



## NATIONAL-CULTURAL LACUNAE IN ENGLISH LEGAL DISCOURSE AND THEIR ETYMOLOGICAL BASIS

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**Abstract:** *The article investigates national-cultural lacunae in English legal discourse and examines their etymological foundations within the framework of legal linguistics and linguoculturology. Legal discourse represents a complex interaction between language, culture, history, and legal consciousness. Due to the historical evolution of the English legal system, numerous legal terms and concepts emerged that possess no direct equivalents in other linguistic and legal traditions. These culturally specific lexical and conceptual gaps are defined as lacunae. The article analyzes the historical origins, semantic development, and cultural specificity of lacunar legal terminology in English legal discourse. Particular attention is devoted to the etymological sources of English legal vocabulary, including Anglo-Saxon, Norman French, Latin, and ecclesiastical influences. The study identifies the role of historical legal institutions in shaping national-cultural lacunae and explores translation challenges arising in intercultural legal communication. Comparative, etymological, descriptive, and discourse-analytical methods are employed to examine legal terminology from statutes, judicial opinions, and legal dictionaries. The findings demonstrate that legal lacunae are deeply rooted in the historical development of Common Law and reflect national legal mentality, institutional traditions, and sociocultural values. The research contributes to comparative legal linguistics, discourse studies, and translation theory by revealing the interdependence between etymology, culture, and legal semantics in English legal discourse.*

**Keywords:** *legal discourse, lacunae, national-cultural lacunae, etymology, legal linguistics, Common Law, English legal terminology, linguoculturology, legal translation, discourse analysis.*

The rapid development of globalization, international law, and intercultural communication has significantly increased scholarly interest

in legal discourse and legal translation. Legal language functions not merely as a technical means of communication but also as a cultural mechanism that reflects



historical memory, institutional development, and national legal consciousness. In this regard, the phenomenon of national-cultural lacunae occupies a central place in modern legal linguistics. Lacunae are lexical, semantic, conceptual, or pragmatic gaps that arise when a linguistic or cultural unit existing in one language or discourse lacks an equivalent in another. Within legal discourse, lacunae are especially significant because legal systems are historically conditioned and culturally specific. Legal terminology is inseparable from the traditions, values, and institutional practices of a given society.

English legal discourse represents one of the most historically layered legal traditions in the world. The development of Common Law over centuries led to the emergence of numerous culturally bound legal concepts that are difficult or impossible to translate adequately into other languages. Many English legal terms possess etymological roots in Latin, Norman French, and Anglo-Saxon vocabulary, reflecting successive historical stages in the formation of English law.

The etymological structure of English legal terminology demonstrates how historical processes shape legal meaning. After the Norman Conquest of 1066, French became the language of administration and law in England, while Latin dominated ecclesiastical and scholarly communication. Consequently, English legal discourse absorbed

thousands of foreign legal terms whose meanings evolved within the Common Law tradition.

This study aims to analyze national-cultural lacunae in English legal discourse and investigate their etymological basis. The article focuses on how historical linguistic layers contributed to the formation of culturally specific legal concepts and how these concepts create difficulties in intercultural legal communication and translation. The objectives of the study are:

1. To define the notion of national-cultural lacunae in legal discourse;
2. To identify the historical and etymological origins of English legal terminology;
3. To classify lacunar legal concepts in English legal discourse;
4. To analyze the relationship between etymology and legal semantics;
5. To examine translation problems associated with legal lacunae;
6. To determine the linguocultural significance of lacunae in English legal communication.

The relevance of the study lies in the growing importance of comparative legal linguistics and legal translation in international communication. Understanding the etymological and cultural foundations of legal lacunae contributes to more effective intercultural legal interaction and improves the quality of legal translation.



The term lacuna originates from the Latin word lacuna, meaning “gap,” “void,” or “missing part.” In linguistics, lacunae refer to absent lexical or conceptual units in one language compared to another. The phenomenon gained prominence within comparative linguistics, translation theory, and intercultural communication studies.

Vinay and Darbelnet considered lacunae as translation gaps caused by the absence of direct lexical correspondences between languages. Sorokin and Markovina later emphasized the cultural dimension of lacunae, arguing that they reflect differences in national mentality and worldview. Sternin expanded the concept by introducing classifications of lexical, semantic, and cultural lacunae.

Within linguoculturology, lacunae are regarded as indicators of cultural specificity. They reveal concepts that are socially important in one culture but absent or insignificant in another. Legal discourse provides particularly rich material for lacunae studies because legal systems develop independently according to national history and sociopolitical evolution.

Legal discourse is a specialized communicative sphere characterized by institutional authority, terminological precision, and normative function. However, legal language is not purely technical. It embodies legal ideology, cultural traditions, and historical continuity. According to Tiersma, legal discourse is deeply conservative and

preserves archaic linguistic structures longer than ordinary language. Mellinkoff observed that English legal language retains traces of medieval legal culture, particularly through Latinisms and French borrowings.

Legal discourse differs across legal systems. Common Law discourse emphasizes precedent, judicial reasoning, and adversarial procedure, while Civil Law discourse prioritizes codification and statutory interpretation. These distinctions create significant lacunae in intercultural legal communication.

Anglo-Saxon Foundations-Before the Norman Conquest, English law was primarily based on Anglo-Saxon customary practices. Old English legal vocabulary reflected tribal organization, kinship relations, and local governance.

Terms such as:

- wergild (compensation for homicide),
- folkright,
- ordeal,
- shire,
- borough

originated during this period. Many of these concepts became historically obsolete yet continue to influence legal terminology and historical legal studies.

The Anglo-Saxon period established the foundations of customary law and local judicial institutions, which later evolved into the Common Law tradition.

Norman French Influence-The Norman Conquest of 1066 dramatically transformed English legal discourse.



French became the language of administration, courts, and aristocratic governance. As a result, English legal vocabulary absorbed a substantial number of Norman French terms.

Examples include:

- attorney,
- judge,
- court,
- plaintiff,
- defendant,
- felony,
- estate,
- lease,
- trespass.

These borrowings not only enriched English vocabulary but also introduced new legal concepts connected with feudal governance and royal authority.

The coexistence of English, French, and Latin created a multilingual legal environment that shaped the complexity of English legal discourse.

Latin Influence-Latin functioned as the language of scholarship, religion, and formal legal documentation throughout medieval Europe. English legal discourse incorporated numerous Latin expressions that remain in use today.

Examples include:

- habeas corpus,
- mens rea,
- prima facie,
- sub judice,
- ultra vires,
- bona fide.

These terms represent national-cultural lacunae because their meanings

are deeply embedded in Common Law doctrine and cannot always be translated literally. Latinisms also contribute to the formal and prestigious character of legal discourse. Their continued use demonstrates the conservative nature of legal language.

The Concept of “Equity”-One of the most significant lacunae in English legal discourse is the concept of equity. Historically, equity developed as a parallel judicial system designed to mitigate the rigidity of Common Law. The term derives from the Latin *aequitas*, meaning fairness or justice. However, within English legal culture, equity acquired a highly specialized doctrinal meaning involving equitable remedies, trusts, injunctions, and fiduciary obligations. Many legal systems lack an equivalent institution. Consequently, the term creates conceptual lacunarity in translation and comparative law.

The Term “Trust”-The institution of trust represents a uniquely Anglo-American legal construction. Etymologically, the word originates from Old Norse and Old English roots associated with confidence and reliability. In legal discourse, a trust involves the division of legal and beneficial ownership. Since many legal systems do not recognize this separation, the concept often lacks direct translation equivalents.

The lacunarity of trust demonstrates how historical legal evolution shapes semantic specificity.



The Concept of “Consideration”-  
The doctrine of consideration emerged within Common Law contract theory. Etymologically, the term derives from the Latin *consideratio*, meaning reflection or examination. In English contract law, consideration refers to something of value exchanged between contracting parties. Civil Law systems frequently lack this doctrinal requirement, resulting in semantic and conceptual lacunae.

The Institution of “Jury”-The jury system constitutes an important element of English legal culture. The term derives from Old French *jurée*, meaning sworn body.

Although some countries possess jury institutions, their functions and procedures vary considerably. In many legal systems, no equivalent participatory mechanism exists. Therefore, terminology associated with jury trials becomes culturally lacunar.

Germanic Layer-The Germanic layer contains foundational legal terms related to social order and customary law:

- law,
- oath,
- guilt,
- witness,
- theft,
- murder.

These words reflect early tribal legal practices and social organization.

French Layer-The French layer dominates administrative and procedural terminology:

- justice,

- government,
- attorney,
- verdict,
- felony.

The prevalence of French-derived terminology demonstrates the impact of feudal governance and Norman aristocratic culture.

Latin Layer-The Latin layer contributes abstract doctrinal terminology:

- constitution,
- legislation,
- jurisdiction,
- obligation,
- executor.

Latinisms provide precision and formalization within legal discourse.

Lexical Lacunae- Lexical lacunae occur when no lexical equivalent exists in another language.

Examples:

- trust,
- equity,
- estoppel.

Semantic Lacunae- Semantic lacunae emerge when equivalent terms possess different meanings across legal cultures.

Example:

• constitution may denote distinct legal realities in different systems.

Institutional Lacunae-Institutional lacunae arise from differences in legal structures and judicial institutions.

Examples:

- jury trial,
- chancery court,



- barrister-solicitor distinction.

Pragmatic Lacunae-Pragmatic lacunae involve differences in communicative conventions and legal style.

English legal discourse often employs adversarial rhetoric and precedent-based reasoning unfamiliar in other legal traditions.

The Common Law system plays a decisive role in generating lacunae. Unlike codified systems, Common Law evolved through judicial decisions and customary practices.

This historical process created:

- case-specific terminology,
- precedent-oriented concepts,
- procedural vocabulary,
- highly contextual doctrines.

Because these concepts emerged organically over centuries, many lack exact equivalents outside Common Law jurisdictions.

Legal translation requires conceptual rather than purely lexical equivalence. Direct translation may distort legal meaning if the target legal culture lacks the corresponding institution.

Descriptive Translation-Provides explanatory definitions.

Example:

• trust → “legal arrangement for managing property on behalf of another person.”

Borrowing-Preserves original terminology.

Example:

- habeas corpus,
- ombudsman.

Functional Analogy-Uses approximate institutional equivalents.

However, this strategy may reduce legal precision.

Academic and legal translations often require explanatory commentary to clarify culturally specific concepts.

Legal lacunae reveal national legal mentality and cultural identity. English legal discourse reflects:

- individualism,
- judicial pragmatism,
- historical continuity,
- institutional conservatism.

The preservation of archaic terminology demonstrates respect for tradition and precedent within English legal culture.

Lacunae also indicate cultural priorities. The extensive vocabulary associated with property rights, trusts, and contractual relations reflects the historical development of English commercial society.

Comparative analysis demonstrates that legal lacunae are inevitable because legal systems evolve independently. While globalization encourages harmonization, national legal traditions continue to shape legal discourse.

English legal terminology often lacks equivalents in:

- Romano-Germanic systems,
- Islamic legal traditions,
- post-Soviet legal systems.



This asymmetry complicates international legal communication and translation.

The study confirms that national-cultural lacunae are inseparable from the historical evolution of English legal discourse. Etymology provides insight into the cultural memory encoded within legal terminology.

The multilingual origins of English legal vocabulary reflect successive stages of political and institutional transformation:

- Anglo-Saxon customary law,
- Norman feudal governance,
- Latin ecclesiastical scholarship.

Each historical layer contributed to the formation of culturally specific legal concepts.

The persistence of lacunae demonstrates that legal language cannot be fully universalized. Even within international law, national legal traditions continue to influence terminology and interpretation.

The findings also emphasize the importance of interdisciplinary approaches combining linguistics, legal studies, history, and translation theory.

To conclude, the present research investigated national-cultural lacunae in

English legal discourse and analyzed their etymological basis. The study demonstrated that legal lacunae arise due to historical, cultural, institutional, and linguistic factors. English legal discourse developed through complex interactions among Anglo-Saxon, Norman French, and Latin traditions. These historical layers shaped culturally specific legal concepts that frequently lack direct equivalents in other legal systems. The research identified several categories of lacunae, including lexical, semantic, institutional, and pragmatic lacunae. Concepts such as equity, trust, consideration, and jury illustrate the deep connection between language and legal culture. The study also highlighted the significance of etymology in understanding legal semantics and translation difficulties. Effective legal translation requires not only linguistic competence but also profound knowledge of legal systems and cultural traditions. Future research may focus on corpus-based analysis of legal lacunae, comparative studies of Common Law and Civil Law terminology, and the application of artificial intelligence in legal translation.

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