

## LEXICAL AND SEMANTIC PRODUCTIVITY OF BORROWINGS INTO THE RECIPIENT LANGUAGE

*Svetlana Titini, PhD*

University "Aleksandër Moisiu", Durres, Albania

### **Abstract:**

Borrowings often become the source for the creation of new lexical items in the languages they enter. In this article the borrowed terms in the field of law in Albanian constitute the factual material based on which we are to analyze the lexical and semantic productivity of this stratum of the vocabulary of a language.

At the beginning there will be presented the current state of borrowings of legal terminology in Albanian according to the languages they were borrowed (bearing in mind that until the 1990's borrowings from Italian and French prevail, and after 1990 there is an influx of English lexical borrowings) and according to the branches of law (selecting branches of law where borrowings abound).

First, it will be analyzed the lexical productivity based on that part of borrowings in the field of law that have become productive roots for producing new words in Albanian, pointing out the characteristics of this group of borrowings.

Second, it will be analyzed the semantic productivity through that part of borrowings in the field of law that have expanded the semantic structure with new terminological and non terminological meanings in Albanian, referring to their coverage in the dictionary of Albanian language and pointing out the characteristics of this group of borrowings.

Finally, based on the analysis of the aforementioned groups of borrowings in terms of lexical and semantic productivity we will present the conclusions about productivity and the role of borrowings in the enrichment of a language.

**Key Words:** Legal Terminology, Borrowings, Lexical Productivity, Semantic Productivity

**L.** Borrowing is an inevitable process, because peoples exchange continuously from each other – languages are no exception to this reciprocal influence. Foreign words are necessary to a language when its own lexical tools do not suffice to name new objects and notions that progress brings.

Foreign words name new notions or objects that pertain to different fields of human endeavour; one of which is law. The borrowings of the terminological vocabulary of law in the Albanian language, which are the focus of this study, will be analysed, according to the time in which they were borrowed, from two perspectives: a) the areas in which they have pervaded and their logical-objective affiliation b) the language from which they have been borrowed.

a) Borrowed words in the main areas of law name:

### **1. In the area of constitutional law.**

*Before the 1990s:* a) ways of power organisation and government: *anarki, autokraci, diktaturë e proletariatit, republikë socialiste* etc.; b) state institutions and organs and ways of organising their activity: *kolegjiun, komision* (of elections), *legjislaturë, ministri, parlament, plenum, presidium(i kuvendit), sesion* (extraordinary), etc.; c) persons according to their roles or activities and the way in which they are organised: *delegat, deputet, ministër, legjislator, president, parti politike* etc.; d) akte ligjore e nënligjore: *amendament, dekret, dispozitë, dispozitiv, legjislacion, statut* etc.; e) juridical actions: *abrogim, abstenim, kontestim* etc.; f) other legal concepts: *imunitet* (i deputetit), (judgement) *incidental, interpelancë, kolegjalitet, kuorum, mandat* (of a member of parliament), *plebishit, referendum* (plebiscitary), *votë* etc.

*After the 1990s:* a) ways of power organisation and government: *republikë presidenciale, republikë gjysmëpresidenciale, republikë parlamentare, republikë direktoriale* etc.; b) state institutions and organs and ways of organising their activity: (court) *e Apelit, kabinet* (governmental), (court) *e Kasacionit* etc.; c) persons according to their roles or activities and the way in which they are organised: *magjistrat, ombudsman, parlamentar, president* etc.; d) *akte ligjore: akt integrativ* etc.; e) juridical actions: *amendim, derogim* etc.; f) other legal concepts: *balotazh, bipartitizëm, draft i kushtetutës, elektorat, iniciativë* (legislative), *komision bipartizan, konstitucionalizëm, mazhorancë, mocion, monopartitizëm, obstruksionizëm, opozitë, parlamentarizëm, pluralizëm, sistem mazhoritar, sistem proporcional, subjekt elektorat* etc.

## **2. In the area of common law and contract law**

*Before the 1990s:* a) persons according to their roles or activities and the way in which they are organised: *agjent* (exchange, insurance), *debitor, depozitues, garant, komisioner, kontratues, kreditor, person fizik, person juridik* etc.; b) types of contracts and the obligations that derive from them: *depozitë, kontratë, kontratë aderimi, kontratë kolektive, kontratë komisioni, kontratë reale, kontratë - tip, projektkontratë*; (obligation) *alternativ*, (obligation) *civil, debi*, (obligation) *fakultativ, kredi*, (detyrim) *solidar* etc.; c) miscellaneous documents: *kambial, markë, patentë, policë* (insurance), *prokurë, testament, testament noterial, testament ollograf* etc.; d) actions in the area of civil relations: *adoptim, akaparim, rivendikim, simulim* etc.; e) other legal concepts: *ankand, bigami, borxh, divorc, garanci, hipotekë, kadastër, kamatë, kapar, kooperativë, levirat, monogami, poliandri, poligami, prim, pseudonim, rentë* (living), *rezervë* (legal) etc.

*After the 1990s:* a) persons according to their roles or activities and the way in which they are organised: *aksioner, beneficier, franshizor, posedues, sekser, spedicioner, testator, uzufruktar; fondacion* etc.; b) types of contracts: *faktoring, franchising, leasing*, (of a contract) *skontos* (bank), *spedicion* etc.; c) actions in the area of civil relations: *falimentim, likuidim* etc.; d) other legal concepts: *dekadencë* (of rights), *enfiteozë, klauzolë leoniane, klauzolë standarte, kontribut, kredi fraksionale, kredi e sindikuar, kredi totale, morë e debitorit*, (lawsuit) *posedimore*, (lawsuit) *e regresit, prekluzivitet, servitud, uzufrukt* etc.

## **3. In the area of criminal law:**

*Before the 1990s:* a) persons according to their roles or activities and the way in which they are organised: *autor* (of a crime), *ekzekutues* (of a crime), *organizator* (for the execution of a crime), *recidiv; bandë* (armed) etc.; b) actions in the area of criminal law: *ekzekutim, internim* etc.; c) crime and its constituents: *atentat, dezertim, diversion, falsifikim, incest, kontrabandë, krim, krim permanent, lezion* (against a spouse), *pederasti, provokim* (of war against the People's Socialist Republic of Albania), *sabotim, spekullim, spiunazh; tentativë* etc.; d) other legal concepts: *amnisti, precedent, sanksion* etc.

*After the 1990s:* a) persons according to their roles or activities and the way in which they are organised: *korruptues, i korruptuar, trafikant, organizatë mafioze, organizatë terroriste* etc.; b) crime and its constituents: *akt terrorist, dezinformim* (of emergency services), *eutanazi, fabrikim* (of narcotics), *falimentim, falimentim i provokuar, komplot*, (organisation) *i lotarive* (forbidden), *ometim* (of the culprit), *pedofili, trafikim klandestinësh*, (intervention) *në transmetimet kompjuterike; neglizhencë* etc.

## **4. In the area of procedural law**

*Before the 1990s:* a) institutions and organisation of the judicial system: (Court) *e Apelit, Kolegj penal, Kolegj Civil* etc.; b) parties and other persons involved in a process: *akuzues, avokat, ekspert, prokuror* etc.; c) types of documents: *aktakuzë, dublikatë, dokument autentik, kopje* (of a document), *kontrapadi, procesverbal* etc.; d) actions in the area of procedural law: *ekspertim, ekzekutim* (of a decision), *konfiskim, sequestrim, prezumim fakti, revokim* (of a decision) etc.; e) other legal concepts: *alibi, eksperiment* (investigative), *fakt juridik, litispencë, pretencë e prokurorit, proces civil, proces penal, procedurë* (in court), *protestë e prokurorit, seancë* (in court) etc.

*After the 1990s:* a) institutions and forms of organisation of the judicial system: (Gjykatë) e *Kasacionit* etc.; b) types of documents: *fashikull i prokurorit*, (letter) *rogatore* etc.; c) actions in the area of procedural law: *deklarim i falsitetit të dokumentit*, *ekstradim*, *rekuizim*, (placing) e *sekuestros eventuale*, (placing) e *sekuestros konservative*, (placing) e *sekuestros preventive*, (withdrawal) e *pretendimeve* etc.; d) other legal concepts: *falsitet i dokumentit*, *legjitimitet aktiv* (of a person), *legjitimitet pasiv* (of a person), *rekurs* etc.

## 5. In the area of administrative law

*Before the 1990s:* a) state organs: *komitet ekzekutiv*, *organe lokale* etc; b) administrative acts: *anulim*, *delegim i kompetencave*, *revokim i aktit administrativ* etc.; c) administrative organisations: *lokalitet*, *prefekturë*, *rajon* etc.; d) other concepts: *administratë*, (legal relations) *administrative procedurale*, *juridiksion administrativ*, *kontroll administrativ*, *legjislacion administrativ*, (ordinance with) *penalitet*, *seksion administrativ* etc.

*After the 1990s:* a) state organs: *Departamenti i Administratës Publike*; b) administrative acts: *akt deklarativ*, *akt konstitutiv*, *akt negativ*, *akt pozitiv*, *akt real*, *akt strukturor*, *akt verbal*, *kontratë administrative kompromisi*, *kontratë administrative reciproke*, *substitucion i kompetencës*, (surpassing) *substancial i juridiksionit administrativ* etc.; c) other concepts: *ezaurim* (of an administrative complaint), *imprevision*, *karakter unilateral i aktit administrativ*, *karakter konsensual i aktit administrativ*, *nulitet i aktit administrativ*, *prokurime publike* etc.

## 6. In the area of labour law

*Before the 1990s:* a) persons according to their role or the category to which they belong as provided for by law: *inspektor* (occupational), *invalid* (occupational) etc.; b) other concepts: *inspektorat* (occupational), *invaliditet*, *pension*, *pension invaliditeti*, *kuotizacion* etc.

*After the 1990s:* a) ways of collective organisation: *Konfederatë e Sindikatave të Bashkuara*, *organizatë sindikale*, *sindikatë* etc.; b) types of work contracts: (work contract) *part - time horizontal*, (work contract) *part - time vertikal*, (work contract) *part - time mikst*, (contract of) *job - sharing* etc.; c) other concepts: *grevë solidariteti*, *labour pool*, *minimum* (living), (insurance) *suplementar*, *transferim* (of a company) etc.

## 7. In international law:

*Before the 1990s:* a) persons according to their role or the category to which they belong as provided for by international law: *agjent diplomatik*, *agjent konsullor*, *ambasador*, *arbitër*, *atashe*, *internunc*, *kancelar*, *konsull*, *legat(i) nunc*; *emigrant*, *refugjat* etc.; b) types of documents: *akt final*, *deklaratë*, *notë verbale petition*, *protokoll*, (letter) *reversale*, *rezolutë*, *memorandum*, *konkordat*, *ultimatum* etc.; c) ways of state organisation: *dominion*, *federatë*, *komonuelth*, *konfederatë*, *principatë*, *protektorat* etc.; d) types of international agreements: *konkordat*, *konventë*, *pakt*, *traktat* etc.; e) diplomatic institutions: *ambasadë*, *konsullatë*, *legatë*, *misione diplomatike* etc.; f) actions in international law: *akreditim*, *aksedim*, *aneksim*, *bojkotim*, *denoncim* (of an agreement), *kapitullim*, *provokim* etc.; g) other concepts: *agrement*, *aparteid*, *arkiv diplomatik*, *autonomi*, *bllokadë*, *dominion*, *duplikë*, *ekstraterritorialitet*, *ekzekuturë*, *embargo*, *genocid*, *hinterland*, *imunitet diplomatik*, *indult*, *inkorporim* (of a state), *integritet territorial*, *invadim*, (regime) *i kapitulacioneve*, *klauzolë protokollare/aderimi*, *koloni*, *kolonializëm*, *koncert european*, *kondominium*, (law) *konvencionale*, *korrespondencë diplomatike*, *privilegje*, *procedurë konsultative*, (agreement) *regjionale*, *rekomandim*, *sovrانيتet*, *suzerenitet*, *uzurpim*, *vasalitet* etc.

*After the 1990s:* a) persons according to their actions: *mediator*, *negociator*, *observer* (international) etc; b) institutions: *Department of Peacekeeping operations* (DPKO), *International Commission on Intervention and State Sovereignty* (KISS) etc.

Foreign words can also be found in the terminology of those areas of law that have been developed in Albania after the 1990s.

## 8. EU law

a) EU institutions: *Komision European*, *Parlament European* etc. b) persons according to their role: *Avokat european*, *Mediator european*, *president i Komisionit European*, *president i*

*Parlamentit Europian* etc. c) juridical acts of EU institutions and documents: *direktivë negociimi, opinion konsultativ* (of the European Court of Justice) etc.; d) agreements that regulate the organisation and functioning of the EU: *Akt Unik Europian, Kompromis* (i Luksemburgut), (agreement) *asocimi*, (marrëveshje) *stabilizim asocimi, traktat - kuadër* etc.; e) other concepts: *Acquis Communautaire, investiturë* (of EU commissioners) *invokabilitet maksimal direktivash, invokabilitet minimal direktivash, komitologji, komunitarizëm, mocion censure* etc.

## 9. Commercial law

a) persons according to their role or activity in commerce: *administrator, aksionar, likuidues, ortak administrator, ortak kolektiv, ortak mazhoritar, ortak në minorancë, sekser, sekser – komisioner* etc.; b) forms of organisation of persons in the area of commercial relations: *filial, firmë* (trading), (company) *aksionare*, (company) *anonime*, (company) *kapitali*, (company) *kolektive*, (company) *komandite*, (company) *piramidale* etc.; c) other legal concepts: *korupsion aktiv në sektorin privat, korupsion pasiv në sektorin privat* etc.

**II.** The languages from which words have been borrowed vary depending on the time or particular area of law. Before the 1990s, the majority of borrowings are from:

Romance languages, such as French and Italian. This has been due to the historical connections with these two countries; but also because of the influence of the educational systems of these two countries in the training of the experts in the area. Many of the terms, borrowed before the 1990s, gradually became obsolete; some of them, however, mainly terms that are international by nature and those for which no Albanian equivalents have been found, continue to be a vital part of legal terminology. E.g. *amnisti, aneksim, arbitrazh, autonomi, ekstraterritorialitet, ekzekuturë, konkordat, konsull, memorandum, ratifikim, republikë, rezolutë, sekuestrim, sovranitet, suzeren, traktat, vasalitet, ultimatum* etc.

Legal terms have also been introduced from the English language. Initially few, such as *komonuelth, kongresmen* or some others, they increased considerably after the 1990s with the changes that the country underwent, which allowed the establishment of relations with the Anglo-Saxon world. This increase is also due to the powerful influence of the English language, which, as part of the globalisation process, has become the language of international communication. In legal terminology many terms can be found that have entered different areas of law.

– in public law: *act of settlement, case – law, common law, civil law, convention, draft, impeachment, joint resolution, kongresmen, lob, lobim, overruling, practice statement, rules of contract, rules of property, rules of procedure distinguishing, samit, (normë) self executing, system self contained, writ of cestiorari, writ of mandamus* etc.

– in comparative criminal law: *barrister, fornication, guilty plea, indictable offence, jury trial, justices of peace, lapidation, offence, petty offences - nonindictable, solicitor* etc.

– in common law and contract law: *copyright, faktoring, franchising, leasing* etc.

– in commercial law: *joint venture* etc.; in labour law - (*kontratë e punës*) *part-time, kontratë e job-sharing, labour pool, team leader* etc; in international law: *Department of Peacekeeping operations (DPKO), International Commission on Intervention and State Sovereignty (KISS)*.

The increasing interest to widen the knowledge of different systems of law, as well as the expansion into new areas of legal studies, have increased the circle of the languages from which foreign terms are borrowed. In particular areas, such as comparative law, there have been borrowings of different origins. In legal literature there are, for instance, Arabic terms, such as: *dhimma, fiqh, fuqaha, hadif, idima, qiyas, summa, shariat, etc*; from Hebrew: *torah, talmud* etc; from German: *kancelar, land, rajshtag, rajshrat* etc; from Spanish: *amparo*; from Swedish: *ombudsman*; including Chinese and Japanese: *sho, ritsu ryo, kim* etc.

A separate group consists of those terms from Turkish, which have come down to our day. These are historical terms, the usage of which is limited to the study of issues that concern the development of the history of law and the state in Albanian, such as: *angari, çiflig, ferman, haraç, kanuname, nigjah, spahi, sulltan, tapi, tesarufin, timar, vali, vezir, vilajet* etc.

**III.** The majority of borrowings in law have been represented in the non-specialist dictionaries of language, as evidenced by the survey for this purpose in the Albanian language dictionaries of 1980 and 1984, according to the principle that one must represent extensively the widely-used international words and foreign non-international words. It is noticeable that the predominantly specialist terms have been excluded. In the 1980 dictionary the following international terms have been represented: *akreditoj, aleancë, aleat, alibi, amnisti, arbitrazh, asamble, autonomi, denoncim, diplomaci, embargo, ekstraterritorialitet, garanci, imunitet, juridiksion, konventë, konsull, ministër, notë (note verbale), protokoll, sanksion, sovranitet* etc. Additionally, foreign terms have been included, such as: *abstenim, aderim, adoptim, akuzë, amendament, ambasadë, ambasador, apel, deputet* etc.

**1.** The borrowed terms have become a source of new words in the language.

**a)** Many of the borrowed terms have become generative root words for the formation of new terms. a) some of the borrowed terms that have been represented in dictionaries appear as separate terms, and have been represented with their respective word families. Some examples of note include the terms as nouns, followed by the terms as verbs and as adjective, e.g. *akuzë — akuzoj — akuzues — i akuzuar; dekret — dekretoj — dekretim — dekretues — i dekretuar — dekretligj; kontratë — kontratoj — kontratim — kontratues; arrest — arrestoj — arrestim — i arrestuar; hipotekë — hipotekoj — hipotekim — hipotekor; apel — apeloj — apelim; sanksion — sanksionoj — sanksionim; garanci — garantoj — garantim — i garantuar — garant; ministër — ministri — ministror; amnisti — amnistoj — i amnistuar; abstenoj — abstenim — abstenues; denoncoj — denoncim — denoncues; akreditoj — akreditim; sekuestroj — sekuestrim — i sekuestruar; adoptoj — adoptim — adoptues — i adoptuar; ekzekutoj — ekzekutim — ekzekutues; juridik — juridiksion — juridikisht; recidiv — recidivist; penal — penalist* etc.

After the 1990s a noticeable trend is the complementation of the aforementioned word families with new formations. Alternatively, new word families have been created with the terms, for which space might be found in future dictionaries of legal terminology.

- word families complemented with new formations: *akreditoj — akreditim — i akredituar; apel — apeloj — apelim — i apeluar — i apelueshëm — apelueshmëri; denoncoj — denoncim — denoncues — i denoncuar; juridik — juridiksion — juridiksional — juridikisht — juridizim; penal — penalist — penalizoj — penalizim — i penalizuar; recidiv — recidivist — recidivizëm; sanksion — sanksionoj — sanksionim — i sanksionuar; sekuestroj — sekuestrim — i sekuestruar — i sekuestruëshëm — sekuestruëshmëri; trafik — trafikoj — trafikim — trafikues — i trafikuar* etc.

- new word families, formed with terms that had not been previously productive terms e.g. *amendament — amendoj — amendim — i amenduar, civil — civilist, komunë — komunar* etc.

**b)** Some terms, represented in the dictionary as second or third or even more distant meanings in the definition structure of the borrowed word, have become after the 1990s generative root words for new words, such as: *institucion — institucionor / institucional — institucionalizoj — institucionalizim — i institucionalizuar; replikë — replikoj — replikim.*

**c)** After the 1990s, other terms have also been productive for new word-families, including: *korrupsion — korruptoj — korrupim — korrupues — i korrupuar; prokuroj — prokurim — prokurues — i prokuruar; rekurs — rekursoj — rekursim* etc.

The new lexical units that are the outcome of the productivity of borrowed terms have been formed mainly through the use of affixes; there are, however, cases when a lexical unit has been formed from the compounding of two motifs.

The new lexical units are legal terms, just as the generative root words from which they originate.

## 2. Borrowed terms have also become a source of new meanings in language.

**a)** some of the borrowed terms have expanded with non-terminological meanings the structure of the word-term, e.g. the word *akuzë*, which is a legal term in its original meanings. 1) activity of organs or legally appointed persons that conduct legal proceedings against someone in respect of a criminal charge. 2) The party instituting or conducting legal proceedings against someone in a lawsuit; appears with a more general meaning: 3) a charge that someone has done something wrong.

The word *diplomat*, with its original meaning 1) a high official, appointed by the government to represent a country abroad; has gained an additional figurative meaning in everyday language: 2) a person who can use ingenuity, refined strategies and tact to resolve problems or achieve a goal.

The word *testament*, which in its original meaning (a document in which a person specifies the method to be applied in the management and distribution of his estate after his death), is preceded by the abbreviation *leg.* (Alb. *drejt.*), indicating that this legal term has developed additional non-terminological meanings: 2) a wish expressed by someone in their deathbed; 3. Behest; 4. An important written work of a writer, scientist etc., often in the last years of their life, which represents their main views on the respective field. In addition, non-specialist dictionaries have included the semantic structure of an array of other borrowed terms, such as: *sanksion*, *diktaturë*, *garanci*, *konsull*, *protokoll*, *avokat*, *proces*, *procedurë* etc.

**b)** another group of borrowings, words of terms of other fields, have widened the definition structure with new meanings, which have been included in the dictionary as legal terms, e.g. *imunitet*, *institucion*, *subjekt*, *replikë*, *denoncim*, *notë* etc.

The new meanings that have enriched the definition structure of borrowed legal terms, are not terms of that field. The opposite is observed: the new meanings that have enriched the definition structure of words from other fields, are now legal terms.

This representation and analysis of the borrowed terminological vocabulary in law and of the productivity of borrowings in the Albanian language from the lexical and semantic perspective, leads to the following conclusions:

**1)** Borrowings make up a special part of the legal terminological vocabulary. Over time, they have increased in number to make possible the naming of new concepts and realities that reflect the progression this area. In addition, they have become an integral part of the Albanian language.

**2)** Albanian has borrowed from different languages. In different periods of history, borrowings from certain languages have been predominant. Before the 1990s, most terms have been borrowed from Italian and French, whereas after the 1990s there is a noticeable increase of borrowings from English. Moreover, there has been a widening of the geography of languages from which terms have been borrowed to name specific legal institutions and concepts to reflect the particular needs of this field.

**3)** Most borrowings name phenomena, persons according to their role or function, and various documents.

**4)** Necessary borrowings are a direct source of the complementation and enrichment of the terminology of an area; they are also an indirect source, because they serve as generative root words for new formations.