

DOI: <https://doi.org/10.18454/RULB.2018.14.2.7>**НАИМЕНОВАНИЯ МЕСТНОСТИ В АНГЛИЙСКОМ ЮРИДИЧЕСКОМ ДИСКУРСЕ**

Научная статья

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Аннотация

Ввиду того, что профессиональный язык юристов является инструментом для выражения правовых традиций, топонимические единицы, широко и разнообразно представленные в правовом дискурсе, в большой степени отражают социокультурные, национально-культурные и национально-правовые особенности общества. Сплошная выборка топонимических единиц и тщательный анализ материала показали наличие широкого спектра употребления наименований местности в области права. Автор выделяет несколько основных узусальных кондиций, характерных для интеграции географических названий в англоязычную юридическую терминосистему. В статье предлагается классификация случаев употребления топонимических единиц в правовой документации, делаются выводы о влиянии неязыковой действительности на развитие юридической терминологии.

Ключевые слова: юридический, дискурс, топоним, источник права, юридический документ.

PLACE NAMES IN LEGAL ENGLISH

Research article

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Abstract

Due to the fact that lawyers' professional language is a tool for expressing legal traditions, the toponymic units, widely and diversely represented in English legal discourse, largely reflect the sociocultural, national cultural and national legal features of the society. A continuous selection of toponymic units and thorough analysis of the material showed the existence of a wide range of use of place names in the sphere of law. The author singles out a few basic conditions that are typical for the integration of geographical names into an English-language legal terminology system. The article proposes a classification of cases of the use of toponymic units in the legal documentation, conclusions are made about the impact of non-linguistic reality on the development of legal terminology.

Keywords: legal, discourse, toponym, source of law, legal document.

Introduction

It is in specific speech works that the elements of language as a system are actualized. This predetermined the interest of linguists to the problems of the typology of discourse, especially to professional discourses. In modern linguistic research, the problem of the professional conditioning of the cognitive and communicative activity of the individual in the process of structuring reality is increasingly raised.

It is commonly known that any language represents perfect expression of thoughts, norms of communication, verbal or non-verbal. To some extent language is an external form of law. The rule of law through the uniform of the legal language tends to the greatest possible uniqueness of its terms in the use of law enforcement.

Unlike the language of art and philology, the language of law fulfills a peacemaking and, therefore, a political function. The clearer it is, the more reliable the right and freedom of the press and the higher the legal culture.

Since legal English is a tool for expressing legal traditions, toponymic units being vividly represented in the legal discourse, to the greatest extent reflect social, cultural, national and legal features of the society. Analysis of the material showed the existence of a wide range of toponymic units in the field of Anglo-American law.

Method

Consideration of toponyms as a mirror of extralinguistic factors that have a significant impact on formation processes in the legal terminology deserves, in our opinion, special attention. In this paper we have made a venture to distinguish several basic conditions that are typical for the integration of geographical names to the English legal terminological system. More than 600 professional language units have been analyzed by method of continuous sampling.

Discussion

Attempts to study and classify similar cases have been made before, for example, by the Russian scholars [2], [4], [5], [6], [7], [9], [10]. But they were built on a thematic basis and in accordance with the source of terminology. In all such studies, the use of place names in the legal discourse is a part of general broad use of onyms. We have singled out and classified namely toponyms and conditions of their usage in English legal terminological system. Most often, as we presume, place names in English legal language are included in the following groups of legal documents names: sources of law, treaties, famous court trials, crimes, famous lawsuits, investigative operations, concepts of forensic medicine, public holidays. Let us consider each mentioned group in detail, denoting **T** for 'toponym'.

Results

1. Doctrines, theories, sources of law.

The names of doctrines with a toponymic element, according to our observations, are formed according to the following models:

Model	Example
<i>Doctrine, Constitution, Clause, Law etc.</i> + T	<i>Constitution of the USA</i>
T + <i>Doctrine, Clause, Law etc.</i>	<i>Massachusetts Body of Liberties, Alabama Dog Law, Florida Drunk driving Laws, Quebec Act Rhodian Sea Law</i>
T + <i>Doctrine, Clause, Law etc.</i> + <i>year</i>	<i>Scotland Act 1998, Canada Act 1982</i>
<i>Doctrine, Clause, Law etc.</i> + T + <i>year</i>	<i>Commentaries on the Laws of England 1765, Institutes of the Lawes of England 1628</i>

As can be seen from the examples, some of these terminonyms also contain the date of adoption of the law, others - have a noun explaining the essence of the law, especially when the legal norms are established by the states on the basis of the federal law. It is interesting, for example, that one of the first legal documents in the world underlying the subsequent legislative decisions was the so-called Rhodian, or, as a synonym for its doublet, the Byzantine law, Rhodian Sea Law (Byzantine law). It regulated the relationship between the owners of a ship and its passengers in the Byzantine Empire since the 7th century. This law, which determined the degree of damage to goods due to shipwreck, the amount of damage, etc., was borrowed by the Romans from Greek law (first applied to Rhodes Island) and laid the foundation of international maritime law.

2. Treaties, conventions, protocols

This is the most extensive group, represented by numerous legal documents, in which the toponym is the name of the locality or territory where the document was signed, and in which it has legal force.

Quite well-known, for example, is Maastricht Treaty, an international treaty between most European countries, which was initiated by the European Union. It was signed in Maastricht, the Netherlands, in 1992.

T + <i>Convention, Protocol, Treaty etc.</i>	<i>Warsaw Convention, Vienna Convention, Groningen Protocol, Montreal Protocol, Maastricht Treaty, Potsdam Agreement</i>
<i>Convention, Protocol, Treaty etc.</i> + T	<i>Treaty of San Lorenzo, Treaty of Lisbon, Treaty of Rome</i>

3. Famous court trials

Here, according to our ideas, there is one formation model.

Toponyms are the names of cities in which famous trials took place, and which have become precedents or even historical monuments [8].

T + <i>Trial</i>	<i>Nuremberg Trial, Salem Witchcraft Trials</i>
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4. Names of crimes

Components in this case are not only suggestive lexemes like "riot", "massacre", etc., but also toponymic units in monosyllabic form. Thus, the concept of Johnstown indicates a mass suicide in Johnstown, Guyana, in 1978, where there were killed, according to various sources, from 909 to 922 people.

T + <i>Riot, Massacre etc.</i>	<i>Los Angeles Riot, Kansas City Massacre</i>
T	<i>Jonestown</i>

5. Names of famous lawsuits or legal precedents

As case law becomes the basis for changing certain legal principles, and in the USA - the basis for amending the Constitution, the names of these cases acquire the status of terms for the name of new legal concepts. [3] We observe several following models on which they are formed:

<i>Name (plaintiff)</i> + <i>v.</i> + T	<i>Miranda v. Arizona, Mallory v. United States, Northern Securities Company v. United States</i>
T + <i>v.</i> + <i>Name (defendant)</i>	<i>United States v. Caldwell</i>

T + v. + T	<i>Ireland v. United Kingdom, U.S. v. Alaska</i>
T + Case	<i>Darhmouth College Case</i>

6. Names of streets and areas that have become nominal

As for the informal names of judicial and similar institutions, they actively function in different types of discourse (in the artistic, journalistic type, for example), and namely in the legal discourse they are sometimes replaced by full official names (like New Scotland Yard which is actually the Metropolitan Police Force).

T	<i>10 Downing Street, New Scotland Yard</i>
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7. Names of state and legal institutions

The names of penitentiary institutions often contain toponymic components (oikonyms, hydronyms, etc.), denoting various geographical objects in which (or near which) prisons, camps for prisoners, etc. are located.

T + Prison, Correctional Institute, Detention Camp, Colony etc.	<i>Brixton Prison, Danbury Federal Correctional Institute, Guantanamo Bay Detention Camp, Hollisley Bay Colony Folsom Prison</i>
T	<i>Albany, Alcatraz, The Fleet, Feltham</i>

8. Names of reconnaissance and investigative operations

In this case, many examples can be given by the official web-site of the Central Intelligence Agency of the United States www.cia.gov. There we can find not only the names of operative measures, but also their detailed descriptions.

T + Operation	<i>Paris operations of the Russian Imperial Police, Tagil Operation</i>
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9. The concepts of forensic medicine

This area illustrates the interaction of legal discourse with other types of discourse, which are regularly reflected in the system of legal relations.

T + Syndrome, effect, system etc.	<i>Stockholm Syndrome, Lima Syndrome</i>
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10. Names of public holidays

We believe that this kind of terms should be included in this list, because, firstly, these types of holidays are established by the highest state authority, and, secondly, they are prescribed in state legal documents. For example, Bunker Hill Day is the day of the Battle of Bunker Hill, widely celebrated on June 17 in Boston and Suffolk, Massachusetts (USA).

T + Day	<i>Australia Day, Russia Day, Bunker Hill Day, Nevada Day</i>
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Conclusion

As follows from the analyzed material, the legal discourse, in this case based on but not restricted by the Anglo-Saxon legal system, is not limited to toponymic components that are present only on the map of the United Kingdom and the United States. We observe a great variety of topoforms with different etymologies.

Thus, it can be noted that, in the course of its development, legal terminology is always strongly influenced by non-linguistic reality [1], therefore, the composition of legal terminology reflects a special path of development inherent only in it. National-cultural, linguistic-cultural and national legal features of the Anglo-American legal system are mostly reflected in onemic terms, the multiplicity of which is determined by its precedent nature. [7] Depending on the practice of law enforcement, place name lexicon can be characterized as nationally-marked, reflecting the legal specifics of the language of countries within Anglo-American legal system.

It is proved that, since the legal language is an instrument for expressing legal traditions, toponymic units, vividly and multilaterally represented in the legal discourse, largely reflect sociocultural and national legal features of the society.

Конфликт интересов

Не указан.

Conflict of Interest

None declared.

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