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INSTITUTE OF LINGUISTICS
LABORATORY OF LEGILINGUISTICS
www.lingualegis.amu.edu.pl lingua.legis@gmail.com

Adres Redakcji/Editorial Office
Instytut Językoznawstwa
Pracownia Legilingwistyki
al. Niepodległości 4, pok. 218B
61-874 Poznań, Poland
lingua.legis@gmail.com

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Preface

This volume of *Comparative Legilinguistics* contains six articles and two reviews. Two papers deal with legal language and terminology, three with forensic linguistics and one with language minorities.

The first one written by Ilona DELEKTA (Poland) titled *Consumer Warranty as a Genre* touches upon the structure and specific linguistic features of consumer warranties. The research has been based on the analysis of the corpus composed of 110 texts belonging to that genre. The second text written by Karolina GORTYCH-MICHALAK and Joanna GRZYBEK from Poland (*Polysemic Terms in Chinese, German, Greek and Polish Legal Language. A Comparative Study*) describes the phenomenon of polysemy in the Chinese, German, Greek and Polish legal languages. The authors illustrate their findings with examples from those four languages.

The second section is devoted to forensic linguistics problems in broad sense. Dan OPHIR from Israel (*Computerized linguistics and psychology. Overcoming the polygraph's drawbacks*) presents the possibility of taking advantage of modern IT in legal settings. Judith ROSENHOUSE, also from Israel (*General and local issues in forensic linguistics: Arabic as a case study*) provides an insight into forensic linguistics in speech mode and in writing with reference to the Arabic language. Katarzyna STRĘBSKA (Poland) in her article titled *Causality relations in legal judgments on the example of the European Court of Human Rights* discusses the problem of relations of casuality in judgments.

The third section contains only one paper of Alina SZWAJCZUK from Poland (*The legal status of Kashubian in Poland*) devoted to the Kashubian minority in Poland and the rights recently acquired by that ethnic group

The last section contains two reviews. Marcus GALDIA reviews two books, namely: (i) *Comparative Legal Linguistics. Language of Law, Latin and Modern Lingua Franca* by Heikki E.S. MATTILA (2nd ed., 2013, published by Ashgate) and (ii) *Jurilinguistique comparée. Langage du droit, latin et langues modernes* by Heikki E.S. MATTILA (2012 published by Éditions Yvon Blais). Joanna NOWAK-MICHALSKA provides a review of *Lengua y Derecho: líneas de investigación interdisciplinaria. Linguisic Insights 130. Studies in Language and Communication* (edited by Luisa Chierichetti and Giovanni Garofalo and published by Peter Lang in 2010).

The editors hope that this volume of our journal will be of interest to its readers.

CONSUMER WARRANTY AS A GENRE

Ilona DELEKTA, M.A.
Institute of East Slavonic Languages, University of Silesia
ul. Grota-Roweckiego 5, 41-205 Sosnowiec, Poland
ilona.delekta@us.edu.pl

Abstract: The purpose of this paper is to present genre specificity of the consumer warranty and various factors determining its structure and language as well as consumer regulations. Warranty is a type of document that is commonly used and widely known. However, a possibility of different interpretations of warranty content can lead to its incomprehensibility and/or misinterpretation and have specific legal consequences. The author analysed English version of 110 warranty documents for consumer goods. The collected research material indicates a structural and syntactic diversity of warranty documents. It also illustrates how content and the language of the document might facilitate or hinder its correct interpretation.
Key words: consumer warranty, genre, correct interpretation, readability.

GWARANCJA KONSUMENCKA JAKO GATUNEK WYPOWIEDZI

Abstrakt: Celem artykułu jest omówienie specyfiki gatunkowej gwarancji konsumenckiej, a także różne czynniki determinujące jej strukturę i język (w tym przepisy konsumenckie). Gwarancja jest rodzajem dokumentu stosowanego i znanego powszechnie. Niejednokrotnie jednak możliwość różnej interpretacji języka i treści gwarancji wpływa na jej niezrozumiałość i/lub utrudnia jej prawidłową interpretację. Rodzi to określone konsekwencje prawne. Autorka poddała analizie 110 gwarancji konsumenckich w angielskiej wersji językowej. Zebrany materiał badawczy wskazuje na zróżnicowanie strukturalno-semantyczne dokumentów gwarancyjnych. Pozwala również stwierdzić w jaki sposób treść lub język dokumentu może ułatwić bądź utrudnić poprawną interpretację treści zawartych w gwarancji.

Warranty etymology and some facts from its history

According to the Merriam-Webster dictionary, the term *warranty* is traced back to the Anglo-French and Old North French *warantie* or *garantie*. In English it was used for the first time in the mid-14th century.

However, the concept of warranty is as old as trade, one of the oldest human activities. Due to the need for some trade standards, product warranty was created as one of trade practices. The warranty has been an important issue since the beginnings of human civilisation and it covered various products and services ranging from cattle or slaves in ancient times to modern electronic systems or weapons currently. For a long time, there had been no one clear-cut definition or characteristics for warranty. It was present in trade as a part of good practice. Its very beginnings, as Loomba (1996, 31) claims, go back to the first customer complaints and related issues and were found on clay tablets in Babylonia in about 2128-2004 BC. Other examples of warranty in the

early civilisations are found in the Hammurabi Code (around the 20th century BC) which provided for the two following warranty options:

(i) an eye-for an eye compensation illustrated by the following provision below:

> If a builder has built a house for a man, and has not made his work sound, and the house he built has fallen, and caused the death of its owner, that builder shall be put to death.

(ii) money-back guarantee illustrated by a warranty for a slave.

> If a man has bought a male or female slave and the slave has not fulfilled his month, but the bennu disease has fallen upon him, he shall return the slave to the seller and the buyer shall take back the money he paid.[1]

Loomba (1996, 33) also describes warranties drafted in the Egyptian era (5702-3180 BC), as well as in the law of India around AD 500 or in the early Islamic period (ca. AD 632-661). In Europe first warranties came into being around the 5th century BC. Then, some warranties were written among others in early English period (AD 597-617) and in Russia in the 10th century. These are the very origins of the warranty genre but its actual beginnings go back to the end of the 19th century when they started to be treated as standardised contracts.

Warranty definitions

The definitions presented in this paper refer only to warranties for consumer goods. However, warranty is probably one of the most commonly used written documents worldwide. This notion is also used other areas such as real property law, sales of personal property, contracts, insurance, to mention but a few.

Below there are three definitions of the *warranty* notion. The first one comes from a **law dictionary**[2] according to which

> warranty is the attesting of one party to a contract to the other of reliable facts so that the second party does not need to ascertain such facts for him or herself. Such assurance carries with it a promise to indemnify the second party for any loss should the particulars of the warranty prove not to be factual. Such a warranty may be express or implied.

The second one comes from an on-line **business dictionary**[3]: warranty is

> legally binding assurance (which may or may not be in writing) that a good or service is, among other things, (1) fit for use as represented, (2) free from defective material and workmanship, (3) meets statutory and/or other specifications. A warranty describes the conditions under, and period during, which the producer or vendor will repair, replace, or other compensate for, the defective item without cost to the buyer or user. Often it also delineates the rights and obligations of both parties in case of a claim or dispute.

[1] Both examples come from the Hammurabi Code version at http://www.commonlaw.com/Hammurabi.html
[2] Webster's New World Dictionary, Law Dictionary. 2006.
[3] www.business dictionary.com.

The third definition comes from the on-line **general English dictionary**[4] according to which warranty is

> a written guarantee, issued to the purchaser of an article by its manufacturer, promising to repair or replace it if necessary within a specified period of time.

Warranty versus guarantee

For some researchers, authors and in some dictionaries[5] both terms are synonymous as can be seen in the third definition quoted above stating that warranty is a written guarantee whereas others disagree, for example, Blischke, Murthy (1996, 7) stress that guarantee is 'pledge or assurance of something' and warranty is a specific kind of guarantee that concerns particular goods or services rendered by a seller to a buyer. The Black's Law Dictionary (1910) though not so recent, provides a clear distinction between the *warranty* and the *guarantee*, according to it in the strict legal sense the *warranty* is

> an absolute undertaking or liability on the part of the warrantor, and the contract is void unless it is strictly and literally performed, while the *guarantee* is a promise, entirely collateral to the original contract, and not imposing any primary liability on the guarantor, but binding him to be answerable for the failure or default of another.

Various aspects of warranty

As warranty is a very broad term and concept, it has been a subject of interest of various disciplines such as **law** (as a subject of study and in terms of regulations), **marketing** (influencing consumer's purchasing decisions), **management** (planning warranty strategies and its duration), **economics** (predicting and calculating future warranty costs), **statistics and mathematics** (risk assessment), **design and engineering** (optimal design and manufacture), **quality assurance**, **consumer affairs** (protecting consumers). The issues they deal with frequently overlap because, for example, good design and quality of a specific product can minimise warranty costs.

Classifications of warranty

The author has chosen four common classifications used with regard to consumer goods:

(i) **Express warranty** and **implicit warranty**. Express warranty is a kind of agreement between the seller and the buyer of a product to provide a repair or replacement for covered components of a specific product during the specified time (e.g. warranty for a washing machine). The latter guarantees that the product is merchantable and fit for the purpose intended (e.g. food).

(ii) **Buyer-based classification**. Depending on who the consumer is, there are **warranties for individual consumers** (e.g. for a dishwasher for home use), **commercial warranties** (e.g. equipment bought by manufacturer) and

[4] www.on-line Oxford Dictionary.

[5] Dictionary of Law Bloomsbury reference (2004), Longman Dictionary of Contemporary English (2009), on-line Dictionary of Economics (2013).

government warranties (e.g. purchase of military equipment by the government) where unlike in the first two groups, the warranty terms are not standardised but negotiated and imposed at the time of product purchase.

(iii) **Full warranty, limited warranty, combination of full and limited, extended** depending on extent of coverage. Warranties limit the conditions in which the manufacturer or seller is obliged to solve a problem resulting from defective parts or workmanship. Most household products, for example, are usually covered by warranty for one year or for two years. Extended warranties last beyond manufacturer's warranty and they are a kind of insurance policy that consumers pay in advance. They last longer and its conditions are more lenient.

(iv) Warranty **for a single item** or a **group of items** (cummulative warranty).

Warranty – different roles and perspectives

Another crucial aspect of warranty is determined by its role. On the one hand, it **protects consumer** against manufacturers' or sellers' unfair practices, it guarantees solving problems resulting from product defects. It **provides the consumer with information** about his/her rights with regard to the defective product and also is a **promise to remedy a problem** by the warrantor (manufacturer or seller) by its repair, replacement or a refund.

On the other hand, from manufacturer /seller's perspective warranty plays **informative, persuasive and protective roles**. Firstly, it informs the consumer of potential problems related to product defects and their solutions, warranty procedures, inclusions and exclusions. In terms of product marketing, it can persuade prospective consumers to buy specific products as product warranty can "offer customers peace of mind and demonstrate the manufacturer has faith in the quality of its product"[6]. For many consumers long warranty period means that a product is reliable and long-lasting and thus affects their purchasing decisions and might create brand loyalty. As for its protective function, warranty drawn up by the manufacturer, limits its coverage and legal obligations to consumers, prevents product's misuse and thus limits warranty costs, which consequently causes that their position is superior in comparison to that of consumers.

Average consumer and consumer goods

Before discussing in more detail consumer warranty language and its components, two key notions need to be defined. Firstly, who is a warranty addressee/ recipient? Secondly, who actually is an *average consumer*? According to the European Court of Justice, it is a person who is "reasonably well-informed and reasonably observant and circumspect, taking into account social, cultural and linguistic factors"[7].

However, this definition seems unrealistic and therefore raised many questions.

[6] See: three levels of product in marketing, in particular level 3 of augumented product http://www.learnmarketing.net/threelevelsofaproduct.htm.

[7] B2C Directive (UCPD) in the preamble recital 18. The definition is based on the case law of the European Court and therefore is not static. http://www.marketinglaw.eu/AverageConsumer.html

Many consumers do not have sufficient knowledge to exercise their rights. There is even a notion of *vulnerable consumers*[8] who are disempowered by the kind information they receive that is difficult to understand due to different factors, for example, sophisticated marketing methods or lack of access to information. In the opinion of European Consumer Consultative Group[9] (2013, 8) the definition of the European Court of Justice "overstates the qualities of the typical consumer. Often consumers do not have the time or the inclination to investigate offers as much as the law expects them to do".

Therefore, for the purposes of this research, I use this term to refer to a buyer who is a non-specialist with a reasonable knowledge of the market and products and does not necessarily have higher education. This was necessary for the assessment of readability of warranties for average consumers.

Consumer goods (also called final goods) are products purchased for consumption to satisfy needs of the average consumer (buyer).

Warranty – genre specificity

Multidisciplinary character of warranty requires multidimensional approach to its analysis in order to see, as Bhatia (2004, 156) said 'the whole of the elephant' not only its part. In his view, the analysis of written texts cannot be restricted only to linguistic perspective and investigating text-internal factors. It should also examine text-external factors providing a wider context such as, for example, socio-cognitive perspective, professional and other institutional practices and constraints. Thus, the author attempts to present multi-disciplinary contexts of the warranty.

Warranty contents are partly determined by the law of particular countries where companies (manufacturers) producing consumer goods are based[10]. It is analysed in more detail in my research. This article though analyses actual consumer warranties on the basis of the collected corpus of 110 warranties for consumer goods (mainly for electronic goods such as computers, cameras, tv sets and stereo sets, household appliances etc.) selected and analysed by the author. All the warranties are drafted in English, by manufacturers in different countries (mainly the EU countries and the United State where companies are based) and probably not all of the authors were native speakers although it is hard to verify this fact. However, some language mistakes seem to be characteristic of the B1-B2 CEFR level[11]. The warranties used for the purpose of the analysis were either scanned from original written warranties or downloaded from the Internet from the manufacturers' websites. The collected warranties have been analysed manually in terms of their construction and interpretation (among others similarities, differences, their typical contents and contents characteristics and readability).

[8] http://ec.europa.eu/consumers/empowerment/docs/eccg_opinion_consumers_vulnerability_022013_en.pdf.

[9] For more information see: http://ec.europa.eu/consumers/empowerment/docs/eccg_opinion_ consumers_vulnerability_022013_en.pdf.

[10] For example, in Poland, Ustawa o szczególnych warunkach sprzedaży konsumenckiej (Dz. U. z 2002 r. nr 141, poz. 1176 ze zm., in the European Union the Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees.

[11] CEFR - The Common European Framework of Reference for Languages: Learning, Teaching, Assessment developed by the Language Policy Division of the Council of Europe, Strasbourg, 2001, Council of Europe, Language Policy Division.

Warranty components and general characteristics

Warranty is easily recognisable because each warranty document always starts with the title 'Warranty.' In other respects, the warranty contents vary significantly, for example, the **length** of texts in the corpus ranges from 100 to 1,300 words. In the case of cars, manufacturers issue special warranty booklets. However, there are certain components that are present in the majority of documents, they include: **a name of a product**, **warrantor's name contact details** (address, telephone number, e-mail address, website), **extent of warranty coverage** (information on parts/components and problems covered, territorial scope of warranty coverage), **period of coverage** (for the whole product or its particular components), **description of complaint procedure** (how to correct a problem and/or obtain warranty service) and **warranty exclusions and limitations** (including lengthy sentences, frequently in capital letters drawing reader's attention to that part of the document). In addition, a number of warranties include **information on responsibilities of manufacturer or seller**[12] and **proper use of a purchased product** by the consumer. The latter affects and limits consumer's rights as in the case of damage caused by accident, abuse, misuse or modification of the product, warranty does not apply. The manufacturer's or seller's duties generally include: repair or replacement of a defective product or a refund.

Some warranties provide additional information on the ways of **obtaining service in the post-warranty period**. Frequently, **registration card** is attached to a warranty document, its completion and return to the manufacturer is required to obtain warranty service for a defective product (there is also an on-line option of product registration). As well as this, **marketing aspect** is present at the **personalised beginning** of some documents addressing directly the consumer using personal pronoun *you* (e.g. *Thank you for buying our product, thank you for having bought …, thank you for purchasing …, thank you for choosing…, we hope you will be happy with it).* Personal style is also found in sentences encouraging purchasers to read use manuals (e.g. *we advise you to read the user manuals carefully)* or inform about after-sales service (w*e are dedicated to ensuring that our customers receive the best possible after sales care)* or complaint procedures (*If you are not completely satisfied with your appliance or require a service engineer call us*). This allows to establish a closer relationship with the consumer because the writer sounds less anonymous, create a better impression of a manufacturer and a product, and thus affect purchasing decisions.

Other components of warranties are impersonal due to frequent use of **passive voice** illustrated by examples from the warranty documents in the collected corpus (*This guarantee will be granted only upon presentation of the original invoice; Benefits of this guarantee may be refused if the invoice cash receipt or guarantee card has been altered in way, deleted or made illegible after the original purchase)* or numerous nominalisations (*Failure to return the defective machine within 5 business days will result in a charge for the full price of the exchange machine; in the event of replacement).*

[12] By law, in Poland a warranty which does not specify manufacturer's or seller's duties Ustawa o szczególnych warunkach sprzedaży konsumenckiej (Dz. U. z 2002 r. nr 141, poz. 1176 ze zm. [Act of 27 July 2002 on specific terms and conditions of consumer sale and amendments to the Civil Code].

Currently, instead of attaching warranties to products more and more warrantors place them on the Internet on manufacturer's website or in the case of e-shopping, purchaser can register and generate a warranty document at home. On the basis of the Internet warranties collected in the corpus two groups of e-warranties can be distinguished, the first one includes warranties for specific products, the other one includes general warranty conditions for all products of a particular manufacturer. Their content is frequently the same or almost identical for all the products. **Warranties on the Internet** are not subjected to formal limitations like the traditional paper warranty (e.g. number of pages, layout; the consumer can also check on-line his/her warranty status warranty status and eligibility for support and extended coverage even if s/he has lost its paper version), which consequently can cause some generic changes (e.g. the warranty becomes to some extent 'interactive').

Readability of consumer warranties

The article also analyses the issue of assessing readability of warranties for average consumers. The term *readability* refers to the ease with which written texts can be read. According to Klare (1963) readability is is 'the ease of understanding or comprehension due to the style of writing.' This definition separates writing style from content, organisation and coherence. To assess the difficulty level of the collected documents the author uses on-line text analysing tool *Textalyser*[13] using the following formulas: Fleisch Reading Ease Fleisch-Kincaid Grade Level. The assessment is made by means of mathematical formulas that analyse semantic and syntactic difficulty of words and sentences by calculating factors such as sentence length, word length, lexical density, number of syllables, passive index or word frequency. The **Fleisch Reading Ease score** calculated for the warranties in the corpus was 14. The scale for this formula ranges from 0 to 100 and a higher score indicates easier reading. Scores 90-100 are understood by an average 5th grader and documents with a score 0-30 can be understood by college graduates. The score of **Fleisch-Kincaid Grade Level** indicates a US school grade level (i.e. a score of 9.0 means that a ninth grader can understand a text). The average score for the corpus was 12. Although the formulas are based on the US educational system, the achieved scores show a high degree of difficulty with reading the warranties because they indicate that warranties can be understood by college graduates, which makes them difficult to understand by an average consumer.

One of the factors affecting readability might result from **long sentences**. An average number of words per sentence in the corpus is 18.33. However, there are numerous documents with sentences where number of words ranges from 70 to 128 words, which makes their reading and correct interpretation extremely difficult, particularly for the average consumer. Long sentences with excessive or insufficient use of punctuation, legal references and additional information in brackets result cause the lack of clear logical link between clauses, are difficult to remember and interpret correctly.

[13] http://textalyser.net/.

Here is an example of the longest sentence in the corpus:

Example 1.

> XYZ warrants to the purchaser of the Product (defined herein as the boxed XYZ ® processor and the accompanying thermal solution) in its original sealed packaging ("Original Purchaser") and to the purchaser of a computer system built by an Original Purchaser containing the Product ("Original System Customer") as follows: if the Product is properly used and installed, it will be free from defects in material and workmanship, and will substantially conform to XYZ's publicly available specifications for a period of three (3) years beginning on the date the Product was purchased in its original sealed packaging in the case of an Original Purchaser, and for a period of three (3) years beginning on the date of purchase of a computer system containing the Product for an Original System Customer.

Kohl (2008, 34) in his guidelines for drafting documentation for a global audience[14] suggests limiting the length of sentences to 20-25 to avoid unnecessary ambiguities and complexities reducing document readability. This in turn can also be a source of problems in translating warranties (and other documents) into other languages and misinterpreting their contents.

It seems worth noting that such long sentences are frequently used in exclusions section, which might suggest an intentional strategy on the part of the warranty authors.

In addition, there are other numerous factors affecting warranties readability and comprehensibility like the use of foreign words (*in lieu*), long words (*remediable*) or poor translation (*Warranty is referred only to the customer goods using for common domestic use.*). Despite the requirement for using plain intelligible language in consumer documents, there is still some legalese present in a number of warranties:

Example 2.

> This Limited Warranty shall not apply to any product or component thereof which has been repaired or altered outside of Eaton's factory in any manner so as, in Eaton's sole judgment, to affect its serviceability, or to any product that has been subject to alteration, accident, misuse, abuse, neglect or normal wear.

For an average consumer this text might pose a difficulty and it does not conform to the plain English requirements for consumer documents as the sentence is long and includes vocabulary commonly found in legal documets (thereof, in any manner, subject to alteration) and they could be easily replaced with their less formal counterparts.

Readability formulas raised controversy due to a number of limitations. Firstly, assessing statistically the difficulty of printed material only on basis of textual variables on the level of words (vocabulary difficulty) and sentences (sentence length) is insufficient. Other issues such as, for example, cohesion, organisation, coherence must be also considered. Another variable worth considering in the analysis of text readability is a group of intended audience in terms of their reading ability, prior knowledge (Klare et al. 1955) as well as interest and motivation. Dubay (2004) also mentions the research

[14] In: *The Global English Style Guide: Writing Clear, Translatable Documentation for a Global Market* written for technical, medical and science writers and editors, course developers as well as training instructors.

conducted by Hardyck and Petrovich (1970) that indicated even a connection between readability and muscle activity in the oral area. Despite that, readability formulas, when used as one of the text assessment tools, can contribute to writing more readable texts as they allow for predicting difficulty level of a specific text and indicate potential problem areas that can be eliminated.

On the whole, the analysis of the collected documents suggests that warranty is not particularly consumer-friendly, due to a number of factors discussed in this article. This causes various problems with its correct interpretation because it can reduce consumer statutory rights, no matter whether it is a deliberate hedging strategy or is a consequence of the warranty writer's ignorance or poor quality translation.

Finally, a **visual impact** of warranty documents should not be neglected. The Federal Commission Staff in the US drafted a manual for warranty writers[15] in which they advise how to enhance visual clarity and attractiveness of a printed document. The following elements of graphic design should be included:

(i) Typesize, typeface (size 10 is preferred, as smaller fonts can make the information difficult to read and/or unclear)
(ii) Blank space between lines
(iii) Line length
(iv) Margins
(v) White space
(vi) Colour (of the type and the paper)
(vii) Capital letters
(viii) Illustrations.

The warranties in the corpus suggest that manufacturers do not pay attention to visual impact of the warranty document, they tend to economize and as a result many warranties are printed on poor quality paper, use small fonts, use very little space for warranty provisions so no margins or lists are used. In some cases a small section including warranty provision is attached to user's manual and is difficult to find. Therefore, such factors can also limit consumer rights.

Concluding remarks

To sum up, consumer warranty is a very complex issue due to a number of aspects and various factors affecting its contents and interpretation. It is a subject of interest and analyses of manufacturers, sellers, consumers and consumer organisations as well as lawyers, economists, designers, marketing or quality assurance specialists, statisticians, insurers, managers and a number of other specialists. Due to the broad scope of issues related to warranty, only some of the aspects have been presented in the article. It presents only preliminary results of analysis of ongoing research conducted by the author. Therefore, not all the aspects have been exhaustively discussed (e.g. statistics, lexico-grammatical resources within textual space or socio-cognitive context). The analysis of the warranties in the corpus suggests that further research is needed to investigate particularly the linguistic issues causing comprehension and interpretation problems for

[15] http://www.business.ftc.gov/documents/bus20-writing-readable-warranties.

average consumers. Identification of such problem areas would allow for providing guidelines for warranty writers and more effective interpretation of warranty documents for consumers.

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POLYSEMIC TERMS IN CHINESE, GERMAN, GREEK AND POLISH LEGAL LANGUAGE. A COMPARATIVE STUDY

Karolina GORTYCH-MICHALAK, PhD
Joanna GRZYBEK, PhD
Institute of Linguistics, Adam Mickiewicz University
al. Niepodległości 4, 61-874 Poznań
kmmgortych@gmail.com, jgrzybek@gmail.com

Abstract: The main issue of the paper is the phenomenon of polysemy, which is present in the Chinese, German, Greek and Polish legal languages. The phenomenon is seen as the criterion of comparative studies between the specified legal languages. As polysemy is often discussed together with homonymy, the authors have decided to define polysemy in the introduction of the text, on the basis of etymology and being contrary to homonymy. The first assumption is an existence of the polysemy of certain terms (words and syntagmas), which relies on simultaneous existence of the term both in general (lay) language and in language for special purposes. The LSP may be the legal language, for example. Based on the existing research of legal language, the authors assume polysemy does not have a homogenous character as a term and moreover this is confirmed by various legilinguistic classifications. There are typologies of legal language based on the criterion of source text, but the authors also propose the consideration of a classification performed on the basis of various fields of law i.e. civil law, constitutional law, criminal law together with confirmation of classification. This criterion may be very useful when explaining the polysemy of legal terms as it originates not only from different types of legal texts, but primarily comes from legal fields. The performed comparative analysis of selected legal terms of different Chinese, German, Greek and Polish legal fields indicates that the multiplicity of meanings of the same term (word/syntagma) comes from the presence of this term in different legal fields. Simultaneously, the primarily assumed statement of the existence of polysemy in the frame of a certain language for special purposes, i.e. legal language, is confirmed. This assumption may be a valuable aspect of further research of national legal languages and may be useful for the users of legal language such as legal translators or legal comparatists.

TERMINY WIELOZNACZNE W CHIŃSKIM, NIEMIECKIM, GRECKIM I POLSKIM JĘZYKU PRAWA

Abstrakt: Przedmiotem niniejszego artykułu jest zagadnienie wieloznaczności obecne w chińskim, niemieckim, greckim i polskim języku prawa w ujęciu porównawczym. Ponieważ zagadnienie polisemii jest w literaturze przedmiotu często omawiane wraz z zagadnieniem homonimii, autorki artykułu na wstępie przyjmują określoną definicję polisemii, opartą na kryterium etymologicznym. Pierwszym założeniem, jakie przyjmują autorki, jest fakt istnienia wieloznaczności określonych terminów - wyrazów i syntagm - wynikającej z ich jednoczesnej obecności w języku ogólnym oraz w języku specjalistycznym, którym jest np. język prawa. W oparciu o istniejące badania nad językiem prawa w artykule zakłada się niejednorodny charakter tergo pojęcia, co potwierdzają różne klasyfikacje języka prawa dokonane przez legilingwistów. Autorki proponują, aby obok

przyjętych klasyfikacji uwzględnić w badaniach porównawczych języka prawa również podział prawa na działy, np. prawo cywilne, prawo konstytucyjne etc. Przyjęcie takiego kryterium sprawia, iż zagadnienie polisemii terminów prawnych może być wyjaśnione w oparciu o znaczenie i funkcję tekstów prawnych i prawniczych, z jakich pochodzą dane terminy. Przeprowadzona analiza porównawcza wybranych terminów z różnych gałęzi prawa chińskiego, niemieckiego, greckiego i polskiego, wskazuje, że wieloznaczność terminów prawnych wynika przede wszystkim z obecności i używania tych samych terminów w różnych gałęziach prawa. Jednocześnie potwierdza to przyjętą na początku artykuł tezę, mówiącą że polisemia jest zjawiskiem obecnym również w ramach danego języka specjalistycznego. Taka konstatacja może być przydatna, jak wskazuje się na przykładach, dla użytkowników różnych narodowych języków prawa, jakimi są tłumacze, czy komparatyści prawa.

Introduction and methodological remarks

Polysemy may be defined as multiplicity of meaning of one term (which is a word or syntagma). Quite frequently, when discussing polysemy, the phenomenon of homonymy occurs. Despite many definitions of polysemy, the main issue frequently discussed among linguists is the difficulty in distinguishing polysemy and homonymy (cf. Gołąb et al. 1968, 238, 432-433, Crystal 2008). Thus the first step of the research is to distinguish polysemy homonymy and to define polysemy as a linguistic phenomenon.

The term *legal language* has no uniform, nor universal meaning because almost every national legal system operates a wide range of national legal means to express legal rules or to regulate legal reality. According to the main classifications and typologies of legal language (cf. Šarčevič 1997, Mattilla 2002, Cao 2007, Matulewska 2007, Galdia 2009) often used criteria for legal language typology are types of legal texts. In the next step of the research, despite these classifications, the authors of the paper present the polysemy of selected terms existing simultaneously in general and in legal language. They believe it cannot be explained relying only on the aforementioned typologies. This assumption is confirmed by the examples of Chinese, German, Greek and Polish terms given in the paper.

The authors assumed that polysemy originates from co-existence of the same term in various linguistic realities. Thus one term, a word or syntagma, present and used in general language (language used for general purposes) has a certain meaning, but when it is exploited in the frame of language for special purposes, for instance, in the frame of legal language, it has a different meaning (cf. Petzel 2006). These circumstances cause polysemy of one word as it is used for different purposes and thus it has various, multiple meanings. This statement is basic for further research performed on various Chinese, German, Greek and Polish legal terms. The main criterion for comparative analysis is the hypothesis about polysemy in legal language. Thus, taking into consideration the third element of the comparative study (polysemy in LSP), the polysemy in languages for special purposes is analysed in this common platform. In this phase of the research the hypothesis is examined and confirmed.

The concluding remarks of the paper include the results of the research performed and observations. The authors consider that the comparative study presented in the paper may be useful as a method for analysis of certain linguistic phenomena in various national legal languages. It is obvious that the proposed method cannot possibly be the sole method for research but it enriches knowledge of legal language and its

patterns in various legal systems. It may be used also to define semantic fields of legal terms when analysing the corpora. Thus the presented research might be exploited by legal translators or legal comparatists or other users of legal language.

Polysemy – general conception

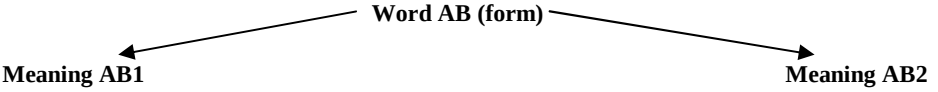
The term polysemy was introduced by Bréal in 1897 (Nerlich 2003, 49). Subsequently, polysemy has been explained from various linguistic viewpoints rooted in semantics or even psychologically inspired semantics (cf. Stern 1931, Smith 1982). When considering the etymology of the term *polysemy*, it seems quite obvious that this linguistic phenomenon is identified by the simultaneous existence of multiple meanings for one term. The statement is confirmed by many scholars, who consider polysemy a phenomenon or situation where one word has many meanings (Ullman 1967, 159, Palmer 1981, 100, Weinsberg 1983, 42) or one lexeme has many senses (Cruse 1986, 80, Lyons 1987, 146, Veloudis 205, 196).

Frequently a polysemy is *defined as one form (written or spoken) having multiple meanings that are all related by extension* (Yule 2010, 120). In extension from this definition there are sense relations between meanings in the frame of one term. Some scholars have tried to characterise these polysemic relations as *sense relations in which one lexeme has acquired more than one meaning* (Mohammed 2009, 782-783 after Finch 2000, 173). These relations come from meaning metamorphosis and they may be based on metaphor or metonymy (Kövecses 2002, 213) and, moreover, lexemes continually develop their meaning variants (Löbner 2002, 45). For instance, in Chinese polysemy *often occurs in grammaticalization when the content form of origin continues to coexist contemporaneously with its grammaticalized function form counterpart* (Packard 2001, 262).

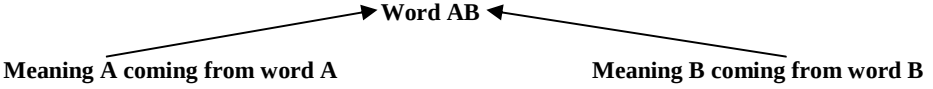
Many scholars discuss polysemy and homonymy together (Gołąb et al. 1968, 238, Kovacs 2011, 7 et al.) as the homonyms are words or forms, which have many meanings or functions, while simultaneously, the investigators believe many meanings come from completely different words, which created one, uniform form in the historical development of the language. The method of distinction between homonymy and polysemy appears to be the main obstacle for linguists (cf. Crystal 2008). The traditional approaches state that the main criterion of distinction between polysemy and homonymy is etymology because the homonyms are different words as homonymy is not relations between meanings of the same word but it is co-existence of multiple words having their own meaning in the same form (Lyons 1975, 447).

The following graphs may be useful illustrative material as they present the relations of homonymy and polysemy in parallel. The main criterion of distinction is etymology as adopted by Lyons (1975, 447-448).

Graph 1. Polysemy.



Graph 2. Homonymy.



In the basis of adopted criterion some examples of Chinese, German, Greek and Polish polysemic words and homonyms are given to illustrate the method exploited in the research. The examples are given in table form to present more schematically the under investigation issues.

Table 1. Examples of polysemic words and homonyms.

Chinese polysemic words	
Word	***Meaning***
法律顾问 *fǎlǜ gùwèn*	1. syndic. 2. corporate lawyer. 3. counsellor-at-law or barrister. 4. legal adviser.
Chinese homonym	
Word	***Meaning***
仪表 *yíbiǎo*	1. the appearances or manners a person bears (仪 yí – 容貌举止: 仪容; 仪态 *róngmào jǔzhǐ*: *yíróng; yíróng; yítài*). 2. instrument or meter[16] ((仪 yí – 仪器 *yíqì*)
German polysemic word	
Word	***Meaning***
der Verkehr	1. move. 2. communication, transport. 3. trading transaction, trade market.
German homonym	
Word	***Meaning***
die Kluft	1. gulf; ravine (Old High German *kluft*; English *cleft*). 2. uniform; outfit; dress (Modern Hebrew: *gilluph*)

[16] Cf. Lin, Ahrens 2000, 143.

Greek polysemic word	
Word	***Meaning***
φύλλο [fílo]	1. petal, foliage. 2. leaf, page. 3. newspaper. 4. film.
Greek homonym	
Word	***Meaning***
κάβα [káva]	1. wine cellar; off licence (French *cave*). 2. limit in Poker (Italian *cava*).
Polish polysemic word	
Word	***Meaning***
kożuch [kóžux]	1. sheepskin, coat, fur. 2. (milk) skin.
Polish homonym	
Word	***Meaning***
cera [céra]	1. face, skin of face, mask of face (Latin *cera* - wax). 2. darn (Old Church Slavonic *cě̋ł* – intact, undisturbed, healthy)

The above given examples indicate that polysemic words have the same etymological source but shifts of their meanings depend on certain communication circumstances (i.e. situation, function, context, topic etc.) where the polysemic word is used. These circumstances may have a social, cultural or professional character thus the next step of the research is to present polysemy considered as multiple meaning of the same word in different communicational situations.

Polysemic words in general language and in LSP (legal language)

Different communicative circumstances require various modes of linguistic communication as different purposes of communication must be served. One of the communicative purposes is legal communication, the basic and general function of is to communicate law. It is a very narrow linguistic function when compared with general use of language. Thus the distinction between language for general purposes and language for special purposes must be highlighted.

From communication point of view, the language for general purposes is used in almost every communication situation, as it is a basic mean for communication and basic material for language registers (cf. Petzel 2006, Pytel 2004). According to Halliday *register is the clustering of semantic features according to situation type* (Halliday, 1978: 68, 111, 123). His concept of the register may be used to explain a language variation according to use (Lookin et al. 2011, 190). As Metthiesen (1993, 23-31) believes that register is a higher order of semantic configuration and it is realised in semantic units of various sizes, in the paper register is conceived as a special language variety, with its specific semantic units (words, syntagmas), used in different situations. This statement

brings us closer to the term of LSP (Language for Special Purposes) defined as *formalised and codified variety of language, used for special purposes […] with the function of communicating information of a specialist nature at any level* (Picht and Draskau 1985, 3). The language for special purposes is seemingly a type of register as it serves a certain purpose or purposes. When discussing the LSPs, a communication component should be considered (functional variety). Regardless of any register taxonomy or LSP taxonomy, a variety of language used in a certain situation (a common component of these two terms) is not in contrast to the language for general purposes. The statement is confirmed by de Beuagrande (1987, 7) who considers that the LSP may be defined in terms of *style* or *register* and this approach was presented by Gläser (cf 1979) and Draskau (cf. 1983).

Legal language, regardless of many legilinguistic approaches, is a language existing in the legal environment. Current studies indicate that legal language is a vast term with multiple meaning as it is used to specify language used in a legal environment to serve different purposes in the frame of so-called legal communication (Gortych-Michalak 2013, 90-91). Thus the authors of this paper believe that legal language is a language for special purposes as it is a means of communication in legal circles and moreover it is a means to express law:

> Law always has a linguistic form; there would be no law without language. There would be no way to establish legal validity without language, as justice needs communication. (Grewendorf et al. 2009, 1)

Chinese legal language – 法律汉语 [*fǎlǜ hànyǔ*] is considered as an authoritative and restraining medium of law (Du 2004, 1). It is described as a variant of the ordinary Chinese language (Song 2010, 4). In investigators' discussions there is also the Chinese legal language of the People's Republic of China, the Chinese legal language of the legal system in Taiwan and the Chinese legal language of the legal system in Hong Kong.

German legal language – *Rechtssprache*, may be understood as a collective concept of the legal language used in Austria, Germany and Switzerland. According to (Sandrini 1996, 16) there is no general legal language but only national legal languages.

Greek legal language – *νομική γλώσσα* [nomikí γlósa] is deemed to be the language used in the legal field – *γλώσσα στο νομικό χώρο* [γlósa sto nomikó xóro] (cf. Kriaras 1982). Stavrakis (cf. 1995) and Tsavalos (cf. 1990) believe that Greek legal language is professional language, used by lawyers for communication purposes in the legal area. Moreover, scholars state that legal language is a unit – *κομμάτι* [komáti] of general, ethnic language. The latest researches of Panaretou (cf. 2009) present the statement that legal language – *νομικός λόγος* [nomikós lógos] is a statutory language. In the context of Panaretou's statement the question about the concept of other languages used for different legal purpose arises. Regardless of various statements, the definitions of the term *legal* language confirm that the wide meaning of the term *legal language* is not homogeneous.

Polish legal language has been explored for over fifty years (cf. Wróblewski 1948). Current classifications of legal language are based on an almost archetypical division of legal language created by Wróblewski. Thus, there is no uniform legal language in the Polish legal environment, but at the very basic level of division there are statutory language – *język prawa* and legal language – *język prawniczy*. Legal and linguistic studies confirm this division and even develop it (cf. Gizbert-Studnicki 1972, Zieliński 1999, Malinowski 2006 et al.). Regardless of more and more analytic typologies of Polish legal languages, there are common criteria, which classify them into one language for legal purposes. These criteria are: i) legal field where Polish LLP is used and ii) function, which is communication in the legal field.

The function and the field of use are the same for Chinese, German, Greek and Polish legal languages. They are languages for legal purposes thus the polysemy of terms comes from purpose of the language. The following tables present examples of this linguistic situation, which are terms with multiple meaning. The meaning depends on the purpose of the language and the linguistic form of the term "contains" many meanings.

Table 2. Terms - examples in general language vs terms in language for legal purposes.

Meaning in language for general purposes	***Meaning in language for legal purposes***
Chinese examples	
请求 *qǐngqiú*	
ask, beg, demand	claim, motion, petition
废除 *fèichú*	
cancel, annul	abrogate, abolish
异议 *yìyì*	
disagreement	dissenting opinion, opposition, objection, exception
German examples	
die Umsetzung	
execution, realisation, conversion, dislocation, transformation	translation
die Gesellschaft	
society (sociology), companionship, circle (of people), party (social event)	organisation, company (corporation)
der Zusatz	
addition, adjunct, alloy, suffix	amendment
Greek examples	
απόφαση [apófasi]	
decision, resolution	sentence, verdict, judgment
αρχή [arxí]	
beginning, start, rule, principle	authority, rule

καλώ [kaló]	
to call, to order, to appeal, to invoke	to summon
Polish examples	
strona	
page, side, bank, aspect, voice	party, litigant
dzieło	
work, result, creation	work as object of the contract
wypowiedzenie	
declaration, resignation, pronouncement	notice, denunciation

The examples presented above are just samples of many situations where one term coming from general language acquires new meaning in language for legal purposes and thus a polysemy occurs. Polysemy of one word, which comes from a difference between general language and language for any special purpose seems to be an obvious phenomenon and it confirms the conception of language register given above. Moreover it confirms the concept of polysemy adopted in the research understood as extension of meanings that Chromá confirms: *The problem (…) is extensive polysemy resulting from a general tendency in the languages to assign new meanings to the existing vocabulary* (Chromá 2011, 46).

Polysemy inside the language for legal purposes

The latest legilinguistic studies indicate that legal language is a wide definition and a term with multiple meanings. Thus it is not homogeneous even if seen as language for legal purposes (LLP). Giving some examples confirming multiple meaning of the term, a basic taxonomy of the term *legal language* must be mentioned. It was presented by Kurzon (cf. Kurzon 1986 and 1987) who distinguished *language of the law* and *legal language*. Then Mattila (cf. 2006) believes that *legal language* contains:

- language of legal authors,
- language of legislators (laws and regulations),
- language of judges,
- language of administrators,
- language of advocates (Mattila 2006, 4).

Mattila's typology is based on the "source", which may be legal author, legislator, judge etc. Yet the typology of legal language may be based on text types, which is typology's criterion for Galdia (2009, 91), Šarčević (1997, 11), Cao (2007, 9-10), Matulewska (2007, 26-27) and other scholars.

The adopted criterion of typology in studies given above is not an appropriate criterion to examine polysemy within the extent of the language for legal purposes. The authors of the paper examined many legal documents, normative acts and legal documents and they confirmed the general legal rule, which defines appropriate use of statutory terms in other legal documents, i.e. contract (Polish *umowa*) is a term frequently existing both in statutes – Polish Civil Code and in legal documents, i.e. contracts, agreements etc. The rule to use statutory terms in the legal documents is extremely

visible in judicial sentences where judges substantiate their verdict on the base of the constitution, the law or any other normative act. In these circumstances, the language of judges (as called after Mattila) exploits the terms, which exist in the language of the legislator. A parallel situation arises when contracts are drown up as contractual texts include statutory terms too, as mentioned above.

The authors propose to adopt another criterion to examine polysemy inside the language for legal purposes. This criterion is subdivision of law into divisions such as civil, constitutional, crime and tax law etc. The divisions of law regulate various realities and circumstances and thus the language used for legal communication in such circumstances must be even more specialised and precise when compared with the language for legal purposes. This latter language serves many legal purposes in many legal fields.

Adopting this criterion one may distinguish for example administrative law LLP, civil law LLP, crime law LLP and other LLPs. The following tables give examples of legal terms which are polysemic terms from the legal division standpoint.

Table 3. Polysemy in the language for legal purposes (LLP).

Law branch	***Meaning of the term in certain law branch***
Chinese legal term 被告 [*bèigào*]	
Criminal procedure law	the accused[17]
Civil procedure law, administrative procedure law and criminal procedure law	defendant[18]
German legal term *die Auflage*	
Civil law (Bürgerliches Recht)	testamentary burden – die Verpflichtung[19]
Administrative procedure law (das Verwaltungsverfahrensrecht)	provision – die Bestimmung[20]
Greek legal term *υπηρεσία* [ipiresía]	
Military law (στρατιωτικό δικαίο)	(military) service – (στρατιωτική) υπηρεσία[21]
Civil law (αστικό δικαίο)	(public) office – (κοινωνική) υπηρεσία[22] (public) service – (δημόσια) υπηρεσία[23]
Tax law (φορολογικό δικαίο)	(provision of) services – (παράδοση) υπηρεσιών[24]
Polish legal term *cywilny*	

[17] Chinese Criminal Procedure Law, 17.03.1996, article 170 (3).
[18] Chinese Civil Procedure Law, 09.04.1991, article 22 et al.; Chinese Administrative Procedure Law, 04.04.1989, article 18 et al; Chinese Criminal Procedure Law, 17.03.1996, article 175 et al.
[19] German Civil Law, BGB 18.08.1896, paragraphs 2192-2196.
[20] German Administrative Procedure Law, VwVfG 25.05.1976, paragraph 36 (2).
[21] Greek Military Law N.3421/2005, FEK A 302/13.12.2005, article 2, paragraph 2.
[22] Greek Civil Code N. 2250/1940, FEK A 151/1946, article 1646 et al.
[23] Greek Civil Code N. 2250/1940, FEK A 151/1946, article 54.
[24] Greek Value Added Tax Code N. 2859/2000, FEK A 248/7.11.2000 , article 2, paragraph 1a.

Administrative law (prawo administracyjne)	civil (status) – stan cywilny[25]
Civil law (prawo cywilne)	civil (liability) – (odpowiedzialność) cywilna[26]
Constitutional law (prawo konstytucyjne)	civil (service) – (służba) cywilna[27]

The examples presented above highlight existence of polysemic terms inside the specific language for special purposes, which is discussed LLP. Polysemy may be called an omnipresent linguistic phenomenon as even in a language variety, which is used for special purposes i.e. legal language (Language for legal purposes – LLP), one may still observe it. Generally present polysemy comes from sense shifts in the frame of the semantic field of a certain word or syntagma. The above-mentioned Halliday's concept of language registry explains that phenomenon as it refers to the situation in which the language is used. This situation may be functional, which is a purpose to be fulfilled or thematic field (topic). Thus not only function but also semantics should be considered as criteria to analyse languages for special purposes and their semantic phenomena.

Conclusions

When referring to legal language (LLP) the criterion of language function may be useful to distinguish the language for special purposes from the language for general purposes. Because of the thematic field of language in action, the semantic aspect must be considered also when distinguishing the language for special purposes from the language for general purposes.

The scope of the samples given is to demonstrate that polysemy is a ubiquitous linguistic phenomenon. Even in such a language unit as semantic units polysemy is still present. Regardless of the subject field and function multiple meaning of a single term may occur.

The results of the research presented in the paper may be applicable to applied linguistics, for example to translation theory and practice. The phenomenon of polysemy seems to be especially a source of ambiguity and creates a potential problems for translators (Matulewska 2007, 120-121, Grzybek 2009, 207-216, Źrałka 2007, 76, van Vaerenbergh 2009, 48-50, Biel 2008, 29-3 et al.) and

> The study of polysemy can help translators, by giving them certain guidelines, as to how to think about words, and how to make use of the context to resolve the ambiguity of polysemous words (Shmidt 2008, 217).

On the other hand, one must consider that polysemic terms do not exist without any context in a vacuum. They are part of some text or statement that is observed by the investigators thus the sender of the message and the receiver of the message are able to

[25] Polish Law about Civil Status Certificates, Dz.U. 1986 No. 36 entry. 180, article 3 et al.
[26] Polish Civil Code, Dz.U. 1964 no. 16 entry 93, article 819.
[27] Constitution of Republic of Poland, Dz.U. 1997 no. 78 entry 483, article 153.

disambiguate polysemous words in the given context (Nerlich and Clarke 2003, 12), which is text produced with use of language for legal purposes. Adopting this statement helps to link lexical investigations and text investigations in translation theory and practice as the scope of the translator is not only to give proper meaning of one term in different language but also to produce the proper text, which includes the term.

> While lawyers cannot expect translators to produce parallel texts, which are equal in meaning, they do expect them to produce parallel texts, which are equal in legal effect. Thus the translator's main task is to produce a text that will lead to the same legal effects in practice (Šarčević 1997, 71).

One of the main steps in the process of translation is the perception of source text and in this phase the translator should determine the semantic field of a certain term. The authors believe the paper will be valuable tool to determine the meaning of source terms and thus to transfer and to express it in the final text (translation). Moreover, the proposed method may be useful when preparing specialised glossaries and dictionaries.

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COMPUTERIZED LINGUISTICS AND PSYCHOLOGY - OVERCOMING THE POLYGRAPH'S DRAWBACKS

Dan OPHIR, Ph.D.
Afeka Academic College of Engineering, Israel
218 Bney Efraim Str. Tel Aviv, 69107 Israel
dano@afeka.ac.il

Abstract: We developed an auxiliary tool, named "Software Human Reliability Estimator" (SHRE), which in certain cases can replace the polygraph. The polygraph is not always effective in measuring the reliability of a witness. For instance, the polygraph is ineffective when the witness believes that the testimony is the truth even when in reality it is not. In such cases, an alternative objective test is required. Another disadvantage of the polygraph test lies in the lack of discreetness owing to the requirement that the witness must agree to undergo a polygraph test. In addition, the polygraph test cannot be performed in real time because of its cumbersome and bulky nature.

These drawbacks have motivated the search for alternatives to the polygraph. Herein, we suggest a methodology accompanied by a corresponding software package that overcomes the mentioned shortcomings of the polygraph.

The methodology is based on a computer-assisted cognitive behavioral therapy methodology (CBT) (Burns 1999). CBT was originally developed for psychological treatment and can be used to characterize personalities. This methodology can also be used to find the individual's personality disturbances and to evaluate the reliability of a witness. The CBT methodology assumes that the cognitive thoughts of a human are expressed in his language. In the literature, about ten categories of thoughts are determined, and so called ***distorted thoughts***, indicate a behavioral deviation. Based on the above assumption, it is possible to map thoughts, including ***distorted thoughts*** and analyze them methodically with the help of linguistic tools. These tools should be able to scan the mapping and discover ***distorted thoughts*** as classified by the CBT method.

We will use extreme situations as examples to illustrate ***distorted thoughts***. The mentioned situations will refer to time description (always, never), location (everywhere, nowhere), quantity (everything, nothing, nobody), possibility (must, forced, incapable) etc. These types of expressions leave no doubt as to their meanings.

The linguistic analysis is performed at two levels: semantic and syntactic. The first stage is the semantic analysis. Here, the vocabulary of the sentence is analyzed.

The known linguistic term, *quantitative-semantics*, is given a special significance since it enables a pre-ranking of the nouns, adjectives, adverbs beyond their regular usage. *Quantitative semantics* analysis searches especially for superlatives such as "*never*", which indicate an extreme case. This analysis is supported in the first stage by using an expression named "*distinguished*".

In order to find *distinguished* expressions it is recommended to use in the second stage of the analysis a methodology borrowed from *formal-languages*, a field in computer sciences. This analysis is supposed to strengthen or eliminate the indications found in the first analysis stage, the semantic analysis.

SKOMPUTERYZOWANA LINGWISTYKA I PSYCHOLOGIA POKONUJĄC OGRANICZENIA POLIGRAFU

Abstrakt: Artykuł opisuje urządzenie, które w niektórych przypadkach zastępuje poligraf. Poligraf niekiedy jest mało efektywny w mierzeniu wiarygodności świadka, np. poligraf nie jest skuteczny, gdy świadek wierzy w swoje zeznanie, nawet jeśli w rzeczywistości nie jest ono prawdziwe. W takich przypadkach pomocny jest alternatywny test wiarygodności.

Inną słabą stroną poligrafu jest to, że nie można wykonać testu bez zgody świadka. Poza tym z powodu jego uciążliwości, test na poligrafie nie może być wykonany *in vivo*. Te wady inspirowały do poszukiwania alternatyw dla poligrafu. W niniejszym artykule sugerujemy metodologię i towarzyszące jej oprogramowanie, które przezwyciężają wymienione niedogodności poligrafu.

Metodologia jest oparta na kognitywnej metodzie terapii behawioralnej dla komputera (CBT) (Burns, 1999). CBT była przede wszystkim przeznaczona do terapii psychologicznej, ale może też być używana do charakteryzowania osobowości. Ta metodologia może być również stosowana do określania zaburzeń osobowości świadka i oszacowania stopnia jego wiarygodności.

Lingwistyczna analiza jest wykonywana na dwóch poziomach: semantycznym i syntaktycznym. Pierwszy etap stanowi analiza lingwistyczna, która bada słownictwo.

Nowe podejście lingwistyczne polega na analizie *semantyki ilościowej*, która określa pewien typ skalowania, przede wszystkim przymiotników i przysłówków w potocznym użyciu.

Analiza *semantyki ilościowej* poszukuje głównie superlatywów (np. 'nigdy'), które wskazują skrajne przypadki. Pierwszy etap tej analizy polega na określeniu odpowiedniego użycia tzw. „słów wyróżnionych" (przedstawionych na ilustracji 1). Aby znaleźć te „wyróżnione wyrażenia", na drugim etapie badania należy dokonać analizy syntaktycznej (ilustracje 5 i 6). Ten proces powinien potwierdzić wyniki otrzymane na pierwszym etapie badań.

Komputeryzując analizę składni zdania, możemy szybko zakwalifikować tekst, używając metod *semantyki ilościowej*, pokazanej poniżej. Skomputeryzowana semantyka ilościowa może być stosowana jako narzędzie pomocnicze w psychologii i autopsychoterapii.

Kognitywna terapia behawioralna(CBT) jest obecnie bardzo popularną metodą wśród psychoterapeutów i stała się bodźcem dla rozwoju *semantyki ilościowej*. Jej główna zaleta polega na prostocie i schematycznej metodologii. Te cechy ułatwiły stworzenie i wdrożenie skomputeryzowanego modelu kognitywnego terapii(ICBT). ICBT jest skomputeryzowanym CBT i zajmuje się obróbką informacji. Istotną cechą tego modelu jest znajdowanie tzw. zniekształconych myśli. Myśl zniekształcona jest myślą, która próbuje przedstawić rzeczywistość, ale w zdeformowanej formie (Burns, David D., 1999).

Na przykład następujące przypadki przedstawiają myśl zniekształconą: Student, który otrzymał notę dostateczną, konkluduje: *Jestem kompletnym durniem.* Chłopak po kłótni ze swoją dziewczyną wyciąga wniosek: *Dziewczyny wszystko psują. Ja nigdy nie będę w stanie dojść do ładu z dziewczynami.*

Myśli kognitywne są sformalizowane przez ludzki mózg w języku naturalnym w formie mówionej lub pisanej. Z tego powodu analiza każdej myśli może być wykonana na zdaniu – lingwistycznym odpowiedniku myśli. Tekst zawierający zniekształcone myśli charakteryzuje się występowaniem superlatywów.

בלשנות ממוחשבת ופסיכולוגיה – התגברות על חסרונות הפוליגרף

Hebrew Abstract תקציר: הפוליגרף יעיל **במידה ידועה במדידת** אמינותו של עד, אבל הוא אינו יעיל כאשר העד מתנהג כאילו העדות היא האמת, **גם כשאיננה כך**. חסרונות **נוספים** של **בדיקת** פוליגרף נעוצים בהעדר דיסקרטיות הנובעת מהצורך לקבל את הסכמתו של העד לביצוע בדיקת הפוליגרף. **כמו כן**, בדיקת פוליגרף אינה יכולה להתבצע בזמן אמת, בגלל הסרבול והעומס **הכרוכים בכך**. חסרונות אלו של הפוליגרף **עוררו את השאיפה למצוא תחליף** לפוליגרף. המאמר הזה **מציג** כלי עזר שעשוי להחליף את הפוליגרף במקרים מסוימים. כלי זה מציע מתודולוגיה המלווה בחבילת תוכנה המתגברת על החסרונות הנ"ל של הפוליגרף. הכלי המוצע **מכונה "*תוכנת מעריך אמינות אנושית*":**

Software for Human Reliability Estimator – SHRE). המתודולוגיה מבוססת על שיטת טיפול קוגניטיבי-התנהגותי הנעזרת במחשב **(computer-assisted cognitive behavioral therapy methodology**, או **CBT**, ברנס 1999). שיטת ה-**CBT**, שפותחה במקור לטיפול פסיכולוגי, יכולה לשמש גם לאפיון אישיות ולמציאת הפרעות אישיות של העד ולהערכת אמינותו**.** שיטת ה-**CBT** יוצאת מתוך ההנחה כי מחשבותיו (הקוגניטיביות) של האדם באות לידי ביטוי בהתבטאותו המילולית (או במבעיו הלשוניים). בספרות אובחנו כעשרה סוגי מחשבות, המכונים *עיוותי מחשבות*, שמצביעים על או **משקפים** סטייה התנהגותית. על סמך הנחת היסוד שצוינה, ניתן למפות את מחשבות האדם, כולל *עיוותי מחשבה*, בכתב או **באמצעי אחר**, ולנתח אותן באופן שיטתי בעזרת כלים בלשניים. הכלים הבלשניים אמורים לסרוק את מיפוי המחשבות ולגלות את *עיוותי המחשבה* שמוינו על ידי חלוצי שיטת ה-**CBT** (במידה שהם קיימים). להמחשת *עיוותי מחשבה* מוצגות **במאמר זה** דוגמאות למחשבות המשקפות מצבים קיצוניים כגון תיאורי זמן (תמיד, אף פעם), מקום (בכל מקום, בשום מקום), כמות (כל, כולם, אף אחד), יכולת (מוכרח, לא מסוגל) ועוד, כלומר, ביטויים שאינם משאירים מקום לספק **בדבר קיצוניותם**.

הניתוח הבלשני הזה מבוצע בשתי רמות: סמנטית וסינטקטית. השלב הראשון הינו ניתוח סמנטי הבודק את אוצר המילים (של המשפט). המונח הבלשני "*סמנטיקה-כמותית*" משמש כאן במשמעות מיוחדת**:** *סמנטיקה-כמותית* מאפשרת דירוג ראשוני של כל שמות **ה**עצם, שמות **ה**תואר, ותארי **ה**פועל מעבר לשימושם הרגיל. ניתוח של *סמנטיקה-כמותית* מחפש במיוחד סופרלטיבים כגון "*אף פעם*", אשר מצביעים על מקרים קיצוניים. ניתוח זה מבוסס בשלב ראשון על השימוש בביטויים הקרויים "*מיוחדים*, **יוצאי דופן**". כדי למצוא את הביטויים *המיוחדים* בשלב השני של הניתוח, אנו משתמשים בשיטת ניתוח תחבירי השאולה מתחום השפות הפורמאליות **ב**מדעי המחשב. ניתוח זה אמור לאשש או לשלול את הממצאים שזוהו בצעד הראשון של הניתוח, כלומר בשלב הניתוח הסמנטי.

Introduction

The present paper is interdisciplinary in its functions and applications. The computerized linguistic analysis presented here can be used, for example, in the disciplines of law and psychology.

Law, linguistics, and their connection to computers have been previously studied (Cotterill 1968; Gibbons 2003; Shuy 1966; Olson 2004). The present article focuses on linguistic analysis of cross-examination texts (Colma 1970, Salhany 2006, Glisan 1991). Part of this paper is about the use of semantic analysis in psychology in that the vocabulary of thoughts is checked. ***Distorted thought*** text is characterized by the use of superlatives such as "***never***". The definitions of ***distorted thought*** has been defined and categorized by the developers of CBT (Burns 1999 and Greenberger and Padesky 1995). These categorizations can be used to automatically recognize and classify written statements by a computerized analysis (Kearns 2000; Knuth 1964). This analysis is based, in the first iteration, on the corresponding use of expressions called '***distinguished***' words. To find these *distinguished* terms, which possibly indicate cognitive distortions, quantitative semantics is introduced.

The present article's analysis is based on the title's two main components, namely linguistics and psychology. Linguistics' two main branches, semantics and syntax, were used in the development of a software tool called Software Human Reliability Estimator (SHRE). SHRE can be used as an alternative to a polygraph. The syntax's extended treatment is represented by the following elements: BNF definitions (a computer sciences method using formal languages for defining a computer languages' syntax), speech parts decomposition and parsing tree construction.

Both of the linguistics parts complement each other and they form a validation of the results. Further analysis is done using the program's psychological aspects which estimates the reliability of the individual and the results obtained.

The psychological section, called ***'Evaluation',*** recognizes a cognitive distortion and if required, replaces it by a proposed correction. The correction of the ***distorted***

thought isn't generally the purpose of the SHRE, but some of the software's applications may be in guiding the user towards self-improvement.

Semantics: Quantitative semantics preface

The linguistic term ***quantitative-semantics*** is widely used in the context of the introduced application***. Quantitative-semantics*** allows for a type of scaling of primarily adjectives and adverbs beyond their common usage.

Quantitative-semantics analysis looks in particular for superlatives such as '***never'***, which hints at an extreme case. The analysis is based, in the first iteration, on the corresponding use of expressions termed '***distinguished'*** words, representing distortion thoughts. To find these ***distinguished*** terms, one must analyze a syntactic sentence. This should reconfirm the indications iterated in the first stage.

Using computerized sentence analysis, we can quickly classify texts using the semantic-quantification methods shown below. Computerized quantitative-semantics can be used as an auxiliary tool for psychology and for self-psychotherapy.

Cognitive behavioral therapy (CBT) is currently a very popular method among psychotherapists and was the impetus for developing ***quantitative semantics.*** Its main advantage lies in its simplicity and in its schematic methodology. These characteristics facilitate the creation of a computer-implemented cognitive therapy model, iCBT ("i" stands for information). iCBT is a computerized CBT that deals with an auxiliary computerized ***information*** processing,

The crux of this model lies in finding the person's so-called '***distorted thought'***. A ***distorted thought*** is a thought that tries to represent reality, but instead gives a distorted or unrealistic result (Burns 1999). For example, the following sentence represents a ***distorted thought***: A student who has received a grade C concludes "***I am a complete moron***…". Another example deals with someone who, after quarreling with his girlfriend, concludes: "***Girls always spoil the relationship. I will never be able to hold on to a girlfriend***…"

Cognitive thoughts may be formulated by the human brain into a natural language, namely, into meaningful spoken or written sentences. Therefore, the analysis of any thought is actually performed on the sentence, the thought's linguistic counterpart. ***Distorted thought*** text is characterized by the use of superlatives. In order to help to find them in an analyzed text, the following additional general terms are introduced for better understanding the further formulations.

a. *Human Factor* – the aspects that deal with behavioral sciences, namely, psychology and more specifically, CBT – cognitive behavioral therapy.
b. *Languages* – a natural language is the interface between subconscious thoughts and conscious speech.
c. *Measurement* – the measurements are performed to evaluate the tested text. The ***distorted thought*** is then transformed into its normative counterpart.

Semantics: Quantitative semantics – detailed description

Semantics (Kearns 2000;Ferdinand and Harri 1986) is a linguistic area of study that tries to parse the significance of a sentence and its parts. This is one of the required fields in cognitive thought analysis. In order to better serve the needs of iCBT, we will propose some ranking of the vocabulary.

This ranking is termed hereafter as ***Quantitative-Semantics***. It is defined as follows: The parts of speech, for example, adjectives, adverbs, and nouns are organized into "family-groups" containing sorted members in the family group. Each group treats some property represented by an abstract noun (or term) such as ***speed***, ***hunger, and feeling (hot, cold, etc.).***

The sorting is done according to the intensity of the meaning of the word in the family-group, starting from a lower intensity, proceeding through moderate words and then to the higher ones. The members of the family-group appear with their attached intensity value.

For example, the sequence of the following words represents the idea: ***{{cold, -2}, {hypothermal,-1}, {lukewarm, 0, {tepid, 0}, {warm,1},{ hot,2}}.***

This ranking will first be presented in BNF notation (Figure 1) with the auxiliary notation (Figure 2), and then its usage will be analyzed.

This is only a partial list of a much longer one that is being created to indicate contrast.

Syntax: Defining Bacchus normal form or Bacchus-Naur form (BNF) notation

The BNF method for describing the linguistic characteristics of various ***distorted thoughts*** is widely used in defining the syntax of programming languages (Knuth 1964). This technique will be used in the context of iCBT. Understanding this technique is essential for further understanding this article.

Figure 1 (a): Defining a Grammar, which can generate the extreme terms, so called "*distinguished*" words indicating ***distorted-thoughts:*** main set.

1. *<determining-term>::=<extreme-term> | <moderate-term>*
2. *<extreme-term> ::= <minimal-term> | <maximal-term>*
3. *<minimal-term>::= <minimal-timing-term> | <minimal-location-term> | minimal-personal-term> | <minimal-still-term>*
4. *<maximal-term> ::= <maximal-timing-term> | <maximal-location-term> | maximal-personal-term> | <maximal-still-term>*
5. *<moderate-term>::= <moderate-timing-term> | <moderate-location-term> | moderate-personal-term> | <moderate-still-term>*
6. *<emotional-term>::= < negative-emotional-term > | < positive-emotional-term>*
7. *< negative-emotional-term >::= sadness | unhappiness |despondency | depressing | anxiety | restlessness | unease | dissatisfaction | discontent*
8. *< positive-emotional-term>::= happiness | calmness | satisfaction | contentment*

9. *<minimal-timing-term>::= never | not at all | not at any time | not ever | not in any way*
10. *<maximal-timing-term>::= always | constantly | without stopping | anytime*
11. *<moderate-timing=term>::= sometimes | once in awhile | occasionally | often | seldom | frequently | in many cases*

12. *<minimal-location-term>::= nowhere | not anywhere | in no place*
13. *<maximal-location-term>::= everywhere | in every place | in every location*
14. *<moderate-location-term>::= here and there | somewhere | someplace | some location | any place*

(a)

Figure 1 (b): (continuation)

1. *<minimal-manner-term> ::= wrong | behave unjustly toward | injure | harm | violate | malign | discredit*
2. *<maximal-manner-term>::= well | excellently | in a good manner | appropriately |properly | significantly | in good spirit | completely |totally*
3. *<positive-relation>::= love | like | polite |respect | honor |dignity | face |glory | homage| honorableness | kudos | regard | reputation | comity | success*
4. *<negative-relation>::= hate | cruel | scorn | contempt | derision |disregard | disparagement| flippancy | levity | failure*
5. *<moderate-relation>::= acquaintance | friend*
6. *<sharp-conscientiousness>::= should | must | have | mandatory | obligatory*
7. *<moderate-conscientiousness>::= may | might | can | could | maybe | possible | probable*
8. *<negative-label-affront>::= stupid | fool | pig | monkey | donkey*
9. *<positive-label-affront>::= wise | smart | talented | lion | cat*

(b)

Figure 2: Definitions of auxiliary terms

<connector>::= <cause-connector> | <pointing-connector>
<cause-connector> ::= therefore | because | and so | hence | namely | i.e.| however
<pointing-connector>::= that | which | who
<importance-term>::= <neglecting-term> | <emphasizing-term>
<less-important-term>::= by coincidence | it's nothing | good luck | only
<more-important-term>::= intentional | knowingness | willfulness

The BNF methodology is based on using symbols (Figure 3) for its notation (Chomsky 1957).

The ***sharp-brackets*** contain the terms to be defined and the terms that already have been defined. The set of two colons and the equal operator define the assignment operator in *BNF* notation. **"|"** denotes the alternative operator, as shown in the example

(Figure 4). The ***rectangle-brackets*** denote an option. The ***tilde*** operator denotes a negation or complementation. The ***space*** denotes the concatenation operator and the regular parentheses control the precedence of the operators as they do in algebra (Figure 4). The three dots denote a repetition.

Figure 3: BNF's conventional symbols

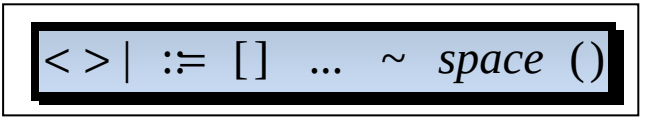
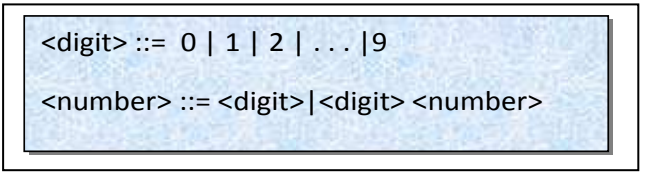


Figure 4: An example using the BNF symbols to define the term *number*.



Syntax: Analysis

(i) Syntactic parts

For the computer to accurately analyze a sentence, the sentence must be decomposed into its syntactic parts. Assuming that the sentence's words are found in a dictionary along with their corresponding part of speech, e.g., an adjective, noun, verb, and adverb, it is possible to classify the sentence's words into their syntactic role within the sentence. Knowing the syntactic function of the sentence's words such as the subject, object, and predicate will help analyze the semantics or the meaning of the sentence. This meaning enables us to automatically recognize ***distorted thoughts***.

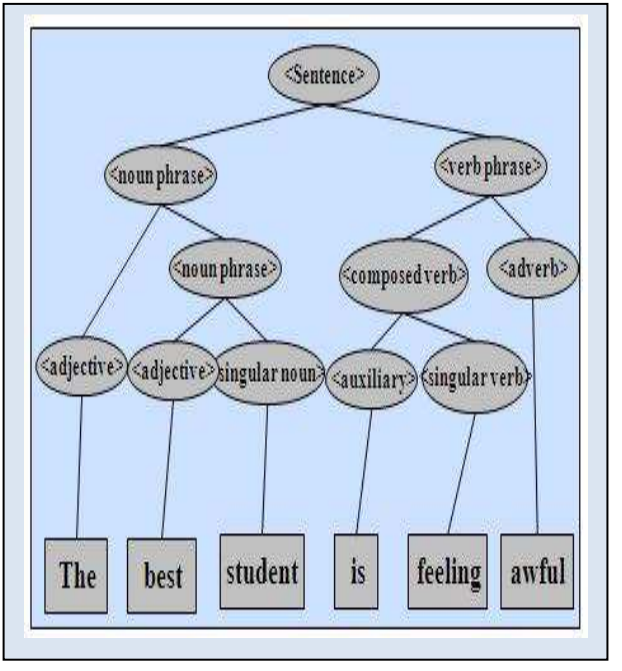
(ii) Examples

A simple sample sentence "***The best student is feeling awful"*** will be analyzed. Initially, the BNF corresponding rules are applied **(**Figure 5**)** and the corresponding derivation tree (Figure 6) is obtained using the ***syntactic-structure*** method. The usefulness of the BNF notation and of decomposing the syntactic structure will be further discussed.

Figure 5: Derivation – BNF rules of a sentence: ***"The best student is feeling awful."***

```
<sentence> ::= <noun phrase> <verb phrase>
<noun phrase>   ::= <adjective> <noun-phrase>|
          <adjective><singular noun>
<verb phrase> ::= <verb> <adverb>
<verb>  ::= <singular verb>| <composed verb>
<composed verb> ::= <auxiliary> <verb>
<auxiliary> ::=  is | are | have
<adjective> ::=  the | best
<noun> ::=  student
<singular verb> ::= feeling
<adverb> ::=  awful
```

Figure 6: The derivation/parsing tree of the sentence, ***"The best student is feeling awful",*** uses the rules from Figure 5.



A more extensive example is given by a sample of a cross-examination transcript (Figure 7), (Salhany R. 2006, 86-87). The background story of the interrogation in Figures 7(a-b) is as follows:

Alfred Rouse was prosecuted for the murder of an unknown man. His counsel, Donald Fennimore, led him through the various lies he made and asked him to explain each of the lies. The counsel's obvious purpose was to lessen the impact of any cross-examination as to why he had lied. This is similar to defense counsels leading defendants through their criminal records to dampen their effect on the jury before the prosecutor has a chance to raise any part of the record against the defendant.

Norman Burkett, who prosecuted Rouse, decided directly to raise the issue of those lies in his first questions.

Even with the advance preparation of the defendant by the defense counsel, the counsel cannot foresee the prosecutor's questions and therefore the defendant is forced to improvise answers and then falls in the trap laid out by the prosecutor who uses sophisticated questions. The answers of the defendant will be analyzed by the methodology introduced next.

The shown cross-examination (Figure 7) illustrates the witness's ***distorted-thought*** through his use of expressions such as ***always***, ***never, which*** are ***extreme-time*** expressions, indicating a "***minimization and magnification***" distortion type (Figure 1). The presented technique is even more effective in analyzing the ***character-evidence,*** which is composed of longer texts with fewer interruptions.

Figure 7(a): A transcript of a cross-examination, in which our analysis may improve witness evaluation (Glisan, James Lindsay. 1991 p. 86-87).

Q. Rouse, when you told my learned friend that the lies you had told in Wales were unfortunate, what did you mean?

A. Well, I think that it is always best — I have always been noted for telling the truth for the whole of my life; I am not used to telling lies. At the time I thought it was the best thing to do.

Q. Why? Why was lying better than telling the truth?

A. Because there are many members of the family, for one thing, and I should have to tell the story over and over again, and I did not like to tell it with ladies present.

Q. Why tell it at all, if you told a lie?

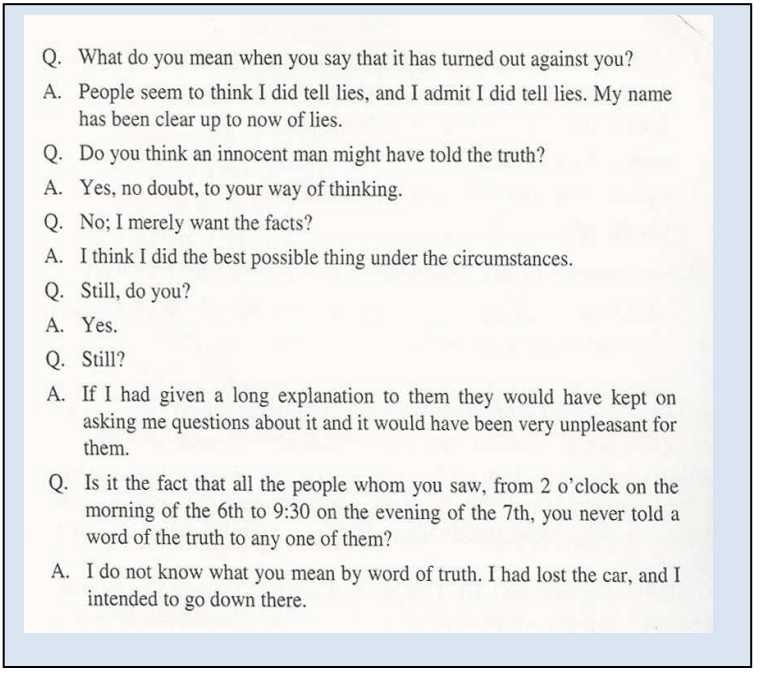
A. I was asked where my car was.

Q. You think it was unfortunate that you should tell lies in Wales?

A. It turned out to be subsequently, now, perhaps against me.

(a)

Figure 7(b): (continuation)



Q. What do you mean when you say that it has turned out against you?

A. People seem to think I did tell lies, and I admit I did tell lies. My name has been clear up to now of lies.

Q. Do you think an innocent man might have told the truth?

A. Yes, no doubt, to your way of thinking.

Q. No; I merely want the facts?

A. I think I did the best possible thing under the circumstances.

Q. Still, do you?

A. Yes.

Q. Still?

A. If I had given a long explanation to them they would have kept on asking me questions about it and it would have been very unpleasant for them.

Q. Is it the fact that all the people whom you saw, from 2 o'clock on the morning of the 6th to 9:30 on the evening of the 7th, you never told a word of the truth to any one of them?

A. I do not know what you mean by word of truth. I had lost the car, and I intended to go down there.

(b)

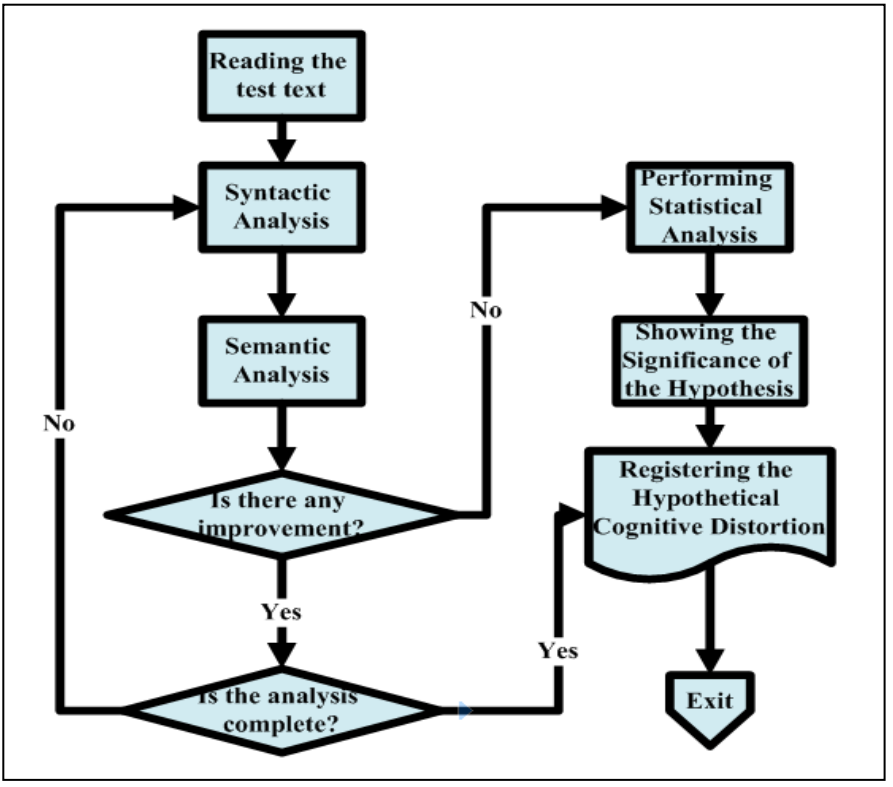
Evaluation: Identifying cognitive distortion

The *Quantitative-Semantics* (QS) and the BNF notation defined before enables the analysis of the sentence's meaning. Such analysis is essential for identifying thoughts having cognitive distortion. The structure (BNF) and the evaluation of meaning (QS) reinforce each other. Namely, BNF enables a more accurate way of classifying the sentence's words into their corresponding QS categories (Figure 8). In addition, conversely, the first-iteration of the sentence's word classification may improve the first decomposition.

Statistical tools, whose usage is demonstrated by describing the treatment of mental filter cognitive distortions, support the above analysis.

The next relevant step in *identifying cognitive distortion thoughts* (Apostolico and Galil (Editors) 1997, Navarr 2002, Charras 2004) is to discover whether the analyzed sentence belongs to one of the known categories in the bibliography (Burns 1999) of *cognitive distortion thoughts.*

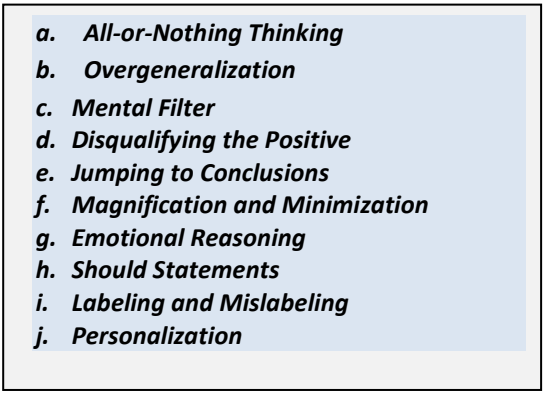
Figure 8: An algorithm for cognitive distortion recognition.



The thought distortions are generally recognized by using the *external-terms* (superlatives) introduced in section 3 in a special context, or by constructing a special sentence.

Some of the known distortions (Figure 9) will be listed below and their linguistic (semantic and syntactical) properties will be noted.

Figure 9: Cognitive distortion thought categories (Burns 1999).



(i) All-or-nothing thinking

A template (1) may determine this type of distortion.

(1) ***~ <maximal-term> , [<cause-connection>]***
I am(<minimal-still-term> | <negative-label-affront>)

The following example shows the essence of the above template (1.): "I received a grade of 85 in the examination. I am a complete fool; how could I make such a mistake?"

(ii) Overgeneralization

This type of distortion may be determined by a template (2) using the <timing-term> notations taken from Figure 1 and with the <event> notation, which denotes a sentence describing some kind of event.

(2) ***<overgeneralization-distorted-sentence> ::= <maximal-timing-term><negative-event>*** | ***<minimal-timing-term> <positive-event>***

The following examples use the ***overgeneralization*** class of thoughts:
"I ***always fail*** the examination."
"I ***never succeed*** in passing the examination."

(iii) Mental filter

This ***cognitive-distortion*** causes the person to perform a so-called ***selected-abstraction***. Here the template would be (3):

(3) ***[because] <negative-event> , <negative-relation>***

Example: "He laughed at her; that person is very cruel."

In order to identify this distortion, the tone can use statistical methods [11] to find significant use of *negative-relation*s in comparison with *moderate-relations* from the same person. The rate given may be compared with the rate known in the person's milieu (community/population).

(iv) Disqualify the positive
Here, the template consists of two components (4), where a <*positive-event*> generally describes a sentence in which the event yields a positive outcome for the subject. The component <*less-important-term*> relates to neglecting (an antonym of emphasizing) term.

(4) **<positive-event><less-important-term>**

An example is the following conversation:
You are a very good student. You received a very good grade.
It is a coincidence. I am just lucky.

(v) Jumping to a conclusion:
Drastic decisions are made, owing to bad speculations about the future and an incorrect reading of people's thoughts.

(vi) Minimization – maximization
This class is characterized by using the <*extreme-term*>*s.*

(vii) Emotional Reasoning
The category of cognitive distortion, *Emotional Reasoning*, is treated according to the template given next (5):

(5) ***I am <negative-emotional-term> <cause-connector>***
I am <minimal-still-term>

This definition can be improved by finding a more general determination of subject I.

(viii) Should statements
To treat the distortions based on *should statements*, we will perform ***pattern matching*** (see (Apostolico and Galil (Editors) 1997; Navarr 2002; Charras 2004)). The template ***<sharp-conscientiousness***> is related to the ***subject*** (the ***syntactic-part*** of a sentence), where the ***subject*** is referred to in ***first-person*** such as I and me.

(ix) Labeled and mislabeled
Labeled and mislabeled *sentences* constitute a class of distorted sentences containing the ***<negative-label-affront>*** attached to an ***object* (*syntactic-part*** of a sentence). This object relates to the second **or *third-person* (*speech-part***).

The difference between the *Labeled-terms* and ***Mislabeled-terms*** lies in the degree of the reliability. The mislabeled-term group members indicate the existence of ***distorted thought***, whereas the members belonging to the labeled-terms are candidates for causing disturbances through cognitive distortions. It all depends on the context in which the terms are used. The tree-structured analysis is helpful in analyzing such a context.

(x) Personalization

The cognitive distortion category, ***Personalization***, is treated according to the developed iCBT methodology. Additional items in the ***Personalization*** list should be treated as the others. This list should include the following expressions: self-blaming, negligence, fault, and responsibility. This is achieved by defining the template that treats the ***Personalization*** type of cognitive distortions.

Evaluation: Identifying cognitive distortion thoughts

The summarized procedure mentioned previously is given herein. The ***Quantitative-Semantics*** (QS) and the BNF notation defined before enables the analysis of the sentence's meaning. Such an analysis is essential for identifying thoughts having cognitive distortion. The structure (BNF) and the evaluation of meaning (QS) reinforce each other. Namely, BNF enables a more accurate way of classifying the sentence's words into their corresponding QS categories (Figure 8). In addition, conversely, the first-iteration of the sentence's word classification may improve the first decomposition.

Statistical tools, whose usage is demonstrated by describing the treatment of Mental Filter cognitive distortion, support the above analysis.

The next relevant step in ***identifying cognitive distortion thoughts*** is to parse (Apostolico and Galil (Editors) 1997; Navarr 2002; Charras 2004)a given transcription of thoughts to determine whether the analyzed sentence belongs to one of the known categories in the bibliography [2] of ***cognitive distortion thoughts.***

The thought distortions are generally recognized by using the *external-terms* (superlatives) introduced in section 3 in a special context, or in a special sentence construction.

Some of the known distortions (Figure 9) will be listed below and their linguistic (semantic and syntactical) properties will be noted.

(i) All-or-Nothing Thinking

A template (1) may determine this type of distortion.

(1) ***~ <maximal-term> , [<cause-connection>] I am(<minimal-still-term> | <negative-label-affront>)***

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The following examples use the ***Overgeneralization*** class of thoughts:
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Here, the template consists of two components (**4**), where a <*positive-event*> generally describes a sentence in which the event yields a positive outcome for the subject. The component <*less-important-term*> relates to a neglecting (an antonym of emphasizing) term.

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Drastic decisions are made, owing to bad speculations about the future and an incorrect reading of people's thoughts.

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This class is characterized by using the <*extreme-term*>*s.*

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I am <minimal-still-term>

This definition can be improved by finding a more general determination of the subject I.

(viii) ***"Should*** " statements

To treat the distortions based on *should statements* we will perform *pattern matching* (Apostolico and Galil (Editors) 1997; Navarr 2002; Charras 2004). The template **<*sharp-conscientiousness*>** is related to the ***subject*** (the ***syntactic-part*** of a sentence), where the *subject* is referred to in ***first-person*** such as I and me.

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Labeled and mislabeled sentences constitute a class of distorted sentences containing the <*negative-label-affront*> attached to an *object* (*syntactic-part* of a sentence). This object relates to the second or ***third-person* (*speech-part*).**

The difference between the *Labeled-terms* and *Mislabeled-terms* lies in the degree of the reliability. The mislabeled-term group members indicate the existence of ***distorted thought***, whereas the members belonging to the labeled-terms are candidates for causing disturbances through cognitive distortions. It depends on the context in which the terms are used. The tree-structured analysis is helpful in analyzing such a context.

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The cognitive distortion category, ***Personalization***, is treated according to the developed iCBT methodology. Additional items in the *Personalization* list should be treated as the others. This list should include the following expressions: self-blaming, negligence, fault, and responsibility. This is achieved by defining the template that treats the ***Personalization*** type of cognitive distortions.

Evaluation: Correcting cognitive distortion thoughts

After discovering the ***distorted thoughts*** and recognizing them in the transcribed text, the psychotherapist may suggest some corrections (Burns 1999) in the original text.

This operation may be partially computerized using known algorithms in the field of the string/tree *pattern-matching* (Apostolico and Galil (Editors) 1997, Navarr 2002, Charras 2004, Gawne-Kelnar 2008).

The proposed computerized ***CBT*** is intended to give the intended individual an opportunity to achieve gradual self-correction by choosing the appropriate expression from a list of proposed ***moderate-expressions*** (Figure 1) and substituting it for the ***extreme expression***. The ***iCBT*** can automatically perform such substitutions and show the user the computer's solution.

Concluding remarks

The whole cycle of the iCBT is schematically described in Figure 8. It should be emphasized that the adjectives and adverbs may be categorized into two classes: superlative and mild.

(i) Superlative

The ***superlative*** class is a class in which the terms can be categorized very easily, suggesting some ***cognitive-distortion***. This class contains expressions such as ***impossible*** or ***never***.

(ii) Mild

The ***Mild*** class contains expressions that express some doubt. Statistically, they more accurately describe reality (Burns 1999) and they may be substituted for the superlative counterparts. This class contains expressions such as *improbable* or *seldom.*

The iCBT ***(Computerized CBT)*** (Ophir 2012) *is* a kind of ***bibliotherapy*** (Weld 2009) that uses *reading* as a therapeutic treatment method. The presented methodology, together with transformational grammar (Chomsky 1957) (supported by statistical methods), transforms an affirmative sentence into an interrogative one, upgrades the *reading* to an interactive collaboration between the software-system and the user-client.

The advantages of *iCBT* over ***bibliotherapy*** lie in *iCBT's* adaptiveness and therefore, it responds more accurately to the client. In the future, an improved human-computer relationship using audio devices enabling voice recognition instead of the textual input devices will be used. These types of devices can be termed *media user interface (MUI)* instead of the current *graphic user interface (GUI)*, and will also include audio and other media possibilities.

A further suggestion is that future SHRE developments should quantitatively compare the SHRE results with that of the polygraph. A simple test would be to organize a group of volunteers who would be asked questions by the polygraphs operator. The answers given by the subjects would then be transferred to the software reliability tester and the evaluations can be compared with the polygraphs conclusions. It would be interesting to see the correlations between the conclusions of the two concepts: polygraph versus the SHRE.

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GENERAL AND LOCAL ISSUES IN FORENSIC LINGUISTICS: ARABIC AS A CASE STUDY[28]

Judith ROSENHOUSE BA, MA, PhD
SWANTECH Ltd., 89 Hagalil St., Haifa 3268412 Israel
swantech@013.net.il

Abstract: This paper is concerned with four main aspects or parts of forensic linguistics: Forensic linguistics in speech mode and in writing, the special status of Arabic, linguistic problems and possibilities of translation for forensics, and Language Analysis for Determination of Origin (LADO). After presenting these issues in the introduction, we describe the language situation of Arabic, mainly in Israel, in the context of these four issues. The discussion is based on the literature concerning problems of translation and LADO in courts of justice in various countries, including Israel. We consider LADO as a developing field of forensic linguistics, and demonstrate by examples some problems that may rise from speech recordings of Arabic speaking asylum seekers. Based on this survey, we point out in the conclusion some research needs of general forensic linguistics and Arabic-related forensic linguistics.

PROBLEMATYKA OGÓLNA I LOKALNA W LINGWISTYCE SĄDOWEJ NA PRZYKŁADZIE JĘZYKA ARABSKIEGO

Abstrakt: Artykuł koncentruje się na czterech aspektach lingwistyki sądowej: lingwistyka sądowa jako sposób formułowania treści mówionych i pisanych, szczególny status języka arabskiego, problemy lingwistyczne i możliwości tłumaczenia w sądach, zastosowanie analizy językowej do ustalenia pochodzenia. Po przedstawieniu tych kwestii opisana zostanie w ich kontekście sytuacja języka arabskiego, głównie w Izraelu.

עניינים כלליים ומקומיים בבלשנות משפטית: ערבית כמקרה מבחן

תקציר
המאמר דן בארבעה היבטים או חלקים של הבלשנות המשפטית: בלשנות משפטית בדיבור ובכתיבה, ייחודה של השפה הערבית, בעיות בלשניות ואפשרויות תרגום במערכת המשפט, וניתוח שפה לקביעת מוצא (LADO). אחרי הצגת הנושאים האלה במבוא, מתואר מצבה של הערבית בעיקר בישראל בהקשר של ארבעת ההיבטים הנ"ל. הדיון מתבסס על הספרות הדנה בבעיות התרגום ו-LADO בבתי המשפט בארצות שונות, כולל ישראל. אנו סוקרים את LADO כתחום מתפתח של בלשנות משפטית ומדגימים מספר היבטים של LADO בעזרת דוגמאות מבעיות שעלולות להתעורר מהקלטות דיבור של מחפשי מקלט דוברי ערבית. בהתבסס על הסקר הזה, אנו מצביעים בסיכום על מספר צרכים מחקריים של הבלשנות המשפטית בכלל והבלשנות המשפטית המתייחסת לערבית בפרט.

[28] This paper is an expanded and modified version of a plenary talk at the International Legi-Linguistics Conference, Poznan, June, 2013.

Introduction
Forensic linguistics

Forensic sciences have been developing very much since the 20th century. They include many areas e.g.: anthropology, ballistics, chemistry, dentistry, drug and poison engineering, pathology, photography, psychology, spectrophotometry, etc., and in addition: forensic linguistics (Conklin et al. 2002). Forensic linguistics focuses on language in its interaction in the legal arena (e.g., O'Barr 1982). This involves authorship attribution, language in libel and defamation cases, analysis of legal documents, law texts, courtroom language and translation, etc. (Coulthard and Johnson 2007, Kniffka, 2007, Shuy 1993). Due to the continuous increase of ASs mostly since the 20th century (Zwaan et al. 2010) a relatively new sub-field of forensic linguistics analyzes ASs' speech and language.

In addition to the above classifications, we can study forensic linguistics by its two modes of application, speech and writing. These modes differ by material and goals: In speech, mainly phonetic aspects of recorded speech samples are examined for goals such as speaker recognition and verification in addition to grammar and lexicon. In written texts, the vocabulary, grammar, style, discourse structure, etc., are examined for goals such as author authentication, handwritten text confirmation (by an alleged author), ambiguities elucidation, etc. The differences between these two modes involve different analysis and work methods in these areas. One of the areas of forensic linguistics is translation at courts of law, which may involve translation of written texts or oral translation, i.e., interpretation.

A brief background survey of Arabic

A survey of the literature on forensic linguistics reveals that it relates mainly to languages used in Europe, USA and Australia. Relatively less research examines forensic linguistics of Middle Eastern Semitic languages, such as Arabic, which is the dominant language of that region or Hebrew, which is dominant in Israel. We therefore aim here to contribute to forensic linguistics by focusing on Arabic in Israel.

Before embarking on the linguistic description, we should mention some general facts about Arabic. This is a Semitic language (Voigt 2009) with a long history and many dialects. Its original speakers have been spreading out from the Arabian Peninsula to the north, east and west since the 7th century (Behnstedt and Woidich 2005). In time the Arabs reached Turkey and Spain in Europe, and Iran, Kazakhstan, Afghanistan, Northern India and even Malaysia in Asia. Arabic is now dominant in the Middle East and North Africa (MENA). It is the 5th world language by number of speakers (Holes 2004), with above 260 million native speakers, and more for whom it is a 2nd/foreign language. Many native speakers of Arabic have been emigrating to Europe, the Americas and Australia since the end of the 19th century, in constantly increasing numbers. These facts affect the whole world.

The wide geographical spread and long history have created numerous Arabic dialects[29]. The spoken dialects vary between different regions of the MENA. Indeed, certain Arabic dialects (e.g., Maltese; Mifsud 2008) differ so much from one another that they could be considered different languages.

Arabic also has a Modern Standard Arabic (MSA) variety. It developed along the centuries since the Classical Arabic period (the 8-9th centuries CE) and is its written variety. Since the Koran, the Muslim most important and prestigious document written in classical Arabic, its modern descendant (MSA) is also highly prestigious, even revered. MSA is conventionally considered as uniting the native speakers of the Arabic dialects which are not always mutually intelligible. Recent research has found, however, differences between MSA varieties in different Arabic countries (Ibrahim 2009). Most of the native speakers of Arabic still consider their language a single entity, referring to MSA, while dialects are usually considered inferior to MSA and unworthy of the term "language." MSA is, however, also spoken on various, mainly official occasions, which include religious preaching, lectures, news on the media, etc. For every-day matters, however, spoken colloquial dialects are used.

The current relations between MSA and the colloquial dialects are complex. Spoken dialects are the mother tongue (L1) of native speakers of Arabic (as in other languages). Dialects develop freely wherever their speakers live and communicate, yielding dialectal differences between different locations. MSA, on the other hand, is not a mother tongue: it is acquired by formal study (normally at school) and is thus limited to literate individuals. But since electronic media exist now all over the world, even illiterate people (and children) may be informally exposed to MSA and partly acquire it.
The dichotomy between formal/written and informal/spoken varieties in a single language community, found in many languages, was named Diglossia (Krumbacher, 1903, Marçais 1930, Ferguson 1959). It has been later realized that there is a gradation rather than dichotomy between MSA and the dialects[30] because MSA and CA have been affecting each other with the spread of literacy in the 20th century: CA dialects have absorbed some MSA elements, and MSA has been somewhat simplified on the way to modernization (compared to Classical Arabic) and now it may use also some CA vocabulary.

Five main general factors affect the development of CA dialects: Geography, Social status and demography, Religion, Gender, and Education (Kaye and Rosenhouse 1997, Behnstedt and Woidich 2005). CA dialects are geographically classified into Eastern vs. Western dialects (the center is in Egypt). These dialects are demographically classified into Sedentary (urban and rural) and Nomadic (Bedouin) dialects. Religion reflects communal distinctions, which are large in some places and small in others (Blanc 1964). Male-female language differences may distinguish speakers in a community (e.g., Rosenhouse 1998, Vicente 2009). Education is particularly relevant for Arabic diglossia and personal (demographic) differences (Al- Wer 2002). Arabic is now considered a mixed language (den Heijer 2012) since there is no clear boundary between MSA and

[29] In fact, even before the Muslims spread out from the Arabian Peninsula, Arabic dialects existed and were mainly categorized into Tamimi and Hijazi groups (Rabin 1951).
[30] CA dialects differ both among themselves and from MSA on all linguistic domains, though at various rates.

CA any more, and its diglossia has apparently yielded similar results in both past and present.

The linguistic situation in Israel and MENA at present

Although Arabic is the dominant language in the MENA, many other languages are spoken there, e.g.: Western and Eastern Aramaic in Lebanon, Syria and Iraq, Kurdish dialects in Iraq, parts of Syria and Turkey, Coptic and Nubian in Egypt, and Berber dialects in the North Africa. Native speakers of these languages have been living in the MENA for many centuries. Multilingualism in Israel is due to a different process of immigration. Speakers of more than 30 languages (Spolsky and Shohamy 1999, 3-4) immigrated to Israel, where the dominant language is Hebrew, another Semitic language. Native speakers of Arabic make about 20% of the population in Israel.

Many political and cultural changes occurred in the MENA during the 20th century due to strong Western influence, much technological progress, internal political changes and general globalization, among others (cf. Al-D≥ubaib 2001). As a result, many Arab immigrants and refugees immigrated to other Arabic-speaking and non-Arabic-speaking countries in the MENA and elsewhere. For example, more than two million Iraqi refugees emigrated from Iraq to other Middle Eastern and European countries after the war in Iraq in 2003. More recently, numerous Syrian refugees entered Turkey and Jordan due to the civil war in Syria. In their host countries, refugees form contacts with speakers of different Arabic dialects or other (local) languages. Contacts with such new language communities yield for them (as for other immigrants) new language processes, including erring, dysfluencies (hesitations), borrowing, code switching/mixing, linguistic accommodation, mother tongue attrition, etc. (cf. Behnstedt and Woidich 2011, 2012, Auer 1998, Auer and Wei 2007).

Asylum Seekers' and immigrants' language problems in courts of law (translation and interpretation)

Immigrants and ASs may face language problems when they have dealings with courts of law. When immigrants or ASs – any non-native speaker – go to a court of law for whatever reason they may:

(i) Not know the local language at all.
(ii) Know the local language to some extent (partly).
(iii) Know the local language well, but not like a native speaker.
(iv) Know the local language so well that a native listener cannot note that they are not native speakers.
(v) Know also additional dialect(s)/language(s) at various levels[31].

Such problems follow from the fact that immigrants' and ASs' forensic cases often involve translation and LADO (Language Analysis for Determination of Origin). LADO assumes that ASs' speech reveals their original nationality. However, it may be difficult to define the L1 of an AS who is proficient in more than an L1 dialect or language.

[31] Unlike the common cases 1, 2, 3, 5, case 4 is rather rare and is not discussed here.

Translation is often needed in court cases where ASs or immigrants are involved. Court translation is notorious for the problems it involves (Morris 1995). Moreover, a study of the situation in various countries is difficult because different situations and laws concerning translation at court exist in the different countries. For example, in certain states (e.g., UK, USA, Canada, Australia, Germany, the Netherlands), litigants who do not know the official State language are entitled (by law) to translation services at court. In certain countries the court is required to supply an interpreter for litigants; elsewhere the litigant has to employ interpreters and pay their fees. This latter situation may encumber litigants who are financially unable to hire a translator/interpreter and may hamper the possibility for them to gain full justice. In addition, even if the law proclaims the use of translation services at court, the application of this law varies in different counties. This problem has been noted in many publications (Schuster and Schlesinger 2007).

It has long been realized (in forensic and translation literature) that professional translation would help solve many problems that rise at court. The literature on this aspect also discusses problems related to translation needs and possibilities, referring to written translation and oral interpretation. These issues include translators' and interpreters' availability, qualification and skills, personal involvement, and understanding the implied sense of a spoken or a written text (cf. Lee 2011, Landau 1999).

Let us briefly discuss here translators'/interpreters' functions. For translators, understanding the implied sense of a written text involves "reading between the lines," analysis of grammatical and vocabulary use, noting orthographic and lexical errors, sociolinguistic considerations, etc. (cf. Lee 2011, Morris 1995, Schlesinger 1991, Landau 1999). Interpreters refer to simultaneous or consecutive speech. They speak "online" usually - whereas translators produce written work. The cognitive load in these two activities therefore differs greatly. But they also share issues of, e.g., availability and qualification. Not everywhere are there schools that train interpreters and translators, and not all schools prepare interpreters/ translators for work with all the languages needed at court. Thus, translators/interpreters are not always available for a specific case.

Interpreters'/translators' personal involvement is also discussed in the literature. Personal feelings and thoughts cannot always be avoided and may affect the resulting translation/interpretation in spite of interpreters'/translators' practiced disregard of emotions: interpreters may modify the litigant's utterances by adding or deleting words, phrases, gestures, pauses and hesitations. Understanding the implied sense of a spoken text is also reflected in interpreters' prosody (intonation, pauses, hesitations etc.), beyond vocabulary and grammar. Sometimes these modifications are misunderstood by the judge, and thus translation/interpretation may affect court processing and ruling.[32] Thus, translators and interpreters may not be entirely objective all the time, but translators have more time to (re-)consider their (written) output. Finally, Interpreters/translators cannot be entirely free from the influence of their employer's identity, i.e., the State or the litigant.

[32] Experienced professional interpreters/translators can disregard emotional issues but this often involves delayed psychological effects on them, as has been noted in the literature, as well as in Prof. C. J. Driesen's personal communication during the conference in Poznan, June, 2013.

LADO

Immigrants all over the world have been changing the population make-up in nation-states and many studies examine governmental policies which equate place of origin with language in LADO (e.g., Bloomaert 2009, Fraser 2009, Broeders 2010, Detailleur & Spotti 2012). Such studies claim that the official approach is not adequate in many cases, since various linguistic and social factors may modify a speaker's language skills. Such factors include human phonetic imitation abilities (Evans 2010), immigrants' duration away from the homeland, their physical distance from it and the separation from their L1 (Zwaan 2010), the language situation in the home country which can be multi-lingual or multi-dialectal (Detailleur & Spotti 2012, Bloomaert 2009), linguistic accommodation (Rosenhouse 2010), etc.

Although LADO began a few decades ago, not all ASs undergo language analysis as Zwaan (2010, 215) writes: "in 2008 the Dutch Secretary of State also indicated that in … about 10% of all asylum applications a language analysis is asked for"[33]. This situation is not unfamiliar in other Western countries (and Israel), and has raised linguists' awareness of immigrants' and ASs' difficulties in gaining asylum. UNO reports (e.g., UNCHR, 2011) attest that only a limited number of industrialized countries receive refugees, and even those at a small rate compared to refugees' numbers and needs. They also report that in recent years, thousands of refugees and ASs emigrated from the MENA due to wars, faith harassment, financial difficulties, etc. ASs' human rights are often violated in such situations, and various institutes (e.g., UNO) try to rehabilitate the ASs. In this context 19 linguists ("the Language and National Origin Group") published in June, 2004, a 6-page long document entitled "Guidelines for the Use of Language Analysis in Relation to Questions of National Origin in Refugee Cases" (Zwaan et al. 2010, and IJSLL internet site).

Arabic is obviously included in the language list of potential ASs for LADO processes. It seems that governments take Arab ASs seriously, not the least due to their numbers (Rieschild-Robertson 2007). However, a major problem of Arabic-speaking ASs is that not all the dialects are well known, or even just documented, and thus not all Arabic speakers can be correctly identified by their language (even by an expert linguist; cf. Broeders, 2010). If linguists do not know the dialects, it is a question how LADO can be applied. This involves that translation, which is needed to explain the AS's speech, is not always possible in such cases. Governments may recruit translators for LADO tasks from distant locations, but the procedure is time consuming and difficult for all parties involved. Bearing the above issues in mind, we turn now to Israel.

Language in the Israeli law system

Due to historical circumstances, Israeli law is based on three sources: Ottoman laws (due to the Ottoman rule until the end of World War I), British law (due to the mandate rule of the country after the fall of the Ottoman Empire, 1918-1948) and Israeli and religious law since the establishment of Israel (1948). Current Israeli law also includes laws, regulations and procedures enacted since then (Stern 2004). The legal system in Israel

[33] Language analysis is integrated in Dutch asylum procedures.

now consists of (the general) Israeli civil and criminal courts, Rabbinic (Halakhic, Jewish) court, Court martial, Labor court, Traffic court, domestic affairs court, etc., and separate courts for the Muslim (*shar'i*), Druze and Christian communities.

Israeli citizens speak many different languages, but the State of Israel recognizes only two official languages: Hebrew and Arabic. Hebrew is the dominant language and therefore the one mainly used at court. Arabic is usually used in the other faith courts and sometimes in the general Israeli courts. Though not an official language, English is also used at times, perhaps because of its vogue as the current global language.

Language use at courts of law is analyzed by studied by Landau (1999)[34]. She demonstrates the needs of jurists and judges for linguistic skills in order to give a correct verdict in many cases. She mentions linguists' roles including phonetic and acoustic speech analysis (e.g., for speaker recognition), syntactic, lexical and stylistic aspects for elucidating similar contested trade names, text analysis for determining meaning, analysis of linguistic aspects of libel cases, litigants' ability to understand their rights or and warnings read to them orally or shown in writing, with or without a translator or interpreter, etc. (Landau 1999: 58).

Translation has been recognized by the Israeli legal system as important for litigants who do not know Hebrew or Arabic. See the following excerpt about this subject from the end of an essay on egalitrianism in legal processes by Judge Türkel (2002):

> Translation in legal processes
>
> Another obstacle against accessing judicial instances is not-knowing the Hebrew language. About criminal processes the law states that "if it has been made clear to the court that the defendant does not know Hebrew, a translator will be appointed to him, or will himself (i.e., the judge) translate for him" (section 140, criminal law order, combined version, 1982). In addition it has been stated that "the translator's fees will be paid by the State, unless otherwise instructed by the court" (section 142). But in many civil processes (including procedures dealing with labor, domestic affairs and legal execution) there is no such obligation. The result is that the rights of litigants who do not know the Hebrew language may be impaired. It is appropriate for this issue, too, to be regulated by law. (Translated by JR).

More recently, an interesting case was tried by judge T. Bar-Asher-Tsaban (24.6.2012). In this case, two Israeli native speakers of Arabic sued the court since it had instructed them to pay for translation services to/from Arabic in a civil case which they wanted to conduct in Arabic (which is, as noted, an official language in Israel). Following the legal instructions mentioned in the above quotation (enacted in 1999 after a trial on this issue), judge Bar-Asher-Tsaban ruled that the litigants did not have to pay for those translation services.

That being said, the few studies that discuss interpretation/translation in Israeli courts of law described it as being in a bad state (Morris 1998, Hefer 2007, Schuster and Shlesinger 2007). They wrote that litigants often had to "get by" and use occasional interpreters, such as random passers-by, family members or staff members of the institute

[34] A few other publications on related issues have been published since then, by e.g., Pinto (2010) or Bakshi (2011).

where they needed to communicate with others, whether a court of law or a medical facility (Schuster and Schlesinger 2007, Sévenier-Gabriel 2007).

Due to lack of translators, the State of Israel has issued instructions for training translators and interpreters at least for Arabic, Russian and Amharic – the languages of the largest language minorities in Israel. But Liphshiz (2008) published a report entitled "Court interpreters fail non-Hebrew speakers, alleges a translator group" referring to a company that had won a government tender for providing interpreting services in all of Israel's judicial districts. However, Sévenier (p.c. 2013) says that since 2007 this field has made some progress. The general administration of the Israeli law courts has introduced exams in Arabic, Russian and Amharic before employing translators. The exams aim at verifying that employed translators have sufficient language proficiency and only translators who pass the exam in these languages are now allowed to translate at court. Furthermore, there is now an ethical code for translators, and in 2011 a study day on this subject was held for all the active translators. Regarding translation to/from Arabic, she says that most translators at the Israeli courts of law are native speakers of Arabic and they are referred to the courts by companies that have won the governmental translation tender (Sévenier p.c. 2013).

This description implies that the State is acting to decrease linguistic problems at court, but its aims are not yet entirely met. But Israel is not alone in this respect: The problem of translation and translators has not been solved as yet in many countries (including, e.g., USA) and in view of the never ending streams of immigrants, refugees and ASs this is not surprising.

A different issue is translators'/interpreters' qualification. In Israel, translators/interpreters do not have to be officially qualified, but four academic institutes are to be noted for their translation studies:

(i) The Translation & Interpretation Studies and Research Department (Bar-Ilan University) is the only university in Israel that bestows MA and PhD degrees in translation/interpretation. It was established as a diploma track in 1972, and received approval to bestow higher degrees in 2001. It was the only professional framework in this field for many years (Shlesinger et al. 2006). Until recently the Source/ Target translation languages were Hebrew, Arabic, English, French, Russian, Spanish and German (Shlesinger et al. 2006). But in 2012 the university implemented severe cuts on this program (as part of general cuts).

(ii) Tel-Aviv University offers BA graduates a translation diploma. Graduates can continue towards PhD on a topic in translation in the Literature Department. Various languages can be considered in this framework including Arabic, English, French, Russian, Spanish, Portuguese and Chinese.

(iii) The Hebrew University in Jerusalem has a translation track for MA degree. As in Tel-Aviv, the courses direct students to translation into Hebrew (source languages are not mentioned in the information provided about this track).

(iv) In Beit Berl College (near Kefar Sava) only English and Arabic are taught for a diploma in translation into/from Hebrew.

(v) Yet, as noted, in addition to Hebrew and Arabic more than 30 languages are spoken in Israel (Spolsky and Shohamy 1999, Ben Rafael 1994). Thus, it would seem that the higher education hardly supports many individuals' translation needs.

LADO procedures exist also in Israel, because many immigrants, legal foreign workers, refugees and illegal infiltrators live in the country. In 2009 a new unit, the Population Immigration and Border Authority (PIBA) began operating to regularize the situation of this population according to the Israeli law. Natan (2012) mentions in an Israeli parliament report on this subject that new procedures have been applied in 2011 for Refugee Status Determination (RSD) of ASs before asylum is granted. The RSD procedures report (PIBA 2012) states that before asylum granting, ASs will get an official interview in their original language or in another language which the AS knows, and translation services should be provided if needed. Clearly, Israel is aware of the immigrants' state as described in reports by UNO, European institutes and bodies, etc., and operates to improve it. Much still needs to be done, however, for procedures are not laws and the number of translators for all the languages is still not sufficient.

Arabic related issues in forensic linguistics

Let's return to Arabic and its Arabic-speaking ASs, who have definitely advanced in global awareness recently. The higher awareness of Arabic speakers has yielded more interest in Arabic teaching and learning. In a random web search we found, e.g., YouTube advertisements by USA based companies about Arabic language courses in general/specific legal communication (without specifying the varieties) and a Russian Speech Technology Center which develops voice analysis software and other equipment for forensic language analysis; it advertises also software for Arabic (again, without mentioning varieties). Such institutes may not necessarily focus on forensic goals, but they probably exhibit the generally increasing interest in Arabic.

Forensic linguistics is known also in Arabic-speaking countries of the MENA.[35] But as this is a relatively young area, we do not find much information about Arabic forensic linguistics on the web. Still, an Arabic University in Saudi Arabia specializes in forensic sciences (but not linguistics). There are also MENA companies that advertise computer technologies and software for Arabic language and speech (including translation, speech recognition, etc.). In our literature survey we found a paper by Al-Huqbany[36](2008) about the needs for English skills and use of English by Saudi Arabian police officers in the first volume of *'Ayn, the Journal of the Saudi Association of Languages and Translation*. On the other hand, the peer-reviewed *Egyptian Journal of Forensic Science* does not seem to take interest in forensic linguistics. In addition, there are many private translators into/from Arabic who advertise their services on the internet.

A different branch of forensic linguistics is automatic text and speech analysis which has been occupying researchers for several decades now. This interest first addressed computerization of the Arabic alphabet because Arabic texts are usually written without vowel signs (using only consonants)[37]. In time, statistical methods have

[35] An example is the paper (Basim 2012) which analyzes a suicide note to identify its author. It refers to written MSA, however, and not to CA which interests LADO.

[36] Dr. Al-Huqbany also translated Olsson's (2004) book *Forensic Linguistics: Introduction to Language, Crime and the Law* into Arabic.

[37] Changing vowels or certain alphabet letters can change word structures, syntax, word meaning and thus whole utterances. With the progress of computational technology, many of these problems have been solved also for Arabic, although grammar is still a challenge.

become significant for the analysis in large scale databases for many aspects of forensic linguistics, including Arabic. But currently (i) not many Arabic databases exist for researchers' free use; and (ii) not much work is done in this area about MSA and CA (but see, e.g., Biadsy et al. 2010, Al-Ma'adeed et al. 2008). Such studies, though interesting, do not help identify or discriminate details of CA dialects. Neither do they help in distinguishing between adjacent dialects of some region, because they discuss different and geographically distant dialects in the Arabic-speaking realm (e.g., Barkat et al., 2004). Thus, the current CA research hardly answers LADO needs.

Some phonetic examples will reflect CA "puzzles" in ASs' recorded speech for LADO. Since some linguistic features of CA dialects are shared by other dialects, while other features are different, it can be difficult to determine and distinguish the AS's native dialect from an acquired one. /q/ is a typical Arabic phoneme. It is pronounced in various dialects as [q, g, dž] or [ʔ]. Some of these articulations occur even in one and the same dialect, depending on gender, age or education. But /q/ is also a MSA phoneme; thus, literate speakers, and others who would like to be considered literate, often use [q] instead of the colloquial variant. One may thus hear the same word spoken differently by speakers of different dialects as in these examples:

Example 1. 'Coffee' in various Arabic dialects

/qahwe	ʔahwe	gahweh	ghawa	qahwa/
Judeo-Arabic, Kurdistan	Damascus, Beirut		S≥an□a:' (Yemen)	Mesopotamian Bedouin MSA

Example 2. 'Pot' in various Arabic dialects

/qid↔r	gidir	džidr/
Rural Palestinian Negev Bedouin	Syrian Bedouin	

Bedouin speakers in the MENA use /g/ for /q/; but so do also many urban speakers of cities such as Baghdad (Iraq) and □Amman (Jordan). But in □Amman, working women tend to use (MSA) /q/, though in their dialect /ʔ/ or /g/ are also used (/g/ by, e.g., older men, /ʔ/ by urban speakers) (Al-Wer 2007: 502). However, this /g/ (< /q/) should not be confused with Egyptian (Cairo) /g/, which is equivalent to /dž/ ~ /ž/ elsewhere as in example 3:

Example 3. 'Camel' in Cairo Arabic and Jordanian Arabic

Cairo /gamal/ □Amma:n /džamal/

How can a LADO language analyst know, then, WHY a certain speech sound occurs or not in an AS's speech? Knowing the varieties of a phoneme and their occurrence in different dialects can help in determining a speaker's phonetic system in some cases, but not all the time. Similar examples exist in morphology and syntax. Of course, one feature (e.g., a phoneme) does not determine a speaker's origin. One should therefore focus on distinctive features of whole systems. But this is not easy, or even possible, if not all the details of a dialect are known (cf. Broeders 2010). Finer phonetic features (Voice Onset Timing, aspiration, etc.) which are often used in speaker

recognition may be important for distinguishing speakers' origin – but they cannot be used for LADO in un-known dialects represented by a single speaker.

Conclusion

We focused here on some spoken and written aspects of forensic linguistics in translation for courts of law and LADO, and mainly about Arabic and its speakers as ASs. Generally, ASs' situation in these contexts is not simple. As Arabic language is a diglossic language, with many dialects in addition to MSA, translation and LADO problems are difficult to solve due to ASs' mixes of multiple dialects and MSA. The linguistic situation in Israel, where Hebrew and Arabic are official languages, was discussed mainly regarding translation and LADO, and a few Arabic phonological difficulties for LADO processing served as examples. We also discussed legal translation problems involving objective and subjective factors, relating to the translated material and the human factor (i.e., the translator/interpreter).

LADO aims are known by now (Blommaert 2009, Zwaan et al. 2010). But in principle, it may be difficult to define an AS's L1 if s/he is proficient in several dialects/languages. To be able to assess the AS's speech, LADO language analysts should be also multilingual and proficient in more than the AS's dialect.

Since countries have different legal system, aspects of court translation/interpretation and LADO should probably be compared by their results for immigrants and ASs in each country. The world-wide situation of legal translations and LADO for ASs who speak different languages, requires more research to solve the problems involved in forensic linguistics. Such studies may eventually contribute to the legal systems, the ASs and the general public. Moreover, studies of languages and legal systems can contribute to the understanding of language and its development as part of human behavior. The discussed case of Arabic ASs is only one drop in the sea of immigrants and ASs. All this means much important work is yet to be done.

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USALITY RELATIONS IN LEGAL JUDGMENTS ON THE EXAMPLE OF THE EUROPEAN COURT OF HUMAN RIGTHS

Katarzyna STRĘBSKA, mgr
Institute of English Language, University of Silesia
ul. PCK9/35, 40-057 Katowice
kasia.strebska@gmail.com

Abstract: The aim of the paper is to analyze the judgment as a legal genre whereby causality relations behave in a particular way depending on the type of the connective used. The relations of causality are described against a background of interactional linguistics, semantic and lexical vagueness as well as the degree of subjectivity in the selected types of causality. The emphasis in the present analysis is on the epistemic causality as the one most closely related to the judicial discourse and the language of law. In this type of causality it is the author who becomes the source of a logical continuum between the cause and effect as opposed to the other extremity where the source is outside the speaker. The analysed corpus consists of 20 judgments of the European Court of Human Rights (altogether 496 sentences have been identified where particular causal connectives were present) issued between 2007 and 2013 and available at the official site of the court: http://www.echr.coe.int/ECHR/homepage_en. The judgments have been selected in order to identify and conduct a quantitative and qualitative analysis of the relation of causality as realized by three English causal connectives: *because, as* and *therefore.*

RELACJE PRZYCZYNOWOŚCI W WYROKACH SĄDOWYCH NA PRZYKŁADZIE EUROPEJSKIEGO TRYBUNAŁU PRAW CZŁOWIEKA

Abstrakt: Celem niniejszego artykułu jest analiza wyroku jako gatunku prawnego, w którym relacje przyczynowości wykazują pewne konkretne cechy zależne od rodzaju użytego spójnika. Relacje przyczynowości opisane są w kontekście językoznawstwa interakcyjnego, semantycznej i leksykalnej niedookreśloności oraz stopnia subiektywności w wybranych typach przyczynowości. Analiza kładzie nacisk na przyczynowość epistemiczną jako najściślej powiązaną z dyskursem sędziowskim i językiem prawa. W tym rodzaju przyczynowości to autor staje się źródłem logicznej ciągłości pomiędzy przyczyną a skutkiem w przeciwieństwie do drugiego ekstremum: przypadku, w którym to źródło znajduje się poza mówiącym. Analizowany korpus składa się z 20 wyroków Europejskiego Trybunału Praw Człowieka (ogółem zidentyfikowanych zostało 496 zdań, w których obecne były spójniki przyczynowości poddane analizie) opublikowanych w latach 2007-2013 i dostępnych na stronie: http://www.echr.coe.int/ECHR/homepage_en. Wybór materiału do korpusu miał na celu identyfikację oraz przeprowadzenie ilościowej i jakościowej analizy relacji kauzatywności realizowanej przez trzy spójniki okolicznikowe przyczyny: *because, as* i *therefore.*

1. Introduction

Causality as such can be deemed to be the driving force in science, in particular in the humanities and the history of mankind. However, the laws of causation had not emerged until after human historical consciousness was born. This milestone as far as historical sciences are concerned is usually associated with two Greek historians: Herodotus and Thucydides. As Donald J. Wilcox observes:

> Herodotus and Thucydides used their dating systems to express two fundamentally different sorts of temporal relationships. Some of these relationships were linear, where the temporal order of antecedent events had a determining influence in shaping the final result; others were episodic (…) Episodic time was discontinuous, emphasizing process rather than progressive building of events on one another (Wilcox 1996, 52-53).

The contribution that the Greeks have made in understanding history would be hard to underestimate. It is no longer the merciless gods who pull the strings. The modern concept of causal relationships equips us with the power to control and *make things happen*.

There are various typologies and theories of causality, in both linguistics and in legal theory. As regards types of causality in linguistics, we can distinguish three types, following the distinction of Stukker and Sanders (2009, 9*)*:

(i) Content non volitional causality: describes causal relations between states of affairs in the observable world, having their source outside the speaker. One physical process ('The Boeing 747 is diminishing in value') induces another one ('the airlines' capital has decreased'). Intentionality is absent in sentence (1):

Example 1. Non volitional causality

> The Boeing 747, the most expensive plane in the air, is continuing to diminish in value rapidly. Therefore, during the past years, airlines' capital has decreased by many billions of dollars.

(ii) Content volitional causality: describes an intentional action ('destroy') which is motivated by the situation described in the first segment; concerns reasons for actions as in (2.):

Example 2. Volitional causality

> (In Denmark and in the Netherlands, carcasses of beef cattle older than 30 months are tested for the cattleplague BSE- [authors' explanation]). Other countries are not yet ready for testing all bovine animals destined for consumption individually. That's why they destroy animals on a broad scale.

(iii) Epistemic causality: a causal relation is constructed on the illocutionary level, between a conclusion of the author presented as the causal effect and an argument functioning as the causal antecedent. In epistemic causal relations, the speaker functions as the source of the causal relation (it is he/she who relates argument and conclusion). In other words: reference to the speaker is obligatory in order to interpret the causal relation correctly, hence the causal relation is subjective.

Example 3. Epistemic causality

> Dutch soldiers who served in Bosnia relate the high incidence of leukemia among them to frequent exposure to impoverished uranium. But the current hypothesis attributes the leukemias to a virus. It is thus conceivable that the soldiers who suffer from leukemia now, are victims of something else than impoverished uranium (Stukker and Sanders 2009).

Apart from determining the degree to which the speaker is present in an utterance, those who reconstruct the sequence of events, notably judges and law enforcement agencies, often face the multiplicity of single events, more or less relevant for the case, which have finally led to a prohibited act under investigation. In such situations determining which of the events was the key factor in the cause-and-effect chain might require resorting to some hypothesis.

Various theories of causality advanced in criminal law attempt to facilitate this task by employing strategies that aim to point to the most relevant factors. Among them we include:

(i) The equivalence theory or the theory of *sine qua non* condition- here the effect is brought about by a set of conditions which constitute the cause. All of these conditions are necessary. The principal test used to determine the cause and effect is the test of *sine qua non* condition. If out of a number of events, we remove one of them and we are able to determine that the subsequent event would not take place, this means that the first event constitutes the necessary condition or the cause.

(ii) The adequacy theory (the theory of typical causality) limits the liability to only those causes that appear likely to have brought about a crime (according to laws of adequacy, typicality, common sense). This means that to become valid, the cause has to be deemed as such by the judge.

(iii) The relevance theory- must be preceded by equivalence theory which establishes the main cause of the crime and afterwards the judiciary determines whether the cause in question is relevant (legally valid). We need to therefore apply the norm and compare it with the reality (subsumption) (Dukiet-Nagórska 2008, 90-92, translation mine).

1.1. C-relations and the notion of interactional linguistics

Particular emphasis has been placed on the so called C-relations, a term borrowed from The Rhetorical Structure Theory developed by Elizabeth Couper Kuhlen and Bernd-Dieter Kortmann in their "Cause, Condition, Concession, Contrast: Cognitive and Discourse Perspectives".

As defined by Couper Kuhlen and Kortmann, C- relations are "a set of relations conceptual in nature but instantiated linguistically which can be said to hold typically between clauses or sequences of clauses in discourse" (Couper Kuhlen, Kortmann 2000, 2-3).

Most of them can be realized in or marked by different linguistic means, e.g. by adverbials, particles, coordinating and subordinating conjunctions, word order. Some can be even realized by the absence of a specific lexical or syntactic markers (ibid, 3-4).

According to the authors, studying the C-relations can bring both, discourse and cognitive linguistics together and may thus represent an interdisciplinary field of research (ibid, 4).

Broadly speaking, there is some disagreement of whether the aforementioned relations are of semantic or rather rhetorical and interactional nature. Judicial discourse in general can be said to be of highly deliberative nature. It necessarily involves the epistemic causality since all "cause and effect" statements and intersyntactic segments which refer to the human logic will inevitably fall under the category of epistemicity.

Epistemicity denotes the speaker's commitment to the presented line of argumentation. Epistemic modality, the term which is more often used in the discussions devoted to the so-called stance-taking techniques (Szczyrbak 2008, 2), is related to certainty or uncertainty and may thus express the possibility of a particular event or prediction taking place in the outside world. The emphasis is more on what is going on in the mind of the speaker (thus, the cognitive aspect of the analysis) and the inference which the speaker makes in relation to the facts presented earlier in the judgment would necessarily be of subjective, rather than objective, nature.

1.2. Vagueness as an inherent feature of the language of law

The general conclusion that one arrives at having examined the corpus in question would be that vagueness, which is an inherent feature of language itself (and in particular the language of law), provides for mostly speculative nature of judicial reasoning and the epistemic kind of causality that mark this type of discourse. The cause and effect relations will be represented differently in scientific, and differently in legal contexts.

Law, as belonging to the sphere of humanities, represents a field where objectivity is the most sought for albeit not so easily achievable quality. A sentence indicating cause and effect can be of either ontological or of speculative nature depending on the methodology one assumes. The statement:

Example 4.

> The defendant is thought to be involved in murder since his fingerprints were found on the gun from which the victim had been shot [sentence mine].

Is not the same as, say:

Example 5.

> The sequence of day and night is due to the rotation of the earth around its axis [sentence mine].

The former is concerned with the process of fact- finding and speculation on the part of the law-applying organs.

The latter, in turn, refers to the extralinguistic reality which is beyond our control and is purely ontological.

Yet another type of causality would be involved in the sentence such as:

Example 6.

> The First World War occurred principally because Germany grew in force considerably due to the foundation of the German Empire in 1871 and since Otto von Bismarck strived to build an economic and political power to catch up with the British colonial and marine empire [sentence mine].

This type of causality is not fact-finding per se such as we would encounter in the course of a trial or during a hearing of witnesses.

Causality in historical investigations is to a l extent speculative. Although, we no longer ascribe the occurrence of a war to angry gods (such as chroniclers before Herodotus), there is still considerable amount of speculation in the description of events of the past.

Of course, it is always the human factor which is involved. The difference between sentences (1.) and (3.) lies in the generality of the event. While as the murder case in (1.) revolves around one individual, the background events that spurred the First World War cannot be ascribed to only one individual (e.g. Otto von Bismarck or Gavrilo Princip, a Bosnian Serb student who assassinated Archduke Franz Ferdinand of Austria). Thus it turns out that the more general a situation or context, the less sure we are and the more epistemicity would be involved. In legal contexts however, the term *vagueness*, which constitutes the backbone of modern cognitive linguistics, turns out to be helpful. While as precision yields for generating more and more specialized terms which would categorize and divide reality into more and more particles, vagueness and indeterminacy leave more room for interpretation. In the case of law, it may tell us something about the state policy. Specialized terms and long enumerations in codes and statues are binding for courts and judges while as general notions can account for an infinite number of situations (Panek 2010, 9)

This type of situation where language becomes to a considerable extent context-dependent has been referred to as ‘referential indeterminacy’ and has attracted the attention of numerous scholars, notably William Labov acclaimed as the founder of modern sociolinguistics (Panek 2010, 32).

Vagueness is inevitable whenever general notions come into play. There will always be some 'fringe areas' of meaning which will depend upon the context, e. g upon the culture of the speaker. Judges are therefore the interpreters and determiners of the meaning based on reference. In our case, it is reference to evidence and facts revealed in the trial.

Since the word 'speculation' in science and in the Humanities does not bring to mind any positive connotations, there have been numerous attempts to 'overthrow' it by reducing every possible event in history to scientific factors, e.g. geographical, climate conditions and even biology. Such reductionist attempt has been criticized since it would be impossible to account for the occurrence of the First World War by referring to chemical particles and atoms.

1.3. Structure of a judgment in the European Court of Human Rights

The below scheme shows the structure of a typical judgment issued by the European Court of Human Rights:

THE FACTS

1) The circumstances of the case (background and to-date procedures are mentioned)
2) Relevant domestic law/documents and practice
3) Relevant public international law/documents and practice

THE LAW

1) Alleged violation of article X of the convention
   a. Admissibility
   b. Merits
2) Alleged violation of article Y of the convention
   a. Admissibility
   b. Merits

A FORMULA: 'FOR THESE REASONS, THE COURT UNANIMOUSLY…

1. Declares the complaint under Article X the Convention Admissible/inadmissible;
2. Holds that there has been (no) violation of Article X of the Convention'.

According to Broadbent 'There are good reasons for legal process to distinguish questions of fact from questions of law: for example, clarity of reasoning, justice, and common sense. The latter suggests that, if a question before a court is one of fact, it is to be answered by evidence, and sound inferences from the evidence. Whereas if it is one of law, it is to be answered by statute, precedent, and policy, to the satisfaction of an expert in those things – which usually means a judge' (Broadbent 2009, 2).

From the aforementioned, we may conclude that 'the Facts' can be described as a sound inference from the evidence as in:

> In the case of the applicant, there had been no time to convene any committee **as** she had come to the hospital a very short time before delivery (CASE OF V.C. v. SLOVAKIA , Application no. 18968/07).

> 'The Law' part, in turn, is based on the reference to the statute, precedent, policy. An example of such a statement is demonstrated below:
> With reference to the conclusions reached by the civil courts, the Government further argued that the sterilisation procedure had been performed in accordance with the law then in force and that it had not amounted to medical malpractice. The applicant had **therefore** not been subjected to treatment contrary to Article 3 of the Convention (CASE OF V.C. v. SLOVAKIA, Application no. 18968/07).

2. The Practical Part

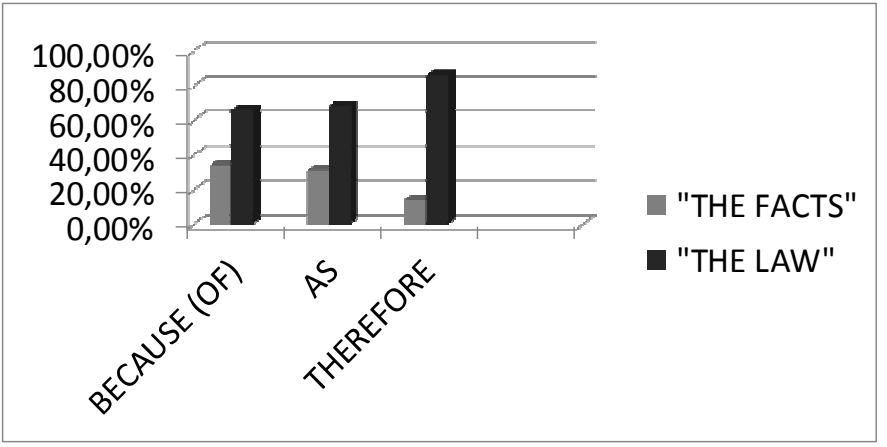
In order to gain more reliable data on causality, the author analyzed the judgments not in their entirety but as consisting of two distinct parts: the part concerning the facts and the part concerning the law. The part concerning the law has been proved to contain considerably more causality markers, in particular the epistemic causal connective 'therefore' which we shall see later on.

The analysis is tentative and does not aspire to be 'final and binding' as such but merely undertakes to verify some hypotheses of deliberative nature.

TABLE (1): Distribution of selected causal expressions in the corpus:

causality marker	'The Facts'	'The law'	Altogether
Because/ because of	56 = 33,9%	109 = 66,1%	165
As	39 = 31,4%	85 = 68,6%	124
Therefore	29 = 14%	178 = 86%	207

DIAGRAM (1): Distribution of causality markers/causal connectives in the ECHR Judgments (case-law)



2.1. Remarks on the corpus

The Corpus for the study consists of 20 judgments of the European Court of Human Rights issued between 2007 and 2013 and available at the official site of the court: http://www.echr.coe.int/ECHR/homepage_en. Altogether 496 sentences have been identified where particular causal connectives were present.

The supra-national character of the cases brought before the European Court of Human Rights makes it possible to analyze judgments against a context of public international law, not the national law. The European Convention on Human Rights adopted in 1950 is binding for all 47 member states of the Council of Europe established in 1949 to further the cooperation between the parties as regards the protection of human rights. The countries who signed the Convention are obliged to execute the judgments finding violations. As far as the motives for trials are concerned, more than a third of the judgments in which the Court found a violation included a violation of Article 6 (right to a fair trial), whether on account of the fairness or the length of the proceedings. 49% of violations found by the Court concern Article 6 and Article 3 (Prohibition of torture and inhuman or degrading treatment). More than 23% of violations found by the Court concern the right to life or the prohibition of torture and inhuman or degrading treatment (Articles 2 and 3 of the Convention) (Facts and Figures as of 2011). In the below excerpt from The Case of Al-Saadoon and Mufdhi v. The United Kingdom (Application no. 61498/08), we can trace how the interim measures imposed by the Court are to be executed by the member state:

Example 6.

> Article 34 will be breached if the authorities of a Contracting State fail to take all steps which could reasonably have been taken in order to comply with interim measures indicated by the Court under Rule 39 of the Rules of Court. It is for the respondent Government to demonstrate to the Court that the interim measure was complied with, or in an exceptional case, that there was an objective impediment which prevented compliance and that the Government took all reasonable steps to remove the impediment and to keep the Court informed about the situation.

2.2. Distribution of the causal connective 'because':

'Because' is the most frequently used expression. It may denote either cause and effect or reason and consequence (Quirk et al. 1985, 1103-4). The sentences below are an example of the difference between the two:

Example 7.

> The flowers are growing so well because I watered them.

Example 8.

> She watered the flowers because they were dry.
> (Quirk et al. 1985, 1103-4)

As can be seen in the example (8.), 'because' is a conjunction which can also mark backward causation. An example of backward causation (also: retrocausality, retro-causation or retro-chronal causation) is given by Mirna Pit in 'How to express yourself with a causal connective: Subjectivity and causal connectives in Dutch, German and French':

Example 9.

> He loved her, because he came back.

As the author points out, *because* can have more than one equivalent in languages such as Dutch, German and French. The Dutch *doordat*, *omdat* and *want*, the German *weil* and *da* and the French *puisque* all mark backward causation (Pit 2003, 69).The English *because* marks both- forward and backward causation. There is obviously a difference between the two below sentences:

Example 10.

> He came back because he loved her.

Example 11.

> He loved her, because he came back.

In German, the first one would be expressed by means of 'denn' or 'weil'. The second one would have to be rendered with the aid of 'da':

Example 12.

> Er kehrte **zurück** denn er liebte sie/Er kehrte **zurück** weil er sie liebte.

Example 13.

Da er liebte sie, kehrte er **zurück**.

As inferred on the basis of the collected data, *because* can mark both subjective and objective causal relations.
According to Traxler, Sanford et al. (Traxler et al. 1997, 95), it is 'underspecified' when it comes to subjectivity. It is thus a connective of 'mixed' nature.
Examples from the corpus:

(1.) 'The applicant and her lawyer had not been able to have their meeting in private because she had been unable to move, walk on her own or be seated.'
(2.) 'According to her, the conditions of her detention in the colony could not be regarded as adequate, in particular, because she had not been able to have a daily outdoor walk.'
(3.) 'The applicant had limited access to the toilet inside the cell because it was continuously occupied by other cellmates.'
(4.) 'In particular, the applicant complained that his diabetes had not been monitored because he had had no access to specialised medical care and his sugar level had hardly ever been tested.'
(5.) 'Article 13 § 2 provides that, in cases where the satisfaction obtained under Article 13 § 1 is insufficient, in particular because the injured party's dignity or social standing has been significantly diminished, he or she is also entitled to financial compensation for non-pecuniary damage.'
(6.) 'Most countries, with the exception of those in Latin America, deny outright the claim to diplomatic asylum because it encroaches upon the state's sovereignty.'
(7.) 'It could not comply with the Rule 39 indication precisely because it was on the territory of another State.'
(8.) 'They had failed to comply with the indication in this case only because there was an objective impediment preventing compliance.'

While as examples (1.)-(4.) refer to conditions in the outside world, the second half (5.)-(8.) are clearly of different nature. The causative factor of the first half of sentences (here the deprivation of certain particular facilities to the patient such as toilets, proper medical care, consultations with lawyer, outdoor walks) can be verified as evidence on the basis of fact- finding process (hearing of witnesses etc.). The second half is concerned with legal provisions. If we consider sentence no (7.), it is not the political or geographical boundaries that constitute the real cause. What is of importance here is that according to the Rule 39 the fact in question should have taken place on the territory of the home country.

2.3. Distribution of the causal connective 'as':

The analysis of 'as' occurrences in the corpus can lead to the conclusion that the reason lies mostly 'outside' of the speaker.

In comparison with 'therefore', the causal connective 'as' is distributed with greater frequency in 'The Facts' part of the analysed judgments.

In particular, 'as' could often be found in cases where medical error or patient's maltreatment were filed as charges. This may imply reference to external reality and objective character of this connective since medicine belongs to the realm of natural sciences.

Examples from the corpus:

> (1.) **As** there was no emergency involving imminent risk of irreparable damage to the applicant's life or health, and **since** the applicant was a mentally competent adult patient, her informed consent was a prerequisite to the procedure.
> (2.) **As** she was in the last stage of labour, her recognition and cognitive abilities were influenced by labour and pain.
> (3.) The Government explained that that entry in the delivery record indicating the applicant's ethnic origin had been necessary **as** Roma patients' social and health care had frequently been neglected and they therefore required "special attention.
> (4.) The Court welcomes these developments but notes that they cannot affect the applicant's situation **as** they are subsequent to the relevant facts of the present case.

Accordingly with the above conclusions, we are less likely to encounter 'as' in sentences where reference to law is made. Grammatically, however, a statement like the one below is perfectly imaginable:

> **As** the injured party's dignity or social standing has been significantly diminished, he or she is also entitled to financial compensation for non-pecuniary damage.
> or:
> As it was on the territory of another State, it could not comply with the Rule 39 indication.

Instead, we would find more factors of external nature like being in the last stage of labour, absence of imminent risk, failure in the observance of Roma patients' social and health care, delay in the introduction of particular facilities aimed to improve the patient's situation.

The above examples can illustrate how particular connectives behave and in what type of surroundings they occur insofar as causality relations in sentences are concerned.

2.4. Distribution of the causal connective 'therefore':

'Therefore' displays very high frequency in 'The Law' part in comparison with 'The Facts' part. It is most often to be encountered in epistemic causal settings where the speaker functions as the source of the causal relation.

In many analyzed cases, 'therefore' occurs where 'The Court' or 'The Government' constitute the subject of the sentence as in the below provided examples:

Examples from the corpus:

> (1.) The court **therefore** concluded that the evidence fell well short of establishing substantial grounds for believing that the applicants would face a real risk of treatment contrary to Article 3 if transferred into the custody of the IHT.
> (2.) The Court **therefore** finds the complaint under Article 13 admissible and it finds violations of Articles 13 and 34 of the Convention.
> (3.) The Court **therefore** concludes that there is no sufficient indication that the Rwandan judiciary lacks the requisite independence and impartiality.
> (4.) The Court, nevertheless, indicated that where the alleged violation no longer persisted and could not, **therefore**, be eliminated with retrospective effect, the only means of redress was pecuniary compensation.
> (5.) The Government explained that the reference to the applicant's Roma origin had been necessary as Roma patients frequently neglected social and health care and **therefore** required special attention.
> (6.) ... I recognised that, if possible, it would be desirable for UK forces to be in a position to continue to hold the Claimants for a period of time whilst this litigation is resolved. I **therefore** considered with colleagues whether it would be appropriate to raise this issue with the Iraqi negotiating team.

According to Oxford Advanced Learner's Dictionary of Current English, therefore is used "to indicate the logical result of something that has just been mentioned" (Hornby et al. 2005, 1591).

According to Online Etymology Dictionary, 'therefore' is derived from the Old English pronominal adverb where 'fore' meant 'formerly' or 'previously' (Online Etymology Dictionary) hence it is not a typical conjunction. In terms of morphology and semantics, it has more to do with adverbs such as therefrom, thereunder, therein, thereby- forms frequently used in legal language.

This morphological complexity may partly account for the frequency of occurrence of 'therefore' in the analysed corpus when compared with the two other conjunctions.

3. Conclusions and areas still to be investigated

The present analysis undertook to gain an insight into how causality operates in the genre of legal judgment and refer these to the issues such as the subjectivity in legal language, cognitive and interactional linguistics and the phenomena of vagueness and indeterminacy as perceived from the point of view of cognitive sciences.

However, measuring causality on the basis of lexical markers may not bring the expected outcome insofar as causality is often inserted in larger segments untraceably, i.e. without any specific wording.

An example below may show that causality is often to be deduced rather than found on the basis of e.g. a subordinate clause:

Example 14.

> I fully endorse this latter basis for attaching responsibility to the Government under Article 3. The applicants were initially classified as 'security internees', their notices of internment recording that they were suspected of being senior members of the Ba'ath Party under the former regime and of orchestrating anti-MNF violence by former regime elements and that, if released, they would represent an imperative threat to security.(Partly dissenting opinion of judge Bratza concerning "The Case of Al-Saadoon and Mufdhi v. The United Kingdom (Application no. 61498/08).

We might easily insert 'since' between the first two sentences of the above excerpt. This is to demonstrate that in many cases lexical analysis does not exhaust the textual nuances in legal language.

As observed by Hiltunen, as far as expressing cause and reason is concerned, "instead of explicitness, we tend to find implicitness, i.e. causality is implicated or presupposed rather than expounded. Linguistically, this type of causality tends to be expressed through lexical, phrasal or textual means (Hiltunen 1990, 93)".

Nevertheless, the following conclusions can hold to be true insofar as the present analysis is concerned:

"The Facts" part concerning the circumstances and background to the case is not devoid of causal expressions although it does not abound in them as much as the "Law" part does. The type of causality to be encountered here is often of objective nature although the subjectivity element is also present.

'Because' can mark both subjective and objective causal relations, it is 'underspecified' with respect to subjectivity.

In comparison with 'therefore', 'as' occurs more often in objective settings where the reason lies outside of the speaker and the subject is absent or his/her presence is not that conspicuous.

In the case of 'therefore', a causal relation is constructed on the illocutionary level, between a conclusion of the author presented as the causal effect and an argument functioning as the causal antecedent. In epistemic causal relations, the speaker functions as the source of the causal relation (it is he/she who relates argument and conclusion). In other words: reference to the speaker is obligatory in order to interpret the causal relation correctly. Hence the causal relation is subjective.

Boundaries of subjectivity-objectivity categories are never clearly marked. Each case needs to be interpreted separately in order to be classified as either subjective or objective. Clear-cut cases are very rare, especially when it comes to legal discourse.

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THE LEGAL STATUS OF KASHUBIAN IN POLAND

Alina SZWAJCZUK, mgr
School of English, the University of Szczecin
Al. Piastów 40B, Szczecin, Poland
szwajczuk@wp.pl

Abstract: The objective of the article is to delineate the present status of the Kashubian language. The analysis will be based on the 2007 reports compiled by the Council of Europe with reference to the commitments made by Poland concerning the implementation of the European Charter for Minority or Regional Languages. In particular, the analysis will cover the provisions defined in Part III thereof with regard to Kashubian. The paper will try to assess whether the privileged status given to the Kashubian language has triggered significant changes in the treatment of the language by the Polish government and Kashubians. Do the reports prove that the language policy towards regional and minority languages within the European Union is in fact state-based? Do legislative grounds correspond with the change of attitudes of both the authorities and Kashubians?

STATUS PRAWNY JĘZYKA KASZUBSKIEGO W POLSCE

Abstract: Celem artykułu jest przedstawienie obecnego statusu języka kaszubskiego w Polsce w oparciu o dane z raportów sporządzonych na potrzeby Rady Europy dotyczących zobowiązań Polski względem wdrożenia postanowień części III Europejskiej karty języków regionalnych lub mniejszościowych dotyczących języka kaszubskiego. Artykuł ma również na celu ocenę czy uprzywilejowany status języka kaszubskiego doprowadził do zmian w traktowaniu tego języka przez władze lokalne oraz postrzeganiu przez Kaszubów. Autorka stawia pytania czy raporty stanowią dowód na to, iż polityka językowa Unii Europejskiej względem języków regionalnych i mniejszościowych jest w rzeczywistości zależna od danego państwa oraz czy zmiany legislacyjne korespondują ze zmianami wprowadzanymi przez władze oraz samych Kaszubów.

Introduction

Following Hornsby and Wicherkiewicz (2010, 1), the Polish legislation of 2005 concerning the minority rights has improved the sociolinguistic situation of Kashubian, while the ratification of the Charter for Minority or Regional Languages by Poland in 2009 additionally strengthened the process of distinguishing the special role and position of the said language among other lesser-used languages in Poland. Applying the territorial aspect towards Kasubian by the Polish government, based on viewing Kashubia as a region, privileges the language and the speakers of the language within the national psyche. It assumes that Kashubian affiliation is within, not outside, the territory of Poland. (2010, 1-4) According to the research conducted by Mordawski (2005) there are 390, 509 Kashubs and 176, 228 persons of partly Kashubian descent living in Poland. Most of them live in the Province of Pomerania in the north central region of Poland, which is also referred to as the 'Kashuby' region. (Obracht-Prondzyński 2007, 8-9). The

Kashubs appeared at the present territory of the Pomerania region in the VIth century (Mazurek 2010, 43). The issue of the Kashubian identity and language has been enormously influenced by the nation's history, including Germanization of Kashubs and the delegitimization of Kashubian by the Communist government that extended to forbidding the use of the term 'language' and resorting to the use of 'Kashubianness' and 'Kashubian speech'. Despite the fact that Kashubian has been granted the official status of a regional language, the inferiority complex and the idea of "Kashubianness' still persist (Hornsby and Wicherkiewicz 2010, 3). The question that arises is whether the changes in the treatment of the language, through verifying its legal status, have changed much in preserving and cherishing the language as well as the perception of the language by Kashubians.

EU policy towards minority languages, measures taken and applied definitions

The policy advocated by the EU with reference to languages in general is multilingualism. In the resolution of the Council of the European Union dated November 21, 2008 on a European strategy for multilingualism, the European Union member states jointly confirm that multilingualism encompasses the social, cultural, economic and educational spheres, and as linguistic and cultural diversity constitutes an integral element of the European identity, the promotion of less widely used European languages is a significant contribution to multilingualism.

Being a supranational institution aimed at economic and political integration, the European Union relies and incorporates the values and documents adopted by the Council of Europe with regard to the protection of democracy, respect for human rights and fundamental freedoms, and the rule of law[38]. Therefore and further, not being in the position to impose any specific obligations related to the preservation of regional or minority languages and leaving the said issue to the discretion of individual member states, it has adopted the definition of the minority or regional languages that is applied within the European Charter for Regional or Minority Languages drafted by the Council of Europe[39] on 5 May 1992, stating that:

> Article 2
> a "regional or minority languages" means languages that are:
> i traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and
> ii different from the official language(s) of that State;
> it does not include either dialects of the official language(s) of the State or the languages of migrants;
> b "territory in which the regional or minority language is used" means the geographical area in which the said language is the mode of expression of a number

[38]www.hub.coe.int/web/coe-portal/european-union

[39]The Council of Europe and the European Union have signed cooperation documents, which state that the Union shall respect and incorporate, with reference to the protection of human rights, including language preservation, all and any documents adopted by the Council. www.jp.coe.int/Default.asp. The main actor in addressing the issue of the protection of minority rights within the EU is the European Parliament. However, it lacks competence to enact law and the resolutions passed by the Parliament are mainly political in nature (Bokajło and Dziubka 2004, 27).

> of people justifying the adoption of the various protective and promotional measures provided for in this Charter;
> c "non-territorial languages" means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

Within the preamble, the Charter stresses the importance of the protection of historical regional and minority languages of Europe, with some of them being in danger of extinction, viewed as a contribution to the maintenance and development of Europe's cultural wealth and traditions. It emphasizes the fact that the right to minority and regional languages is an inalienable right that remains in line with the United Nations International Covenant on Civil and Political Rights, the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms, the Helsinki Final Act of 1975 and the document of the Copenhagen Meeting of 1990. It also emphasizes the value of interculturalism and multilingualism, stressing that the protection and encouragement of regional and minority languages should not be to the disadvantage of official languages. Most important, the objective of the charter is to build Europe based on principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity.

Part I (Article 1-6) of the Charter defines general provisions, stating that each and every party thereto shall comply with the provisions of Part II in respect to all the regional and minority languages spoken within the country's territory and which comply with the definition of minority and regional languages provided in the Charter. Part II (Article 7) defines the objectives and principles binding for all signatories and obliges the Parties thereto to base their policies, legislation and practice thereupon[40]:

Besides, the Parties thereto undertake to promote mutual understanding and tolerance as well as to refrain from discrimination against and amongst minority and regional languages which might be manifested in unjustified distinction, exclusion,

[40] Article 7.1

a the recognition of the regional or minority languages as an expression of cultural wealth;

b the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;

c the need for resolute action to promote regional or minority languages in order to safeguard them;

d the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;

e the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;

f the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;

g the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;

h the promotion of study and research on regional or minority languages at universities or equivalent institutions;

i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

restriction or preference, discouragement or endangerment of the maintenance or development of a given language. The policy towards minority and regional languages shall be conditional upon the needs and wishes expressed by the minority and regional languages users. Part III of the Charter, being optional, provides measures to promote the use of regional or minority languages in public life remaining in compliance with the provisions of the Charter. The Article 8 provides for education, Article 9 – judicial authorities, Article 10 – administrative authorities and public services, Article 11 deals with the media, Article 12 concerns cultural activities and facilities, Article 13 – economic and social life, and Article 14 refers to transfrontier exchanges. Charter signatories are obliged to present to the Secretary General of the Council of Europe and disclose to the public periodical reports on the policy undertaken pursuant to provisions of Part II and the application of the provisions of Part III, provided they have been accepted.

Poland' commitments to observe the Charter provision

Poland became a signatory to the European Charter for Regional or Minority Languages in 2003, while the ratification of the charter took place in 2009. With reference to Kashubian, Poland committed itself to pursue and implement the following, among others, objectives[41]: with regard to Article 8 (Education), Poland has undertaken, without prejudice to the official language of the state, to (i) make available pre-school, primary and secondary education as well as (ii) to provide, within technical and vocational education, for the teaching of Kashubian as a part of the curriculum, (iii) to provide the basic and further training of the teachers required to implement the said objectives as well as to (iv) set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of the regional language. With regard to Article 10 (Administrative authorities and public services), Poland has obliged itself to allow for (i) the possibility for users of Kashubian to submit oral or written applications in Kashubian, (ii) to use or adopt, if necessary in conjunction with the name in the official language, traditional and correct forms of place-names and (iii) to allow the use or adoption of family names in the regional language. With regard to Article 11 (Media) - (i) to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional language, (ii) to encourage and facilitate the creation and/or maintenance of at least one newspaper in the regional language and (iii) to support the training of journalists and other staff for media using Kashubian. With regard to Article 12 (Cultural activities and facilities) – (i) to foster the different means of access in other languages to works produced in Kashubian by adding and developing translation, dubbing, post-synchronization and subtitling activities and (ii) to foster access in the regional language to works produced in the language in question by aiding and developing translation, dubbing, post-synchronization and subtitling activities[42].

[41] http://www.coe.int/t/dg4/education/minlang/Report/EvaluationReports/PolandECRML1_en.pdf (accessed July 31, 2013)

[42] http://www.coe.int/t/dg4/education/minlang/Report/EvaluationReports/PolandECRML1_en.pdf (accessed July 31, 2013)

Polish law on national and ethnic minorities and a regional language and its consequences

In the aftermath of signing the European Charter for Minority or Regional Languages, on 6 January 2005 Poland enacted law on national and ethnic minorities and a regional language. Section 4 of the Act states that Kashubian is the only regional language officially recognized in Poland, emphasizing its territorial aspect in applying the definition provided by the Council of Europe. The Act provides Kashubs with the right to use and spell their names in accordance with the rules of spelling of that regional language[43], whereas the article 9 of the said Act states that Kashubian may be used, in conjunction with the official language, as a supplementary language in commune offices. Still, this shall only be applicable within communes where the number of speakers of Kashubian is not smaller than 20% of the total number of commune inhabitants, while the commune itself needs to be entered into the Official Register of Communes at the territory of which the supplementary language is used. Further, the communes concerned shall have the right to apply Kashub names, together with Polish ones, of places and physiographic objects.

The enactment of the said law led to the establishment of the Kashubian Language Board (Rada Języka Kaszubskiego) under the resolution no. 14 of the main organization of the Kashubian language, Zrzeszenie Kaszubsko-Pomorskie, dated 26 August 2006, and pursuant to the § 28.2 and § 28.4 of the Statute of the Zrzeszenie Kaszubsko-Pomorskie and the Strategy for Protection and Development of the Kashubian Language and Culture. According to the Rules of the Kashubian Language Board[44], the scope of the Board's activity encompasses all and any affairs concerning the use and development of the Kashubian language. In particular, the main objectives of the Board comprise (i) an analysis and assessment of the condition of Kashubian, (ii) dissemination of knowledge concerning Kashubian and its varieties, (iii) resolution of any linguistic doubts related to vocabulary, grammar, pronunciation, spelling, punctuation as well as (iv) seeking solutions within the scope of applying Kashubian in various forms of science, technology, especially in new disciplines, (v) providing opinion on the use of Kashubian in public activity and legal affairs, especially in advertising, press, radio, television and administration, (vi) providing opinion on names (and their grammatical and spelling forms) proposed for new goods and services, and (vii) establishing spelling and punctuation rules for Kashubian, among others. Between the years 2007 and 2013, resolutions passed by the Council referred to the word order, theory of literature for teaching purposes, media terminology connected with the names of months, days, seasons, time and directions of the world; the spelling of some prepositional phrases, compound adverbs and words, the application of Kashub names and their diminutives, Kashub names of the state authorities, protection of regional Kashub variants, application of Kashub mathematical and IT names, grammatical terms, lexical items, names of museums in the Kashuby region, the application of Kashub names of towns and villages, the order of the Kashubian alphabet, vocabulary connected with forest and water, and Kashubian religious and customary language (i.e. Christmas, Easter, holy sacraments).

[43] Article 7 of the Act on national and ethnic minorities and a regional language.
[44] http://www.skarbnicakaszubska.pl/dokumenty/akty_prawne/Regulamin%20RJK.pdf

Report on the implementation of the provisions of Part III of the Charter (in regard to Kashubian) dated 7 December 2011

According to the report, the Committee of Experts considers the undertaking to make available the pre-school, primary school and secondary school education not fulfilled. The basic reservation is that Kashubian is taught only as a subject and that the regional language is not the language of education. Whereas at the tertiary-level of education, the Committee considers the undertaking fulfilled as in 2009/2010 the University of Gdańsk introduced the specialty of 'Kashub studies' within the faculty of Polish studies. Still, the Committee stresses that there have appeared some problems with opening Kashubian Philology Department, with Kashubian being a major. As for the training of teachers, the Committee of Experts notes that tertiary education is still aimed at providing basic training for Kashubian teachers, rather than for teachers who would be able to teach specialist subjects in the language in question. As for the provision concerning judicial authorities, the report confirms that the Act on the Polish Language (Article 2.2) confirms the validity of legal documents in regional and minority languages and, thus, views the undertaking as fulfilled. Still, the report neither presents nor refers to any examples of enjoying the said privilege by native speakers of Kashubian. As for administrative authorities and public services, the Act on national and ethnic minorities and the regional language, as mentioned above, states that the regional language may be used in contacts with local authorities of municipalities where the population of Kashub people amounts to 20% of the total population figure of a given municipality according to the census of 2002. In such municipalities, the people concerned are permitted to address both in writing and orally, and upon a request, receive a written or oral reply in Kashubian, with one reservation only that the appeal procedure must be carried out in Polish. Still, the auxiliary language might be applied only at the local level, with no possibility of using it in contact with district (powiat) or province (województwo) authorities. Additionally, the Committee points out that the arbitrarily set 20% threshold is incompatible with the Charter, encouraging Polish authorities to change it and enable its application within the official context in areas where the number of Kashubs is sufficient and to extend the scope to districts and to the Pomerania Province. Usually, the number of people justifying protective measures is usually below that value. As far as the use of place names in Kashubian is concerned, the situation is similar as in this case the 20% threshold of Kashubian population within a given municipality is also required. Still, within the municipalities where the population of Kashubs does not reach 20% of the total population of the municipality, the local council may, on the basis of consultations held, adopt place names in Kashub in conjunction with Polish names in parts of the municipality where the majority of voters opted for the bilingualism of place names. Again, the basic reservation is the fact that the Kashub population threshold is incompatible with the charter. On the date of the report, place names have been introduced in seven of the ten municipalities having the requirement met. Family names used in Kashubian are allowed; still, no name change was reported during the reporting period. The undertaking connected with the media is also assessed as unfulfilled as, according to the report, there is no radio station nor any public television channel broadcasting mainly or exclusively in Kashubian. As for the cultural activities, and the provision to enlarge access in other languages to works in Kashubian by aiding or

developing translation, dubbing, post-synchronization and subtitling, the Committee of Experts was not in the position to take a stance whether the task is fulfilled or not. As for the access in Kashubian to works published in other languages, the report refers to the translation of a Polish drama, *The Wedding* by Witold Gombrowicz.

The actual situation of Kashubian

Following Obracht-Prondzyński (2007, 16-18), legal regulations such as the Act on national and ethnic minorities and the regional language definitely brought a new impulse into the endeavor of the Kashub people to advance the status of their native language. Still, based on the findings of the report, Kashubian is present within the public domain but not to the extent desired by the Council of Europe and not to such an extent that would enable unconstrained improvement and preservation of the language. The report seems to indirectly reflect the findings of the research made by Makurat (2007) and Mazurek (2010).

The former author (Makurat 2007, 97-100) writes about bilingualism on the Kashubian language area, claiming that within the age group up to 30, the majority of people represent passive bilingualism, that is passive knowledge of Kashubian. For them, any attempts to speak Kashubian highlighted the frequent lack of linguistic skills in reference to the Kashubian language. Between 31 and 70 years of age, the majority of respondents declared active bilingualism, while the eldest generation (71 and elder) opted for passive bilingualism, with the knowledge of Polish being passive. Applying the classification of bilingualism adopted by Weinrich, Makurat (2007, 97-100) categorizes the current bilingualism of the Kashuby region as coordinate bilingualism. The bilingual representatives of the Kashub society often cannot translate Polish into Kashubian and Kashubian into Polish by not being able to provide a given equivalent. Individual words are either reserved for the Polish language code or the Kashubian language code. The natural bilingualism of the Kashub community is undergoing residual bilingualism. The phenomenon is embodied in the cessation of natural handing down of Kashubian from generation to generation at home. As the middle-aged, elder and the eldest generations communicate with the youngest generation usually in Polish, their lack of full competence in that language leads to the intensification of Polish and Kashubian linguistic interference, resulting in the emergence of a mixed contact dialect. Makurat (2007, 97-100) stresses that the previously bilingual community is transferring into a linguistically heterogeneous one, using, in speech, three language codes: Kashubian, Polish and mixed. [45] Mazurek (2010:181) names the phenomenon 'a hybrid identity' as Kashub people adopted the Polish language from the Polish culture for the purposes of communication, stressing, at the same time, their cultural identity within the public domain.

Besides, following Makurat (2007, 89-93), there exists no single and unanimously organized language code in reference to Kashubian. The Kashubian language functions in two variants, one standardized, i.e. literary, cultural and general Kashubian language and the non-standardized one (regional and local dialects). The standardization process of Kashubian is in progress and requires long time span for its

[45] Similar findings are presented by Mazurek (2010: 154-177)

popularization, while the spoken Kashubian of the Kashub community is not standardized due to the existence of numerous local and regional dialects. Makurat (2007, 90) writes about two aspects that should be considered within the analysis of the functioning of the contemporary Kashubian. The first one is the functioning of the living speech of the Kashub community and the second is the functioning of the standard Kashubian. As stated above, the former aspect is undergoing a decline of natural bilingualism due to the weakening transmission of the language between generations whereas the standardization of the spoken language is almost impossible. The process is not only unattainable for masses but it also lacks pragmatic consequences within the circle of elites establishing the standard spoken language. Besides, elements of local dialects spread to the written standard through literature, which hinders its full completion (Makurat 2007, 89-93).

Still alive, those numerous local dialects render an obstacle to the establishment of a unanimous and definite supradialectal variant. Further, such measures encounter lack of social approval of literary Kashubian which, in consequence, leads to weak functionality of the standard Kashubian. According to Makurat (2007, 93), for the Kashubian language to receive the status of a cultural language, what is needed is the acceptance of Kashubian as a high language.

The solution for language planners in reference to the revival of the regional language proposed by Hornsby and Wicherkiewicz (2010, 13-14) advocates the promotion of the Kashubian that would go beyond the municipalities with the attained 20% threshold to the territory outside the Kashuby region and non-speakers of the language in question: "A more flexible approach to 'being Kashubian', which would encompass Kashubian speakers outside the ten municipalities mentioned, and indeed outside of Kashubia proper, would ensure a greater number of people being involved in the current revitalisation project. [...] Seeing such 'hybridity' as a strength and an opportunity to be seized, rather than as a weakness, might in fact prove beneficial for speech communities undergoing a reduction in numbers and in the domains in which the language is still used." (Hornsby and Wicherkiewicz 2010, 13-14).

Concluding remarks

The report dated 7 December 2011 proves that the treatment of the regional language is state-based and that insufficient emphasis is put into the application of Kashubian as a specialist language. The charter undoubtedly triggered the development of the state's language policy towards minority and regional languages. The privileged status of the sole regional language in Poland given to Kashubian led to the enactment of the Act on national and ethnic minorities and the regional language. Further, to the compilation of the Strategy for Protection and Development of the Kashubian Language and Culture which led to the establishment of the Kashubian Language Board. Still, most of the provisions of part three of the Charter undertaken by Poland towards the language in question are considered as unfulfilled, especially in the field of education. It appears that the decisive factor in the development and promotion of Kashubian is the enormous internal variety of the spoken Kashubian and the passive bilingualism adopted by the young generation. It appears that the continuation of the vocabulary enrichment, even with borrowings from Polish (suggested 'hybridity'), and its standardization would be vital in the revival and preservation of the language. It would entail the compilation of

specialist dictionaries, which the Kashub community does not possess. Further, it would enable education in Kashubian and it would enrich translation[46] practice, being one of the most powerful tools that refines, cultivates and keeps the language alive.

[46] In the majority of cases, the translation from Kashubian into Polish and Polish into Kashubian refers to literature and church. For example, in 1992 there appeared the first translation of the Bible into Kashub by Franciszek Grucza, the following one by Eugeniusz Gołąbek (1993) and translation from Greek of the Gospel according to St. Mark by Adam Sikora of 2001. Another example of translation into Kashub refers to the works of Adam Mickiewicz, mainly *Pan Tadeusz*, translated by Stanisław Janke.

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Reviews

TOWARDS GLOBAL LANGUAGE OF LAW

Heikki E.S. MATTILA, Comparative Legal Linguistics. Language of Law, Latin and Modern Lingua Francas. 2nd ed., Ashgate 2013, 485 pages, ISBN 978-1-4094-3932-5 and Heikki E.S. MATTILA, Jurilinguistique comparée. Langage du droit, latin et langues modernes, Éditions Yvon Blais 2012, 646 pages, ISBN 978-2-89635-724-6

reviewed by **Marcus GALDIA**, PhD, JD
International University of Monaco
2, Avenue Albert II, MC 98000 Monaco
mgaldia@monaco.edu

Summary

The Finnish legal linguist, Professor Heikki E.S. Mattila, published at the beginning of this year the second edition of his *Comparative Legal Linguistics* that originally appeared in 2006. Simultaneously, the French original of the English translation was printed in Quebec by the publishing house Yvon Blais as *Jurilinguistique comparée*. Both books that originate from the Finnish *Vertaileva oikeuslingvistiikka* (2002) are discussed below in a combined review. Already the first editions of the Finnish and English linguistic versions were acclaimed by many reviewers. It is to be expected that also the expanded second English edition will be even more appreciated by teachers and students alike. The French edition, for its part, will hopefully make legal linguistics in its global perspective better known in the French-speaking parts of the world. Mattila's textbook on comparative legal linguistics in its Finnish-, English- and French-language versions established itself as the most authoritative account of legal-linguistic achievements in the concerned academia worldwide. Overall, as far as one can see, Mattila's work is the only introductory textbook into problems of comparative law and legal language available today. It is the most reliable source of information for everyone interested in the linguistic aspects of law.

Structure and merits of the English edition

The English edition consists of four main parts: Part 1 *General Introduction* that covers problems of legal language and legal linguistics, Part 2 *Legal Language as a Language for Special Purposes* that describes the functions and the characteristics of the legal language and deals with legal terminology in general, Part 3 *The Major Languages in the World* that characterizes legal Latin, legal German, legal French, legal Spanish, and legal English. Part 4 contains *Conclusions*. The second edition of *Comparative Legal*

Linguistics is considerably widened and now comprises 485 pages, compared with 347 pages of the first edition. The book has a subtitle that has not been used in its first edition. Furthermore, it includes a new chapter on legal Spanish, numerous additional notes on some lesser used legal languages such as legal Norwegian (pp. 79-85), legal Indonesian (pp. 147-151), and samples from various languages all over the text. It also updates the main text of the first edition of the book and its footnote references and provides enlarged paragraphs about EU linguistic regime and translation in EU insititutions in the relevant parts of the book. The bibliography (pp. 367-429) is very representative and thoroughly structured.

Comparing legal languages: from terminology to communication

Mattila developed his conception of the comparative legal linguistics in close relation to the comparative law. Yet, unlike most legal comparatists, he did not concentrate on the functional or structural elements of different legal systems. Instead, he focused rather on the linguistic form of law and predominantly on the legal terminology. He finally combined the analysis of legal terminology with communicative aspects of law. By so doing, he made an important step towards consolidation of the disparate data that legal-linguistic research engendered when he started his systematizing work of legal linguistics. In his research published mainly in the Finnish language Mattila pondered over the systematic frame of reference for the comparative-linguistic approach that he now follows with admirable consequence (cf. Mattila 2008, 2010c). Mattila starts with general features of the legal language that he distilled through the analysis of particular legal languages. He focuses particularly on problems of legal terminology that he also synthesized in his chapter *Legal Vocabulary* (cf. Mattila 2012) in otherwise rather unsystematic *The Oxford Handbook of Language and Law* that has been reviewed in the previous edition of this journal. Legal-linguistic comparison emerges in his conception of legal linguistics between rivalry and complementarity of legal languages. Consequently, Mattila can justly claim that some languages play a formating role in this process while others mostly follow paths beaten by the dominating legal languages. This result justifies the choice of languages that are analysed in the book. His survey of languages starts with legal Latin, continues over German, French, Spanish to the English legal language. For Mattila, legal Latin has always been fundamental to the development and the understanding of legal language. Mattila insisted therefore in many of his publications upon the importance of legal Latin for legal-linguistic research (cf. Mattila 2004, 2010a). Unlike many other legal writers, he did not limit his involvement in this area to erudite statements, but became engaged in a series of research projects into legal Latin and its contemporary use that led to surprising results. They are accounted for in the book's chapter on legal Latin. Recently, also scholars such as J.-L. Halpérin, J. Husa, and M. Zabłocka stressed the fundamental role of Latin as a basis for the understanding of the legal language. J. Husa (2011) perceived legal Latin as a linguistic context or grammar of law. M. Zabłocka (2010) spoke about the Roman roots of the contemporary legal language. For J.-L.Halpérin (2009: 59) it is evident that legal Latin and Roman law are eminently present in the process of legal globalization. Therefore, it is very convincing that the author discusses in his book the heritage of the legal Latin exhaustively. Meanwhile, legal Latin is linguistically and conceptually unthinkable without the ancient

Greek language and the Greek philosophical and rhetoric traditions. After all, already the ancients held: Romani primi Graecorum discipuli. Therefore the classical Greek language that pertains to law, its emergence and its institutional use, would merit at least a paragraph in the broad chapter on legal Latin. This paragraph would correspond with the subchapter on modern legal Greek (pp. 75-79) that aptly addresses issues of linguistic rivalry in intralingual settings. Other main languages that are treated in the book combine diachronic and synchronic aspects and stress the linguistic interrelations in the process of emergence of singular legal languages.

The reviewer has followed closely Mattila's legal-linguistic undertakings aiming at establishing a methodologically solidly founded new area of interdisciplinary studies since the appearance of his impressive *Vertaileva oikeuslingvistiikka* in 2002. The monograph in the Finnish language that immediately attracted the attention of all specialists who read Finnish has been later adapted to the needs of the global public and published in the English translation prepared in a shortened version by Christopher Goddard. Particularly, the chapter on legal translation that in the Finnish original was based on examples from the Finnish language was omitted in the global edition, mostly due the limited readership that would be ready or able to enjoy the scrupulous analyses of the intricacies of legal Finnish. While Mattila spent a lot of effort on the study and teaching of legal translation, the topic is much less visible in the English than in the Finnish edition. Implicitly, of course, legal translation is always present wherever comparative legal terminology is discussed in the book. Also several subsections deal with translation problems. It is however regrettable that the author's experience and expertise in the area of translation of legal texts is not more comprehensively documented in a separate chapter that would systematize the translation problems mentioned all over the book. Many students of legal linguistics (legilinguistics), or students of legal translation would benefit from such a procedure.

Finality in legal-linguistic comparison: Language of the Global Law

Legal-linguistic comparison does not take place in an ideological vacuum. It emerges towards the background of globalization of law. This ongoing process is undeniably sluggish and cannot be compared with the speed of economical globalization. Meanwhile, the process of legal globalization as such is unquestionable, and has been approached by legal comparatists from different points of view that include enthusiasm, scepticism, but also openly hostile attitudes. However, neither the skeptics nor the enthusiasts can deny the necessity of fundamental research into the legal-linguistic prerequisites of the emergence of a global language of law. Mattila does not commit himself explicitly to ideological or emotional positions in the debate about the globalization of law. This notwithstanding, his approach reflects perfectly the needs that persist in the discussion about the global law and its language. Foremost, it will be necessary to determine whether this language should be based on application of broadly formulated legal principles and standards or on complex terminological constructs. General and comparative legal linguistics should contribute to this debate as the most competent academic adviser on such issues. In the context of the fudamental debate about the future shape of the global law the publishing house Ashgate brings on the book's cover a quote from reviewer's appraisal of the first English edition (Galdia 2006: I-271)

where the reviewer wrote: "Mattila proves in his work that comparative legal studies can be fruitfully approached from the linguistic point of view…The emerging global law will need a new language and works like Mattila's are fundamental to its development." It is gratifying for the reviewer to note that Mattila expanded the topics related to finality in the legal-linguistic comparison and made a step towards the generalization of his research results (cf. pp. 347-351).The step towards clarification of the fundamentals of the legal language would also justify the use of the title given to this review as a subtitle of Mattila's book. The author chose another formula as he apparently wished to stress the common thread that runs through the book. Indeed, the emergence of the legal language and the long way that was necessary to achieve clarity about it through the analysis of the dominating legal languages of the world as well as the scrutiny of their legal-linguistic source that had been the legal Latin was a challenge for legal linguists. After all, it seems that one arrives at the same results while stressing the long way of legal-linguistic research and its finality, and when one starts with the finality itself and then looks at historical processes that shaped the language of law.

Plain language or plain law?

Legal language that emerges in Mattila's perspective is analysed in the book in contrast to ordinary language. Meanwhile, also plain language claims that are related to ordinary language are taken into consideration, although they do not dominate Mattila's reflection upon linguistic aspects of legal terminology. This is particularly welcome because the plain language movement might have got in many recent legal-linguistic publications a broader coverage than it actually deserves. More often than not, the plain language claims lead to expectations concerning the understandability of law by everyone that can only disillusion their well-intentioned authors. Also Mattila sees limits of such undertakings. His views are particularly valuable as they make plain the politically complex nature of law. Indeed, law is complex, not only linguistically, because it is a social discursive practice that is rooted in the deep structure of society. Scandinavian legal writers, and Mattila among them, were among the first to draw our attention to power-dependent language use in law (cf. Helin 1988, Siltala 2003). Many Scandinavian classics of legal theory elucidated already some decades ago the conditions and the contexts of language used in law that they perceived as ideological and clearly not as a simple result of jurists' alleged linguistic clumsiness. Language use in law is therefore mainly an issue of ideology and not of linguistic didactic. In fact, jurists live on their linguistic skills; they are masters of language use. Their skills impress most when they are evaluated from the pragmatic perspective, and Mattila's book is one more proof of this legal-linguistic constant that was recognized already by the ancient Greek rhetoricians. Meanwhile, Mattila's approach to the issue is conciliatory: plain language attempts make sense within legislative drafting, yet they also have their inherent limits embodied in the reducible yet finally unavoidable complexity of modern law (p.131; p.123). In sum, Mattila's conclusions upon the research agenda of plain language studies may be instrumental in re-adjusting of some of its paradigmatic claims.

Mattila's book as handbook

Mattila's book, although specifically not called a handbook on law and language, nevertheless in many respects fulfils the role of a handbook. It could, in this sense, function even more efficiently were overviews of languages such as Chinese and Japanese included. Both languages definitely do not compete with English and French in the global legal practice, yet Mattila included among the most relevant languages also the legal German that is today only of regional importance. Legal Chinese may have played a similar role in the regions where it has been most influential. Research available today makes possible at least a general overview of the role that the Chinese language has played in the development of the legal languages in East Asia, and especially in Japan (cf. Horie 2010: 82-86). The same concerns the legal Russian and the legal Arabic that played, and continue to play, an important role in regions of their political and cultural influence. Further, the developments in sub-Saharan Africa that are mentioned in the book (pp. 268-269) concern the use of non-African languages on the African continent in official legal contexts. Meanwhile, at least in the Suahili lexicology, legal terminology is present and could be introduced in the book as an example of productive African legal-linguistic tradition. However, one must also admit that research into this issue is limited and African authors used to concentrate mainly on the use of administrative, formerly colonial languages in legal settings. One may hope for more interest towards African legal languages in African studies. Finally, Mattila as one of rare experts in the area of legal Finnish studies authored numerous articles on the legal Finnish. It would be interesting for foreign readers to become acquainted with the results of this research into legal Finnish that are now available mainly in Finnish publications (cf. Mattila 2010 b). Therefore, further geographic and conceptual extension can only be encouraged for future editions.It would make the book an even more perfect handbook of global legal linguistics that would become essential reading for all interested in the development of the legal language in the process of legal globalization.

Remarks on the Quebec edition

The original manuscript of the French-language version was used as a basis for the English edition of 2006. It appears now in print in an updated and expanded form in Quebec: Habent sua fata libelli. Apparently due to the linguistic tradition in Canada it does not use the French term 'linguistique juridique' as a key word that would directly refer to the leading term 'legal linguistics' of the English edition. Instead, the term 'jurilinguistique' is generally used all over the text. Meanwhile, the term 'linguistique juridique' also is mentioned in parts of the book that deal with general trends in the field as well as with the research on the issue in France (cf. pp. 10-11). Undeniably, the problem of the name for the field here discussed is rather minor when compared with methodological challenges and subject-matter issues that are of greater relevance for the research. However, Mattila's legal-linguistic method developed in close approximation to G. Cornu's *Linguistique juridique* (3rd ed. 2005) and Mattila certainly remains Cornu's most prominent successor. The editorial choice that is understandable in the light of Quebec's terminological conventions makes the connection between Cornu's fundamental research and Mattila's expansion of Cornu's basic concepts epistemologically less transparent.

Furthermore, the Quebec edition includes some minor differences when compared with the Ashgate edition. However, both books can be perceived as equivalent in terms of most relevant contents.

Polonica in author's biography

Some biographical details may be particularly interesting for Professor Heikki Mattila's Polish readers. Since the beginning of his professional career H. Mattila was particularly attracted by two countries, France and Poland. The influence of these two countries and their - not only legal - cultures is omnipresent in his whole academic work. His doctoral thesis *Les successions agricoles et la structure de la société. Une étude en droit comparé* (1979) although written in French, concerns the comparison of the Polish and the Finnish agrarian legislation. As far as Poland is concerned, Mattila's biographers (cf. Foley et al. 2008: xviii) refer particularly to his studies in Poznań in his younger years and the influence of Polish scholars such as Zygmunt Ziembiński, Jan Woleński, Andrzej Stelmachowski, Leszek Nowak, and Jerzy Wróblewski on his legal thinking. At the Adam Mickiewicz Uniwersity in Poznań, H. Mattila also assisted as a member of the Finnish delegation at the inauguration of the Finnish Philology at the Department of Scandinavian Studies in 1975, initiated there by Professors Czesław Kudzinowski and Jerzy Bańczerowski (Galdia 1990/1). The knowledge of the Polish language that he had acquired during his studies in Poland also resulted in several translations of legal articles from Polish into Finnish. In *Comparative Legal Linguistics* and in *Jurilinguistique comparée* his rare linguistic competence makes plain the numerous references to the works of Polish scholars and illustrative samples of the Polish legal language, among which the reader will find 'zielony pingwin' (p.3), 'działalność lobbingowa' (p. 348), the generous formula of Polish testaments in 17th and 18th century: 'leguję, daję, daruję i zapisuję', and many others. Mattila shows vivid interest towards the research and editorial activities at the Laboratory of Legilinguistics of the UAM in Poznań and mentions them on p. 7 of the English edition where he also refers to the original coinage of 'legilinguistics' used by the Laboratory as well as on p. 11 where he mentions the publications of this journal. Analogous references are included on pp. 12 and 16 of the Quebec edition. Hopefully, the Polish legilinguistics and this journal will inspire him also in his future legal-linguistic research.

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SPANISH AND LAW – INTERDISCIPLINARY INSIGHTS

Review of *Lengua y Derecho: líneas de investigación interdisciplinaria*. Linguisic Insights 130. Studies in Language and Communication. Edited by Luisa Chierichetti and Giovanni Garofalo, Bern: Peter Lang, 2010, ISBN 978-3-0343-0463-4, 283 pages.

reviewed by **Joanna NOWAK-MICHALSKA**, PhD
Institute of Linguistics, Adama Mickiewicz University
al. Niepodległości 4, 61-874 Poznań, Poland
joannanowak@poczta.fm

The book consists of articles presented at the IV CERLIS (Research Centre on Languages for Specific Purposes) International Conference at the University of Bergamo (Italy) held on 19-21 June 2009 and titled *Researching Language and the Law: Intercultural Perspectives*. As stated in the introduction to the book, it also includes articles of other specialists in this field.

The book consists of eleven articles presenting the results of research in the field of language and law focused on Spanish, sometimes in comparison with Italian, as is the case of the articles by Carpi, Mata Pastor and Valero Gisbert. The authors frequently base their observations on the analysis of text corpora. The method employed in many articles is discourse analysis. Some authors analyse various professional genres in legal context and one article is devoted to discursive markers. Legal translation is also dealt with. One article discusses the legal language of the European Union. All articles are written in Spanish. It would therefore be useful to provide English summaries of the articles to allow non-Spanish-speaking persons to grasp the main idea of the contributions.

In the introduction the editors of the volume emphasize the central role of language in the theory of law, which is due to the fact that language is at the same time the object of the study and the means of carrying it out (p. 7). They agree with Palazzo (2003, 113) that the law *is* language because all legal norms and resolutions need a linguistic formulation to exist. They emphasize that there are various legal languages, each one with its own characteristics (p. 8). They refer to the division made by Jerzy Wróblewski (2000, 157-158), who distinguishes three types of languages related to law: legal language (in which all laws are formulated), language of the application of law (language of the judicial practice) and the language of legal science. Further on they apply this division to classify the articles presented in the book. They also deal with the relation between linguistic and legal norms, the recipients of legal norms and the simplicity versus complexity of legal language. Referring to Prieto de Pedro (1996, 118) they remark that both citizens and jurists are the recipients of legal texts. Therefore, the language used in legal texts should meet the needs of these both types of recipients: simplicity and clarity on one hand and precision and technical explicitness on another

(p.14). The authors believe that linguistic training is necessary for students of law and employees of justice administration. The authors also emphasize the need of cooperation between the authorities and the linguists, adducing the example of the participation of the Spanish Real Academia Espanola (Spanish Royal Academy) in the works on the Spanish Penal Code (p.15-16).

The first article, *Inmigración y barrera lingüística en Andalucía: el traductor jurídico como mediador intercultural*, by Maria Carmen Acuyo Verdejo investigates the linguistic situation of the immigrants coming to the Spanish region of Andalusia. She focuses on the language assistance the immigrants receive and the role that translation and interpreting plays in it. This field work is based on a questionnaire answered by 183 employees of different immigration offices in eight Andalusian provinces. However, this article focuses only on the results concerning the city of Granada. The results are quite surprising. As much as 70% of the respondents are not aware of the existence of the right of language assistance for immigrants. This can also explain other findings – 90% of the respondents claim that foreigners are not assisted by a translator or interpreter although 56% of immigrants coming to Granada have little knowledge of Spanish or do not know it at all. Most frequently, they are assisted by „any person who speaks their language" (64%). This shows how little the profession of translation is acknowledged. The authors notice that knowledge of a language is often wrongly equated with the ability to translate and interpret. However, almost 80% of the respondents say that they would choose a professional translator if they were to choose the most suitable person for the task of language assistance of an immigrant. What is more, 50% of them claim that such a translator should know the immigration law and 27% claim that he or she should have knowledge of other branches of law such as civil law and administrative law. The results of the survey also show that most immigrants come from Arab and African countries (45%), Romania, Bulgaria, Russia (40%) and Latin America (16%). This shows, in consequence, that translators of these languages are most needed in the everyday work of immigration offices in Andalusia. The article also discusses the types of documents that most frequently need to be translated, which is important information for translators. This contribution is very valuable and useful as it diagnoses and describes problems concerning language assistance offered to immigrants in Andalusia. The author emphasizes that cooperation between administration employees, lawyers, prosecutors, judges, translators, interpreters and social workers is the only way to improve the situation of immigrants and their integration in the society.

The next article *Estrategias argumentativas en los preámbulos de la normativa laboral española* by Maria Cristina Bordonaba Zabalza employs methods of discourse analysis and investigates, from diachronic perspective, the influence that a preamble can have on the understanding of laws by the recipient. It analysis the argumentative strategies that the legislator uses to persuade the recipient of the necessity of imposing the laws. One of the merits of this study is that the corpus consists of regulations from different historical periods (from 1938, 1947 and 1980). The author shows that in spite of the ideological differences and different grades of argumentative efficiency of the analysed texts legislators tend to employ the same argumentative strategies to convince the recipient of a law.

Elena Capri's article, *Las denominaciones de los establecimientos de alojamiento turístico en la normativa española*, deals with the names of different types of

touristic accommodation in Spanish legal regulations in comparison with the Italian terms. It discusses the typology of touristic accommodation and analyses possible equivalences between Spanish and Italian terms, which can be very useful for translators. It shows that the terms referring to different types of touristic accommodation in Spanish legal regulations of different autonomous communities are not homogenous. There are also cases of terminological synonymy – undesirable in legal language – in the texts of regulations of the same community. The contrastive analysis indicates that Spanish is more reluctant to loanwords than Italian and that vocabulary referring to touristic accommodation is not much present in the analysed dictionaries of general language.

Luisa Chierichetti, *Discursos del derecho y discursos sobre el derecho: aspectos intertextuales*, investigates the relationship between legal discourse and a discourse used to comment it, i.e. legal metalanguage focusing on intertextual aspects. The author analyses a legal text (MERCOSUR Tribunal ruling) and two comments on this text prepared by academic specialists in the field. The author shows that mixed intertextuality is characteristic of this type of texts.

Giovanni Garofalo, *La conciliación ante el* Centro de Mediación, Arbitraje y Conciliación: *un ejemplo de hibridación de prácticas discursivas*, investigates conciliation as a method of extrajudicial solution for labour conflicts from discursive and textual perspectives. He focuses on the interdiscursive relationships between the conciliation request (*papeleta de conciliación*) and the civil complaint (*demanda civil*). The analysis based on a corpus of 40 conciliation requests directed to the Centro de Mediación, Arbitraje y Conciliación (Mediation, Arbitration and Conciliation Centre) shows that the genre of civil complaint "colonizes" the conciliation request, which is usually written following the pattern of the civil complaint and has not developed into an autonomous text genre. The article, well-structured and closed with reliable conclusions, discusses possible reasons for this process.

Elena Landone, *Notas en torno a los marcadores del discurso en la normativa territorial de las Comunidades Autonomas españolas*, discusses discursive markers (DMs) in the textual/grammatical structures of the territorial regulations of the Spanish autonomous communities. The study is a valuable contribution as the corpus of analysed texts is large: it contains all types of territorial regulations issued by the administrations of autonomous communities in Spain between 1980 and August 2009. Each of the analysed documents consists of three parts: a preamble, where DMs are quite numerous and varied, the articles, with less varied and generally monofunctional DMs, and an ending with some fixed markers of the promulgation formula. The analysis shows some repetitive combinations of DMs characteristic of this legal/administrative language. The article contains some interesting illustrative material.

The article by Ana López Samaniego, *El género profesional del informe jurídico. Recomendar e interpretar la ley*, is a valuable contribution in which the author defines and describes the professional genre which has not been investigated in Spain before: the text of legal advice. It is understood as a text written by a lawyer in response to his/her client seeking legal advice. The author applies the method of discourse analysis, more specifically genre analysis. The study is based on the analysis of a corpus of 15 legal advices of private character and 12 of public character are available in the Internet. Both corpora are equivalent in the number of words. The analysis provided in the article is very detailed and accompanied by carefully prepared illustrative material.

Referring to Bahtia (2004: 124-133), it focuses on *text-external* factors of genre integrity. The author distinguishes two subgenres of legal advice and shows how it is related to other legal genres.

In her article *La traducción de la retórica forense: análisis de los elementos y recursos argumentativos en un texto jurídico*, Carmen Mata Pastor thoroughly analyses argumentative means used in legal texts in the context of a real arbitration procedure between a Spanish company and an Italian one. The analysis is based on documents written in Italian of which some examples are presented. Unfortunately, the author provides no translation of these examples into Spanish. Although the title of the article suggests that translation is its main topic, not much attention is paid to it. The problem of translating forensic rhetoric is mentioned only at the beginning of the article and in its conclusions where the author aptly observes that the translation of argumentative texts requires not only understanding linguistic elements but also rhetoric ones, which should be transferred into another language in order to preserve the intention of the author of the text. The article could be more useful if such conclusions were based on an analysis of the existing translations (parallel texts) or if potential translations of the examples were discussed in detail.

The article by Félix San Vincente, *Autor, norma y uso en los prólogos de DRAE (1780-2001)*, is devoted to a diachronic analysis of the prologues to the particular editions of the Spanish monolingual diccionaries published by the Real Academia Española (Royal Spanish Academy). It discusses the normative character of the dictionary which is recognised internationally. It is considered a reference when the "official" meaning of a word or even its existence is to be established. It is also regarded as authority by jurists. The article describes the developments and changes in the most important editions of this dictionary. It also discusses the collective authorship of the RAE dictionaries and the use of neologisms in the scientific and technical fields. The article contains rich bibliography but it rather only confirms existing knowledge. Not much attention is paid to more thorough investigation in the field of language and law.

Raquel Taranilla, in *Forma y función de los enunciados jurídicos de recomendación: las Recomendaciones de la Comisión Europea*, discusses the linguistic means of expressing recomendation and its function in Recommendations of the European Commision. The qualitative and quantitative analysis is based on a corpus consisting of 15 Recommendations in Spanish. However, it is compared in some cases with a parallel text in English. The conclusions of this well structured article are very interesting. In the Spanish text, recommendation is sometimes expressed by the same linguistic means that are used to express obligation in Spanish legal texts, for instance the verb *deber* (should) + infinitive or future tense. The author compares it with the English version of the text, which seems less imperative. In consequence, there is a dissonance between the form of recommendation and its function, which is to recommend and not to oblige. It is also against the stylistic rules established by the European Union in the *Joint Practical Guide. Guide of the Parliament, the Council and the Commission*.

The last article, *Notas sobre la calidad semántica de equivalentes de UUFF de lenguaje jurídico en los DDBB actuales español-italiano*, by María Joaquina Velero Gisbert, concerns phraseological units of legal language and its equivalents in modern Spanish-Italian bilingual dictionaries. The author divides the analysed examples into three categories in relation to the degree of equivalence they present: total, partial and

none. The author emphasizes the importance of the purpose and the intended addressee of the translation. This is especially important in specialized translation, which can be addressed to specialists, semispecialists or general public. The topic dealt with by the author is of importance to translators and interpreters in the Spanish-Italian language combination, however, the author analyses a relatively small number of examples.

In conclusion, the book under review provides the reader with interesting contributions in the area of language and law. The articles are diversified and in general offer new insights into this interdisciplinary field. Special attention is paid to discursive, textual and lexicographic aspects.

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