Cross-linguistic Semantics of International Law. A corpus-informed translation of A. Cassese's *International Law* into Greek

Ioannis E. Saridakis

University of Athens, Greece
iesaridakis@gmail.com

This paper elaborates on and exemplifies systemic hypotheses about the emergence and evolution of international legal language semantics, focusing in particular on the analysis of international law concepts and the study of their representation in and translation into Greek. Non-exhaustive examples are taken from the translation of A. Cassese's International Law *into Greek, a pursuit aimed at illustrating that the process of translation in the domain of international law is primarily a venture of discoursal decoding.*

1. Introduction

Translating legal texts is commonly regarded as a distinct type of specialised translation, and hence as a unique act of inter-linguistic communication that takes place in the legal textual setting. Building on Wilss's (1994, p. 38) assumption of the universality of some aspects of specialised translation, particularly process-wise (see Biel, 2008, p. 22), legal translation intervenes in a unique type of linguistic behaviour, containing as it does both socially and culturally bound linguistic and metalinguistic elements, and universal – culturally and socially extricable – patterns and modes. In other words, *universal* and *culture-specific* linguistic devices coalesce into single *actualisations* of the sociolinguistic potential at hand (see Halliday, 1978, p. 40) or *instances* (Halliday, 2002 [1992]), that is, into legal texts.

The language of international legal instruments therefore formulates distinct systemic patterns that amalgamate textual histories and meaning potentials that emanate from markedly diverse sociocultural backgrounds. Based on Matthiessen's (2009) view that "translation [is a] semiotic process concerned with recreating meanings" (p. 41), it can be argued that translating international law (IL) texts is a semiotically marked process requiring the re-organisation of the semantic experience of the legal culture of the TL (Simon, 1981, pp. 130–131).

Also, in line with Gizbert-Studnicki & Klinowski (2012, p. 554), if (a) understanding the legal concepts and their way of being shaped into meaningful units and legal reasoning is crucial to legal theory; and even

if, (b) in addition, “a similarity between various legal systems [...] exists, [this] is purely an empirical matter (as opposed to conceptual necessity) and can be explained exclusively by reference to historical facts such as [...] the influence of one system on the other” (Gizbert-Studnicki & Klinowski (2012, p. 555), then the challenge of grasping the systemic textual histories of legal norms is obviously critical in translation.

This view is further amplified when considering IL instruments and texts as a (by)product of globalisation or as “the creation of a common backdrop of rules to be applied generally” (Chevallier, 2001, p. 39, in Carvalho, 2011, p. 99 note 57). And it is a primary and strenuous task of the translator to identify the rhetorical mechanisms inherent in such a globalisation of the meaning potential: Chevallier’s assumption that “the globalisation of law appears to be a privileged axis of the ‘Americanisation of law’ which is a by-product of the economic power of the United States” (quoted in Carvalho, 2011, p. 55) may be true to some extent, especially when it comes to international trade law.

However, this assumption is idealistic and axiomatic only, in the sense that shedding a critical light on the organisation of discourse can by no means be considered unidirectional, that is, moving solely from ideology to discourse elements and not *vice versa*. “Content” (or “meaning”) and form are socio-semiotically inseparable. Indeed, distinguishing between the two is “misleading, because the meanings of texts are closely intertwined with the forms of texts, and formal features of texts at various levels may be ideologically invested” (Fairclough, 1992, p. 89).

In summary, I argue that working with methods derived from (critical) Discourse Analysis can greatly improve the effectiveness and transparency of the translational venture, by establishing and documenting the norms and patterns inherent in the systemic and textual organisation of the ST formulations.

2. Case Study: A. Cassese’s *International Law* and its translation into Greek

2.1. Text typology and dominant (ideational) metafunction, from the translator’s viewpoint

This paper is a study, from the translator’s viewpoint, of the recent corpus-informed translation of a major IL textbook into Greek.[1] My approach addresses the explication of the translational act in the sense(s) outlined above.

Not surprisingly, it is difficult to axiomatically delineate and perhaps “quantify” the concept of *communicative purpose* or *textual function* per se as the dominant, albeit not absolute, criterion, determining

also the two remaining *qualia* (*product* and *process*) of the translational act. Categorising and classifying texts on the basis of (assumed) functions is as unstable as the criteria themselves. Hatim and Mason (1990, pp. 138–139) rightly stress that the *field of discourse*, taken as a classificatory criterion, is merely a statement of subject-matter with no real predictive value whatsoever for the socio-cognitive and pragmatic contextual intricacies of any real text. “Multifunctionality is the rule rather than the exception [...], and what is needed, is a comprehensive model of context [bringing] together *communicative, pragmatic and semiotic values*” (Hatim & Mason, 1990, p. 138, emphasis added), to account for a text’s semiotic and semantic variation. In IL, the multi-semiotic substance of the sublanguage at hand is stressed by the British political scientist, M. Wight:

(1) The smaller the numerical membership of a society, and the more various its members, the more difficult it is to make rules not unjust to extreme cases: this is one reason for the weakness of IL [...] This is a parable of what is called international society (Cassese, 2005, p. 72).

We are thus bound to rely on pure empirical data (i.e., the *micro-* and *macro-units* of textual organisation) and look for “rhetorical purposes, located in text context” (Hatim & Mason, 1990, p. 145), in what is defined by Werlich (1976, p. 19, in Hatim & Mason, 1990, p. 145) as the *dominant contextual focus*. Moreover, such an approach is also suggested by de Beaugrande and Dressler (1981, p. 184), based on the more flexible and open notion of *functional lines,* that is, “*contributions of text to human interaction*”.

As an academic textbook and a scholarly treatise on IL and its intricacies, the dominant focus of Cassese’s work is didactic, that is, in de Beaugrande’s and Dressler’s “typology” (1981), (a) descriptive and (b) argumentative.

2.2. Stance and exposition

In turn, such dominances subsume the author’s *evaluative strand* (see Hatim & Mason, 1990, p. 146); in other words, his stance vis-à-vis his intended denotations and the contribution of this stance to the formation of the lexico-grammatical choices of tenor. This, however, is a function ancillary to the primary focus of the academic text, that is, the narrative–informative strand. In academic discourse, and more specifically at the level of interpersonal relations, a respect for the intended audience typically obtains: this is exemplified in the conceptual integrity of the terms and definitions embodied in a text. For example,

(2) It is not easy to ascertain whether the aforementioned conditions are fulfilled in specific cases: often the nexus between economic measures and the intended subjugation of the will of another State is impalpable. Frequently States are not explicit about making economic action conditional on the behaviour of the recipient. The conditioning may however be inferred from a host of clues. The difficulty of verifying compliance with the principle does not detract from its importance (Cassese, 2005, p. 55).

Academic writing is largely characterised by what Austin (1962) has termed *defining expositives* of the illocutionary act, that is, by direct statements delineating the semantic and textually functional definition of the major linguistic elements of an utterance and hence of the entire textual unit, regardless of its lexical length. Cassese's textbook is no exception:

(3) As the PCIJ in 1926 put it in *Certain German Interests in Polish Silesia (Merits)*, "a treaty only creates law as between the States which are party to it?" [...] Hence, for third States treaties are something devoid of any legal consequence: they are a thing made by others (*res inter alios acta*). To put it differently, treaties may neither impose obligations on, nor create legal entitlements for, third States (*pacta tertiis nec nocent nec prosunt*) (Cassese, 2005, p. 170).

Formally, scientific exposition is arguably structured according to specific discourse organisational patterns that exhibit some tolerance towards stylistic differentiation and impose a level of uniformity on all members of a socio-cultural linguistic community (Widdowson, 1979, p. 61, in Swales, 1990, p. 65). In Cassese's textbook, such patterns are exemplified in the mass and the extent of parallel knowledge resources, in their pragmatic and semantic annotation and indexing, and in the level of detailing and strict coherence of presentation.

2.3. Textual coherence, rhetorical schemata and propositional semantic relations

In what follows, I have broadly adopted Heuboeck's (2009, pp. 39–40)[2] three-level model of the organisation of textual coherence. In a bottom-up approach, a text is primarily a "syntagm of grammatically defined units", a coherent whole of *micro-units.* At a higher level, *micro-units* combine into coherent secondary entities, into *logical* (semantic/propositional) and *types of logical* (functional) *macro-units*. Further up the scale, such macro-units are sensible only in the functional entity of the text; Heuboeck refers to this level of organisation as the *global level* which, in

turn, and for reasons of semantic-pragmatic sufficiency, is embedded in the *system of meanings* (i.e., the *meaning potential*) of the specific genre (see Heuboeck, 2009, pp. 39–40).

Besides coherence, the rhetorical structure, too, is understood to refer to the "configuration of the linguistic semiotic system" (Heuboeck, 2009, p. 38), which, in addition, is founded on the Aristotelian logic of textual instrumentality and reasoning. That is, it presents itself as a "study of finding persuasive arguments and appeals", through the artistic proof of *logos*;[3] in other words, as a study of the argumentation that is used to make meaning in the context of the linguistic-symbolic interaction (Booth, 2004, p. xi, in Heuboeck, 2009, p. 38; Herick, 2005, p. 76, p. 83). In all, textual coherence and rhetorical structure encompass the lexico-grammatical choices of an instantiation, of both the *micro-* and the *macro-unit* levels. Such a structure is obvious, as in the following example:

(4) Three principles inspire the bulk of the text. First, it introduces restrictions on the previously unfettered freedom of States [...] Second, there is a democratization of international legal relations [...] Third, the Convention enhances international values as opposed to national exigencies. Thus the interpretations of treaties must now emphasize their potential rather than give pride of place to States' sovereignty (Cassese, 2005, p. 171).

In short, lexico-grammatically, the textbook at hand is manifested against the entire backdrop of issues governing the "meaning relations, or *semantic relations* between sentences, and between clauses (or 'simple sentences') within sentences" (Fairclough, 2003, pp. 87–89) in the field of social sciences: *legitimation*, *equivalence and difference* (being an aspect of the continuous social process of *classification*), and *appearances and reality* (Fairclough, 2003, pp. 87–89). Consequently, such semantic relations can be classified as:

(a) *Causal*

(5) *Reason*. "States were allowed not to comply with these rules *if* they considered that their interests overrode the rules" (Cassese, 2005, §3.3.1, p. 54).

(6) *Consequence*. "Third World and socialist countries [...] contended that the right to self–determination was not applicable [...] *and that, therefore*, the principle of territorial integrity should be overriding" (Cassese, 2005, §3.9, p. 68 note19).

(7) *Purpose*. "It would seem that this wording is sufficiently flexible *to* grant much leeway to courts [...]" (Cassese, 2005, §12.4.2, p. 231).

(b) *Conditional*

(8) “Furthermore, *if no reparation was made*, that State could again decide on its own whether to try to settle the dispute peacefully [...]” (Cassese, 2005, §13.3, p. 244).

(c) *Temporal*

(9) “Major Powers made treaties to their advantage and released themselves from treaty obligations *when* they deemed it fit” (Cassese, 2005, §9.7, p. 180).

(d) *Additive*

(10) “States revitalized and strengthened the traditional means for settling disputes *and in addition* established innovative and flexible mechanisms for preventing disputes or, more generally, inducing compliance with IL” (Cassese, 2005, §14.1, p. 279).

(e) *Elaborative* (including *exemplification* and *rewording*)

(11) “The question which should be raised here as particularly germane to the present enquiry is that of the role of IL in the process of colonial conquest. *In short*, it can be argued that this body of law greatly facilitated the task of European powers [...]” (Cassese, 2005, §2.3.1b, p. 28).

(f) *Contrastive/concessive*

(12) “There exist in the international community some international subjects [...] which [...] have a very limited international personality [...] which *however* in theory are vested with all the rights and powers belonging to sovereign States” (Cassese, 2005, §7.2.1, p. 131).

2.4. Lexical semantics and IL

At the *micro-unit* level of discoursal organisation, lexical units are the building blocks of textual reasoning. Structurally, therefore, a cross-linguistic approach to the lexical semantics of a text is generally based on Trier’s conceptualisation of *lexical field*, that is, the mutual demarcation of the denotative value of lexemes. The text is a semantic mosaic comprising individual and, at the same time, mutually dependent, linguistic signs. Trier points to the organisation of lexical units in combination to other units as a focal point in micro-unit semantics: “Daß es [das Wort] im Gesamtfeld umgeben ist von bestimmt gelagerten

Nachbarn, das gibt ihm die inhaltliche Bestimmtheit; denn diese Bestimmtheit entsteht durch Abgrenzung gegen Nachbarn"[4] (1931, p. 3, in Geeraerts, 2010, p. 54).

Against this theoretical backdrop, in translation as an applied discipline, it is possible to demarcate the lexemes of any pragmatically and semantically loaded text, as is typical in the (extensive) field of IL, only by resorting to the notion of *restricted language:* "The restricted language, which is also called the language under description [...] must be exemplified by texts constituting an adequate *corpus inscriptionum*" (Firth, 1968 [1957], p. 112).

Prior to any terminological attempt as part of the translation process, aiming to trace cross-linguistic lexico-semantic correspondences for a given text, such a *restriction of language* should be followed by a cautious and detailed tracing of the conceptual nexus of the field. Collocational analysis therefore supplements semantic abstraction, the aim of which is to chart the contextual background and demarcate the fields of the text's sememes[5] by following their textual and referential history, where and to the extent possible.

Cassese's purposefully expositive and referential discourse is highly relevant in this respect: the author explicitly encompasses his *corpus inscriptionum*, that is, the systemic body of the conceptualisations presented in his textbook. The use of his *reference material* is instrumental, and when it comes to identifying and interlinking concepts and lexemes, the ST is practically self-sufficient, yet allowing for the SL tracing of the (con)textual history of the emergence of pertinent legal terms. Decomposing and re-organising the semantic experience of the international legal *super-culture* of the SL is thus a way of understanding how legal concepts have shaped into meaningful units and legal reasoning (see Gizbert-Studnicki & Klinowski, 2012, p. 554).

All major sense relations (i.e., "relations between words in a particular reading", Geeraerts, 2010, p. 82) are omnipresent in the ST, waiting to be grasped by the translator, even for the most subtle of concepts.

(13) *Synonymy*. "Generally municipal law lays down rules establishing when an individual or body acquires *legal status or legal capacity* —that is, when they become holders of rights or duties" (Cassese, 2005, §4.2, p. 72).

(14) *Hyponymy*. "There is another category of international subjects, *namely insurgents*, who come into being through their struggle against the State to which they belong" (Cassese, 2005, §4.1, p. 71).

(15) *Antonymy*. "The bodies endowed with supreme authority must in principle be quite distinct from, and independent of, any other State, that is to say, endowed with an *original* (not *derivative*) legal order" (Cassese, 2005, §4.2, p. 73).

Disambiguation is also supplemented by an extensive layer of (mostly sentential) semantic exposition.

(16) Many jurists, chiefly in the past, have advocated the view that recognition entails ‘constitutive’ effects, *namely that it creates the legal personality of States* (Cassese, 2005, §4.2, pp. 73–74).

(17) This happens when a State becomes extinct as a result of its break-up (*dismemberment*), or of its *merger* with one or more States (in which case all the merging States become extinct and at the same time give birth to a *new legal subject* (Cassese, 2005, §4.4, p. 77).

The predominantly high level of explicitness of the ST shifts the translator’s focus from lexical semantics to deciphering the true interweaving of propositional and macro-unit semantics. In other words, it is the syntagms (or structuring) of the text’s *extended units of meaning* (Sinclair, 1996), and hence the semantic-pragmatic layering and hierarchy of the *units of translation* that have to be tackled during translation and, more specifically during its interpretative sub-process. The latter “considers meaning as a mental phenomenon which in addition to inherent lexical meaning helps us account for and describe evaluative meaning which is not necessarily inherent in the lexeme” (Zetsen, 2008, p. 251).

It can also be argued that this level of semantic detailing partly obscures the text’s rhetorical clarity, owing mostly to the density and semantic-syntactic perplexity of its (superficially transparent) propositional logic, that is, a textual trait attributable also to the textual genre at large, and to the author’s Central European scholarly tradition (imposing stricter and clear-cut organisational structures), which is nonetheless influenced by Anglophone academic discourse.

2.5. Micro- and macro-unit semantics and translational disanalogies

Transferring IL texts and sub-texts (i.e., phrasemes and even lexemes) into a TL (and hence within a recipient legal culture) is not “simply” a matter of semantic or functional equivalence. IL, and conceivably any pertinent treatise, develops in the context of the socio-linguistically distinct *international community*. Such a canvas, despite being superficially global and therefore conceptually integrative and norm-producing, is the outcome of largely unpredictable, irregular and historically unstable processes of political and economic interaction within the international community, the product of patterns influencing the norms and choices of linguistic behaviour. The latter is, therefore, both culturally biased and difficult to trace.

Two controversies, or tensions, can be said to arise in the pragmatic foundation of IL discourse, thus becoming challenges for the

discoursal decomposition during the translation process. First, IL is a continuous conflict, an interweaving and a tension within two underlying contrastive pairs. The first of these pairs comprises the *power of IL* and the *IL of power* proper, or, simply stated, the "force–law" pair. Obviously, the effort to bring to the surface this tension in international affairs is all but an easy task, in textual terms. The tension is exemplified in the following extract:

(18) Plainly, maintenance of peace and security was the crucial goal of the [United Nations]. In 1939–1945, the tension between force and law – endemic in the international community, as in any human grouping – had been magnified by the war. It had become clear that unless serious restraints were put on violence, the world would be heading for catastrophe. One should not believe, however, that the leaders were so naïve as to think that in 1945 one could radically break with the approach so forcefully set forth by Bismarck in the nineteenth century, when he reportedly said that "the questions of our time will not be settled by resolutions and majority votes, but by blood and iron". Perhaps it was rather thought that, faced with two radically opposed methods for settling friction and disagreement, "bullets" or "words" (as Camus put it in 1947), one ought bravely to endeavour opting as much for the latter, while being aware that the former would continue to be used (Cassese, 2005, §16.2, p. 320).

Secondly, assuming that

- translation requires an analogous reformulation of the contextuality of concepts in the TL, that is, grasping and mapping the systemic textual histories of legal norms in the SL–TL pair; and that
- consequently such a parallel semiotic effort means building a coherent base of linguistic (textual) evidence to account for the simple fact of the pragmatic incongruity of the two sociolinguistic systems in contact,

the translator is faced with a further, and perhaps more intrusive, phenomenon. If it is true that, being a product of conforming international or national norms, internationalisation (or *mondialisation*, in Chevallier's (2001) wording) is to be found in the processes of the transmission, circulation and intrusion of norms in national judicial systems, rather than in the formation of norms, and their content and legal effects (Chevallier, 2001, p. 37, in Ponthoreau, 2006, p. 21), translation equivalence is a matter of permeating such processes of conformity and decoding them; it is a matter of diachronic patterning of the semantics of IL terms and phrasemes that (may or may not) have been assimilated into the legal culture of the TL.

However, this assimilation is neither straightforward nor can its mechanisms be fully observed or predicted. Indeed, in one of the textbook's thematic "subtexts",[6] the author presents the interplay between international instruments and national legal orders. The very existence of three principal doctrines in this regard[7] substantiates an obvious second controversy in IL semantics: the dualism between *international* and *national* legal culture and, hence, language. Ponthoreau puts this very clearly:

> Au-delà des conceptions moniste ou dualiste des rapports entre droit international et droit national, les systèmes juridiques semblent plus perméables aux règles de droit international et aussi de droit étranger. Qu'est–ce qui change véritablement? La visibilité du phénomène est peut–être trompeuse. [...] *La distinction des changements dans et de l'ordre juridique n'est pas aisée*. L'analyse dépend des caractéristiques fondamentales que l'on reconnaît à l'ordre juridique et, surtout, *les changements peuvent être imperceptibles* ou, plus précisément, *toucher la manière dont le droit est conçu, appliqué, perçu et enseigné*; ce qui n'est pas forcément immédiatement perceptible[8] (Ponthoreau, 2006, p. 21, emphasis added).

Apart from this, the "inter-culture" of IL becomes a utopia when confronted with the multiple obstacles of the incommensurability of legal and judicial traditions and cultures (Jutras, 2000, p. 787). The notion of linguistic and semantic analogy is perplexed further, considering the growing complexity of contemporary IL. If comparative law theory insists on the necessity of placing each norm in its proper context, which means taking into account the language, institutions, concepts, principles and judicial practices on which it is articulated (Hoecke & Warrington, 1998, p. 495, in Jutras, 2000, pp. 787–788), what then happens to translation and its communicative process as a way of balancing cultures and sociolinguistic patterns?

Regarding the terminological effort of translation in particular, from the point of view of the target culture and the proper usage of lexemes, how are the semantic tenets of the legal terms best served, in particular, with regard to consistency, acceptability, informativity (see Saridakis, 2000), semantic transparency and distinction (see Trudgill, 2003, p. 118), particularly when there is no previous consistent terminological effort in the language pair of the translation exercise at hand? In conclusion, does the spectrum of such phenomena lead to the untranslatability of the ST, as has been openly suggested, mostly by comparative lawyers (see, e.g., Šarčević, 1997, p. 233)?

2.6. In search of functional equivalents: Developing a reference corpus

In terms of terminology, too, the translator's task is therefore a systemic quest. Sourioux & Lerat (1975, p. 59, in Šarčević, 1997, p. 239) argue that this requires considering both the *intension* and the *extension* of the lexemes examined. This search is cross-linguistic and cross-cultural. The meaning potential of a linguistic system is not a mere abstraction: the search for functional equivalences should (and mostly does) take statutory definitions (if any) as a starting point before thoroughly examining the textual histories and socio-cognitive backgrounds of the field at hand. Šarčević posits that such an investigation means examining "all the original sources of the law of the particular legal systems" (Šarčević, 1997, p. 240).

In the case of IL and its integration into a socio-linguistically distinct legal system, this investigation should primarily cover the body of national legislation implementing the *acquis* and norms of IL, and more specifically treaty law. To date, no systematic compilation and/or codification of these rules exists in the Greek legal system.[9] My work has focused partially on developing such a preliminary reference corpus.

This approximately 1,2 million-word trilingual (EN, FR, EL) parallel reference corpus was also supplemented by a bilingual (EN, EL) comparable reference corpus, the major part of which was in Greek. My aim was to enhance my (lexico-semantic, for the most part) documentation venture. This corpus, spanning more than some 2 million words, consisted mostly of textbooks and scholarly articles spanning a period of 35 years (1977–2011).

The development of the parallel corpus, which supported and substantiated my translation project could be said to have drawn from the experience of the *Acquis Communautaire* project,[10] especially its terminological and semantic aims. As such, the translation project has also relied extensively on the EUR-Lex document database and on IATE. Moreover, to the extent that they were digitised,[11] both sub-corpora (i.e., the parallel and the comparable corpus), have been exploited further, using standard corpus linguistics tools (AntConc[12] and ConcGram[13]), in order to derive concordances and collocations, and some basic statistics of usage.

2.7. Terminology compilation and documentation

Exploiting the linguistic material described above was productive. Groffier and Reed (1990, p. 52, in Šarčević 1997, p. 240) rightly argue that, by their very nature, legal terms seem to defy definition. With the exception of a few concepts and terms, the semantic analogy between which is both legally and linguistically straightforward, concepts of IL,

even some of the most fundamental ones, manifest a formal instability in the Greek reference corpora, particularly in the sub-corpus of statutory Greek texts. For example:

(19) The notion of *inherent right* (as delineated in Art. 51 of the 1945 UN Charter) has traditionally been translated as *φυσικό δικαίωμα* [:natural right], a rendition derived directly from the French notion of *droit naturel*, and obviously traced back to the concept of natural right and to Aristotle's perception of natural and conventional adjudication (in *Nicomachean Ethics*, see Yack, 1990). Contrary to the Greek legal norm, that is, the official text of the ratified UN Charter, research into our reference corpus reveals the gradual prevalence of the English lexicalisation of the concept and consequently its semantic degradation. In other words, it proves a semantic shift from an indisputable (natural) legal axiom to a notion of traditional law (*εγγενές δικαίωμα* [:inherent right]) that is subject to international adjudication, see Cassese, §18.2.3, pp. 357–362.

(20) Corpus investigation has substantiated that, with regard to its semantic field, the lexeme *self-executing* [*rule*] is translated (i) using a superordinate (*διατάξεις αυτοδύναμης εφαρμογής* [:clauses of "self-reliant" application]) – cmp. also the (questionably stabilised) renditions *αυτο-εφάρμοστο δίκαιο* [:"self-applicable" law] (an option that can also be criticised in terms of its conformity with the Greek linguistic norm); (ii) using a periphrasis; (iii) using semantic transposition in the lexeme *αυτοεκτελεστή πρόνοια* [:self-executory clause] (this is rather an analogical conceptualisation of the [*self-executory*] qualifier, as used mostly in the American constitutional law; as well as a *hapax legomenon –sensu* Sinclair, 2001; see also Saridakis, 2010, pp. 117, 198–200, esp. n. 122); or (iv) remains untranslated, borrowing literally the original Anglo-Saxon term (sometimes using a periphrasis alongside in support of the lexical loan), for example in CELEX.

(21) *Stand-by Arrangement*. This is a fixedly untranslated term in texts of primary and secondary EU law. Cmp., however, the neologism and multi-word explanatory expression of the attested Greek renditions: (i) *σύμβαση προληπτικού διακανονισμού ετοιμότητας* [:agreement of provisional readiness arrangement]; and (ii) *διακανονισμός χρηματοδότησης αμέσου ετοιμότητας* [:financing settlement of "immediate readiness"] (both in the Greek version of the recent Greek/IMF "Stand-by Agreement", which entered into force in May, 2010).

The findings of the analysis of this quasi-diachronic ad hoc reference corpus, as exemplified above, suggest the following. There has been a marked and increasing tendency, during the past few decades, for the

process of assimilation of IL terms to bend towards the "Anglo-Saxon end-of-the-scale", particularly with regard to its conceptualisation, that is, the content of international legal terminology. Even though it would perhaps be exaggerated to refer to some sort of anglicisation of the Greek legal lexis in the field, there is an increasing (parliamentary) practice towards: (i) translating from English instead of from French when integrating IL instruments into the Greek legal system,[14] and (ii) in the case of linguistic discrepancies, either opting for the English concept of the lexeme or even borrowing or calquing the original English term. In turn, the mechanism of assimilation of IL norms suggests a strong tendency towards conceptual and cultural interference in the specific socio-cognitive field. This scenario, however, requires further systemic investigation.

The conceptual or terminological component of the translation process, combining traditional and modern corpus linguistics research methods, including subject expert substantiation of the acceptability of each individual term, has hitherto produced a set of 430 fully documented core sememes. For example, the IL sememe *dualistic doctrine* is documented as follows:

SL sememe
dualistic doctrine

ST Context (extended)
The question whether international rules make up a body of law not only different but also radically autonomous and distinct from municipal (or national) legal orders has been the subject of much controversy. Three principal theoretical constructs have been advanced: first, the so-called monistic view advocating the supremacy of municipal law, then the *dualistic doctrine*, suggesting the existence of two distinct sets of legal orders (international law, on one side, and municipal legal systems on the other), and finally the monistic theory maintaining the unity of the various legal systems and the primacy of international law.

TL sememe
δυαδική θεωρία

TT Context (extended)
Το ζήτημα του κατά πόσον οι διεθνείς κανόνες διαμορφώνουν ένα σώμα δικαίου, όχι μόνο διαφορετικό αλλά και ριζικά αυτόνομο και διακριτό από τα εσωτερικά (εθνικά) νομικά συστήματα είναι ιδιαιτέρως αμφιλεγόμενο. Τρία είναι τα βασικά θεωρητικά κατασκευάσματα που έχουν προταθεί: πρώτον, η καλούμενη μονιστική προσέγγιση που διακηρύσσει την υπεροχή του εσωτερικού δικαίου, δεύτερον η *δυαδική θεωρία*, κατά την οποία η ύπαρξη δύο διακριτών συνόλων εννόμων τάξεων (του διεθνούς δικαίου, αφ' ενός, και των

εσωτερικών νομικών συστημάτων, αφ' ετέρου) και, τέλος, η *μονιστική θεωρία*, η οποία υποστηρίζει την ενότητα των διαφόρων νομικών συστημάτων και την προτεραιότητα του διεθνούς δικαίου.

Core (Y/N): Y

Concept (Y/N): Y

SL Tokens: 470

SL Fixedness (1–5): 4

TL Tokens: 71

TL Fixedness (1–5): 3

TL Reliability (Internal/External, 1–5): 4/4

RefCorpus Source
[0118] Τσαπράζης, Γ.-Δ. (2011). Διάλογος μεταξύ ελληνικών δικαστηρίων και του Ευρωπαϊκού Δικαστηρίου Δικαιωμάτων του Ανθρώπου. *Δικαιώματα του Ανθρώπου*. 50/2011, 567–596.

RefCorpus Context
Ο πλουραλισμός των εννόμων τάξεων, αντίθετα, αποτελεί την βάση της *δυαδικής θεωρίας*, υπό την έννοια ότι, εν προκειμένω, υπάρχουν δύο διαφορετικές και ξεχωριστές έννομες τάξεις, η εθνική και η διεθνής, με περαιτέρω συνέπεια να καθίσταται αναγκαία η θεσμοθέτηση ειδικής διαδικασίας για την είσοδο του διεθνούς δικαίου στην εθνική έννομη τάξη.

Collocational variants SL
[dualistic] approach; conception; structure

Collocational variants TL

RefCorpus Variants TL
[0541] Παπανικολάου Κυριάκος. Συνταγματισμός και Κυριαρχία. Αναζητώντας τη συνταγματική εγκυρότητα του Ευρωπαϊκού Δικαστηρίου. Η ερμηνεία του άρθρου 28 ΕλλΣ. *Το Σύνταγμα*. 27 (2001).

RefCorpus Context TL
το Σύνταγμα στο κέντρο του κύκλου, ο δικαστικός έλεγχος της συνταγματικότητας των νόμων ως θεσμική κορωνίδα, *δυϊστικό δόγμα του διεθνούς δικαίου* καθορισθέν από το απαραβίαστο της κυριαρχίας των συνταγματικών κρατών και γ. η κυριαρχία του Υπάτου Κανόνα

Remarks
Revision no. 01
Date: 22.06.2012

3. Conclusion – an ongoing research project

This project has been successful so far in that it has produced the final Greek version of Cassese's major textbook, which was published in October 2012, and a cohesive term base spanning the entire spectrum of thematic and pragmatic fields and having combined the potential of corpus linguistics and traditional research methods, so as to both substantiate lexical choices and trace the textual and contextual history of the lexemes examined.

More importantly, the research is being pursued and, in this regard, a research team has already been formed under the author's guidance. This team is currently implementing the following:

- Completion, finalisation and online publication of the terminological database.
- Full digitisation and a fully fledged exploitation of the diachronic parallel and comparable reference corpora compiled, with the aim of building a trilingual (EN, FR, EL) monitor translation corpus of IL texts, including parallel and comparable components. The corpus is aimed at functioning as a reference corpus in legal linguistics, terminology and translation studies. The plan is to publish the final corpus by the end of 2014. Exploitation of the parallel component will focus also on researching translational process-oriented norms (see Baker, 1996).

References

Austin, J. L. (1962). *How to do things with words*. Oxford: Oxford University Press.

Baker, M. (1996). Corpus-based translation studies: The challenges that lie ahead. In H. Somers (Ed.), *Terminology, LSP and translation: Studies in language engineering in honour of Juan C. Sager* (pp. 175–186). Amsterdam: John Benjamins.

Beaugrande, R. de, & Dressler, W. (1981). *Introduction to text linguistics*. London: Longman.

Biel, Ł. (2008). Legal terminology in translation practice: dictionaries, googling or discussion forums? *SKASE Journal of Translation and Interpretation, 3*(1), 22–38.

Bloomfield, L. (1984 [1933]). *Language*. Chicago, IL: The University of Chicago Press.
Booth, W. C. (2004). The rhetoric of rhetoric: The quest for effective communication. Malden, MA: Blackwell.
Carvalho, E. M. de (2011). *Semiotics of international law: Trade and translation*. Dordrecht: Springer.
Cassese, A. (2005). *International law*. Oxford: Oxford University Press.
Cassese, A. (2012). *Διεθνές Δίκαιο.* I. E. Saridakis (Translated into Greek. English original *International Law*, 2005). Αθήνα: Gutenberg.
Chevallier, J. (2001). Mondialisation du droit ou droit de la mondialisation? In C.-A. Morand (Ed.), *Le droit saisi par la mondialisation* (pp. 37–61). Brussels: Emile Bruylant, Éditions de l'Université de Bruxelles, Helbing & Lichtenbahn.
Fairclough, N. (1992). *Discourse and social change*. Oxford: Blackwell.
Fairclough, N. (2003). *Analysing discourse: Textual analysis for social research*. London: Routledge.
Firth, J. R. (1968 [1957]). Descriptive linguistics and the study of English. In F. R. Palmer (Ed.), *Selected papers of J.R. Firth* (pp. 96–113). London: Longman.
Geeraerts, D. (2010). *Theories of lexical semantics*. Oxford: Oxford University Press.
Gizbert–Studnicki, T., & Klinowski, M. (2012). Are legal concepts embedded in legal norms? *International Journal for the Semiotics of Law, 25*, 553–562.
Groffier, E., & Reed, D. (1990). *La lexicographie juridique.* Québec, QC: Yvon Blais.
Halliday, M. A. K. (1978). *Language as social semiotic*. London: Arnold.
Halliday, M. A. K. (2002 [1992]) How do you mean? In J. J. Webster (Ed.) *On grammar. Volume 1 in collected works of M. A. K. Halliday* (pp. 352–368). London: Continuum.
Hatim, B., & Mason, I. (1990). *Discourse and the translator*. London: Longman.
Herick, J. (2005). *The history and theory of rhetoric: An introduction*. Boston, MA: Pearson Education.
Heuboeck, A. (2009). Some aspects of coherence, genre and rhetorical structure – and their integration in a generic model of text. *Language Studies Working Papers 1*, University of Reading, 35–45.
Hoecke, M. van, & Warrington, M. (1998). Legal cultures, legal paradigms and legal doctrine: A new model for comparative law. *International and Comparative Law Quarterly, 47*(3), 495–536.
Jutras, D. (2000). Énoncer l'indicible: Le droit entre langues et traditions. *Revue Internationale de Droit Comparé*, *52*(4), 781–796.
Matthiessen, C. (2009). Ideas and new directions. In M.A.K. Halliday & J. J. Webster (Eds.), *Continuum companion to systemic functional linguistics* (pp. 12–58). London: Continuum.
Ponthoreau, M. C. (2006). Trois interprétations de la globalisation juridique: Approche critique des mutations du droit public. *Actualité Juridique: Droit Administratif, 62*(1), 20–25.
Rauh, G. (2010). *Syntactic categories: Their identification and description in linguistic theories*. Oxford: Oxford University Press.
Šarčević, S. (1997). *New approach to legal translation*. The Hague: Kluwer.

Saridakis, I. E. (2000). Terminology and terminography in the modern translation environment: A case study on terminology extraction and documentation. In J. Chabás, M. Cases, & R. Gaser (Eds.), *Proceedings of the 1st international symposium on specialized translation* (pp. 186–189). Barcelona: Universitat Pompeu Fabra.

Saridakis, I. E. [Σαριδάκης, I. E.] (2010). *Σώματα κειμένων και Μετάφραση. Θεωρία και εφαρμογές*. Αθήνα: Παπαζήσης.

Simon, D. (1981). *L'interprétation judiciaire des traités d'organisations internationales: Morphologie des conventions en fonction juridictionnelle*. Paris: Pedone.

Sinclair, J. (1996). The search for units of meaning. *Textus, 9*, 75–106.

Sinclair, J. (2001). *Corpus, concordance, collocation*. Oxford: Oxford University Press.

Sourioux, J.-L, & Lerat, P. (1975). *Le langage du droit*. Paris: PUF.

Swales, J. (1990). *Genre analysis: English in academic and research settings*. Cambridge: Cambridge University Press.

Trier, J. (1931). *Der deutsche Wortschatz im Sinnbezirk des Verstandes: Die Geschichte eines sprachlichen Feldes I. Von den Anfängen bis zum Beginn des 13. Jhdts*. Heidelberg: Winter.

Trudgill, P. (2003). *A glossary of sociolinguistics*. Oxford: Oxford University Press.

Werlich, E. (1976). *A text grammar of English*. Heidelberg: Quelle & Meyer.

Widdowson, H. (1979). *Explorations in applied linguistics*. Oxford: Oxford University Press.

Wilss, W. (1994). Translation as a knowledge-based activity: Context, culture and cognition. In R. de Beaugrande, A. Shunnaq, & M. H. Heliel (Eds.), *Language, discourse and translation in the West and Middle East* (pp. 35–43). Amsterdam: John Benjamins.

Yack, B. (1990). Natural right and Aristotle's understanding of justice. *Political Theory, 18*(2), 216–237.

Zetsen, K. K. (2008). Corpus–based cognitive semantics: Extended units of meaning and their implications for Translation Studies. *Linguistica Antverpiensia, New Series – Themes in Translation Studies 7*, 249–262.

---

1 Even though the Greek bibliography in the field is rich (the "Biblionet" database enumerates 140 published volumes [http://goo.gl/2p0nsW – December 2013]), there are only two translated IL books, including that of Cassese's. This is attributable to publishers' translation policies and to peculiarities of the Greek academic book market, favouring the publication of books by Greek academics.

2 See also the schematisation in Heuboeck (2009, p. 41).

---

3 *Logos*, a Greek term with multiple meanings and nuances, refers principally to one's intellect and rationality, as a distinct human trait. The main feature of human *logos* is the formulation and transmission of meaning, in a manner comprehensible by the co-speaker. This notion corresponds to Saussure's *parole*, that is, the specific discoursal organisation made by the speaker.

4 "The fact that a word within a field is surrounded by neighbours with a specific position gives it its conceptual specificity; because this specificity derives from its demarcation with regard to its neighbours" (translated by Geeraerts, 2010, p. 54).

5 In Bloomfield's view (1984 [1933], p. 164), the *sememe* is assumed to be a constant and definite unit of meaning, semantically demarcated and distinguished from all other meanings and sememes in the linguistic system. See also Rauh (2010, p. 37).

6 Chapter 12, "The implementation of international rules within national systems".

7 That is, first, the so-called *monistic view* advocating the supremacy of national law; second, the *dualistic doctrine* suggesting the existence of two distinct sets of legal orders, and, third, the *monistic* theory on the unity of the various legal systems and the primacy of IL (Cassese, 2005, p. 213).

8 "Beyond the monist-dualist distinction between international and national law, the legal systems seem to be more open to international law rules, and to foreign law rules. What changes then? The visibility of this phenomenon may be tricky [...] *The distinction of legal status changes, or of changes reflected in such a legal status, is not facilitated*. The analysis depends on the fundamental characteristics that are to be found in such a legal status and, last but not least, such *changes may actually pass unnoticed or, more specifically, affect how law is conceived, applied, perceived and taught*. This is not necessarily noticeable at first glance" (my translation).

9 The Greek Ministry of Foreign Affairs had in the past published a non-exhaustive list of important international and European treaties to which Greece is a signatory (http://goo.gl/LyMiF – Jan. 2013, obsolete at the time of printing), without, however, providing access to the original or the Greek statutory text.

10 See: http://goo.gl/zmYTIo – December 2013.

11 A significant part of the parallel corpus exists only in printed format, particularly Greek legislative texts. Given the low print quality of such texts, and that all texts issued prior to 1981 were published in old Greek script (Greek polytonic), OCR pre-processing was not possible. and this part of this corpus was exploited manually.

12 AntConc sw from L. Anthony; see: http://goo.gl/tw9u2G – December 2013.

13 ConcGram sw from C. Greaves and John Benjamins; see: http://goo.gl/TZ4wEo – December 2013.

14 Not surprisingly, with the marginal exception of German, all other major EU languages seem to be non-prestigious in this domain: Italian and Spanish seem to have been neglected as source cultures in the Greek bibliography and sources examined. This is consistent with the general appropriation of academic and scholarly traditions in Greece.