

ENANTIOSEMY IN LEGAL ENGLISH

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Abstract

The paper deals with enantiosemy also called contronymy, auto-antonymy, and antagonymy, which has not found much attention of scholars. Enantiosemy is a case of polysemy where one meaning is in some respect the opposite of another. The paper studies the problem of enantiosemy in English legal vocabulary, which in itself presupposes definiteness and unambiguity, and focuses on the terms which contain opposite meanings within a single word form (e.g. TENANT a: 'one who has the occupation or temporary possession of lands or tenements of another'; b: 'one who holds or possesses real estate or personal property'). Although this linguistic phenomenon is to a certain extent marginal, it poses serious difficulties in understanding and translation. The paper is aimed at the analysis of enantiosemic legal terms with the focus on translation and second language teaching (SLT). The data were taken from dictionaries, legal texts, newspapers as well as British National Corpora (BNC), Corpus of Contemporary American English (COCA) and other Internet resources. Drawing on equivalence theory, descriptive theory, distributive theory and discourse analysis the study explores the semantic and functional features of enantiosemic terms and the role of context in defining their meaning. The results obtained testify to the existence of *terminological enantiosemy* and challenge the opinion that terms are monosemantic and independent of the context. The paper suggests some practical recommendations for the translation of enantiosemic legal terms in second language teaching. The findings can be used in lexicography to specify some dictionary entries, they can also find application in the theory and practice of translation and in teaching Professional English to Law students.

Keywords: Polysemy, enantiosemy, terminological enantiosemy, legal English, second language teaching

1 INTRODUCTION

The issue of the adequacy of terminology has currently come to the foreground due to the expansion of international relations in various fields and the growing need in keeping documentation in English. The problem of equivalency, as it is well known, is one of the main issues in professional translation. In legal texts which, because of their nature require clarity and definiteness, the equivalence is paramount (Blomquist, 2006; Morris, 1995). However legal texts, like other texts, contain a great number of ambiguous lexemes (e.g. Hjort-Pedersen & Faber, 2003; Chilingaryan, Larina, & Ozyumenko 2016) and it is not always obvious to the translator what a given lexeme means.

In spite of the fact that terms are usually called among those few groups of lexemes that are deemed full equivalents, considered monosemantic and independent of the context (Sonneveld & Loening, 1993), results of our research show that it is not uncommon for English legal terms to be polysemantic and even enantiosemic (Ozyumenko, 2014, 2016; Chilingaryan & Ozyumenko, 2015).

The paper deals with the problem of terminological enantiosemy in English legal vocabulary focusing on the terms which contain opposite meanings within a single word form. The aim of the paper is to analyse

enantiosemy legal terms with the focus on second language teaching (SLT) and translation.

2 POLYSEMY, ANTONYMY AND ENANTIOSEMY

Enantiosemy is a linguistic phenomenon which overlaps polysemy and antonymy. It is a case of polysemy where one meaning is in some respect the opposite of another (e.g. *dust* can mean "to remove dust" or "to add dust", *screen* can mean "to show" or "to conceal"). Some scholars view it as a kind of antonymy (e.g. Murodova & Djumabayeva 2017). Being to a certain extent a marginal linguistic phenomenon in terms of incidence, enantiosemy has not found much attention of scholars. Linguists differ on terminological terms used to define this linguistic phenomenon and on what class of lexemes falls under them. That results in a variety of terms covering enantiosemy which is also named *contronymy*, *auto-antonymy*, *antagonymy*, *antology*, *enantiodrome*. Words that combine opposite or contradictory meanings are also known as *amphibolous words*, *antagonyms*, *antilogies*, *auto-antonyms*, *self-antonyms*, *contronyms*, *self-contradicting words*, *Janus words*.

Contronymy which is one of the most frequent terms is viewed as a 'special form of polysemy wherein a lexeme has two directly opposing senses' (DuBois, 2018, p. 15). This occurs when a minimum of two senses of a polysemous lexical item contradict each other (Karaman, 2008, p.175). As summarized by Kijko (2012-2013), contronymy has variously been classified as a form of word-internal antonymy, homonymy, lexical ambiguity, or even as a type of euphemism similar to the effect sarcastic intonation has on the meaning of words (e.g. "Wonderful!").

Slavic semanticists who give a relatively large amount of attention to this linguistic phenomenon (e.g. Benkovičová, 1993; Filipec & Čermák, 1985; Klegr, 2013; Novikov, 1982; Shmelev, 2012, 2016 among others) give preference to the term *enantiosemy* which will be used in this paper. Enantiosemy is a case of polysemy in which one sense is in some respect the opposite of another (Matthews, 2007). It arises from semantic shifts when the meaning of a sign takes two different paths with the resulting formation of two opposite meanings (Shmelev 2012: 837). Shmelev claims that "enantiosemy is a regular phenomenon depending on general principles of cognition and communication" and points out that the sources of enantiosemy are of a great variety (ibid).

Enantiosemes develop their contradictory meanings through inverse semantic processes: a) a process of semantic broadening, when a word that has a more specific meaning gains a broader and more general meaning; b) a word with a broad meaning gains a number of more specific meanings that results in two contradictory meanings. Polarization of actants can be claimed as one of the most common sources of enantiosemy. Sometimes, it develops as a result of conflation of two homographs which are not actually related.

Another question regarding to which there is no consensus among scholars is whether enantiosemy is one polysemic lexeme or it is a separate lexical item which has become detached from the hyperlexeme as a result of the split of polysemy.

This paper does not intend to provide a deep theoretical discussion of the questions above and give answers to them. It limits to the analysis of enantiosemy in legal discourse which by its nature requires clarity and definiteness more than other discourses. Though enantiosemy is a marginal phenomenon, however as Klerg (2013) rightly claims "the phenomenon is interesting because of its apparently counterproductive nature and, even more, as a potential extension of the form-meaning range of relations" (Klerg, 2013, p. 10). Moreover, it is worth considering from pedagogical perspective as due to its ambiguity it poses serious difficulties in understanding and translation and causes difficulties in second language acquisition.

3 DATA AND METHODOLOGY

The study is based on the English language and focuses on enantiosemy in legal English. The fact that the words with contradictory meanings exist in legal vocabulary is to some extent unexpected as legal documents presuppose unambiguity and clarity. Nevertheless, our data taken from dictionaries, legal texts, newspapers as well as British National Corpora (BNC), Corpus of Contemporary American English (COCA) and other Internet resources demonstrate that this linguistic phenomenon covers legal discourse as well. Drawing on equivalence theory, descriptive theory, distributive theory and discourse analysis the study explores the semantic and functional features of enantiosemy legal terms.

4 DATA ANALYSIS

The study has revealed a number of lexemes which are used in legal discourse with contradictory meanings. They are mostly verbs and nouns. The article limits on the most frequent units.

First of all, this is a semantic group of lexemes which encompasses relations in the field of property: *lease, rent, hire, loan, tenancy, tenant*. These words can be used in opposite meanings depending on the polarization of actants.

4.1 Lease

a) lease smth. (from smb.):

(1) *The firm recently made plans to lease another 8,000 square feet from the property company.*(CED)

(2) *I leased my new flat instead of buying it.*(CED)

b) lease smth. (out) (to smb.):

(3) *They leased the building's 60 units to students of the university.*(CED)

(4) *They are keen to lease out the aircraft to private companies.*(CED)

Cambridge Dictionary (CED) defines these meanings as follows:

a) 'to make a legal agreement by which money is paid in order to use land, a building, a vehicle, or a piece of equipment for an agreed period of time';

b) 'to use or allow someone else to use land, property, etc. for an agreed period of time in exchange for money':

To specify the meaning of the verb one has to undertake the distributive analysis and appeal to the context:

(5) *Bury Council is leasing the building to the Fusiliers at a peppercorn rent and will be providing an annual funding grant of 30,000.*(EOLD)

(6) *He is leasing the flat from Signora, an old Italian lady who lives downstairs.* (EOLD)

In (5) the preposition *to* indicates that the verb *lease* means 'giving' while in (6) the preposition *from* reveals the meaning of 'taking'. In the above examples enantiosemey is generated by polarization of actants.

In other words, the verb *lease* combines the meanings:

(a)'to grant possession of (land, buildings, etc.) by lease'; b) 'to take a lease of (property); or hold (property) under a lease'.

On the other hand, the noun *lease* is also enantiosemic:

(7) *A lease shall not be granted for residential purposes.* (RC)

(8) *I had a lease, for five full years, and then she sent me the new lease and she had raised the rent so much.* (RC)

Without context it does not specify any attitude to the property and can have contradictory meanings: 'taking a lease' or 'granting a lease' (9). Only the context defines what is meant:

(9) *We signed a three-year lease.* (CED)

a) *We signed a three-year lease when we moved into the house (= taking a lease)*

b) *We signed a three-year lease when you moved into the house (= granting possession by lease)*

4.2 Rent

The verb *to rent* has two opposite meanings: a) 'to pay money to live in a building that someone else owns'

b) 'to allow someone to pay you money to live in your building':

(10) *He'll be renting an apartment until he can find a house to buy.*(CED)

(11) *I rented out my house and went travelling for a year.*(CED)

(12) *Local schools may be asked to rent out their playgrounds to help Wantage's parking problems.* (BNC)

Accordingly, the noun *rent* is also enantiosemic. It means

'a fixed amount of money paid or received regularly for the use of usually an apartment, house,

or business space'. The phrases with the noun *rent* (13, 14) taken out of context might be quite ambiguous. It can refer to either paying money or receiving it:

(13) *Yes, yet you've increased their rent at council houses by quite a considerable amount.* (BNC)

(14) *How much is the rent?* (BNC)

There is even a joke that 'Landlord and tenant both rent the same house' which emphasises the 'Janus meaning' of the verb *rent*.

4.3 Hire

The verb *hire* can also be added to the list of enantiosemic verbs as it has the meanings

- a) 'to pay the owner so that you can use (a car, a room a piece of equipment), usually for a short time;
- b) 'to allow someone to use something temporarily in exchange for money' (CED):

(15) *It costs £1000 a week to hire the yacht, plus a £120 refundable deposit.*(CED)

(16) *How much do you charge for hiring out a bicycle for a week?*(CED)

It has another meaning 'to employ someone or pay someone to do a particular job' (CED):

(17) *Poor families don't have enough money to hire good lawyers.*(RC)

Used as a phrasal verb *hire yourself out* it can also be enantiosemic having a meaning 'to arrange to be paid to do a job for another person or company'(CED):

(18) *He began hiring himself out as a freelance computer expert.*(CED)

4.4 Loan

The verb *loan* means 'to lend someone something' (CoED):

(19) *If you could loan us some money, we'd be grateful.* (BNC)

The opposite meaning is expressed by the antonymous verb *to borrow* 'to receive and use smth. that belongs to someone else, and promise to give it back to them' (MEDAL):

(20) *We borrowed 20000 pounds to start up the business.* (MEDAL)

However, the noun *loan* is polysemantic and combines two opposite acts: an 'act of borrowing or lending something' (CED):

(21) *The president wants to make it easier for small businesses to get bank loans.* (RC)

(22) *The bank gave them a loan to finance the purchase.* (RC)

Sometimes to identify the meaning of the word *loan* a broader context is needed. The phrase (23) can have two opposite meanings: 'being borrowed' and 'being lent':

(23) *This exhibit is on loan.*(CED)

a) *This exhibit is on loan from another museum* (= being borrowed)

b) *This exhibit is on loan to another museum* (= being lent).

4.5 Tenancy and Tenant

Legal Dictionary (LD) defines the term tenancy as monosemantic with the meaning 'the occupancy or possession of land or premises by lease' (LD). However, the definition is rather ambiguous as there are different forms of possession. Merriem-Webster Learner's Dictionary (MWLD) defines *tenancy* as 'the holding of or a mode of holding an estate in property', but specifies that this can be (a) 'a form of ownership of property' or (b) 'the temporary possession or occupancy of property that belongs to another. Thus this term covers both ownership (24) and possession which can be temporary (25, 26). To distinguish these meanings in many cases a broader context is necessary.

(24) *It provides protection orders, occupation orders and tenancy orders in accordance with the Domestic Violence Act of 1994.* (RC)

(25) *The landlord may, of course, resist the granting of a new tenancy to the existing tenant on the*

basis of certain grounds provided for by the Act. (BNC)

(26) Ms Prim may apply to the local county court for a new tenancy based upon the terms of the tenancy which has just expired. (BNC)

This dual meaning can be also observed in the word *tenant*. Dictionaries distinguish between its two meanings: (a) 'one who has the occupation or temporary possession of lands or tenements of another; specifically: one who rents or leases a dwelling (such as a house) from a landlord'; (b) 'one who holds or possesses real estate or sometimes personal property (such as a security) by any kind of right' (MWLD) or (a) 'a person who occupies land or property rented from a landlord'; (b) 'a person in possession of real property by any right or title' (EOLD). Here the antonymous meaning is more obvious. The term covers someone who rents the property (boarder, lessee, lodger, renter) (27, 28) and one who possesses the property (owner, landlord) (29, 30):

(27) I pay a higher rent than the other tenants because my room is bigger. (CED)

(28) A tenant can be evicted from his/her apartment only on the basis of a legally effective court decision. (RC)

(29) In breach of covenant, the tenant has failed to complete the works. (EOLD)

(30) The lease here provides only that the tenant bears all the responsibility for maintenance. (EOLD)

4.6 Terms of Legal Professions

The findings have shown that there is a number of enantiosemic terms in the semantic group 'terms of legal professions'. They are *attorney*, *solicitor*, *counsel*, and *advocate*. It was found that these words shift from the field of the 'defense' to the field of 'prosecution' and denote representatives of the opposite fields (see also Chilingaryan, Ozyumenko 2015; Ozyumenko, 2016).

Attorney is 'a person authorized to act on another's behalf' (MWLD) as in (31, 32). However, as the context analysis shows attorney can also represent the field of prosecution (33, 34), though this meaning is often ignored by dictionaries:

(31) Harrington's attorney got the knife evidence revoked. (RC)

(32) Mitchell also pressed Pence about the hundreds of thousands of dollars of payments from companies to Trump's personal attorney, Michael Cohen. (The Guardian, 10 May 2018)

(33) The prosecution of the prominent Democrat was led by the U.S. attorney for New Jersey at the time, Chris Christie, who at sentencing called him 'downright evil'. (Time, vol.189, 22, 2017)

(34) If so, the attorney may recommend that a grand jury investigation be instituted. (RC)

In the United States, a district attorney (DA) is the chief prosecutor for a local government area, typically a county.

Solicitor in the UK is defined by dictionaries as a 'lawyer who gives legal advice, writes legal contracts, and represents people in the lower courts of law' (MEDAL), a 'lawyer who assists people in legal matters and who can represent people in lower courts of law' (barrister) (MWLD). However, in my data **solicitor** may represent both the field of defence (35) and the field of prosecution (36):

(35) She was not represented by a solicitor at her last court appearance. (Myefe)

(36) The chief state solicitor would then apply to the High Court for arrest warrants for the three, which would trigger a hearing of the court. (Myefe)

Another interesting example is the word **counsel** that denotes either a representative of defense (37, 38) or prosecution as well (39). To distinguish between these two meanings in some cases the knowledge of cultural context is required (40):

(37) He had four different lawyers before current counsel started to represent him. (RC)

(38) No counsel was present to assist the accused. (RC)

(39) As Crown Counsel his functions were, inter alia, to prosecute crimes and advise on police criminal investigations. (RC)

(40) *President Trump ordered the firing last June of Robert S. Mueller III, the special counsel overseeing the Russia investigation, according to four people told of the matter, but ultimately backed down after the White House counsel threatened to resign rather than carry out the directive.* (New York Times, 25.01.2018)

Because of its broad semantics the term *counsel* is often used with the qualifying words that specify its semantics indicating which legal people it denotes – those of defense or those of prosecution: *counsel for the defense*, *counsel for the defendant* (the defender of the accused); *counsel for the prisoner* (defender in a criminal case); *counsel for the prosecution*, *prosecuting counsel* (prosecutor); *counsel for the plaintiff* (a lawyer of the claimant).

Advocate is another term which has a dual meaning. It is mostly used in Scotland and means 'a lawyer who defends someone in a court' (CED):

(41) *The Act clearly stipulates that the advocate is independent.* (RC)

(42) *According to the Act, the advocate addresses cases of alleged discrimination in the public and private sectors.* (RC)

At the same time **Advocate Depute** is 'a Scottish law officer with the functions of public prosecutor' (CoED):

(43) *You'll appreciate that an advocate depute prosecutes a great many cases.* (LD)

5 CONCLUSION

The paper presents some preliminary results of the study of enantiosemy in legal English. The study have shown that enantiosemy is not uncommon for English legal vocabulary in spite of the fact that legal discourse is supposed to be clear and unambiguous. It was found that enantiosemes may denote opposite legal processes, attitudes to property and professions. The findings indicate that the same lexeme can cover various notions and come into various lexical and semantic fields, specifying its meaning through the context. Thus we observe the phenomenon of *terminological enantiosemy* which challenges the opinion that terms are monosemantic and independent of the context. This linguistic phenomenon poses serious difficulties in understanding and translation and is worth further studying. To specify the meaning of enantiosemic terms the translator has to undertake the distributive analysis and discourse analysis which involves the contextual analysis. In many situations the knowledge of cultural context is required. The findings can be used in lexicography to specify some dictionary entries, the results of the study can find application in the theory and practice of translation and in teaching Professional English to Law students.

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Dictionaries and Internet resources

- CoED – *Collins English Dictionary* <https://www.collinsdictionary.com/dictionary/english/>
- CED – *Cambridge English Dictionary* <https://dictionary.cambridge.org/dictionary/>
- EOLD – *English Oxford Living Dictionaries* <https://en.oxforddictionaries.com/>
- LD – *Legal Dictionary* <https://legal-dictionary.thefreedictionary.com>
- MEDAL – *Macmillan English Dictionary for Advanced Learners: International Student Edition*. Macmillan Publishers Limited, 2002.
- MWLD – *Merriam-Webster Learner's Dictionary* <https://www.merriam-webster.com/dictionary/>
- BNC – *British National Corpus* <http://www.natcorp.ox.ac.uk/>
- RC – *Reverso Context* <https://context.reverso.net/>
- Myefe <https://myefe.ru/>