

Radosław Pawelec

Uniwersytet Warszawski, Poland

e-mail: r.pawelec@uw.edu.pl

ORCID: 0000-0003-4739-6471

SELECTED LEGAL CONCEPTS IN HISTORICAL- -LINGUISTIC ANALYSIS JURISLINGUISTICS AND THE METHODOLOGY OF DIACHRONIC LINGUISTICS

Abstract

The legal lexicon covering the lexical field of words related to the financial collapse of a company in Polish has changed significantly over the years. The most important word today, *upadłość* (from the verb *upadać*, Eng. *to fall/fail*) used to have a general meaning, while 200 years ago, the two words used in this sense were *bankructwo* (from Italian) and *konkurs* (from Latin). This latter word is also mentioned in sources from 100 years ago, when it occurred alongside a new word *plajta* (from German), referring to a specific, premeditated type of bankruptcy. In the following decades of the 20th century, the word *upadłość* became a specialist term, in contrast to *bankructwo*, which took on a general meaning, while *konkurs* fell out of use and *plajta* began to refer to fields other than economics. The presented analysis, which uses the method of lexical paradigmatic fields, is one of the historical-linguistic tools that can be used in jurislinguistics. Also other methods and concepts, e.g. syntagmatic fields, grammatical analyses, the use of utterance frame or modal frame offer many possibilities to conduct cognitively valuable diachronic analyses of legal language.

KEYWORDS

jurislinguistics, history of language, history of concepts, bankruptcy and its synonyms, methodology of linguistics and law studies

SŁOWA KLUCZOWE

juryslingwistyka, historia języka, historia pojęć, bankructwo i jego synonimy, metodologia lingwistyki i nauk o prawie

1. INTRODUCTION: LEGAL CONCEPTS AND THE HISTORY OF LANGUAGE

In its meaning referring to ‘general provisions regulating relationships between people’, individual ‘legal norms’ and ‘entitlements’, as well as ‘the field of knowledge dealing with them’, the noun *prawo* (Eng. *law*), has a very simple etymology, derived from the prepositional expression *w prawo, na prawo* (Eng. *to the right, on the right*). Originally, it is spatially and axiologically opposed to the word *lewo* (Eng. *left*), which is not used as a *substantivum* today but was well known as such to our ancestors, who would say *prawem i lewem* (Eng. *by law and without it*). It was recorded in the title of a book about old customs in Ruthenia written by the 19th-century writer Władysław Łoziński.¹

The word *kodeks* (Eng. *code*) has a similarly simple etymology. It comes from the Latin word *codex*, meaning ‘trunk, block, board’, and in the Middle Ages, was used to refer to a handwritten book, carefully bound in wood and leather. Even today, linguists continue to use it to talk about the priceless Old Church Slavonic manuscripts, e.g. *Kodeks mariański* (*Codex Marianus*) from the turn of the 10th and 11th centuries.

The linguistic aspect of the concepts of legal language is not limited to etymology, however, as it also includes the history of the concept and the often complicated and meandric changes in its use. There are lexemes derived from the standard language which then passed into legal language to become standard again, e.g. *konkurs*. There are also those whose legal scope has narrowed, e.g. *upadłość*, and those that are in fact legal archaisms, like *nierzqd*. The linguistic approach to legal lexis is not only related to historical semantics, grammatical

¹ Volume 2 of the book from 1904 (2nd edition) is available in pdf format at pbc.gda.pl, and volume 1 in the same form is available at polona.pl. The publication was reissued in the subsequent years; its full title is: *Prawem i lewem. Obyczaje na Czerwonej Rusi w pierwszej połowie XVII wieku*.

changes are equally important, e.g. those related to the use of the plural form of the word *ryzyko* (Eng. *risk*) in insurance legal texts.

In this text, we want to try to show the possibilities available in the field of historical-linguistic study of legal concepts. Its main, analytical part is focused on presenting the possibilities offered by the analysis using the structural methodology in researching the lexical paradigmatic field of names referring to the financial collapse of the company. The conclusion outlines, in a rather essayistic way, other possibilities offered by the linguistic approach, which may serve as inspiration for future research.

Previous works in jurislinguistics (e.g. those listed in footnote 1) indicate that referring the well-proven methods of diachronic linguistics to the concepts and lexemes in the field of law not only serves to broaden historical awareness and knowledge of the cultural determinants of legislative solutions but can also be helpful in forecasting activities in this area which are related to the lexical shape of new ideas that are developing in our times, such as *sustainable development*.

The usefulness of linguistic analysis in relation to legal concepts is largely based on our own research,² however, we refer to a number of excellent interdisciplinary works, e.g. findings of Andrzej Malinowski, Irena Szczepankowska, Ewa Malinowska, Hanna Jadacka and a number of cited researchers.

2. UPADŁOŚĆ – FROM GENERAL MEANING TO SPECIALIZED LEGAL MEANING AND ARCHAISM IN STANDARD LANGUAGE

Upadłość is an abstract noun derived from the word *upadły* (Eng. *fallen/failed*). Danuta Buttler describes the participle *upadły* as related to adjectives *nędzny* or *ubogi* and *kaleki* (Eng. *wretched* or *poor*, and *crippled*):

[...] *upadły* was synonymous with adjectives *nędzny*, *ubogi* ("Jesus will not push anyone, not even the most fallen one, away from Himself"[...]), as well as to the word

² The author's articles and books devoted to the concept of evolution include: *Ciemne zwierciadło. Semantyka antywartości*, Warsaw 2013; *Szczury z "Dżumy" i siostra z "Przesłania". Pogarda w języku polskim i mediach*, Warsaw 2021; a series of publications in books published by Koło Naukowe Języka Prawnego i Prawniczego (Eng. Scientific Circle of Legal Language) *Lingua Iuris*, e.g. *Przekręt widziany oczami językoznawcy i prawnika*, (in:) *Gdzie prawo niepewne, tam nie ma prawa*, (eds.) Frączek M., Niewiadomski A., Pawelec R., Warsaw 2008, and (the main source of information) *Jak Polacy mówili o upadku finansowym firmy w roku 1800, 1900 i jak mówią w 2000?* [...], "Prace Filologiczne" XLV, Warsaw 2000, pp. 433-444. In these publications, the author refers to the excellent works of the following authors in the field of jurislinguistics: Andrzej Malinowski *Polski język prawny. Wybrane zagadnienia*, Warsaw 2006, Hanna Jadacka *Poradnik językowy dla prawników*, Warsaw 2006, Irena Szczepankowska *Język prawny i Rzeczypospolitej* [...], Białystok 2004, Ewa Malinowska *Konstytucja jako gatunek tekstu prawnego*, Opole 2012.

kaleki ("He couldn't move his hands or legs, and his eyes failed him" [...]) As a result, it lost its vitality in both meanings, retaining only its feminine form due to specialization in a specific semantic function.³

The vitality of the first meaning is confirmed in the dictionary *Słownik języka polskiego* by Samuel Bogumił Linde,⁴ where the lexicographer gives the following synonyms of *upadły*: *stan upadły*, *nędzny stan*, *nędza*, *lichota* (Eng. *fallen state*, *wretched state*, *wretchedness*, *abomination*). Over the subsequent century and a half, this general meaning narrowed down and specialized. Dictionaries from the second half of the 19th century and the first half of the 20th century still record it, but at the same time, they include extensive descriptions of the legal meaning, in which the word *upadłość* refers to an economic entity. For instance, *Słownik wileński*⁵ explains this type of bankruptcy as follows:

= *upadłość* of a bank, trading house; legal. The condition of the merchant in which, being unable to pay his debts, he submits himself to the dispositions of the law, whereby appointed curators and receivers first complete the sealing of his property and then also other forms of activity, such as the sale of real estate and the distribution of money.

*Słownik warszawski*⁶ puts this strictly legal meaning in the foreground, and lists the following collocations: *ogłosić*, *zawiesić*, *odwołać upadłość* (Eng. *declare*, *suspend*, *appeal bankruptcy*) and expressions: *postępowanie upadłościowe*, *syndyk upadłościowy* (Eng. *bankruptcy proceedings*, *bankruptcy trustee*). Parallel to this process, the word's general meaning has undergone archaization. In the standard language today, the old participle *upadły* appears only in fixed combinations: *kobieta upadła* (Eng. *fallen woman*) and *robić coś do upadłego*, e.g. *tańczyć do upadłego* (Eng. *do something until you fall/drop*, e.g. *dance till you drop*). Although the verb *upadać* (Eng. *fall/fail*) occurs in numerous metaphorical senses, they rarely refer to economics and/or law, while the typical uses, e.g. *upadło powstanie*, *upadł wniosek mniejszości* (Eng. *the uprising failed*, *the minority motion failed*). It is only among the figurative uses of the noun *upadek* that we find some related to economics, e.g. *upadek firmy*, *upadek rzemiosła* (Eng. *collapse of a company*, *collapse of craftsmanship*).

On the other hand, the new, or more specifically, New Polish meaning of *upadłość* is thriving. Its numerous uses in an act of such importance as the Commercial Code (Journal of Laws 1934, No. 37, item 502) made it a permanent part of the language of law and – more broadly – journalism discussing economic

³ Cf. Buttler D., *Rozwój semantyczny wyrazów polskich*, Warsaw, 1978, p. 219.

⁴ Linde S. B., *Słownik języka polskiego*, Vol. 1–6, Warsaw 1807–1814 (hereinafter: SLinde).

⁵ *Słownik języka polskiego*, Zdanowicz A. et al., Wilno 1861 (hereinafter: Swil).

⁶ *Słownik języka polskiego*, Karłowicz J., Kryński A., Niedźwiedzki W., Vol. 1–8, Warsaw 1900–1927 (hereinafter: Swar).

issues in their legal dimension. Here are three examples from the National Corpus of the Polish Language, with the sources cited there:

- 1) Art. 519 § 1 If bankruptcy of the debtor [Pol. *upadłość dłużnika*] has been declared, or settlement proceedings or proceedings to maintain bankruptcy have been initiated, if additionally the debtor has stopped payments or the execution from its moveable property has remained ineffective, the right of retention serves the creditor also to secure a claim that is not yet payable... [Commercial Code]
- 2) When an enterprise declares bankruptcy [Pol. *ogłasza upadłość*] and goes into liquidation, the contributed shares give their holders the right to participate in the division of the company's assets. The amount of the owners' income from the sale of the liquidated enterprise depends also on the profitability of the company's activity in the period preceding the bankruptcy. [B. Pietrzak, Z. Polański, *System finansowy w Polsce*, Warszawa 1997]
- 3) The station building was not bought but taken over for debts of the Pobudros company, informed Witold Beller, vice-president of the Cuprum cooperative. Polbudros had been leasing premises and land from the cooperative from the Polkowice-based cooperative. When its bankruptcy was declared [Pol. *ogłoszono upadłość*] last autumn, the cooperative took over the station building as settlement for lease arrears. Until recently, no one was interested in the building. ["Gazeta Wrocławska" 19/07, 1999]

The semantic evolution of the word *upadłość* seems noteworthy. At the same time, it should be noted that the narrowing of meaning from general to specialized is a well-documented process in the history of language. Things become interesting, however, if we take into account the broader context of the lexicon, namely words that have collocated with *upadłość* over time, covering a certain conceptual field, which developed as a result of changes occurring in the economy and law in the subsequent centuries.

3. BANKRUPTCY – FROM THE MEANING RELATED TO THE ECONOMIC AND LEGAL SPHERE TO GENERAL AND METAPHORICAL SENSE

The noun *bankrut* entered the Polish language through French or German, most likely in the 18th century. It was first recorded in the Polish-French-German dictionary, *Mownik polsko-francusko-niemiecki* by Michał Abraham Trotz. A little later, Ignacy Krasicki explained its sense in his encyclopedia *Zbiór potrzebniejszych wiadomości* as follows:

A merchant is bankrupt when he is unable to pay off his creditors and formally surrenders all his property to them. Involuntary bankruptcy does not leave such a taint as a treacherous one, when the merchant secretly leaves some part of the property surrendered to the debtors for himself.⁷

The word comes from Italian and in the unanimous opinion of lexicographers⁸ derives from *banca rotta*, meaning ‘broken table/counter’ (= insolvent banker’s office).

The concept of bankruptcy most probably originated in the late Middle Ages in the cities of northern Italy. It was in this rich region, in Milan, Florence, Genoa and Turin, that the first banks were established at the beginning of the modern era, dealing not only with money exchange but also with accepting deposits and granting loans. Combined with the improvement of financial settlements, this resulted in the significant acceleration of economic processes but at the same time increased the associated risk. The scale of potential risk increased then, related not only to the lack of the expected profit but also to a negative profit and the loss of not just one’s own, but also other people’s money. The etymology of the word *bankruptcy* may indicate the emotions associated with this turn of events: the angry debtors of the unfortunate banker breaking his trading counter in a public square. To this day, we find evidence of parallel economic phenomena in many European languages: the English word *bankruptcy*, French *bankueroute*, and German *Bankrott* all refer to the financial collapse of an economic entity consisting in a situation where it ceases to repay its loans and credits and settle its liabilities to other companies.

While the English borrowing is dated to the 16th century,⁹ the Polish testimonies are considerably later. Nevertheless, Linde’s *Słownik języka polskiego* from the turn of the 18th and 19th centuries lists a whole family of words derived from the noun *bankrut*: *bankrutka*, *bankructwo*, *bankrutować* (Eng. *bankrupt* (masc.), *bankrupt* (fem.), *bankruptcy*, *go bankrupt*). The noun itself meant two things to the great lexicographer: a person who has gone bankrupt and the concept of bankruptcy itself. In the latter meaning, appearing for instance in the phrase *bankrut zrobić* (Eng. *go bankrupt*) the word was synonymous with *bankructwo*. It should be noted that there is a difference in the way Krasicki’s encyclopedia and Linde’s dictionary describe bankruptcy. In the encyclopedic description, bankruptcy is a certain legal state – the inability to pay off debts which is associated with the official seizure of property. On the other hand, the definitions and examples given in the dictionary indicate that in the general language, the noun *bank-*

⁷ Por. Krasicki I., *Zbiór potrzebniejszych wiadomości*, Warszawa 1781. <https://dbc.wroc.pl/dlibra/publication/14022/edition/12400?language=pl> (accessed April 2023).

⁸ This explanation is offered, for example, by Władysław Kopaliński in *Słownik wyrazów obcych i zwrotów obcojęzycznych* [...], Warsaw 2000, as well as in *The New Oxford Dictionary of English*, Oxford – New York 2006 (which also confirms the information mentioned later regarding the temporal origin of the concept and its transfer to English).

⁹ For example in the above cited *The New Oxford Dictionary of English*.

ructwo and derived words were also used in the broader sense of *loss of property* and in figurative meanings, e.g. *loss of one's good name*.

Similar differences in the descriptions of the concept of *bankructwo* and derived words appear also later, the definitions of these words in subsequent encyclopedias and dictionaries are in many respects parallel. In the pre-war encyclopedia of the Guttenberg Publishing House,¹⁰ we read that bankruptcy is *the situation of a debtor who suspended payments or was brought to court* [Pol. *popadł w konkurs*] *for not being able to fulfill his obligations and satisfy creditors*. In *Słownik wileński*, the author of the entry *bankructwo* mentions two senses of the word. The first one is defined as *collapse of a merchant, inability to repay debts known to authorities and involving the transfer of his property to creditors*, and the second one: *in general, major loss of property, impoverishment*. The meaning of the word in question is similarly described in two other dictionaries: *Słownik warszawski* and Doroszewski's *Słownik języka polskiego*,¹¹ which, in addition to the legal sense, both note (albeit in different ways) the broader meaning of bankruptcy as loss of property or impoverishment in general, and the figurative meaning of loss of significance and influence or moral decline (cf. Swar).

In the standard language today, the vast majority of collocations of the word *bankructwo* are related to ideas, morality, foreign policy of the state, the state as such, international institutions, (e.g. the League of Nations), etc. There are also some references to companies in journalism, but they are a minority and besides this type of use can hardly be classified as strictly legal. This can be illustrated with these quotations:

- 1) For political reasons, the Polish delegation to the League of Nations in Geneva was withdrawn in 1938. Minister Beck came to the conclusion that after the Munich conference, we witnessed the de facto bankruptcy of the League of Nations. [W. Michowicz, *Historia dyplomacji polskiej*, Warsaw 1995]
- 2) Legalization of LSD would result in the bankruptcy of psychoanalysts. Would anyone then take seriously an expert in the field of psychoanalysis, a star of the literary salons of Paris, or Julia Kristeva, the new Simone de Beauvoir? [M. Gretkowska, *Podręcznik do ludzi*, Warsaw 1996]
- 3) Her business was in a dire state, she had debts and in fact, she should declare bankruptcy of the company she once founded. But she figured that there was only one thing to do. What decision did Birgit, mother of the 11-year-old Rita, make?¹²

¹⁰ Cf. *Wielka Ilustrowana Encyklopedia Powszechna Wydawnictwa Gutenberga*, Kraków 1928, Vol. VIII, pp. 51-52.

¹¹ *Słownik języka polskiego*, Doroszewski W. (ed.), Vol. 1-11, Warsaw, 1958-1969 (hereinafter: SDor).

¹² *Detektyw* 1999, 1.

Analyzing the history of the words *upadłość* and *bankructwo*, one can get the impression that, while in the past the former had a rather general sense and the latter referred to economics and was used by lawyers, in the 20th century their roles were reversed. Such a conclusion is true with two caveats. Firstly, it refers to some development trends rather than all possible uses, as we can find examples that distort this clear picture. Secondly, it needs to be added that the old lexical field of ‘the names of the company’s collapse’ also contained two more words: *plajta* and *konkurs*. Let us take a brief look at them.

4. KONKURS – FROM A LEGAL TERM TO THE COMPLETE BREAK OF THE SEMANTIC RELATIONSHIP WITH THE CONCEPT, PLAJTA – FROM A SPECIALIZED BUSINESS TERM TO A COLLOQUIAL WORD

From the synchronic perspective, the information that the word *konkurs* (Eng. *contest, competition*) is related to the financial collapse of a company may seem surprising. Currently, the word has no connection with this concept but in the past, including not a very distant one, things were different. At the beginning of the New Poland era, Linde lists the following meanings of the noun *konkurs*:

1. confluence of people [...]
2. legal. Competition of creditors, der Konkurs der Gläubiger. (SLinde)

The first meaning is a borrowing of Latin *concursum* (Eng. *confluence, connection*), the second – is a borrowing from German. In modern German, the noun *der Konkurs* has two meanings: “suspension of payments by a bankrupt company” and, described as legal, “court proceedings in which the assets of a bankrupt company are distributed among its creditors”.¹³ The latter meaning is older and it was the one that was borrowed into Polish in the 18th century. This is confirmed by these quotations given in Linde’s dictionary: “Outweighed in value by debt, assets became subject to contest [...]”; “Having made debts, merchants resort to contest and fleeing abroad”.

Explanations in subsequent dictionaries suggest that we are dealing with a lexeme of the legal language: “declaration by the debtor that he is unable to satisfy his creditors and court proceedings against the debtor started by the creditors to force him to pay at least part of the liabilities” (Swil); “a lawsuit by creditors against an insolvent debtor; notification of insolvency” (Swar). It should be noted that *konkurs* was understood as both a declaration submitted to the court by an insolvent debtor and the lawsuit brought by the creditors of such a debtor. In the

¹³ Cf. Duden, *Deutsches Universalwörterbuch*, Berlin 2015.

former case, the phrase used was *podnieść konkurs* (Eng. *declare bankruptcy*), and in the latter – *popaść w konkurs* (Eng. *be sued for bankruptcy*).

The word *konkurs* is not a direct synonym of the words *bankructwo*, *upadłość* – the *genus proximum* of this concept is somewhat different. In Polish, *konkurs* did not refer to the state of the insolvent company but to legal proceedings resulting from its insolvency. However, since one usually entailed the other, in linguistic practice, expressions with the noun *konkurs*, or the adjective *konkursowy* often replaced words *bankructwo*, *bankrutować*, *upadłość*, *upadłościowy*. The one who *popadał w konkurs* – *bankrutował* (Eng. *went bankrupt*) and the one who *podnosił konkurs* – *ogłaszał swoją upadłość* (Eng. *declared bankruptcy*). The authors of the *konkurs* entry in the already quoted pre-war encyclopedia of the Guttenberg Publishing House write:

Konkurs (contest) is a gathering of many creditors against a single debtor whose assets are insufficient to satisfy their claims; *konkurs* also means a legal proceeding that then takes place [...] (insolvency, bankruptcy proceedings). When *konkurs* involves criminal liability of the debtor, it is called *bankructwo* (bankruptcy). The property of the debtor is called *masa konkursowa*, the body of regulations concerning the court proceeding is *prawo konkursowe* and the court conducting such proceedings is *sąd konkursowy*.¹⁴

Why did the word *konkurs* cease to be used in its basic legal sense, related to economics, in the second half of the 20th century? It seems that there were several reasons for this. The most important one was the long-progressing evolution of its semantic structure, involving primarily the systematic development of the meaning related to competition (perhaps owing to the development of the concept of sport and the dissemination of this activity). This meaning is well known today and as such needs no exemplification. It was probably its dominance in the first half of the 20th century that made the authors of the famous Commercial Code of 1934 choose the word *upadłość* over *konkurs* to describe the legal consequences of the company's financial collapse: the relevant part of the Code was titled *Prawo upadłościowe*, not *Prawo konkursowe*. From that moment, the noun *konkurs* was used less and less in its legal meaning in Polish. In modern German, however, this meaning continues to be used, which causes problems for many Poles learning the language of our Western neighbors because what we call *konkurs*, they call *der Wettbewerb* (Eng. *competition, contest*), and when they say *der Konkurs*, they mean *bankructwo* or *upadłość* (Eng. *bankruptcy*).

Including the word *plajta* among the words referring to the financial collapse of the company may seem strange. Although currently the word *plajta* can be used in the meaning of bankruptcy, this use is rare and more frequently *plajta* is used to refer to some kind of failure, in colloquial, rather than standard language.

¹⁴ *Wielka Ilustrowana Encyklopedia Powszechna Wydawnictwa Gutenberga, op. cit.*

In the history of Polish, including a fairly recent one, things used to be different: *plajta* meant ‘premeditated bankruptcy’. Let us explain this.

Historical and linguistic data indicate that the noun *plajta* was borrowed from German in the second half of the 19th century. The word is also a borrowing in German, but an internal one. German lexicographers derive it from thieves’ jargon, where it meant ‘escape’.¹⁵ After being transferred to the business sphere, the word began to mean ‘escape from creditors’ and it was in this meaning that our ancestors borrowed it over a hundred years ago. The first to note the word *plajta* was *Słownik warszawski*, whose authors define it as ‘deceitful bankruptcy’. The definition is not supported by any quotations, suggesting that at the beginning of the 20th century, the word was still a neologism. In the literature of the turn of the century, we can find examples of uses confirming that the word *plajta* referred to intentional bankruptcy, carried out to save some property for oneself and pay only a percentage of the debt to one’s creditors, sometimes as a result of a settlement. Here is an excerpt from Reymont’s *Ziemia obiecana*: a conversation between Trawiński, who faces bankruptcy, and Borowiecki, who does not want to give him a loan but does not skim on advice:

- Aren’t you thinking about settling?
- No, deceitful bankruptcy [Pol. *plajta*] is not an option, I can only go bankrupt honestly.
- There could be other ways to save yourself.
- Give them to me, I’ll gladly take them.
- Are you well insured?
- Well enough, because I reassured myself in the fall, after that failed arson.
- Too bad your business didn’t burn down then.¹⁶

The economic changes after World War II contributed to the blurring of the basic meaning of the word: in the Polish context, bankruptcy of companies was not mentioned, let alone its special type called *plajta*. Consequently, the noun acquired a general and figurative meaning of a failure in something, a fiasco of something, a flop, a meltdown, etc.

A beautiful and pure example of a scientific and technical failure [Pol. *plajta*], combined with bungle and incompetence, was the MOHOLE project famous years ago, which provided for drilling a deep hole in the ocean floor.¹⁷

¹⁵ Cf. Duden, *Deutsches Universalwörterbuch*, Berlin 2015.

¹⁶ Cf. Reymont W. S., *Ziemia obiecana*, Wrocław 1996, p. 200. The fact that the word *plajta* was then used in this very sense finds confirmation in the meaning of the noun *plajciarz* (dishonest debtor), also used in Reymont’s novel. Here is what Groszlick says about the sum of money Motle intends to pay for his promissory notes: “Don’t mention him to me, he is a scoundrel, thief, *plajciarz*, wants to pay 30 percent”, p. 448.

¹⁷ *Wiedza i Życie*, 1989/3, p. 80.

5. SUMMARY: METHODOLOGY OF LINGUISTIC RESEARCH IN THE RECONSTRUCTION OF LEGAL CONCEPTS

A modern lawyer, considering issues related to the collapse of a company, will use the word *upadłość*. Two hundred years ago, two other words were used, also in legal sense: *bankructwo* and *konkurs*. The latter word is also mentioned by sources from a hundred years ago, and at that time, in the interwar period, a relatively new word *plajta*, with its special meaning, appeared in the field, while *upadłość* became a specialized term, as opposed to *bankructwo*, which took on a general sense. This is how, in great simplification, the history of the discussed field can be reconstructed using the freeze-frame method, when analyzed from a linguistic and legal point of view.

Research using the method of paradigmatic semantic field, related to Jost Trier's publication *Der deutsche Wortschatz im Sinnbezirk des Verstandes* [...] ¹⁸ seems to be an effective tool for jurislinguistic analyses in its historical and linguistic dimension. Of course, it is not the only useful tool as a linguistic methodology which offers many possibilities. As announced in the introduction, we will briefly present two other examples in the conclusion.

The first example is the word *nierzqd*. The correct reading of its meanings requires a careful examination of its changing semantic structure ¹⁹ and stylistics. Already in the 16th century, three different senses emerged from the general meaning of *nierzqd*: moral, related to debauchery and prostitution; but also 'disorder in activity and the inefficiency of it', and 'lawlessness and anarchy', related to political praxeology and social ethics.

The old uses of the word *nierzqd* in the third sense were cautionary in nature. It should be noted that, considering the fact that in the 16th century the meanings of the word were only beginning to diverge, the linguistic sense that political anarchy, lawlessness, prostitution and debauchery were different forms of the same thing must have been very strong indeed (which was additionally intensified by the syncretism of the old axiology). These warnings were also bluntly expressed. Few people realize that the famous Jan Kochanowski's admonition from *Odprawa posłów greckich*: "Oh, the lawless kingdom [Pol. *nierzqdne królestwo*], close to destruction", translated into the modern language can be brutally rephrased as: "this brothel can end really badly!"

Today, these two meaning are distant from each other and their connection is barely perceptible. The more so that the social meaning is already very archaic

¹⁸ Edition: Heidelberg 1931. The literature on the field theory constitutes an enormous library, so we don't cite it here, limiting ourselves to the reference source only.

¹⁹ A similar remark as above refers to the concept of semantic structure. Among the classical publications on this subject is, e.g. the article by Danuta Buttler "Semantic structure of words", published in *Prace Filologiczne*, Vol. 26, 1976, pp. 239-247.

and recognizable only because it appears in outstanding literary works and commonly known sayings. The moral meaning is doing slightly better, although it too is classified as outdated. Interestingly, it probably owes its greater vitality to its inclusion in the legal discourse.

Nierząd understood as prostitution appeared in the Penal Code of 1932. For instance, Article 211 of this act refers to “trafficking another person from the country to be used in professional prostitution” (Pol. *zawodowy nierząd*) [Journal of Laws, 1932, No. 60, item 571]. The word was also used in this sense in the provisions of the Penal Code of 1969 [Journal of Laws, No. 32, item 95], which in Article IX states: “Whoever delivers, lures or abducts another person for the purpose of prostitution (Pol. *nierząd*), even with her consent, is subject to the penalty of imprisonment for a period of no less than 3 years”.

In subsequent versions of the Penal Code, the word *nierząd* was replaced by the word *prostytucja* (Eng. *prostitution*) in similar contexts, probably due to its obsolete nature and additional ambiguity – which is easy to detect even with a cursory lexicographic query because, after all, in *Słownik warszawski* of 1902 the word is still defined as: ‘debauchery, villainy, harlotry, adultery, impurity, prostitution’.

Another example, equally interesting for analyses at the intersection of legal sciences and historical linguistics, is provided by these quotations from *Słownik staropolski*.²⁰

With diligence I aroused the neighbors asking them to help me ... chase away the thief. Yet they despised (Pol. *wzgardzić*) [...] and did not want to help [Chapter 28]

If the plaintiff failed to take care or despised (Pol. *wzgardził*) [...] he would have to pay eight silver coins to the court [Sul 64].

What does the verb *wzgardzić* mean in these two examples? Lexicographers, likely guided by other meanings of the word, choose the meaning of ‘disregard’. Another possibility, arising from the semantic scope of the word is the meaning of ‘rejection, refusal to help’. This refusal is subject to moral evaluation and sanction, like in the first example, or legal judgement and punishment, like in the second one. It can also be subject to complaint, then called *żałoba* (Eng. *mourning*).

We can easily find similar expressions in modern legal regulations. For instance, Article 162 § 1 of the Penal Code reads:

Whoever does not provide assistance to a man in a position threatening the danger of immediate loss of life or serious damage to health, being able to provide it without exposing himself or another person to the danger of the loss of life or a serious damage to the health, shall be subject to the penalty of deprivation of liberty for to 3 years. [Journal of Laws, 1997, No. 88, item 553]

²⁰ *Słownik staropolski*, S. Urbańczyk (ed.), Vol. 1–11, Wrocław–Warszawa–Kraków 1953–2002.

In such a (diachronically) comparative reading, it helps to resort to the concept of the frame of the utterance, successfully used in Polish jurislinguistics.²¹ Nowadays, the legislator uses the frame: “who not + verb”, whereas the frame used in the Middle Ages was: “who + verb *wzgardzić* + verb or gerund”.

In addition to studies using the lexical fields theory, semantic structure research and utterance frame analysis, diachronic linguistics provides still other methods for describing legal concepts. These include grammatical analyses, disclosing, for instance, that currently, in insurance texts, the word *ryzyko* (Eng. *risk*), once considered uncountable, does have a plural form. Interesting perspectives are opened by the study of syntagmatic fields to account for such phenomena as the word *fuzja* (Eng. *fusion*) being used not only in chemistry, economics and politics but also in expressions such as *fuzja jądrowa* (Eng. *nuclear fusion*) or *fuzjonowanie protoplastów i kryształów* (Eng. *fusing protoplasts and crystals*). Even the cultural studies concept of taboo seems useful in explaining some lexical riddles, offering virtually the only way to account for the fact that throughout the vast part of the history of the Polish language, practically until the middle of the 18th century, the word *samobójstwo* (Eng. *suicide*), so important today, was not used at all. These and other research issues bring new inspirations for cooperation between linguists and lawyers.

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²¹ For example, in the analyses of Marzena Przetak described in *Struktura tekstu prawnego na przykładzie kodeksu karnego*, Gdańsk 2015 (in multiple places).

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