

POLYSEMIC TERMS IN CHINESE, GERMAN, GREEK AND POLISH LEGAL LANGUAGE. A COMPARATIVE STUDY

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Abstract: The main issue of the paper is the phenomenon of polysemy, which is present in the Chinese, German, Greek and Polish legal languages. The phenomenon is seen as the criterion of comparative studies between the specified legal languages. As polysemy is often discussed together with homonymy, the authors have decided to define polysemy in the introduction of the text, on the basis of etymology and being contrary to homonymy. The first assumption is an existence of the polysemy of certain terms (words and syntagmas), which relies on simultaneous existence of the term both in general (lay) language and in language for special purposes. The LSP may be the legal language, for example. Based on the existing research of legal language, the authors assume polysemy does not have a homogenous character as a term and moreover this is confirmed by various legilinguistic classifications. There are typologies of legal language based on the criterion of source text, but the authors also propose the consideration of a classification performed on the basis of various fields of law i.e. civil law, constitutional law, criminal law together with confirmation of classification. This criterion may be very useful when explaining the polysemy of legal terms as it originates not only from different types of legal texts, but primarily comes from legal fields. The performed comparative analysis of selected legal terms of different Chinese, German, Greek and Polish legal fields indicates that the multiplicity of meanings of the same term (word/syntagma) comes from the presence of this term in different legal fields. Simultaneously, the primarily assumed statement of the existence of polysemy in the frame of a certain language for special purposes, i.e. legal language, is confirmed. This assumption may be a valuable aspect of further research of national legal languages and may be useful for the users of legal language such as legal translators or legal comparatists.

TERMINY WIELOZNACZNE W CHIŃSKIM, NIEMIECKIM, GRECKIM I POLSKIM JĘZYKU PRAWA

Abstrakt: Przedmiotem niniejszego artykułu jest zagadnienie wieloznaczności obecne w chińskim, niemieckim, greckim i polskim języku prawa w ujęciu porównawczym. Ponieważ zagadnienie polisemii jest w literaturze przedmiotu często omawiane wraz z zagadnieniem homonimii, autorki artykułu na wstępie przyjmują określoną definicję polisemii, opartą na kryterium etymologicznym. Pierwszym założeniem, jakie przyjmują autorki, jest fakt istnienia wieloznaczności określonych terminów - wyrazów i syntagm - wynikającej z ich jednoczesnej obecności w języku ogólnym oraz w języku specjalistycznym, którym jest np. język prawa. W oparciu o istniejące badania nad językiem prawa w artykule zakłada się niejednorodny charakter tego pojęcia, co potwierdzają różne klasyfikacje języka prawa dokonane przez legilingwistów. Autorki proponują, aby obok

przyjętej klasyfikacji uwzględnić w badaniach porównawczych języka prawa również podział prawa na działy, np. prawo cywilne, prawo konstytucyjne etc. Przyjęcie takiego kryterium sprawia, iż zagadnienie polisemii terminów prawnych może być wyjaśnione w oparciu o znaczenie i funkcję tekstów prawnych i prawniczych, z jakich pochodzą dane terminy. Przeprowadzona analiza porównawcza wybranych terminów z różnych gałęzi prawa chińskiego, niemieckiego, greckiego i polskiego, wskazuje, że wieloznaczność terminów prawnych wynika przede wszystkim z obecności i używania tych samych terminów w różnych gałęziach prawa. Jednocześnie potwierdza to przyjętą na początku artykułu tezę, mówiącą że polisemia jest zjawiskiem obecnym również w ramach danego języka specjalistycznego. Taka konstatacja może być przydatna, jak wskazuje się na przykładach, dla użytkowników różnych narodowych języków prawa, jakimi są tłumacze, czy komparatyści prawa.

Introduction and methodological remarks

Polysemy may be defined as multiplicity of meaning of one term (which is a word or syntagma). Quite frequently, when discussing polysemy, the phenomenon of homonymy occurs. Despite many definitions of polysemy, the main issue frequently discussed among linguists is the difficulty in distinguishing polysemy and homonymy (cf. Gołąb et al. 1968, 238, 432-433, Crystal 2008). Thus the first step of the research is to distinguish polysemy homonymy and to define polysemy as a linguistic phenomenon.

The term *legal language* has no uniform, nor universal meaning because almost every national legal system operates a wide range of national legal means to express legal rules or to regulate legal reality. According to the main classifications and typologies of legal language (cf. Šarčević 1997, Mattilla 2002, Cao 2007, Matulewska 2007, Galdia 2009) often used criteria for legal language typology are types of legal texts. In the next step of the research, despite these classifications, the authors of the paper present the polysemy of selected terms existing simultaneously in general and in legal language. They believe it cannot be explained relying only on the aforementioned typologies. This assumption is confirmed by the examples of Chinese, German, Greek and Polish terms given in the paper.

The authors assumed that polysemy originates from co-existence of the same term in various linguistic realities. Thus one term, a word or syntagma, present and used in general language (language used for general purposes) has a certain meaning, but when it is exploited in the frame of language for special purposes, for instance, in the frame of legal language, it has a different meaning (cf. Petzel 2006). These circumstances cause polysemy of one word as it is used for different purposes and thus it has various, multiple meanings. This statement is basic for further research performed on various Chinese, German, Greek and Polish legal terms. The main criterion for comparative analysis is the hypothesis about polysemy in legal language. Thus, taking into consideration the third element of the comparative study (polysemy in LSP), the polysemy in languages for special purposes is analysed in this common platform. In this phase of the research the hypothesis is examined and confirmed.

The concluding remarks of the paper include the results of the research performed and observations. The authors consider that the comparative study presented in the paper may be useful as a method for analysis of certain linguistic phenomena in various national legal languages. It is obvious that the proposed method cannot possibly be the sole method for research but it enriches knowledge of legal language and its

patterns in various legal systems. It may be used also to define semantic fields of legal terms when analysing the corpora. Thus the presented research might be exploited by legal translators or legal comparatists or other users of legal language.

Polysemy – general conception

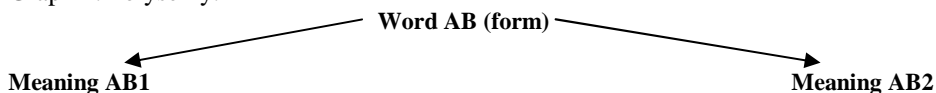
The term polysemy was introduced by Bréal in 1897 (Nerlich 2003, 49). Subsequently, polysemy has been explained from various linguistic viewpoints rooted in semantics or even psychologically inspired semantics (cf. Stern 1931, Smith 1982). When considering the etymology of the term *polysemy*, it seems quite obvious that this linguistic phenomenon is identified by the simultaneous existence of multiple meanings for one term. The statement is confirmed by many scholars, who consider polysemy a phenomenon or situation where one word has many meanings (Ullman 1967, 159, Palmer 1981, 100, Weinsberg 1983, 42) or one lexeme has many senses (Cruse 1986, 80, Lyons 1987, 146, Veloudis 205, 196).

Frequently a polysemy is *defined as one form (written or spoken) having multiple meanings that are all related by extension* (Yule 2010, 120). In extension from this definition there are sense relations between meanings in the frame of one term. Some scholars have tried to characterise these polysemic relations as *sense relations in which one lexeme has acquired more than one meaning* (Mohammed 2009, 782-783 after Finch 2000, 173). These relations come from meaning metamorphosis and they may be based on metaphor or metonymy (Kövecses 2002, 213) and, moreover, lexemes continually develop their meaning variants (Löbner 2002, 45). For instance, in Chinese polysemy *often occurs in grammaticalization when the content form of origin continues to coexist contemporaneously with its grammaticalized function form counterpart* (Packard 2001, 262).

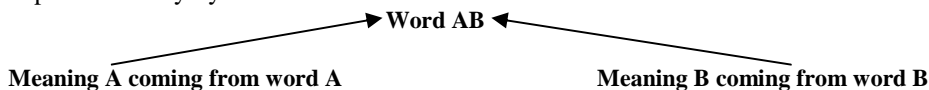
Many scholars discuss polysemy and homonymy together (Gołąb et al. 1968, 238, Kovacs 2011, 7 et al.) as the homonyms are words or forms, which have many meanings or functions, while simultaneously, the investigators believe many meanings come from completely different words, which created one, uniform form in the historical development of the language. The method of distinction between homonymy and polysemy appears to be the main obstacle for linguists (cf. Crystal 2008). The traditional approaches state that the main criterion of distinction between polysemy and homonymy is etymology because the homonyms are different words as homonymy is not relations between meanings of the same word but it is co-existence of multiple words having their own meaning in the same form (Lyons 1975, 447).

The following graphs may be useful illustrative material as they present the relations of homonymy and polysemy in parallel. The main criterion of distinction is etymology as adopted by Lyons (1975, 447-448).

Graph 1. Polysemy.



Graph 2. Homonymy.



In the basis of adopted criterion some examples of Chinese, German, Greek and Polish polysemic words and homonyms are given to illustrate the method exploited in the research. The examples are given in table form to present more schematically the under investigation issues.

Table 1. Examples of polysemic words and homonyms.

<i>Chinese polysemic words</i>	
<i>Word</i>	<i>Meaning</i>
法律顾问 <i>fǎlǜ gùwèn</i>	1. syndic. 2. corporate lawyer. 3. counsellor-at-law or barrister. 4. legal adviser.
<i>Chinese homonym</i>	
<i>Word</i>	<i>Meaning</i>
仪表 <i>yíbiǎo</i>	1. the appearances or manners a person bears (仪 yí – 容貌举止: 仪容; 仪态 <i>róngmào jǔzhǐ: yíróng; yíróng; yítài</i>). 2. instrument or meter ¹⁶ ((仪 yí – 仪器 <i>yíqì</i>)
<i>German polysemic word</i>	
<i>Word</i>	<i>Meaning</i>
der Verkehr	1. move. 2. communication, transport. 3. trading transaction, trade market.
<i>German homonym</i>	
<i>Word</i>	<i>Meaning</i>
die Kluft	1. gulf; ravine (Old High German <i>kluft</i> ; English <i>cleft</i>). 2. uniform; outfit; dress (Modern Hebrew: <i>gilluph</i>)

¹⁶ Cf. Lin, Ahrens 2000, 143.

Greek polysemic word	
Word	Meaning
φύλλο [fílo]	1. petal, foliage. 2. leaf, page. 3. newspaper. 4. film.
Greek homonym	
Word	Meaning
κάβα [káva]	1. wine cellar; off licence (French <i>cave</i>). 2. limit in Poker (Italian <i>cava</i>).
Polish polysemic word	
Word	Meaning
kożuch [kóžux]	1. sheepskin, coat, fur. 2. (milk) skin.
Polish homonym	
Word	Meaning
cera [céra]	1. face, skin of face, mask of face (Latin <i>cera</i> - wax). 2. darn (Old Church Slavonic <i>ceŕl</i> – intact, undisturbed, healthy)

The above given examples indicate that polysemic words have the same etymological source but shifts of their meanings depend on certain communication circumstances (i.e. situation, function, context, topic etc.) where the polysemic word is used. These circumstances may have a social, cultural or professional character thus the next step of the research is to present polysemy considered as multiple meaning of the same word in different communicational situations.

Polysemic words in general language and in LSP (legal language)

Different communicative circumstances require various modes of linguistic communication as different purposes of communication must be served. One of the communicative purposes is legal communication, the basic and general function of is to communicate law. It is a very narrow linguistic function when compared with general use of language. Thus the distinction between language for general purposes and language for special purposes must be highlighted.

From communication point of view, the language for general purposes is used in almost every communication situation, as it is a basic mean for communication and basic material for language registers (cf. Petzel 2006, Pytel 2004). According to Halliday *register is the clustering of semantic features according to situation type* (Halliday, 1978: 68, 111, 123). His concept of the register may be used to explain a language variation according to use (Lookin et al. 2011, 190). As Metthiesen (1993, 23-31) believes that register is a higher order of semantic configuration and it is realised in semantic units of various sizes, in the paper register is conceived as a special language variety, with its specific semantic units (words, syntagmas), used in different situations. This statement

brings us closer to the term of LSP (Language for Special Purposes) defined as *formalised and codified variety of language, used for special purposes [...] with the function of communicating information of a specialist nature at any level* (Picht and Draskau 1985, 3). The language for special purposes is seemingly a type of register as it serves a certain purpose or purposes. When discussing the LSPs, a communication component should be considered (functional variety). Regardless of any register taxonomy or LSP taxonomy, a variety of language used in a certain situation (a common component of these two terms) is not in contrast to the language for general purposes. The statement is confirmed by de Beuagrande (1987, 7) who considers that the LSP may be defined in terms of *style* or *register* and this approach was presented by Gläser (cf 1979) and Draskau (cf. 1983).

Legal language, regardless of many legilinguistic approaches, is a language existing in the legal environment. Current studies indicate that legal language is a vast term with multiple meaning as it is used to specify language used in a legal environment to serve different purposes in the frame of so-called legal communication (Gortych-Michalak 2013, 90-91). Thus the authors of this paper believe that legal language is a language for special purposes as it is a means of communication in legal circles and moreover it is a means to express law:

Law always has a linguistic form; there would be no law without language. There would be no way to establish legal validity without language, as justice needs communication. (Grewendorf et al. 2009, 1)

Chinese legal language – 法律汉语 [fǎlǜ hànǚ] is considered as an authoritative and restraining medium of law (Du 2004, 1). It is described as a variant of the ordinary Chinese language (Song 2010, 4). In investigators' discussions there is also the Chinese legal language of the People's Republic of China, the Chinese legal language of the legal system in Taiwan and the Chinese legal language of the legal system in Hong Kong.

German legal language – *Rechtssprache*, may be understood as a collective concept of the legal language used in Austria, Germany and Switzerland. According to (Sandrini 1996, 16) there is no general legal language but only national legal languages.

Greek legal language – νομική γλώσσα [nomikí glóssa] is deemed to be the language used in the legal field – γλώσσα στο νομικό χώρο [glóssa sto nomikó chóro] (cf. Kriaras 1982). Stavrakis (cf. 1995) and Tsavalos (cf. 1990) believe that Greek legal language is professional language, used by lawyers for communication purposes in the legal area. Moreover, scholars state that legal language is a unit – κομμάτι [komáti] of general, ethnic language. The latest researches of Panaretou (cf. 2009) present the statement that legal language – νομικός λόγος [nomikós lógos] is a statutory language. In the context of Panaretou's statement the question about the concept of other languages used for different legal purpose arises. Regardless of various statements, the definitions of the term *legal* language confirm that the wide meaning of the term *legal language* is not homogeneous.

Polish legal language has been explored for over fifty years (cf. Wróblewski 1948). Current classifications of legal language are based on an almost archetypical division of legal language created by Wróblewski. Thus, there is no uniform legal language in the Polish legal environment, but at the very basic level of division there are statutory language – *język prawa* and legal language – *język prawniczy*. Legal and linguistic studies confirm this division and even develop it (cf. Gizbert-Studnicki 1972, Zieliński 1999, Malinowski 2006 et al.). Regardless of more and more analytic typologies of Polish legal languages, there are common criteria, which classify them into one language for legal purposes. These criteria are: i) legal field where Polish LLP is used and ii) function, which is communication in the legal field.

The function and the field of use are the same for Chinese, German, Greek and Polish legal languages. They are languages for legal purposes thus the polysemy of terms comes from purpose of the language. The following tables present examples of this linguistic situation, which are terms with multiple meaning. The meaning depends on the purpose of the language and the linguistic form of the term “contains” many meanings.

Table 2. Terms - examples in general language vs terms in language for legal purposes.

<i>Meaning in language for general purposes</i>	<i>Meaning in language for legal purposes</i>
Chinese examples	
请求 <i>qǐngqiú</i>	
ask, beg, demand	claim, motion, petition
废除 <i>fēichú</i>	
cancel, annul	abrogate, abolish
异议 <i>yìyì</i>	
disagreement	dissenting opinion, opposition, objection, exception
German examples	
die Umsetzung	
execution, realisation, conversion, dislocation, transformation	translation
die Gesellschaft	
society (sociology), companionship, circle (of people), party (social event)	organisation, company (corporation)
der Zusatz	
addition, adjunct, alloy, suffix	amendment
Greek examples	
απόφαση [apófasi]	
decision, resolution	sentence, verdict, judgment
αρχή [arxí]	
beginning, start, rule, principle	authority, rule

καλῶ [kaló]	
to call, to order, to appeal, to invoke	to summon
Polish examples	
strona	
page, side, bank, aspect, voice	party, litigant
dzieło	
work, result, creation	work as object of the contract
wypowiedzenie	
declaration, resignation, pronouncement	notice, denunciation

The examples presented above are just samples of many situations where one term coming from general language acquires new meaning in language for legal purposes and thus a polysemy occurs. Polysemy of one word, which comes from a difference between general language and language for any special purpose seems to be an obvious phenomenon and it confirms the conception of language register given above. Moreover it confirms the concept of polysemy adopted in the research understood as extension of meanings that Chromá confirms: *The problem (...) is extensive polysemy resulting from a general tendency in the languages to assign new meanings to the existing vocabulary* (Chromá 2011, 46).

Polysemy inside the language for legal purposes

The latest legilinguistic studies indicate that legal language is a wide definition and a term with multiple meanings. Thus it is not homogeneous even if seen as language for legal purposes (LLP). Giving some examples confirming multiple meaning of the term, a basic taxonomy of the term *legal language* must be mentioned. It was presented by Kurzon (cf. Kurzon 1986 and 1987) who distinguished *language of the law* and *legal language*. Then Mattila (cf. 2006) believes that *legal language* contains:

- language of legal authors,
- language of legislators (laws and regulations),
- language of judges,
- language of administrators,
- language of advocates (Mattila 2006, 4).

Mattila's typology is based on the "source", which may be legal author, legislator, judge etc. Yet the typology of legal language may be based on text types, which is typology's criterion for Galdia (2009, 91), Šarčević (1997, 11), Cao (2007, 9-10), Matulewska (2007, 26-27) and other scholars.

The adopted criterion of typology in studies given above is not an appropriate criterion to examine polysemy within the extent of the language for legal purposes. The authors of the paper examined many legal documents, normative acts and legal documents and they confirmed the general legal rule, which defines appropriate use of statutory terms in other legal documents, i.e. contract (Polish *umowa*) is a term frequently existing both in statutes – Polish Civil Code and in legal documents, i.e. contracts, agreements etc. The rule to use statutory terms in the legal documents is extremely

visible in judicial sentences where judges substantiate their verdict on the base of the constitution, the law or any other normative act. In these circumstances, the language of judges (as called after Mattila) exploits the terms, which exist in the language of the legislator. A parallel situation arises when contracts are drawn up as contractual texts include statutory terms too, as mentioned above.

The authors propose to adopt another criterion to examine polysemy inside the language for legal purposes. This criterion is subdivision of law into divisions such as civil, constitutional, crime and tax law etc. The divisions of law regulate various realities and circumstances and thus the language used for legal communication in such circumstances must be even more specialised and precise when compared with the language for legal purposes. This latter language serves many legal purposes in many legal fields.

Adopting this criterion one may distinguish for example administrative law LLP, civil law LLP, crime law LLP and other LLPs. The following tables give examples of legal terms which are polysemic terms from the legal division standpoint.

Table 3. Polysemy in the language for legal purposes (LLP).

Law branch	Meaning of the term in certain law branch
Chinese legal term 被告 [bèigào]	
Criminal procedure law	the accused ¹⁷
Civil procedure law, administrative procedure law and criminal procedure law	defendant ¹⁸
German legal term <i>die Auflage</i>	
Civil law (Bürgerliches Recht)	testamentary burden – die Verpflichtung ¹⁹
Administrative procedure law (das Verwaltungsverfahren)	provision – die Bestimmung ²⁰
Greek legal term υπηρεσία [ipiresía]	
Military law (στρατιωτικό δικαίο)	(military) service – (στρατιωτική) υπηρεσία ²¹
Civil law (αστικό δικαίο)	(public) office – (κοινωνική) υπηρεσία ²² (public) service – (δημόσια) υπηρεσία ²³
Tax law (φορολογικό δικαίο)	(provision of) services – (παράδοση) υπηρεσιών ²⁴
Polish legal term <i>cywilny</i>	

¹⁷ Chinese Criminal Procedure Law, 17.03.1996, article 170 (3).

¹⁸ Chinese Civil Procedure Law, 09.04.1991, article 22 et al.; Chinese Administrative Procedure Law, 04.04.1989, article 18 et al.; Chinese Criminal Procedure Law, 17.03.1996, article 175 et al.

¹⁹ German Civil Law, BGB 18.08.1896, paragraphs 2192-2196.

²⁰ German Administrative Procedure Law, VwVfG 25.05.1976, paragraph 36 (2).

²¹ Greek Military Law N.3421/2005, FEK A 302/13.12.2005, article 2, paragraph 2.

²² Greek Civil Code N. 2250/1940, FEK A 151/1946, article 1646 et al.

²³ Greek Civil Code N. 2250/1940, FEK A 151/1946, article 54.

²⁴ Greek Value Added Tax Code N. 2859/2000, FEK A 248/7.11.2000, article 2, paragraph 1a.

Administrative law (prawo administracyjne)	civil (status) – stan cywilny ²⁵
Civil law (prawo cywilne)	civil (liability) – (odpowiedzialność) cywilna ²⁶
Constitutional law (prawo konstytucyjne)	civil (service) – (służba) cywilna ²⁷

The examples presented above highlight existence of polysemic terms inside the specific language for special purposes, which is discussed LLP. Polysemy may be called an omnipresent linguistic phenomenon as even in a language variety, which is used for special purposes i.e. legal language (Language for legal purposes – LLP), one may still observe it. Generally present polysemy comes from sense shifts in the frame of the semantic field of a certain word or syntagma. The above-mentioned Halliday's concept of language registry explains that phenomenon as it refers to the situation in which the language is used. This situation may be functional, which is a purpose to be fulfilled or thematic field (topic). Thus not only function but also semantics should be considered as criteria to analyse languages for special purposes and their semantic phenomena.

Conclusions

When referring to legal language (LLP) the criterion of language function may be useful to distinguish the language for special purposes from the language for general purposes. Because of the thematic field of language in action, the semantic aspect must be considered also when distinguishing the language for special purposes from the language for general purposes.

The scope of the samples given is to demonstrate that polysemy is a ubiquitous linguistic phenomenon. Even in such a language unit as semantic units polysemy is still present. Regardless of the subject field and function multiple meaning of a single term may occur.

The results of the research presented in the paper may be applicable to applied linguistics, for example to translation theory and practice. The phenomenon of polysemy seems to be especially a source of ambiguity and creates a potential problems for translators (Matulewska 2007, 120-121, Grzybek 2009, 207-216, Żrałka 2007, 76, van Vaerenbergh 2009, 48-50, Biel 2008, 29-3 et al.) and

The study of polysemy can help translators, by giving them certain guidelines, as to how to think about words, and how to make use of the context to resolve the ambiguity of polysemous words (Shmidt 2008, 217).

On the other hand, one must consider that polysemic terms do not exist without any context in a vacuum. They are part of some text or statement that is observed by the investigators thus the sender of the message and the receiver of the message are able to

²⁵ Polish Law about Civil Status Certificates, Dz.U. 1986 No. 36 entry. 180, article 3 et al.

²⁶ Polish Civil Code, Dz.U. 1964 no. 16 entry 93, article 819.

²⁷ Constitution of Republic of Poland, Dz.U. 1997 no. 78 entry 483, article 153.

disambiguate polysemous words in the given context (Nerlich and Clarke 2003, 12), which is text produced with use of language for legal purposes. Adopting this statement helps to link lexical investigations and text investigations in translation theory and practice as the scope of the translator is not only to give proper meaning of one term in different language but also to produce the proper text, which includes the term.

While lawyers cannot expect translators to produce parallel texts, which are equal in meaning, they do expect them to produce parallel texts, which are equal in legal effect. Thus the translator's main task is to produce a text that will lead to the same legal effects in practice (Šarčević 1997, 71).

One of the main steps in the process of translation is the perception of source text and in this phase the translator should determine the semantic field of a certain term. The authors believe the paper will be valuable tool to determine the meaning of source terms and thus to transfer and to express it in the final text (translation). Moreover, the proposed method may be useful when preparing specialised glossaries and dictionaries.

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