Introduction

Federica Scarpa, Jan Engberg

This issue of *Textus* brings together some of the key Italian researchers currently working in the areas of English legal language and translation, a distinctive and complex field of enquiry that has undergone rapid growth in the last two decades, given the prominence of English as the world language not only of contemporary communication and trade, but also, more relevantly, of law. In an era of multilingualism, the increase in international business relations and political and economic integration has seen the rise of international, transnational and supranational legal frameworks, with English playing a major role in international and intercultural settings. Examples of the dominance of English as the world's legal lingua franca range from the legal activities of international organisations such as the European Union, where French has been largely replaced by English as the first language (with the notable exception of the European Court of Justice), to English being increasingly used by lawyers of various countries in all contexts of international communication and legal practice, from conferences of legal scholars to contracts between businesses.

Despite the growing academic literature on English legal language and its translation by either or both linguists and lawyers, these two fields still remain relatively under-researched. This relative neglect may be due to at least three factors: 1) the complexity of these fields of enquiry, which demand legal knowledge deeply rooted in socio-cultural values and national cultures; 2) the very diverse characteristics of the spoken and written genres of legal language (ranging from exchanges in court and police interrogations, to statutes, law reports and contracts); and 3) the difficulty of bringing together linguists and lawyers to study the relationship of language

and law in practical contexts, notwithstanding the great importance of language in the study of law, where words are the essential tools.

The contributions covered in this issue are mostly corpus-based articles dealing with international (UN) (Caliendo/Scotto di Carlo) and supranational (EU) (Cacchiani, Grego/Vicentini, Anselmi/Terracini, Peruzzo) legal frameworks. From the point of view of the two broad categories of English as a Native Language (ENL) and English as a Lingua Franca (EFL), both are well represented in the contents of this issue. Three contributors deal with ELF, as the texts being analysed (Caliendo/Scotto di Carlo, Cacchiani), or used as reference in translation (Peruzzo), are written by continental lawyers in English and not by common-law lawyers (from England and Wales, Ireland, the US, Australia etc.). This makes legal ELF a hybrid language, increasingly detached from its common-law background and used more and more often to describe institutions and rules of civil law. On the other hand, ENL is the main focus of two contributions (Tessuto, Diani), both dealing with online genres (scholarly legal blog posts; newspaper articles for children), while Anselmi/Terracini's essay deals with the overlap between the two categories (the English of EU law vs. the English of British national law). The objects of study and approaches chosen in this issue are evenly distributed between authors engaging in a monolingual analysis of legal English (Tessuto, Grego/Vicentini, Anselmi/Terracini and Caliendo/Scotto di Carlo) and studies involving an interlingual approach, where legal English is analysed vis-a-vis a different legal language (Cacchiani, Diani, Peruzzo and Orlando).

The practices of legal academics and the genre-specific forms of social interaction in online academic discourse are investigated in **Girolamo Tessuto**'s contribution focussing on the relatively new genre of scholarly legal blog posts, where academics can communicate and publish research-based analysis, comment and opinion on notable legislation, decisions, or reports, together with their merits or faults and likely consequences for EU or UK constitutional law and policy. Drawing on a theoretical framework for genre analysis, digital genre analysis and academic writing, the paper analyses both conventionally recognised standards of academic writing and the conversational style of the genre. The blog format is also identified as a favourable rhetorical space where a number of interactional stance and engagement patterns help authors express their position and

acknowledge the very specialised group of readers who share their interests and concerns when presenting and discussing research-focused issues within their field.

Also focussing on web-mediated discourse, **Kim Grego** and **Alessandra Vicentini** concentrate instead on the European Legal English terminology employed in the europa.eu website to refer to the people moving into or across EU national and supranational borders. Starting from the consideration that the large numbers of individuals steadily moving – or wishing to move – to the European Union call for a careful review of and reflection on the concepts of identity, citizenship and rights as well as the lexical definitions and changes associated with them, the paper also adopts a Critical Discourse Analysis perspective to analyse a number of terms chosen to represent European migration in institutional legal English. The results show the emergence of new European Legal English collocations deriving from the translation of existing national labels into English, and also the coexistence of native English collocations used to refer – more often than not confusingly – to the same concepts. Other findings by the authors are a high EU prescriptivism and also a number of inclusiveness/exclusiveness collocations resulting from specific authority and power relations, with the institutions constructing and defining identity as well as deciding, granting and withdrawing the corresponding rights.

Also drawing on the theoretical framework of Critical Discourse Analysis, **Giuditta Caliendo** and **Giuseppina Scotto di Carlo** investigate the use of strategic vagueness in UN Security Council Resolutions, by comparing linguistic ambiguity in the preambulatory and operative clauses of resolutions relating to the Second Gulf War and the Iranian nuclear crisis. Whilst acknowledging that the use of vague expressions in law and diplomacy in general, and in the case of the UN in particular, is typically accepted and often considered as unavoidable to persuade the different interlocutors to reach a compromise, the two scholars argue that the wording used in the Iranian crisis is at the same time more cautious and less menacing, yet firmer than the vague and weak wording used against Iraq. This finding seems to suggest that there might indeed be a link between the use of vague wording in the resolutions relating to Iraq and the outbreak of the 2002-2003 Second Gulf War rather than a diplomatic settlement of the controversies.

A comparative approach was also adopted by Anselmi/ Terracini, Cacchiani and Diani. **Simona Anselmi** and **Francesca Terracini** concentrate on the differences between EU English and British English by analysing the modifications, both at the socio-cultural and linguistic levels, of a number of EU directives in English when they are implemented in the British legal system as national documents. The authors' ultimate intention is to uncover the rationale behind the various linguistic choices and the factors involved in the intralingual translation and rewriting processes at play when transposing EU directives into British legislation. By means of both a qualitative and quantitative analysis, the results show a tendency to conform to the linguistic conventions of British legal English in the national documents implementing the EU directives. A comparison with a reference corpus of British legislation originally drafted in the UK also highlights a tendency to oversimplify language and overemphasise typical British legal language features.

Both an intralingual and a cross-linguistic approach are at the heart of **Giuliana Diani**'s article, dealing with the still under-explored area of enquiry of popularising specialised discourse in newspaper articles for children. The author's aim is to analyse a number of legal concepts in English and Italian online newspaper articles aimed at children and to identify the main (dis-)similarities in the linguistic-discursive strategies adopted to translate adult knowledge and expertise into comprehensible knowledge targeted at an audience with less background knowledge and, arguably, fewer cognitive abilities. The results show that similar strategies are adopted in both English and Italian, although these are achieved differently in the two languages. For example, while English journalists seem to focus more on the content of the term rather than on how the meaning is conveyed, Italian journalists use both definitions and paraphrases, often extending them to a familiar context through the use of metaphors and similes.

A bridge between cross-linguistic analysis and interlinguistic translation proper is provided by **Silvia Cacchiani**'s article investigating linguistic expressions of performativity and modal meanings (the obligatory and the anankastic; the permissible, the omissible and the optional; the impermissible and the anankastic) in the English and French legal lingua francas spoken at the

European Union and the European Court of Justice, the so-called 'Bruxellish' and 'Court French'. To compare two parallel corpora of European Court of Justice cases written in Court French and then translated into Bruxellish, the author also uses insights from philosophy of law, legal communication and legal linguistics, as well as recent investigations into the semantics of modality and imperatives. Her results provide some initial reflections on the interrelationships between (non-native) drafting and translation practices, the departure from standard practice in national orders and legal systems, and the politically-driven effort to create one superimposed, supranational law aiming at compounding and unifying national diversity and different traditions.

Finally, the two papers by Peruzzo and Orlando both deal with legal translation, an activity which is increasingly in demand due to the amalgamation of legal systems brought about by globalisation and the increase in international business relations and political and economic integration. **Katia Peruzzo**'s paper focusses on the challenges of translating into English legal concepts embedded in the Italian Code of Criminal Procedure for which either no established translation equivalent was found in the European English reference corpus, or one or more translation equivalents were found but eventually discarded for a series of reasons. Her analysis is a good illustration not only of the far from easy task of translating into a different language the concept structure and terminology of a national legal system but also, even more interestingly, of the choice as target language of a 'European' variety of English. This in her paper is not synonymous with EU English but, more generally, indicates a kind of conceptual hybrid deriving from a language originally developed within the framework of the common-law system and adapted to accommodate concepts belonging to the civil-law system. Starting from existing definitions and conceptualisations of translation competence, both general and specific to the legal domain, and from the consideration that lawyers themselves at times carry out their own legal translations, **Daniele Orlando**'s empirical study investigates the importance in legal translation of legal knowledge vs. translation competence. To do this, the author analyses the problems faced by a cohort of graduates in translation with no specialisation in legal translation, and a cohort of linguistically-skilled law graduates with no

translation background, when given the task of translating the same source text (a criminal law document) from English into Italian. The study adopts both a process-oriented approach, with particular reference to the problems encountered, delivery time and use of reference sources, and a product-oriented approach, as all process-related data are mapped onto the participants' translations. Overall, the translations produced by translation graduates appear to be more acceptable than those by law graduates; however, translators recorded longer delivery times which could be reduced with proper, specialised training. All in all, the results seem to suggest that a translation background is in fact a fundamental component of legal translation competence, although it needs to be integrated with legal knowledge.

Through their variety of scope and choice of methodological approach, all the articles in this issue of *Textus* contribute insights into legal English as the language of both legal communication and national legal frameworks needing to interact with each other. The variety of approaches and genres demonstrates that 'legal English' is in fact a multifaceted object of study that justifies the emergence of Legal Linguistics as a sub-discipline of applied linguistics – and thus also the publication of the present issue of *Textus*.

Acknowledgements

The editors would like to thank Dr. Carla Quinci for her for her careful and intelligent copyediting.