

## SEMANTIC PECULIARITIES IN THE LEGAL DISCOURSE: A TRANSLATION-ORIENTED APPROACH

**Mihaela COZMA**

University of the West, Timișoara

**Abstract:** In addition to a wide range of specialized terms and expressions, legal texts are also characterized by the presence of a large number of words which belong to the common vocabulary, but which are assigned either special or vague meanings in this type of discourse. The paper discusses some semantic peculiarities presented by texts belonging to the category of the EU legislation, pointing to the problems that the Romanian translator of such texts might encounter.

**Key Words:** EU legislation, lexico-semantic norms, specialized terms, preciseness of meaning, vagueness of meaning

### 1. Introduction

Any translator who wants to produce effective target texts in a particular field must be familiarized with the discursal, syntactic and lexico-semantic norms and conventions of the genre in which he/she is working (cf. Bhatia 1997). This happens because all the norms, even those which regard lower levels of generic construction, make an important contribution towards the achievement of the overall communicative purpose of a genre, and, consequently, should be given serious attention by the translator.

It is interesting that, when the lexico-semantic norms of a certain genre are brought into discussion, they are generally associated with and restricted to aspects regarding the terminology or the standardized expressions specific to that particular domain. However, as it will be suggested in what follows, there are genres in which the choice and the use of the general words may also be influenced by norms and may even raise certain problems for the translator of the field. In order to illustrate this idea, my paper focuses on the genre of the European Union (EU) legislation, and examines some peculiarities that the EU texts present at the lexico-semantic level, with the specific purpose of arriving at findings that might be relevant for the translators working in the EU field. The corpus that I used for my analysis includes, on the one hand, EU texts originally written in English, texts which, according to the official site of the European Union (cf. <http://europa.eu.int>), represent „legislation in force”, that is regulations, decisions, directives, agreements, conventions, etc. Since my intention was to arrive at findings of interest for the translators working in the EU field, I also included in my corpus the official Romanian translations of these English texts (cf. <http://www.ier.ro>). Reference to the texts in my corpus is made by means of the Celex number, which is a unique combination of elements, giving information on the code of the sector to which the document belongs (the first figure), the year in which the

document was adopted (the next four figures), the type of document (represented by a letter), and the number of the document (made up of the last four figures).

As I mentioned above, any approach to the lexico-semantic norms of a genre generally makes reference to the use of the specialized terms, i.e. to lexical items which “refer deliberately to specific concepts within particular subject fields and therefore constitute a sub-system of knowledge” (Sager 2004: 259). Being produced as part of a professional domain, the EU documents are also characterized by the presence of specialized terms and expressions, which basically fall into three broad categories: terms belonging strictly to the EU domain (i.e. names of institutions, documents or specific activities), more general terms relating to law or administration, and technical terms specific to the various individual fields to which every EU document in its turn is meant to apply (cf. Cozma 2006). Most of these specialized terms have, by their very nature and utility, a fairly clear, exact meaning. However, in addition to the specific terminology, the texts belonging to the genre of the EU legislation make use of a large number of words which belong to the common vocabulary, but which play a very important part in the attainment of the genre-specific communicative purpose. The semantic analysis of this special type of “general” lexical items, as they are revealed by the EU texts making up my corpus, indicates two opposite tendencies: one tendency is to assign these words meanings which are far more precise than in the common vocabulary, and the other is to use words or formulations with vague meanings.

## 2. Semantic peculiarities in the EU texts

The number of lexical items in a language being finite, some of them may have to take on several meanings. This is the reason why, quite frequently, common words are taken over and pressed into service as terms in particular special languages. This feature, which seems to be characteristic of the legal discourse in general (cf. Danet 1985, Stoichițoiu-Ichim 2001) is also revealed by the EU documents that I have analyzed – both in their English variants and as Romanian translations. Thus, lexical items like **proposal/ propunere**, **instrument** (of ratification/ accession)/ **instrument** (de ratificare/ aderare), **approximation** (of the laws)/ **apropiere** (a legislațiilor), **codification** (of a Decision) / **codificare** (a unei decizii), **to align** (requirements)/ **a alinia** (cerințele) have a much more rigorous technical sense than the corresponding common words, therefore meaning something more specific in these texts than in the everyday use.

Even if the above mentioned tendency manifests itself both in the English texts and in their Romanian translations, the degree of precision presented by a word in this category may vary from one language to another. A good example in this respect is the English **opinion**, which has a very high frequency in the common vocabulary, but which, in the context of the documents under analysis, is characterized by a restricted and specific meaning. The Romanian translation, on the other hand, i.e. **aviz**, although

used as a common word, too, is, however, more frequently associated with the specialized language of the legal-administrative field than its English counterpart.

ST: "The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction"

TT: "Măsurile prevăzute în prezenta directivă sunt conforme cu avizul Comitetului permanent pentru construcții" (32003D0722)

The other tendency, i.e. that of intentionally resorting to words and phrases with a vague meaning, is very well illustrated by adjectives or adverbs like in the following syntagmas: "**duly** authorized"/ "autorizat **în mod corespunzător**" (32002L0006), "**appropriate** initiatives"/ "inițiative **adecvate**" (32003D0291), "carrying out the **necessary** checks to that end"/ "efectuării controalelor **necesare** în acest sens" (32003R0058), "using **suitably** large components with a view to examining the potential ..."/ "utilizează componente **suficient** de mari în vederea examinării posibilității ..." (42002D0234), "**relevant** environmental data"/ "date de mediu **relevante**" (32003L0017), "facilitate road traffic by **appropriate** means"/ "să faciliteze transportul rutier prin mijloace **potrivite**" (21992A1221(02)). Such items are meant to bring a certain degree of relaxation in the process of imposing obligations on the member states or on the institutions to which the legislative documents are addressed, by giving them some freedom with regard to the manner in which the main legal provisions contained by these documents are to be applied.

Unfortunately, the texts in my corpus reveal some other instances of vagueness of meaning, which, however, differ from the formulations mentioned above in that they present the danger of provoking ambiguity. Two situations have been identified in this respect.

On the one hand, there are cases when the vagueness of meaning is only a feature of the target text, being a consequence of an inappropriate translation solution. The Romanian variant of the following fragment is a good illustration of such a situation:

ST: "However, products covered by the common organisations of the markets in cereals and rice, on the one hand, and goods not listed in Annex I to the Treaty, on the other hand, shall **each** be treated as a single product sector."

TT: "Totuși, produsele aparținând organizării comune a pieței cerealelor și orezului, pe de o parte, și mărfurile care nu figurează în anexa I la Tratat, pe de altă parte, formează un singur sector de produse." (32002R2090)

The translated variant of the fragment above does not offer any counterpart for the source-text lexical item **each**, which, although a determiner, plays a crucial part in the construction of the overall meaning of the sentence in question. In this way, the Romanian reader is very likely to understand that the products covered by the market organizations and the goods not listed in Annex I form together one single product sector, and not that each of them in its turn represents a separate sector, as the original text suggests.

The other type of situation revealed by the texts in my corpus is when both the English and the Romanian variants of the documents are somehow ambiguous at certain points. In this case, the ambiguity is determined by problems of stylistic nature, as it is illustrated by the excerpt below:

“Specific sanctions and procedures are set out in Regulation (EC) No 2531/98, providing for a simplified procedure for the imposition of sanctions in the event of certain kinds of infringements but referring to Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions for the principles and procedures relating to the imposition of sanctions.”

“În Regulamentul (CE) nr. 2531/98 sunt prevăzute sancțiuni și proceduri specifice, care prevăd o procedură simplificată pentru impunerea de sancțiuni în cazul anumitor tipuri de încălcări, dar care se referă la Regulamentul Consiliului (CE) nr. 2532/98 din 23 noiembrie 1998 privind competențele Băncii Centrale Europene de a impune sancțiuni în ceea ce privește principiile și procedurile pentru impunerea de sancțiuni.” (32002R0134)

The awkward and somehow vague form of expression characterizing this fragment, present in the English original text and preserved in its Romanian translation, represents, to a great extent, a consequence of the syntactic features of this category of texts. Thus, the main problem with this piece of language is represented by the fact that the nouns **sanctions** and **procedures/ sancțiuni și proceduri** have a great number of modifiers, which, by repeated embedding, create a rather extended noun phrase that is rather difficult to process. In addition to this, some of the nouns used in this fragment are repeated at short intervals (cf. **procedure/ procedură** and **sanction/ sancțiune**), a technique which is probably meant to promote clarity of reference, but which creates a stylistic problem and gives the impression of a badly-constructed text.

In close connection to my comment above, I might mention that, quite frequently, the English EU documents in my corpus reveal the text producer's little concern for the elegance of the style. This is generally reflected by the placement of lexically related words too close within the same sentence: e.g. “Council Regulation ... lists the characteristics to be **surveyed** in a series of **surveys** on the structure of agricultural holdings.” (32003D0369). In most such cases – including the one that I have just illustrated – the Romanian translator of these texts does his/her best to find a solution meant to avoid the use of items belonging to the same family of words in the target text: “Regulamentul Consiliului ... prevede caracteristicile care trebuie **înregistrate** în cadrul **anchetelor** asupra structurii exploatațiilor agricole. ”

The opposite phenomenon is also present in the EU texts that I have analyzed. Thus, sometimes, even if there is no stylistic problem in English, the translator creates one in the target text, by not making the most appropriate selection of lexical items in order to render the intended meaning of the original document. The sentence below which, in its English variant, is very well constructed, sounds rather awkward in Romanian, because it uses the same prepositional noun phrase as an equivalent of both **therefore** and **accordingly**:

ST: “Regulation (EC) No 2064/94 should **therefore** be amended **accordingly**.”

TT: “În consecință, Regulamentul (CE) nr. 2064/94 trebuie modificat în consecință.”  
(32003R1654)

I must stress, in the end, that, if the intentionally used vagueness of meaning discussed earlier can be taken as a norm of the documents under analysis and is, therefore, expected to be transferred from the English to the Romanian variants of these texts, not the same can be said about the cases of ambiguity or stylistic awkwardness present only at the level of the translated text. Unfortunately, situations like the ones illustrated above are created as a result of an inaccurate or inappropriate translation solution; they represent just accidents that should be avoided as much as possible by the Romanian translators working in this field.

### 3. Conclusions

In order to ensure the achievement of the genre communicative purpose, which is that of imposing obligations and conferring rights, the producers of the EU texts resort to specific devices at lexico-semantic level. One of the consequences is that, in addition to technical terms and expressions, the lexis of the EU documents is also characterized by the use of common words with specialized meanings. Such words, which usually achieve the status of terms by being assigned only one of the range of meanings that they have in the everyday speech, may create difficulties of comprehension, on the one hand, and of translation, on the other, which are comparable to the ones raised by the technical vocabulary. More specifically, in order to render them correctly, the translator must be sure that s/he uses the appropriate and officially accepted Romanian equivalents, because, otherwise, they may distort the originally intended message. At the same time, as illustrated earlier, the EU documents reveal a number of lexical units which serve the purpose of the genre exactly because of their general reference. The Romanian translator of the field should find target-language solutions which preserve the intended vagueness of meaning, trying, at the same time, to avoid Romanian formulations that might create ambiguity if this feature is not present in the source text.

In the end, I only want to mention that, if we want to find an explanation for these lexico-semantic particularities presented by the EU texts, we can resort to the observation that Crystal and Davy (1969: 212) made with regard to the legal language in general, namely that “the lawyer must go to great lengths to ensure that a document says exactly what he wants it to say, that it is precise or vague in just the right parts and just the right proportions ...”.

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### **Webography**

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Translations from the European legislation,  
<http://www.ier.ro>