Understanding legal English: the importance of teaching two different cultural traditions to Spanish lawyers

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1.INTRODUCTION: WHY TEACHING ENGLISH FOR LEGAL PURPOSES IN THE GLOBAL WORLD

The development of the different legal frameworks in the global context, as well as the implementation of legislative procedures and juridical processes across countries, are subject to variation according to the peculiar socio-political, cultural, economic and legal developments within those specific countries. This is a factor that has to be heeded in the face of the dismantling of international boundaries in the pursuit of international markets and global agreements. In addition, it is important to note that every legal system has , from its inception, evolved its own kind of language, as the direct consequence of the particularities of its sources and hermeneutic procedures, a contextual, cultural encasement of legal behaviour thus having a formidable significance for the teaching of Languages for Legal Purposes.

Law, like language, is the product of local convention, and it develops and roots in a specific community throughout history, through the usage that its members make of it.
In Šarčević's words:

> Legal language is bound by the legal system in which it is produced: the complexity of a legal translation depends on the affinities between the systems where the source and target language are generated (Šarčević, 2003: 13)

As a cognitive activity, legislative ruling acts through language, since it is not by chance that law has been defined as a profession of words (Mellinkoff, 1963). Consequently, the sources of each system, their configuration and their rules of interpretation -in short, their legal traditions- have to be considered when *inter-legal communication*, or multilingual and multicultural interpretation and application of two, or more, legal traditions, is to take place.

Nevertheless, the possibility of legal communication across barriers in a global world has to take into account what Vogt has called the 'Anglo-internationalisation of business', with major impact over the last two decades and 'unlikely to change in the near future' (Vogt, 2004:13). The economic, social and political preeminence of countries like USA or UK has made universal the usage of public and private legislation instruments like world agreements (*UNCTAD*, *ICC* and *UNCITRAL* conventions) as well as international contracts in the form of *INCOTERMS*, for example. All these "instruments", as legislative documents are called in the legal jargon, are supposed to be applied worldwide, to the desperation and chagrin of EU laypeople and lawyers as a whole, but more concretely in the context of our continent. They have to use and interpret them from a very different legal perspective: that of a dramatically dissimilar legal system like the Common law. Since international transactions are, for the most part, carried out in English, international litigation and legal practice worldwide are conducted in English as well. Therefore, teaching English with Legal Purposes to lawyers, translators and philologists has become a necessary practice, which involves the learners' understanding of differences and subtleties between the legal tradition of the English-speaking world and, in the European context, the Continental law, which constitutes the basis of legal practices in many countries of the EU.

The aim of this paper is to prove that the awareness of not only different types of discourse, but mainly of different cultural patterns is of the essence when teaching English with Legal Purposes to Spanish students. These two means of communication –legal English, legal Spanish- pertain to different systems of law, and have to be explained as cultural products.

In general terms, the basic traits of law in the English-speaking countries and Spain are as dissimilar as might be expected from two systems springing from different legal traditions: civil law, based mainly upon codification, and common law, based mainly upon case law with some degree of legislation. As Duro declares:

> Dos maneras distintas de pensar la realidad no pueden por menos que dar como resultado dos modelos diferentes de organizar jurídicamente la sociedad que la habita y le da forma, así como dos talantes, dos trasuntos, dos estilos dispares de plasmar por escrito [……] la materia escrita atrapadora de la realidad. (Duro, 2005: 637)

Indeed, the Spanish system is heir to the Roman tradition of codes, and one of the members of the civil law family. It is a Continental system, where law is based on

legislation and codes –scrutinised in a very general way and wide scope – when applying law to life. In contrast, the English Common law system lies upon jurisprudence or case law rather than upon legislation, and codes are non-existent in principle (with some exceptions in the USA, with the Uniform Commercial Code regulating the trade of merchandise). Hence, these specialised languages, their sources and interpretive mechanisms, are to be deemed on the one hand ,as influenced by the patterns of thinking of each civilization: their epistemological traditions; on the other hand, their perception of the external and conceptual world, or anthropological aspect has to be considered as well. But let's first analyze the linguistic characteristics of each tradition, and the way in which discourse takes place in each of them.

2.THE LINGUISTIC SIDE: DIFFERENCES BETWEEN LEGAL ENGLISH AND LEGAL SPANISH

There are both linguists and jurists who think that complexity and long-windedness are features, not only intrinsic, but also essential to the drafting of universal laws (Tiersma, 1999, Bhatia, 1994). In the light of this argument, the complexity attributed to Legal English could be ascribed to Legal Spanish as well. The "conspiracy theory" (Danet, 1984) argues that the language of the common law systems is archaic, obsolete and purposefully opaque and pedantic because its communicative aim is to separate the ruler from the citizen and the legal message from its user in order to perpetuate the social superiority and detachment of the legal class.

2.1. English Legal discourse: some features

If we had to give swift account of the discursive features of Legal English, from the lexical point of view we find, on the one hand, the overuse of archaisms in Old English, Old French and Anglo French (the tongue spoken by jurists, long after French had disappeared as the official language in Britain) as well as Latin. But not only this feature is remarked upon: also the overuse of *terms of art* or specialised vocabulary, of common words with uncommon meanings (which lead to a tremendous amount of *faux amies*), of ritualistic formulae and pollysyllabic words, are exposed as unnecessary and excessively pompous.

In the area of syntax and discourse, the panorama does not change for the better. Sentences around a hundred words long or more are common, when the average rule is for lawyers to include 20-30 words per sentence at most; complex structures embedded into one another in an attempt to capture every possibility of regulation; nominalizations and passive structures obliterating the agent of the sentence and making prose heavy and unclear. Focus on exceptions and negatives, rather than on basic principles, setting the things that negate or form exceptions or limitations to the front of the sentence or paragraph –relegating the main principle to the back of the line, which makes comprehension difficult and gives a negative, threatening meaning to the text; overuse of conditionals with complex prepositional phrases. Finally, an absence of anaphora and, as a result, a high amount of unnecessary lexical repetition, hinders a simple cognitive approach to the text.

All these ailments are to be gathered together with a common trend to use implicature at the pragmatic level, or the source of extra-textual knowledge in the text –which normally refers to extrinsic legislative instruments– make it difficult for laypeople to approach that very text.

LEXICAL FEATURES:
• **TECHNICAL TERMS**
• **COMMON TERMS WITH UNCOMMON MEANING**
• **LATIN, FRENCH, OLD ENGLISH WORDS**
• **POLYSYLLABIC WORDS**
OTHER FEATURES:
• **UNUSUAL PREPOSITIONAL PHRASES**
• **DOUBLETS (BINOMIAL EXPRESSIONS)**
• **FORMALITY**
• **MIXTURE OF VAGUENESS AND OVERPRECISION**

TABLE 1: Some general characteristics of English legal discourse

2.2. Spanish Legal discourse: some features

The most distinguished legal language specialist in Spain, Enrique Alcaraz, has described legal discourse in Spanish as full of beautiful metaphorical pages, but also as

opaque, obscure and awkward, full of formulaic sentences and stylistically devoid of elegance (Alcaraz, 2002:15-22).

The dense and far-fetched nature of legal Spanish is especially characteristic of the language's syntax, which is often hackneyed and formulaic. Yet, in no way is opacity absent from the lexical side of the language (Alcaraz, 2002:25). In fact, all the features that scholars like Mellinkoff (1963) or Tiersma (1999) have pointed out regarding the idiosyncrasy of the English legal lexicon are also present in the terminology of Spanish legal discourse. Coincidences start with the ritualistic formulae and polysyllabic words mentioned by Alcaraz regarding Spanish legalese, such as *a tenor de* or *salvo disposiciones en contrario*, among many others. These are also exposed as unnecessary and excessively pompous features when the lexicon of English legal discourse is discussed (Tiersma, íbid).

If English legal discourse is also said to overuse archaisms from Old English, Old French, Anglo French, as well as Latin. Along the same lines, the Spanish legal lexicon is plagued with old-age words like the following:

a) Latin words and phrases, introduced through Roman law ("pure" Latinisms like a *ab intestato, ex aequo et bono, exequatur, in dubio pro reo* or *sub judice*) or through the romance root of the Spanish language ("mixed" Latinisms like *abogado, delito, muerte civil* or *usufructo*) .
b) Helenisms, or borrowings from Classic Greek, mostly acquired through Latin (like *amnistía, anticresis, enfiteusis* or *hipoteca*).
c) Arabisms, less present in the legal area than in other linguistic scopes, but important,nonetheless (e.g. *albacea, albarán, alevosía, alguacil* or *alquiler*).

Additionally, legal Spanish also borrows from French[1] −a relic from the influence of the *Code Napoleon* on the Spanish law− in the shape of xenisms[2] (words finishing in *-aje* or *–ion*, like *sabotaje, chantaje,* or *promoción*) and calques[3] (*a fondo perdido, hecho consumado* or *fuerza mayor*). Last, but not least, legal Spanish borrows extensively from English, as we have seen in other studies (Orts, 2005a, 2005b), also through xenisms

[1] These borrowings are called *Galicismos*, because of their "Gallic" origin.
[2] A *xenism* is the incorporation of a new expression from another language that virtually does not suffer any morphological, phonological or semantic change, in a process currently known as *transposition*.
[3] Cosmetically-treated words are known as *calques*, and this treatment can take place in two ways, either by transposition involving a morphological adaptation, as in the Spanish words fútbol (football) or cruasán (croissant)− or by literal translation, as in the word balompié (football.).

(*broker, dumping*), calques (*suap* for *swap*, *barnaut* for *burnout*, *yoinbenture* for *joint venture*) and false loans[4] (*mobbing, leasing,*or *trust*).

Alcaraz (2002:57) talks about the "univocity" and "medullar" character of those words that belong exclusively to the legal world, terms that may be either simple lexical units (*adir, cohecho, exhorto* or *interdicto*) or complex phrases (like *lucro cesante, caducidad de la instancia* o *carga de la prueba*). On the other hand, he discusses "*equivocal*" words, whose connotative meanings are activated within a due context and could not be rightfully labelled as "terms of art". These constitute a wide field of study in the legal discourse of Spanish, and a source of difficulty for those who approach such discourse from an untrained stance or a foreign source.

USE OF ARCHAISMS
■ENGLISH (U.S.)
oLATIN
oOLD ENGLISH
oOLD FRENCH
oANGLO-FRENCH
■SPANISH:
oROMAN LATIN
oFRENCH LATIN (CODE NAPOLEON)
oANCIENT GREEK: HELENISMS
oANCIENT ARABIC: ARABISMS
OTHER FEATURES
■XENISMS AND CALQUES FROM FRENCH AND ENGLISH
■TECHNICAL TERMS: *Univocity*
■SEMI-TECHNICAL TERMS: *Equivocity*

TABLE 2: Some general characteristics of Spanish legal discourse.

2.3.Plainer *legalese* in English and Spanish?

When specialists of English legal discourse talk about language, the overuse of *terms of art* or specialised vocabulary, together with the presence of semi-technical words, labelled by Mellinkoff (íbid.) as *common words with uncommon meanings*, and as *legal homonyms* by Tiersma (íbid) is the norm. The latter is a phenomenon which surprisingly creates frequent confusion among the lay users of the register, much more than the former.

[4] In contrast with xenisms and calques, false loans are words usually well settled in the target language, as their original or translation in Spanish has long been forgotten.

Technical words have one meaning, or, to put it differently, they have a one-to-one relationship form-meaning; once that meaning is mastered, or at least identified, there is no breeding ground for confusion. Not so with semi-technical words where there is a bifurcation of meanings: one is that supplied by the common language, and the second invested by the legal usage. These traits are equally true of English and Spanish legal discourse.

Nevertheless, there is no doubt that there are claims and suggestions for the writing of plainer texts in legalese, destined to satisfy the growing complaints of the general public for a clear and understandable communicative tool. People worldwide want their representatives –judges, lawyers– to communicate like ordinary mortals: in a plain language understandable to everyone. In Anglo-Saxon, common-law countries, an increasing number of law-users and jurists advocate for the usage of a plain language in *legalese* (Tiersma, íbid). This has been an age-old issue in these countries, and "plain language campaigns*"* are well-known both in Great Britain and the United States. On the other hand, unlike English, the Spanish language does have an international standard and overall legislative body, the *Real Academia*[5], which has achieved a remarkable status of influence within the Spanish-speaking world, monitoring and regularly updating standardized words and usages.

Still, the *Real Academia* does not control the particular discursive style of a genre or set of genres, and therefore has nothing to do regarding the way in which lawyers and judges administer their communicative resources. As a result, and despite being based upon codified foundations, the language of the law in Spain is stylistically going wild (De Miguel 2000), for no "Plain Language Movement" backs up the consumer. Perhaps because linguistic control is more difficult to exert in these areas, the problem lies less in legislation than in the language of judgments, doctrine, private law instruments (like contracts and insurance policies), as well as oral discourse. This situation, as we will see later on, is worsened by the fact that the scope of freedom in legal interpretation is much looser in the Spanish law.

[5] The *Real Academia Española* is the language-regulating body in Spain, and its Dictionary (known as the *DRAE*) controls new lexical incorporations and variations, not only in Castilian, but also in other regional and international varieties of Spanish.

3.THE ENGLISH AND SPANISH EPISTEMOLOGICAL TRADITIONS. THEIR INFLUENCE IN THE LEGAL SYSTEMS

Once some considerations have been made on the linguistic nature of Legal English and Legal Spanish, and about their complexity, which makes them alike in some aspects, it would be essential to deal with those issues that underlie their differences, since these have more to do with the laws of interpretation of legal texts, rather than with language features. Such dissimilarity is, in turn, connected to epistemological issues that have conditioned the development of the legal traditions within which they are ascribed.

Ostensibly, the Continental, and Common Law both belong to the ample family of Western law, as opposed to Moslem law, Hindu law, Jewish law, the laws of the Far East, the African tradition and the Scandinavian one. In actual fact, the Spanish and English legal traditions have important differences, some of which can be explained by their different epistemological and gnoseological attitudes towards thought and science. This fact is important to emphasise, because teaching English for Legal Purposes amounts to explaining, not only a set of lexical, morpho-syntactic or discursive practices, but also of a very sophisticated, different legal context, where laws are applied in a different way. As a matter of fact, one of the side-effects of English becoming the international language of the law is that some legal concepts of languages like Spanish are starting to be expressed in the *lingua franca* when translated or explained. This tendency in itself may represent a major problem, as the Anglo-American perceptions and legal concepts surreptitiously creep into our substantive law and may have deep consequences in the way global transactions are conducted, belonging, as they do, to different legal worlds of thought.

As early as the 17th century, Bacon's *Novum Organum* was to be a new version of Aristotle's *Organon*, marking the beginning of Empiricism in the Anglo-American search for philosophical truth. It was followed by Newton's work (1642-1727), and subsequently developed by Locke (1632-1704) and Hume (1711-1776). It springs, nevertheless, from the nominalist doctrine of William of Ockham (1290-1350)."Ockam's Razor", a common principle in Medieval philosophy, denies the existence of universals, defining them as *termini concepti*, or final terms that signify individual things. In the gnoseological context of the Anglo-American countries, empirical data are primordial to the existence of a thing, and the validity of inferring the existence of universals from individuals is out of the question (Steward and Bennet, 1991).

Empiricism as a whole displaces the search for logic, adopting inductive, operational patterns of thinking instead, with little attention paid to the overall framework in which people's actions take place. Rational thinking is based on an objective reality where measurable results can be attained. Epistemology is analytical, procedural, and its inductive style is represented by the generation of models and hypotheses based upon empirical observation that disregards information by word of mouth or gossip. It is an operational, pragmatical style of thinking, leading to stress on consequences and results and concentrating in decision-making and problem-solving techniques. The individual has the power to affect her environment (Steward and Bennet, 1991:32).

On the contrary, in accordance with its Cartesian origins, the European continent favours "declarative" knowledge, which describes the world, rather than acts on it. Scientific work is considered as the elaboration and confirmation of previous theories, rather than on innovations, and concepts are living realities (Martindale, 1960:91 in Steward and Bennet, 1991). In the rationalist panorama of Continental Europe, Descartes's *Discourse on Method* and *Geometry* (1637) endeavour to go beyond universal mathematics attempting to discover the nature of intelligence. The Cartesian tradition of thought, taken up by Spinoza (1632-1677) and Leibniz (1646-1716), asserts that, in principle, all knowledge, including scientific knowledge, can be gained with reason alone. In fact, the Continental European deductive and more abstract style of thinking gives priority to the conceptual world and symbolic thinking, attaching primacy and reality to ideas and theories. Deductive thinkers are likely to have more confidence in their theories than in the raw data of empirical observation, so it suffices for their purposes to show one or two connections between their concepts and the empirical world.

3.1.Trends of thought and legal tradition; civil law

Epistemological postures have also had an influence in legal traditions. Common law was, ostensibly, influenced by Roman law in its most classic methodology and spirit, whereas the Continental law pursued the Justinian code, the *Corpus Juris*, and its subsequent modifications. Nevertheless, to fully understand civil law one must realize that Continental Europe received civil law from ancient Rome, but did not retain it in the same way everywhere (Tetley, 2000). In Europe, the Spanish code (1889), like those of unified Italy (1865), Portugal (1867), was directly influenced by the French Civil Code, which was

called the *Code Napoléon* because of the personal interest of the Emperor to reflect the achievements of the French Revolution.

The philosophy underlying civil law during the drafting of the Code was to provide stable societies with comprehensive sets of codes adopted by legislature, set forth in a logical scheme, addressing all issues. European Formalism developed into legal dogmatism in the second half of the 18th century, when jurists started to develop ideal models of perfect, complete, universal legal systems. During the 19th century, the codification of civil law took off, embodying a legal philosophy that views law as a coherent, economic and precise system of norms, from which all solutions can be drawn. The only valid source of law is legislation, by virtue of springing from a competent legal authority, being jurists, not judges, the sole drafters and interpreters of law. The only hermeneutical method is deduction, and the judge's only function is discerning between the inclusion or exclusion of the case under the norm.

3.2.Trends of thought and legal tradition; common law

In the case of Common law, we envisage the legal tradition that developed in England from the 11th century onwards. It is the basis of law, not only for England, Ireland and Wales, but also for forty-nine U.S, States, Canada and the Commonwealth. The Common law corresponds to the reality of a dynamic world, where social changes take place continuously and where an unwritten, flowing, flexible system is preferable. In connection with British Empiricism, it gave rise to legal realism, a trend that denies general norms the character of a paradigm pre-existent to judicial decision (Gómez and Bruera, 1995). The legal Realism of Ross, Pound and Cardozo reveals a sceptical attitude towards the value of norms. It is a behavioural trend that defends the legal system as being made up of a group of specific court decisions, the only source of law being precedent. Judges are the creators of law and have the widest freedom to interpret the case.

In tune with the epistemological context in which they evolve, the Common law tradition is based upon fact, the Continental one on legal principles. Accordingly, Common law judgements extensively expose the facts, the judge and jury actively participating in seeking evidence and examining witnesses. In the inquisitorial arrangement of the Continental process, the proceeding culminates in a trial dominated by lawyers with the judge as a referee, and decisions first identify the legal principles that might be relevant, verifying their application if prominent. Similarly, in the descriptive nature of Continental

law, the judge uses her deductive reasoning to determine the applicable sections of the Code, and remedies not contemplated within the written text are inadmissible. In the empirical context of the Common law, though, the judge uses her inductive reasoning about facts, applicable prior cases and the relevant law to reach a decision, with the freedom to decide an equitable, fair remedy, even if not contemplated before.

For the benefit of the student of English for Legal Purposes, our reflections could be summarized, thus, in the following tables 3 and 4 :

- Inception of Empirism: Bacon's *Novum Organum,* Newton, Locke and Hume, preceded, in turn, by the nominalist William of Ockham. ("Ockam's Razor").
- Empirism displaces the search for logic: inductive, operational patterns of thinking instead
- Thought is based on objective realities, from which measurable results can be attained.
- The Common Law tradition itself, evolves from the constraint of the monarch's powers, in opposition to which the people takes initiative and elects a strong judiciary power.
- English judges favour Hobbes' theory that the individual agrees to convey the State a certain amount of limited rights.
- Law: Sceptical attitude towards the value of norms. Legal system made up of a group of specific court decisions
- The source of law is precedent.The Common law corresponds to the reality of a dynamic world: an unwritten, flowing, flexible system
- The only hermeneutical method is induction: Judges as creators of law; freedom to interpret the case.

TABLE 3: Legal tradition in Anglo-Saxon countries according to trends of thinking

- Cartesian tradition of thought: primacy and reality to ideas and theories (Spinoza, Leibniz).
- "Declarative" knowledge: describing the world rather than acting on it ; concepts are living realities
- The European style emphasises theory and organic concepts: Scientific work the elaboration and confirmation of previous theories, rather than innovation.
- In Europe, jurists develop ideal models of perfect, complete, universal legal systems: paradigm of the 1804 French Civil Code, or Napoleon Code, the basis of Spanish law (1889).
- The civil tradition arises from the articulation of rules by an absolute monarch: strong legislative power/weaker judiciary (Rousseau's social contract: the State is the source of all rights).
- Law: a coherent , economic and precise system of norms, from which all solutions can be drawn.
- The only valid source of law is legislation, springing from a competent legal authority, and jurists are the sole drafters and interpreters of law.
- The only hermeneutical method is deduction, and the judge's only function: discerning between the inclusion or exclusion of the case under the norm.

TABLE 4: Legal tradition in Spain according to trends of thinking

4.-THE ANTHROPOLOGICAL PERSPECTIVE.LEGAL MATTERS AND THEIR INTERPRETATION ACROSS THE AMERICAN AND SPANISH LEGAL CULTURES

There are several parameters to measure culture in anthropological terms. Edward T. Hall (1959, 1966) labelled 'the hidden dimension', the notion of space and distance. Hall is mostly associated with proxemics, namely the study of human use of space within the context of culture. I will, therefore, show how Hall's proxemics, as a hidden dimension of communication, can affect the way in which inter-legal communication takes place. Also, Edward Hall (1971, 1983), stated that all cultures can be situated in relation to one another through the styles in which they communicate. Like him, major anthropologists and social scientists (Reed & Hall, 1990, Schuster & Copeland, 1995) talk about low-context, direct-style cultures and about high-context, indirect style ones.

4.1. High-context cultures and legal implications

Essentially, high-context communication involves implying a message through that which is not uttered. This includes the situation, behavior, and para-verbal cues as integral parts of the communicated message**.** High-context cultures have a greater amount of shared knowledge. As a result different assumptions are made as to the amount of information a verbal or written message carries. They are characterized by extensive information networks among family, friends, associates, and even clients. Their relationships are close and personal. They keep well informed about the people who are important in their lives. This extensive background knowledge is automatically brought to bear in giving meanings to events and communications. Nothing that happens to them can be described as an isolated event; everything is connected to meaningful context.

■ **a message can contain lots of meaning without much information content**
■ **language is prolix: since words have relatively less value, they are overspent**

TABLE 5: High-context cultures

4.2. Low-context cultures and legal implications

People in low-context cultures, on the other hand, tend to compartmentalize their lives and relationships. They permit little interference of *extraneous* information. Thus, in order to give detailed meaning to an event, they require detailed information in a communication. The context must be explicit in the message. According to Reed Hall and Hall (1990) context is probably the most important cultural dimension and the most difficult to define. It refers to the entire array of stimuli surrounding every communication event - the context - and how much of that stimuli is meaningful. One might expect, therefore, that low-context communications are unavoidably wordier, or more prolix, than high-context messages, since they have to carry more information. In fact, the opposite is sometimes true: low-context cultures use language with great precision and economy, as every word is meaningful.

■ **The message must contain all relevant information**
■ **low-context cultures use language with great precision and economy, as every word is meaningful.**

TABLE 6 : Low-context cultures

In accordance with these previous studies and my own, the present research paper assumes that Spain is a case of high contextuality, indirect style, whereas the GB and USA are the opposite case. The way in which these different cultural approaches are envisioned has very much to do with the way in which the legal traditions in each of these countries articulate their contract law and interpretation. Specifically, Spain has a compact body of rules, but legislators and drafters try to make their assertions as general as possible, and the attempt to cover every contingence and detail of reality and its multiple complexities is out of the question. In contrast, in the ontological interpretive technique of the Common Law of GB and USA every word counts, and it is the aim of legislation to be able to capture every possible eventuality that may arise in the course of the deal.

Due to the tradition that features it, the Spanish legal text is, like its Continental fellows, intentionally open-ended and generalist. As Bender points out, legal texts in the Spanish scope have to be interpreted in their ordinary meaning, "but also in relation to the context, the historical and legislative background, and the social reality of the time at which they are to be applied, with particular attention to their spirit and aim" (Bender, 2003:2). This heavy intentional, indeed contextual, accent implies that texts in this high-context legal culture are construed as a whole, analysed in the light of the bulk of their

overall meaning and drafted so as to adapt flexibly to the desired results in each case. In this panorama, definitions have to be provided by legislators, and that the extralinguistic context will play a helping role in case of natural fuzziness.

Contrarily, in the inductive legal tradition within which Common Law exists, legal interpretation is mainly literal and based upon a word-by-word construction, as the literal and golden rules of interpretation command. In this low-context legal tradition every word has its own specific weight, and, consequently, to construe law and subsequently apply it, words have to be dismembered, pulled apart, so as to disambiguate the text. Then and only then, is the relationship between context and cotext to be regarded. As it happens, unless the elucidation of terms of art with a univocal nature is involved, meaning in the Anglo-Saxon legal text is often uncertain, as paronyms and legal homonyms are usual features in the lexical level of the legal discourse. English legal texts have to resort, ideally, to autonomy of interpretation. This fact implies that the text itself is supposed to supply all the data for its own clarification and subsequent application.

Our statements could be summarized in the following tables, adding the repercussions of context in legal interpretation:

■ **Spain has a compact body of rules, but legislators and drafters try to make their assertions as general as possible.**
■ **The attempt to cover every contingence and detail of reality and its multiple complexities is out of the question.**
■ **Spanish legal texts are, like their Continental fellows, intentionally open-ended and generalist.**
■ **Texts are construed as a whole, analysed in the light of the bulk of their overall meaning and drafted so as to adapt flexibly to the desired results in each case.**

TABLE 7. High-context cultures (Spanish law): their legal interpretation techniques

■ **In the ontological interpretive technique of the Common Law of GB and USA every word counts.**
■ **It is the aim of the contract to be able to capture every possible eventuality that may arise in the course of the deal.**
■ **Legal texts have to resort, ideally, to autonomy of interpretation**
■ **Every word has its own specific weight, and words have to be dismembered, pulled apart, so as to disambiguate the text.**

TABLE 8. Low-context cultures (Angloamerican law): their legal interpretation techniques

4.3. Notions on proxemics (distance): Its consequences in an environment of law

Additionally, present theories on intercultural communication are extraordinarily indebted to Edward T. Hall. *The Hidden Dimension* (1966) was Hall's exploration of the cultural phenomena of space, including the invisible boundaries of territoriality, personal space and the multi-sensory spatial perceptions. Hall believes that space speaks to us as loudly as words, and that, paradoxically, our interpretation of it is outside our awareness. He argues that differing cultural frameworks for defining and organizing space, internalized in all people at an unconscious level, can lead to serious failures of communication and understanding in cross-cultural settings.

As regards Hall's findings on the cultural dimension of communication, his most famous innovation has to do with the definition of the informal or personal spaces that surround individuals. The prime directive of proxemic space is that we may not come and go everywhere as we please. There are cultural rules and biological boundaries -explicit as well as implicit; and subtle limits to observe everywhere. He defines the intimate space as the closest *bubble* of space surrounding a person. Entry into this space acceptable only for the closest friends and intimates, and at the person's will. Secondly, Hall's *personal distance* –eighteen inches– marks the outer edge of our territorial bubble, where we lose the sense of body heat and all but the most powerful of odours, and only ritualized touch is typical. Then, the social and consultative spaces are those in which people feel comfortable conducting routine social interactions with acquaintances as well as strangers. Finally, public space is the area of space beyond which people will perceive interactions as impersonal and relatively anonymous. Cultural expectations about these spaces vary widely. In the United States, for instance, people engaged in conversation will assume a social distance of roughly four to ten inches, but in many parts of Europe the expected social distance is approximately half of that. In fact, according to Hall's studies, the United States is a *noncontact* culture. In Hall's view, the ego of the American culture extends approximately a foot and a half out from their body, which breeds an aversion to casual touch and resentment towards spatial intrusion. In contrast, Hall claims that Mediterranean cultures, the Spanish amongst them, have given evidence of being *contact* people. They touch more, position themselves closer, face each other more directly, and hold mutual gaze longer than non-contact subjects. Later, Hofstede, following Hall's seminal work,

powerfully describes 'power distance' as one of the dimensions that identifies national culture, defining it as "the extent to which the less powerful members of organizations and institutions like the family expect and accept that power is distributed unequally" (Hofstede, 1991: 519).

In my study, however, I briefly deal with the legal systems involved taking into account the features that categorize them either as *contact* or *noncontac*t legal traditions. The latter is to reveal social and/or impersonal -as well as relatively anonymous- interactions amongst the different kinds of business associations and/or their members from the way these are verbalized; the former is bound to disclose whether the terminology deployed reveals intimate and/or personal-casual relationships amongst such associations and their members. This categorization is carried out with a view to determining the kind of inter-legal relationships that can be established between the systems, for the ultimate purpose of translating their main corporate lexicon.

The fact that these *personal* questions take place in the Spanish law is, in my view, an indicator of the proximity of relationships in the legal system in which they exist. Indeed, if we regard many legal institutions like, for example, corporations, these possess a strong personal component, being classified in terms of the people belonging to it and the relationships they establish. Anglo-American law does not consider personal questions at all, but the social, impersonal element is stressed. Also in the field of corporations, relationships in Anglo-American law could be described as taking place at a non-contact level, either at the social or consultative space where routine interactions take place (in the case of sole owners or partnerships of various kinds), or at the public space where interactions are impersonal or anonymous.

- **NON-CONTACT CULTURES: (Northern Europe and America): resentment towards casual touch and spatial intrusion**
- **CONTACT CULTURES: (Mediterranean countries): close positioning, touching, mutual gazing, direct facing**
- **NON-CONTACT LEGAL TRADITIONS: reveal social and/or impersonal -as well as relatively anonymous- interactions amongst the different kinds of business associations and/or their members from the way these are verbalized**
- **CONTACT LEGAL TRADITIONS: the terminology deployed reveals intimate and/or personal-casual relationships amongst businesses and between their members**

TABLE 9. Proxemics and inter-legal communication

To summarize, Hall's theories are a useful tool to convey the notion of the existence of cultural barriers that must be overcome in order to attain mutual understanding interlegal relationships. Even if we may be, as Hall has been accused, in the field of sheer conjecture, we hope to have clarified the importance of inter-legal communication as imperative in the area of international law, as the world grows smaller and the economic frontiers fade away.

5. CONCLUSION: LEGAL ENGLISH AS A COMPLEX SUBJECT

Legal English is complex, there is no doubt, but so is Legal Spanish, inasmuch as both discourses constitute the communicative device that operates in a specialised community within a due legal tradition. Spanish lawyers are trained to deploy the interpretive processes of Continental law to apply and understand legal texts. But this procedure may not work in the face of a language immersed in a very different legal tradition, the Common Law, with dissimilar knowledge patterns and very different patterns of human behaviour regarding communication and distance. Within the field of legal acculturization in English, epistemological and cultural layers lie beneath the legal discourse itself that cannot be ignored when interpreting texts in multicultural, multilingual contexts. The deeper the knowledge the student of English for Legal Purposes may have about the legal tradition that issues its specialised language, the more initiated she may become in the mechanisms that run the communicative processes of the expert community that handles it. Such knowledge involves, not only managing the peculiarities and complexities of the legal discourse itself, but also the epistemological and anthropological clues for its full understanding and application. Inter-legal communication, therefore, is not only possible, but imperative in the area of international law. As the world grows smaller and the legal frontiers fade away, it becomes necessary to understand the unique quality of each legal tradition −indeed, that of Spain and the Anglo-American civilization, in the scope of this article− and its value in the context of new transnational agreements. In my work I have tried to demonstrate that traditional gnoseological attitudes, as well as present-day theories on communicative context and space, may be useful as taxonomies to be deployed in order to convey the notion of the existence of cultural barriers. Those barriers must be overcome more imperatively than ever, so as to achieve, not only language proficiency, but most importantly, mutual harmony as well as understanding, on the basis of the knowledge and respect towards national hermeneutical tools.

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