# Linguistic Reconstruction of the Legal Term
# *PERSECUTION*

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

**Keywords**: legal terminology, etymology, lexical meaning, thesaurus

## 1.Introduction

Terminological units are the words of special semantic categories. These units are combined into a specific group to denote the various phenomena of professional reality. The use of new approaches and views on the analysis of the term as a secondary language unit, in which certain scientific concepts and whole fragments of the professional worldview are verbalized, caused the formation of a new – cognitive – paradigm in terminology. This approach results in solving certain issues of cognitive-linguistic characteristics of the term, which is the subject of our study, but such studies are still fragmentary.

## 2.Literature Survey

In modern linguistics, much attention is paid to the detailed study of general and specific issues of terminology. Today, the focus of linguists is the phenomena of terminological nomination and definition with regard to the cognitive processes of formation and features of the functioning of entire frame structures with the units studied. The cognitive and discursive mechanisms of terminology and various thesaurus phenomena in this sphere are studied by such researchers as M. T. Cabré, P. Faber, H. Gubby, K. Kageura, A. Rey, H. B. Sonneveld & K. L. Loening, R. Temmerman, and others.

## 3.Problem Definition

One of the words, which names an important social phenomenon of today and has the specifics of semantic content in English, is a multidisciplinary terminological unit REFUGEE, among the areas of active functioning of which is legal discourse.

The problem of refugees is not new. It has accompanied the entire history of mankind, along with wars and conflicts. In today's world, words for *refugee* are units of common use. Thus, in English, the word *refugee* is one of the 10,000 most frequently used words in the Collins Dictionary [2].

Each legal term has a long evolutionary history. The legal interpretation of the term *refugee* in the modern sense was first provided 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 well founded 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" [3].

One of the key defining terms of this definition is the term *persecuted*.

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

## 4.Methodology / Approach

Linguistic reconstruction of the term involves not only the study of etymology, semantics, text categories and discursive characteristics, but also the involvement of narrow professional data (in our case – legal), which expands the possibilities of complex and comprehensive analysis of the term as a result of mental activity.

To verify the lexicographic data of a term functioning in legal discourse, it is necessary to take into account, first of all, the data of three main lexicographic and reference sources: data of legal acts, which enshrine the interpretation of terms-verbalizers of concepts used for law enforcement; data of dictionaries of legal terms, in which the scientific generalization of the meaning of each discrete terminological unit is recorded; data of non-terminological explanatory dictionaries, information from which adds to the understanding of legal terms, which, due to the specifics of legal activity and active determinologization of units of legal discourse, are enriched with elements of meaning that result from non-sectoral use of the words.

## 5.Results & Discussion

According to the etymological dictionary the word *persecution* was first recorded in the middle of the 14th century in the sense of "oppression for the holding of a belief

or opinion" [8]. This word comes from the Old French *persecucion*" persecution, damage, affliction, suffering" (12c.) and directly from Latin *persecutionem* (nominative *persecutio*), noun of action from past-participle stem of *persequi* "to follow, pursue, hunt down; proceed against, prosecute, start a legal action", from *per* "through" (from PIE root *per-* "forward", hence "through") +*sequi* "follow" (from PIE root *sekw-*"to follow") [8].

Dictionary.com contains information that the first mention of the word *persecution* in English dates back to 1300-50. The verb *persecute* is actually a newer unit of English than *persecution*– the first records of it date back to the 1400-50. This word comes from the late Latin *persecūtor*, which means *persecutor*, from the verb *persequī*, which means *to prosecute, pursue closely* [4].

The non-terminological meaning of the noun persecution is recorded by modern English explanatory dictionaries.

Cambridge Dictionary:

"unfair or cruel treatment over a long period of time because of race, religion, or political beliefs" [1];
Collins English Dictionary:
"cruel and unfair treatment of a person or group, especially because of their religious or political beliefs, or their race" [2];

Dictionary.com:

"1) The act of persecuting;
2) The state of being persecuted;
3) A program or campaign to exterminate, drive away, or subjugate people based on their membership in a religious, ethnic, social, or racial group" [4];

Merriam-Webster:
"1) The act or practice of persecuting especially those who differ in origin, religion, or social outlook;
2) The condition of being persecuted, harassed, or annoyed" [7];

Oxford Advanced Learner's Dictionary:
"1) The act of treating somebody in a cruel and unfair way, especially because of their race, religion or political beliefs;
2) The act of deliberately annoying somebody all the time and making their life unpleasant" [9]

Regarding the data of special law dictionaries, only two definitions of the term *persecution* are offered by them:

1) "violent, cruel, and oppressive treatment directed toward a person or group of persons because of their race, religion, sexual orientation, politics, or other beliefs" [5, 3617–3618];
2) "legal definition of *persecution:* punishment or harassment usually of a severe nature on the basis of race, religion, or political opinion in one's country of origin" [7].

The term *persecution* is not defined in the legislation of the United States and Europe. Its interpretation is found in some court decisions, from which we can summarize what persecution is understood as "the infliction of harm upon those who differ … in a way regarded as offensive" [6], "the infliction of harm or suffering by the government, or persons the government is unwilling or unable to control, to overcome a characteristic of the victim" [11].

Among the thesaurus synonyms of the noun *persecution*, the Oxford Advanced Learner's Dictionary mentions the noun *harassment* [9] and refers this unit to the *Social issues* topic. The Cambridge Dictionary mentions *Treating people or animals badly* as a semantic group of the noun *persecution* [1].

The SMART Thesaurus cloud shows the synonyms, related words and phrases from the Cambridge Dictionary that make up the topic. The result of such a thesaurus grouping has the form of a cloud network (see Figure 1):



**Figure 1:** A fragment of the thesaurus links of the word *persecution* [1].

Collins English Dictionary gives a synonymic chain to the noun *persecution* distinguishing the nearest (1) and more distant (2) units of the synonymic now:

1) *victimization; abuse; torture; torment*;
2) *oppression; tyranny; discrimination against; mistreatment; ill-treatment; maltreatment; tyrannization* [2].

Thesaurus.com divides the semantic distance between the synonyms to the noun *persecution* 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) *expulsion; ill-treatment; imprisonment; killing; maltreatment; massacre; mistreatment; murder; oppression; torture;*
2) *annoyance; banishment; exile; infliction; teasing; torment;*
3) *bashing; galling; pestering; provoking* [10].

The widest list of synonyms is contained in the Merriam-Webster dictionary, positioning the following units not only as synonyms: *Synonyms & Near Synonyms* for *persecution* [7]. In this section, all units are divided into six groups, but the dictionary does not specify the criteria for such a division, which makes it difficult to understand the principles and approaches to the words grouping:

1) *aggravation, anger, annoyance, exasperation, irritation, trouble*;
2) *bedevilment, botheration, bothering, bugging, disturbance, harassment, harrying, importunity, pestering, teasing, vexation*;
3) *aggro [British], molestation, offense or offence, provocation, torment, torture*;
4) *load, weight*;
5) *anxiety, concern, uneasiness, worry*;
6) *pressure, strain, stress, tension* [7].

The analysis shows a significant difference in determining not only the units of the synonymic chain, but also the semantic distance of their meaning and the noun *persecution*. This situation can be explained by the textual composition of the corpora used to compile certain dictionaries, which again speaks in favor of the need to form the most representative corpus of texts for further use, including in lexicography.

Thus, the analyzed definitions of the term *persecution* in legislative documents, 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 *persecution* belongs to the thematic groups *Social issues* and *Treating people or animals badly*. Among the synonyms, the closest were nouns with the root *-treat-* (*ill-treatment, maltreatment, mistreatment*) – 5.77%, *torment*– 2.4%, *harassment*– 1.92% and *torture*– 1.92%, none of which reflects the meaning of the term *persecution* (act or state of persecution), but only reflects the negative emotional component of the action been called.

## 6.Conclusion

The development of the procedure of linguistic reconstruction of cognitive structures is one of the productive methods of constructing a model of combining mental and language units in the process of their interaction, as well as theoretically and practically significant procedure for identifying cognitive-verbal specifics of legal (in our case) field.

## 7.Future Scope

Legal terminology for refugee status is a specific layer of professional vocabulary that combines a description of the social process with legal consequences. The study of such units is a prospect for further research together with the study of compatibility and contextual changes in the conceptualization of these verbalizers of the concepts in micro- (legal texts of various genres) and macro-contexts (global legal discourse).

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