A COMPARATIVE GLOSSARY OF CONDITIONALS IN LEGAL LANGUAGE: ENGLISH, ITALIAN, GERMAN, FRENCH

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1. AIMS

This paper describes the combined results of two projects: the Human Capital and Mobility project on “Conditionals in legal language”; the Training and Mobility of Researchers project on “A Contrastive Glossary of Conditionals in Legal Language”. The aims of the projects were: (i) the analysis of Complex Conditional Connectives (henceforth cccs) in English, Italian, German and French legal language; (ii) the compilation of a comparative Glossary of such connectives in the four languages. After a brief introductory section, I shall outline the method of research and the structure of the compiled Glossary.

2. INTRODUCTION

The expression of a conditional relationship plays an important role in legal language. Despite the fact that the successful implementation of legislation is critically dependent on precise translation into the legal language of each Member State, conditional connectives, such as in the event of or on condition that, are not always translated in a systematic way. For example, four different Italian conjunctions have been found throughout the Maastricht Treaty corresponding to the English connective in so far as: nella misura in cui (2), sempreché (4), in quanto (6), nei limiti in cui (8):

(1) Any abuse by one or more undertakings of a dominant position within the common market or in a substantial part of it shall be prohibited as incompatible with the common market in so far as it may affect trade between Member States (Article 86).

(2) È incompatibile con il mercato comune e vietato, nella misura in cui possa essere pregiudizievole al commercio tra Stati membri, lo sfruttamento abusivo da parte di una o più imprese di una posizione dominante sul mercato comune o su una parte sostanziale di questo.

(3) The progressive abolition of existing restrictions shall be effected in accordance with the provisions of Article 63 to 65, in so far as such abolition is not governed by the provisions contained in paragraphs 1 and 2 (Article 73 H 3).

(4) La graduale soppressione delle restrizioni esistenti si effettua conformemente alle disposizioni degli articoli 63 a 65 inclusi, sempreché non sia disciplinata dalle disposizioni dei paragrafi 1 e 2.

(5) [...] However, the aids granted to shipbuildings as of 1 January 1957 shall, in so far as they serve only to compensate for the absence of customs protection, be progressively reduced under the same conditions as apply to the elimination of custom duties (Art. 92.3c).

(6) [...] Tuttavia, gli aiuti alle costruzioni navali esistenti alla data del 1° gennaio 1957, in quanto determinati soltanto dall'assenza di una protezione doganale, sono progressivamente ridotti alle stesse condizioni che si applicano per l'abolizione dei dazi doganali [...].

(7) Undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly shall be subject to the rules contained in this Treaty [...], in so far as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them (Article 90.2).

(8) Le imprese incaricate della gestione di servizi d'interesse economico generale o aventi carattere di monopolio fiscale sono sottoposte alle norme del presente trattato [...], nei limiti in cui l'applicazione di tali norme non osti all'adempimento, in linea di diritto e di fatto, della specifica missione loro affidata.

Similarly, in the French version of the Treaty, in so far as corresponds to at least three different connectives: dans la mesure où, pour autant que, dans les limites où (examples 9, 11, 13, 15), while in German the equivalent is constantly soweit (10, 12, 14, 16):

(9) Est incompatible avec le marché commun et interdit, dans la mesure où le commerce entre États membres est susceptible d’én être affecté, le fait pour une ou plusieurs entreprises d’exploiter de façon abusive une position dominante sur le marché commun ou dans une partie substantielle de celui-ci.


(11) La suppression progressive des restrictions existantes est effectuée conformément aux dispositions des articles 63 à 65 inclus, dans la mesure où elle
n’est pas régie par les dispositions du présent chapitre.

(12) Die bestehenden Beschränkungen werden gemäß den Artikeln 63 bis 65 beseitigt, soweit hierfür nicht die Nummer 1 und 2 oder die sonstigen Bestimmungen dieses Kapitels maßgebend sind.

(13) [...] Toutefois, les aides à la construction navale existant à la date du 1. 1. 1957, pour autant qu’elles ne correspondent qu’à l’absence d’une protection douanière, sont progressivement réduites dans les mêmes conditions que celles applicables à l’élimination des droits de douane [...].

(14) [...] Beihilfen für den Schiffsbau, soweit sie am 1 Januar 1957 bestanden und lediglich einem fehlenden Zollschutz entsprechen, werden jedoch entsprechend den für die Abschaffung der Zölle geltenden Bestimmungen [...] schrittweise abgebaut.

(15) Les entreprises chargées de la gestion de services d’intérêt économique général ou présentant le caractère d’un monopole fiscal sont soumises aux règles du présent traité [...], dans les limites où l’application de ces règles ne fait pas échec à l’accomplissement en droit ou en fait de la mission particulière qui leur a été impartie.

(16) Für Unternehmen, die mit Dienstleistungen von allgemeinem wirtschaftlichem Interesse betraut sind oder den Charakter eines Finanzmonopols haben, gelten die Vorschriften dieses Vertrages [...], soweit die Anwendung dieser Vorschriften nicht die Erfüllung der ihnen übertragenen besonderen Aufgabe rechtlich oder tatsächlich verhindert.

This observation led to my idea of a Comparative Glossary of such expressions in legal language, as an aid to more systematic translations.

3. METHOD

The analysis proceeded through the following four steps:

(i) A general examination of the category of cccs in a monolingual perspective, consisting, for each language, in (a) a proposal for classifying the connectives; (b) the analysis of the semantic properties of each connective ¹; (c) a model of formalization of the results obtained.

(ii) The comparison of such results in a cross-linguistic perspective, with the aid of a system of scales elaborated on the basis of the data from the monolingual analysis.

(iii) The verification of the equivalences thus achieved through comparative examination of authentic legal texts.

(iv) The compilation of a glossary, in which a system of cross-references between the cccs’ lexical entries and the comparative scales allows identification of the most appropriate translation.

3.1. The classification

On the basis of a semantic criterion, I classified the cccs into the two categories of ‘hypothetical’:

{ammesso che, casomai, concesso che, dato che, in caso, nel caso che (in cui), nell’eventualità che, nell’ipotesi che, posto che, ove/dove/laddove, qualora, quando, supponendo che, supposto che}

{assuming (that), given that, granted that, in case, in the event of (that), lest, supposing (that), when, where}

{à supposer que, au (dans) (pour) (le) cas où (que), dans (pour) l’hypothèse où (que), dans la supposition que, en admettant que, en supposant que, posé que, quand, supposé que}

{angenommen, daß; falls; (für den) in dem Fall(e), daß; zugegeben, daß}

and ‘restrictive’:

{a condizione che, a patto che, in quanto, nei limiti in cui, nella misura in cui, purché, sempre che (sempreché)}

{as (so) long as, in as much that, in so far as, on condition that, provided (providing) that, to the extent that, with the proviso that, unless}

{à (la) condition que, dans la mesure où, dans les limites où, pour autant que, pourvu que}

{(in)sofern, (in)soweit, unter der Bedingung, daß; unter der Voraussetzung, daß; vorausgesetzt, daß}

The former, which typically precede the main clause, introduce the subordinate clause as a ‘framework’ for the main clause [2]:

(17) In the event that the current Parliament was unable to select a new President, the task would fall to the new Parliament emerging from the April 8 general election ([BNC]).

The latter, which typically follow the main clause, introduce a limitation (‘restriction’) on the general validity of the main clause [4]:

(18) Ladies were allowed to attend College classes from 1884, provided that they were ‘attended by some elder person’ ([OED]).

3.2. The connectives’ semantic properties

Let us compare, as an example, the following ‘restrictive’ cccs in Italian:

(19) Farò finta di niente, a condizione che l’incidente non si ripeta.

(20) Farò finta di niente, a patto che l’incidente non si ripeta.
Farò finta di niente, _purché_ l’incidente non si ripeta.

Farò finta di niente, _sempre che_ l’incidente non si ripeta.

‘I’ll let you off, ccc the accident won’t happen again’

Such connectives, as we can see, introduce a condition which is not only sufficient but also necessary to the realization of the situation described in the main clause. This operation, however, is carried out in different ways by each connective. What changes is the intensity of the imposition of the restriction, which decreases from ‘peremptory’ for _a condizione che_, to a component of ‘agreement’ in _a patto che_, to the ‘minimality’ of the condition introduced by _purché_, to the value of ‘afterthought’ expressed by _sempre che_.

### 3.3. Formalization of the results

To represent these findings, I elaborated the following model of lexical entry, under which the connective, for example, _sempre che_, appears in the glossary:

**LE (sempre che):**

(α) logical-semantic level

〈α_R [ILLOCUTION(R (p, q)) (NEC & SUFF COND)]〉

(α_2) non logical-semantic level

(a_2) general features

[RESTR]

(a_2′) individual features

degree [0.2] of ‘coercive force’ [*B]

At the logical-semantic level (α_1) the fact that _sempre che_, like the other ‘restrictive’ cccs, introduces a relationship (R) of ‘necessary and sufficient condition’ (NEC & SUFF COND) is accounted for. At the level of the ‘general features’ (α_2′), which are features shared by more than one connective, its inclusion in the category of ‘restrictive’ cccs [RESTR] is specified. The set of its distinctive semantic properties is summarized in the ‘individual semantic properties’ (a_2′) under ‘degree [0.2] of coercive force’, to indicate, in relation to a scale of values ranging from 0 to 1 (see below), the (minimal) degree of imposition of the restriction.

The asterisk in the lexical entry refers to the scale B [*B*] (Fig. 1), on which restrictive cccs are ordered on the basis of the parameter of the ‘coercive force’. The simultaneous consideration of the scales analogously elaborated for the restrictive cccs of the other languages allows a general comparative overview:

#### 3.4. Verification of the results

To test such equivalences, I used texts that expressed the same content in different languages without being translations one from the other, but rather independent, simultaneously written versions. In this process, the data-base CELEX was particularly useful, as it allows the rapid consultation of a multilingual corpus of EU legislative material.

If we reconsider, for example, the series of examples from (1) to (16) in the introductory section, the correspondences found in the Treaty are confirmed, with one exception: _insofar as_, _nella misura in cui_, _in quanto_, _nei limiti in cui_, _dans la mesure ou_, _pour autant que_, _dans les limites où_ and _soweit_ all share the same degree of ‘coercive force’, whilst _sempreché_, with a slightly higher degree, carries a different component compared to the other examples, as confirmed by the judgements of native speakers of English.

### 4. STRUCTURE OF THE GLOSSARY

The Glossary is divided into four monolingual sections. For each connective in each language the following three items are included:

I. A brief description of the connective’s syntactic and
II. A lexical entry formalizing such information; III. A reference to a system of scales, which allow immediate comparison of the connectives across languages.

To illustrate how the glossary can be used as an aid to a more systematic translation, let us consider the English hypothetical connective *in the event that*. Supposing that we have to translate into Italian the following example (Maastricht 1992):

**Article 100 C**

(23) However, *in the event of* a threat of a sudden inflow of nationals from that country into the Community, the Council [...] may introduce, for a period not exceeding six months, a visa requirement for nationals from the country in question.

In various bilingual dictionaries, *in the event of* *(that)* is translated with *nell’eventualità che*. Hazon, for example, suggests the following equivalences:

(24) *In the event of* his refusing...
(25) *Nell’eventualità che* rifiuti...
(26) *Nell’eventualità della sua partenza*...
(27) *In the event of* his leaving...

Thus, a possible translation would be:

(28) Tuttavia, *nell’eventualità che* una situazione di emergenza insorta in un paese terzo minacci un improvviso afflusso nella Comunità di cittadini di detto paese, il Consiglio può imporre […] l’obbligo del visto per i cittadini provenienti dal paese in questione.

If we consult the glossary, the lexical entries for these connectives are:

**LE (in the event of/that)**

\( (\alpha) \) (a\(_1\)) logical-semantic level
\( \langle \lambda R \ [ILLOCUTION] \ (p, q) \ [SUFF COND] \rangle \)
(\( a_2 \)) non logical-semantic level
\( (a_2') \) general features
[HYP]
\( (a, '') \) individual features
degree [0.5] of probability[*A]

**LE (nell’eventualità che)**

\( (\alpha) \) (a\(_1\)) logical-semantic level
\( \langle \lambda R \ [ILLOCUTION] \ (p, q) \ [SUFF COND] \rangle \)
(\( a_2 \)) non logical-semantic level
\( (a_2') \) general features
[HYP]
\( (a, '') \) individual features
degree [0.1] of probability[*A]

In addition to indicating, through the non correspondence of the ‘individual features’, that a given connective is not the most adequate translation for another, the glossary suggests one (or more) possible translations, through the system of cross-references between the lexical entries and the scales. In this case, it is scale A, which represents the degree of probability of the connective (Fig. 2):

The scale suggests that, as far as this feature is concerned, *in the event of* *(that)* corresponds to *nel caso che (in cui)* rather than to *nell’eventualità che*. Both share the same ‘degree of probability’: [0.5], on a scale of values ranging from 0 to 1, vs degree [0.1] of *nell’eventualità che*. If we consult the Italian section of the glossary, the lexical entry for *in the event of* *(that)* indeed corresponds to the one of *nel caso che (in cui)*:

| 0 | 1 |
|------------------------------------------------------------•------------------------•------------------› |
| in the event of *(that)* | in case |
| **nell’eventualità che** | **nel caso che (in cui)** |
| casomai | in caso |

Fig. 2: SCALE A [degree of ‘probability’]
Moreover, if we consult the French and German sections, we obtain as equivalents, respectively, *dans le cas où* and *falls*, or *im Falle, daß*:

**LE (dans le cas où)**

(α) (a,) logical-semantic level

<\(\lambda R\) [ILLLOCATION[R (p, q)] (SUFFCOND)]>

(\(a_2\)) non logical-semantic level

(\(a'_2\)) general features

\[\text{HYP}\]

(a,)” individual features

\[\text{degree [0.5] of probability[A]}\]

Such a conclusion is confirmed by the examination of a corpus of authentic examples of legal language, in which the English connective *in the event of* (that) does not correspond to Italian nell’eventualità che (or French *dans l’éventualité que*), but rather to *nel caso che* (in cui) (and, respectively, *dans le cas où* and *falls*, or *im Falle, daß*). Let us reconsider the example from which our reflection started, in its four original versions:

Article 100 C

(29) However, *in the event of* an emergency situation in a third country posing a threat of a sudden inflow of nationals from that country into the Community, the Council [...] may introduce, for a period not exceeding six months, a visa requirement for nationals from the country in question.

(30) Tuttavia, *nel caso in cui* una situazione di emergenza insorta in un paese terzo minacci un improvviso afflusso nella Comunità di cittadini di detto paese, il Consiglio [...] può imporre, per un periodo non superiore a sei mesi, l’obbligo del visto per i cittadini provenienti dal paese in questione.

(31) Toutefois, *dans le cas où* survient dans un pays tiers une situation d’urgence confrontant la Communité à la menace d’un afflux soudain de ressortissants de ce pays, le Conseil peut, statuant à la majorité qualifiée sur recommandation de la Commission, rendre obligatoire, pour une période ne pouvant excéder six mois, l’obtention d’un visa par les ressortissants du pays en question.

(32) Bei einer Notlage in einem dritten Land, die zu einem plötzlichen Zustrom von Staatsangehörigen dieses Landes in die Gemeinschaft zu führen droht, kann der Rat jedoch auf Empfehlung der Kommission mit qualifizierter Mehrheit für einen Zeitraum von höchsten sechs Monaten den Visumzwang für Staatsangehörige des betreffenden Land einführen.¹

Once more, only authentic texts, such as these, which express the same content without being translations of one another, can confirm the soundness of the hypothesis.

**5. CONCLUSIONS**

Having observed the importance of complex conditional connectives in legal language and the absence of systematic translations of such connectives in various languages, I suggested compilation of a comparative glossary of such expressions. After having highlighted the method of the research and the main steps in the elaboration of the glossary, I considered an example of its use.

The importance of an accurate monolingual analysis, the heterogeneity of the corpus on which the results are based, a process of verification on authentic texts (which are parallel, but independent), are among the crucial assumptions of the analysis, which considers an accurate description of the semantic properties of the single connectives a prerequisite to the comparative analysis.

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¹ The examples on which the analysis is based are taken from newspapers, journals and the following corpora: *Italian Reference Corpus [IRC]* (Istituto di Linguistica Computazionale, Pisa); *British National Corpus [BNC]* (Oxford Computing Centre, Oxford); *Oxford English Dictionary [OED]* (Reading University Library, Reading).

² This is a simplified version of the model elaborated in [4].


⁴ The German version uses the prepositional phrase (P[-NP]) "bei einer Notlage".

**6. REFERENCES**


