

## THE POLYSEMY OF LEGAL TERMS

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*This article discusses the need to represent the progressive aspects of determinologization which can be understood both as the process by which terms pass from specialized language to everyday language and its result, i.e. use of terms in a non-specialized context. It is known that semantic changes are likely to occur, such as the appearance of a less deep meaning, or metaphors, or puns. We can consider this process to be continuous at two levels. First, the terms don't move directly into a non-specialized language. Rather, they could be used in different genres and different levels of specialized linguistic communication in the process. Second, the terms gradually become part of general language over time. This article emphasizes the polysemy of legal terms - a phenomenon that occurs when a word can have multiple meanings and is evident from a simple reading of any legal dictionary.*

**Keywords:** *determinologisation, legal terminology, common language, polysemy, interdisciplinary field, legal discourse.*

## POLISEMIA TERMENILOR JURIDICI

*Necesitatea de a reprezenta aspectele progresive ale determinologizării pot fi înțelese atât ca procesul prin care termenii trec de la limbajul specializat la limbajul cotidian, cât și ca rezultat al acestuia, adică utilizarea termenilor într-un context nespecializat. În cazul din urmă, se știe că este posibil să survină schimbări semantice, cum ar fi apariția unui sens mai puțin profund, sau metafore ori jocuri de cuvinte. Putem considera acest proces ca fiind continuu, la două niveluri. În primul rând, termenii nu se mută direct într-un limbaj nespecializat. Mai degrabă, ei ar putea fi utilizați în diferite genuri și diferite niveluri de comunicare lingvistică specializată în acest proces. În al doilea rând, în timp, termenii devin treptat parte a limbajului general. Prezentul articol subliniază polisemia termenilor din domeniul legal - un fenomen care apare atunci, când un cuvânt poate avea mai multe semnificații, fapt ce este evident dintr-o simplă lectură a oricărui dicționar juridic.*

**Cuvinte-cheie:** *determinologizare, terminologie juridică, limbaj comun, polisemie, câmp interdisciplinar, discurs juridic.*

## LA POLYSÉMIE DES TERMES JURIDIQUES

*Cet article porte sur la nécessité de représenter les aspects progressifs de la déterminologisation qui peut être comprise à la fois comme le processus par lequel les termes passent du langage spécialisé au langage courant et comme son résultat, c'est-à-dire l'utilisation des termes dans un contexte non spécialisé. Dans ce dernier cas, on sait que des changements sémantiques sont susceptibles de se produire, tels que l'apparition d'un sens moins profond, ou des métaphores, ou des jeux de mots. On peut considéré ce processus comme continu à deux niveaux. Premièrement, les termes ne se déplacent pas directement dans une langue non spécialisée. Au contraire, dans le processus, ils pourraient être utilisés dans différents genres et différents niveaux de communication linguistique spécialisée. Deuxièmement, les termes intègrent progressive-*

ment le langage général au fil du temps. Cet article met l'accent sur la polysémie des termes légaux – phénomène qui se produit lorsqu'un mot peut avoir plusieurs sens et ce ça est évident à partir d'une simple lecture de n'importe quel dictionnaire juridique.

**Mots-clés:** déterminologisation, terminologie juridique, langage commun, polysémie, champ interdisciplinaire, discours juridique.

## МНОГОЗНАЧНОСТЬ ЮРИДИЧЕСКИХ ТЕРМИНОВ

Статья посвящена проблемам перехода терминов из метаязыка в общедоступный язык. Известно, что основное внимание уделяется необходимости представить прогрессивные аспекты детерминологизации, которые можно понимать как процесс перехода терминов из специализированного языка в повседневный, то есть использование терминов в неспециализированном контексте. Также известно, что в данном случае, возможны семантические изменения, такие как появление менее глубокого значения, метафор или каламбуров. Можно считать этот процесс непрерывным, проявляющимся на двух уровнях. Во-первых, термины не переходят непосредственно в неспециализированный язык. Скорее, в данном процессе, они могут использоваться в разных жанрах и на разных уровнях специализированной языковой коммуникации. Во-вторых, термины со временем постепенно становятся частью общедоступного языка. В представленной статье акцентируется внимание на многозначности терминов в области юриспруденции, что очевидно из любого юридического словаря.

**Ключевые слова:** детерминологизация, юридическая терминология, общий язык, многозначность, междисциплинарное поле, правовой дискурс.

### Introduction

The polysemy of legal terms—phenomenon that occurs when a word can have several meanings, is evident from a simple reading of any legal dictionary. Some words contain a variation of meaning depending on the legal field to which they apply. It is the so-called internal polysemy, which defines the circumstance when a term has at least two legal meanings [7].

More than two-thirds of all legal terms are polysemic. This phenomenon can often lead to much confusion. For legal language, the phenomenon of polysemy is irreducible. For example, the word obligation has different meanings in both civil and commercial law [10].

In its general sense, and most broadly, the term obligation is synonymous with the term debt. The term obligation also means the writing by which the contract is assisted. And in another sense, an obligation continues to exist, although the civil obligation is declared to have a connection that contains a sanc-

tion, with an attached condition for the payment of money, the performance of the agreement or the like; it differs from one bill to another, which is generally without any penalty or condition, although it may be mandatory [9].

It is clear that only the use of the term in context will allow the elimination of any ambiguity and the updating of its implicit potential. English dictionaries try to predict the large number of situations in which the occurrence of the term is possible: Obligation—burden, charge, commitment, devoir, do [archaic], duty, imperative, incumbency, need, office, responsibility [6, p.215].

### Theoretical background

The polysemy of legal terms has two forms:

- external polysemy (terms used in both common language and legal language);
- internal polysemy (in the case of legal terminology which have several meanings in the field of law) [2, p.80].

The new social realities have led to an “openness” of the fields both from the perspective of ensuring good communication between specialists of different orientations who have to work together, and from the perspective of the interest shown by non-specialists, who request access to as much information as possible. Various fields, in this “knowledge society” (société du savoir), where everyone must keep abreast of scientific and technical discoveries [8, p.204].

With the development of many interdisciplinary fields, there is a need to disregard the “nationality” of the terms, which end up circulating freely in other areas.

**Research question** fluctuates in various disciplines occurred in the investigation of the same object of research or scientists with double or multiple specialization, particular automotive between fields. The linguistic interface of this scientific reality is the migration of scientific terms from one field to another [13, p.33], [12, p.205].

In this context, we mention the “strong” terminologies (mathematics, chemistry, mineralogy), which are characterized by closed code and are clearly decontextualized, and the “weak” terminologies (economics, politics) [4, p.250] they are more dependent on disambiguation contexts, with tendencies to open up the code [3, p.255].

Also, examining the field that is currently experiencing an extraordinary evolution, manifested at the international level - computer science, one of the most dynamic fields of human knowledge, there are more and more advances. Although the field of informatics is experiencing a remarkable development, the important linguistic consequences are to be noted (the language of informatics representing today (not only for the Romanian language), the technical language with the most spectacular rise and the strongest impact on the common language) [17, p.246].

The process of computerization of a natural language does not mean the crushing of the language or

its placement in a «bed of Procrustes», but its empowerment and dissemination through the technological means of the information society. Of course, language is an extraordinarily complex phenomenon, and human-computer communication through completely unrestricted natural language is a utopia (at least at the level of current scientific knowledge). But for certain linguistic registers and specified universes of discourse, the automatic processing of natural language is a reality, a necessity beyond any discussion. From the perspective of artificial intelligence, natural language processing involves combining linguistic knowledge (morphology, lexicon, syntax and discourse) with extra-linguistic knowledge (knowledge of the field of discourse, general knowledge of the world) understanding and producing natural language being considered fundamental manifestations of intelligence. Computational semantics and pragmatics, as well as the representation of knowledge, are the most fruitful fields of artificial intelligence in the field of natural language processing and modeling. The scientific novelty lies in the logical-methodological approach of the topic, by involving computerized documentation for the analysis of legal language. Also, the novelty is imposed in terms of the quintessence of several linguistic problems: the problem of polysemy in terminology, the opportunity of synonymy as a criterion of terminology, interferences between languages in the field of legal terminology, the size and intensity of legal terms in contemporary language.

### **Polysemy in the legal field**

Legal terminology is an interdisciplinary field based conceptually on logic, philosophy, politics, linguistics and other open source sciences, it is in the field of “weak” sciences, although this opinion is not unanimous among specialists. Analyzing the terminology in the legal field, we find that the polysemy of terms is almost non-existent. The presence of a context of disambiguation may be necessary only in the case

of some terms that enter into relations of external polysemy, such as: audience, obligation, duty, etc.

A special type of inter-domain polysemy is discussed by I. Meyer and K. Mackintosh [8], which manifests itself when the terms in a certain field, after initially reaching common language contexts (undergoing a process of determinologisation), are re-infiltrated in specialized communication, being taken over, this time, in other domains than the home one. The type of polysemy manifested when the terms arrive in common language contexts undergo a process of determinology and develop connotations, like any words of the language, being studied by us as extradominal polysemy. This type is analyzed in terminology works and with the name of external polysemy or semantic dynamics [4, p.187].

Internominal polysemy manifests itself when experts in a specialized field adopt a deterministic unit from another specialized field (which leads to a terminological process in an adoptive field). There is some difference between what Bidu-Vrănceanu called external polysemy (referring to the situation “*when terms go beyond the domain, in relation to the common language or other terminologies*” or “*the relationship with other terminology or the common language*”) and what we call extradominal polysemy (referring exclusively to the migration of terms beyond the specialized domains, be they domains of origin, or receptive domains, to the common language) in contrast to interdominal polysemy (referring to the migration of terms from one domain of origin to other specialized domains – receiver domains). However, what Bidu-Vrănceanu [4, p.265] she calls “*the relationship of terms with other terminologies*” also happens through the common language, being the situation in which the specialized terms arrive accidentally, in the permissive context of common language, in combinations with the specialized terms coming from other specialized fields.

In extra-nominal polysemy, the terms migrate beyond the domain of origin to the medium or low specialization discourse, or even common language, where, accidentally, combinatorial freedoms, being greater, may come into contact with other determinologized units belonging to other domains, which also, migrated to common language. Therefore, extra-nominal polysemy corresponds to the semantic changes manifested at the level of non-specialized discourse, while the other types of polysemy are correlated with the strictly specialized discourse of the domain of origin, in the first case, or of the receptor domain, in the second.

Extra-nominal polysemy corresponds to the first stage of the determinologisation process, which reflects the implications of determinologisation on general language: The second stage of this process would correspond to the impact of determinologisation on specialized languages, deterministic units can be reintegrated (by experts who want to take advantage of popularity them) both to the field of origin and to other specialized fields. Determinologyisation represents “the transformation of a terminological content related to a concrete field into a neighboring one, i.e. a little remade at the level of common language; lexical units that cease to be terms and acquire a figurative extension”<sup>1</sup> [4].

### Determinologisation

The phenomenon of determinologisation has different names, especially *lateralization* [14, p.54], *democratization* [15, p.245], *banality* [1, p.174], *generalization* [5, p.252]. The nomination of *despecialization* is often used as a synonym for determinologisation. We therefore have at least five names

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<sup>1</sup> „un mouvement dont le point de départ est le sens terminologique fixe dans un domaine particulier et l’arrivée un sens voisin mais plus étiré dans la langue générale; les mots déterminologisés relèvent d’extensions figurées du sens terminologique d’origine.”

for this linguistic phenomenon. Of course, we can find several definitions, but we consider it necessary to offer unanimously accepted definitions of this phenomenon. Strictly speaking, determinologisation was examined primarily by functionalists because they initiated the study of terms in dynamics [11, p.377]. Representatives of traditional terminology school [16, p.138], did not pay attention to this linguistic phenomenon, the subjects of their investigations being terms recorded in dictionaries. When they demonstrated the basic principles of terminology, functionalists assumed the existence of the opposite process.

The school of functional terminology does not deny the existence of determinologisation, however, it is quite critical when interpreting this phenomenon. The definitions of determinologisation were formulated under the influence of the requirements for the ideal term: *“In determinologisation, a term loses [...] system definition, clear conceptual features and acquires pragmatic properties, a terminological meaning appears, it does not require a definition, but an interpretation”*[17, p.79]. The definition focuses on characteristics when a term loses its advantages, emphasizing that after *determinologisation* one and the same linguistic unit fulfills two different functions. This perception in linguistics has spread among functionaries. A term that arrives in an atypical environment loses these characteristics such as those defined by the system, precision, univocity, and obtains initially unacceptable functions [19, p.173]. *„The process of determinologisation is characterized by the loss of the term of associative links with the concepts of a certain system of terminology, the creation of a new meaning, the increase of compatibility with other lexemes.”* This definition is appropriate when a term is used in a figurative sense, but it does not take into account the fact that professional units do not always work with an artistic language with modified semantics. In our opinion, this is a fairly substantial argument.

It is important to note that the scientific and technical revolution, which is accompanied by the spread of scientific concepts among native speakers, implements new technologies in everyday life, determines the rotation of terms in common words, determinologisation, which is linked, in many cases, of the figurative meaning. The representatives of communicative and cognitive thinking school took into account the disadvantage of functionalists, i.e. the strict distinction between the term used in professional communication that operates in an atypical environment. *„Determinologisation is the transfer of a term in general language, when a new common sense is stratified over the terminological meaning”* [20, p.10].

Determinologisation does not mean the cancellation of the term in a certain terminology; as a result, this linguistic phenomenon implies the emergence of new figurative meanings, which are frequently used and are included in the semantic structure of this word-term, together with the terminological meaning. Regarding this approach, determinologisation is the introduction of a philosophical term in standard languages, which is accompanied by a new syntagmatic environment that affects the fulfillment of the terminological meaning.

### Conclusions

We emphasize that it is necessary to refine the theoretical investigation through an interdisciplinary collaboration between linguists and lawyers, which can have beneficial effects in the field of legislative activity and, implicitly, in imposing the principles of law in society. Based on the divergences found in the terminological clarity of the general and specific terms, the problem of our research was formulated: What is specific about the determinologisation and determinologisation of legal discourse? The solution to this problem can be identified in the interdisciplinary area of legal discourse by using a computer tool.

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