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The use of polysemy in legal texts

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ABSTRACT

The article discusses some features of the English language of law due to the influence of Roman and Norman legal culture, which cause certain difficulties in its study and translation of legal texts. Special attention is paid to the ambiguity of legal terms of the English language, Latin and French borrowings, legal realities.

Keywords:

Professional communication, natural language, legal terms, commonly used words, ambiguity, borrowings, legal realities.

An integral component of the language competence of a future lawyer today is the study of a foreign language in its legal aspect. Knowledge of foreign legal terminology contributes to the formation, development and improvement of skills of working with professionally oriented texts of various purposes for successful application in the field of professional and scientific communication. As you know, jurisprudence is a complex science. In a narrow sense, it is a set of theoretical knowledge about the state and law. In a broad sense, jurisprudence is a complex of interrelated and mutually dependent substantive elements, which include professional legal activity for servicing the mechanisms of formation, functioning and development of law, legal science, legal education. It follows from this that the language of jurisprudence is a professional legal language that is used to serve various branches of this science, such as constitutional law, international law, administrative law, criminal law, civil law, etc. Professional legal language arises on the basis of natural language, but differs from it by the presence of special lexical units — legal terms, the use of

which allows you to maintain the semantic certainty of the legal language, that is, makes it accessible to a limited group of professionals in the field of jurisprudence. Natural language, in turn, is the main means of carrying out legal activity and a way of embodying its results. It should be noted that the English language of law, formed on the basis and under the influence of Roman and Norman legal culture, is a complex system characterized by some features that cause certain difficulties in its study and translation of legal terms. Special rules of writing imply a complex syntactic structure of phrases and sentences in legal texts, insufficient punctuation. The presence of a large number of special legal terms — technical words and phrases that have precise and fixed legal meanings, and are usually not replaced by other words: estoppel — a rule of procedural law that provides for an injunction by one of the parties to a dispute to deny or assert a fact; abate — to terminate something, to cancel the action. The presence of commonly used words that have passed into the category of terms: property — residential premises, criminal treatment — non-punitive effects on criminals (including the treatment of

criminals). In the system of professional legal language, commonly used natural language words receive a certain definition, that is, they become terms. Ambiguity of legal terms. According to the definition, legal terms are generalized names of legal concepts that have an exact and definite meaning, and differ in semantic unambiguity, functional stability. But in practice, legal terms do not always have semantic unambiguity, and their meaning is often revealed only on the basis of context. For example, security agreement — 1) security agreement (diplomatic term), 2) loan debt security agreement (financial term); issue — 1) subject of dispute or litigation, 2) descendants, heirs; interest rate — 1) rate, 2) inflation rate — inflation rate. Therefore, knowledge of not only linguistic, but also extralinguistic context (type of legal system, branch of law, type of text, scope of use of the term) is necessary for the correct translation of English legal terms. Latin borrowings (direct, indirect, structural): subpoena — summons to court, summons to appear in court (under penalty of punishment or fine in case of non—appearance); pro bono - free of charge; status quo — the existing situation. In English legal terminology, there are compound terms, one part of which is a direct Latin borrowing, the other part is an English term or assimilated borrowing, for example: ad valorem duty — duty as a percentage of the value of the goods; writ of habeas corpus — a court order to present the arrested person to the court to consider the legality of his arrest; action in rem — the imposition of a ban on the ship and cargo; guardian ad litem — guardian-representative in a court case. These examples show that most of the composite Latin terms are used in the modern English legal language in a broader sense than the original Latinisms. French borrowings. Many commonly used legal concepts have passed into English from Latin through French: congress, constitution, legislature, parliament, president, representative. The actual French borrowings include assault — insult, court — court, prison — prison, petit jury — small jury, grand jury — grand jury, voir dire — preliminary examination of witnesses, crime — crime,

felony — serious crime, misdemeanor — a minor crime, damage — damages, larceny — theft, trespass — trespass and others. Legal realities — names or terms reflecting real facts concerning the peculiarities of the legal system of a particular country. Legal realities relate to non-equivalent vocabulary, therefore, for an adequate and correct translation, knowledge of historical, national—cultural and legal features of the occurrence of a certain fact or phenomenon is necessary, for example: Bill of Rights — Bill of Rights - 1) a constitutional act adopted in England in 1689 to limit the power of the king and guarantee the rights of parliament, 2) the first ten amendments to the U.S. Constitution, adopted in 1791. and guaranteed the basic rights of citizens; Broadmoor institution — a closed psychiatric hospital for persons found guilty but suffering from mental illness in the UK; Junior College — a correctional institution for minors in the USA, the Hill — the US Congress. Of course, the translation of English legal terminology is a laborious process for non-professionals, since it involves not only the widespread use of industry dictionaries and other reference literature, but also the availability and constant expansion of background knowledge about the English legal system, linguistic processes, the influence of various extralinguistic factors on the formation and development of the English language of law.

The widespread use of terminology is a characteristic feature of the legal language. "The term is a linguistic sign representing the scientific concept of a special, professional branch of knowledge". The content of the term is revealed by its definition based on the allocation of necessary and sufficient features of the concept. "The content of the word is revealed through its lexical meaning, which does not imply a logical separation of the features of the concept; in the word, compared with the term, there is a less defined scope of the concept, without the use of quantitative characteristics". According to V.M. Leychik, terms are elements

of terminological systems reflecting theories that describe special spheres - objects of languages for special purposes. The terms have

all the semantic and formal features of words and phrases of the natural language, serve as a means of designating special general concepts. An important feature of legal terms as a means of professional communication is their close connection with

the worldview and ideology of the ruling class, with various political and legal theories, scientific directions, legal experience. The main part of legal terminology

is contained in the most important legislative acts, and they define terminological standards, legal bodies are guided by them, issuing by-laws, therefore, the constitution is the source of fundamental legal terms. Other characteristic features are the consistency of the legal language and its prevalence. Consistency is due to the logic of the law itself, since legal terms make up a complex organic

the system, are in various relationships with each other. As for the general prevalence, it should be noted that public relations are the subject of legal regulation. There is practically no sphere of life that the law does not directly or indirectly concern. Therefore, the regulations use household vocabulary, the nomenclature of industrial products, the names of various services, the vocabulary of various branches of knowledge (medicine, technology, astronautics, etc.).

According to A.F. Citkina, legal terms are divided into three types:

common terms, socio-technical and socio-legal. By commonly used terms, we mean those that are used in the usual context and are understandable to everyone, such as the law, a person. Socio-technical terms include medicine, economics: euthanasia. Specially legal – terms with special legal content: necessary defense. A significant place in legal terminology is occupied by multicomponent terms. According to R.F. Pronina, terms from several components are phrases in which where the connection between the components is carried out by joining:

justice system – 'justice system'. They also represent phrases, the components of which are formed grammatically with the help of a preposition or the presence of endings: powers of arrest – 'the right to arrest'.

Terms-phrases can be divided into three types: the first includes terms, both components of which are words of a special dictionary. Such terms and phrases are independent and can be used separately from the phrase. The second type includes:

terms in which one component is a technical term and the other is commonly used; terms with a special meaning in the first component; terms with the second component in the main meaning, but in combination with the first acquires an independent meaning. The third type includes phrases, both components of which are words of common vocabulary. Mastering the special terminology in legal translation is one of the most important tasks of a translator, since in this

area terms play a major role, and from the correct understanding of one the understanding of the entire text depends only on the term.

Despite the fact that the main characteristics of the terms are

accuracy and unambiguity, legal terminology is often characterized

by polysemy, i.e. the term *ИЯ* has several meanings in *ПЯ*. To choose

the correct variant correspondence, it is necessary to pay attention to the

linguistic context in which this word is used.

The terms law and agreement are vivid examples of polysemous words often found in legal texts. Thus, the English-Russian dictionary edited by V.K. Muller gives the following lexical and semantic

variants of the polysemous term law: law; leg. law; jurisprudence;

legal profession; court, judicial process; judicial estate; coll. police,

policeman; rule; sport advantage; fig. respite; postponement;

indulgence; attr. legal; legal; legal; the term agreement:

(mutual) consent; contract, agreement; lingv. agreement, agreement,

agreement; compliance; option, project; transaction; contract.

P.V. Rybin believes that when translating a polysemous term, it is necessary to study the broad context (belonging to a certain the legal

system, the branch of law to which the subject of the described text belongs, and the type of text), and if the broad context does not clarify the meaning of the term, you should look at the definition of the term in the explanatory legal dictionary, paying attention to the dictionary marks referring the term to various spheres of use. V.N. Komissarov

he identifies such methods of term transfer as translation using a lexical equivalent in Russian, translation by choosing one of the possible lexical variants, translation by describing the meaning of the term.

In addition, at the lexical level, concretization is widely used in legal texts: offense – 'offense'; criminal offense – 'criminal offense'; disorderly offense – 'violation of public order'; abortive offense – 'attempted crime'.

Cases of the use of generalization are not uncommon. With the help of this technique, the text is expanded if the word of the source language has a smaller

volume of meanings. For example: decisions – 'court decisions'. There are also omissions in the practice of legal translation: entirely and completely

remove – 'eliminate completely', additions: irrevocable decision – 'a decision

that has finally entered into force', antonymic translation: evidence of minor

importance – 'not very important evidence'.

Thus, it can be concluded that legal terminology occupies a significant amount of normative text and represents its

base, the main semantic foundation, and the Constitution acts as the fundamental

legal terms, using which the state speaks the language of law and expresses its will. Difficulty

in the mastery of terminology consists in the ambiguity of the term and in the existence of

multicomponent terminology, and each of the lexical units has its own translation features,

which is an important component of the specifics of the translation of legal documents.

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