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# MODERN LEGAL LANGUAGE: UNIVERSALITY AND ALOOFNESS

Modern law regulates ordinary features of complex and highly varied facts and events. For this reason, judicial language often contains semantically open expressions, in spite of the problems that result from the standpoint of the accuracy of such language. This concerns general clauses (e.g., good faith, good practice). Likewise, modern law has an abstract character. In the final analysis, it regulates entities that are mere mental creations: rights and duties. That is clearly visible at the level of legal language: only 5–8 % of verbal substantives in Swedish legislation refer to entities that exist in time and space.

It also has to be stressed that the law is based on experience drawn from the real world but that it regulates hypothetical future cases. In consequence, the timespan linked to legal rules is often characterised by a certain universality, impossible to see from the chronological standpoint. The expression used by one French author is «timelessness of law» (intemporalitй de la loi).

This is evident, for example, in the use of verbs in legislative language. The conditional is common, while the present tense dominates. The word IF is also especially frequent in legal language. For instance, it was established that the conjunction 'if', was placed 27 on the list of frequency of legislative language; as to ordinary language, the corresponding placing was 123.

Law becomes reality in decisions by the authorities and in private documents. The language of these decisions and documents has less of an abstract character than that of legislation. However, the language of private documents possesses certain features similar to those of laws. This is explained by the fact that the parties have to prepare for possible change of circumstances, that is, to some extent the clauses have to allow for hypothetical situations.

The frequent use of the passive is characteristic of legal language. This brings the object of the action into the foreground, giving the actor only a secondary role. This feature is seen in all specialist languages, but is a particular highlight in legal matters. In this way, authors of legal texts underline the objectivity of their findings and conclusions. Even in cases where actors are in the foreground, individuals are, especially in civil-law countries, pushed into the background by personification of authorities and corporations: the ministry orders..., the court finds. Further, the actors do not often appear, in legal documents, under their private names but are called by their titles or functions

 

in the activities concerned: director, president. It is notable that, apart from the authorities, private persons are named according to their roles: applicant, appellant, defendant... For this reason, the language of the authorities is often felt to be formal, distant, even abrupt. French and German authors do not address the reader in discussion. By contrast, the works of English lawyers often contain rhetorical questions presented to the reader: How will you find ...?, How will you discover ...?.

Objectivisation appears particularly clearly in the language of advocates. These seek to lend their arguments an appearance of objectivity, to make them credible and convincing. For example, an advocate writes: «It appears that Article 27 of the law on judicial records should be interpreted so that... .» but not «It seems to me that Article 27... .» Here, objectivising the assertion operates as a rhetorical tool.

Legal language today tends to be official and formal. The style of this language is as neutral as possible because the main intention is to have an effect on the understanding, rather than the feelings, of the reader or listener. This is why one author says that the style of legal language is «cold»: it rejects all that is affective and does not include emotional elements. This is why legal texts contain practically no exclamation or question marks. The neutrality of legal language is largely guaranteed by the fact that many legal texts (e.g., laws, administrative instructions) pass through the offices of several commentators and stylists before receiving their final form: they are not from a single hand. N. A. Vlasenko says pertinently that legal language is characterised by its «zero style» (нулевой стиль). (N. V. Vlasenko, The Legal Language. Moscow. 1997, p. 79).

Modern legal language is neutral. In contrast to medieval times, it is no longer figurative. In modern legal language, metaphors are rare. Nevertheless, some exceptions exist to this absence of imagery. First of all, metaphors are common enough in solemn speeches on the notion of law, its fundamental principles, and so on. Metaphors such as «landscape of legal culture» recur. (A. S. Pigolkin, The Language of Law. Moscow. 1990, p.63). This is also true of polemic legal debate. Some legal terms in the strict sense, even fundamental, originate from metaphors. Thanks to a metaphor, it is possible to describe the functions and structure of a phenomenon, without defining it in detail. This, then, enables expression of a process or state of affairs without inventing a new term. Take the term virus in the world of computers. This word pertinently expresses the essential features of a harmful programme: contagion without capability of immediate detection, dangerous for the host computer, and so on. As examples of metaphors in legal language, take burden of proof, which designates the «requirement that the claimant establishes the facts on which the success of his claim depends». This image comes from Roman lawyers (onus probandi — onus meaning literally 'burden') and it appears as direct calques all over Europe, e.g.: onere della prova (Italian), carga de la prueba (Spanish), charge de (la) prevue (French), Beweislast (German), бремя доказывания (Russian), bevisbцrda (Swedish), todistustaakka (Finnish). The

list of metaphorical terms could with great ease be lengthened, e.g.: source of Law, ruling estate (Lat. praedium dominans). As to legal argumentation, metaphors are also common. For example, Italian authors often use images that express combat (e.g., difesa, combattimento) or the process of thought (e.g., il percorso argomentativo seguito, itinera rio di recostruzione). (A. S. Pigolkin, The Language of Law. Moscow. 1990, p.46).

All mentioned above allows to consider modern legal language to include abstraction, impersonality and objectivisation, neutrality and even metaphors in it in order to be clearly understood by lawyers and simple citizens.

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## ВТОРИЧНЫЕ ОЙКОНИМЫ НА ПРИМЕРЕ ГОРОДОВ ИСПАНИИ

В настоящих тезисах представляется интересным рассмотреть появление и существование вторичных ойконимов на примере городов Испании.

Большую часть в системе имен собственных составляют топонимы, т.е. названия различных географических объектов. Среди них можно выделить наименования городов, которые называются ойконимами или астионимами.

Последние в свою очередь, можно разделить на официальные ойконимы, а также вторичные — неофициальные.

С точки зрения корреляции апеллятивов и имен собственных вторичные номинатемы города могут представлять собой:

1) имена собственные — неофициальные ойконимы (Бильбао Bilbao — El Bocho — в переводе с эускеры — «яма»);

2) перифрастические или дескриптивные наименования, базирующиеся на апеллятивах (Toledo — «Laciudaddetresculturas» — «город трёх культур»);

3) смешанные наименования, где имена собственные даются в комбинации с апеллятивами — апеллятивно онимические комплексы (Толедо — «Корона Кастилии», исп. Toledo — «La Coronade Castilla», т.к. Толедо — культурно-политический центр Кастилии).

В рамках третьей группы, как показал анализ, встречаются многочисленные случаи использования метафорических комплексов с апеллятивом «жемчужина»: Guadalajara — La Perlade Occidante — Гуадалахара — Жемчужина Запада.