

THE RECIPIENTS OF POLISH, GREEK AND CYPRIOT LEGAL NORMS. LINGUISTIC EXPONENTS

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Abstract: The paper is dedicated to highlighting and indicating linguistic exponents used for needs to express the recipients of legal rules, which are present in Polish, Greek and Cypriot normative acts. The thesis of the investigation is the suspicion of designation or denotation or different relations existing between linguistic exponents referring to the recipients of legal rules and the real recipients of legal rules. Before the empirical investigations are conducted, some characteristics of legal language (statutory language) are given. The statutory language is understood as the language used express and to formulate legal rules. Thus, language of legal rules is an abstract creation as it is the interpreted form of the statutory language. Then a typical legal rule might be seen as an utterance saying: “X (in the circumstances Y) does Z”. The statutory language has a specific character and function, which is to express and to verbalize legal rules, thus considering the typology of legal rules, which is division into general legal rules (*lex generalis*) and specific legal rules (*lex specialis*), the linguistic exponents of these rules are presented. They are derived from Polish, Greek and Cypriot normative acts, more specifically, they form the laws. The next step of the investigation is to present the linguistic exponents used to specify the recipients of legal rules. The presentation is based on the relations of designation or denotation or different and the analysed linguistic exponents are given in confrontational aspect. The summaries and conclusions of the whole investigation are discussed in the final remarks of the paper. The final step of the investigation is to propose where and how the results of the performed investigations might be used as the applied linguistic, legal translatology especially seems the appropriate applicable field.

Keywords: legal language, language of the law, language of legislation, comparative analysis of legal languages, legal clauses, legal norms, legal rules, linguistic phenomena of the law.

ΠΑΡΑΛΗΠΤΕΣ ΤΩΝ ΠΟΛΩΝΙΚΩΝ, ΕΛΛΗΝΙΚΩΝ ΚΑΙ ΚΥΠΡΙΑΚΩΝ ΚΑΝΟΝΩΝ ΔΙΚΑΙΟΥ. ΓΛΩΣΣΙΚΟΙ ΕΚΘΕΤΕΣ

Περίληψη: Σκοπός του άρθρου είναι η ανάδειξη και η υπογράμμιση των γλωσσικών εκθετών, τους οποίους συναντάμε στα πολωνικά, ελληνικά και κυπριακά νομοθετικά κείμενα, που εφαρμόζονται από τον νομοθέτη για τον ορισμό των παραληπτών των κανόνων δικαίου. Η βασική θέση του άρθρου στηρίζεται στην υπόθεση ότι στα υπό έρευνα κείμενα υπάρχουν γλωσσικοί εκθέτες οι οποίοι παρουσιάζουν διάφορες σχέσεις όπως έκτασης, ορισμού κ. ά. με τον

παραλήπτη του κανόνα δικαίου. Στην αρχή της έρευνας δίνεται ένας σύντομος ορισμός της νομικής γλώσσας (εννοούμενης εδώ ως γλώσσας νομοθετικών κειμένων). Η νομική γλώσσα αποτελεί ένα εργαλείο συγγραφής και έκφρασης κανόνων δικαίου. Έτσι, η γλώσσα των κανόνων δικαίου είναι ένα αφηρημένο φαινόμενο διότι ερμηνεύεται από τη νομική γλώσσα. Ο κανόνας δικαίου μπορεί να εκφραστεί με απλά λόγια σύμφωνα με το εξής σχήμα: «X (σε περιπτώσεις Y) πράττει Z». Η νομική γλώσσα έχει έναν συγκεκριμένο χαρακτήρα και μια συγκεκριμένη λειτουργία, την έκφραση των κανόνων δικαίου. Έτσι, λαμβάνοντας υπόψη την ταξινόμηση των κανόνων δικαίου σε γενικούς κανόνες (*lex generalis*) και σε ειδικούς κανόνες (*lex specialis*), στο άρθρο παρουσιάζονται οι γλωσσικές εκθέτες που βρίσκονται στα πολωνικά, ελληνικά και κυπριακά νομοθετικά κείμενα. Στην επόμενη φάση της έρευνας, από τα υπό έρευνα κείμενα διαχωρίστηκαν οι γλωσσικές εκθέτες που υπάρχουν στις σχέσεις έκτασης, ορισμού κ.ά. προς τον παραλήπτη του συγκεκριμένου κανόνα δικαίου και στη συνέχεια παρατίθενται συγκριτικά. Η τελευταία φάση της έρευνας συνίσταται στην παρουσίαση των πεδίων της πιθανής εφαρμογής των αποτελεσμάτων της έρευνας και ιδιαίτερα στο πεδίο της εφαρμοσμένης γλωσσολογίας και συγκεκριμένα στη νομική μεταφρασεολογία. Τα συμπεράσματα της έρευνας και τα αποτελέσματά της βρίσκονται στο τελευταίο μέρος του άρθρου, όπου και συζητούνται ορισμένα πεδία εφαρμογής της έρευνας.

Λέξεις: κλειδιά: νομική γλώσσα, γλώσσα νόμων, γλώσσα νομοθεσίας, συγκριτική ανάλυση νομικών γλωσσών, νομική διάταξη, κανόνας δικαίου, νομική γλωσσολογία, νομική άποψη νόμου.

ODBIORCY PRAW POLSKICH, GRECKICH I CYPRIJSKICH. WYKŁADNIKI JĘZYKOWE

Abstrakt: Celem artykułu jest wyodrębnienie i wskazanie językowych wykładników służących określeniu odbiorców norm prawnych, jakie występują w tekstach polskich, greckich i cypryjskich aktów normatywnych. Stawianą w analizie tezą jest twierdzenie, że występujące w badanych tekstach wykładniki językowe wskazujące adresata normy prawnej, są w relacji denotacji lub desygnacji lub innej do rzeczywistego odbiorcy norm prawnych (bezpośredniego i pośredniego). Punktem wyjścia do dalszych badań jest krótka charakterystyka języka prawnego (język tekstów aktów normatywnych), który jest środkiem wyrazu normy prawnej. Język norm prawnych jest zaś tworem abstrakcyjnym, ponieważ jest interpretowany z języka prawnego. Norma prawna może być sprowadzona do wyrażenia „X (w okolicznościach Y) czyni Z”. Uwzględniając jednak specyfikę języka prawnego i jego roli, w oparciu o podział norm prawnych na normy ogólne (*lex generalis*) i normy szczególne (*lex specialis*), wskazano ich wykładniki językowe obecne w polskich, greckich i cypryjskich tekstach aktów normatywnych. W kolejnym etapie badań, z analizowanych tekstów, wyekscerpowano wykładniki językowe będące w relacji desygnacji lub denotacji lub innej w stosunku do odbiorcy normy prawnej i zestawiono je w ujęciu porównawczym. Ostatnim etapem badań jest wskazanie obszarów zastosowania osiągniętych wyników badań, szczególności w obszarze językoznawstwa stosowanego, a dokładnie na obszarze translatoologii prawniczej. Podsumowanie badań i wnioski badawcze zostały zawarte w ostatniej części artykułu. W ostatniej części artykułu dyskutowane są możliwe obszary zastosowania wyników badań.

Słowa kluczowe: język prawny, język legislacji, analiza porównawcza języków prawnych, przepis prawny, norma prawna, językoznawcze aspekty praw.

1. Introduction

1.1. General remarks

The paper discusses various methods of linguistic methodology determining the recipient of legal rules in Polish, Greek and Cypriot legal systems. According to the author, the breaking issue is to distinguish the recipients of the legal rule and the recipients of the legal clause because the legal rule (sometimes named the legal norm cf. Gizbert-Studnicki and Klinowski 2011) is not the same as the legal clause. Thus it is important to determine what the mentioned terms are in the investigation as they are the common platform to comparative study performed in the paper.

Linguistic exponents of legal norm recipients observed in the statutory texts are the object of the study. Then the statutory texts are language units where the legal language, and more precisely the language of statutory texts, is the tool to codify legal norms. There is a common claim that legislation needs the language to exist i.e.: *Legislation is a linguistic entity, with no existence outside of language.* (Gibbons 1999, 285) or *Law always has a linguistic form; there would be no law without language.* (Grewendorf and Rathert 2009, 1). Thus the language of the law is the object of comparative legal and linguistics studies and the author of the paper believes that comparison of extra-linguistic and linguistic phenomena may be useful for them and moreover it requires the eclectic method of research especially when one considers that comparative law can be similar to comparative linguistics:

Because it is concerned with these differences, comparative law is like comparative linguistics or comparative ethnology. In linguistics, comparative methods have proven to be the best means available for highlighting structural regularities that would otherwise pass unobserved. (...) Comparative law is like comparative linguistics in another respect as well. Linguistics is independent of political and ethical science and, of course, of sciences that do not deal with linguistic data. (Sacco 1995, 5)

The aforementioned arguments encourage the undertaking of various legal and linguistic researches. This paper contributes especially to Polish-Greek comparative researches but the general remarks are applicable to comparative studies in various legal systems and languages.

1.2. Structure of the paper

As legal language is also influenced by the extra-linguistic factors (Mantovani 2008, 23), which are national legal systems in the investigated case, the eclectic (legal and linguistic) methods of investigation are relevant for this research. On their basis certain distinctions and typologies are given.

The first part of the paper includes a list of basic terms and their explanations, which are used in the paper. The next part of the paper includes methodological remarks seen as the procedure “step by step”. In this part of the paper,

the description of the research material is included and the justification of its selection is given.

The research is performed afterwards and it presents a set of comparisons illustrated by original text units. The research is performed in two main phases based on the criteria determined in the methodological remarks. Every step of the analysis is accompanied by the findings.

Finally the conclusions are given. They are based on the findings and the thesis observed in relevant bibliography. According to the author of the paper, some conclusions may be applied in the law and linguistics thus exemplary application fields are given.

2. Methodological remarks

2.1. Basic terms

In the presented study, both linguistic and legal terms are in use. Thus, the list of used terms and their definitions are mentioned because some of them come from legal science and some from linguistics. The terms used in the paper have various, sometimes hierarchical, connections between them.

Language of the law (cf. Melinkoff 1963, Kurzon 1989) is the language, which is used by the legislators to express the law. It is a sublanguage of legal language and in the relevant bibliography; it is called the language of legislators (Mattila 2006, 4) or language of statutes / language of legislation (Galdia 2009, 91). The Polish legal scientists use the following terms: *język prawny* (cf. Wróblewski 1948) which is the sum of the language of legal clauses (*język przepisów prawnych*) and the language of legal norms (*język norm prawnych*) (Malinowski 2006, 19), while in the publications concerning the Greek language of the law one may observe the following terms: language of the constitution and of the laws (*Γλώσσα του πολιτεύματος και των νόμων*) (cf. Angelidis 1977), legal language – language of the law (*Νομικός λόγος - η γλώσσα των νόμων*) (cf. Panaretou 2009) and language of the legal texts (*Γλώσσα των νομικών κειμένων*) which is language of the law from the functional point of view (cf. Stavrakis 1995). It should be mentioned that Cypriot legal science has not introduced any parallel theories of that kind yet. Present researches are not numerous and they are based on general legal and linguistics theories concerning the legal language as a whole (Gortych-Michalak 2013, 55-60).

In the scope of the aforementioned notices the legal language may be seen in two perspectives whereas on the one hand it is the language of the legislative texts – language of legal clauses and on the other hand it is the language, which is both used to express legal norms and to interpret then thus form the legislative texts – language of legal norms (rules). This distinction has an important role in the research as the texts of laws are directed to every member of the specific group of entities i.e. citizens of Republic of Greece being subject recipients of legal clauses. Simultaneously the

legislative texts include the legal norms, which are directed to certain entities to whom they are applicable i.e. legatees and they are the recipients of the legal norms. These two types of recipients can be one entity or not. The crucial types of recipients in the research are those who are obliged by the legal norms to perform a certain act because it is the field where the language pragmatically influences people's lives.

2.2. Aim, object and methodology of the research

The intention of the research is to compare the methods, which are used by the legislators in Poland, Greece and the Republic of Cyprus to determine the recipients of legal norms. It is supposed that the comparative analysis shall provide two main types of results:

1. linguistic findings, which concern comparison of methods used by legislators in various, national legal systems while imposing laws to determine the direct recipients of the legal norms and
2. linguistic findings, which concern comparison of methods used by legislators in various, national legal systems while imposing laws to determine the indirect recipients of the legal norms.

Providing the intentions are preceded by observations of legal clauses performed on the Polish, Greek and Cypriot legislative texts. The observations are made and then the typology of non-linguistics and linguistics methods expressing the recipients of legal norms is given. These methods are also illustrated by relevant examples. In the next phase of the research, the linguistic methods are examined more deeply based on two types of exponents expressing: 1) direct and 2) indirect recipient of the legal norm. This classifications come from legal theory concerning competency legal norm (Zieliński 1998, 2) and merit legal norm (Zieliński 1998, 2) where the competency norm determines the certain behaviour or the act as the reaction for another's behaviour¹ or the act and the merit norm determines the certain behaviour or the act of the recipients others than the recipients of the competency norm (Gortych-Michalak 2013, 191). The direct recipient of the legal norm is always the legal entity whom legal norm oblige to perform certain behaviour or act. The indirect recipient of the legal rule is observed mostly in the clauses, which express the competency legal norm. From the purely semantic point of view, it can be considered the direct recipient of the norm, but only when considering the language of the legal norms is it shown that it is false statement as the real, direct recipient of the legal norm is another entity. In most of the analysed cases this "false direct recipient of the norm" is state institution, legal entity like court etc. When the distinction between the direct and indirect recipients of the norms is made, it is worth analysing the method of determining these types of recipients and thus the comparative linguistic analysis is performed.

The research is performed on the entire source of general law, which is the law of inheritance in Poland, Greece and the Republic of Cyprus. This material

¹ The recipients of that type of the norm are entities which apply the law i.e. courts etc. (Nowacki, Tobor 1994, 36).

enables provision of systematic conclusions applicable both in the linguistic and legal fields as one branch of the law illustrates precisely differences and similarities inside this branch in various, national legal systems. Moreover, comparison of parallel or the same linguistic exponents may be a source of the catalogue of equivalent language findings and they can be indirectly applicable in for example lexicography.

3. Comparative analysis

The analysis is performed on the basis of certain criteria. They are a common platform of comparison because the intention of the research is not only to present differences, but also similarities in the field of exponents expressing the recipients of existing in Polish, Greek and Cypriot legal systems.

3.1. Linguistic exponents of the recipient of the legal rule

Legislative acts are a source of general law in most of legal systems. They include legal norms, which concern all entities of the specified legal system. The legislative texts describe abstract situations in which every object of the law can be found and more precisely, they include the legal norms, which may be understood as follows:

The norm is the meaning of an act by which a behaviour is ordered or allowed and especially with a person who is empowered (by an institution, whose authority is recognised and respected as such in the society) to adopt a certain behavior (...). For the norm expresses an obligation, and the volitional act, whose purpose is the norm, expresses an existence. (Kelsen 2000, 34).

Some of the norms concern every object of the law and the others just some of them. Thus in the analysis, two types of the recipients of legal norms are considered:

- direct recipient of the legal norm,
- indirect recipient of the legal norm.

It must be considered that semantic interpretation of the legislative texts differs from the legal interpretation as Barak (2007, 6-7) says: *Legal interpretation turns a semantic "text" into a legal norm — hence the distinction between the semantic meaning of a text and its legal (or normative) meaning.* Thus, in the paper, the exemplary interpretation of extracted legal norm is given after every investigated text unit as it helps to discover if the potential recipient of the legal norm is expressed by the legislator using linguistic exponents.

Then linguistic methods determining every type of recipient are studied in the scope of comparison. Finally a set of equivalent linguistic exponents is given, if such a set exists. They are equivalent because they are used by the Polish, Greek and Cypriot legislators in parallel situations and more precisely: 1) they are present in the legislative acts of the same or parallel hierarchy, 2) they concern the same or parallel legal situation determined by the legislative text.

3.1.1. Direct recipient of the legal norm.

The direct recipient of the legal norm is a legal entity to whom/which the certain, merited legal norm is directed. It means that the direct recipient is the object of the norm and the norm determines what he/she/it² 1) is obliged to do, 2) is not obliged to do, 3) may do. The recipient is the immediate addressee of the specific legal norm but he/she/it may also be the indirect recipient of other legal norms. This situation results from the general presupposition that every person of the specified legal system must know the legal rules, according to the ancient Latin maxim *Ignorantia iuris nocet*.

Besides all the possible recipients of legal norms, there are certain categories of them. It has been observed that they may be determined by two methods:

1. denotation,
2. designation.

The intention of the **denotation** is to define the group of recipients, which fulfils the condition given in the text. When interpreting legislative texts the following question arises: is the legal recipient interpreted from the norm the same as semantic recipient. Attempting to answer the question causes certain clauses to be compared with their interpretation.

Example 1. Polish Civil Code. Article 929.

Uznania spadkobiercy za niegodnego może żądać każdy, kto ma w tym interes. (...). [Everyone who has an objective interest can require recognition that the inheritor is unworthy of the inheritance.]

Interpreted legal norm: Every person (natural and legal) who has an interest in the inheritance can require recognition that the inheritor unworthy of the inheritance.

Example 2. Polish Civil Code. Article 986. Para. 2.

Nie może być wykonawcą testamentu, **kto nie ma pełnej zdolności do czynności prawnych**. [One who does not have full legal competence shall not be an executor]

Interpreted legal norm: Every person (natural and legal) who does not have full competence shall not be an executor.

Example 3. Polish Civil Code. Article 985.

Wykonania polecenia może żądać każdy ze spadkobierców, jak również wykonawca testamentu, chyba że polecenie ma wyłącznie na celu korzyść obciążonego poleceniem. (...). [Every one of the inheritors as well as the executor may require the execution of the instruction unless the command is intended exclusively for the benefit of those instructed.]

Interpreted legal norm: Every inheritor and/or executor may require the execution of the command unless the command is intended exclusively for the benefit of those commanded.

² Natural or/and legal person.

Example 4. Greek Civil Code. Article 1787

Την ακύρωση της διάταξης της διαθήκης στις περιπτώσεις των άρθρων 1782 έως 1785 μπορεί να ζητήσει μόνο εκείνος που ωφελείται άμεσα από την ακύρωσή της, και στην περίπτωση του προηγούμενου άρθρου μόνο ο μεριδούχος που παραλείφθηκε. [Only those instructed after invalidation of the will may require the invalidation of the will according to the articles 1782 and 1785 as well as those supposed to inherit a part of the inheritance and who were omitted in the will may require the invalidation of the will if the situation mentioned in the previous article is evident].

Interpreted legal norm: Every person (natural and legal) who is charged after invalidation of the will may require the invalidation of the will (according to the article 1782 and 1785) and those who are supposed to inherit a part of the inheritance and who were omitted in the will may require the invalidation of the will if the situation mentioned in the previous article is evident].

Example 5. Greek Civil Code. Article 1877

Κάθε συγκληρονόμος έχει δικαίωμα οποτεδήποτε να ζητήσει τη διανομή της κληρονομιάς. (...). [Every inheritor may require the distribution of the inheritance at any time.]

Interpreted legal norm: Every person (natural and legal) who is an inheritor may require the distribution of the inheritance in any time.

Example 6. Greek Civil Code. Article 1913

Το δικαστήριο της κληρονομιάς μπορεί, ύστερα από αίτηση οποιουδήποτε δανειστή της, να διατάξει την εκκαθάριση της κληρονομιάς. (...). [The court relevant for the inheritance may order liquidation of the inheritance after the motion of any creditor of the inheritance].

Interpreted legal norm: Any creditor of the inheritance may submit the motion to liquidate the inheritance to the court relevant for the inheritance.

Example 7. Greek Civil Code. Article 1960.

Αν υπάρχουν περισσότεροι κληρονόμοι, με αίτηση οποιουδήποτε απ' αυτούς παρέχεται κοινό κληρονομητήριο. (...). [If there are many heirs, anyone of them (heirs) may submit the motion to obtain the common certificate of succession].

Interpreted legal norm: Anyone of the inheritors may submit the motion to obtain the common certificate of succession.

Example 8. Greek Civil Code. Article 2019.

(...) Ύστερα από αίτηση οποιουδήποτε έχει συμφέρον, ο πρόεδρος του δικαστηρίου της κληρονομιάς ορίζει προθεσμία για να κάνει ο εκτελεστής τη δήλωση' (...). [After the motion of anyone who has an interest, the president of the court relevant to the inheritance determines the date when the executor issues the statement;].

Interpreted legal norm: Anyone who has an interest may submit the motion to the court relevant to the inheritance to determine the date of issue of executor's statement.

Example 9. Greek Civil Code. Article 1723.

Όποιος δεν είναι ικανός να διαβάζει χειρόγραφα δεν μπορεί να συντάξει ιδιόγραφη διαθήκη. [Those who are not able to read handwriting cannot draw up their own idiographic will].

Interpreted legal norm: Natural person who is not able to read handwriting cannot draw up his/her will by himself/herself.

Example 10. Cypriot Law – Chapter 195. Article 2.

"ανάπηρο πρόσωπο" σημαίνει οποιοδήποτε πρόσωπο που δεν τελεί υπό ανικανότητα αλλά το οποίο πιστοποιείται από δύο ιατρούς που έχουν τα κατάλληλα προσόντα ότι είναι ανίκανο, λόγω πνευματικής αναπηρίας που οφείλεται σε ασθένεια ή γήρας να διαχειρίζεται τις προσωπικές του υποθέσεις [“incapable person” means any person not under disability but who is certified by two duly qualified medical practitioners to be incapable because of infirmity of mind due to disease or old age of managing his own affairs.]

Interpreted legal norm: Any (natural) person who is not under disability but who is certified by two duly qualified medical practitioners to be incapable from infirmity of mind due to disease or old age of managing his own affairs is an incapable person.

Example 11. Cypriot Law – Chapter 195. Article 2.

"ανήλικος" σημαίνει κάθε πρόσωπο το οποίο δεν συμπλήρωσε το δέκατο όγδοο έτος της ηλικίας του. [“infant” means every person who has not attained eighteen years of age.]

Interpreted legal norm: Every (natural) person who has not attained eighteen years of age is an infant.

Example 12. Cypriot Law – Chapter 195. Article 40. Para.1.

Οποιοδήποτε πρόσωπο έχει σώες τις φρένες και συμπλήρωσε το δέκατο όγδοο έτος της ηλικίας του, δύναται να διαθέσει οποιαδήποτε κινητή ιδιοκτησία με δωρεά που έγινε αιτία θανάτου, εφόσον έγινε στην παρουσία δύο τουλάχιστον μαρτύρων που συμπλήρωσαν το δέκατο όγδοο έτος της ηλικίας τους και που έχουν σώες τις φρένες. [Any person of sound mind and has attained the age of eighteen years may dispose of any movable property by a gift made in contemplation of death if made in the presence of at least two witnesses who have attained the age of eighteen years and are of sound mind.]

Interpreted legal norm: Any (natural) person of sound mind and has attained the age of eighteen years may dispose of any movable property by a gift made in contemplation of death, if it is made in the presence of at least two witnesses who have attained the age of eighteen years and are of sound mind.

Example 13. Cypriot Law – Chapter 195. Article 5 Para.1.

Ο Νόμος αυτός ρυθμίζει- (α) τη διαδοχή στην κληρονομιά κάθε προσώπου που έχει την κατοικία (domicile) του στη Δημοκρατία . [This law shall regulate — (a) the succession to the estate of all persons domiciled in the Republic.]

Interpreted legal norm: Every person (natural and legal) who is domiciled in the Republic is subject to the succession law regulated by this normative act.

The analysis of denotative expression intending to determine the direct recipient of the rule provides a set of various linguistic means. They are named linguistic exponents of the direct recipient of the rule. Concerning the above given question concerning the semantic and legal recipient of the legal norm it must be stated that they are not the same as seen in the example 8 where the real recipient of the meritocratic norm is the person who has an interest and not the president of the court. This finding is based on the canonic division into meritocratic and competency legal norm. This specific example presents the competency norm concerning the president of

the court who reacts to the specified act or behaviour of the recipient of the meritocratic norm, literally the person who has an interest.

As mentioned above the exponents are classified partly as equivalents based on legal and semantic meaning. It should be noted that the examples come from Polish, Greek and Cypriot legislative texts, which are substantive succession law.

Table 1. Comparison of denotative exponents.

| Polish denotative exponents | Greek denotative exponents | Cypriot denotative exponents |
|---|--|---|
| każdy, kto [everyone who] + dependent clause | οποιοσδήποτε [any who] + dependent clause | οποιοδήποτε πρόσωπο [any person] + dependent clause |
| kto [those who] + dependent clause | εκείνος που [those who] + dependent clause | κάθε προσώπου που [every person who] + dependent clause |
| | όποιος [those who] + dependent clause | κάθε πρόσωπο το οποίο [every person who] + dependent clause |
| każdy z [everyone of] + certain group of entities | κάθε [every] + certain entity | |
| | οποιοσδήποτε από [everyone of] + certain group of entities | |
| | οποιοσδήποτε [any] + certain entity | οποιοδήποτε πρόσωπο που [any person who] + dependent clause |

On the basis of the above given linguistic exponents it is possible to formulate the second finding, which specifies that all three legislators use similar, denotative linguistic exponents to determine the direct recipients of the legal norms. It happens even if the source of the substantive law is the code (Poland, Greece) or the Law (Republic of Cyprus). The third finding says that legal Greek and legal Cypriot-Greek have differences between them that comes from the different histories of those two states (cf. Vlachopoulos 2008 and 2004, Frantzeskakis 1978 et al.)

Another method used by the legislators to determine the direct recipient of the rule is **designation**. It means that an entity being the recipient is literally referred to, mentioned in the legislative text. The certain entity is named with the use of legal register and it has strictly limited meaning, which results from legal definitions or from other definitions recognised in the law for instance recognised commentaries.

Example 14. Polish Civil Code. Article 925.

Spadkobierca nabywa spadek z chwili otwarcia spadku. [Inheritor obtains inheritance at the moment when the inheritance is opened.]

Interpreted legal norm: Inheritor (i.e. the natural or legal person who fulfils the conditions to be inheritor) gains the inheritance when the inheritance is opened.

Example 15. Polish Civil Code. Article 943.

Spadkodawca może w każdej chwili odwołać zarówno cały testament, jak i jego poszczególne postanowienia. [At any time testator may revoke the whole will or some its provisions.]

Interpreted legal norm: Testator (i.e. natural person who has capacity to draw up his/her will) may revoke either the whole will or part of the will's provisions in any time.

Example 16. Greek Civil Code. Article 1713

Ο κληρονομούμενος μπορεί να εγκαταστήσει κληρονόμο με μονομερή διάταξη αιτία θανάτου (διαθήκη, διάταξη τελευταίας βούλησης). [The testator may designate inheritor with unilateral provision in the case of his/her death (will, provision about the last will).]

Interpreted legal norm: The testator (i.e. natural person who has capacity) may determine his/her inheritor with unilateral provision in the case of his/her death (will, provision about the last will).

Example 17. Greek Civil Code. Article 1725

Ως συμβολαιογράφος ή μάρτυρας δεν μπορεί να συμπράξει για τη σύνταξη διαθήκης: 1. ο σύζυγος ή αυτός που διατέλεσε σύζυγος του διαθέτη' (...) [The spouse of the deceased or the person who was the spouse of the deceased cannot officiate as the notary or witness with the intention to draw up a will.]

Interpreted legal norm: The spouse of the deceased (husband/wife) may not officiate as the notary or witness with the intention to draw up a will or the person who was the spouse of the descent may not officiate as the notary or witness with the intention to draw up a will]

Example 18. Cypriot Law – Chapter 195. Article 30.

Διαθέτης δύναται να αναφέρει στη διαθήκη του διάταξη για υποκατάσταση οποιοδήποτε κληροδόχου με οποιοδήποτε άλλο κληροδόχο που αναφέρεται σε αυτή. [A testator may make provision in his will for the substitution of any legatee for any other legatee mentioned therein]

Interpreted legal norm: A testator (natural person) may make provision in his will. This provision may substitute any legatee for any other legatee who is mentioned therein.

Example 19. Cypriot Law – Chapter 195. Article 34.

Πατέρας ή μητέρα δύναται να διορίσει με διαθήκη κηδεμόνα του τέκνου αυτού ή αυτής κατά το χρονικό διάστημα κατά το οποίο, το τέκνο αυτό είναι πρόσωπο που τελεί υπό ανικανότητα ή είναι ανάπηρο πρόσωπο. [A father or mother may by will appoint a guardian for his or her child during the time that such child is a person needing a guardian because of disability or is an incapable person]

Interpreted legal norm: By will a father may appoint a guardian for his child during the time that such child is a person needing a guardian because of disability or is an incapable person. Or by will a mother may appoint a guardian for her child during the time that such child is a person needing a guardian because of disability or is an incapable person.

The examples above do not constitute a full set of potential linguistic exponents, which designate the direct recipient of the legal rule in the entire national legal system. The intention is to present the generally method used by the legislators to determine the recipient of the norm. In the investigated legislative texts, they are

named, mentioned with specific terms i.e.: *inheritor, legatee, testator, spouse, father, mother* and many others. It is also possible to formulate the fourth finding, which states that the semantic and legal recipient of the legal norm are the same as is seen in the above examples. Thus, one may draw up a set of equivalent exponents of the direct recipient of the legal rules observed in the investigated texts, which are given below.

Table 2. Comparison of designating exponents – examples.

| Legal term | Polish exponents | Greek exponents | Cypriot exponents |
|--|--|--|--|
| testator | spadkodawca | διαθέτης κληρονομούμενος | διαθέτης |
| inheritor/legatee | spadkobiorca | κληρονόμος | κληρονόμος |
| (relatives:) spouse | (spowinowaceni:) małzonek / małzonka | (αγγιστεία:) σύζυγος | (αγγιστεία:) σύζυγος |
| (family members:) mother father child descendant relative | (krewni:) matka ojciec dziecko zstępny krewny | (συγγενείς:) μητέρα πατέρας τέκνο κατιών συγγενής | (συγγενείς:) μητέρα πατέρας τέκνο κατιών συγγενής |

The examples given in the table above present some differences between legal Greek and legal Cypriot-Greek again. However, in the general perspective, the presented exponents are very similar because they have the same function (designation) and these findings confirm the previous ones, given in table 1.

3.1.2 Indirect recipient of the legal norm.

The competency norms, as mentioned above, determine the certain behaviour or the act as the reaction for other's behaviour or the act. This statement can lead to the idea that legal norm may be expressed as the following clause: *If X (any legal entity) does something / behaves in certain way, then Y (recipient of the competency norm) does Z.* More detail investigations of the texts of normative acts presents that clauses in the text do not mirror the legal norm's scheme. The subject of that type of clause is indirect recipient of the rule. From that point of view the clause differs from the clause from which the meritocratic norm is interpreted, because the direct recipient of the legal norm is an indirect object or the recipient is omitted in the same sentence (but the recipient can be interpreted from other clauses).

The examples given below present both example (clause) and interpreted legal norm. This type of analysis can demonstrate the place and the function of direct and indirect recipient of the legal rule in the scope of syntax.

Example 20. Polish Civil Code. Article 1025

Sąd na wniosek osoby mającej w tym interes stwierdza nabycie spadku przez spadkobiercę. [The court after the petition of the person who has interest in the case, testifies acquisition of the inheritance by the inheritor.]

Interpreter legal norm: The person who has interest in the case submits the application to the court, which testifies acquisition of the inheritance by the inheritor.

Example 21. Polish Civil Code. Article 1019. Para. 3.

Uchylenie się od skutków prawnych oświadczenia o przyjęciu lub o odrzuceniu spadku wymaga zatwierdzenia przez sąd. [Avoidance of the legal consequences of the statement of acceptance or rejection of the inheritance requires the approval given by the court.]

Interpreted legal norm: The inheritor may avoid the legal consequences of the statement of acceptance or rejection after submitting the application to the court who will accept it.

Example 22. Greek Civil Code. Article 1776

Το δικαστήριο αφού ακούσει τους μάρτυρες μπορεί κατά τη δημοσίευση της ιδιόγραφης διαθήκης να την κηρύξει επιπλέον κύρια. [The court after hearing the witnesses may confirm the validity of the idiographic will when it is published.]

Interpreted legal norm: The person interested in validity of the idiographic will given in the presence of witnesses submits the application to the court to confirm its validity.

Example 23. Greek Civil Code. Article 1868.

Αν δεν βρεθεί κληρονόμος μέσα σε προθεσμία ανάλογη προς τις περιστάσεις, το δικαστήριο της κληρονομιάς βεβαιώνει ότι δεν υπάρχει άλλος κληρονόμος, εκτός από το δημόσιο. [If the inheritor was not found in the time relevant to the circumstances, the court of inheritance certifies that there is no other inheritor besides of the State Treasury.]

Interpreted legal norm: The person who has interests in inheritance submits application to the court to announce that the inheritor has not been found.

Example 24. Cypriot Law – Chapter 195. Article 14 Παρ. 1.

Πρόσωπο το οποίο εξαφανίστηκε ή είναι αγνοούμενο δύναται τηρουμένων των διατάξεων του άρθρου αυτού, να κηρυχτεί νεκρό με διάταγμα Δικαστηρίου. [A person who has disappeared or is missing may, subject to the provisions of this section, be declared dead by an order of a Court.]

Interpreted legal norm: The person who has interests in inheritance submits application to the court to announce the death of the inheritor who has disappeared or is missing may.

Example 25. Cypriot Law – Chapter 2. Article 34.

Νοείται ότι το Δικαστήριο δύναται με επαρκή λόγο κατά τη διακριτική του εξουσία να παύσει τον κηδεμόνα αυτό και αντί αυτού να διορίσει άλλον κηδεμόνα. [Provided that a Court may with good reason at its discretion remove such guardian and appoint another guardian in his stead.]

Interpreted legal norm: The person who has interests in inheritance submits application to the court to remove the guardian and appoint another guardian in his stead.

In the analysed texts, there are not many clauses where the indirect object is expressed literarily when compared with the clauses expressing only the direct recipient of the legal rule, but this statement does not describe all normative acts in the given legal system. On the basis of the observation one may find that the most

often used linguistic method to express the indirect recipient of the rule is designation. Designation, and more precisely, naming of the indirect recipient of the rule, is the most often used linguistic exponent. All of the legislators (Polish, Greek and Cypriot) exploit this method when drawing up the normative texts.

The indirect recipient of the legal norm can be also omitted in the text and it can be interpreted in connection with other provisions, which can exist on other normative acts. It can be seen for instance in the provisions given in the examples 30, 31 and 34 (below) as the fact of inheritance must be recognised and registered by certain entities such as courts of inheritance. It takes place after the petition of the person who has interest in succession and he/she is the direct recipient of the norm. In these circumstances omission is another linguistic exponent of indirect recipient of the legal norm

3.1.3 Direct and indirect recipient of the legal norm

As the specific normative act is effectively linked to another relative normative act, both the direct and indirect recipient of the legal rule may be expressed in other texts (different from the analysed text). There are linguistic exponents expressing intertextual relations and their purpose is to conduct the reader of the text to other texts, connected with the primary text. Although it is possible to present some linguistic exponents of direct and indirect recipients, which exist in the primary texts. The following examples illustrate some linguistic techniques used by the legislators with the intention of connection with other texts - source of relative law and they are called **references** in the investigation.

Example 26. Polish Civil Code. Article 1025

Notariusz na zasadach określonych w przepisach odrębnych sporządza akt poświadczenia dziedziczenia. [The notary writes the certification of inheritance on the basis of separate provisions.]

Interpreted legal norm: The person who has interest in the case submits the application to the notary who testifies acquisition of the inheritance by the inheritor according to other legal norms.

Example 27. Greek Civil Code. Article 1734

Οι γενικές διατάξεις για τα συμβολαιογραφικά έγγραφα εφαρμόζονται και στη δημόσια διαθήκη, εφόσον δεν ορίζεται διαφορετικά. [General provisions on notarised document are applied also to public wills, unless it is not regulated differently.]

Interpreted legal norm: The person who has interest in the case submits the application to the notary who testifies acquisition of the inheritance by the inheritor according to other legal norms unless it is not regulated differently.

Example 28. Cypriot Law – Chapter 195. Article 14 Παρ 1.

"διανοητικά ασθενής" σημαίνει οποιοδήποτε πρόσωπο, το οποίο ήθελε κηρυχθεί διανοητικά ασθενής, δυνάμει των διατάξεων του περί Διανοητικά Ασθενών Νόμου. [“mental patient” means any person adjudged to be a mental patient under the provisions of the Mental Patients Law].

Interpreted legal norm: The person who has interests in inheritance and is a mental patient is obliged to apply the provisions of the Mental Patients Law.

The reference to other normative act may 1) include a syntagma of general meaning, which does not refer to the specific normative act or 2) include designation of the specific normative act i.e. title of the act. Observation performed on the analysed material confirms the statement that there are more general references, which confirms the abstractive nature of the legal language. Thus, the legislator mentions a sector of law without specific title or number of the act or provision and in the case of any change in referred to text there is no need to correct the primary texts where the reference is included.

It has been observed that the recipients of the legal rules may be 1) all legal entities, 2) a certain group of legal entities within the legal system. When discussing all legal entities it has been observed that the legislators in most cases omit to designate them. Then the purposive **omission** in the text is present in the structures of the legal clauses in the legislative texts in Polish, Greek and Cypriot legal systems. The following examples illustrate this finding:

Example 29. Polish Civil Code. Article 924.

Spadek otwiera się z chwilą śmierci spadkodawcy. [Inheritance is opened at the moment of the death of the testator.]

Interpreted legal norm: Every person (natural and legal) living at the moment when the inheritance is opened has the right to open or to ask the specific entity to open the inheritance.

Example 2. Polish Civil Code. Article 926. Para. 1.

Powołanie do spadku wynika z ustawy albo z testamentu. [Appointment to inheritance results from the law or from the will]

Interpreted legal norm: Every person (natural and legal) living at the moment when the inheritance is opened can be an inheritor on the basis of the law or on the basis of the will.

Example 31. Greek Civil Code. Article 1710.

Η κληρονομική διαδοχή από το νόμο επέρχεται όταν δεν υπάρχει διαθήκη, ή όταν η διαδοχή από διαθήκη ματαιωθεί ολικά ή μερικά. [The succession on the basis of the law occurs when the will does not exist or when the will is invalid].

Interpreted legal norm: Every person (natural and legal) living at the moment when the inheritance is opened may be an inheritor on the basis of the law if the will does not exist or if the will is invalid.

Example 32. Greek Civil Code. Article 1711.

Κληρονόμος μπορεί να γίνει εκείνος που κατά το χρόνο της επαγωγής βρίσκεται στη ζωή ή έχει τουλάχιστον συλληφθεί. Κληρονόμος μπορεί να γίνει και το τέκνο που γεννήθηκε ύστερα από μεταθανάτια τεχνητή γονιμοποίηση. (...). [Inheritor can be a person who lives or at least who is conceived at the moment of the decease. Inheritor may be also the child who comes from induced fertilisation and it was born after the death of the testator...]

Interpreted legal norm: Every person (natural and legal) who lives at the moment when the inheritance is opened can be an inheritor on the basis of the law or on the basis of the will. An inheritor may be also the child who comes from induced fertilisation and it was born after the death of the testator.

Example 33. Cypriot Law – Chapter 195. Article 3.

Κατά το θάνατο προσώπου, η κληρονομιά του μεταβιβάζεται ως σύνολο σε ένα ή περισσότερα πρόσωπα. [On the death of a person his estate shall pass as a whole to one or several other persons.]

Interpreted legal norm: Every person (natural and legal) himself/herself or together with other people may inherit the whole inheritance.

Example 34. Cypriot Law – Chapter 195. Article 4.

Διαδοχή σε κληρονομιά δύνανται να γίνει είτε βάσει διαθήκης είτε βάσει του νόμου, είτε τόσο βάσει διαθήκης όσο και βάσει του νόμου. [Succession to an estate may be either by will or by the operation of law or by will and by the operation of law.]

Interpreted legal norm: Every person (natural and legal) can be an inheritor on the basis of the will or on the basis of the law.

In all the above given examples the legislator does not mention literally the recipient of the empowering norm at all. It means that any linguistic – textual exponent determining the recipient is not present in the legislative text. The recipient is interpreted from the specific clause and from other legislative texts (intertextual relations), commentaries, scholia etc. The spectrum of the recipient is very wide as it includes legal and natural persons who live at the moment of the death of the testator (plus child, who comes from artificial fertilisation). Summarising, it is possible to formulate the first finding saying that **omission** in the text is the technique used by the legislator to determine all possible recipients of the legal rule.

4. Types of linguistic exponents and types of the legal norms

The set of linguistic exponents, provided by analysis, referring to direct and indirect recipients of legal norms. They may refer 1) to only a specific type of the recipient or 2) to both types of recipient. The findings of the investigation indicate some similarities and some differences and it is worth rethinking them in order to organise them systematically.

As the main discussed problems are linguistic features of text of normative acts are the core of the classification of the linguistic exponents, the author of the paper wishes to provide a classification of the exponents on the basis of the semantic point of view. Nonetheless, it is worth considering that the semantic relations (coming to meaning) come from syntactic structures (Sauerland & von Stechow 2001, 15413) and as seen in cooperation they are stylistic patterns of analysed texts. Moreover, the texts of a normative act exist in a certain, legal context, thus the pragmatic aspect must also be considered when classifying exponents visible in the texts.

Denotation

Denotation observed in the analysed text has the function of indicating the recipient of the norm, which fulfils the specific condition. When using denotation it is possible to determine a certain category of recipient in the frame of the set of all possible recipients of the legal rule. In the analysed texts, denotation is the linguistic exponent of the direct recipient of the rule, but does not exclude the possibility that in other

normative texts the legislators use the denotation to determine the indirect recipient of the rule, i.e. courts, notaries etc.

The investigation shows that denotation is the linguistic exponent related only with one type of recipient. It may not be related with the direct and indirect recipient of the legal norm simultaneously. It is the linguistic exponent visible in the text.

Designation

Designation seems to be the clearest and simplest exponent of direct or indirect recipient of legal norm. Although when investigating legal tests, especially texts of normative acts, the apparent name of the legal entity has one simple meaning. For instance when the inheritor is mentioned in the text it means the person who fulfils all legal requirements to attain the status of inheritor. The parallel situation must be considered where the court is given in the text of any normative act, as it does not mean any court but the specific court, which has material and meritocratic competency to be the indirect recipient of specified legal norm.

The investigations show that in the text designation, the visible linguistic exponent is related only with one type of the recipient. It may not be related with the direct and indirect recipient of the legal norm simultaneously.

Reference

Reference is the last visible exponent of recipients of legal norms. It may be related simultaneously to the direct and indirect recipient of the legal rule. Once again, it should be mentioned that the semantic value of the specific legal provision is not equivalent to the legal norm interpreted from this provision, for instance legal provisions defining the legal work of a notary is the source of law for both notaries and their clients. Thus, the referred source of law is mutually in force for two types of recipients of legal norms.

Omission

Omission is seen as the gap, lack of literally expressed recipient of the legal norm in the text. The recipient of the norm may be detected with use of legal interpretation techniques. They are based on semantics, pragmatics and logic. Moreover legal knowledge is definitely required to understand and apply certain legal norms.

Omission is the exponent of both direct and indirect recipient of the legal rule. It is very often the technique used by the legislators. It is intended to shorten the written text and to avoid redundancies and repetitions in the whole set of normative acts as other provisions may include exponents referring the specific recipient of the legal norm. That is the reason why the texts of normative acts cannot be seen and interpreted separately.

5. Final remarks

The investigation provides some general comments presenting the linguistic methods to determine the two types of recipients of the legal norms in the texts of normative acts. It should be emphasised that the investigation has an introductory character and the findings should be confirmed by an extensively performed investigation. Currently they are supposition findings and analysis of greater texts and a larger number of texts may confirm the thesis, which is proposed in the paper.

5.1. Discussing the method

The investigation was conducted on the basis of linguistic and legal methodology. To understand the legal provisions and to interpret legal norms both semantics and legal interpretation must be used. Thus the eclectic method must be considered when investigating legal texts, as both interpretation of the meaning and of legal rule is required to present the differences between the recipient of the clause and the recipient of the legal norm. If one element of the method is omitted, there is a great possibility of error when analysing legal texts (texts of normative acts). The eclectic method is used in connection with pragmatics, which may be defined as “studies of the conditions of human language uses as these are determined by the context of society” (Mey 2011, 22) or just as “the study of meaning in context” (Archer & Grundy 2011, 2). Thus, syntactic, semantic and pragmatic features of the analysed text were investigated.

The applied method enables one to list and to classify linguistic exponent recipients of legal rules according to their function in the text. The third element of the comparison (*tertium comparationis*) was the set of common assumptions on legal norms and their recipients and it enables one to perform the comparison, which is not only based on contradictions between Polish, Greek and Cypriot texts of normative acts. The third element of the comparison provided the equivalent pragmatic function and then linguistic and legal particularities were determined. Thus, the findings include general trends in legal languages of Poland, Greece and the Republic of Cyprus.

5.2. Possible application

The most immanent conclusion of the investigation is the statement that independently from the national (Polish, Greek and Cypriot) or typological (civil law or common law) legal system that the legislators use the same trends to draw up texts of normative acts, as is seen in equivalent linguistic exponents. The set of equivalent linguistic exponents may be implemented directly in the lexicography of legal translation. The observed common trends in texts of normative acts are a source of knowledge also for legal comparatists and can be implemented in their research.

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