Translation Issues in the Legal Field of the European Union.
Case Study on Specialized Terminology

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Abstract

It is obvious that the English language plays nowadays a notable part worldwide as far as communication is concerned, entailing various linguistic, social, cultural and even educational consequences. Due to its complex nature, legal language hinders the correct understanding of important documents governing rights, obligations, court decisions or other legal documents. This paper aims at discussing the results of the semantic, terminological and lexicological analysis of the most frequently used words within a specialized corpus, highlighting the terminological complexity of legal texts, in order to facilitate the clarification of certain inadvertencies that translators and jurists stumble upon, and to improve their understanding. Those working in the legal field should pay close attention to the understanding and transposition of legal concepts from the source-language system to the target-language system; they should be equipped with flexibility, attention to details, multicultural knowledge and interdisciplinary abilities when tackling the intricate network of legal terminology.

Key words: legal language, English language, translation, specialized terminology, the European Union (EU)
J.E.L. classification: Z13

1. Introduction

In the recent decades, English has steadily asserted its supremacy as a worldwide communication tool and, consequently, it has triggered various issues of linguistic, pedagogical, social and cultural nature, which have been explored by many authors, such as Abbott and Wingard (1981), Crystal (1997), Graddol (1997), Jenkins (2000, 2006), Maruntelu (2006), Dumitrascu and Maruntelu (2006), McKay (2002, 20003), McArthur (1998, 2003), etc.

The complexity of the legal language hinders the correct understanding of important documents governing rights and obligations, or court decisions, regulations, laws, statutes, contract provisions. The intensity of the globalization phenomenon contributed to the intricacy of the economic, social and political background and triggered urgent requirements regarding the harmonization of the legislation (especially at the EU level), which, in its turn, entailed the necessity to tackle legal terminology and terminological differences.

Trying to facilitate the clarification of certain inadvertencies that translators and jurists stumble upon in legal texts and to improve their understanding, in this paper, we have tackled several challenging terminological aspects.

2. Theoretical background

It is noteworthy that translation in general, and legal translation in particular consist not only of a process of linguistic transference but, as Renata Vystrčilová stated in her work, "Legal English", "it is an attempt to communicate someone else's message through another language. It is an attempt

to communicate one world in terms of another" (Vystrčilová, 2000, p. 96). It also should be mentioned that the translator's work is often hindered by difficulties in his/her attempts to find equivalent terms or expressions in the target language, difficulties that are usually caused by polysemy, synonymy, homonymy and by a wide range of compound words or related phrases and expressions (see Chirobocea, 2016; Chirobocea and Popescu, 2013; Leonte et al., 2017).

Taking into account the vast array of different legal systems and procedures in force in the EU member states, the underlying question is whether the achievement of balance and compatibility in the legal field is possible, to what degree and by what means. Therefore, in order to perform an effective and accurate translation, the translator must deal with an intricate network of factors such as the purpose of the translation (its intended use), the message transmitted by the original text, the rhetorical context, the communicative purpose and media, the textual organization, the generic knowledge.

Furthermore, a pertinent and appropriate legal translation requires the translator's ability to handle adequately the terminological discrepancies between the two languages involved in the translation process and to deal with the issues entailed by the unavailability of corresponding (legal) concepts. This depends on the translator's general knowledge of the legal systems of the languages involved in the translation process, on his/her translation competencies and skills.

It is obvious that a great deal of research devoted to terminology and linguistic corpora has evolved in the last few decades. According to Laurence Anthony, a well-known scholar in fields such as corpus linguistics, educational technology, and natural language processing, "word frequency is a linguistic phenomenon that many corpus researchers are interested in, whether it is to determine the complexity of a particular text in an English for Specific Purposes (ESP) study, the bias of a particular writer in a Critical Discourse Analysis (CDA) study, or any number of other linguistic research interests" (Anthony, 2013, p. 10). He has analyzed the results produced by several generations of software tools and he himself has conceived and implemented "AntConc, a freeware concordancer, AntWordProfiler, a freeware vocabulary profiler, and more recently web-based monolingual and parallel concordancers" (https://www.laurenceanthony.net/resume.html). He also underlines the need for cooperation between researchers in corpus linguistics and "members of the science and engineering community" (Anthony, 2013, p.17).

Losey-León (2015, p. 527), for example, refers to the maritime field, focusing on the "measures for controlling the emission of greenhouse gases from ships", which have "resulted in an increasing substantial volume of written documentation mainly represented by rules and standards, technical reports, research articles, academic textbooks, newsletters, leaflets and flyers of a varied specialization level". She highlights the purposes for studying frequency of words and collocates in a corpus:

"(a) it can account for the text's lexical cohesion and the subdivision of registers in a language for specific purposes or for occupational purposes; (b) it contributes to draw attention to the relationships between terms based on their formal properties; this is particularly useful for learner awareness; (c) it can be the basis for the study of the terms' semantic relationships; (d) … it can extend its applicability to the development of teaching resources and terminographic tasks" (Losey-León, 2015, p. 527).

The legal field, especially the section connected to the EU legislation, is in full swing. Thus, Marín and Fernández (2015, p. 320) have explored "the impact that cognates, that is, words which share formal and often semantic features in the L1and the L2, may have on the understanding and acquisition of legal English terminology". The scholars' study focused on two specialized corpora consisting of:

"a collection of judicial decisions issued by British courts", and "a general English corpus of 21 million words. 56 first-year Spanish Law students were asked to translate 12 legal terms, 10 of which were English/Spanish cognates. The results showed that, as it was indeed expected, the higher the students' proficiency level …, the higher their rate of success in providing correct answers".

Marín Pérez and Rea Rizzo (2013, p. 455) employed the Automatic term recognition (ATR) methods in their research, trying to identify "the most representative terms in a corpus automatically, saving time and allowing managing large amounts of data that could not be dealt with manually". Their paper is based on a huge legal corpus, using documents of the United

Kingdom Supreme Court Corpus (UKSCC) and "a 10,000 entry legal glossary compiled by the authors which was employed as gold standard for comparison".

3. Research methodology

Our corpus-based research was inspired by Teubert and Čermáková's book, "Corpus Linguistics. A Short Introduction" (2007, pp. 65-77), where different categories of corpora are discussed ("reference corpus", which contains "the standard vocabulary of a language"; "monitor corpus", which monitors the occurrence and frequency of new words; "parallel corpora" used especially by translators; internet or virtual corpus).

Having in view that corpus analysis enables the investigation of language use, furnishing valuable pieces of information about frequently used language phrases, structures and rhetoric strategies, we extracted from a specialized corpus the legal terminology by using "*Text Analyser - Text Content Analysis Tool"* (see https://www.usingenglish.com/resources/text-statistics.php), and we analyzed its intricacy and the difficulties it entails in terms of understanding.

For the purpose of our study, we have also accessed other specialized analysis tools, such as *Analyze My Writing* (see https://www.analyzemywriting.com/index.html), *Seoscout* (see https://seoscout.com/tools/keyword-analyzer?lang=en#analysis) and *Text Analyzer* (see http://www.roadtogrammar.com/textanalysis/), which analyzed the content of the chosen corpus and automatically produced statistics in terms of number of characters, word count, average syllables per word, number of sentences, lexical density, readability indices. These valuable data on content analysis were associated with the lexical profile of the legal language register. However, in this paper, we have focused on terminological issues encountered in the corpus, while the aspects related to lexical density – text statistics, frequency and top words, word length, syllable count, frequency of word structures – will be tackled in another paper. Thus, by studying real-life language samples through a corpus that, in our case, is representative of the legal (maritime) language, we were able to identify certain specialized language behavior patterns. In this context, the corpus-driven study on the lexis (legal English) was conducted in an endeavor to extract and analyze the specialized terminology, for a better understanding of the legal text. Furthermore, this analysis focused on the semantic, terminometrical, terminological and lexicological analysis of the most frequently used (specialized) words within the corpus.

The analyzed corpus includes excerpts from a representative text of the legal language, i.e. *articles 1-11* of the *"United Nations Convention on the Carriage of Goods by Sea,* 1978 (*Hamburg Rules*)"*. It should be mentioned that we have already analyzed this text in our previous research (see Nădrag and Buzarna-Tihenea (Galbeaza), "Aspects of Legal Translation in Contracts of Carriage", published in *"Ovidius University Annals, Economic Sciences Series"*, Ovidius University Press, XVI(1), 2016, pp. 35-40) and that this analysis completes and expands the previous one. We chose the *Hamburg Rules* for our analysis because this set of rules governs the international transport of commodities and represents an attempt to harmonize the legal base for the shipment of commodities on ships. This endeavor is also based on our experience in teaching legal and maritime terms over a long period of time.

4. Findings

This section presents the results of the semantic, terminological and lexicological analysis of the most frequently used words within the corpus, in order to highlight the terminological complexity of the legal texts and to find solutions to better understand the specialized vocabulary employed in maritime law, in English. In this regard, our analysis demonstrates that the reader encounters difficulties in his/her quest for equivalence in the target language due to polysemy, synonymy, homonymy and to the great variety of compound and related words and expressions.

By looking into the syntagmatic relations, we have identified word combinations/ collocations employed in specialized communication situations in the English language; it is noteworthy that these combinations represent a special feature of the specialized language (i.e. legal maritime field) as well as a key element that plays an essential part in encoding and decoding messages and

specialized knowledge.

The analysis of the word frequency list led to the identification of function words, and field-specific lexical items. The corpus analysis reveals that legal maritime language abounds in technical words, such as: "obligation", "party", "charter", "clause", "contract", "agreement", "rule", "regulation", "to govern", "liability", "responsibility", "damages", "act", "document", etc.

As expected, the titles of the parts and articles are a mixture of legal and maritime terms: "provisions", "convention", "liability" ("of the carrier"; "basis of liability", "limits of liability"), "responsibility", "loss of right", "non-contractual claims", "deck cargo", "dangerous goods", "bill of lading", "evidentiary effect", "guarantees", "shipper", "notice", "damage", "jurisdiction", "arbitration", "stipulations", "depositary", "acceptance", "approval", "revision", "amendment", "denunciation", "law", "through carriage".

Another difficulty was posed by the identification of synonymous terms such as "agreement" or "contract", "carriage" or "transport" or "transportation", "liability" or "responsibility", "acceptance" or "approval", "revision" or "amendment". The exact meaning and usage of these terms could be further clarified in specialized glossaries and thesauruses.

However, some terms are defined in Part I, Article 1 of *Hamburg Rules* (p. 1). For example: "carrier" refers to "any person by whom or in whose name a contract of carriage of goods by sea has been concluded with a shipper"; "actual carrier" is "to whom the performance of the carriage of goods, or of part of the carriage, has been entrusted by the carrier, and includes any other person to whom such performance has been entrusted"; "shipper" is "any person by whom or in whose name or on whose behalf a contract of carriage of goods by sea has been concluded with a carrier, or any person by whom or in whose name or on whose behalf the goods are actually delivered to the carrier in relation to the contract of carriage by sea"; "consignee" refers to "the person entitled to take delivery of goods". On the other hand, other synonyms remain unexplained in the document: goods and cargo, liability and responsibility, acceptance and approval, revision and amendment.

Furthermore, the terminology issues encountered in the corpus presented above were also triggered by the fact that the legal maritime language has unique field specific lexical units, such as "self-propelled", "floating facilities", "inland waterway", "freight", "bill of lading" "docking", "towage", "floating equipment", "dredgers", "floating elevators", "floating cranes", "floating grabs", "floating docks", "floating landing stages", "pontoons", "floating sheds for ships", "drilling platforms", "floating lightship", "pleasure crafts", etc. As it is noticed in the above examples, the maritime lexis consists of compounds made of words with a common meaning and technical terms. Most of the technical compounds can be understood by taking and examining the meaning of each word separately.

The field specific lexical items most frequently encountered were: "ship", "vessel", "deck", "cargo", "goods", "transport", "carriage", "carrier", "sea", "rule" and "obligation". Thus, the general level of difficulty in understanding the message conveyed by the text is average for a proficient English speaker if he/she focuses on the semantic field and if he/she considers the words in context.

The main lexical devices employed in legal maritime contexts, with key roles in the corpora, also encumbering the identification of field-specific lexis when dealing with a de-contextualized word list, are polysemes (terms with multiple meanings), compounds and homonyms (terms that are spelled identically but that have distinct meanings). To give a few examples, "send", may refer not only to an action, but an obligation on the carrier or the employed mode of sending; for instance, "I shipped (verb) the cargo (theme)".

Send

Definition:

A Sender plans the Path (along with Source and Goal) of a Theme and places it in circumstances such that it travels along this Path under the power of some entity other than the Sender. This frame also has a Recipient distinct from the Goal, as both can be present:

They sent (verb) the documents (theme) to Spain (goal) to Mr. Travis (recipient).

They forwarded (verb) the goods (theme) to a buyer (recipient) in Berlin (goal).

This frame contains verbs that participate in the ditransitive construction, with a recipient as the direct object, as in the following:

She sent (verb) Mr. Travis (recipient) the papers (theme).

Table no. 1 Fes: Core and Non-Core

Core	
Goal [] Semantic Type: Goal	The end of the path and intended goal of the sending: We sent (verb) the cargo (theme) to the warehouse (goal).
Recipient [Rec]	This is the recipient of the sent Theme: Billy (sender) mailed (verb) the request (theme) to his partner (recipient).
Sender []	This is the person who initiates the movement of the Theme and, unlike Carrying, does not accompany it. Mr. Travis (sender) sent (verb) the bill (theme) this morning.
Theme [Theme] Semantic Type: Physical_object	The objects being sent: You mailed (verb) the encyclopedias (theme) to the library (goal). Theme may be multiply instantiated: Mr. Travis mailed (verb) an application (theme) with a return envelope (theme).
Transport_means [Transport_means]	The mode of sending employed: We shipped (verb) the oil (theme) by an oil tanker (transport means).
Non-Core	
Container [Cont]	A container in which the Theme is sent: They asked us to send the goods in sealed plastic bags (container).
Co-theme [CT]	An additional theme sent along with the main Theme: I sent the documents with an additional note (co-theme).
Degree [Degr] Semantic Type: Degree	Degree to which event occurs: The shipment went very (degree) smoothly.
Depictive [dep]	Depictive phrase describing the Sender or Theme: You faxed (verb) his request while drinking your coffee (depictive).
Distance [Dist]	This is any expression characterizing the extent of motion of the Theme: They threw (verb) the ball 3 meters (distance) in the air.
Manner [Manr] Semantic Type: Manner	Manner of performing an action. He sent (verb) the request quickly (manner.)
Path []	Path along which movement occurs: They shipped (verb) the goods across the Black Sea (path).
Place [Place] Semantic Type:	A spatial setting including the Source location, where

Locative_relation	the Sending event takes place: Mr. Yellow posted (verb) the package on Thursday (time) in Budapest (place).
Purpose [Purp] Semantic Type: State_of_affairs	The Purpose of the sending: Mr. Green sent (verb) the invitation to his clients (recipient) to announce them about the product launch event (purpose).
Reason [Reas] Semantic Type: State_of_affairs	The Reason for the sending: Nowadays, job applications are generally sent (verb) by e-mail, because this is a faster means of communication (reason).
Source [Source] Semantic Type: Source	The beginning of the path, similar to source except that it serves to define the path: They sent (verb) the bricks from Boston (source) to London (goal).
Time [Time] Semantic Type: Time	When the sending takes place: He sent (verb) the cargo to our partner (recipient) two months ago (time).
FE Core set(s): {Goal, Recipient}, {Sender, Transport_means}	

Source: authors' own processing

The examples presented above highlight the lexical units and help indicate the meaning of words in context but also their grammatical function (from verbs, such as "send", forward", post", fax", to nouns – i.e., "Black Sea", "documents", "cargo"). In addition, the words/ expressions have also been emphasized according to their semantic role, i.e. those referring to source ("from Boston"), purpose ("to announce him about the merger party"), time ("two month ago", "on Friday"), reason ("because this is a faster means of communication"), recipient ("to our partner", "to Mr. Travis"), theme ("the cargo", "the encyclopedias", "the bill", "the goods", "the oil"), the container ("in sealed plastic bags"), goal ("to the warehouse", "in Berlin", "to the library"), transport means ("by an oil tanker"), path ("across the Black Sea"), etc.

Based on this study, we inferred that, in the legal *maritime language,* common words take on meanings and roles different from the ones they have in General English. The most common word forms are present, but the most common meanings are not equally present. Sorting out lexical items just according to their forms does not lead to satisfactory results.

This investigation entailed the following classification of the lexis in our corpus: unique field specific lexical items (a very limited number), lexical items typical of other ESP fields, phrases or compounds with field-specific meanings, homonyms and polysemantic words with special meanings in the frame of reference), function words.

Compared to common/standard language, specialized languages, traditionally seen as functional registers (see Biber, 1988; Halliday, 1988), are characterized by variations in the recurrence of special linguistic elements. Therefore, the analysis of quantitative data plays an essential part in the characterization of specialized languages, especially since specialized corpora can be used in order to lay the foundation for the thorough description of a certain specialized language, the corpus-based techniques being very important in quantifying language characteristics and making available statistical reports of language features. In addition, by quantifying linguistic phenomena, we were also able to identify the language items that are most likely to occur in the analyzed register, which gave us the possibility to make statistical assumptions about specialized language use.

5. Conclusions

Law and its specialized language constantly influence societies and nations in an age dominated by globalization. Its archaic, complex and laborious nature also contributes to the urgent requirement to clarify at least the most important laws and regulations, especially in terms of legal terminology and terminological discrepancies, taking into account the steps undertaken in order to adjust, harmonize or even unify the legislation at the EU level and the complex international network of social, economic and political elements influencing the legal field.

Moreover, a very important aspect which should be tackled is that, in order to perform an effective and accurate translation, the translator should be able to focus on a complex and multidisciplinary network of factors such as the interpretation or purpose of the translation (i.e. its intended use), the facilitation of the original text, the context of situation, the rhetorical context, the communicative purpose, the textual organization, the generic knowledge. Furthermore, for a pertinent and adequate translation, translators should acquire general knowledge of the legal cultures and systems of the two languages involved in the translation process, in order to be aware of the differences of these cultures and systems and to effectively manage the issue of terminological differences between the two languages and even the absence of equivalent concepts.

It is obvious that a better understanding of both the specialized field and the corpus linguistics research, and the cooperation between linguists, terminologists, teachers and members of the engineering community can lead to spectacular and useful outcomes in various fields.

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