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**Etymological Analysis of Criminal Legal Terminology  
(Criminal Offences against the Person)**

**Krimināltiesību terminoloģijas etimoloģiskā analīze  
(Noziedzīgi nodarījumi pret personu)**

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## ANOTĀCIJA

Bakalaura darbs veltīts ar noziedzīgu nodarījumu pret personu saistīto terminu izcelsmesanalīzei angļu valodā. Teorētiskajā daļā ir aprakstīta vēsturiskās valodniecības un etimoloģijas joma, sniegts pārskats par krimināltiesību attīstības vēsturi un juridiskās terminoloģijas attīstību. Tajā aprakstītas arī galvenās tendences jaunu juridisko terminu, kā arī vārdu rašanās jomā procesa veidošanas principi. Pētījuma empīriskajā daļā analizēti divdesmitdeviņu terminu etimoloģija.

**Atslēgasvārdi:** noziedzīgi nodarījumi pret personu, angļu valodas juridiskā terminoloģija, etimoloģija

## **ABSTRACT**

The bachelor's paper is dedicated to the analysis of the origin of terms designating criminal offences against the person in the English language. The theoretical part provides an overview on historical linguistics and etymology, on the history of the development of criminal law and the development of legal terminology. It also describes the main trends in the development of new legal terms and words. The empirical study presents the etymological analysis of twenty-nine terms.

**Key words:** criminal offences against the person, English legal terminology, etymology.

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## INTRODUCTION

The evolution of English vocabulary as well as the periods in the development of the English language have been the focus of well-documented research already for a long time. Language has always been the best illustration of changes taking place in the society, a certain manifestation of new developments and trends in all aspects of societal life – political, economic and cultural. It is invaluable as a tool and instrument for knowledge and information transfer.

In this perspective, legal language holds a very special place as it provides information about significant developments in the life of a country that required the appearance of new terms. Two branches of linguistics focus on research of the above issues - historical linguistics that studies changes in the language over time as well as the impact of various influences and events on the development of language spoken by a particular language community, and etymology that examines the origin of words. Thus, linguistic research of this kind can be viewed as a significant source of information about traces left by various societal developments and events in language.

Legal English serves as an excellent example to the developments in the society in Britain where several distinct periods can be distinguished while legal terminology unveils the gradual awareness of the language community about the ills of the society that should be averted and eliminated, in particular concerning the safety and security of the person in a society where time has brought to the fore new offences and violations that affect people – criminal offences against the person – not only physical but likewise moral damage done to a person, not only offences involving physical violence but likewise hate crimes that can evolve into brutal and violent crimes against people.

The **aim** of this research is to examine the etymology of terms designating criminal offences against the person, to reveal trends in their development as well as factors that influenced their emergence.

The above has allowed formulating the following **research question**:

Which is the most prolific period in the development of English legal terminology designating criminal offences against the person?

The enabling **objectives** of the present research are as follows:

- To examine theoretical sources on historical linguistics and etymology
- To investigate sources on the historical development of criminal law
- To compile a corpus of terms designating criminal offences against the person
- To undertake etymological analysis of the corpus of designations of criminal offences against the person
- To draw relevant conclusions

The following **methods of research** have been applied:

1. Theoretical: literature review of relevant theories on terminology, term formation and etymology
2. Empirical: qualitative analysis of the sample of terms - a case study.

The research paper consists of five chapters:

Chapter 1: describes the importance of the historical linguistics and etymology in research and in general.

Chapter 2: provides the information about the main points of development of the criminal law of England.

Chapter 3: informs about the most impactful events for the formation of legal English terminology and the processes of term and word formation which contributed to the formation of new legal terms.

Chapter 4: explains the choice of methodology and the procedure of analysis of the terms related to the crimes against the person.

Chapter 5: consists of the analysis of terms related to the offences against the person.

Conclusions are formulated according to the findings of the analysis of the theory and list of terms.

# 1 OVERVIEW ON THE PLACE OF HISTORICAL LINGUISTICS IN LINGUISTIC RESEARCH

The present Chapter provides an insight into the evolution of historical linguistics and its place in linguistic research. Another significant aspect discussed in the present Chapter is etymology as the science about the origin of words.

Language is a reflection of the community of people who speak the respective language, culture that has evolved over time as well as developments in the society that have taken place at different stages of its history. It was in the 19<sup>th</sup> century when the interest in the development of languages, the changes that had taken place over time generated a plethora of research studies. As Lyons (1981:35) stated, the 19<sup>th</sup> century linguists were concerned with investigating the details of the historical development of certain languages so the general hypotheses about the language change could be formed. The branch of the discipline that deals with these matters is now known as *historical linguistics*. The basic principle of language changes were discovered in the 19<sup>th</sup> century is one of the greatest achievements of historical linguistics.

According to Schendels (1968: 26) the science of historical linguistics is the history of the people, since the language is the part of the people's history. These histories provide a concrete historical consideration of language changes, linguistic data is one of the sources for studying such historical problems as the origin of the people, the development of the culture of the people and its society at different stages of history. With help of historical linguistics, it is even possible to see how people interacted many years back.

Historical linguistics has revealed several facts explaining some of the features of the legal language. A significant range of issues related to historical linguistics are related to the intrusion of language into all spheres of human activity, determining not only its scientific, but also its practical significance. Schmidt holds the view that "language history, like all history, is a part of social history. This realization already applies to the most ancient stages of human development." (Schmidt, 2013: 1).

Etymology, as noted by Lehmann (2001: 4874), is a discipline of linguistics that studies the history of words and their constituents in order to determine their origin and derivation. Although it varies from historical linguistics in that etymology concentrates more on lexicon and derivational morphology, it nevertheless heavily relies on a broader

study of phonology and inflectional morphology. Therefore, etymology is slightly different from the historical linguistics. As described by Manerko (1988: 39) etymology (through Latin *etymologia* from Greek *etymologia* = *lymon*, *etymon* and *legein*, to speak) is the branch of linguistic study concerned with the ultimate origin, history of words and changes in their meaning. It may be regarded as an account of the history of a particular word. Sometimes etymology is connected either with the set of methods or with the study of the origins of a particular word and related ones. In other words, etymology is a “historical word formation”, which allows to discover from which words a given word originated and to which words it is related, not at the level of a modern language, but in the history of the language.

The main tasks of etymology are, as stated by Lehmann (2001: 4874): to find a similar meaning to a word; to establish the biography of this word (how it changed, what happened to it in terms of grammar, phonetics, word formation, vocabulary and in terms of meaning); to establish its etymological relatives in the language within which the description is carried out and in related languages.

Modern etymology is based on the laws of language development and on the comparison of words from different languages that are similar in meaning. Knowledge of the laws by which words are formed allows etymologists to reconstruct the series of words formed from a common root. Etymology is critical for the advancement of historical lexicology in general, as well as comparative historical grammar, in which it serves as a foundation and source of new materials that confirm previously established patterns while also revealing previously unknown phenomena in the history of language. Since etymology has chronological levels that are unattainable for written history, it serves, along with archaeology, as an important tool for studying the history of human society.

In summary, the basic principle of language changes was discovered by historical linguists in the 19<sup>th</sup> century. This discovery allowed linguists to analyze not only the history of the language, but also history of the people, as language is used and has been used in almost every sphere of human activities. Etymology, being the branch of linguistics, provides much further insight on the history of the words and language as it focuses more on lexicon, phonology and morphology. In other words, etymology seeks the words with similar meanings and observes which changes have the words undergone during the centuries of their usage.

## 2 OVERVIEW ON THE DEVELOPMENT OF CRIMINAL LAW

The current chapter discusses the main points of development of common law and criminal law, which significantly influenced the emergence of modern criminal law.

### 2.1 Historical Background of Criminal Law

A significant development in the legal practice on the British Isles was the emergence of common law that developed on the basis of customs, habits and judgments-precedents aiming at establishing uniformity in variety of cases. According to Plucknett (2010: 456), initially no distinction was made between common law and criminal law.

According to Plucknett (2010: 344) in the Middle Ages, the concept of crime was closely related to the concept of sin. In the field of criminal law, the Church also made a significant contribution, insisting that crime should be viewed from the point of view of sin, and, consequently, the theories of moral theologians about the place of intent in sin became part of the law on crimes. Plucknett (2010: 62) also indicates that the emergence of English common law is usually associated with the Norman Conquest. In 1066, England was conquered by Duke William of Normandy I. Several aspects of the development of the English legal system are connected with him and his followers. The greatest result of the Norman conquest was the introduction of precise and orderly methods into the public administration and legislation of England.

*The UK Courts and Tribunals Judiciary*, a website describing all recent and historical juridical matters, informs that one of the most critical reforms was associated with the coming to power of Henry II. There is one achievement of his thirty-five-year reign that stands above all others: his reform of the English legal system, which laid the foundations of English common law. (Online 1). The judicial system was the subject of his close attention, and in this he was assisted by Thomas Becket, at the time his chancellor. Henry issued new laws at Clarendon in 1166 and Northampton in 1176. It was in Clarendon that criminal justice procedures were first established regarding how serious criminal offences such as murder, robbery and theft would be dealt with. Jurors were established, consisting of twelve legal representatives in each hundred (subdivision of the district) and four in each village. These jurors gathered there not to decide the question of

guilt or innocence, but to support the prosecution of a serious crime. This, under the supervision of the King and the “wise men” of the kingdom, served as the beginning of the Court of General Petitions.

An important document that belongs to this period is the charter *Magna Carta*, which translates from Medieval Latin as “The Great Charter of Freedoms”, reflects the interests of the barons, whose lands were declared freely inherited possessions. The *Magna Carta* seriously constrained the king in his decision-making and action. According to *Magna Carta*, the king was obliged to expand the jurisdiction of the barons on property claims and promised to eliminate arbitrariness in relation to monetary levies from the barons. *Magna Carta* also states that no free person can be outlawed and expelled no other than by a lawful sentence and according to the law of the country.

A generation later, *Magna Carta* was to permanently fix the Court of General Jurisdiction in Westminster. Thus, the second administrative procedure, which has become an institution, is largely judicial in nature, and after a period of experiments in Ayr, it finally turned into a *Court of General Jurisdiction*, or *Judicial Board*, as it is called in the older sources. (Plucknett, 2010: 197) *The Magna Carta* stipulated that the common pleas should be held in a fixed place: this was usually Westminster Hall. The treaty established two independent jurisdictions, two separate courts, known as Common Pleas and King's Bench, that were established in the 13<sup>th</sup> century, one for civil action and the other for issues involving the King (especially the supreme court for criminal cases).

The Renaissance had a significant impact on legal thought. Machiavelli was the one who coined the term “state” and gave it the meaning we now associate with it. Instead of a medieval dominion founded on divine right and subject to the law, we now have a contemporary state founded on power and unconstrained by morality. As a result, when many medieval thinkers equated law with God's will, it will now be considered as the will of the state in modern times. The state and its fundamental institutions, the courts and the legislature, are increasingly becoming the exclusive source of legal authority. Religion would no longer be accepted as the foundation of civic governance. The foundations created by Henry II made the common law impenetrable.

According to Plucknett (2010: 465) from 1640 until the revolution, there are unmistakable signs that public as well as the professionals were dissatisfied with the existing judicial practice in criminal cases, and reforms were quickly made after the

revolution. As it is described by Wilson (2017: 14) the movement for the reform of criminal law led only to the abolition of the cruelest laws and to some simplification and streamlining of criminal legislation. Until the nineteenth century criminal law was almost entirely common law.

As described in *Encyclopedia Britannica* (Online Source 4), Sir William Blackstone was the most successful of English jurists and had a noticeable impact on the formation of common law and its spread to other areas of the world. Blackstone was born in 1723, admitted to the bar in 1746, and became the first English law lecturer in an English university in 1758. Between 1765 and 1769, Blackstone published the *Commentaries on the Laws of England*, which consisted of four books: *Of the Rights of Persons* that dealt with family and public law; *Of the Rights of Things* that described the real-property law; *Of Private Wrongs* covered civil liability, courts, and procedures; and *Of Public Wrongs*, which was a study of criminal law.

The latest reforms before the modern period of criminal law were made in the period between 1830 and 1880, as a result of the successful publication of separate parliamentary acts, a genuine reform of criminal legislation was carried out, in which attempts were made to adapt criminal law to the needs of capitalist society. According to Wilson (2017: 15) the most notable of these is the *Consolidated Crimes against the Person Act of 1861*.

In the modern period, the sources of criminal law are legislative acts of Parliament (statutes) and case law (also known as common law). The predominant source is legislation; it regulates almost all institutions of the General Part (but not the forms of guilt and criteria of insanity), and also contains a description of almost all types of specific crimes. “Case law remains the main source of English law: it forms the framework of law. The significance of this lies in using judicial decisions as a basis for crystalizing rules of law that have to be followed in later cases.” (Mattila, 2006: 223-224)

In summary, the emergence of common law is usually associated with the Norman Conquest of England. Henry II's reform of the English legal system laid the foundations of English common law. The greatest result of the Norman conquest was the introduction of precise and orderly methods into the public administration and legislation. Henry issued new laws at Clarendon in 1166 and Northampton in 1176. An important document that belongs to this period is Magna Carta, or “The Great Charter of Freedoms”. The Magna

Carta established two separate jurisdictions, two separate courts, Common Pleas and King's Bench. Machiavelli coined the term “state” and gave it the meaning we now associate with it. The state and its fundamental institutions are increasingly becoming the exclusive source of legal authority. Sir William Blackstone's Commentaries on the Laws of England were published between the years of 1765 and 1769. Between 1830 and 1880 a genuine reform of criminal legislation was carried out. According to Wilson (2017: 15) the most notable is the Consolidated Crimes against the Person Act of 1861.

## **2.2 Definition and Classification of Criminal Offences**

The current subchapter highlights the main points when people became aware of the existing crimes and punishments for them and explains the need for classification of the main criminal offences.

According to Аистова (2013: 57) the main reason for the reform of criminal law was that a large number of crimes in England at that time were judged either by common law or by statute law, and some of them were adopted in the deep Middle Ages. The threefold structure of crimes that had developed in the Middle Ages was preserved: *trezn* (treason), *felony* (serious criminal offense), *misdemeanor* (the rest, mainly minor crimes). (ibid.) The system of punishments that existed in England was characterized by serious shortcomings. In English criminal law, the system of punishments was a set of many regulations introduced at various times in the form of a judicial precedent and unrelated to each other. It was characteristic of English criminal law that many acts recognized by the norms of customary law as misdemeanors were recognized as crimes in the statutes. This led to the fact that the accused was subjected to the most diverse punishments in terms of severity. Such a development of two sources of English law at the same time did not allow us to develop either a clear and definite concept of a crime, nor precise and permanent rules for the application of punishments. Therefore, there was a need for the intervention of legislative bodies. The following definition of the concept of crime was given: “Crimes are actions prohibited by law under penalty of punishment.”

According to King and Ward (2015: 159) the system of punishments was characterized by monstrous cruelty. During the long eighteenth century, the Death Penalty Code, or rather the so-called “Bloody Code”, which provided for the death penalty for a

wide and increasing range of crimes, was the center of much public attention and wide debate.

According to Plucknett (2010: 477-479) some crimes have always existed, while others relate to certain periods of history. The nature of crimes has changed over time. In the 18<sup>th</sup> century, robberies were common. In the 19<sup>th</sup> century, the most common crime was theft. As society became more complex and new forms of economic relations became more common, many types of crimes eluded the old definition of theft. It was only in the eighteenth century that legislation on this issue became very extensive. In the 19<sup>th</sup> century, the number of crimes related to violence increased. As a result, at various times there was a need to adopt new laws and in consequence, a complex mass of laws appeared. The sum total was a frightfully complicated mass of law containing many artificial distinctions which made the work of a prosecution especially difficult. During that time, there was a need to humanize criminal policy. (ibid. 126-127)

At the same time, criminal acts against life, the foundations of which were laid back in English common law, were the object of reforms, the task of which is to change largely outdated norms that do not meet the needs of the time so that they correspond as much as possible to modern principles of criminal responsibility. As also noted by Plucknett (2010: 126-127) the head of the reformation was the Reform Act of 1832. The reform cancelled many outdated legislative acts, which were replaced by consolidated acts providing for liability for certain groups of crimes and also offences against the person. Criminal law topics have also been reclassified. Thus, many changes were made to the criminal legislation and the number of crimes punishable by death was significantly reduced. Over the past decades, a flexible punitive policy has been pursued in connection with the significant increase in crime in the country.

The principles of morality and legislation proclaimed that permanent, radical legislation should be the main driving force of the law, and it should be aimed at achieving the greatest happiness of the greatest number of people. Simultaneously, guarantees of individual rights are being strengthened, the institution of protection in criminal cases is being strengthened, since criminal law should ensure equality of citizens, give them personal security and allow them to preserve dignity. At the head of this movement is the great Reform Law of 1832, which brought parliament into direct contact with public opinion — and thereby subjected the law to pressure of the same force. During the reform,

several hundred outdated statutes were abolished, which were replaced by consolidated acts providing for responsibility for certain groups of crimes (theft, forgery, damage to property, counterfeiting, offences against the person). The topics of criminal law were also reclassified. A group of laws from 1827 to 1837 introduced numerous changes to criminal legislation and significantly reduced the number of crimes punishable by death. Over the past decades, the activities of the English Parliament in this area have significantly intensified, which is primarily due to the need for a flexible punitive policy in connection with a significant increase in crime in the country.

Currently, all the norms on crimes in the “United Kingdom Law” are divided into three sections. According to the *Offence Classification Index*, these are the norms on crimes against state power and public order, crimes against the person and crimes against property. According to *Black's Law Dictionary* (2009: 1232), offense (14c.) is a violation of the law; a crime, often minor. Another characteristic of offences is that they are actions that often go beyond mere interference with private rights and are said to have a harmful effect on society.

In summary, the criminal system of England in the early years of the formation of law was adopted from the deep Middle Ages. Since then, English criminal law has been updated and upgraded in line with the requirements of the respective epochs as the nature of crimes has changed and new realities have required new solutions and new measures to combat crime.

### 3 DEVELOPMENT OF LEGAL ENGLISH

The current chapter describes how legal English language was developing throughout the centuries and highlights the most important periods of its development. The methods and processes of the formation of legal terms and the sources of their formation.

#### 3.1 Evolution of Legal Terminology in the English Language

According to Tiersma (2015: 39) law is one of the most ancient state systems, which developed according to its own laws, and, consequently, the legal language also developed. The legal language has developed into a number of completely different, only sometimes overlapping categories, but this undoubtedly began with generally accepted practical and ethical prescriptions, often of a religious nature, and ritualized ways of applying them. (Tiersma, 2015)

Modern English legal terminology owes its conservatism, first of all, to the history of its formation — it arose not by someone's conscious decision and not as a result of abrupt and decisive changes, but in the course of slow, evolutionary historical development, the gradual formalization of existing relations. Despite this, the English language of law is still changing, as the system itself is changing, being reformed under the influence of modern needs of society: judicial reforms are being carried out, the socio-political life of society is changing, terms are becoming obsolete, and new ones (or old ones in a new quality) are replacing them.

According to Baugh (2005: 39) the history of the English language is divided into three main periods - Old English (until the end of the 9<sup>th</sup> century.), Middle English (12<sup>th</sup> – 16<sup>th</sup> centuries.) and modern (since the 18<sup>th</sup> century.). From the 1<sup>st</sup> to the 5<sup>th</sup> centuries AD, England was a province of the Roman Empire. Latin was introduced as Britain became a province of the Roman Empire. (Ibid.) “The Romans did leave behind a linguistic legacy, but it consists mostly of place names and a few words of Latin origin, none of them particularly legal.” (Mellinkoff, 1963: 9). In the Anglo-Saxon period, the legal system of England was still practically undeveloped. However, some legal terminology has emerged; some of these terms are still alive, as the following examples show. The ancient Anglo-Saxons used documents decorated with seals to confirm the sale of real estate or some other

act of transfer. These documents were called *gewrit* or *writ*. Later, in the Norman era, as Mattila (2006: 225) mentions, these documents played an important role in the creation of the common law system. The verbal formula “to have and own” was part of the formula used to transfer land. This alliterative phrase is still found in many cases as mentioned by Tiersma (2015: 4). The Vikings raiding the English lands in the VIII-X centuries, also contributed to the English language – the words like gift, loan, sale, trust and the word law itself, originally meaning “that which is established”.

Since the Norman conquest the French language seemed to be dominating the social life while Latin was the language of culture and education as elsewhere in Europe. According to Mattila (2006: 227) the first law was promulgated in French in 1275, over two centuries after the Norman Conquest. Tiersma and Lawrence (2012: 20) point out that at the end of the thirteenth century, statutes written in Latin began to become generally accepted. Royal courts were created and a class of professional lawyers appeared. This forced the Latin and French languages to become the languages of law. The language of written statutes shifted from Latin to French at around 1300, and remained so until it was replaced by English at the end of the 15<sup>th</sup> century.

French has had a lasting impact on legal English. Court and trial-related words are mostly completely of French origin. For example, the words like: *action*, *appeal*, *attorney*, *bar*, *claim*, *complaint*, *counsel*, and *court*. This is due to the fact that French had become the mark of the true elites. According to Tiersma (2012: 21) these were the elites who exercised judicial power in the higher courts of medieval England; the legal profession was the monopoly of these elites. Using the French language was a guarantee that the people would not be able to meddle in the justice system simply because they were unable to follow the course of the trial process due to the existing language barrier. Finally, a technical advantage existed: since Law French was even then a dead language, its expressions had a clear legal meaning. These expressions were therefore particularly appropriate for use as legal terms. As described by Tiersma, (Ibid.) essential legal categories including *agreement*, *assault*, *easement*, *estate*, *felony*, *lease*, *license*, *misdemeanor*, *mortgage*, *property*, *slander*, *tort*, and *trespass*; nearly every field of the common law was full of French vocabulary. French word order (noun + adjective) is apparent in terms like *attorney general*, *condition precedent*, *letters patent*, and *notary public*.

Mattila (2006: 227) describes that French was used as a legal language until roughly the seventeenth century, long after it ceased to be a spoken language in England. As time passes, the French language ceases to be used in everyday life, but continues to be considered the language of high society, the court, the church and the court. By the late 1480s, English had become the language of statute. As Tiersma (2015: 6) noted, it was only in the second half of the 14<sup>th</sup> century that the attention of jurists and statesmen turned to the English language, and only in the 17<sup>th</sup> century, the use of French in the legal sphere ceased. In 1650 Parliament passed another law requiring that all books of law be only in English. (Ibid.) Only in 1731 was the position of French (and Latin) as a court language removed. Documents that had previously been written in French or Latin were now required to be re-written in English. Lawyers and clerks, on the other hand, tended to favor a more precise, word-for-word translation over converting them into colloquial English. Furthermore, several words were not translated into English at all. It was impossible to find a precise English counterpart for all of these words and phrases since they were almost all technical terminology that had acquired a specific legal meaning.

Thus, the modern legal English language has evolved as a complex mixture of three languages with the impact of other languages still felt in the legal discourse.

### **3.2 Ways of Legal Term Formation in the English Language**

First of all, it should be mentioned that terms may be presented in various forms and shapes. According to Нарыкова (2017: 7) the concept of the term was formed in science by the beginning of the twentieth century. Different authors have defined the “term” in different ways, so there are several ways to define this word. The word “term” has a special interpretation and a different amount of content within the framework of the functioning of certain sciences. Thus, linguists refer terms to borrowed words, because such a lexeme stands out more clearly against the background of the lexical composition of a particular language as something different from words widely used in everyday life. In sociology, every special word is accepted as a term, and in the field of professional and technical knowledge, all words are considered terms.

Speaking about term systems in general, it should be noted some properties inherent in these systems. Among these properties, it is necessary first of all to highlight the

systemic nature of terms. So, if a researcher turns to an explanatory dictionary of the relevant topic, he will be able to establish the following interesting pattern: when defining a term, the term itself can build a chain of definitions when one word is defined through another, it in turn through the next, etc., and the last term in this series is defined through the first

According to Cabre (1992: 47) the scope of dissemination and use of terms is limited to a certain branch of knowledge. Thus, one of the main properties of the term can be attributed to the connection with special knowledge. The use of standardized terminology helps to make communication between specialists more effective. The criteria used to evaluate specialized texts are not the same as those used to evaluate general texts. In general texts, expression, diversity and originality prevail over other features; in specialized texts, the relevant criteria are brevity, accuracy and suitability. A scientific text should be concise, because brevity reduces the possibility of distortion of information. It also needs to be accurate due to the nature of scientific and technical topics and functional relationships between specialists. Finally, it should be appropriate for the communicative situation in which it is created, so that, depending on the circumstances of each situation, each text is adapted to the characteristics of the interlocutors and their level of knowledge on the topic, introducing more or less redundancy depending on the need.

Many linguists and translators have shown and continue to show interest in identifying and developing ways to form terms. This is due to the fact that the development of various fields of science does not stand still, and thus, the vocabulary of the language is replenished with new terms. For example, the emergence of new English-language terms is associated with the development and emergence of new technologies, scientific ideas, and globalization.

According to Cabre (1992: 56) the most intensive replenishment of the language with new terminology occurs due to such processes as: 1) lexical-syntactic - the formation of complex or compound words, abbreviations; 2) morphological - the formation of new words by adding affixes (suffixal, prefixal, suffixal-prefixal); 3) lexico-semantic – an existing word gets a new meaning by dividing into two or more homonymous words that have different meanings; 4) borrowing – the transition of elements of one language into the system of another language; 5) morphological-syntactic - the formation of terms from

phrases that are combined into one word in the process of use. These methods can be typical for many languages.

Mattila (2006: 3) points out that legal language is a language for special purposes. This means, first of all, that a large number of legal terms exist with different properties that depend on the branches of the law they are used in.

Mattila (2006: 113) holds the view that legal terminology can be formed in three ways: (a) a word that already exists in an ordinary language or in a language of another specialization acquires a specialized or broader meaning; (b) a neologism of national origin is created; (c) a word is borrowed from a foreign language. The word may also be borrowed from a different national language.

### **3.2.1 Semantic change**

As stated by Griffiths, (2006: 13) the essential idea in semantics is sense: the features of an expression's meaning that give it its denotation. The meaning of a word is the object with which the word is associated, which expresses the word, and the meaning of the word is the way in which the word is associated with the object. The same meaning can be expressed with the help of a wide variety of meanings.

A denotation is an object associated with a word, and a concept is a way of associating an object with a word. The same denotation can be expressed as simply different concepts, and can be expressed externally by opposite concepts. Each word contains a potential infinity of meanings, each word can be associated with a potential infinity of concepts. The process when an already existing form of a word acquires a new meaning is called semantic change.

The manifestation of semantic changes in language is caused by the fact that language and speech are constantly evolving, often changing in an unpredictable direction, which leads to the formation of new and changes in existing lexical units. Change in meaning is called semantic change. According to Millar (2015: 32) semantics can be synchronous, that is, it studies the current state of the language, or it can be historical.

Concepts form whole areas. One concept can be expressed in different words and expressions that express its different sides. Moreover, words that express different aspects

of the same concept are not necessarily complete synonyms. They may have some differences in their meanings and these differences express different sides of the concept.

It has been noticed that in the development of the meaning of words often follow certain well-defined trends. Thus, according to Campbell (1999: 225-230) the following types of semantic changes are most often distinguished: 1) widening - associated with the range of expansion of the meaning of the word; 2) narrowing - associated with a decrease in the meaning of the word; 3) metaphor expansion of the meaning of the word due to its figurative meaning; 4) metonymy - a shift in a word's meaning that allows it to encompass additional senses that were not previously there but are strongly linked with the word's original meaning, even if the conceptual relationship between the old and new meanings is not always precise. 5) displacement, changes in which one word absorbs part or all of the meaning of another word; 6) degeneration - the meaning of a word becomes less important with degeneration.

### **3.2.2 Neologisms**

To reproduce new concepts, any language is forced to generate new lexical units. Most often, their birth is a consequence of a different perception of reality, the need to designate the reality that has arisen. In some cases, they eliminate homonymy, and also more briefly denote concepts and phenomena that have arisen in society. According to Mattila (2006: 113) lexical neologisms are formed in several ways: by creating entirely new words; by deriving new words on the basis of words already in existence (normally, by raising the level of abstraction of the original word); by forming compound words and phrases.

The reasons for the appearance of neologisms are of particular interest to linguists. First of all, the most obvious reason is technological progress, the development of electronics and computer technology. Speaking of linguistic reasons, it can be noted that neologisms are also used to give a certain statement or word additional expressiveness, emotional coloring, in order to better convey feelings and emotions in the process of communication.

According to Baugh and Cable (2005: 58) these are the following types of neologisms formation:

- 1) Making use of prefixes and suffixes. A single root may be converted to give a number of derivatives using prefixes and suffixes.
- 2) By conversion, that is, by changing the syntactic function of a word. The noun may become a verb or an adjective, the verb takes over the functions of a noun, etc.;
- 3) Word composition - the creation of new words by combining two or more bases into one whole;
- 4) Abbreviation is a morphological method of word formation in which part of the sound composition of the original word is omitted, creating words with a truncated or incomplete base (or several bases), which are called abbreviations or abbreviations;
- 5) Word combination, which is a form of abbreviation, the appearance of a new word or a new expression by combining parts of words or expressions.

Some conclusive sentence seems to be required here. Thus, we can say that the creation of new words is carried out by blending. According Stockwell and Minkova (2001: 7) blending is an area of word formation where cleverness can be rewarded by instant popularity: *sexploitation* from the seventies, the *Chunnel* from the eighties are common words now.

### **3.2.3 Borrowings**

The current subchapter describes the phenomena known as borrowing, which allows new words to come into a particular language, in this case English, from other related languages.

According to Campbell (1999: 59) a borrowed word is a lexical element that was “borrowed” from another language. It is a word that was not originally included in the vocabulary of the recipient language, but was borrowed from some other language and became part of the vocabulary of the borrowing language.

According to Baugh and Cable (2005: 10) the breadth and diversity of modern English's vocabulary is one of its most striking features. Latin is the source of more than half of its lexicon. Some of these borrowings were direct, with the majority coming from French and the rest from other Romance languages. As a result, English shares a large part of its vocabulary with European languages descended from Latin, particularly French, Italian, Spanish and Portuguese. According to Baugh and Cable (2005: 49) when the Norman Conquest brought French to England as the language of the upper classes, it

caused the Old English vocabulary suitable for literature and teaching to die out and was later replaced by words that were borrowings from French and Latin.

As stated by Lyons (1981: 179) language change is universal, continuous and, to a large extent, regular. The status of Latin is particularly important in this regard. It has been used for centuries in Western Europe as the language of science, management and international diplomacy. Since the Renaissance, it gradually gave way in these functions to the emerging Romance languages, as well as others that were not borrowed from Latin: English, German, Dutch, Swedish, Danish, etc. As Lyons also noticed (*Ibid.*), the status of Latin as the only official language of courts and governments has greatly influenced the terminology of modern legal languages.

According to Millar (2015: 18-19) for two or three centuries, before the advent of English in the twentieth century, French was the most prestigious language in the European world. French was everywhere the language of diplomacy, fine arts, high culture in general - in fact, the language of Western civilization. In fact, the English language has borrowed French words by the thousands since the eleventh century, long before the French language gained the worldwide prestige it achieved later. As also noticed by Mattila (2006: 260) from the 13<sup>th</sup> century to the end of the 14<sup>th</sup> century, partly until the 15<sup>th</sup> century (and formally until the 18<sup>th</sup> century), French was one of the legal languages of England. As a result, a large number of words has been transferred from French to legal English, eventually, however, from Latin.

As stated by Millar (2015: 19) new words can be formed in various ways using the resources of other languages without directly borrowing any words. One way to do this is to build a tracing paper. Another way to use foreign languages is to plunder their dictionaries in order to extract morphemes, which can then be imported and used as building blocks to construct words in another language. Such building blocks are called combining forms, and English does this on a massive scale to create technical and scientific terms with a combination of forms extracted from Greek and Latin. According to Campbell (1999: 60) borrowed words get into the receiving language by adaptation (phoneme replacement). They can also be borrowed based on spelling.

In summary, the use of standardized terminology makes communication between specialists more effective. Emergence of new English-language terms is associated with the development and emergence of new technologies, scientific ideas, and globalization

likewise in the field of law. Legal terminology can be formed in three ways through semantic change, borrowings and neologisms.

## **4 METHODOLOGY**

The current chapter describes the procedure of analysis with the case study method and lists its main advantages and disadvantages for the analysis as well as describes the main fields of legal English terminology to be analyzed in the paper.

### **4.1 Methods and procedure**

The research methodology lays forth a specific plan for assisting the researcher in reaching the study objectives. During the research phase, the strategy outlines methodologies that should be employed. Diverse research methodologies might give different data gathering tactics and hence alter the outcome of the findings. Quantitative, qualitative, and hybrid research methodologies are available for the use in research. The method that is going to be used is the qualitative method, more precisely –the case study, which is going to be described in the following paragraphs.

#### **4.1.1 Methods**

Dörnyei (2007: 37) listed the main features of the qualitative research methods: The research process in qualitative methods is developing without testing any preconceived hypotheses; a research outline is not predetermined; the study process is kept open and flexible; possibility of new details and discoveries emerging during the investigation; As a result, the research method is not predetermined; it is open to a variety of research topics that may evolve or alter over the course of the study.

According to Yin (1989: 26) Case Study is an empirical study that studies a modern phenomenon in its actual context, when the boundaries between the phenomenon and the context are not obvious and in which many diverse sources of information are used.

The disadvantages of this method include: the inevitable redundancy of information, the subjectivity of the research approach, doubts about the possible framework of generalization. However, disadvantages are known to be inherent in any method, and the choice of a particular strategy depends on the goals and capabilities of researchers. If we briefly summarize the features of our case study variant, then in theoretical terms it is,

firstly, the existence of a research program (project); secondly, a clear statement of initial research questions in the absence of rigid bindings to any theoretical model.

#### 4.1.2 Procedure

For any research, a detailed strategy should be developed where the content of the work and methods of work are planned in detail. This is followed by the stages of collecting information and summarizing the material. This subsection explains the procedure for collecting material for etymological analysis of selected terms.

It was necessary to study in detail the structure of criminal law in order to find complete information that relates to crimes against the person.

At this stage, it turned out that the criminal legislation of the English legal system is implemented on the basis of Common Law. Certain types of crimes are distinguished by separate categories of crimes by corresponding acts. One such act is the *Offences against the Person Act 1861*. Acts may be devoted to certain types of crimes, for example, *Sexual Offences Act 2003*, *Infanticide Act 1938*. Separate Parliamentary acts and statutes are also issued.

Another important fact for the analysis was the basis that common law forms for legal systems of other countries. It operates in the UK, USA, Canada, Australia, New Zealand and some other countries - former British colonies. The Criminal Code of the above countries has a similar structure of criminal law, where crimes against the person are highlighted in separate chapters.

The sample of terms for analysis was formed on the basis of the *UK Common Law*, *Criminal Act 1977*, *UK Public General Acts*, *Crimes against the Person Act of 1861*, *Infanticide Act 1938*, the *Sexual Crimes Act of 2003* and other parliamentary laws and statutes, which were cross-referenced with the listing of offences in the legal systems of Canada, New Zealand and Australia as members of the Commonwealth focusing on terms designating offences against the person that are found in other common law countries.

The respective terms for analysis were drawn from the *Offences against the Person Act 1861* (Online 5). The current list of offences with classifications used nowadays was also found on GOV.uk website. The *Offence Classification Index* was last updated in December 2021, and may be found in Online 6. Other sources included the *Canadian*

*Criminal Code*, available from the Canadian Justice Laws website (Online 7); the *New Zealand Crimes Act 1961* (Online 8); the *Australian Criminal Code* (Online 9).

It was decided to include in the sample of terms for analysis terms designating offences against the person found in all four systems of criminal law, namely UK Criminal law, Criminal law of Australia, Canada, New Zealand, united by the Anglo-American legal family (common law):

- the list of terms for the UK: *homicide, murder, manslaughter, infanticide, poisoning, bigamy, choke, stalking, assault, suffocation, wounding, battery, slavery, harassment, abduction, kidnapping, trafficking, cyberstalking, incest, injecting, rape, abuse, buggery, exploitation, voyeurism* (Online 5);
- the list of terms for Canada: *homicide, murder, manslaughter, killing, infanticide, bigamy, stalking, assault, harassment, abduction, kidnapping, trafficking, incest, violence, injecting, rape, abuse, buggery, exploitation, voyeurism* (Online 8);
- the list of terms for Australia: *murder, manslaughter, blackmail, slavery, kidnapping, trafficking, violence, injecting* (Online 10);
- the list of terms for New Zealand: *homicide, murder, manslaughter, killing, infanticide, poisoning, bigamy, assault, suffocation, wounding, slavery, abduction, kidnapping, trafficking, incest, violence, injecting, mutilation, exploitation* (Online 9).

Ultimately, twenty-nine terms designating criminal offenses against the person were selected for in-depth analysis: *homicide, murder, manslaughter, killing, infanticide, poisoning, bigamy, choke, stalking, assault, suffocation, wounding, torture, battery, slavery, harassment, abduction, kidnapping, trafficking, cyberstalking, incest, violence, infecting, rape, abuse, mutilation, buggery, exploitation, voyeurism*.

The following dictionaries were used for the etymological analysis of the above terms: Merriam-Webster Online Dictionary, Oxford Dictionary of Law (available in printed form), Online Latin Dictionary, Online Dictionary, Encyclopedia and Thesaurus, Online Legal Dictionary and Online Collins Dictionary, which are available in Online 7 and 11-15.

## 5 ANALYSIS

The analysis will cover 29 terms designating criminal offences against the person that are provided below in the order in which they are listed in the empirical part: *homicide, murder, manslaughter, killing, infanticide, poisoning, bigamy, choke, stalking, assault, suffocation, wounding, torture, battery, slavery, harassment, abduction, kidnapping, trafficking, cyberstalking, incest, violence, infecting, rape, abuse, mutilation, buggery, exploitation, voyeurism.*

The etymological analysis of the selected terms has involved the use of the following dictionaries for finding the current definition of the terms and their origins: *Merriam-Webster Online Dictionary (MWOD); Oxford Dictionary of Law (available in printed form); Online Latin Dictionary (OLatD); Farlex Online Dictionary, Encyclopedia and Thesaurus (FODET); Online Legal Dictionary (OLD); Online Collins Dictionary (OCD); Online Etymological Dictionary (OED).* Out of all the listed dictionaries, the *Online Etymological Dictionary* provides the most detailed descriptions for the etymological analysis of the words.

One of the purposes of the present research study was to identify the exact date of the appearance of the terms designating criminal offences against the person. Even though the selected dictionaries provide reliable information, the date of appearance of the terms is not always given and it proved impossible to find sources that would indicate the first use of a given term in English. Thus, the analysis had to focus on the etymological analysis of the appearance of the given words in the English language.

Criminal offences against the person are subdivided into several groups: crimes against life, crimes against physical integrity that did not cause death, sexual crimes. The terms are arranged in chronological order on the basis of the date of their appearance.

According to Stone (1999: 1), all criminal law systems classify certain types of attacks on a person's physical integrity by another person as crimes. These crimes are combined in the section of criminal law - crimes against the person. This division occurs due to the fact that issues related to the consideration of cases of crimes against the person need more detailed discussion and consideration.

According to Wilson (2017: 6) the main problems of criminal legislation can be expressed, thus, as support for private interests in remaining free from: crimes related to

murder, manslaughter, arson and other crimes related to violence; also some traffic violations, as well as those related to public health and safety; unwanted physical interference as a result of crimes such as rape, assault, indecent assault, false imprisonment or harassment; offenses resulting from crimes such as indecent exposure, indecent behavior in public places or extortion; and unwanted interference with property through crimes such as theft, robbery, seizure and theft of a road vehicle or fraud.

The term *crime* is often used on a par with the term *offense*, since according to the *Penguin Dictionary of English Synonyms and Antonyms* (1992: 102), the concepts of crime and offense are synonyms, namely “crime”, “offense”, and “criminal offense” are all said synonyms. “Crime” can cover any crime and misdemeanor, or can be used in a certain sense as a synonym for “serious crime” or “misdemeanor”, depending on the circumstances, or as denoting a crime of lesser severity, or an act not subject to charges, but punishable by summary or deprivation of punishment.

**Crime (n.)** *MWOD; FODET; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black's Law Dictionary; Oxford Dictionary of Law*.

Mid-13<sup>th</sup> century – direct borrowing from Latin via Old French. The term *crime* appeared in 13<sup>th</sup> century from Old French *crimne* “crime, sin” from Latin *crimen* “offence, fault”. In the meaning of “crime” it has been used since the end of 14<sup>th</sup> century.

According to *Black's Law Dictionary* (2009: 427) it refers to an act that the law makes punishable; the breach of a legal duty is also treated as the subject-matter of a criminal proceeding.

**Offence (n.)** *MWOD; FODET; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black's Law Dictionary; Oxford Dictionary of Law*.

End 14<sup>th</sup> century – direct borrowing from Latin via French, formed from Old French *offense* “offense, insult, insult” and from Latin *offense* an “offense, injury”. From 14<sup>th</sup> century, *offence* had the meaning “action of attacking”.

According to *Oxford Dictionary of Law* (2003: 340), offence is synonymous to crime.

## 5.1 Crimes against life

**Homicide (n.)** MWOD; OEDT; OLatD; OCD; OED; OLD (Online 7, 11-15); *Black's Law Dictionary; Oxford Dictionary of Law.*

(*UK Offences Against the Person Act 1861, New Zealand Crimes Code, Canadian Criminal Act*)

Early 13<sup>th</sup> century – Direct borrowing from Latin via French.

The term *homicide* came from Old French *homicide*, earlier from Latin *homicidium* “manslaughter”, from *homo* “man” and *-cidium* “act of killing” from *caedere* “to kill, to cut down”. There is a possibility of the word appearing in Latin from *caedere* “to kill, to cut down” and earlier from Proto-Indo-European root *\*kae-id-* “to strike”. In 14<sup>th</sup> century, the term *homicide* acquired its meaning of “someone who murders another” from French *homicide*.” Although the two terms are identical in French and English, they differ in Latin and other languages, for example, *homicida/ homicidio* in Spanish. According to Black’s Law Dictionary (2009: 802), homicide is generally a killing of one person by another. As a term, the word *homicide* settled in 14<sup>th</sup> century.

According to Stone (1999: 5), homicide includes all crimes that result in the death of the victim, as Wilson also noted (2017: 356) homicide means the killing of a person. Not every killing attracts criminal responsibility, since it may be justified or excused in the same way as any other crime.

**Murder (n.)** MWOD; FODET; OCD; OED; OLD (Online 7, 11, 13-15), *Black's Law Dictionary, Oxford Dictionary of Law*

(*UK Common Law, New Zealand Criminal Act, Canadian Criminal Code, Australian Criminal Code*)

Before 12<sup>th</sup> century – direct borrowing from Proto-Germanic via Old French and Latin

The term *murder* has a long etymological history. It comes from the Old English word *morðor*, which means “secret killing of a person, unlawful killing”. From Proto-Germanic *\*murþran*, it received a connotation of punishment, torment, and misery (death, killing). In several languages, the words for murder have similar structures: Old Saxon *morth*, Old Frisian *morth*, Old Norse *morð*, Middle Dutch *moort*, Dutch *moord*, and German *Mord*. It comes from the Proto-Indo-European root *\*mer-* (to die).

The *-d-* appeared in the word most likely due to the influence of Anglo-French *murdre*, from Old French *mordre*, from Medieval Latin *murdrum*, which is derived from a Germanic term. A variant of *murther* survived into the nineteenth century.

*Morð* “hidden slaughter” was separated from *vig* “slaying” in Old Norse. The former was a horrible crime that entailed hiding or murdering a person by night or while he was sleeping. If the killer admitted to his crime, it was not a disgrace, but he was subject to retribution or a claim for compensation.

According to *Black’s Law Dictionary* (2009: 1114), murder is the act of murdering someone without their consent, especially with malice aforethought. The word acquired its meaning in English language roughly before 12<sup>th</sup> century.

Murder is the most serious crime in criminal law. It is associated with the deprivation of human life.

Nowadays, *murder* according Geary (2002: 64) is based on a definition described by Sir Edward Coke, an English politician who is considered as one of the most influential jurists of the Elizabethan era (Online 4): “Murder is when a man of sound memory, and of the age of discretion, unlawfully killeth within any county of the realm any reasonable creature in rerum natura under the king’s peace, with malice aforethought, either expressed by the party or implied by law, so as the party wounded, or hurt, etc, die of the wound or hurt, etc. within a year and a day after the same”. Murder is a homicide committed with “malice aforethought.”

According to Stone (1999: 86), English law recognizes two main crimes related to homicide – murder and manslaughter. Manslaughter takes place in cases where the committed act cannot be qualified as a murder, for example, in cases where there is no “malicious intent”. According to Wilson (2017: 354), crimes differ according to the corresponding elements of guilt. Murder is an illegal murder of someone with “premeditated intent”. Manslaughter is different from murder since it is a killing without the “premeditated intent.”

**Manslaughter (n.)** *MWOD; FODET; OCD; OED; OLD* (Online 7, 11, 13-15), *Black’s Law Dictionary, Oxford Dictionary of Law*

(*UK Offences Against the Person Act 1861, New Zealand Criminal Act, Canadian Criminal Code, Australian Criminal Code*)

Early 14<sup>th</sup> century - Direct borrowing of Proto-Germanic and Old English, compound of words man and slaughter.

*Manslaughter* came from Old English *manslæht*, which is a combination of the words *man* and *slæht* (act of killing). Since early 14<sup>th</sup> century the term has a connotation of “act, crime, or sin of murdering another human being”. In Old English the term existed as *manslæht* (Anglian) and *manslieht* (West Saxon), from *slæht* or *slieht* “act of killing”.

Although it is etymologically similar to Latin *homicide*, it is typically separated from *homicide* in legal usage and limited to “simple homicide, the illegal death of another without malice either stated or inferred”.

According to *Black’s Law Dictionary* (2009: 1116), manslaughter is different from murder since manslaughter does not include malicious aforethought. As a term, manslaughter was first used in 15<sup>th</sup> century.

**Killing (n.)** *MWOD; FODET; OCD; OED; OLD* (Online 7, 11, 13-15), *Black's Law Dictionary; Oxford Dictionary of Law*

(*Canadian Criminal Code, New Zealand Crimes Act*)

Mid-15<sup>th</sup> century – Direct borrowing from Proto-Germanic via Old English. Present -verbal noun from *kill* (v.).

The verb to *kill* appeared in the English language in the mid-15<sup>th</sup> century, meaning “act of slaying”. The verb *kill* appeared in the English language in the 1200s, meaning “to strike, hit, beat, knock” and only in the 1300s it acquired the connotation of “to deprive of life, put to death”. Possibly it comes from a variant of Old English *cwellan* “to kill, murder, execute”, which comes from Proto-Germanic *\*kwaljanan*. Similar words are also found in: Old Saxon *quellian* “to torture, kill”, Old English *cwelan* “to die” *cwalu* “violent death”, Middle Dutch *quelen* “to vex, tease, torment”, Old High German *quellan* “to suffer pain”, Old Norse *kvelja* “to torment”, German *quälen* “to torment, torture”, which come from Proto-Indo-European root *\*gwele-* “to throw, reach” with sense extending to “to pierce”. The meaning “to nullify or neutralize the qualities of” is first recorded in the 1610s.

According to *Black’s Law Dictionary* (2009: 948), kill is to end life; to cause physical death.

The analysis of the terms above has also revealed that the terms are synonymous and may be used interchangeably in some of the contexts. For example, *killing* "the action of the one who kills", *murder* "the crime of intentionally killing a person", *manslaughter*

“the unlawful killing of a human being without express or implied malice” (Online 7), *homicide* “the act of killing someone” (Online 13). However, manslaughter is just manslaughter, and murder carries premeditated intent. Choosing the right word depends on the context or situation. There are times when it is unclear whether the killing was accidental or deliberate. Then the words "manslaughter" and "homicide" can be used interchangeably. The concept of "homicide" or “manslaughter” already implies killing someone, so the words are easily interchangeable.

**Infanticide (n.)** *MWOD; OEDT; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black's Law Dictionary; Oxford Dictionary of Law.*

(*UK Offence Classification Index, New Zealand Crimes Act, Canadian Criminal Code*)

1650s – Direct borrowing from Latin via French. The term *infanticide* appeared in 1650s in French language, by combining the existing word *infant* which came from Latin, with ending *-cide* meaning “killer” which also came from Latin. The term always had the meaning of “the murder of infants” especially newborns or the unborn.

According to *Black's Law Dictionary* (2009: 847), infanticide is the act of killing a newborn child, especially by the parents of the child or with their consent.

*Infanticide* is the premeditated murder of a very young child (under the age of 12 months) which used to be a common practice in many communities, sanctioned by many cultures around the world. Although it is now considered an immoral crime, it is still committed.

According to Wilson (2017: 391), if a woman by any deliberate act or omission leads to the death of her child, who is a child under the age of 12 months, but during the act or omission her mental balance was disturbed due to the fact that she did not fully recover from the consequences of the birth of a child or due to the lactation effect that followed the birth of a child, then, despite the fact that the circumstances were such that if not for this act, the crime would have been tantamount to murder, she will be guilty in.. infanticide, and for such a crime can be considered and punished as if she were guilty of the crime of manslaughter of a child. Thus, the essence of the crime is the voluntary murder by the mother of a child under the age of one year.

In order to refer to infanticide according to Stone (1999: 88), it must be proved in court that her mental balance was disturbed due to the fact that she did not fully recover

from the consequences of the birth of the child or because of the lactation effect that followed the birth of the child.

## 5.2 Non-fatal offences

According to Stone (1999: 103), non-fatal offences are usually associated with interference or threat of interference with physical integrity, and this creates the basis for making them criminal.

Wilson (2017: 288) gives the following examples of grievous bodily harm:

- (1) Injuries resulting in permanent disability, loss of sensory functions or significant visible damage.
- (2) Injuries requiring extensive surgery or blood transfusion.
- (3) Broken limbs or skull, compound fractures, broken cheekbone and jaw.
- (4) Injuries related to long-term treatment or disability.
- (5) Mental trauma.

According Wilson (2017: 283) this group includes a very wide spectrum of wrongdoing. Some offences are constituted by an invasion of autonomy or privacy. These offences may not require any harm to be suffered by a person, but such offences require a non-consenting victim.

The analysis below focuses on terms in chronological order that are used to define these types of offences. According to the *Crimes against the Person Act of 1861* (Online 5), these include threats to kill, acts causing or tending to cause danger to life or bodily harm, assaults, bigamy and other non-fatal offences.

**Poisoning (v.)** *MWOD; FODET; OLatD; OCD; OED* (Online 7, 11-14), *Black's Law Dictionary; Oxford Dictionary of Law*

*(UK Offences against the Person Act 1861, New Zealand Crimes Act)*

13<sup>th</sup> century - Direct borrowing from Latin via Old French with a conversion from a noun. The verb *to poison* means “to give poison to; add poison to; kill with poison”. The verb is a conversion of an earlier existing noun *poison* that happened around the year of 13<sup>th</sup> century. The noun *poison* appeared in the 12<sup>th</sup> century with the meaning of “a deadly potion or substance”. The word appeared in English from Old French *poison* or *puison* “a drink” and especially meaning a medical drink. Later, the word acquired a connotation of

“a (magic) potion or a poisonous drink”. The word earlier appeared from Latin *potionem* “a drinking, a drink”, which also meant “poisonous drink”. The origin of the Latin word is a Proto-Indo-European root *\*po(i)-* meaning “to drink”.

According to Online 13, *poisoning* is an intent to cause grievous bodily harm to anyone, by administering or causing to be taken by any person any poison or other noxious substance.

**Bigamy (n.)** *MWOD; OEDT; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black's Law Dictionary; Oxford Dictionary of Law.*

*(UK Offences against the Person Act 1861, New Zealand Crimes Act, Canadian Criminal Code)*

Mid-13<sup>th</sup> century - Direct borrowing from Greek via Latin via Old French.

*Bigamy* appeared in English Language in mid-13<sup>th</sup> century from Old French *bigamie*, which earlier came from Late Latin *bigamus*, meaning “twice married”. In Latin, the Greek word *gamos* “marrying” was combined with Latin *-bi* – a word-forming element meaning “two”.

According to *Black's Law Dictionary* (2009: 184), the act of marrying one person while legally married to another is known as bigamy. Bigamy differs from adultery in that bigamy is a crime if it is committed deliberately.

**Choke (v.)** *MWOD; FODET; OCD; OED* (Online 7, 11, 13, 14)

*(UK Offences Against the Person Act 1861)*

13<sup>th</sup> century - Direct borrowing with shortening from Old English. The verb form *to choke* means “cessation of breathing, preventing air from entering the windpipe”. It appeared as a shortening from Old English *acheken*, which appeared from Old English *aceocian* “suffocate”. The word probably comes from the root *ceoke*, which means “jaw or cheek”, which originates from Proto-Germanic *\*kaukon*.

*From Offences Against the Person Act 1861: “Whosoever shall, by any means whatsoever, attempt to choke, suffocate, or strangle any other person, or shall by any means calculated to choke, suffocate, or strangle, attempt to render any other person insensible, shall be guilty of felony, and being convicted thereof shall be liable.”*

**Stalking (n.)** *MWOD; FODET; OCD; OED* (Online 7, 11, 13, 14), *Black's Law Dictionary; Oxford Dictionary of Law*

*(UK Protection from Harassment Act 1997, Canadian Criminal Code)*

14<sup>th</sup> century - Direct borrowing from Proto-Germanic noun *stalk* with conversion to a verb. The verb form *to stalk* means “to pursue stealthily”, from Proto-Germanic *\*stalkon*. In another interpretation, the Old English term may have been influenced by the word *stalk* (n.). With the meaning of “to harass compulsively” the term was first used in 1991.

According to *Black's Law Dictionary* (2009: 1534), stalking is 1) The act or event of following another person stealthily. 2. The act of following or lingering around another person in order to irritate or harass that person or conduct a subsequent crime such as assault or battery. The person being stalked usually feels bothered, scared, or concerned about their own safety or the safety of one or more others for whom they are responsible. Acts like telephoning someone and keeping silent throughout the call are included in certain definitions.

**Assault (n.)** *MWOD; OEDT; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black's Law Dictionary; Oxford Dictionary of Law.*

(*Offences against the Person Act 1861, New Zealand Crimes Act, Canadian Criminal Code*)

Late 14<sup>th</sup> century – Direct borrowing from Latin via French. The term *assault* came from Old French *asaut*, which earlier was borrowed from Vulgar Latin *adsaltus*. In 12<sup>th</sup> century Old French, the term had a meaning of “an attack, an assault, assaulting troops” and in Vulgar Latin “attack, assault”. By the 1580s, it had become a legal term. Traditionally, assault has included frightening words or deeds, as well as the current means to carry them out.

In Latin the word *adsaltus* appeared by combining prefix *ad* “to” to a Latin *saltus* “a leap”.

According to *Black's Law Dictionary* (2009: 130) *assault* is the threat or use of force on another person that causes that person to have an understanding of harmful or offensive contact. As a term, assault was first used in 14<sup>th</sup> century.

**Suffocation (n.)** *MWOD; FODET; OLatD; OCD; OED* (Online 7, 11-14)

(*Offences against the Person Act 1861, New Zealand Crimes Act*)

Late 14<sup>th</sup> century - Direct borrowing from Latin via Old French. *Suffocation* as a noun is a slightly shortened form of *suffocacioun* - “obstruction of breathing, choking”. Although the verb *to suffocate* comes directly from Latin, the noun comes from Old French *suffocacion* and directly from Latin *suffocationem*, meaning “a choking, stifling”. The noun

of action is formed from past-participle stem of *suffocare* “suffocate, throttle, stifle, strangle”. Originally, the word had a meaning of “to narrow up”.

According to *Online 9*, suffocation is the impediment of another person’s normal breathing, blood circulation, or both, which may be achieved manually, or by using any aid or by any of the following: blocking that other person’s nose, mouth, or both; applying pressure on the other person’s throat, neck, or both.

**Wounding (v.)** *MWOD; FODET; OCD; OED* (Online 7, 11, 13, 14), *Black's Law Dictionary; Oxford Dictionary of Law*

(*UK Offence Classification Index, New Zealand Crimes Act*)

14<sup>th</sup> century – Direct borrowing from Proto-Germanic via Old English

*Wounding* came from Old English *wund* which came into Old English from Proto-Germanic *\*wuntho*, meaning “hurt, injury or ulcer”. Existed similar words also in Old Saxon *wunda*, Old Norse and, Old Frisian *wunde*, Old High German *wunta* and German *wunde*.

According to *Black's Law Dictionary* (2009: 1747), wounding (as a criminal term) is a type of assault and battery in which one person seriously injures another. The first use of the term dates from 14<sup>th</sup> century.

**Torture (n.)** *MWOD; OEDT; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black's Law Dictionary; Oxford Dictionary of Law*.

(*Canadian Criminal Code*)

Early 15<sup>th</sup> century - Direct borrowing from Latin via Old French. The word *torture* appeared in the English language in the early 15<sup>th</sup> century with the meaning of "contortion, twisting, distortion; a disorder characterized by contortion". The word is a borrowing from Old French *torture* "infliction of great pain; great pain, agony", which is a borrowing directly from Late Latin *tortura* "a twisting, writhing".

The meaning of "infliction of severe bodily pain as a means of punishment or persuasion" in the English language dates from the 1550s. During that time existed such concept as *judicial torture*, that was a torture sanctioned by the state in order to prove if the person is guilty or not.

According to *Black's Law Dictionary* (2009: 1627), torture is the infliction of intense pain to the body or mind to punish, to extract a confession or information, or to obtain sadistic pleasure.

**Battery (n.)** *MWOD; OEDT; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black's Law Dictionary; Oxford Dictionary of Law.*

*(UK Offence Classification Index)*

1530s – Direct borrowing from Latin via French. The term *battery* is another term which came from Old French language in the form of *baterie*. The term existed earlier in Latin language in the form of *batre* and earlier *battuere*. In 1530s the term acquired its meaning of “the unlawful beating of another”. In 12<sup>th</sup> century Latin the word *batre* had a meaning of “to beat”. In French, the term *batterie* shifted the meaning from *bombarde* meaning “hard strikes” on city walls or strongholds to “unit of artillery”. This sense was recorded in English in 1550s.

In *Black's Law Dictionary* (2009: 173), battery is different from assault, because battery is the general use of force against another person, resulting in harmful or offensive contact. As a term, battery started to be used since 16<sup>th</sup> century.

**Slavery (n.)** *MWOD; OEDT; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black's Law Dictionary; Oxford Dictionary of Law.*

*(UK Modern Slavery Act 2015, Australian Criminal Code, New Zealand Crimes Act)*

1550s - Direct borrowing from Medieval Latin via Old French, with a conversion from a verb and earlier from a noun. The word *slavery* appeared in the English language in 1550s with the meaning of "severe toil, hard work, drudgery". The word had a meaning of "state of servitude" in 1570s, but the meaning of "keeping or holding of slaves" is from 1728. The word *slavery* is a conversion from a verb *to slave*, which is a conversion from a noun *slave*. Earlier in the late 13<sup>th</sup> century, in the English language existed the noun *slave*, which meant "person who is the chattel or property of another" which came into the English language from the Old French *esclave*, which originates from Medieval Latin *Sclavus* "slave".

According to *Black's Law Dictionary* (2009: 1515), slavery is a situation in which one person has absolute power over the life, fortune, and liberty of another.

**Harassment (n.)** *MWOD; FODET; OCD; OED; OLD* (Online 7, 11, 13-15), *Black's Law Dictionary; Oxford Dictionary of Law*

*(UK Harassment Act 1997, Canadian Criminal Code)*

1610s – Direct borrowing from French. The verb to harass means “to lay waste, devastate”; the word appeared from French *harasser* of uncertain origin, possibly from Old French *harer* “stir up, provoke, set a dog on”

According to *Black’s Law Dictionary* (2009: 784), harassment is defined as words, behavior, or action aimed at a specific individual that disturbs, alarms, or causes considerable emotional distress in that person while serving no legitimate purpose. In certain cases, harassment is legal, such as when a creditor uses threatening or aggressive techniques to collect a debt.

**Abduction (n.)** *MWOD; OEDT; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black’s Law Dictionary; Oxford Dictionary of Law.*

(*UK Child Abduction Act 1984, New Zealand Crimes Act, Canadian Criminal Code*)

1620s – Direct borrowing from Latin with semantic change. The word *abduction* appeared in English language in 1620s with a meaning of “a leading away”, from Latin *abductionem* “a forcible carrying off, ravishing, robbing”. The word acquired the connotation of “criminal act of forcibly taking (someone)” by 1768, although before that, the word also was also used as a term in surgery and logic.

According to *Black’s Law Dictionary* (2009: 4), abduction means 1) The act of leading or persuading someone away. 2) The crime of taking away a female person, especially one under a specific age (such as 16 or 18), without her agreement, for the purpose of prostitution or unlawful intercourse by the means of persuasion, trickery, or assault.

**Kidnapping (n.)** *MWOD; FODET; OCD; OED; OLD* (Online 7, 11, 13-15), *Black’s Law Dictionary; Oxford Dictionary of Law*

(*UK Common Law, New Zealand Crimes Act, Canadian Criminal Code, Australian Criminal Code*)

1680s – Compound of existing words. Kidnapping takes its roots from the 1680s. It is most likely a compound of kid (n.) “child” and nap (v.) “snatch away” which most likely is a variant of nab (v.). *Kidnapping* might be a back-formation from *kidnapper*, which is recorded earlier. Originally, *kidnapping* meant “to steal children to provide servants and laborers in the American colonies.”

According to *Black's Law Dictionary* (2009: 948), kidnapping is defined as 1) the crime of forcefully abducting someone from their own nation and transporting them to another. This was a case of false imprisonment aggravated by the victim's transfer to another nation. 2) The act of seizing and transferring a person through force or deception. Simple kidnapping; (loosely) abduction; (archaically) manstealing are other terms for the same action.

**Trafficking (n.)** *MWOD; FODET; OLatD; OCD; OED*; (Online 7, 11-14), *Black's Law Dictionary*

(*UK Modern Slavery Act 2015, Australian Criminal Code, Canadian Criminal Code, New Zealand Crimes Act*)

1904s - Direct borrowing from Latin via Italian and French. The term *trafficking* comes from a verb *to traffic* which is a verb that appeared in the English language in the 1540s. The verb since then means "to buy and sell" and preserves the commercial sense to this day. The verb is a conversion from a noun *traffic*, which appeared in the English language around the 1500s and came from French *trafique*. Also noticeable are the traces that in the French language the word appeared from Italian *traffico*, which appeared from a word of uncertain origin *trafficare* "carry on trade". The origin of *trafficare* may be Vulgar Latin *\*transfricare* "to rub across". *Trafficking* as a term may be used in various combinations to categorize the type of the trading, some of which relating to the offences against the person, such as *sex trafficking* and *human trafficking*. *Sex trafficking* is a neologism that was coined during the second wave of the women's movement in the 1990s that was used in the context of exploitation of women in pornography and prostitution; and *human trafficking* is also a neologism that was first used in the 1904 *International Agreement for the Suppression of White Slave Traffic*, in context of moving white women or girls across the borders of the countries by force, for the purpose of sexual exploitation (Online 16).

According to *Black's Law Dictionary* (2009: 1634) trafficking is the act of transporting, trading, or dealing, people or illegal goods.

**Cyberstalking (n.)** *MWOD; FODET; OCD; OED* (Online 7, 11, 13, 14), *Black's Law Dictionary; Oxford Dictionary of Law*

(*Harassment Act 1997*)

1995s – Neologism. In the *Harassment Act of 1997* stalking may also be conducted by the means of monitoring the use by a person of the internet, email or any other form of electronic communication.

The word *cyberstalking* appeared by combining prefix *cyber-* a word-forming element ultimately from cybernetics with *stalking* (v.). The word *cyberstalking* was used tremendously often with the rise of the internet in early 1990s.

According to *Black's Law Dictionary* (2009: 444), cyberstalking is the act of threatening, harassing, or irritating someone through a series of e-mail messages sent over the Internet, with the goal of instilling fear in the receiver that an unlawful act or damage would be perpetrated against him or a member of his or her family or home.

According to Stone (1999: 130-138), this group also includes crimes such as death threats, attempted strangulation, installation of spring pistols, traps for people and other engines, endangering railway passengers, violent driving, organization of abortion.

### **5.3 Sexual offences**

According to Wilson (2017: 324), there are a number of sexual crimes of varying severity, ranging from rape and sexual assault to indecent exposure. Some crimes are primarily aimed at protecting the interests of the victim. Rape and sexual violence, like ordinary violence, exist as crimes only because of the lack of consent of the victim. Others primarily care about the observance of public morality and/or the prevention of offenses. According to Stone (1999: 139), often sexual crimes are also associated with an assault on physical integrity. This combination of rights violations makes this type of offense potentially very serious.

The most serious crime of this section is rape. Wilson (2017: 327) points out that the elements of rape are the fact of rape itself, as well as the lack of consent on the part of the victim. Geary (1999: 140) notes that any penetration, no matter how insignificant, was sufficient to commit rape.

**Incest (n.)** *MWOD; OEDT; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black's Law Dictionary; Oxford Dictionary of Law.*

*(Canadian Criminal Code, New Zealand Crimes Act)*

12<sup>th</sup> century – Direct borrowing from Latin via French. The term *incest* means “the crime of sexual intercourse between family members or close relatives”. Incest was first used in English language around 12<sup>th</sup> century and came from French *inceste* “lechery, fornication”, earlier from Latin word *incestum* “unchastity, lewdness or a violation of religious laws”.

According to *Black’s Law Dictionary* (2009: 829), incest is sexual relations between family members or close relatives, including children related by adoption.

**Violence (n.)** *MWOD; OEDT; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black’s Law Dictionary; Oxford Dictionary of Law.*

(*New Zealand Crimes Act, Canadian Criminal Code, Australian Criminal Code*)

Late 13<sup>th</sup> century - Direct borrowing from Latin via Anglo-French and Old French.

The word *violence* appeared in late 13<sup>th</sup> century from Latin *violentia* “impetuosity, vehemence” from *violentus* “forcible, vehement” and later from Anglo-French and Old French *violence*.

According to *Black’s Law Dictionary* (2009: 1705), violence is the use of physical force accompanied by anger, vehemence, or outrage is known as violence. Violence is particularly connected with the use of unlawful physical force with the intent to harm someone.

**Infecting (v.)** *MWOD; FODET; OLatD; OCD; OED;* (Online 7, 11-14), *Black’s Law Dictionary; Oxford Dictionary of Law*

(*UK Sexual Offences Act 2003, New Zealand Crimes Act, Canadian Criminal Code, Australian Criminal Code*)

Late 14<sup>th</sup> century - Direct borrowing from Latin. The verb *to infect* appeared in the English language in the late 14<sup>th</sup> century and had a connotation of “to fill with disease, pollute, contaminate or to corrupt morally”. The word was borrowed from Latin *infectus*, which is past participle of *inficere* meaning “to stain, tinge, dye” and also meaning “to corrupt, stain or spoil” or even literally “to put in to, dip into”. The word was formed by combining prefix *in-* “in” with *facere* “to make, do, perform” which originates from the Proto-Indo-European root *\*dhe-* “to set, put”.

According to *Online 9*, *to infect* is to cause or produce in another person any disease or sickness, willfully and without lawful justification or excuse.

**Rape (n.)** *MWOD; OEDT; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black's Law Dictionary; Oxford Dictionary of Law.*

(*UK Sexual Offences Act 2003, New Zealand Crimes Code, Canadian Criminal Code*)

Late 14<sup>th</sup> century – Direct borrowing from Latin via French. The term *rape* came into English language from Anglo-French *raper*, earlier from Latin *rapere*. In late 14<sup>th</sup> century, the word had a meaning of “seize prey, abduct, take, and carry off by force.” In Latin, *rapere* meant “to seize, carry off by force, abduct”.

The earlier meanings of the English term were phased out. The surviving meaning “to abduct (a woman)” and also “to seduce (a man)” appears in early 15<sup>th</sup> century English, although it has been present in earlier contexts as well.

According to *Black's Law Dictionary* (2009: 1374), rape is forced sexual intercourse done by a man with a woman who is not his wife against her will.

**Abuse (n.)** *MWOD; OEDT; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black's Law Dictionary; Oxford Dictionary of Law.*

(*UK Sexual Offences Act 2003, Canadian Criminal Code*)

Mid-15<sup>th</sup> century - Direct borrowing from Latin via French. During the mid-15<sup>th</sup> century, the word *abuse* appeared in the English language with the connotation of “improper practice”. Earlier existed French *abus*, which originated from Latin *abusus* – “a using up”. The word forming element *-ab* meaning “away, from” was combined with Vulgar Latin *usare* – “use”. Earlier in Middle English existed *abusion* as a “wicked act or practice, shameful thing, violation of decency”. The use of the word in the sense of “violation, defilement” dates from the 1570s. The word was later related to drugs in 1961. Modern use in reference to unwanted sexual activity is from the late 20<sup>th</sup> century.

According to *Black's Law Dictionary* (2009: 10), abuse is 1) A departure from legal or reasonable use; misuse. 2) Physical or mental maltreatment, often resulting in mental, emotional, sexual, or physical injury. Also, the word may mean cruel and abusive treatment.

**Mutilation (n.)** *MWOD; OEDT; OLatD; OCD; OED; OLD* (Online 7, 11-15); *Black's Law Dictionary; Oxford Dictionary of Law.*

(*New Zealand Crimes Act*)

1520s - Direct borrowing from Latin via French. The meaning of “act of disabling or wounding a limb” comes from the legal system of Scotland from the 1520s. The word was borrowed from French *mutilation* and directly from Late Latin *mutilationem*. The Latin word is a noun of action from the past-participle stem of Latin *mutilare* “to cut or lop off”. Earlier existed also such word *asmutilus* “maimed” which is of uncertain origin. Later in the 1630s, the word acquired a connotation of “destroying of unity by damaging or removing a part”.

According to *Black's Law Dictionary* (2009: 1115), *mutilationis* the act of cutting off or permanently damaging a body part, especially an essential one.

**Buggery (n.)** *MWOD; FODET; OLatD; OCD; OED* (Online 7, 11-14), *Black's Law Dictionary; Oxford Dictionary of Law*

(*UK Sexual Offences Act 2003, Canadian Criminal Code*)

1533 – Borrowing from vulgar Latin via Old French. The term *buggery* literally means sodomy. *Buggery* was first used in English language in 1533 and came from Old French *bougrerie*, which roughly derived from Latin *Bulgarus*. In Old French, *bougrerie*, which comes from *bougre* had a meaning of “heretic”. The meaning “sodomite” came from Medieval Latin *Bulgarus* - “a Bulgarian” so named from prejudiced views of Eastern Orthodox Christians' sex life or of the sect of heretics.

According to *Black's Law Dictionary* (2009: 243), *buggery* means a carnal copulation against nature, it being a man or a woman with a brute beast or a man with a man or even man unnaturally with a woman. Currently, there is no ban on homosexuality in Britain and Canada. Nevertheless, this term exists in the *Crimes against the Person Act of 1861*. According to Stone (1999: 166), homosexuality is a subject to consideration only on indictment.

**Exploitation (n.)** *MWOD; FODET; OCD; OED* (Online 7, 11, 13, 14), *Black's Law Dictionary; Oxford Dictionary of Law*

(*UK Modern Slavery Act 2015, Canadian Criminal Code, New Zealand Crimes Act*)

1803 - Direct borrowing from French. The word *exploitation* appeared in the English language in 1803, first meaning “productive working” of something. At first, the word had a positive sense among the people who used it first. The word appeared from the French *exploitation*, noun of action from *exploiter*. The sense in which the word is being used nowadays developed in 1830s-50s, partly influenced by the writings of French

socialists, and also by the U.S. anti-slavery writing, in which the *exploitation* was used as an insult to activities that were praised before.

According to *Black's Law Dictionary* (2009: 660) exploitation is the act of taking advantage of something; the act of taking unjust advantage of another for one's own benefit.

**Voyeurism (n.)** *MWOD; FODET; OLatD; OCD; OED* (Online 7, 11-14); *Black's Law Dictionary*

(*UK Sexual Offences Act 2003, Canadian Criminal Code*)

1913 – Formation of a verb from an existing noun. *Voyeurism* appeared in English language from an existing noun *voyeur*. *Voyeur* is a French word in English language that comes from 1889, meaning “one who inspects or views” and earlier from Latin *videre* “to see”. The word *Voyeur* was combined word-forming element *-ism* to make a verb implying a system, practice, etc. The word-forming element itself comes from French *-isme* or from Latin *-isma, -ismus*.

According to *Black's Law Dictionary* (2009: 1714), voyeurism is gratification derived from observing the genitals or sexual acts of others, usually secretly.

Sexual crimes also include such crimes as attempted rape, forcing a woman to have sexual intercourse, administering drugs for sexual intercourse, sexual intercourse with girls under 13 or 16 and with children under 14, communication with “defective”, indecent exposure, Wilson (2017: 352).

#### **5.4 Summary of the analysis of terms related to the Offences Against the Person**

The etymological analysis of criminal law terms related to criminal offenses against the person has revealed that the main source of legal terminology is the process of borrowing from other languages under the influence of historical and cultural factors. The following terms occurred directly through borrowings: *homicide, murder, manslaughter, killing, infanticide, poisoning, bigamy, stalking, assault, suffocation, wounding, torture, battery, slavery, harassment, abduction, trafficking, cyberstalking, incest, violence, infecting, rape, abuse, mutilation, buggery, exploitation, voyuerism*.

The largest number of borrowed terms are of French and Latin origin, i.e., they were borrowed from Latin through French. They include the following terms:

*Homicide* - from Old French *homicide*, earlier from Latin *homicidium* “manslaughter”, from *homo* “man” and *-cidium* “act of killing” from *caedere* “to kill, to cut down”. There is a possibility of the word appearing in Latin from *caedere* “to kill, to cut down” and earlier from Proto-Indo-European root *\*kae-id-* “to strike”.

*Infanticide* - from French language, by combining the existing word *infant* which came from Latin, with ending *-cide* meaning “killer” which also came from Latin.

*Poisoning* - the verb is a conversion of an earlier existing noun *poison*, from Old French *poison* or *puison*. Later, the word acquired a connotation of “a (magic) *potion* from Latin *potionem*.”

*Bigamy* - from Old French *bigamie*, which earlier came from Late Latin *bigamus*.

*Assault*- came from Old French *asaut*, which earlier was borrowed from Vulgar Latin *adsaltus*. In 12<sup>th</sup> century Old French, the term had a meaning of “an attack, an assault, assaulting troops” and in Vulgar Latin “attack, assault”. In Latin the word *adsaltus* appeared by combining prefix *ad* “to” to a Latin *saltus* “a leap”.

*Suffocation* - *to suffocate* comes directly from Latin, the noun comes from Old French *suffocacion* and directly from Latin *suffocationem*, meaning “a choking, stifling”. The noun of action is formed from past-participle stem of *suffocare*”.

*Torture* - from Old French *torture* “infliction of great pain; great pain, agony”, which is a borrowing directly from Late Latin *tortura* “a twisting, writhing”.

*Battery*- is another term which came from Old French language in the form of *baterie*. The term existed earlier in Latin language in the form of *batre* and earlier *battuere*. In 12<sup>th</sup> century Latin the word *batre* had a meaning of “to beat”. In French, the term *batterie* shifted the meaning from *bombarde*.

*Slavery* - the word *slavery* is a conversion from a verb *to slave*, which is a conversion from a noun *slave* from the Old French *esclave*, which originates from Medieval Latin *Sclavus* “slave”.

*Trafficking* - from a verb *to traffic* “to buy and sell”. The verb is a conversion from a noun *traffic* from French *trafique*. Also noticeable are the traces that in the French language the word appeared from Italian *traffico*, which appeared from a word of uncertain origin *trafficare* “carry on trade”. The origin of *trafficare* may be Vulgar Latin *\*transfricare* “to rub across”.

*Incest* - from French *inceste* “lechery, fornication”, earlier from Latin word *incestum* “unchastity, lewdness or a violation of religious laws”.

*Violence* –appeared in late 13<sup>th</sup> century from Latin *violentia* “impetuosity, vehemence” from *violentus* “forcible, vehement” and later from Anglo-French and Old French *violence*.

*Infecting* - from Old French *poison* or *puison* “a drink” and especially meaning a medical drink. Later, the word acquired a connotation of “a (magic) potion or a poisonous drink”. The word earlier appeared from Latin *potionem* “a drinking, a drink”, which also meant “poisonous drink”. The origin of the Latin word is a Proto-Indo-European root *\*po(i)-* meaning “to drink”.

*Rape*– came into English language from Anglo-French *raper*, earlier from Latin *rapere* “to seize, carry off by force, abduct”.

*Abuse* - appeared in the English language with the connotation of “improper practice”. Earlier existed French *abus*, which originated from Latin *abusus* “a using up”. The word forming element *-ab* meaning “away, from” was combined with Vulgar Latin *usare* – “use”.

*Mutilation* - the word was borrowed from French *mutilation* and directly from Late Latin *mutilationem*. The Latin word is a noun of action from the past-participle stem of Latin *mutilare* “to cut or lop off”. Earlier existed also such word as *mutilus* “maimed” which is of uncertain origin.

*Buggery* - from Old French *bougrerie*, which roughly derived from Latin *Bulgarus*. In Old French, *bougrerie*, which comes from *bougre*, from Medieval Latin *Bulgarus* - “a Bulgarian”.

*Voyeurism*- from an existing noun *voyeur*. *Voyeur* is a French word from Latin *videre* “to see”.

The term *abduction* - from *abductionem* “a forcible carrying off, ravishing, robbing” has Latin origin.

The terms that have an Old French origin include the term *harassment* from word *harasser* of uncertain origin, possibly from Old French *harer* “stir up, provoke, set a dog on” and the term exploitation from the French *exploitation*, noun of action from *exploiter*.

Proto-Germanic origin was revealed in following terms:

*Murder* - from the Old English word *morðor*, from Proto-Germanic *\*murthran*, it received a connotation of punishment, torment, and misery. In several languages, the words for murder have similar structures: Old Saxon *morth*, Old Frisian *morth*, Old Norse *morð*, Middle Dutch *moort*, Dutch *moord*, and German *mord*. It comes from the Proto-Indo-European root *\*mer-* (to die).

*Killing* - from a variant of Old English *cwellan* “to kill, murder, execute”, which comes from Proto-Germanic *\*kwaljanan*. Similar words are also found in: Old Saxon *quellian* “to torture, kill”, Old English *cwelan* “to die” *cwalu* “violent death”, Middle Dutch *quelen* “to vex, tease, torment”, Old High German *quellan* “to suffer pain”, Old Norse *kvelja* “to torment”.

*Stalking* - form *to stalk*, from Proto-Germanic *\*stalkon* “to rob, steal”.

*Wounding* - from Old English *wund* which came into Old English from Proto-Germanic *\*wuntho*, meaning “hurt, injury or ulcer”. Existed similar words also in Old Saxon *wunda*, Old Norse *und*, Old Frisian *wunde*, Old High German *wunta* and German *wunde*.

The analysis also revealed several cases of semantic change as a method of new term formation. The following terms belong to this group: *rape* as legal term from Latin *rapere* “seize, carry off by force, abduct”; *violence* - from Latin *violent* “vehemence, impetuosity”; *expose* - from Old French *esposer*, *exposer* “lay open, set forth, speak one's mind, explain”; *buggery* – 14<sup>th</sup> century “heresy” from Old French *bougerie*.

The analysis allowed identifying combined terms where the words that were used in their coinage are of English origin or if the words that were combined are borrowings from other languages.

As a result of the combination of two words, the following terms were formed: *kidnapping*: *kid* (n.) “child” and *nab* (v.) “snatch away” + ing-form. Both of these words existed in English language before being combined; *infanticide*: *infant* (n.) and *cide* – word-forming element meaning “kill” from French *-cide*, from Latin *-cida*. Both words are Latin borrowings which were first combined in the French language and shortly, the word was used also in the English language without any changes in its structure; *manslaughter* formed from *man* and *slaht* back in the Old English period. The term slightly changed its shape and pronunciation over the centuries, but the traces of the original coinage are still easily seen.

In the next part will be considered the semantic way of term formation. The word exploitation first meaning “productive working” of something. At first, the word had a positive sense among the people who used it first. The word appeared from the French exploitation, noun of action from exploiter. The sense in which the word is being used nowadays developed in 1830s-50s.

Neologisms were also identified where terms were formed with the help of prefixes and suffixes and conversion: *trafficking* was formed by making a verbal noun out of the verb to traffic, which previously came from the noun *traffic*; *cyberstalking*, formed by merging the prefix *cyber-* (cybernetics) and word *stalking* (v.); *voyeurism* (n.), formed by combining the word *voyeur* (n.) and the suffix *-ism*; *viable* - Latin *vita* “life” and word-forming element *-able* meaning “capable of”.

The analysis confirmed the close link between language and societal life of the community - English legal terminology reflects all the phenomena taking place at different stages of its development. The etymological analysis revealed that English terminology related to criminal offences against the person emerged on the basis of a number of sources: terms from Roman law, terms from case law and general language words.

The etymological analysis of the terms included in the sample can be grouped in the following chronological groupings as the words have appeared in the English language:

- before the 12<sup>th</sup> century: *murder*
- the 12<sup>th</sup> century: *incest*
- the 13<sup>th</sup> century: *homicide, killing, poisoning, bigamy, violence*
- the 14<sup>th</sup> century: *manslaughter, assault, suffocation, wounding, infecting, rape*
- the 15<sup>th</sup> century: *torture, abuse*
- the 16<sup>th</sup> century: *battery, slavery, mutilation, buggery*
- the 17<sup>th</sup> century: *infanticide, harassment, abduction*
- the 18<sup>th</sup> century: *exploitation*
- the 20<sup>th</sup> century: *trafficking, cyberstalking, voyeurism, stalking*

The theoretical basis of the Old English period differs in that the laws are represented only by local customs. In this period, there are already such term *murder*.

According to etymological analysis, these terms are of native English and Proto-Germanic origin.

Based on the analysis, it follows that starting from the 12<sup>th</sup> century, terms that entered the English language from Latin through French began to appear. Of all the terms considered that have appeared since this period, most are borrowings of this kind. This suggests that the Norman Conquest was an important factor that changed Anglo-Saxon law and with it the legal language. The Old French language has almost completely replaced the official Anglo-Saxon language.

The study revealed that the French language has become a conductor of Latin borrowings denoting the main terms of criminal law, for example, terms such as *bigamy*, *violence*, *assault*, *rape*.

The terms *homicide*, *killling*, *poisoning*, *bigamy*, *violence* appeared in the 13<sup>th</sup> century. In the 14<sup>th</sup> century, such words as: *manslaughter*, *assault*, *suffocation*, *wounding*, *infecting*, *rape* appear; by the 15<sup>th</sup> century – *torture*, *abuse*; by the 16<sup>th</sup> -*battery*, *slavery*, *mutilation*, *buggery*, by the 17<sup>th</sup> - *infanticide*, *harassment*, *abduction*; by the 18<sup>th</sup> – *exploitation*.

Most of the analyzed terms related to criminal offenses against the person were borrowed in the 13<sup>th</sup> and 14<sup>th</sup> centuries. The terminology of this period is saturated with the enrichment of terminological vocabulary due to borrowings from Latin and French.

New terms continue to appear to this day, as new types of crimes appear (for example, Internet crimes). In the 20<sup>th</sup> century, new terms appear: *trafficking*, *cyberstalking*, *voyeurism*, *stalking*. As can be seen from the listed examples, the vocabulary of general use is used to form terminology. The terms that appeared in the 20<sup>th</sup> century show the sensitivity of terminology to external influences, as well as to the processes taking place in society at a particular stage and are directly related to everyday life.

## CONCLUSIONS

The etymological analysis of terms designating offences against the person reveals some tendencies in the development of legal terminology in the English language. The terminology emerged in English as a result of borrowing from other languages, the creation of neologisms, and semantic changes.

The etymological analysis of criminal law terms related to criminal offenses against the person has revealed that the main source of legal terminology is the process of borrowing from other languages under the influence of historical and cultural factors. The following terms occurred directly through borrowings: *homicide, murder, manslaughter, killing, infanticide, poisoning, bigamy, stalking, assault, suffocation, wounding, torture, battery, slavery, harassment, abduction, trafficking, cyberstalking, incest, violence, infecting, rape, abuse, mutilation, buggery, exploitation, voyeurism.*

The source languages for borrowed words are Latin, French, Old Norse, and Proto-Germanic. The largest number of borrowed terms are of French and Latin origin, i.e., they were borrowed from Latin through French: *homicide, infanticide, poisoning, bigamy, assault, suffocation, torture, battery, slavery, harassment, abduction, trafficking, incest, violence, infecting, rape, abuse, mutilation, buggery, voyeurism.*

Proto-Germanic origin was revealed in following terms: *murder, killing, stalking, wounding.*

The study of terminology designating criminal offences against the person from the chronological point even though the sample is not large has still revealed some trends in the historical evolution of legal English. The study revealed that the majority of the murder designations appeared during specific historical epochs.

The first changes in the terminology happened due to foreign invasions, which led in the exchange of diverse languages. Second, the era after the Norman Conquest was characterized by the imposition of the French language in all English government institutions. For several centuries, the French language influenced the evolution of English legal vocabulary.

The analysis has shown that the period that had the greatest influence on the formation of legal English terminology was the Middle English period. The Middle English period lasted from 12<sup>th</sup> to 16<sup>th</sup> century, during which the legal language that was used in

courts was the so-called Legal French. The analysis of the sample of the terms revealed that most of terms in the sample appeared during the said period, almost all of the words that appeared in the English language during that period were borrowings of French origin that themselves had originated from Latin.

The analysis of criminal acts of different British colonies has also shown that even though the countries like Canada, Australia and New Zealand have already separated and gained their independence, the criminal laws that apply in these countries still contain most of the same terms that were formed back in the Middle English period, meaning that the French and Latin languages influenced even the modern legislations of countries that are very distant geographically from the Great Britain.

The analysis has allowed answering the research question that the Middle English period was the most prolific period for the emergence of terminology designating criminal offences against the person.

The purpose of the present research study was to investigate the evolution of terminology pertaining to criminal offences against the person highlighting periods when the respective terms appeared thus signaling the gradually growing awareness of the community of the seriousness of offences against the person. This task proved to be very difficult to accomplish as it would require a more in-depth study of the relevant terminology in the given field of law that was not possible due to the time constraints of the research. However, it could be a future line of investigation that might provide more information on the given subject.

## THESES

1. Historical linguistics is the study of language history, including changes in specific languages, language relatedness, and protolanguages; while etymology is a discipline of linguistics concerned with the history of words and their significance.

2. Following the Norman Conquest, common law developed in England in the royal courts of French-speaking kings laying the foundation of the legal system of the United Kingdom.

3. The main reason for the reformation of criminal law was the large number of crimes in England at that time adjudged either by common law or by statute law, and some of them were adopted in the Middle Ages.

4. Legal English developed under the impact of important periods in the history of the British Isles: Scandinavian invasions before the 11<sup>th</sup> century, the Norman Conquest in 1066, and two centuries after the Conquest.

5. At different periods of time, the nature of crimes on the territory of the British Isles has changed largely dependent on various social, political and economic phenomena.

6. Latin as the language of education and science, employed in legal hearings and documents as well as in administration of justice influenced the formation of legal English vocabulary.

7. The research showed that historically Latin was the most influential language for the formation of the new terms designating offences against the person.

8. Common law has become the basis for the legal systems of many countries. It operates in the UK, USA, Canada, Australia, New Zealand and some other countries - former British colonies.

9. The study covered a sample of 29 terms and found that terms designating criminal offences against the person entered the English language through borrowing, neologisms, and semantic changes.

10. Modern English legal terminology owes its conservatism to the history of its formation as it emerged the course of slow, evolutionary historical development, gradual formalization of existing relations.

**Word count: 17153**

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## DOKUMENTĀRĀ LAPA

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