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LEGAL TERMINOLOGY IN DOCUMENTS COMPOSED IN THE 17TH CENTURY YENISEI SIBERIA

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Abstract

This paper describes the thematic sets of legal terms used in the XVIIth century formal written language of Yenisei Siberia. It investigates special terminology used in judicial documents. The researchers analyzed judicial manuscripts of the XVIIth century Yenisei Siberia, which are stored in the Russian State Archive of Ancient Acts (RGADA) and are part of the Siberian Prikaz collection (Collection 214, Record 3). This paper analyzes special terminology found in the documents that were composed in 1639-1693 and are characteristic of the judicial language of Yenisei Siberia; it is therefore part of a larger research effort that seeks to produce a detailed description of the Russian vocabulary that existed when Russian as a national language was still at infancy. As legal language transitions from an order-like style to a novel bureaucratic style, use of many legal terms changes significantly. Such change can be studied by functional analysis of special legal terms found in location- and time-specific formal writing. Therefore, analysis of the official documents composed in Yenisei Siberia in the XVIIth century will help complete the general knowledge of thematic sets of Russian legal terms. For research material, the authors have used their own files, a total of 1,247 microcontexts.

Keywords: Regional formal writing, special vocabulary, thematic set, legal terms, formal language

1. Introduction

A vocabulary can be described in a variety of ways. One such way consists in splitting the vocabulary into thematic sets. Each thematic set is dedicated to a specific subject matter; this method is common in Russian linguistics.

Such classification helps showcase the thematic diversity of the Russian vocabulary. The classification is based on splitting words thematically; Snetova (1984), a researcher of the history of Russian, believes that applying this principle requires "taking into account how lexemes relate to the existing objects and phenomena as well as to their conceptual content" (p. 21). This principle is applied herein to the legal terms found in the investigation papers composed in Yenisei Siberia in the 17th century (Yenisei Siberia hereinafter refers to Siberian territories along the Yenisei River).

What makes this research relevant is the lack of publications on the vocabulary used in formal writing in some regions of Muscovite Russia in the 16th and the 17th century. The reason is that central state archives have collected and now keep the majority of documents found in peripheral regions, and researchers from regional universities often do not have access to these collections.

2. Problem Statement

The theory behind splitting the vocabulary into thematic sets implies that the theme (the subject) and the concept (the semantics) are interconnected; smaller subsets can be merged into a single thematic set based on subsumption, homogeneity, (not necessary) hyperonymy, synonymy or antonymy, or by means of the part-of-speech classification.

In this research, the authors took the requirements above into account when classifying the special terms found in judicial documents composed in Yenisei Siberia in the 17th century. The vocabulary covered herein totals 263 units.

3. Research Questions

This paper investigates special terminology used in judicial documents.

The subject matter is the thematic classification of special legal terms found in a formal Russian regiolect of the 17th century.

Theoretical contribution hereof consists in the development of a thematic classification applicable to special legal terms.

The results could be of use for lexicographic analysis as part of drafting special dictionaries.

4. Purpose of the Study

The goal hereof is to describe the thematic sets of special terms used in the XVIIth century judicial documents of Yenisei Siberia.

To that end, we set forth the following objectives: (1) group 263 special terms by topic; (2) analyze each thematic set of special terms used in the 17th century judicial documents of Yenisei Siberia.

5. Research Methods

The researchers used the following methods: (1) paleography to confirm the authenticity of documents, to find where and when the manuscripts were written; (2) source studies to find how the genre, form, location, and time of a document could be connected to its vocabulary; (3) descriptive method to break down special terms into semantic sets, to explain their structure and functioning.

When processing the manuscripts, the authors selected vocabulary to match the target topic so that such vocabulary isolated from the 17th century manuscripts composed in Yenisei Siberia would consist of special terms pertaining to judicial proceedings. Such processing required taking into account whether the vocabulary was indeed legalese, as well as its definitiveness and evaluative nature.

6. Findings

Today's research into the history of the Russian language and the ways its special vocabulary developed mostly covers regional forms of the language (Demeshkina, 2018; Gorodilova, 2019; Inyutina & Shilnikova, 2017; Inyutina & Shilnikova, 2020; Kartavenko, 2016; Kudryavtseva, 2018; Popov, 2017a, b).

Analysis of the vocabulary used in the XVIIth century formal written language of Yenisei Siberia highlighted 263 legal terms. They were split into six thematic sets:

Set 1, Crime, comprises 108 terms referring to:

– use of violence: *бивать (beat), драка (fight), изувечить (mutilate), убивственная голова (murdering person), насильство (violence)*, etc.: «А буде кто у кого насилствомъ обесчес[титъ] блуднымъ дѣломъ жонку или дѣт[еи]»;

– inflicting pain and suffering: *бесчестить (defame), бранить (abuse), наговор (false accusation), угроза (threat)*, etc.: «от Василева де наговору стало мне убытков куякъ да рыс да пят бобровъ добрых да десят соболеи черных да лисица»;

– manufacture and sale of prohibited items: *винная продажа (wine sale), воровские деньги (counterfeit money), делать деньги (make money), подделывать печати (falsify stamps), продавать вино (sell wine)*, etc.: «воровские денги он Мишка живучи у него Евдокимка дѣлал;

– wrongful appropriation of, or damage to, another person's property: *грабеж (robbery), краденой живот (stolen property), нападывать на домы (attack houses), разоренье (devastation), ограбить (plunder)*, etc.: «он же Васка с воеводою Гарасимомъ Петровичемъ ограбили меня отнели полтретя сорока соболеи шесть фунтов [неразб.] да оклади хлѣбнои и денежнои»;

– crimes against the state: *заворовать (steal), измена (betrayal), изменник (betrayer), непослушник (law breaker), своровать (pilfer)*, etc.: «в прошлом де во •РОЕ•м году писал де к нему Иванъ Перфиривъ из Ыркуцково острожку что ходили де они на непослушников которые не платят ясаку великому гсдрю»;

– illegal acts on the part of public officials: *волочить (delay), воровская приписка (thief adscript), оплошка, поминок (gift), взятка (bribe)*, etc.: «во •РЧД•[м] году к такимъ ярлыкам сверхъ печати великих гсдреи дьякъ Иван Юдин взятки своею рукою приписывал».

Special terms in the subsets Use of Violence (20), Illegal Acts on the Part of Public Officials (19), and Wrongful Appropriation of, or Damage to, Another Person's Property (17) dominate the thematic set under consideration. Notable is the 'violence' subset, as it has a very diverse range of crime-related terms: *бивать (beat), бить (beat), бой (beating), драка (fight), изгонять (exile), изувечить (mutilate), насильство (violence), побивать (combat), побить (beat), побои (beatings), поморить (poison), разбой (robbery with violence), убивственная голова (murdering person), убивство (severe battery), убийство (murder), убийственное дело (murder), убить (kill), убойца (murderer), увечить (mutilate)*. Note that this list contains the words *убивство* and *убийство*, which, despite being similar, have drastically different meanings, as the former means "severe battery" whilst the latter means "murder". This interpretation comes from the meaning of *убивати (kill)* (Srezniewski, 1912).

Set 2, Investigation, comprises 66 terms referring to:

– collection of testimonies: *добрые люди (good people), повальный обыск (general search), словесное челобитье (verbal petition), обыскные речи (night visit examination)*, etc.: «Енисеиского острогу Спаскои поп к сим обыскным рѣчем»;

– interrogation in a voivode's office: *взять в съезжую избу (take to the assembly house), допрос (examination), известить (inform), общая ссылка (general referral to one witness), роспросить з большим пристратьем (harsh interrogation)*, etc.: «Красноярского острогу конных казаков десятникъ Тит Борисовъ созал в допросе сыщику взирая на образ бжии»;

– confession or denial: *виниться (confess), запираться (refuse to speak), повинная (confession), объявиться (surrender), явочная челобитная (surrendering petition)*, etc.: «противъ сказокъ ихъ дана очная ставка о том что сторож Сергушка противъ скаски подячего Бориса Серебреникова запирался;

– methods of interrogation: *дать очную ставку (provide face-to-face confrontation), жечь огнем (burn with fire), мучить в железах (torture with iron), очная ставка (face-to-face confrontation), уличать (divulge)*, etc.: «А подячеи Борис Серебреников на очнои ставке уличал ево Сергушку что де онъ Сергушка сказывал».

This thematic set is dominated by special terms related to Interrogation in a Voivode's Office (24 units), possibly due to the parallel use of synonyms (*распрос – распросные речи (examination), извет – изветное дело (delation – delation case)* or differentiation of different investigation activities (*распросить (interrogate) – распросить порознь (interrogate separately) – распросить с большим пристрастием (harsh interrogation)*). Similar phenomena are observed in other thematic sets, too.

Set 3, Legal Proceedings, comprises 22 terms that refer to:

– trial: *суд (court), суда не давати (no court), судное дело (lawsuit), росправа (punishment)*, etc.: «И какъ впред о том против иноземского челобитья в розных их исках росправа и указ чинит»;

– the plaintiff: *искать (claim), исковая челобитная (lawsuit petition), исковое дело (ordinary proceeding), истец (plaintiff)*: «И которые де по их иноземскому челобитью в Балаганску всякие исковые их дѣла у нихъ бывали»;

– the defendant: *отвечать (respond), ответчик (defendant)*: «И вмѣсто отвѣтчика Данила Строганова в суде отвѣчалъ Андрѣи Хвалевскои»;

– surety: *дать на поруки (to release someone at the guarantor's liability)*, *поручик (bailsman)*, *ручать (stand security for)*, *порука (bail) and so on*: «а нам холопем твоим велено Калину Балезина для справки выслат к тебѣ ко гсдрю к Москве за поруками».

Subsets in the Legal Proceedings set mostly consist of 2 to 7 units. Surety is the largest subset that contains *взять поруку (take on bail)*, *выпустить на поруки (release on bail)*, *дать на поруки (to release someone at the guarantor's liability)*, *порука (bail)*, *поручик (порутчик) (bailsman)*, *поручиться*, *ручать (stand security for)*. Note the term *дати на поруки*, the earliest known source of which is the Sudebnik of 1497. Before that, Russian law had been using the term *дати (вдати, прѣдати) на руцѣ* 'to release someone at the guarantor's liability' (Barkhudarov, 1977).

Subset 4, Punishment, comprises 37 terms referring to:

– corporal punishment: *бить батоги (beat with sticks)*, *бить кнутом на козле (beat with a whip)*, *казнить смертию (conduct death penalty)*, *повесить (hang)*, *залить горло (fill one's throat with melted tin)*, etc.: «вашъ великих гсдреи указ по Уложенью учиненъ казненъ он Мишка смерт[ию] залито ему горло»;

– displacement: *выслать (expel)*, *сослать (exile)*, *ссылка (expulsion)*, *ссыльной человек (exiled person)*, *ссыльные люди (exiled people)*: «в прошлых гсдрь годех присыланы с Москвы в Красноярскои острогъ ссылные люди в службу»;

– confinement: *держать в тюрьме (take imprisoned)*, *сковать (arrest)*, *тюремное сиденье (serving time in jail)*, *тюремный сиделец (prisoner)*, *посадить в тюрьму (put in jail)*, etc.: «посадил де он Петръ товарыщев своих Матвѣя Глѣбова и дьяка Еуфима Филатова и писмяног голову Еналѣя Бахтеярова в тюрму не по дѣлу»;

– legal status: *виноватый (guilty)*, *дать за пристава (referring to custody or police officers)*, *обвинить (accuse of)*, *оправить (vindicate)*, *приговорить (sentence to)*, *свободить на поруки (to release someone on bail)* and so on: «по общеи ссылке столникъ и воевода Петръ Зиновьевъ подячего Бориса Серебреникова велѣ[лъ] оправить».

Legal Status (11) and Corporal Punishment (8) are the largest subsets here. The largest subset contains such terms as *виноватый (guilty)*, *дать за пристава (referring to custody or police officers)*, *держать за приставом (keep in custody)*, *обвинить (accuse of)*, *оправдание (vindication)*, *оправдать (vindicate)*, *оправить (vindicate)*, *правый (right)*, *приговорить (sentence to)*, *свободить на поруки (release on bail)*, *сидеть за приставы (be in custody)*. Here, there are pairs of synonyms: *оправдать – оправить,* meaning "vindicate", and pairs of antonyms: *оправдать – обвинить (vindicate – accuse)*, *оправить – обвинить (vindicate-accuse)*.

Set 5, Documents, comprises 27 terms that refer to:

– interrogation: *допросные речи (examination)*, *обыскной список (night visit list)*, *роспросные речи (interrogation)*, *сказка ((census) record)*, *список скаски (census record list)*, *статейный список (list of entries for each prisoner)*: «прислал к Москвѣ под отпискою тюремнымъ сидѣлцомъ стате[и]нои списокъ а в статеиномъ де списке написано»;

– investigation: *дело (lawsuit)*, *допросные речи (examination)*, *подлинное дело (true case)*, *розыск (inquiry)*, *ставить с очей на очи (bring to face-to-face interrogation)*, etc.: «с ыными с кѣм доведетца их с очеи на очи ставя допрашиват и рѣчи записывати»;

– trial: *иск (claim), поручная запись (guaranteeing record), правежная выпись (court decision on vindication), приговор (sentence), судное дело (court case)*, etc.: «указали б с подлиннои записи списать списокъ из данои к сему судному дѣлу».

Investigation (11 terms) is the most interesting subset here. It includes the following terms: *дело (lawsuit), допросные речи (examination), изветная челобитная (delator petition), очная ставка (face-to-face interrogation), подлинное дело (true case), розыск (inquiry), розыскное дело (investigative case), сыск (investigation), сыскное дело (investigative case), сыскной наказ (investigative instruction), сыскные допросные речи (investigative examination)*. Some documents are even named after investigative actions (*розыск (inquiry), сыск (investigation), допросные речи (examination)*, etc.). These terms are verbal nouns formed from productive roots: *-иск (-ыск) (-isk-(-ysk))* and *-прос- (-праш-) (-pros-(-prash-))*; they refer both to the judiciary offices' activities in the 17th century Yenisei Siberia, and to the documents that pertain to such.

The last thematic subset, Governmental System, comprises 10 terms including *воевода (warchief), дело (lawsuit), пристав (police officer), розправная изба ("high court"), съезжая изба (assembly house)*, etc. The following examples illustrate how these terms were used in formal writing in Yenisei Siberia of the 17th century: «прежные гсдрь воеводы в Томскои писывали многажды а женишка моево не присылывали»; «он же де бутто с подьячими и с целовалники гсдрву соболиную и всякую казну перекрал и дѣла передѣлал».

This set is not split into subsets due to being small.

Notably, the number of researched legal terms from the 17th century differs for general and regional Russian corpora of formal writing. This can be seen in the analysis of legal terms used in the Sobornoye Ulozheniye of 1649. For instance, the analyzed local documents lack these special terms: (Crime) *богухульник (blasphemer)*: «того богохулника обличив, казнити, зжечь»; (Investigation) *изветчик (delator)*: «А опричь тех великих дел ни в каких делех таким изветчиком не верить», the thematic set "Punishment" *торговая казнь (public flagellation)*: «А общется то, што жалобник солгал, и того жалобника казнити торговою казнью» (Mankov, 1985). They are likely to be found in regional documents that were not covered herein.

7. Conclusion

This paper presents the thematic sets of special judicial terminology used in Yenisei Siberia in the 17th century; the sets showcase the diversity of such terms. Crime-related terms constitute the largest set, while terms pertaining to the Governmental System make up the smallest set. Comparison against general Russian formal writing shows that documented regional Old Russian needs further research.

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