

## LEGAL TERMS IN EIXIMENIS' *REGIMENT DE LA COSA PÚBLICA*

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Francesc Eiximenis (1327?-1409?) was one of the most prolific Catalan writers of the Middle Ages. A cleric, author and theologian, he was actively involved in contemporary court and church politics. He was close to the royal house of Aragon and advisor to the city councillors or «jurats» of Valencia; his opinion was sought in ecclesiastical and political matters. He was also a keen observer of the society in which he lived and his observations, with their depictions of daily life, are extremely valuable to the scholars of today who are interested in fourteenth-century Catalonia.

As a younger man, Eiximenis studied and participated in clerical life. He travelled widely throughout Europe in the 1360's, then devoted the latter years of his life to his writing. Probably the most important of his works is the monumental *Llibre del Crestià*, although Eiximenis was able to complete only four of the planned thirteen volumes. It is an encyclopaedic collection of exempla, sermons and moral lessons intended to guide men and women to a Christian way of life and, ultimately, to salvation.

Eiximenis composed the first three books—the *Primer*, *Segon* and *Terç del Crestià*, between 1379 and 1384. He had, however, interrupted the order of the volumes and skipped ahead to the twelfth book, part of which came out in Valencia in 1383 as the *Regiment de la cosa pública* (to which I will generally refer hereafter as the *Regiment*). A year or two later, with a few minor modifications, this would become the third treatise of the *Dotzè del Crestià*. Its subject matter is the rule of the state; its foundation in the Christian faith; the importance of laws, good rulers and councillors, certain persons and actions to be avoided or restricted; and it includes a curious section on the contributions of merchants to the state.

There is no manuscript extant of the *Regiment de la cosa pública*.

Today we know of one incunabulum, published in Valencia in 1499. Fortunately, however, there are three manuscripts (all apparently early to mid-fifteenth century) and one incunabulum edition (dated 1484) of the first part of the *Dotzè del Crestià*, which incorporates the *Regiment*, so we do have more, than one witness to the text. Each presents variant readings that I will cite where they are pertinent. I should mention that I am not including in this study the «Dedicatòria» at the beginning of the separate edition of the *Regiment*, because it does not appear in the *Dotzè* and because there is some question as to whether or not Eiximenis actually wrote it.

The research presented in this paper is part of a broader general study of Eiximenis' language. The present work, however, is restricted to a small part of that material: a brief look at the use of legal terms in the *Regiment*.

Why look at this particular semantic group? Eiximenis frequently talked about the importance of law, both civil and church, and in his works he often cited canon law, among other sources. Moreover, after studying Eiximenis' writings for several years, I have begun to suspect his claim to write for simple, unlettered people. In fact, he seems to make extensive use of a rather learned vocabulary. Perhaps it is more his *style* that is for the simple folk: it is extremely repetitive, with many synonyms, definitions and translations; that does not mean, however, that his vocabulary is not somewhat erudite. In the *Regiment de la cosa pública*, Eiximenis' use of legal terminology is noteworthy and seemed to warrant closer study.

By legal terms, I actually mean two different types of words: the first are words with a specific, technical legal usage—the kind that would be part of court proceedings, law codes, and so on. In the second classification I include related words having to do more generally with the law, describing crimes and criminals, and the like. There are a good many words from both categories in the text, and I believe that it is important to consider the second group as carefully as the first. Eiximenis claimed to have made a conscious effort to use popular terms wherever he could; in the general introduction to *Lo Crestià*, he addressed the work to «persones sens grans letres» and promised to speak «comunament, e més que més, grosserament a vegades» (Hauf 39). Thus, it is important to consider not only the learned, technical legal terms, but also the more popular related words, in order to obtain a complete picture of this semantic area.

#### LEGAL TERMS APPEARING IN THE "REGIMENT DE LA COSA PÚBLICA"

*Note:* The number of times a given word appears in the *Regiment* is indicated in square brackets; i.e. [3].

ABSOLDRE [1] 'absolve'.

- ACUSAT [1] (ACUSACIÓ [2], ACUSADOR [1]) 'accused', 'accusation, prosecution', 'prosecutor' *cf.* FISCAL: what he presents is an ACUSACIÓ or DENUNCIACIÓ, while ACUSADOR is given as a synonym for FISCAL (q.v).
- ADVOCACIÓ [1] 'advocacy, action of lawyer, trial'.
- ADVOCAT [1] 'lawyer'.
- AFAITAR [1] 'rob, cheat'. While DECLC does not mention this usage, DCVB I, 230 has «furtar, prendre d'amagat, amb astúcia, aprofitant un descurt» as a meaning of AFAITAR in Barcelona and Empordà.
- BASTARD [3] 'bastard, illegitimate child'. See also BORD.
- BORD [21] (BORDERIA [4]) 'bastard', 'bastardy'. < Latin *būrdus* 'mule' DECLC II, 98-101 notes that while the word is documented very early, it is particularly common in Eiximenis.
- CADÍ [2] < Arabic *qādi* 'judge'. In this context, CADÍ is a Moorish judge; it occurs only in a story about «sarraïns», and a definition is provided.
- CASSAR [1] (CASSA [1]) < *cassare* 'annul' so CASSA = 'null, void'. According to DECLC II, 618-19, these are the first documented appearances of both forms: «Cascuna aytal ley sia CASSADA per Santa Mare Esgleya»; «nenguna ley no ha neguna valor, ans és vana e CASSA, si no es con corda o no ix de la lig de Déu».
- CAUSA [10] used to mean 'law case' only. According to DECLC II, 984 (s.v. COSA), up to the 13th century, COSA was used in this sense, but from the 13th century on, the distinction was made between CAUSA in a legal sense, and COSA for other meanings.
- CLAMAR [5] (CLAM [1]) 'make a legal claim or complaint', 'claim, complaint'. CLAMAR (sometimes + DE) appears only in a legal sense in the *Regiment*, that is, Eiximenis never uses it as a synonym for CRIDAR.
- CONTRACTE [1] 'contract, formal legal agreement'. The DECLC gives 1507 as the date of its first documentation, although DCVB has a 13th century citation. All MSS present the same form.
- CRIM [13] (CRIMINAR [1], CRIMINÓS [4]) 'crime', 'commit a crime', 'criminal'.
- DEFÈS [1] 'defence'.
- DENUNCIACIÓ [1] (DENUNCIAR [2]) used as synonyms of ACUSACIÓ, ACUSAR.
- DRET [6] 'law'. Also DRET adj. [3], although this is not used in a legal sense.
- ESCRIVÀ [5] 'scribe'. It is used only with terms like NOTARI, CONTRACTE, JURISTA (i.e. only with a legal connotation, not literary).
- ESTATUT [2] 'statute', 'law'; used as synonym for LEY and MANAMENT.
- FALSAR [1] 'falsify': «FALSAR testaments e cartes e processos».
- FISCAL [1] 'prosecutor'. This is one of the earliest appearances of this

- term; the first documented is from the 1370's (DECLC III, 1044 s.v. FISC). In fact, Eiximenis defines it: «aquests se apellen pròpiament acusadors del poble».
- FOR [4] 'price, tariff'. Only in the phrase «a covinent FOR». < Latin *fōrum*, which also gave FUR (q.v.). Its use in the *Regiment* appears to confirm DECLC VI, 230: «En els textos posteriors [a Llull] va preponderant més el sentit legal o legislatiu, almenys en la variant FUR, mentre que FOR persisteix en [accepcions] econòmiques o generalitzades».
- FUR [3] in each case, synonymous with 'law'; cf. FOR.
- FURTAR [9] 'rob, steal'. Eiximenis seems to have preferred FURTAR to ROBAR, which appears only once in the text. DECLC VI, 235-36 comments that FURTAR «era estrany al cat. antic (fora del llenguatge tècnic dels juristes)» and that it was and is used primarily in the País Valencià.
- IL·LÍCIT [1] 'illicit, illegal' learned form < Latin *illicitus*. DECLC V, 194 (s.v. LLEURE) states that LÍCIT appears for the first time in Jaume Roig, without giving a date for IL·LÍCIT. All the MSS present the same form. Could this be its first appearance?
- INJÚRIA [2] synonym of INJUSTÍCIA, a meaning it already had in the works of Llull.
- JUDICIARI [2] noun; appears to be a synonym for JUTGE in both cases. DECLC IV, 935 (s.v. JUTGE) gives no date for its first appearance.
- JUÍ [5] 'judgement, verdict'. A more popular form of JUDICI, JUÍ was the usual form in the 14th century.
- JURAR [2] (JURAMENT [1]), 'swear', 'oath'. One of the cases of JURAR seems to mean 'to blaspheme'; «alguns ribalts [...] JUREN pijor de Déu que altres.»
- JURAT [2] 'city councillor'. The disputed introduction to the *Regiment* dedicates the book to the JURATS of Valencia; one of these citations refers to them, the other to the councillors of Flanders. At his first use of the term in the *Regiment* proper, Eiximenis defines it: «Los valencians los apellen JURATS, car en lo començament de llur ofici ells fan jurament especial de consellar e de mantenir la cosa pública segons llur poder.»
- JURISTA [15] 'lawyer'.
- JUSTÍCIA [53] (INJUSTÍCIA [2]) 'justice'; 'injustice'.
- JUTGE [13] (JUTJAR [6]), 'judge' noun, verb.
- LEGÍTIM [3] 'legitimate', i.e. «generació», «infants», «actes». < Latin *legitimus* 'in accordance with the law'. cf. LLEDESME.
- LLADRE [2] 'thief'.

- LLADRONICI [1] 'robbery, theft'. A metathesised form of LLADROCINI < Latin *latrocinium*. According to DECLC v, 22 (s.v. LLADRE) this was due to the influence of *ladrons* and other abstract nouns in -ICI. LLADRONICI became the more usual form.
- LLEDESME [1] 'legitimate child'. Also < Latin *legitimus*; cf. LEGÍTIM.
- LLEI [111] 'law'. The manuscripts of the *Dotzè* (but not the *incunabula*) have LIG instead of LLEI wherever 'divine law' is meant: for example, LIG DIVINAL, LIG DE GRÀCIA, LIG DE DÉU; elsewhere, all use LLEI. DECLC v, 136 confirms this: [trobem] la variant LIG [...] amb predilecció per a les religioses i doctrinals.»
- LLEUDA [2] 'tax or duty levied when goods entered a city or town'. < Latin *licita* n. pl. 'legal charges, duties'.
- MOGUBELL [1] 'interest on loan, often exorbitant or usurious'. < Arabic *muqâbala*, 'compensation'. DECLC IV, 247-248 notes: «En Eiximenis es tracta ja de la usura criminosa.»
- NOTARI [5] 'notary'.
- OFENSA [7] 'offence', 'illegal act'.
- PEATGE [1] 'toll, right of passage'. Appears with LLEUDA (q.v.).
- PICAPLET [19] 'lawyer'. Dictionaries give «picaplets», but in the *Regiment* it has no s in the singular. This term is usually pejorative, but it is not necessarily so in Eiximenis: they can be «bons». DECLC VI, 526 (s.v. PICAR) confirms this: «generalment pejoratiu, i ja podia ser-ho antigament, però no sempre, almenys en Eiximenis».
- PLET [4] 'legal action, case'.
- PROCÉS [1] 'process, legal action'. Used as object of FALSAR (q.v.).
- PROCURADOR [2] 'procurator, lawyer'. Used as synonym for RAONADOR and PICAPLET (q.v.): «PROCURADORS [...] o raonadors o picaplets, que tot és u...».
- PROVAR [7] 'prove'.
- RAONADOR [2] 'lawyer'. Used as synonym for PROCURADOR (q.v.).
- REGATOR [10] appears to mean 'speculator': «lo REGATER tostemps desija mal temps e carestia, e compra en gros per esperança d'encairir la terra, e de tots punts és contrari a bon mercader, ne null temps cerca ne cessa de trafegar o de baratar sinó a son profit». It is not clear that this activity is illegal, but Eiximenis declares that it should be regulated.
- REGLA [3] 'rule, rule of law'. Used only as a legal term in the *Regiment*: «la llei, que deu ésser REGLA directiva a l'hom»; «mirall de veritat e REGLA de justícia» (bis).

- REVENEDOR [2] 'speculator'? It occurs both times with, and appears to mean the same as REGATER (q.v.).
- REVOCAR [2] 'revoke, annul' (with LLEI).
- ROBAR [1] (ROBADOR [1], ROBERIA [1]) 'rob, steal', 'robber', 'robbery'. Although ROBAR is documented from the 12th century on (DECLC VII, 351-54), Eiximenis seems to have preferred FURTAR (q.v.).
- SENTÈNCIA [3] 'sentence, legal decision or judgement'. (I have not included here its use in the *Regiment* with other meanings, such as 'maxim, aphorism'.)
- TESTAMENT [1] 'will, testament'. Appears as object of FALSAR (q.v.).
- TESTIMONI [8] 'witness'. According to DECLC VIII, 466-67 (s.v. TESTAR), it could mean 'testimony' or 'witness'; in the *Regiment*, however, it has only the meaning of 'witness'.
- TRAFEGAR [1] (TRAFEGUER [3], TRAFEGUERIA [1]) 'swindle, cheat', 'swindler', 'swindling'? TRAFEGAR is an activity attributed to REGATERS (q.v.), while TRAFEGUERS and TRAFEGUERIA are equated to usurers and usury.
- USURA [2] 'usury'. Appears with TRAFEGUER, TRAFEGUERIA (see TRAFEGAR).

Clearly, Eiximenis was familiar with legal matters, from his experience, possibly from his studies, and certainly from his association with the jurats of Valencia (although he moved there only a short while before he composed the *Regiment*). He would also have acquired knowledge of legal matters through his association with the royal family and his presence at court.

While he takes pains to explain some of the more technical, specialised or unusual terms he uses in the *Regiment* (such as CADÍ, FISCAL, JURAT, PROCURADOR, among others), most of the words in the above list seem not to have been overly unusual or incomprehensible to Eiximenis' public. If such had been the case, he would have included more definitions and more synonyms. Even words like CASSAR and JURAT, which were first documented in Eiximenis' works or were simply very common in them, were surely not neologisms. It seems clear that he expected his audience to understand the great majority of them. This is an interesting observation in light of Eiximenis' claim to write for the unlettered. It seems to me that his intent to address *Lo Crestià* to such people may apply more to other parts of the *Dotzè* and to the other books of the series than it does to the *Regiment*; after all, its subject matter is perhaps more specialised than that of other parts of the work.

As for the less technical terms, we glean some valuable information from the *Regiment* about persons and activities considered undesirable and/or against the law. The early documentation of AFAITAR in its sense of 'rob', Eiximenis' apparent preference for FURTAR over ROBAR, and for BORD over BASTARD, among other characteristics, are useful to our knowledge of the state of Catalan towards the end of the 14th century.

The present study is, as I have stated, part of a larger investigation of Eiximenis' language. It is my hope that the broader study will confirm the impressions I receive in passing as I read Eiximenis' works, about his use of language: that perhaps he is being somewhat misleading when he professes to write for the uneducated, and that his language is rather more sophisticated than he is usually given credit for.

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