

BOOK REVIEWS:

Comparative Legal Linguistics

Heikki E.S. Mattila

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Introduction

Legal language has been the subject of extensive research, as evident in works like Bungarten & Engberg's *Recht und Sprache* (2003). The bibliography includes an estimated 3,000 publications in the general area of law, language, and communication. The field of research has gained a new addition with the book reviewed here: Heikki E.S. Mattila's *Comparative Legal Linguistics* (v–xv + 347 pp, translated by Christopher Goddard).

Mattila is a professor of legal linguistics at University of Lapland in Rovaniemi, Finland, and a well-known and respected scholar in his field. *Comparative Legal Linguistics* is a revised edition of the same author's book in Finnish, *Vertaileva oikeuslingvistiikka* (2002). According to the foreword, the English version of *Comparative Legal Linguistics* will be followed by "a partly abridged French edition ..." titled *Linguistique juridique comparée* (p [xi]).

In this review of *Comparative Legal Linguistics*, I will introduce the book, discuss various aspects, and finally present my overall assessment. Page

references cited in the review without the author's name refer to *Comparative Legal Linguistics*, which I will refer to mainly by the initialism *CLL*.

Presentation

The table of contents in *CLL* is followed by two prefaces, which outline the author's aim and intended audience. The first is the preface to the current volume and the second is a translation of the preface to the original Finnish version. Heikki E.S. Mattila states his objectives for *CLL* thus: "The aim is to provide a panorama of the subject, a mix of linguistic, legal, and cultural information. The book examines the functions and characteristics of legal language, the specific features of legal concepts and terms, the heritage of legal Latin, the major modern languages, and problems of legal translation" (pp xiii–xiv). Mattila explains that the book is meant to be used mainly for teaching and reference and is intended for "translators of legal texts and lawyers in need of legal linguistic information" (p xiv).

CLL is divided into four main parts and subdivided in chapters (each broken down into sections and subsections). My comments about the contents of the four parts are organized according to the chapter titles.

Part I, "General Introduction," contains a single chapter: "Legal Language and Legal Linguistics." In this chapter, Mattila addresses fundamental aspects of the book's theme: the concept of legal language, genres in legal language, legal linguistics as a discipline, and the importance of legal linguistic knowledge. He ends the chapter by presenting the structure and contents of the book.

Part II, "Legal Language as a Language for Special Purposes," contains three chapters, whose titles are: "Functions of Legal Language," "Characteristics of Legal Language," and "Legal Terminology."

The title of the first chapter, "Functions of Legal Language," explains its focus. The author begins by stressing the importance of communication theory. He goes on to discuss legal language as an instrument for achieving justice, communicating messages of legal significance, bolstering the authority of the law, and creating a shared identity among lawyers as a professional category. Mattila concludes the first chapter of Part II with a section on linguistic policy and legal language as a preserver of cultural heritage.

In the second chapter of this part, "Characteristics of Legal Language," Mattila describes several general characteristics of legal language, including the striving for accuracy and precision which shapes it. Legal language is meant to impart information – sometimes to excess. Its nature is abstract and

hypothetical. Impersonality and objectivization are prominent features, along with neutrality and the use of metaphors. Legal language has a systemic character, and the various types of legal texts conform to their respective conventions. Legal language is replete with initialisms and acronyms as well as complex syntactical structures and special linguistic resources. For instance, legal language prefers nominal expression over verbal, and persistent archaic linguistic features lend solemnity to the language. The chapter ends with a section on the use of legal language.

The third and final chapter of Part II is “Legal Terminology.” Here the author explores the characteristic properties of legal terms, the distinctive features of legal terminology, and the birth and formation of legal terms from a general perspective.

Part III, “The Major Legal Languages,” contains four chapters, one each devoted to legal Latin, German, French, and English as languages for special purposes.

“The Heritage of Legal Latin” serves as the point of departure for the section. Mattila opens the chapter by emphasizing the importance of Roman Law before discussing Latin in legal contexts, Latin as a modern legal technolact, and the communicative value of Latin in legal contexts. Finally, the author provides a list of available Legal Latin dictionaries.

“Legal German” begins with a review of the linguistic history of legal German. Mattila then describes the characteristics of German used in legal contexts before discussing the international importance of legal German.

The structure of the next chapter, “Legal French,” is the same as the preceding one. The author discusses the history of legal French, its characteristics, and its current international position.

“Legal English” follows the by now familiar structure, although the chapter begins with an exposition of the Common Law system. Mattila then provides an overview of the development of legal English and its modern characteristics. The chapter ends with a section on legal English as a global language.

Like the first, the fourth and final part, “Conclusion,” contains only one chapter: “Lexical Comprehension and Research Needs.” The author opens the chapter with a discussion of rivalry and interaction between various legal systems and languages from an international angle. He then turns his attention to borrowings of legal terms among different languages and the difficulty of translating legal terms. The chapter ends with a section in which

Mattila stresses the need for further jurilinguistic research on legal institutions and concepts.

CLL also contains two comprehensive bibliographies, one alphabetical and one systematic. The book is completed with a table of foreign terms and expressions and an index.

Discussion

I mentioned the aim of CLL in the presentation above. I believe Heikki E.S. Mattila has attained his stated objective. He accomplishes this through the dual focus of CLL: first, on the functions of legal language and the general characteristics of legal language, and secondly on four main legal languages (Latin, German, French, and English) and their history, characteristics, and use (pp 29–122; 123–254).

As shown in my presentation, CLL is dense in content and the author covers both general questions and specific subjects. This can be exemplified with reference to the chapter on “The Heritage of Legal Latin” (pp 125–158). The chapter includes a section called “History of Legal Latin,” which addresses three themes: “Latin Language in European Culture,” “Latin as Lingua Franca of European Lawyers,” and “The Language of Canon Law” (pp 126–135). The two latter sections each contain a subsection. The first provides a historical overview of Latin as lingua franca among European lawyers and a description of the use of legal Latin in the Nordic countries in the Middle Ages. The second covers the characteristic features of the language of canon law and its influence on other legal languages, as well as modern language usage in canon law.

CLL is considerably shorter than the original Finnish work, *Vertaileva oikeuslingvistiikka*. The Finnish-language version contains i–lxxiii + 739 pages and CLL v–xv + 347 pages. The differences are due in part to variations in typography and layout, in part to variations in content. The chapters covering “the main Nordic legal languages (Danish, Finnish, Norwegian, Swedish)...” have been omitted from CLL (p 269), but some of the information has been incorporated into CLL. Mattila also included the most important sources related to legal Danish, Finnish, Norwegian, and Swedish in both bibliographies, “out of concern for those readers with an interest in variety of legal languages” (p 269). The information about the Nordic countries and Nordic legal languages applies primarily to the situation in Finland in three areas: interaction between Finnish and Swedish in Finland as an illustration of linguistic policy; Latin elements in modern legal Finnish; and German, French, and English language skills among Finnish lawyers today and usage of the three languages in legal contexts (pp 55–58; 139; 183–186; 196–198; 252–254).

The contents of CLL and both bibliographies included in the work testify to Mattila's extraordinarily comprehensive reading in the fields of law and linguistics. Very roughly estimated, the alphabetical bibliography runs to 400 titles, with the following languages represented: Catalan, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Indonesian, Italian, Latin, Norwegian, Polish, Portuguese, Russian, Spanish, and Swedish. Nonetheless, the author notes modestly that he cites no examples from non-European languages, such as Arabic and Chinese, "due to the author's lack of competence (other than a few examples taken from Indonesian, with which the author has some familiarity)" (p 28).

Modesty aside, Mattila has harvested examples for his presentation from a wide spectrum of languages. It is for this reason I believe CLL can provide a more general perspective on the phenomenon of legal language than works that take examples primarily from a single language, or at most a few. The author's reason for using examples from languages other than the major ones like English, German, and French is well worth quoting – and I agree entirely with the reasoning: "Some of these examples come from minor languages, notably the Nordic languages or from otherwise less well known languages (e.g., Polish, Modern Greek). In the author's view, this is not a disadvantage: sometimes, less well known languages bring out linguistic phenomena more clearly than the major international languages. To facilitate access to these examples, an English translation is given" (p 22).

Both bibliographies in CLL provide interested readers with avenues for seeking out further information – provided their language skills are adequate to follow in Mattila's footsteps. Readers who cannot read the works cited in one or more of the languages mentioned can at least get a glimpse into parts of them through Mattila's summaries. Compared to other general works like Tiersma's *Legal Language* (1999) and Gibbons's *Forensic Linguistics* (2003), CLL offers readers more information about legal cultures beyond the Anglo-American sphere. Notably, the bibliography in Tiersma (pp 293–298) lists English-language works exclusively and, other than a few titles in Spanish and German, most of the works included in Gibbons's bibliography (pp 310–326) were also written in English.

The book contains a great deal of information that was difficult to access before CLL, as well as information that explores more familiar linguistic themes from fresh perspectives, thanks to Mattila's deep understanding of many different legal cultures and legal languages. The section on Nordic conditions is one example of information that was previously difficult to find in English-language guise. His explanation of the use of the two Norwegian written languages *bokmål* (lit. 'written language') and *nynorsk* (lit. 'new

Norwegian’) in legal contexts (p 64) and the various sections on Finnish conditions are particularly noteworthy. Although the relationship between Finnish and Swedish is exhaustively discussed in English by McRae in *Conflict and Compromise in Multilingual Societies: Finland* (1999), CLL does not list the work in either bibliography. Another example of information not widely known before the advent of CLL is the lexical development of Indonesian (Bahasa Indonesia), where current endeavors to develop domestic legal terminology in Indonesian are compared to the efforts of Finnish lawyers in the 1920s and 1930s to replace Swedish legal terminology with Finnish (pp 115–117).

To illustrate how CLL provides fresh perspectives on familiar linguistic themes, I have chosen Mattila’s account of the use of both varieties of Modern Greek in legal contexts in Greece up to the late 20th century (pp 60–64). The relationship between the two language varieties, *katharevusa* (lit. ‘pure language’) and *dimotiki* (lit. ‘popular language’) is reflected in sociolinguistic descriptions of the phenomenon of *diglossia*. In the briefest possible terms, diglossia can be described as the existence of two clearly distinguishable varieties of a single language in the same society. The varieties are used in different situations: speech and writing, informal situations versus more formal settings, etc. One is the “high” variety and the other is a “low” variety (see Wardhaugh 2002, pp 88–94). Greek society is one of the classic examples of diglossia, or was at any rate until 1976, when “Dhimotiki was declared the official language of Greece ...” (Wardhaugh 2002, p 91). In my view, Mattila’s legal history perspective provides a valuable complement in CLL to more specialized linguistic descriptions of diglossia in 20th century Greece.

The logical structure of CLL can be exemplified with the first part, “General Introduction.” The term “legal language” leads to genres within legal language, which in turn leads to legal linguistics as a discipline and the importance of legal linguistic knowledge. The author may have been influenced by the Cartesian spirit that infuses French legal texts, particularly central legislation (p 207). I have only a few isolated suggestions for minor adjustments of the structure. One is when Mattila discusses the situation in “The Maghreb (that is, Tunisia, Algeria, and Morocco) ...” (p 212). But readers who are not sure what geographical region *the Maghreb* refers to have already encountered the term earlier in the book, first as “the countries of the Maghreb” (pp 195–196) and later in the following: “This background explains why the French used in Black Africa is essentially the same as in France. In the main, this also applies to North Africa, with its Islamic tradition, although Arabic quotations may exist in the legal French of *the Maghreb*, notably in traditional branches of the law expressing concepts from the sharia” (p 205, italics mine).

Heikki E.S. Mattila thus blends the linguistic perspective with the historical-cultural and makes liberal and effective use of examples: “throughout the book, linguistic phenomena are illustrated by concrete examples taken from various languages” (p 22). This is a strong point, although it might be somewhat demanding reading, especially for those who are not familiar with the evolution of different legal cultures. For instance, the description of schools of law in 19th century Germany is very compressed, for logical reasons, and may not be easily understood without prior knowledge (pp 170–171).

The layout of CLL may also make the reading more arduous. Some sections of the text are printed in smaller type, while footnotes are used exclusively to give references. This works beautifully in many cases, such as when the author provides examples of the use of Latin in legal contexts in medieval Scandinavia. Mattila illustrates the section with a letter written in 1428 by the bishop of Åbo, Finland, to the burgomasters and city councillors of Tallinn, Estonia. The letter is reproduced in the original and in translation to English (pp 131–132), effectively set in smaller type. Elsewhere, it is harder to understand why this typographical distinction was used. One example is the argument presented on the differences between legal language and the language used in the natural sciences. The latter information, which is printed in smaller type than the other text on the same page, may also be considered part of Mattila’s discussion in the section headed “Distinguishing Features of Legal Language” (p 105).

Heikki E.S. Mattila often achieves an admirable aptness and succinctness of expression, and the writing style used for CLL makes it easier for the reader to assimilate the information it contains. My chosen example would be the following characteristic of legal language compared to ordinary language: “Legal language always evolves some way behind normal language, without being allowed to lag too far” (p 44). CLL was translated from the forthcoming French version of *Vertaileva oikeuslingvistiikka*. Based on the acknowledgement in the foreword, I conclude that the translator, Christopher Goddard, made a significant contribution to the elegant language in which CLL is clothed (p. [xi]).

The book is notable for its accuracy and scholarly precision, both generally and in the details. Minor errors have been missed, as they inevitably will be after even the most careful proofreading in works as comprehensive as CLL. I will mention only one mistake in one of the references: Palmgren’s review could not have been published in 1998, since the work reviewed was published in 2000 (p 286).

Overall assessment

As noted in my presentation, Heikki E.S. Mattila states that CLL is meant to be used for teaching and reference. The intended readership also includes translators of legal texts and lawyers who need legal linguistic information (p xiv). In my judgment, students of law and linguistics will find a great deal of valuable information in CLL. The same applies to researchers in law and linguistics as well as “practitioners,” by which I mean working lawyers and translators. Paradoxically enough, that which could pose difficulties for various categories of readers is the sheer quantity of information provided, even though CLL is so clearly structured. But readers looking for specific, limited information should be still be able to find it, especially if they make use of the detailed table of contents, both bibliographies, the index, and the table of foreign terms and expressions.

An excerpt from a review of the original Finnish edition, *Vertaileva oikeuslingvistiikka*, is printed on the back cover of CLL. I would like to quote the first two sentences of the excerpt: “Mattila’s book is a fascinating journey into language, comparative law, and legal history. At the same time, it brings to a climax the life’s work of a mature scholar, and manifests the author’s wide and deep familiarity with law” (Dr. Heikki Pihlajamäki in the legal journal *Oikeus*, 2002:4). I fully concur with Pihlajamäki’s praise: the combination of language, comparative law, and legal history in CLL are blended into a thought-provoking whole.

As I mentioned in the introduction, there has been extensive research on legal technical language, including David Mellinkoff’s groundbreaking *The Language of the Law* (1963). Mellinkoff’s book is still very rewarding reading, even though the book is restricted to legal English. Hopefully, Heikki E.S. Mattila’s *Comparative Legal Linguistics* (2006) will become a standard reference that researchers and others use to find information about legal language from a more general perspective. CLL is most definitely worthy of being regarded as such a work.

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