

TRANSLATION STRATEGIES IN LEGAL TEXTS

Samah Mundher Taha

Dr. Nisrin Moukadem

Abstract:

This paper is concerned with give us a hint about language, and the importance of language in translation. Also, define the legal language offered by some theorists from his/her point of view ,mention an important contribution to the study of legal translation. In addition, listing some of the potential consequences of poor legal translation, explore the relationship between translation and the lexicon, and discuss translators mistakes. Then discuss the main subject which is translation strategies and listing those different strategies for some best-known theories of this field .

Keywords: (translation, translation strategies, legal language, Translators mistakes, Baker's taxonomy).

Introduction

Language is the medium via which people communicate with one another, and it can vary depending on the community that utilizes it. People who speak the same language but with various accents may be found in the same social group. Men have utilized language throughout history to express a variety of things, including cognition, emotion, and culture. Many new vocabulary that are based on the various domains of life—that is, vocabularies that are used only in a particular field—have emerged over

time and with the advancement of science and technology. Thus, the notion that each discipline has its own terminology or, more generally, its language, arose. There are numerous different languages, including ones that are scientific, commercial, medical, and legal. Its unique qualities set it apart from similar speech and writing as well as from everyday language. Legal language has been referred to as an argot, a dialect, a register, a style, and even a different language, according to Peter Tiersma's paper *Legal Language* (University of Chicago Press, 1999). In actuality, the relatively recent term "sublanguage" adequately describes it. A sublanguage has its own unique grammar, a narrow scope, lexical, syntactic, and semantic constraints, and it permits "deviant" grammar rules that are not permitted in the standard language. Whatever term we use, legal language is an intricate web of linguistic conventions that have grown over many years and that attorneys have learnt to employ rather strategically.

The importance of the language

David Crystal discusses, in his book the Cambridge Encyclopedia of Language, the professional use of words and the importance of language in different professions. Crystal argues that language is an essential tool for professionals in all fields, and that the use of specialized terminology and jargon is a key part of professional communication. He emphasizes the

importance of clarity and precision in professional communication. He notes that professionals must be able to communicate complex ideas and technical information in a way that is accessible to their intended audience. This requires not only a mastery of specialized terminology and jargon, but also an ability to convey information in a clear and concise manner.

In addition, Vijay K. Bhatia, in his 1993 book Analysis Genre: Language Use of Professional Settings, discusses the role of translation in professional communication. Bhatia emphasizes that translation is not simply a matter of transferring words from one language to another. Instead, he argues that translation involves a complex process of interpreting and reconstructing meaning in a way that is appropriate for the target audience. He adds that translators must be aware of the different linguistic structures and conventions of the source and target languages, as well as the cultural differences that may affect the interpretation of certain words or concepts.

Legal translation

Legal translation counts to be one of the most difficult translations due to its frozen structure, and its importance ,We can say that this branch of translation refers to the process of translating legal documents, contracts,

agreements, laws, regulations, and other materials from one language to another while maintaining their legal accuracy, terminology, and meaning.

Lawyers were interested in legal translation and Linguists due to the increasing interest of legal translators (Sarcevic,2000) as it became a need at the present time. Crystal and Davy's research was the first in that field. It contains information from two legal documents which are: 'endowment assurance' and 'hire purchase agreement', his work also demonstrated the importance of intricate mode, and identified its qualities(1969,P.193–217).

The competent use of words, or as David Crystal put it, "The professional use of words" has frequently been described as the language of law or the legal language (1987,P. 387). Written legal documents are frequently characterized as having lengthy phrases, intricate sentence structures, repetition, a greater use of Latin, and outdated or archaic lexicon (Bhatia, 1993). The sophisticated language used in the legal "register" or "genre" has given birth in recent decades to a trend or assertions that "plain" language will make laws and legislation easier for experts and the general public to grasp. Understanding two texts is necessary for the translation process of any text, not just legal materials. The translator's task is to establish an "equivalence" relationship between the source text (ST) and

the target text (TT) in order to convert the first from one language into the second from a different language.

Newmark in his book, Approaches to Translation, considers legal translation a highly specialized and technical type. He emphasizes that legal translators need to be well-versed in the legal systems of both the source and target languages in order to accurately translate legal documents. Newmark adds that legal translation requires a high degree of accuracy. Even small errors in translation can have serious consequences; legal translators need to be meticulous in their work and be able to fully understand the meaning of the original text. Also, legal translators must be aware of the cultural differences between the two languages and the legal systems. Moreover, legal translation may involve the use of legal jargon, archaic language and complex sentence structures. The translator must be able to navigate these challenges and produce a translation that is clear and understandable to the target audience.

Michel Weston's PhD research on the features of constitutional language in translation between French and English is an important contribution to the study of legal translation.

In his research, Weston analyzed the linguistic and cultural differences between French and English constitutional language and challenges that

arise when translating between these two languages. Weston identified several key features of constitutional language that can complicate translation, such as the use of archaic language, complex sentence structures, and legal terminology that may be specific to a particular legal system or culture. He also noted the importance of considering the historical and cultural contexts of the source and target languages in order to accurately convey the intended meaning of the text.

One of the main contributions of Weston's research is that he developed a set of translation strategies and techniques that can be used to address these challenges. For example, he recommended the use of plain language and simplified sentence structures to make the text more accessible to readers, as well as the use of glossaries and other translation aids to help convey the meaning of complex legal terminology. Overall, Weston's research provides valuable insights into the complexities of translating constitutional language between French and English, and his recommendations for translation strategies and techniques can be useful for legal translators working in other language pairs and legal systems as well. Weston also confirms that in order to determine which of the strategies to use: a word for word translation, borrowed, or naturalized ;

that depends on the aim and readers/ or listeners of he translated text(Michel Weston,1995:P.217).

Some of the potential consequences of poor legal translation:

1.Misinterpretation of legal terms:

Legal translation requires a deep understanding of legal terminology, which can be complex and nuanced. If a legal term is mistranslated, it can lead to confusion, ambiguity, and misunderstandings that can have serious consequences.

2.Inaccurate translations of legal documents:

Legal documents, such as contracts, patents, and court rulings, often contain critical information that can have a significant impact on legal proceedings. If these documents are not translated accurately, important details can be lost or misrepresented, leading to errors in judgement or legal disputes.

3.Legal liability:

If a legal document or contract is translated poorly, it can result in legal liability for the parties involved. For example, if a contract is poorly translated, it may not accurately reflect the intentions of the parties,

leading to disputes over the terms of the contract and potentially costly legal battles.

4.Loss of credibility:

Poor legal translation can also damage the credibility of legal systems and institutions. If legal documents are consistently mistranslated, it can erode trust in the legal system and lead to a lack of confidence in legal outcomes, potentially leading to a breakdown in the rule of law.

5.Delayed legal proceedings:

If there are errors or misunderstandings in legal translations, it can lead to delays in legal proceedings. This can be especially problematic in time-sensitive cases, such as those involving criminal trials or urgent business deals.

6.Cultural misunderstanding:

Legal translation requires not only an understanding of legal terminology, but also of cultural nuances and differences. If these cultural differences are not taken into account, it can lead to misunderstandings and misinterpretations of legal documents.

Overall, it is essential to ensure that legal translations are accurate, clear, and culturally sensitive in order to avoid these potential pitfalls.

To ensure accurate and effective legal field, legal translators must be able to understand and convey legal concepts accurately, while also taking into account the cultural and linguistic nuances of both languages. They must also be familiar with the different legal systems and terminology used in the source and target languages.

In addition to linguistic and legal expertise, legal translation also requires attention to detail, confidentiality, and adherence to deadlines. Professional legal translators use specialized tools and software to assist them in their work., including translation memory software, terminology management tools, and machine translation technology. Overall, legal translation is a vital service that helps individuals and organizations navigate the complexities of legal systems and transactions across language barriers. By working with professional legal translators, businesses and individuals can ensure accurate and effective communication in legal matters, reducing the risk of legal dispute and other negative outcomes.

Translation and the Lexicon

Bergan and Chesterman, (1997) explores the relationship between translation and the lexicon, saying that the difficulty of translating words and phrases that have multiple meanings, and the strategies that translators use to convey the intended meaning. He talks about the role of the translator's native language and how this can affect the accuracy of the translation. As a result, in this book he provides valuable insights into the complex and multifaceted relationship between translation and the lexicon, and highlights the challenges faced by translators as they navigate this relationship.

Translators mistakes

It is important and essential as well to know some mistakes made by translators when trying to achieve the same effect as the original. We can briefly talk about some of them:

1. Focusing too much on literal translation:

translators who focus too much on literal translation may produce a text that is grammatically correct but lacks nuance and cultural contexts. This can result in a translation that does not have the same effect as the original and may be difficult for the target audience to understand.

2. Ignoring cultural differences:

culture plays an important role in language, and translators who ignore cultural differences may produce a text that is inappropriate or offensive to the target audience. This can result in a translation that has the opposite effect of the original and may lead to misunderstandings or even harm.

3. Losing the tone and voice of the original:

the tone and voice of a text are important elements of its influence on the audience. Translators who do not pay attention to the tone and voice of the original may produce a text that is flat and lacks emotional impact, which can result in a translation that does not have the same effect as the original.

4. Translating word-for-word :

translating word-for word can result in a translation that is awkward and difficult to understand. The thing which can cause a confusing and misleading effect on the target audience.

5. Not considering the purpose and audience of the translation:

translators who do not consider the purpose and audience of the translation may produce a text that is inappropriate or ineffective for the target audience.

By avoiding these common mistakes and focusing on accuracy, clarity, and cultural sensitivity, translators can increase the likelihood of producing a translation that has the same effect as the original.

Translation strategies

The term 'strategy' come from the Grecian word 'stratēgia', (στρατηγία), 'generalship', that means the art of leading troops into battle, and from the French word 'stratégie' in the early 19th century, The term 'method' derives from the ancient Latin 'methodus' "way of teaching or going," and from Greek: μέθοδος, methodos, which literally means a pursuit of investigation and the mode of acquiring knowledge (F. Lawrence, 2013, P.33). In the fifteenth century , its meaning was indented to encompass any prescribed process or procedure for completing a task. While Procedure, came from the French origin (procédure, proceder).

According to Jaaskelainen (1999, p. 71), a strategy is "a collection of skills, a sequence of actions or procedures that facilitate the collection, organization, and/or use of information." According to him, tactics are "heuristic and flexible in nature, and their adoption implies a decision influenced by amendments in the translator's objectives.

Some scholars count individual strategies, others study various strategies that can be used in accordance with different variables, Gile (2009,

p.201) argues that strategy sometimes referred to as "tactic", also Gambier (2010, p.412) suggested that the difference between "strategy" and "tactic" is that strategy is a "goal-oriented procedure" ,whereas "tactic" is "sequence of locally-implemented steps".

In translation studies, Sanjun Sun(2012) states that differentiating among these terms is more complex and hard, as each theorist holds different views and definition toward the nature and the role of the term 'strategy'.

General and specialized translation strategies can be distinguished. On the one hand, general strategies apply to all text kinds. Contrarily, specific approaches address particular text types. These strategies can be divided into five sub-types:

Domestication Techniques

Compensation Strategy Kind of Compensation

Compensation already in place Compensation through merger

Compensation through division Compensation through addition

Approach to Addition

Explanation and Elaboration Techniques.

Catford shifts:

Catford refers in his book " A Linguistic Theory of Translation" in 1965, that when the target language loses 'formal correspondence' there will be an

occurrence of shifting in order to occupy the same place of the SL. To solve that problem of the equivalent, Catford defines the notion of textual equivalent as a translation strategy.(1965,P.27)

Catford conforms that when there is an absence of ‘formal correspondence’ in the target language, there will be shifting. The ‘formal correspondence’ as Catford defines “any TL category which can be said to occupy, as nearly as possible, the same place in the economy of the TL as the given SL category occupies in the SL” (Catford, 1965, p.27). Because of the differences in linguistic systems among languages, Catford believes that there are many instances of formal correspondences that are not easily be achieved. And to solve the problem of an appropriate equivalent in translation, he indicates the notion of textual equivalent : “any TL text or portion of text which is observed on a particular occasion... to be the equivalent of a given SL text or portion of text” (Catford, 1965, p.27).

So, Catford indicates “by shifts we mean departures from formal correspondence in the process of going from the SL (source language) to the TL (target language)” (1965, p.73). Accordingly, Catford identifies two types of shifts; “category shifts” and “level shifts“.

- 1- Level shifts. Catford indicates the level shifts by saying that: “by a shift of level we mean that a SL item at one linguistic level has a TL translation equivalent at a different level”.
- 2- Category shifts. Catford considers that translation that occurs between sentences, clauses words and morphemes as “category shifts” and stating:

we referred to unbounded and rank-bound translation: the first being approximately “ formal” or “free” translation in which SL-TL equivalences are set up at whatever rank is appropriate... equivalences may shift up and down the rank-scale. (Catford, 1965, p. 82)

Loescher strategy:

" A translation strategy is also described by Loescher (1991, p. 8) as "a potentially conscious procedure for solving a problem faced in translating a text.

Lorscher (1996: 28) has put "building blocks" as he called of translation strategies, which are:

Original elements of translation strategies

1. Realizing a translational Problem RP

2. **Verbalizing** a translational **Problem VP**
3. **Searching** for a possible solution to a translational **Problem SP**
4. **Solution** to a translational **Problem SP**
5. **Preliminary Solution** to a translational **Problem PSP**
6. Parts of a **Solution** to a translational **Problem SPa, SPb...**
7. **Solution** to a translational **Problem** is still to be found **SP \emptyset**
8. **Negative Solution** to a translational **Problem SP= \emptyset**
9. **Problem** in the reception of the **Source Language** text **PSL**

The first complex notation means that there is a translation problem of some sort, and the translator immediately finds a preliminary solution to the problem [(P) SP], and stops working on this problem [#], or [/] decides to leave this problem unsolved and return to it later [SP \emptyset

Chesterman strategies:

Chesterman (1997), as Bergen (n. d.) mentioned, argues that local translation strategies can be categorized into semantic, syntactic, and pragmatic changes; each group has its own subcategories. Also,

Chesterman mentions that there is no clear distinction between them, so it is difficult to say which exact strategy is being used. In addition Chesterman (1997) believes, as quoted by Bergen (n. d.), that the taxonomy of translation strategies can be presented in a simple way with a basic strategy that is: change something. He refers that this replacement or change by the replacement of elements in the source text words by their equivalent in the target text, cannot be the only difficult of a translator and it is not sufficient.

Chesterman's (1997) classification of translation strategies is described, according to Bergen (n. d.):

- Syntactic strategies

In these strategies we should change the grammatical structure of the target text in relation to the source text. It is a literal translation, because Chesterman believes that this is a "default" strategy" for many theorists in spite of the fact that most of the strategies are applied because a literal translation is not appropriate.

1. Literal translation: Is to follow the source text form as closely as possible without following the source language structure.
2. Loan translation: It refers to the borrowing of terms and following the structure of the source text which is foreign to the target reader.
3. Transposition: Chesterman (1997) has borrowed this term from Vinay and Darbelnet (1958), that refers to any change in word class, for example adverb to noun.
4. Unit shift: Chesterman (1997) has borrowed this term from Catford (1965) in the levels of morpheme, word, phrase, clause, sentence and paragraph.
5. Paraphrase structure change: This strategy refers to changes which occur in the internal structure of the noun phrase or verb phrase, though the source language phrase itself may be translated by a corresponding phrase in the target language.
6. Clause structure change: It refers to a strategy in which the changes affect the organization of the constituent phrases or clauses.
7. Sentence structure change: It refers to changes in the structure of the sentence unit.

8. Cohesion change: It is a term referring to a strategy which affects intra-textual cohesion, (textual cohesion) means the way in which the parts of a sentence join together to make a fluent, comprehensible sentence.

9. Level shift: Chesterman (1997) means by the term level, the phonological, morphological, syntactical and lexical levels.

10. Scheme change: It refers to rhetorical schemata such as parallelism, alliteration and rhythm and rhyming in poetry.

- Semantic strategies

which has its own subcategories:

1. Synonymy: In this strategy the translator choose the closest synonym, which is not should be the first literal translation of the source text word or phrase.
2. Antonymy: In this strategy, the translator uses a word with the opposite meaning .
3. Hyponymy: It means using a member of larger category (e.g. rose is a hyponym in relation to flower), and also hypernym is a related superordinate term, which describes the entire category with a broader term (e.g. flower is a hypernym in relation to rose).

4. Converses: It refers to pairs of opposites expressing similar semantic relationships from the opposite perspectives (e.g. take-give).
5. Trope change: trope means the formal name that is used for a figure of speech or metaphor which means using a term or phrase to compare two things that are unrelated with the purpose of revealing their similarity.
6. Abstraction change: This strategy concerns shifting either from more abstract terms to more concrete ones or vice versa.
7. Distribution change: Is to distributed the same semantic component over more items (expansion) or fewer ones (compression).
8. Emphasis change: It means to increases, decreases or changes the emphasis of thematic focus of the translated text in comparison to the original one.
9. Paraphrase strategy: It creates a liberal approximate translation according to the overall meaning of the source text, some lexical items may be ignored in this sort of strategy.

- Pragmatic strategies
- Cultural filtering: It is the concrete realization, at the level of language, of the universal strategy of domestication or target culture-oriented translation. It is used while translating culture-bound items.
- Explicitness change: In this strategy some information of the source text maybe added; or deleted .
- Information change: It is similar to the previous strategy; though the changed information is not implicit in the source language text.
- Interpersonal change: It is used to change the whole style of the text to make it more or less informed, technical etc.
- Speech act: It changes the nature of the source text speech act, either obligatory or non-obligatory (e.g. from direct to indirect speech).
- Visibility change: Is to increase the "presence" of either the author of the source text or its translator.
- Coherence change: Is similar to cohesion change which was mentioned in the previous section (syntactic strategies) yet cohesion change concerns micro-structure level (e.g. a sentence or a paragraph), but coherence change concerns a higher textual level (i.e. combining different paragraphs to each other in a way different from the source text).

- Partial translation: It refers to translating a part of a text, not the entire text (e.g. song lyrics or poetry).
- Trans–editing: It refers to extensive editing of the original text when necessary, as Bergen stated, according to Stetting (1989).

Bergen (n. d.) argues that this may lead to terminological confusion among researchers who are concerned with translation studies due to the levels on which these translation strategies work differ from each other.

Baker's taxonomy

" A translation strategy is a method for resolving a difficulty that arises when translating a text or a section of it, according to Baker (2005, p. 188). As a result, strategies can be divided into local ones, which deal with text fragments, and global ones, which deal with entire texts. Local and international strategies must do with pertinent components of the translator's prior knowledge, such as critical awareness of the tone and substance of comparable texts, awareness of linguistic norms, awareness of register, and intuitions about what makes up the target language (ibid).

Baker (1992) was mentioned to lists the most applicable set of strategies to cope with the problematic issues while doing a translation task. She does not just name the strategies, but she also shows the application of each.

Baker's (1992) taxonomy of translation strategies shows the strategies which are used by professional translators, also it can be tested by professional translators to see to what degree they work if at all. These strategies are:

1. Translation by a more general word , because as Baker believes in the semantic field, meaning is not language dependent. It can be used to deal with many types of nonequivalence.
2. Translation by a more neutral/ less expressive word.
3. Translation by cultural substitution. This strategy deals with replacing a culture-specific item or expression with a target language item considering its impact on the target reader.
4. Translation using a loan word or loan word plus explanation. This strategy help when dealing with culture-specific items, modern concepts, and buzz words, or when a word is repeated several times in the text.

5. Translation by paraphrase using a related word
we used when the source item(word, phrase) is lexicalized in the target language but in a different form, and when the frequency with which a certain form is used in the source text is obviously higher than it would be natural in the target language.
6. Translation by paraphrase using unrelated words
It can be used when the concept in the source item is not lexicalized in the target language.
7. Translation by omission
If the meaning conveyed by a particular item or expression is not necessary to mention in the understanding of the translation, translators use this strategy to avoid lengthy or unnecessary explanations.
8. Translation by illustration
This strategy can be useful when the target equivalent item does not cover some aspects of the source item and the equivalent item refers to a physical entity which can be illustrated, particularly in order to avoid over-explanation and to be concise and to the point.

Conclusion

Translation deals with the problem of the equivalence of literary texts by comparing and contrasting the SL and the TL. They also focus on the literary quality, i.e. the form of the text and its stylistic features and rhetorical devices. Another major issue in translation is the problem of equivalence of literary genres between the SL and the TL. The question whether poetry should be translated as poetry or prose or whether an epic in the SL should be rendered as such in the TL was one of the main obsessions of translation theories. To add, Sociolinguistic theories of translating emerged out of the dissatisfaction with linguistic theories of translating, and the growing interest in communication. Such interest resulted from the work of anthropologists who recognized the role of text recipients in the process of translating. Sociolinguistic theories of translating relate linguistic structures to a higher level where they can be viewed in terms of their function in communication. It was shown that different theorists suggest various strategies for translation to solve translation problems which they tackled, especially in legal texts due to the importance of such texts, according to their different perspectives. The most important thing is to choose texts that are appropriate for one's level of experience

and that match his/ her specialization. It is also important to seek for feedback on one's translations from other professionals in the field.

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