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The cognitive approach in analyzing legal terms in the international treaties' texts

Abstract. Cognitive linguistics dealing with the description and explanation of mental structures and processes connected with language knowledge is viewed as a flexible framework rather than one widely accepted theory; therefore, it is applicable in the study of terms. The article aims to analyze legal terms from cognitive linguistics' perspective. More specifically, we apply a cognitive approach in interpreting legal terms and explain the way being used in the international treaties' texts by presenting the document's frame structure. We reveal the legal document's frames with the terminals and lexical expressions in Kazakh and English. The study analyzes the agreement document as a script due to a F. Ungerer and H-J. Schmidt's framework. The terms are undergone the concept structure research technique with presenting paradigmatic and syntagmatic relationships.

Keywords: cognitive; term; concept; frame; script.

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Introduction

The cognitive sciences began as an intellectual movement in the 1950s, often referred to as the cognitive revolution [1, p. 142], benefiting developing the new directions in linguistics - cognitive linguistics and cognitive psycholinguistics. In Schmidt & Ungerer's [2] opinion, the science regards cognitive linguistics differently as two competing, and in many respects, incompatible approaches to language study characterize it. The first view sees knowledge about language as an exceptional

human ability that is not related to other cognitive faculties such as perception, attention, or memory. The second view emphasizes the experiential nature of linguistic competence. Because cognitive linguistics sees language embedded in the overall cognitive capacities of man, topics of particular interest include:

- the structural characteristics of natural language categorization (such as prototypicality, systematic polysemy, cognitive models, mental imagery, and metaphor);
- the functional principles of linguistic organization (such as iconicity and naturalness);

- the conceptual interface between syntax and semantics (as explored by cognitive grammar and construction grammar);
- the experiential and pragmatic background of language-in-use; and the relationship between language and thought, including questions about relativism and conceptual universals [3].

According to Bednarikova [4, p. 9], cognitive linguistics is one of the cognitive science disciplines that deal with describing and explaining mental structures and processes connected with language knowledge. It examines the possibilities of shaping the process of learning, reception, and production of language, while its real effort is to create an elaborate theory about the cohesion of structural and procedural aspects of language knowledge. The scholar proposes two main paradigms of conceptualizing the language within cognitive linguistics' frames, such as modular and holistic. Therefore, "... Modular approach characterizes language as an autonomous module, separated from modules of other cognitive abilities. The holistic approach describes language structures and operations as inseparable parts of whole cognitive abilities, categorization processes, and conceptualization of perceived reality" [4, p. 10].

The language's cognitive description closely connects the language's cultural interpretation with the speaker's philosophical interpretation. Meanwhile, the language's cultural description cannot exist outside the linguistic theory of a specific language. Cognitive research has to take into account the fact that the language «encodes information about different types of thinking, corresponding to different stages of human development ...» [5, p. 39].

Human consciousness's functioning allows a person to develop generalized knowledge about connections, relations, laws of the objective world that form the person's «worldview.» It is a picture of the world, a detailed classification scheme of the world (real, possible, virtual), presented in the minds of native speakers and realized by them in the preferred, and therefore actual, linguistic forms and speech structures reflected in the texts. In linguistics, Humboldt who had originated the idea that language and

worldview are inextricable first took the concept of the linguistic worldview into focus. Human beings can communicate with other people employing a system of conventional signs, which refer to classes of phenomena in extra-linguistic reality. Hence, a particular cognitive view of the world, categorization, and conceptualization are encoded in the human mind [6].

According to Sabralimova [7], the cognitive approach along with the discourse explains what a speaker thinks about at the moment of speech generation and what language is appropriate in a particular speech situation. Language knowledge is considered the whole experience of cognitive, speech, and abstracting activity of a person, «captured» in memory in the form of the system-linguistic meaning.

In recent years, much research in the field of cognitive linguistics has appeared in Kazakhstan. Cognitive and communicative approaches in the analysis and interpretation of the language and its elements match the modern paradigm of language research in the Kazakh linguistic community [8]. Attempts to unite the semantic and grammatical approaches of text study and create a new methodology for cognitive analysis and interpretation of linguistic signs are common to Karlinsky, Bayandina, Burkitbaeva, Gizdatov, Ekshembeeva, Murzagalieva, Temirkhanova. Karlinsky [9, p.127] gives the following definition to cognitive linguistics as "(relation language-thinking) explores the surrounding world and its reflection in the language consciousness, as well as the study of the relationship between logical and linguistic categories (concept-word; judgment, inference-sentence) in speech-thinking during speech production'.

Hence, cognitive linguistics gives a psychological explanation of linguistic facts and language categories, and relates language forms with their mental representations and experience [10].

Theoretical background

Establishing a concept 'term' has been long and diverse due to being quite complicated [11]. Vinogradov [1947] formulated the essence of a term and noted that a word becomes a scientific

term if only it is a tool of logical definition. In its historical evolution, the concept 'term' was interpreted as follows:

- "a word that is a name of a strictly defined concept" [12].
- "a word that shows strictly defined philosophical, scientific, technical, etc. concept" [13].
- "a specific type of certain verbal designations that convey certain concepts established at a certain stage of the development of science and revolutionary practice. The terminological concept transmitted by the term may not coincide with the dictionary meaning that is inherent in this word value in everyday life" [14].
- "words and phrases denoting permanent concepts, used in various fields of science, technology, cultural and social life" [15].
- "a word or a collocation being the exact name of a special concept for any field of science, technology, production, social-political life, culture, etc.» [16].
- «a word or collocation with historically justified or conventionally assigned meaning that reflects one concept in a specialized field of knowledge or production» [17].
- «a basic unit of science, a special area of expertise and area of human activity denominating processes and objects and, at the same time, acting as an agent of environmental world cognition» [18].
- «a word or a collocation that is coordinated with a clearly defined concept of a science, art, social and political life and enters a systemic relationship with other similar units of language, forming with them a particular system, or terminology" [19].
- "special vocabulary used in certain branches of science and technology, and its main features are accuracy, brevity, and consistency" [20].

According to Aitbaiuly (2014), a term is a scientific concept and a primary means of scientific research. The accuracy of the term is due to the three following factors: a selection of the exact features of the concept that the term should designate; correct selection of the

components and elements of the term at the time of creating the term; and ensuring the organizational unity of the named elements in the process of term formation. In addition, due to accelerating scientific and technological development, informative overloading is faced. That is why conciseness of the term is mandatory. As the Kazakh language belongs to the Turk group within the Altai language family, when creating a term in Turkology, the following methods are suitable: shortening the elements of the term, replacing one element with another, using abbreviations [14].

Generally, terms can be divided into scientific and technical. The scientific terms denote the theoretical concepts of sciences, while the technical ones represent tools, artifacts, observations, experiences, and measures. Some authors support the taxonomy where their origin can classify scientific terms into aboriginal and borrowed ones; by motivation degree into "correct" and "erroneous" ones; by definition degree into prototerm, terminoid, and preterm; by functional style into normative and non-normative ones [21].

Terminologists assume that the term's structure is a rather complicated, multi-layered, and heterogeneous formation that needs multidimensional analysis. Linguists pay special attention to the horizontal and vertical measurement of the term's scientific, professional, and cultural memory [22].

A cognitive view of a term removes the contradictions between the term's structural-semantic model and the type of situation [23]. The first and fundamental requirement for using a term in the text is the identity of the concept and the term expressing it. This identity means the similarity, the identity of the two categories. The concept is revealed as thought about an object and phenomenon of reality, reflecting its general and essential features, connections, and relationships. At the same time, a term stands for the relevant symbolic form.

Following Telia (1966), a cognitive model of a term is defined as a «semantic triangle» that covers "concept" – "prototype" (denotation) – "realia of the world.» This triangle does

not merely replace the term with a concept. According to it, a concept is believed to be a series of systemically organized and most essential features of an object or phenomenon of the world around us. A concept is a unit of «mental or psychic resources of our consciousness. It is an information structure that reflects the knowledge and experience of a person; an operational, meaningful unit of memory, mental vocabulary, a conceptual system of the language of the brain (*lingua mentalis*), the whole picture of the world, reflected in the human psyche» [10].

Maslova [24] defines the socially significant role of the concept in representing knowledge, noting, «concepts in human consciousness arise as a result of activity, experiential comprehension of the world, objective activity.» The linguist notes: «Each word is a fragment of the entire system of language vocabulary. A language's vocabulary presents a system because every item stands in particular relation to other items within the system. This system operates through paradigmatic and syntagmatic links».

A concept is always a piece of knowledge structured in a frame. Temirgazina [25] defines it as follows: «A frame is a mental form of knowledge representation that conveys the main scheme of a stereotypical situation that sets the relationship between participants and circumstances.» The concept of a term embedded in the frame is not entirely abstracted from the surrounding culture. However, according to V. N. Telia, it has «national and cultural residence permit. It 'lives' in different types of consciousness: in philosophical, scientific, artistic, mainstream and always specific cultural contexts that they reflect» [26]. The concept does not just consist of the entire set of lexical meanings reflecting a given phenomenon or object. It includes all non-conceptual semantic parts, all possible background knowledge, and even feelings and experiences. Besides, the concept of a term is more due to intentional significance than that of a common word.

Overall, in specialized languages, meanings are formulated through concepts and conveyed to others with the help of terms. Concepts refer to objects of the inner or outer world as well as

properties and relations. A concept, however, is only a mental construction derived from objects. While communicating that mental construction, a symbol is assigned to the concept representing it, usually a term in technical communication (11).

Methodology

The data collection for this study took in the texts of eighteen international official documents (Agreements, Contracts, Protocols). They were drawn in accordance with the Methodological recommendations for the development of draft international legal documents of the Commonwealth of Independent States, approved by the Decision of the Council of Foreign Ministers of the CIS of September 18, 2003 [27]. This document regulates juridical techniques, language, and terminological requirements.

We focused on the legal terms in the frames. Frames reflected the pragmatic information about these texts that are informative for participants in the contractual process and reflect the essential information about objects and situations in the external linguistic environment. In our case, there is the cliché used when drafting international agreements and contracts. We divide the text of the contract and treaties into fragments and segments – «text stretches,» informative about the specified model. The information carriers that fill the frame nodes can be words, terms, phrases, sentences, and completely super-phrasal units.

Discussion

The frame of the contract and agreement includes the following terminological and semantic functions: information about the text itself (name, year of compilation, deadlines, parties, location, and other points), as well as information about the objects and situations described in it (obligations, guarantees, compensation, force majeure). Such concretization is considered an effective means of regulating the speaker's mental activity since this mental tool induces the recipient's mind. This image allows a complete understanding of the perceived message.

Example: «For the avoidance of ambiguity, it is confirmed that the **treatment provided for in paragraphs (1) and (2) above shall apply to the provisions of articles 1 to 11 of this Agreement**”.

This example shows the semantics of the framework assumes that the subjects of perception fully possess knowledge of terms in the legal Terminology.

Table 1. A frame of the juridical document

Terminal (Node)	Typical lexical expression (TLE)	
	English	Kazakh
Document	Agreement	Kelisim
	Convention	Konventsua
	Final Act	Qorytyndy akt
	Treaty	Shart
	Declaration	Deklaratsua
	Exchange of notes	Notalar alması
	Annex	Qosymsha
	Protocol	Hattama
	Communique	Kommiýnike
	Contract	Kelisim-shart
	Instruction	Nusqaýlyq
Part of the document	article	bap
	paragraph	paragraf
	chapter	memleket
	copy	danasy
	provision	ereje
	signature	qoly
	preamble	kiripe
Act	Denunciation	Kúshin joý
	Ratification	Ratifikatsualay
	Negotiation	Kelissózder
	Prorogation	Progatsua
	Cancellation	Kúshin joý
	Interpretation	Túsindirý
	Approval	Maqulday
	Conclusion	Qorytyndy
	Acceptance	Kelisim
	To accept	Kelisý
	To pass	Qabylday (zań)
	To undertake	Qabylday (ózine)
	To consult	Sovetovatsia
	To confirm	Rastay
	To agree	Kelisý
	To define	Anyqtaý
To effect	Júzege asyryǵa	

Doer	Government	Úkimet
	Minister	Ministr
	Contracting party	Ýágdalasýshy Tarap
	Authority	Ókildi organdar
	Plenipotentiaries	Senimdi ókilder
	Embassy	Elshilik
	Member	Múshesi
	Committee	Komissııa
Time	Date	Kúni
	Delay	Keinge qaldyrý
	Term	Merzimi
	Period	Kezeń
Attribute	Administrative	Ákimshilik
	Mutual	Ózara
	Executive	Atqarýshy
	General	Jalpy
	Special	Arnay

The agreement document can be analyzed as scripts that are knowledge structures particularly designed for frequently recurring event sequences. Frames are presented as structured patterns of knowledge related to recurring situations, which are reflected linguistically in the lexical relations between verbs and in the syntax of clauses. According to Ungerer and Schmidt [28] in order to account for knowledge structures that represent larger sequences of events connected by causal chains, the notion of the script was introduced.

In Table 1, there is a script of a frame of eighteen legal documents with terminals (nodes) and lexical expressions analyzed in our study.

The linguistic frame above captures the normative way of describing the situation typical for contracts and treaties. The linguistic frame is based on the norm of describing abstract pattern building, the formation of abstract and imaginative representations, hypothecation. Document terminal is based on the terms *agreement, convention, treaty, pact*, and others, which denote various international documents. Part of the Document terminal contains information that activates the first terminal, as it shows the division of the document into chapters, sections, paragraphs – *article, paragraph, chapter,*

copy, provision, signature, preamble, and prescribes a behavior model. Action terminal describes various types of activities expressed in such legal terms as *denunciation, ratification, negotiations, prorogation, cancellation*, etc. The semantic function of Doer terminal defines the subjects of communication, and such legal terms *Government, Contracting party, Authority, Committee* express this function. Time terminal describes the time frame for the operation of a legal document expressed in terms *date, delay, term, period*. It should be noted it is the least diverse and is limited only to these lexical expressions. Attribute terminal describes the relationships in juridical communication as *Administrative, Mutual, Executive, General, Special*.

The hierarchical structure of frames allows to quickly analyzing all levels and components of interaction. The transition from one terminal to the next is fast since they are closely related to each other [29]. The presented frame scheme indicates that the terminals themselves have a complex structure. Each element of the scenario has its frame that describes these elements' roles, characteristics, and relationships.

Thus, the organization of frames and their interaction in each scenario necessarily reflect the prevailing ideas about the most significant concepts that make up this area of knowledge and

field of activity and their spatial and temporal characteristics [30]. In other words, the whole set of terms that nominate the analyzed scenario is a fixation of objectively existing processes, objects, and subjects of an international contract and treaties.

Results and discussion

Paradigmatic and syntagmatic cannot be contrasted and mutually excluded to represent text's semantics [31]. Semantic links between the legal document's lexical units provide a logically connected perception of this text by the target audience. A frame represents associative chains

that combine words into syntagmatic groups of words.

Figures 1-6 below show the paradigmatic-syntagmatic frame of the legal terms *Agreement*, *Committee*, *Cooperation*, *Negotiations*, *Provision*, *Relations* modeled on the principle of a field that means the unity of language units according to the common ground of the content - semantic and functional. The units of the same field reflect the subject, conceptual, or functional similarity. That is why the field model represents a dialectical connection between linguistic phenomenon and the non-linguistic world.

The field model of the language used allows distinguishing the core lexical unit (center) and

Figure 1 - Paradigmatic-syntagmatic relations of the legal term "Agreement"

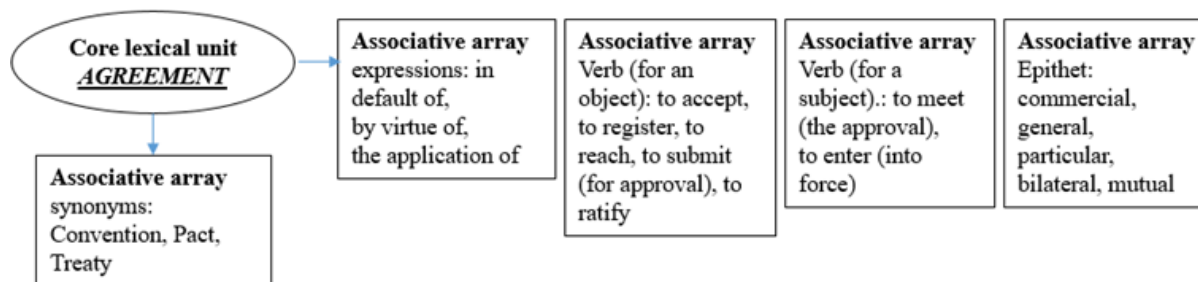


Figure 2 - Paradigmatic-syntagmatic relations of the legal term "Committee"

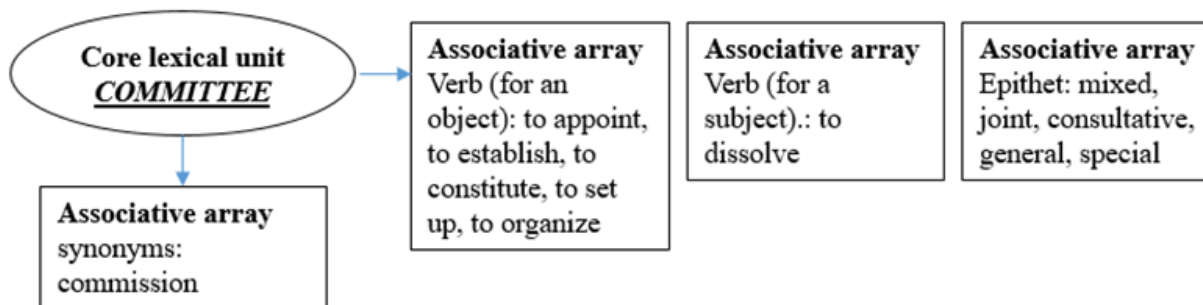


Figure 3 - Paradigmatic-syntagmatic relations of the legal term "Cooperation"

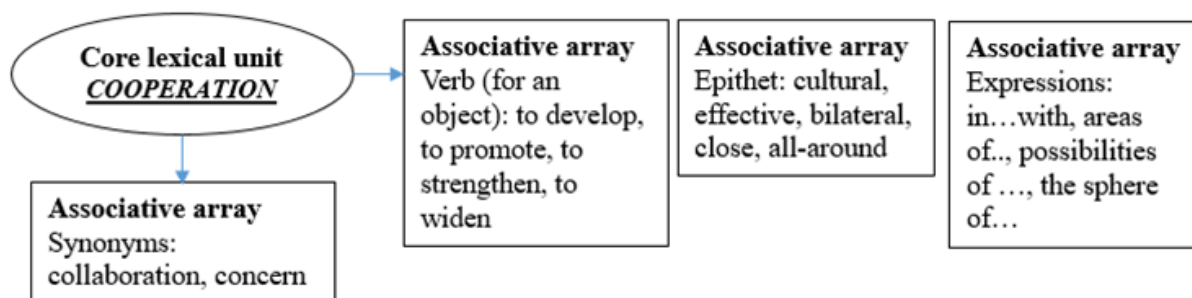


Figure 4 - Paradigmatic-syntagmatic relations of the legal term "Negotiation"

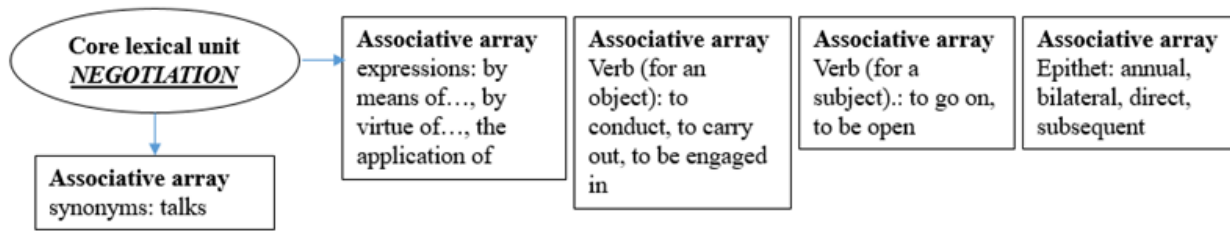


Figure 5 - Paradigmatic-syntagmatic relations of the legal term "Provision"

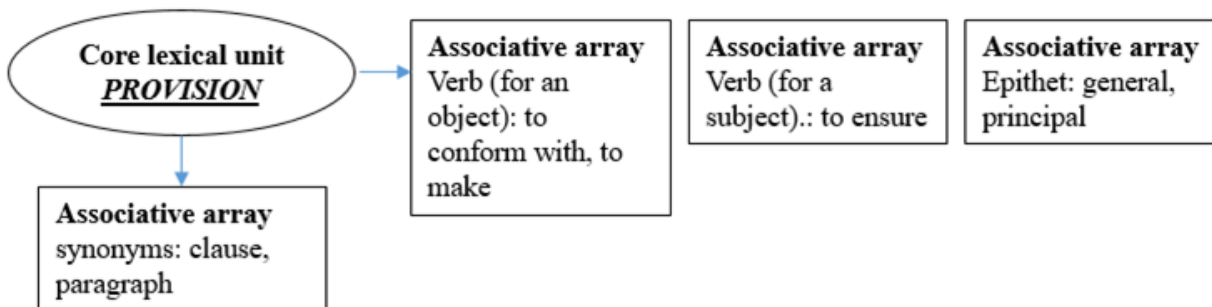
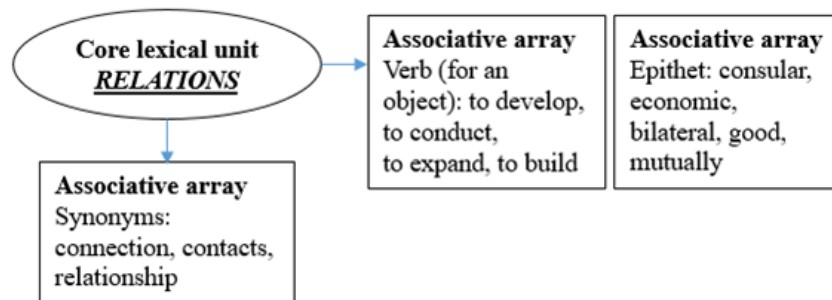


Figure 6 - Paradigmatic-syntagmatic relations of the legal term "Relations"



the periphery. According to Alefirenko [32], the language field's nuclear elements are the most specialized for performing field functions. In other words, the core concentrates the maximum set of categorical features. At the same time, language units with an incomplete set of these features form the periphery.

As can be seen, the semantics of *agreement* is determined by its core lexical unit and the appropriate periphery in the field. Core lexical unit is central of its interpretive field which includes *commercial, general, particular, mutual*; the verbs *to meet the approval, to enter into force* where agreement can be a subject; the verbs *accept, register, reach* where it can serve as an object; the

synonyms *convention, pact, treaty*; expressions *in default, by virtue of, the application of*. The verbs described in the associative array are prerequisites for the activity making an agreement to happen. The term *agreement* presupposes three scenes of the activity - on the one hand, the agreeing itself (to accept, to reach, to submit for approval) and the actual signing of the document, on the other hand. The third scene includes the results that follow from it (to ratify, to enter into force). The script's verbs reflect these phases of the social act *making an agreement*, both presented in the script.

A similar script interpretation can usual for *committee*. Two scenes of the process are reflected in the script – forming the committee (to appoint,

to establish, to organize) and the dispersing of the committee (to dissolve).

Core lexical unit of the *committee* has a relevant synonym commission, epithets *mixed, joint, consultative, general, special, the verbs to appoint, to establish, to constitute, to set up, to organize* to go with as an object, and with the verb *to dissolve* it can be a subject.

The semantics of the term *cooperation* is the core of the entire interpretative field, which includes the synonyms *collaboration, concern* and verbs *to develop, to promote, to strengthen, to widen*; the epithets such as *cultural, effective, bilateral, close, all-around*; and along with the following *in...with, areas of..., possibilities of ..., the sphere of...* it can form expressions.

Core lexical unit *negotiation* is central of its interpretive field, which includes the epithets *annual, bilateral, direct, and subsequent*; the verbs *to conduct, to carry out, to be engaged in, to go on, to be open*; the synonym *talks*; and expressions *by means of..., by virtue of..., the application of*.

The term *provision* with its core lexical unit central of its interpretive field, which includes the epithets *general, principal*; the verbs *to conform with, to make, to ensure*; and its synonyms *clause, paragraph*.

The semantics of the term *relations* adds to its content and is the core of the entire interpretative field, which includes definitions: *consular, economic, bilateral, good, mutual, profitable*; and verbs: *develop, conduct, expand, create*, in which *relations* can be an object.

Taking the epithets, in particular, we claim that they are «integrated» in the script, denoting different aspects, mainly manner or way of performing the activities. People have expectations about how these things can happen based on the scripts they have in their minds. When we take part in different social acts, we fill in the scripts we have in our minds with the relevant concepts.

The horizontal row's central and peripheral semantic components express the legal terms' content and reflect syntagmatic relations. Within syntagmatic relations, compound term combinations, epithets, and expressions are inherent in all terms. The vertical row reflects

the paradigmatic relations of the legal terms that are characterized by the relevant synonyms. The presented legal terms show the implementation of the frame's cognitive model. The meanings of words are correlated with specific cognitive contexts – the cognitive structures or blocks of knowledge behind these meanings and provide full understanding.

Therefore, legal terms are mental units that reflect specific professional knowledge. They have a frame organization and serve to structure the juridical document's text that is the element of professional cognition. The core of the term, a concept, is a base layer, represents its cognitive features while peripheral components reflect the multidimensionality of the frame field. Both show the implementation of the cognitive model of the frame.

Conclusion

Our study analyses the terms using cognitive approach that considers them phenomena of specific speech activity and elements of human consciousness of professional legal cognition. The term's content shows its multidimensionality and knowing the cognitive nature of terms allows determining its meaning correctly, which contributes to the appropriate use in the text of a legal document. The cognitive approach reveals the terms as a cognitive element, defining its characteristics as a concept on the semantic level.

The data collection for this study took in the texts of eighteen international official documents and treaties created in accordance with Methodological recommendations for the development of draft international legal documents of the CIS and used in the current juridical practices in Kazakhstan.

The agreement document analysis can be concerned as a script from Ungerer and Schmidt's framework perspective. Having analyzed the legal documents, we confirm that the linguistic frame sets up such texts' normative scenario. It means that the appropriate typical lexical expressions characterize each terminal (document, part of the document, act, doer, time, and attribute). The juridical document frame includes the

specific terminological and semantic functions that are realized through legal terms. The frame acts as a formal mechanism for recognizing and representing semantics, syntactic, and pragmatics of the legal term. Further, agreeing with a complex structure of a terminal, we analyzed the legal term with the concept

structure research technique that let reveal the paradigmatic-syntagmatic relationships within the frames. It showed that the core and periphery determined the chosen legal terms' semantics in the language field. A frame structure explained the way legal terms were formed and operated at the functional level.

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Халықаралық шарттар мәтіндеріндегі құқықтық терминдерді когнитивтік тұрғыдан талдау

Аңдатпа. Тілдік біліммен байланысты психикалық құрылымдар мен процестерді сипаттаумен және түсіндірумен айналысатын когнитивті лингвистика жалпы қабылданған теорияға қарағанда икемді тәсіл ретінде қарастырылады және осыған байланысты терминдерді зерттеуде қолданылуы мүмкін. Мақаланың мақсаты-құқықтық терминдерді когнитивті лингвистика тұрғысынан талдау. Құқықтық терминдерді қарастыру және талдау кезінде халықаралық шарттардың мәтіндерінде заңды терминдердің қалай қолданылатынын түсіндіретін танымдық тәсіл қолданылады. Біз заңды құжаттың қазақ және ағылшын тілдеріндегі терминалдары мен лексикалық тіркестері бар фреймдік құрылымын көрсетеміз. Зерттеу Ф.Унгерер мен Х.-Дж. Шмидт тұрғысынан сценарий ретінде заңды құжатты талдауды қолданады. Терминдер парадигматикалық және синтагматикалық қатынастарды анықтай отырып, тұжырымдаманың құрылымдық компоненттері арқылы талданады.

Кілт сөздер: когнитивтік, термин, концепт, фрейм, сценарий.

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**Когнитивный подход при анализе юридических терминов
в текстах международных договоров**

Аннотация. Когнитивная лингвистика, занимающаяся описанием и объяснением ментальных структур и процессов, которые связаны с языковыми знаниями, рассматривается как гибкий подход по сравнению с общепринятой теорией и в связи с этим может быть применима при изучении терминов. Цель статьи - проанализировать юридические термины с точки зрения когнитивной лингвистики. При рассмотрении и анализе юридических терминов применяется когнитивный подход, который объясняет, каким образом юридические термины используются в текстах международных договоров. Авторы демонстрируют фреймовую структуру юридического документа с терминалами и лексическими выражениями на казахском и английском языках. В исследовании используется анализ юридического документа как сценария с точки зрения Ф. Унгерер и Х.-Дж. Шмидта. Термины анализируются через структурные компоненты концепта с выявлением парадигматических и синтагматических отношений.

Ключевые слова: когнитивный, термин, концепт, фрейм, сценарий.

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