

## *Comparative Legilinguistics vol. 2/2010*

*Comparative Legilinguistics (International Journal for Legal Communication)* is published four times a year by the Institute of Linguistics (Faculty of Modern Languages and Literature, Adam Mickiewicz University in Poznań, Poland). It contains articles, reviews and reports in English, French, Spanish, Chinese, Polish, German and Russian. The reviews are stored in the journal's editorial office. The articles are peer-reviewed by two reviewers (an external one and an internal one). The editorial board reserves the right to publish selected articles without external review.

*Comparative Legilinguistics* is devoted mainly to legi-linguistics (legal linguistics), forensic linguistics, theory of the law and legal language, and legal translation.

The main aim of the journal is

- 1) to broaden the knowledge in the field of legal languages and comparative legilinguistics (especially legal translation and court interpreting),
- 2) to develop the co-operation between lawyers and linguists in the field of forensic linguistics and legal linguistics,
- 3) to present comparative studies on the legal reality of different legal languages and the impact of such differences on legal communication, as well as
- 4) to educate adepts of legal translation.

*Comparative Legilinguistics (International Journal for Legal Communication)* jest czasopismem publikowanym przez Instytut Językoznawstwa (Wydział Neofilologii, Uniwersytet im. Adama Mickiewicza w Poznaniu), które ukazuje się cztery razy w roku. Zamieszcza artykuły, recenzje, sprawozdania w językach: angielskim, hiszpańskim, francuskim, chińskim, polskim, niemieckim i rosyjskim. Recenzje znajdują się w siedzibie redakcji czasopisma.

Redakcja zastrzega sobie prawo recenzowania nadsyłanych materiałów. Zasadniczo artykuły są recenzowane przez dwóch recenzentów.

*Comparative Legilinguistics* jest czasopismem zasadniczo poświęconym językoznawstwu prawniczemu (legilingwistyce), teorii prawa i języka prawa, językoznawstwu sądowemu oraz przekładowi prawniczemu i sądowemu

Celem czasopisma jest

- 1) pogłębianie wiedzy nad językiem prawa (*lingua legis*) i wiedzy w zakresie porównawczej legilingwistyki (w szczególności przekład prawniczy i sądowy),
- 2) rozwijanie współpracy pomiędzy prawnikami a językoznawcami w zakresie językoznawstwa sądowego,
- 3) porównawcze studia nad rzeczywistością prawną różnych obszarów językowych i wpływ różnic na komunikację w prawie, a także
- 4) kształcenie w zakresie przekładu prawniczego (m. in. kandydatów na tłumaczy przysięgłych).



## Preface

Research in the area of legal language and the law has undergone rapid growth in the last few decades. More and more scholars find legal communication important and worth dealing with. The 16 papers come from both linguists and lawyers, distinguished scholars and researchers in the early stages of their careers, dealing with common and civil law jurisdictions. The contributions come from researchers working in 10 countries: Austria, Finland, France, Italy, Poland, Slovenia, Spain, Taiwan, the UK and Ukraine. Although we are aware of the diversity of papers, the decision to sacrifice depth in some cases to gain scope was a conscious one. As the contributions span a wide range of topics they have been grouped into four parts.

Part I deals with legal communication. Montserrat CUNILLERA and Joëlle REY (*Strategies argumentatives et attitude du locuteur dans les arrêts de la cour de cassation française et du tribunal supremo espagnol: une analyse contrastive*) discuss argumentative strategies of locutors on the basis of the analysis of the expressions used to refer to the speaker or the institution involved and the discourse markers used to articulate textual sequences found in the sentences of the French *Cour de Cassation* and the Spanish *Sala Primera de lo Civil del Tribunal Supremo*. Sara PENNICINO (*Legal Reasonableness and the Need for a Linguistic Approach in Comparative Constitutional Law*) compares how the term reasonableness is understood in several civil law and common law countries.

Part II consists of one paper devoted to court interpreting by Ewa KOŚCIAŁKOWSKA-OKOŃSKA (*Interpreters in the Courtroom: the Importance of Competence and Quality*) who devoted her paper to the analysis of the concepts of competence and quality and their manifestation in the court interpreter's work. It is assumed that the interpreter's competence is accomplished in three basic fields, i.e., linguistic (embracing the perfect command of the mother tongue and the foreign language), cultural (knowledge on two cultural realities) and cognitive (combining such cognitive factors as intelligence, experience, general knowledge or motivation) and the quality is assessed on the basis of successful or unsuccessful performance of the interpreter.

Part III, consisting of 9 papers, investigates legal language and terminology. Swietlana GAŚ (*Польская и русская дипломатическая терминология: эквивалентность в словаре и тексте (на примере двухсловных терминосочетаний)*) explores Polish and Russian diplomatic terminology found in two selected Polish and Russian dictionaries and analyses diplomatic compound terms. Anna KIZIŃSKA (*Polysemy in Contracts Establishing an Employment Relationship under the Law of England and Wales – A Case Study*) presents the analysis of the semantic frame of contracts establishing an employment relationship and the problem of interpreting polysemous terms and expressions. Maria Teresa LIZISOWA (*Sign character of the exponents of modality in a legal text*) and Aleksandra MATULEWSKA (*Deontic Modality and Modals in the Language of Contracts*) investigate the methods of expressing deontic modality in legal texts and the most typical exponents used in Polish and English statutory instruments. Joanna NOWAK's paper (*Lunfardo lexical units related to legal matters*) is devoted to Argentinian slang Lunfardo which came into

existence at the turn of the 19th and 20th and which is spoken mainly in Buenos Aires, La Plata and their surrounding. The article investigates the history of this linguistic phenomenon and its present situation with the emphasis put on lexical units related to the law. Antonios E. PLATSAS (*Making our Law Students Comprehend Foreign Legal Terminology: The Quest for Identifying Function, Context, the Semainon and the Semainomenon in the Teaching of Comparative Law*) provides a description of problems arising in the process of teaching comparative law and making law students comprehend foreign legal terminology. Anna SKOROFATOVA's contribution (*Правовое и метазыковое сознание будущих правоохранителей*) is devoted to legal consciousness in the structure of policemen's linguistic personality. The author describes the method of associative experiment which is used to assess the professional personality in the third-year students. Tanja WISSIK (*German legal terminology in the area of higher education – between national varieties and the use of English*) analyses the impact of English terminology on the German legal and administrative language employed in the higher education sector. Tzung-Mou WU's paper (*Lost in Translation: the Verbal Change from Persona to Person*) challenges the modern legal concept of "person" by analyzing the translation problems of some Roman law fragments. It shows why the Latin word "persona" cannot be the etymon of the vernacular "person," and argues that the modern use of "person" stems from the nineteenth-century German juridical literature.

Finally, Part IV consists of four papers on legal translation. Annarita FELICI (*Translating EU law: a new perspective to the paradox of multilingualism*) focuses on the equal authenticity of EU statutory instruments in the light of the fact that the EU law currently applies to 27 countries and is available in 23 languages which all carry equal status. Frederic HOUBERT (*Caught in the web of the law le traducteur juridique face à la métaphore*) discusses the importance and popularity of metaphors in common law system and the problems connected with translating them into French, which is not so rich in metaphors. Nina ISOLAHTI (*Метомарфозы языковой личности говорящего при переводе судебного допроса*) examines the speaker's lexicon features during court interpretation on the basis of the transcripts of the authentic interpreter mediated court investigations. She carries out the analysis using a corpus analytical approach. Alenka KOUBEK (*Kann Man Rechtstexte kulturell einbetten?*) argues in her paper that in some cases the functionalist principle of cultural embeddedness needs to be applied selectively, i.e. only with respect to some linguistic features of the text, while in a broader sense, as far as the cultural and/or legal foundations of the text are concerned, the source and the target text will have the same reference frame.

We like to think that this collection is capable of enriching the investigative perspectives of linguists and lawyers interested in legal language and legal communication. We also hope that this volume will encourage other authors to share their research results in the field by submitting their papers for publication in future issues of the journal.