Sources of Two-word Terms in Legal Acts of a Constitutional Nature in English and Lithuanian

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Abstract. The research focuses on the contrastive analysis of the sources of the formation of two-word terms in legal acts of a constitutional nature in English and Lithuanian. Two-word terms constitute the largest part of multi-word terms in the administrative language in English and Lithuanian. The research on the sources used to form multi-word terms and their typology helps to evaluate the existing trends in term-formation and maintain systematicity in the process of the formation of new multi-word terms.

Keywords: multi-word terms, term-formation, sources of terms, legal language, borrowing.

Introduction

The article focuses on the contrastive analysis of sources used to form two-word terms in legal acts of a constitutional nature in English and Lithuanian. As far as the sources of terminology are concerned, there are two tendencies: to rely more on the internal sources or to rely more on the external sources. Thus, some languages tend to be more open to borrowing words from other languages, whereas others prefer to preserve the so-called ‘purity’ of the language and use the internal resources whenever possible to create new terms. This can be achieved either by means of terminologizing words, which already exist as a part of the lexicon, or by applying the principles of word-building characteristic of those languages to create new formations. The degree of openness to external sources is different and is often related to the history and development of the language and the nation that uses that language. Thus, developers of terms in different languages rely on different sources to be used for term-formation. The contrastive analysis of sources used to form multi-word terms and their typology
can be of particular interest to linguists, terminologists, translators, and developers of new terms, as it helps to evaluate the existing principles of term-formation in different languages and apply them systematically in the process of formation of new multi-word terms. The current research focuses on the sources of two-word terms, as they constitute the largest part of multi-word terms in the administrative language in English and Lithuanian: about 80 % of multi-word terms in English and about 75 % of multi-word terms in Lithuanian (Mockienė, 2016, 43–45). However, the research on sources of multi-word terms is not numerous. Scholars usually concentrate on the fundamental issues of terminology science, such as principles and criteria of term formation, typology, specific features and sources of terms, and development of terminologies in English (Cabré, Sager, 1999; Cabré, Condamines, Ibekwe-SanJuan, 2007; Kageura, 2002; Kageura, 2012; Sager, 1990; Sager, 1997; Sager, 2004; Rey, Sager, 1995; Temmerman, 2000; etc.), and in Lithuanian (Gaivenis, 2002; Keinys, 1980; Keinys, 2005; Keinys, 2012; Jakaitienė, 2010; etc.). A lot of attention is paid to one-word terms, especially, from the point of view of sources. The analysis of multi-word terms of the legal language is usually devoted to models, structure and syntactic relations within a multi-word term, such as the position of the attached dependents, i.e. pre-position and post-position (Akelaitis, 2008), or the type of attaching the dependent to the head (Umbrasas, 2010). In English, multi-word terms are analysed mainly from the point of view of syntactic relations of the constituent parts or for the purpose of automatic term extraction and detection. In short, contrastive analysis of sources of English and Lithuanian multi-word terms, especially of the legal language, is scarce. The present research attempts to fill this gap.

The aim of the research is to conduct a contrastive analysis of legal two-word terms in English and Lithuanian according to the sources of their constituent parts. The objectives of the research are to select two-word terms used in the primary sources of constitutional law in the Republic of Lithuania and the United Kingdom; to establish and classify the sources of the constituent parts of the terms; and to conduct a contrastive analysis of the sources used for term-formation in legal English and Lithuanian.

The research sample is comprised of 509 two-word terms found in legal acts of a constitutional nature in English and Lithuanian. 287 terms were selected from the Constitution of the Republic of Lithuania (1992), a single codified document that exists in the written form, whereas 222 terms were selected from the primary sources of the UK constitutional law, whose nature is quite different, as the UK constitution does not exist in the form of a single written document, i.e. it is uncodified. As the UK constitution is comprised of a variety of sources, such as the acts of Parliament, parliamentary constitutional conventions, the Royal Prerogative, judicial decisions, and other constitutional sources (Blick, 2012), the research relies on the main legal acts, namely, translations into Modern English of Magna Carta (1297), Habeas Corpus
Act (1679), the Bill of Rights (1689) and the Act of Settlement (1700), including the amendments as in force today, and the original texts of the Parliament Act (1949), the Human Rights Act (1998), the House of Lords Act (1999), and the Fixed-term Parliaments Act (2011).

The research employs descriptive, quantitative, and contrastive methods of analysis. First, two-word terms are collected from the primary sources of constitutional law in English and Lithuanian and then are analysed and classified according to the type of sources of their constituent parts. Finally, the results from the two languages are contrasted to reveal the differences in the principles of choosing sources for term-formation. The main criterion taken for classification of terms is the source – internal, external, or a combination of both. Thus, the terms are classified into three types: 1) two-word terms of native origin (consisting exclusively of native words); 2) two-word terms of foreign origin (composed of foreign words and/or hybrids); and 3) hybrid two-word terms (composed of one native word and one foreign word or a hybrid). A similar classification was applied by Umbrasas, who analysed multi-word terms in legal Lithuanian of the period 1918–1940 (Umbrasas, 2010). Moreover, following the methodology of omitting function words when counting the constituting parts of multi-word terms, as applied by such terminologists as Akelaitis (Akelaitis, 2008), Gaivenis (2002), Grinev–Grinevich (2008), Janulevičienė and Rackevičienė (Janulevičienė, Rackevičienė, 2014), the present research includes all terms which consist of two notional words irrespective of functional words, such as articles, particles, determiners, conjunctions, prepositions and pronouns, used to combine them. It is argued that semantically terms, which include function words, are considered to be closer to two-word terms (Umbrasas, 2010, 187–192).

**Sources Used to Form Two-word Terms in Legal Acts of a Constitutional Nature in English**

During the course of its development, legal English has been affected by foreign languages. French and Latin have had a significant impact on the English legal terminology. The most frequently used language in courts of the Middle Ages was French. Besides, French and Latin were used in drafting legal documents. Maley (1994) notes that one of the reasons for the popularity of French and Latin in legal setting instead of English can be explained by “the urge to have a secret language and to preserve a professional monopoly”, which would provide this professional community with an exclusive status and distinguish it from the rest of the society. The first statutes to be printed in English date back to the end of the 15th century. Moreover, it was only in the 17th century that English acquired the status of the official language of law and eventually replaced legal French and legal Latin (Jackson, Zé Amvela, 2012;
Maley, 1994). The great extent of contact between English and French and Latin has significantly influenced the formation of legal English and its terminology in particular.

The analysis of the sources of constituent notional words of two-word terms in English in the area of constitutional law reveals that terms come from both internal and external sources and are used to create new terms with the absolute prevalence of the latter.

In English, two-word terms of native origin (which are composed of two native words) are not numerous and comprise as little as 3.6% of all two-word terms, e.g.: fair hearing, Lord Keeper, polling day, second reading, working day, etc.

The majority of two-word terms are composed of words of foreign origin (composed of foreign words and/or hybrids) and constitute 68.2% of all two-word terms. Overall, there are 152 terms of foreign origin. The largest part of them consists of a combination of two borrowings (143 terms), e.g.: advisory opinion, appropriate minister, arbitrary power, capital offence, circuit judge, civic obligation, conditional release, conscientious objector, consequential provision, county court, criminal case, criminal charge, criminal matter, criminal offence, designated derogation, devolved competence, ecclesiastical authority, ecclesiastical court, excessive bail, executive function, general election, hereditary peer, illegal imprisonment, illegal prosecution, imperial crown, imperial dignity, incidental provision, judicial act, judicial office, judicial power, judicial remedy, judicial review, just satisfaction, legal assistance, legal authority, legal order, legal person, marriageable age, national minority, national origin, national security, natural person, parliamentary procedure, personal act, political activity, political opinion, prerogative function, primary legislation, prime minister, privacy code, private act, public authority, public interest, public order, public safety, regal authority, regal government, regal power, remedial order, replacement order, retrospective effect, royal assent, royal dignity, royal prerogative, royal progeny, secret ballot, spiritual authority, subordinate legislation, supplemental provision, territorial integrity, vacant seat, etc.; some of them consist of either a combination of a hybrid and a borrowing, e.g.: compelling reasons, required information, transferred matters, or, vice versa, a borrowing and a hybrid, e.g.: civil proceeding, criminal proceeding, legal proceeding.

Lastly, hybrid two-word terms (composed of one native word and one foreign word or a hybrid) comprise 27.8%. There are 62 hybrid two-word terms and all of them are composed of one borrowing as a constituent part (borrowings are in bold) and one native word, e.g.: bank holiday, civil right, coronation oath, death penalty, economic well-being, first minister, free elections, fundamental freedoms, high treason, human rights, international law, lawful arrest, minimum rights, national law, private life, protestant kingdom, public hearing, public mourning, public thanksgiving, royal highness, sheriff principal, sovereign lord, standing army, standing order, unlawful act, unlawful violence, vacation time.

In summary, the largest part of two-word terms in English (nearly two thirds), consists of both notional words from external sources. In the next group, which is much
smaller (about one-fourth of terms), two-word terms are hybrids, i.e. they consist of a combination of words, which come from internal and external sources. Lastly, two-word terms consisting of both notional words of native origin are very rare. Thus, we can see a clear domination of external sources over internal when creating two-word terms in English (see Figure 1).

Figure 1. Two-word terms according to the source of their constituent notional words in English (N=222, 100 %)

Sources Used to Form Two-word Terms in Legal Acts of a Constitutional Nature in Lithuanian

The history of the development of legal Lithuanian and professional language of lawyers is not as old as that of English, as it is closely associated with the restoration of Independence of Lithuania in 1918 (Maksimaitis, 2014). Prior to that period, legal documents in Lithuania were drafted either in Latin or in Slavic. Students of law studied in Latin and Polish (ibid). Legal Lithuanian was formed and extensively used in the area of state governance only after the restoration of independence in 1918 (Umbrasas, 2010, 16). The interwar period of 1918–1940 is tremendously important in the history of Lithuanian legal terminology, during which three provisional constitutions were enacted and later on, three more constitutions were adopted. Only after 1918, the Lithuanian language gained the status of the state language, was used in drafting legislation and the state started to pay great attention to issues of the Lithuanian legal terminology (Umbrasas, 2010, 265). Although historically Slavic languages had a great impact on the Lithuanian legal language at the onset of its development, borrowings from these languages were gradually substituted by the terms of Lithuanian origin or Latin
and Greek borrowings, which entered the language either directly or through some intermediary languages. Maksimaitis (2014) concludes that the period of Lithuanian Independence in 1918–1940 provided a substantial basis for the development of the modern Lithuanian legal terminology. The next period of the development of legal Lithuanian in 1945–1990, when Lithuania was under the influence of the Soviet Union, was marked by general application of the general Soviet legal standards to the formation of the Lithuanian legal terminology. However, following the restoration of Independence of Lithuania in 1990, the Lithuanian language regained its status of the state language as entrenched in the Constitution of the Republic of Lithuania adopted in 1992.

The analysis of the sources of constituent notional words of two-word terms in Lithuanian in the area of constitutional law reveals that the main sources to create new terms are internal, whereas external sources are used quite rarely.


Two-word terms, which consist of both notional words of foreign origin (borrowings and/or hybrids), are not numerous and comprise only 6 %, e.g.: biudžetinė sistema ‘budgetary system’, biudžeto projektas ‘draft budget’, centrinis bankas ‘central bank’, demokratinė respublika ‘democratic republic’, ekonominė zona ‘economic zone’, generalinė prokuratūra ‘Office of the Prosecutor General’, generalinis prokuroras ‘Prosecutor General’, konstitucinė norma ‘constitutional norm’, konstitucinė tradicija ‘constitutional tradition’, konstitucinis aktas ‘constitutional act’, kontrolės institucija ‘institution of control’, masinė informacija ‘mass information’, politinė organizacija ‘political organization’, politinė

In summary, more than half of two-word terms in Lithuanian (59%) are formed on the basis of words which are of native origin. One-third of two-word terms (35%) are hybrids composed of one native word and one foreign word or a hybrid. Finally, two-
word terms, which consist of both notional words of foreign origin, are quite rare (6%). Thus, the sources used to create two-word terms in the Constitution of the Republic of Lithuania are predominantly internal; although a combination of both internal and external sources is quite common as well (see Figure 2).

**Figure 2. Two-word terms according to the source of their constituent notional words in Lithuanian (N=287, 100%)**

The analysis of the ratio of internal and external sources of two-word terms in English and Lithuanian reveals that the majority of constituent notional words in two-word terms in English are borrowings; whereas Lithuanian developers of terminology tend to use the internal resources whenever possible to create new terms.

Developers of terminology in English rely more on external sources when creating two-word terms, as nearly two-thirds of them are composed of both notional words of foreign origin and almost one-third is composed of a combination of a native word and a foreign word, thus the proportion of words of foreign origin is very high.

Unlike in English, developers of legal terminology in Lithuanian extensively rely on internal sources rather than external. More than a half of two-word terms in Lithuanian consist of notional words which come from internal sources, almost one-third are multi-word hybrids, which means that the total amount of words of native origin is very high. It is noteworthy that the amount of hybrid two-word terms, i.e. composed of one native word and one foreign word or a hybrid, in both English and Lithuanian is similar.

Finally, the smallest number of two-word terms in English come from internal sources, whereas in Lithuanian the situation is vice versa – it is the amount of two-word terms of foreign origin that is the smallest.
Conclusions

The comparison of the analysed data in English and Lithuanian reveals notable differences in the principles of term-formation as relied on by developers of terminology in the area of constitutional law. The degree of openness to external sources in English and Lithuanian is rather different. In comparison to Lithuanian, English is much more open to borrowing from other languages as the proportion of notional words, which constitute two-word terms, is very high. In contrast, developers of Lithuanian legal terminology tend to preserve the national language and use internal sources to create new terms as much as possible. This does not mean that the Lithuanian language rejects borrowings at all costs; however, external sources are used quite sparingly.

References


Sources

Konstitucinės teisės aktų lietuvių ir anglų kalbomis dvižodžių terminų šaltiniai

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Santrauka


Eminiai žodžiai: daugiakamieniai terminai, terminų daryba, terminų šaltiniai, teisinė kalba, skoliniai.