LEGAL TERMINOLOGY: APPROACHES AND APPLICATIONS
EDITORIAL TO SPECIAL ISSUE ON LEGAL TERMINOLOGY

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Although terminology understood as a discipline concerned with the study of specialised vocabulary, i.e. terms, is by no means new, it is only relatively recently that it has begun to emerge as a fully-fledged scientific endeavour complete with its principles, bases and methodologies. As an inter- and trans-disciplinary field of knowledge, terminology is characterised by a plurality of approaches to its theoretical foundations and practical applications. Despite the diversity of terminological theories and approaches, there seem to exist certain theoretical and methodological aspects shared by most, if not all of them, such as recognition of the concept, the nature of the term and its functions in texts; non-verbal representational forms, knowledge ordering and modelling, terminology and cognition, lexical pragmatics, and corpus-based terminology (see Laurén and Picht 2006 for a recent comparative presentation of various approaches based on a regional criterion). At the same time, we are witnessing a gradual but steady shift from the principles of the Vienna school towards socio-cognitive and corpus-based descriptions of terminology (see Temmerman 2000, Pearson 1998).

Just as in any LSP subject fields (science, medicine, economics, etc.) terms are crucial to the transfer of knowledge and overall communication in legal settings. Yet, the complexity of legal terminology, particularly in the context of Europe's extreme degree of linguistic and legal pluralism (Kjær 2007) calls for an independent research field to deal with both translational and terminological problems. Answering this need, the 1st International Workshop on Legal Terminology organized by the Department of English Language and Applied Linguistics at the University of Łódź in 2010 aimed to provide an opportunity for scholars and practitioners (e.g. legal translators, EAP teachers) to share their ideas and experience of adopting different methodological and theoretical perspectives on studying legal terminology. It also provided a forum for discussion focused on the problems of lexical meaning in the legal context, both in a lawyer's perspective which naturally focuses on drafting and interpretation and layperson's

understanding of legal texts. Selected contributions included in this volume resulted from the meeting.

The articles gathered in the present volume are focused on lexical meaning in legal contexts. They are linked by a controlling idea that words are often defined, understood and technically interpreted in specific ways when they are constrained by their legal environment. As mentioned above, this recognition of legal terminology as a cinsisten field of research invites both theoretical investigations and studies of practical applications. The volume opens with two contributions in which the authors deal with perennial issues central to terminology at large and to legal terminology in particular. **Anna Jopek-Bosiacka** in "Defining law terms: A cross-cultural perspective" sets out to explore the main principles and conventions of formulating definitions from a cross-cultural perspective focusing in particular on such factors as: the type of legal genre, position in the instrument, type of legal definition, legal system, and branch of law. Her paper carefully examines the extent to which these factors affect the interpretation and translation of legal terms. In "Synonymy and polysemy in legal terminology and their applications to bilingual and bijural translation" **Marta Chroma**, a lexicography expert, deftly delves into the realms of legal semantics to discuss at length the phenomena of synonymy and polysemy in legal terminology. She emphasizes the specificity of bijural translation and its place in the wider category of intersemiotic translation. The context of source law and target language is viewed as a decisive factor in determining the meaning of a legal term. Consequently, translator's bijural literacy is essential for a competent use of legal synonyms and correct identification of polysemous terms.

Building a common European legal framework has resulted in considerable attention paid to translation discrepancies caused by culturally-specific terminology (see, for example Gotti 2007). The issue of EU-related terminology features in four articles presented in the present volume. **Colin Roberston** in "Multilingual legislation in the European Union. EU and national legislative-language styles and terminology" explores the nature of legal terminology of the European Union and its relationship to national legal terminology. In his discussion he takes a comparative look at several languages and legal cultures. This theme is continued by **Iliana Genew-Puhalewa**, who in her paper "European Union terminology unification – directions for the contrastive study of two Slavic and two non-Slavic languages: Bulgarian, Polish, Modern Greek and English" puts forward the hypothesis that terminology used in EU legislative texts is becoming increasingly uniform in different languages and legal cultures. EU terminology is also considered in the context of interpreter training. The relationship between the EU legal concepts and the terms used in national legal discourse is also the focus of **Martina Bajcic**'s contribution "Conceptualization of legal terms in different fields of law: the need for a transparent terminological approach". Bajcic focuses on the process of integrating concepts of EU law into national legal discourse by using national terminology belonging to a different field of law. Aware of the considerable risk involved in using terms of national legal discourse to express notions of EU law, the author starts by examining the vexed question of identifying terms from a particular legal domain. Closely related to this is the age-old problem faced by terminologists when classifying terms found in different albeit overlapping domains. Bajcic examines practical difficulties involved in classifying terms from the Croatian law by considering three terms: *subsidiarity, proportionality* and *primacy*. Bajcic calls for a transparent

terminological approach in order to transfer concepts from one subject field into another. The next text entitled "Analysis framework for translation of maritime legal documents" by **Mª Isabel del Pozo Triviño** presents maritime legal texts as a consistent legal genre with regard to English-Spanish translation.

Pedagogic issues in legal terminology and translation are raised in three different articles. First, drawing on her teaching experience in interpreter training, **Ewa Kościałkowska-Okońska** in her paper "EU terminology in interpreter training: selected problem areas connected with EU-related texts" discusses problems unique to both the enormous demands of interpreting and the specificity of language used in the EU documents. The difficulty in translating this type of legal texts is compounded by the fact that the language used in documents is specialist and, at the same time, specific, due to the terminology used. The author argues that problems that translators and interpreters may encounter focus, to a large extent, on (un)translatability of certain terms, ambiguity of EU-speak or textual coherence, or the absence of it, which results from unclear, vague or ambiguous style of the original.

Teaching highly specific legal terminology is one of the most difficult tasks in the instruction of legal language according to **Snježana Husinec**, who in her paper "The importance of content knowledge for successful legal language acquisition" examines implications arising from the interconnection between language and law and the extent to which they affect the process of legal language instruction and acquisition. In doing so, the author analyses the results of a survey conducted among law students attending legal language courses at the Faculty of Law in Zagreb and combines it with theoretical research and her teaching experience.

The next paper "Legal terminology and lesser used languages: the case of Mòcheno", written jointly by **Elena Chiocchetti** and **Natascia Ralli,** aims at outlining the specific problems connected with the elaboration of legal and administrative terminology in a minority, lesser used language for the purpose of designing short *ad hoc* education courses addressed to a language minority. It signals unique problems encountered by terminologists when they do not deal with two fully-fledged legal systems but with one legal system that needs to be expressed in two languages, one of which lacks the specialised terminology that must still be developed.

The next paper by **Olga Denti** and **Michela Giordano** is a fine example of a bilingual and bijural analysis of American and Spanish prenuptial agreements *Actors and actions in prenups and capitulaciones matrimoniales: a cross-cultural study*. Written from a genre perspective, the study focuses on a clearly delineated set of terms connected with the participants of this specific contractual relation. The consistency of a comparative framework is ensured by aligning the agreements' respective semantic-pragmatic units in which these terms are found.

An even broader semantic-pragmatic perspective can be found in "Speed traps and the right of silence" by **Dennis Kurzon**. In this paper the author presents considerations of the right of silence with regard to written texts and in particular two English cases which reached the European Court of Human Rights. In the discussion, the author investigates the two cases in terms of icons and indices, claiming that a legal text may be first be presented as indexical of a basic human right to further develop into an icon of that right, a "regulatory regime".

The next text, "Translating law into a dictionary: a terminographic model" by **Weronika Szemińska**, offers suggestions concerning actual terminographic practice. Drawing upon the combined specialist knowledge of three disciplines, i.e. terminography, translation studies and law, the author introduces the concept of the translation dictionary as a separate type of terminological dictionary in order to prepare the ground for proposing her model of a dictionary which could serve as a tool for professional translators of legal texts.

Much has been said about the use of *shall* in legal language. But if an outside observer might wonder what is left to investigate, then the paper written by **Leszek Berezowski** on "Curious legal conditionals" could be a real eye-opener. It examines the use of the modal verb *shall* in the *if*-clauses of conditionals found in legal English and somewhat contentiously argues that *shall* is not inherently deontic in legal English but it tends to be used as an explicit marker of the authority vested in the author or authors of spoken and written texts.

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