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SOME ASPECTS OF THE HISTORY OF LEGAL TERMS BORROWING IN THE ENGLISH LANGUAGE

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Abstract. The article discusses some aspects of the history of legal terminology borrowing in the English language, which makes it possible not only to consider the origin of the language, but also to show social development on a historical scale.

Keywords: legal terminology, etymological analysis, borrowing.

It's difficult to imagine existence and development of any contemporary science without terms and terminology as a whole. Different problems of both terminology and terms are highlighted in the works of some scholars, such as: K. E. Lewis, D. S. Lotte, A. V. Superanskaya, A. K. Yakovleva and others. Terminology is the part of vocabulary which is very sensitive towards external influences.

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 regarded as one of the most important elements of Legal English the interest to which is growing every year. Several researchers (D. Davy, I. I. Lizikova, D. Melinkoff and so on) point out some specific features of Legal English caused by the history of its development and specificity of law itself as a form of public consciousness.

Legal English has traditionally been the preserve of lawyers from English-speaking countries (especially the USA, the UK, Ireland, Canada, Australia, New Zealand, Kenya, and South Africa) which have shared common law traditions. However, due to the spread of Legal English as the predominant language of international business, as well as its role as a legal language within the European Union, Legal English is now a global phenomenon.

Since integration into the international community is impossible without training a wide range of specialists capable of perceiving the experience of legal regulation of English and American common or case-law, the interest in English legal terminology is not aimless, but it is due to great practical relevance of studying legal English as a language for specific purposes.

Legal terminology in English is considered a special phenomenon, which appeared at the intersection of cultures, languages and civilizations. The most important process that influences the development of English legal terminology, its enrichment and improvement, is the borrowing process. Borrowing, which has come into English from other languages, is one of the major ways of forming terms, in particular the legal ones.

The purpose of this article is to disclose the main sources of borrowings of certain English legal terms, caused by both historical and cultural events of the society development. Etymological analysis is sure to highlight those sources that contributed to the formation and development of a modern legal English vocabulary.

Legal English has a lot of borrowings in its terminology. Legal English contains a significant number of foreign words and phrases, mainly of Latin and French origin.

The influence of Latin can be seen in a number of words and phrases which are currently used in legal writing nowadays. They are the following: *de facto* (actually); *inter alia* (it is sometimes rendered in English as ‘including but not limited to’); *mens rea* (the Latin term for the “guilty mind”); *actus reus* (the Latin term for the “guilty act”); *de novo* (newly, again from the beginning); *ex parte* (from a side: refers to a proceeding that involves only one of the parties to a lawsuit); *pro se* (“for himself/herself/themselves”: not through an attorney or by proxy).

Roman law played a large role in the history of the development of modern jurisprudence. A large number of direct Latin borrowings suggest that the legal definitions that were introduced into English law from Roman law, play a significant role. Roman law is a source of formation of legal terms in various languages, including English. The main reason for adoption of Latinism in Europe was the accuracy of the political language terminology. Currently, English uses Latin legal terms with little or no change in their spelling structure, but some minor changes in the semantics of the word may 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).

Apart from direct and indirect Latin borrowings, the English legal terminology contains a large number of Latin “calque” (from the French word for “copy”). For example: burden of proof – *onus probandi*; facts of crime – *corpus delicti*; beyond powers – *ultra vires*; civil death – *mors civilis* 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).

Among the many forces that shaped the English language, the French influence after the Norman Conquest was enormous. A list of these words could be long, but for practical purposes we’d like to mention legal terms ending in ‘-age’, which came into the language via French and have the meaning of some specific service, right or duty, including the notions of indemnity, contribution and so on, for example average, damage, salvage.

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).

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 widespread. Among them are the following: *Begriffsjurisprudenz* (“Conceptual Jurisprudence”), *Pandektenrecht* (“Roman-Germanic law”), and the term *Rechtsgeschäft* (“Legal transaction”).

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) were borrowed from the Old Norse.

Nowadays we come across occasional signs of contemporary idioms creeping into both the speech and the writing of lawyers. The examples are the following: hacking, insider trading, money laundering, stalking, tip-off.

To conclude, the etymological analysis of English legal terminology has shown that a large part of its vocabulary consists of borrowed words and phrases that make the basis of contemporary legal terminology in the English language. This analysis highlights the main sources of the borrowing process in the system of English legal terminology, gives the opportunity not only to consider the origin of the language but also to show social development on a historical scale.

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