



LINGUISTIC RECONSTRUCTION OF THE LEGAL TERM ASYLUM

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ABSTRACT

The article deals with the issue of special terminological nomination and definition in legal discourse. The purpose of the article is to make linguistic reconstruction of the legal term 'asylum' to prove its terminological nature. The author analyses the etymology, semantics and thesaurus network of the legal term 'asylum' in modern legal English.

Key words: *legal terminology, etymology, lexical meaning, thesaurus.*

INTRODUCTION

In 2015, words for refugees and refugee-related phenomena became the Words of the Year in several languages: in German – a noun *Flüchtlinge* (en. *refugees*), in Danish – *Flygtningestrømme* (en. *refugee flows*), in Spanish – *refugado* (en. *a refugee*), in Polish – *uchodźca* (en. *a refugee*), in Russian – *беженцы* (en. *refugees*).

Remaining a complex and still not resolved problem in different spheres of society life, refugee issues require special attention from specialists in the social and humanitarian branches of science from different points of view.

LITERATURE REVIEW

Today, terminology issues acquire a new meaning due to the shift in research focus from the formal aspects of language learning to the problems of cognitive action and interaction of units of the mental and linguistic spheres of human existence. Such researchers as M. T. Cabré, P. Faber, H. Gubby, K. Kageura, A. Rey, H. B. Sonneveld & K. L. Loening, R. Temmerman, and others pay great attention to various questions of terminology, but there are still many matters requiring further study. One of such questions is the problem of linguistic reconstruction of language units, functioning within specific professional discourse.

MATERIALS AND METHODS

One of the effective attempts to construct a model for combining units of thinking and speech in the process of their interaction, awareness of the processes of term evolution, formation and intrasystemic functioning of cognitive terminological structures through the study of linguistic units of all levels is the development of a procedure for linguistic reconstruction of cognitive structures.

The **purpose** of the article is to make linguistic reconstruction of the legal term *asylum* to prove its terminological nature.

RESULTS AND DISCUSSION

The term *refugee* got its first legal interpretation in the text of the Convention relating to the Status of Refugees, adopted by the United Nations in 1951. According to this Convention, a refugee is considered "any person who ... owing to wellfounded fear of being persecuted for reasons of race, religion, nationality,

membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" [1]. One of the units related closely to the term *refugee* is terminological structure *an asylum seeker*.

Online Etymological dictionary contains the following information about the noun *asylum*: for the first time it was recorded in the early 15th century meaning 'place of refuge, sanctuary' [2]. In the late 14th century the word had the form of *asile*. The unit comes from Latin *asylum* "sanctuary", from Greek *asylon* "refuge, fenced territory", noun use of neuter of *asylos* "inviolable, safe from violence", especially of persons seeking protection, from *a-* "without" + *sylē* "right of seizure", which is of unknown etymology [2].

The non-terminological and terminological meanings of the noun *asylum* are recorded by modern English explanatory dictionaries.

Dictionary.com:

"international law. 1) a refuge granted an alien by a sovereign state on its own territory;

2) a temporary refuge granted political offenders, especially in a foreign embassy" [3];

Merriam-Webster:

"1) an inviolable place of refuge and protection giving shelter to criminals and debtors: SANCTUARY;

2) a place of retreat and security: SHELTER;

3a) the protection or security afforded by an asylum: REFUGE; b) protection from arrest and extradition given especially to political refugees by a nation or by an embassy or other agency enjoying freedom from what is required by law for most people" [4];

Oxford Advanced Learner's Dictionary:

"(also formal *political asylum*) protection that a government gives to people who have left their own country, usually because they were in danger for political reasons" [5].

For certain legal terms, dictionaries contain lexical meanings of units in British and American English. Thus, for the term *asylum* the following information is provided:

UK: protection or safety, especially that given by a government to people who have been forced to leave their own countries for their safety or because of war;

US: protection or safety, or a protected and safe place, given esp. to someone who has left a country or place for political reasons" [6].

These two definitions give different reasons for a person to seek for an asylum: definition of British English states *war*, and American one offers *political reasons*. Such features are often a consequence of the specifics of the social situation and the peculiarities of the functioning of the language unit in the professional community of a particular country. The study of similarities and differences in the interpretation of the terms of the British and American English legal metalanguages ensures the accuracy of reproduction of the content of legal documents, which is a necessary condition for the correct application of law.

Special law dictionaries give terminological definitions for the noun *asylum*:

"1) a sanctuary or shelter;

2) protection of usu. political refugees from arrest by a foreign jurisdiction; a nation or embassy that affords such protection. – Also termed political asylum" [7, 384];

"refuge or shelter from danger; a safe place for the poor and unfortunate to find help" [8, 40];

“refuge granted to an individual whose extradition is sought by a foreign government. This can include refuge in the territory of a foreign country (territorial asylum) or in a foreign embassy (diplomatic asylum)” [9, 38];

“a place of refuge, sanctuary, or shelter, especially an institution for the maintenance and care of people requiring special assistance” [10, 35];

“legal definition of *asylum*: protection from arrest and extradition given especially to political refugees by a nation or by an embassy or other agency that has diplomatic immunity” [4].

Most of the dictionaries of legal terms single out in separate dictionary articles the definition of the type of asylum – *a political asylum*:

“protection granted by a nation to someone who has fled his or her homeland for political reasons” [8, 40];

“refuge granted to a person on political grounds” [9, 38];

“1) the decision by a country’s government to allow within its border a person from another country and to protect that person from prosecution and persecution by that other country’s government;

2) the protection and refuge granted by a country to citizens and residents of other countries who obtain entry unto the premises of its foreign embassies and consulates” [10, 35].

Legislative texts in English, which were available for analysis in this work, do not contain a definition of *asylum*.

According to the Oxford Advanced Learner’s Dictionary, the noun *asylum* belongs to the *Social issues* thematic group [5], and the Cambridge Dictionary refers the noun *asylum* to the *Protection and protectors* thematic group [6], building a complex network of associative links (See Figure 1):



Figure 1. Thesaurus links of the word *asylum* [6].

Collins English Dictionary gives a synonymic chain to the noun *asylum*: *refuge; security; haven; safety; protection; preserve; shelter; retreat; harbour; sanctuary* [11].

Thesaurus.com divides the semantic distance between the synonyms to the noun *asylum* into three groups (from the nearest to the most distant; the resource site uses color calibration from bright to pale as a visualization of the distance between synonymic lexical units from similarity to differences):

- 1) *haven; refuge; sanctuary; shelter;*
- 2) *cover; den; harbor; hideaway; hideout; hole; port; preserve; retreat; safety; security;*
- 3) *ivory tower; safe house* [12].

Merriam-Webster dictionary contains the list of synonyms:

bolt-hole [chiefly British], harbor, harborage, haven, refuge, retreat, sanctuary, sanctum, shelter[4].

Besides this Dictionary gives “Words Related to *asylum*”, divided into seven groups without specifying the criteria for such a division. That is, the dictionary contains language material for creating a network of associations of the unit *asylum*:

- 1) *oasis;*
- 2) *anchorage, mooring, port;*
- 3) *cover, screen;*
- 4) *abode, diggings, domicile, dwelling, habitation, house, housing, lodging, lodgment or lodgement, pad, place, quarters, residence, rest, roof;*
- 5) *cloister, closet, covert, den, hermitage, hideaway, hideout, lair;*
- 6) *castle, fastness, fort, fortress, palisade, redoubt, stronghold;*
- 7) *lean-to, lee, shed, windbreak*[4].

Visual Dictionary and Thesaurus GraphWords contains a graphically represented network of the links of the noun *asylum*, that contains the units associated with that word (see Figure 2). This database contains units called *synsets*, which are positioned as cognitive synonyms, although they include words from different parts of speech (nouns, verbs, adjectives, and adverbs) and present meanings and semantic links through graphical schemes:

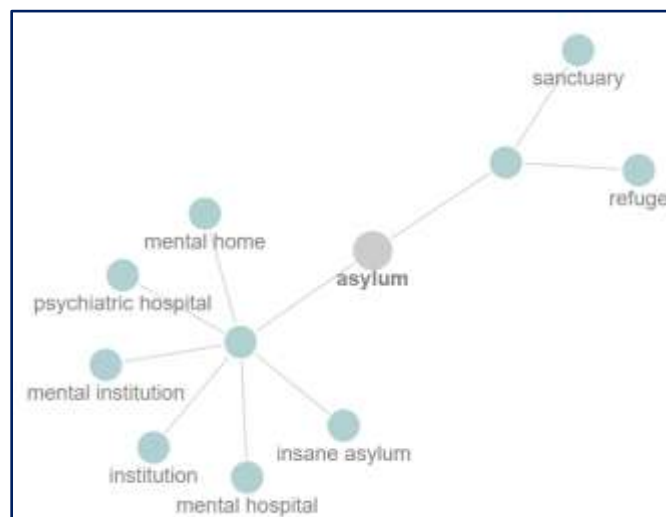


Figure 2. Thesaurus links of the word *asylum* [13].

The *asylum seeker* unit needs special attention. At the end of the twentieth century, a legal neologism was formed in English – *an asylee* – to denote “a refugee applying for asylum; an asylum-seeker” [7, 384]. This noun is recorded in the “Modern Legal Dictionary” [7], but, as noted by the author of this dictionary B. Garner,

it has not yet been included in English dictionaries. One of the reasons the researcher sees in the illogical word formation of this unit: “Like many personal nouns ending in *-ee*, it is illogically formed. But illogical morphology has not presented an obstacle to many other forms ending in *-ee*” [7, 87]. The author also notes that the popular press replaces this term with the construction *asylum-seeker*, which he proposes to write with a hyphen.

CONCLUSION

Thus, the analyzed definitions of the term *asylum* in legal and general dictionaries prove that this language unit belongs to the legal layer of terminological vocabulary of the English language. According to various sources, the term *asylum* belongs to the thematic groups *Social issues* and *Protection and protectors*. Among the synonyms, the closest were nouns with the root *protect-* (*protected*, *protection*, *protective*, *protectiveness*, *protector*) – 7.14%, *safe-* (*safe*, *safeguarding*, *safekeeping*, *safety*) – 6.25%, *preserve-* (*preservation*, *preserve*) – 5.36% and *security-* 5.36%. Such data speak in favor of the noun *asylum* belonging to the *Protection and protectors* thematic group.

The study of the semantic content and volume of the noun *asylum* in the English legal terminology demonstrated the presence of a complex structure of internal and external links (semantic, synonymic, associative, etc.) of the terminological unit within one terminological system and one language.

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