla*, *visitador*, *yuge*), as well as thirteen entries devoted to the officials of specialised jurisdictions (*auditor de la camara*, *auditor de rota*, *auditor del nuncio* (s. v. *auditor*), *contador mayor de cuentas*, *contadores de nombramiento* (s. v. *contador*), *datario*, *inquisidor general* (s. v. *inquisidor*), *inquisidor*, *inquisidores*, *provisor*, *veedor o juez del contraband* (s. v. *contrabando*), *vicario*). Nevertheless, in certain cases, such as the definition portraying the office of Hispanic royal judge known as *corregidor*, the definition focuses entirely on other, mostly administrative, functions and fails to mention the judicial dimension of these professions (s. v. *corregidor*).

A clear conclusion may be drawn from the foregoing: the lexicographic treatment of those officials whose duties were not only to resolve legal disputes, but also to represent “the royal persona, and judge, as the King himself, according to God’s will on earth, the known truths, [...] and according to what their conscience dictates, and they can exceed the laws” (Castillo de Bobadilla 1775, V, 3, 58)<sup>29</sup> overcomes a mere linguistic purpose and demonstrates an effort to detangle the complicated hierarchical structure, thereby reflecting the essence of the fragmentation of the legal system of that time.

#### 4. Conclusion and future work

The above findings and discussion indicate the omnipresence of the extralinguistic factors in the definitions of the legal lexicon introduced in the first dictionary of the Spanish Royal Academy. The fact that the legal domain is sociologically, historically, and geographically limited, with its characteristics closely related to the context in question, reflected on the lexicographic treatment. Moreover, the research shows that, despite the heterogeneity of the employed texts, the first Spanish academics had a clear preference when it came to sources of legal lexicon. Finally, the extracted data reveals the significant variations in labeling of the lexical units related to the legal domain.

This research constitutes the initial steps of the project of the thesis. The thesis intends to contribute primarily to the study of the history of the reception of this technical lexicon within the model of Spanish academic lexicography, and thereby to the investigation of the history of lexicography, as well as to the knowledge of the semantic evolution of the legal lexicon.

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<sup>28</sup> S. v. *justicia*.

<sup>29</sup> “Representan la persona Real y como el Rey juzgan según Dios en la tierra, la verdad sabida [...] y según les dicte su conciencia, y pueden exceder de las leyes” (Castillo de Bobadilla 1775, V, 3, 58).

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