Comparative Legal Terminology for Translators with English-Slovak Case Studies

Comparative Legal Terminology for Translators with English-Slovak Case Studies

By

Slávka Janigová

Cambridge Scholars Publishing

Comparative Legal Terminology for Translators with English-Slovak Case Studies

By Slávka Janigová

This book first published 2025

Cambridge Scholars Publishing

Lady Stephenson Library, Newcastle upon Tyne, NE6 2PA, UK

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

ISBN: 978-1-0364-4077-0
ISBN (Ebook): 978-1-0364-4078-7

To my beloved parents

TABLE OF CONTENTS

List of Figures ix

List of Tables x

Introduction xii

Abbreviations xv

Chapter 1 1
Theoretical sources of specialist knowledge
1.1 Legal language and legal linguistics 1
1.2 Term and concept interface 3
1.2.1 Concept as a unit of cognition 3
1.2.2 From concepts to terms 5
1.2.2.1 The stance of the General Theory of Terminology 6
1.2.2.2 Sager and his model of knowledge 7
1.2.2.3 Horecký´s four-dimensional model of term 8
1.2.2.4 Cabré´s terminological unit 10
1.3 Term as a language unit 11
1.3.1 The conceptual subcomponent of term – linguistic tools in terminological analysis 13
1.3.1.1 Componential analysis/parametrization 13
1.3.1.2 Lexical field analysis 16
1.3.2 The syntactic component of term (valency and collocational selections) 19
1.4 Translation component 24
1.4.1 Translation source and target bias 25
1.4.2 Translation strategies 28
1.4.2.1 Concept-triggered translation strategies 29
1.4.2.2 Language-triggered translation strategies 35
1.4.2.3 Modulating strategies 37
1.5 Legal translation as a cognitive activity 39
1.6 Clash of legal cultures and the governing-law anchor in legal translation 40

Chapter 2 46
Comparative terminology at service of legal translation
2.1 The process of legal translation 46
2.2 Term-mining process 49
2.3 Source concept/term componential and field analyses..... 53
2.3.1 Componential and field analyses..... 53
2.3.2 Faceting 56
2.3.3 Polysemy and synonymy of terms..... 57
2.4 Comparative conceptual/terminological analysis..... 60
2.5 Matching and coinage translation operations..... 66

Chapter 3 70
Case studies
3.1 Concept-triggered case studies..... 72
3.1.1 The PROPERTY case 72
3.1.2 The MENS REA case..... 75
3.1.3 The TORT case 82
3.1.4 The OUTSTANDING SHARES case 94
3.1.5 Ontologically-triggered case studies 108
3.1.5.1 Contingency ontological relations – converses..... 108
3.1.5.2 Time-sequence-related partitive ontological relations . 109
3.2 Language-triggered case studies 114
3.2.1 Syntagmatic pressure of the source term..... 114
The SHARE case 115
3.2.2 Conceptual composition imbalance between source and target terms settled syntagmatically..... 118
The REKLAMOVAŤ case 118
3.2.3 Valency-triggered shifts 119
The HEIR/INHERITOR case 119
The ASSIGNOR/ASSIGNEE case..... 122
The MORTGAGOR/MORTGAGEE case 123
3.3 Pragmatically-triggered case study – illocutionary forces involved in terminology matching..... 124
The ACQUIT/CONVICT case..... 124

Chapter 4 130
Summary of empirical findings

Conclusion..... 135

Bibliography..... 141

LIST OF FIGURES

Figure 1 Taxonymy and meronymy conceptual fields 18
Figure 2 Conceptual field analysis/taxonymy of *wrong* 56
Figure 3 Governing-law direction of cross-cultural comparative conceptual/terminological analysis 64
Figure 4 Matching and coinage translation operations 67
Figure 5 Common law *property* taxonomy; classification facet: historic type of action 73
Figure 6 Slovak law *property* taxonomy; classification facet: historic type of action 73
Figure 7 Slovak law taxonomy of *zavinenie* 76
Figure 8 Slovak and English law taxonomies of the subjective/mental side of a crime 78
Figure 9 Common law taxonomy of *torts* 86
Figure 10 UK *share capital* taxonomy (company/holder facet) 99

LIST OF TABLES

Table 1 The content-form aspects of Horecký´s four-dimensional model of term (based on Horecký (1974a, 131), and Masár (1984, 130) translated by the author)..... 9
Table 2 Intensional componential analysis of the lexeme employer 15
Table 3 Extensional componential analysis of the conceptual/lexical field *agreement* 15
Table 4 Clause-rank valency selection, selector: *to prosecute* 22
Table 5 Content and form components of term as a language sign 24
Table 6 Fundamental terms employed to indicate the source/target bias of ´sameness´ in translation theory 27
Table 7 Concept-triggered translation strategies 30
Table 8 Slovak counterparts of the English term *private limited liability company*..... 35
Table 9 Language-triggered translation strategies..... 35
Table 10 Modulating strategies 38
Table 11 Concept-term interface 47
Table 12 Componential analysis of *civil wrong* 54
Table 13 Componential analysis of *tort*..... 54
Table 14 Componential analysis of *law of tort*..... 55
Table 15 Componential analysis of *trespass to the person*..... 55
Table 16 EN-SK *property* translation chart..... 74
Table 17 SK-EN *property* translation chart (culture-neutral solutions).... 75
Table 18 Cross-cultural comparative componential analysis chart of *mens rea* and *zavinenie*..... 79
Table 19 SK-EN translation chart of *zavinenie* 82
Table 20 EN-SK translation chart of *mens rea*..... 82
Table 21 Componential analysis chart of common-law conceptual field of *torts*..... 84
Table 22 EN-SK translation chart of *torts*..... 87
Table 23 Componential analysis chart of UK *share capital* conceptual field..... 97
Table 24 Cross-cultural comparative componential analysis chart of UK *authorized shares* versus SK *navrhované základné imanie* 102
Table 25 Cross-cultural comparative componential analysis chart of UK *treasury shares* versus SK *vlastné akcie*..... 105

Table 26 Cross-cultural comparative componential analysis chart of UK *outstanding shares* versus SK *akcie v obehu* 107
Table 27 EN-SK translation chart of *shares* 108
Table 28 Culture neutral preliminary outline of stages of civil and criminal proceedings 109
Table 29 Cross-cultural comparative analysis of meronymy fields – *trial* 110
Table 30 ST bound and ST unbound translation solutions for *shares* in ltd./sro. and plc./a.s. companies 117
Table 31 Felicity tests for verdictives, declaratives and directives 125
Table 32 EN-SK translation chart of illocutionary verbs in *criminal law judgments* 128
Table 33 Clause-rank diffusive and condensing translation strategies ... 129
Table 34 Typification of term-related translation operations and strategies in legal translation 130

INTRODUCTION

Translation in the field of law has always been, and remains, a rather challenging enterprise requiring specialized knowledge and unique multi-disciplinary analytical skills. This study will focus on explaining the reasons why legal translation is such a daunting task in comparison to translation in other specialist domains and offer suggestions for coping with the most intractable legal translation issues in the area of legal terminology. The specialized knowledge expected of a legal translator is grounded in the multidisciplinary trio of *linguistics, translation theory and law*, a requirement which often provokes discussion among translation theoreticians and practitioners on ´who makes a better legal translator – a lawyer with a linguistic background or a linguist with a legal background´. We believe that both may become effective legal translators if they can master the three components listed above.

When approached from a holistic perspective the specialized knowledge and skills in the above specializations include competence and performance in both the source and target languages, the acquisition of analytical tools drawing on the theoretical inputs of lexicology (componential analysis, lexical fields), terminology as an applied branch of linguistics (concept analysis, assignment of terms to concepts, comparative conceptology and terminology), syntax (cognitive frames, valency chains, functional sentence perspective, cohesion and contextuality), pragmatics (speech acts, text coherence), tools of comparative law (legal concept analysis), translation theory tools (translation methods and strategies, source- versus target-text bias of translation), all of which are aimed at enabling legal translators to make reasoned choices in their final translation solutions.

The method of analysis employed in this study is intrinsically interdisciplinary as it combines the theoretical paradigms and specific analytical tools of the three components listed above, the main focus of which is on *legilinguistics* as a branch of applied linguistics both in terms of its object of research and tools of analysis. Our position is that a sound linguistic background (both practical and theoretical) should be treated as the prevailing component of the trio of specialisations. As legal translators always work with two languages and two legal cultures, the nature of the necessary specialist

analytical tools is inherently *comparative*, and the legal translator therefore operates within the domains of comparative linguistics and comparative law, while in terms of legal terminology, they must inevitably engage in the domain of comparative terminology.

The arrangement of the chapters in this book takes a theory-at-the-service-of-practice approach: Chapter 1 will outline the interdisciplinary theoretical input involved in the specialist knowledge required by the legal translator: conceptology and terminology (the intension and extension of concept, logical and ontological relationships between concepts, the concept/term interface, the relationship between the content side of term and concept, term as a language unit as discussed by Felber 1984, Horecký 1956, 1974, Masár 1991, Cabré 1999, Sager 1990, Šarčević 2000, etc.), linguistics (the componential and lexical field analysis of terms, Lipka 1992, Lyons 1995, Leech 1981, Lehrer 1974, Cruse 1986), the theory of translation (dynamic equivalence, source-/target-biased translation strategies, Nida 1964, Fawcett 2003, Baker 1992, Franko 2003, Catford 1965, House 1997, Sandrini 2006, Colina 2016, Venuti 1998, Newmark 1988), and law and legilinguistics (Matilla 2006, Knapp 1996, Maley 1987, 1994, Bhatia 1993, Kurzon 1989, 1986, Trosborg 1992, Danet 1980, 1985, Tomášek 1998, Mellinkoff 1963, Tiersma 1999, Janigová 2019, etc.), including the introduction of the governing law maxim into the translation process as the factor determining both the invariant core as well as the cross-cultural comparative methodology.

Chapter 2 aims to fuse the methodology with the theoretical input introduced in Chapter 1 and also add a comparative stance. The process of comparative terminology analysis is outlined with the aim of showing where it should start, what its direction and purpose should be, and what we can expect to gain from it. The process will be described in terms of the paradigms of de Saussure´s concept of the language sign as a semiotic unit (1916) and Ogden and Richard´s semiotic triangle (1923) employed in a cross-cultural and cross-language perspective, including their role in the translation process. Chapter 2 will further determine the need to distinguish between institutionalized legal concepts activated by standardized legal terms and those which lack institutionalization (legal concepts in a comparative perspective), including the difference between legal transplants and legal translates (Kyselova 2008, Czach 2011, Langer 2004, Jakobson 1959, Tomášek 1998, Chromá 2003, 2004, 2016). The comparative analysis is intended to produce findings from which concept-to-term translation operations, specifically those of matching and coinage, can be derived.

Finally, Chapter 3 will describe the empirical application of the translation-relevant comparative cross-cultural and cross-language method described in Chapter 2 on the English and Slovak translation substrate. The translation ´case studies´ presented in this chapter will consist of analyses of specific translation issues with the aim of offering justified solutions. The case studies are subcategorized into those which are concept-triggered, language-triggered and pragmatically-triggered. The final sub-chapter will summarize the matching and coinage operations involved in the analysis of the case studies and will detail the particular translation strategies employed. These will be examined further in light of the relationship between the matching and coinage operations and the target/source-bias of translation strategies. The results will be summarized in a table which can serve as a reference source for legal translators.

This book aims to describe and test the method of translation-oriented cross-cultural and cross-language comparative terminological analysis within the actual translation process. It also aims to identify specific translation strategies based on matching and coinage operations. Finally, the study is also intended to examine the impact of the governing law maxim on the concept of dynamic equivalence in legal translation.

ABBREVIATIONS

Adj	Adjective
AMP	Amplifier
CALQ	Calque
CM	Classifying Semantic Mark
CA	Componential Analysis
CCA	Comparative Componential Analysis
DE	Direct Equivalent
DECULT	Culture Neutralizer
DIF	Diffuser
EN	English
Gloss	glossing
ILC	Institutionalized Legal Concept
LC	Legal Concept
LT	Legal Term
LU	Lexical Unit
MPC	Model Penal Code
N	Noun
NP	Noun Phrase
ODL	Oxford Dictionary of Law
S	Source
SK	Slovak
SM	Specifying Semantic Mark
SLT	Standardized Legal Term
SVO	Subject Verb Object
T	Target
UK	United Kingdom
US	United States
VP	Verb Phrase

CHAPTER 1

THEORETICAL SOURCES OF SPECIALIST KNOWLEDGE

1.1 Legal language and legal linguistics

The topic of legal language is an object of interest for several branches of the humanities. Even though their research focus might be different (ranging from lexis and terminology, syntax, pragmatics to translation), all of these disciplines, such as legal terminology, comparative legal terminology, forensic linguistics or language for special purposes, can be placed within the domain of an interdisciplinary branch of the humanities known as jurilinguistics, legal linguistics or legilinguistics. According to Matilla (2006, 11), legal linguistics should not simply be treated as a branch of linguistics, but rather as a legal discipline approaching the object of its study "in the light of observations made by linguistics" (ibid.). We suggest that legilinguistics can be considered as a branch of applied linguistics synthetizing the object of study and the methods of legal science and linguistics. We also believe that the overlap which is shared by law and linguistics is the conceptual element of the legal term, while all other aspects of legal language are inherently linguistic.

When discussing the object of research of legal linguistics, namely legal language, it should be pointed out that there are numerous variants of this term which are used more or less interchangeably: legal language (Danet, 1985, Bhatia, 1993, Charrow et al., 1982, Crystal and Davy, 1969, Cao, 2007), the language used in legal discourse (Trosborg, 1992), language of the law, law language (Bhatia, 1993, Mellinkoff, 1963), legal sublanguage as one of the professional sublanguages/legal language (Charrow et al., 1982). Kurzon (1989) draws a distinction between legal language and language of the law, the former being the language used when people talk about the law (used in legal textbooks, lawyers speech, and judges pronouncing their decisions) and the latter being used to refer to "the language or the style used (or the sublanguage) used in documents that lay down the law, in a very broad sense… legislation, and also documents

pertaining to private law such as contracts, wills, deeds, since they in their own way lay down the law for the people involved" (Kurzon, 1989, 283-284). A different approach is taken by Trosborg, who sees the language of the law (the legislation of private instruments, an understanding of the term which is identical with that of Kurzon) as a hyponym of the superordinate term legal language which also includes its co-hyponyms language of the courtroom, language in textbooks, lawyer´s speech, etc. (Trosborg, 1991). In this book the term legal language will be used as the general term to refer to the language used in any type of discourse serving communication in a law-related context.

Trosborg also notes, quite reasonably, that it is not possible to give a profound account of legal language in general due to its versatility and special character, features which are particularly apparent in its numerous subvariants: "Only with the specification of sub-domains can we begin to look for characteristics specific to a particular legal sub-language." (Trosborg, 1991, 67). Having said this, it is only natural that legilinguists would attempt to establish classification systems that would encompass the differences between the varying outcomes of the employment of legal language for specific communicative purposes in specific communicative situations; classifications of this type have received various terminological labels, such as genres or types of language used in legal settings/registers (Danet, 1980), genres (Bhatia, 1993, Berkuštiene, 2016), text types (Kurzon, 1989), legal discourse types / use-based styles / registers / genres (Maley, 1987), sub-languages of legal language (Trosborg, 1991), or stylistic layers of legal language (Tomášek, 1998, Vystrčilová, 2001).

The stylistic sub-stratification of legal language depends on the classification criteria employed, the most frequent of which being the communicative purposes fulfilled, the settings or contexts in which it is used, the professional relationship between the participants and their background knowledge (Bhatia, 1993, 101); the formality of style, or more specifically the register, cross-classified with the form of media used resulting in such categories as frozen written/ frozen-spoken (contracts, wills/marriage ceremonies, indictments, witness´ oaths), formal written/formal spoken (statutes, legal briefs, appellate opinions/lawyer´s examinations of witnesses in trials, lawyer´s motions), consultive spoken composed/consultive spoken spontaneous (lay witness´ testimony/lawyer-client interactions, bench conferences), casual spoken spontaneous (lawyer-lawyer conversations) (Danet, 1980, 471); the communicative situation in combination with the subject-matter and participants which result in legislative, application of law, jurisprudence, legal rhetoric, teaching of law,

mass-media, non-literate forms (slang, argot) stylistic layers (Tomášek, 1988). Since the object of the present study is legal terminology, we will examine terms as units of legal language as employed in the specialist genres of statutory law, private legal instruments, case law and jurisprudence.

1.2 Term and concept interface

1.2.1 Concept as a unit of cognition and communication

Conceptologists treat concepts as units of cognition. They are considered mental representations by which the brain manipulates the extralinguistic world, thereby subcategorising it into classes of entities and actions that allow us to draw appropriate inferences about specific types of entities. Concepts are built from generalizations about the most significant or defining features of an entity enabling its recognition despite the versatility of its individual variants (Carey, 2009, Cabré, 1999, Sager, 1990, Felber, 1984). In ISO standard 704 (2009) *Terminology work - Principles and methods*, concepts are treated as mental constructs generated by the process of abstraction in order to classify individual objects in the external or internal world. In the General Theory of Terminology developed by Eugen Wüster, the father of the Vienna School of Terminology, the concept is understood as an element of thinking, effectively as a mental construct representing material or immaterial objects for mental ordering and communication (in Felber, 1984, 103). The above definitions of concepts include the following characteristics:

- mental representations
- generalized abstractions
- means of classifying and giving structure to the extralinguistic reality
- means of communication via words (terms in the subject fields).

Since concepts serve as a means of mental ordering (classification) and communication (via language symbols) (Felber, 1984, 115), they are generated through individually experienced perception and socially standardized consensus on what is mentally generalized about the extralinguistic phenomena. In the General Theory of Terminology this is reflected in the examination of the *intension*, the aggregate of the characteristics of a concept, and the *extension*, the aggregate of all subordinate concepts (species) on the same level of abstraction (ibid). The internal generalizations (or intensions) of concepts are examined in terms of their characteristic features. A characteristic is an element of a concept which serves to describe or identify a specific quality of an individual

object; characteristics are used in the comparison of concepts, the classification of concepts, the formulation of the definition of concepts and the forming of terms assigned to concepts (Felber, 1984, 117). The characteristics of a concept can differ on a generality/specificity scale. The more general characteristics are referred to as *classifying* (Felber, 1984, 117), whereas the more specific characteristics are termed as *determining* (Felber, 1984, 117). The classifying characteristics are used to label and create a conceptual field (in a vertical series of concepts – genus/species, whole/part relationships) whereas the determining characteristics are used to delineate a concept from neighbouring concepts (in a horizontal series of concepts – co-species deriving from a single genus). Characteristics can be further subdivided into *intrinsic* (inherent), usually encompassing design, shape, size, material, or colour (perceptible to the senses, self-evident), and *extrinsic*, which can be subdivided yet further into purpose (application, function, performance, location and position in the assembly) and origin (method of manufacture, discoverer, describer, inventor, producer, country of origin, supplier).

According to Wüster (in Felber, 1984, 120), concept-concept (extension) relationships may be examined as logical relationships (subordination, intersection, co-ordination and diagonal relationship), ontological relationships (based on contingency or juxtaposition in time or space, subdivided into partitive, succession and material-product relationships) and relationships of effect (causality, tooling, descent, which is further subdivided into genealogic, ontogenetic, or descent between stages of substances). By analogy, conceptual systems can be termed as logical, ontological and mixed (causal, descent etc.) (ibid.).

The most relevant logical concept-concept relationships that will be described and analysed for the purposes of legal translation in the empirical section (Chapter 3) are the logical relationships of subordination and coordination, the ontological relationships of time sequence and partitive relations, and mixed-type conceptual relations (mutual contingency).

The logical system of concepts is based on the relationship of similarity, more specifically on the number of characteristics that the member concepts have in common (Felber, 1984, 135-136), in which all members must share at least one characteristic in their intensions. These relationships can be depicted using tree diagrams or charts.

a) Subordination – a ′kind-of″ relationship type rendering vertical series, i.e., the genus-species relationship (*seacraft* < *vehicle, vehicle* > *seacraft*)
b) Intersection – the intersection of terms sharing only some characteristics (*teaching x instruction*)
c) Co-ordination – horizontal series of co-ordinate concepts sharing the same classifying characteristics but including different specifying/determining characteristics of the same type (*aircraft* ‖ *seacraft*)
d) Diagonal relationship – cases in which two species of a common genus are related neither through subordination nor through co-ordination (*balloon / space vehicle*) (Felber, 1984, 123-124).

The ontological relations between concepts include partitiveness, succession, material-product, effect (causality, tooling, descent which may genealogic, ontogenetic or involving stages of substances). The ontological system of concepts based on succession involves the relationship of contiguity: the sequence in time: predecessor → successor. If this time sequence is accompanied by a genealogic relationship, it is ranked by Wüster (in Felber, 1984, 130) as a relationship of effect/descent. This distinction will be ignored for the purposes of this book and both genealogic and non-genealogic sequencing of concepts will be referred to as ontological sequence (*testator:heir, offeror:offeree*). If the ontological system of concepts is based on the part-whole relationship, the composite concept is the aggregate of the components which constitute the whole (in Felber, 1984, 117). Partitive relationships may be subordinating/vertical (*aircraft:fuselage*), intersecting (*biology:chemistry=biochemistry*), co-ordinating/horizontal (*fuselage:wing as parts of aircraft*), diagonal (*mechanics:chemistry as parts of science*) (in Felber, 1984, 125-127).

1.2.2 From concepts to terms

Terms stand at the centre of attention for linguists, subject-field specialists, and also translators engaged in terminological research, with each category of specialists approaching their object of study or terms from a slightly different perspective. Nonetheless, what the various kinds of specialists have in common is the way in which they treat terms as linguistic designations of concepts which are items of reference in relation to extralinguistic objects (Jedlička, 1948, Horecký, 1956, 1997, Felber, 1984, Masár, 1991, Cabré, 1999, Tomášek, 1998, Matilla, 2006). The issue of terms as designations of concepts has been central to the work of terminologists

in all of the above subject fields; terms being mostly understood as the spelling (sound) form for concepts (Chromá, 2011, Felber, 1984, Matilla, 2006). As early as the 1970s, the outstanding Czechoslovak linguist and terminologist Ján Horecký had pointed out that terms cannot be understood simply as language-form labels for concepts as this would imply that terms represent the form and concepts the content of a single complex object "concept-term" (Horecký, 1974b, 321). Horecký argued that concepts and terms should instead be viewed as two unique phenomena with a specific relationship but a separate existence: concepts are units of thought (gnoseological cognition) while terms are units of language (communication as cognitive activity) (ibid.). This argument opened the floodgates to a wider academic debate over the relationship between the content side of the term as a language sign and the concept.

1.2.2.1 The stance of the General Theory of Terminology

One of the most systemic contributions to these discussions was Wüster´s General Theory of Terminology. The basic tenets of Wüster´s theory which are of relevance to the concept/term interface were summarized by Felber (1984, 98) as follows:

1) the sphere of concepts is independent of the sphere of terms; concepts exist independently from terms
2) while terminologists talk about concepts, linguists talk about the meaning of words
3) in terminology a unit of denomination consists of a term which is assigned to a concept; owing to its assignment to a concept, the term is dependent on the system of concepts
4) linguists consider the word as an inseparable unit of word contents and word form
5) the concept is the meaning of the term
6) only the terms of concepts, i.e., the terminologies, are of relevance to the terminologist and not the rules of inflections and the syntax; the rules of grammar are taken from common language; (ibid.).

Postulates 1, 3 and 4 are generally accepted truths of the theory of signs (in the traditional de Saussurean (1916) understanding of the language sign possessing a material form exposed to the senses and content exposed to the cognitive abilities of users, i.e., the signifier/signified dichotomy). In contrast, postulates 2, 5 and 6 display the concept bias of Wüster´s approach to terminology, as terms are viewed, analogously with concepts, as units that can be isolated from their linguistic context (relieved of their syntagmatic

ties) and which merely copy the concept-concept relations in the conceptual fields (the paradigmatic ties). Moreover, this theory provides a simplified view of the term/concept relationship as it reduces it to the content of term=concept formula. Although the concept with its generalizations about the extralinguistic experiences stands as a starting point for the generation of the content side of the term as a language sign, the content side of the term cannot be simply reduced to, and be identified with, the concept.

1.2.2.2 Sager and his model of knowledge

A different approach to the classification of concepts was taken by Sager (1990) for whom concepts are elements of the structure of knowledge or, in effect, units of knowledge. In order to describe the relations obtaining between concepts and to classify and describe concepts themselves, Sager developed a model of knowledge which is "a multidimensional space in which intersecting axes represent some kind of conceptual primitives or characteristics…seen as features or components" (1990, 15); this approach suggests that in order to define a concept it is necessary to list the values of its coordinates along each axis (ibid.). This model is relevant in the fields of componential analysis, semantic field analysis and in building taxonomies. Concepts are distributed along axes which are viewed as a continuum of valued features and which are therefore understood as ranges occupying regions on a grid rather than points (ibid., 16). In treating concepts as ranges around the intersections of primitives, Sager´s model of knowledge uses language signs, phenomena which are limited in number and discrete as to their lexical form, to refer to the ranges of concepts in the continuous knowledge space just as their lexical substance maps the conceptual ranges (ibid., 17).

As far as the relationship between conceptology and terminology is concerned, Sager claims that the findings of comparative conceptology are inherently relevant in word-formation studies and analysis of terminological fields: "[a] theory of concepts for terminology in essence (only) has to provide an adequate explanation for cognitive motivations in term formation and to provide the basis for structuring vocabularies in a more effective way than is offered by alphabetical ordering." (Sager, 1990, 21). These assumptions are quite similar to the onomasiological stance of Horecký (1974a) who treated a concept´s components as a range of options relevant in term coinage (similarly Monjean-Decaudin, S., Popineau, J. consider "the onomasiological step in legal translation" (2019, 10)).

1.2.2.3 Horecký´s four-dimensional model of term

According to Horecký, the nature of the relationship between the concept and the term, which he understood as a designation of the concept delimited by its definition and place in the system of concepts of a particular subject field, is not direct, i.e., term=from, concept=content relationship, but instead takes the form of an indirect, mediated relationship (Horecký, 1956). Horecký saw the term as a four-dimensional phenomenon composed of conceptual, semantic, onomasiological and onomatological components, and suggested that a fuller understanding of the concept/term relationship required an analysis of the relationship between what he called the onomatological structure of the term (expressing the formal relations between the components of the term as a naming unit) and the logical spectrum of the concept (Horecký, 1974a, 131). He further noted that the logical spectrum of the concept influences the onomatological plane in that in the act of coining a term, a selection of components from among those in the logical spectre (characteristics) occurs that will become overtly manifest in the onomatological structure of the term (Horecký, 1974a, 130). This selection takes place via the semantic component within which semantic marks are assigned to logical predicates generated in the conceptual component (typically arranged from general to specific marks). The motivated selection of specific marks that are to be made explicit in the naming process takes place in the onomasiological component in a base-plus-mark arrangement. The naming (onomatological) component involves the selection of morphemes and words chosen to realize the concrete onomasiological marks in a particular language. All of these components are understood by Horecký as having both a content and a formal side (ibid).

Horecký (1956) also provides a list of qualities that should be taken into account during the term coinage process: transparency in meaning, systemic regarding its place in and boundness within the terminological system of a given subject field, stability via standardisation, unambiguity and preciseness, and word-formation capacity in coining related terms (ibid.), the last two of which are compliant with Felber´s principle of language economy requiring that terms should be precise and concise (Felber, 1984, 114). As will be discussed later, the feature of standardization may be the cause of some controversy in the context of translation; cases exist in which translators are unable to identify a direct institutionalized conceptual equivalent activated by a standardized legal term in the target law and language, and in such a situation they operate as coiners of new terms. Newly coined terms of this type lack typical standardization characteristics as they are coined only for ´instant case´ purposes or as examples of ad hoc coinage.

Component	Content	Form
Conceptual	logical predicates *computer*: 1. belongs to the class of machines 2. processes information 3. works automatically 4. requires programming 5. performs various operations	arrangement of predicates based on a degree of generality
Semantic	semantic features 1. item from a class of machines 2. ability to process information 3. ability to work automatically 4. programme-conditioned 5. ability to perform operations	parallel to conceptual arrangement
Onomasiological	motives for the selection of the semantic features to be employed in the coining: feature 1 and feature 5	base + mark arrangement (word-formative arrangement) 1 + 5
Onomatological	concrete morphemes/words (realization of the naming unit by means of concrete language) *počíta-, -č comput-, -er*	derivation mark + derivation base determining + determined arrangement *počíta + č* *comput + er*

Table 1 The content-form aspects of Horecký´s four-dimensional model of term (based on Horecký (1974a, 131), and Masár (1984, 130) translated by the author)

In summary, Horecký´s approach to the concept/term interface may be consistent with the basic paradigm of the General Theory of Terminology in its willingness to admit the separate existence of concepts and terms and the cognitive precedence of concepts over terms. In his analyses of term Horecký concentrates on the coinage process and demurs from making a

straightforward parallel between the content side of the term and concept (content of term ≠ concept), although he admits that the latter is reflected in, and exerts an influence over, the conceptual and semantic components of the former, and he also indicates that the logical and ontological relationships between concepts are reflected as metaphoric and metonymic motivations in the term-naming process (Horecký, 1997, 136). Moreover, Horecký points out that that the content side of the term also involves an onomasiological component which allows the selection of specific sematic marks which will be formally realized in the term-coining (onomatological) process.

1.2.2.4 Cabré´s terminological unit

In defining terms Cabré shares Felber's view that terms are used to designate concepts pertaining to special disciplines and activities (Cabré 1999, 81), particularly where the concept is the main focus of terminologists, which is "prior to the name and can be conceived of independently from the name or term that represents it" (Cabré, 1999, 33).

Since she views terminology as forming the centre of attention for linguists and subject-field specialists, she also concurs with Felber's opinion that the representatives of the latter group examine terms in isolation from their grammatical relations in the syntagmatic context, while linguists treat terms as lexemes which are used in special sub-languages (ibid). She also points out that terminology implies the outcome of the work of term-coinage process, i.e., the set of terms in a particular subject field (Cabré, 1999, 32), which is intended not only for subject field specialists but also for translators and interpreters mediating communication between specialists (Cabré, 1999, 47).

Cabré´s approach to terms as conventional symbols is, however, not entirely clear, as although she admits that they may be approached from several perspectives, she often reduces the term to the form only. For example, when discussing terms as a product intended for translators, she claims that "terminology prepared for translators must contain contexts that provide information on how to use the term, and, ideally, provide information about the concept in order to ensure translators use the precise form to refer to a specific content" (Cabré, 1999, 48). Cabré's position here is confusing in that, on the one hand, she employs the denomination *terminological unit* synonymously with that of term and defines it as a conventional symbol that represents a concept defined within a particular field of knowledge (Cabré, 1999, 81), and also admits that a terminological unit is a language sign

analysable from the three points of view, namely the formal, semantic and functional (ibid.). However, while explaining her position on the formal aspect of the terminological unit, she identifies the term with phonological/phonetic and morphological realization, claiming that "[the] formal side of the terminological unit is called a designation or term" (Cabré, 1999:83). In contrast, the semantic/meaning aspect is identified with the concept, i.e., the designate, according to which terms may be sub-classified into four basic classes: 1. objects or entities, 2. processes, operations or actions, 3. properties, states or qualities, 4. relationships. These inconsistencies indicate that Cabré would identify the concept with the content of the terminological unit, and term with the form only. From the functional point of view, she sub-classifies terms into parts of speech, and she also subclassifies terms from the standpoint of language origin, i.e., the naming process, derivation, conversion, borrowing, compounding, etc. (Cabré, 1999, 85-88). Although her confusing identification of term as designation is controversial in the context of the form and meaning side of language signs, her highlighting of the relevance of syntagmatic relations in approaching the analysis of terms is relevant to the translation-aimed comparative analysis of terms that will be described in Chapter 2.

1.3 Term as a language unit

In contrast to Cabre´s understanding of the terminological unit as a language symbol (= form) for a concept (1999, 81, detailed above, also see Chromá 2011, 36), Felber (1984, 106) argues that "[t]erminology concentrates on the terminological unit, which is a concept represented by a term". This approach allows terms and concepts to be treated as separate cognitive phenomena: term as a bi-component language sign, concept as mental abstraction/generalization/representation of extralinguistic phenomena, and a term-toward-concept relationship as that of designation. For the purposes of this translation-oriented study **a terminological unit can be defined as a unity of the concept as a cognitive subject-field unit and the term as a bicomponent language sign used to activate the reference function of concepts toward extralinguistic referents in the communication process**.

This methodological clarification thus permits a deeper analysis of the relationship between the content component of the term and the concept as follows: the concept´s intension determines the semantic range of the term, which is to say that **the semantic range of the term mirrors the intension** (the logical spectrum) **of the concept**, and the arrangement of **a particular**

lexical field occupied by the term and its co-members **derives from the extensions of the concept** (paradigmatic relations: vertical and horizontal series). As soon as a term is employed in a syntactic string (phrase, clause, sentence in terms of the syntactic pyramid Janigová (2024), Aarts (2001, 56)), the syntactic forces reveal its language sign nature in full, emancipating it from domination by the concept. It is at this moment that users of the term realize that terms are units of language, especially when the users are translators, practitioners who cannot treat terms as isolated lexical items designating concepts without simultaneously taking into account their function as syntactic units.

For translators, the term-concept interface is only one part of the problem, and even if they succeed in identifying and matching the intensions and extensions of the source and target concepts, their task does not end there (as it does for terminologists, terminographers, legal comparativists, etc.). Admitting that the term is a language sign means that in addition to its conceptual/semantic component, including paradigmatic relations, terms also involve the syntactic component which allows them to combine with other syntactic units to form units of a higher syntactic rank (so called chain and choice models (Fawcett, 2003)) to serve their ends in the process of communication. Conceptologists, legal comparativists, and terminographers typically neglect the significance of inflection and word order as the major formal means for the syntactic combination of units, as these phenomena are governed by language-type specific internal grammatical rules. In translation, however, the syntactic combination rules, including the collocational and valency forces of higher-rank syntactic units over the word and phrase rank units (terms) in the source and target language, have to be taken into account, as they inevitably influence the choice of the specific translation strategy to be applied to the outcome of the matching and coinage processes conducted at the level of word and phrase in relation to concepts and terms. For translation purposes, terms as bi-component language signs used to activate subject-field concepts are composed of the content; this, in turn, is composed of the conceptual subcomponent (mirroring the intension and extension of the concept) and the syntactic subcomponent (collocational and valency potential); and the form component which involves the phonological and morphological realization of the content component. Both the conceptual and syntactic subcomponents of the content side of the term will be discussed in the following sections.

1.3.1 The conceptual subcomponent of term – linguistic tools in terminological analysis

In linguistics the conceptual subcomponent attracts attention of morphologists, lexicologists, word-formation specialists, and also syntacticians. It is uncovered in course of conceptual analysis of the intension of a particular concept. If terms are taken as lexical tokens, isolated from their syntagmatic context, the analyses of concepts/conceptual fields and lexical units/lexical fields overlap, with the former being cognitively prior to the latter. However, as terms as special kinds of lexical units cannot be taken as isolated phenomena, the conceptual intension is projected onto the content side of a term only as one of its subcomponents (the other being the syntactic subcomponent).

Although the academic study of terminology is by its very nature interdisciplinary, as a branch of applied linguistics it may rely on linguistic tools in its terminological analyses. Among the linguistic tools that have turned out to be most useful in translation-oriented comparative legal terminology, componential analysis and lexical field analysis seem to be most relevant. Componential analysis overlapping with conceptual analysis is supposed to precede lexical field analysis. For the purposes of both it is necessary to draw a distinction between the lexeme and the lexical unit, as it is the latter that is the object of comparative analyses. In this study we adhere to Cruse´s (1986) distinction between lexemes and lexical units. Cruse sees lexemes as abstractions listed in a lexicon of a particular language which are treated as families of lexical units (1986, 49,76). On the other hand, lexical units represent the union of a lexical form and a single sense (ibid., 77) on the basis of which semantic relations are contracted with other lexical units (1986, 83). This understanding of the lexeme and the lexical unit which will be relied upon in the following subsections is different from the approach of Lipka (2002) who treats lexeme as a basic unit of lexicon roofing a class of word forms (similarly lexeme as citation form in Lyons (1995)).

1.3.1.1 Componential analysis/parametrization

Componential analysis is the point at which conceptual and terminological analyses overlap, with the latter drawing on the former. The decomposition of a concept´s intension into classifying and specifying/determining characteristics is made use of in the componential analysis of terms, as it guides the decomposition of the meaning/sense of a lexical unit into its semantic sub-components. On the other hand, the extensional characteristics

of a concept serve to delineate concepts against other concepts of the same class in the conceptual field, and in the componential analysis of terms they are used as *tertia comparationis* to distinguish individual lexical units within a lexical field. The conceptual characteristics serve as *tertia comparationis* both in the conceptual field analysis within a single culture but they may also be employed in cross-cultural comparative conceptual and terminological analyses as will be demonstrated later.

For Leech componential analysis is a linguistic technique "[c]onsisting in breaking down the sense of a word into the minimum sense components that cannot be broken down further…i.e. [in]to its ultimate contrastive components" (1981, 89-91). This reduction of the sense of a lexical unit to ultimate atoms should not be viewed as contraindication of a system-favouring structuralist stance. Right on the contrary, as Lyons pointed out, componential analysis is compatible with structuralism in that it serves as a means of describing the structural relations between words in the same semantic field (Lyons, 1995, 107). On the other hand, Lyons denies it being "[a] technique for the representation of all of the sense (and nothing but the sense) of lexemes, but (rather) as a way of formalizing that part of their prototypical, nuclear or focal, sense which they share with other lexemes. (1995, 109).

In componential analysis, sense components are examined as binary oppositions of semantic features or marks which are examined to determine the presence (+) or absence (-) of a particular sense (also see Leech (1981, 90) "semantic oppositions", Lyons (1995, 108-109), "a positive and a negative value of the two-valued variables"). Since they overlap with the characteristics of a concept´s intension, semantic marks may be distinguished in terms of classifying and specifying (determining) marks. Classifying semantic marks assign a unit to a general class of items. This assignment is relevant in a number of different ways: it determines the place of a unit in a vertical series (genus/whole), it can be shared by co-members in a horizontal series (species/parts), it is relevant in the categorization of terms according to parts of speech, but it is also syntactically relevant as it assigns a lexical unit to a general onomasiological category for valency purposes and accounts for its onomasiological prominence within a phrase. Specifying semantic marks are projections of the species/parts characteristics defining a term against other co-members in the lexeme, and against other co-members in the lexical field. Since the lexeme is a generalization which abstracts from word forms, it lists the totality of semantic marks which are either realized or unrealized in the senses of its lexical units. A lexical unit may also show a plus and minus value for single marks if it is analysed