

Preface

The present study reflects the combined experience of the authors as teachers and translators in the fertile area of cross-cultural studies of law and international communication. It is based on postgraduate courses, the *LawLab: Communicating Legal English* (2013) and doctoral seminars held at the Department of Human and Social Sciences, International University ‘Stranieri’ of Perugia.

Debates with students on aspects of law and communication feature topics and issues for which the authors can only provide partial solutions, and we are well aware that this field of research raises more questions than possible answers. Sometimes there are many answers, but they are not always adequate. Diachronic changes in culture, law and language are an important dynamic factor and, more often than not, a bilingual or multilingual dictionary cannot provide quick solutions. On the other hand, the field of legal translation has increasingly relied on communication from and into English. Long before the digital era and globalization, the field of insurance transactions in English served as a model for insurance companies in the Western world. Lloyd’s ‘Institute and Cargo Clauses’ (ICC) was the plague of the translator: was it ‘hook damage’ or ‘pilferage’ when bags of coffee were damaged? And what was an adequate Italian equivalent? The ICC is currently used all over the world to settle claims, a fact that often necessitates substantial pragmatic interpretation.

Students of language and law always strive to find ‘the perfect’ word in legal translation. Theories of interpretation may offer sophisticated models to refer to when discussing philosophy of law and language: yet the hands-on work of translating the right word and concept into another tongue is not always the same thing. Chapter 2 of the survey illustrates different approaches to the theory of language and law.

The task seems daunting when dealing with language and law, and even more so with the English and Italian languages and their respective legal systems. Signposts, however, may be of help. There are cultural filters, lexical constraints and there are, moreover, two different legal systems, as analyzed in the third chapter. Even in what appears to be a well-known and widespread criminal offense, there are shifts in register and variations in terms within the English language. A thematic approach

has, therefore, been adopted to illustrate diachronic and diatopic variation in the same offense, starting from the first words recorded in dictionaries, e.g. ‘abduction’ and ‘*abigeato*.’ ‘Abduction,’ as in Charles Sanders Peirce’s system of signs and logic is not the same as ‘abduction’ used in the sense of ‘cattle stealing.’ The topic of ‘cattle stealing’ is approached through comparative topics in the fourth chapter of the research, in light of the fact that food supply is a major issue for survival. The link between this theme and the wars it has caused across borders introduces the conclusive chapter of the study. The last section focuses on international treaties in translation and includes colonial, postcolonial and global case studies. It starts with the conquest of the ‘New World,’ the Indian wars and the Mexico-American wars (caused by cattle raiding), and then moves on to more recent events.

The LawLab Unit, with its outstanding students, was a testing ground for exploring the different potentials in the context of communicating and translating legal English, and pinpointing dynamics in cross-cultural communication. Exploring the words of the law in the different systems opened uncharted (albeit not uncharted) territory where literature, philosophy, history and ideology could be recomposed and united in a multidisciplinary, cross-cultural and thematic approach to legal language. This is one small, perhaps clumsy step; as such, if we stumble or fall, such lapses are entirely our responsibility. If punishment follows crime, this entry from the Jamaican English Dictionary epitomizes the ambiguity of the word ‘law’ intended as ‘punishment.’

If a kech yu, a giv yu a laa fom-fom tide

(If I catch you today I’ll give you a (law) sound thrashing)

(Dictionary of Jamaican English: law)

Law, Language and Translation

From Concepts to Conflicts

Masiola, R.; tomei, r.

2015, XIII, 94 p. 1 illus., Softcover

ISBN: 978-3-319-14270-8