General Overview on the Evolution of the Legal Albanian Terminology



Linguistics

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Abstract

Studies on legal terminology in the Albanian language are rare and mainly focused in the vocabulary and its ways of word formation, but we will try to highlight characteristics of this terminology, cause it's a terminology that exists and is used by the Albanian judicial system as well as the state administration. Lectures of law carry not only a cultural dimension that is reflected in the words or terms of the legal system, but in their ways of expression. The only way to express is through language and the language carries cultural and social elements of a society. In fact, studies that have been made in this field have shown that the legal terminology, depending on the various systems that our country has been through, is included in sociopolitical terminology or in state and administrative one. This article proposes a step back in time in order to see the evolution of this terminology with its main representative, the vocabulary of the legal terminology, and then go to its style and morphology and syntax characteristics.

Introduction

We are going to oversee the study of this language in three main socio-political stages that we consider the most important in the history of our country, stages during which the Albanian language is enriched and consolidated and together with it the legal language as an important part of the Albanian language. This stages are: Independence Period (starting from its announcement up to National Liberation War), after the Liberation Period and the Period after the nineties to our days.

During the independence period a new phase started in the development of the shaping of Albanian language as a common language of the whole nation as well as in the fighting of our people for the protection of our identity and national culture and in the efforts of further developing the Albanian language in its structure and functioning and also its proclamation as the official language of the independent Albanian State.

In the special historical conditions and circumstances, the socio-political vocabulary, part of which is the vocabulary of legal language, made a new step towards its positioning as a system within the general vocabulary and terminology system of the Albanian. It was the vocabulary of one of the main functional styles that was being created at that time in the Albanian language. In general, socio-political vocabulary of the Albanian in this phase, compared with the vocabulary and terminology of other fields of activity, is distinguished in all aspects (in semantics, word forming and norm) for some special features that are closely connected with internal linguistic elements as well as social elements of that time. With the help of the analysis from the structural, semantic and functional point of view that we are going to do to the vocabulary of that period, we will try to reveal some of those features.

I. Brief history of the Albanian legal language

Albanian was declared an official language on September 23, 1913. The first legal act in the field of national judicial organization was Kanuni i Zhurisë (the Zhuri's Code) in May 13, 1913, while the most important act was The Appropriate Code of the civil administration of Albania (November 1913). The first judicial process in Albanian was written at the end of 1912 by K. Floqi, who has designed many volumes of judicial writings and even in the Constitutional Right there is a glossary in four languages. The issue of terminology and proper naming became immediate. Glossaries in Albanian, Turkish and French started to be published. However, Ottoman period codes were being used up to 1925. For example, Article 57 from The Civil Code of 1928: "Competency of religious judges for marriages, separation, divorce, food, upbringing (haki-hidane), dowry (xhihaz) is growing" (Lloshi, 1999, p. 210).

However, the process of development of the socio-political development during that period can be divided into two stages: first stage (A), starting from the declaration of Independence up to 1924 and the second stage (B), starting from 1924 up to the period of to the National Liberation War. In order to divide this period into two stages, we have taken into consideration the new development in the process of forming of the Standard Albanian, after the state decree of 1923, which was taking as a basis for the common language, the literary south Albanian dialect (southern Gheg), as well as the new features that gained this lexicon during the democratic-bourgeois revolution of June 1924. All of this factors brought new changes in the socio-politic lexicon of the Independence period (Studime filologjike n°3, 1997, p.37). However, we can confirm that since the national Renaissance period, was being formed a part of this lexicon, that was being reflected in the vocabulary of K. Kristoforidhi and in the periodicals of the time (in newspapers and magazines "Pellazgu", "Zëri i Shqipërisë", "Albania", "Drita", "Dituria", "Kombi", "Liria" etc.).

After the declaration of Independence, it started in a broader scale the processing of the terminology and lexicon in the socio-political field. The formation of the independent Albanian state under the leadership of Ismail Qemali, as a new political body required a new terminology and lexicon where all the new occurrences and needs of the state and society were reflected, so that this new state was able to perform as well as he could its functioning internally and abroad. Among the first measures taken by the government, was the decision to make the Albanian language the official language throughout the country. And so, in the documents of this government (in law, orders etc.) as well as in the newspaper "Përlindja e Shqipëniës" there are used very often words or terms of the socio-politic lexicon, and specially judicial ones such as asanës (neutral), avokatësi (advocacy), bashkëvendim (decisionmaking), gjykatore (court), kartat e besimit (credential papers), kanuni themelor (fundamental law), kryesekretar (registrar), këshillues (consultant), nënëgjyqës (defendant), prokuror (prosecutor), ratifikim (ratification), statut (statute), shtet e shtetas (state and citizen), zyrtarisht (officially), etc., which enriched and clarified this lexicon compared with that of the preindependence period.

Also discussion were made in "Përlindja e Shqipëniës" newspaper on the unification of official-government working terminology entitled "Skanjet teknike", in which A.Xhuvani, Kristo Floqi etc took part. They discussed about the use of this lexicon in the judiciary field and precisely about ligjvues (lawgiver), ligjbas (lawmaker), ligjdhënës (legislator), drejtësor (judiciary), etc. All of which very interesting words from the formation point of view, used in the eve of the Declaration of Independence, as testified in "Korça" newspaper, published from 1908 to 1910, in which we find other words and terms of this lexicon such as kombëtarizim (nationalization), grekomanizëm (greek mania), kryegjykator (chief justice), kryeqeveritar (head of government), kryeheqës = udhëheqës (leader), njëjtësi (sameness) = barazi (equality), përmendëse (referrers) = memorandum, pleqësia popullore = Asambleja (assembly), parlamenti (parliament), qajtore = zyrë ankesash (complain office), shkakës (cause), veturdhërim (self-commendation). These words and terms were used in the state workings, up to the democratic-bourgeois revolution (1924).

B. After the democratic-bourgeois revolution of June 1924 a new stage begins in the process of this lexicon development. F. Noli together with L.Gurakuqi and A. Xhuvani, as good experts of Albanian language and its lexicon, gave a precious help for the processing of the lexicon of this field by an ideological, advanced and democratic content.

From the surveys done on this lexicon at "Republica", "Gazeta e Korçës" and "Dajti" newspaper of 1924-1930, it comes out that during that period relatively new words with such content have been widely used such as: deputetësi (parliamentary), fajësi (guiltiness), gjyqtari (justice), hetues (investigator), hetimor (investigative), i kundërligjshëm (illegal), nënshtetas (citizen), pafajësi (innocence), procesverbal (minutes) etc. Some of them like dënimtari (sentence), kombëtari (nationality), ligjshkelës (law breaker), paligjësi (illegality), vendmbledhje (meeting place for Constitutional Committee), vjedhësia (robbery), vetëurdhërues (self commanding), even though beautiful formations and necessary ones for this lexicon were not used for long.

Terms of this lexicon had a new meaning with the organization of the work force movement and the creation of the first communist groups in the last stage of this period. Some of the existing terms of this lexicon have been used with new meanings in order to fulfil the society's need towards language. For example the word "shtet" (state) (from

Latin status), which during this time has been used meaning gjendje (condition) as in the expression "shtet lufte" (war state) or in "shtet i rrethimit" (siege state), after this year was widely used meaning "political organization of the ruling class in the country" and of "the country which has such organization". From the etymological point of view, this word is linked to the term status, which from that time up to the first years after Liberation has had a constitutional meaning. At the beginning of this period, nom and kanun were used equally with the same meaning. Later the semantic difference was made: the word kanun was restricted and used meaning "summary of unwritten laws and norms", whereas the word nom became old-fashioned and was replaced with the term law. The word pushtet (power), previously meant "ability to do something", e.g "s'kam pushtet me bërë kurrgja" (have not got the power to do anything) (Kristoforidhi, 1961, p.287). Apart this, this word has another meaning "power", as in the naming of Great Powers (Great Powers of Europe), as reflected in the printed media of that time.

Another interesting example is the word pëlqej (like), which despite the general meaning it has today, had a terminological meaning miratoj (approve): "Qeveria pëlqeu marrëveshjen..." (the government approved of the deal) (Gazeta e Korçës, 26/05/1923, p. 1). Thus the polysemy of words and terms of this field have been during this period very wide and its further development was one of the ways to enrich this lexicon.

This is also proved by the word dëshmor (martyr) meaning by that time dëshmitar (witness); whereas the verb liroj (free) meant çliroj (release), this is why we find "kombe të liruara" (Free nations). But it must be emphasised that the semantic structures of polysemantic words, especially of the terms, were later simplified, since some meanings were restricted or left apart and thus the term had one essential meaning. This means that the mono semantic character of the words and their meanings were being reinforced.

Besides semantic decent, one of the main ways which gradually became enrichment of the lexicon in this period, is the formation of new words under the ways and types of the Albanian word formation or based on their calques formation with the corpus of our language. From the observations that were made for this purpose to the press and the dictionaries of that time, it appears that main word formation ways and the most efficient structural types of this lexicon used in Albanian language of this period are:

1. Word formation by adding prefixes;

- a) Type of words formed by the Albanian prefix kundër (anti)- e.g kundërkombëtar (anti-national), or by the synonymous prefix, but of a foreign origin anti-, e.g antishqiptar (anti-Albanian). These prefixes by that time had specialized to form a special lexical-semantic category;
 - b) Type of words with Albanian prefixes ç /sh-, such as çatdhesoj/im (state less), çrobëroj (to enslave) etc;
- c) A separately structural-semantic group constitute the formation of these lexicon words with negative prefixes pa- (without),e.g i papasur (not wealthy) and mos-, e.g mosmarrëveshje (disagreement) etc. This negates something or shows the absence of meaning given by the word without the prefix, where with it has an antonym relation;
- d) Words used in this field formed by the prefix nën-,(under) e.g nënministër (deputy minister), nënkryetar (deputy chairman), nënshtetas (citizen) etc. were large in number during this period. Compared to the past period, this type of word formation was more enliven.
- e) During this period, the words formed by the prefix vetë (self)-, such as vetëqeveris (self-govern), veturdhëroj (self-commendation), were too active.

2. Word formation by adding suffixes;

- a) The largest group of words used during this period formed by adding suffixes is the one with synonymous suffixes –(ë)ri, such as: avokatëri (advocacy), otomanëri (relating to the Ottoman Empire) etc., with -(ë)si, e.g. kombësi (nationality), mëvetësi (autonomy) etc., and with –i, e.g. gjyqtari (judgement), fajtori (guiltiness), dënimtari (condemnation) etc., which not only have a specialization function (for the formation of abstract names of quality), but classifying function as well (for the formation of a set lexical-grammatical type, all names belong to the female gender):
- b) Words or terms with –izëm suffix e.g. kombëtarizëm (nationalisation), shqiptarizëm (Albanain national sentiment), grekomanizëm (greek mania), diktatorizëm (dictatorship) etc. These words mark trends, doctrines or orientations of an ideological and political character;
- c) Type of words with –(ë)s ose –ues and –tar, suffixes, e.g. këshillues (consultant), nisës (starter), asanës (neutral), shkakës (cause), hetues (investigator), veprimtar (activist), turbullimtar (disturbing), dënimtar (convicted), kundërshtimtar (opponent) etc., include respective nouns and adjectives with an active meaning that had began to be widely used. Active nouns with –im served as well as productive themes for the formation of adjectives by adding shëm suffix, e.g i dyshimshëm (suspicious), i detyrishëm (obligatory) etc., which shows that the valence of this theme is very big.
- **3.** The group of compound words with subordinately links between parts e.g. ligjshkelës (law breaker), letërshpallje (paper advertisement), kryesekretar (chief clerk), kryeqeveritar (head of government) etc.

By all these formations mentioned above, we can say that these words or terms of this lexicon did not have the same degree of use. Those words might have been used before, but in this period their usage was wide and more general. Based on this, we can make a summarized categorization of this lexicon:

- a. Words directly formed from Albanian, which have had the most massive use and have enriched the general lexicon of today's Albanian language. Such are: drejtësi (justice), gjykatore (court), hetues (investigator), hetimor (investigational), kombësi (nationality), kuvend (parliament), kryeministër (prime minister), nënkryetar (vice president), etc. These words are found in Today's Albanian Language Dictionary (1980), in Today's Albanian Dictionary (1984) and Albanian Language Dictionary (2006).
- b. correctly formed words, but which are not widely used in today's Albanian language such as: bashkëvendim (decisionmaking), deputetësi (parliamentary), kundërparti (counterparty), ligjshkelës (law breaker), letërshpallje (paper advertisement), ilegalitet (illegality), qajtore (complain office), zhvërtetim (not to certify) etc. These terms are not reflected either in TALD (1980), nor the TAD (1984) nor in ALD (2006), and therefore cannot be reactivated and used in today's Albanian language to further enrich the lexicon.
- c. foreign words or words not formed from Albanian language. They are borrowed from foreign languages (French, Italian, English, etc.), and had an important use, e.g. prezumim (presumption), absence (absence), posedim (possession), akordim (agreement), definitiv (definitive), tutori (guarding) etc.

As mentioned above, we notice that although the lexicon of political and social language in which legal language in part of wasn't yet properly crystallised as it should have been, still it is being developed and reinforced moving towards homogeneity and its perfection, from the structural and functional aspect as well.

II. Features of legal language lexicon after Independence

After World War II, the establishment of an ideological state brought up politically deliberate changes to distinguish it from the "old regime". Ideology penetrated in every aspect of social life of our country. Having a social function, language could not escape to this ideology and its influence became significant.

Again we notice that legal language is included in the socio-political language or as it was called by that time, social or political terminology or lexicon. This lexicon includes not only words and terms dealing with life and activity of various political and social organizations, but also with many terms from the fields of philosophy, economics, law, morals, army etc.

As we see, we might highlight that in this period the assessment of legal language is quite low. Use of many terms from other fields of terminology, and of the words which do not have a proper terminological character in this lexicon, such as zgjedhë (yoke), shfrytëzim (exploitation), shtypës (oppressive), frymë e kthesë revolucionare (revolutionary spirit or twist) etc., shows close links of this lexicon not only with other terminologies, but also with the general lexicon. Here the boundaries between political and social lexicon and above mentioned terminologies are intertwined; we cannot even put a border line between this lexicon and the general lexicon.

Also another feature of the vocabulary of the time is the previous terminology change and its replacement with a new terminology that correspond to the requirements of time. Thus denominations were set after Russian language, eg Komiteti ekzekutiv (executive committee) (Lloshi, 1999, p.211) was used instead of bashki (municipality), the adjective popullor (popular) was widely used in various nominations e.g. Republika popullore (Popular Republic), Gjykata popullore (Popular Court) etc. The names of administrative divisions and of the respective hierarchy were excluded: prefekt (prefect), prefecture (prefecture), nënprefekturë (sub-prefecture) as well as plenty of other degrees.

Very much idealized terminology is noticed in which doctrinal lexicon predominates, e.g. mikroborgjez (petitbourgeois), revolucionarizoj (revolutionise), partishmëri (partisanship), liberalo-borgjez (liberal-bourgeoisie) etc. On the other hand we find new words, denotations and connotations similar to those compared to the period before independence: aktakuzë (indictment), antifashist (antifascism), majtizëm (leftism), kryeprokuror (chief prosecutor) etc.

The most used terms of the legal language at that time were: hetues (investigator), hetuesi (board of enquiry), prokuror (prosecutor), kryeprokuror (chief prosecutor), gjykatë (court), gjygjtar (judge), kryegjygjtar (chief justice), ligj (law), projektkushtetutë (draft-constitution), i jashtëligjshëm (illegal), dekret (decree), urdhër (order), shpall (proclaim) etc. As the institutions of advocacy and the Ministry of Justice did not exist, the lexicon related to the latter was almost unusable at that time.

III. Characteristics of Albanian legal language after the 1990-s

The 1990-1991 events, all aimed against the communist regime, were followed by very important changes in the political and social life in Albania. The country's isolation from the west for a period of forty-five years had had consequences in all fields of life, including the legal language. This fact became particularly obvious when the system was overthrown and democracy was established with a new and real justice system, which presented a need for making significant changes in the civil and penal code. In addition, new notions – notions that had not existed before – were introduced. Albanian legal language did not possess a whole vocabulary set to accommodate all the changes in the juridical sphere. As a result, the phenomenon accompanying these changes was that of loaning words, especially through denotative loans (Lilo, 2004, p.35), which solved the lexical gap problem in naming occurrences and concepts that had to make their way into the Albanian language.

There have been innovations and new developments in the entire Albanian lexicon; however, our focus will be on the developments that have to do with vocabulary influenced by the Latin / Roman sources, especially in two directions: enrichment with new lexical semantic entries and becoming obsolete.

The lexical enrichment of legal Albanian with words from the Latin / Roman sources, as well as with new meanings and connotations, has been evidenced since the very early stages of the relationship of the Albanian language with Latin / Roman languages. However, the present day enrichment of Albanian language with new words and meanings has its own particularities. Apparently, these particularities can be explained with the frequent contact Albanian language now has with European languages and with the social changes and developments taking place in our country. These changes present Albanian language with the task of meeting its needs to mark or name all the new concepts and occurrences. Loaning has thus resulted to be the most convenient way to meet these needs.

a) It is through loaning that the Albanian language has been taking new words with a phonetic structure almost identical to that of a Latin word, or Italian and French, Some examples include: konsensus (Fr. consensus, It. consenso, from Latin consensus, meaning 'marrëveshje'). This new entry can be seen in the collocation "u miratua me konsensus" (a consensus was reached); kasacion (It. Cassazione, Fr. Cassation) which is used in the name Gjykata e Kasacionit (Court of Cassation). Another example here can be that of the word of Latin origin status, which has been in use in Albanian for a very long time. However, it is now more frequently seen in collocations like "statusi i pedagogut" (the instructor's status), "statusi i veteranit" (the veteran's status) etc. There is a number of words that are structurally and semantically related with that Latin term, such as the Latin fixed term status quo (Al. gjendje aktuale), the word shtet (state) in its old meaning 'gjendje' (condition), the word statut (Al. përmbledhje ligjesh [laws collections]) which in its old use had two meanings, now obsolete,: 'kanunore' (canonical) and 'kushtetutë' (constitution).

The phenomenon of loaning has brought many words in Albanian, the following being highly frequent in use: partneritet (Fr. partenariat) which is found in the collocation "partneritet për paqe" (peace partnership), tolerancë (Fr. tolérance from Lat. tolerantia) as a word in law, tranzicion (from It. tranzicioni, Lat. transition), lidership (Eng. Leadership), etc.

In addition to the group mentioned, there are also words naming administrative events that were not used during the communist regime. They were in fact used before the settlement of communism, and are now back in use or reactivated with almost the same meaning as before. One such example is the word prefekturë (from Fr. préfecture, and Lat. proefectura) or the word komunë (from Fr. commune and Lat. communia), etc. It can thus be fairly stated that the frequent use of some of these words in present-day Albanian indicates that they existed and were known before the 1990-s and so were the realities they represent.

It should be emphasized that the paramount conceptual changes that took place in all fields of life in the country caused the need for dismissal of old concepts and acceptance of new ones. This occurrence was present in many areas, and to illustrate we can take an example from property laws which underwent thorough changes after the 1990-s. The notions of state property and commonwealth were substituted by the notion of private property. This was followed by other new notions which did not exist before because there was no such reality to depict. Let's take for example the notion uzurfrukti (from Fr. usufruit, and Lat. usufructus), which means it is the right of the uzurfruktari to enjoy an item that is under somebody else's property provided that the former is in charge of protecting and maintaining it. The same thing can be observed in the notion of servitutet (from Fr. servitude, and Lat. servitudo), which presents the burden put on property for the use and benefit of another property or owner. These two examples illustrate the case of the notion coming alongside the word.

Judging from the above-mentioned examples, it can be emphasized that the extra linguistic effect in various lexical and semantic developments in the Albanian legal language is very important because it reflects the new social changes and the new mindset in the Albanians' linguistic awareness. It can be stated, however, that the weight of these developments and the influence of neo-Latin and Roman language is not such that could outweigh the originality of the Albanian language. In addition, it is worthwhile mentioning that subjective initiatives do not count as developments or changes in this vocabulary – by subjective initiatives is meant the tendency of some individuals to unnecessarily use words like asociacion (instead of the Albanian 'shoqatë') and separacion (instead of the Albanian 'ndarje'), which are mostly improperly used and are not approved of by the majority of Albanian speakers.

The influence of extra linguistic factors can be listed among the important developments; they are acknowledged when done in accordance with the internal rules of the Albanian language and have fit into the phonetic, grammatical and word formation structures of this language. In this case attention should be given to the lexical and semantic particularities mentioned above. Compared to other languages in which the foreign word is accepted preserving the same phonetic structure, in Albanian many of these words have been assimilated even at the word formation level (through calquing). When a foreign word or term enters the Albanian bank, there is something

that should be taken into consideration: it is true that it enriches our vocabulary, but special caution should be paid – especially for high accuracy terms – so that the word comes with all the nuances and concepts it embodies in its own language or otherwise it will create problems in understanding and interpreting texts as well as in translating them.

3.1. The Albanian legal style

The legal style of the Albanian language does not comprise only one typology of texts but, instead, some categories which are quite distinguishable. The most important are: legal texts – which include laws, decrees, decisions, orders, codes, instructions, regulations; documents – which include certificates, declarations, authorizations, requests, responses, acts, administrative letters, reports, minutes, etc.; economic-trade bylaws – which include leases, negotiations, forms, etc. It can thus be said that these categories make up the substyles with their own characteristics (Lloshi, 1999, p. 199).

The stylistic function of legal discourse is to communicate and prescribe, i.e. not only does it state something, but also provides instructions of how that can be done, what must be done, what is present and cannot be changed as such. This fact indicates the features characterizing the way content is seen and given, as can be seen in the structure of these texts.

Legal texts of all types and categories mentioned so far share the following characteristics:

- a) These texts indicate attempts to avoid subjective take and treatment. As a result, the direct expression of emotions and reactions by the speaker is avoided, as is anything subjective. From the stylistic point of view, it means that the linguistic originality of the speaker is limited. Thus, this is a style which leaves out the individual style. The function of the text and not that of its writer is of primary importance.
- b) Another important characteristic is the linguistic performance, which not only must be highly accurate but should clearly include in all the possible cases the details and circumstances. This is particularly important in order to avoid the risk of ambiguity, i.e. an alternative interpretation, an inaccurate, arbitrary or deliberate one.
- c) The third characteristic these texts share is their purpose to serve as support for communication in many activities of this domain, thus establishing the data that will be used for any later event. A clear case to illustrate this is the property documentation which is to be used for centuries.
- d) The fourth characteristic legal texts share is the fact that these texts are not subject of change in the short term. If this happened, social life in the country would lack organization. Therefore, legal texts have, in general, a traditional and conservative style.

Judging from these characteristics, the legal style presents itself as the least communicative, farthest from the real spoken language, with a highly sensitive conventionalism of stylistic features. It thus presents itself as a closed, limited style which exploits the bookish language feature of not lending itself to all the linguistic layers. As a result, this type of text is quite homogenous stylistically and it is uniform.

The tone in this style is deliberately reserved, accurate, cold and portraying a formal manner. This is achieved by avoiding means of subjective expression, emotional and expressive stylistic features. Such characteristics of linguistic performance are particularly presented in cases when it is necessary to describe things which are shocking, tragic or that have to do with dark and low aspects of life.

This formal way of writing can also appear in the form of minutes or reports. However, it must be said that the general characteristics mentioned above intertwine differently in the substyles.

At the paragraph level, cliché or repeated collocations are often seen. There are two cases to note: the first one involves full repetition of naming agents or repetition of subjects. These repeated words play the role that would

otherwise be played by the other binding elements. For example, Article 9 of the Albanian Constitution includes three points each of which starts with the collocation Partite politike (Political parties). In other articles we see the repetition of pronouns like kushdo, kujtdo, askujt (everybody, anybody, nobody) etc.

In the second case, the paragraph starts with almost cliché formulaic words which show that argumentation should be done based on something, related to a fixed something which has been conveyed and accepted – bringing it forward as a reason. The paragraph thus starts with: në përgjigje të (responding to)..., duke u mbështetur në (based on)..., mbi propozimin e (as proposed by)..., në lidhje me (concerning)..., mbi kërkesën e (upon the request of)..., në zbatim të (implementing)..., në bazë të (based on)..., etc. This style does not reflect use of dense and speedy information; it instead reflects the tendency to clearly give the objects, parts, relations and circumstances.

It can be stated in conclusion that the language of state action is influenced by journalism and science. Therefore, many stylistic features from those fields penetrate into the texts of this style carrying with them all of their particularities. Albanian legal language is rich; it has been developing and transmitting the changes in the juridical background of the Albanian society.

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