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### **ЗАИМСТВОВАНИЯ ЮРИДИЧЕСКОЙ ТЕРМИНОЛОГИИ В АНГЛИЙСКОМ ЯЗЫКЕ**

В статье предлагается этимологический анализ юридической терминологии в английском языке права. Такой анализ помогает проследить процессы развития и функционирования терминологии права на разных исторических этапах. Авторы приводят в статье многочисленные примеры заимствований юридических терминов, взятых из этимологических словарей английского языка, что дает возможность не только увидеть их языковые корни, но и представить определенного рода исторический масштаб развития общества.

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*Etymological analysis of English legal terminology is presented in the article. The analysis helps to highlight the process of the law terminology development and its functioning in different historical stages. The authors provide the article with a lot of borrowing examples of legal terms taken from English etymological dictionaries that gives the possibility not only to see their language origin but to present a certain kind of historical scale of society development as well.*

*Key words and phrases:* term; legal terminology; Legal English; loan word; borrowing; calque.

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### BORROWINGS OF LEGAL TERMINOLOGY IN THE ENGLISH LANGUAGE

Both the existence and development of any contemporary science are impossible without terms and terminology as a whole. G. H. Shamseeva rightly points out: "Terms define the sense of scientific discoveries, reflect the content of developing knowledge spheres, transmit newly created and already existed notions in science and technologies, serve as names for new things and phenomena" [6, c. 104].

Various problems of both terminology and terms are highlighted in works of some scientists, such as: T. M. Demianova, D. S. Lotte, K. E. Lewis, A. V. Superanskaya, P. A. Phlorenskaya, A. K. Yakovleva and others.

Term (from Latin "*terminus*" – a boundary or border) is a word or a word combination used with a suggestion of special scientific meaning. In semiotics "term" is traditionally defined as "expression which names a thing or a group of things of one kind or another, real or imaginary, or appended to these things" [3, c. 228].

Terminology is the part of vocabulary which is more sensitive towards external influences. L. B. Tkacheva names it as "underwater part of language vocabulary" [5, c. 25].

Legal terminology is a set of words and word combinations used in scientific apparatus to express special notions and to identify legal reality objects in this or that sphere of legal knowledge.

Legal terminology is considered to be one of the most important components of Legal English the interest to which is growing every year. Several researchers (S. S. Alexeev, I. I. Lizikova, D. Melinkoff, D. Crystal, D. Davy, L. M. Solan, P. M. Tirsma and so on) note some specific features of Legal English caused by its history of development and specificity of law itself as a form of public consciousness.

As Russian integration into international community is impossible without training a wide range of specialists able to perceive the experience of legal regulation of common or precedential English and American law, the interest towards English legal terminology is not aimless, but it is caused by great practical relevance of learning Legal English as a language for special purposes [2; 4].

Legal terminology in the English language is considered to be a particular phenomenon born at the interface of cultures, languages and civilizations. The most important process having an influence on the development of English legal terminology, its enrichment and perfection, is the process of borrowing. Borrowing, having come into the English language from other languages, is one of the main ways to form terms, legal ones in particular.

The purpose of this article is to reveal the main sources of borrowings of some English legal terms caused by both historic and cultural events of society development. Etymological analysis is sure to highlight those sources that took part in both formation and development of contemporary Legal English vocabulary.

Foreign borrowings are entirely penetrated into the English language. At the beginning of XX century Jens Otto Harry Jespersen, the Danish linguist, underlined the following idea in his book "Language: Its Nature, Development and Origin": "English is the chain of borrowing words" [9, p. 15]. English language vocabulary has been constantly changed throughout the English history by means of various invasions and conquests, trade policies and culture influences of neighbouring countries. We agree with A. V. Bogacheva who states in her article, "Language is a knowledge thesaurus about the world accumulated by the nation during its history" [1, c. 269].

Linguistic scientists give different terms in their scientific works such as: "loanword", "borrowed word". The analysis of their definitions allows us to make a conclusion that these terms can be regarded as synonyms having the same meaning. In the Free Dictionary by Farlex a "loanword" is a word adopted from another language and completely or partially naturalized [14]. The professor S. Kemmer gives a similar definition to this term: "It is a word adopted by the speakers of one language from a different language... while the abstract noun 'borrowing' refers to the process of speakers adopting words from a source language into their native language" [10]. B. L. Hoffer, a professor of English at Trinity University and one of the founders of the International Association for Cross-cultural communication, interprets "borrowing" as the process of importing linguistic items from one linguistic system into another, a process that occurs any time two cultures are in contact over a period of time [8].

Legal English has a lot of borrowings in its terminology as well. There is a considerable amount of foreign words and phrases in Legal English, which are mainly of Latin and French origin.

The influence of Latin can be seen in a number of words and phrases which remain in current use in legal writing nowadays. They are the following: *ad hoc* (special); *de facto* (actually); *inter alia* (it is sometimes rendered in English as ‘including but not limited to’); *mens rea* (the mental element of a crime, refers to criminal intent; the Latin term for the “guilty mind”); *actus reus* (the external element or the objective element of a crime; deed of a crime; the Latin term for the “guilty act”); *obiter dictum* (informal opinion; a remark or observation made by a judge) [7; 13].

Roman law played a great role in the history of contemporary jurisprudence development. A great number of direct Latin borrowings testify that legal definitions, which were introduced in English law from Roman law, play a great role. Roman law is a source of formation for legal terms in different languages including English. The main reason for reception of Latinism in Europe was the accuracy of political language terminology. Nowadays the English language makes use of Latin legal terms nearly without changing their orthographic structure, but some insignificant changes in word semantics can occur. For example: *alibi* (from Lat.: somewhere else; at another place; Eng.: a form of defense by the accused to prove that he or she was in some other place at the time the crime was committed); *bona fides* (from Lat.: in good faith; Eng. “honest intention”) [Ibidem]. In modern English this expression can characterize a person in a positive way, when he is believed to be knowingly good-willed; *certiorari* (Lat.: to be informed; Eng.: often abbreviated as *cert.* in the USA, a writ of *certiorari* orders a lower court to deliver its record in a case so that the higher court may review it); *habeas corpus* (in Latin literally means “you have the body”; Eng. It is the act to determine if a state’s detention of a prisoner is valid or invalid); *memorandum* (literally in Latin: “something to remember”; Eng.: is a note, document or other communication that helps the memory by recording events or observations on a topic); *ultra vires* (Lat. “beyond the powers”; Eng.: If an act requires legal authority and it is done with such authority, it is characterized in law as *intra vires* (“within the powers”). If it is done without such authority, it is *ultra vires*); *veto* (Lat. “I prohibit”; Eng. “restraint”) [Ibidem] and others.

Some modern legal terms possess archaic coloring, their use creates coloration of elevated style. This emotional contrast is connected with its higher status in society and encourages citizens to possess law-abiding behavior. In this regard, Latin had primary meaning in the formation of legal terminology which was the language of culture and education up to V century CE.

Apart from direct and indirect Latin borrowings, the English legal terminology contains a large number of Latin “calque” (from the French word for “copy”). “Calque” is a form of the borrowing that “literally translates a foreign expression, word for word” [11]. The reason for appearing that calque process was the fact that Edward III had published the order to conduct all the cases in English as the English language had been proclaimed as a state language, all the legal documents had to be translated from Latin into English. For example: *legal aid – in forma pauperis*; *facts of crime – corpus delicti*; *beyond powers – ultra vires*; *donation gift – donatio mortis causa* [7; 13] and so on.

Borrowing from Latin was often done in two stages: first from Latin to French, then from French to English. The following words were borrowed in the above-mentioned way: *judge* (from Old French “*juge*”, from Latin “*iudex*” – one who declares the law); *fraud* (from Old French “*fraude*”, from Latin “*fraudem*” – cheating, deceit); *evidence* (from Old French “*evidence*”, from Latin “*evidentia*” – proof); *legal* (from Old French “*légal*”, from Latin “*legalis*” – pertaining to the law) [12; 16] etc.

Following the Norman invasion of England in 1066, Anglo-Norman French became the official language of England. For a period of nearly 300 years, it was the language of legal proceedings. As a result, many words using in modern legal English terminology are derived from Anglo-Norman, for example: *property* (from Anglo-Saxon modification of Old French “*propriete*”); *estate* (from Anglo-Saxon “*astat*”); *lease* (from Anglo-Saxon “*les*”); *tenant* (from Anglo-Saxon “*tenaunt*”) [12].

During the Medieval period, lawyers used a mixture of Latin, French and English. The usage of pairs of words from different languages led to the emergence of mixed language doublets in legal language terminology. Among the examples of mixed language doublets are: “*breaking and entering*” (English/French); “*fit and proper*” (English/French); “*lands and tenements*” (English/French); “*will and testament*” (English/Latin) [16].

It should be noted that the original English words are the words known from the Old English period. They constitute less than a half of the total vocabulary. The examples of native terms in Legal English terminology from the Anglo-Saxon period are: *bequeath*, *guilt*, *manslaughter*, *murder*, *oath*, *right*, *sheriff*, *to steal*, *theft*, *ward*, *witness*, *writ* [12; 16] and so on.

The end of the XIX century became golden age for legal science in Germany and greatly influenced all Europe and North America. Some expressions and borrowings pertaining to different law schools were widely disseminated. Among them are the following: *Begriffsjurisprudenz* (“Conceptual Jurisprudence”), *Pandektenrecht* (“Roman-Germanic law”), the term *Rechtsgeschäft* (“Legal transaction”) [17].

The ancient Scandinavian (the Old Norse) also made great contribution to Legal English terminology. Words of Old Norse origin have entered the English language, primarily from the contact between Old Norse and Old English during colonization of eastern and northern England between the mid IX to the XI centuries. Such words as *law* (from Old Norse “*lagu*”); *loan* (from Old Norse “*lan*” – to lend), *ombudsman* (from Old Norse “*umboðsmaðr*” – commissary, representative) [12; 16] were borrowed from the Old Norse.

To sum up, etymological analysis of English legal terminology has shown that more than half of its vocabulary consists of borrowed words and word combinations that make the basis of contemporary legal terminology in the English language. This analysis highlights the main sources of borrowing process in the system of English legal terminology, gives the possibility not only to consider its language origin but also to show social development on a certain kind of historical scale.

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## ЗАИМСТВОВАНИЯ ЮРИДИЧЕСКОЙ ТЕРМИНОЛОГИИ В АНГЛИЙСКОМ ЯЗЫКЕ

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В статье предлагается этимологический анализ юридической терминологии в английском языке права. Такой анализ помогает проследить процессы развития и функционирования терминологии права на разных исторических этапах. Авторы приводят в статье многочисленные примеры заимствований юридических терминов, взятых из этимологических словарей английского языка, что дает возможность не только увидеть их языковые корни, но и представить определенного рода исторический масштаб развития общества.

*Ключевые слова и фразы:* термин; юридическая терминология; английский язык права; заимствованное слово; заимствование; калька.

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*В статье рассматривается вопрос перестройки фонетико-фонологической системы языка-источника в процессе образования креольского языка на примере гавайского английского креоля. Языковой материал исследования раскрывается с позиции синергетического подхода к изучению языков. Происходящие в новом образовании просодические изменения затрагивают, прежде всего, акцентно-ритмическую структуру слова и ритм речи и в меньшей степени – интонационный рисунок предложения.*

*Ключевые слова и фразы:* лингвистическая синергетика; язык-лексификатор; пиджин; креольский язык; гавайский английский креоль; просодика.

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## ПРОСОДИЧЕСКИЕ ОСОБЕННОСТИ ГАВАЙСКОГО АНГЛИЙСКОГО КРЕОЛЯ

Пиджины и креольские языки называют контактными языками, а исследующий их раздел лингвистики – контактологией, или креолистикой. В настоящее время в мире насчитывается около 350 пиджинов и креолей, т.е. самостоятельных креольских наречий и языков, учитывая исчезнувшие.