

## **New Interdisciplinary Advances in the Field of Legal Translation: A Review of *The Ashgate Handbook of Legal Translation***

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In addition to a firm grasp of its linguistic complexities, successful legal translation requires an in-depth knowledge of cultures and legal systems. Legal terminology is system-bound because it is rooted in the forms and histories of language, and translations inevitably are conditioned by a manifold otherness. This is one reason why legal translation is so challenging and why the issue of translatability lies at the core of legal translation studies which investigate the historical, cultural, and societal dimensions of the translation process. *The Ashgate Handbook of Legal Translation* is a comprehensive collection of the most up-to-date research in this field. With rigorous structure and well-reasoned argumentation, it explores a wide range of topics including legal terminology, lexicography, phraseology, and cultural studies. Its scope extends from the careful examination of specific legal terms to the theoretical and practical development of whole legal systems.

Editors Anne Wagner, King Kui Sin and Le Cheng open the discussion with an introduction to legal translatability as a

“third space” (p. 1), connecting the source space and the target space. In positing this “third space” as a concept for translators, this volume seeks to shed insights on the latest development of legal translation and “offer broader and worldwide perspectives for understanding the roles of translatability and the third space in the debate of legal translation” (p. 2). The volume is divided into two parts: Part I, “Legal Translation in Theory” and Part II, “Legal Translation in Practice”. Part I (Chapters 1-8) expounds on fundamental issues in legal translation such as equivalence, the use of plain language, cultural transfer, the relationship between judicial interpretation and legal translation, and the training of translators. Part II (Chapters 9-17) explores the current translation practices in different legal jurisdictions around the world, including the European Union, China, Russia and Japan.

In Chapter 1, Mariusz Jerzy Golecki presents a theoretical approach to the study of legal translation and economics which holds that although law and economics are autonomous disciplines, they nevertheless are closely connected through an intersystemic interface of social interactions. This chapter makes a distinction between philosophy discourse and science discourse, positioning legal discourse somewhere in between those two. His methodology, called “decoding”, involves the analysis of legal systems based on classical assumptions of the Chicago school of economics, and assumes that legal discourse participates in the interrelated narratives and conceptual models of philosophy, science, and economics.

In Chapter 2, the editors discuss the subject of cultural transfer in legal translation as it applies to the institution of marriage in European jurisprudence. While the laws of a specific culture shape social forms such as marriage, these forms also are influenced by life, morality, and politics as well as by socio-historical dynamics and philosophical trends. Such complexity often results in a dualistic perception of legal institutions: “In European jurisprudence, there is a concern with the relationship between the inside and outside of the law” (p. 29). By analyzing these and other factors related to cultural transfer in legal discourse, the authors develop a set of criteria that can be useful in guiding the process.

Chapter 3 addresses the challenges to legal translation posed by the incommensurability of diverse languages and legal systems. Author Janet Ainsworth holds that a culture's legal system and terminology are products of its specific cultural and historical context (p. 45), and advocates the use of plain language translation to address the resulting problem of ambiguity in legal discourse. More specifically, Ainsworth proposes two approaches to resolving ambiguities in legal texts of the European Union, purposive translation and interpretive translation. She also touches upon the subject of Chinese contract law to argue that improved translation strategies can accelerate a country's process of legal transfer and acculturation in conjunction with efforts towards globalization.

In Chapter 4, author Janny H. C. Leung analyzes the complex relation between equivalence in legal translation and the concept of legal fiction. Problems of equivalence between a source language and target language almost always exist in legal translation, partly due to the fact that language itself is inherently indeterminate. The legal fiction can be understood as purposeful make-believe, consisting of explicit or implied statements that are not literally true (p. 58). This approach subtly resonates to the very nature of a sign that connects a sense and a sound-image by a sign user. Leung maps the relations between equivalence in legal translation and legal fiction, providing in-depth insights for legal translation and translation theories.

Víctor González-Ruiz argues in Chapter 5 for a comprehensive plain-language approach to legal translation. He discusses in particular the communicative challenges of translating legal texts between English and Spanish, and suggests that not only should plain-language drafting of source texts be considered a requirement, but that the functional equivalence of these texts should be enhanced through a plain-language approach to translation. In addition, the author provides a detailed statistical analysis which validates the proposed approach (p. 86). This chapter suggests that plain language techniques could benefit communication in translation and extends the concept of functional equivalence approach in legal translation.

In Chapter 6, Svetlana V. Vlasenko seeks to improve the overall quality of legal translation products by addressing the potential benefits of a process strategy called “units of legal translation,” or ULTs (p. 92) based on minimal units of thought. While a ULT is a self-referential cognitive unit in the source translator’s psyche, the translator also must reference knowledge which exists in the world beyond his or her psyche — in particular, the semiotic signs and patterns of meaning in the target language. Illustrating the referential portrayal of legal concepts (p. 103-108), and investigating the characters and clustering source language signifiers for referential portraying of the signified (p. 108-112), Vlasenko provides English- and Russian-language examples to support this approach.

In Chapter 7, Fernando Prieto Ramos introduces a methodology for solving legal translation problems related to lexicography and to institutional terminology management. Due to the asymmetry of different legal systems, translators face daunting challenges in the construction of referential frameworks of meaning in legal texts. Moreover, it is common that legal terms are not adequately understood until they actually undergo the process of translation. The author therefore proposes a translation strategy based on an objective determination of adequacy, and suggests an integrative model that takes into account both the communicative situation and the legal macro-contextualization of the translation process. Ramos further suggests that such an integrative approach to terminology management can better position legal texts for transfer between cultures, legal systems, and organizations.

Chapter 8, contributed by Catherine Way, presents a conceptual framework for the training of competent legal translators, for establishing training objectives, and for decision-making in the translation classroom. Designed especially for the early stages of translator training, Way’s framework proposes a sequencing pattern based on increasing degrees of difficulty in the development of translator subcompetences (p. 148). This sequencing pattern proposes six areas of focus for strengthening specific subcompetences: training guidance, knowledge of legal systems, legal

terminology, legal translation theory, translation practices, and revision strategies. The framework also can be tailored to account for differences in respective translation portfolios.

In Chapter 9, which begins Part II of the volume, Colin Robertson analyzes the drafting, revision, and translation of European Union (EU) legislative texts with the goal of providing practical guidance to the diverse field of professionals who perform these challenging tasks. Although legislative language was in EU derived originally from notably French (p. 161), hybrid legal terminology has evolved through the process of creating multiple-language versions. In Robertson's view, teamwork is the key to achieving the proper communicative alignment, monosemy, and consistency across versions.

In Chapter 10, Łucja Biel presents a conceptual framework for legal translation which emphasizes the role of phraseology. The author compares features of the legal phraseology of the Polish JRC Acquis Corpus of translated EU law to those of the Polish corpus of non-translated legislation (p. 184). Biel's study empirically analyzes collocations of editing units in terms of intratextuality, hypertextuality, authority, and conflict avoidance in order to show that unless translators consciously work to overcome communicative interference, the referencing patterns in their legal translations are significantly more varied and tend to be mere reflections of source-language patterns (p. 190) due to multilingual constraints, conceptual inadequacies, and to asymmetries between languages and legal systems.

In Chapter 11, Mauricio Gotti investigates the introduction of the *UNCITRAL Model Law* into the Italian legal system in order to better understand the process by which internationally recognized laws are transferred to a specific target language and culture. His research is based a comparative analysis of the Modal Law on International Commercial Arbitration and the arbitration laws extant in the Italian Code of Civil Procedure. Gotti's detailed analysis addresses topical, linguistic, textual, and cultural aspects of this legal transfer, and concludes that the communicative quality of legal translations is greatly influenced by the linguistic constraints and legal traditions of the target community (p. 205).

In Chapter 12, Celina Frade presents a case study on legal transfer between the relatively dissimilar legal systems of the United Kingdom and Brazil which focuses on the inconsistencies between two English-language translations of a Brazilian domestic arbitration law. The author's analysis addresses the challenges of generic integrity and pragmatic discrepancy in intercultural and intersystemic legal translation. Frade also points out that the competence of legal translators in "adapting" non-official translated versions of domestic legislation is a sensitive issue because, under pressure to meet the demands of the target audience, translators commonly employ entextualization as a shortcut in the process of legal transfer (p. 211).

Contributed by Kayoko Takeda and Yasuhiro Sekine, Chapter 13 surveys the history and progress of legislative translation in Japan, starting from the legal system built by the Meiji government and proceeding to recent efforts to introduce new laws under the country's current administration. Japan's modern legal system borrows from the German and French legal systems and, since the end of World War II, has also been influenced by American law. This chapter describes in detail the methodologies used to translate Japanese laws, including the recent introduction of plain language translation. The authors also elucidate current legal translation problems in Japan, where professional standards and administrative guidance are standard prerequisites for quality legal translation, and cite the need for government initiatives in database standardization and translator training.

In Chapter 14, Rafat Y. Alwazna discusses various approaches to legal translation and contrasts the strategies used in general and legal translations. He then presents a detailed analysis of the strategies employed in Hooper's translation of the Ottoman Courts Manual, the *Al-Majalla*, from Arabic to English. In examining the English version of the *Al-Majalla*, the author identifies and describes problems related to translation by omission, translation by addition, and free translation (p. 252). Alwazna further observes that the adoption of specific translation strategies is influenced both by

the legal traditions which produce the source text and the demands of the target audience.

In Chapter 15, Lijin Sha and Jian Li discuss write about the challenges of English-language translation of the Criminal Procedure Law of the People's Republic of China. In some jurisdictions including China legislative are translated mainly for informative purposes. Although these translations are legally non-binding, much effort is put into ensuring the accuracy and consistency of these products while preserving the meanings, connotations, and cultural implications of authoritative Chinese texts. The authors point out that attempts by translators to identify terms in the English common law system which are literally equivalent to those in the Chinese system of law often prove futile (p. 260). For this reason, it is suggested that translation strategies include a semiotic perspective which can help to resolve the dilemma of literal versus free translation.

Marta Chromá discusses in Chapter 16 the process used in the translation of the new Czech Civil Code, which emphasizes legal knowledge and the process of interpretation as important aspects of legal translator competence. Based on a comparative analysis of grammatical and conceptual elements, the author demonstrates how the education of translators in legal concepts and linguistic expressions of the source language can contribute to the overall quality of local translations.

In Chapter 17, Sandy Lamalle presents an analysis of legal translation from the dual perspective of horizontal translation — the translation of concepts into another legal language or system, and vertical translation — the translation of one body of knowledge into another (p. 300). As an example of vertical translation, Lamalle explores the rich history of the Latin term *persona juris* to show how certain legal terminologies possess a unique logical structure which can survive linguistic transfer from one field of knowledge to another (p. 302). Horizontal translation, on the other hand, shows the functions and limits of a transfer of a particular concept. Lamalle's study represents a significant step forward in the development of an ontological foundation for the translation of legal concepts in today's globalized world.

The volume's Afterword addresses the recurrent problem of ethics in legal translation. Author Deborah Cao notes that while translator competence is commonly considered to be an effective ethical safeguard, it is also necessary to establish a legal framework whereby the processes and products of translators can be regulated. Such a regulative framework would, in Cao's view, include practical guidelines for the training and professional development of translators, for the assessment of translation quality and adherence to ethical standards, and for the official accreditation of qualified legal translators and court interpreters.

*The Ashgate Handbook of Legal Translation* is a remarkable compendium of the most current theories and practices in legal translation. Through numerous case studies, it seeks to illuminate the philosophical and ontological aspects of legal discourse and translation methodologies. Legal texts, which consist of norms and canons that are abstracted from real-world discourse, are model-based. On the other hand, the narrative-based interpretations, translations, and applications of these texts tend to be nuanced, subjective, and often controversial. This is especially true in multilingual and multicultural communicative contexts. Although the chapters of this volume address such diverse topics as cultural transfer, units of meaning, plain language, and legal fiction, they consistently juxtapose the legal translation process against the background of cultural traditions and ideologies to reveal the essence of this complex activity not as an entrenched system but rather as a dynamic and multifaceted process. The broad scope of this handbook addresses the translation of laws and legislation in and between many different countries and legal systems to provide an in-depth interdisciplinary view of how legal concepts are interpreted, transferred, and adopted by diverse target audiences. The authoritative contributions of expert authors collectively emphasize the pursuit of consistency and quality in legal translation through improvements in translator training, process theories, practical strategies, and governmental regulation.

In summary, the true value of this superb volume lies in the actionable knowledge which the notable and timely

contributions of internationally-recognized scholars and professionals bring to the rapidly-evolving field of legal translation. As author Susan Šarčević comments on the back cover, “Covering a broad spectrum of topics, the Handbook of Legal Translation [...] is recommended reading for academics, students and practitioners interested in the dynamics of legal translation.”

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