



# Legal Language – a Cultural Ambassador. A Language for Various Purposes, not only for Specific Purpose

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## Abstract

*Generally, courses in Languages for Specific Purpose (LSP) at Danish universities are being considered as purely professional even if e.g. Legal Language is probably the most culture-bound specialized language there is. In their studies of comparative legal language, Spanish-Danish, students are exposed to severe challenges of different types. The majority of Danish language students have poor knowledge of the Danish legal system and no knowledge of the Spanish legal system. Because legal language is culture-bound, it is also implicitly cultural training by which the students achieve intercultural competences as culture comes alive in the legal terms, fixed expressions, metaphors, collocations, etc. in the shape of historical, societal and legal knowledge. In this paper I will discuss how courses in comparative Legal Languages reflect and incorporate culture. Furthermore, and by means of some examples from the courses of Danish and Spanish Legal Languages, I will illustrate how legal language and legal terms act as cultural ambassadors. They not only inform about terms in a different legal system, but they also implicitly and explicitly inform about culture and history in different countries. Legal Language as a LSP serves more than one purpose.*

## 1. Introduction

When we at Aalborg University teach our students Comparative Legal Language and other LSP's, emphasis is on communication and technical terms. In fact, there is a tendency to treat professional languages as completely culture-free. Legal Language, for instance, is not linked up with culture as a concept, even if it might be one of the most culture-bound professional languages existing. Legal Language draws on both general language and financial language and their cultural metaphors. The cultural dimension is absent even if it is possible to integrate culture in the subject as culture is embedded in law.

Furthermore, this LSP is rooted in a legal universe in which law has developed over hundreds of years according to the development of society. In Spain, for instance, Legal Language is influenced from Roman Law, French Law and Latin, and in Denmark, Legal Language is influenced by Germanic and Nordic law.

In this paper, I will discuss why culture cannot, in my view, be separated from language in the teaching of Languages for Specific Purpose, particularly not in the case of Legal Language, in which culture is inherent. My discussion will be based on some examples from my classes of Spanish Legal Communication at Aalborg University, Denmark. Another purpose of this paper is, through a discussion of the examples of culture-bound legal terms in Danish and Spanish, to contribute to a different view of Legal Language as an cultural ambassador, not only a culture-free Language for Specific Purpose.

## 2. Law as Culture and Defining “Legal Culture”

The “Law as Culture” movement originating in the United States understands Legal Studies as Cultural Studies and explains the particularities of a legal system as characteristic patterns of a national legal culture [1].

Law is a cultural domain, occupying an important place among the cultural practices of society. Law is integral to culture, and culture to law. Often considered a distinctive domain with strange rules and stranger language, law is actually part of a culture's way of expressing its sense of the order of things. The roles of legal institutions cannot be understood if not seen as part of their culture and at the same time culture cannot be fully understood without attending to this form of law [1].

Many have referred to the cultural embeddedness of law. Many attempts of defining “legal culture” have been made and one of them is the “ideas, attitudes, values, beliefs and behaviour patterns about law and the legal system” [2].

Legal Language differs from other languages for specific purpose in that law is entirely created by humans. Law as a socio-cultural phenomenon is always linked to the culture of a particular society and jurisdiction. Consequently, national systems are deeply rooted in a specific legal tradition and legal culture. Legal terminology is system-bound, tied to the legal system rather than to language. Therefore, multiple legal languages can exist within the boundaries of that same language. However, legal

language is a technical language particularly closely tied to the common language, which significantly heightens its culture-specificity.

For all these reasons some consider legal texts generally untranslatable, but it can be done when striving for equivalence. Accepting the common cultural foundation of law and language therefore open up new possibilities and potentials of cultural analysis in the field of law [1].

### 3. Teaching/learning comparative Legal Language Spanish-Danish

The teaching and learning of comparative Legal Language Spanish-Danish covers various serious challenges, as with its many Latin terms, Spanish law is rooted in ancient Roman law, whereas Danish Law has its roots in Germanic and Nordic Law. The problem is not that language embeds culture, but that Legal Language embeds ancient (legal) culture in both Danish and Spanish Legal Languages and introduces the students to hitherto unknown and complex concepts.

Furthermore, our own culture is often hardly visible to us as since childhood we have been exposed to a national culture which to us represents 'normality'. Danish students do not see their own culture until confronted with a culture which is completely different; they are blind to their own culture [4].

Languages are built around conceptualisations in the shape of conceptual metaphors. In this way, languages transmit the modes of thought that have evolved in ancient and lost cultures[5]. When trying to translate it is necessary to be aware of the unique cultural context of any national legal system highlighting the significance of "trying to understand foreign legal cultures in an 'untranslated' form" [3]. This means that the term in question should not be filtered through the cultural background of the teacher, translator or cultural mediator [1].

In the past, many Spanish words and expressions were metaphors, but later they passed onto the Legal Language without being considered as such. Still, many of them can be identified, and therefore several conceptual metaphors exist in current Spanish legal language. An example is the expression *cadena perpetua* which literally means 'unceasing chain', but it is the Spanish legal term for 'life imprisonment'.

The above-mentioned factors indicate that when learning comparative legal language, Spanish-Danish students are exposed to severe challenges of different kinds. When starting the course of Spanish Legal Communication, students are introduced to various new universes, i.e. the legal world and the legal languages used in Denmark and Spain. Evidently, the problems arise particularly in connection with Spanish and Danish legal terms which have no equivalent terms in the other language because of the cultural (historical) differences between the two legal systems and the two countries.

### 4. How to translate *Juez de Paz*?

One of the recurring problems for the students is the court system in Spain compared to the Danish system. In Spain, there is, for instance, a judge called *Juez de Paz* (Judge of the Peace) placed at los *Juzgados de Paz* (The Justice of the Peace). This judge sits in small communities with no First Instance and Instruction Courts. They hear minor civil cases, among their functions, and they sometimes work as a Civil Registry Body.

In order to explore "the first place" it is necessary for the students understand their own legal culture and how it operates. They need to achieve awareness of their own cultural boundaries [9]. Subsequently, they need to understand how the situation is dealt with in Danish and Spanish language and legal culture, reflecting on the similarities and differences between "first" and "second" places. Finally, they will arrive at "third" place in which they reach a response to the situation.

Now the students will need to familiarize themselves with "the first place", the Danish Courts System. In Denmark a judge can sit in the District Court, the High Court and the Supreme Court, according to the general system. In order for them to acquire an overview of the Danish system, the students are then introduced in class to a chart showing the Danish Court Hierarchy; the lowest step in this is the District Court.

Then the students are ready to move on to "the second place", the complicated Spanish Court System. The Justice of the Peace (*Juzgados de Paz*) is the lowest step in the Spanish Court System. They hear minor civil cases. Here the students are also given an overview of the legal system in Spain in the form of a chart showing the position of the *Juez de Paz* in the hierarchy.

Finally, a new concept is introduced to the students and into Danish Legal Language: the term *Fredsdommer* (which is the literal translation of *Juez de Paz*).



## 5. Spanish DNI versus Danish CPR-number/Sundhedskort/EU-Sygesikringskort (Healths Insurance Card).

Significant differences exist between the Identity documentation in Spain and in Denmark. All Spaniards are entitled to a DNI, *Documento Nacional de Identidad*, national identity card, and this is mandatory for everyone over 14 years living in Spain. The DNI includes a photo, a signature and a microchip with personal information and the Spanish text in all the four Spanish national languages. Every Spanish citizen must present their DNI on request in order to identify themselves, and the DNI constitutes sufficient identity documentation when travelling in the EU and many other countries. Denmark does not have any official identity card equivalent to the Spanish DNI. The closest we get to the DNI in a Danish context is the Danish *sundhedskort* (Health Insurance Certificate), showing a *CPR-nummer* (Personal Identification Number) which includes a person's date and year of birth plus four additional digits. It ensures all Danish citizens free medical treatment, and the card must be presented at the doctor's and in hospitals.

Firstly, the students have to become accustomed to the Spanish identification system and the DNI, which cannot be compared to the Danish *sundhedskort*. The latter is not an official ID card as it does not contain a photo, and it cannot be used in the same official situations as the Spanish DNI. For identification, Danish citizens can use their driver's licence with a photo of its owner, but the most official Danish identification document (with both photo and signature) is the passport. As it is not necessary to have a passport, unless Danish citizens want to travel outside the Schengen-countries, not all citizens have a passport. Consequently, Denmark does not have an equivalent to the Spanish DNI.

The students should now have achieved new knowledge about their own and the Spanish *legal-cultures*. Furthermore, they have learned a new term, *legitimationskort*, which is the Danish interpretation of the Spanish DNI, a concept which does not exist in the Danish legal system. No textbook or bilingual dictionary offers sufficient cultural information about these terms without equivalence.

## 6. Conclusion and future work

The comparative Legal Language course introduces students to a new world in which they must achieve knowledge of the Legal Language in Denmark and Spain and the legal systems and (legal) culture in both countries. These courses must reflect and incorporate cultural differences even at beginner's level. Students need to understand legal terms from two different cultures and overcome the typical blindness to their own culture. The examples used in the paper illustrate some fundamental problems when 'translating' terms from one *legal culture* into another.

Generally, the use of specialized textbooks and bilingual dictionaries is not adequate to ensure the understanding of cultural phenomena, e.g. Danish or Spanish terms without equivalence in the other language, and the cultural gap between different *legal cultures*. As culture is embedded in law, Legal Language is also cultural training in which the students achieve intercultural competences and cultural knowledge.

Legal Language courses should explicitly include *culture* in order to arouse students' awareness of the cultural knowledge and intercultural competences they achieve. Furthermore, as culture is not normally seen as part of a LSP, it could show the students that this LSP serves more than one purpose.

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