

Legal linguistics in the academic curriculum and beyond.

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Forum: International Federation of Translators

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Context: internationalisation + globalisation

- legal translators + lawyers
- operating in two or more languages

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Context:

- NNS translators + lawyers using...
- English as global legal language
 - source language
 - target language
 - relay language

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For cross-border cooperation, law professionals need

- legal knowledge of an international nature
 - international public and private law
 - law of the European Union
- language skills
 - not only general knowledge of languages
 - knowledge about the peculiarities and difficulties of the languages of law

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Causes of difficulty

- language of law is a language for special purposes (like the language of medicine)
 - special terminology
 - special style
- law is a metaphysical phenomenon and a product of culture
 - legal language is particularly complex and often capricious
 - legal concepts and semantic fields of terms differ between legal systems/cultures

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Trends e.g.

- UK: decline of industrial economy + rise of economy based on information technology and financial services >> directly to decline of High Street law practices serving small, local businesses + growth of large city firms serving global clientele (Arthurs 2009).

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Trends/influences

- EU need for more lawyer linguists
 - Negative attitude of lawyers to lawyer linguists/translators
- demographic: ageing population (EU)
- lifelong learning

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Trends/influences

- emerging fields of law
- transnational/supranational/anational law
- convergence (EU)

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Challenges include e.g.:

- absence of equivalence between legal systems
- “Systemic incompatibility of legal concepts” (Galdia 2008: 119)

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Modern legal education

- law professionals “need to be comfortable in multiple jurisdictions, often simultaneously” (Tan, 2007)
- lawyers need to be educated as “residents” rather than “tourists” in new jurisdictions (Daly, 2005: 785), ready to move both jobs and countries several times in the course of their career. (Dinovitzer and Grath 2007).

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Modern legal education

- law professionals of tomorrow require “cross-jurisdictional ability” (Fine, 2009)
- modern legal education an interdisciplinary exercise

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Modern legal education

- globalisation requires legal education to prepare practitioners *inter alia* to deal with foreign legal systems
- linguistic methods for legal professionals: largely unrealised (Salmi-Tolonen, 2004)

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Modern legal education

- “globalization has effectively decoupled the idea of law from the idea of the state” (Arthurs 2009)
- “contemporary normative questions are frequently global rather than local.” (Kingsbury *et al.* 2005: 15; Chesterman, 2008: 39).

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Legal education should...

- ... respond... to globalisation of law (Husa)
 - Need for multidisciplinary knowledge:
 - Expert knowledge
 - Legal knowledge
 - Linguistic knowledge
 - Salmi-Tolonen
 - Globalisation a prominent feature of legal education and scholarship.
 - Arthurs

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And so?

- Programme planning
 - Law-related curricula should reflect internationalisation of legal practice
 - Law-related curricula should deliver cross-jurisdictional ability

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Suggested answer

- ✓ lawyers and translators need training in legal linguistics

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Legal linguistics...

- legal linguistics requires **purposive**, critical study e.g. legal language, texts
- but...
- lawyers learn legal language **instrumentally**: a professional tool
- and...
- study comparative law superficially, if at all

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Significant overlap between legal/ linguistic needs of lawyers and translators in terms of need for knowledge + skills:

- ✓ Comparative law for lawyers and legal translators
- ✓ Legal systems and specialisms for lawyers and legal translators
- ✓ Comparative legal cultures for legal translators and lawyers
- ✓ Legal methods for translators
- ✓ Legal English for lawyers and legal translators
- ✓ Translation skills
- ✓ Legal linguistic skills for lawyers and legal translators
- ✓ Legal writing and drafting for lawyers and legal translators
- ✓ Concepts and terminology for lawyers and legal translators
- ✓ Legal informatics for lawyers and legal translators

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Other?

e.g.

- ❖ Legal sociology
- ❖ Legal culture
- ❖ History of law?

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Legal linguistics

- first and foremost purpose of legal linguistics is to look forward and see how linguistic methods can help legal professionals at the various stages of their careers. (Salmi-Tolonen, 2004: 1191)

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Options

- integrated courses
 - i.e. Legal linguistics in the curriculum

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But

- universities under pressure to focus on ECTS credits in main areas of the curriculum
- so maybe more realistic to achieve the required input in dedicated interdisciplinary programme modules jointly for legal translators and for lawyers who aim to operate internationally or to translate legal texts.

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Translators, lawyers or both?

- probably better separate (Engberg/Burr 2010)
- but would enough lawyers apply?

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Who is likely to study legal linguistics?

- ✓ mature professionals looking to upgrade qualifications
 - ✓ therefore dedicated master programmes

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Availability

- ✓ Only one dedicated legal linguistics master programme
 - ✓ Riga Graduate School of Law (RGSL)

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RGSL: MA in Legal Linguistics

- ✓ Unique programme
- ✓ One study year
- ✓ Classes on average 3 days every second or third week September-March
- ✓ Executive style: user-friendly to
 - ✓ Students (enables work + study)
 - ✓ Employers (little time off work)
 - ✓ Visiting professors

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Faculty

- ✓ Permanent
 - ✓ Prof. Maris Baltins (Director of the State Language Center)
 - ✓ Christopher Goddard: practising legal linguist
- ✓ Visiting
 - ✓ Prof. Heikki Mattila, professor of Legal Linguistics, University of Lapland
 - ✓ Prof. Marcus Galdia, International University of Monaco
 - ✓ Prof. Jan Engberg, Aarhus School of Business
 - ✓ Mark Segal, International Expert in Legislative Drafting

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RGSL: MA in Legal Linguistics

- ✓ Interdisciplinary academic programme covers a select range of legal and linguistic skills
- ✓ Course content arranged to equip participants with skills and techniques required for a career as
 - ✓ Legal translators, drafters, editors
 - ✓ Administrators operating with rules that require a clear knowledge and understanding of legal rules in various languages

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RGSL: MA in Legal Linguistics

- ✓ Study courses designed to maximise each student's potential
- ✓ Course work includes
 - ✓ Preparing, drafting, managing legislative projects
 - ✓ Legal drafting, translating, editing, revising, proof-reading, other related skills

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RGSL: MA in Legal linguistics

Themes of research and teaching:

- ✓ relationship between law and language
- ✓ international use of major legal languages today (notably in the European Union)
- ✓ risks of misunderstanding due to differences of legal systems behind legal languages, notably English common law and civil (i.e. Continental) law

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RGSL: MA in Legal linguistics

- ✓ legal methods and study skills (Introductory)
- ✓ thesis support/preparation (Concluding)

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MA Legal linguistics, Riga Graduate School of Law

| | |
|---------------------------------------|----|
| Comparative Law and Legal Linguistics | 24 |
| Legal Research | 12 |
| Principles of Legal Writing | 12 |
| Contract Drafting | 12 |
| Introduction to Law | 24 |
| Legislative Drafting | 24 |
| Characteristics of Legal Translation | 24 |
| Translation and Editing Legal Texts | 12 |
| Legal Terminology | 12 |
| English / (other) Grammar/Stylistics | 24 |
| ILEC Preparation | 12 |
| Terminology EN/other | 24 |

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RGSL: MA in Legal linguistics: sample thesis topics

- ✓ Seven principles for drafting sound legislation
- ✓ The role of effective drafting in efficient translation of contracts
- ✓ Characteristics of the Language of International Treaties
- ✓ Legal Russian in the Framework of the Russian Legal System

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RGSL: MA in Legal linguistics: sample thesis topics

- ✓ Linguistic and legal Aspects of Word Trade Marks in Terms of Translation
- ✓ Is there a case for the abolition of ‘shall’ from EU Legislation?
- ✓ Legal Terminology in Kosovo after 1999: Evolution of the Glossary during the UN Administration of Kosovo until the Independence of the Country

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RGSL: MA in Legal linguistics: sample thesis topics

- ✓ Use of legal English in International Commercial contracts
- ✓ Corrigenda of EU law: the effects of meaning-alteration in legal texts
- ✓ Shortage of EU Translators: How to Improve the Situation

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RGSL: MA in Legal Linguistics

- ✓ 10 Latvian Government budget spots open also for EU citizens (entrance test to be held in early July 2011)
- ✓ 8 study places with tuition fee waivers of 50%
- ✓ Tuition fee – EUR 5000

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