

# The Evil Twins and their Silent Otherness in Law and Legal Translation. Preface

Anne Wagner, Aleksandra Matulewska

► **To cite this version:**

Anne Wagner, Aleksandra Matulewska. The Evil Twins and their Silent Otherness in Law and Legal Translation. Preface. Comparative Legilinguistics, Faculty of Modern Languages and Literature, Adam Mickiewicz University, 2021, The Evil Twins and their Silent Otherness in Law and Legal Translation, 45 (1), pp.7-9. 10.2478/cl-2021-0001 . hal-03264749

**HAL Id: hal-03264749**

**<https://hal.univ-lille.fr/hal-03264749>**

Submitted on 18 Jun 2021

**HAL** is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers. L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.



## Preface

Our rationale skillfully critiques the interdisciplinary fields of culture, law and legal translation with the help of well-established researchers. This work brings together innovative research themes in order to unveil topics that are still under exploration internationally, but whose complementarities seem highly necessary to discuss the idea of *The Evil Twins and their Silent Otherness in Law and Legal Translation*. Our research fields cover the foundation of law meaning and law making in legal translation providing an even more solid bedrock when it comes to analyzing specific spaces and their translation issues, either in China or within the Court of Justice of the European Union.

The complexity of law and legal translation is semiotically articulated as an on-going process of meaning imbued with symbolism, memory, and cultural markers. Through a legal semiotics framework of articulation and analysis, the examination of law, which happens in conjunction with legal translation, expands understandings of how law is crafted and takes root. As law is a living reality (Gény 1922), “a culturally constituted sign-system” (Wagner & Matulewska. 2020), different potentialities in meaning may arise within space and time, leading to the “image of the witches’ cauldron, where they stir up a slightly stewing broth”. As such, Professor Jean-Claude G emar in his paper “*The Abyss of Meaning or the Cauldron of Signs: Meaning and Tertium Quid. Shakespeare as a Translator?*” envisages this slow maturation not only as a prerogative of the law but also as its main weakness. Indeed, meaning is nested in a place of uncertainty – *the tertium quid*. So, the Evil Twins of Law and Legal Translation resemble a living, moving and evolving reality that integrates beliefs of different origins, fertilize them in a very specific legal soil (Deleuze and Guattari 1998), and so point out this Silent Otherness of these twins. For him, the legal translator’s choice aims at three potential directions: “to keep law and form and due proportion” (*Richard II*).

Our Special Issue on the Evil Twins in Law focuses on how the construction of an identity, of a nation is staged through history. Hence, it is a place of multiple possibilities where Silent Otherness can act as a catalyst role through legal translation and creates a new legal language and legal system. Professor Deborah Cao in her paper “*Translation as a Catalyst in the Development of Modern Chinese Legal Language*” shows how it is possible to deploy legal translation as a catalyzer to highlight a staging of legal modernity in China. As such legal translation becomes a means of re-appropriating law, and so making this Silent Otherness visible under modern angles. However, as the Evil Twins imply “an overlapping of segments of disciplines, a recombination of knowledge” (Dogan 1997: 435), they also create a tension in meaning making and meaning understanding. Michele Mannoni in his paper “*On the Forms and Thorns of Linguistic Indeterminacy in Chinese Law*” tackles the issue of ambiguous meanings; i.e., the Silent Otherness. Indeed, linguistic vagueness can be promoted either voluntarily or involuntarily, be a source of progress or of obscurity, since legal constancy in law would require a strict legal frame. Besides as legal rules are never absolute, they have to adapt to societal development, resulting in linguistic indeterminacy to encapsulate sensible interpretation of a term by different authorities. Therefore, he analyses the potential linguistic variables in Chinese, which give its noble marks to the field of legal linguistics, also known as jurilinguistics. The Evil Twins are subject to fluctuation, and so their Silent Otherness helps recreate a Third Space, being “a product of cross-fertilisation of influences”. In their paper “*Reconceptualising the Third Space of Legal Translation: A Study of the Court of Justice of the European Union*”, Edward Clay & Professor Karen McAuliffe use empirical data from 2012 to 2016 to reveal the multilingual environment of ECJ and the challenges they face with legal translation, leading to a process of hybridity.

In our Special Issue on The Evil Twins in Law and Legal Translation and their Silent Otherness, influences are varied and diverse. Law is the result of creativity and has Legal translation developed in the course of time and space. Likewise, Law reflects, consolidates but also forms and transforms – directly and indirectly – value perceptions within society and are historically changing. But constructing the meaning of legal language is not only subject to societal mutations as law itself is slippery, fluid and highly

unpredictable and lead to the Silent Otherness, which will need to be deciphered, transplanted or even hybridized.

## References

- Dogan, Mattei. 1997. The new social sciences: Cracks in the disciplinary walls. *International Social Science Journal* 49(153). 429–443. <https://doi.org/10.1111%2Fj.1468-2451.1997.tb00034.x> [accessed on 01.02.2021].
- Gény François. 1922. *Sciences et techniques en droit privé positif*. Paris: Recueil Sirey.
- Deleuze Gilles & Guattari Felix. 1998. *A thousand plateaus*. Minnesota: University of Minnesota Press.
- Wagner Anne & Matulewska Aleksandra (Guest Editors). 2020. Instrumentalization of Law as a Socially Constituted Sign-System. *International Journal of Legal Discourse*. Vol. 5/2. <https://www.degruyter.com/view/journals/ijld/5/2/ijld.5.issue-2.xml> [accessed on 01.02.2021].