

## IMPERSONAL CONSTRUCTIONS IN LEGAL TEXTS

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*O particularitate esențială a textului specializat, în general, și a textului juridic, în special, este caracterul impersonal al acestuia, care se materializează prin folosirea diatezei pasive, a construcțiilor reflexiv-pasive, a propozițiilor cu subiect impersonal etc. În acest articol, ne propunem să prezentăm o analiză contrastivă a construcțiilor impersonale în textul juridic din limbile engleză și română. Scopul cercetării constă în identificarea tipurilor de construcții pasive din textul juridic, frecvența folosirii acestora, rolul lor, precum și modalitățile de traducere.*

Legal language represents the style of English used by lawyers and other legal professionals within the field of law. The impersonal style is often preferred in legal texts. This is because the reader will be more interested in the ideas themselves, and the use of an impersonal style allows these to be highlighted. An impersonal style of writing can usually be achieved by using passive voice, by removing the doer of the action from the sentence. The impersonal style of legal texts is characterized by the use of long sentences: *“The practice regarding the opening of a criminal investigation and in particular cases that are not prima facie absurd should not be investigated without opening the criminal investigation if procedural actions, which cannot be undertaken without opening the criminal investigation, are necessary”* [3]. This example shows that legal texts are characterized by an accurate use of punctuation, the style of narration is objective, concrete, unemotional as well as the absence of any emotiveness and it neglects narration and discussion, the use of long sentences is due to the fact that translators and drafters are bound to provide the meaning of the sentence and in the same time to preserve style and volume of the text. These types of sentences create many confusions and difficulties because of their complex and ambiguous structure.

The prevalence of stylistically neutral and bookish vocabulary is another characteristic of the impersonal style of writing legal texts, for example: *The*

*legislation of the Republic of Moldova authorizes direct application of international human rights treaties. This is provided by Art. 4 of the Constitution. The Constitutional Court has explained how this article is to be applied* [3]. The terms: *legislation, international human right treaty, Constitution, Constitutional Court* are tightly related to legal system as they are used by lawyers and people involved in this activity.

Legal texts use many Latin words, for example: *oral pleadings of the advocates rarely reference to the ECtHR. Even these references were usually extremely general and, at prima facie, insufficiently convincing* [3]. The expression *prima facie* has Latin origin which means: “at first look” or “on its face” referring to a lawsuit or criminal prosecution in which the evidence before trial is sufficient to prove the case unless there is substantial contradictory evidence presented at trial. The following example contains two expressions from Latin, e.g.: “*de jure, they are not mandatory; however de facto they serve as guidelines for judges*” [3]. *De jure* represents an action or regulation that is formally established by law and is commonly used in legal texts, in the example above *de jure* is often used in contrast to *de facto*. Another expression which is often encountered in official documents is *inter alia*, e.g.: *Moldovan prosecutors are reluctant towards opening criminal investigation, apparently, because of strict evidence of opened criminal investigations and of performance indicators, which are based, inter alia, on the percentage of criminal investigations sent to the court* [4]. Latin words and expressions are used by lawyers because they tend to economize words and in the same time to facilitate the communication among specialists in this field.

Many sentences in legal texts begin with the following expressions *every person, everyone* or *no person, no one*. For example: **Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law** [4], **everyone has the right to liberty and security of person** [4], **By this law every individual or legal person is entitled to claim pecuniary or non-pecuniary damages...** [4]. These structures are used when expressing an obligation or authorization, everybody, everyone, every person; anyone is used when a provision applies to all and no one, the word nobody is used in prohibitions. We use these structures to prove one more time that the main function of official documents is to prevent the violation of the rights of the citizens, and to respect their freedoms.

The official style has a nominal character and uses the third person singular and plural for the expression of impersonality and objectivity. The goal is to create the impression that law is impartial. The aim of these structures is to avoid mentioning a particular person; official documents are

also characterized by the omission of personal pronouns. The omission of the first person singular is motivated by the efforts of judges to achieve maximum objectivity. Structurally, the impersonal style of official documents is encoded in the use of passive constructions, infinitive constructions, impersonal passive and words such as: everybody, everyone, every person, no one, nobody and no person.

An impersonal construction is a clausal construction lacking referential verb. The constructions based on the pattern *it is + adjective + infinitive* and *it is + vb+ed to -* are created by using the following verbs: *to add, to consider, to guarantee, to establish, to allow, to abolish, to require, to provide, to pay, to distinguish, to issue, to found, to use, to distinguish*. The most frequent infinitive constructions with the verb *to recommend* are: *it is recommended + to add, to consider, to issue, to reestablish*. These constructions are translated in the following way: *se + recomandă de/ să + verb*. The structure *it is forbidden to* is followed by the verbs *to provide, to sell, to allow* and the variant of translation is: *se interzice + verb*. The structure *it is appropriate to* is the most common because it is followed by the following verbs: *to establish, to decide, to provide, to specify, to require, to ensure, to provide, to address* and it has two variants of translation: *este necesar să, se cuvine să*. Infinitive constructions allow the translator to be as precise as possible and this fact usually improves the clarity of the text.

The most frequent pattern of creating impersonal constructions is *it is + vb+ed + that*, this thing is explained by the huge number of verbs which are used to form passive structures, such as: *to establish, to show, to emphasize, to allege, to note, to ensure, to recall, to specify, to anticipate, to provide, to stipulate*. After selecting many examples of passive structures, we found out that the most frequent passive constructions are: *it is established that, it is noted that, it is specified that, it is anticipated that, it is recalled that*. The most common variant of translating this structure is by using a reflexive one: *se + verb + să*.

Passive structures are very common in official documents and their used is justified only when the doer of the action is unknown or intentionally left out for a particular reason. The use of the impersonal structures *there is* and *there are* is also very common and their variant of translation is *se + verb*.

*Everyone* is always translated as: *fiecare om, orice ființă umană, fiecare persoană*. The structures *no one, no person* are translated *nimeni* and *nici o persoană*, their stylistic effect is to preserve the normative character of the law and to ensure the rights and freedoms of individuals and to protect them from human rights violations.

The use of these type of constructions in legal documents is vital to express a low degree of the involvement of the speaker, they also allow the

authorities to be impersonal and the main task of the translator is to preserve a logical structure of the sentences and to make official documents to sound more objective and formal.

***References:***

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