

ABSTRACTS

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Analysing Arbitration Laws across Legal Systems

In this paper, the national Indian and Chinese statutes on arbitration are compared with the UNCITRAL Model Law. After a presentation of the GILD-MMC project, focus is especially on textual aspects indicating attitudes towards the relation between the administrative powers and the parties in commercial arbitration. Thus, looking at the features *all-inclusiveness*, *information load*, *information spread*, *legislative style* and *transparency* significant differences are found and related to the different communicative purposes (overall model vs. specific national rules), the different legal traditions (common law vs. civil law) and the different political systems (westernised market economy vs. socialist market economy).

Celina Frade

Generic variation across legislative writing:

A contrastive analysis of the UNCITRAL Model Law and Brazil's Arbitration Law

The nature of legislation is to control human relations and actions by words. Legislative writing displays relative uniformity though, as a genre, some variations are allowed across legal systems, as in the case of arbitration laws. This article focuses on the generic variation of two arbitration laws: the UNCITRAL Model Law on the International Commercial Arbitration (hereafter UNCITRAL) and the Brazilian Arbitration Law 9.307/1996 (hereafter BAL). Arbitration is an alternative form of conflict resolution based upon the free will of the parties to invest arbitrators, (not the judiciary) with the jurisdiction to settle disputes in a contract of commercial nature. The claim is that the analysis (at surface level) of textual organization and legislative style in the data cannot account alone for an explanation of how legislative information is functionally realized in order to achieve its communicative intent. To explain this we, therefore, also consider how legislative information is packaged by means of some textualization devices (qualificational insertions, binomial and multinomial structures and textual-mapping) and conclude by showing how recontextualization is realized in the data by means of generality, fuzziness and vagueness of terms and expressions.

Azirah Hashim

Aspects of Content and Language in the Malaysian Arbitration Act

This paper focusses on the Malaysian Arbitration Act of 1952 and examines some aspects of content in the Act as compared to that in the model Law. Some linguistic analysis is carried out and differences in terms of specificity and lack of adequate specification and differences in legal systems and procedures are discussed. The analysis shows that content and language are influenced by national requirements and concerns, culture, legal system and other constraints.

Anna Trosborg

Regulative Strategies in Arbitration Law

Uncitral Model Law on International Commercial Arbitration (UNCITRAL) compared with Arbitration Law of the People's Republic of China

This paper is concerned with the laying down of the law in international and domestic arbitration. Interest centres on regulative and constitutive functions, and an analysis of realisation patterns of regulative (directive) acts is reported. The focus is on the linguistic realisation patterns of obligation, prohibition, and permission in terms of modal verbs and constitutive rules.

The findings show that the language of the law characteristically select patterns of directives which are specific to the legal domain. Face redress typically used in everyday communication as well as business interaction is not a device used in arbitration law. Moreover, the linguistic devices employed differ as regards different parts of the law. Modal verbs are typically applied for action rules, whereas constitutive rules are mainly reserved for stipulation rules and definition rules.

The analysis offers a comparison of Unicitral Model Law and domestic law. Finally, attention is paid to the adequacy of the chosen linguistic realisation patterns as regards simplification/ easification of legal expressions. The results are compared to those obtained in a previous study of Contract Law.

Annette Grindsted

Interactive resources used in research interviewing

The semi-structured research interview is often criticized for not producing reliable and valid results due to 1) interviewer bias, and 2) non-commitment on the part of the informants, and 3) for being an expensive information gathering tool. By applying a CA perspective in the analysis of semi-structured interview data it is shown, however, that in the present case both interviewers and informants were very much concerned with producing true, accurate and valid responses. It is shown that among the interactive resources they have at their disposal, some of them are especially suited to ensure validity and are often resorted to by both parts. They concern e.g. question-response management, the management of pauses, and repair organization. That the semi-structured research interview is an expensive information gathering tool cannot be denied. However, and all other things being equal, if validity is secured, it may turn out to be a more safe research instrument than the structured interview.

Lise Mourier

Communicating financial reporting across continents

Financial reporting is an area with distinctive terminology characteristics. High quality translations require both language and specialist knowledge. The varieties of English complicate the choice of language: British, American or international English? The article examines the challenges translators face when choosing between these 'Englishes'. To determine how/whether a theoretical approach and a proper translation process can result in higher quality, the article will look at translation tools and strategies, problem-solving activities and consistency in choice of terminology.

María del Carmen Acuyo-Verdejo

Textual Knowledge in Legal Translation

In this paper, we discuss the importance of textual knowledge for the translator in different cultures. By knowing the superstructure of the different text types, the translator will have less difficulties in his/her decision-making process. The more familiar the translator is with the different types of texts within a given culture and their super-structures, the better the reception of the translated text in the target culture. To this purpose, we have taken as our material texts from industrial property law. Most of the times, the main problem translators encounter derives not only from the subject field of a document, where we deal with a very specialised terminology, but also from the text type itself. Recent research in Translation Studies has underlined the importance of this aspect, and specifically in the field of legal translation (Borja, 1998, 2000). This paper is intended to show the specific textual conventions that characterise some of the most commonly translated documents regarding the registration of a trade mark. The documents considered in this paper make special reference to those we find both in the Spanish and the British legal systems.

Cay Dollerup

The Vanishing Original

This article addresses the fundamental changes that are taking place today in many practical translation contexts and processes, namely the changed relationship between the so-called 'original' and its translations. This relationship has always been more problematic than translation theory has been willing to accept, but today there are so many instances in which there is no 'original' in the traditional sense and, even when there is one, its claim to being the 'original' is often elusive and doubtful. This is exemplified in numerous modern texts, possibly the majority of those read in the West in everyday life. They span linguistic transfers between one language pair to transfers involving numerous languages. They range from labels on food and other goods in shops and modest tourist brochures to important legal documents in the European Union.

Ken Farø

**Idiomer på nettet: *Den danske idiomordbog* og fraseografien ([http://www. Idiomordbogen.dk](http://www.Idiomordbogen.dk))
Center for Leksikografi, Aarhus Handelshøjskole 2003. Hovedredaktør: Vibeke Vrang. Medredaktører: Lena Lund, Henning Bergenholtz og Jette Pedersen. Database og design: Richard Almind.**

The first Danish electronic dictionary on idioms, *Den Danske Idiomordbog*, has been published by the Centre for Lexicography at the Aarhus School of Business, accessible directly via the Internet. This article, apart from reviewing the dictionary and its functions in general, aims at drawing a systematic picture of some of the methodological problems related to the discipline *phraseography*, taking the new dictionary as a starting point. Three significant issues should be mentioned here: The importance of a well reflected positive and operational *idiom definition* cannot be stressed too strongly, as it influences every choice made during the editing. Another difficulty which needs to be given more attention is the *formal representation* of the idioms, which could be carried out more adequately if thorough empirical evidence and linguistic tests were exploited systematically. And finally there is a need for a much stronger focusing on *pragmatic constraints* on idioms on the level of language use.

Danish phraseology still needs to be discovered as an object of systematic scientific research as the discussed problems in *Den Danske Idiomordbog* are not at all singular but rather symptomatic for the genre phraseography as a whole.