Translating the Social World for Law: Linguistic Tools for a New Legal Realism

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Translating the Social World for Law: Linguistic Tools for a New Legal Realism
Elizabeth Mertz, William K. Ford, and Gregory M. Matoesian (eds) (2016)
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As put in the foreword of this volume, *Translating the Social World for Law: Linguistic Tools for a New Legal Realism* combines perspectives, from scholars in such diverse fields as law, philosophy, anthropology, linguistics, political science, psychology and religious studies, into the notion of legal translation. Legal translation, as its name suggests, includes inter- and intra-lingual efforts to transfer legal knowledge (and documents) into another language, and also encompasses the translation of legal cultures. In a globalized world, in which there are speakers of a vast array of languages, professionals from many fields including law and other social sciences assume that communication with other professionals (in and outside their particular disciplines) is egalitarian if they have a shared language. This edited volume challenges this idea by offering conceptual and empirical work that defines translation as a cross-disciplinary communication tool, without necessarily involving strictly referring to two different languages, but highlighting cross-disciplinary meaning transfers. With the aim of fostering a better understanding between law and the social sciences, the authors call for a "New Legal Realism" (NLR that proposes language as a common element of exploration in legal theory.

The book is divided into ten chapters and each chapter presents a similar structure: metacommunicative norms (or linguistic ideologies), language details and contexts, worldviews (epistemologies) and interdisciplinary translation itself. The first part of the book, *Analyzing Legal Translations on the Ground*, comprises three chapters and three

subsequent commentaries by the editors of the volume, who debate the many perspectives from which translation can be explored. It establishes connections between sociolinguistics and courtroom communication by exploring the pragmatic implications of defendants' apologies (Gruber) and the translation of evidence into legal precedent (Roy & Mertz). Whilst the first part of the book focuses on language-related issues, the second part concerns system-level challenges from a legal perspective, and it concentrates on how courts and social sciences interact. For instance, in a creative attempt to link the law to video game violence, William Ford addresses the translation of social science evidence in legislatures and courts in California and how misconceptions about video games by legislators and members of committees result in a lack of preparation for serious discussions about these fields in court. In her chapter, Susan Galcomments on the processes of translation and demarcation of legal words. She suggests that the notion of *transduction* (originally proposed by Silverstein in 2003) embodies the meta-discursive and cultural questions that arise when translating different legal systems, and therefore legal cultures.

Parts three and four of this book are shorter, but very rich in structure. Mertz reflects on the interdisciplinary roots of this volume. Drawing on linguistic anthropology, science and technology, she calls for a mutual understanding of law and language, conceptualizing translation as a notion that indicates "all the manners of transformation that happen when scholars attempt to communicate across established disciplinary boundaries" (p. 240). By exploring how the intersection of law and language has been studied over the past two decades, she argues that language relies on its contexts of use for meanings and she analyses a number of excerpts from a pragmatic perspective. In recent years, there have been a number of studies that have explored pragmatic features of legal texts (both written and oral). In this chapter, Mertz manages to summarize the principal findings that recent relevant projects have achieved, and even postulates that translation is not only necessary for certainty, "but for new ways of thinking" (p. 253). Finally, the concluding remarks are written by Gregory Matoesian, a specialist in courtroom discourse. He discusses key concepts that appear throughout the volume, such as intertextuality, identity, power, multimodality, and proposes an integrated approach of research in the field of communicative practices in legal settings.

This volume offers an epistemological stance towards researching law and language and their related disciplines. By exploring how translation can benefit from anthropology and philosophy as a nexus model to investigate its relationships with the law and other social sciences, the authors offer a critique of traditional and new research methodologies that are applied in these fields. In conclusion, this book builds upon traditional and refreshing perspectives in law and translation as cultural practices, which embody a set of beliefs and practices that are conveyed in many different ways in the social sciences.