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## **ARTICOLE – ARTICLES**



# **LE GENRE NARRATIF AU XV<sup>e</sup> ET XVI<sup>e</sup> SIÈCLES**

**(THE NARRATIVE GENRE IN THE 15<sup>TH</sup> AND 16<sup>TH</sup> CENTURIES)**

**Nicoleta Silvia IOANA**

**Abstract:** Alongside relevant and consistent works, a new literary genre has been created and diversified by several French authors inspired by the Boccacio, Bandello and Staparole's works. This genre undoubtedly has arisen from the pleasure of the story-telling, which was very lively in the French society of the XVIth century. This genre developed on the appearance of a conversation, either because the storytellers present it in their works through a direct dialogue with the readers, or whether the work is linked by the replicas directly to its readers, or the work is linked by the lines and stories of a number of people talking to each other. It is the short narrative genre which met its greatest success in the century of the narrators, XVI, and which saw as one of its most representative personalities of the first half of the XVI, the kind mother of the Renaissance, the princess of the Renaissance novel Marguerite de Navarre.

**Keywords:** *tales; novels; story-telling; Boccace; Marguerite de Navarre*

## **Introduction**

La date et le lieu d'apparition du conte se retrouvent dans le mémoire même de l'homme de tout temps et de toute contrée, car depuis que l'homme existe sur la Terre, le conte existe lui aussi. Chaque homme pendant la vie connaît des semblables, voit des lieux, vit des histoires et des expériences que, à un moment donné, il contera, relatera aux autres et ainsi ont pris naissance les contes. Mais ce qui nous intéresse c'est le conte comme genre narratif bref.

## **1. Le genre narratif**

### **1.1 Le conte et le roman au XVème siècle**

Le registre du genre narratif est redécouvert au XVème siècle par des contes inspirés des événements authentiques, par des narrations sentimentales et par des mises en prose des poèmes héroïques ou des romans chevaleresques.

Les créations originales de l'époque reflètent la réalité avec plus de rigueur, opposant des récits courtois, tendance qui continue la tradition de la littérature satirique aux racines plongées dans les fabliaux ou dans le *Roman de Renart*.

Bien que les connexions et les interférences au niveau des formes littéraires adoptées persistent encore, on constate la préoccupation des écrivains de désigner avec plus de précision certains productions qui tombent sous l'incidence du roman et de la nouvelle, ce qui se met en rapport avec l'élosion de la prose à partir du XIIIème siècle, marquant le passage de la littérature de

projection orale aux œuvres destinées à la lecture, notamment après l'introduction de l'imprimerie en France, en 1470. (Anghelescu, 1976a : 345)

Dépôt inépuisable de sagesse, le conte possède une destinée qui se confond avec celle de l'homme même, ayant parcouru un trajet initiatique par sa projection dans un temps mythique, car il a été conçu pour communiquer une expérience (Anghelescu, 1976a : 345). D'où le caractère éminemment oral de son registre littéraire, dans lequel le message transmis refait l'itinéraire de la genèse et de la réception de toute création littéraire. Le fonctionnement du conte, envisagé comme « modèle offert à notre réalité concrète » (Anghelescu, 1976b : 8), se vérifie par voie mémorielle, dans un processus où émetteur et récepteur se confondent souvent dans la fixation des archétypes narratifs. C'est par sa double portée, éthique et esthétique, qu'il convient de saisir le conte, défini comme « modalité par laquelle se réalisent toutes les espèces narratives, leur élément commun, d'où se développent, conformément aux lois spécifiques de composition, les variantes du genre ». (Anghelescu, 1976b : 343)

« Sous des formes multiples et variées, primordiales dans la société médiévale » (Dubuis, 1973 : 560), le conte est le signe générique des récits en prose du XVème siècle, tant par la haute tradition à laquelle il remonte, que par la quête d'une expression originale du génie créateur. Ceci ouvre d'emblée une double perspective : l'adhésion à la tradition narrative, richement illustrée par un remarquable héritage médiéval, et l'effort de refléter la réalité avec plus de rigueur d'opposer des scènes de vie réelle et des personnages « en chair et en os » aux formules dépassées de l'idéalisme sentimental. La finalité primordiale du conte était destinée en égale mesure à la « relaxation animi » et à « docere », dessein qui ne fut pas du tout abandonné par les conteurs des XVème et XVIème siècles.

Quelle que soit la sphère thématique à laquelle ressortissent les productions en prose du XVème siècle, pour lesquelles on pourrait adopter le qualificatif « d'ouvrée mêlées » (Dubuis, 1973 : 525) ou de recherche, il est important qu'elles marquent une transition et qu'elles enregistrent un progrès incontestable dans l'évolution du genre narratif. Appuyés sur une tradition éclairante à cet égard, les récits devenus plus aptes à évoquer les mutations d'ordre social et historique, dont témoigne l'époque, précisent davantage leur orientation réaliste, exigence objective, d'ordre éthique et esthétique, qui ne connaît pour l'instant que des tâtonnements, des fluctuations sur le plan de la réalisation artistique, mais que surplombe l'ensemble de la création.

Les recueils de récits brefs, à côté des ouvrages qui revendentiquent l'appellatif de « romans »<sup>1</sup>, recèlent des implications sociables bien profondes. Lucien Febvre leur attribue une fonction commune : « Le cent Nouvelles nouvelles, Le Grand Parangon, Les Joyeux devis, par exemple, ravitaillent en réalité des hommes largement nourris d'abstractions aux écoles. Ils voulaient, eux, du réel non truqué, du réel en vrac et nature ». (Febvre, 1971 : 260)

Pour dresser un relevé très sommaire du répertoire pré existant aux récits brefs du XVème siècle, on peut suivre deux coordonnées fondamentales :

- La tradition autochtone.
- La part de contribution due à ce que l'on pourrait appeler « importation » d'ouvrages littéraires originaux, terme encore trop coûteux pour la valeur d'échange du bien à l'époque qui précède la diffusion de l'Imprimerie et, partant, le commerce du livre<sup>2</sup>.

Le caractère autochtone, talonné par la tradition manuscrite, assimile bien des genres littéraires, dont le conte constitue la « noyau » : chansons de gestes, récits hagiographiques, lais, romans d'aventures, dont la vogue est attestée par le grand nombre de déprimages au cours du XVème siècle « exempla », fabliaux, créations dramatiques, « vidas » et « razos »<sup>3</sup>, productions véhiculées par les jongleurs, les clercs et les ménestrels, colporteurs et, à la rigueur, créateurs de leurs propres « récitals ».

Un exemple de la permanence des rapports étroits entre la narration littéraire et le récit oral<sup>4</sup> est offert par le conte répertorié à l'occasion des veillées, circonstances propices à diffuser les récits brefs à caractère plaisant et édifiant.

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<sup>1</sup> Le mot est toujours employé par les écrivains dans son sens étymologique dont se dégagent des connotations encore faibles réennoyant à la conscience d'un « genre ».

<sup>2</sup> L'apport italien et espagnole occupe une place importante dans les traductions effectuées à partir de la seconde moitié du XVème siècle.

<sup>3</sup> Luminita Ciuchindel considère que les « vidas » et « razos » sont des narrations brèves, en prose, composées au XIIIème–XIVème siècles, en guise d'introductions aux chansons des troubadours. Les premières tiennent de la chronique indifférente quant à l'authenticité des faits; les secondes « reconstruisent » à la manière d'un « puzzle », une aventure du troubadour à partir des « témoignages », disseminés dans une ou plusieurs chansons (Ciuchindel, 1979).

<sup>4</sup> Paul Zumthor a choisi dans la littérature médiévale, pour illustrer cette permanence, quatre questions, à première vue marginales, en fait exemplaires. **Les jeux de mots** : germes de la littérature dans la langue; **la rhétorique** : non pas inventaire abstrus, mais code d'engendrement ; **l'émergence du je** : qui n'est pas, en littérature, de tout temps ; **les frontières du récit** : fictif et factuel, littéral ou allégorique, narratif ou lyrique.

Trois sont les principales voies dans lesquelles les auteurs s'engagent à mobiliser les moyens techniques du genre :

**Les histoires** inspirées des événements de la réalité immédiate et qui frôlent souvent la chronique ou histoire ; **la narration sentimentale**, panachée d'accessoires de l'arsenal courtois ; **les remaniements des poèmes** ou des « romans » médiévaux dans lesquels une constante se fait jour le souci de brièveté, dont le « triomphe » garantit l'audience auprès des lecteurs.

*La Fille du Comte de Pontieu*, version amplifiée d'une histoire du XIII<sup>e</sup> siècle, qui retrace une intrigue localisée dans un cadre historique et géographique moderne, forme la deuxième partie d'un ouvrage qui emploie un procédé fréquent à l'époque que l'on pourrait nommer « collage », basé sur la juxtaposition de plusieurs récits : *Le Roman de Jean d'Avesnes*.

*Le Roman de Jehan de Paris* confirme la montée du réalisme dans la relation d'un événement qui fait figure d'histoire « vraie », en égard l'appel à des personnages réels et qui, selon la tradition, aurait très bien formé la matière d'un roman d'aventures. Cette narration anonyme de la fin du XV<sup>e</sup> siècle a un caractère à la fois comique et satirique, burlesque et sérieux, divertissant et documentaire. L'auteur prétend l'avoir, « translatée d'espagnol en langue Françoise » pour « faire passer le temps aux lissants qu'ils voudront rendre la peine de la lire ». (Eikhenbaum, 1966 : 173)

Le roman est structuré sur deux plans antithétiques qui opposent pouvoir de la riche bourgeoisie en ascension à l'appauvrissement et au déclin de la classe seigneuriale. Par la matière et le contenu que le roman nous présente, on peut considérer une fresque socio-économique et même politique, parce on ne doit pas oublier les conditions économiques et sociales de la fin du XV<sup>e</sup> siècle, l'état du passage du féodalisme au capitalisme.

Tout en défendant le code courtois mondain, le récit reflète un transfert de mentalité, dans le sens que la catégorie sociale en essor se montre digne non seulement du respect unanime, mais aussi d'une alliance avec la chevalerie.

Cette nouvelle relève quelques particularités du genre narratif dont il faut retenir :

- La **brièveté**, ces topoi de la concision transmis par toute la littérature narrative du Moyen Âge.
- La **théâtralité** qui découle de la matrice orale du conte, formulé explicitement grâce à ce lien fonctionnel établi

entre le narrateur et son « public », résidu d'une expression de projection essentiellement orale à ses origines: « comme voz orrez »; « comme avez ouy ».

Un certain goût baroque, dont on peut retrouver les traces dans les tableaux fastueux du triomphe de la richesse anticipe l'application d'un principe largement embrassé par les écrivains de la Renaissance : le caractère ouvert de la langue en tant qu'instrument de la connaissance du monde dont elle ne parvient jamais à épouser les aspects.

Et comme le thème sous-jacent du roman reste celui du mariage consenti et fondé sur l'amour réciproque, il convient de mentionner que toute une littérature narrative en tirera profit, à partir de l'auteur de l'*Heptaméron*, défenseur acharné de l'émancipation de la femme au temps de la Renaissance. C'est comme un prélude à la victoire du « camp féministe » dans la « querelle des femmes » déclenchée presque cinquante ans auparavant. (Dubuis, 1973 : 175)

Une vraie importance dans l'évolution du genre narratif est le recueil de récits composés pendant le premier tiers du XVème siècle, *Les Quinze Joyes de mariage*, titre voué à parodier *Les Quinze Joyes de Notre-Dame*, nouvel essai de transposition du sacré dans le profane, phénomène spécifique au Moyen Âge. Quinze contes retracent l'histoire du mariage, avec quelques étapes « obligatoires » pour ce qui est des six premiers récits.

L'encadrement qui réunit les « nouvelles » et leur succession quasi-chronologique permet de ranger l'ouvrage parmi ces productions dont le statut narratif est ambigu. Cette « norme » de l'assemblage des contes, qui vient de loin et qui jouit d'une remarquable fortune, à côté de l'unité des caractères et de l'action, confèrent au recueil une cohérence qui pourrait le situer soit « dans une histoire du roman » soit dans celle du théâtre.<sup>5</sup>

Le « scénario » réalisé de main de maître rappelle tout un répertoire des « motifs » de la littérature antiféministe : *Le Livre de sept sages*, *La Célestine*,

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<sup>5</sup> Cette polémique littéraire entraîné certains écrivains pendant presque un siècle parmi lesquels : Christine de Pisan, auteur de *l'Epître au Dieu d'amour*, 1399; du *Dit de la Prose*, 1400; du *Livre de la Cite des Dames*, 1405, où elle prend la défense des femmes contre les partisans de Jean de Meung ; Martin le Franc, auteur du *Champion des Dames*, 1442, et Alain Chartier, dans le bref poème dramatique *La Belle Dame sans mercy*, 1424, marque aussi une rupture avec la tradition de l'amour courtois, que la poésie lyrique, depuis plus de deux siècles, s'efforçait de maintenir.

*La Disciplina cléricalis, D'Aubère, la vielle maquerelle* (fabliau), *Le Roman de la Rose*.

Un souci de symétrie et mesure régit l'ensemble, qui réduit les personnages à des silhouettes souvent caricaturales. Cet équilibre de la structure narrative se met au service du contraste, procédé fondamental de l'analyse caractérologique des deux protagonistes, archétypes du mari et de la femme.

Le rythme narratif en trois « temps » marque la technique du narrateur anonyme d'un cachet personnel : **un mouvement lent** accompagne l'exposé de la situation ; **les arguments se développent par la suite dans une trame serrée** dont l'intérêt dramatique atteint le maximum de force dans les « saynètes » où le couple se confronte ; **la narration clôt en symétrie avec le début** et prépare un « tremplin » – hypothèse pour un nouveau récit. Ce procédé de « l'ouverture » à la fin du conte, prétexte pour en relancer un autre, inscrira ses titres de noblesse dans l'*Heptaméron* de Marguerite de Navarre, qu'au milieu du XVIème siècle témoigne encore des mêmes contradictions.

*Les Quinze Joyes de mariage* dépassent les simples limites d'une littérature satirique dont la morale est implicite. Aussi ne paraît-il pas hasardeux de l'appeler « du Maupassant médiéval ». (Coulet, 1979 : 88)

**Le récit du XVème siècle**, mélange diffus de « roman » et de « nouvelle », ne dédaigne pas la veine d'inspiration courtoise. Des personnages auréolés de toutes les vertus chevaleresques, comme dans *Le Roman du Comte d'Artois* ou des « parangons » des « arts d'aimer », tel ce recueil de Martial d'Auvergne, *Les Arrêts d'amour*, collection d'imaginaires « cours d'amour » rompus dans les débats de casuistique amoureuse, perpétuant un idéal devenu tout aussi factice que les aventures sentimentales des romans « populaires », tels *Paris et Vienne*, de Pierre de la Cépède, 1432, et *L'Histoire de Pierre de Provence et de la belle Maguelonne*, ouvrage anonyme de 1453 ou de 1457.

Dès 1461, avec la parution de *Cent Nouvelles*, le genre narratif doit être placé sous l'incidence d'une nouvelle étape qui groupera les conteurs dans une véritable « école », capable de systématiser l'héritage de la tradition, en lui offrant un lustre nouveau, et de formuler ses propres exigences issues du même mouvement dialectique qui, « mutatis mutandis », avait réuni et séparé François Villon et Charles d'Orléans, à une époque de « feux croisés » dans l'esthétique médiévale.

## **1.2 L'évolution du genre narratif bref du XVème au XVIème siècle**

Le genre narratif bref a connu un véritable épanouissement au XVIème siècle, « le siècle des conteurs » (Coulet, 1975 : 99). Dans un période où les ouvrés sérieuses étaient écrites en latin, langue des clercs, la littérature en langue vulgaire consistait surtout en livres d'amusement. Ceux qui jouissaient d'une faveur générale étaient les contes.

Le conte français cherche à définir son statut narratif plus stable à la fin du XVème siècle, quand on peut déceler la tendance du récit en prose à fixer un cadre propre. C'est le moment où apparaît le premier recueil de contes en prose, *Les Cent Nouvelles nouvelles*, constitué sur le type du *Décaméron* de Boccace. Son succès suscita, un peu partout, des imitateurs. À Tours un maître sellier de la Cour, Nicolas de Troyes, s'amusait à collectionner pour réjouir ses amis cent quatre-vingts contes, *le Grand parangon de nouvelles nouvelles*, qui demeura en manuscrit jusqu'au milieu du XIXème siècle. À Metz, un chaussetier, Phillippe de Vigneulles, compilait *Cent Nouvelles nouvelles* qui sont restées jusqu'à aujourd'hui inédites. Les braves gens présentaient leurs nouvelles comme des histoires vraies. En fait, quelques-unes sont peut-être authentiques, en appartenant à ce fonds commun qu'ont exploité les auteurs des fabliaux et les conteurs de tous pays. La plupart des récits du *Parangon des nouvelles nouvelles honnêtes et délectables*, publié en 1531, anonyme, et des *Comptes du monde aventureux*, 1553, anonyme aussi, ont été extraits d'ouvrages italiens et particulièrement de Boccace.

Les bons contes faisaient le délice du monde entier : soit-il sellier chaussetier ou gentilhomme, parce que en fait les mêmes anecdotes facétieuses étaient goûtées des gentilshommes et des grandes dames, du roi François I et de sa sœur Marguerite, reine de Navarre. Celle-ci avait demandé à l'un de ses secrétaires, Antoine le Maçon, de faire une traduction du *Décaméron* de Boccace.

Le succès de cette publication l'a décidée *Décaméron* français. Dans son entourage les familiers gentilshommes et humanistes, s'empressaient à lui raconter des anecdotes facétieuses ou d'autres histoires intéressantes et amusantes pour lui fournir e de son recueil. Quelques-uns d'entre eux s'amusaient à écrire pour leur plaisir Bonaventure Des Périers fut le plus fameux qui a laissé à la littérature française le recueil intitulé *Les Nouvelles Récréations et joyeux devis*, paru en 1588. Ces contes sont présentés comme ayant été cueillis « dans la rue, par les champs, devant la porte » ; en fait, il

y a une partie d'inspiration italienne et le reste de trois parties qui peuvent être du terroir français.

Le recueil a un charme particulier qui réside de la fine observation des mœurs, du naturel et de la brièveté. Les personnages, soit qu'ils sont légistes, régents du collège, écoliers ou rustres, parlent un langage vrai et se peignent dans leur propos, fait qui suscite l'amusement et la bonne humeur. Il faut souligner que, ayant les traits spécifiques de ce qu'on appelle déjà « nouvelle » le conte met en fusion la tradition et l'innovation, ce qui nous oblige d'étudier en profondeur la part de contribution des conteurs français du XVIème siècle à l'élaboration d'une poétique du récit bref.

Pour relever la situation du conte en France dans la première moitié du XVIème siècle il est nécessaire d'avoir en vue deux aspects qui s'impliquent :

- a. L'état de la prose française, surtout pour ce qui est au début du XVème siècle et au début du XVIème siècle ;
- b. L'impact réciproque du conte français et italien, leur apport dans le développement de la nouvelle moderne.

À la cour de François I (1515 - 1547) et à celle de Henri II 1547 - 1559) on mène une vie mondaine, à laquelle le code éthique chevaleresque ressuscité exige une résurrection du genre sentimental, cultivé par le court récit en prose aussi bien que par le roman. Les histoires des cycles courtois trouvent un débouché sûr auprès du public. On prend un vif intérêt à publier les mises en prose des récits de chevalerie (*Lancelot du Lac, Perceval la Gallois, Tristan Gillan, fils de Gauvain, Parceforest*) de même que d'autres histoires de prouesse fondues dans le moule des chansons de geste.

Vers 1540, on publie les adaptations françaises du cycle *d'Amadis de Gaule*, ouvrage de l'Espagnol Ordoñez de Montalvo, daté de 1508. Les versions françaises de ces récits chevaleresques, réalisées par Herberay des Essarts (les huit premiers livres, jusqu'en 1548) imbus d'aventures empruntées aux anciens romans de la Table Ronde, non exempts de l'influence des recueils de contes italiens plus récents (Boccace, Bandello) offrent aux lecteurs un modèle de raffinement, un véritable code de conduite mondaine, pareil à celui qui s'était bien avant épanoui aux cours italiennes et dont les Français avaient fait la connaissance à la fin du XVème siècle. Dans ce contexte, le « manuel de civilité » qui en fut extrait un jour, sorte de compilation, de recettes on de discours pour le bon usage des « gens de biens » n'a plus rien d'étonnant.

C'est le même public qui apprécie au plus haut degré le conte, en tant que lieu d'un passe-temps dialogue et genre adéquat au goût pour la conversation, les entretiens philosophiques et les problèmes éthiques où se mêlent la vision romanesque du monde et l'étalage d'érudition.

L'*Heptaméron* de Marguerite de Navarre en fournit le meilleur exemple dans sa partie consacrée aux commentaires des devisant, c'est pourquoi ce recueil a reçu le qualificatif de « manuel de conversation civile » (Reimer, 1980 : 135)

Le commentaire dialogué revêt également l'habit de l'anecdote facétieuse. Le mérite en revient à Bonaventure Des Périers et à Noel du Fail. La propension aux entretiens, aux « devis » et à la compétition en matière de bien trouser un récit définit par excellence une société qui poursuit, à travers les discussions élevées, un but toujours présent chez les conteurs : d'assurer le caractère édifiant du récit.

Chez Marguerite de Navarre cet idéal se trouve subordonné à l'amour en tant que principe moral dominant. Le recours à la conversation « ce moyen d'action si puissant au XVIème siècle », comme « enveloppe » des recueils de narrations brèves à l'époque, prêt à la « nouvelle » cette espèce de narration développée, née en filigrane au sein même du conte traditionnel, une teinte d'oralité qui remonte aux origines lointaines du genre. (Lefranc, 1914 : 242)

Les **traits spécifiques de la nouvelle** sont : **oralité, brièveté, véracité**. Ces traits sont respectés par tous les écrivains de nouvelles, parmi lesquels Boccace et Marguerite de Navarre qui justifie dans son *Heptaméron* la véracité du sujet « faire autant, sinon en une chose différente de Boccace : c'est de n'écrire nulle nouvelle qui ne soit véritable histoire » (de Navarre, 1956 : 709) et affirme la responsabilité du conteur, qui est une garantie de l'authenticité du sujet, soit de l'engagement « de n'écrire qu'une histoire qu'il aura vue ou bien oui dire à quelque homme digne de foi. » (de Navarre, 1956 : 709)

Impliquée souvent dans l'intrigue, elle fortifie la crédibilité des choses racontées par des détails autobiographiques : « une histoire que je sais, pour en avoir fait inquisition véritable sur le lieu. » (de Navarre, 1956 : 733) ce qui s'inscrit d'ailleurs parmi « les constituants structuraux de la narration traditionnelle », « les réflexions » et « les références personnelles du conteur », étant une « solution de l'entièvre identification » et de son contrôle sur « la réaction de l'auditoire conformément à la discipline imposée par la narration. » (Vlad, 1972 : 33) La spécificité, qui est un autre trait important de la nouvelle réaliste, se définit ainsi comme, « en fixant une partie de l'univers »

donnant à l'image qu'il contient une figure solide, particulière, unique ». (Jolles, 1972 : 184)

Les traits de la nouvelle ressortent au penchant pour l'entretien, noyau de ce genre « sans pays d'origine », qui, au XVIème siècle, « prend volontiers l'allure d'une conversation, soit que le conteur présent visiblement dans son ouvre, s'adresse directement à son lecteur, soit que l'œuvre soit liée par les répliques et les récits d'un nombre de gens qui s'entretiennent. » (Jacques, Payen, 1969 : 245)

L'avènement en France de la nouvelle est un processus complexe recouvrant plusieurs siècles de tradition et sa destinée connaît un tournant surprenant au seuil de la Renaissance. Le recueil qui a consacré le terme de « nouvelle », bien avant qu'on prenne conscience d'une technique narrative qui lui soit propre, avait été rédigé vers 1461. Le *Litttré* écrit que la « nouvelle » est une « sorte de roman très court », « un récit d'aventures intéressantes ou amusantes ». Le *Dictionnaire de l'Académie*, dans son édition de 1835, avait décidé qu'on « appelle aussi nouvelles certains contes d'aventures extraordinaires, certaines petites histoires faites et inventées uniquement pour l'amusement du lecteur. » (Jourdan, 1956 : II) En fait, le mot « nouvelle » dérivé de l'italien, « novella » est employé au sens actuel dès le Moyen Âge ; il est d'usage courant au XVème siècle, dans les titres de plusieurs recueils : *Les Cent Nouvelles nouvelles*, *Les nouvelles de la Reine de Navarre*, *Les Cent Nouvelles de Boccace*.

Mais la première définition technique en a été donnée par Werner Söderhylm : « La nouvelle, récit court, généralement prise dans la vie de tous les jours et resserrée dans un cadre étroit. L'événement raconté aboutit à une catastrophe inattendue ou surprenante, ce qui dire que l'élément dramatique joue un rôle essentiel dans la constitution de la nouvelle. À l'origine, tout est concentré dans l'effet de cette pointe... Plus tard, et peu à peu, l'étude psychologique gagne en importance. Tandis que le roman nous donne une image de la formation et du développement d'une personnalité, la nouvelle ne nous donne qu'un épisode, un côté du caractère. » (Jourdan, 1956 : IV)

Les origines de la nouvelle sont lointaines et complexes, mais ce qui nous intéresse c'est le XVIème siècle, quand elle a connu un magnifique développement. Un premier recueil de nouvelles, très important, a été *Les Cent Nouvelles nouvelles*, coupées et assemblées sur le patron « boccaccien », dont elles voulaient donner une réplique française, faisant allure « d'anthologie du conte médiéval », « rafraîchissant » une matière narrative dans sa majeure

partie autochtone : des récits puisés aux fabliaux, aux moralités, aux « exempla », aux *Quinze Joyes de mariage* côtoient des sujets empruntés à la *Disciplina clericalis*, aux *Gesta Romanorum* ou aux *Facéties de Pogge*.

À une époque où affluent les imitations et les compilations de recueils d'histoires, le conte fait école avec trois des écrivains qui l'ont cultivé : Marguerite de Navarre, Bonaventure Des Périers et Noel du Fail, qui évoluent vers une esthétique du genre. La distinction formelle entre la « nouvelle » et l'anecdote s'appuie sur la complexité des facteurs structuraux qui sont à la base du discours narratif. La terminologie est toujours instable chez les écrivains eux-mêmes pour signer leurs récits et on constate trois termes d'emploi plus Séquents : « conte », « histoire », « nouvelle », tous les trois retrouvables sur la plume de Marguerite de Navarre. Il y a un remarquable progrès de l'art narratif chez l'auteur de l'*Heptaméron*, car dans ce recueil se joignent dans un ensemble polyphonique des récits brefs, à tonalité lassante, voire facétieuse et des récits plus élaborés, tragiques pour la plupart, qui se mettent plutôt au rang de la nouvelle.

Conformément à Henri Coulet, au XVIème siècle « la nouvelle est séparée du conte », car il formule une possible distinction entre ces deux « genres » : « Le conte traite des sujets plaisants, il est ouvrée de fantaisie, il recourt à l'invraisemblance, il ne perd jamais son caractère oral » (Coulet, 1975 : 134). « La nouvelle traite des sujets sérieux, sentimentaux ou tragiques, elle raconte des événements vrais ou du moins vraisemblables, elle perd de son caractère de narration orale qui ne lui est plus essentiel. » (Coulet, 1975 : 143)

En admettant cette séparation, on peut remarquer à cette époque deux types de récits :

- a. Le conte, différencié en :
  - Anecdote plaisante — recreation ou « joyeux devis » chez Des Périers
  - Propos dialogué - chez Noel du Fail
- b. La nouvelle, qu'on pourrait qualifier de « psychologique » et « romanesque » chez Marguerite de Navarre.

Le long chemin suivi par le conte, du « fait divers » et de la « leçon » à la nouvelle, connaît au XVIème siècle une étape d'accumulation qui contribue à son rapide et remarquable développement ultérieur. Le problème de la tradition et de l'innovation dans la technique du conte français au XVIème

siècle tombe sous l'incidence de la « nouvelle toscane » tel qu'on a appelé le conte à partir du *Décaméron* (1352).

*Grisélidis*, le premier conte du Décaméron, est traduit en français vers 1384, d'après une version latine de Pétrarque, par Phillippe de Mézières. Une traduction française intégrale de cet ouvrage a été tentée en 1414 par Laurent de Premierfait. Ce chef-d'œuvre passe pour un des livres les plus appréciés à la cour de François I.

Marguerite de Navarre, dans le Prologue de l'*Heptaméron*, exprime une conviction - « je croie qu'il n'y a nul de vous qui n'ait lu les *Cent Nouvelles de Boccace* » — fondée sur l'événement produit par la traduction, commandée par elle-même, du livre de Boccace, par le conseiller du roi Antoine Le Maçon, en 1545, suivie d'un immense succès. Le célèbre auteur italien enseignait une leçon de technique narrative : les devisant, « hommes-récits » se proposent de divertir. Le commentaire entraîné par chaque histoire, qui réalise le chaînon des parties composant l'œuvre, contient un exposé moralisant et offre la possibilité de lancer un nouveau conte. Le groupement thématique des récits par journées raffermit l'unité de l'ensemble et se constitue en principe d'organisation du matériel narratif.

Boccace possédait un riche répertoire de récits appartenant au fonds médiéval et dont les fabliaux français ne manquaient pas, mais à côté de ces contes, il y avait aussi d'autres ressources communes de la création des conteurs français et italiens. C'est pourquoi les origines de la « nouvelle » française au XVIème siècle ont été longuement débattues. Le terme « nouvelle » renvoie aux relations entre la création originale et la tradition.

Le rapport entre la nouvelle italienne et celle française est bidirectionnel, parce que l'échange des productions littéraires entre les deux pays est un fait incontestable. Par l'introduction du terme « nouvelle » dans le recueil *Les Cent Nouvelles nouvelles*, l'auteur ne fait que ramener en son pays un mot de large emploi en français. Le processus d'enrichissement sémantique du mot s'est produit dans l'acte même de raconter : de l'acception initiale de « parole », « réplique » (ancien français « novèle ») à celle de « nouveauté », « changement »; (ancien français « noveleté », « novelure ») (Greimas, 1972 : 443) le mot élargit son sens en occitan vers le XIIIème siècle, où *Nova* désigne un « récit », une « histoire » déjà connue et racontée de nouveau remise au goût du jour.

L'italien « novella » se réclame de cette forme littéraire provençale, sur laquelle un riche héritage narratif vient se greffer tant en Italie qu'en France.

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Le fait que le mot a été adopté par l'auteur des *Cent Nouvelles nouvelles* représente un témoignage sur la prise de conscience relative aux caractéristiques d'un « genre » littéraire constitué de matériaux anciens sur une autre charpente.

La nouvelle française du XVIème siècle a quelques traits propres qui renvoient à deux aspects :

- a. les conséquences qui découlent de sa dépendance du conte qui en reste le noyau ;
- b. le fonctionnement des connexions et des interférences au niveau de l'ensemble des genres littéraires.

La matière des nouvellistes de la Renaissance est offerte par les « fabliaux », les « lais », les récits hagiographiques, les miracles (« pièces brèves, d'inspiration religieuse ou profane, qui servaient de compléments aux grandes pièces ») (Dubuis, 1974 : 558) et surtout « l'exemplum », sur lequel Paul Zumthor affirme que « sans doute il constitua la matrice principale de la nouvelle. » (Zumthor, 1972 : 393)

Les principes retrouvés dans la construction du récit bref au XVIème siècle relèvent des rapports très étroits que la nouvelle continue d'entretenir avec le conte traditionnel. Leur dépendance registrée est prouvée par une série entière d'éléments :

- a. La fonction rituelle initiale du conte comporte trois exigences respectées par le récit du XVème siècle au XVIème siècle :
  - L'oralité se trouve dans le caractère dialogique que le narrateur prête à son récit, tant par la « captation » du lecteur dans l'acte de raconter, ce qui l'entraîne et l'implique même dans l'action, que par la « théâtralité » prononcée du récit, soit qu'il s'agisse d'un large emploi du « discours direct », d'un penchant pour le dialogue, soit que la contraction de la parole dans le discours indirect confère à la nouvelle, par endroits, l'aspect de « résumés » d'une scène de pièce de théâtre. (Tomasevski, 1973 : 340)

- Le souci de la véracité, le besoin d'authentifier les faits narrés, soit par la garantie du témoignage personnel de l'auteur - personnage de son récit, soit par le coloris de véridicité historique (appel à des personnages et événements historiques), soit par le « certificat » de crédibilité attribué au récit par des témoins de toute confiance. (Zumthor, 1975 : 246) D'où une dominante subjective confine encore la nouvelle dans les frontières du conte qui possède par excellence ce caractère.
  - L'effort vers la brièveté, vers la concentration du discours narratif, conforme au « *topos* » hérité de la tradition médiévale, ce qui entraîne la présence très réduite des descriptions et un certain schématisme au niveau de la motivation compositionnelle et psychologique.
- c. Les conteurs manifestent une indifférence, parfois même déclarée, quant à l'originalité des sujets qu'ils traitent. L'emprunt n'apparaît pas comme un plagiat, pas même comme une imitation, mais ce qui est en grand crédit pour la qualité du récit c'est surtout sa « *myne nouvelle* » comme le remarquait l'auteur des Cent Nouvelles nouvelles.
- d. L'exigence accrue pour la qualité de la construction du récit. Les narrateurs s'évertuent à ménager « l'effet de surprise », à bien mener l'action, qui l'emporte sur l'analyse psychologique.
- e. La portée édifiante du récit, une autre survenance médiévale, se constitue d'une manière implicite (la morale se dégage de la contexture narrative) ou explicite (la narration est le développement d'un proverbe énoncé au début ou dans les conclusions du récit). « L'ensemble narratif se construit d'éléments combinés en vertu d'une idée directrice évidente ou autour d'un facteur d'intérêt affectif élémentaire (surprise, admiration, crainte), ce qui met en relief l'unité de l'événement narré. » (Zumthor, 2000 : 400)

- f. Le besoin de cohérence semble consacrer l'esthétique renouvelée, en dépit de l'hétérogénéité de la matière narrative besoin d'intégration vouée à arrêter les possibles « errances » des récits et manifestée dans l'arrangement de l'œuvre entière soit dans un « cadre », soit sous un titre unificateur.

La brillante évolution du genre narratif bref est marquée par la parution du recueil *Les Cent Nouvelles nouvelles*. La survie de l'ambiance dans la dénomination génétique du « roman » et de la nouvelle aux XVème – XVIème siècles pourrait être illustrée par une création narrative, par sa structure-même et sa signification contradictoire, appartenant à Antoine de La Sale : la légende racontée *Le Paradis de la reine Sibylle*, 1436.

L'image de Sibylle, Janus qui domine le passé et le futur, refait l'unité du réel et du virtuel, de l'essence et de l'apparence, du signe et du symbole. Relativement à cet aspect, Julia Kristeva affirme : « De ce monde-ci sans au-delà, la Sibylle parle toutes les langues, possède le futur, effectue dans et par la parole des réunions invraisemblables. Les possibilités illimitées du discours, telles que le signe (le roman) tachera de les représenter, sont symbolisées dans cette figure transitoire réalisée par l'art du Moyen Age finissant. » (Kristeva, 1970 : 30)

## **Conclusions**

Dans une étape de mutations esthétiques, le roman et la nouvelle confirment l'effervescence de leur processus de détachement progressif, d'autres types différents de discours qui les précédent et les accompagnent, en participant à leur concrétisation graduelle en « genres » dont la modélisation avait commencé il y a quatre cents ans.

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# **DAS ENDE EINES „GOLDENEN TRAUMES“ UND DAS VERLORENE PARADIESGÄRTLEIN IN DÖBLING. ANNÄHERUNGEN AN FERDINAND VON SAARS NOVELLE *DER „EXZELLENZHERR“*<sup>1</sup>**

**(THE END OF A „GOLDEN DREAM“ AND THE LOST LITTLE GARDEN  
OF PARADISE IN DÖBLING. APPROACHES TO FERDINAND VON  
SAAR’S NOVELLA *DER „EXZELLENZHERR“*)**

**Margarete WAGNER**

**Abstract:** Ferdinand von Saar’s novella *Der „Exzellenzherr“* is a very compact text, depicting the complexity of the culture and history of the Austrian-Hungarian monarchy during the 19th century. This text hints to ancient myths and uses onomastic symbols from the Bible to show how the idealistic visions of the protagonist, his „golden dream“ and his „paradise garden“ break down under the historical reality. Indirectly the novella also depicts the final period of the Austrian-Hungarian Empire. Although apparently it deals with love and marriage, the real intention of the novella is to depict the ethical and cultural history of the Austrian-Hungarian monarchy.

**Keywords:** *intertextuality; multiple role models; masculine roles; imaginative narratives; Austrian culture and history of the 19th century monarchy*

[...] daß es Menschen geben kann, die anders reden, als sie denken, und anders handeln, als sie empfinden. (Saar, 1908b: 73)

## **Einleitung: Ferdinand von Saars Prinzip der Verflechtung**

Ferdinand von Saar hat an seinen relativ kurzen und vordergründig schlicht erscheinenden Erzähltexten zumeist unverhältnismäßig lange gearbeitet und gefeilt. Ergebnis dieser Feinarbeit sind außergewöhnlich dichte, von mannigfaltigen Beziehungsgeflechten und Anspielungen durchzogene Texte, in denen jedes Wort und jede Nuance sorgfältig abgewogen und kunstvoll in den Kontext gefügt sind. Demzufolge sind seine Erzähltexte äußerst genau auf

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<sup>1</sup> Der vorliegende Beitrag war Teil des gekürzten Aufsatzes „Hermine Ott und ihre Namensschwestern. Annäherungen an Ferdinand von Saars Novelle *Der „Exzellenzherr“*“, aus dem auch einige zum Verständnis notwendige Überleitungen stammen.

verborgene Hinweise hin zu untersuchen, die sich auf verschiedenerlei Weise bemerkbar machen können (Wagner, 2001: 100-122).

In der Folge soll am Beispiel der 1882 fertiggestellten Novelle *Der „Exzellenzherr“* (Saar, 1908b: 45-75) demonstriert werden, wie sich zugleich mit der Entschlüsselung von Andeutungen wichtige andere Aspekte der Erzählung erschließen lassen.

## **1. Der Exzellenzherr**

Für gewöhnlich stattet Saar beispielsweise immer nur wenige Figuren in seinen Texten mit konkreten Namen aus – ein bewusster Kniff, um die Aufmerksamkeit des Lesers auf das nur spärlich Gebotene zu konzentrieren, um so zur Entschlüsselung anzuregen. So bleibt etwa der Ich-Erzähler, hinter dem im weitesten Sinne Saar selbst zu stehen scheint, unbenannt.

Auch die Hauptperson selbst wird nur mit der volkstümlichen Bezeichnung eines „Exzellenzherrn“ vorgestellt, die damals für das Amt eines Landespräsidenten gebräuchlich war. Dadurch bleibt aber nicht nur deren eigene Existenz vor ihrer Ernennung zum Exzellenzherrn, sondern auch die gesamte Familie, bestehend aus den Eltern und dem Onkel namenlos. Nur die gastfreundliche Gattin des Onkels wird als Tante Susanne vorgestellt, ein Name, der fast automatisch die Konnotation mit der alttestamentarischen Geschichte der *Susanna im Bade*, Dan. 13 (Arenhoevel, Deissler und Vögtle, 1972: 1274) nach sich zieht (Wagner, 2000: 225-226, 229-231, 242).

### **1.1 Die realen Vorbilder zur Figur des Exzellenzherrn**

Für die Figur des Exzellenzherrn griff Saar übrigens gleich auf drei konkrete Personen zurück, erstens auf sich selbst und die von ihm erlebte „süß-schmerzliche Geschichte [...] da ich zum Theil selbst erlebte Ereignisse schildere“ (Kobau, 1997: 546). Zweitens auf Baron Adolf von Poche (1811–1893), dem 1862 zugleich mit der Ernennung eines Statthalters von Mähren der Titel eines Geheimen Rates verliehen worden war (Cornaro 1980: 130b), und drittens auf Hugo Karl Eduard, Fürst zu Salm-Reifferscheidt (1803–1888) (Mentschl, 1988: 391b-392a), den Landeshauptmann von Mähren (Wurzbach, 2001: 134a), der tatsächlich 1871, in einem „über Nacht gebildet[en]“ (Saar, 1908b: 70), nur etwa acht Monate währenden Ministerium, nämlich dem von Schäffle – Hohenwart, „Landespräsident“ (Saar, 1908b: 48) einer „infolge nationaler Sonderbestrebungen in sich gespalten[en]“ (Saar, 1908b: 70) Provinz – also Mährens – geworden, aber „bei seiner plötzlichen Versetzung in den Ruhestand mit der Würde eines Geheimen Rates ausgezeichnet“ (Saar,

1908b: 46) wurde. Es zeigt sich, dass der von Saar verwendete Amtstitel „Landespräsident“ (Saar, 1908b: 48) absichtlich offen lässt, ob damit der Statthalter oder der Landeshauptmann von Mähren gemeint sei. Saar ging bei seiner Figurendarstellung ganz offensichtlich ebenso vor wie bei seiner Raumbeschreibung: er mischte Handlungen, Charakterzüge und Äußeres mehrerer historischer Personen, um eine möglichst realitätsnahe fingierte Figur zu erschaffen (Wagner, 2011: 308-324).

## **1.2 Die doppelte „Paris-Wahl“ des Exzellenzherrn**

Zwischen der zweifachen Paris-Wahl zwischen drei ihm als mögliche Lebenspartnerinnen begegnenden stereotypen Vertreterinnen der Weiblichkeit, vor die der Exzellenzherr in seiner Jugend und im reifen Mannesalter gestellt wird, klafft eine rund zehnjährige Zeit des „Interregnum“ in Herzensangelegenheiten, eine Art von Wartestellung, ähnlich der, die ihn dann auch beruflich ereilt, als er durch die im Zuge des Oktoberdiploms durchgeföhrte Verwaltungsumstellung in Ungarn als deutschsprachiger Beamter aus Budapest abgezogen (Rumpler, 1997: 374-376) und bis in den Sommer des Jahres 1861 für einen neuen Verwendungszweck „auf Wartegebühr“ (Saar, 1908b: 51) gestellt wird.

## **1.3 Der Exzellenzherr als Libertin des „bronzenen Zeitalters“ des Neoabsolutismus**

Dieses Warten ist aber durchaus nicht von Kontemplation oder gar keuscher Selbstbesinnung geprägt, denn zwischen dem ersten und zweiten Dreigestirn ihm begegnender Weiblichkeit – der klugen, der hausmütterlichen und der verführerischer Frau – erstreckt sich das weite Feld der ausgehaltenen Geliebten und käuflichen Dirnen (Corbin, 1992: 528, 549-550), die der pensionierte Landespräsident in seiner Rolle als retrospektiver Erzähler verschämt-diskret als „Abwege“ bezeichnet, „die zu seelenlosem Genusse führten, wie ihn große Städte uns Männern nur allzu leicht und willig darbieten“ (Saar, 1908b: 54). Denn damals, im Jahrzehnt des Neoabsolutismus, in dem übrigens auch der politische Reformgeist stagnierte (Andics, 1985: 211-314), aber auch danach, im Liberalismus, wurde alles das, was angeblich die Ehre einer Frau schändete, als notwendiges Übel einer ausgewogenen Männererziehung angesehen.

Paul Heyse etwa, der in thematischer Hinsicht auch Ferdinand von Saar beeinflusst hatte, legte in der Erzählung *Das Bild der Mutter* (1858) dem Erziehungsberechtigten eines Jünglings folgende „pädagogisch wertvollen“ Erkenntnisse von wahrhaft Münchhausenscher Qualität in den Mund:

Eine Liebschaft, wie junge Leute sie in der Regel anspinnen, scheint mir sogar für die Erziehung förderlich. Wie will man lernen, sich von den Weibern zu emanzipieren, wenn man ihnen fern bleibt? Selbst aus den mancherlei unsauberer Tiefen, in die man bei dieser Gelegenheit Gefahr läuft zu versinken, arbeitet sich ein kräftiges Naturell an seinem eigenen Schopf wieder empor. (Heyse, 1985: 368)

#### **1.4 Der alte Exzellenzherr als Erzähler und die Doppelmoral im Liberalismus des „ehernen Zeitalters“**

Und so kommt es, dass die Selbstdarstellung des alten Herrn vor seinem geduldig lauschenden Zuhörer, dem Ich-Erzähler der Rahmenhandlung, der hier gewissermaßen die Funktion eines Beichtvaters einnimmt, gerade in puncto Realitätsbezug einen „blinden Fleck“ aufweist; denn er schildert sich selbst allen Ernstes als einen wahren Ausbund an Tugendhaftigkeit,<sup>2</sup> wenn er meint: „der innerste Kern meiner Natur war frisch und unversehrt; ich konnte also recht wohl der Gatte eines jungen Mädchens werden, das gewissermaßen in ländlicher Abgeschiedenheit herangewachsen war und nebst einem heiteren, unbefangenen Gemüte regen häuslichen Sinn bekundete“ (Saar, 1908b: 58).

Im Grunde genommen geht es in Ferdinand von Saars Erzählwerk immer um die Glaubwürdigkeit seiner erzählenden Personen. Nicht ohne tieferen Grund bedient er sich zumeist einer kompliziert komponierten Erzähltechnik mit einem Rahmenerzähler und etlichen Suberzählern, deren Sichtweise es nicht nur erlaubt, nur einen Handlungsablauf aus unterschiedlichen Blickwinkeln zu betrachten, sondern auch verschiedene Abstufungen zwischen Wahrheit und Lüge zu beleuchten. Denn letztlich sind alle seine Lebensbilder eine fulminante Collage aus Klatsch und Tratsch, jenem Ondit, wie es seinerzeit offenbar als Gesprächskultur in „besseren“ und „höchsten“ Kreisen en vogue war.

Und so kommt es, dass der erzählende Exzellenzherr keinerlei Widersprüchlichkeit wahrnimmt zwischen seinen überzogenen Moral- und Ehrbegriffen und seinem tatsächlichen Handeln. Und wie sollte er auch? War doch die Lebenslüge und Doppelmoral zur „ethischen“ Grundlage des ausgehenden 19. Jahrhunderts geworden, das zwar unentwegt und dröhrend auf die hehrsten Ideale pochte, um sie letztlich dennoch in allen

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<sup>2</sup> Diese Art des geschönten Selbstporträts selbstgerechter „Musterknaben“ findet sich bei Saar des Öfteren, zum Beispiel in der Figur des Försters Pernet in der Novelle *Die Troglodytin*, des drolligen Biergenießers Bedrich Kohut in *Herr Fridolin und sein Glück*, des grotesk verzerrten Grafen Leupold in *Der Burggraf*, des Frauenmörders Stäudl in *Die Heirat des Herrn Stäudl* oder des glücklosen Grafen Erwin in *Die Familie Worel*.

Lebensbereichen an den nackten Kapitalismus, die blanke Zweckmäßigkeit oder die platte Triebbefriedigung zu verraten (Wagner, 1997: 191ab, 197a).

## **2. Der „goldene Traum“ des Exzellenzherrn: Philemon und Baucis**

Und so wälzt sich dieser verwöhnte junge Mann einerseits im Morast der Gosse, wobei ihm freilich „nicht [ganz] wohl zumute“ (Saar, 1908b: 54) ist, während er zugleich ungebrochen seinen wunderbaren „goldene[n] Träume[n]“ (Saar, 1908b: 59) nachhängt. „[I]nmitten frivoler Beziehungen, die [ihn] innerlich oft aufs tiefste beschäm[.]en,“ – wird sich dieser sonderbare Moralist allmählich „[...der] Vereinsamung [s]eines Herzens immer schmerzlicher“ (Saar, 1908b: 54) bewusst. Es ist nämlich sein ungebrochenes Sehnsuchtsziel, zusammen mit einer schlichten und hausmütterlichen Frau „[s]einen Kohl selbst [zu] bauen“ (Saar, 1908b: 59) wie weiland Philemon, der „Liebende“, und Baucis, die „Zärtliche“ in der antiken Mythologie (Hunger, 1959: 281).

### **2.1 Philemon und Baucis: ein Lebensentwurf des „silbernen Zeitalters“ im Biedermeier**

Das Philemon-und-Baucis-Motiv steht symbolisch für die Gattentreue bis in den Tod, für die edle Gastlichkeit und Beschaulichkeit eines schlichten Lebens in ländlicher Idylle und das gemeinsame Überdauern einer allesverschlingenden Sintflut, die hier vielleicht eher im Sinne einer „Sündflut“ zu verstehen ist oder als Chiffre für den Untergang der damals bestehenden Welt, also der beschaulichen Biedermeierzeit in der hereinbrechenden Sturmflut des Revolutionsjahrs von 1848/49. Denn nach der antiken Vorstellung von den vier Weltaltern, auf die auch Saar immer wieder in seinen Werken anspielte, waren Philemon und Baucis aufgrund ihres hohen Alters keine Vertreter des „goldenen Zeitalters“, in dem ewige Jugend herrschte, sondern bloß des darauffolgenden „silbernen Geschlechts“, das auf Grund seiner Gottlosigkeit und Sittenverderbnis in einer großen Flutkatastrophe endete (Hunger, 1959: 369).

### **2.2 Der Garten als ererbtes Ideal aus dem „goldenen Zeitalter“ des Josefianismus**

Das Philemon-und-Baucis-Motiv als Lebensentwurf taucht in der Erzählung des Exzellenzherrn allerdings nicht nur als rosiger Wunschtraum „nach reinen und edlen Lebensverhältnissen“ (Saar, 1908b: 54) auf, sondern auch in dreifacher Wiederholung als mahnendes Exempel, wobei immer auch das kleine

Döblinger Landhaus mit seinem Obstgarten und „Salettl“, das er von seiner Tante Susanne geerbt hatte, eine bedeutsame Rolle spielt, zumal dessen Innenausstattung bezeichnenderweise ganz im Empire, der Stilepoche des Josephinismus, gehalten war, dessen politisches Konzept des von oben gelenkten Wohlfahrtsstaates – aus der Retrospektive betrachtet – etlichen österreichischen Dichtern des 19. Jahrhunderts als versunkenes „goldenes Zeitalter“ erschien (Magris, 1988: 28)<sup>3</sup>. Dieses schlichte ebenerdige Landhaus mit seinem Obstgarten befand sich – laut Exzellenzherrn, der seine Lebensgeschichte dem Rahmenerzähler beichtet, –

in demselben Ort, wo wir beide jetzt leben. Es ist später in den Besitz eines reichen Börsenmannes übergegangen, der es sofort niederreißen und an der Stelle jene prächtige Villa hinbauen ließ, die man heute am äußersten Ende der nächsten Straße aufragen sieht.  
(Saar, 1908b: 52)

Bei dieser „prächtigen Villa“ handelt es sich – wie aus dem Kontext der Erzählung hervorgeht – um die Villa Wertheimstein, die Saar aufgrund seiner engen Bekanntschaft mit ihren Bewohnern und in Anspielung auf Kaiser Neros glanzvolle Domus aurea in Rom das „goldene Haus“ nannte. (Bettelheim, 1908: 70) Bezeichnenderweise wird auch der Exzellenzherr gerade durch das Landhaus seiner Tante zu seinen ganz persönlichen „goldenem Träumen“ (Saar, 1908b: 59) inspiriert.

### **3. Der Kindheitsgarten des Exzellenzherrn und seine drei Hüter**

#### **3.1 Das Gärtnerhepaar**

Der idyllische Garten wurde in der Kindheit des Exzellenzherrn, also in der scheinbar so gemütlichen Biedermeierzeit, von einem „grauköpfige[n] Gärtner und sein[em] Weib, wahre[n] Philemon- und Baucisgestalten, betreut[.]“ (Saar, 1908b: 52). In den Figuren dieses betagten Gärtnerhepaars setzte Saar offensichtlich seiner unermüdlichen Auskunftsperson über Alt-Döbling, dem alten, im Gärtnerhäuschen im Wertheimsteinpark wohnenden Garteninspektor Franz Seifert, Mitbegründer und Präsident des Vereines der Gärtnerei und Gartenfreunde Döblings, ein literarisches Denkmal (Hammer, 1922: 216).

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<sup>3</sup> Analog dazu ist auch die Empire-Ausstattung des Tirolerhäuschens in der Novelle *Schloß Kostenitz* zu sehen, das hier als nachsommerliches „buon ritiro“ fungiert.

### **3.2 Der Onkel und Tante Susanne und ihre biblischen Vorbilder**

Aber auch „die gute Tante Susanne [...], die hier mit ihrem Gatten in glücklicher, aber kinderloser Ehe lebte und [dem Knaben] stets die schönsten, frisch vom Baume gepflückten Kirschen und Aprikosen vorsetzte“ (Saar, 1908b: 52), erinnert mit ihrer lebenslangen, kinderlosen Ehe und ihrer schlichten Gastlichkeit an das antike Vorbild. Ihr Name jedoch verweist auf die alttestamentarische Susanna aus dem apokryphen Anhang zum „Buch Daniel“, die zusammen mit ihrem wohlhabenden Gatten Joakim im babylonischen Exil (598–550 v. Chr.) lebte. Joakim selbst führte übrigens – wie das antike mythische und das Wiener Paar – gleichfalls ein überaus gastfreies Haus: So gestattete er etwa den zwei Ältesten der Gemeinde, ihr Richteramt nebst den dazu notwendigen Versammlungen unter seinem Dache zu versehen. Von diesen beiden durch Rang und Alter privilegierten Personen heißt es aber: „Als Richter waren in jenem Jahre zwei Älteste aus dem Volke bestellt, von denen galt das Wort des Herrn: ‚Die Ungerechtigkeit ging von Babel, von den Ältesten und Richtern aus, die sich als Leiter des Volkes ausgaben‘, Dan. 13,5“ (Arenhoevel et al., 1972: 1274).

Wie Philemon und Baucis inmitten einer verderbten Welt gottesfürchtig und tugendsam bleiben, so leben auch Susanna und Joakim im Sündenpfuhl Babylon (Biedermann, 1998: 46a-48a) streng nach den Geboten Gottes. Aber auch Onkel und Tante des Exzellenzherrn führen ein schlichtes und unprätentiöses Leben inmitten eines immer brüchiger werdenden Idylls. Denn in der Biedermeierzeit bahnte sich das Unheil der schließlich ausbrechenden Revolution bereits an, und zwar in der zunehmenden Sittenlosigkeit der Gesellschaft und in der Unterdrückung und Ungerechtigkeit, die von den Regierenden gegen das Volk geübt wurde.

#### **3.2.1 Das verlorene Paradiesgärtlein in Kunst und Kultur**

Wie Onkel und Tante des Exzellenzherrn und Philemon und Baucis, so sind auch Susanna und Joakim Gartenbesitzer. Für alle drei Paare ist der Garten Inbegriff des Besitzes, der Geborgenheit und des Idylls. Denn schon nach biblischer Vorstellung war das „irdische Paradies“ ein Garten, nämlich der „Garten Eden“, der ein künstlich angelegtes und gepflegtes Stück Natur war, bewachsen mit allerlei Bäumen, wie etwa dem „Baum des Lebens“ und dem „Baum der Erkenntnis des Guten und Bösen“ (Seibert, 1980: 244a). Aber auch das klassische Altertum kannte den Garten als Inbegriff eines seligen Jenseits: Im Garten der Hesperiden wuchsen goldene Äpfel, deren Genuss ewige Jugend und Unsterblichkeit verlieh (Biedermann, 1998: 160a). Im Paradiesgarten

waren die ersten Menschen zunächst in einen umhegten, gefahrenfreien Raum gestellt, der durch eine schützende Mauer zum Refugium vor der übrigen Welt wurde, welches nur durch eine schmale Pforte betreten werden konnte. Doch durch den Sündenfall ging den Menschen dieses irdische Paradies verloren. Die Rückkehr in den sündenfreien Vorzustand der Menschheit wird durch die Enge der Zugangspforte und durch den Torhüter mit flammendem Schwert erschwert. Erst durch Überwindung aller Schwierigkeiten und Hindernisse vermag der Mensch zu einer höheren seelischen Entwicklung und auch Erfüllung zu gelangen, die Ersatz für den ursprünglichen Urzustand der Geborgenheit bietet (Becker, 1992: 100a), und zwar im „jenseitigen Paradies“, im sogenannten „ewigen Leben“ das am Ende aller Zeiten allen Rechtgläubigen offen steht und das in der „Apokalypse“ des Johannes als „himmlisches Jerusalem“ oder „Abrahams Schoß“ bezeichnet wird. Erst um etwa 1400, mit dem Erwachen eines neuen Naturverständnisses, wurde in der abendländischen bildenden Kunst der Paradiesgarten zur Idylle, zum locus amoenus, der mit allerlei Bäumen, Sträuchern und Blumen geziert war und von friedfertigen Tieren bevölkert wurde. Im Rückgriff auf das „Hohelied“ entstand schließlich die Vorstellung vom „Paradiesgärtlein“, in dem die Himmelskönigin als „Madonna dell’Umiltà“, demütig am Boden oder auf einer Rasenbank sitzend, von Engeln und Heiligen umgeben residiert, dargestellt etwa im Paradiesgärtlein des Oberrheinischen Meisters im Städelschen Kunstinstitut in Frankfurt am Main. Derlei „Gärtleinmadonnen“ fanden als Andachtsbilder weite Verbreitung und gingen allmählich in den Typ der „Madonna im Rosenhag“ über.<sup>4</sup> Eine der bekanntesten Madonnen im Rosenhag, die um 1450 entstand, stammt von Stefan Lochner und ist heute im Wallraf-Richartz Museum in Köln ausgestellt (Lübke, 1905: 407, Fig. 432), eine andere wurde 1473 von Martin Schongauer fertiggestellt und befindet sich heute in der Dominikanerkirche in Kolmar. In der christlichen Ikonographie wurde allmählich der verschlossene Garten zum Sinnbild für die Jungfräulichkeit Marias (Seibert, 1980: 244b-245a). In der abendländischen Dichtung jedoch bildete sich seit Geofrey Chaucer, der vom altfranzösischen *Roman de la Rose* (zwischen 1230 und 1280) beeinflusst war, analog dazu die Vorstellung vom „Liebesgarten“ als Ort der körperlichen und seelischen Erquickung, der Lust und der Liebe heraus (Lurker, 1991: 227b-228b), der von ferne an das antike Arkadien gemahnt (Frenzel, 1992: 30) und schließlich in Hieronymus Boschs phantastischem *Garten der Lüste* zum beklemmenden Gegenbild eines „Höllengartens“ oder „Hörselbergs“ gerann.

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<sup>4</sup> Vgl. dazu die Abbildung des *Paradiesgärtleins* des Oberrheinischen Meisters bei Olbrich.

### **3.2.2 Der Garten der Lüste**

Inmitten ihres irdischen Paradiesgärtleins lustwandelt – scheinbar unbeobachtet, tatsächlich aber von den beiden lusternen Alten belauert – Joakims wunderschöne und keusche Hausfrau Susanna, deren hebräischer Name so viel wie *Lilie* bedeutet (Bocian, 1989: 487-492), wobei die weiße Lilie immer schon als Symbol der Jungfräulichkeit und Reinheit galt (Seibert, 1980: 205a-206a). Um dieser Reinheit auch äußerlich Genüge zu tun, begeht Susanna eines Tages, im Garten ein Bad zu nehmen. Da bricht unvermittelt die sündige Außenwelt in diesen **hortulus conclusus** ein: Sie wird von den beiden Ältesten überrumpelt, belästigt und erpresst. Doch Susanna weist das moralisch unsaubere Ansinnen der beiden Alten weit von sich: Lieber will sie unschuldig als Ehebrecherin gesteinigt werden, als den verschlossenen Garten ihres keuschen Leibes im Sinne eines **Liebesgartens** oder **Gartens der Lüste** beflecken zu lassen. Erst durch beherztes Eingreifen des Propheten Daniel, der durch seine geschickte Verhörmethode die beiden ungerechten Richter in Widersprüche verwickelt, kann Susanna letztlich vor dem Vollzug der Todesstrafe bewahrt werden. Für die Kirchenlehrer war an der Geschichte der Susanna in erster Linie natürlich das Motiv der Errettung einer verfolgten Unschuld aus drohender Gefahr von Bedeutung. Die bildnerische Kunst dagegen bevorzugte zunächst zweierlei Darstellungen, nämlich die Bade- und die Gerichtsszene. Seit jedoch die Renaissance das anthropozentrische Weltbild propagierte, verlagerte sich das Interesse eindeutig auf die Badeszene mit ihrem dominierenden weiblichen Akt (Bocian, 1989: 491-492).

### **3.2.3 Symbole der Verführung und ihre bildnerischen Vorbilder**

Mit Sicherheit hat Ferdinand von Saar Jacopo Tintoretos heute im Kunsthistorischen Museum in Wien ausgestelltes Gemälde *Susanna im Bade* (1555/6) gekannt (Pallucchini und Rossi, 1990: 44, Taf. X u. 173c-174a, Nr. 200), in dem die Begierde der beiden alten Voyeure und der liliengleiche nackte Körper Susannas, der zugleich blank und keusch sowie reif und verlockend wirkt, einander spannungsreich entgegengesetzt werden. Allerdings hing das Gemälde zur Entstehungszeit des „Exzellenzherren“ noch im Ostflügel des Oberen Belvederes, ehe es in das neu erbaute Haus am Ring übersiedelt wurde. (Aurenhammer, 1971: 28a-29a) Zwar dürfte Saar wohl auch Martino Altomontes von heftigen Bewegungen geprägte Komposition *Susanna und die beiden Alten* (1709) aus dem heutigen Oberen Belvedere in Wien gekannt haben (Klaus, 1916: 34), doch scheint es eher Tintoretto an äußerer Bewegung ärmere, aber an innerer Spannung reichere Bildauffassung gewesen zu sein, die Saar tiefer beeindruckte. Denn die Keuschheit Susannas

spiegelt sich in Tante Susannes langjähriger, offenbar voll freudiger Pflichterfüllung, weil glücklich geführter Ehe wider, die Reife und Verlockung, die von der schönen Gemahlin Joakims, die nicht nur pflichtbewusste Hausfrau, sondern auch Mutter von Kindern ist, wird bei Saar allerdings nur indirekt eingebracht, durch die reifen Kirschen und Aprikosen, mit denen die Tante den noch in den Kinderschuhen stehenden naschhaften Exzellenzherrn in Versuchung führt. Denn die Kirsche gilt im Volksglauben als verbotene Frucht der Erkenntnis (Mazakarini, 1985: 118) sowie als Symbol der Fruchtbarkeit (Marzell, 1932: 1430ab) und Erotik (Lurker, 1991: 382a). Die Aprikose dagegen ist nahe verwandt mit dem Pfirsich, dem „persischen Apfel“, der seinerseits als Venusfrucht Sinnbild des Sündenfalls ist und schon im Altertum für seine aphrodisierende Wirkung bekannt war (Biedermann, 1998: 256a; Vries, 1981: 360a; Walker, 1997: 658a-659a). Beide zusammen stehen sowohl für die früh entwickelte Genäschigkeit des verhätschelten Einzelkindes und einzigen Nachkommen einer mit ihm endenden Familie als auch für die Süße des Liebeslebens, für die der Exzellenzherr in jeder Phase seines Lebens äußerst empfänglich ist.

### **3.3 Die Eltern des Exzellenzherrn**

Als drittes Philemon-und-Baucis-Pärchen sind die Eltern des Exzellenzherrn zu nennen, die ihm Vorbild für ein tugendsames und einfaches Leben waren. Sein tüchtiger Vater etwa „hatte sich zwar im Staatsdienste den Adel erworben; aber aller Schein, alles prunkende Wesen war ihm zeitlebens verhasst geblieben, eine Eigenschaft, die sich in mir fortgeerbt hatte“ (Saar, 1908b: 55), wie der Exzellenzherr in Ruhestand voll selbstgerechtem Eigenlob rückblickend von sich behauptet. Dabei frönte der Sohn in jungen Jahren – im Gegensatz zu seinem Vater – durchaus der Faulheit, war also nie ein „besonders fleißiger Schüler gewesen“ (Saar, 1908b: 51), was ihn jedoch dennoch nicht hinderte, sich „sehr früh über Menschen und Dinge ein selbständiges Urteil“ (Saar, 1908b: 51) anzumaßen.

### **Resümee**

So kommt es, dass der Exzellenzherr bei der Wahl zwischen „himmlischer“ und „irdischer Liebe“ letztlich nicht dem Sehnsuchtsziel seiner „goldenen Träume“, der noch kindlich-unerfahrenen, in ihn verliebten Hermine Ott, den Vorzug gibt, sondern der nackten Realität in Form einer käuflichen sexuellen Beziehung, und sein Erbe – das idyllische Döblinger Landhaus mit seinem Obstgarten – verkauft.

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# **MANAGING THE *RUBATO* OF CONFERENCE INTERPRETATION. SEMANTIC AND PRAGMATIC STRATEGIES**

**Oana-Florina AVORNICESEI**

**Abstract:** The present paper explores the ways in which the linguistic background of the trainee interpreters can prove a useful tool in developing strategies of coping with difficult interpretation situations. The two fields the paper explores are semantics and pragmatics. It mainly focuses on strategies of simultaneous interpretation, as being more difficult due to the additional time constraints it poses on interpreters, but the suggestions outlined here can benefit the note-taking exercise in consecutive as well. One important aspect is that these are rather strategies meant to cope with difficulties in discerning the meaning expressed in the source language, as well as in rendering it in the target language. They are a tool to overcome hurdles in grasping and rendering the meaning, and keep the message flowing and the customer happy. They are a part of the training process, troubleshooting strategies which the trainee conference interpreter can resort to.

**Keywords:** *semantics; pragmatics; conference interpretation; troubleshooting strategies; message*

## **Introduction**

Conference interpretation is a dynamic process with several operations happening in the mind of the interpreter within a few seconds which cover the time span between the message is uttered and the interpretation is made. This time span, which fluctuates constantly and ever so slightly throughout the interpretation, this difference in rhythm between the original speech and the interpretation is similar to the concept of **rubato** found in music, which inspired the comparison and the title of this paper.

**Rubato**<sup>1</sup>, (from Italian *rubare*<sup>2</sup>, "to rob"), in music, subtle rhythmic manipulation and nuance in performance. For greater musical expression, the performer may stretch certain beats, measures, or phrases and compact others. The technique is seldom indicated on a musical score but may be utilized according to the performer's discretion. Rubato may affect only the melody (as in jazz) or the entire musical texture. In the application of rubato, the written note values must not be disregarded, and the performer eventually returns to the

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<sup>1</sup> The author's emphasis.

<sup>2</sup> The author's emphasis.

strict underlying rhythm from which the rubato deviated. (Rubato, n.d.)

As in music, much of a successful interpretation has to do with finding and keeping up with a certain rhythm, one which strikes the right balance between the source language and the target language. Of course, as such these two concepts come from and are mostly applied in written translation, but for the purposes of this argumentation, which is rather more linguistic in nature, these two concepts are deemed to be suitable. The reason is that they better highlight the two languages, the two structures, which the interpreter constantly goes from and arrives at. This perpetual, instantaneous journey, however simultaneous – as it happens live, in real time, in simultaneous interpretation, one of the two modes of interpretation of interest in this paper – and however instantaneous, does take time, even if “time” here means no longer than a few seconds each time, and ideally it is not noticed as disturbing the rhythm of natural communication, but as a **rubato** to the tempo of the original speech. But this second-long journey, in order to be completed successfully, i.e. in no more than a few seconds, so that the listener does not hear longer breaks as a mark of the interpreter’s lack of technique or confidence - this journey has to have an endpoint, a clear destination. What that means is that the message has to flow uninterruptedly, consistently, intelligibly, and that the interpreter has to arrive, each time, at something to say, that keeps the message going, the journey perpetually and successfully closed, and the listener onboard.

This is a straightforward enough task, but achieving it has to do with a lot of things, among which talent, hard work, practice, diligence, resilience, and experience are a few important ingredients. However, the present paper, though inspired primarily by the performance of consummate, professional interpreters the likes of whom work for the international institutions, and also some on the domestic market, is a spin-off of the training work with the trainee interpreters within the undergraduate BA and MA programmes of specialized translation and interpretation studies at the Technical University of Civil Engineering Bucharest.

The **rubato** of a good conference interpretation defines this journey between the two languages which the interpreter and the message make, more specifically the time lag and all the attending spinning wheels in the interpreter’s head which go on looking for the meaning and the right words to convey it in. The interpreter needs to listen to, and discern the meaning, this

is a constant effort and a mandatory requirement. The fact that this sometimes takes more time than usual, combined with the search for the right wording in the target language, leads to the inherent lag between the absorption of the message in the source language, and its rendition in the target language. All of this is a natural step which is factored in the development of interpretation skills during practice.

More often than not, trainee interpreters, daunted by the word "talent" as a requirement for good performance, or on their way to building efficient skills and gather the necessary experience for a suitable performance, are confronted with a lot of obstacles when dealing with interpretation situations, in search for specific solutions or more general strategies during their practice. The present paper aims to outline a few suggestions they can build into their practice and training, techniques which they can resort to, in order to ensure that the journey between the source and target language is successfully completed, i.e. they grasp the meaning and render the message in an accurate and intelligible way.

Also, and perhaps equally important, they are meant to be suggestions for solutions which one can resort to, when the journey looks compromised in a way that endangers the successful reaching of the destination: of rendering the meaning and keeping the message flowing. This includes those situations when they have understood the meaning, but they have difficulties rendering it into the target language. This also works as a troubleshooting strategy – a stage along the development and training to proficiency and the much-coveted "talent", which is, however, more often than not, rather synonymous with the trainable prowess of a medal-winning athlete, than a "gift" as such.

## **1. Semantic strategies**

One of the fields which helps interpreters a lot, especially when they have to factor in all the pressure they are under to formulate a coherent message in a short time, is semantics. Semantics comes in handy especially in those situations when they have grasped the meaning, but they are struggling – for various reasons - with conveying it into the target language. Also, it can prove just as useful in consecutive as it is in simultaneous interpretation. Irrespective of the time pressure, which is never really relaxed in consecutive mode either, if truth be told, the main pressure it helps alleviate or overcome is that of lexical or terminological gap. Semantics helps the interpreter when they cannot find the right word right then and there. It does this in several ways.

The first example comes from consecutive interpretation, more precisely, from the note-taking technique which the interpreter uses. The basic principle which underlies this technique is that several operations make up the process of taking notes during consecutive interpretation: (1) active listening, i.e. listening for the meaning of the words, rather than the words themselves; (2) analysing the meaning i.e. identifying the structure of the unit of interpretation by discerning between main ideas, secondary ideas, and details; and (3) noting down what the interpreter has obtained as a result of the first two processes – active listening and analysing – according to certain basic principles which, for example, in the case of J. F. Rozan (2002), are only seven in number and more than enough for the interpreter to build a viable system based on them (Rozan, 2002: 15 - 22). The second of these principles refers to abbreviations. The interpreter notes key concepts of the speech and key elements of the speech, such as linking words, with the help of abbreviations. Together with abbreviations, symbols used instead of substantive or predicative key words help the interpreter represent the meaning of the uttered speech in a sketched-out form and highly visual layout. This then enables the interpreter to just recompose the ideas noted, with just one quick glance, out of all the symbolic elements and structural representations of notions and relations which make up the meaning. The rendition of the message in consecutive interpretation is then a summary of the original speech, ideally shorter than the original, or at least not longer than it, capturing the whole of its structure, made up of main and secondary ideas, along with as many details as the interpreter managed to note and can be certain of.

All this is happening in real time, all the mental processing of interpreting in consecutive interpretation takes place at this stage, at the same time with note-taking. Even if the rendition itself is consecutive and happens afterwards, the interpretation i.e. processing of the message takes place before the note-taking, and the interpreter puts into words what they have made out from the original speech. In other words, the meaning has already been captured in the notes, it is not constructed at the moment the interpreter starts speaking. By that time, it usually is too late, because if there was no meaning put into the notes in the first place, there will be no meaning to make out of them later on, either. That is why it is during this initial phase of analysing and encoding the message that the interpreter has to identify all the elements of which the message is made up of, along with all the possible problems which arise in understanding and encoding it, so that at the moment of the actual

interpretation the necessary solutions or strategies have already been thought of or taken into account to be used at the right places.

One such problem which could arise is not knowing or not understanding properly one key word with substantive value, which is recurrent throughout the whole unit of speech and threatens to undermine the understanding and the rendition of the whole unit, in a manner which cannot be dissimulated to the public or postponed until the problem can be solved by asking the speaker at the end of the speech, or even worse not even then, depending on the nature of the key word in question. Furthermore, as it is often the case with key words, they could be the actual main concept put forward by the speech, or of special value to the speaker, or more often than not, they may be the focal point of the topic tackled in the speech. So, something must be noted in consecutive, and then something must be said at the time of the actual interpretation – either consecutive or simultaneous, for that matter.

One solution comes from cognitive semantics, which uses categories such as synonymy, antonymy, hypernymy, a.s.o.. At the time of listening, the interpreter should make out the semantic category the unclear word belongs to, e.g. is it a species of fish, or a bird, or a kind of plant used in the textile industry and use that – its hypernym – to express it throughout the interpretation, until they know better. In simultaneous this problem can be solved with the help of the fellow interpreter who works in the same booth and may know the word or can look it up in the meantime. Sometimes, the solution can come from a fellow interpreter in another booth who knows the word, or can suggest a solution via a language they know and in which they have recognised the word. But until that happens, if at all, the interpreter needs to find a solution, and such a compromise is still better than missing out on larger units of meaning, or speech, because of one lexical or terminological gap.

The same solution can be applied in the case of specialised terminology as well, although such instances can prove trickier, since specialised terminology belongs to a field which may be less familiar to the interpreter, and therefore it could be more difficult, or riskier to venture into such inferences. Nevertheless, the next level hypernym can always be inferred from the context of the speech, so that it can be used to suggest the right idea, until the actual term can be found to accurately express it. For example, hypernyms denominating the “equipment” or the “machine” in various technical fields or the “official”, or “politician”, or “statesman”, or “diplomat” in politics or

diplomacy or international affairs in various fields. Generic nouns such as "representative", "member", "delegate" or "minister", in more specific contexts can help along when the name of the dignitary has not been properly understood, or has been missed altogether, or the interpreter has doubts about which is the person referred to from among several names already mentioned.

These few examples of the semantic category of hypernymy can be extended and adapted to include all sorts of categories which can be named instead of the more accurate, and undoubtedly actual, proper word which needs to be used in that particular place. Of course, it means a compromise, sometimes even a compromise in register and style, but at least it keeps the message going and avoids bigger interpretation losses which cannot be so "easily" fixed, like the coherence of the message or parts of its content, or the trust of the client by sloppy, interrupted, incomplete delivery of the message, which is hard to follow or understand.

Adjectives tend to be a complicated issue to manage in both modes of conference interpretation, whether consecutive or simultaneous. They are notoriously difficult to remember and note. But a similar solution to that of hypernymy can come from cognitive semantics in their case as well. Nick Roche (2000), an interpreter with the DG Interpretation of the European Commission suggests for the note-taking stage of consecutive interpretation, marking the place in the message where they appear, so that the interpreter can have the reference that there is an adjective there, which qualifies a respective notion or fact, or segment of message in a certain way. Then he suggests marking the qualification they denominate with a general sign or symbol which hints at the fact that their meaning is positive, or negative, imperative, accentuated or relativised. These content/meaning/generic class hints, usually marked by symbols, which are graphic signs that can be used for any adjective, help the interpreter remember that in that particular point there was an adjective, or that that particular notion in the message was qualified with the help of an adjective, which they can remember exactly or express the idea of. This semantic strategy is in keeping with the basic idea expressed in the first principle of note-taking technique formulated by Rozan (2002: 15-16), according to which in consecutive interpretation we render the idea rather than the words. In other words, the interpreter can use their own words, as long as they convey the same idea as the original speech.

This strategy borrowed from the linguistic field of cognitive semantics works for the interpreter in the context of the speech. Every strategy that the interpreter resorts to in their act of enabling communication is linked one way or another to the context in which the communication is unfolding. This helps make the transition to the next part of this argumentation, the one which uses elements from pragmatics in the interpretation process.

## **2. Pragmatic strategies**

Pragmatics, on the other hand, as opposed to semantics, helps the interpreter make out the general meaning of the message and render it at textual level, i.e. at a level above that of the sentence. By definition, pragmatics deals with meaning in context, so whenever the interpreter needs help, they can get it by taking a step back from the verbal communication and regarding it in the context in which it takes place, in which it is unfolding.

Speech Act Theory developed by Austin in *How To Do Things With Words* (1975) can help clarify the way in which the interpreter needs to discern various layers of meaning, and, most importantly, the intention which the speakers intends to convey in their respective speech, which is famously more important than the words (and not only for the interpreter) and notoriously tricky to grasp, as well, also, not just for the interpreter. When the communication happens through an interpreter, then it is imperative that they get it, in order for the public to get it as well, otherwise it is lost and the communication fails, which means the interpreter fails to do their job.

Behind any instance of communication Austin distinguishes three acts of speech: the locutionary act, the illocutionary act, and the perlocutionary act (Austin, 1975: 101-103).

(1) The locutionary act refers to the actual words which are spoken, the wording in which the message is conveyed. This is the level of language and all the aspects that are connected with it, its means of encoding the meaning: e.g. lexical, terminological, morphological, syntactic, and semantic. They make up the locution i.e. what the interpreter hears and has to work with in order to understand, in other words, decode the message encoded in them. The message is sometimes the sum total of the meanings in the words uttered. This is when the interpreter needs to process the meaning at the level of the locution, for instance in highly technical speeches on highly specialised topics. Lexical, mostly terminological mastery is required, along with a capacity of understanding specialised processes or complex equipment and rendering it

so that it makes technical sense to the audience and describes rigorous specialised realities and scientific facts are of primary importance in these cases.

One example to illustrate interpretation at the locutionary level would be one which comes from the field of translation actually, and which is meant to show rather that a rendition at this level (whether spoken or written) of the message is not to be understood rigidly and performed mechanically as merely cross-linguistic semantic paraphrase<sup>3</sup>, i.e. not simply as code-switching. The example is the Romanian<sup>4</sup> translation of the famous line in Shakespeare's *Hamlet* (Shakespeare, 1995: 669): "To be, or not to be. This is the question." rendered as "A fi sau a nu fi. Aceasta este întrebarea." (Shakespeare, 2016: 114). The latter part of the utterance "This is the question" > "Aceasta este întrebarea." is an example of code-switching, where each word in the original English version is rather replaced with than translated by the corresponding word in Romanian. But what "This is the question" means in English, can be more accurately formulated as e.g. "Despre asta este vorba" into Romanian. Of course, the less felicitous word-for-word translation stuck and it has been adopted in time as a valid version, as so many famous phrases borrowed through approximate or sometimes downright wrong translations are.

(2) The illocutionary act is the intention with which the speaker chooses to use those words to convey their meaning, and not others. All communication has a purpose and all the speaker have an intention to convey, whether they choose to express it more or less covertly. The interpreter must strive to capture that intention. In many cases this is similar to the basic tenet of interpretation, according to which the interpreter has to render the message, not the words. In pragmatic terms, this can be expressed as: the interpreter's job is to convey the illocution, not the locution. Very often, the intention of the speaker is hidden behind or between the words spoken, and the interpreter finds themselves compelled to listen carefully to longer stretches of words in order to discern what it is that the speaker is trying to say.

In such instances, the **rubato** of the interpretation becomes more visible, as the interpreter processes, analyses and manages the locutionary components

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<sup>3</sup> Semantic paraphrase refers to the kind of reformulation of ideas simply by replacing each word with a synonym. Cross-linguistic semantic paraphrase is another way of referring to what in Translation Studies it is known as code-switching: the mere replacement of each word of a sentence in the source language with a corresponding word in the target language.

<sup>4</sup> The same can be said about translations into other languages as well, e.g. French, not just about the Romanian version.

of the source language and discourse strategies, in order to discern the illocution and encode it using the resources of the target language, both locutionary and discursive, to convey it in. At first glance the differences between the original and the interpretation may be very different, but the interpreter is bound to do as little as possible and as much as necessary at the level of the locution, in order to build a bridge for the message to come across linguistic (locutionary and discursive), and cultural barriers unchanged. This is the cases in communication situations on social, political, diplomatic, even trade topics, for instance, a. o..

An example to illustrate the relevance of transmitting the illocution of a message, with quite extreme consequences on the locution (wording) of an idea is the following: Romanian “Deșteptule!” > English “You, idiot!”. Sometimes, as it is the case in this example, the intonation plays an important part, too, and the interpreter must pay attention to identify or pick up on such clues as well. Intonation can express the underlying intention of the speaker as added to the meaning of their words. Deliberate intonation shades the meaning of the words with added comments from the speaker such as their position to what they say, simultaneously with the substantive meaning of their message, or with a hint that there is more to what is being said, and the hearer – e.g. the public, through the interpreter - is invited to take a particular sentence into special consideration.

“Deșteptule!” in Romanian, with such a deliberate intonation as mentioned above means exactly the opposite of the semantics of the word “deștepț”, i.e. intelligent, bright, with intellectual capabilities. So, the locution may have a positive meaning in itself, but spoken in context and with the added intonation shade, what is said and what is meant become two opposite things and therefore, the right rendition into English is the opposite “You, idiot!” meaning, depending on the context, a stupid person, lacking intelligence, and intellectual capacities, or an inept person, silly, or foolish, who behaves inappropriately in a given context, lacking social skills. There are two possible ways to interpret and render it. Which is the appropriate one will be dictated by the context in which the communication takes place. And rightly so, since pragmatics is after all concerned with the study of language embedded and used in the social context. So, what the interpreter does in this instance, is to grasp and convey not so much what the speaker says, but what they do when they say “You, idiot!” namely they censor a lacking or inappropriate behaviour, criticise it, or maybe even hurt the feelings of the unfortunate person, who is the target of the remark.

(3) The perlocutionary act is the third component of any communication act according to Austin, which may at times function as a way to gauge if the illocution of the original message has successfully come across into the target language, to the target audience. The perlocution of an act of communication as defined by Austin is the reaction, whether intended or not, which the illocution of the message encoded in the locutionary act, elicits from the target audience. The interpreter must make sure their interpretation elicits the same intended reaction (perlocution) from the public, as the original speaker intended, through their speech, where getting a reaction from the audience is intended, expected and envisaged. One example of such communication are political speeches in electoral campaigns, where the intention is to clearly attract more voters and the reaction envisaged is for more people to vote in favour of one particular candidate.

One rather extreme example to illustrate the rendering of the perlocutionary act in interpretation comes from the simultaneous interpretation and it has to do with one of the most dreaded elements in the field: the interpretation of jokes. Since sense of humour is a highly idiosyncratic trait, being a combination of specific elements pertaining to culture, language, person, context, and conviviality, telling a joke and making it sound funny, i.e. making people laugh and come together in a relaxed atmosphere as a result of that joke is no easy feat. Also, it must be said, the joke has been circulating in the field since forever in various forms, and it is rather difficult to pin it to a certain source or moment in time, as it has become something of a professional legend. But the possibility of it just being a myth does not undermine the point at issue, as it still illustrates the lengths to which the interpreter is forced to go in order to get the right reaction (perlocution), i.e. tell a joke and make it sound funny, so that people laugh and the communication is successful! Here it is: President Jimmy Carter once told a joke during a speech in Japan that caused the audience to burst into laughter. Impressed, he asked how the interpreter got such a laugh. The interpreter admitted to saying, "President Carter told a funny story; everyone must laugh".

What the interpreter did in this particular situation is concentrate themselves on one thing only: the perlocutionary act, i.e. getting the people to laugh. How they did it is by taking what look like a desperate risk, maybe, at any case a professional licence. They stepped away from the particulars of the joke itself, which means they totally ignored the locution (wording, situation, characters, etc), retained the intention/illocution of wanting to make the people laugh, and to that end, completely distanced themselves from the communication act,

and told it in the third person singular “President Carter told a funny story”, addressing the public directly with the instruction “everyone must laugh”. This was the interpreter talking to the public directly, which is an atypical and an exceptional thing to do, telling them what to do, which is the professional liberty they took, all in the name of creating the same effect. Since maybe they realised that doing their job the proper way i.e. interpreting the joke, would not successfully get the right result, then they forced the situation and tried to make the public have the right reaction forcing the possibilities and limits of the situation at their disposal. Was the means unorthodox? Maybe. Was the job successfully done in the end? It was. Interpretation is often a profession where the end justifies the means, and the situation told above, whether mythical or not, is so probable, that variations of it are bound to come up more often than one might think during the work of a professional interpreter. It only goes to show the extreme lengths the interpreters have to go to, the level of creativity, inventiveness, spontaneity, courage and risk-taking it takes, for an interpreter to think on their feet and make decisions in a matter of seconds, so that that **rubato** of interpretation remains, in the end, music to one’s ears.

## Conclusions

In the way of a conclusion the idea should be stressed that these are just a few examples of strategies a conference interpreter may resort to in the booth, or in consecutive, for that matter, as well. They are not the “final destination” of the journey the interpreter makes between the source language and the target language, to pick up on the metaphor used in the introduction to this paper. Accuracy of rendition, in terms of lexic, style, register, idioms, a. s. o. is still the utmost and unmoved goal of the interpreter. But on the way there, the trainee interpreter veers in all directions, and in doing so, they learn to cope with various aspects which instantaneous communication between two different languages faces them with, of which lack of a word or momentary failure to grasp the meaning or the intention of the speaker is one - which can very quickly lead to panic, which, in turn, immediately becomes a bigger problem threatening to jeopardise the rest of the interpretation, as well.

These are risk minimising strategies, which are meant to help the interpreter along the journey to the final destination: the rendition of as much of the message as possible, with minimal loss in content, intention, and fluency, and – deriving from that – the trust of the client.

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# **PSYCHO-PEDAGOGICAL AND LINGUISTIC PARTICULARITIES TYPICAL OF TECHNICAL ENGLISH: DEVELOPING VOCABULARY SKILLS FOR CIVIL ENGINEERING STUDENTS**

**Anca BUNEA**

**Abstract:** The present paper presents some methodological aspects of teaching scientific and technical vocabulary to civil engineer students. We start from general mind-language associations while teaching and studying a foreign language and we contrastively pass to the constraints imposed by the mono-referentiality of the scientific and technical vocabulary. The acquisition of the vocabulary of a foreign language and its preservation by students is based, among other things, on the associations that are formed between the words and expressions of the mother tongue and the words of the new language. Such associations can be formed between common words of the mother tongue with the studied language; among words identical in pronunciation as the words of the mother tongue but different in meaning; between words of the studied language, which by pronunciation and meaning remind of other words learned in that language and brand-new words.

**Keywords:** *scientific vocabulary; technical vocabulary; teaching tips; neonymy; word formation*

## **Introduction**

In the work of teaching and mastering the vocabulary, it is necessary to take into account other ascriptions. We refer here to the direct associations between the words of the language being learned and the objects, images, qualities, actions that they name. That is why the intuitive material in explaining the vocabulary has a great instructive value. The more the terms are from a newer field, the stronger the positive influence of the image on the acquisition of word retention.

For example, teaching to first-year students the vocabulary related to the field of houses and homes, where most words are concrete nouns, notions known by the students in their mother tongue still requires some didactic tricks. Thus, we can say that the explanation through which students can easily realize the meaning of the terms was based on the use of appropriate intuitive material (real objects - "window sill", "panelling", "false ceiling"- images: "studio flat", "detached-house", "cottage", "bungalow"). The fixing of the words was done at the same time and it was based on conversations and different instructive games for students.

## **1. General scientific vocabulary from a didactical perspective**

The general scientific vocabulary is placed between the usual vocabulary and the specialized vocabularies, being common to all fields of science and technology. It includes words with a general meaning used by all specialties at a fundamental level and which serve both to express the elementary notions they need and to express the intellectual operations that any methodical approach to thinking entails (Belmont, 2019: 4-6).

Next, we will present some peculiarities of the general scientific vocabulary. The vast majority of terms come from the usual vocabulary belonging to the basic English language and the structure of the general scientific vocabulary. By and large, the general scientific vocabulary contains nouns denominating fundamental scientific notions, categories of thinking or action names in the formation of which a marked preference for the suffix “-tion” is manifested. In terms of complex lexical units, they have a narrower place, which is explained by the high degree of generality of this vocabulary. Most are formed by simply joining the adjective, for instance, “circumscribed circle”, terms frequently used by the first-year students in civil engineering while studying Descriptive Geometry.

Verbs and verbal phrases borrowed from the basic language and which have lost to a greater or lesser extent the initial signatory content acquires a more abstract value. They enter the scientific discourse in combination with certain complements (inanimate) and give rise to semantic units, frequently used in scientific expression, corresponding to the intellectual approach specific to reality: “withstand high bending stresses”, “flex and bend”, “resist stretching or pulling forces”. These combinations tend to lexicalize and become simple clichés. They are preferred by scientific expression with a nominal and abstract character instead of the corresponding simple verbs: “resist” and “curve”.

Here is what Anthony Belmont considers about the specificity of scientific language with regard to what we have mentioned above:

The degree of precision that we can achieve with our use of words and terms will determine how well and how clearly, we can communicate with each other. The sciences are concerned with and are based on precision. The scientist's job is to systematize, to measure, to delineate, to define, to limit the materials that he deals with. A mathematician cannot work usefully if he defines number 2 as sometimes the sum of 1 plus 1, or the sum of 1 plus 1 as “about 2”. The physicist cannot work accurately and well if he defines the speed

of light as somewhere around 186,00 miles a second". (Belmont, 2019: 12-13)

Thus, it turns out that the scientific English language is less complicated than it would seem at first sight and that the frequency of simple constructions is quite accentuated. This would find its explanation in the obvious fact that the noun phrase structure is more natural and more economical than the one formed by the adverbial of manner + verb + direct object: "concrete mould making" instead of "how to mould concrete".

The structure of the general scientific vocabulary also includes logical constructions of the discourse (adverbial phrases, conjunctions and prepositions) that support the speculative approach. Consequently, it is noticeable the preference for constructions that express thinking and the development of reasoning: "starting from", "on the one hand, on the other hand", "compared to", "contrasting", admittedly, "to illustrate", "to clarify" and so on and so forth.

## **2. Technical vocabulary for civil engineering from a didactical perspective**

The specialized or technical vocabulary is specific to a certain field of technique, constituting its most striking distinctive element. It includes in particular the terminology: names of substances, products, instruments and equipment as well as names of operations specific to the performance of experiences or works ("clay", "concrete", "dragline", "forklift", "array calculus", "geographic information system (GIS)", "angle measurements between designated visible points in the horizontal and vertical planes").

Unlike the word in the usual lexicon, which carries psychological and social connotations, the technical term tends to be univocal and has a denotative function par excellence (Gholaminejad and Mohammad Reza, 2020: 83-85).

In a given field of science and technology, in order to avoid ambiguity and confusion in communication, the term must have a mono-referential value, to denote a single referent. In general, due to the univocal relationship that the term has with the referent, the terminological synonymy is usually excluded. If it happens that several terms are used to designate the same referent, this situation has only a temporary character, limited to the initial period of research and elaboration of the concepts.

The technical vocabulary is distinguished by its special ability to produce new terms. For this it can use several processes, the most important and common of which are: the introduction of a new term as a result of his new invention as in "nanocrystal" in the process of neonymy. Another process is the extension of the meaning of an existing word in the general language or in the field of science and technology, for example "handcuffs cable tie" – "șoricei" or "coliere de plastic" and affixation including derivation with prefixes such as number prefixes ("quadrangle", "quintuplet"), negative prefixes ("irregular shapes in flood precast concrete"), relationship prefixes ("precast concrete") and suffixes such as noun suffixes (-tion, -ment, -ity) in "construction", "endorsement", "treatment", "durability", "density" and person suffixes (-er as in "engineer" and -or as in "surveyor").

Usually for the name of a new technical object or especially of an improved object, instead of introducing a new lexeme, which would increase the number of memory units, it is preferred to customize by different means an existing lexeme. Thus, a known term, which is already entitled with specific meanings, have an important role in the formation of complex lexical units. These units have the advantage of enumerating all the significant characteristics of the object, thus offering a true analysis and systematic classification of the technical universe.

Due to their fully analysable character, they give the specialist maximum information on the meaning. Linguistically, we are witnessing an increase in the complexity of the technical term, which no longer remains a lexeme in the proper sense, but becomes a lexical complex of the metaphor type (Ghențulescu, 2016: 150-151).

The tendency of scientific and technical language towards objectivity leads to the disappearance of procedures that serve to express a feeling or a subjective appreciation. Thus, the terminology is strictly related to the object and / or the described phenomenon eliminating the possibility of the appearance of connotative meanings.

In scientific and technical discourse, the selection of one lexeme or another is motivated by semantic and contextual restrictions such as avoiding repetition and the concern that the information reaches the receiver intact and can be decoded as easily and quickly as possible.

From a didactic point of view, the constraint in formulating different types of utterances at the level of vocabulary, but also of the whole text also means

the strict requirement to assimilate the models, which are implicitly delimited by the considerations already mentioned.

With this respect, a specific type of exercises can be practised in order to acquire the vocabulary easier. Next, we have few examples from a vocabulary lesson dedicated to first year students when introducing the topic "Job Alerts".

The texts can be taken from real announcements which, obviously, are available for a short period of time because we all know that civil engineering is a very sought job. Therefore, the examples given below have a temporary availability, but they are given for didactic purposes and it is recommendable that during the lesson to invite the students to visit the websites which are specialised in job alerts and take the corpus of the exercises in real time.

For the lead-in we can use different links in order to get used to searching for this kind of announcements and adapt it to the specific of our lesson.

### **Architectural Technician**

To be considered for this position you MUST:

- Have a Design and Build background in Building Contractor Environment.
- Have at least 2-3 years industry work experience.
- Be able to demonstrate technical knowledge.
- Achieved a relevant degree or equivalent qualification.
- Ability to gather and relay information from sub-contractors.
- Work off drawings.
- Be able to source faults / Troubleshooting.
- Have worked in one or more of the following sectors (Commercial, Retail, Leisure, Education, Healthcare, MOD).

For integrating the new vocabulary to what the students have already acquired, we suggest the next exercise:

#### **1. Answer the following questions:**

- a. In which job do you need building refurbishment experience?
- b. Which is the bonus for the estimator position?
- c. Which is the job that requires knowledge of managing and administration of a project as well as running a small team of 2-3 other technicians?
- d. One job mentions that some knowledge of Care Homes / mixed residential represents an advantage. Can you say which one?
- e. Which are the skills needed for the building surveyor job?
- f. Name four requirements for the architectural technician position.

**2. A controller is training a mobile crane driver. Match the phrases in the two boxes.**

1. Press	a) the
2. Press	"Start"
3. Release	button
4. Push the joystick	b) forwards
5. Turn the wheel	c) to the left
6. Move forwards	d) the power switch
7. Press	e) the hand brake
8. Rotate the arm	f) 45° to the left
9. Pull the joystick	g) about 50 metres
10. Reverse	h) backwards
	i) backwards 10 metres
	j) the brake pedal

Next, we present some suggested answers, which were given by the students when studying "Job Alerts". We just check and monitor the dialogue and lesson in its whole.

**1.**

- a) estimator/ senior estimator
- b) Pension, Health, Life assurance
- c) senior technician
- d) senior technician
- e) Qualified Building Surveyor with circa 3-5 years' experience  
Consultancy background  
Comprehensive understanding of the construction industry and  
Building Surveying

- Experience of working with commercial clients
  - Client facing and a good communicator
  - Ambitious and looking to join a leading national consultancy
  - f) - Have at least 2-3 years industry work experience.
  - Be able to demonstrate technical knowledge.
  - Achieved a relevant degree or equivalent qualification.
  - Ability to gather and relay information from sub-contractors.
  - Work off drawings.
  - Be able to source faults / Troubleshooting.
- 2.**
- 1 –a, 2 –d, 3- e, 4 –b, 5 –f, 6 – g, 7 – j, 8 – c, 9 – h, 10 – i.

These types of exercises come in handy as we all have access to Internet and the students find them useful and enjoyable.

## **Conclusions**

Taking into consideration the field of scientific and technical English, however brief and empirical, the main characteristic aspects of the scientific and technical discourse at the level of specialized vocabulary draw attention both on the importance of this research field and on the insufficiency of a perspective to systematize the essential problem of the investigated topic. It results that research in this direction remains open and of acute necessity, which does not mean the abandonment of attempts at methodological structuring for didactic purposes.

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# **CONOTAȚII RASISTE ȘI XENOFOBE ÎN LIMBILE ROMÂNĂ, ENGLEZĂ ȘI SPANIOLĂ – STUDIU CONTRASTIV**

**(RACIST AND XENOPHOBIC CONNOTATIONS IN ROMANIAN,  
ENGLISH AND SPANISH – A CONTRASTIVE STUDY)**

**Cristina HERLING**

**Raluca GHENȚULESCU**

**Abstract:** In an epoch in which slavery was regarded as something natural and people of different origins were considered inferior, strange or mad by the majority of the native populations of the so-called civilized countries, racism, xenophobia and discrimination on ethnical criteria were not blamed or discouraged, but, in many cases, even promoted by the politicians, social actors or teachers through the doctrines they presented to the public. At the lexical level, these discriminatory tendencies can still be noticed in phrases, idioms and proverbs, in many languages, including Romanian, English and Spanish. These forms of expression render the majority's prejudices and stereotypes against the Other, seen as the representative of an unwanted minority. The purpose of this article is to analyze the racist and xenophobic connotations in the three languages, in order to find the common cause of this hatred or contempt against those who are different from us, to get to the root of this phenomenon that, despite current laws and regulations worldwide, still affects the life, career or simply self-esteem of millions of people around the globe. Racism, xenophobia and discrimination should be condemned by all means and, as political correctness has attempted so far, language is one of the main ways to fight against them. Therefore, the expressions provided as examples in this article should be taken only as mere reflections of an obsolete mentality based on the dichotomies of superiority-inferiority, identity-otherness, national-foreign, etc., which have not brought anything good to the progress of mankind, leading to all sorts of conflicts that should be avoided nowadays.

**Keywords:** racism; xenophobia; discrimination; idioms; proverbs

*Detest rasismul pentru că îl privesc ca pe un  
lucru barbar, indiferent că vine dinspre un om  
negru sau alb. (Nelson Mandela)*

## **Introducere**

Sub influența studiilor filosofilor francezi de prestigiu din a doua jumătate a secolului al XX-lea, precum Jean-Paul Sartre, Michel Foucault, Gilles Deleuze și Felix Guattari, conceptele de identitate și alteritate au căpătat o nouă dimensiune. În viziunea lui Michel Foucault, de pildă, preluată de mulți teoreticieni ai studiilor culturale și lingvistice, identitatea, atât la nivel

individual, cât și național, se creează prin excluderea brutală și chiar exorcizarea „Celuilalt”. Tot ce este „străin” majorității, din punct de vedere rasial, etnic, sexual sau religios, ar trebui exclus din comunitate, pentru a nu avea o influență negativă asupra a ceea ce este „normal” (Foucault, 2005).

Încercând să înțeleagă modul în care se transpun la nivel lexical toate aceste idei, rezumate în celebra maximă sartriană „Infernul sunt ceilalți” (Sartre, 2007), lingviștii au analizat diferite expresii în care „Celălalt” – exponentul unei alte rase, naționalități sau orientări sexuale – este redat la nivel idiomatic.

În plină expansiune a criticii post-colonialiste, în anii 1970, când reprezentanții minorităților de orice fel începuseră să fie priviți cu interes și bunăvoieță, ca un act reparatoriu pentru secole de denigrare, un celebru psihiatru de la Harvard, Chester M. Pierce, a definit toate formele de ostilitate verbală la adresa „Celuilalt” drept „microagresiuni” (Pierce, 1970: 267).

Orice cuvânt sau expresie cu sens peiorativ, cu conotație negativă la adresa unui grup marginalizat din punct de vedere social și cultural – în cazul lui Pierce, minoritatea afro-americanilor din Statele Unite – a fost considerat o formă de agresiune verbală, care trebuia sanctificată de comunitate. În sens larg, aceste exprimări cu conotații negative fac parte din aşa-numitul discurs instigator la ură, care promovează discriminarea anumitor categorii de persoane pe criteriul rasei, etniei, credințelor religioase, orientării sexuale sau statutului social.

Conform teoriei lui Bhikhu Parekh, există trei caracteristici principale ale discursului instigator la ură:

- referirea constantă, aproape obsesivă, la un anumit individ sau la o comunitate, cu scopul evident al defăimării;
- atribuirea unui set de trăsături caratteriale sau comportamentale negative, privite cu dezgust de către ceilalți membri ai societății;
- excluderea individului sau comunității vizate. (Parekh, 2006)

Consecințele acestui tip de limbaj cu conotații negative sunt aparitia unor stereotipuri și prejudecăți împotriva anumitor grupuri etnice sau rasiale, discriminarea sau marginalizarea lor în societate și crearea unor fracturi comunicative și sociale între diverse categorii de indivizi. Discriminarea

conduce la prejudecăți, care se concretizează în stereotipuri, creându-se astfel „o imagine de superioritate a unei etnii sau naționalități față de alta” (Herling și Miclea, 2014: 46).

Astfel de comportamente, împreună cu modalitățile lor de exprimare, nu-și mai au locul într-o societate dezvoltată și, de aceea, principiile corectitudinii politice, intens promovate în prezent, încearcă să le excludă din mentalitatea și vocabularul oamenilor contemporani. Pentru că, de multe ori, astfel de expresii sunt folosite fie dintr-un impuls de moment, fie din obișnuință, în virtutea cutumelor lingvistice pe care le avem, fără a ne da seama că îi pot răni pe cei pe care îi vizează este necesar să le cunoaștem în detaliu, atât în limba noastră maternă, cât și în două limbi străine – engleză și spaniola – pentru a le putea evita în comunicare. Prin urmare, în prima parte a acestui articol se face o scurtă prezentare, la modul teoretic, a limbajului cu conotații rasiste și xenofobe, iar în cea de a doua și de a treia parte se oferă exemple concrete de apelative, expresii idiomatice și proverbe care conțin, mai mult sau mai puțin explicit, astfel de elemente discriminatorii.

## **1. Limbaj și discriminare**

Rasismul și xenofobia se bazează pe ignoranță manifestată față de „Celălalt”, ignoranță care se manifestă prin prejudecăți, stereotipuri și imagini distorsionate. Adesea, anumite grupuri etno-rasiale se confruntă cu discriminări din partea altor rase sau popoare, la baza acestor discriminări fiind implicate atât segmentele lingvistice, cât și cele sociale și/sau istorice. Astfel, iau naștere stereotipuri susținute de prejudecăți prin care se transmit anumite credințe și atitudini față de un grup etno-rasial.

Din punctul de vedere al limbajului discriminatoriu, termenii folosiți în expresii și proverbe redau și subliniază aspecte considerate de creatori a fi definitorii pentru un grup etno-rasial, care au o încărcătură defăimătoare și batjocoroitoare și care conduc la marginalizarea și excluderea indivizilor cu aceste caracteristici. Stereotipurile reprezintă, prin urmare, un proces mental, rezistent în timp, prin intermediul căruia sunt atribuite unui grup sau unui membru al aceluia grup credințe generalizate și exagerate care pot avea la origine informații incomplete sau eronate și nu o experiență personală. O dată ce aceste stereotipuri s-au format și au intrat în uz, încep să fie acceptate de mentalul colectiv, iar aceste stereotipuri sunt aplicate tuturor membrilor aceluia grup la care se referă, indiferent dacă aceștia se comportă sau nu conform descrierii stereotipice (Islas Azaïs, 2007: 78).

Problema stereotipurilor este aceea că unii indivizi le aplică în mod discriminatoriu și nedrept față de unele grupuri etno-rasiale, iar uzul repetat se transformă în arme lingvistice cu conținut explicit sau implicit valorizat negativ la adresa unei rase, etnii sau popor cu scopul de a stigmatiza, a deprecia și a umili și prin care grupul dominant încearcă să își justifice acțiunile și faptele față de un alt grup. Astfel, de-a lungul timpului și sub influența unor evenimente istorice sau sociale, au luat naștere stereotipuri discriminatorii precum: țiganii sunt hoți, leneși, needucați și murdari; negrii sunt buni pentru munci grele; rușii sunt betivi; evrei sunt buni negustori/oameni de afaceri, dar sunt necinstiti și leneși; musulmanii sunt periculoși; românii sunt țigani și hoți etc.

Un vocabular construit pe o asemenea terminologie depreciativă și jignitoare și etichetele impuse de-a lungul timpului au condus la discriminare împotriva căreia este necesar să se ia măsuri, iar una dintre aceste măsuri ar fi evitarea folosirii în actul de vorbire a expresiilor și apelativelor cu conotații rasiste și xenofobe.

## **2. Limbajul cu conotații rasiste și xenofobe**

Rasismul și xenofobia își au originea în timpuri îndepărtate, fiind imaginea unor evenimente socio-istorice care au implicat unele popoare și grupuri etno-sociale. Xenofobia reprezintă o ideologie care constă în respingerea identităților culturale diferite de cea proprie și care desemnează atitudini și stări precum ura, teama, respingerea, ostilitatea față de străini și de necunoscut. Xenofobia constă în respingerea și fobia atât față de o cultură, o etnie, o religie, o orientare politică sau sexuală cât și teama de oameni necunoscuți. S-ar putea spune că acest tip de discriminare își are originea în prejudecăți de natură istorică, religioasă, culturală sau națională, fiind probabil un efect al temerii față de alterarea etnică, de alterarea valorilor, de pierderea identității.

Acest fenomen patologic, xenofobia, include rasismul, adică ideea că oamenii nu sunt egali în funcție de etnie și de culoarea pielii. Teoreticienii și sociologii sunt de părere că termenul „rasism” este încă un concept ambiguu și controversat, care încă nu poate fi definit cu exactitate, de unde și multitudinea de definiții. Pierre André Taguieff consideră că prin racism se înțelege în primul rând „o ideologie, teoria pseudo-științifică a inegalității rasiale, bazată pe un determinism biologic primitiv [...], iar în al doilea rând, un ansamblu de atitudini și de practici discriminatorii, care însotesc intoleranța și sentimentele negative, precum ura și resentimentul” (Taguieff, 2001: 6), asociate cu

prejudecătile și stereotipurile rasiale. Același autor menționează, de asemenea, că termenul „rasism” a ajuns să fie „sinonim aproximativ pentru excludere, respingere, discriminare, ostilitate, ură, intoleranță, fobie sau dispreț” (Taguieff, 2005: 555).

Xenofobia și racismul lingvistic se manifestă printr-o serie de apelative, expresii și proverbe care asociază vicii, defecte, obiceiuri cu membrii unei societății care nu au aceeași culoare a pielii, care vorbesc altă limbă, sunt urmași ai cotropitorilor, au religie diferită etc. În vocabularul limbilor română, engleză și spaniolă se întâlnesc următoarele apelative cu conotații xenofobe sau rasiste (echivalente, calcuri sau împrumuturi):

- **nigger** (eng.) folosit pentru negri, cu echivalentele „cirooi”, „negrotei” și „negru” în limba română și „negro”, în limba spaniolă;
- **dago** (eng.) pentru italieni, spanioli sau mexicani (ca o formă modificată de la prenumele comun Diego), aşa cum este „macaronar” pentru italian în limba română și „macaroni” în limbile spaniolă, engleză și franceză, cuvânt care îi desemna, în mod peiorativ pe emigranții italieni. Tot cu sens depreciativ, pentru italian, în limba română se mai folosește termenul „broscar”, care este menționat și în *Dictionarul limbii românești* al lui August Scriban: „broscár m. Iron. Italian, adică «mîncător de broaște», cea ce Românului îi pare foarte strană.” (broscar, 1939);
- **kike** (eng.) pentru evrei, etimologic, provine de la cuvântul evreiesc pentru „cerc”, deoarece emigranții evrei ajunși în Statele Unite refuzau, din motive religioase, să marcheze cu o cruce rubricile de pe formularul de înregistrare și desenau în schimb un cerc. În limba română întâlnim termenii peiorativi „jidov” sau „jidan”, asemănător cu termenul „judío” din spaniolă, care se folosește și cu sensul depreciativ pentru a face referire la persoane avare sau la cele care se ocupă cu cămătăria (judío, 2014);
- **polack** (eng.) pentru polonez;
- **chink** (eng.) pentru chinez. În limba română, pentru chinez, se întâlnesc termenii cu sens peiorativ „gălbejit”

și „chinezoi”. În limba spaniolă există expresia „engañoso a alguien como a un chino” („a profita de naivitatea cuiva”);

- **jap** (eng.) pentru japonez;
- **welsh** (eng.), folosit ca verb, cu sensul de „a păcăli”, „a însela”, ca o insultă la adresa minorității de origine galeză din Statele Unite ale Americii;
- **gringo** (sp.) termen folosit mai ales în Mexic, dar care s-a extins în toată America Latină, pentru a face referire la nord-americani sau la persoanele cu tenul alb;
- **frogs** (eng.) pentru francezi. În limba română există cuvântul „franțuzoi”, iar în limba spaniolă sunt menționați de *Diccionario de la lengua española* doi termeni, „gabacho” și „franchise”.
- **arăboi** pentru arab. În limba spaniolă există termenul „moro”, care nu întotdeauna are sau avea sens peiorativ sau depreciativ.
- de asemenea, în limba română se mai întâlnesc cuvintele deprecative **rusnac** pentru rus, **nemțăläu** sau **friț** (care se folosește regional) pentru neamț, dar și cuvinte, după cum am menționat și mai sus, formate cu sufixul –oi: „bulgăroi”, „englezoi” etc.
- **grecotei** pentru grec;
- **bozgor** pentru maghiar, ungur (provenit de la cuvântul maghiar cu sens de apatrid, om fără patrie, ca o jignire adresată ungurilor din România);
- **țigan**, termen considerat în prezent peiorativ, pentru rom. În limba spaniolă există cuvintele „gitano”, care se referă la persoanele care aparțin etniei rome în general, și „calorro”, termen depreciativ folosit în special cu referire la romii spanioli. Spre deosebire de limbile română și spaniolă, în care există multe expresii și proverbe cu sens denigrator la adresa minorității rome, în limba engleză există un singur termen peiorativ, verbul „to gyp”, de la Gypsy (= țigan), care are sensul de a păcăli sau a însela, comportamente asociate în mod jignitor acestei minorități. Există și în limba română un verb cu conotație deprecativă care provine de la cuvântul „țigan”, „a se țigăni”, care înseamnă „a insista

- mult pentru a obține ceva; a cere ceva cu încăpățânare; p. ext. a se târgui, a se tocmi îndelung” (țigăni, 2009), de la care s-a format substantivul țigăneală – „1. Faptul de a se țigăni. 2. (La pl.) Vorbe urâte, insulте” (țigăneală, 2009). Verbul „a se țigăni” și substantivul „țigăneală” au corespondente în limba spaniolă: „gitanear” și „gitanería”;
- în legătură cu amerindienii, care au făcut, de asemenea, obiectul unor porniri xenofobe din partea americanilor, a circulat multă vreme expresia „off the reservation” (= ieșit din rezervație), care avea sensul de comportament deviant, anormal (echivalent cu „scăpat de la balamuc” în limba română), așa cum era percepția actului de a evada dintr-o rezervație de amerindieni, care se putea solda cu arestarea sau uciderea persoanei în cauză. În limba română există sintagma „pieile roșii”, care în contextul contemporan este considerată depreciativă, motiv pentru care se dorește cenzurarea ei chiar și din opere literare, precum Peter Pan, unde apare foarte des (eng. „redskins”) și se consideră că le poate inocula copiilor o idee greșită despre amerindieni;
  - nici minoritatea irlandeză nu a scăpat nesanctionată la nivel lingvistic. Din cauza faptului că, în perioada interbelică, mulți polițiști din Statele Unite, precum și mulți dintre infractorii pe care îi prindeau, erau imigranți de origine irlandeză, spre nemulțumirea populației majoritare, dubă de poliție se numea „Paddy wagon”, „Paddy” fiind termenul peiorativ folosit pentru irlandez.

### **3. Expresii idiomatice și proverbe<sup>1</sup> cu conotații rasiste și xenofobe**

O persoană se poate defini prin varii aspecte identitare, precum vîrstă, rasa, clasa socială, identitatea sexuală, religia, originea, capacitatele fizice sau intelectuale etc. care nu trebuie ierarhizate de membrii unei societăți, ci trebuie acceptate, deoarece suntem o combinație a acestora. Însă, racismul și

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<sup>1</sup> Precizăm că prezentul articol nu reprezintă în totalitate o viziune actuală asupra etniilor și popoarelor prezентate, multe dintre proverbele și expresiile idiomatice folosite ca exemple fiind ieșite din uz, dar fac parte din literatura de specialitate și reprezintă o mentalitate care a existat de-a lungul multor secole, deși în prezent este considerată a fi jignitoare și defăimătoare.

comportamentul xenofob există, având drept caracteristici principale discriminarea, stigmatizarea, subaprecierea sau respingerea persoanelor considerate „altfel” de către unii membrii ai societății, atitudine care ar trebui sănctionată și corectată.

La nivel lingvistic, putem spune că prin limbaj numim ceva sau pe cineva, iar prin „a numi”, definim sau calificăm, apoi, prin calificare, valorizăm sau devalorizăm. Astfel, prin actele de limbaj se transmit păreri, idei, prejudecăți, stereotipuri etc., care pot sau nu reproduce discriminări, determinate de anumite situații sociale și culturale, dar și de contextul unde sunt produse. Relația dintre limbajul, ideile și concepțiile unui popor este atât de strânsă încât unele stereotipuri negative și prejudecăți cu privire la anumite etnii, popoare sau grupuri sociale pot rezista de-a lungul timpului, chiar dacă momentul în care au fost create nu mai este de actualitate.

Uneori, aceleași stereotipuri sunt prezente în mai multe culturi, ceea ce indică fie o gândire comună, fie un împrumut, deoarece „la realizarea proverbelor [și unităților frazeologice] autorul popular se folosește de imagini din mediul înconjurător, care prin frecvența uzului au dat naștere stereotipurilor paremiologice” (Herling, 2018: 117). În fondul frazeologic și paremiologic românesc și spaniol sunt întâlnite frecvent, alături de reprezentarea altor etnii sau popoare, expresii și proverbe referitoare la țigani<sup>2</sup> și la evrei.

Multe dintre stereotipurile și prejudecățile care conduc la discriminări rasiale sau xenofobe au rădăcini adânci în istorie (segregația rasială, sclavagismul, inegalitatea în drepturi etc.) și au fost transmise „ca și când ar fi adevăruri incontestabile ca rezultat al unei opinii generale” (Herling, 2018: 117). Acestea, de-a lungul timpului, s-au materializat în cuvinte, expresii, glume, proverbe care s-au păstrat în mentalul colectiv și au fost transmise din generație în generație pe cale orală sau prin surse scrise. Unele dintre aceste stereotipuri și prejudecăți „nu au dispărut complet, ci coexistă alături de o nouă imagine atribuită de societatea actuală” (Herling, 2018: 118). Principala funcție a acestor unități lingvistice cu caracter etnic a fost aceea de a descrie sau de a atrage atenția asupra unei anumite etnii, ceea ce a condus la formarea unei imagini distorsionate sau nedrepte față de acestea (Herling și Miclea, 2014: 48).

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<sup>2</sup> Termenul „țigan” nu este folosit în lucrare cu valoare depreciativă sau invectivă ci, l-am ales în locul cuvântului „rom”, deoarece în proverbe și expresii idiomatice acesta este cuvântul cu care se face referire la o persoană care aparține etniei rome.

Expresiile cu conotații rasiste care conțin cuvântul „negru, neagră” – „black” (eng.) – „negro/a” (sp.) cu sens depreciativ, precum: „a fi oaia neagră” – „to be the black sheep” – „ser la oveja negra”, care trimit la condiția rasială prin asocierea cu un animal, pentru a sublinia că persoana la care se face referire (mai ales din cadrul unei familii) este detestabilă, fiind adesea exclusă sau „trabajar como un negro” (în română există expresia „a munci ca un sclav (pe plantătie) / ca un rob”), „hacer cosas de negro”, „trabajar como negro para vivir como blanco”, expresii care își au originea în perioada sclavagistă, când sistemul social se baza „pe munca forțată a unor grupuri de oameni, numiți sclavi, proveniți din prizonierii de război, din etnii și religii diferite” (sclavagism, 2009), care îndeplineau o serie de munci, ca de exemplu: munci ce necesitau o forță brută, munci necalificate, munci considerate înjosoitoare etc., iar cei care le îndeplineau nu erau remunerati. Mai ales în Statele Unite și în America Latină aceste persoane erau aduse din Africa prin intermediul comerțului cu sclavi. Expresiile spaniole „merienda de negros” și „boda de negros”, al căror sens este acela de „confuzie și dezordine din care nimeni nu înțelege nimic” (merienda de negros; boda de negros, 2014), de asemenea, au un sens negativ, care este posibil să fi apărut în perioada sclavagistă și să aibă la origine ideea că negrii erau persoane primitive, lipsite de educație, anarhice, ceea ce afecta cerințele societății din acea vreme.

Rasismul la nivel lingvistic, în limba engleză, se reflectă în cuvinte și expresii care denotă părtinirea față de reprezentanții rasei cauzaiene în detrimentul rasei negre. De pildă, în timp ce albi sunt prezenți într-o lumină favorabilă și tot ce este asociat cu culoarea albă este privit ca fiind pozitiv („a white lie” = o minciună albă, adică nevinovată, spre deosebire de „a black lie” = o minciună spusă pentru a obține un avantaj personal în mod necinstit), negrii sunt plasați la polul opus, expresiile referitoare la ei fiind denigratoare sau, în cel mai bun caz, doar ironice. De exemplu, celebrul roman polițist al Agathei Christie, intitulat *Zece negri mititei* (în engleză, în original, *Ten Little Niggers*) nu are neapărat o conotație rasistă, deși cuvântul „negru” apare în text de nu mai puțin de 74 de ori. Titlul se bazează pe o poezie pentru copii – o variantă a poeziei *Ten Little Indians*, care îi are în centru pe indieni, în loc de negri, conotația xenofobă fiind, de asemenea, prezentă – și trimită la ideea că, pe rând, din zece nu mai rămâne niciunul, ceea ce se întâmplă și în roman. Cu toate că în carte nu se fac referiri cu caracter rasist, titlul în sine a fost considerat nepotrivit prin ironia pe care o conține și a fost înlocuit cu varianta neutră *Erau zece*.

Despre acest joc de cuvinte din titlul romanului Agathei Christie putem spune doar că a fost nefericit ales, dar justificabil într-o epocă în care rasismul era considerat încă ceva firesc. Spre deosebire de el, numeroase cuvinte și expresii din limba engleză chiar au o conotație rasistă puternică și multe dintre ele sunt atât de adânc înrădăcinate în mintea vorbitorilor încât mulți nici nu fac legătura între ele și trecutul sclavagist. De pildă, cuvinte care, aparent, nu au nicio conotație rasistă, cum ar fi termenii din IT „blacklist” și „whitelist”, sunt, de fapt, puternic conotate negativ, „blacklist” fiind o listă de elemente către care este blocat accesul utilizatorului, deci care sunt „închise”, în timp ce „whitelist” este o listă de elemente ușor accesibile, deci „deschisă”, „liberă”. În același domeniu, IT, termenii „master” și „slave”, folosiți pentru a descrie relația dintre componente hardware sau software, în care unul (slave) este subordonat celuilalt (master) au o legătură mult mai evidentă cu sclavia. Sub influența corectitudinii politice, Google a propus ca astfel de termeni să fie înlocuiți cu unii neutri, cum ar fi „blocklist” (= lista elementelor blocate) și „allowlist” (= lista elementelor accesibile), respectiv „primary components” și „secondary components” (= componente primare și componente secundare).

La fel ca termenii din IT, unii termeni juridici, utilizați astăzi fără nicio conotație peiorativă, trimit, de fapt, la realitate din timpul sclaviei negrilor. Participiul „grandfathered in”, provenit, prin derivare, de la cuvântul „grandfather” (= bunic), se folosește în zilele noastre pentru lipsa obligativității unei persoane sau companii de a respecta o lege nou intrată în vigoare, însă originea ei este una cu conotații negative. Cu toate că negrilor li s-a acordat dreptul la vot în anul 1870, o clauză numită „grandfather clause” le-a interzis să voteze efectiv până în anul 1915, deoarece prevedea ca în cazul lor să se aplice în continuare vechea lege.

Anumite cuvinte alese de jurnaliști pentru că sună bine au, de fapt, o conotație rasistă, adesea necunoscută. Adjectivul „uppity”, un sinonim pentru arogant, a fost adesea folosit în presă de către opozanții regimului Obama, care au declarat ulterior că nu erau conștienți că este un termen utilizat de stăpânii de sclavi pentru a caracteriza purtarea necuvioasă, prea îndrăzneață, a unor negri de pe plantațiile lor, deci cu atât mai jignitor la adresa primului președinte american de culoare. Mai recent, acest cuvânt denigrator a fost folosit de presa britanică și la adresa lui Meghan Markle, pentru a sublinia originea ei biracială.

Unele expresii idiomatice din limba engleză au o etimologie care trădează legătura lor cu rasismul. „No comments from the peanut gallery”, care are ca echivalent în limba română expresia neutră „Liniște la galerie!”, se referă la

faptul că, în era vodevilului, la sfârșitul secolului al XIX-lea, persoanelor de culoare li se permitea să ocupe doar cele mai ieftine și mai proaste locuri din sală (mici și înghesuite ca arahidele în păstaie, de unde și denumirea). Aceste persoane erau considerate deranjante și nu aveau voie să comenteze ceea ce vedea pe scenă fără a fi sanctionate verbal de către spectatorii albi.

O altă expresie foarte cunoscută, „piece of cake”, al cărei echivalent în română este „floare la ureche”, se referă la ceva ușor de obținut sau de realizat. Ea își are originea în cuvântul „cakewalk”, care denumea, înainte de Războiul Civil american, un dans executat de negrii de pe plantații, ca o imitație a dansurilor de societate săzute la stăpânii lor albi. Deoarece li se părea amuzant cum dansau sclavii lor, stăpânii de plantații organizau adesea concursuri de dans pentru aceștia, premiul oferit fiind o felie de tort sau o bucată de prăjitură. Pentru sclavii care nu aveau suficientă hrană, cu atât mai puțin dulciuri rafinate, să obțină o asemenea delicată într-un mod atât de ușor era „floare la ureche”.

O altă sintagmă care pare a nu avea nicio legătură cu rasismul este „mumbo jumbo”, care se referă la orice este încurcat, ininteligibil, haotic. Etimologia ei este una foarte interesantă: termenul „Maamajombo” desemna un dansator mascat din tribul vest-african Mandinka. Acesta participa la ceremonii religioase și era adesea chemat să intervină în rezolvarea disputelor domestice, cauzate de faptul că tribul practica poligamia și soțiiile aceluiași bărbat intrau în conflict. Dansatorul rostea o incantație de neînțeles pentru coloniștii albi care asistau la procesiune și era autorizat de căpetenia tribului să le biciuască pe femeile vinovate. Extrapolând, englezii care au introdus acest termen în limba lor l-au folosit pentru a se referi la un ritual de neînțeles al sclavilor negri, soldat de cele mai multe ori cu biciuirea unuia dintre ei – o practică obișnuită pe plantații și, prin urmare, inteligeabilă lor.

Sintagma „lynch mob”, care se referă astăzi la orice atac nejustificat sau la o pedeapsă nedreaptă, trimite cu gândul tot la epoca sclaviei din America, unde alpii porneau în gloată (= „mob”) ca să-i linșeze (= „lynch”) pe negrii care le vorbiseră obraznic sau îi priviseră într-un mod considerat necuvios pentru niște sclavi. Ca pedeapsă, aceștia erau torturați și spânzurați de mulțimea furibundă, adesea în locuri publice, ca un avertisment adresat celorlalți negri.

O altă expresie, „sold down the river”, care desemnează în limba engleză contemporană un act de trădare cu consecințe devastatoare, își are originea într-o practică frecventă în America secolului al XIX-lea, când sclavii erau vânduți pe malurile fluviului Mississippi – act cu consecințe devastatoare

asupra vietii lor. Conotația rasistă a acestei expresii este evidentă, la fel ca și în cazul expresiei „crack the whip”, folosită în zilele noastre ca referire la un șef autoritar, care „pune biciul” pe angajații săi, dar care are rădăcini adânci în practicile inumane ale stăpânilor de sclavi.

Expresiile xenofobe au ca actanți cetăteni ai popoarelor vecine sau ai unor popoare cu care culturile română și spaniolă au intrat în contact în diferite momente ale istoriei și care, în funcție de impactul pe care l-au avut asupra celor două culturi sunt mai bine sau mai slab reprezentate. Astfel, întâlnim unități frazeologice și proverbe care se referă la naționalități precum:

- tătari: „Țara piere de tătari și el be cu lăutari”; „Doar nu dau (vin) tătarii”; „a fi tătar”;
- ruși: „Rusul se încină dar cu ochii pe sub pat”; „Rusu-i cu crucea-n mâna și cu dracu-n sân”; „a bea ca un rus”;
- bulgari: „a fi bulgăroi cu ceafa groasă”;
- unele expresii, precum „a o șterge englezeste” – „marcharse/huirse a la francesa” (sp.) fac trimitere la naționalități diferite, în funcție de spațiul geo-cultural și/sau de cadrul istoric în care au fost create.

Alături de popoare sau etnii care apar izolat în proverbe sau frazeologisme, sunt menționate etnii care au lăsat o amprentă istorică și literară în spațiile geo-culturale cu care au intrat în contact. Astfel, cel mai bine conturate în spațiul cultural românesc și spaniol sunt cele referitoare la țigani și evrei, iar în cel anglo-saxon la negri. De-a lungul istoriei aceste etnii au fost persecutate și marginalizate, apărând astfel stereotipuri etnice și prejudecăți sociale care au dus la privarea de drepturi sau de libertate și chiar la uciderea membrilor acestora.

Una dintre cel mai bine conturate etnii în paremiologia și frazeologia românească și spaniolă este cea țigănească, iar prin inserarea „țiganului” „ca personaj în snoave, basme, povestiri, proverbe și zicători din folclorul celor două țări, dar și european, se observă că [...] s-a păstrat [...] o imagine depreciativă a romilor” (Herling, 2018: 137). Etnia romă, încă de la sosirea acesteia în Europa, a fost ținta discriminării și a prejudecăților, fiind marginalizată și privată de drepturi. Astfel, au luat naștere o serie de unități paremiologice și frazeologice prin care sunt transmise prejudecăți și stereotipuri cu privire la anumite defecte omenești sau prin care se compătimea viața grea pe care o ducea această etnie. În unitățile

paremiologice și frazeologice sunt menționate prejudecăți care au dus la stereotipuri etnice deprecative transpuse prin următoarele vicii și tare comportamentale: hoție, lene, prostie, săracie, lăudăroșenie, minciună:

- lăudăroșenie: „Tot țiganul își laudă ciocanul”;
- hoție: „Țiganul fură și se jură”; „Țiganul până nu fură, nu se ține om”; „Al gato y al gitano nada les aprovecha como lo hurtado”; „Tan honrado es el conde como el gitano”; „Adivina como gitano, que acierta dónde está la bolsa, mirando la mano”; „El buen gitano no hurtá en su barrio”; „Donde viváis, no hagáis daño, dice a sus hijos el gitano”; „A cuenta de los gitanos hurtan muchos castellanos”; „ser muy gitano”;
- viclenie: „Să te ferească Dumnezeu de țigan turcit și de român boierit”; „Țiganul numai până atunci ți-i prieten până ai mălai în traistă”; „Dintr-o iapă țigănească ieșe un cal boieresc”; „Țiganul când s-a văzut împărat, întâi pe tată-său l-a spânzurat”; „A la sombra del gitano medra el villano”; „Ojos de gitano, ojos de lobo”; „ser más adulador que un gitano”;
- minciună și lipsă de încredere: „Țiganul cu minciuna mănâncă purceaua”; „Și-a mâncat credința ca țiganul biserică”; „a avea cinstă țigănească”; „Entre gitanos no se leen las cartas”; „Tan honrado es el conde como las gitanas”;
- lene: „A la aceituna y al gitano no los busques en verano”, „Judíos y gitanos no son para trabajo”; „Si quieres ver trabajar, mete a un gitano en tu pajá”;
- prostie sau nepricepere: „Țiganul când a ajuns la mal atunci s-a înecat”; „a se îneca ca țiganul la mal”; „a-și da în petec ca țiganul” = „La entrada del gitano”.

Alături de stereotipurile referitoare la defecte și vicii ale etniei rome apar și expresii batjocoritoare care amintesc de perioada când romii erau sclavi și care disprețul față de aceștia. Astfel, au apărut expresii (unele dintre ele ieșite din uz sau folosite izolat) precum „Țiganul nu e om” (sau variantele „Țiganul nu e ca omul”; „Nici salcia nu-i ca pomul,/Nici țiganul nu-i ca omul”); „Doi oameni și un țigan”; „Toți țiganii nu plătesc cât un creștin”; „La gente con la gente y

*los gitanos con los borricos*". Tot cu rol depreciativ sunt și expresiile sau proverbele care au la bază faptul că țiganii erau:

- nomazi: „a se muta ca țiganul cu cortul”; „a se certa ca la gura cortului”; „a se întinde ca o pomană țigănească”;
- săraci: „Crapă pietrele de frig și țiganii la ilic”; „Țiganul cântă de foame”; „Se îndeasă ca țiganu la praznic”; „Țiganul și-a mânca norocul”; „S-a săturat ca țiganu cu frunza”; „Țiganul mănâncă când are, românul când îi e foame și boierul când vrea bucătarul”; „Măi țigane dacă vrei/Poți să intri în bordei”; „Más flaco que el silbido de un gitano”; „Más prietos que piojos en cabeza de gitano”; „El gitano, ni cuna, ni techo, ni ataúd”;
- lipsiți de educație: „Țiganu tot țigan și-n ziua de Paști”; „Știe țiganul ce e softranul?”; „a se certa ca țiganii”; „¿Gitano? El mejor, pa barrer el horno”;
- insistenți: „a cere ca un țigan”;
- lipsiți de igienă: „¡Dúchate, no seas gitano!”.

Alte expresii cu o puternică încărcătură xenofobă sunt: „a arunca moartea în țigani”, care are sensul de „a arunca vina pe altcineva”; „urarea glumeață”, cum o numește Iuliu Zanne (2004: 395), „Noroc și bani,/Și moartea-n țigani” și expresia spaniolă „Los gitanos, en la horca pataleando”.

O altă etnie care a fost persecutată de-a lungul timpului este cea evreiască, discreditarea acesteia dând naștere unor prejudecăți și stereotipuri sociale și/sau etnice. Imaginea evreilor, ca purtători ai unor prejudecăți, este mult mai bine conturată în literatura de specialitate spaniolă, deoarece evenimentele istorice care au ca protagonisti poporul spaniol și poporul evreu au fost marcante.

Unitățile paremiologice și frazeologice despre evrei au fost create în majoritate într-o perioadă istorică delicată pentru Spania, când reprezentanții religiei iudaice erau prigoniți. Începând cu secolul al XV-lea majoritatea populației, care era creștină, nu tolera foarte bine minoritatea iudaică și, nu de puține ori, au existat conflicte sociale și religioase, care au condus la expulzarea evreilor. Aceste conflicte dintre creștinii spanioli („cristianos viejos”) și comunitatea iudaică au fost redate în literatura spaniolă, mai ales în cea sapientială.

Prin mentalul colectiv au fost create și transmise de-a lungul secolelor o serie de proverbe și frazeologisme care au o puternică încărcătură antisemită,

conturând o imagine distorsionată a acestei etnii. Multe dintre aceste unități paremiologice și frazeologice nu mai sunt de actualitate, dar, din păcate, s-au mai păstrat încă unele stereotipuri care amintesc de prejudecările pe care creștinii le aveau față de evrei. Astfel, au fost create prejudecăți precum: negustori necișinți, cămătari, zgârciți, leneși, fricoși, răzbunători, răi etc. Aceste prejudecăți nu existau numai în Spania, ci și în alte țări europene. În culegerile de proverbe românești, pe lângă termenul „evreu”, apar și cuvintele depreciative „jidan” și „jidov”, folosite mai mult pentru a sublinia batjocura și disprețul față de această etnie.

Unul dintre stereotipurile păstrate până în zilele noastre este acela că evreii sunt buni negustori sau cămătari, dar nu întotdeauna cinstiți: „Jidanu când câștigă își dă foc dughenii”; „Are cap de jidan” = „to have a Jewish head” = „ser un judío”, „tener conciencia de judío”; „Judío para la mercaduría, y fraile para la hipocresía”; „El caballero que no ayuda, el clérigo que no da, el judío que no presta, es cosa molesta”; „Ni escudero sin sueldo, ni judío sin renuevo”.

De la ideea că bogățiile evreilor erau asociate cu faptul că aceștia nu erau cinstiți în afaceri, iar anumite activități economice pe care le desfășurau, precum împrumutul cu camătă, erau considerate ilegale de creștini, este posibil să fi înrădăcinat în mentalul colectiv stereotipuri comportamentale precum lipsa de încredere și avariția:

- lipsa de încredere: „Jidanul până n-o însela într-o zi nu se ține om”; „Jidanul cu barbă roșie/Duce pe dracu la poștă”; „Evreul până nu îșsală, nu mănâncă”; „Jidanul tot jidan, a fi evreu” = „ser un judío”; „Clérigo, fraile o judío, no lo tengas por amigo”; „En judío no hay amigo”; „No hay que fier de judío romo, ni de hidalgo narigudo”; „Con judío chato ningún trato y aunque sea narigón, ninguna conversación”; „No fíes de judío, ni de su hijo, ni de su vecino”; „Fíeme de judío y echóme al río”; „Judío, poca vergüenza y poca conciencia”; „Al judío y al puerco no los metas en tu huerto”; „hacer una judiada a alguien”;
- lăcomia, avariția și tendința de a se târgui pentru orice: „to jew down” = „a negocia la sănge”; „Al judío, dadle un huevo y pediros ha el tozuelo”; „Al judío dadle un palmo, y tomará cuatro”; „El gato y el judío, a cuanto ven dicen mío”; „Judío haz tabula, si no perdisto has la

mula”; „El caballo del judío, harto de agua y bien corrido”; „El asno del judío, bien trabajado y mal mantenido”.

Alături de cea potrivit căreia sunt necinstiți și avari, o altă prejudecată care apare în proverbele românești și spaniole este aceea că evrei sunt leneși: „Când or veni jidanii de la secerat”; „Se întorc ca evrei de la secerat”; „La labor de la judía, afanar de noche y holgar de día”; „No es el judío para el trabajo, ni el trabajo para el judío”; „No son los judíos para el trabajo”; „Judío y trabajar, no se pueden concordar”.

Alte două stereotipuri, mai rar întâlnite în literatura sapientială, sunt răutatea, care uneori conduce la răzbunare: „Judío y dona y hombre con corona, jamás perdona”; „Judío o mujer que jura, malicia segura”; „El judío y la mujer, vengativos suelen ser” și lașitatea: „a fi evreică”.

Unele proverbe spaniole incită la violență față de evrei. În culegerile de proverbe românești consultate nu am întâlnit nicio referire la violență față de aceștia. Acest comportament surprins în unitățile paremiologice spaniole își avea originea în evenimentele istorice care constau în conflictele dintre creștini și evrei: „Judío triste, vete por donde viniste”; „Al judío bejarano, con el palo y no con la mano”; „A quien sea judío que lo quemen”; „Dámelo judío y dártelo quemado”. O expresie care arată violență față de evrei, „worth a Jew's eye”, se regăsește și în fondul frazeologic englezesc și are sensul de „lucru de valoare, care merită”. Expresia își are originea în practica medievală de a-i tortura pe evrei pentru a spune unde au ascuns banii.

De-a lungul istoriei, poporul român a fost implicat în războaie cu turcii care au dus la crearea unor prejudecăți legate de defectele comportamentale ale cotropitorilor, transpuse în proverbe și zicători, care au la origine anumite evenimente istorice. Astfel, au luat naștere proverbe (multe dintre ele ieșite din uz) în care turcii sunt prezentați ca:

- nedrepti: „Dreptatea s-a dus de când turcii”; „Turcul te bate, turcul te judecă” (cu varianta „Turcul te taie, turcul te jupoie”);
- nedemni de încredere: „Cum îi turcul și pistolul”; „Prietenia turcului e prietenie pe picior”;
- violenti: „Turcul nu știe multe”.

Unele proverbe și expresii sunt folosite pentru a desemna oameni care au viciul betiei: „Nici turc, nici turleac<sup>3</sup>/ia un fleac”; „a fi turc”, „a vorbi turcește” (care are și sensul, mai des întâlnit, de a vorbi neclar sau într-o limbă neînțeleasă), sau viciul lăcomiei: „A mâncat ca un turc din cei calici”; „a mâncă de i se bat turci la gură”, sau care nu au răbdare: „a da turcii”, „a veni turcii”, „Parcă-l aleargă turcii”. Există și expresii ritmate, pline de haz precum „Îi cură mucii ca turcii” sau „Turcu bese, gunoiu iese” (se folosește atunci când îi intră cuiva ceva în ochi). De asemenea, referiri la acest popor mai sunt întâlnite și în expresiile: „a fuma ca un turc”; „a fi ca o babă turcească”; „Turcul plătește”; „ser cabeza de turco” (a fi țap ispășitor).

După cum se poate observa din cuvintele, expresiile și proverbele citate în articolul de față, alese din toate cele trei limbi avute în vedere pentru acest studiu contrastiv, în tezaurul frazeologic și paremiologic al unui popor se regăsesc referiri la alte etnii care au lăsat o amprentă istorică și/sau culturală asupra acestuia, iar cel mai adesea expresiile idiomatice și proverbele fac aluzie la aspectul fizic și intelectual, la caracterul, religia și meseriile actanților, cu scopul de a-i jigni, denigra sau ridiculiza.

## Concluzii

În multe limbi există cuvinte și expresii prin care se face referire la o conviețuire dificilă între populația majoritară a unei țări și diferite grupuri etno-rasiale sau între popoarele subjugate și cotropitorii acestora. La nivel ideologic, de cele mai multe ori, unitățile paremiologice și frazeologice, precum și apelativele cu încărcătură rasistă și xenofobă prezintă, uneori, conținuturi asemănătoare, după cum se poate observa și din exemplele care însotesc acest articol. Adesea sunt prezentate etnii sau popoare valorizate pozitiv sau negativ, care au fost trecute prin filtrul mentalului colectiv în funcție de evenimentele sociale sau istorice care au marcat culturile respective. Astfel, putem spune că proverbele, expresiile idiomatice și apelativele cu conotație rasială sau xenofobă reprezintă un portret distorsionat în care autorul popular a zugrăvit prejudecăți cristalizate în stereotipuri care, din nefericire, au rezistat în timp, chiar dacă nu în totalitate și chiar dacă nu cu aceeași încărcătură agresivă ca în epoca în care au fost create.

Din păcate, unele etnii sau popoare poartă încă amprenta unor prejudecăți care au fost introduse cu multe secole în urmă și al căror context istoric este

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<sup>3</sup> turleac = (Pop. și fam.) Ametit de băutură, cherchelit; *p. ext.* zăpăcit, năuc. (turleac, 2009), termen folosit mai ales în zona Moldovei.

cunoscut foarte puțin, dar care continuă să fie folosite, deși evenimentele care au dus la crearea lor au dispărut de mult. Sociologul american Walter Lippmann (2009: 37) susține că „singurul sentiment pe care îl poate avea cineva în privința unui eveniment la care nu participă este sentimentul declanșat de imaginea mentală referitoare la acel eveniment” și, astfel, în urma unor prejudecăți apar stereotipurile, ca idei simplificate ale realității și ca opinii generale. De asemenea, Lippmann a observat că o caracteristică importantă a stereotipurilor o reprezintă stabilitatea acestora în timp și rezistența pe care o au la schimbare, deși există dovezi contrare existenței lor, după cum rezultă și din unele unități defăimătoare, menționate în articol, care s-au păstrat până în prezent.

Putem conchide că limbajul, ca act de vorbire, are un caracter neutru. Ceea ce îi acordă un sens discriminatoriu, o încărcătură jignitoare sau defăimătoare, este modul în care sunt folosite expresiile și apelativele, acțiunile în care sunt implicate pentru a desemna, stigmatiza sau a ridicula anumite rase, etnii sau popoare. Prin urmare, este suficient să fim atenți la ceea ce spunem și cum alegem expresiile și proverbele potrivite pentru a nu răni și a nu discrimina pe nimeni.

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# **FORMING AND DEVELOPING BASIC LEGAL READING SKILLS: HOW TO RAISE AWARENESS OF THE STRUCTURE AND TERMINOLOGY OF BRITISH STATUTES AND LAW CASES**

**Marina-Cristiana ROTARU**

**Abstract:** The aim of this paper is to present how one can form and develop basic legal reading skills, with a focus on the structure and terminology of British statutes and law cases. The paper is mainly, but not exclusively, addressed to translation studies students who may be hindered, when dealing with British legal documents, by the structural and linguistic peculiarities of such texts. Law students may also benefit from the information provided by this paper. Legal texts, in general, are characterized by highly specific drafting conventions, which need to be understood by the legal translator or the law student. For a specialized translator, it is also useful to be able to read a statute or a reference to a law case. Hence, building awareness of the drafting conventions involved in drawing up a statute or of the conventions involved in case citations, and an increased cultural awareness (that may help one understand the context of this or that legal text) are mandatory requirements for any professional translator.

**Keywords:** *legal reading skills; legal terminology; structure of statutes; case law citation; legal drafting conventions*

## **Introduction**

Reading a legal document is like reading a map: there are conventions and symbols used which the reader must be aware of in order to move from place A to place B on a map. For legal translators, it is essential to develop specialized reading skills that help them get acquainted with the document they are dealing with, be it a piece of legislation, a contract, a patent or a court decision.

Legal texts are a distinct category of specialized texts with their intrinsic peculiarities that often puts people off reading such documents. Drawing up a legal document implies conforming to well-established drafting conventions, which the professional translator must be aware of in order to be able to read the document. Ranging from the structure of the title of the legal text and place of the title on the page, or from the manner of the official citation to the enacting formula and the structure of the main body of the legal document, drafting conventions help the reader understand what the text is all about (the issuing body, the purpose and the contents of the document, etc.). Becoming aware of these conventions and understanding their purpose allow the reader to visualize the text, which goes beyond making sense of the layout of the

document. The visualization<sup>1</sup> of the document contributes to the understanding of the document as a compact piece of discourse.

## **1. How to read a British statute**

Statutes are Acts of Parliament that have “been passed by both Houses of Parliament in the form of a Bill and agreed to by the Crown” (Law, 2015: 14). From a discursal perspective, statutes represent a particular genre, i.e. a particular form of language use. Consequently, statutes have a particular layout with their own structure and terminology.

The statutes that we use as examples in this paper are “Succession to the Crown Act 2013” and “Hunting Act 2004”. The elements present on the first page of the act (short and long title, the royal coat of arms, the enacting formula, to mention but a few) reveal information about the issuing body, the purpose and contents of the piece of legislation. What comes next is a detailed presentation and explanation of each of the constitutive elements of a British statute following the order in which they appear in the document (The Law Bank, 2013). It is necessary to understand the role and meaning of each element in order to make sense of the document as more than just a piece of text, but as an instance of discourse.

### **1.1 The name of the reigning monarch and the royal coat of arms**

The first elements on the first page of the act are the name “Elisabeth II” and a royal coat of arms. “Elisabeth II” is the name of the reigning monarch, followed immediately by the coat of arms of the British Crown. The presence of the royal coat of arms on the first page of the document indicates that this piece of legislation has received the Royal Assent – “the agreement of the Crown, given under the royal prerogative and signified either by the sovereign in person or by royal commissioners, that converts a Bill into an Act of Parliament” (Law, 2015: 548). In other words, the coat of arms under the name of the reigning monarch signifies that the queen, Elizabeth II, has given her approval for the bill to become law. The bill can now be enacted.

The queen grants the Royal Assent in virtue of her royal prerogative, which represents the rights and powers a constitutional monarch has. Throughout the nineteenth century, the powers of the Crown diminished as a result of new political developments such as the birth of the modern political party or the

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<sup>1</sup> By the term “visualization”, the author of the article means to describe both the reader’s awareness of the layout of the document and the logical connections among its various structural elements that turn the document into a coherent piece of text.

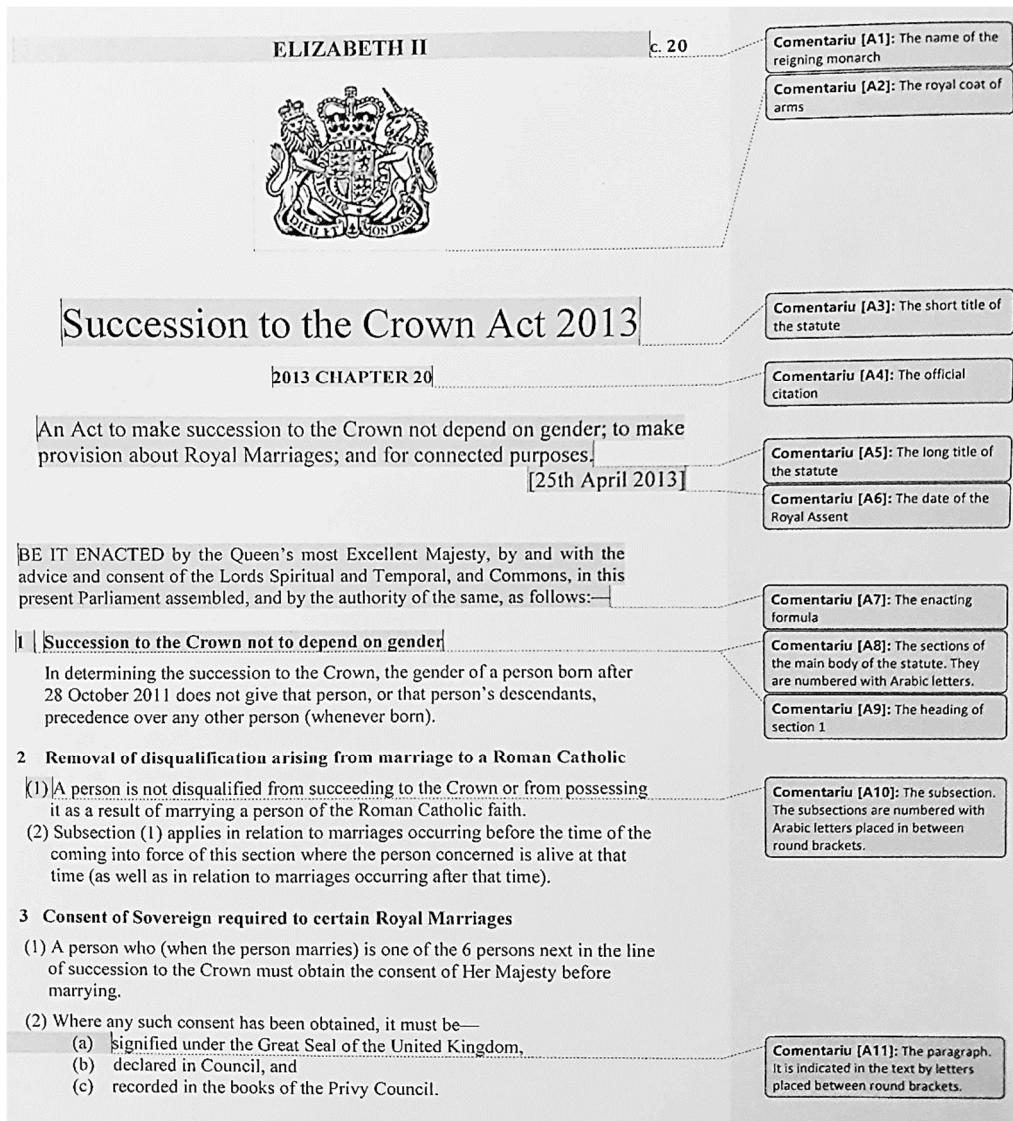
invention of the position of Prime Minister. Hence, the monarch lost political power but became an arbiter of political life. However, in spite of this massive change of paradigm, the monarch today still retains some rights and powers collectively known as the royal prerogative. But, as a constitutional monarch, the queen can only exercise the royal prerogative "on the advice of the government (e.g. the dissolution of Parliament) or as required by constitutional convention (e.g. the appointment of a Prime Minister)" (Law, 2015: 548). The Royal Assent to bills, though granted under the royal prerogative, has become a constitutional convention because no British monarch since Queen Anne has ever vetoed a bill endorsed by Parliament (Crowther, 1999: 19). On 11 March 1708, Queen Anne said "no" to the Scottish Militia Bill (The History of Parliament Trust, n.d.).

## **1.2 The short title of the statute**

Below the royal coat of arms come the titles of the Act. Modern Acts of Parliament have both a short title and a long title. The short title of the Act comes first, and this is the title "by which it may be cited in any other document". In our example, the short title is "Succession to the Crown Act 2013" (Law, 2015: 14) and is made up of the title itself followed immediately by the year in which it received the Royal Assent, (2013). The short title tells us, in brief manner, what the Act is about: a new rule of succession to the Throne.

## **1.3 The official citation of the statute**

Next comes an item of information that reads: "2013 CHAPTER 20". It is called "the official citation". This is a modern style of citing a British Statute which was introduced in 1963 by "Acts of Parliament Numbering and Citation Act 1962". This Act replaced the old and labyrinthine style of citation, based on reference to a Parliamentary session, with a new, more reader-friendly one according to which each new Act of Parliament is numbered in successive order with a "chapter number", and all Acts are grouped by calendar year. Therefore, the official citation "2013 CHAPTER 20" means that the new law is the twentieth act to be enacted in 2013. In the United Kingdom, all Statutes that have ever been enacted by the Parliament are collectively known as "The Statute Book", which is a notional concept, something "existing only as an idea, not as something real" (notional, 2002). So, the chapter number of the "Succession to the Crown Act 2013", number 20, identifies this Act as the twentieth Act of the (imaginary) Statute Book for the calendar year 2013.



**Fig. 1** The first page of the Succession to the Crown Act 2013 and the main constitutive elements of a statute

#### 1.4 The long title of the statute

The initial citation is followed immediately by the long title of the Act, which "summarizes its aims" (Law, 2015: 14) and provides more information on the content of the Act than the short title. In our example, the long title is "An Act to make succession to the Crown not depend on gender; to make provisions about Royal Marriages; and for connected purposes". So, the act introduces new provisions not only about the succession to the Throne, but also about

royal marriages. What comes right after the long title, indented to the right margin of the document and placed in between square brackets is the date of the Royal Assent. In our example, the date of the Royal Assent is [25<sup>th</sup> April 2013] – the date the queen said “yes” to and signed the new piece of legislation, thus turning the bill into an Act of Parliament.

### **1.5 The enacting formula of the statute**

The enacting formula comes right after the long title and the date of the Royal Assent. In modern Acts of Parliament, like the “Succession to the Crown Act 2013”, the enacting formula is: “BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament, and by the authority of the same, as follows: –”. The words that make up the enacting formula of the Act of Parliament “give it the force of law” (Law, 2015: 222). The enacting formula also contains information that clearly indicates that the new piece of legislation has the endorsement of both Houses of Parliament: the nouns “advice” and “consent” represent the parliamentary endorsement of the bill; the Lords Spiritual and Temporal represent the members of the House of Lords (the Upper House of the British Parliament) while the Commons represent the House of Commons (the Lower House of the British Parliament). The enacting formula has an additional function to that of giving the new legislation the force of law. Its other role is to introduce the provisions of the new Act, which make up the main body of the statute.

### **1.6 The main body of the statute**

The main body of the statute is made up of the provisions of the new piece of legislation, which are introduced, as stated above, by the enacting formula. The main body is organized into various subdivisions, coherently linked to each other. In a British statute, the principal subdivisions are the sections, which represent the basic structural element of the enacting terms. The sections are numbered with Arabic letters, written in bold, and are also given headings. The role of the heading of the section is to supply the reader with a summary of the section (See Fig. 1).

A section may be divided into subsections, numbered with Arabic numbers placed between round brackets. Subsections, in their turn, may be divided into paragraphs identified by small letters placed between round brackets: (a), (b), (c), etc. Paragraphs may be further divided into subparagraphs identified by Roman numerals: (i), (ii), (iii), (iv), (v), etc. Thus, a section of a statute may develop as follows:

## **1. Section: the title of the section**

- (1) Subsection
  - (a) paragraph
    - (i) subparagraph.

The Romanian equivalents for the British divisions of a Statute would be: "articol" (for section), "alineat" (for subsection), "litera (a)" (for Paragraph (a)), "punct (i)" for (subparagraph (i)).

When a Statute is long, its sections are grouped into various Parts, each Part dealing with a specific topic. Let us look, for example, at a longer Statute, "Hunting Act 2004". It is divided into 3 Parts:

- Part 1 (Sections 1-5) deals with types of hunting offences.
- Part 2 (Sections 6-10) deals with how the law is enforced.
- Part 3 (Sections 11-17) deals with some general aspects of the Act.

## **1.7 The last part of a statute: the Schedules**

Sometimes, Statutes have Schedules, placed at the end of the Act. A Schedule is "an appendix to an Act of Parliament or other legislation that deals with points of detail supplementary to the main part" (Law, 2015: 557). Hence, their purpose is "to spell out in more detail how the provisions of the Bill are to work in practice" (schedule, n.d.). After the Bill has received the Royal Assent, and thus has become Act, "its Schedules become Schedules of that Act". Consequently, the Schedules of an Act have legal effect just like the other provisions of the same Act (schedule, n.d.). The subdivisions of a Schedule are the same as those of a section.

## **2. How to cite (and read) a law case**

Statutes are not the only legal documents invoked in the practice of the law. Law cases are also often referred to since the legal system in the United Kingdom is based on common law and the principle of precedent. Therefore, numerous court decisions make reference to various law cases that have acquired the status of legal precedent.

Law cases, together with statute law and equity, form the sources of the British legal system. Defined as "the body of law set out in judicial decisions" (Law,

2015: 89), case law is a system of law based on legal precedent, which is a decision that has been previously made by a judge in a court on law on the basis of which subsequent decisions are taken in similar cases. Therefore, it is important to be able to cite a law case.

Where are law cases referred to? Law cases can be reported in a variety of publications and documents. They can be mentioned in both non-specialist publications, such as newspapers, for instance, and specialist publications, such as law journals and law reports. There is a variety of law reports used across the United Kingdom.

The most accurate law reporting sources are *The Law Reports*, also known as *Incorporated Council Law Reports* because they are published by the Incorporated Council of Law Reporting (ICLR) (Law Reports, n.d.). *The Law Reports* "are the most authoritative series because the judgments are read through before publication and corrected by the judges who delivered them to ensure accuracy" (SOAS Library, 2012: 3). Published since 1865, *The Law Reports* are divided into 4 series: Appeal Cases (AC), Chancery Division (Ch), Queen's Bench Division (QB) and Family Division (Fam) (SOAS Library, 2012: 3).

The Incorporated Council of Law Reporting also publishes *The Weekly Law Reports* (abbreviated WLR). They are widely used but, unlike the *Law Reports*, they are "*not*<sup>2</sup> corrected by judges and do *not*<sup>3</sup> contain counsel's arguments" (SOAS Library, 2012: 3).

Another series of law reports is *The All England Law Reports* (abbreviated AELR). They provide "a general coverage of England and Wales" and "are the most widely cited report series for recent cases". Like *The Weekly Law Reports*, they are "*not*<sup>4</sup> corrected by judges and do *not*<sup>5</sup> contain counsel's arguments" (SOAS Library, 2012: 4).

Law cases are also referred to in specialist law report series, which "cover a particular subject in law" (SOAS Library, 2012: 4). Such specialized law reports are: Criminal Appeal Reports (abbreviated Cr. App. Rep.), Commercial Law Cases (abbreviated C.L.C.), Environmental Law Reports (abbreviated Env. L.

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<sup>2</sup> The author's emphasis.

<sup>3</sup> The author's emphasis.

<sup>4</sup> The author's emphasis.

<sup>5</sup> The author's emphasis.

R.) or Family Law Reports (abbreviated FLR), to mention but a few (Cardiff University, n.d.).

## 2.1 Deciphering the features of a case

Reading a case presupposes the identification of its constituents, such as the names of the parties involved in the case, the year the case was reported and the publication in which it was reported or the court that issued the decision, to mention but a few. All these constituents always come in a fixed order and sometimes they come in an abbreviated form. It is important to be able to understand these drafting conventions because developing basic legal reading skills is based on awareness of these features and their symbolism. It may be daunting, at first sight, to navigate these legal conventions, but case identification is a skill that can be picked up with a bit of practice.

Let us have a look at the following law case: "Dulgheriu v Ealing London Borough Council [2020] 1 WLR 609" (Dulgheriu v Ealing London Borough Council, 2020). The constituents of the reported case are introduced in the following order: "the names of the parties involved in the case", the "date the case was reported" in a series of law reports, the "volume number of the law report series", the "name of the law report or journal" in abbreviated form and the "page number in which the case begins" (SOAS Library, 2012: 5).

Our example follows the case citation rule: the parties involved come first. By convention, the name of the plaintiff (Dulgheriu) comes before the name of the defendant (Ealing London Borough Council). What comes next, in square brackets, is the year that the case was reported: 2020. The number that comes after the date, *1* in our example, stands for the number of the volume of the law report series. The name of the Law Report series is *The Weekly Law Report* (abbreviated WLR). The number that ends the citation, *609*, represents the starting page of the case in the respective volume. It is also worth focusing on the letter **v**, which links the names of the two parties. The letter **v** is an abbreviation of the Latin word **versus**, which means "against". Although the English translation is "against", we do not read "Dulgheriu against Ealing London Borough Council", but "Dulgheriu *and*<sup>6</sup> Ealing London Borough Council" (SOAS Library, 2012: 5). So, this short form **v** (read as the conjunction "and") provides the reader with a very important piece of information: that the case is a civil case that involves the two parties, Dulgheriu and Ealing London Borough Council, respectively. Furthermore, the reader is informed that the

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<sup>6</sup> Our emphasis.

case can be found in **volume 1** of the *Weekly Law Reports* for the year **2020** at **page 609**.

What about citing a criminal law case? Let us have a look at the following example: "R –v– Harris (Demi) [2020] 4 WLR 32". We can immediately recognize that this is a criminal case by simply identifying the names of the parties involved: R, abbreviation for Rex (The King) or Regina (The Queen), stands for The Crown (i.e. the British State), which is the party initiating the action. The other party, Harris (Demi) is the defendant. As in the example above, the names of the parties involved are connected by the same abbreviation of the Latin word versus, **v**, meaning "against". As this is a criminal law case, not a civil law case, **v** is read **against**. So, the correct reading is: "The Crown against Harris (Demi)". This is a criminal case that can be found in **volume 4** of the *Weekly Law Reports* for the year **2020** at **page 32**.

## **2.2 Breaking down of a citation in one of *The Law Reports***

The following is a law case cited in one of the 4 series of *The Official Law Reports*, the most authoritative law report series. To deserve being reported in one of the 4 series of *The Official Law Reports*, "a case must either introduce a new principle or a new rule of law, materially modify an existing principle of law or settle a doubtful question of law" (SOAS Library, 2012: 1). Take, for example, the case "Hunter v the Chief Constable of West Midlands Police [1982] AC 529". This citation is broken down as follows: the claimant is Hunter and the defendant is the Chief Constable of West Midlands Police. **1982** is the year that the case was reported in the Appeal Cases (AC) series, at **page 529**.

Here is another example of citation in the Queen's Bench Division (QB) series of *The Official Law Reports*: "R v Lord Chancellor (ex parte Witham) [1998] QB 575". This is a criminal case which involves The Crown (symbolized by the abbreviation R – standing for Regina) and the defendant, Witham, represented by The Lord Chancellor. The law case can be found in the **1998** volume of the QB series of *The Official Law Reports*, at **page 575**.

## **2.3 Citations in a specialized law report**

The following citation appears in a family law report, indicated by the abbreviation FLR: "R (Hillingdon London Borough Council) v Lord Chancellor [2009] 1 FLR 39". This is a criminal case involving The Crown (or The Queen) on the application of London Borough of Hillingdon as claimants and The Lord Chancellor as the defendant. The case is cited in **volume 1** of the *Family Law Reports* for the year **2009**, at **page 39**.

Sometimes, the year that the case is reported is placed between round brackets (), not square brackets [], as in the example: “R v Lynch (1996) 50 Cr. App. R. 59”. The round brackets indicate that the year is not an essential piece of information in case identification. The respective case can be found in **volume 50** at **page 59** of the *Criminal Appeal Reports* (SOAS Library, 2012: 6).

## 2.4 Neutral citation (for judgments)

Since 2001, all judgments delivered in the High Court, the Court of Appeal (which are higher courts of justice) and the Supreme Court “have been given neutral citations” (SOAS Library, 2012: 7). A neutral citation is a “unique reference given to a particular judgment by HM Courts and Tribunals Service” (Inner Temple Library, n.d.). It is worth mentioning that “neutral citations do not refer to a specific report of a case, but to the judgment itself” (Inner Temple Library, n.d.).

A neutral citation shares features with the citation in *Law Reports Series*, such as the names of the parties involved and the date. In contrast to citations in *Law Report Series*, neutral citations include the name of the court which passed the respective judgment (always in abbreviated form) and the judgment number (Law, 2015: vi). Becoming aware of the abbreviations given to courts makes it easier to discriminate between a neutral citation number and a reference in a *Law Report Series*.

Furthermore, some general knowledge about the court system in the United Kingdom is instrumental in deciphering the information provided by a neutral citation. Take, for instance, the High Court, which is organised into three main divisions<sup>7</sup>: The Chancery Division, The Queen’s Bench Division, and the Family Division. Each of these divisions may also include specialist courts. Of the three divisions, the Queen’s Bench Division is the one with both civil and criminal jurisdiction and incorporates a variety of specialist courts such as the Admiralty Court, the Commercial Court, the Technology and Construction Court, to mention but a few. Furthermore, the Court of Appeal, is divided into the Civil Division and the Criminal Division.

In neutral citations, courts are abbreviated as follows:

- The Supreme Court of the United Kingdom: UKSC #;

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<sup>7</sup> In this legal context, the English term “division” is translated as “secție”.

- The Court of Appeal, the Civil Division: EWCA Civ # (EW standing for England and Wales);
- The Court of Appeal, the Criminal Division: EWCA Crim #;
- The Chancery Division of the High Court: EWHC # (Ch);
- The Queen's Bench Division of the High Court: EWHC # (QB);
- The Admiralty Court: EWHC (Admly);
- The Technology and Construction Court: EWHC # (TCC);
- The Family Division of the High Court: EWHC # (Fam).

Let us now return to the “Dulgheriu v Ealing London Borough Council” and see what neutral citation the case received in each of the courts where the case was tried. When the case was tried in the Administrative Court of the Queen's Bench Division (part of the High Court), the case was given the following neutral citation number: “Dulgheriu v Ealing London Borough Council [2018] EWHC 1667 (Admin), QB”. First are introduced the parties to the case, then comes the year when the judgment was passed in this court (2018), followed by the name of the court which passed the judgment (The High Court of England and Wales) and the case number (1667). The neutral citation ends with the abbreviated form of the name of the specialist court (The Administrative Court) and the abbreviated name of the division which incorporates the specialist court (The Queen's Bench Division – QB).

When the case was later referred to the Court of Appeal, it received the following neutral citation: “Dulgheriu v Ealing London Borough Council [2019] EWCA Civ 1490”. It means that the case was tried again in the year 2019, by the Court of Appeal of England and Wales, the Civil Division, and the case number is 1490.

Sometimes, when a law case with a neutral citation is cited in a court's decision as a legal precedent by the judge, then the neutral citation also includes the paragraph or paragraphs of the legal precedent which the judge refers to. Here is such an example: “R (A) v The Chief Constable of Kent Constabulary [2013] EWCA Civ 1706 at [36] and [37]”. The neutral citation indicates that the decision was handed down:

- in 2013;
- by the Civil Division (Civ);

- of the Court of Appeal of England and Wales (EWCA);
- which has received a unique case number: 1706;
- the reader's attention has been directed to paragraphs 36 and 37.

### **3. Building linguistic awareness (with the help of cultural and legal awareness)**

For a specialized translator and interpreter, building legal awareness goes hand in hand with building linguistic awareness. For instance, it is important to be able to differentiate between a civil case and a criminal case in order to read correctly the abbreviation **v**, which connects the two parties involved in a case. As explained above, in a civil case, **v** is read "and" while in a criminal case, **v** is read "against".

In legal contexts building linguistic awareness depends on developing both cultural awareness and legal awareness. Understanding the role of the reigning monarch in making a bill a law through the Royal Assent can help in the correct translation of collocations related to Acts of Parliament. Previously, we have mentioned that once a bill receives the Royal Assent, it becomes enacted and turns into an Act of Parliament, a statute, part of the "Statute Book", the conventional name given to "the entire body of existing statutes" (Law, 2015: 595). In time, the use of the expression "the Statute Book" has given birth to idioms such as "to be on the statute book" or "to reach the statute book". When a new piece of legislation is on or reaches the statute book, it means that "it has been formally approved and written down and can be used in a law court" (statute, 1995). In other words, the law is "in operation" (statute book, 1992). This knowledge is a manifestation of cultural and legal awareness, which help translate the above-mentioned idioms correctly.

Let us have a look at the following example: "The Bees Act 1980 reached the Statute Book on 20 March 1980". Without the previously mentioned cultural and legal knowledge, the sentence may be translated as:

- "Legea albinelor din 1980 a ajuns în Cartea Statutelor în data de 20 martie 1980", or as
- "Legea albinelor din 1980 a ajuns în codul de legi al Regatului Unit în data de 20 martie 1980".

Example (a) introduces an uninspired calque (Cartea Statutelor). In example (b), the expression "the Statute Book" is translated using equivalence: "codul

de legi". At first sight, the two translations may seem tolerable. But the use of the expressions "Cartea Statutelor" and "codul de legi" gives the wrong impression that such a Statute Book or code exists in a physical form. Awareness of the fact that "The Statute Book" is a notional concept can help find a much better translation. Furthermore, a reading of the British "Bees Act 1980" reveals that this is a law for the protection of bees against pests and diseases that can affect them. Taking all these cultural and legal aspects into consideration, the example "The Bees Act 1980 reached the Statute Book on 20 March 1980" is more appropriately translated as:

- "Legea pentru protecția albinelor din anul 1980 a intrat în vigoare la data de 20 martie 1980".

Hence, cultural and legal awareness contribute directly to the development of linguistic awareness.

## **Conclusion**

Teaching legal English and legal translations should also include discussing the structural elements of various legal documents. It is quite unrealistic to expect or believe that such awareness is built naturally and that students become capable of reading such documents as soon as they see them. On the contrary, this is a responsibility that should rest with the teacher, who is expected to introduce students to this specific information. For students, becoming aware of the anatomy of a legal document (statutes, law cases, court decisions, etc.) may be an intimidating experience at first, but practice makes perfect. The difference between two legal systems (in our case, the Romanian legal system and the British legal system) also adds to the difficulty of dealing with legal texts, since both systems have evolved independently of each other, following individual historical developments. Naturally, this distinct evolution has given birth to contrasting cultural (including legal) realities, which turns the translation of various legal terms and concepts into a challenging experience. But building both cultural and legal awareness most certainly helps in developing linguistic awareness. Understanding how concepts have evolved and how realities have influenced this or that particular discourse (often manifest in various genres) provides the translator with the necessary key to offer accurate translations.

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# CULTURAL (UN)AWARENESS IN THE ACQUISITION OF LEGAL TERMINOLOGY: OUTCOMES AND SOLUTIONS

**Marina-Cristiana ROTARU**

**Abstract:** The aim of this paper is to highlight the role of cultural awareness in achieving accurate translations by focusing on the analysis of several culture-bound legal terms of the English and Welsh legal system. These specific terms include items that refer to the court system in England and Wales, such as names of various key positions in the judiciary branch, terms used in court procedures and criminal procedure, or advocacy terms. A parallel with Romania is introduced in order to highlight the similarities and differences between the English and Welsh legal system and the Romanian legal system. In spite of the contrast between the two legal systems, the translator can, if aware of cultural idiosyncrasies, provide correct translations that make apparently opaque terms explicit in the target language.

**Keywords:** *cultural (un)awareness; cultural diffusion; culture-bound legal terminology; court system; England and Wales*

*Translation is not a matter of words only: it is a matter of making intelligible a whole culture.  
(Anthony Burgess)*

## Introduction

The United Kingdom and Romania have followed two distinct legal traditions, the result of the different historical developments of the two countries. The British have designed their own legal system, with internal differences between England and Wales on the one hand, and Scotland and Northern Ireland on the other hand. But in spite of these local idiosyncrasies, the United Kingdom has inherited the English common law system, a creation of the conquering Normans which combined Norman legal concepts and indigenous Anglo-Saxon concepts. This century-old tradition of the common law, which the British have exported throughout their former colonies, is reflected, for instance, in their system of courts.

Unlike the United Kingdom, Romania inherited the continental legal system based on the Roman Law, which received a formal expression in the second half of the nineteenth century, with the adoption, by Prince Alexandru Ioan Cuza, of a new Civil Code, based on the Napoleonic Civil Code. So, Romania

has designed its modern system of courts, for example, and other legal institutions following the French model.

This cultural incongruity between the British legal system and the Romanian legal system can leave room for misunderstanding since there is little juxtaposition between the legal structures of the two countries. The acquisition of Legal English is often rendered more difficult by this cultural dissimilarity. A compare-and-contrast approach to the two legal systems can help build the legal awareness necessary for developing language awareness.

What comes next is a presentation of some of the main English legal concepts that may cause difficulty when translating them in Romanian. The list includes advocacy concepts ("Inns of Court", "the Bar"), judiciary concepts ("magistrate", "master", "Master of the Rolls", "Lord Chief Justice"), types of courts (such as the "Magistrates' Court", the "High Court", and other concepts such as "verdict" and "sentence" or concepts such as "indictment", "arraignment" and "impeachment". Each concept will be defined and then analysed in contrast to the Romanian reality in order to understand the similarities and the differences between the two legal systems.

## **1. The system of courts in the United Kingdom and Romania**

In the United Kingdom, the courts have both civil and criminal competences but not in an equal proportion. This means that some courts have more competences in criminal matters than in civil matters while other courts have more competences in civil matters than in criminal matters. For example, all criminal cases begin in a Magistrates' Court which, according to the Magistrates Courts' Act 1980, represents "the forum in which all criminal prosecutions are initiated" (magistrates' court, 2015). Most of the criminal cases are settled in Magistrates' Courts, but more serious ones, such as indictable-only offences, are judged in the next court in the hierarchy of criminal courts, the Crown Court, a senior court, which "has an unlimited jurisdiction over all criminal cases tried on indictment" and "also acts as a court of appeal for the hearing of appeals from magistrates' courts" (Crown Court, 2015).

In civil matters, magistrates' courts have only a limited jurisdiction, which is circumscribed to "debt and matrimonial proceedings" (magistrates' court, 2015). Hence, as far as the civil decisions of magistrates' courts are concerned, they can be appealed against in the next court with civil jurisdiction in the hierarchy of courts, the County Court, which "retains an unlimited jurisdiction

for claims in contract and tort” (county court, 2015) and where trial for most civil cases takes place (Judicial Office, 2016: 6, 13).

The next court in the hierarchy of English and Welsh courts is the High Court of Justice, which is made up of three divisions, the Queen’s Bench Division, the Chancery Division and the Family Division, and which “has appellate jurisdiction in civil and criminal matters” (High Court of Justice, 2015). Then, criminal and civil decisions reached in the High Court can be appealed against in the Court of Appeal, situated in London. As one national entity, made up of the Criminal Division and the Civil Division, the Court of Appeal “exercises appellate jurisdiction over all judgments and orders of the High Court” (Court of Appeal, 2015). At the top of the court hierarchy is the Supreme Court of the United Kingdom, which is the final court of appeal in both criminal and civil cases.

Therefore, the competences of the first-level courts, the Magistrates’ Courts and the County Courts, are mainly (but not exclusively) criminal and civil, respectively. The Crown Court only has criminal competences exclusively while the senior courts (the High Court, the Court of Appeal and the Supreme Court) have criminal and civil competences equally.

Unlike the English and Welsh courts, which have criminal and civil jurisdiction in various degrees, the Romanian courts, irrespective of their hierarchical level, all have criminal and civil divisions. Starting from the bottom, the system of courts in Romania is formed of:

- first-level courts: district courts (or “judecătorii” in Romanian);
- second-level courts: tribunals (or “tribunale” in Romanian);
- third-level courts: courts of appeal (or “curți de apel” in Romanian);
- fourth-level courts: The High Court of Cassation and Justice (or “Înalta Curte de Casatăie și Justiție”, in Romanian, which is Romania’s supreme court).

From a translator’s point of view, some of the names of the English and Welsh courts may be confusing when translating them into Romanian. The Magistrates’ Court may be such a case. The term “the Magistrates’ Court” is translated into Romanian by a calque as “Curtea Magistraților”. But the term “magistrați” may be confusing since in Romanian, “magistrați” designates judges and prosecutors (magistrat, 2009) while in English, the term “magistrate” is defined as “a judge in a court for minor crimes” (magistrate,

2002). So, in English, “magistrate” means “a justice of the peace”, a lay judge allowed to dispense justice only in minor criminal cases in a Magistrates’ Court. So, between the English term “magistrate” and the Romanian term “magistrat” there is a considerable difference referring to the degree of training and professional competence.

Another English court that may cause problems in translation is the High Court. For the individual which is unaware of the hierarchy of the English and Welsh courts, the term “High Court”, which is correctly translated as “Înalta Curte”, may be tricky. The calque “Înalta Curte” brings about semantic confusion since in Romanian, “Înalta Curte” means “Înalta Curte de Casătie și Justiție”, Romania’s supreme court. While in England, “High Court” is not the supreme court of the kingdom, but only a senior court of general jurisdiction.

Difficulties in translating legal English terms into Romanian may also spring from another cultural incongruity: while, in the English legal system, trial by jury is used in numerous serious criminal cases, it is not part of the Romanian judicial practice. Hence, students may mistake “verdict” for “sentence”. In the English and Welsh legal system, there is a clear-cut line between those who are entitled to give a verdict and those who are entitled to give a sentence.

Let us have a look at the definitions of the terms “verdict” and “sentence” provided by an English language dictionary. The *Dictionary of English Language and Culture*, published by Longman, defines “verdict” as “the official decision **a** made by a JURY in a court of law at the end of a trial, esp. about whether the prisoner is guilty or not guilty [...] **b** made by an official or an official body, such as a TRIBUNAL [...]” (verdict, 1992). The same dictionary defines the legal term “sentence” as “(an order given by a judge which fixes) a punishment for a criminal declared to be guilty in court” (sentence, 1992). Therefore, a verdict can only be “Guilty” or “Not guilty” and, in a system that uses jury trial in serious criminal cases, the verdict is always reached and delivered by the jury while the sentence is always pronounced by the judge.

Now, let us see how Romanian dictionaries define the terms “verdict” and “sentence”. “Verdict”, in its legal meaning, is defined, by *Dictionarul Explicativ al Limbii Române (DEX)*<sup>1</sup> as follows: “(in the states where jurors are part of the organization of criminal courts) opinion of the jurors on the guilt or innocence of the accused, on the basis of which the decision is pronounced by the criminal court; by extension, a decision given on the basis of this opinion;

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<sup>1</sup> “Dicționarul Explicativ al Limbii Române” stands for the “Explanatory Dictionary of the Romanian Language”.

by generalization, a court sentence”<sup>2</sup> (verdict, 2009). Furthermore, an online legal dictionary defines “verdict” as “1. Statement by means of which the jurors rule on the guilt or innocence of the accused, a statement on which the decision of the criminal court is based. 2. Sentence.”<sup>3</sup> (verdict, n.d.).

As far as the word “sentence” is concerned, it is defined by *DEX* as “judgment, court decision delivered in a court of first instance. Decision of an arbitration commission” (sentință, 2009). Moreover, an online legal dictionary defines the term “sentință” more specifically as “name given to judgments by means of which cases in first instance are solved whether the solution is pronounced by a district court (in the first instance or in the exercise of judicial control over complaints against judgments of bodies with jurisdictional activity), a tribunal or a court of appeal or whether the decision issued represented a solution on the actual merits of the case”<sup>4</sup>.

Hence, the Romanian dictionaries do refer to “verdict” as the position of the jury regarding the defendant’s culpability or innocence in states where trials by jury take place. But, in a more general sense, the Romanian dictionaries also regard “verdict” and “sentință” as synonyms since both are delivered by the bench.

## **2. Advocacy concepts**

Advocacy in England and Wales is more diverse than in Romanian. The English-Welsh advocacy is represented by three professions: barristers, solicitors and solicitor-advocates<sup>5</sup>. In Romania, advocacy is represented by one profession: the lawyers.

### **2.1 The lawyer’s profession in Romania**

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<sup>2</sup> Our translation (Jur.; în statele în care jurații intră în organizarea instanțelor penale) Părere a juraților asupra vinovăției sau nevinovăției acuzatului, pe baza căreia se pronunță hotărârea de către instanța penală; *p. ext.* hotărâre dată pe baza acestei păreri. ♦ P. gener. sentință judecătoarească.).

<sup>3</sup> Our translation (1. Declarație prin care jurați se pronunță asupra vinovăției sau nevinovăției acuzatului, declarație pe care se întemeiază hotărârea instanței penale. 2. Sentință.).

<sup>4</sup> Our translation (sentință, denumire acordată hotărârilor prin care se soluționează cauzele în primă instanță, indiferent dacă soluția este pronunțată de judecătorie (în prim grad de jurisdicție sau în exercitarea controlului judecătoresc asupra plângerilor împotriva hotărârilor organelor cu activitate jurisdicțională), tribunal sau curtea de apel și indiferent dacă prin hotărâre s-a dispus sau nu asupra fondului propriu-zis al cauzei.)

<sup>5</sup> For a more detailed presentation of advocacy terms characteristic of the English and Welsh legal system, see Rotaru (2019).

According to Legea nr. 51 din 7 iunie 1995 pentru organizarea și exercitarea profesiei de avocat, one can become a lawyer if one holds a law degree and is a member of the Bar. Then, at the start of the profession, each lawyer must complete a two-year internship. During the internship the lawyer is known as "trainee-lawyer" ("avocat-stagiар") and is allowed to plead only in district courts (Legea 51/1995, 22 (1)). Once the internship is completed, the trainee-lawyer undergoes the final examination (known as "definitivare" or "definitivat" in Romanian). If the final examination is passed, the trainee-lawyer becomes a fully-qualified lawyer, who is allowed to plead (or make submissions) before higher courts (tribunals and courts of appeal) but not before the High Court of Cassation and Justice and the Constitutional Court, where a qualified lawyer enjoys the right of audience on condition he has been working for at least six uninterrupted years as a fully-qualified lawyer (Legea 51/1995, 22 (1)).

### **3. The Inns of Court**

The "Inns of Court" is another confusing term when it comes to translating it into Romanian. The cause of the confusion must be the association of two words, "inns" and "court" which, apparently, have nothing in common. The inn, "a small hotel or PUB, especially one in the country" (inn, 2002) is translated into Romanian as "han" (inn, 2014). It is not far-fetched to ask yourself: What does an inn have to do with a court?

Looking up the term "inns of court" into an English legal dictionary can solve the confusion:

"Ancient legal societies situated in central London; every barrister must belong to them". These voluntary unincorporated associations have the exclusive right of call to the Bar. The early history of the Inns is disputed, but they probably began as hostels in which those who practised in the common law courts lived. These hostels gradually evolved a corporate life in which Benchers, barristers, and students lived together as a self-regulating body. From an early date they had an important role in legal education. In modern times four Inns survive: Gray's Inn, Inner Temple, Lincoln's Inn, and Middle Temple".  
(Inns of Court, 2015)

Hence, the former role of the inn as a sort of lodging or living quarters for members of the legal profession may explain today the association between the terms "inn" and "court". Furthermore, barristers cannot be called to the Bar unless they belong to one of the four inns, as underlined by the dictionary: "the four law societies and their buildings in London, for students and

practicing barristers, which an English barrister must belong to" (Inns of Court, 1992). Therefore, the Inns of Court include both barristers and law students and "provide support for barristers and students through a range of educational activities, lunching and dining facilities, access to common rooms and gardens and the provision of various grants and scholarships. [...] The Inns also have a role in administering disciplinary tribunals to deal with more serious complaints against barristers" (The Bar Council, n.d.).

The Romanian translation of the term "Inns of Court" as provided by the dictionary can be quite confusing: "baroul londonez" (Inns of Court, 2014). Indeed, barristers first have to become members of one of the four inns, which calls barristers to the Bar. So, we may say that the members of the Inns, the barristers, form the Bar. And yet, there are some significant differences between the English meaning of the noun "Bar" and the Romanian meaning of the noun "barou"/ "barou avocațial". The term "The Bar" is defined as "(the members of) the profession of BARRISTER" (Bar, 1992) or "Barristers, collectively" (Bar, 2015).

The Romanian term "barou" is defined as "a public legal entity formed of all lawyers registered in the Directory of Lawyers, having its own patrimony and independent organization"<sup>6</sup> (Legea de la A la Z, n.d.). Furthermore, the term "barou avocațial" is defined as "a form of organization having legal personality and own patrimony, constituted on the basis of the principle of autonomy, reuniting all the lawyers from a county and from the city of Bucharest, respectively, being headquartered in the county capital city"<sup>7</sup> (Legea de la A la Z, n.d.).

Therefore, the Inns of Court are more than just the collection of barristers. They are also organizations that provide education (in the form of grants and scholarships) to law students and support the barristers in their professional development. These are features that are not reflected by the definition of the Romanian terms "barou" and "barou avocațial". So, it is not far-fetched to conclude that, although the translation of Inns of Court as "baroul londonez" is not inappropriate, since there is an overlapping between the membership of The Inns and the membership of The Bar, the term "Inns of Court" can be

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<sup>6</sup> Our translation (persoană juridică de interes public, constituită din toți avocații în Tabloul Avocaților, cu patrimoniu propriu și organizație de sine stătătoare").

<sup>7</sup> Our translation (formă organizatorică cu personalitate juridică și patrimoniu propriu, constituită pe baza principiului autonomiei, reunind toți avocații dintr-un județ, respectiv din municipiul București, și care își are sediul în localitatea de reședință a județului. [...]).

better accommodated in the Romanian reality as “asociații profesionale ale avocaților din Anglia și Țara Galilor, cu sediul la Londra”.

#### 4. Types of judges

Another source of confusion in translation is the incongruity between the English and Welsh judiciary, on the one hand, and the Romanian judiciary, on the other hand. In England and Wales, for instance, there are part-time judges (like “recorders”, for instance) and procedural judges (like “masters”). In Romania, the only division is between “trainee judge” (“judecător stagiar”) and “permanent judge” (“judecător definitiv”).

Translating “**masters**” into Romanian can be a challenge. They are “procedural judges for the majority of the civil business in the Chancery and Queen’s Bench divisions who deal with all aspects of an action, from its issue until it is ready to go ahead in court, where it is presided over by a trial judge [...]. After the trial the Master resumes responsibility for the case. [...]” (Judicial Office, 2016: 35). Hence, masters are judges that deal with the pre-trial and post-trial stages of a case. Furthermore, masters “undertake interlocutory work, which means that they act as gatekeepers for judges, sifting through the thousands of public claims which come in every year concerning issues such as personal injury, negligence and tort, to make sure that only the most serious are put in front of a judge in court. They can hear cases in their offices, and always try to gain a ‘consent order’, whereby the parties reach agreement out of court. Practice Masters offer procedural advice” (Judicial Office, 2016: 35).

One Romanian translation for “Masters of the High Court” is “Maeștrii ai Înaltei Curți” (Uniunea Europeană, n.d.). This calque is opaque since it does not render what the job of “Master of the High Court” entails. It may mean a ceremonial function for someone who is unfamiliar with the English and Welsh court system. Since masters are procedural judges, we can translate “Masters of the High Court” as “judecători de procedură în cadrul secției Chancery și secției Queen’s Bench ai Înaltei Curți”. This solution describes what masters do and where exactly in the court system they perform their duties.

There are other judicial functions in the system of courts which may be opaque to the translator, initially. The English and Welsh judicial system is deep rooted in tradition, which explains why ancient names of judicial functions have been preserved. Such a position is that of the **Master of the Rolls**, whose archaic name can be confusing. A calque translation, “maestru al sulurilor”, is

inappropriate in the context since it makes the function even more opaque to the target reader. The noun “rolls”, however, is reminiscent of the old parchment rolls on which court decisions were written. In fact, the office of the Master of the Rolls “was created hundreds of years ago, to protect all charters, patents and records of the most important judgments and decisions made by the courts [...] recorded on parchment rolls, hence the name” (Judicial Office, 2016: 32). Today, the Master of the Rolls is a senior judge who presides over the Civil Division of the Court of Appeal (Master of the Rolls, 2015). Therefore, we can translate it using a functional equivalent, which makes the function transparent in the target language: Președintele Secției Civile a Curții de Apel.

Another confusing function in the system of courts is that of the **Lord Chief Justice**. The adjective “Chief” may mislead unexperienced translators to believe that the Lord Chief Justice is the minister of justice<sup>8</sup> in the United Kingdom. However, there are some hints in the name of the position which can help decipher the real meaning. We know that “Justice” is another name for “Judge”. So, the term “Lord Chief Justice” has to do with the judiciary. Furthermore, judges who are called Lords Justice are all senior judges of the Court of Appeal. The definition of the position clarifies the meaning: “The Lord Chief Justice is the most senior judge in England & Wales and President of the Courts of England and Wales” (Judicial Office, 2016: 32). Consequently, we can translate the term “Lord Chief Justice”, by using functional equivalence, as “Şeful corpului judecătoresc și Președintele instanțelor din Anglia și Țara Galilor”.

## 5. “indictment”, “arraignment” or “impeachment”?

As far as various legal procedures are concerned, there are a few specialised terms that can puzzle the translator: “**indictment**”, “**arraignment**” and “**impeachment**”. Let us look them up in a legal English-Romanian dictionary and see their translation in the target language. “**Indictment**” is translated as “**1** incriminare, acuzație, inculpare **2** rechizitoriu” (indictment, 2017). “**Arraignment**” is translated as “trimitere/dare în judecată, inculpare, acuzare, punere sub acuzație, acuzație penală, învinuire” (arraignment, 2017). “**Impeachment**” is translated as “**1** acuzare, acuzație, punere sub acuzare, aducere în fața tribunalului **2** blam, discreditare, procedură de destituire” (impeachment, 2017). The definitions reveal both similarities between the

<sup>8</sup> In the United Kingdom, the Ministry of Justice is headed by The Lord Chancellor and Secretary of State for Justice (the equivalent of the Romanian “Ministrul Justiției”).

terms but there are also differences which may not be clear-cut to the non-professional target reader. A bit of research to help boost our awareness comes in handy.

“Indictment” and “arraignment” are terms used in criminal procedure and they illustrate various criminal procedure stages. Once a person is believed to have committed a criminal offence, and there is enough evidence of the committed offence, the Crown Prosecution Service issues a bill of indictment, which is “a written accusation of a crime against one or more persons – a criminal trial in the Crown Court cannot start without a valid indictment” (Ministry of Justice, n.d.). As the indictment is an official document accusing one or more people of committing one or more offences,

it is headed with the name of the case and the place of trial. There is then a statement of offence, stating what crime has allegedly been committed, followed by particulars of the offence, with such details as the date and place of the offence, property stolen, etc. If the accused is charged with more than one offence, each allegation and charge appears in a separate paragraph called a **count**<sup>9</sup>. (indictment, 2015)

Hence, the indictment is “the document containing the charges against the defendant for trial in the Crown Court” (Crown Prosecution Service, 2018) and is drafted and “served by the prosecutor with a High Court judge’s permission” (Crown Prosecution Service, 2018). The term “indictment” or “bill of indictment” can thus be translated as “act de acuzare” or “rechizitoriu” since the term “rechizitoriu”, in Romanian, is defined as “procedural act by means of which the prosecutor orders the prosecution of the defendant and initiates the criminal action in case this has not been initiated already. [...] The indictment is the act whereby the court is notified”<sup>10</sup> (rechizitoriu, n.d.).

Once the accused has been arrested, he/she appears in the dock. This is the arraignment phase of the trial, when the accused, now called the defendant, is arraigned by “calling the defendant by name, putting the charges to him by reading the indictment, and asking him whether he pleads guilty or not guilty. The defendant then pleads to the indictment” (arraign, 2015). Thus, we can translate the term “arraignment” as “trimiterea/darea în judecată”, which takes place before a judge in a court of law. To sum up, the terms “indictment” and

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<sup>9</sup> The author’s emphasis.

<sup>10</sup> Our translation (act procesual prin care procurorul dispune trimiterea în judecată a inculpatului și pune în mișcare acțiunea penală în cazul în care aceasta nu fusese pusă în mișcare [...]. Rechizitoriu constituie actul de sesizare a instanței [...]).

“arraignment” reflect two different stages of a criminal trial, each stage being the responsibility of a different institution. The indictment is a formal document listing the charges against an accused, based on evidence, and is the responsibility of the Crown Prosecutor, while the arraignment is the official action or proceeding of committing someone for trial, which is the responsibility of the court. The arraignment signals the start of a criminal trial. In Romania, once the accused is committed for trial, its status changes from “învins” (accused) to “inculpat” (defendant).

How about the term “impeachment”? What does it mean and when can it be used? The verb “impeach” is defined by the dictionary as follows: “**1 fm/** to raise doubts about: *to impeach someone’s motives/character* **2 law a** to say that (someone) is guilty of a serious crime, esp. against the state **b** (esp. in the US) to charge (a public official) with serious misbehaviour in office” (impeach, 1992). So, “impeachment” is used to refer to a serious crime committed by a public official.

The dictionary explains the term and tells us that it is used mainly in the United States, but does not specify whether the term is used in the United Kingdom because in this country the term has become obsolete.

In a House of Commons Library document, the term is explained as “a means by which Parliament could prosecute and try individuals, normally holders of public office, for high treason or other crimes and misdemeanours. [...]” (Simson Caird, 2016: 4). Impeachment was used in Great Britain from the thirteenth century up to the beginning of the nineteenth century (Simson Caird, 2016: 6) and in 1967, a parliamentary committee suggested that Parliament’s right to impeach “should be formally abandoned via legislation” (Simson Caird, 2016: 7). Although such legislation has never been introduced, impeachment has become outdated because

Different mechanisms have developed in modern politics to allow for the scrutiny of the executive. These include parliamentary questions, inquiries by select committees and independent committees of inquiry. The growth of the doctrine of collective cabinet responsibility, and the use of confidence motions have both contributed to the disuse of impeachments in modern times. Judicial review also now provides an effective check on the legality of the actions of public officials and government ministers. The impeachment process, last attempted in 1806, has not been revised to reflect the fundamental changes that have occurred in Parliament. (Simson Caird, 2016: 7)

Although the impeachment proceeding is no longer used in the United Kingdom, it is characteristic of the political life in the United States where several presidents (Andrew Jackson, Bill Clinton, Donald Trump) were impeached (Law, 2021) and in other countries. In Romania, for instance, the impeachment procedure is stipulated in Article 96 of the Constitution. The term "impeachment" is translated as "punerea sub acuzare".

## Conclusion

Cultural unawareness, which we may define as the act of not knowing or understanding other cultures' values, beliefs, concepts, often proves to be a hindrance in translation, and frequently results in inaccurate solutions in the target language. In a world more connected than ever before, characterised by increased cultural diffusion, developing and heightening cultural awareness is essential in the training of a translator. Even if countries and nations develop their own, particular political, educational or legal systems, they also do share similarities, some of these similarities being the result of imports during these countries' history. Impeachment, for example, a particular proceeding initially characteristic of the common law system, has now become a feature of the political system of other countries which, from a legal perspective, do not belong to the common law area. Cultural awareness can only improve the accuracy of a translation to the benefit of effective communication between the source culture and the target culture.

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**RECENZII DE CARTE –  
BOOK REVIEWS**



**Ghențulescu, R. (2019). *Etică academică*. București: Conpress.**

**Reviewed by Marina-Cristiana ROTARU**

Manualul *Etică Academică* publicat în anul 2019 la editura CONSPRESS a Universității Tehnice de Construcții București răspunde multor întrebări pe care studenții și le ridică cu privire la examenele de finalizare a studiilor care implică, printre altele, lucrări de cercetare (lucrarea de disertație sau teza de doctorat) care, deși caracterizate de diferite grade de complexitate, au toate un numitor comun: respectarea normelor de scriere a unei lucrări științifice (care înseamnă nu numai norme de tehnoredactare, cât și norme etice și morale și principii de cercetare). Lucrarea *Etică Academică* prezintă aceste aspecte în detaliu, într-o manieră practică, ușor accesibilă studentului.

Prin Ordinul Ministrului Educației Naționale din 30 ianuarie 2018, etica devine parte din programa universitară și primește statutul de disciplină obligatorie pentru ciclul II de studii (studii de masterat) și ciclul III de studii (doctorat). Pentru ciclul I de studii (studii de licență), etica are numai un statut de disciplină optională, deși nevoie de înțelegere a ceea ce presupune scrierea unei lucrări științifice este simțită chiar din timpul studiilor de licență, când studenților le-ar prinde bine familiarizarea cu anumite aspecte etice ale cercetării. Deși cititorii săi ai manualului *Etică Academică* sunt masteranzii și doctoranzii, acesta se adresează în egală măsură și studenților de la ciclul licență, venind astfel și în întâmpinarea nevoilor acestei categorii de studenți.

Așa cum arată manualul, familiarizarea cu aspectele etice la nivel universitar nu este deloc un proces ușor și nici de scurtă durată încrucișând presupune dezvoltarea unor abilități și competențe specifice. Pentru ca acest lucru să se întâmple, trebuie, mai întâi, să se insiste pe nevoie de conștientizare, din partea studenților, a respectării unor norme etice și morale în scrierea unei lucrări, așa cum subliniază autoarea *Etică Academică*.

Conștientizarea poate începe cu familiarizarea studenților cu cadrul legislativ deja existent, care reglementează atât dreptul de autor și de proprietate intelectuală, cât și activitatea de cercetare științifică. Astfel, Legea nr. 8/1996 privind dreptul de autor și drepturile conexe, definește, la art. 3 (1) termenul de „autor al unei opere”: „Este autor persoana fizică sau persoanele fizice care au creat opera”. În plus, cercetarea științifică este reglementată de Legea 206/2004 privind buna conduită în cercetarea științifică, dezvoltare tehnologică și inovare, lege care este circumscrisă unei legislații europene vaste, din care putem aminti „Carta europeană a cercetătorului” și „Codul de conduită pentru recrutarea

cercetătorilor”. Lucrarea de față prezintă, în manieră clară, această legislație națională și europeană, scoțând în evidență necesitatea respectării acestor norme și relevanța lor pentru activitatea din universități.

Întrucât cercetarea presupune cunoașterea și familiarizarea cu literatura de specialitate dintr-un domeniu, este firesc și necesar pentru masterand sau doctorand să consulte această literatură și să o folosească pentru dezvoltarea propriei cercetări. Numai că nu întotdeauna folosirea literaturii deja existente se rezumă la consultarea ei și utilizarea ei judicioasă, respectând munca celuilalt. Lucrarea *Etica Academică* prezintă numeroase exemple de derapaje ale unor persoane care, abdicând de la regula bunului simț și de la principiile care guvernează activitatea de cercetare (principiul onestității, principiul integrității morale, principiul profesionalismului, principiul meritului etc.) s-au transformat în anti-modele.

Dar odată ce studentul înțelege noțiunea de autor al unei lucrări (vezi supra) cât și ce poate reprezenta obiectul dreptului de autor, cum ar fi, printre altele, „operele științifice, scrise sau orale – „comunicările, studiile, cursurile universitare, manualele școlare, proiectele și documentațiile științifice” (art. 7b din Legea 8/1996) – atunci el începe să conștientizeze existența unor limite, îngrădiri în folosirea surselor, aceste restricții impunându-se nu numai din considerante morale și etice, dar și juridice.

Lucrarea *Etica Academică* abordează în mod metodic aceste restricții și oferă studentilor răspunsuri valide privitoare la aspectele care îi frământă cel mai mult în scrierea unei lucrări: maniera de citare, problema plagiatului și autoplagiatului (capitolele VIII, IX), raportul dintre contribuția personală și sursele deja existente. Astfel, lucrarea de față prezintă detaliat diverse sisteme de citare internaționale (de tipul APA, MLA sau Chicago style) și naționale (stilul de citare al Academiei Române) și arată studentilor scopul acestor sisteme de citare prin care studenții înțeleg și văd cum se pot folosi, în mod cinsit și transparent, de rodul muncii celor din generațiile anterioare.

Manualul *Etica Academică* abordează și tipurile de derapaje frecvent întâlnite în activitatea de cercetare, cum ar fi plagiatul și auto-plagiatul, deja menționate, dar și alte tipuri de derapaje care sunt la fel de grave ca cele două de mai sus: fabricarea datelor pentru a susține anumite puncte de vedere, citarea incompletă sau incorectă făcută cu un scop anume, etc. Toate aceste nereguli trebuie evitate, întrucât „stârnesc oprobriul comunității academice și științifice, care nu toleră asemenea încălcări ale bunelor practici în cercetare” (Ghentulescu, 2020: 17).

De asemenea, lucrarea *Etica Academică* se dovedește un instrument foarte util tinerilor cercetători și prin familiarizarea acestora cu parafraza, manieră de citare corectă a informațiilor din alte surse, pe care studenții trebuie să ajungă să o stăpânească. *Etica Academică* le face cunoscut studentilor sistemul de parafrazare PISA (Permutare – Înlocuire – Suprimare – Adăugare de text), sistem care îi ajută pe aceștia să lucreze pe text în calitate de indivizi informați cu privire la etica în cercetare.

În plus, manualul abordează un aspect sensibil, dar cât se poate de important pentru un viitor cercetător: relația dintre conducătorul de doctorat și doctorand din perspectiva eticii și integrității academice (vezi capitolul III), relație care trebuie să se bazeze pe transparentă, obiectivitate și încredere. În fond, o bună relație între îndrumător și doctorand duce la o bună desfășurare a tuturor etapelor cercetării, spre câștigul ambelor părți. Cercetarea începe cu încadrarea temei și negocierea acesteia (care presupune accesul la date, obținerea consimțământului pentru folosirea datelor, stabilirea unui buget de timp, susținere din partea îndrumătorului, și continuă cu generarea de date, idei și materiale noi, care duce la următoarea etapă, etapa de creație, când se prezintă rezultatele, modelele, conceptele, teoriile, proiectele. Urmează etapa diseminării rezultatelor, prin publicații, expoziții și, etapa finală, care presupune o perioadă de reflecție, în care cercetătorul se apleacă asupra propriului parcurs (Macfarlane, 2009: 39). În toate aceste etape, o bună colaborare cu îndrumătorul de teză este esențială.

*Etica Academică* pune accentul pe i subliniind că, în alegerea temei de doctorat, studentul trebuie să fie implicat 100%. Este responsabilitatea lui, în primul rând, să își aleagă tema și nu să aștepte o temă gata livrată din partea îndrumătorului, dar un sfat din partea acestuia nu poate decât să îl ajute pe student să își clarifice și mai bine intențiile. De asemenea, studentul trebuie să se asigure că tema aleasă este relevantă atât pentru domeniul său de activitate cât și pentru cercetare, la modul general. Prin urmare, studentul trebuie să propună o temă cu potențial de pionierat, care să ducă la o cercetare care să cartografieze noi teritorii, evitându-se astfel mersul pe poteci deja bătătorite.

Abordarea didactică practică a lucrării *Etica Academică* este scoasă în evidență și de secțiunea „Aplicații” de la finalul fiecărui capitol. Astfel, **aplicațiile** invită studenții să analizeze, să argumenteze sau să își exprime opinia asupra unui caz, a unei situații, invitând la dezbatere și dând ocazia studentilor să își pună, la rândul lor, întrebări, să caute răspunsuri, să tragă concluzii. Studenții sunt confruntați cu anumite spețe și invitați să ia poziție și să își argumenteze opiniile.

Prin acest tip de exercițiu practic, dinamic, care invită la dezbatere, studenții se familiarizează cu conceptele, devin conștienți de existența și de utilitatea lor, încep să învețe să lucreze cu ele. Prin urmare, aceste aplicații propuse de manual devin un prim pas, foarte necesar, în asumarea, de către student, a principiilor etice și integrității academice care trebuie să le caracterizeze activitatea de cercetare.

În concluzie, manualul *Etica Academică* este nu numai o lucrare de familiarizare a studenților cu diversele aspecte ale cercetării academice din perspectiva eticii și integrității, cu aspectele juridice ale acestui tip de activitate. Studenții află nu numai cum să scrie o lucrare științifică onestă și de calitate, ci și cum să se formeze ca cercetători profesioniști, pregătiți să își asume principiile integrității academice, generând, la rândul lor, meritocrație. Astfel, manualul *Etica Academică* se dovedește și un instrument de conștientizare, de către student, că scrierea unei lucrări de cercetare nu este numai o etapă spre finalizarea unor studii și/sau obținerea titlului de doctor, ci este, în primul rând, un proces firesc, necesar și indispensabil de formare atât profesională cât și individuală, un mecanism de fomare și de călire a caracterului.

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