

PHILOLOGICAL SCIENCES

TROUBLEMAKING WORDS IN COURT INTERPRETATION

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Abstract

The study aims to contribute to the analysis of legalese in court interpreting.

In the frame of this research close attention is paid to legal discourse as an integral communication of language and law, specifically to the function of idioms in the speech of lawyers and their translation tricks. An increase focus is put on characterising and translating idioms, due to the peculiarities of their structure and cohesion of meaning. Our database encompasses a wide range of terms drawn from the realm of law and a spectrum of idioms and slang. The coded meaning of these words is unveiled in legal discourse, moulding a rich tapestry of interpretive words with their counterparts in target languages.

Keywords: legal language, court interpretation, text interpretation, idiomatic expressions, slang; etc.

Legal court or *judicial interpreting* appears in courts of justice, administration tribunals, i.e., everywhere a legal proceeding is held. In professional practice interpreting denotes the act of facilitating communication from one language into its equivalent, or appropriate equivalent in another language. The right to competent interpreter for anyone who does not understand the language of court for the accused in a criminal trial is usually considered a fundamental rule of justice. Therefore, this right is often guaranteed in national constitutions, declarations of rights etc. Legal interpreting can be the consecutive interpretation of witnesses testimony for example, or the simultaneous interpretation of entire proceedings by electronic means, for one person or all of the people attending.

The vast majority of legal texts have plain meanings in many cases. Even a text whose meaning is undisputable requires interpretation. The question is what meaning to attach to legal text. We understand the text because a language in which it was created is language we know.

In principle there is no difference between determining the semantic meaning of a legal text and the semantic meaning of any non-legal text. Interpreters need to know the rules of grammar, they consult canons based on logic, which help them understand the language. Every text requires interpretation is a precondition for inquiring the validity of the norms. Legal text has its own principles of interpretation. Legal interpreters shall solve many problems that require both linguistic and legal knowledge (Svetlana Maksimova, N2/7/p.63). Interpreting is a paramount activity in court settings where the situation depends on what people said and whether he or she tells the truth (M. Phelan, 2001). Professional legal translation requires extensive knowledge in law, current legislation, the specific use of legal terminology, etc., because each country has its own system of law, legal terminology and practice applications (/Svetlana Maksimova, N2/7/p.65).

Legal language, like any other language of profession has specific features. Among the main legalese features is distinguished its *vocabulary*. An interpreter of legal discourse should be able to use international legal resources work with international legislative databases. Hence, he should have a high level for language competence of the main bulk of legalese in SL and TS. When interpreting, there are often words that do not have an equivalent in the target language, especially in legal area.

Realizing the intent of the author is the goal of any kind of system of interpretation (subjective interpretation). Interpretation, however, can also give the legal text a meaning that actualizes objective standards (objective interpretation). Ronald Dworkin defines law itself as an interpretation. Legal tradition distinguishes between ordinary interpretation and supplementary interpretation. To interpret a text is to choose its legal meaning from among a number of semantic possibilities- to decide which of the text's semantic meaning constitutes its proper legal meaning. Usually a text has a single unique semantic meaning in the context of a given event and that meaning also serves as the text's legal meaning. In this case there's complete identity between the text's legal meaning and semantic meaning. Interpreters translate the language into law by pinpointing or extricating a single unique legal meaning. Thus, every interpreter of law is also a linguist, but not every linguist is an interpreter of law. (L. M. Solan, 1993). Certified interpreters are mostly hired for court interpreting activities. A court interpreter must remember that he or she do not have any rights to judge or question the clients. Besides, accuracy is very essential in court interpreting. There is a common rule for any court interpreters around the world that they cannot add or omit words which may change the meaning of the original source. Professional court interpreters must comprehend both the source and target languages, as well as understand court terminologies.

Various modes can be applied for court interpreting: consecutive can be used for question and answer session, note-taking can be applied when the speech is too long. Simultaneous or whispered interpreting may be used in court setting. Sight interpreting can also be applied when the court asks the interpreter to translate legal documents orally on court. In court interpretation it is not acceptable to omit anything from the source text, no matter how fast the source speaks, since not only is accuracy a principal canon for interpreters but mandatory. The alteration even a single word in a material can totally mislead the triers of fact. The most important factor for this level of accuracy is the use of team of two or more interpreters during a lengthy process, with one actively interpreting and the second monitoring from greater accuracy. Speakers at interpreted meetings can ensure better communication of their message into other languages by slowing their delivery slightly and by adding a pause of one or two seconds at the end of each paragraph.

When interpreting, there are often words that do not have an equivalent in the target language. It is essential that the interpreter understand what the term means in English first before being able to accurately deliver the message into another language. The lexical aspect contributes to the distinctive character of legal texts. Firstly, legal language is characterised with the abundant use of *archaic words*. To Hu and Lu, archaism is old English and it is rare in daily modern English but often appears in legal documents (2017 p. 279) Veretina-Chiriac advocates that archaisms are typical examples of legalisms and lawyerisms belonging to formal style and making the document concise, but unfortunately causing comprehension problems for non-lawyers. Secondly, legal English is specific in the use of collocations, *bi-*, *tri-*, or multi-nominal pairs and phrases constituted by more than two items: upon any termination of; released without charge and on bail, grant the authority to, etc...

In addition to the formal literary language there are other aspects that contribute to the overall picture of legal language. It is embroidered with legal slang, despite the formal and stilted utterances in legal discourse. These words are characteristically associated with very informal registers and speech predominantly and again they present an alternative. Lexis of an extremely colloquial, non-standard kind (Katie Wales, A Dictionary of Stylistics, 2011). As has often been noted, the English word slang comes from sling ("to throw") - to sling one's jaw, which means "to say something violent and offensive". Slang is a special layer of vocabulary used in oral speech by certain social groups and has an expressed emotional color (S. Maksimova and co-authors, p. 67).

It's well-acknowledged that slang words in legal discourse can be tricky for court interpretation because of the lack of relevant form in the target language. Hence, the interpreter must understand what the term means in English first before being able to accurately deliver the message into another language.

Just below is introduced a rich tapestry of slang words drawn from the realm of legalese or laws-peak.

Marijuana Laws by State- State laws are constantly changing, and that is especially true with laws pertaining to the cultivation, sale, and use of marijuana (a slang term for cannabis).

LAWYERING-A slang term for practicing as an attorney or as a lawyer

STICK up- A slang phrase that describes a robbery or a hold up.

MOUTHPIECE-The term that is given to an attorney that is a slang expression.

STONEWALL- A slang expression meaning to hold a certain position or to tell a certain story even if you know it is not true.

PALM off - A slang term that means to sell or get rid off something under false pretences.

HORNS WOGGLE- A slang term meaning to cheat or to swindle.

COP- A slang term used to describe a policeman or police officer.

TO DO TIME- A slang term for serving time in jail.

LOAN SHARK- The slang name that is given to a usurer or a person who lends money and charges more interest than the law allows.

SPIFF- Slang term. The sum of money that is paid by the vendor's salesman to the retailer's salesman for motivation to push the goods of the vendor.

TAKE a BATH, TAKE a BEATING- Slang phrase that means the defeat of someone.

OASDI- An old slang term to refer to disabled individuals or the elderly who depend on the insurance and other funds that are sanctioned by the government. Social Security is the current term

GUNSLINGER- Slang term for a broker that is searching for the next big thing.

CUTTING THE MELON- Slang term used when a company issues more dividends payment with a previous payment.

GRASS WIDOW- A slang term for a woman separated from her husband by abandonment or prolonged absence; a woman living apart from her husband.

<https://thelawdictionary.org/page/2/?s=Slang>

Parole- The release of a prison inmate – granted by the U.S. Parole Commission – after the inmate has completed part of his or her sentence in a federal prison. When the parolee is released to the community, he or she is placed under the supervision of a U.S. probation officer.

The Sentencing Reform Act of 1984 abolished parole in favor of a determinate sentencing system in which the sentence is set by sentencing guidelines. Now, without the option of parole, the term of imprisonment the court imposes is the actual time the person spends in prison.

<https://www.uscourts.gov/glossary#skip-main-content>

Cops; narks; fuzz; gumshoes- A big noise; nob; mob; don; honcho; boss

Beat out of money- To burn rubber; to lam; to belt; to flake out; to hare (away); to nip away; hightail; run/scuttle to to into woodwork; to wing (it); to bugger,

to take it on the lam-Смываться, делать ноги, рвать когти

To bust; to copper, to knock; to nip-Повязать, по-палить, арестовать, взять

To be on the lam; to hole up-Быть в бегах

Lam-escape

Dogfight: yammer, ruckus; aggro: bower, prang; beat up-Махаловка, драка

Cathouse; callhouse case-Публичный дом

Bitchiness-Паскудство

Bombed; high; jonked; charged up-Упыханный, под газом

To make one's bones; to bust; to bounce; to cool; to give smb a deep-six to ice; to shellac- to kill smb.

Grass: hash; hemp; scag; boo-Трава (наркотик)

To bounce; to clock: to conk; to give smb a good going over, to hummer home; to swipe-Вмочить, вдолбить, въехать кому-то, дать по морде

Creep; robber

Геловани Г. Г. , Цветков А. М. , Русско-Английский разговорник бытовой лексики и слэнга, Москва, 1991

Apart from legal slang words lawyer's everyday speech is characterized by the presence of idioms. Generally idioms are described as non-compositional phrases. Despite the fact that idioms, compared with slang are different in nature, being used in lawyer's speech, in the process of legalese they have the same mission- to charge the speech with an emotional shade of color. Here are some examples of laws-peak idiomatic expressions.

A Law Unto Themselves

If somebody is a law unto themselves, it means that they follow their own rules instead of doing what other people say.

Above Board

If something is **above board** it means that it is all completely legal and honest.

To Cook the Books - to falsify numbers or reports.

Mend Your Ways - correct your behavior and stop breaking the law/rules.

Caught Red Handed - to be caught whist in the act of doing a crime.

Grease Someone's Palm - to pay somebody money or a bribe in exchange for a favour.

To Beat the Rap - to be found innocent of a crime.

A Slap on the Wrist - when somebody is given a light punishment for a crime.

Fall From Grace

When a once highly regarded person loses a lot of respect from their peers.

<https://teachifyapp.com/en/legal-idioms/>

Face the music

If someone has to face the music, they have to accept the consequences of doing something wrong.

Feather your own nest

If you feather your own nest, you use your position or your job illegally for personal gain.

Grease someone's palm

If you grease someone's palm, you pay them a bribe.

Lay down the law

If you lay down the law, you tell people what they should do in a forceful and stern way.

We can say the jury is still out when a decision still hasn't been made about

<https://www.englishclub.com/ref/Idioms/Law/>

With No Strings Attached

Something comes with no strings attached if we can get it without having to do anything in return. In short, we are not under any obligation to do any actions for anyone at any point in time after getting that thing. That thing comes for free.

Turn a Blind Eye To

A person is turning a blind eye to something or someone if they see something wrong or suspicious but pretend not to see anything. Turning a blind eye is an act of omission, which means not performing the actions that are expected of most people.

Take the Law Into One's Own Hands

People who try to take the law into their own hands are trying to seek justice on their own. They do not ask for help from authorities or people who can legally administer the law. Taking the law into one's own hands is generally regarded as illegal.

Null and Void

Something is null and void if it has already been canceled and is now invalid. Being canceled, that thing is redundant and worthless.

Last Will and Testament

A last will and testament is a legal document that a person creates before dying. It specifies what they want to do with their assets after death. It may also contain their notes dedicated to friends, family, and associates.

Burden of Proof

When somebody has the burden of proof, then he or she is required to present evidence to prove his or her claims.

Beyond a Reasonable Doubt

If something is beyond a reasonable doubt, then there is enough evidence to prove that thing to be true. For example, if an accused person is guilty beyond a

reasonable doubt, then it means that there is sufficient evidence to prove that they have done something wrong.

<https://owlcation.com/humanities/15-Legal-or-Law-Idioms-Explained-to-English-as-a-Second-Language-Learners>

Thus, legal slang words and idiomatic expressions being used appropriately in a specific situation, make speech more eccentric, expressive and adding emotional colour. Slang words in legal language are most mainly used in oral spoken language within a certain social group lawyers. Given the complex semantic and syntactic nature of idioms and slang in legal discourse, these units pose considerable translation problems in the process of interpreting. Apart from it, they are culturally charged items reverberating the world vision of the given nation. Hence, they can be tricky for court interpreters.

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