Jeopardy ve del catala trobadoresc Joc-partit

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Data de publicació: 04-06-2014

"The "jeu parti", or "débat", a debate on love between two poets; the alba, or morning song, in which lovers are warned by a night watchman that day approaches and that the jealous husband may at any time surprise them... "

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"Cada dia un saber nou... No aniràs mai a dormir..sense ampliar el teu magí.."

Respecte a "jeopardy".. el diccionary diu el mateix que em va dir na Helena Martí...

Estavem traduïnt a l'anglès, el text de "Leonardo, Montserrat i el secret de la Gioconda ", i vaig emprar "jeopardize", per dir que els seus colegues "sotmetien a judici públic" (amb el sentit que en el llenguatge lega anglès.. poner en tela de juicio) la seva qualitat com a pintor, quan de fet en aquest cas concret quedava millor: "were questioning".. com va dir el Mike.., tot i així (soc molt tosut) aquesta discrepància em va portar a encetar una petita investigació sobre "jeopardy"...

Diccionari (significat de jeopardy):

Nom

Verb

1. perill

2. dany

3. risc

1. ocasionar

2. arriscar

3. perillar

4. posar en perill

5. danyar

6. comprometre

1.- double jeopardy == "jutjar" dues vegades

2.-jeopardy. n [ME jeopardie, fr. AF juparti, fr. OF jeu parti, lit., divided game] .. "from or based on Old French jeu parti" (D'origen "trobadoresc" català-provençal)

Aquí és on vaig saltar, fal·làcia ja que els troubadours no cantaven en OÏL sinó en OC ergo "jeopardy" ve "joc-partit" mot català-provençal!!!:

"Joc partit o Partiment" (és un debat dialogat sobre temàtica amorosa davant un tribunal o cort d'amor)..."

(Els trobadors empraven també el "Sirventès"- Cançó política, moral, satírica i social, on es defensava un home, una idea o una acció determinada – no us inspira res?).

"The "joc partit", or "débat", a debate on love between two poets; the alba, or morning song, in which lovers are warned by a night watchman that day approaches and that the jealous husband may at any time.. surprise them... "

Pot-ser d'aquest "perill" (el marit..) va venir l'accepció actual... ;-) .. però aquí els trobadors "sotmetien a judici" el seu amor i discutien fins a l'alba, quin era el millor.. (d'aquí el nom de la cançó, la definició catalana ho deixa ben clar..)

És curiós perquè porto 25 anys emprant un significat de "jeopardy" que no és l'estàndard. És a dir, amb el sentit que jo li donava => "sotmetre a judici"... encara que... pot-ser veladament, la meva accepció, en anglès, existeix o ha existit des dels seus orígens (que com hem vist són ben catalans..), encara que ells no ho sàpiguen.

S'han quedat tant amb el sentit de "perill", que expliquen el significat de "double jeopardy" (que és estrictament "jutjar - sotmetre a judici" dues vegades), dient que és degut al fet que el reu està en doble perill de mort!!.. Senyor baixa!! Això és il.luminació divina!! No en tenen ni idea!!

Allà pels anys 80, estant a Madrid em varen demanar que volia dir "jeopardize" i vaig contestar: "poner en la picota", que curiosament està a cavall entre "posar en perill" i "sotmetre a judici públic"... el "comprometre" també s'hi acosta.. més "light", però mireu la acepció jurídica... veureu que se sembla més a la 2ª.

Jo curiosament no ho vaig mirar mai al diccionari, ho vaig treure del context dels meus anys parlant amb gent nativa, el 1985 ja portava 25 anys navegant amb americans i anglesos...

"Poner en la picota": La picota es una piedra con una punta afilada en que se colocaban las cabezas de los ajusticiados en la plaza pública o a la entrada de las ciudades. ..."

Si algú vol traduir a l'anglès "posar a la picota" amb una sola paraula.. no crec que n'hi hagi cap altre que s'hi acosti tant.. emprant-la en el sentit de "sotmetre a judici públic" (amb els caps a la plaça pública...), renoi si implicava perill i als "reus" se'ls jutjava..

Sembla ser que vaig continuar a l'edat mitjana.. no amb el sentit que té avui, de fet.. en aquells temps "posar a la picota" comportava un perill palès... ;-)...

Manel Capdevila

Acepció jurídica

(double jeopardy=jutjar dues vegades)

Non bis in idem

En el Dret penal, es coneix com a ne bis in idem la prohibició de la doble condemna pels mateixos fets. Un mateix fet, perpetrat per la mateixa persona, no pot donar lloc a una doble sanció sempre que ambdues normes tinguin el mateix fonament sancionador. Quan una persona realitza un fet subsumible en dues normes prohibitives (dues normes penals, o una de penal i una d'administrativa) que tenen el mateix fonament només se'n pot aplicar una.

En l'aspecte processal espanyol, la STC 77/1983 indica que tampoc és admissible un doble procés, i que la via penal és preferent respecte de l'administrativa.

Exemples de double jeopardy

1. (1006) double jeopardy ... double jeopardy, in law, protection against the use by the state of certain multiple forms of prosecution... ... In general (in countries observing the rule of double jeopardy), a person cannot be convicted twice for the same crime based on the same conduct... ... The defense of double jeopardy also prevents the state from retrying a person for the same crime after he has been acquitted...

2. (1004) Criminal Law: Principles of criminal law: SUBSTANTIVE

CRIMINAL LAW: The definition of criminal conduct.
... Protection against double jeopardy...
... In Anglo-American law the most difficult problems of double jeopardy involve the question of whether the second prosecution is for the "same" or a "different" offense...

3. (1004) Cardozo, Benjamin Nathan
... 319 (1937), a criminal case involving a claim of double jeopardy, he held that the Fourteenth Amendment (1868) to the Constitution imposed on the states only those provisions of the Bill of Rights (the first 10 amendments, 1791) that were "of the very essence of a scheme of ordered liberty...
... Maryland), which held that the rule against double jeopardy was so fundamental to justice as to be a requirement of due process of law...

4. (1002) Criminal Law
... Protection against double jeopardy...

5. (1002) Procedural Law: Criminal procedure: POST-CONVICTION PROCEDURE
... This is due to a strict interpretation of the concept of double

jeopardy, which forbids a defendant to be tried twice for the same act...

6. (1002) Procedural Law: Conflict of laws: INTERNATIONAL CRIMINAL LAW: Foreign judgments.
... In this way the double jeopardy rules of many national laws, barring a second proceeding on the same facts, is extended to the international level...

7. (1002) The Theory and Conduct of War: THE INSTITUTION OF WAR: Military law: JURISDICTION: Offenses against military law.
... All countries have rules to prevent the double jeopardy of an offender being punished for one act by both civil and military jurisdiction...

8. (1002) accused, rights of
..., cross-examine) his accusers, as well as freedom from unreasonable searches and seizures and freedom from double jeopardy...

9. (1002) Rights, Bill of
... The Fifth Amendment requires grand jury indictment in prosecutions for major crimes and prohibits double jeopardy for a single offense...

10. (1002) criminal law
... Criminal law usually precludes the trial of a person a second time for the same offense (double jeopardy) and contains statutes of limitations--that is, limits for the period during which charges may be made...
19 Items found in 'Articles' for 'jeopardize', showing 10 . [Show ALL]

Acepció estàndard..

1. (1) China: HISTORY: The People's Republic of China: THE CULTURAL REVOLUTION, 1966-76: Consequences of the Cultural Revolution.
... Officials at all levels of the political system had learned that future shifts in policy would jeopardize those who had aggressively implemented previous policy...

2. (1) Southern Africa: THE REGION: History: THE POLITICAL ECONOMY OF SOUTHERN AFRICA, 1910-45: North of the Limpopo.: Southern Rhodesia.
... Thus, international capital's fears that self-government would jeopardize their interests proved unfounded...

3. (1) Hungary: Physical and human geography: THE ECONOMY
... The state intervenes with financial assistance only if the closure of an enterprise would affect a large number of workers or if it would jeopardize national security...

4. (1) Protestantism: THE PROTESTANT HERITAGE: Teaching, worship, and organization: COMMON PRINCIPLES AND PRACTICES OF THE MAGISTERIAL REFORMERS AND THEIR SUCCESSORS: The ongoing reformation of the church.
... While most of the Reformers, once established, tended to resist extensions of reformation that would jeopardize their status and definition, almost all Protestants, at least nominally, assented to the idea that ecclesia reformata semper reformanda--i...

5. (1) China: HISTORY: The People's Republic of China: ESTABLISHMENT OF THE PEOPLE'S REPUBLIC: Readjustment and reaction, 1961-65.
... 16, 1964) affected the debate by appearing to support Mao's

contention that domestic revolutionization would in no way jeopardize long-term power aspirations and defense capabilities...

6. (1) Frederick the Great: Domestic policies.: Army and the state.
... In 1749 and 1764 he issued decrees limiting the obligations of the peasant to his lord, and in 1748 he ordered officers not to treat their men "like serfs"; but these were essentially efforts to prevent the plight of the peasant from becoming so desperate that he would be driven into flight and thus jeopardize the supply of recruits...

7. (1) Reproduction and Reproductive Systems: HUMAN REPRODUCTION FROM CONCEPTION TO BIRTH: Parturition: the process of birth: OPERATIVE OBSTETRICS
... If an expeditious delivery is desired to reduce maternal stress, especially if the woman suffers from conditions such as heart disease, acute pulmonary edema, or certain neurological conditions or if exhaustion or a prolonged second stage of labour jeopardize a successful vaginal delivery, forceps may be employed...

8. (1) Italy: HISTORY: Italy, 962-1300: THE AGE OF THE HOHENSTAUFEN: Frederick II.
... This dramatic reversal on the part of the pope and his seeming willingness to jeopardize what most historians have viewed as the papal position in Italy has raised serious questions...

9. (1) Insurance: Kinds of insurance: LIFE AND HEALTH INSURANCE: Group insurance.
... The insurer tends to be liberal on claims settlement because the typical premium under a group plan is large enough for the insurer to be unwilling to jeopardize the good will of the clientele through miserly claims treatment...

10. (1) The Crusades: The crusading movement and the first four Crusades: THE FOURTH CRUSADE AND THE LATIN EMPIRE OF CONSTANTINOPLE
... Reluctant to jeopardize the Crusade, Innocent gave conditional absolution to the crusaders--not, however, to the Venetians...