



Similarities of general and legal phraseologies in German.

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ABSTRACT

This academic article will explain the similarities and differences between general and legal phraseologies in German. In addition, a detailed overview with examples of similarities and differences between general and legal phraseologies will be created.

Keywords:

Legal language, collocations, stability, functional verb structures, nominal style, multi-word terms.

Since the legal language has a large number of phraseologies, it is highly recommended to study the similarities and differences between general and legal phraseologies in German and to analyze them linguistically. In this paper, we will examine in detail all kinds of phraseologies in legal terminology with some examples, and we will compare legal phraseologies with general phraseologies as examples and explain their similarities and differences in detail. As we know, phraseologies are characterized by three main features:

The first most important feature of phraseologies is **polylexicity**. That is, the phraseologies must consist of more than one word. The next most important point is **firmness**. We know the phraseologies in exactly this combination of words and they are used in the speech similarly to a word. We speak of phraseology in the narrower sense when a third property is added to the first two: **Idiomatcity**.

This means that the components form a unit that cannot be fully explained by the syntactic and semantic regularities of the connection. This often involves so-called "figurative speech" such as e.g. *Die Katze aus dem Sack lassen (to announce news), jmdm. den*

Rücken zukehren in der Bedeutung (not wanting to have anything to do with someone anymore) and das Wasser hat seinen Höchststand erreicht. That means enough is enough. These idiomatic word combinations, which are characterized by their informality and cannot be reproduced by paraphrasing, have long constituted the so-called core area of common-language phraseology¹. In contrast to common phraseologies, idiomatic phraseologies are very rare in legal phraseologies and it is rich in multi-part phraseologies that are fixed and often seem formulaic and abstract. For this reason, legal language is also characterized by a preferred use of phraseologies, which essentially characterizes the legal style. e.g. *Klage erheben, strafrechtliches Ermittlungsverfahren einleiten, auf Schadenersatz haften, einstweilige Verfügung, höchstpersönliches Rechtsgut, vorbehaltene Sicherungsverwahrung.* Phraseologies in legal language are a lexicalized, usually used, solidified group of words that are usually not idiomatized and do not carry expressive or stylistic connotations. In agreement with Burger, they are characterized by two features and thus constitute the field of phraseology in a

¹Kjaer Anne Lise. 2007. Phrasemes in legal texts. In Phraseologie. Ein internationales Handbuch zeitgenössischer.

broader sense. In legal phraseologies, third feature occurs very rarely because legal language attaches great importance to accuracy. For this reason, such feature is atypical for legal phraseologies and does not find application in legal language. The above-mentioned differences between general and legal phraseologies show us that we should distinguish and compare general and legal phraseologies according to their linguistic units².

The most obvious unity of phraseologies is morphological unity. That is polylexicity (multi-member, group structure, two-membered). Polylexicity means that the units are a word group of two and more words or a phrase. "An upper limit of word set is not defined, since the maximum extension of phraseologies is usually syntactic rather than lexical. The upper limit of phraseologies is considered to be the sentence" Among sentence-value phraseologies, Burger counts fixed phrases, typical formulas, proverbs and commonplaces. To a borderline case he counts still saying words (Wellerismen) like e.g. *was ich nicht weiß, mach mich nicht heiß, sagte der Ochse, als er gebraten wurde*.

The upper limit of phraseological word combinations is considered to be the sentence. Text passages comprising more than one sentence. The use of such morphological unit of phraseologies is very popular in common languages. Such as proverbs *wie der Apfel fällt nicht weit vom Stamm (Similarity between parents and children)*, or like *jemandem einen Korb geben(reject sb)*.

In comparison to the general phraseologies, such combinations of words hardly exist in legal language. Since one has to express oneself clearly and briefly in legal language, proverbs in particular are hardly ever used in legal terminology. In addition, there are many multi-word terms in legal language, the Latin fixed word combinations of different lengths that have found their way into German legal language from Roman law, such as:

In absentia (in someone's absence)

eo ipso (as it turns out from one's own circumstances)

in dubio pro reo (in case of doubt for the accused)

status quo (present)

prima facie (on the face of it, at first glance)

ex officio (officially).

defacto de jura (legal facts).

Such phraseological borrowings are common for legal language, which, however, prove great differences from general phraseologies. The next important unit of phraseologies is syntactic unity. It means the **stability** of phraseologies. Stability means that phraseologies can be used only in certain combinations and variations and that some phraseologies contain so-called **singular components**, have syntactic or morphological anomaly or are characterized by transformational **defectiveness**. First of all, it should be noted that stability is not absolute. It can be said that at least one component of the phraseologies cannot be replaced. Those constructions are considered stable which have limited transformability. Namely, in most cases it is not possible to replace the phraseological components with others, which distinguishes phraseologies from free word compounds. If one wants to preserve the phraseological meaning, then it is not possible to replace in the phraseologies like *"einen Kater haben der Kater durch den Hasen oder ein anderes Tier zu ersetzen"*. The components give the meaning only in the particular combination, in case of the deviations they would sound unfamiliar or wrong for native speakers e.g. *„mit Kegel und Kind"*. Here we can notice the similarities between general and legal phraseologies. This feature is typical for both general phraseologies and legal phraseologies. An example is collocation: collocations are defined as usual, preferred, habitual linkages of single words in a syntactic unit. What are collocations? They are "stumbling blocks" that get in the way of the learner acquiring the vocabulary of a foreign language. *„Wer im Deutschen eine Ehe <bindet> und nicht eine Ehe schließt, ein Urteil <bringt> statt es zu fällen, Geld <sucht> statt es zu verdienen sowie einen*

² Burger Harald „Phraseologie. Eine Einführung am Beispiel des Deutschen“ 2. Aufl. Berlin: Erich Schmidt Verlag 2003.

Ball <auf>wirft statt ihn hochzuwerfen, wird unwillkürlich als Nichtmuttersprachler erkannt“. They are the fixed word compound that is non-idiomatic or weakly idiomatic. First, let's take some examples from common language such as „*in Wut geraten, Angst bekommen, ein Bad nehmen, ein Vergehen begehen, ein Schreiben abfassen*“. Such fixed word compounds are very often represented among common phraseologies and are also often used. Compared to general phraseologies, there are also a variety of **collocations** among legal phraseologies such as *das Urteil aufheben, den Tatbestand verwirklichen, Revision verwerfen, eine Freiheitsstrafe verhängen, das Urteil anfechten, auf Schadenersatz haften, Klage erheben, Strafantrag stellen, Verfahren einstellen, Auftrag erteilen, Berufung einlegen, Strafverfahren einleiten*. It can be seen that collocations are strongly present and play an important role in both general and legal language. This can also be an example of similarities between general and legal phraseologies. Of course, there are also differences between general and legal phraseologies such as in the usage of phraseologies. Since legal language prefers **nominal style, functional verb compounds** are strongly present in legal language and they are among the most frequently occurring word combinations in all legal texts and are composed of a semantically vague function verb and a noun, where the noun carries the verbal value of the expression, such as *Klage erheben, Widerspruch einlegen, Einspruch erheben*. Usually, syntactic compounds of preposition +noun +verb are also encountered, such as *in Anspruch nehmen, in Auftrag geben, in Kraft treten, zur Verantwortung ziehen, unter Strafe stellen*. From the above phraseologies from legal language we can conclude that functional verb compounds are often used in legal language and nominal style is popular in legal language, because nominal style assures us to express ourselves clearly and briefly and counts as a style of technical language, but in everyday life we often use verbal style. This means that we do not attach much importance to functional verb structures and they are rarely used in contrast to legal terminology. On

this we can claim that function verb structures as phraseologies are rarely found and used in general language. This shows us how big the differences between general and legal phraseologies are in the usage of phraseologies. Another proof of this is the usage of phraseologies with singular components: According to Kjær, these are word combinations with archaic words such as *von Amts wegen, an Eid statt* which have been preserved in legal language. The reason why obsolete expressions are used again and again is that legal scholars are very careful in writing legal documents and avoid changes. Therefore, the same phrases and words are sometimes used for centuries³.

Summary

In summary, it can be stated that in legal terminology, phraseologies are not evenly represented. Among the various types of technical phraseologies below the legal language, multi-word terms, collocations and functional verb structures are particularly dominant. They are both frequently used in legal terminology and, due to the frequency of their occurrence, form the center of technical phraseologies in legal language. But in general language we can find all types of phraseologies. This also shows us how phraseologies in general language are diverse compared to legal phraseologies. From the above given phraseologies from legal language we can conclude that function verb structures are often used in legal language and nominal style is popular in legal language, because nominal style enables us to express ourselves clearly and briefly and counts as style of technical language, but in everyday life we often use verbal style. This means that we do not attach much importance to functional verb structures and they are rarely used in contrast to legal terminology. Therefore, we can surmise that functional verb phrases are rarely used as phraseologies in general language.

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