

**Heikki E. S. Mattila 2006. *Comparative Legal Linguistics*. Hampshire: Ashgate, 347 pages.**

The field of language and law has seen a number of interesting and important publications over the last years. However, most of these either concentrate on linguistic questions (e.g., translation or legal text genres), or they are interested in legal questions, in which language plays a role (e.g., statutory interpretation), but with more emphasis on legal than on linguistic issues. The book under review here belongs to the rather rare sort of publications that actually strike a balance between language and law that makes it possible to actually be equally relevant for readers from both scientific communities. Other cases in point are Solan 1993 and Tiersma 1999, which are both focused on English legal language. The book by Mattila, however, is also different from these books. For one thing, it is written as a textbook, originally in Finnish (Mattila 2002a), but with French and English versions, the English version being the subject of this review. The textbook is intended for courses where the students need insight in the functioning of legal languages as such, not only a specific national language. Consequently, the book has examples from a considerable number of languages and legal systems, thus giving insight in a wide variety of the problems that arise when law as a language bound field of specialisation meets the characteristic of actual human language. The author holds a chair of language and law at the University of Lapland in Rovaniemi, but is also an expert of comparative law and legal history, and these fields make up a very good combination (Mattila 2002b; 2006).

The book falls into two parts: The first, more basic part of the book (consisting of the two sections 'General Introduction' and 'Legal Language as a Language for Specific Purposes') treats the basic characteristics of legal language, whereas the second part (consisting of the section 'The Major Legal Languages') explains the characteristics of law written in Latin, German, French and English. At the end of the book, there is a short concluding section combining results from the two parts.

The first part starts out with some basic characterisations of legal language. This object of study is seen as a functional variant of natural language possessing specific linguistic features and being applied in specific social situations like pleading in court or establishing a performable will. It is seen as the technical language of a specific professional group, with a specific range of genres connected to different parts of the professional group. However, at the same time it is a characteristic of this technical language that it is used not only by the professional group itself for in-group communication, but also when communicating with people outside the professional group and even by these people

themselves when they intend to perform legal acts without direct recourse to members of the professional group. This primary dilemma of legal language (specialised, but communicatively relevant for the whole linguistic community of a country) is stated at the beginning of the book and rightly weaves its way throughout the book.

In the first part of the book, under the heading of Legal Language as an LSP the author furthermore treats the question of functions of legal language (or maybe rather: functions of communicating in legal language) and of the inherent characteristics of legal language from a linguistic point of view. The functions treated are achieving justice, transmitting legal messages, strengthening the authority of the law, and strengthening lawyers' team spirit. From the point of view of the study of communication in natural languages, it is somewhat surprising that the author here uses the models of communication by Shannon and Weaver when talking about legal communication. This approach was developed for modelling telecommunicative systems and is thus fairly mechanistic. It may be useful insofar as it gives a framework for talking about characteristics of the communicated message (as shown in the relevant chapters of the book under review), but it conveys a too simplified picture of what processes actually go on in communicative situations. However, it is one of the rare examples of the book relying on models that cannot be considered up to date. Despite the fact that it combines language studies, comparative law and history of law, it manages to work with recent theories and models. One example of this is the insistence on culturality and dynamicity of legal meanings. The book very consequently sees legal meaning as a developing entity, dependent on cultural and societal factors. And actually, although the author gives emphasis to the theory of communication, he also bases his presentation on the Speech Act Theory from linguistic pragmatics, thus overcoming here also some of the restrictions that relying to heavily on the Theory of Communication could have had.

As characteristics of legal language are cited precision, information (over) load, (intended) universality, systemic character, relying on structures and formalisms, frequent initialisations and acronyms, sentence complexity, and finally archaism and solemnity. All of these characteristics are central and relevant, and they are treated at enough depth to give insight in the background and effects of these characteristics. Especially the concluding remarks of the section on characteristics, in which the question of the influence of the characteristics on the obscurity of legal language and the possibilities of improving legal texts in this respect, gives the characteristics relevance from the point of view of the discipline of legal linguistics. Concluding the first part of the book, Mattila treats the field of (contrastive) terminology, in which the interests of conceptual legal studies and linguistic studies of meaning structures converge. This field is thus one of the inherent meeting points of the interests of legal as

well as linguistic studies.

One important quality of this first part of the book is that examples of the different characteristics are taken from many different languages, thus taking the idea of contrastive legal linguistics as a comparison of the law and its formulation in different languages seriously. Mattila finds examples for his different statements about the characteristics of legal language where they are most easily seen and thus takes advantage of the high number of languages he knows. At the same time, he explains the examples very well, so that readers with a less extended language portfolio may still follow the argumentation and get an insight in the linguistic features of languages they do not know.

As already mentioned, the second part of the book consists of descriptions of the law as written in the major European languages. The following languages are treated: Latin, German, French, and English. Focus is on the historical development of law written in these languages, on the impact of the respective legal languages on the international law scene and the characteristics of the legal thinking behind each of them. The description is at the same time a description of how different languages have succeeded each other over time as the most influential legal language (and thus legal culture) on developments of law in Europe. Each chapter is thus a treatise combining aspects from history of law, comparative law, and linguistic characteristics, with emphasis on the first two elements. This emphasis seems sensible to this reviewer, given the fact that enough information is given to make it possible to compare texts written in the treated languages, if the interest is on studying legal concepts contrastively. For the purpose of achieving text production skills (for instance in order to learn to translate into or from the foreign language) the sections on linguistic characteristics will hardly be enough. But that is no serious problem, as a number of text and exercise books with this purpose already exist, and these may be used as supplements, if need be.

In his concluding section, Mattila again looks into the consequences of the characteristics of legal language in general and of the many legal languages in Europe for the accessibility of the legal matter also by non-lawyers. In this connection he puts specific emphasis on the problems that occur when law has to be understood across language borders. He is especially interested in the field of terminology and lexical comprehension, where partial equivalences and false friends may play a substantial role. In this field he sees a huge need for contrastive legal linguistic research in order to prevent misunderstandings and to set up better and more efficient dictionaries and other kinds of help texts to be used in cross-lingual legal communication. The book is so to speak a guide to the backgrounds of such necessary research work, and much rests to be done in the field. However, as Mattila states throughout the book and also in the concluding part of the book it is important not to forget that legal concepts are

dynamic entities dependent on the ongoing communication in the field of law. Thus, the kind of research really relevant is one that takes this aspect seriously and investigates what problems exist and how these are characterised. This is more relevant than to set up too fixed solutions that will turn out to lose their validity fairly quickly as legal meaning develops and also to a certain extent converges through the ongoing cooperation across borders (cf. the section in the book on the influence of English and American law on a globalised world through the use of English as a lingua franca). The book makes a good effort in showing the reader that a linguistic and multilingual approach to law is especially relevant in order to investigate these characteristics of law, and it shows a number of examples of studies in this paradigm.

In conclusion, I consider the book under review a real asset for the field of studies into language and law. It is well written, easy to follow and based upon an immensely broad basic knowledge about law and about a high number of different languages. I take it to be very suitable as a text book in courses in translation as well as in law, where interest is in acquiring the competencies for working across borders in Europe. It is a highly recommendable book.

### References

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