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LINKING WORDS IN LEGAL ENGLISH

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**Abstract**

*This paper emphasis on the Legal English linking words usage and their Romanian translation challenge.*

*Using a variety of linking words is important in ensuring a logical flow of ideas in writing easy for the reader to follow.*

**Introduction.** Each legal system is situated within a complex social and political framework which responds to the history, uses and habits of a particular group. This complex framework is seldom identical from one country to another, even though the origins of the respective legal systems may have points in common. The diversity of legal systems makes research in the field of legal terminology more difficult because a particular concept in a legal system may have no counterpart in other systems. Sometimes, a particular concept may exist in two different systems and refer to different realities, which raise the problem of documentation and legal lexicography. Legal translation implies both a comparative study of the different legal systems and an awareness of the problems created by the absence of equivalents. Translation is much more than the substitution of lexical and grammatical elements between two languages. Often the process of translation requires the art of leaving aside some of the linguistic elements of the source text to find an expressive identity among the elements of the source and the target texts. In legal translation, a problem arises from the very beginning if the translator aims at finding the exact terminological equivalent. The attribution of an equivalence to a legal term, for which no comparable concept exists in another legal system, can be the cause of ambiguities, confusion and all types of miscomprehension due to the effect the term in question produces in the reader of the translated text.

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Therefore, the difficulty of terminological equivalence in legal translation is reflected, above all, in the expectations of the reader from the translated text. In most cases, legal texts do not lend themselves to precise translation, unlike the case of a scientific article. In this respect, legal concepts, terminology and realities of one society may only correspond partially to those of another one, that is to say, certain concepts may totally coincide, while others may only partially do so. As a result, in the field of legal translation, the major practical difficulty is deciding whether a concept is the same in two languages or different in terms of the consequences it will ensure.

Register is a technical term used in linguistics to refer to the language we use in certain situations. During the same day you will use and move between a number of registers of standard English, depending on where you are and whom you are talking or writing to. You will use different language to your child, your partner, your law lecturer, your employer, your best friend, your clients, the judge, and your colleagues. As a barrister you will use different language with your colleagues in court from that you would use with them in chambers or over lunch. You adapt your standard language to suit each occasion and to reflect the kind of relationship you have with your audience.

Occupations and activities have their own specialized language registers. Thus, rugby players participate in *loose mauls, rucks* and *turnovers*. Linguists discuss *syntax* and *register*. And lawyers? *For the purposes of the aforesaid it is submitted that the said professionals may be in flagrante delicto hereunder. Res ipsa loquitur.* As this example demonstrates, we are not talking only about vocabulary. Grammatical structure also changes between registers. A register may also contain slang. Police officers may talk of sending out the *yobbo van*, and teachers in higher education may refer to *resource-based-learning* as *fo-fo* (unabbreviated form unprintable).

**Legal English sentences.** Besides being long and complex, legal sentences are self-contained. This means they stand on their own; neither linked to what precedes or follows them. This is necessary because each action or requirement is dependent on a series of conditions which must be fulfilled before it can happen.

In standard written English, ideas are linked by logical progression and the use of linking words and phrases. This gives coherence to a text.

By treating each sentence as a separate item, legal ideas are isolated from each other. The writing is disjointed and may read like a list.

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Documents, therefore, seem to lack coherence. The reader has to struggle to make connections between items and their place in the text as a whole, as well as put up with unnecessary repetition.

In fact, legal documents are coherent, in a way which is closely linked to their purpose. They are written records which lawyers use for reference. This means that, for example, readers will not normally scan a new piece of legislation to get a rough overview – they can get this from journals and commentaries. They will scan to find out which sections of the document are likely to give them the answers they want to specific questions, and then take time to study those parts in detail. This process is easier if each section is set out separately from every other one.

The general rule in English is that a simple declarative sentence should be structured Subject-Verb-object. For example:

*The lawyer drafted the contract.*

In this sentence, the *lawyer* is the subject, *drafted* is the verb, and *contract* is the object.

The subject is the part of the sentence that usually comes first on which the rest of the sentence is predicated. It is typically – but not always – a noun phrase. In traditional grammar it is said to be the “doer „of the verbal action.

A subject is essential in an English sentence structure – the more so as a dummy subject (usually “it”) must sometimes be introduced (e.g., *It is raining*). However, they are unnecessary in imperative sentences (e.g. *Listen!*), and in some informal contexts (e.g., *See you soon*).

Verbs are traditionally described as “doing” words. They are usually essential to clause structure. Verbs may be classified either as *main* or *auxiliary*. Auxiliary verbs are traditionally described as “helping verbs”, and include *be*, *do* and *have*.

The object is usually a noun phrase. In a simple declarative sentence it follows the verb. The object is usually said to be “affected” by the verb. As in: *The lawyer drank a cup of coffee*.

If in everyday writing and speech the subject appears at or near the beginning of the sentence, followed closely by its verb, legal drafters, however, put words, phrases and clauses in unusual positions. The usual underlying logical structure of a legal sentence is:

If (or when) X, then Y shall be Z, or Y shall do Z.

X is a set of conditions or circumstances: if? when? where?;

Y is the agent: who?;

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Z is the state or action: what?

This structure is sometimes known as a legislative sentence, or legislative thought. Here is an example:

If the work is cancelled by the customer, (X)  
the contractor (Y)  
is entitled to make the following charges... (Z)

Normal English word order would be Y, Z, X. Why the difference? In Legal sentences the X component often appears at the beginning of the sentence to enable the reader to discover early on whether she is interested in this provision or not. If not, she is spared the agony of having to read on! If she is unfortunate enough to have to struggle on, by the end she may well have been floored by a monstrous and nightmarish sentence which spawns vast strings of embedded clauses and phrases. These overwhelm the subject of the sentence and swallow up part of its verb. She may hunt in vain, but won't find the verb until it is disgorged many lines further on.

In more complex sentences, it may be necessary to introduce other parts of speech. These include: adjectives - adjectives go before the nouns they qualify, for example: *The **commercial** lawyer drafted the **sales** contract;* adverbs - they may be added to modify the meaning of our example: *The **commercial** lawyer **efficiently** drafted the **sales** contract;* linking clauses - they help linking clauses together.

One way of achieving this is by using prepositions:

*In, at, on, to, from, etc*

or conjunctions:

*and, or, but, since, when, because, although, etc.*

Using the same example, we can add:

*The commercial lawyer efficiently drafted the sales contract **for** the company, **but** the client requested various amendments **and** additions.*

In addition, relative pronouns:

*who, whom, whose, which, that*

provide a convenient means of linking sentences together.

When writing in English, lawyers use "discourse markers" to show how different ideas interrelate. These usually appear at the beginning of sentences and they indicate to the reader the way in which he or she should treat the information or ideas given in the sentence. They provide an essential means of orientating the reader and assisting his or her comprehension of the text.

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In practice, since there are only a limited number of language functions that are typically required in legal discourse, a small handful of words and phrases will cover situations that a lawyer might expect to encounter in the course of daily working life.

Examples: ***In the event that** a trademark owner wishes to allow others to use the trademark, he or she must inform the Registrar.*

Here, the opening phrase “in the event that” indicates to the reader that what follows is a hypothesis. The word “if” could also be used to the same effect.

Example: *Where trademark infringement occurs, the owner of the trademark has the right to sue. **However**, a trademark may be lost if it is no longer distinctive.*

Here, the opening word of the second sentence – *however* – indicates a qualification to the previous statement.

Example: ***Of course**, if information is already in the public domain, it will no longer be regarded as confidential.*

The opening phrase “of course” in this sentence indicates an assumption. The writer uses this technique to indicate to the reader that the idea conveyed in the rest of the sentence is generally accepted.

Example: ***Therefore**, in such circumstances a confidentiality agreement covering such information will be ineffective.*

In this sentence, the opening word “therefore” indicates a logical step or deduction based on the information provided in the previous sentence.

The table below sets out some of the more common functions for which discourse markers are used (on the left) and some suggested words or phrases for those functions (on the right).

Function	Suggested word or phrase
Referring to the past	Formerly
Expanding on a point	Besides, furthermore
Contrasting	On the other hand, conversely
Summarizing	In short, in summary, by way of précis
Drawing a conclusion or inference	As a consequence, consequently, as a result
Giving an example	For instance, for example
Emphasizing	In particular, especially, it should

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	be stressed that
Qualifying	However, it should also be borne in mind that
Making a logical step in the argument	Therefore, thus, it follows that in particular
Beginning	Firstly, to begin with
Making an assumption	Of course, naturally, clearly, evidently
Referring to a new issue	Turning to, with reference to, with respect to, with regard to, regarding
Hypothesizing	In the event that, if
Bearing a factor in mind	Given that, bearing in mind that, considering that
Stating an exemption	Except, with the exception of, save for, save as to

**Bibliography**

1. Haigh, Rupert, 2004, 2009, *Legal English*, second edition, Routledge-Cavendish.
2. Maughan, Caroline, Julian S. Webb, 2005, *Lawyering Skills and the Legal Process*, Cambridge University Press.