

SLCMC 2021

International conference «State and law in the context of modern challenges»

LEGALESE OR LAWSPEAK – DIVERSITY WITHIN THE UNITY

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(a) Saratov State Law Academy, 1, Volskaya Str., Saratov, 410056, Russia, kvmatsyupa@mail.ru(b) Saratov State Law Academy, 1, Volskaya Str., Saratov, 410056, Russia, svetlana_maksimova2010@mail.ru(c) Saratov State Law Academy, 1, Volskaya Str., Saratov, 410056, Russia, tringla@mail.ru**Abstract**

The article is devoted to the study of the state of the modern legal language. The authors analyze the phenomenon of legalese, which is typical for the speech of people of the legal profession, and give its definition. The main characteristics and aspects of the legal language are investigated. Close attention is paid to the phenomenon of slang, which is an integral communication tool in the context of legal discourse. The problem of definition of the concept of "slang" is described. Research is being conducted on the term of "jargon", as well as a distinction between "jargon" and "slang". Attention is also paid to the idioms that often appear in the speech of lawyers. The authors put an increased focus on the problem of characterizing and translating idioms due to the peculiarities of their structure and cohesion of the meaning. A comparative analysis of idioms, slang and jargon usage is carried out by the example of the Russian and English languages, a detailed review of each of the presented examples is given in accordance with their etymology and modern meaning. The authors come to the conclusion that, despite the different nature of origin, idioms, slang and jargon can be considered in a single context as integral attributes of the legal language, since they have identical characteristics, the main of which is emotional coloring and use by a specific group of people.

2357-1330 © 2022 Published by European Publisher.

Keywords: Idioms, jargon, legalese, legal language, slang

1. Introduction

Legal regulation of society includes the use of language for mediate political, social, economic and other relations in law. Since language is the only means for development of legal concepts, the synthesis of linguistics and jurisprudence is necessary to solve many problems that require both linguistic and legal knowledge. Since language is the main tool for passing information, legal writing, law application and development of legal concepts, close cooperation of lawyers and linguists is extremely important for solving problems of both linguistic and legal nature.

A modern lawyer with a high level of foreign language competence is able to use international legal resources, work with international legislative databases, communicate with foreign colleagues, conduct business correspondence, publish in international legal publications, and competently use a modern computer and communication technologies (Maksimova & Matsyupa, 2020).

2. Problem Statement

Language for specific purposes in legal sphere – its origin, essence and peculiarities if any.

3. Research Questions

1. What are the characteristics of legalese? Does it exist separately or within some unit?
2. Are there any special groups? How to interpret the meaning and significance of Legal English?

4. Purpose of the Study

The problematic question and research points presuppose that the main purpose of the study is to define the meaning of legal language, examine the difference between the main bulk of legalese and the slang, sorting out the peculiarities in its interpretation, comparing Legal English and Legal Russian.

5. Research Methods

The main methods of the presented research are: qualitative (examining the topic via cultural phenomena), quantitative (observance of the collected material, involving its empirical investigation), descriptive, associational and other ones.

6. Findings

Each science, each branch of knowledge has its own terminology, which reflects the characteristic features and properties of the subject of knowledge and regulation. A special language makes each area of knowledge specific. The categories and concepts often used by professionals in a specific field, namely in the field of law, are very difficult to understand for those people who have nothing to do with legal language. It is distinguished by its terminology, which makes written and spoken practices complicated; too much legalese but has to be used by lawyers. Legalese is a technical form of writing often used by lawyers and members of the legal community to discuss legal definitions, terms, laws, and contracts. To

be more legally sound, lawyers usually use legalese, which is also known as: legal speak; legalese; legal jargon; gobbledegook; officialese.

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 practical applications. Terminology has become an essential element of the legal world, which has its own system of legal concepts.

Legal language is a set of grammatical, logical and other ways of transferring and formalizing the conceptual content of law. This language, like any other language of a certain profession, has specific features that distinguish legal work from other activities, and that are rather specific for a professional legal language.

Among the main legalese features we can distinguish the following ones. The first is a historically long formation process, which includes the gradual development of legal language, from ancient times, in different parts of countries (civil level), in countries (national level), in regions (in particular, European law language or Muslim law language) and the development of common legal concepts of the world community.

The second is professionalism, since the legal language (like the language of sailors, military men, accountants, politicians, etc.) is created in the interests of a certain segment of society, which is aimed at serving law as a social phenomenon on an ongoing basis.

The third is artificiality, associated with the binding of legal concepts and terms to the goals and objectives of lawmaking.

The fourth is internationalism, which was determined primarily by the Roman legal heritage, as well as those countries, which affected the formation and strengthening generally accepted legal terminology in national legislation.

The fifth is conservatism, manifested in caution in the formation of new legal terminology.

The sixth is stability, which is the guarantor of the long-term use of permanent forms of legal language.

The seventh is complexity, requiring clarification of the true content of a legal norm, as well as various aspects of its shape.

On the one hand, the language of law is definitely complex and seems casuistic. The introduction of new regulations results in numerous comments from legal scholars. On the other hand, legal language, especially recently, is replete with a large number of neologisms, borrowings, newly formed words and phrases that form a certain slang layer of the language of lawyers.

Today, scholars accept a large number of definitions of slang, often contradicting each other. These contradictions relate primarily to the capacity of the concept of “slang”. In order to make these contradictions clear, we should analyze some of the many scientific definitions of slang. Russian philologists most often cite Khomyakov (1970): Slang is a relatively stable for a certain period, widely used, stylistically marked (reduced) lexical layer (nouns, adjectives and verbs denoting everyday phenomena, objects, processes and characteristics), a component of expressive vernacular included in the literary language, very heterogeneous in its origins, the degree of closeness to the literary standard, with derogatory expression.

Philologists and linguists during the process of researching the definition of the term slang analyze the origin of the term itself: “According to one version, the English word slang comes from sling (“to throw”). In such cases, researchers mention the archaic phrase to sling one's jaw, which means “to say something violent and offensive”. Another version suggests that slang is derived from slanguage, suggesting that the initial “s” was added to the word “language” as the result of the disappearance of thieves in the word combination “thieves’ language”.

In this regard, Akhmanova (1966) proposes a slightly different interpretation, defining slang as a colloquial version of professional speech, and as an element of the colloquial version of a particular professional or social group. This, entering the literary language or the speech of people who are not directly related to this group of persons, acquires in these languages a special emotional and expressive colouring.

The authors of the Encyclopedic Dictionary (1980) are of a slightly different opinion. They represent slang in two meanings: as the speech of a professionally isolated group, as opposed to the literary language, and as a variant of colloquial speech that does not coincide with the norm of the literary language.

The definition of the Linguistic Encyclopedic Dictionary differs from these definitions. Slang there is presented as a synonym for jargon, as well as a set of jargonisms that make up a layer of colloquial vocabulary, reflecting a rudely familiar, sometimes humorous attitude to the subject of speech (Linguistic encyclopedic dictionary, 1990).

Thus, we can conclude that a consensus on the definition of "slang" has not been developed yet. However, for the right direction of work, it would be logical to draw up our own definition of a term “slang”. Slang is a special layer of vocabulary used in oral speech by certain social groups and has an expressed emotional colour.

Recently, many researchers have been making attempts to classify slang words used in the legal field. Zabrodina and Kabakova (2011) offer the following ways of forming legal slang words, based on both their etymology and their structural features:

1) words based on onomatopoeia, for instance, zip gun – self-made pistol (imitation of the sound of a pistol); yap – a victim of pickpocketing (imitation of a dog’s bark);

2) word combinations, for instance, skin search, body-shake;

3) designation from animals, for instance, jail-bird – sentenced person (bird in a cage); stool pigeon - informant, snitch (in 1800 a pigeon was put in a bird feeder in order to lure other birds that could easily be killed, criminal use the word pigeon to denote a person, who works for the police, deceiving other criminals);

4) words created by converting proper names into common nouns, for instance, Jimmy – a thieves’ crowbar, a lockpick (in 1848 the word acquired this meaning after a robber who often used a lockpick and a crowbar); Bob – a policeman (in 1829 Sir Robert Peel, who was called Bob, organized the London police with its headquarter);

5) parallel expansion of meaning, for instance, skid row character – a frequenter of (drug/crack/gambling/robber) den, in the literary language has a narrower meaning of a scandalous

nature; dirty jacket – 1) a criminal record 2) criminal past, while in the literary language it means “a dirty jacket”;

6) metaphor. Hot is something that was stolen a short time ago, illegal, in the literary language hot means “very high in temperature”. In this example stolen is compared with something that can burn; Coming-out party – to release from prison, compared with the literary meaning of the first ball.

Some researchers try to compare the British and American legal language, identifying their characteristic similarities and differences. In fact, American legal slang is more developed and flexible than British slang, which is confirmed by the number of analyzed legal slang words, and prevailing number of American slang words among them (Nesterov, 2013).

In the context of Russian language, the researchers talk about jargon words or terms that take a jargon professional colour. Advocate *polozhnyakoviy* («положняковый») is a lawyer for a special purpose; dead souls or snowdrops – employed, but not working lawyers. Another meaning of the word snowdrops is dead bodies, found in the snow; *Mikst* («микст») is the attorney's fee that was not documented. Washing machine, shell company, technical, garbage are a legal entity created for the purpose of tax evasion. *Fizly*, *fiziki* («физлы», «физики») are individuals; *pristavalki* («приставалки») – bailiff (Slovonovo, 2012).

Professional deformation is inevitable in any profession and lawyers are not the exception, but it must be noted that legal slang strikes with incompatible and unacceptable word usage. The word *Ftopku* («Фтопку») means that the given materials cannot be attached to the case; *Kasherno* («Кашерно») means “the plaintiff overpaid the state duty”. More often legal slang is characterized by “word abuse”, for example: “to get rid of procedural cellulite” (meaning failure to comply with procedural terms); “Go to Bobruisk, animal!” which means that the plaintiff filed a claim in violation of the rules of jurisdiction.

It is believed that the uses of jargon terms in legal acts are mostly negative examples of the verbal manifestation of professional legal activity. In other words, for instance, such terms as “confessionary statements”, “legal norms”, “illegal militia” are professionalisms, ill-conceived and inconsistent with the expressed legal concepts introduced into the legislative text.

At the same time, proceeding from the functional and stylistic affiliation, these terms are the elements of special legal terminology; this is its kind of deformed “wing”.

Many researchers are trying to create “dictionaries” of legal slang, which often include words from everyday use that acquire a special colour, as well as newly formed words and phrases that have a narrow sphere of application and are understandable only for professionals. For example, there is *ablakat* («аблакат») – A) in a broad sense – any lawyer, B) in a narrow sense – a bad lawyer. The Flying Dutchman is a one-day legal entity; *VASYA* («ВАСЯ») – the Supreme Arbitration Court; *ChiZh* («ЧиЖ») – private complaint; *mohnatka* («мохнатка») – rape (is used by investigators); *gesheft* («гешефт») – making profit. *Masson* is an experienced attorney / lawyer with connections (Petersburg lawyer, 2014).

Lawyers should remember that the use of any words should be clear, accurate and of course, relevant. When interpreting, there are often words that do not have an equivalent in the target language, especially in a legal area. 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.

There is also a downside to this problem. Legal terms used in legislation, when falling into the lexicon of people involved primarily in law enforcement, can become jargon.

Thus, for example, in legal profession, one can often hear “дóговор” instead of “дoгoвóр”, “пpи́говор” instead of “пpигoвóр”, “ocúжeнный” instead of “ocуждéнный”. (It must be noted that currently there are quite controversial innovations approved by the Ministry of Education and Science of the Russian Federation, allowing one, for example, to pronounce “дóговор” instead of “дoгoвóр”). Due to the low intellectual level and legal culture of individuals, such deformation of legal terminology decreases the value of legal language. Standard legal terms in this case become part of legal jargon (Turanin, 2010).

Besides slang words and jargonisms, lawyers' everyday speech is characterized by the presence of idioms. When interpreted, English idioms rarely make sense in the target language, attached is a list of some common English idioms. It is important that the interpreter first understand what the idiom means in English in order to interpret it accurately into the target language (Framer, 2013).

Being similar in its semantics, the language of lawyers is not a literal, comprehensive and original reproduction of the legal language. In order to be adequately comprehended, legal language must be professionally projected by a native speaker into the desired social sphere. Correct use of the legal language is typical only for professional lawyers who understand legalese adequately. In addition, the adequate use of legal terms and legal idioms shows the professional level of those who operate with them.

There are several definitions of idioms put forward by English linguists, grammarians, lexicographers and pedagogues. Idioms or idiomatic expressions may be defined as phrases whose meaning is somewhat different from the literal interpretation of their individual words (Fotovatnia & Goudarzi, 2014).

Scholars describe idioms as non-compositional phrases, which mean that the meaning of the phrase cannot be understood from the meanings of the independent words. In other words, combined meaning of the separate words is not the same as the meaning of the phrase (Noorolhoda & Fotovatnia, 2011).

Idioms are frozen patterns of language which allow little or no variation in the form and often carry meanings which cannot be deduced from their individual components (Aldahesh, 2013).

The majority of linguists use the following definition that has been used for more than a hundred years lexicalized expressions with idiosyncratic meanings (Aldahesh, 2013).

An idiom cannot be understood literally, because it has a meaning that differs from each single word. For example, “to get caught red handed” means “to be caught in the act of committing a crime or breaking a rule”. So, the example sentence: “The only way to find out whether it was true was to attempt to catch red-handed”, does not make any sense when the words are taken literally. The most commonly cited origin of the phrase “redhand” or “red hand” dates back to Scotland in the 15th century, which notes it most likely originated as a reference to someone having blood on their hands. The first usage was in Scottish Acts of Parliament of James I in 1432. It then began to pop up in Scottish legal proceedings in reference to a person who was caught in the act of a crime (Hiskey, 2012).

Despite the fact that idioms, compared with slang words and jargonisms, are different in nature, it seems logical to analyze them together in the context of the process of legalese, because idioms, being

used in the lawyers' speech acquire the same characteristics, i.e. they are used by a certain social group and have expressed emotional colour. Here are some examples of idioms:

To beat the rap – to escape or avoid blame or punishment.

e.g., “The man had a good lawyer and was able to beat the rap”.

The ball is in your court – it is up to you to decide.

e.g., “Well, they invited you, so the ball is in your court now. Do you want to go out with them or not?”

To get off scot-free – to escape punishment for a crime or wrongdoing.

“The young man got off scot-free for his crime”.

A kangaroo court – an unauthorized court a court that disregards current laws and conducts unfair trials.

e.g., “Today we have organized a kangaroo court to pass on a judgment against him”.

Travesty of justice - a grotesque mockery or imitation of the way the justice system is supposed to operate.

e.g., “The acquittal of the mass murderer is an absolute travesty of justice”.

A slap on his wrist – a mild punishment or warning.

e.g., “It's very little punishment for such a huge crime; I would rather call it a slap on his wrist only”.

An open-and-shut case – an easy to prove case.

e.g., “Our lawyer was involved in an open-and-shut case”.

To laugh out of court – to consider a case as too silly or impossible to take seriously, especially in a court.

e.g., “The judge laughed the case out of court as the prosecution had no evidence against the defendant”.

To buy the farm – to die; it comes from a 1950s - era Air Force term meaning “to crash” or “to be killed in action,” and refers to the desire of many wartime pilots to stop flying, return home, buy a farm, and live peaceably ever after.

e.g., “If you crash at 60 mph, the odds are you'll buy the farm”.

By the book – following all the rules when you do something.

e.g., “Our lawyer is very good and he does everything by the book”.

To have a brush with the law – to have a brief experience or encounter with the law.

e.g., “The man had a brush with the law when he was a teenager”.

To have (someone) in one's pocket – to have control over someone.

e.g., “The businessman has the mayor of the city in his pocket”.

To put (something) down in black and white – to write something down, to make or draw up a contract.

e.g., “I put my plans for the meeting down in black and white”.

To turn a blind eye to (someone or something) – to pretend not to see someone who is doing something wrong, to pretend not to see something that may be troublesome.

e.g., “The police often turn a blind eye to people who cross the street on a red light”.

7. Conclusion

It has to be pointed out that despite the unstudied nature of the legal special language, both Russian and foreign scientists notice that slang (jargon) words in legal language are used mainly in oral spoken language within a certain social group – lawyers. Furthermore, lawyers quite often use idioms in their speech. Idioms differ from slang words in nature, because they consist of more than one word and the meaning of the whole idiom becomes metaphoric and is not comprised of its components. Anyway, all these instruments are understandable and appropriate in a specific situation, making speech more eccentric, expressive and adding emotional colour.

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