

Comparative Legal Linguistics

Language of Law, Latin
and Modern Lingua Francas
2nd Edition

Heikki E.S. Mattila

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and Modern Lingua Francas
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Translated by
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ASHGATE

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COMPARATIVE LEGAL LINGUISTICS

Reviews for the 1st edition:

...an important and compelling examination of the development of legal languages. This is a dense work, filled with examples from every part of the world, driven by a fierce commitment to unpacking the mechanics of legal language use and the implications of that use for legal practice and theory. It deserves the attention of anyone concerned with the role of language in the practice of the law, anyone interested in the comparative nature of international and national legal systems, and anyone motivated by the detailed exploration of linguistics in varied contexts, from law to politics.

Trevor Parry-Giles, *Law & Politics Book Review*

This book is an important contribution to the young discipline of legal linguistics, better known in the English-speaking world as “studies on law and language” ... readers are invited to take the trip through history with Professor Mattila and witness first hand how terminological interaction between the European legal languages plays a vital role not only in translation but also in improving legal communication across national borders and continents, thus helping to avoid misunderstandings and promote legal certainty worldwide.

Susan Šarčević, *Target – International Journal of Translation Studies*

The uniqueness of the problem, the comprehensiveness of the materials analyzed and the depth of the investigation have all contributed to the high scientific level of this work ... an academic approach combined with a practical orientation will interest a wide range of researchers – specialists of comparative linguistics, comparative law and legal history, as well as practising lawyers and translators, in fact anyone who needs to communicate in and understand the contents of legal texts in a language other than their own ... ideal for use in faculties of philosophy and law on courses in professional legal communication.

Anton Rudokvas, *Drevnee pravo – Ius antiquum*

...a real asset for the field of studies into language and law. It is well written, easy to follow and based upon an immensely broad basic knowledge about law and about a high number of different languages ... It is a highly recommendable book.

Jan Engberg, *Hermes – Journal of Language and Communication Studies*

This admirable tome reveals and analyses the common synchronic and diachronic features of legal languages. Its scope is wide, encompassing the two major legal systems and four major legal languages – the entirety suffused with examples, linguistic and legal, sourced in numerous other languages. The author displays a rare mastery of both the legal and linguistic sides of his subject.

Máirtín Mac Aodha, *Meta – Translators' Journal*

See also back cover.

To my wife, Virpi

Preface

Six years have passed since publication of the first English edition of this book. The rapid rhythm of change in today's world also touches linguistic phenomena. This is evident in legal languages, too, so that preparing for publication of a second English edition of this book is a matter of course, encouraged by the positive welcome of the first edition.

Beyond the fact that the text of the book has been generally updated and often added to, this edition contains a brand new chapter on legal Spanish. That chapter, in the shape of a French manuscript, was read and reviewed in 2009 by Carles Duarte i Montserrat, who is not only a recognised poet of distinction but also a linguist and expert in languages for special purposes and a notable author of books on legal Catalan and Spanish. At the same time, legal evolution and linguistic changes in the frame of the European Union have been dramatic in recent years. For this reason the author asked Kari Liiri, head of the Finnish Division at the Translation Service of the Court of Justice of the European Union, to read once again (he had already done so for the first English edition) the parts of the book dealing with the Union language regime and the current realities of EU language use.

Authors of some reviews of the first English edition deplored the modest space given over to the legal languages of the Nordic countries. As a result, the chapter on the functions of legal language now contains an additional section on the language issue in legal circles in Norway – a Nordic country of particular interest on this topic due to the existence of two variants of the national language. This section, again in the shape of a French manuscript, was read and reviewed by Kåre Lilleholt, a professor at the University of Oslo and co-editor of a recent digest (2010) on use of the two variants of Norwegian in the field of law.

Latin occupies an important place in this work, as is also evident from the subtitle of the second English edition. Apart from a specific chapter devoted to legal Latin, the overviews of modern legal languages in the book contain sections, at times detailed, on this, the mother-language of lawyers. As in the case of the original Finnish, the idea was to assure the reliability and accuracy of the Latin expressions cited in this edition by seeking the help of a professional Latinist, Doctor Reijo Pitkäranta, who has worked closely with the author since the 1990s. Dr Pitkäranta, co-editor of *Nuntii Latini*, international news in Latin broadcast by Finnish radio, scrupulously checked the grammatical and orthographical correction of the Latin expressions featuring in this edition of the book.

Relevant observations from these specialists have fundamentally improved the quality of the book – as indeed did critics of the manuscripts of the earlier editions in Finnish and English, whose names are mentioned with thanks in the forewords

to those editions, both printed at the beginning of the first English edition. As the Norwegian language example shows, in updating the manuscript now published the author has also tried to take into consideration suggestions from reviews of the first English edition of the book that appeared in various professional journals. Needless to say, the author alone accepts responsibility for errors and omissions in the final version.

During preparation of this edition, the author was privileged to have access to the collections of several legal and linguistic libraries. Notable examples include the Library of the Court of Justice of the European Union and, in Finland, the Library of Parliament in Helsinki, the Library of the University of Helsinki and the Library of the University of Lapland. The staff of these libraries also ordered many new books suggested by the author, or – in particular Heli Saintula (Library of the Court of Justice) – photocopied and mailed articles for the needs of the book. However, the contribution by librarians to the author's task was not limited to making books available: the staff of the Dag Hammarskjöld Library at the United Nations in New York and of the Library of Parliament in Helsinki provided the author with valuable information on the basis of which he was able to calculate statistics on language use in a legal linguistic context. Here, special thanks go to Kaarlo Mäkelä, Head of Collection Services at the Library of Parliament in Finland.

Similarly, the author recalls experiencing fruitful cooperation in legal-linguistic teaching over the years with colleagues at the University of Lapland. This cooperation was essential in raising the author's understanding in the complex issue of legal languages, also contributing to production of this book. For this reason, it is appropriate to acknowledge the following specialists: Richard Foley, M.Ed., Riitta Sallinen, Ph.D., Tarja Salmi-Tolonen, LL.D., Iris Tukiainen, LL.M., Katriina Uljas-Rautio, M.A., and Birgitta Vehmas, M.A.

At the same time, the author expresses warm thanks to Christopher Goddard, founder of the master programme in legal linguistics at the Riga Graduate School of Law (RGSL, Latvia) and translator of the first edition of this book, for having painstakingly and scrupulously translated from French the additions and updates to this second English edition. The translation was done hand in hand with stylistic correction of the French manuscript, drafted by the author – himself of Finnish mother-tongue – to prepare the manuscript for printing in Quebec. The result is a kind of co-drafting of the English and French versions of the book, as reflected positively and reciprocally in both versions. In particular, well-chosen comments by Professor Jean-Claude G  mar while checking the style of the French manuscript also contributed to improving the English version of the book. Moreover, the subtitle of the French edition as formulated by Professor G  mar offered a direct model for a striking subtitle for this English edition.

As in the case of the first English edition, warm thanks are due to Ashgate Publishing Ltd, who kindly agreed to publish this book, and their staff, in particular (the names in alphabetical order) Carolyn Court, Editorial Administrator, Sarah Horsley, Assistant Editor for Law, Alison Kirk, Publisher, Laura Linder, Desk

Editor, and Gail Welsh, Proofreader. In preparing the final version of the index and the list of foreign terms and expressions, Marianne Hiirsalmi and Anna-Roosa Länsipuro provided especially useful help.

Helsinki, October 2012.

Heikki E.S. Mattila

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