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In the first section of Chapter 1 (*The Historical and Geographical Coordinates of Codru Region*) we have presented the destiny of an area from Transilvania, in both geographic and historical aspects. The region which we have researched, no matter to which county it belongs from the administrative point of view (Maramureş, Satu Mare or Sălaj), it has its own civilisation, defined even today, in comparison with other Transilvanian regions, by powerful characteristics. These personal characteristics originate in historical facts: during the first centuries AD, the region was inhabited by tribes of independent Dacs, living outside the borders of the Roman province (106 AD-275 AD).

Starting with the first documented mention of their existence, the villagers of the area have been often evoked, even though in other historical and social context: the penetration of the Hungarians in Transilvania and the new feudal organization. In 1918, the people from here united with the country, continuing to live on the territory which has always belonged to them.

The principal activities of the inhabitants were farming and calf rearing. Besides these, we mention some others, used not only for their own needs, but also for trade: joinery, shingling, wheelwrighting, manufacturing household items and furniture.

A significant part of the region's folkloric life, has been going on within some special occasions, suitable for the material, social and spiritual needs of people.

In the next subchapter (*Linguistic Particularities of Codru Region*) we situated this area, from the linguistic perspective, in "crişean" dialect, one of the most conservative and archaic dialects of the Nord-Danubian ones (Coteanu 1959: 71). We mention a few characteristics of the region's idiom: the vowels (*e, a, o*) meet a phenomenon through which they pass, when in unstressed position, to closed vowels: *câni, păhar, bini, acuperit*; the ending *-ă* transforms into *î*: *vacî, masî*; the lack of *îi* diphthong in words as: *cân'i, pân'i, mân'i*; initial *o* passes into *uă*: *uăi, uăk*; after simple consonants or groups a final *u* is remarked: *kipu, lupu, mărgu, şedu*.

The phenomenon of the labial sounds being palatalized is not general, there are forms palatalized in different stages: *p, b* and *m* become *pt, bd, mn*, and for *f* and *v*, stages *h, d'* or *y* are most frequent: *pt'icior, abd'e, hir* (instead of *fir*), *herbe* (instead of *ferbe*), *d'iţâl* (instead of *viţâl*), *d'init* (instead of *vinit*). The rhotacism is a sporadic phenomenon: *irimă* (instead of *inimă*), *fărinî* (instead of *făină*), *jerunk'i* (instead of *genunki*).

As for the morphology and syntax, we register the following characteristics: to express the dative, preposition *către* is used, and to express the conjunctive, *și* (meaning *and*) instead of *să* (meaning *to*) is used.

Regarding the lexis in the *codrenesc* (adjective derived from the region's name – *Codru*) idiom, we will find many forms from the 17th century, out of which have not been sufficiently explained or their meaning in proportion with the present sense: *a hori, a cura, a pițiga, cotătoare, prunc, cățân, ciucuri, herneu*.

The first chapter, with the title *The Specific of the Judicial Literature in Historical Context*, underlines the fact that the administrative and judicial documents are, from the style perspective, well differentiated of other styles of literary language. Their specific is borned from the necessity of mirroring in a direct way some political, economical and social connections. The conservatism of the judicial style is connected with the tendency to keep unaltered the tradition of established forms, and the signalized innovations are the consequences of the responses and needs of the moment to the quick changes which public life register. Therefore, it exists, on one hand, the reaction against the conservatism, routine and traditional forms, which is manifested by introducing neologisms: *armie, comisie, congres, corespondență, deputat, factură* and on the other hand, the tendency to keep the established formulas: *plecăciune, ne închinăm, preacinstit, plecați*.

The administrative texts use numerous phrases and locutions which are characteristic to the spoken language terms from the local lexis: *cupeț, întocmire, plevilă, a se învecina, țidulă*.

The second chapter (*Judicial and Social Customs, Rural Community and its role*), which is divided in more fragments, begins with the opinion of some researchers (N. Densușianu, B.P. Hasdeu, N. Iorga, George Fotino) on rural legislation, "the custom of the land" and "the law of the region". In linguistic sense, the term *obicei* (meaning *custom*) is by origin a Slavonic one, and at the begining it was utilized predominantly with judicial meaning, *the custom of the land*, being specific only to the romanian judicial vocabulary. The word *lege* (meaning *law*) has the meaning of *unwritten right* and originates in the latin word *re-ligio* which means "to tie on the inside through faith and conscience".

Starting with the 17th century, the word *law* is utilised only for the designation of the written right and the unwritten right was usually denoted by the word *custom*. Our unwritten right is settled also through the term of

christian law (Cernea, Molcuț 1999: 58). In some modern texts our unwritten right is also called *jus valahicum*.

In the current language, the judicial custom is designed through the terms *cutumă* (meaning *custom*) and *drept cutumiar* (meaning *common right*). In his works about the history of the *common right*, Nicolae Iorga states that this right was extremely active in our country until the 18th century and even today still survive some elements of judicial rural folklore, that the "farmers' right is older than the one of the shepherds' because it refers to the archaic forms of possessing the land in the community." (Iorga 1935: 73).

The system of common right, which adjusts the life of the farmers, included two branches of social and cultural rights and duties: one which refers to the customs and practice of the "motion farming" and the other talks about the customs of the "sedentary farming". The oldest judicial customs and traditions refer to the term of *land* and *estate*.

In the part *Common Right Systems* we have analyzed a few specific terms from the Codru region, like: *braniște* < sl. *branīšte* , "wealthy estate", *curătură* < lat. *cura* + suf. *-atură*, "place in a forest without trees", *mejdă* (*mejdie*) < sl. *mežda*, "frontier", *pojorâta* < sl. *požaru*, "fire" or "fertile land after being burned", *rúnc* < lat. *runcus*, "fertile place where the trees were cut", *ius* < lat. *jux*, also called *iuș*, "right for usage".

In the fragment called *The Judgement Organization of the Village*, we have emphasized the presence of the *Village Chair* , with *Prince of the Village* , *The Dominant Forum* and *The Royal Board* as Court, judgemental and decisional elements for the happenings from Transilvania, therefore Codru. *The Judgement Chair* was situated on the frontier, between the two lands, and here it comes from the phrase *the judgement at the frontiers*.

The frontier, in the judicial conscience of the Romanian peasant, represents an institution of common right, without which many archaic aspects of the laws of the country could not be explained. Here, *the frontier punishments* take place, which are also called in Codru "zgleamăn", term with unknown etymology, even though, from the arrangement of the letters- groups *zgl/zgr*, it seems to be of Dac origin.

The Right of Transilvania in the Epoch of the Habsburg Domination is a fragment which underlines the presence of the Romanian judicial custom in times when the Habsburg Monarchy and the Transilvanian Diet were promoting a judicial order which was overlapping *the custom of the land*.

The Principality of Transilvania constitutes the expression of the stage of historical, social and political development and its leading system includes: The Prince of Transilvania, The Diet, The Intimate Council, The Official Church and the local organs: "cnezi" and "juzi", "congregația nobililor" (The Congregation of Noblemans) , "Tripartitul lui Verböczi" (The Tripartite of Verböczi).

The work continues with the problem of judicial signs and its approach in Codru. The investigation itself, which is difficult, becomes even more difficult to approach as the essential data of the problem is history and the documents and examples are very rare, the literature in this field undoubtedly missing.

In Codru, the signs of the professional categories are divided in signs of the breeders', shepherds', farmers' or signs of frontier. A few examples : the cross, the fir tree, two waters, horns, hand, pot, knife, scissors.

The specific terms of the split property constitutes another part of a chapter of our thesis, which analyses the specific characteristics of the split villages through the investigations made by the sociologist H.H.Stahl, who turns upside-down the classical perspective which stood up before his research, about the descending of the Romanian villages. The classical outlook accepted the conclusion that the rural romanian settlements are of a genealogical type, meaning that they were derived from an original family. Stahl comes to the conclusion that we are most probably dealing with a situation in which it can be observed a mixture which has nothing familial in it, a social organization which is more similar with a village or a community than with a family. The Romanian village is defined as following: "It is the form of social living, on an estate body, of a biologically closed group, often linked, through kinship, to the group, living in a familial household, related to a community, which through decisions taken by its general reunions, it has its right to intervene in the particular life of every household." (Stahl 1958: 223-330).

We have described then, the compound village (split village), its genesis and its dynamics, its frontiers and its techniques: the map from sign to sign, its natural boundaries and the signs put by hand. The terms connected to the frontiers, and to the group are explained in the next part: *alodiér* < lat. *allodium*, "free private property, exempt from fees"; *aservít* < fr. *asservir*, "obedient farming"; *a biciulí* < magh. *becsülni*, "to evaluate"; *a călcá (hotarul)*, "to step on the ground by foot, to measure"; *chizeş* < magh. *kezés*, "bail"; *cisláşi* < sl. *císlo*, "număr"+ suff. *-aşi* "persons who take fees from people; *clácă* < sl. *kláka*, "free work which the peasant was obliged to do for the master of the house"; *a curá* < lat. *curro*, *currere*, "to run"; *jelér* < magh. *zyeller*, "peasant without

land”; *judecie* – from *judec* < lat. *judex*, ”judge”; *móş*- disputable ethymology, possibly of Dac origin. It is made the transition to < alb. *moshë*. The number of terms is bigger, nearly 60. We can see there is a large number of terms with Latin origin, but also Hungarian and Slavonic.

The next fragments of chapter (*The Internal Structure of Split Villages*, *The Archaic Split Village* and *The Developed Split Village*) refer to the internal organization of the households and of the family groups, but also to the existence of a customs system connected with inheritance of biological kinship or spiritual one, as to the types of judicial regime of using the lands. We have not neglected neither the analysis of the specific terms of split village, as: *delniță*, *gardurile de țarină*, *jitar*, *vraniță*, *haitău*, *dijmaş* etc. The principal characteristic of developed split village is its character, opened to newcomers, who become ”*dijmaşi vremelnici*” (which means people who pay fees to live in a place for a determined period of time) or ”*dijmaşi statornici*” (which means people who pay fees to live in a place for an unlimited period of time).

The old Transilvanian village is presented itself like a Universe which is fully grown, like an organic unity in which all small ensembles perfectly synchronises in order to make possible the normal flowing of social life. The old Transilvanian village, like the one from Codru, it will present itself in a biological state (consanguinity) (Stahl 1958: 78), in a social and geographical one (on the same territory being a group of familial households linked in associations). The village will state itself, then, as a phenomenon of social conscience, materialized in the idea of kinship formulated through a ”spoke of nation”, which connects the people of one single ancestor, real or fictitious, anyway, like a judicial phenomenon which is the use of ”kinship system” like regulating instrument of the splitting proportions, so in the group, as also in the community. (Stahl 1958: 133).

The actual feudalism is taking place quite late in Transilvania. The certificate of the right to possess a property on all the village’s land was made through the recognition of the character of native, with the presence of the so-called *iuş*. If he possessed the land in that *iuş*, the dweller was being certificated with right on that parcel and on all the still split land. The nobleman take control gradually, by buying as many lands as possible in that *iuş*, they pretend afterwards distribution from the split land, in proportion with the bought parcels.

In the fragment *Judicial Terms of the Usual Inheritance Right* we had as aim to underline the remittance, in the traditional village, of the inheritance through the act with ritual valences, called ”the vow as the last wish of the

person who is about to die” and through the ”will”, written or oral. The ”vow of the dying man” is shown on the dying bed in the presence of the ones that are aimed, but also of the relatives, and in some cases some special witnesses. The information taken from different cities of Codru give this form of establishing the succession, enormous qualities, similar to the divine decisions: ”what people said on the dying bed was holy. In some families they still do so.” (Babța, inf. Suciú Irina, 72 years). In Codru this norm wears the title *hodiótíc* < magh. *hogyótek*, ”the wealth”.

Watching the transposition in practice of the ”the vow on dying moment” and the division of the inheritance in general, the traditional norms were obeyed: the donator left it to the children and closed relatives, and the descendants conveyed and shared it ”through fraternal agreement”.

The spiritual kinship had its origins in the mystery of the baptism and marriage and produced judicial effects, because they were the fundament of a real spiritual family, pursuant with the ”laws of the Country”. The Law of the Country created also kinship relations which were developing from the act of adopting and the one of the fraternization.

For the inhabitants of the villages of Codru, the will did not constituted a general and continued practise. In the conditions of which the majority of them were poor, many of them serfs, without social liberties, many illiterate persons, less than 1 percent of the total population left such a will. Through the patent from 1854 there were imposed some judicial concepts of *property*, *usufruct*, *landed*, *inheritance*, established through the Austrian Civil Code (Balog, Pavel 2002: 49).

The terms have their root in Latin and French. Some judicial vowing ritual terms refer to funerary expenses: : *comândare*, *spese*, *astruca*, *canură*. These ones are divided in words borrowed from popular or old language: *right*, *judgement*, *denunciation*, *to notify*, *litigation*, to respect and neologisms which are specific to the judicial and administrative field from Transilvania: *exactly*, *decisio*, *expenses*, *to annul* (Todoran 1962: 116-120).

Many terms are taken from the popular language, having different ethymologies: *alegăduít* < magh. *elágedni*, to thank; *a aplacidá* < fr. *applacida*, to take into consideration; *de fípt* < lat. *factus* (*de facto*), action, act; *interes* < germ. *Interese*, interest; *a încopcíá* < bg. *kopče*, to close; *príce* < sl. *priiča*, pretext.

We will mention important words of the judicial Transilvanian literature: *abzicere* = giving up, *amăsurat* = pursuant, *conchemare* = summons, as other

fonetic forms due to Hungarian language: *articulus*, *comisarăș*, *fiscarăș*, *titulus* (Todoran 1962: 116 – 120).

Continuing the mentioned fragment, we also analysed the judicial terms of "the soul part", like : *ctitor* < sl. *ktitorŭ*; *epilát* (*epülét*) < magh. *epület*, "building"; *asentiție* < germ. *assentieren*, "recruitment"; *făuria* < lat. *faber*, "smithy".

An important chapter, called *The Unwritten Law of the Sheepfold and the Specific Terms of it* debuts with the concrete analysis of some ethnographic documents, oral and written, internal and external, of some customs, relations and judicial norms connected with the economic activity of the free shepherding. The ground researchers realized in the Codru area allow framing of the shepherding from here in the type called by specialists local shepherding (Vlăduțiu 1973: 253) or farming-local.

In its first form, the shepherding common right is only the traditional, alive and oral part, which regulated and fixed the professional experience and the material power of sheep owner. In its second form, the legislated shepherding right is the part from the shepherding feudal right fixed in written form. The owner of the sheepfold is the judicial person with the most evolved common status. He leases the pasture from the mountain, hill, plain or pond, engages the shepherds with wages and keeps evidence of the dairy products.

The shepherding right system has its origins in the Epoch of the birth of the Romanian nation and even before, in a Dacia where shepherding was a principal occupation of the autochthonous population. The shepherding common right continued until the beginning of the twentieth century, beginning in the feudal period, as a constituent and essential part of the common right, called by Romanians "the law of the country" or the "custom of the land".

That is why the judicial pastoral terms and other collateral terms have been kept alive from the oldest times, without the new terms (neologisms) to penetrate in this language. The pastoral right system was transmitted through an unwritten form called *consuetudinară* (not written but kept alive by the frequent use), *cutumiară* (common) or *obișnuielnică* (common) and preserved until present, mainly through oral tradition. We have not met many terms from Slavonic or Hungarian language.

The enslavement of the shepherds was made through the "fees of the sheep", or other old collocations related to this meaning, together with the penalties written in the code of laws for the infringements of the shepherding

law: "cow as cow", "the victim to take tenfold", the custom of "professional degradation".

The part *The Judgement of Shepherds* analyses the "group of shepherds" and their obligations, the "professional shepherds group", in which entered shepherds with their judicial norms, belonging to that part of the "law of the country" or "custom of the land" which regulated the particular activities of the shepherds' lifestyle and way these norms were being applied in the shepherds' community.

The Judgement of the Shepherds, another fragment of the Thesis, refers to a special form of activity of the community, made by the group of shepherds-judges (three, five or seven) in some instances established through tradition. The technique of judging the shepherds was distinguished from the one of the oldest men in the village.

In the shepherd's life, one of the most important moments of their calendar was and it still is in the present the making of the sheepfolds by association in the villages where the rural households were raising sheep for their needs and less for the market.

The Judicial Terms in Sheepfold and their construction is a subtitle which brings us to the field of the Daco-Romans, proving, like collocations and elements from the vocabulary, the continuity of our ancient cultural language. Here are some examples: *júde* < lat. *judex*, representative of the rural community; *judecátă* < lat. *judicata*, debate in Court; *jurământ* < lat. *juramentum*, solemn commitment of faith; *măsurá* – vb. < lat. *mensurare*, *măsuríş*, the action of measuring etc.

Judicial Terms in Familial Relations in the Traditional Romanian Village – from the beginning we have to remark the fact to the Codru area it were specific the patrilinear descendance and the fixed residence: the house (or household) was known after the man's name (the house of *Nuțu Indreichii*), the name of the child includes the father's in a possessive relation (*Gheorghe of Văsălichii Petri*), the wife also depends of her husband (*Florica of Andriş*) and the name of the man is perpetuated after his death (*The Widow of Mihaiului Lichii*). The rule was that the woman should go at her husband's house, but there are also situations when the man is settling in the woman's home, a phenomenon which is known in this place as "groom on the yard", and as a result he gives up to his name and takes on the name of the household where he entered.

The roles of "wife" and "husband" were felt relatively late as important, and as a prove comes the fact that in some languages there are no special terms

for defining them. Therefore, the < lat. *Maritus*, husband, has its origins the suffix *-itus* meaning *taken with* or *in possession of* mari- (meaning *girl of noble age*), from where *maritus* - *in possession of a young woman*. In Romanian language, the term didn't give us the term *husband*, but *to marry*.

For the wife, the Latin language gives us *uxor* with the root in *i-e* in which the first part means *to get used to* and the second, *woman* (*femeie* in Romanian), meaning feminine human being with which you got accustomed. From Latin are also inherited the words *ginere* (son-in-law) and *nóră*(daughter-in-law). The same situation have the words *sóră* < lat. *soror* (sister); *cumnat* < lat. *cognatus* (brother-in-law); *muiére* < lat. *mulier* – *erem* (woman); *nevástă* < sl. *nevesta* (wife) etc.

The term which defines the *nation* is expressed through many words: *neam*, *viță*, *foaită*, *spiță*.

In the fragment *Exogamia patronimică* (*exogamie* meaning the forbiddance of marrying inside of a family; *patronimica* meaning that the family takes the name after the father) we follow the way in which names and labels are attributed in order to distinguish particularities of each individual (Mill 1988: 33).

Our research tries to demonstrate that the system of the totality of names of all the inhabitants from Cordu presents a judicial basis (*tria nomina*). Here, until present, people are called after the name of old appellatives which had three characteristics (of the surname, the name of the kin and the nickname). Romanians inherit from the Romans, like from the Thracian, the type of naming after the father: *Costea Pașchii Marcului* which means Costea the son of Pasca son of Marcu.

The custom of fraternization has its origin in the Antiquity and persisted on the Romanian land until the Modern Epoch, and was used in a large number in all social levels.

The third chapter, entitled *Judicial Terms in the Customs and Folkloric Works of the Region* refers, at the beginning to the specific folklore customs of the people: the respect for tradition and the care for the custom's form, the right carrying out of it, observing the traditional customs, compulsory and coercive character. The folklorist Arnold Van Gennep (1943: 48) brings into discussion the problem of observance and the compulsoriness of the customs. An eloquent example in this direction is the "un-caroling", which appears where the host or the person who is about to be visited by the group of singers refuses them. The

host aims to cancel the wishing of the singers by harmful practises and specific formulas.

The judicial activity of the group of young men in the village is taking place in another custom, called „bricelatul”, through which a specific person, called Craiul Nou in Romanian, judges and punishes the ones who have made incorrect actions, have got drunk, have been clumsy or have not obeyed the customs.

The inobservance of the customs in their traditional forms was drawing moral sanctions concerning the public opinion. Things which were morally sanctioned were the lack of hospitality, cheating a member of the family, not obeying the family life and the domestic and community customs, the sexual abuses, the adultery, the diversion from traditional costume.

The part *The Standardization of the archaic models* refers to the customs that constitute themselves in social and cultural rules, principles, habits. The standardization facilitates the stipulation and maintaination of the customs through which the human action will be constantly influenced. The customs repeat periodically in identical contexts, that is why the rural community finds them right and compulsory for all its members.

We have exemplified this principle through a few customs which are specific to the region: caroling, shouting over villag, which was a real court of the rural community. The power of keeping the tradition we find it in the incantation and also in the spells, because the rural Romanian society was, in a very forgotten past an isolating society. It was producing and consuming alone its goods, having a well-shaped cultural life.

The ascending of the mountain, similar to the ascending to Heaven, is also descendant from the rite of old Getho-Dacs who were sending their messenger to the sky, in the Paradise of Zalmoxis. The custom has such a power of remanence that even today is still alive.

In the fragment *The Logical Character of the Customs*, we underline the fact that all the customs had a logical character through their compulsory and exact iteration, in the same circumstances, through the faith in their necessity, by the precise functions, magic ones, proper to the old human mentalities.

The majority of the customs have received a religious, christian meaning, fact which has driven people to the compulsoriness of obeying these because of believing in God. There were used phrases like ”God can see you”, ”God can punish you” if someone could dare to disobey the rituals and customs. The

activity of the common constraint can be seen in the traditional costume, in which exists a social standard, age, sex, profession, even region reglementation.

The coercive element of the traditions of any kind (the law of the land, the law of the country) constitutes the judicial, common conception, with deep roots in the ethic and social activity of the inhabitants.

For the disobedience of the customs there were judicial authorities and traditional forms which we have presented in the part with the title *Judgement Forms and Traditional Punishments* and which were processed by the group of young male people in the village. The most used punishments were the "un-caroling", "the shout over village", curses, magical practises. In the world of carols, the judicial terms origin in the military discipline of the young men, organized by unchanged, ancient rules, which were kept alive until present.

In the part *The Obligations of the Group of Young Men* we have dealt with a few terms which descend from the code of laws of the youngsters. For the term *to penalize*, in a single text we could meet with more terms meaning the same thing, as: *a se globi* < sl. *globa*, *a certá* < lat. *certare*, *a puni* < fr. *punitif* (to punish, to amend, to penalize).

The troop of young men watched out for all the members of the community to obey the unwritten laws of the tradition. The "Chizeși" were invested with the authority of judging and punishing some deviation from the behaviouring norms of young men and women.

The fragment *Judicial Terms in Customs and Popular Works* analyses some more terms met in our periplus through the customs from Codru region: : *a alchezí* < magh. *alkudni*, to negotiate; *birău* < magh. *biró*, mayor ; *ecléjie* < lat. *ecclesia*, the land of church; *fîşcuş* < lat. *fiscus*, vault or tax; *tânjală* < unknown ethymology, piece of wood used to keep the cows in the machinery for ploughing; *mană* < sl. *mana* (ngr. *mánna*), fruit or summer rain with nocive effect on the plants; *bricelă* < lat. *bricella*, wood stick; *s-a sânecat* > lat. *ex-somnicare*, to wake up; *a crunta* < lat. *cruentus*, to bleed, today meaning bad person; *fârtat* < lat. *frater*, to fraternize; *crai* < sl. *krali*, king or magus; *ginere* < lat. *gener*, son-in law; *baţ* < lat. *balteus*, ribbon; *a peţi* < lat. *petere*, to propose; *staroste* < sl. *starosta*, leader of a group or leader of the wedding.

The fourth chapter, *Contribution and Reconsideration Concerning some Judicial Terms from the Work*, underlines our contribution to correcting some ethymologies of judicial terms which we atested on the ground in the Codru region, like: *piţărău*, *andirete*, *astruc*, *jintuială*, *cătun*, *oarzăn*, *vatră*, *a mirui*, *a zdrumica*.

In *Conclusions* we mention the fact that our judicial ethnology researches tried to find rudiments of laws and terms of the split property, of common right, of unwritten law of the sheepfold. Romulus Vulcănescu sees in the epic, lyric and dramatic song, in the narration and lament, in legend and curse etc. (in all literary genres) the concrete forms of the popular literature in which survive the judicial traditions and customs (Vulcănescu, 1970: 28).

In our step, we have researched the composition of the vocabulary from the judicial and law field, analyzing all the terms registered in the Romanian linguistic atlases and as much as possible we established the antiquity of different terminological layers for the words in our researching field, we have shown the importance and the frequency of the terms of a special kind of origin in the researched area.

Exploring the cultural and linguistical value of the judicial terms, we notice that only an interdisciplinary approach can embrace the phenomenon in the complexity of its manifestations and meanings. Being especially a communication act, the judicial term is proper to some evaluations in which the linguistic analysis must be accompanied permanently by the ethnological one.