

Reviews

Davide Simone GIANNONI and Celina FRADE (eds), *Researching Language and the Law. Textual Features and Translation Issues*. Linguistic Insights 121. Studies in Language and Communication. Peter Lang: Bern, 2010, ISBN 978-3-0343-0443-6, 278 pages.

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The 121st volume of *Linguistic Insights* series contains the latest work of scholars investigating legal texts from linguistic, cross-cultural and cross-lingual perspective (English, Danish, French, Italian, Spanish). The authors focus their attention on the interaction between languages and legal systems. Legal language is considered a language for special purposes (LSP) and as such claimed to be affected by internationalization, globalization and other emerging pressures which have impact on the solidified legal customs, norms, practices and usage. Moreover, the changing economic and political situation in Europe and in other parts of the world has triggered the emergence of supranational laws which require harmonization and implementation into the national legal orders and systems. Such ubiquitous changes require effective and efficient legal communication. Contributions have been submitted by participants of the 4th CERLIS Conference – CERLIS 2009 held in Bergamo on 18-20 June 2009. The contributors touch upon various aspects of legal language and discourse undergoing such changes. The volume is devoted mostly to legal discourse in various settings and is divided into two parts with the former one on textology and the latter one on interpreting and translation. There are six chapters in the first part and seven in the second one.

In the introduction the editors, D. S. Giannoni and C. Frade, turn the attention of readers to the impact of globalization which relies on communicative resources of the language and the law. Due to the rapid economic, political and social changes, the language of legal communication is also developing rapidly with English acting as *lingua franca* in many legal contexts. It is accurately noted that the very first works on the language of the law focused mostly on the stylistic, syntactic and terminological features of this LSP whereas at present more and more publications analyze cross-cultural and cross-lingual aspects of legal communication across various legal systems.

Part 1. Textual Features

Estrella Montolio DURÁN (*Discourse, Grammar and Professional Discourse Analysis: The Function of Conditional Structures in Legal Writing*) discusses conditional structures used in Spanish legal texts. In order to demonstrate the formal and non-changing character of legal normative texts, she compares Babylonian legislation (to be exact the Code of Hammurabi in two translation versions into Spanish by Sanmartín and into English by King) with a corpora of modern Spanish statutory instruments passed in 2008. She analyses the following particles introducing conditional structures: (i) the most frequently occurring *si* (if p, then q), (ii) *en caso de (que)* (in case of), (iii) *siempre que* (provided that), (iv) *salve que* (unless), (v) *a menos que* (unless), and finally (vi) *en el supuesto de que* (in case of). The author points out that in the case of initial position if-clauses, the clause constitutes a framework whereas the following information is interpreted. There are three types of main functions of such clauses that is to say: (i) selecting already known information included in the discourse and turning it into supposition, (ii) contrasting various options and their consequences, (iii) examining possible suppositions and their implied consequences (pp. 32-35). Moreover the second position if-clauses with pause [q, if p] (expressing small likelihood of fulfillment) and restrictive ones without a pause [q if p] are discussed. Finally, complex conditional connectors including affirmative ones (*siempre que, siempre y cuando, a condición de que, con tal de que*) and negative ones (*salvo que, a no ser que, a menos que, excepto que, excepto si*) are elaborated on. The research has been carried out with proper skill and diligence. The results are highly interesting and it must be stressed that the chapter fills the gap between strictly logical and linguistic analysis of legal discourse. The results are of interest to lawyers applying the law, linguists analyzing effective formulation of legal texts and translators searching for equivalent structures for the purpose of Spanish and English translation of statutory instruments. On the drawbacks, there is a spelling error in References, page 44. There is: ‘Dancygier, Barbara 1990. (...) In Fisiak, Jacek (ed.)’ instead of: ‘Dancygier, Barbara 1990. (...) In Fisiak, Jacek (ed.)’.

Susan KERMAS (*English Legal Discourse and the French Continuum*) presents the analysis of the impact of legal French on legal English under the influence of the EU legislation and the law harmonization principle. The research has been based on the results obtained from a key word search of Webcorp. The author investigated not only EU English but also British and American English varieties. Despite the fact that English has a status of lingua franca worldwide, one cannot deny that the French legal language influences the English one, especially in the spheres which require achieving conceptual clarity in European legal discourse. To sum up, the author fails to indicate clearly the criteria for choosing the investigated lexis. There is only one mentioning about rejecting a lexical item due to the overwhelming number of records obtained in the course of the research which made the in-depth analysis futile. Overall, the chapter is well-structured and presents a new direction in research into European legal discourse.

Stanisław GOŹDŹ-ROSZKOWSKI (*Responsibility and Welfare: Keywords and Semantic Categories in Legal Academic Journals*) deals with the analysis of genre specific legal corpora with the usage of WordSmith Tools 5.0. After presenting the

analyzed corpora (that is to say legal articles), the functionality of the WordSmithTools and the methods used to extract proper keywords and selecting pertinent items for the analysis, he presents a categorization of keywords appearing in texts. Goźdz-Roszkowski finally distinguishes five distinctive categories typical of legal articles, that is to say (i) citation keywords, (ii) self-mention keywords such as 'we' and 'I', (iii) legal terms as keywords of relatively limited frequency, (iv) keywords used to signal and support legal reasoning including the following ones: 'beliefs', 'estimates', 'model', 'probability', 'problems', 'results', 'responsibility', and 'theory', (v) general language keywords (pp. 77-83). The research is well-founded and in contrast to other research published in Poland so far on the frequency of particular keywords in legal texts (cf. Malinowski 2006) takes into consideration an array of factors which make the results more reliable and genre-specific.

Vanda POLESE and Stefania D'AVANZO (*Linguistic and Legal Vagueness in EU Directives Harmonising Protection for Refugees and Displaced Persons*) investigate vagueness carriers in legal text. Although the authors claim that they are going to analyze 'vagueness carriers which call for negation of meaning and may reveal ideological implication', the scope of research is broader and not limited to negations. The distinction is made between strong and weak vagueness. As far as strong vagueness is concerned the authors discuss its appearance in definitions and sentences granting rights (markers such as; 'well-founded', 'particular', 'fundamental'. 'serious', 'significant', 'suitable'). When touching upon weak vagueness the authors deal with (i) time expressions such as prepositional phrases with a time-adverbial function ('as soon as possible', 'as quickly as possible', 'immediately', 'within a reasonable time', 'not exceeding', 'not later than') with the distinction made into incommensurability and immensurability and (ii) legal concept of 'necessary/appropriate measures'. The conclusions are drawn that discursive organisation of EU directives concerning immigration and asylum matters reveals that the EU Member States are exercising a preservative attitude towards refugees, asylum seekers and immigrants. Sections 1-6 seem to be focused on formal legal and ideological issues rather than linguistics ones which makes the article very clearly divided into two parts written by two different authors and combined together into one text.

The next chapter by Ross CHARNOCK (*Traces of Orality in Common Law Judgments*) deals with elements of oral discourse present in common law judgments. The author puts forward a thesis that modern judgments contain a higher degree of occurrences of oral speech features than older ones. He analyses methods of achieving cohesion, abbreviations and subtitles, conversational connectives and interjections, performativeness, elements of dialogue and story-telling. It is recommended to broaden this interesting research by analyzing a wider array of judgments and opinions as numerous examples were taken from Lord Denning's speeches, which may to some extent affect the obtained results due to Denning's idiolectal features.

Judith TURNBULL (*Harmonisation of the Law and Legal Cultures in the EU: A Linguistic Approach*) touches upon explicitly direct and personal expressions indicating attitude of Advocates-General towards the message as well as methods of making the utterances polite. She also turns her attention to impersonal and bureaucratic language (mainly nominalizations, passive voice and impersonal structures). The author

investigated 20 opinions delivered by British and 20 opinions delivered by Italian Advocates-General between 1998 and 2008. The article is well-organized and interesting. However, the readership would benefit more if the Italian examples were accompanied with literal translations into English. Without them, the results are almost exclusively directed at English-Italian translators. Additionally, there is a mistake in table 3 where *forty years of teaching* has been divided into two lines *forty years of* and *teaching* and wrongly marked double in the second column.

Part 2. Issues in Translation and Interpreting

Patrick LEROYER and Kirsten WØLCH RASMUSSEN (*Assessing Discursive Data Types in Legal Translation Dictionaries: The Case of Sans Préjudice de*) analyze the usefulness of JOFD, IATE and the most comprehensive bilingual dictionary for French and Danish (B&H) in the translator's work. The chapter presents a hypothetical translation in which the French expression *sans préjudice de* appears twice. In a very clear and straightforward manner they present the logical sequence of search for equivalents for the analyzed collocation. The conclusions which are drawn are consistent with what legal translators experience every day because the authors accurately remark that what is needed and expected by translators is the incorporation of "new types of contextual data into legal dictionaries, primarily in the form of translational textual examples" (p. 176). The only technical remark is that the formatting of examples in this chapter diverges from the rest of the book.

Ángel M. FELICES LAGO (*Axiological Analysis of Entries in a Spanish Law Dictionary and their English Equivalents*) focuses her attention on axiological analysis of 598 entries from the law dictionary by Del Arco Torres and Miguel Ángel (2004). The tables, however, require proofreading as English equivalents contain spelling mistakes (e.g. *damage* instead of *Damage* on page 184, *concelament* instead of *concealment* on page 185, etc.). Many equivalents are direct borrowings and would benefit from short explanatory notes on their meaning as well. Overall, the research is based on well-established foundations (e.g. Krzeszowski) and the conclusions drawn are logical and reliable.

Christopher GODDARD (*Legal Linguists: As (In)substantial as Ghosts and True Love?*) discusses the emergence of the new profession, that is to say legal linguists. In general, the chapter is based on the survey carried out on a relatively small sample of respondents. Nevertheless, the results seem representative and indicate that this profession is new and not well-established yet. The chapter would be more succinct and readable if the raw results of the survey were placed in the appendix rather than incorporated into the chapter as the five-page long table.

Iulia Daniela NEGRU (*Acceptability versus Accuracy in Courtroom Interpreting*) investigates court interpreting practices in Italy. She focuses on real rather than ideal court interpreting settings and performance. Having analyzed recorded hearings, the author concludes that despite numerous flaws and deficiencies (including using the third person singular when interpreting the speaker using the first person singular, summarizing and stand-by interpreting, changing register, eliminating or introducing ambiguities) in certain circumstances such interpreting practices may be

necessary and unavoidable and the process of communication may still be effective. The chapter turns the attention to the fact that the theory and practice often diverge and that sometimes in real-life situations the task of the translator or interpreter is to produce the best message rendition in given circumstances.

Francisco VIGIER (*Legal Translation and Interpreting in the UK Today*) describes legal translation and interpreting practices in the UK including the requirements of authorities and professional associations. The chapter confirms existing knowledge. The method applied is correct and the illustrative material is sufficient. Finally, the interpretation of results is also correct and satisfactory.

Rocco C. LOIACONO (*The Translation of Bilateral Agreements between Australia and Italy: Linguistic or Functional?*) discusses principles and strategies adopted when translating bilateral agreements signed by Italy and Australia in the context of differing legal cultures in the light of strategies adopted by the EU and Canada translators. The author takes a stance towards the myth of '23 language versions' and quotes 4 methods of drafting bi-jural Canadian legislation after Sullivan (2002). The analysis of bilateral agreements has been carried out on the basis of Cosmai's (2003) taxonomy, that is to say: (i) transparent translations and calques, (ii) approximate equivalents and neutral terms, (iii) extreme fidelity to the source text, (iv) untranslated terminology/borrowings, (v) absence of consistency when expressing the same concept, (vi) drafting quality. The analysis is well-founded and the conclusions drawn are logical. The methods applied and interpretation of results are correct and the material is sufficiently illustrative.

Cornelis J.W. BAAIJ (*Translation in EU Legislative Procedure: A Receiver-Oriented Approach*) touches upon the receiver-oriented approach and source-oriented approach in the context of translation of EU legislation. The title seems to contradict the findings of the chapter according to which a receiver-oriented approach is rather unattainable due to a number of reasons listed by the author in his conclusions.

To sum up, quite a few chapters are substantial contributions, others confirm existing knowledge but due to the fact that they collate information spread in many sources they deserve attention and may help scholars investigating legal language and legal translation in their future enquiries. Methods are accurately described and the illustrative material is overall representative. Interpretation of results of surveys and other research results is correct. References are properly complied. The language of chapters is also of good quality with a very limited number of spelling errors. As four contributions deal with EU legislation the book could have been considered to be divided into three parts instead of two. In general, the volume constitutes a very valuable and inspiring position on a bookshelf.

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