

Language and Culture in International Legal Communication

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In the contemporary business world, partners belonging to different nations, and hence different cultures, conduct business operations in either the language of one of the parties involved or in a third, neutral language, serving as *lingua franca*. Thus, language skills, as an essential component of the communicative competence, imply a certain extent of implicit or explicit translating and interpreting. The functionalist approaches in translation science, and most of all the Skopos theory by J. H. Vermeer, view translation as an intercultural transfer, which inevitably entails taking into account intercultural differences. As intercultural business communication is directly affected by the legal systems of the cultures involved, the communicating parties need to be acquainted with both the source and target legal systems. This is especially the case with English, as the Anglo-American legal system, based essentially on common law, differs substantially from continental law, to which most of the European countries belong. English as the world's most commonly used *lingua franca* will have to be adapted to its new function by adopting terms and concepts from other cultures and, within the EU, take into consideration the existing discrepancies between the continental and the Anglo-American legal systems. In this paper, cases of non-equivalence regarding legal terms are illustrated with examples from company law. In conclusion, some linguistic and cultural implications of the use of English as *lingua franca*, as well as their impact on teaching and learning practices are presented.

Key Words: translation, *lingua franca*, Skopos, cultural embeddedness

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Translation in Business Communication: The Functionalist Approach

Within intercultural business communication translating is viewed as a communicative activity occurring between a source and a target language/culture by using verbal (texts) and non-verbal signs. The purpose of this activity is to enable communication across culture and language barriers and it thus has to take into account cultural differences.

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Translation science – especially the so-called functionalist approaches – places special emphasis on purpose, i. e. function and cultural embeddedness as essential features of the source/target texts, and thus seems to provide an adequate theoretical basis for translation in a business environment.

By taking up concepts from communication and action theory the functionalist approaches in translation science define translation as a purpose-driven communicative action (Holz-Mänttari 1984, 7ss) involving not only the traditional functions of sender and receiver but also a series of other roles and players:

- *the initiator*: the company or individual who needs the translation;
- *the commissioner*: the individual who contacts the translator;
- *the source-text producer*: the individual who composes the source-text;
- *the target text producer*: the translator;
- *the target text user*: the person(s) by whom the target-text is used;
- *the target text receiver(s)*: the final recipient(s) of the target-text.

In certain situations, some of these roles may overlap, e. g. the source-text producer may at the same time be the initiator and/or commissioner or even the translator, etc.

The Skopos Theory: Translation as Intercultural Transfer

Translation as a communicative activity pursues a certain purpose or goal which the German scholar H. Vermeer terms *skopos* (Greek for aim or purpose). This purpose determines the translation method and strategies to be used in order to produce a functionally adequate translation. Moreover, translation takes place in concrete, definable situations which are limited in time and space and involve members of different cultures. These situations can be said to be embedded in given cultures, which, in turn, condition the situations (Reiß and Vermeer 1984). Within a cultural community the situations of sender and receiver generally overlap enough for communication to take place, whereas in cases when they belong to different cultures, an intermediary, i. e. a translator, might be needed to enable communication. In some situations, the sender will act as translator as well. Translation is thus an intercultural transfer within which communicative verbal and non-verbal signs are transferred from one language into another. In order to enable this kind of transfer, especially with relation to its non-verbal aspects, a good knowledge of the

source and target culture is needed and the translator, i. e. participant in intercultural communication, has to act as an intercultural expert. According to Christiane Nord (1997, 34), translating means comparing cultures, i. e. interpreting source-culture phenomena in the light of one's own knowledge of that culture, from either inside or outside, depending on whether one translates from or into one's native language and culture.

Language is thus an essential means of communication, but it has to be used in the context of the corresponding culture. In *Translation Studies* Bassnett (1991, 14) illustrates the interrelatedness and essential interdependence of language and culture by means of the following metaphor:

No language can exist unless it is steeped in the context of culture; and no culture can exist which does not have at its center, the structure of natural language.

Language, then, is the heart within the body of culture, and it is the interaction between the two that results in the continuation of life-energy. In the same way that the surgeon, operating on the heart, cannot neglect the body that surrounds it, so the translator treats the text in isolation from the culture at his peril.

Besides a good command of the language, participants in intercultural business communication therefore need to have a thorough knowledge of other aspects of the cultures involved, which have to be taken into consideration in order to prevent communication problems or even communication breakdowns.

Some of these aspects can be deduced from the following definition of culture by Vermeer (1987, 28): culture is 'the entire setting of norms and conventions an individual as a member of his society must know in order to be "like everybody" – or to be able to be different from everybody.'

Reiß more specifically points out that norms have a stronger prescriptive character (indicating what the members of a society have to do or are not allowed to do) and are as such obligatory, whereas the term convention indicates that a rule of behaviour has gradually been established by general consensus and thus indicates the recommended, expected forms of behaviour in a society (cf. Reiß and Vermeer 1984, 178).

In his work *Le sfide di Babele* Paolo Balboni describes these rules as 'grammars' which regulate other spheres of communication, apart from the verbal one (Balboni 2002, 62 ss.).

According to Balboni, the intercultural communicative competence

consists of linguistic and extralinguistic competences. Among the latter he lists the following as the most significant:

- *la competenza cinesica* – kinesic competence regarding gestures, body languages, mimics;
- *la competenza prossemica* – proxemic competence regarding distance and/or contact between communication partners (which indirectly determines the choice of language register, i. e. formal – informal);
- *la competenza vestemica* – competence regarding the mastering of the rules referring to clothing, uniform, fashion, etc. (based on the semiotic structure of fashion according to Barthes);
- *la competenza oggettuale* – competence regarding the use of objects as instruments, by means of which the social status, function and role of a person are communicated (the furnishing and decoration of an office, car, presents and objects as status symbols).

Similarly, Hofstede (1991) speaks of ‘softwares of the mind’, which are typical of individual cultures (or even individual organisations), in that they condition the different aspects of communicative competence (through concepts of time, power, hierarchy, etc.) and need to be taken into account in communicative situations involving participants from different cultural environments.

Norms, on the other hand, are not merely recommended rules, but have a binding character. Namely, if we compare the concept of culture as specified by Vermeer and Reiß with the definition of law as it is found in the Collins dictionary (2000, 877), i. e. ‘a rule or set of rules, enforceable by the courts ... regulating ... the relationship or conduct of subjects towards each other’, the norms (i. e. what members of a society have to do or are not allowed to do) can easily be seen as reflected in the legal system of a society.

In international business communication, norms affecting communicative situations certainly include the legal system. In order to avoid communication problems, participants in this communication require a good knowledge of the legal systems of both the source and the target culture.

The Legal System as Communication Framework in Intercultural Business Communication

In international business communication the legal systems of the parties involved directly affect communicative situations through the le-

gal provisions and regulations applying to concrete business transactions and business relations in general. Accordingly, participants have to agree which legal system will be adopted as the communication framework. Within this communication framework legal concepts have to be translated (culturally transferred) from one language/culture/legal system into another.

Gérard-René de Groot (Professor of Comparative and Private International Law at Maastricht University, the Netherlands) points out that the crucial issue to be taken into consideration when translating legal concepts is the fact that 'The language of the law is very much a system-bound language, i. e. a language related to a specific legal system. Translators of legal terminology are obliged therefore to practice comparative law.' (de Groot 1998, 21 ss.). Legal systems differ from one state to another, and so far no standardized international legal terminology has come into existence. Every state (sometimes even regions within a state) has developed independent legal terminologies, whereas a multilingual international legal terminology is being only gradually created within supranational legal systems, such as the law of the European Union, and is being introduced in single areas of the European law as they undergo harmonisation.

When translating from one legal system into another the differences existing between them have to be considered. Sandrini points out that in essence the translatability of legal texts depends directly on the relatedness of the legal systems involved in the translation (cf. Sandrini 1999, 17). Legal systems exist independently from the legal languages they use and are created through social and political circumstances. There is no direct correlation between legal language and legal systems. One legal system may use different legal languages (Canada, Switzerland, bilingual areas in Slovenia, Austria, Italy, Belgium, etc.), while one language area may be divided into different legal systems, as is the case in the United Kingdom or in the USA.

If the legal systems are analyzed as to their sources, their historical background, the extent of codification and the specific legal institutes applied within them, some legal families show a greater relatedness than others. The legal systems pertaining to the so-called civil (i. e. continental) law, which includes the Romanic, the German and the Nordic legal systems, are relatively related. They have common foundations in the Roman legal tradition and are characterized by codification – the most important rules and regulations are set out in written sources of law. In the case of the continental legal systems, a considerable closeness with

respect to the legal concepts applied can be expected. On the other hand, the legal systems of other countries and cultures, derived from different traditions, are difficult to compare – such as the Far-Eastern, the Islamic, the Hindu and finally, the so-called Anglo-American legal family, based on *common law*, *equity* and *statute law*. Within the Anglo-American legal family, common law is the legal system in force in England, Wales and with some differences in the USA, whereas Scotland and Ireland have substantially different legal systems related to the continental law, similarly to the legal system of Louisiana, which has its foundations in the French law.

These differences certainly affect the translatability of terms from/into different legal languages, as there is no complete equivalence between the legal concepts. According to de Groot, the first stage in translating legal concepts involves studying the meaning of the source-language legal term to be translated. Then, after having compared the legal systems involved, a term with the same content must be sought in the target-language legal system, i. e. equivalents for the source-language legal terms have to be found in the target legal language. If no acceptable equivalents can be found due to non-relatedness of the legal systems, one of the following subsidiary solutions can be applied: using the source-language term in its original or transcribed version, using a paraphrase or creating a neologism, i. e. using a term in the target-language that does not form part of the existing target-language terminology, if necessary with an explanatory footnote (cf. de Groot 1998, 25).

The level of equivalence of the terms depends on the extent of relatedness of the legal systems (and not of the languages) involved. The relatedness of languages may, in some cases, even cause the creation of so-called false friends, such as the German *Direktor* versus the English *director*. When deciding on the solution to be used, the context of the translation, its purpose (*skopos*) and the character of the text play an important role. A wide range of *skopoi* is possible – from a mere information on the source text for a receiver who does not speak the target language to a translation which will have the status of an authentic text parallel to the source-text (as is the case with international contracts made in two or even more equivalent language versions).

These different purposes of translation are reflected in the type of translation to be produced. Nord classifies translation in two basic types: a documentary translation, i. e. a document in the target language of (certain aspects of) a communicative interaction in which a source-

culture sender communicates with a source-culture audience via the source-text under source-culture conditions; or an instrumental translation which aims to produce in the target language an instrument for a new communicative interaction between the source culture sender and the target language audience by using (certain aspects of) the source text as a model (Nord 1997, 47).

According to the Skopos theory, the *translation brief*, i. e. *commission* can contribute considerably to the quality and functionality of the translation by providing the translator with explicit or implicit information about the intended target-text functions, addressees, the prospective time, place and motive of production and reception of the text (Nord 1997, 137). In the case of legal translation this information should also indicate the legal system to be observed as communication framework.

English as *Lingua Franca* in International Business Communication

Irrespective of their cultural background and origins, participants in international business communication nowadays mostly choose English as the language of communication, i. e. the *lingua franca*. The widespread use of English as a *lingua franca* is closely connected with its rise as a world language (Crystal 1997, 8–10). In the last century English has undoubtedly acquired the status of a ‘global’ language – a situation that was predicted by Sapir as early as in 1931 (Sapir 1931, 66). This global spread of English has been brought about by a number of different factors. Although some linguists argue that it is the intrinsic qualities of English as a language, such as its rich vocabulary created through its contacts with other European and non-Western languages and its resulting flexibility, or according to Jespersen, its businesslike nature, with its lucid syntax (Jespersen 1938, 1–16), that justify its global spread, its acquisition of the status of a world language is primarily the result of historical developments involving extra-linguistic circumstances, ranging from political and military to merely economic factors (Crystal 1997, 7–8). As explained by van Essen (van Essen 2002, 11), in the 19th century and the first half of the 20th century Britain held the position of the world’s leading industrial and trading nation, as well as of the biggest colonial and one of the leading military powers. Owing to this leading position, the English language spread to all territories subjected to British influence. As Britain lost this status after the Second World War the leadership role was taken over almost imperceptibly by the United States. The period follow-

ing the Second World War has been decisive for the diffusion of English. Van Essen claims that if the English-speaking nations had not won the war, German and Japanese could have acquired the status of world languages (van Essen 2002, 12). But even if a language may be established as dominant by military power, it requires economic power to maintain this status and expand it, and nowadays the United States are the only nation to have at their disposal the resources to uphold this status.

Other factors that have contributed to the establishing of English as a global language are the development and the rapid growth of new technologies (e. g. satellite-TV, the Internet) and the fact that many important international organisations use English as their principal working language (e. g. the United Nations, the World Health Organisation, the International Monetary Fund, the World Bank).

Presently, English in its different varieties is used as a first language by some 400 million people, mainly in the USA, Canada, Britain, Ireland, Australia, New Zealand and South Africa and, in addition, it has the status of a second language in over 70 countries, where it is spoken by at least another 400 million people. Moreover, 1,500 million people today are thought to be competent communicators in English (Crystal 2002, 16). Consequently, it is not the number of mother-tongue speakers that has been decisive for English in gaining the status of a world language, as according to this parameter it is undoubtedly outdone by Chinese or Urdu (van Essen 2002, 11), but the fact that it is 'the dominant voice' in international politics, banking, the press, the news agencies, science and technology, communications and many other fields (Crystal 2002, 16). By becoming so widespread English does not refer to a single centre of reference or a single culture. The consequence of this development is the emerging of 'New Englishes' – new varieties of English spoken by populations all over the world (e. g. 'Singlish' – short for Singaporean English or 'Spanglish' – being the Hispanic/English mixed language used in some communities in the USA).

On the other hand, due to its worldwide expansion and its status of a world language, English is nowadays increasingly used as a lingua franca in communication between non-native speakers. In this respect, House distinguishes between *languages for communication* (such as English used as lingua franca) and *languages for identification*, which are used for interpersonal exchange across cultures and for expressing one's identity as a member of a particular cultural community (House 2001). In particular communicative contexts (e. g. official or formal, and thus also busi-

ness circumstances) English is generally regarded as the most appropriate language for communication even in multilingual environments, where participants in communication could choose from a wider repertoire of languages. At international meetings and conferences, lectures are often delivered, papers presented, negotiations conducted and the corresponding documents drawn-up in English, whereas the less formal contacts between the participants, in which their cultural identities are expressed, often occur by using other languages shared by the interactants in the communication. Graddol (1997, 12 ss.) has established that this is due to the fact that there is an implicit linguistic world hierarchy with English and French at the top, whereby French is clearly on the decline and English on the rise. Van Essen (2002, 13), on the other hand, points out that English as a *lingua franca* is mostly used not to socialize with native-speakers, but to become a member of an international community of experts and to communicate with other members of such a community (e. g. business people, lawyers, bankers, etc.) in the language (i. e. register) of that community about topics of common concern. In these contexts, English is not only used as a *lingua franca* but also as a language for specific purposes (LSP). The majority of such communicative interactions worldwide occur between non-native speakers of English whose cultural background is neither English nor American and for whom traditional cultural knowledge regarding the Anglo-American culture may prove utterly useless. Considering the fact that there is a number of native and non-native Englishes, plus the many regional (such as Spanish) and functional (English for specific purposes) varieties, the need has been felt to establish a common standard for English used as a *lingua franca* in order to ensure mutual intelligibility. As van Essen points out (2002, 14) there have been attempts to establish common standards as far as the linguistic aspects (pronunciation, grammar, vocabulary) of the *lingua franca* are concerned.

With regard to pronunciation the most convincing model so far developed is Jenkins's *Lingua Franca Core* (Jenkins 2000), which is aimed at guaranteeing international intelligibility among non-native speakers rather than imitating native-speakers, and contains elements derived from Standard British, Standard American and varieties of English as *lingua franca* and/or English as a second language.

Written English is less diversified as far as grammar and vocabulary are concerned, but nevertheless no definite decision has so far been taken as to which model a standard English *lingua franca* should be based on

(van Essen 2002, 14). Although in the past the British model seemed to be the obvious choice for European countries, this choice seems to be less logical now, and as far as American English is concerned, for various extra-linguistic, mostly political reasons, the American variety could prove problematic. As van Essen suggests, a good solution would be the adoption of a separate standard for English as lingua franca which would favour neither of the existing native-speakers' varieties.

Within the European Union some linguistics experts are presently promoting the concept of English as a lingua franca for Europe (or 'Euro-English', cf. Labrie and Quell 1997, Jenkins and Seidlhofer 2001), also known by the abbreviation *ELFE*, which aims to standardize the use of the English language in the European Union. *ELFE* attempts to make English easier to learn (e. g. by emphasizing the elements of English which it shares with other European languages). There are, however, several reasons (e. g. difficulties regarding pronunciation, intonation, punctuation, vocabulary, spelling, cultural specificity) which render the idea of simply adopting an already existing form of English for its use as lingua franca hardly acceptable. The *ELFE* is meant to be a kind of neutral, 'politically correct' language, which so far has not yet been precisely described or defined and is therefore still a merely hypothetic linguistic reality, an 'object of speculation' which according to Jenkins and Seidlhofer only exists at an 'embryonic stage in its evolution' and is 'likely to be some kind of European-English hybrid which, as it develops, will increasingly look to continental Europe rather than to Britain or the United States for its norms of correctness and appropriateness' (Jenkins and Seidlhofer 2001).

In order to establish the standards which will apply to a future English as lingua franca, authentic texts used by English as lingua franca speakers are being collected and examined in the form of corpora (i. e. bodies of written text or transcribed speech which can serve as a basis for linguistic analysis and description). A useful example of such a corpus is the *VOICE*, the Vienna-Oxford International Corpus of English – a structured collection of language data and the first computer-readable corpus capturing spoken English as lingua franca interactions. *VOICE* is currently being compiled at the Department of English at the University of Vienna and is supported by Oxford University Press and the Austrian Science Foundation; it includes different speech events such as group discussions, panel discussions, professional presentations, business meetings, workshops, seminars, lectures, telephone conversations and others

features. It aims to record and transcribe for analysis 1 million words of spoken ELF from various professional, educational and informal settings and thus allow for a large-scale and in-depth linguistic description of the most common contemporary use of English. This corpus acknowledges and recognizes the phenomenon of English as lingua franca and will certainly provide a useful tool for establishing common standards for the use of English as a lingua franca based on its various authentic applications.

The above mentioned standards covering the use of English as lingua franca, however, mostly take into account its linguistic dimensions. What may prove problematic are interactions conducted in English as lingua franca, as in this case reference may be made to cultural elements which are part of the specific socio-cultural environments of the interactants but alien to – or non-existing – in the Anglo-American culture, and which still have to be conveyed by using English. While it may not be easy to develop linguistic standards for English as a lingua franca, it seems almost impossible to establish a common cultural basis to which to refer in English as lingua franca interactions. This is especially the case with aspects of culture which are as precisely defined as the legal system, and due to their extremely sensitive nature demand an utterly precise and non-ambiguous use of the language.

As mentioned above, in contemporary business communication English is the commonly adopted lingua franca. At the same time this type of communication refers to a very precisely defined communication framework represented by the legal system(s) underlying the communicative situations. In order to avoid communication problems, the principle of the cultural embeddedness of a language, i. e. adapting the language to the corresponding culture, has to be applied very carefully. Using the English language by consistently linking it to the Anglo-American legal system in communicative situations, in which participants originating from cultures/legal systems belonging to continental law interact, can cause communication problems or even communication break-downs, as the legal systems of the participants and the legal system underlying the lingua franca used for communication are not equivalent and thus there is not sufficient equivalence of the linguistic signs.

Consequently, viewing the legal system as a fundamental feature of the source and target cultures and choosing English as target language in such situations leads to a discrepancy between the culture as translation basis and the cultures, i. e. legal systems of the sender and/or receiver.

English as *lingua franca* is especially problematic as the Anglo-American legal system, which is based predominantly on common law, differs considerably from the so-called continental (or civil) law. Unfortunately, not many dictionaries provide sufficient information to make the user aware of these potential problems/pitfalls.

The Difference Between Continental and Common Law

In comparative law, the dichotomy civil (i. e. continental) versus common law (case-law), which is not based on written, codified legal sources, is widely discussed.

The fundamental sources of the Anglo-American legal system are *common law*, *equity* and *statute law*. Common law is often described as *judge-made law*, which is not based on written codes but on precedents, i. e. decisions of judges taken in previous legal cases. *Equity*, on the other hand, is a term referring to a system of rules which are applied in addition to common-law and have no equivalent in the continental legal system. Finally, the term *statute law* applies to written law (e. g. the Acts of Parliament), i. e. those legal sources which exist in written form in the Anglo-American legal system.

The discrepancies between common and continental law are reflected in the frequent lack of equivalence between the terms and concepts used in the two legal systems.

The legal representative authorized to act in court, for example, who is called *Rechtsanwalt* in German, *avvocato* in Italian, *odvetnik* in Slovene and has a basic role in every continental legal system, has no direct equivalent in the Anglo-Saxon system, as its corresponding translation may either be *barrister* (authorized to appear in a superior court) or *solicitor* (who may only appear in an inferior court) in the United Kingdom, or *attorney-at-law* in the USA.

Within the scope of international business communication the lack of equivalence in the field of company law is especially relevant. The Anglo-American company law does not distinguish between the categories of *Kapitalgesellschaften* / *società di capitali* / *kapitalske družbe* and *Personengesellschaften* / *società di persone* / *osebne družbe*, but merely between incorporated companies, which have the status of legal persons and unincorporated ones which have no legal personality.

The function of a *Prokurist* / *procuratore commerciale* / *prokurist* does not exist in British and American companies and to describe it either the source-language term or a paraphrase is used.

The terms *public limited company* and *limited liability company* can be used relatively safely when translating the company forms *Aktiengesellschaft / società per azioni / delniška družba* and *Gesellschaft mit beschränkter Haftung / Società a responsabilità limitata / družba z omejeno odgovornostjo*, but there are no equivalent terms in the English legal terminology for company forms such as *Offene Handelsgesellschaft / società in nome collettivo / družba z neomejeno odgovornostjo* or *Kommanditgesellschaft / società in accomandita / komanditna družba*.

Other cases of non-equivalence derive from the fact that two opposite governance systems are applied in public limited companies, the Anglo-Saxon *one-tier* and the continental European *two-tier* systems. Namely, the one-tier system only has one governing body, i. e. *the board of directors*, whereas in the two-tier system there are two governing bodies, i. e. *the management board (Vorstand / consiglio d'amministrazione / uprava)* and *the supervisory board (Aufsichtsrat / collegio sindacale / nadzorni svet)*. The terms *management board* and *supervisory board* thus do not exist in the Anglo-American legal language and can be classified as neologisms according to de Groot. In practice, the executive (inside) directors have a function similar to the role of the members of the management board in the continental system and the non-executive directors to that of the members of the supervisory board.

The problems deriving from the discrepancy between common law and continental law are also felt within the European Union where English is most often used as *lingua franca* (cf. Kjær 1999, 72). Namely, when English is used to describe specific aspects and concepts of the European Law or of national legal systems belonging to the continental legal family within the EU, terms are often used which are tainted by the meaning attributed to them within the Anglo-American legal system. Such terms tainted by national law often cause problems in interpreting international or supranational legal texts (cf. de Groot 1992, 283).

Conclusion

English will certainly remain the most widely used *lingua franca* in international business communication. According to a Eurobarometer survey carried out in 2001, 47% of the citizens of the European Union spoke English well enough to hold a casual conversation, a higher proportion than any other language in Europe. English is also the most commonly taught second language in Europe (Crystal 2002). The member states of the European Union use a wide variety of languages and presently there are 20

different official languages. Due to the language policy of the European Union, which promotes the importance of the languages of its member states, other languages will certainly gain ground besides English in the future. On the other hand, although the EU attempts to provide equal treatment for all member state languages, this generally requires large amounts of time and money and therefore the need for a common language that could be used by every member to communicate with everyone else is strongly felt. The ELFE (English as a lingua franca for Europe) project will therefore have to be developed more intensely in order to establish feasible standards applying to this prospective common European language. In order to function as a proper lingua franca, ELFE will have to include so-called Euro-English terms, i. e. English translations of European concepts that are not native to English-speaking countries. Due to the United Kingdom's involvement in the European Union these terms will have to be adopted by and included into the vocabulary of the native-speakers of English as well. Accordingly, English as a lingua franca and its terms will certainly have an impact on the native-speakers' varieties of English worldwide, in that not only will new words enter their vocabulary, but as a consequence, new concepts will be transferred into the corresponding cultures. An example of such cultural and linguistic interference was provided by the Prime Minister of the United Kingdom, Tony Blair, as in his speech delivered at the European Parliament on 23 June 2005, he used the French term *delocalization* (i. e. companies moving operations abroad), a word that did not previously exist in English.

With the ongoing harmonization of the legal systems of the EU member states, a sort of supranational language, i. e. legal Euro-English, is being created, which includes terms which are neologisms with respect to the Anglo-American legal language. This language (and this will probably also be true of ELFE in its early stages), however, lacks a wider cultural dimension and is only linked to the legal and political system of the EU. It is a somehow impoverished, deculturized language, which has little in common with the languages of the British, American and other English speaking cultural communities. It is therefore suitable to be used as a language of communication, but not as a language for identification. On the other hand, while becoming acquainted with the concepts and terms of this *lingua franca*, native speakers of English will be able to effectively communicate with other citizens of the EU, expand and enrich their vocabulary and thus adopt new cultural concepts. In the long term it is therefore to be expected that English as a common language used

for communication within the EU will contribute to creating a common cultural basis, i. e. elements of a common European culture which will be shared by all its speakers. This vision, however, drastically changes the approach to language learning and teaching. English should hence not be learned primarily with the aim of interacting with native speakers but acquiring access to a wider (global) community and thus should not be linked exclusively to Anglo-American culture. Accordingly, in the future, language policies, as well as the goals and contents of foreign language education will have to be fundamentally revised and an English-as-lingua-franca dimension incorporated in textbooks, teaching materials/methods and dictionaries to raise the awareness of learners as to this particular use of English. 'Native-likeness' will cease to be the principal objective in teaching and using English, especially in the field of the language used for specific purposes, where the specific characteristics of the different spheres of activities (such as e. g. the legal and economic system) will have to be taken into account. In translation science the use of a lingua franca will have to be thoroughly analysed and defined, especially with respect to the principle of cultural embeddedness of such a language. In the case of English used as lingua franca, consistently embedding the language in the English native-speakers' culture(s) could prejudice intelligibility and hinder communication.

In the field of business and legal communication, where a particular language (e. g. English) is used as a language for specific purposes, the parties interacting in an international environment should be aware that, if linked consistently to the Anglo-American legal system, the English language offers no suitable equivalent for many terms and notions existing in legal systems belonging to the so-called continental legal family and that often, when referring to concepts from continental law, neologisms (such as many Euro-English terms) should be used. The discrepancy between common and continental law requires the parties involved to be acquainted with and consistently observe the legal systems underlying the business relation. The principle of the socio-cultural embeddedness of a language will thus have to be applied very carefully, while taking into account the potential problems deriving from the use of English as *lingua franca*.

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