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ABSTRACTS

THEMATIC SECTION
Approaches to Language and the Law

ARTICLES

Davide Mazzi

"In Other Words, …": A Corpus-based Study of Reformulation in Judicial Discourse

Abstract

The language of the law has been a favourite subject of investigation for both legal professionals and linguists for more than a decade now. Linguists, for instance, have paid increasing attention to the interplay of precise and flexible terms in legal drafting, and language variation across the genres of legal discourse. Among the latter, judgments have been discussed as a case in point by argumentation scholars, although the linguistic components of judicial argumentative discourse have often been overlooked. In the light of this, the aim of this paper is to carry out a corpus-based analysis of the open-ended category of reformulation markers as outstanding discursive items of judicial discourse in two comparable corpora of authentic judgments issued by two different courts of last resort, namely the Court of Justice of the European Communities and Ireland's Supreme Court. By combining a qualitative with a quantitative analysis, the study shows that reformulation markers tend to activate a variety of discursive configurations across the two courts. Hence, data reveal that reformulation strengthens the quality of both judicial narrative, as it were – as is clear from its deployment in clarifying the normative background and specifying the factual framework of disputes – and at once judicial argument, when judges characterise, refine or grade reported arguments/interpretations or they wish to make their reasoning more solid and convincing.

Karin Luttermann

Cultures in Dialogue.
Institutional and Individual Challenges for EU Institutions and EU Citizens from the Perspective of Legal Linguistics

Abstract

In the European Union, numerous cultures have entered into dialogue. Currently, there are 23 official languages (EU languages) and therefore 506 possible language combinations for translation. This makes demands on the EU institutions and on EU citizens as well. Linguistic divergence makes legal certainty a rather shaky matter. There are also divergences from the EU linguistic regime regarding the official and the working languages. For reasons of efficiency, the institutions of the Union communicate internally in merely a small number of working languages, for the most part without any basis for this in the Rules of Procedure. The Court of Justice of the European Union traditionally uses French. All documents are translated from the language of the case into the working language. Although the decision, formulated in French, is re-translated into the language of the case, this translated version is classified as the original version and not as a translation. This is of importance for the status of authenticity because the decision only has full legal effect in the language of the case.

Traditional language models favour a reduction of the EU languages. Their representatives argue either with regard to the practice of the use of three languages in the EU institutions, or they advocate English as a global language, or they call for neutral languages. In contrast, the **European Reference Language Model**, which is developed along

the lines of legal linguistics, suggests a concept of reference and native languages. It would lead to a reduction in the translation load in Brussels and Luxembourg. But first and foremost, it would be able to improve the linguistic quality of legal documents (e.g., directives, regulations) and therefore also their application to legal practice (e.g. legal certainty, comprehensibility of legal texts). At the same time, the model respects the dignity of each EU Member State in the form of its language.

Anne Wagner

The Muslim Veil in France: Between Power and Silence, between Visibility and Invisibility

> We must try to determine the different ways of not saying such things, how those who can and those who cannot speak of them are distributed, which type of discourse is authorized, or which form of discretion is required in either case (Foucault 1969: 121).

Abstract

This paper will explore the contingency and fluidity of religious freedom in France and stress the existence of overlapping, competing and coexisting legal discourses in terms of national security and public order. In response to the Muslim veil, changing power structures, changing societal norms and new faces of injustice, established doctrines are reconsidered, reformulated and partly replaced by competing doctrines and hypotheses. Given the relative indeterminacy of law on the concept of secularism and French neutrality, it is no surprise that the problem of interpretation has always been one of the focal points of attention for legal practice and drafting.

OTHER ARTICLES

Mei Xue

Presenting Examples in Learners' Dictionaries to Assist Chinese Learners in Writing English Texts

Abstract

It has been widely acknowledged that exemplification plays a very significant role in foreign language learning. Many studies have been conducted on dictionary examples, but little attention has been paid to how examples can assist a specific group of foreign learners engaged in a specific learning activity. The present study is intended to fill this gap by investigating how to optimize examples in English learners' dictionaries to help Chinese learners with writing in English. The functional theory of lexicography will be employed in this study. This investigation will be carried out in two stages. The first one consists in identifying the lexicographic needs of foreign learners engaged in the task of English writing and consulting dictionary examples. The second stage is a demonstration of some proposals for exemplification in learners' dictionaries through model articles. The purpose of this study is to give new insights into exemplification in learners' dictionaries for future lexicographic research and practice.

Antoinette Mary Fage-Butler

The Discursive Construction of Risk and Trust in Patient Information Leaflets

Abstract

There is wide recognition that the communication of risk in Patient Information Leaflets (PILs) – the instructions that accompany medications in Europe – problematises the reception of these texts. There is at the same time growing understanding of the mediating role of trust in risk communication. This paper aims to analyse how risk is discursively constructed in PILs, and to identify and analyse discourses that are associated with trust-generation. The corpus

(nine PILs chosen from the British online PIL bank, www.medicines.org.uk) is analysed using Foucauldian (1972) discourse analysis: specifically, this involves identifying the functions of the statements that constitute the discourses. A discourse analysis of the corpus of PILs reveals that the discourse of risk revolves around statements of the potential harm that may be caused by taking the medication, whilst trust is constructed through three discourses: the discourses that relate to competence and care, in accordance with the trust theories of Poortinga/Pidgeon (2003) and Earle (2010), and a third discourse, corporate accountability, which functions to construct an ethical (trustworthy) identity for the company. This paper contributes to PIL literature in the following ways: it introduces a methodology that has not been used before in relation to these texts, namely, Foucauldian discourse analysis; it helps to identify the presence of trust-generating discourses in PILs; and analysing the discourses of risk and trust at statement-level facilitates a better understanding of how these discourses function in texts that are generally not well-received by the patients for whom they are intended.

Henrik Køhler Simonsen

User Consultation Behaviour in Internet Dictionaries: An Eye-Tracking Study

Abstract

The purpose of this paper is to explore and discuss user consultation behaviour on the basis of eye-tracking data and interview data. To date the focus has been almost exclusively on the use of log files in Internet lexicography – an approach which is questioned in this article. The paper is based on empirical data from an exploratory eye-tracking study of the user consultation behaviour of six participants and on interview data from a follow-up post-study interview of the participants. The paper elucidates and discusses the consultation behaviour in Internet lexicography and shows not only at *what* the participants looked, but also *how* they accessed lexicographic data. The paper presents a suitable method for using eye-tracking studies in Internet lexicography and advocates an increased use of this method to produce empirical data upon which additional theoretical considerations on the information and data access process can be developed. Finally, the implications for further research in user consultation behaviour are briefly explored.

Ingrid Simonnæs

Das multilinguale fachsprachliche Korpus *TK-NHH* – Eine korpusbasierte Fallstudie über die *explicitation hypothesis* anhand von ins Deutsche und Englische übersetzten Rechtstexten

The Multilingual Parallel Corpus of LSP Texts, *TK-NHH* – A Corpus-based Case Study about the *Explicitation Hypothesis* in Legal Translations into German and English

Abstract

The present study is a case study about the *explicitation hypothesis* in legal translations into German and English by means of a corpus-based approach and will present preliminary findings. After the introduction, I first describe the National Translator Accreditation Exam (*statsautorisert translatøreksamen*) in Norway from which the texts for the *TK-NHH* translation corpus are chosen. Next I describe the aim of the case study which is to investigate the *explicitation hypothesis* by means of the *TK-NHH* translation corpus. In the method section, I discuss briefly the influence and applicability of corpus linguistics on translation studies. Finally, in the case study, I investigate both German and English legal translations in the *TK-NHH* translation corpus with regard to one specific feature that is claimed to be universal: explicitation. In this case study, I have chosen the explicitation of proper names of culture-specific legal institutions (e.g. courts). The results in both languages show a variety of explicitation together with no explicitation and thus seem to substantiate earlier findings, but now with regard to translation solutions from Norwegian.

Ildikó Fata

Chancen und Perspektiven eines neuen Wörterbuchtyps: Das zweisprachige Lernerwörterbuch für Fachsprachen

Abstract

The purpose of the present paper is twofold: on the one hand it aims to outline a new type of dictionaries, the LSP dictionary for learners, and distinguish it from other dictionary types; on the other hand the study presents the multifunctional information structure of this type of dictionary through the example of two dictionaries.

First the paper examines some formerly suggested names of the new type of dictionary in three languages (Hungarian/German/English). Then the author proposes a new name (chapter 2.1.), this is followed (chapter 2.2.) by the analysis of the more specific literature on the requirements against multifunctional and user-friendly LSP dictionaries for learners (see Fuertes-Olivera (2005), Tarp (2005), and Fata (2009a)). Finally the author distinguishes this type of dictionaries from other dictionary types and gives a definition (chapter 2.3.). Since the study is based on the findings of the modern Danish functional lexicographic theory, the paper applies its concepts: in the final section of the theoretical part of the paper the author describes the possible types of users of LSP dictionaries for learners, the potential types of user situations (chapter 2.4.) and the potencial dictionary functions (chapter 2.5.).

In the practical part of the study the author presents the macro-, micro- and hyperstructures chosen in relation to the given special subject field and LSP in order to make working with learners' dictionaries easy and enjoyable for the primary target group of the dictionaries: for those who study LSP in a foreign language.