

LANGUAGE AND CULTURE MEDIATION AMONG LEGAL SYSTEMS THROUGH SPECIALIZED CONCEPTS INTERPRETATION: FRAME-BASED APPROACH

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ABSTRACT--The paper explores the hypothesis that argues for the necessity to incorporate frame-based approach into language and culture mediation between two/among several legal systems. The article aims to consider the implementation of frame-based approach to the legal concepts interpretation in the course mediation between two legal systems. To this end, the research includes a number of steps. Among them there is the identification of specialized concept essence within the language and culture mediation framework; analysis of challenges regarding language tools and legal knowledge integration to render the legal concepts meaning in the course of mediation between two legal systems; observation of stages of frame-based approach to interpretation of legal concepts in the course of mediation between two legal systems. The research methodology integrates theoretical and empirical studies that stand on qualitative research paradigm. The study uses comparative ethnographic approach, case study and grounded theory techniques. The analysis operates with the translation techniques terminology. The research stood within English-Russian legal knowledge settings. The on-line English-Russian law dictionary was used to select the concepts as the dictionary is based of UNO multilingual texts corpus (Dictionary reverse.net- on-line). The techniques to analyze parallel corpus mining by the use of bilingual definitions correlations were applied to content analysis of the source and target legal concepts definitions. Cluster analysis was used to structure the empirical data. The research findings confirm the relevance of the approach under study.

Keywords--*language and culture mediation, interpretation, legal concepts.*

I. INTRODUCTION

Mediation is a broad idea covering social, cultural and linguistic aspects, but in simple terms, it refers to facilitating communication between two or more speakers or groups who, for whatever reason, cannot communicate directly (Linguistic Mediation..., 2019). Language and culture mediation are getting their weight

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both in communication theory and practice due to increasing human interaction in various domains (Bochner, 1981). Language and culture mediation are viewed as the activities, aimed to provide mutual understanding of different culture representatives by the use of efficient verbal and non-verbal tools in the course of communication (Hernandez Sacristan, 1997).

Communication takes place within various fields and settings. As far as communication in legal domain is concerned the relevant topics have been on the academic research agenda over a century by now (Philbrick, 1949; Bhatia et al., 2008). Moreover, the anthropological paradigm of legal studies aims to track law between global and local dimensions, views interaction among local legal systems as mediation among them conducted by stakeholders concerned. In this sense mediation implies adequate interpretation of legal concepts, procedures, doctrinal issues of one national legal system by another national language means with a view to explain the mentioned topics to target audiences as representatives of another legal system (Goodale and Merry, 2007; Nelken, 2017).

Currently legal scholars and practitioners, as well as language specialists who work within multilingual legal settings agree that communication in legal domains is a kind of multidimensional phenomenon. It depends on branches of law, legal settings and respective legal communication genres, types of legal systems, stakeholders' corporate affiliation, etc. to say nothing about language tools to reflect the above-mentioned features (Morris, 1995).

The situation becomes even more complicated with regard to the socio-cultural context of regional and international law multilingual settings.

The above-mentioned issues have traditionally been subject to research within Legal Translation studies. Scholars view this discipline as a field that focuses on the issues related to oral and written translation categories, approaches, strategies, tools, settings, translators' competencies, etc. in the legal domain. The legal translation background is traditionally related to functionalist approach that requires to find functional equivalents for legal concepts in the course of translation (Šarčević, 1997; Garzone, 2000). However, scholars are deemed to acknowledge a lot of errors in current legal translation practice within the mentioned framework (Alcaraz Varo and Hughes, 2014; Drugan et al., 2018).

Meanwhile, in search of efficient tools researchers underline the importance of interpretative techniques due to wide spread incongruity of legal systems (Purnell, 2018). It should be noted, that grounds for the above were given birth to by M. Lederer's theory of interpretation (1989).

Furthermore, recent studies confirm that a deep interdisciplinary analysis is required to integrate data related to context-dependent legal knowledge, information on cognitive constructs processing, revision of the legal translation conception in favor of notion of mediation across legal cultures (Belenkova and Davtyan, 2016; Jopek-Bosiacka, 2018; Mattila, 2013). The above confirms the relevance of the topics under study.

The research hypothesis states that language and culture mediation between two/among several legal systems might be facilitated through the frame-based approach to national legal concepts interpretation.

The research goal is to explore the implementation of frame-based approach to the legal concepts interpretation in the course of mediation between two legal systems.

The above goal requires the implementation of several *tasks*:

- (1) identification of specialized concept essence within the language and culture mediation framework;

(2) analysis of challenges regarding language tools and legal knowledge integration to render the legal concepts meaning in the course of mediation between two legal systems;

(3) investigation of frame-based approach to interpretation of legal concepts in the course of mediation between two legal systems.

II. METHODOLOGY

The research is interdisciplinary in its essence, as it had to refer to both legal knowledge and linguistic data.

The research combined theoretical and empirical studies. It started with relevant literature review to structure research theoretical framework. Further empirical studies focused on the interpretation of concepts within the bilingual contexts under study.

The analysis was conducted within qualitative research paradigm as it paves the way to explore how the community members interpret specific realities within situational contexts (Denzin and Lincoln, 1994).

The study exploited the ethnographic approach that follows ethnography of communication basics which being part of Sociolinguistics and Cross-cultural Communication Studies assumes that language use is affected by cultural and social features of the speakers and can be viewed as a verbalized system of cultural behaviors (Hymes, 1964; Gumperz and Hymes, 1991).

The research used the case study method as it allows the researchers to explore cause and effect relations (Ellet, 2007) regarding the topic under study.

Grounded theory techniques (Bryant and Charmaz, 2007) were taken into account to categorized cases regarding the ways to interpreter a bridge legal concepts in the course of mediating national legal systems and cultures.

The research used comparative approach to study of legal concepts in the course of mediating legal systems as scholars consider the above approach a major tool for the mentioned purpose (Engberg, 2014).

The investigation operated with the translation techniques terminology (Nida, 1964), including calque, description commentary, to explain the steps which can be used in the course of language and culture mediation between legal systems by means of legal concepts verbal interpretation.

A number of on-line and paper-based dictionaries were used to identifies the essence of the legal concepts and check the translation that might be currently offered.

The research stood within English-Russian legal knowledge settings.

The total number of legal concepts under study reached 250 items that were result of random selection of 1134 bilingual legal concepts with incongruity of meaning/lack of equivalent within conceptual legal framework.

The on-line English-Russian law dictionary was used to select the concepts as the dictionary is based of UNO multilingual texts corpus (Dictionary reverse.net- on-line).

The techniques to analyze parallel corpus mining by the use of bilingual definitions correlations (Guo et al., 2018; Wu, et al., 2017) were applied to content analysis of the source and target legal concepts definitions.

Cluster analysis was applied to structure the empirical data of the bilingual data on legal concepts interpretation with regard to types of challenges that language and culture mediation between two legal systems might face in case of implementing frame-based approach to the legal concepts interpretation.

III. LITERATURE REVIEW

Communication in-domain specific areas traditionally has been operating with the terminology system as a tool to structure and verbalize the knowledge in the respective scientific field (Hudson, 1985).

However, at the end of the 20th century scholars came to the common understanding of the term as a construct that is used as a unit of understanding, and not simply a linguistic equivalent of the specific knowledge concept (Bibler, 1991).

The present paper considers that the idea of the theory of prototypes by Helen Rosch plays an important role in understanding specialized knowledge (Rosch, 1978). This approach leads to the statement on the fundamental importance of taking into account the phenomena of polysemy, synonymy, and the role of metaphorical categorization in the process of verbalization of knowledge. These phenomena should be taken into account regarding communication in domain-specific areas. They contradict the idea of a unique correspondence of sign and meaning in the process of the formation and development of specialized knowledge areas that are verbalized through respective terminology systems (Zawada and Swanepoel, 1994).

Those linguists who share the above vision persistently emphasize the need to move away from the traditional standardization and definition of specific language units in terminology dictionaries only and focus on to the study of terminological units in the text (Collet, 2004), in the context of communication (Pearson, 1998). Moreover, researchers argue for the socio-cognitive approach (CabréCastellví, 2000; Condamines, 1995), promote *linguo / sociocultural* approach to research terminology systems (Lara, 1999).

Furthermore, researchers note the dynamic nature of knowledge verbalization, emphasize that its elements can acquire new differential characteristics and lose some of the already existing categorical characteristics due to the peculiarities of the linguistic, situational, cognitive context (Lindblom and Ziemke, 2003; Temmerman and Kerremans, 2007).

In general, at the present stage of the development of research in the field of terminology, the importance of interdisciplinary analysis for the effective representation and management of knowledge is emphasized (Meyer, 1992). It should be remembered that similar ideas were put forward in the 70s of the 20th century, although they did not go beyond the ideas of standardization from the standpoint of traditional terminology (Wüster, [1974] 1996).

In the light of the above, it seems promising to study the process of mediation between legal cultures from the angle of interpretation of legal concepts by linguistic tools and instruments. With this approach at plate, the research focus moves from the term to the concept.

The concept is intensively studied also within the framework of the theory of the Language for Specific Purposes (LSP). Heribert Picht considers the concept as a unit of thought, knowledge and cognition (Picht, 2002, p. 7).

Scholars agree that the concept has specific properties that allow it to be viewed as an attribute of science (evolutionary, rational axiological, prospective, hypothetical, contradictory, intellectual, logical, etc.) (Underhill, 2012).

It should be noted that linguists operate with the *concept* as a specific knowledge representation tool when exploring various communicative settings, including medical (Górnicz, 2013), environmental (Heinz et al., 2007), economic (Lianos, 2009) discourses. This confirms the relevance of concept-based approach to explore language and mediation in legal domain as it might help overcome epistemology gap that scholars mention (Bercea, 2014).

The above analysis confirms the relevance of the notion of *legal concepts* and not just legal terms for the purposes of language and culture mediation analysis from the angle of frame-based approach.

The term frame is used in the present paper in line with M. Minsky's theory who viewed the frame as "data-structure for representing a stereotyped situation, ... a network of nodes and relations, ... where the top levels of a frame are fixed, and represent things that are always true about the supposed situation. The lower-level slots must be filled by specific instances or data" (Minsky, 1975).

The researcher elaborated on the frame theory explaining that a person, when trying to learn a new situation for himself or to take a fresh look at already familiar things, selects from his memory a certain data structure (image) called the frame. Using this tool, the individual reviews the individual items of reality and structure them into a situated context. A frame is a construct for representing a real-world situation (Minsky, 1975).

Further research provided varied approaches to the frame understanding (Fillmore, 1976; Hudson, 1985; Andor, 1985).

Contemporary cognitive and communication theory has got a significant number of different interpretations of the frame. However, the present paper considers it important to note a number of provisions that are common for different views on the nature of the frame:

- in almost all interpretations the frame is viewed as a kind of structure that allows us to represent a stereotyped situation;
- the frame is treated as a kind of cognitive domain, which is associated with a given linguistic unit;
- the frame structure can be verbalized and visualized through language units' sequence and hierarchy.

The above helps to understand that the cognitive construct of frame and the verbal instruments of its verbalization interconnect to provide the schematized image representation of the person's experiential knowledge through language structures

IV. RESULTS & DISCUSSION

The coding of the legal bilingual concepts data and cluster analysis made it possible to identify common challenges regarding the interpretation of legal concepts. They are introduced in Table 1, that also indicates interim percentage of the above cluster's density.

However, within the present framework the paper abstains from providing comments on statistics of percentage of legal concepts distributed among the identified clusters as the landscape is sure to vary as soon as larger database is incorporated in the analysis and the overall spectrum of language units' relations (semantics, syntax, pragmatics) becomes the subject to bilingual data comparative analysis. The cluster analysis purpose in this paper was to map the types of eye-catching challenges that came to light in the course of study.

Further the section provides examples from the case studies regarding challenges and tries to explain the frame-based approach implementation to interpret legal concepts within the legal systems mediation.

Case-based approach laid grounds to preliminary description of clusters of common situations that create challenges to mediating legal cultural at the level of relevant concepts interpretation. The implementation of frame-based approach revealed its steps and identified critical matters in the respective process.

Evidence from the ground: challenges regarding language tools and legal knowledge integration to render the legal concepts meaning in the course of mediation between two legal systems

Traditionally scholars complain about gaps regarding legal concepts equivalents across legal systems and cultures. However, it seems much more important to mention challenges that arise within one language and legal system. The empirical content analysis of bilingual definitions of legal concepts in English and in Russian made it possible to identify a number of clusters that characterize challenges regarding language tools and legal knowledge integration to render the legal concepts meaning in the course of mediation between two legal systems.

Cluster 1. Common language unit reconceptualization in legal settings within one legal system

To explore the specifics of legal concepts' use, it seems obvious to start with the cases when the legal culture requires a special translation of the linguistic unit, which initially does not function as a verbal sign of a special concept.

Thus, the well-known concept of therapy that covers treatment of bodily, mental or other disorders (MWD). However, therapy in the context of the penitentiary system, denotes the process of re-educating prisoners. The procedure explanation can be found in D. Gussak's web-blog on the therapy in prison. Thus, the legal concept introduces specific settings, actors, and their activities.

Profiling in general English means the act or process of extrapolating information about a person based on known traits or tendencies (MWD). Meanwhile, this concept refers to the psychological testing of prisoners in the context of the penitentiary system, this particular features Canter and Keppel (2008) explain in their book. Again, the legal concept requires the identification of new settings, those involved and their actions, as well.

Sensitivity training in the framework of educational programs for police officers this unit denotes the training course for policemen communication with representatives of various ethno-cultural communities (Poll: Should police..., n/d).

In the above examples the verbal representation of the concepts under study by the Russian language units will require the descriptive techniques (the contents of the description texts are given in the above explanations). They are used through the interpretation procedure based on the results of searching for information in the Internet legal sites and dictionaries in order to obtain up-to-date semantic information about the content of the legal concept.

Cluster 2. The same language units, different concepts in different legal systems

There are situations in which concepts in two legal cultures are represented by language units that are linguistic calques or operate as almost full synonyms in general target language. However, the respective language calques they designate heterogeneous phenomena in different legal systems from the functional point of view and therefore require the use of different language units in the course of translation to mediate between legal systems. This might take place even within the national variants of the same language and legal cultures of the same nature (Anglo-Saxon origin).

Thus, the Department of Interior can be rendered from English into Russian as the Department of the Interior Affairs. Meanwhile, this combination in the American legal system means the Department, which is responsible

for the state of roads, environmental protection, compliance with environmental laws and therefore is not a law enforcement agency.

The explicitness of linguistic meaning contradicts the socio-cultural context of the existence of a legal concept in the USA legal culture. Therefore, from the point of view of language use techniques, a commentary is needed in the course of translation due to the fact that in the United States this institution is not part of the system of law enforcement agencies (USA department ..., n/d).

In case of rendering the concept into Russian the language expert/lawyer should use a descriptive technique based on the above-mentioned explanations.

The next example concerns the different concepts that are represented by the same language unit within the framework of American and English legal cultures. So, in the British and American conceptual systems there are phrases Attorney General. However, in the United States, the posts of the Attorney General and that of the Minister of Justice are held by one person. In the United Kingdom different officials hold the respective posts. Even more specificities might be found with regard to the interpretation of the above positions in other countries that use English as the language of legal and judicial activities (Attorney General..., n/d).

The above examples show how diversification of the socio-cultural contexts of legal concepts, denoted by identical linguistic units, takes place within the framework of different national legal cultures.

As far as the interpretation in to Russian is concerned the above concepts refer to different posts, duties and responsibilities and, therefore, will be diversified through the use of diver's language units: генеральный прокурор (prosecutor general) and министр юстиции (minister of justice).

Cluster 3. Synonymic language units, different concepts within one legal system and across different systems, as well

There are situations when different concepts have verbal representations that are treated as full synonyms within general language, though they refer to different concepts within the national legal system. Moreover, this surface synonymy and real difference exist across different legal systems.

Let's consider a pair of jail-prison. The dictionary treats them as synonyms (Prison-jail..., n/d). However, the lexeme "jail" is used to designate an institution for the detention of persons under investigation, or offenders who serve a sentence of one year. The lexeme "prison" is used to refer to an institution that functions for the execution of punishments, where persons who have committed serious crimes and who serve sentences of more than one year are kept. The diversification of sociocultural contexts in the designation of these institutions is also due to the facts that the conditions of detention of prisoners in institutions of these two types are different, their local / federal jurisdiction, sources of funding (the local, state, federal budgets, respectively). This difference in concepts exists across diverse legal systems (What is difference..., n/d). As far as the interpretation of the concepts under study into Russian is concerned, the techniques will narrow the meaning of the language units by adding words that are supposed to specify the contexts:

-stay in jail during investigation/ before the trial (нахождение под стражей/ в заключении в период следствия/ до суда)

-stay in prison after the trial (отбывание срока тюремного заключения).

Cluster 4. Synonymic language units, different concepts within different legal systems

There are cases, when the synonymy of language units does not bridge the concepts and a detailed translation commentary is necessary to reveal the conceptual difference between apparently similar language structures. This happens, when it comes to legal practice expressed in the source language are not traditional for the national legal culture of verbalized in the target language.

So, the English concept plea/charge bargaining, plea bargain is literally rendered into Russian as "judicial bargaining, a plea deal".

However, such a procedure requires a translation commentary, which should explain that this is a kind of pre-trial process of negotiations between the judge, the victim, and the lawyers of the accused, the latter pleads guilty to committing a less serious crime and receives a minimum penalty, and the court will not consider the charge of a more serious crime. The practice of judicial bargaining is widespread in American justice. It has both its supporters and ardent opponents. Often when dealing with the concept under study legal specialists/ lawyers give a brief comment referring in Russian to the deal with justice/judicial deal agreement. However, the above variant significantly narrows the essence of the American legal procedure reality.

Cluster 5. Concepts that are metaphorically verbalized within one national legal culture and do not exist in another national legal culture

English-speaking legal practice uses phraseological expressions that are not clearly fixed in modern bilingual dictionaries. Let's consider such a wording as three strikes law.

Theoretically, the Russian language system allows the language/legal specialist to use word to word translation with the relevant grammar rules observation (законтрехошибок). However, the Russian phrase will not satisfy the conceptual gap as the wording does of provide any information about the essence of the mentioned law. Therefore, the language unit under study requires translation commentary. It is supposed to explain that the phrase is metaphoric and correlates with the baseball rules, according to which, the player who receives three free throws, leaves the game ("Three strikes - and you are out"). Further information refers to the US legislation, developed and adopted in a number of states in the late 80s of the 20th century and still in force. According to the above, a person who has two previous convictions and violates the law for the third time receives extremely severe punishment, up to the death penalty or life imprisonment (Tree strikes laws, n/d).

The above examples confirm that in the course of national legal concepts verbal representation by means of another language it is necessary to consult legal sources in the target language, identify the key constituent elements (slots) that build the its essence and then render the meaning of the slots in the target language, using its grammar and style norms.

Implementation of frame-based approach to interpretation of legal concepts in the course of mediation between two legal systems

The examples in the previous section reveal that the degree of quality in rendering legal concepts across legal cultures much depends on the accuracy and scope of specific features that are conserved through the process of rendering the sense of the legal concept by means of another language to map it within other legal culture context.

The visual examples of frame-based approach to the mentioned process are introduced below. Let's consider the concept of Tramp corporations.

The first step means a thorough analysis of the definition in English provided by a comprehensive monolingual legal dictionary or encyclopedia. Next, critical slots are identified, they cover the actors (USA companies), their legal location, their purposes. Further, as search for equivalent concepts is under way and finally a detailed description of the above slot content is rendered into Russian. The visual structure of frame-based approach to the concept interpretation is introduced in Figure 1.

There might be cases which allow the language /legal specialist to cut off some slots from the final interpretation. Such techniques take place with regard to the concepts with metaphoric evaluation of situation. The interpretation of cat's paw liability concept might be set as an example. The interpretation of the concept under study required additional search for cat's paw explanations. The activities led to the Aesop fable about a monkey that induces a cat by flattery to extract roasting chestnuts from the fire (Cat's paw theory, n/d). After the cat has done so, burning its paws in the process, the monkey makes off with the chestnuts and leaves the cat with nothing. The respective explanation was taken into account but was omitted at the stage of the relevant slot's final identification. The visual structure of frame-based approach to the concept interpretation is introduced in Figure 2.

The above examples interpretations in the source language (English) were taken from Bresler's Law Dictionary that focuses on both standard legal definitions and those ones that appeared in legal discourse recently. The authors provided their own interpretation that might be subject to variation of language units and structures variation.

The research results confirm the earlier findings on the culturally sensitive aspects of legal translation as the respective process and product dependence on the specifics of national legal systems on the whole (Varga, 2005).

The research findings shed new light on pragmatic aspects related to the ways through which English-language legal systems might address non-English speakers (Morris, 1995). The present study shows that the above systems interpretation requires not just the focus on the particular context but also urge for detailed analysis of all the constituent components that form the essence of the concept under study. This can be reached through frame-based techniques of legal concepts interpretation.

The results confirm that frame-based approach to the legal concepts interpretation can be used for legal terminology management (Meyer, 1992) as the approach under study helps to identify the same and similar slots of legal concepts across contexts of legal communicationю

V. CONCLUSIONS

The research goal was to explore the implementation of frame-based approach to the legal concepts interpretation in the course mediation between two legal systems:

(1) analysis of challenges regarding language tools and legal knowledge integration to render the legal concepts meaning in the course of mediation between two legal systems;

(2) investigation of frame-based approach to interpretation of legal concepts in the course of mediation between two legal systems.

The research *findings prove* that legal culture and its manifestations through the national languages and operational contexts can be considered as subject to study from the mediation between legal systems. This kind of mediation takes into account ethnic traditions, language, ethno-cultural prerequisites that play an important role in the understanding of legal norms and behavioral acts, ethno-cultural foundations of the legal development of society, law enforcement, etc. The research materials investigation confirms the timeliness of shift for the notion of legal term to the legal concept as a cognitive construct whose verbalization reflect the above-mentioned features by means of language.

Mediation between legal systems should stand on the comparative studies of national legal cultures, includes interpretation procedures of legal concepts within and beyond national boundaries. The mediation process is expected to harmonize perceptions of representatives of various ethno-cultural legal communities.

This process includes interpretation as it represents one of the key cultural phenomena because it is closely related to the procedure of attributing the meaning to the object of culture.

The process of interpretation aims to identify relevant legal culture verbalized concepts and procedures. This process consists in exploring varied language tools as “conductors of legal culture” through legal national system historical development and its reconstruction.

The analysis of challenges regarding language tools and legal knowledge integration to render the legal concepts meaning in the course of mediation between two legal systems paves the way to anticipate potential shortcomings in the mediation between legal systems by means of legal concepts interpretation.

The research findings and discussion confirmed the research hypothesis that language and culture mediation between two/among several legal systems might be facilitated through the frame-based approach to national legal concepts interpretation

The research fostered the importance of frame-based approach to preserve specifics of legal concepts through their cross-cultural interpretation.

The examination of data under study has proved that frame-based approach allows the specialists to render legal concepts in line with the target recipients’ experiences, accepted and shared practices. The analysis of the examples showed that frame-based approach efficiency depends on the degree of minuteness in rendering legal concept constitutive components.

The research findings can be used to draft preliminary recommendations for legal and language specialists who work in multilingual legal settings.

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