Defining Brazilian legal terminology/concepts in English: a relevance-based approach

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If, in everyday situations, there is seldom any room for doubt and interpretation – this is not solved by the situation, the conditions and the surrounding of the utterance – then, there is, however, in legal usages of the language, more room for doubt and interpretation1.

1. INTRODUCTION

The awareness that law and language are strictly connected is shared by several areas of knowledge, including information and communication technologies. According to Francesconi et al.2, they are “characterized by the coexistence of two autonomous but structurally similar systems: both are endowed with rules that underlie the construction of the system itself, that guide its evolution and guarantee its consistency”. In this context, electronic media with the aid of computer technology have proved very useful to provide access to institutional discourses and specialized knowledge in legal domains to a wide range of users across countries and languages. According to Agar3, institutional frames, user frames and directives comprise the segments

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of institutional discourses and represent “an intermediate level between the human contact which led to the discourse and the broader characteristics of the society in which it was embedded”.

In particular, the discourse of the courts (at any level), one of the most formally and rigidly structured institutions in every society, produce a specialized language which involves “the linking of general and abstract legislative statements to their linguistic manifestation”4. In Brazil, a Portuguese-speaking country, the Supreme Federal Court’s (hereinafter STF) official website displays information about its history and operation in English (and Spanish) in an attempt to interact more effectively with foreign users under legal globalization. It also includes an on-line legal glossary in English with the translated definition of some key terminology/concepts of Brazil’s civil law system mostly extracted from legislation and court cases. Although specifically aimed at the “international reader”, the glossary may be a useful reference tool for Law students, legal linguists, translators and laypeople as well.

The aim of this article is to provide a linguistic analysis of how legal terminology/concepts are defined in the glossary in the light of the principle of relevance5 and consistency. We claim that:

a) the glossary will contain relevant information if and only if the definitions are partly assumed by earlier acts of comprehension;

b) information provided in the definitions will be relevant if it is able to produce contextual effects and

c) information provided requires the least effort on the part of the reader in order to be worth processing.

Otherwise, it will not fulfill the necessary and sufficient conditions for relevance in this specific institutional context. At the same time, we discuss how new trends in information/terminology processing can improve the quality of on-line specialized glossaries.

The assumption is that the making of the STF’s glossary involved the compilation of terminology/concepts extracted from a representative body of legislative and court texts in Portuguese which was further processed by terminologists/translators and legal experts. Moreover, we assume that the selective and translation methodology was both controlled and supported


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