LEXICAL PRODUCTIVITY IN LEGAL TEXTS: THE PREFIX *PRE-* IN EU DOCUMENTS

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Abstract

Lexical productivity appears not only as a property or a mechanism of forming new words by different linguistic means. It also reflects the lexical changes within the internal organization of the vocabulary of a language and the dynamics of the society using that language. The fact that we live in a political and administrative supranational structure, the European Union, which is subject to constant change, has important linguistic consequences in terms of lexical productivity. In this framework, the article concerns the use of English prefixes in EU documents, as an established process of word-formation, as well as innovation. In particular, the analysis deals with the prefix *pre-*, starting with a brief presentation of its origin and evolution, continuing with its semantic description in current English and focusing on a practical approach to the derivatives formed with this prefix in the specialized language characterizing the activities and policies of the European Union.

Key words: *vocabulary, productivity, specialized language, prefix pre-, EU documents*

Résumé

La productivité lexicale apparaît non seulement comme propriété ou mécanisme de formation de nouveaux mots par des moyens linguistiques divers. Elle reflète, aussi, les changements lexicaux qui concernent l'organisation interne du vocabulaire d'une langue et la dynamique de la société qui utilise cette langue. Le fait que nous vivons dans une structure politique et administrative supranationale, l'Union Européenne, constamment soumise aux changements, a des conséquences linguistiques importantes en termes de productivité lexicale. Dans ce contexte, l'article concerne l'utilisation des préfixes anglais dans les documents de l'Union Européenne, en tant que procédé bien établi dans la formation des mots, aussi bien que l'innovation. L'analyse s'occupe du préfixe *pre-*, tout en commençant par une brève présentation de son origine et évolution, continuant par sa description sémantique dans l'anglais actuel et se concentrant sur une approche pratique des formes dérivées à l'aide de ce préfixe dans le langage spécialisé caractérisant les activités et les stratégies de l'Union Européenne.

Mots-clés: *vocabulaire, productivité, langage spécialisé, préfixe pre-, documents de l'Union Européenne*

1. Lexical productivity as a reflection of extra-linguistic changes

Productivity can be defined as "the property of permitting novel combinations of elements"[1]. 'Productive' is a quantitative, as well as qualitative feature, concerning linguistic usage and the system of a language, since it reflects both the frequency of the

[1] P.H. Matthews, 2005, p. 297.

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form (or procedure), and the share that the form, class, procedure have in the system as a whole. With regard to the vocabulary of a language, the distinction productive/unproductive is assigned to suffixes and prefixes, and to other means of word-formation[2].

But lexical productivity is not only a property or mechanism of forming new words by different linguistic means. It also reflects the lexical changes within the internal organization of the vocabulary of a language and the dynamics of the society using that language. Expressions may be altered due to external changes. Political trends, movements in public discourse determine the more or less justified renaming of various objects or notions. To give some examples, *body guards* tend to be called *protection officers*, *air hostesses* are now *flight attendants*. Once an *old-age pensioner* becomes a *senior citizen*, *developmental aid* becomes *economic co-operation*. This may be seen as a tendency to a circumlocutionary and inflated style in official language[3].

This tendency of renaming is also visible in the specialized language of law, but as an attempt to reform what seems to be old-fashioned language and to encourage greater use of plain English. There is even a procedural code known as the 'Civil Procedure Rules' which has provided new terminology. Thus, *action* is now *claim*, *discovery – disclosure*, *interlocutory hearing – interim hearing*, *interrogatory – request for further information*, *subpoena - witness summons*, *thereafter/thereinafter – subsequently/then*, etc[4].

2. Lexical productivity in EU documents: the prefix *pre-*

As we have seen, there is a strong connection between lexical productivity and the evolution of society. We live in a political and administrative supranational structure, the European Union, which is subject to constant change, and this fact has significant linguistic consequences in terms of lexical productivity.

In this framework, the article aims to present the use of English prefixes in EU documents, as an established process of word-formation, as well as genuine innovation. In particular, the analysis focuses on the prefix *pre-*, starting with a brief presentation of its origin and evolution and continuing with its semantic description in current English and the combinations it allows (with nouns, adjectives and verbs). The most important part of the work, which also gives its title, refers to the use of the prefix *pre-* in EU documents, actually a practical approach to the derivatives formed with this prefix in the specialized language characterizing the activities and objectives of the European Union.

Such an analysis is always welcome in the process of disambiguation and avoidance of vague or superficial interpretation, considering, *inter alia*, that many terms from common language, when used in the legal domain, are vague, that is they have an *intension* that does not offer univocal criteria in order to decide, in each case, whether it is part of the *extension* of the term or not[5].

[2] Bidu-Vrănceanu et al., 1997, p. 385.
[3] Raymond Hickey, 2006, p. 153-168.
[4] McKay, Charlton, 2005, p. 69-70.
[5] Radu-Golea, 2012, p. 205.

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2.1. Origin and evolution of *pre-*

The prefix *pre-* [< L *prae-*, combining form representing *prae* (prep. and adv.); akin to FIRST, FORE] originally occurred in loan words from Latin, where it meant "before", applied freely as a prefix, with the meanings "prior to", "in advance of", "early", "beforehand", "before", "in front of", and with other figurative meanings[6].

Occurring in various locative and temporal instances, the prefix *pre-* is ultimately L *prae-* which was spelt *pre-* in Medieval Latin and Old French. The formation of *pre-* verbs became productive in English under the combined influence of Latin and French. Among the first such verbs are *presuppose* (1426), *prefigure* (1450), *predestine* (1830), other examples including: *preconceive*, *precontract*, *predefine*, *preelect*, *preexist*, *prejudge*, *premeditate* (16th century), *preadmit*, *predetermine*, *predigest*, *predispose*, *preengage*, *preestablish*, *prepossess* (17th century), *preassure*, *preconcert*, (18th century), *preannounce*, *prearrange*, *precalculate*, *predesignate*, *prepay* (19th century)[7]. The prefix is mainly attached to verbs of Latin origin, many of which belong to the legal-administrative and, generally, scientific sphere.

Recorded from the 15th century is *pre-contract* (1483), from the 16th century date *pre-consideration*, *pre-equipment*, from the 17th century *pre-admonition*, *pre-apprehension*, *pre-assurance*, *pre-conception*, *predesignation*, *predecision*, *pre-disposition*, *pre-election*, *pre-engagement*, *pre-existence*, *pre-option*, from the 18th century *prearrangement*, *preattachment*, *pretaxation*, from the 19th century *preperception*, *preadmission*. The combinations designating terms of anatomy and zoology, such as *preomosternum* or *prerema*, are chiefly used in their Latin form and trace back to the 19th century.

The structure *pre-* + adjective becomes productive in the same century, the earliest recorded word being *pre-diluvian* (1804), followed by *pre-Christian*, *-glacial*, *-historic*, *-human*, *-millennian*, *-natal*, *-Roman*, *-Darwinian*, *-Raphaelite*, etc., but it is not productive with native adjectives. The prefix *pre-* means "prior to the fact, knowledge, use, existence or the like", as in *pre-anaesthetic*, or "preparatory or prerequisite to", as in *pre-medical* or *pre-vocational*. In medical terms, it means "previous to the stage of the disease", as in *pre-albuminuric* or *pre-cancerous*[8].

It is important to mention the high frequency of the type *pre-war years* (*pre-* + noun used attributively before nouns), beginning with the 19th century.

2.2. Current meanings

2.2.1. *Pre$_1$-* has the meaning "before" and combines with nouns, adjectives and verbs[9].

It is most productively used as prefix of time. It is thus prefixed to nouns and adjectives denoting events or with nouns that can be interpreted as referring to periods of time[10]. The productive combinations with nouns (*pre-adolescent*, *pre-birth*, *pre-budget*, *pre-Christmas*, *pre-dawn*, *pre-delivery*, *pre-Depression*, *pre-dinner*, *pre-election*, *pre-examination*, *pre-game*, *pre-independence*, *pre-match*, *prepayment*, *pre-race*, *pre-reformation*, *pre-retirement*, *pre-revolution*, *pre-school*, *pre-tax*, *pre-teen*,

[6] *Webster's Encyclopedic Unabridged Dictionary*, 1994, p. 1129.
[7] H. Marchand, 1969, p. 183.
[8] *Ibidem*, p. 184.
[9] *Collins Cobuild English Guides 2 Word Formation*, 1994, p. 140-141.
[10] Lehrer, 1995, p.140.

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pre-transmission, *pre-trial*, *pre-war*) and adjectives (*pre-capitalist*, *pre-Christian*, *pre-Columbian*, *prehuman*, *pre-industrial*, *premarital*, *pre-Raphaelite*, *pre-Roman*, *pre-Victorian*) refer to or describe a particular event or activity taking place before another.

The derivatives are mainly used attributively: *pre-dinner* drink, *pre-match* training, *pre-war* years, *pre-industrial* France, *pre-job* education or training schemes, *premarital* sex, *prepayment* plan, *pre-Roman* era, *pre-school* age, *pre-tax* profits, *pre-teen* years, *pre-trial* stage, etc.

With the meaning "before", *pre-* is productively used with verbs, the process resulting in the formation of new verbs: *prearrange*, *predate*, *predecease*, *predetermine*, *prefigure*, *preheat*, *prejudge*, *prepay*, *preprint*, *pre-record*, *presurvey*, *pretest*, *pretreat*, *preview*. Such coinages may also denote activities where the meaning is "to do something earlier, according to some norm", for instance *preboard* or *preregister*[11].

2.2.2. *Pre*$_2$- means "already" and combines with nouns and past participles to form new nouns (*preconception*, *predestination*, *premeditation*, *preordination*) and adjectives (*pre-arranged*, *pre-booked*, *pre-cooked*, *pre-cut*, *predestined*, *pre-digested*, *prefabricated*, *pre-heated*, *premeditated*, *preordained*, *pre-packed*, *pre-paid*, *pre-planned*, *pre-prepared*, *pre-recorded*, *pre-selected*, *preset*), thus referring to an action that has already been done[12].

There are also derivatives starting with *pre-*, which have other meanings: *preamble*, *precaution*, *predispose*, *predominant*, *predominate*, *pre-eminent*, *pre-empt*, *prefix*, *prehistoric*, *prejudice*, *premature*, *preoccupy*, *prepossessing*, *prerequisite*, *presentiment*, *pretext*[13].

2.3. The prefix *pre-* in EU documents

Our analysis is performed starting from several examples of *pre-* derivatives extracted from the *Multilingual Thesaurus of the European Union*, a multilingual, multidisciplinary thesaurus (a compilation of comparative multilingual vocabulary) covering the fields in which the European Union is active. This thesaurus also provides a means of indexing the documents in the documentation systems of the European institutions and of their users. The research aims to prove the productivity of this prefix in the specialized language of EU documents. A simple search for *pre-* provides 13 concepts belonging to several important EU domains and covering various subjects[14].

With the established meanings of "before" and "already", the prefix *pre-* occurs in the following combinations: ***pre**-established group of three Member States* (domain: European Union; subdomain: EU institutions and European civil service); *Instrument for **Pre**-Accession Assistance*, *Instrument for Structural Policies for **Pre**-Accession*, ***Pre**-Accession Instrument*, ***pre**-accession assistance* (domain: European Union; subdomain: European construction); *right of **pre**-emption* (domain: law; subdomain: civil law); ***pre**-packaged product*, ***pre**-packed product*, *bulk **pre**-packaging*, *mass **pre**-packaging* (domain: trade; subdomain: marketing); ***pre**-in country* (domain: finance; subdomain: monetary relations); ***pre**-school education* (domain: education and communications; subdomain: teaching); ***pre**-recorded cassette*, ***pre**-recording* (domain:

[11] Lehrer, 1995, p. 141.
[12] *Collins Cobuild English Guides 2 Word Formation*, p. 141-142.
[13] *Collins Cobuild English Guides 2 Word Formation*, p. 142.
[14] http://eurovoc.europa.eu/drupal/?q=search&text=pre-&cl=en&page=1/ 07.02.2014.

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education; subdomain: communications); ***pre**-retirement*, ***pre**-vocational trading* (domain: employment and working conditions; subdomain: employment); ***pre**-cooked foodstuff* (domain: agri-foodstuffs; subdomain: foodstuff).

Notionally, the derivatives containing *pre-* are combinations relating to the European Union as a supranational legal order (***pre**-established group of three Member States*, *Instrument for **Pre**-Accession Assistance*, *Instrument for Structural Policies for **Pre**-Accession*, ***Pre**-Accession Instrument*, ***pre**-accession assistance)* and combinations relating to specific domains which refer to those technical terms occurring in different fields regulated by EU documents (*right of **pre**-emption*, ***pre**-packaged product*, ***pre**-packed product*, *bulk **pre**-packaging*, *mass **pre**-packaging*, ***pre**-in country*, ***pre**-school education*, ***pre**-recorded cassette*, ***pre**-recording*, ***pre**-retirement*, ***pre**-vocational trading*, ***pre**-cooked foodstuff*)[15].

As for combination possibilities, the prefix under discussion combines with nouns (***pre**-accession*, ***pre**-school*, ***pre**-recording*, ***pre**-retirement*, etc.), with adjectives (***pre**-vocational*) or verbs, usually in the past participle (***pre**-established*, ***pre**-packed*, ***pre**-recorded*, ***pre**-cooked*), even an adverb (***pre**-in*). In their turn, these coinages are nouns (***pre**-retirement*), some of them used attributively (as in ***pre**-school education*), or adjectives (***pre**-vocational*, ***pre**-established*, ***pre**-packed*). The lexical productivity of this prefix is proved by the new combination with the adverb *in*, a combination used as an adjective.

The contact between languages has an extremely powerful creative potential. Sometimes, the Romanian equivalents are *pre-* derivatives as well: 'preaderare' for the English *pre-accession*, 'preambalat' for *pre-packed*; but, quite frequently, the translation solution is a new structure which does not contain a derivative with *pre-* (e.g. 'trio de preşedinţii' for ***pre**-established group of three Member States*, 'ţară non-participantă' for ***pre**-in country*, 'casetă audio' for ***pre**-recorded cassette*, 'pensionare anticipată' for ***pre**-retirement*).

An advanced search provides other combinations (nouns, adjectives and verbs in the past participle) with the prefix *pre-*: ***pre**amble*, ***pre**mature* as in *premature marriage*, ***pre**vention* as in *prevention of conflict/war/accidents/risks*, ***pre**cautionary* as in *precautionary principle*, *precautionary withdrawal from the market*, ***pre**fabricated* as in *prefabricated buildings*, etc.

Etymologically, many derivatives containing the prefix *pre-* are internal coinages on a Latin basis, they are also loan words from Latin or French. For instance: ***pre**-emption* (literally "the right of purchasing before others", from *pre-* "before" + *emption* < Latin *emptionem* "a buying, purchasing"), ***pre**fabricated* (past part. of the verb *prefabricate* from *pre-* + *fabricate* < Latin *fabricare* "to build, make", from *fabrica* "workshop"), ***pre**amble* (< Old French *préambule* < Late Latin *praeambulum* "walking before", from *prae-* "before" + *ambulare* "to walk"), ***pre**mature* (< Latin *praematurus* "very early", from *prae-* "in advance" + *maturus* "ripe"), ***pre**vention* (< Middle French *prévention* and directly from Late Latin *praeventionem*, nominative *praeventio* "action of anticipating" < Latin *praevenire*, from *prae* "before" + *venire* "to

[15] For a more detailed analysis of the distinction between terms relating to the European Union as a supranational legal order and terms relating to specific domains, see S. Badea, 2013, p. 693-697.

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come"), etc. A special case is that of derivatives formed from *pack* (as a verb, it originates in Middle English *pakken* < Middle Dutch or Middle Low German)[16].

Other contexts of *pre-* derivatives in EU documents include:

"The Instrument for ***Pre****-Accession* Assistance (IPA) offers assistance to countries engaged in the accession process to the European Union (EU) for the period 2007-2013". (http://europa.eu/legislationsummaries/agriculture/enlargement/e50020_en.htm/10.02.2014, *Instrument for Pre-Accession Assistance*)

"Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for ***pre****packed products*, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC. Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain ***pre****packaged products*". (http://ec.europa.eu/enterprise/sectors/legal-metrology-and-prepack/documents/pack-sizes/07.02.2014, *Pre-packaging – pack sizes*)

"A new Commission Staff Working Document analyses the various retail financial services issues which were singled out for examination: ***pre****-contractual* information and the related issue of advice, the level and transparency of bank fees and bank account switching." (http://ec.europa.eu/consumers/rights/fin_serv_en.htm /07.02.2014, *Retail Financial Services Report - Bank fees, pre-contractual information, advice and switching)*

"Nothing in this Directive should ***pre****judice* national legislation making use of mediation compulsory or subject to incentives or sanctions provided that such legislation does not prevent [parties from exercising their right of access to the judicial system". [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0052:en:NOT/11.02.2014, *Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters*, recital (14)]

2.4. Rival prefixes: *ante-* and *fore-*

The oldest rivals of the prefix *pre-* are *ante-* and *fore-*.

The prefix *ante-* [<L, combining form of prep. and adv. *ante*; akin to Gk *antí*, OE *and-* against, toward, opposite] is a learned borrowing from Latin, meaning "before"[17]. Ever since the end of the 15th century, English has attempted coinages, but they have never become very productive. *Fore-* and, since the 19th century, *pre-* have been stronger rivals of *ante-*[18].

The prefix *fore-* is a native English prefix meaning "before" (in space, time, condition, etc.), "front", "superior" (combining form representing ME, OE *for(e)*)[19]. Verbal and nominal combinations with *fore-* go back to Old English. The verbal type seems no longer to be productive[20].

[16] These etymologies can be found in *Webster's Encyclopedic Unabridged Dictionary* and at http://www.etymonline.com and http://dictionary.reference.com.

[17] *Webster's Encyclopedic Unabridged Dictionary*, 1994, p. 62.

[18] H. Marchand, 1969, p. 141.

[19] *Webster's Encyclopedic Unabridged Dictionary*, 1994, p. 554.

[20] H. Marchand, 1969, p. 166.

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The combinations containing *ante-* and *fore-* are now being outrivaled by formations with the prefix *pre-*. One of the reasons might be the homophony of *ante-* and *anti-*, both pronounced [ænti] in English.

As for the occurrence of these two prefixes in EU documents, the *Multilingual Thesaurus of the European Union* provides only one coinage with *ante-*: ***ante****natal mortality* (http://eurovoc.europa.eu/drupal/?q=search/advanced&cl=en&text=ante&type=2&release=All&stemming=&case=&fieldtypes=PT%2CNPT&page=1/07.02.2014) and one with *fore-*: *foreman* (http://eurovoc.europa.eu/drupal/?q=search/advanced&cl=en&text=fore&type=2&release=All&stemming=&case=&fieldtypes=PT%2CNPT&page=2/07.02.2014).

Other EU documents hardly offer any contexts for these two prefixes:

"In the event of a reduction in the subscribed capital, at least the creditors whose claims ***ante****date* the publication of the decision on the reduction shall at least have the right to obtain security for claims which have not fallen due by the date of that publication." [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri= OJ:L:2012:315:0074:0097:EN:PDF/07.02.2014, *Directive 2012/30/EU of the European Parliament and of the Council of 25 October 2012*, *art. 36(1)*]

3. Conclusions

The dynamics of EU legislation, also reflected in the process of translation, have increased and encouraged the formation of new lexical units by means of affixation. There is a constant demand for the formation of new words in order to express, as clearly as possible, new ideas, notions, policies, many of these words rapidly passing into general use. Considering that the evaluation in terms of productive/unproductive can also be performed in a relative way, beyond strict statistic criteria, therefore by comparison within a language or between languages, and in accordance with the aims of this paper, based on the examples provided therein, we can conclude that the prefix *pre-* is still productive in the specialized language of EU documents (with particular reference to English). This prefix combines with adjectives, nouns and verbs (usually past participles), to form derivatives which are most often used attributively. There is also a combination with an adverb, and, against the common rule, the grammatical category of the base is changed, the innovative combination *pre-* + adv. *in* being used as an adjective. As for their etymology, many derivatives containing the prefix *pre-* are internal coinages on a Latin basis, they are also loan words from Latin or French. The prefix *pre-* has outrivaled its synonyms, the prefixes *ante-* and *fore-*, proving its derivational potential in time.

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