
LINGUISTIC AND JUDICIAL ASPECTS IN THE CONTEXT OF TRANSLATING DOCUMENTS

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The major attention is laid on skill set of specialists in translating legal documents. The article analyses grammar and sentence structure and stresses that not only linguistic factors but judicial aspects should be taken into account in translating legal documents. Some errors may be made by translators while translating legal documents even though they are perfect in general English.

Key words: skills, medical lawsuit, reliability, accuracy, source text, equivalent, concept, verbatim, target language.

Legal document translation is a highly specialized and often extremely complicated subset of the translation industry. Translation judicial document is never an easy task. English language differs to such an extent that is not sufficient to simplify the text word for word: grammar and sentence structure must be considered, as must be the tone and implied meaning of the text. While this is true of any document that requires translation, these issues take on a completely new level of significance when it comes to translating legal documents.

Translating legal documents requires a very specific skill set. It goes without saying that all professional translators must be fluent in both the original and the destination language. However, additional skills are required for those who translate documents for legal purposes. An intimate knowledge of the law and legal systems in both the original and destination countries is required, as is meticulous level of attention to detail [1].

A translator who will be working with legal documents must be prepared for the fact that they could be dealing with any subject matter. Besides the legal jargon, processes and procedures that will be found in legal documents, the actual subject matter of the document itself could range from anything from criminal matter involving assault or burglary, to a civil matter involving negligence or workplace disputes, to an administrative matter involving technical subject like wireless technology, physics or even chemistry.

In some cases specialists in legal translation also need to be somewhat expert in medical translation in the event that a document relating to a personal injury, work's compensation claim or the medical lawsuit requires translation. Apart from the specifics and sometime ranging skills that are required for translators who wish to special-

ize in translating documents, such translators also need to insure that they, do not take shortcuts or liberties when it comes to translating the text.

A common problem that a specialist may face is the issues of a translator attempting to paraphrase the text. A common error that a translator can make is the issue of one attempting to change the sentence grammatically. While this can be a problem with any document, it can be an enormous issue with grave ramifications in a legal context. The problem with paraphrasing is that the intent and the meaning of the sentence then changes, and reflection and intention are lost or skewed, compromising the reliability and accuracy of the document [2].

Another difficult issue relates to translators adding their own content (even just one or two words) in order to add or retain the meaning of the original text is not necessarily the meaning that was intended by those who drafted the document. It goes without saying that the addition of even a single word can change the shape of a sentence and, by extension the entire document. For this reason, translators who are responsible for legal documents must ensure to stay in close contact with their client at all times and to have an opportunity to ask questions about the meaning of any phrase that seems ambiguous to the translator. Quality legal translators must not only possess the knowledge of the legal system and terminology that is used in both the source and the target language and cultures. A good translator must be an expert in their target language. One must be capable of applying logic and reasoning to adequately solve complicated issues that arise from the lack of direct translations, cultural meanings behind specific words and phrases, and the potential for multiple dialects [3].

Even being a native speaking translator is not enough when it comes to legal translations. The translator must also be familiar with the legal system and terminology used in both the source and target language. Every legal system is different, and designed to meet the needs of the particular culture through specific procedures and specialized terms. A professional legal translator must understand the procedures and terms being used in the source language, then appropriately convert these into account translations for the target audience.

Most forms of legal writing outline specific rights and duties of the party involved. It is essential that the translator understands them and then accurately convey them to the target audience using the correct words and phrases that instill those same rights and duties in the target language. Most legal professionals are unfamiliar with legal translation and may ask for a verbatim translation, inaccurately believing that the meaning will be the same that the source text provides. Sometimes they do not understand that a verbatim translation can result in an incoherent and highly inaccurate document. In reality, what they are looking for is an accurate translation of the meaning of the documents, not the words.

In order to produce accurate and effective translations of legal documents the translator must be familiar with all aspects of the project, including the source and target languages as well as legal terminology and procedures used by both cultures. This is a difficult task and is often complicated by having to explain to legal professionals and their clients that a verbatim translation is not what they desire. A well

educated, knowledgeable, and experienced legal translator maybe difficult for a client to find but taking the time to adequately screen a prospective legal translators, and paying the additional fees the specialists feel may require, will be worth it in the long run.

Legal document translation implies both a comparative study of the different legal systems and awareness of the problems created by the absence of the required equivalents. Among the problems posed by legal translation, that is terminological equivalence is one of keen current interests. In contrast that happens with physics or biology, there were objective extra-linguistic references, legal reality is conceived as the result of legal discourse which creates its own reality from different or shared historic traditions, in one common international legal phenomenon.

Each legal system is situated within a complex of social and political framework which responds to the customs and habits of a special group. This complex framework is seldom identical from one country to another, even though the origins of the respective legal system may have points in common. The diversity of legal systems makes research in the field of legal terminology more difficult because a particular concept in a legal system may have no counterpart in other systems. Sometimes a particular concept may exist in two different systems and refer to different realities, which raise the problem of documentation and legal lexicography.

Translation is much more than the substitutions of lexical and grammatical elements between two languages. The process of translation requires the art of leaving aside some of the linguistic elements of the source text to find an impressive identity among the elements of the source and the target texts. In legal document translation a problem arises from the very beginning if the translator is aimed at finding the exact terminological equivalent. The attribution of an equivalence to a target term, for which no comparable concept exists in another legal system, can be the cause of ambiguities, confusion and all types of miscomprehension due to the fact that term in question produces to the reader of the translated text [4].

Therefore, the difficulty of terminological equivalence in translation of documents is reflected, above all, in the expectations of the reader from the translated text. In most cases legal documents do not lend themselves to precise translation, unlike the case of a scientific article. In this respect, concepts, terminology and realities of one society only correspond partially to those of another, that is to say, certain concepts may totally coincide, while others may only partially do so. As a result, in the field of legal translations, the major practical difficulty is that of deciding whether a concept is the same in two languages or whether it is different in terms of the consequences which ensue.

Thus, there are certain terms which appear similar in two different systems but which might mislead the reader if he tries to understand them literally, assuming they cover the same concept in both legal systems. It is obvious that English legal terms as well as legal concepts they formulate, are far from coinciding exactly. Legal translators must look for judicial and linguistic equivalence of terms of their specialty, without sacrificing one equivalent in favor of the other. Legal translators can only look for

the pragmatic equivalent of concepts, that is so say, the same outcome in texts, even by so doing they must apply different strategies. A good translator must use correct industry — specific terminology, convey all possible nuances and ambiguities of the source text and not create or contribute to the establishment of ambiguities when the source text provides clarity. It must also ensure that all legal concepts precisely have the same legal effects as their source equivalents or use explanation in cases, where it may not be possible to construct exact equivalent in the target language.

Translators of legal document face particularly difficult challenges because of the potential stakes that mistakes can generate. Usually, by the time translators become involved in a project challenging legal considerations have already been discussed, negotiated or otherwise taken into account. Obviously once an agreement has been reached, the parties generally intend to avoid reopening legal problems at that point in time. To ensure perfect reliability and accuracy of the translated document, translators must be able to consult with other legal professionals about terminological difficulties.

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ЛИНГВИСТИЧЕСКИЙ И ЮРИДИЧЕСКИЙ АСПЕКТЫ В КОНТЕКСТЕ ПЕРЕВОДА ДОКУМЕНТОВ

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Главное внимание в статье уделено навыкам специалистов по переводу юридических документов. Статья анализирует грамматику и структуру предложения и делает акцент на том, что при переводе юридических документов должны быть учтены не только лингвистические факторы, но и юридические аспекты. При переводе юридических документов переводчики могут допускать ошибки, даже если они в совершенстве владеют английским языком.

Ключевые слова: навыки, медицинский судебный процесс, надежность, точность, исходный текст, эквивалент, концепт, дословный, изучаемый язык.