

ENGLISH LEGAL TERMINOLOGY AND WAYS OF ITS TRANSLATION FROM RUSSIAN INTO ENGLISH

Iuliia Nozdracheva,

RUDN University, the Russian Federation, ylkaxd66@yandex.ru

Abstract

This article is devoted to the study of peculiarities and different techniques in the process of translation in the sphere of jurisprudence. Experts of legal field call for precise translation due to the fact that there is a growing need in competent translators and interpreters in the sphere of jurisprudence. It happens amid migration processes; migration flows are growing. Moreover, many newcomers and foreign entrepreneurs arrive in Russia for the purpose to set up business or broaden economic ties; subsequently many commercial disputes arise out of such collaboration which may serve ground for urgent linguistic assistance in a courtroom. This kind of assistance may be expressed in different ways: documents must be translated rigorously, this presuppose the knowledge of terms and its understanding. There are various studies devoted to the use of legal terms in the field of jurisprudence: laws, legal documents, court sessions, etc. However, there are few research works that explore translation issues based on case study. The sublanguage of jurisprudence is the language of relevant documents and Justice Department Representatives` protocol speeches. The terms and formulations used are mono-semantic. They have strict and precise meanings, provided with unambiguously interpreted definitions in industry dictionaries, as well as exhaustive interpretations in specialized reference books and sources. "Legal term" is interpreted as "verbal designation of state-legal concepts by means of which the content of normative-legal prescriptions of the state is expressed and fixed" [1, 683]. Lawyers define a legal term as " a word or phrase that is used in legislation, being a generalized name of a legal concept that has an exact and definite meaning, and is characterized by semantic unambiguity, functional stability». The main issue raised is whether full equivalence in the legal field exists and what it means. It is very hard to identify what variant is appropriate especially in case of affluent variants. Due diligence in translation and intercultural understanding which is something beyond ordinary thinking must be taken into applied. What requirements towards quality in translation field are set? What is quality? What factors does the quality depend on? Are requirements toward quality the same for both types: translation and interpreting? This article also includes examples criminal cases and its applied terminology which can be subsequently used for learning. Paying attention to language difference and the experience of non-English native speakers in the courts and beyond can shed light on the problems themselves and help to analyze mistakes and omissions in meaning in the processes of translation and interpreting in the legal field. All aspects should be taken into account in order to eliminate future misrepresentations and failures in translation.

Keywords: legal terminology, equivalence, rigorous translation, case study, competence requirements.

The goal of the present research is to explore the grounds and peculiarities of the legal terminology development and current tools for its investigation that might be relevant to identify possible difficulties and successful ways for the teacher to develop relevant sources and methodology and for the student to learn the necessary terminology.

The research hypothesis states that the teaching activities to develop students' competence in legal terminology are based on integrated approach, that covers understanding of sociocultural data, intercultural differences in the legal systems, forms of governments, ways of thinking.

1. THE CONCEPT OF EQUIVALENCE. PARAMETERS FOR TRANSLATION AND INTERPRETING

Equivalence is understood as " preservation of relative equality of content, semantic, stylistic and functional-communicative information contained in the original text and its translation. If there are several translation equivalents, it is necessary to choose the most adequate translation option in this case, it is not always an easy task due to the inconsistency of terminology. Scientists six main functional studies six main functional-styles of the texts for translation and they are the following: colloquial, official, public used for media platform, scientific, religious. (2, 16-17)

According to this qualification legal sources and text relate to official style and they are completely focused on the transfer of the precise meaning. The author of the above mentioned classification claims that such technique of translation as literal translation/word-based translation is applied in the legal field, since the peculiarity of the Russian language is smaller amount of so-called rhetorical stamps or catchphrases by comparison with the European languages. S.V. Grinev identifies the peculiarity of equivalent selection which often apply to legal translation as the key one.

From the lexical point of view, in the process of translation two possible variants occur: the first one is when the Russian language contains foreign legal language equivalent fixed in specialized dictionaries and cases involving the absence of such equivalents. The provision of such equivalents facilitate the process of interpreting the meaning for translators because the only task is to examine the adequacy of available equivalents. This case does not represent a particular hardship.[4] At the same time, contemporary dictionaries encompass a wide range of variants which cannot be a guarantee for successful, from the point of equivalency, precision of translation. Some contradiction arise what variant is the most appropriate. Affluent variants, in turn, may represent a risk affecting the accuracy of the whole translation of a particular protocol or document. Polysemy has always been considered as a real challenge faced by specialists involved in linguistic field. A wide list of variants offered can be explained by intercultural differences between countries, belonging of such language units to different national legal systems and subsequently to different terminological systems. The word "lawyer" can be deemed as a simple example and reflects cross-cultural differences between the United Kingdom and the Russian Federation.[5]

"Lawyer" is the most general word for talking about someone who either represents people in a court of law or advises people about legal problems.

Lawyers sometimes do legal work that is related to only one particular area of the law, such as medical cases, or company law, or they can do general work for many different types of legal cases. In the US, a lawyer can also be called an attorney which means exactly the same. The word counselor is also used in the US to mean a lawyer, especially one working in a court of law, and it can be used as a title when speaking to a lawyer in court. In the UK, a lawyer who represents someone in court is called a barrister and a lawyer who mainly works in an office is called solicitor, and these two types of lawyers have different training. Advocate n 1. ScotE law a lawyer who speaks in defense of or in favor of another person in court. Barrister n especially in England and Wales, a lawyer who has the right of speaking in the higher courts. solicitor n 1 (especially in England) a lawyer who gives advice, does the necessary work when property

is bought and sold (conveyancing), and speaks especially the lower courts of law. In 1992 it was decided that solicitor could also argue cases in the higher courts, which formerly only Barristers were able to do. Attorney n AmE a lawyer. Lawyers in the US have to be licensed (license) by the state in which they practice, which allows them to practice in federal courts, but not necessarily in other states.

In case when the problem connected with the absence of equivalence is faced by translators some ways of eliminating these challenges are at stake and they are the following:[3]

1. Tangible borrowing of a foreign language term should be used taking into account the compliance of the rules regarding their transcription, transliteration and brief interpretation. Examples can be deemed such words as felony, solicitor, Magistrates` Court, juvenile justice.
2. Semantic calquing of a foreign language term is possible if this term arose out of semantic transfer of meaning (Example is a 'Grandfather clause' is a provision in which an old norm or rule continues to apply to some existing situations while a new rule will apply to all future cases.)
3. Word-by-word translation, in which it is necessary to take into account the trends of term formation in different languages. For example, the possibility of transferring some English terms-phrases by Russian complex terms: Department of Justice = Ministry (Department correlates to the Russian Ministry)

4. Translation of a legal term using descriptive way (Example: obligation to 'yield up' relates to lease agreement and means the process of leaving the premises and the state of repair of the building upon leaving)

2. QUALITY CAPACITY TOOLS FOR ASSESSMENT OF LEGAL INTERPRETING OR TRANSLATION? ARE QUALITY CRITERIA THE SAME FOR DIFFERENT KINDS OF ACTIVITIES (INTERPRETING AND TRANSLATION)?

Tools for assessment were identified through analysis of requirements set towards interpreters specializing in Ontario and ones in the Russian Federation.

Linguistic competence includes the ability to comprehend the source language and apply this knowledge to render the message as accurately as possible in the target language.

The interpreter shall:

- Have an in depth knowledge and understanding of his/her working languages and the required range of language registers.
- Have knowledge of subject areas and relevant terminology.

Research competence includes the ability to efficiently acquire the additional linguistic and specialized knowledge necessary to interpret in specialized cases. Research competence also requires experience in the use of research tools and the ability to develop suitable strategies for the efficient use of the information sources available.

- a. Post-secondary education, preferably a recognized degree of at least three years' duration in translation or interpretation or a related field.
- b. Interpreting training/education by a recognized academic institution.
- c. Successful completion of a Language proficiency test (such as CILISAT or ILSAT in Ontario)
- d. Documented experience in the field.

In the event that the above cannot be met, the provider is to:

- Use professionally skilled, competent interpreters who are otherwise qualified by education, training and experience to carry out the assignment successfully.
- Use "on dossier" processes to select the best professional interpreters on file.
- Assign the most qualified interpreter possible based upon the nature of the assignment and the language in question.
- Properly monitor, assess and modify on an ongoing basis the interpreter's status based upon performance.

Certification for legal interpreters is under development in Russia. Some kind of polls have been conducted in which employers actively participated. The main question was what characteristics the interpreter should have. The opinion has been polarized some companies which provide services of legal interpreting claimed that the interpreter should be a master upholder in linguistics or interpreting for public services, others argue that such specialists should have something more including legal background, so even receiving the second higher education. Well-established criteria are absent. Demands vary from company to company. Undoubtedly, experience play the key role.

3. ANALYSIS BASED ON THE CONCRETE CRIMINAL CASE. DIFFICULTIES OF INTERPRETING REVEALED IN A COURTROOM.

This analysis was conducted through using bilingual materials for the purpose to practice two-way consecutive interpreting in the classroom. It can be deemed as one of the way to practice interpreting. Material was based on the notorious criminal case. It is about three sisters who murdered his own father because they had been tortured and sexually abused by him. It is not coincidentally to use the term "murder" because by comparison with "manslaughter" this term includes premeditated murder, that is, committed intentionally. This term caused discussions and revealed new and it is a matter of great importance to interpret it in a proper way, because the sentence will be differentiated. Such premeditated murder carries a maximum 20-year sentence, or 10 in case if an offender has not reached majority. In case of manslaughter the punishment is less severe.

Taking part in mock trials is a very effective way of enhancing vocabulary and facilitating the process of converting messages. The roles are divided between students and they easily adapt to certain circumstances. Some techniques with associations take plays which allow to memorize case content and its accompanying terms fast. All actions are aimed at eradicating problems with lexis. Sometimes not only legal terms may pose a threat to precise provision of information, but simple description of an offender's portrait and circumstances connected with the case usually submitted by so-called witnesses.

The practice of repetition (snowball skills) is used which presupposes that one student starts one sentence the other one will carry on reproducing messages/statements which have been said by the other one, consequently all students participate in it. This practice is aimed at improving memorizing abilities, because memory can be evaluated as the main functioning tool for interpreter who engage in the process of reproduction of information. In addition to this, it helped to enhance the legal terminology, phonetics (for example "tyrant", student did not have knowledge how to pronounce this word and some others), grammar. Such exercises have acquired multilayer character. Subsequently, some cultural differences regarding legal systems (English/Russian due to other forms of government) appear and this idea reflects in terminology too. (For example: Ministry of Justice; Justice Department).

4. RESULTS AND DISCUSSIONS

The main aim of this article is to pay attention to some linguistic challenges and their nature. To achieve goals theoretically is an impossible task at the same time some attempts have been made to provide recommendations for people engaged in interpreting. Different sources such as trainings for interpreters and mock trials for students involved in interpreting must be organized. Miscellaneous updated techniques will be priority task for teachers who deal with potential interpreters. Paying attention to language and cultural differences will help to analyze mistakes and omissions in meaning in the processes of translation and interpreting in the legal field.

REFERENCE LIST

1. Alimov V.V. Theory of translation. Translation in the sphere of professional translation, 2004
2. Vinogradov V.C. Translation. General Lexicology question, 2004
3. Rosann Duenas Gonzalez, Victoria Vasquez, and Holly Mikkelson. Fundamentals of Court Interpretation: Theory, Policy and Practice. Second Edition // Carolina Academic Press. – 2012. – c.155
4. Edwards, Alicia Betsy. The Practice of Court Interpreting // John Benjamin's North America. – 1995. – c.100
5. Mikkelson, Holly. Introduction to Court Interpreting. URL:
http://intransbooks.com/book_story/1900650304.html (access data 15.12.2019)