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**Peter Sandrini** (Hrsg.) *Übersetzen von Rechtstexten. Fachkommunikation im Spannungsfeld zwischen Rechtsordnung und Sprache*, Tübingen 1999, Gunter Narr Verlag (Dischingerweg 5 D 72070 Tübingen (Forum für Fachsprachen-Forschung. Herausgegeben von Hartwig Kalverkämper. Band 54), vi+303 pages. ISBN 3–8233–53594

Reviewed by Univ.-Prof. Dr. Dr. Julian Maliszewski, ul. Czapłaka 2123, PL 45–055 Opole/Poland

The German publishing house Gunter Narr Verlag, highly esteemed by philologists and translators, has published, the 54th volume in the Fachsprachen-Forschung series. The volume editor is the Austrian eminent translologist Dr. Peter Sandrini, a tutor of the Institute of Translation and Interpreting at the University of Innsbruck. The volume is devoted to the theoretical and practical issue of legal text translation and does not include the problem of oral translation. In the volume there appear the names of many outstanding scholars, known from many monographs, such as Reiner Arntz, Stefano Giuliani, Gerard-René de Groot, Annemarie Schmid, Marcello Soffritti and Radegundis Stolze.

It is impossible to assign the published papers to only one particular science branch. The authors of articles have undertaken interdisciplinary researches, dealing with legal problems — mainly in the field of jurisprudence and comparative law — as well as with the issues of applied linguistics; lexicology, lexicography and terminology (special lexis) considered in contrastive aspect and broadly conceived translation knowledge, particularly accentuating the problems of translatorics and special (legal) translatology.

Peter Sandrini divided the volume into three parts concerning different issues, undertaken by the authors of the papers. They compose a logical triad: general concepts of legal translation, legal discourse analysis, legal terminology and special lexis in translation of a legal text.

The first part — Strategies and Concepts (orig. *Strategien und Konzepte*) —

contains essential translational and methodological considerations and attempts at theoretical generalizations and therefore it requires more comprehensive treatment.

In their papers, Peter Sandrini, Radegundis Stolze and Anne Lise Kjaer consider basic theoretical assumptions of a special translation, concerning the function of TL-text and its dependence on needs and expectations of a customer, pragmatics of a translation in the cognitive and creative stage and strategies of translation as well as problems of teleology of legal translation.

Specific *prolegomena* for the whole volume is the paper of its editor — Sandrini, locating legal translation on a cultural and communicative level (*Translation zwischen Kultur und Kommunikation: Der Sonderfall Recht*, pp. 9–43).

The author refers to his paper, published in 1996 in Vienna (*Terminologiearbeit im Recht. Deskriptiver begriffsorientierter Ansatz vom Standpunkt des Übersetzers*, Wien, International Network of Terminology 1996 – II TF – Series 8). He replaces the former division of legal texts with new systematics, dividing the texts into: prescriptive ones (texts of legal norms i.e. acts, statutes, ordinances, executory provisions), descriptive ones with prescription elements (texts based on legal norms: judgements, sentences, decisions etc. — Susan Sarcević calls them “hybrids” in her paper) and finally descriptive-annotation (commentation) ones (interpretations, comments, text-books etc.). Consequently, the first group in this semantics consists of texts previously called “legal”, functioning in special linguistics (now called by many searchers “jurislinguistics”) as the legal language, and two others should be submitted to former practical language of courts and lawyers.

It will be recalled that a Polish expert in the legal translation — Jerzy Pieńkos — presented an easier and clearer division: codifying texts, descriptive texts and commentary (annotation) texts (see: Pieńkos, *Podstawy juryslingwistyki*, Warszawa 2000, p. 78).

Sandrini convincingly defines communicative processes on the law level, including three of the most important aspects: content of a message, participants and conditions of these processes, in the following way: prescription (codification) – interdisciplinary character – plurality of addressees – multiplicity of independent coherencies during realisation of communicative processes. This paradigm involves the systematics of legal text translation: translation within one legal system (intralegal translation) and translation concerning two different legal systems (interlegal translation). The author pays special attention to language conditions within one legal system expressed in several language spheres/areas, giving as an example the law of multilingual countries:

Belgium, Canada, Switzerland, South Tyrol (as a supplementary example we might point to many African and Asiatic countries in which there are two or even three binding official languages). Such horizontal division, where one legal system is expressed in several languages, should be called *entolingual* or *legal entolinguistics* (*entojurislinguistic*) division.

Comprehensive descriptions of sub-genres and the ways of communication in law simplify the settlement of methodological bases for the development of accurate legal terminology which would guarantee full equivalence of a translation and its usefulness for a receiver in the target language. As the author of the article rightly maintains, a translator has to know perfectly the source and target language but also has to possess basic knowledge of law which makes it possible to understand the differences between legal systems of two language areas. This knowledge will simplify terminological researches, which form the basis of correct and accurate translation of legal texts.

Radegundis Stolze (*Expertenwissen des juristischen Fachübersetzers* (45–62)) undertakes the problem of legal knowledge of a translator-expert. The author refers to results of her earlier researches presenting the most important aspects of a legal translation. Discussing the functions of such translation and specificity of the legal language, the author tends to be close to Sandrini's views.

Stolze's famous diagram *Systematics of translatorial categories*, published seven years ago, has become the paradigm esteemed by translators (see: *Übersetzungstheorien. Eine Einführung*, Gnv, Tübingen 1994: 202–206). The paper focuses on three important aspects of a legal translation: a principle of *common minimum* postulated by Albert Bleckmann in 1977, an explicative translation and a transparent translation. The principle of *common minimum*, aiming at equivalent selection of designations and basic legal terminology, is illustrated by the author with unified (standardized) translation of names of German courts into congress languages: English, French and Spanish.

An explicative translation is presented by the author as a skill of research and selection of legal and official terminology in the native language of a translator. This skill constitutes the basic condition in this kind of research and preparation in the target language and avoidance of homonymic and ambiguous traps, known as *faux amis*.

Invariability and constancy of a text macrostructure in the target language in relation to SL-text helps to maintain comparability of these texts, especially when they are official documents (codifying texts, i.e. judgements, sentences, any kinds of agreements). It is not easy to keep this invariability/constancy in term of differences whithin legal systems of two language areas.

Presented by Stolze, the transparent translation aims to keep the coherence of both SL-text and TL-text. The author illustrates her considerations by an appropriate sample — the specification of the most important, standard expressions in German (understood as a source language) and English and Italian (as target languages).

The Danish scholar Anne Lise Kjaer considers the correlation of the language and law in the context of the translation of legal texts in the European Union (*Überlegungen zum Verhältnis von Sprache und Recht bei der Übersetzung von Rechtstexten der EU*, pp. 63–79).

According to the author, the important aspect in completion of such translation is not only plurality of languages in the EU but also pluralism of legal systems of membership countries. The author distinguishes three main types of a legal translation: text translation within one, multilingual legal system (already signalled by Sandrini); second is translation of international and supranational texts (international agreements and conventions, i.e. legal norms of the EU) and finally translation of texts from one monolingual legal system to another, similar system (German-English, Italian-French etc.). Kjaer rightly suggests that the most important and at the same time the most difficult form of a legal translation was predominantly the subject of translatorial researches. The scholar concentrates on the first two aspects of a legal translation, making efforts to capture the specificity of the translation of EU legal texts. The element which decides the quality of this kind of translation is performativity of legal texts, leading to recognition of all language versions of a given term as original versions, which involves the necessity of their special-text compliance and accuracy.

Kjaer makes the correctness of translation of “union” legal texts dependent on the necessity of careful establishment of selection between “legal order” and “legal terminology”. This terminology should be always coherent with a given legal system. This issue, in Kjaer’s opinion, cannot be considered only in the linguistic context but it should also be the object of **interdisciplinary** explorations, in which the contrastive linguistic and the comparative law sciences will create the basis for translational researches.

The second part — Conventions in legal texts (orig. *Konventionen in Rechtstexten*) has a pragmatic character and dimension. It contains articles of Jan Engberg, Susan Sarcević, Marcello Sofritti, Stefanos Vlachopoulos and Eve Wiesmann. These articles analyse particular forms of legal texts (judgements, normative texts, civil code, civil complaints, etc.). The detailed analysis of these texts involves some problems attending the written translation of texts, to and

from the foreign language, and requirement of the proper selection and choice of the translation strategy. The authors attempt to define the abovementioned problems and they propose some concrete solutions which simplify the preparation and completion of such special translation.

Jan Engberg discusses the translation of civil court sentences from Danish to German from two perspectives: the perspective of a businessman, ordering a translation (orig. *Unternehmerperspektive*) and the perspective of a court (orig. *Gerichtsperspektive*). In the author's opinion, a translator has to take into account the requirements of a mandator as well as its purpose. He also has to adapt them to perceptive skills of a receiver. From the viewpoint of a businessman as mandator, the translation is interlinear — the amount of words, syntax and sentence order are almost consistent with the original. Consequently, the transposition is almost verbatim (word-for-word translation). The translation is mostly of an informative character.

From the perspective of the court, the translation should be adapted to syntax and stylistics of special legal language binding in a target-language legal system. Such translation has a directive character and it is a kind of *envois* (according to Bühler it has a function of an appeal). The "court perspective" serves to provide better understanding of the translated text and makes it useful in legal circulation of a TL-country (authoritative legal translation).

Preparing the translation from the court perspective or on the court's request (as well as for the whole official legal system), a translator has to apply purposeful and adequate translation strategy by adaption the TL-text to stylistic conventions of the legal language binding in the target-language country.

Engberg considers an important teleological problem of a legal translation, suggesting that its form depends on requests, needs and purposes for which it was completed.

Susan Sarcević, an author of an esteemed book *New Approach to Legal Translation* (The Hague 1997: Kluwer Law International), in her paper about the translation of normative legal texts (*Das Übersetzen normativer Rechtstexte*, pp. 103–118), emphasizes the purpose of scope studies while working on a legal translation. For a translator only the knowledge of special terminology of the target language is insufficient. In the author's opinion, not a word, but the whole semantic and syntax structure of a text, constitutes the object of the translation. Sarcević analyses the translator's tasks in multilingual legal communication, discussing the legal rules, norms and conventions connected with the forgoing tasks. She illustrates her argumentation with many samples of mutual translations in German, English, French and Italian.

The author presents an attempt at a new definition of legal translation, conditioning the quality of such translation upon genuine lawyer's knowledge. Such postulate reflects the newest tendencies in translatorics, which emphasize the cultural differences of both language areas (the source and target language), earlier presented in the papers of the so-called "German School" (Hans Vermeer, Hans Höning, Paul Kussmaul, Radegundis Stolze, Peter Schmitt). The convincing author's thesis, confirmed by authors of other papers, says that a translator of legal texts is becoming *eo ipso* a sender and partly an author of the text, which causes specified legal consequences (intended by the content of the translation). Therefore, the translator has to possess some legal knowledge and minimal legal competences resulting from good conversance with the structure of special texts in legal branch mentioned. Sarcević discusses these competences in detail while analysing the translator's tasks.

Articles by Marcello Soffritti and Stefan Vlachopoulos deal with the treatment of practical aspects of the translation of legal documents. The Bolognese scholar pays attention to contrastive analysis of the translation of the civil law code in German and Italian (*Textmerkmale deutscher und italienischer Gesetzbücher: Übersetzung und kontrastive Analyse*, pp. 119–135). The Greek researcher presents practical and didactic issues of the translation of agreements (*Die Übersetzung von Vertragstexten: Anwendung und Didaktik*, pp. 136–154).

Comparing German BGB and Italian Codice Civile, Soffritti defines important differences in semantic and morphosyntactic structure of both documents. These differences concern the sub-genre specificity of both texts. A translator has to keep this specificity in order to avoid "Germanization" of the Italian code and the "Italianisation" of German text. Such maintenance might be achieved by correct interpretation of both documents, differently treating and assessing (evaluating) the legal problems raised in both codes.

This problem also appears in the article of Vlachopoulos, who postulates the completion of genuine, comparative analysis of both subsystems of the legal language, before proceeding to the realisation of the legal translation. Vlachopoulos, similarly to Engberg, makes the translation's form conditional on its initiator's request, in other words, on a mandant of the translation. This what is called "businessman or entrepreneur perspective" by the Danish scholar, the Greek author calls "Scopos 1" (primary scope). This is the purpose of translations completed for clients, who do not belong to the lawyers' circle (outsiders/laymen). This purpose is dominated by semantic equivalents, as the idea is the basic recognition of the content of the translated document. Most often, such translation functions are outside the legal *circulation* (non-authoritative translation).

The “court perspective” presented by Engberg is formulated as Scopus 2 and 3 by Vlachopoulos. Translations which are made in accordance with the above defined purposes should be based on functional or absolute equivalence, because the translation will meet the requirements of the legal *circulation*. At the same time, the translation completed according to paradigm of Scopus 2 and 3, must obtain such a form that it can act as a document in a mandant’s country (authoritative legal translation).

Introduction of such systematics into the translatoric didactics is, according to the author, the genuine basis for professional training of the legal text translator.

Didactic dimension is also found in the paper of Eve Wiesmann, who analyses the German translation of Italian *atto di citazione* (p. 155–182). One of the main problems appearing in the context of these considerations is the centuries-old contradiction between “alienated” and “assimilated” translation. This contradiction is that the translation completed according to the first principle is always read as transposition, and the translation made in accordance with the second principle, resembles with its structure domestic texts in the target language. The author does not proclaim herself in favour of the first or second method the choice of the method depending on the purpose of the translation and on the sub-genre of the translated text.

Wiesmann gives many practical examples of translations; she focuses on the comparative analysis of the most important structures of SL-texts and TL-texts: lexical, grammatical and phraseology structure. Their great importance is crucial in the assessment of the quality of the translation and its usefulness in realisation of purposes for which it was completed.

In the second part, all articles include valuable considerations presenting many practical instances, which are useful for translators of legal texts.

The third part of the volume contains articles of Reiner Arntz, Gerard de Groot, Stefano Giuliani and Annemarie Schmid. The papers are the result of terminological and lexicographical researches which emphasize the specificity of legal terms and expressions, for searching such absolute or functional equivalence, which would include the legal and legislative system in the target language area.

Papers of this part, similarly to the first part, include theoretical generalisations and also pragmatic propositions, helpful in the elaboration of a terminological basis for particular forms of legal translation, which is suggested by the title — Legal terms as culturhemes — (orig. *Rechtsbegriffe als Kultureme*).

Reiner Arntz discusses issues of the contrastive terminology in an interdis-

ciplinary context on a common tangency of the language and law in the paper *Rechtsvergleichung und Kontrastive Terminologie: Möglichkeiten und Grenzen interdisziplinären Arbeitens* (pp. 187–201).

The German author initiates an attempt at defining the common level, where one finds the precise expression of special substantial contents and their legal regulation. In the analysis of this already known problem, the author refers to the papers of Peter Hartmann, Wolfgang Mincke and Peter Sandrini. The effect of these considerations is the definition of the methodical basis of the contrastive legal terminology as a synthesis of linguistic and legal methodics. This definition is expressed by six basis principles: compliance with terminology; co-operation with many specialists while proceeding with the translation; collective participation of translators and lawyers in completing the legal translation; international co-operation among translators preventing duplication of translations; application of open translation structures which can always be supplemented or expanded; application of the newest informative techniques. These principles are especially useful when comparing legal texts in the source and target language, which requires linguistic as well as legal skills and competences.

The author also discusses the problem of terminological didactics, emphasizing its importance for professional training of legal text translators. In Arntz's view, legal translation should include separate specialization in the process of training translators of special texts.

Issues of didactics and professional preparation of translators specializing in legal translation are also undertaken by the Dutch professor Gerard-René de Groot. He pays attention to the analysis of bilingual legal dictionaries (*Zweisprachige juristische Wörterbücher*, pp. 203–227). The author defines the most important criteria which should be fulfilled by a good dictionary, helpful not only in professional training, but also in further professional performance.

One of the basic criteria is logical connection of given, legal terminology with the legal system of both source and target language areas. The author rightly states that in one language which exists in several legal systems, i.e. German, there should be included the terminology binding in a given country (Austria, Germany, Switzerland, Liechtenstein, Belgium and presently also in the whole European Union). Sandrini, Sarcević and Arntz have already dealt with this problem.

De Groot presents 10 new criteria which must be fulfilled by multilingual legal dictionaries (pp. 212–214). Among these criteria, the most convincing one is the requirement of adding the proper comments, including the context and



the legal system of the target-language country to equivalence and translation, and also adding quotations designed to obtain adequate collocation. Altogether, this will create an opportunity to assess the proposal of a given term in the legal system of the target-language country, and the possibility of its application. The important issue, which is emphasized by De Groot, is unification of multilingual legal terms in the legal system of the EU. It should be included in modern, multilingual, legal dictionaries.

The completion of legal dictionaries in accordance to De Groot's paradigm will have importance for precision and accuracy of legal translations. Stefano Giuliani discusses this problem on the examples of the translation of Italian penal law (*Zum Präzisionsgrad der juristischen Übersetzung*, pp. 229–241).

Considering the differences between the Italian and German systems of penal law, the author emphasises the practical aspects of the cognitive stage of the translation. This stage includes terminological and taxonomic preparations concerning specialized legal knowledge, conditioning the accurate connotation of the translation (this subject is discussed by Rade Gundis Stolze, who analyses the participation of legal knowledge of the translator in arrangement of the translation of legal texts)

The problem of tax terminology, which is difficult not only for translators but also for lawyers, is undertaken by the Austrian researcher Annemarie Schmid (*Un nouveau nœud, l'histoire*, pp. 243–270). The author presents the historic development of this thesaurus in Italian and Austrian law, emphasising its dynamics, which is the result of often amending this legal domain (*tax law is seen as a domain particularly easy to be amended*, p. 245).

Acquisition of accurate tax terminology in terms of these changes is possible (according to the author) only with a good knowledge of the special language in all relevant law domains and also with word-formation skills of the translator. Helpful will be knowledge of historic development of this special metalanguage.

The collection of the articles presents the most important problems on the common level of three scientific fields: theory of language, theory of law and theory of special translation. Its addressees are not only theoreticians but also translation practitioners, who have to overcome difficulties of legal language matters, and finally students in the applied linguistic faculty who would like to work in the difficult profession of a translator of special texts.

Unlike other compilations of this kind, the articles in this volume present theoretical reflections as well as many valuable practical solutions which help to avoid "false friends" and ambiguity reefs.

Actually, the book is not a practical compendium or guidebook for transla-

tors but it solves many problems, particularly terminological issues, and methods of selection of accurate equivalents. This guarantees clearance of the legal translation among different receivers and the function of the TL-text in the legal system of the TL-country.

The valuable element of this book is the rich bibliography of many studies and papers published in the last period of twenty years of the previous century. This bibliography enables its readers to more detailed explorations. Additional sources of information are detailed glosses in each article.

Searching for a particular solution is simplified by a well-made, rich and substantial index of special lexis, very useful in collective work.

The “Sandrini’s volume” is the most valuable paper of the science of translation, published at the turn of the century, to which one should refer not only in research work, but also with the aim of improvement of practical skills of special (legal) translation.

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