

DYNAMIC EVOLUTION OF LEGAL TERMINOLOGY: PROCESSES OF DERIVATION, COMPOUNDING AND SEMANTIC CHANGE

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This article explores the dynamic nature of legal terminology, emphasizing that it evolves faster than the general lexicon due to extralinguistic factors and the need for legal systems to adapt to social changes. The creation of new legal terms is driven by the necessity to harmonize legislation with international standards, leading to continuous updates and transformations in legal language. Key word-building processes such as derivation, compounding, and calque are examined, highlighting their role in the development of specialized legal terms. The article also discusses semantic narrowing and broadening, which refine or expand legal concepts to enhance clarity and applicability in judicial contexts. Additionally, it addresses the phenomenon of reterminologizing and determinologizing, which reflects the dynamic interplay between specialized and general vocabulary in legal discourse.

Keywords: *legal terminology, derivation, compounding, calque, semantic change, legal lexicon evolution, word formation, judicial language.*

EVOLUȚIA DINAMICĂ A TERMINOLOGIEI JURIDICE: PROCESELE DE DERIVARE, COMPUNERE ȘI EVOLUȚIE SEMANTICĂ

Acest articol explorează natura dinamică a terminologiei juridice, subliniind că aceasta evoluează mai rapid decât lexicul general din cauza factorilor extralingvistici și a necesității sistemelor juridice de a se adapta la schimbările sociale. Crearea de noi termeni juridici este determinată de necesitatea armonizării legislației cu standardele internaționale, ceea ce duce la actualizări și transformări continue în limbajul juridic. Sunt examinate procesele cheie de formare a cuvintelor, precum derivarea, compunerea și calchiera, subliniind rolul lor în dezvoltarea termenilor juridici specializați. Articolul discută, de asemenea, îngustarea și lărgirea sensului, care rafinează sau extind conceptele juridice pentru a spori claritatea și aplicabilitatea acestora în contextul judiciar. În plus, abordează fenomenul reterminologizării și determinologizării, reflectând interacțiunea dinamică dintre vocabularul specializat și cel general în discursul juridic.

Cuvinte cheie: *terminologie juridică, derivare, compunere, calchiere, schimbare semantică, evoluția lexicului juridic, formarea cuvintelor, limbaj juridic.*

Introduction

Under the influence of extralinguistic factors, legal terminologies know a faster rhythm of creation than the general lexicon as the emergence of new terms is unpredictable. The causes that favor the appearance of new legal concepts are necessary for social welfare, the harmonization of legislation with the system community and international legal system. Therefore, the legal terminology is not in a stable state, as one would think because of their conservatism, but it is in a continuous process of change [1, p. 5-9].

Legal terms are deliberate and conscious creations, typically formulated by authoritative entities such as institutions or professional associations that recommend or prescribe standardized terminology. Legal terms are classified into sub-genres: language of legal authors, legislators, judges, administrators and advocates [2, p. 4]. This standardization ensures an optimal correspondence between the concept and its referent. In the process of terminology creation, both internal linguistic mechanisms—such as derivation and compounding—and external influences, including borrowings and calques, are considered. Unlike in other fields, legal terminology is regulated by specific rules of word formation to ensure it integrates seamlessly into the legal framework [2, p. 13].

Another intriguing aspect is the legal translation that is among the most challenging forms of specialized translation, as they require the precision characteristic of technical translations combined with the creative flexibility of literary translations. A legal translator must possess an in-depth understanding of both legal systems involved and the ability to accurately reconstruct them in the target language. The goal is to produce a text that achieves the same legal effects as the source text, while avoiding a direct transfer of thematic, semantic, or syntactic elements from the original language [3, p. 7].

The fundamental word building processes considered in this article are: derivation, compounding, and calque.

Methodology

The methodological basis of the present article represents an endeavor to research the modern semantic, structural, and functional conceptual frameworks of legal terminology, and the clarity of its translation. The method applied in the article is referred to continuous sampling of a compiled corpus of 200 English legal terms selected from certain criminal case files of a particular court, and searching for their conceptual analogies in Romanian using specialized dictionaries.

Word Formation Processes in Legal Language: Derivation, Compounding and Calque

Derivation is a frequently employed process in the creation of legal terminology, involving the formation of terms through the addition of lexical or lexico-grammatical affixes to a word base. Among these, progressive derivation through suffixation is the most productive method within legal terminology. This process allows for the identification of several key suffixes that are instrumental in shaping legal terms [4, p. 14]:

- tion / -ation / -ion-** Accusation: From „accuse”, *Arbitration*: From „arbitrate”, Conviction: From „convict”)
- ment-** *Agreement*: From „agree”, *Judgment*: From „judge”
- al-** *Approval*: From „approve”
- ance / -ence-** *Compliance*: From „comply”, *Sentence*: From „sententia” (Latin, meaning opinion or judgment)
- er / -or-** *Defender*: From „defend”, *Executor*: From „execute”
- ee-** *Employee*: From „employ”
- ant / -ent-** *Defendant*: From „defend”, *Respondent*: From „respond”
- ary-** *Beneficiary*: From „benefit”
- ive-** *Executive*: From „execute”
- cy-** *Bankruptcy*: From „bankrupt”
- ship-** *Ownership*: From „own”
- hood-** *Brotherhood*: From „brother”
- ism-** *Federalism*: From „federal”
- ize / -ise** (British English)- *Legalize*: From „legal”, *Penalize*: From „penal”
- ist-** *Jurist*: From „juris” (Latin, meaning law), *Legalist*: From „legal”
- ous-** *Litigious*: From „litigate”
- able / -ible-** *Defendable*: From „defend”, *Reversible*: From „reverse”

Progressive derivation by prefixation is less productive compared to suffixation in the formation of legal terminology. The most commonly used and productive prefixes are neological in nature and enjoy international circulation. Among these, the following prefixes are particularly noteworthy [5]:

- Anti-** (against, opposite)- Antisocial, Anticorruption
- Co-** (together, jointly)- Cooperate, Co-sign, Co-defendant.
- Contra-** (against)- Contraband, Contravene.
- De-** (down, away from, reverse action)- Decriminalize, Declassify, Deactivate.
- Dis-** (opposite of, not)- Disbar, Disqualify, Dispute.
- Ex-** (out of, former)- Exonerate, Extradite, Expropriate.
- Il-** (not)- Illegal, Illegitimate.
- Im-** (not)- Impartial, Immunity, Impeach.

- In-** (not)- Inadmissible, Incarcerate, Indict.
Inter- (between, among), Interstate, Interrogate, Intervene.
Mis- (wrongly, badly)- Misconduct, Misrepresent, Misappropriate.
Non- (not)- Noncompliance, Nonfeasance, Nonnegotiable.
Pre- (before)- Precedent, Pretrial, Preemption.
Re- (again, back)- Reaffirm, Rehabilitate, Revoke.
Sub- (under, below)- Subpoena, Subordinate, Sublease.
Un- (not)- Unlawful, Unconstitutional, Unprecedented.

Another wordbuilding process is syntagmatic compounding that involves combining at least two words, each of which can exist independently in the language, into a single lexical unit. In this structure, one word functions as the core element, while the others serve as auxiliary or modifying elements („contract law,” „contract” is the main word and „law” modifies it). Although the grammatical cohesion between the components of a compound term in legal terminology is generally weaker than that found in compounds from general vocabulary, these stable lexical combinations can still be classified as compounds due to their ability to denote a single, unified referent. The individual components of such terms often lose their original meanings to some extent, taking on a new, collective meaning within the legal context.

According to the morphological nature of the main element, the terminological phrases in the legal vocabulary can be of two types [6]:

1. Nominal constructions (the main element being a noun)

Attorney-Client Privilege

- Attorney (Noun)
- Client (Noun)
- Privilege (Noun)

Burden of Proof

- Burden (Noun)
- of (Preposition)
- Proof (Noun)

Although from a morphological point of view, the central element of the compound is the noun, from a semantic and functional point of view (from a legal perspective), the weight belongs to the adjective or noun. There are a list of Adj +Noun legal phrases, where the adjective determines the noun: *false testimony, non-threatening treatments, illegal arrest, maximum sentence, criminal procedure, fraudulent reproduction, criminal clause, preventive arrest, international crime, bilateral crime, simple theft, mental alienation, flagrant crime, qualified crime, organized crime, parliamentary immunity, aggravating circumstance, qualified murder, social danger*.

2. Verbal construction (the main element being a verb):

Verb+Noun

Grant a motion

- Grant (Verb)
- a (Article)
- motion (Noun)

Subpoena a witness

- Subpoena (Verb)
- a (Article)
- witness (Noun)

Serve a summons

- Serve (Verb)
- a (Article)
- summons (Noun)

It should be noted that not every combination of two words constitutes a phrase. Thus, a preposition and a noun (*crime with premeditation*) do not constitute a compound term, but only a phrase, which requires the existence of other lexemes for to become a phrase: premeditated crime, willful failure to fulfill one's duties.

The Nature of Legal Terminology

According to the morphological structure, terminological phrases in legal vocabulary can be categorized into different types [7, 8, 9]:

1. Simple terms- coined of a single word: *judge, contract*.

2. Two-member terminological phrases — terms composed of two elements: *habeas corpus, jury duty, case law, common law, civil rights, legal aid, bail bond, search warrant, affidavit evidence, class action, double jeopardy, felony conviction*.

3. Three-member terminological phrases — terms composed of three elements: *conflict of interest, statute of limitations, attorney-client privilege, burden of proof, chain of custody, right to counsel*.

4. Four-member terminological phrases — terms composed of four elements: *burden of proof stan-*

dard, right to legal representation, beyond a reasonable doubt, statute of frauds requirement, conflict of interest policy, search and seizure warrant, articles of incorporation filing, equal employment opportunity commission, chain of custody form, freedom of information act, writ of habeas corpus.

5. Multi-member terminological phrases — terms composed of more than four elements: *freedom of information act request, equal employment opportunity commission complaint, articles of incorporation filing requirements, motion for judgment as a matter of law, certificate of incorporation issuance date, conflict of interest disclosure statement, memorandum of understanding between parties, united states district court for the southern district of New York, application for a temporary restraining order, notice of intent to file a lawsuit, non-disclosure agreement between employer and employee, request for production of documents and things, class action settlement agreement terms, amendment to the articles of incorporation, motion to dismiss for failure to state a claim.*

Semantic Evolution and the Interaction of Specialized and General Vocabularies

The terms acquire a specialized meaning making the concept more specific targeting a concrete scopus. The word „Burglary” specifies *theft that involves unlawful entry into a building*. The phrase „Residential burglary” specifies *burglary that occurs in a dwelling*, excluding commercial properties, the phrase „Nighttime residential burglary” specifies *burglary that occurs in a dwelling during nighttime hours*. This phenomenon is called *Semantic narrowing* or *semantic restriction* of the meaning [1]. By restricting the meaning of the term „Burglary”, it is clearly differentiated between general theft and the more specific offense. It is meant to achieve [10]:

- Legal Clarity in order to understand the specific type of the offense,
- Judicial Consistency to apply the law accordingly for different types of offenses,
- Appropriate Sentencing to impose corresponding penalty to reflect the severity of the specific offense.

The opposite phenomenon to narrowing is semantic broadening or semantic extension. It refers to broaden the idea or concept to make it more inclusive, and to have an increased breadth of encompassing a wider range of aspects, elements, or interpretations. The expansion of the meaning of the term „Assault” to „Assault and Battery” broadens the term to include both the threat of harm (assault) and the actual physical contact (battery) (first expansion) [11].

„Assault and Battery” to „Violent Crime” broadens the scope to include any crime involving violence, not just assault and battery (second expansion).

„Violent Crime” to „Crime Against the Person” includes any crime that directly harms or threatens an individual, such as kidnapping, sexual assault, and robbery (third expansion).

„The man who commits assault shall be penalized”.

„The man who commits assault and battery shall be penalized”.

„The man who commits a violent crime shall be penalized”.

„The man who commits a crime against the person shall be penalized”.

In these sentences can clearly be seen the expansion of the meaning that allows the law to cover a wider range of criminal conducts, to ensure to address and punish different types of offenses accordingly. Broadening the meaning helps to:

- **Cover** comprehensively many types of harmful behavior to address a broad spectrum of criminal activities,
- **Adapt** the law in order to remain relevant,
- **Increase Protection to** enhance the protection provided to people by covering more types of criminal conduct.

Reternologizing is a way of creating terms from a specialized field from terms already existing in another specialized field to remove outdated language and to update the changes in the legislation. E.g. from the **Original Term:** „Battered Woman Syndrome”, was created the **Reternologized Term:** „Intimate Partner Violence Survivor”. The statements will look in this way:

Original Statement: „The defense may present evidence of battered woman syndrome”.

Romanian: „Apărarea poate aduce dovezi privind sindromul femeii abuzate”.

Retерminologized Statement: „The defense may present evidence of the defendant being an intimate partner violence survivor.”- “Apărarea poate prezenta dovezi că inculpatul este victimă a violenței în relațiile intime”.

In legal terminology, as in other terminologies, we also encounter the phenomenon of determinologizing or banalizing terms, which takes place when legal terms enter the general vocabulary. It is a normal and welcome process, because the words in the legal texts must be known and understood by their recipients.

The permeability of legal terminology is well known through borrowings. Analyzing the etymology of terms from our bank of legal terms and international criminal terms, we observe a considerable number of loans from French. These neologisms have been adapted to the phonetic, graphic system of the English language [12, 13].

E.g. recidivist < fr. récidiviste, prisoner < fr. prisonnier, penalty < fr. pénalité, lynching < fr. lynchage, insult < fr. insulte, criminality < fr. criminalité, co-accused < fr. coïnculpé, blackmail < fr. chantage, register < fr. registre, fine < amende.

The bulk of the legal terms have originated from different languages. E.g.

delinquent < lat. delinquens, -ntis, fr. délinquant, it. delinquente; treaty < it. trattato, lat. tractatus, germ. Traktat, fr. traité; criminal trial < it. processo, fr. procès, processus, lat. processus; criminal procedure < fr. procédure, it. procedura, lat. procedura; imprudence < fr. imprudence, lat. imprudentia, it. imprudenza; accomplice < fr. it. Complice.

An important method of creating new terms is calque. Calque known as a loan translation in the legal language contribute to the diversification and clarification of expression, borrowed from another language by literal, word-for-word translation. Calque in the current legal terminology is possible due to the translations of some expressions from the French language. In legal terminology, we identify the following types of calque:

1. Semantic linguistic calque. It is the case when only the meaning of one word is taken from a foreign language term, and this new meaning is attributed to another word, belonging to the same semantic sphere e.g. [12, 13, 14, 15]:

English „court of first instance”

French: cour de première instance (cour means „court,” de means „of,” première means „first,” instance means „instance”)

Spanish: tribunal de primera instancia

Romanian: instanță de fond

„Force Majeure”

French: Force majeure (literally „superior force”)

English: Act of God or Force Majeure (used to denote extraordinary events or circumstances beyond control)

Romanian: situație excepțională

„Double Jeopardy”

Latin: Nemo debet bis vexari pro una et eadem causa (no one ought to be vexed twice for the same cause)

English: Double Jeopardy (the prosecution of a person twice for the same offense)

Romanian: Dubla punere sub acuzare.

2. Word-for-Word Calques: it is the translation of each word separately. E.G:

„Rule of Law”

English: Rule of Law (rule + of + law)

French: État de droit (État means „state” and de droit means „of law”)

German: Rechtsstaat (Rechts means „law” and Staat means „state”)

Romanian: statul de drept

„Legal Person”

English: Legal Person (legal + person)

French: Personne juridique (personne means „person” and juridique means „legal”)

German: Rechtsperson (Rechts means „legal” and Person means „person”)

Romanian: Persona juridică

3. *Syntactic Calques* is when translating the syntax or the syntactic structure of a phrase. E.G.: „Undue Influence”

English: Undue Influence (adjective + noun)

French: Influence induue (influence means „influence” and induue means „undue”)

German: Unzulässiger Einfluss (unzulässig means „undue” and Einfluss means „influence”)

Spanish: Influencia indebida (influencia means „influence” and indebida means „undue”)

Cornu, Gérard (1990): *Linguistique juridique*. Paris: Montchrestien

Romanian: Influență abuzivă.

Conclusions

It can be concluded that legal terminology is a highly dynamic field, constantly evolving in response to social, cultural, and legal changes. While traditionally viewed as conservative and stable, legal language is subject to continuous innovation through processes such as derivation, compounding, and calque. These linguistic mechanisms not only generate new terms but also refine existing ones to meet the demands of a modern legal system [3, 14]. The fluidity of legal terminology underscores the importance of ongoing adaptation to maintain clarity, precision, and relevance in legal discourse. Ultimately, this evolution ensures that the legal lexicon remains aligned with the complexities of contemporary society and international legal frameworks.

References:

1. CRUSE, A. *Legal Semantics*. Cambridge: Cambridge University Press, 1991, 375 p.
2. HEIKKI, M. *Comparative Legal Linguistics*. London: Ashgate Publishing Company, 2006, 347 p.
3. SANFORD, S. *Language and the Law*. London: Bloomsbury Publishing, 2006, 228 p.
4. SADYKOVA, A. *Lectures on English Lexicography*. Kazan: TGGPU, 2010, 92 p.
5. REINHARD, H.; GREGORY, J. *Dictionary of Lexicography*. London: Routledge, 1998, 192 p.
6. CRYSTAL, D. *The Cambridge Encyclopedia of Language*. Cambridge: Cambridge University Press, 2010. 190 p.
7. ANTONIU, G., BULAI, C., & CHIVULESCU, G. *Dicționar juridic penal*. București: Editura Științifică și Enciclopedică, 1976.
8. CLOSCA, I., & CETERCHI, I. *Dicționar de drept internațional public*. București: Editura Științifică și Enciclopedică, 1982.
9. HOTCA, M. A. *Dicționar de drept penal*. București: Editas, 2004.
10. SAGER, J. *Terminology Compilation: Consequences and Aspects of Automation*. In: Wright, S. (ed.). Amsterdam: John Benjamins Publishing Company, 2001. 258 p.
11. SMITH, S. *Issues in Legal Translation*. Cambridge: Cambridge University Press, 1999, 312 p.
12. RASTORGUYEVA, T. *История английского языка*. Moscow: Vyssaja škola, 2003, 352 p.
13. CORNU, G. *Linguistique juridique*. Paris: Montchrestien, 1990.
14. CUNITA, A. *La structure lexicale*. P. Miclau (Ed.), *Les langues de spécialité* [online]. Universitatea din București (Original work published 1982), 2002.
15. Academia Română, Institutul de Lingvistică Iorgu Iordan. *Dicționarul explicativ al limbii române*. București: Univers Enciclopedic, 1998.
16. QUIRK, R. *Translation in Modern Times*. London: Longman, 2005, 237 p.
17. WÜSTER, E. *International Bibliography of Standardized Vocabularies*. London: Routledge, 1979, 540 p.
18. YULE, G. *The Study of Language*. Cambridge: Cambridge University Press, 2006, 372 p.
15. PEARSALL, J.; TRUMBLE, B. *Oxford English Reference Dictionary*. Oxford: Oxford University Press, 1995, 1765 p.

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