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Curriculum, Language and the Law – Symposium in Dubrovnik, September 18 – 21 2008

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The Faculty of Law at the University of Zagreb, Croatia, has founded a Centre for Language and Law in the framework of a European Tempus project started in January 2007. Partners in the project and the centre are (apart from relevant Croatian faculties and ministries) representatives from the universities in Antwerp, Innsbruck, London, Mannheim and Paris. The title of the project is "Foreign Languages in the Field of Law", and focus is on providing language skills and research results with relevance for translators and lawyers working with multilingual law in a European context. Apart from training and education of different types of professionals in Croatia and the foundation of the centre, the cooperation has had two more generally relevant outcomes. And these outcomes are the reason for the present journal report: a recently founded international network on language and law (http://lists.topica.com/lists/flifl) and an international symposium. This report will focus upon the last mentioned fruit of the cooperation.

The symposium was held at the Importanne Resort just outside of the culturally and historically impressing town of Dubrovnik. With a total of about 100 contributors to the three-day conference, the symposium reflected the growing interest in the topic in the legal as well as in the linguistic field in these years. The programme of the symposium contained two plenary sessions (on Thursday morning and on Saturday morning) and a number of parallel sessions presented in a total of 9 different sections:

- Curriculum Development and Language Education
- Legal Terminology and Lexicography
- Legal Translation and Court Interpreting
- Legal and Linguistic Aspects of Multilingualism
- Language in Litigation and Arbitration
- Forensic Linguistics
- Analysis of Legal Discourse
- Legal Drafting and Transparency
- Language Issues in EU Law

The report will concentrate upon the plenary sessions, in which all of the section topics where treated more or less widely.

The opening keynote address on Thursday was held by Vijay K. Bhatia, City University of Hong Kong. His title was *Intertextual and Interdiscursive Patterns in Legal Discourse*. In his talk he focused upon the important characteristic of legal discourse that it is part of a legal practice and that this practice consists in confronting unique everyday situations with recurring descriptions of situations in legal texts like statutes, court decisions, etc. This confrontation process triggers a constant process of interpretation of texts and situations in the light of the needs and principles of legal practice. And it has as an important result a tendency of intertextuality and interdiscursivity in legal texts. By this he means that in legal discourse we may observe a tendency to reapply elements from related, but different texts and genres as well as from related, but different discursive practices. One example of intertextuality is the application of phrases and patterns of textualisation from statutes in contracts or court decisions. And as an example of interdiscursivity, he presented preliminary results of a study of the degree to which discursive patterns from litigation are taken over by professionals working in the field of international commercial arbitration. By way of conclusion Vijay Bhatia underlined the importance of investigating legal discourse from a global point of view in order to grasp the many intertextual and interdiscursive links characteristic of the professional culture.

The next plenary lecture was held by Isolde Burr, University of Cologne, and the author of this report. The title of the presentation was *Designing Curricula on Legal Language for Translators and other Professionals*. It was essentially a survey of traits of legal language with specific relevance for developing curricula for different types of professionals working with law in a multilingual context. The talk was centred on two subjects: Firstly, the role of individual understanding and interpreting of statutory texts. And secondly, the requirements which the importance of this process in legal discourse sets

up for education programmes. The presenters showed that the process of understanding and interpreting legal discourse is dependent on sensibility to linguistic factors as well as to legal background knowledge. This feature is relevant for everyone working with legal discourse. However, practice in the field of multilingual law may actually belong to one of at least two different modalities: The modality of decision making (lawyers), and the modality of description (translators). And depending on which modality students are to be trained to work with, curricula should have a different outline. As examples, two curricula with different aims concerning modality practice were outlined: The BA / MA programme in *Europäische Rechtslinguistik* at the University of Cologne combining law and language and educating legal professionals with a firm linguistic basis, and the legal part of the MA programme in Specialised Translation at the Aarhus School of Business, University of Aarhus.

The last plenary lecture in this section (*Multilingual Law: What is it? How is it made? How is it used and applied?*) was presented by Colin Robertson from the Council of the European Union. His background was his own practice in formulating multilingual law in an EU context as well as in being responsible for the quality assurance of such multilingual statutory texts. On this basis, he treated the three questions mentioned in the title of the paper. Special characteristics of multilingual law as opposed to monolingual law concerning the role of translation, terminology and term-equivalence were presented as well as the special process of multilingual lawmaking. And finally, focus was on the characteristics of application and decision making in a multilingual legal regime. Thus, the paper gave a brilliant basis for discussing the practical implications of the research results presented in the many papers following the introductory plenary section.

The second plenary section, held on Saturday, consisted of two presentations. In the first presentation (*Legal Drafting in an International Context: Linguistic and Cultural Issues*), Maurizio Gotti, University of Bergamo, gave an overview over the results of a number of research projects on generic integrity of legal discourse. Focus was not only on English legal texts, but rather on legal discourse from an intercultural perspective. Especially the interplay between factors from the globalisation of business and the consequent internationalisation of legal relations, on the one hand, and local requirements and conditions of specific cultures, languages and legal systems, on the other hand, was treated in the talk. Gotti presented a comprehensive list of empirically based results concerning characteristics of legal discourse and their realisation in different cultures.

The second presentation was by Sieglinde Pommer, Harvard Law School. The title of her presentation was *Legal Translation as Intercultural Expert Communication: What Role for Comparative Legal Analysis?* On the basis of her own double qualification as a translator and a comparative lawyer, she focused upon the relations between Translation and Comparative Law and the extent to which these two disciplines may be relevant in order to improve each others approaches to legal discourse. The two disciplines are both interested in understanding concepts from different legal systems in contrast with each other as functioning legal concepts. They are both interested in mediating between different cultures on the basis of the function of concrete legal concepts. Consequently, both disciplines see not the isolated term, but the underlying concept in its cultural and systematic context as the central issue to study and work upon. But where Comparative Law is oriented towards assessing the degree of overlap of concepts across cultures as elements of a system (perspective of Comparability), Translation is oriented towards expressing relevant aspects of concepts from one legal system in the cultural and linguistic context of a different legal system and in a concrete communicative context, in a text (perspective of Translatability). Summing up, Sieglinde Pommer presented interesting points of future mutual development of two neighbouring disciplines, especially in the field of the conceptualisation of their object and the relevant methods.

The overall impression that participating in the symposium left me with was a very positive one. Right now, much work is going on at PhD-level and above at many universities across Europe. It was one of the important assets of the symposium to bring people with special interests together. And the substantial number of upcoming scholars in the field is important from the point of view that it will make it easier to find qualified personnel for research positions at universities. Furthermore, work is being produced in many different fields of description of the object of legal language and in many legal cultures, as was demonstrated by the wide range of topics reflected in the list of parallel sections. This means, firstly, that the amount of knowledge about legal language and legal discourse in different countries and legal systems is growing quickly in these years. On the basis of such results, practitioners in the field find an improving basis for their work in the form of better dictionaries, more knowledge about concrete contrastive differences and similarities between specific cultures, etc. Secondly, we see the emerging contours of an actual Legal Linguistics (outside of Canada, where it has been rooted for quite some time) in the form of an interdiscipline drawing upon knowledge and methods from especially (comparative) law, translation studies, terminology, text-oriented linguistics, phraseology, philosophy of law, politics, sociology and psychology, to mention some of the topics present at the symposium.

However, for such an interdiscipline to develop it is not enough to work mainly on documenting characteristics of language and discourse in the field of law, as it was the case in the major part of the papers presented at the Dubrovnik symposium. It will be necessary to supplement such work with studies of the mechanisms underlying the interaction between language and law, taking advantage of combining knowledge and methods from more of the involved disciplines. Some more courage on the part of the researcher will be necessary. In the light of such wanted developments it is extremely positive that the organisers of the symposium have decided to set up the mentioned network that is open to all interested researchers and practitioners. Such initiatives are necessary prerequisites for achieving the exchange of ideas, methods and results needed for reaching the next level of development of Legal Linguistics.

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