

COMPLEX GRAMMATICAL TRANSFORMATIONS IN LEGISLATION TRANSLATION: EXAMPLES OF SUCCESS AND FAILURE FOR QUALITY ASSURANCE

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Abstract

Grammar is known as a universal tool for the verbal representation.

The research takes into account widely acknowledge grammatical features of legal texts. Scholars traditionally mention that they include the predominance of verb forms of the present tense, passive constructions, modal verbs to indicate the need and possibility, the absence of personal and demonstrative pronouns, the transmission of numerals, the use of Latinisms and clichés.

It is also necessary to mention the lack of emotional coloring and complex syntax that helps to achieve the accuracy and unambiguity of legal formulations. Since the grammatical structure of the language reflects the system of logical connections with which the surrounding world is perceived and described, the grammatical structure for the translation process is largely determines the semantic content interpretation of the legal text in the course of translation.

However, the generalized observations are not enough when it comes to multilingual lawyers and legal translators training. The required skills and abilities are subject to consistent training which requires systemization of challenges and stumbling block regarding concrete language layers and subsystems (lexis, grammar, stylistics, text level, genre aspect, etc.). Unfortunately, most of current educational aids on legal translation limit their material to the generalized assignments for the whole text translation, search for word combinations analogues, their replacement/matching, etc. The mentioned training toolkits do not focus on systematization of translation tools and prefer text-based approach. It might be reasonable as human speech is embedded in texts rather than in isolated phrases or words. However, it is necessary to overcome gaps in academic training practice and acknowledge that multilingual lawyers' training requires a concrete description of semantic and pragmatic zones within two working languages where there is no equivalence between two legal cultures/legislations, language structures. Thus the **research goal** is to consider major grammar challenges that should be born in mind in the course of legal translation as subject to legal translators and multilingual lawyers' training.

The research findings focus on complex grammatical transformations. Respective techniques include word order changes, sentence structure changes, parts of speech and sentence member replacement, words addition and omission. The examples provided in the article confirm that the complexity of the process is often due to the fact that the mentioned techniques tend to be applied at the same time.

The study outcomes can be used both in theory and practice of legal translation training. The relevance of the research concerns the development of legal translation as a theoretical discipline within interdisciplinary Language Studies, contributes to renewal of legal translation course syllabus and training toolkits, bridges the gaps between theory and practice.

Keywords: legal translation, grammatical transformations, translator's professional training

1. INTRODUCTION

Living in the age of globalization, it is hard to find an aspect of international activity that wouldn't be affected by this process. Globalization of various aspects of international activity necessarily requires adequate legal

regulation to provide smooth mechanisms for their functioning in the international context. From this perspective legal translation is of special significance for all stakeholders involved into international activity and international information process. Legal translation just like any other type of specialized translation applies various tools and methods designed to achieve both adequacy and maximum accuracy in conveying the message from the source text to the target text thus determining the choice of particular translation techniques. However the major challenge of legal translation lies in the fact that source text and target text quite often pertain to different legal systems within the frameworks of which they are expected to have a functional use. In the regard of the above translation of legal texts requires appropriate tailoring of the original to the target text to ensure equivalency of sense through linguistic transformations on the level of syntax, morphology and lexis.

Translation of legal documents as a means of creating a legally binding document in another language that would be valid within another legal systems sets the tasks of thorough consideration of various linguistic aspects as well as translation strategies and techniques that are significant for translation quality assurance.

2. CURRENT TRENDS AND ISSUES

Legal translation as a specific kind of specialized translation is widely acknowledged by many scholars as the most complicated type of translation. This is not only due to incomprehensible legal terminology and complex syntax, but also due to the very nature of legal texts: they are intended to produce a specific legal effect. Legal translation necessarily deals with transferring the legal meaning as well as intended legal effect into another legal system through the use of linguistic means of the target language. From this perspective there is an approach adhered to by scholar to regard legal translation as an instrumental translation (Nord, 1991, Chroma, 2016) meaning that the translated version should have the same legal effect as the source text.

The major issue about legal translation is how to achieve the "sameness of legal meaning" across different legal cultures and on various text levels. Legal translator is routinely involved into making decisions and choices about the language tools of adequate rendering the intended meaning and legal senses as translation quality largely depends on these skills. However, researchers agree that terminology gaps, that is the lack of direct equivalents between source and target legal systems, is not the only difficulty involved in legal translation (Cao, 2007; Faber, Reimerink, 2019). Legal syntax and grammar, in terms of structure, linear arrangement of syntactic elements (Hiltunen, 2012), localization of the semantic center in the sentence, may also hamper translator's understanding of the source text and thus bring down the quality of the translation.

This article aims to consider the major grammar challenges that may affect the end result of legal texts translation, and to identify solutions through the use of adequate grammar transformations.

3. RESEARCH METHODOLOGY

The research methods are applied within a qualitative paradigm. The study combined theoretical and empirical activities. The research accumulated observations of relevant academic publications and case-based comparative analysis of challenges and solutions with regard to syntax issues in the course of legal translation.

The theoretical background rests on the fundamentals of language theory, takes into account provisions of transformational grammar, and distributional analysis.

The case-based analysis of the translated versions of multilingual legal texts helps to identify typical errors.

4. MATERIALS FOR RESEARCH

Research materials include translated versions of legal sources and samples, the working language pair covers English and Russian.

The translation products were taken from the official open sources that offer multilingual legal documents.

5. ANALYSIS AND DISCUSSION

Legal English is characterize by various linguistic features among which the scholars traditionally identify the following: the predominance of verb forms of the present tense, passive constructions, modal verbs to indicate the need and possibility, the absence of personal and demonstrative pronouns, the transmission of numerals, the use of Latinisms and clichés. Lack of emotional coloring and complex syntax that helps to achieve the accuracy and unambiguity of legal formulations are to be mentioned as well. From the

perspective of translation it should be pointed out that target language grammar is a factor that largely determines the way through which not only the meaning, but the sense is conveyed from the source text. In case with legal translation the semantic content of the text sets certain limits on grammatical structures. For the purposes of translation quality assurance it is of crucial importance to identify the transformation models that can be effectively applied to overcome the above mentioned difficulty.

On the basis of the conducted analysis we identify the transformation models that allow to achieve translation adequacy and equivalency thus ensuring translation quality and making possible to avoid errors that in legal texts translation may have very serious consequences including litigation. The author describes the following grammatical transformation models applicable for English - Russian pair of working languages: sentence structure changes, word order changes, parts of speech and sentence member replacement, words addition and omission.

English is an analytical type of language characterized by strict order of words sequence in the sentence. Strict word order plays an important grammatical function allowing to identify the semantic center of a sentence, that is the part with lexical units containing new information. Semantic center in the English sentence may be localized both in the beginning and in the end of the sentence, while in Russian sentence (considering synthetic language structure) it is most commonly localized in the end of a sentence, more flexible word order makes it possible to identify it. The mentioned linguistic specificity finds its practical application in legal texts translation.

Thus, if the subject of the English sentence is marked by the definite article, it signifies that the semantic center is in the end of a sentence. In this case the word order in translation is not changed since the localization of the semantic center in both source and target language sentences coincide. On the contrary, the indefinite article signals new information, consequently, the localization of the semantic center in the Russian and English sentences does not coincide, which makes it necessary to change the word order in translation.

The goods shall be delivered within four months - товары должны быть доставлены в течение четырех месяцев (unchanged word order in translation)

A legally binding standard is needed to ensure that... - Необходим имеющий юридическую силу стандарт для того, чтобы... (changed word order in translation).

Translation of homogeneous parts of sentence presents considerable difficulty in translation of legal texts, that are by virtue of their nature tend to have complex syntax. Double verb, noun governance with or without preposition is common for English grammar, but not typical for Russian.

Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature - Пункт 2 (е) применяется к вооруженным конфликтам, не являющимся международными по своему характеру, и, следовательно, не применяется к ситуациям внутренних беспорядков и напряженности, таким как беспорядки, отдельные и единичные акты насилия или другие акты аналогичного характера

Replacing parts of speech and parts of sentence. The use of personal and non-personal forms of the verb is a characteristic feature of the English language, while the Russian language is characterized by a wider use of nouns.

*Every nomination should be accompanied by a statement **specifying** in the necessary detail how the candidate fulfils each of the requirements in article 36 - Каждая номинация должна сопровождаться заявлением **с указанием** в необходимых подробностях, того, как кандидат выполняет каждое из требований, предусмотренных в статье 36.*

Significant difficulties are posed by the translation of verbs in the passive voice, especially in the constructions with a single subject. It is quite typical that such sentences with one subject can have several predicates in active and passive voice. Legal English uses passive forms in abundance to create objectivity of the narration, but in translation into Russian lexical transformations are commonly most effective solution.

*No person **shall be tried** by another court for a crime referred to in article 5 for which that person **has already been convicted or acquitted** by the Court - Ни один человек **не может быть судим** другим судом за преступление, указанное в статье 5, за которое это лицо уже **было осуждено или оправдано** Судом.*

Adding and omitting words. Due to the laconicism inherent in the English language, when translating into

Russian, it is often necessary to add words. Cases of omission of words during translation are observed much less frequently.

Under contract law, there is no contract if there is no consideration - В рамках договорного права договор не может существовать без встречного удовлетворения.

As the translation analysis of legal documents reveals, the identified grammatical structures in the source language have a significant potential for translation errors and failures. Translator's ability to identify these structures in the text and his/her skills in conveying the sense through the use of adequate complex grammatical transformations and translation techniques sufficiently reduces the risk of possible mistakes and thus enhances the quality of translation.

4. CONCLUSION

As the analysed material reveals, grammatical transformations and understanding of structural features of the legal texts are important tools for adequate translation. However, when translating legal texts, it should be kept in mind that each country has its own legal system, relevant legal terminology and practice. Therefore, the adequate use of the relevant translation techniques largely depends on translator's awareness not only of linguistic features of legal texts, but also of extralinguistic facts related to law itself. The above means that professional training of legal translator and interpreter besides developing translation skills should also include basic theoretical grounding in legal systems relevant for his/her working pair of languages. Consideration of both linguistic and extralinguistic components in the process of translation is a major factor of ensuring quality of legal translation.

The research findings can find practical application in developing specialized translation courses as well as teaching materials for students majoring in legal translation.

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REFERENCE LIST

- D. Cao, (2007). *Translating Law*. Clevedon, Buffalo & Toronto: Multilingual Matters Ltd.
- M. Chroma (2016) Traps of English as a Target Language in Legal translation. *Comparative Linguistics vol. 26/2016*. DOI: [http://dx. doi.org/14746/c1.2016.26.04](http://dx.doi.org/14746/c1.2016.26.04).
- P. Faber, A. Reimerink, (2019). Framing terminology in legal translation. *International Journal of Legal Discourse 4(1):15-46*. DOI:10.1515/ijld-2019-2015.
- Solan, L., Tiersma, P., & Hiltunen, R. (2012). *The Grammar And Structure Of Legal Texts*. In *The Oxford Handbook of Language and Law*. : Oxford University Press.