

**Galdia, Marcus (2009): *Legal Linguistics*.** Frankfurt am Main: Peter Lang. ISBN 978-3-631-59463-6, 434 pages.

Legal linguistics is an interdisciplinary field of research that in recent years has been attracting increasing attention from both lawyers and linguists. This book by Marcus Galdia, a German lawyer and Adjunct Professor of Law at the International University of Monaco since 2005, spells the name of the discipline with capital letters – Legal Linguistics – in order to stress that it is “an emerging and independent – although interdisciplinary – branch of knowledge” (p. 24).

Galdia’s version of legal linguistics adopts a distinctly *legal* perspective on the interdiscipline: “the entire book can be perceived as prolegomena to the pragmatic theory of law” (p. 23). Its ambition is “to characterize the linguistic operations in law and to accomplish the linguistic turn in the legal science” (p. 88). Galdia writes for lawyers and wants to convince them that “law in its theoretical form is for us predominantly Legal Linguistics” (p. 78). In spite of the infelicitous use of “Legal Linguistics” (see below), it seems clear from this statement that Galdia is not interested in the language of law, but in law as linguistic practice. He wants to build a legal linguistic theory that meets the needs of legal science, but is grounded methodologically in linguistic and social theories (p. 37). Thus, linguistic researchers engaged in the discipline will look in vain for detailed linguistic analyses of language use in law, while legal researchers interested in linguistics may get disappointed by the focus on law that prevails throughout the book.

The book consists of seven parts of varying lengths: Part 1 (“Introduction” – 34 pages), Part 2 (“Language and Law” – 76 pages), Part 3 (“Linguistic Operations in Law” – 104 pages), Part 4 (“Literature and Law” – 23 pages), Part 5 (“Global Law and its Language” – 55 pages), Part 6 (“Conclusions” – 5 pages), and Part 7 (“Notes and Materials” – 76 pages). Moreover, the book includes a bibliography (17 pages divided into two sections “General bibliography” and “Bibliography concerning linguistic legislation”), indexes of issues and names, and a preface (5 pages) that contains useful information about the aims, the structure, and the contents of the book. In the following, I shall give a commented overview of the book.

Part 1 introduces the reader to the theoretical questions that are elucidated in the book, and defines the cornerstones of the theory that Galdia wants to develop: a version of legal linguistics that understands itself as a full-fledged theory of law, a pragmatic theory based on ethical values.

Parts 2 and 3 are the core chapters of the book. Part 2 gives an overview of the foundations of legal linguistics, comments on the name problem of the discipline (p. 65–66), and specifies what, in the view of the author, legal linguistics is not (p. 78–84): It is “not philology”, “not philosophy of law”, “not sociology of law (and not legal anthropology)”, “not law”, “not legal doctrine”, and “not logics for lawyers”. Galdia does not quite as clearly state what legal linguistics is; the attentive reader, however, gathers that, according to Galdia, it is a theory of law, one among others, but “the decisive one for the description of the theoretical problems in law” (p. 85); it is legal pragmatics that “reflects upon legal issues from the perspective of language use” (p. 88).

Part 3 categorizes language use in law and mentions four so-called linguistic operations, defined as “actions performed with linguistic means” (p. 142): Creation of law with the help of language, legal argumentation, legal interpretation, and legal translation. He asks whether the four key operations could be interpreted in terms of speech act theory as establishing speech acts (legal creation), identifying speech acts (legal interpretation), implementing inter-

pretive speech acts (legal argumentation), and transformation or qualification of speech acts (legal translation). Galdia doesn't seem to give a conclusive answer to this question. Presenting speech act theories and theories of argumentation are the core issues of this chapter, whereas theories of legal translation are treated rather superficially (in 14 pages).

Part 4 addresses the textuality of law and concludes that literature and law, the sister discipline of language and law, should be considered as part of legal linguistics. It does not follow convincingly from the purpose and aim of the book that it should include a part dealing separately with the Law and Literature movement. A better solution would have been to reduce the survey to a subsection of part 2. On the one hand 23 pages are too little to do the subject matter justice; on the other hand, a couple of pages would have been enough to reach the conclusion of Part 4.

The same holds true for Part 5. It describes the linguistic requirements of globalization processes in law from a diachronic and a synchronic perspective, and deals briefly with language laws and minority language rights. These are indeed interesting subject matters, but especially in the treatment of "linguistic legislation" (legislation governing language policy and the protection of language rights), Galdia deviates from the course and direction that he has set up for the book: developing a pragmatic theory of legal linguistics.

Part 7 comprises "general remarks on legal-linguistic and related issues that are connected to the main topics of the book" and "commented quotes from research papers as well as some longer statutory texts which were not introduced into the main text due to their volume". The rather messy collection of 38 widely different texts and quotes (besides research papers and statutes also court decisions) is of limited use to the reader as it does not in all cases introduce the reader to the points that the individual texts are meant to illustrate and does not refer to the passages in the main text where they are analyzed or commented on.

The book presents detailed information about what Galdia calls "linguistic operations in law". Newcomers to the field will get an impression of what legal linguistics is about. For legal and linguistic scholars already working in the field, the book offers valuable knowledge about theories and researchers from legal traditions not easily accessible: Russia, Poland, China, and Japan, and the bibliography contains references to books and articles not widely known. But quite a few core works in the field are not mentioned at all. Surprisingly, e.g., Galdia, himself a German lawyer, leaves out German *Rechtslinguistik*, even though German research has contributed substantially to the field and must be recognized as ground-breaking within the civil law tradition of legal linguistics. It doesn't seem justified to exclude German research because "it is difficult to synthesize" "the vast number of publications" some of which "would merit particular attention in a separate research" (p. 66). Moreover, one wonders why Galdia includes a whole chapter on literature and law, while leaving out a presentation of another sister discipline, forensic linguistics.

Galdia has high aspirations, and though I sympathize with him as regards the purpose of developing a comprehensive theory of legal linguistics, I will have to conclude that the book is not entirely successful.

First, Galdia wants to do more than can be accomplished in one single book. He should have given us a brief overview of the wide variety of "linguistic operations in law" relevant for the theory and practice of law, but he should have decided to focus on only one or two of them.

Second, trying to describe all corners of a general theory of legal linguistics in six chapters the book ends up being reader unfriendly: Too many words, too few paragraphs and too many

section levels: four levels in each Part, and even five levels in Part 5: 5.2.2.5.1 ff. As a linguistic scholar specialized in the field of law and language I have a great personal and professional interest in the topics of the book; nevertheless, I had severe difficulties in keeping my concentration on the contents and often caught myself thinking: Will this never end? In fact, Galdia seems to be aware of the verbosity of his book: At the end of the introduction, on page 60 (!), he has added a subsection called “An introduction must end”.

Third, the book contains too many misconceived or incomprehensible passages. What, e.g., does the author mean by the following question, the title of section: 2.1.7: “Is Legal Linguistics really more than a Legal Linguistics?” As will be clear from this quote, Galdia’s command of English is not perfect, and it bothers this reader (not perfect in English either) that the text was not proofread by a native speaker prior to printing. Especially, the designation of the discipline: *The* legal linguistics, a legal linguistics – are clear, syntactic errors, which are disturbing. Sometimes, as in the above-mentioned title, linguistic errors affect the comprehensibility of the text.

Forth, Galdia is too imprecise in the use of many concepts that he applies. Let me offer an example. The concluding sections of part 3 deal with legal discourse: 3.9 “Legal-Linguistic Operations in the Legal Discourse”. Galdia never gives a clear definition of legal discourse, and the reader gets the impression that he thinks of it both as the context in which legal linguistic operations take place (p. 240: they “do not exist in a vacuum”, but “can be adequately understood within the boundaries” of legal discourse) and as a legal linguistic operation of a higher order and complexity, e.g. a court decision (p. 243–245). In fact, it seems as if Galdia is not at all certain about the meaning of the concept of discourse: “It is easier to show the legal discourse as a linguistic action than to propose an exhaustive definition of it” (p. 243). This is not convincing and leaves the reader somewhat insecure with the author’s command of the theories that he presents and applies.

One final remark, and this review must also come to an end: the book should be re-named. The title of legal linguistics is misleading, as Galdia’s ambition is to develop a pragmatic legal theory based on a linguistic perspective. This is not linguistics. “The Linguistic Turn in Legal Theory” or “Law as Linguistic Practice” would be titles more in accordance with the actual subject matters and objectives of the book.

In spite of its shortcomings, I will recommend the book to lawyers and legal linguists that share Galdia’s ambition: to focus on the theoretical foundations of legal linguistics with a view to establishing “its scope, its findings, and future tasks” (p. 19). •

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