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Translation and Interpreting as a Means of Guaranteeing Equality under Law

Übersetzen und Dolmetschen als Garant der Gleichheit vor Gericht

Traduction et interprétation comme moyens pour garantir l'égalité juridique

Перевод как гарант принципа равенства перед законом

University of Tampere, Finland, 2-3 May 2016

Abstracts

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Résumés

Тезисы докладов

Plenary Speakers

Professor Jaakko Husa
University of Lapland

Legal Translation and Legal Interpretation – Dialogue of Static and Dynamic Views?

Legal texts like pieces of legislation, court judgements or contracts are in the focus of both lawyers and translators. They both examine legal texts from different epistemic points of view. Today it is largely recognised that neither of the viewpoints applied by these two groups is the only right one. Instead, it is understood that there are differing but equally justified viewpoints at legal texts. Moreover, it is commonly accepted that linguistic and legal approaches actually complement each other and that both the legal and the linguistic approach are not only needed, but also very much useful. The relatively late rise of such a novel discipline as legal linguistics seems to confirm the need for both kinds of approaches for it seeks to construct an amalgam of the two approaches.

However, there is at least one crucial binary difference between the point of view of the translator and the lawyer when it comes to the interpretation of legal texts. In this presentation these approaches are labelled as dynamic and static views. In the translator's view legal text is traditionally conceived as static as to its nature; something that already exists in the form of text. This means that the translator is specifically interested in the text itself as it was written down in a document, i.e. the translator needs to go back to the frozen moment when a legal document was constructed and finalised. As such, the translator's manner to grasp legal text is rigid in a sense that they are not supposed to be responsive to the actual facts or the circumstances or the dynamic nature of law as a normative creature. Instead, the classical translator's view is focused on a single moment in time which is the moment when the legal document took its final textual form. The lawyer, on the contrary, is very much interested not only in the text of the legal document but also in the contextual surroundings of the text. In fact, for legal interpretation, sometimes the key-elements for the interpretation come from outside the text itself.

In this presentation the binary opposition of these two views is discussed especially in the light of contract law theory. The idea is to apply contract law theory to the analysis of differing epistemic points of view. Typically, in classical contract law there was an important preference for rules that were written down in an objective and standardized form. But, in modern contract law there has been a turn towards flexibility of rules. In short, classical contract law theory was mostly static but the modern contract law theory is more dynamic as to its nature. For example, static rules of interpretation have been replaced by dynamic rules that take into account events before and after the moment of contract formation. The key elements of contract law theory are helpful for the analysis of epistemic differences between a lawyer and a translator. However, even while these views are not similar it does not mean that these views could not coexist and interact.

Professor emerita Ingrid Simonnæs
NHH Norwegian School of Economics

Background knowledge of the legal systems involved as a precondition for successful translation – How do we teach legal translation in Norway?
JurDist, an online course of legal translation

> "Not only does [legal translation] require basic knowledge of the respective legal systems, familiarity with the relevant terminology and competence in the target language's specific legal style of writing, but also an extensive knowledge of the respective legal topic in both source and target language." (Bhatia/Candlin & Allori 2008: 17).

The aim of my presentation is to present the online JurDist programme. The programme's *raison d'être* is closely related to the particular situation of almost non-existing translation programmes in Norway. Notwithstanding this lack of systematic training the National Translator Accreditation Exam (*autorisasjonsprøve i oversettelse*) exists for which the NHH is responsible. This exam will shortly be described before details of the JurDist programme are given. The JurDist programme is unique in Norway and was offered for the first time in 2013 and is taught now (2015–2016) slightly extended for the second time.

My talk focuses on the details and reasons for the two-module approach used. In the first module an overview of some important parts of the Norwegian legal system is presented to our students. Subsequently they are asked to compare this information with their corresponding legal systems in France, Germany, Spain and the UK respectively. In the second module, the students use the acquired insight into the similarities/differences of the legal systems involved in their translations of various legal texts, by using Norwegian as source or target language. As one of the teachers in

the online course I argue for our particular didactic choice and our focus on culturally embedded legal realia.

Teaching basic knowledge of legal languages in two legal systems to future legal translators is considered an essential condition for "access to justice" as enshrined in Article 3 (Right to translation of essential documents) and Article 6 (Right to a fair trial) Directive 2010/64/EU on the right to interpretation and translation of criminal proceedings. For Norway, not being a member state of the EU, this right is regulated in section 2-8 of the Norwegian Prosecution Instructions *(Forskrift om ordningen av påtalemyndigheten (FOR-1985-06-28-1679) /Påtaleinstruksen*).

Some examples will be presented and discussed in the light of what would be assessed as a successful translation in an exam situation.

Professor Melissa Wallace
University of Texas at San Antonio / Fulbright-Professor at University of Tampere

Partnering with the Profession: A Model for Meaningful Access to Justice through Training, Testing and Policy

On 20 October 2010, Directive 2010/64/EU of the European Parliament was issued, granting the right to interpretation and translation in criminal proceedings by appropriately qualified interpreters. The Directive has been the driving force behind many improvements in EU Member State criminal justice systems, such as the establishment of minimum education requirements, systems of accreditation, continuing education requirements, and the elaboration of codes of ethics and standards of practice for legal interpreters and translators (LITs) across the European Union. A case in point is Finland, a nation at the forefront of complying with legislation to guarantee meaningful access to justice and a testing ground for an innovative graduate-level training course for legal interpreters and translators. *Principles of Authorised Translation*, a course opened to active members of the Finnish Association of Translators and Interpreters (SKTL) and offered at the Universities of Tampere, Helsinki, Turku, Vaasa and Eastern Finland, posits a model of partnership between the academy and the profession with implications for training, testing and policy. The positive anecdotal feedback generated by these courses, as well as the expansion of this model across Finnish universities, invites evidence-based examination.

This presentation will critically examine recent changes in university-level training of legal interpreters in Finland, interrogating how the name and nature of university coursework has changed pre-and post-Directive. We will explore whether or not the *Principles of Authorised Translation* course has had a measurable impact on national certification exam pass rates, contemplate the benefits of traditional university students collaborating in the classroom with practicing professionals from the national professional association, and discuss effects on SKTL members' professional practice as a result of formal training and assessment. In gauging community and academic perceptions of the partnership between universities and the SKTL, attention will be paid to how the course's student learning outcomes equate with the constructs on the national certification exam for LITs. Finally, implications for the transnational importability of this partnership model will be examined.

Abstracts for section papers

Anissimova, Alexandra
Lomonosov Moscow State University

How to teach and to learn legal terminology

The main idea of the presentation is to show how academic research can help the teacher in the classroom, how the systemic approach to the study of terminology solves a number of problems, to what extent the academic research and teaching practice are interconnected and intertwined.

Knowledge has a systemic nature which is revealed through a system of concepts or phenomena which, in their turn, are expressed through a system of terms. The systemic nature of the term is one of its most important properties. The notion of the semantic field is the only systemic aspect which is taken into account while writing Legal English textbooks.

However, there are other systemic features which, if applied appropriately, could be of great advantage to students. Thus, as far as the content plane of terms is concerned, a hierarchical structure of the terminological system, or a genus proximum and differentia specifica principle, is the most important since it makes possible to differentiate between a generic term and specific ones. This approach was worked out by MSU English department scholars headed by professor Olga Akhmanova. Thus, for example: *a writ* as a generic term means *'судебный приказ, постановление суда'*, but there are specific terms such as *a writ to apprehend the body '*судебный приказ об аресте', *a writ of attachment '*судебный приказ о приводе в суд\о наложении ареста на имущество', *a writ of execution* 'судебный приказ об исполнении решения, исполнительный лист', *a writ of injunction '*судебный запрет', *a writ of protection* 'охранная грамота', *a writ of review '*приказ о пересмотре дела'.

One of the specific semantic features of the terminology under analysis is as follows: the system of legal terms is characterized by a certain number of synonyms, i.e. one concept is expressed through different terms. Here, the etymological analysis of terms can be used to good effect. It should be pointed out that the majority of legal terms are of Latin origin and they were either directly borrowed from Latin or indirectly, via French. The number of original terms is not very big, but they express fundamental legal concepts. Thus, for example, the term *blackmail* has nothing to do with mail. It was derived from Old English *mæðel* (meeting, council. *Male* which later became *mail* used to mean *практика покровительства и защиты шотландских фермеров.*

Another semantic typological feature of the terminology under consideration, which should be considered in detail, is antonymic relations between terms. This feature is typical of every terminological system, but, unfortunately, is rarely taken into account when writing an ESP textbook.

Systemic features are revealed to the full when new terms appear in the system. Thus, for example, on the pattern of the term *Watergate* many new terms have been coined: *Koreagate*, *Chinagate*, *Iraqgate*, *Irangate*, *FIFA-gate*, *Reutersgate*, *Camillagate* and many others.

The systemic nature of terms can be viewed from different angles: from the point of view of the expression plane (e.g. the structure of terms and terminological word combinations), from the point of view of the content plane (e.g. monosemantic/ polysemantic terms; key/ peripheral terms; abstract/ concrete terms; borrowed/ native terms; metaphor-based terms, etc.) and from the point of view of their functioning (national/ regional/ international). The systemic characteristics of terms that comprise the legal terminological system are numerous, and all of them should be considered in detail if academic success is a desired outcome.

The systemic approach to the study of Legal terminology does not only increase students' motivation but also results in a better understanding of the systemic nature of the field under study, of the system of concepts that comprise this field and of the system of terms that verbalize these concepts.

KEYWORDS: Systemic nature of a term, content/ expression plane of a term, typology

Balogh, Katalin & Heidi Salaets
KULeuven

Legal Interpreting: Presentation of the social and practical results of research. The TraiLLD and CMIQ-projects

The war and crisis in Syria, Iraq and Afghanistan in the last decade forced people to leave their country. This massive migration flow is unseen since the Yugoslav wars in the nineties of the last century. Now the world is looking helplessly at the influx of refugees and even Europe does not seem to be able to solve the problem and to find a solution for them. Among all these people are many children who next to physical pain are also suffering from mental problems and trauma. At the same time the level

of xenophobia and intolerance has been increasing, which leads to violent and discriminatory incidents. Very often, the people fleeing from the above-mentioned countries speak only a couple of words of English. Their mother tongue is Syrian Arabic or Pashto and Dari. The question is whether countries where no proper training exists for legal interpreters can provide the necessary language assistance during interviews at Immigration Offices. There is a huge lack of trained interpreters, who could enable psychologists, authorities and social workers to communicate with these people and with traumatized children in the first place. For the latter category, a specific approach is required. The first question that we will try to answer is the following: how can we train interpreters in a language which is not a common, widespread language but a Language of Lesser Diffusion in a limited period of time? The TraiLLD project (Training in Languages of Lesser Diffusion) (JUST/2013/JPEN/AG/4594) offers some solutions for the problem on how to properly train in a reasonable time span. The recently published TraiLLD manual deals with this problem and discusses various methodological options. The second question focuses on ensuring child-friendly and smooth communication with traumatized, vulnerable minors. The Co-Minor-IN/Quest project (Cooperation in interpreter-mediated questioning of minors) (JUST/2011/JPEN/AG/2961) emphasizes the importance of specialized training for interpreters working in child interview settings, in close collaboration with child support workers, psychologists and governmental and legal authorities. The publication 'Children and Justice: Overcoming Language Barriers Cooperation in interpreter-mediated questioning of minors' focuses on these issues and offers hands-on solutions. These two main questions can be answered by the above-mentioned European projects financed by DG Justice. Based on their research outcomes, we will suggest some hands-on solutions which can contribute to guaranteeing Equality under Law in the current international context.

Bambust, Isabelle
University of Ghent (Belgium)

Le résident européen percevant sa propre aptitude linguistique dans un contexte judiciaire – Une première recherche empirique sans prétention

Avant d'examiner la capacité et la qualité quant à la traduction ou l'interprétation dans un contexte judiciaire, il faut se pencher sur les droits linguistiques dans le chef du destinataire de la traduction ou de l'interprétation. Le noyau de ma recherche doctorale concerne la communication transfrontalière européenne de documents judiciaires en la matière civile. J'ai entre autres une attention spéciale pour la tension entre la langue officielle du lieu de la communication et la langue comprise par le destinataire, ainsi que pour la détermination de la langue comprise. Essentiellement, j'encourage une protection linguistique en faveur de la langue comprise par le destinataire et non pas une protection concentrée sur la langue officielle du lieu de la communication. En ce qui concerne la détermination de la langue comprise du destinataire, je promeus la thèse disant que seul le destinataire du document lui-même pourrait concrétiser la langue qu'il comprend. Comment réaliser cette proposition ? Je défends l'instauration d'un mécanisme de publicité linguistique. Chaque personne présente dans l'Espace européen devrait préalablement déclarer sa langue préférée dans un contexte judiciaire oral ou écrit.

Lors d'un examen empirique j'ai interrogé – d'une manière individuelle et directe – plus de 200 personnes pour contrôler la valeur qu'elles attribuent à leur propre langue dans un contexte judiciaire. Toutes les personnes interrogées s'inscrivent dans un même projet, notamment celui des tables de conversation pour améliorer leur connaissance de la langue (officielle) du lieu où ces tables de conversation sont organisées. La plupart des personnes interrogées sont donc des allophones par rapport à la langue visée par les tables de conversation. J'ai également interrogé les animateurs desdites tables de conversation qui eux parlent bel et bien la langue que les allophones veulent améliorer.

Quatre questions essentielles étaient à l'ordre : a) Dans quelle(s) langue(s) aimeriez-vous vous exprimer devant le juge ? b) Dans quelle(s) langue(s) aimeriez-vous recevoir des documents judiciaires ? c) Trouveriez-vous cela une bonne idée de lier la préférence linguistique que vous venez de déclarer à votre pièce d'identité comme quoi les autorités publiques d'autres pays auraient la facilité de vous protéger linguistiquement conformément à votre propre choix linguistique ? d) Seriez-vous satisfait si seul l'avocat (qui vous représente dans un dossier judiciaire) comprenait les documents judiciaires du dossier et pas vous ? Lors de la Conférence TransLaw 2016 « Traduction et interprétation comme moyens pour garantir l'égalité juridique » j'aimerais présenter le résultat de cette simple enquête illustrative.

Čavoški, Aleksandra
University of Birmingham, Birmingham Law School

Challenges of legal translation in accession to the EU – the case of Bosnia and Hercegovina

Legal translation in the EU is becoming more complex and demanding with every new accession to the EU. Both the EU institutions and the accession countries face different challenges in this process. For the EU, it means that all institutions have to ensure institutional capacity, i.e. trained translators and lawyer-linguists who will become operational upon the accession of each new member state. For the accession countries legal translation is an inseparable part of fulfilling one of the membership criteria set out at the Copenhagen European Council in 1993. Besides fulfilling political and economic criteria, each accession country accession has to build 'administrative and institutional capacity to effectively implement the *acquis*[1] and take on the obligations of membership'.[2] This means that the accession country has to translate the EU *acquis* and transpose it into its national legal system. As a result, legal translation becomes a central part of the accession process and a means to an end for aligning national legislation with EU law. Even more important is the obligation of the accession state to ensure correct and precise translation of legal acts that guarantees equality under law for all citizens.

What are the experiences of the accession countries and what are the main difficulties they face in legal translation of EU law? This will be analysed by using Bosnia and Hercegovina as a case study which faces political, legal and institutional challenges in translating the EU law into national languages. This accession country has three official languages and the translation of the *acquis* has become politicised as the language is an important part of the national identity. As a result, Bosnia and Herzegovina still did not start with translation of the EU *acquis* into national languages but decided to only translate domestic legislation into the English language. It also faces two important legal challenges. One is the influence of common law tradition on the national civil law system. This is due to legal drafting in American English after the end of conflict. At the same time the EU legislation in English language exposes differences between civil law and common law traditions which are often difficult to reconcile in translating the EU *acquis* into national languages. This may question the ability of citizens to understand transposed law as they are bound by it. The other major legal challenge is the lack of standardised and uniform translations of EU expert and legal terms as a result of a weak institutional framework to support legal translation. This ultimately leads to significant delays in the accession process which will be demonstrated using several examples, in particular legal translation in justice and home affairs. Bosnia and Herzegovina also shares some common institutional problems in translating EU legislation with other accession countries, such as the sheer size of the EU *acquis*, which is continuously growing, the lack of institutional capacity and lack of funds to support the process of legal translation are additional impediments to the accession process. No less important is insufficient expertise in EU policy areas, which delays the legal translation and subsequently the accession process.

[1] Body of common rights and obligations that is binding on all the EU member states

[2] Copenhagen European Council 21-22 June 1993, 7.A.(iii)

de Laforcade, Agata
ISIT

Rapprochement entre le monde juridique et linguistique à travers d'une innovation pédagogique, l'exemple de la Communication juridique interculturelle, ISIT Paris, Jean Monnet

Depuis octobre 2014, l'ISIT Paris développe le projet « Communication juridique interculturelle », avec l'appui de l'Union Européenne (Module Jean Monnet). Il s'agit d'une formation pluridisciplinaire avec une approche innovante qui se donne comme finalité le rapprochement entre le monde juridique et le monde linguistique. L'idée de création de cette formation a surgi après l'adoption de la Directive 2010/64/UE du Parlement européenne et du Conseil relative au droit à l'interprétation et à la traduction dans le cadre des procédures pénales transposée en France par la loi n° 2013-711 du 5 août 2013 portant diverses dispositions d'adaptation dans le domaine de la justice en application du droit de l'Union européenne et des engagements internationaux de la France. En effets, ces textes illustrent parfaitement le besoin de rapprocher les deux mondes. L'objectif est de mettre en place et de développer une formation à la communication juridique interculturelle à destination des professionnels du droit, afin de les sensibiliser à la problématique linguistique et interculturelle dans l'exercice de leurs fonctions. La formation vise à apporter des compétences nouvelles aux juristes en leur permettant ainsi d'opérer plus aisément dans un contexte culturel mondialisé. La « communication juridique interculturelle » permet aux juristes de mieux connaitre et comprendre le métier de traducteur et d'interprète, grâce aux modules dans lesquels les juristes travaillent avec les étudiants en interprétation, ou encore à travers de la sensibilisation à la traduction juridique. La formation vise à rendre plus opérationnel les juristes travaillant dans un contexte

international ou interculturel, pas nécessairement dans leurs langues maternelles, grâce aux modules sur la communication en droit des affaires, fondamentaux d'interculturalité, ou encore prise de parole professionnelle. Elle propose également le perfectionnement linguistique dans un contexte juridique et le perfectionnement juridique dans les matières fortement liées avec la pratique internationale du droit, tels que l'arbitrage international, ou le droit pénal international. L'objectif de cette communication est de vous présenter de façon détaillée cette nouvelle approche, pédagogique, qui devrait contribuer à une meilleure compréhension et en conséquence une meilleure collaboration entre les professions mentionnés.

de Pedro Ricoy, Raquel, Rosaleen Howard & Luis Andrade Ciudad
Heriot-Watt University

The role of legal interpreters in Peru: guaranteeing equality for individuals and promoting collective human rights

This presentation will deal with the role of Peruvian indigenous interpreters in legal contexts, following the passing in 2011 of national legislation which guarantees the right of the country's originary peoples to use their languages in public-service settings. First, the training provided by the state to meet the demands which were brought about by the aforementioned legislative developments will be outlined. Second, the challenges which the indigenous interpreters face when facilitating communication will be introduced; these include, but are not restricted to, the power imbalance which characterises exchanges involving the language of the state (Spanish) and one or more of the 47 originary languages of Peru, which have been traditionally suppressed in public spaces, and the asymmetry which exists between the state's legal system (conceptualised within the framework of Roman law) and the common law by which the indigenous peoples rule themselves. Finally, the case of the interpreting provision in a very high-profile judicial process (the so-called Bagua trial) will be presented by way of illustration of the logistic difficulties which interpreters face in addition to the ones which are intrinsic in their role. Although parallels can be drawn between the circumstances of legal interpreting in Peru and those which involve migrants in the EU and other Western contexts, it will be proposed that crucial differences exist because of the former's occurring in a postcolonial setting and because Peru is a developing country (as classified by the IMF in 2015) and, therefore, infrastructures tend to be poor and financial resources, scarce. Comparisons can be, indeed, drawn with other postcolonial contexts, However, although it has existed for centuries, the figure of the indigenous interpreter was formally instituted in Peru as recently as 2012, which means that there is still a large degree of unawareness among both the population (Spanish-speaking and indigenous alike) and the institutions regarding his/her role. To conclude, it can be argued that all these factors converge to make the Peruvian scenario an unusual one in the 21st century, and one from which useful lessons can be drawn going forward.

Del Pozo Triviño, Maribel
University of Vigo

The right of gender violence victims and survivors to understand and be understood: the SOS-VICS Project, a step forward towards guaranteeing such right

Violence against women is a type of gender-based discrimination and a violation of human rights suffered by many women all over the world that affects different groups of women in different ways. (In)migrant women who do not speak the language of the host country represent a specially vulnerable group due to the cultural and linguistic barriers that they have to overcome to access justice. In order to guarantee the right of (in)migrant victims to information and justice, Governments have the obligation to provide means for such victims and survivors to understand and be understood and that obligation includes the provision of quality translation and interpreting services, as provided for in Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime. This paper will review international and EU legislation on the right of gender violence victims to understand and be understood and will analyse the best ways to improve communication between service providers and victims through well trained interpreters in the light of the recent research carried out by the EU co-funded project Speak Out for Support (SOS-VICS).

Delaney, Richard
Delaneytranslations Ltd.

Certifying legal translators – a comparative approach

Different countries have different approaches as to who can produce a translation, which is then deemed to be an "official translation", i.e. a translation on which courts, public bodies, etc. are entitled to rely. Some countries, such as Germany, France or Poland, have a separate category of "sworn translators" – i.e. translators, who have an official stamp, and whose translations will, prima facie, be accepted as true and accurate, provided that they certify this. Other countries, such as the UK, do not have

any official recognition of sworn translators, so that the decision whether to accept a translation or not tends to boil down to the individual recipient. While there are some indicators of who might be a suitable person to provide a credible translation, e.g. membership of professional bodies or similar. One of the difficulties is the question of the acceptability of “sworn” translations across borders; currently some countries insist on documents being re-translated by a translator who is sworn in that particular jurisdiction. While the profession of the translator is not regulated, in light of the European market, and in particular in view of the recognition of professional qualifications in the EU, it might be worth considering, whether the status of “sworn translator” should become a regulated profession, or whether one could at least work towards some form of status of EU-recognised sworn translator. In this paper I will look at the formal requirements for sworn translations in Germany and the UK and discuss potential options for achieving an internationally recognised sworn translator status.

Dewolf, Linda
Vrije Universiteit Brussel

Réflexion sur les problèmes de définition et de traduction posés par l’émergence de nouveaux concepts dans le code de la route belge

Cette étude se situe d’une part, dans le contexte de la problématique que pose l’apparition de véhicules autonomes. Ses objectifs sont d'abord, de tenter de formuler une définition terminologique, puis une définition juridique adaptée à ce type de véhicules aussi appelés « Google car », *voitures à* "conduite déléguée" ou « voitures sans chauffeur », dénominations auxquelles nous préfèrerons les terminologies de « voitures autonomes » ou de « voitures à pilotage automatique ». Les définitions varient d'un constructeur ou d'un expert à l'autre mais tous s'accordent sur AVA leur dominateur commun. La législation entourant cette technologie est actuellement quasi-inexistante. La sécurité routière implique plusieurs parties prenantes, il s’agit notamment des véhicules et des conducteurs et la survenue d’un accident implique souvent la combinaison de ces éléments et quelle que soit la composante de la trilogie impliquée dans la survenue d’un accident, l’Homme a toujours été présent jusqu’à ce jour. Le véhicule autonome amènerait un basculement de la conduite, il y a là une véritable lacune juridique, le véhicule n’a pas de conducteur. C’est sur cette propriété là que nous essayerons de focaliser la définition. D'autre part, des questions se poseront au niveau jurilinguistique selon l'étendue des technologies mises en œuvre et des niveaux de désengagement du conducteur. Tant que le conducteur garde les mains sur le volant, la réglementation issue de la Convention de Vienne qui érige en principe que le conducteur est responsable de son véhicule n'a pas besoin de changer. Mais dès lors qu'il n'intervient plus, faudra-t-il un code de la route différent ? *L’étude met l’accent sur les délicates questions d’éthique et de responsabilité en cas d’accident*. De nouvelles difficultés juridiques s'annoncent en rapport avec le respect du principe de la vie privée. C’est tout le volet de la responsabilité pénale et civile du corpus juridique qui devra être adapté à ce nouveau mode de circulation. Notre deuxième axe de réflexion part de la constatation que bien que le code de la route belge qui constitue une œuvre de référence depuis plus de 40 ans et ait été amendé à maintes reprises par plus de 80 arrêtés, il n’est plus adapté à la réalité du XXIe siècle et des nouvelles technologies. Un remaniement du code actuel impliquerait plus qu’une modernisation. La rédaction d’un nouveau code de la route, offrirait l’occasion de réfléchir aux nouvelles technologies et à leur intégration dans les textes réglementaires pour permettre à ces véhicules de se déplacer sur les routes et de sécuriser les routes. *Cet exercice de réflexion a été initié pour définir une*

Doğan, Aymil
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Court Interpreting In Turkey: A Comparative Study with Curricular Concerns

Court interpreting is a profession which was first launched, developed and institutionalized in the countries with multicultural and multilingual communities. Turkey, on the other hand, has a distinct nature of population resembling a kaleidoscope of cultures in the sense that many cultures intermingled with one another throughout the history to become an integrated unique whole; however, Turkey has recently been undergoing a very hard period due to its geopolitically strategic location. The wars going on in its neighbours give rise to uneven flux of immigration, adding up to more than 2.5 million people from only Syria, let alone from the others such as Iraq and preiously from the Balkans. This immigration and the propelled terrorist atrocity near the southeastern borders aiming to distort the indivisibility of the integrity of the country has been creating new populations which are not an integral part of the previous population structure. This situation brought about huge demands in terms of health and court cases, necessitating, thus, huge amount of health and court interpreting service. This paper will dwell on the investigation of the latest situation in the court cases requiring interpreting, with a comparative perspective. The previous study was conducted throughout the whole country as a needs analysis aiming to draw the framework and determine the content

of the court interpreting course to be launched at the university. This present study will be carried out comparatively to see the differences in the distribution of the need for court interpreters by cases, regions, cities, gender as well as the recognition of the identity of the court interpreters so that the curriculum will be developed in the way that will serve the need arisen lately in the country and the course content as well as the book being written in the meantime will make use of the data showing the facts about the practice of court interpreting in Turkey. In addition to this quantitative research, a qualitative study will be carried out tapping the difficulties, the interpreters who interpreted for these vulnarable groups experienced, the details of which will be shaped throughout the research process.

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Matej-Bel-Universität

Kontextabhängigkiet von Rechtstermini als Übersetzungsproblem

Die Eigenschaften, Merkmale und Besonderheiten der Rechtssprache basieren auf ihrer Funktion, sowie auf ihrer Beziehung zu deren Benutzern und der Gemeinsprache, wobei zwischen der Funktion, dem Adressaten und der Sprache des Rechts ein enger Zusammenhang besteht. Die Sprachmittel der Rechtssprache unterliegen deshalb einer konsequenten Auswahl, durch die die Forderung der Rechtssprache nach Eindeutigkeit, Präzision, Abstraktheit, Klarheit und Verständlichkeit erfüllt wird bzw. erfüllt werden soll. Auf der lexikalischen Ebene sind es Termini und ihre Eigenschaften (Fachbezogenheit, Begrifflichkeit, Exaktheit, Eindeutigkeit, Eineindeutigkeit, Selbstdeutigkeit und Neutralität), die der Einhaltung der Gebote der Rechtssprache dienen. Andererseits sind es jedoch wieder Termini, die definiert, ausgelegt und interpretiert werden müssen, da diese Eigenschaften verletzt werden. Die Merkmale und Besonderheiten der Rechtssprache sowie der rechtssprachlichen Terminologie kommen viel stärker im Prozess der Übersetzung zum Ausdruck und bereiten viele Übersetzungsprobleme. Im Beitrag wird von Termini und ihren Eigenschaften ausgegangen und im Kontext des Übersetzungsprozesses wird auf die Kontextabhängigkeit von Rechtsbegriffen hingewiesen. Ausgehend von Texten aus der eigenen Übersetzungspraxis werden Probleme bei der Übersetzung behandelt, die die Kontextabhängigkeit von Rechtsbegriffen bereitet.

Edelmann, Gerhard
University of Vienna

Ausbildung zum Rechtsübersetzer als Mittel zur Qualitätssicherung von Übersetzungsleistungen vor Gericht und Behörden

Das Recht auf Beistellung eines Übersetzers oder Dolmetschers für Personen, denen die Sprache des Gerichtes oder der Behörde nicht geläufig ist, ist ein Grundrecht, das in der Menschenrechtskonvention, den Verfassungen und den Verfahrensgesetzen der einzelnen Länder verankert ist. Die Richtlinien 2010/64/EU und 2012/13/EU sollen sicherstellen, dass die Qualität der Dolmetschleistungen und Übersetzungen ausreichend ist. Leider beschränken sich die Forderungen dieser europäischen Normen auf formelle Aspekte. Andererseits hört man von Richtern häufig Klagen darüber, dass die Qualität auch der beeidigten Dolmetscher und Übersetzer nicht durchgehend akzeptabel sei. In meinem Beitrag möchte ich die Qualitätssicherung der Rechtsübersetzung bei Gericht und Behörden durch Maßnahmen in der Ausbildung zu Rechtsübersetzern diskutieren. Dabei stütze ich mich auch auf meine Lehrtätigkeit an der Universität Wien und die Erfahrungen als Prüfer bei der Zertifizierung von beeidigten Übersetzern in Österreich. In der Übersetzungswissenschaft wird davon ausgegangen, dass Fachwissen eine unverzichtbare Verstehensvoraussetzung für Fachtexte bildet. Anhand praktischer Beispiele werde ich zeigen, dass ohne profunde Kenntnisse juristischer Methoden und der in Frage kommenden Rechtsordnungen auch fundamentale Rechtstermini nicht fachgerecht übersetzt werden können. Die Forderung, der Vermittlung von Fachwissen in der Ausbildung mehr Raum zu geben, ist nicht neu. Leider tragen die Curricula der Universitäten dieser Anforderung im Allgemeinen noch immer nicht Rechnung. Im Kompetenzprofil des europäischen Masterlehrgangs EMT (Europäischer Master Übersetzen) wird das Fachwissen zum Beispiel zwar erwähnt, aber, wie in der Praxis leider üblich, mit der Recherchekompetenz gleichgesetzt. Das ist natürlich viel zu wenig. In der Literatur wird auf die Notwendigkeit hingewiesen, den Schwerpunkt bei der Ausbildung von Rechtsübersetzern verstärkt auf die Vermittlung rechtssystemübergreifender Inhalte und den Rechtsvergleich zu legen, und angeregt, ein eigene von anderen Fachübersetzungsmodulen unterschiedlichen Translationscurriculums zu entwickeln. Diese Forderung halte ich für zielführend, denn eine Ausbildung zum Rechtsübersetzer ohne durchdachte Integrierung der Vermittlung von Fachwissen kann die für diese Tätigkeit erforderliche Qualität nicht garantieren. Ich werde in meinem Beitrag auch anhand bereits bestehender Ansätze praktische Lösungsmöglichkeiten für dieses Problem diskutieren und eigene Vorschläge für eine effiziente Ausbildung zum Rechtsübersetzer präsentieren, die geeignet sind, die von den Gesetzen geforderte

Gleichheit vor Gericht und Behörden durch den Einsatz von Übersetzern und Dolmetschern herzustellen.

Erdogan, Ayse Esra
Ministry of Justice of Republic of Turkey

The challenges encountered in the process of transfer of legislation through translation and a case examination "Turkish E-Commerce Law"

Legal legislation in Turkey has been imported, in general, from Europe since the foundation of Turkey. This situation brought about the significance of the law translation and it is not surprising to say that import of legislation from countries culturally and socially more developed than Turkey caused problems in this field. Wrong translations, misunderstandings, ambiguities are some of these problems. However, more importantly, the reasons of these problems should be dealt with. The reasons of the problems encountered in the translation of the legislation can be laid down as differences in legal systems, differences in language systems and word orders, lack of established terminology in Turkey in the field of law, unusual use of sentence structures, use of common terms with uncommon meanings and so on. I will discuss these reasons taking into account of the situation of Turkey and my experiences I acquired as a translator working at the Ministry of Justice. As a case example, I will examine the enactment of Turkish Electronic Commerce Law. According to the report of Turkish Working Group on Electronic Commerce Directive which led to the mentioned Law, except articles 9, 12 and 18, the legislation was harmonized with the European Union E-Commerce Directive. The rest of the Directive is imported as legislation through translation. While importing, the needs of Turkish legislation was taken into account and some articles were rewritten instead of translating and some paragraphs were omitted. I will discuss the challenges experienced during this import process by comparing current Turkish E-Commerce Law and European Union Directive. There exists an invisible bond between language, culture and law. Translation of law texts, especially legislation translation, requires controlling this bond. And this bond involves the dominance over legal terminology. The translation should not be word-for-word, the dictionaries should not be considered as the only problem solving source and neologism should not be a method used individually and frequently. Language and thus translation is related with context and solution of the problems should be searched for within this context.

Fasoula, Vasiliki
University Panthéon-Assas Paris 2

La langue de l'UE entre uniformisation et efficacité communicationnelle, un enjeu d'égalité

Pendant les deux derniers siècles, le défi de la langue du droit et de sa traduction a été relevé par une diversité des disciplines : lettres, philosophie, sociologie, droit. La croissance des besoins en traduction juridique qui s'est produite, à partir de la deuxième moitié du XXe siècle, dans le cadre de l'Union européenne a renouvelé cet intérêt, autant pour des universitaires que des praticiens. Dans la langue de l'Union on trouve l'écho du caractère unique de notre Europe de 28 États membres qui se veulent être « unis dans la diversité ». La pérennité de cette spécificité européenne dépend du respect d'un certain nombre des valeurs dont l'égalité.

L'égalité et le principe de non-discrimination sont généralement perçus comme les « facettes indissociables d'un seul et même principe ». Quant aux langues, c'est le règlement n°1/58 CEE qui a instauré le principe du multilinguisme. Il impose un traitement égalitaire des langues officielles et de travail des institutions de l'Union. Dans son rapport n°258/2008-2009, le Sénat français a constaté que « le multilinguisme assure en effet l'égalité des droits des citoyens et des États membres de l'Union dans l'accès à la législation communautaire et dans leurs relations avec les institutions communautaires. ». L'inopposabilité d'un texte non traduit dans une langue officielle ainsi que la présence informelle de l'anglais comme lingua franca des institutions européennes jouissent d'une grande attention doctrinale. La source officielle du droit de l'Union, directement applicable, reste le Journal Officiel traduit dans toutes les langues. Elle vise à une interprétation uniforme de la même idée dans toutes les versions linguistiques en promouvant une cohérence philosophique et culturelle parmi les citoyens européens. La Commission de sa part rédige la plupart de ses textes originaux en anglais. Souvent critiqué comme inégalitaire, ce choix linguistique s'explique par le fait que la Commission considère que ces textes, non directement applicables, s'adressent plutôt aux spécialistes qui comprennent l'anglais par nécessité professionnelle. D'abord, j'examine la langue comme outil d'uniformisation profonde et d'après comme outil de communication superficiel. Bien que l'égalité juridique ne soit pas vraiment en péril, la tendance de distinguer les citoyens entre « experts » et « non-experts » met en péril la confiance des citoyens à l'Union qui, pour eux, devient de plus en plus incompréhensible.

Fomina, Inna
Lomonosov Moscow State University

Eurospeak and the Russian terminology of law: translation challenges

The presentation deals with the way new terms of the European Union law are rendered in the Russian language. The EU vocabulary has been rapidly expanding recently due to both extralinguistic and linguistic reasons. On the one hand, the ongoing development of the political and legal situation in Europe requires new terms to denote the new realia. On the other hand, the legal terminology is being streamlined to avoid synonymy, polysemy and homonymy, which are undesirable in a clear-cut terminological system. The situation is complicated by the necessity to coin terms whose meaning should be equivalent in all the official EU languages. For this purpose, legislators often use legal vocabulary of the member states as the basis, but, as the concepts they denote are different, a new meaning is attached to them, or a new term is coined. Therefore, the EU terminology, as a supranational system, is not always aligned even to the legal terminologies of the member states, not to mention those of non-EU countries. It is obvious that the Russian terminology of the EU law usually follows the European sources. Given the pace of its development, bilingual dictionaries are very often of little use for a translator, as even the most up-to-date online versions cannot keep up with the rate of terms coinage. Therefore, in rendering new concepts a translator has to choose among several generally accepted methods of translating neologisms, including the following: transcription/transliteration (which results in direct borrowing of the source term), generic/specific translation, calque translation (applicable to compound words or terminological word-combinations), descriptive translation (providing an extended explanation of the source term) and selecting an equivalent in the target language with a similar meaning. Advantages and drawbacks of these methods are the subject of the present talk, as well as the factors that usually influence the translator's choice. The presentation focuses on the interaction between individual decisions made by translators and the long-term influence they make on the system of the Russian EU-related terminology.

Garrido Rodríguez, Ignacio
University of Vigo & Oficina de Interpretación de Lenguas (Office for the Interpretation of Languages) of the Spanish Ministry of Foreign Affairs and Cooperation

Compared microstructural analysis of German and Spanish articles of association: linguistic realization and expression of prescription and conditionality

Articles of association are a mandatory and notarized document required for the incorporation of a company under most systems of commercial law. They set out the rules which govern the company's organization, operation and decision-making. Despite being a binding normative instrument, articles are subject to the provisions of Corporate Law, which establishes a minimum content they have to encompass. As a result, articles include a strongly standardized and conventionalized set of prescriptive provisions which establish rights and obligations and regulate certain aspects which need to be stipulated (company name, type of company, registered office, corporate purpose, share capital, financial year, governing bodies…). In some cases, prescriptions are subject to the fulfilment of certain conditions, ensuing only if those are met. Our research focuses on the microstructural level to analyse the linguistic realization of those two interacting elements (prescription and conditionality) in the articles of association of German and Spanish Public Limited Companies, describing how they are expressed in both languages, both in the lexical and in the morphosyntactic level. For delimitation purposes, the analysis will be carried out on a bilingual corpus comprising the articles of association of the major listed companies in the respective stock indices (DAX and IBEX). The purpose of our study is to determine the typical linguistic realizations of prescription and conditionality in articles of association, highlighting the main differences existing not only between German and Spanish articles, but also in each language between articles of association and other legal genres. This will provide legal translators in this language pair with useful clues for improving idiomaticity when translating this legal genre.

Garwood, Christopher & Isabella Preziosi
University of Bologna, Italy

Training Legal Interpreters in the Multilingual Classroom

Despite the introduction of Directive 2010/64/EU aimed at introducing minimum standards in the provision of interpreting for defendants in criminal proceedings not proficient in the language(s) of the proceedings, many Member States of the European

Union still have no form of certification to guarantee that such minimum standards are met, as revealed also by the Qualitas Member State profiles. Even in Member States in which certification does exist, it is often only for mainstream languages and the training provided in these countries appears to be primarily language specific. There is little or no provision for training in the languages of lesser diffusion (LLD) which now characterise the migration patterns within the European Union, such as in Italy (ISTAT 2015. Indicatori demografici. Stime per l'anno 2014. Rome: ISTAT). Especially given the current financial constraints in all EU Member States, the training of legal interpreters, above all in the LLD languages, must out of necessity involve training in a multilingual environment. The authors describe the specific challenges (and advantages) encountered teaching in the multilingual classroom, based on their own personal experience in Italy (a country in which there is still no certification for legal interpreters), with specific reference to a multilingual course specifically designed by one of the authors. This includes a particular focus on the opinions of the trainees attending the courses. The aim is to provide useful suggestions, following up on Building Mutual Trust (Townsley, 2011) and Assessing Legal Interpreting Quality Through Testing and Certification: the Qualitas Project (Giambruno, 2014), for trainers working in multilingual environments, which are set to become increasingly the norm within the EU.

González Núñez, Gabriel
The University of Texas Rio Grande Valley

Law and translation at the U.S.-Mexico border: A look at translation policy in a bilingual setting

The United States (U.S.) and Mexico are divided by a politically heated border. It is a strip of land where two States, two cultures, and two languages meet. In the U.S. side of said border, English is clearly the dominant language, and yet there are a number of individuals for whom Spanish is either their more proficient language or their only language. Local authorities are faced with tough questions regarding how to manage this linguistic reality. The answers must be provided within a specific legal framework that helps delineate the contours of language policy at the border. These language policies inevitably will have some translation dimension to them. Considering that, this paper aims to explore the use of translation and interpreting by authorities in the U.S.-side of the border. The paper will present demographic data regarding the Brownsville area (right on the border) and then explain the legal framework within which translation policy is developed. Finally, it will present a picture of translation management, practice, and belief by those who are in a position to make decisions regarding translation and interpreting in official settings. It will explore the role that those translations policies play in the context of a largely bilingual population.

Higgins, Noelle & Dorothy Ní Uigín
Department of Law, Maynooth University

Irish Speakers in the Irish Courts: Is there a need for, and right to, an interpreter?

According to the Irish Constitution, adopted in 1937, Irish is the "first official language" of Ireland and English is "a second official language". Despite the high status granted to Irish, it is only the third most spoken language in the State, with English being the most spoken language and Polish the second. There is a significant difference between the pre-eminent status granted to Irish in the Constitution and the rights of Irish speakers in practice, including their right to speak and use Irish in the court system. For many years Irish speakers were forced to bring cases against public bodies in order to have their rights vindicated. A substantial jurisprudence on the use of the Irish language in the courts has developed over time as Irish speakers carved out a number of rights based on Article 8 of the Constitution. The situation improved somewhat with the adoption of the Official Languages Act 2003. However, the issue of language rights in Irish courts is still unsettled, as is illustrated in the recent case of Ó Maicín -v- Ireland & or.s. This paper analyses the constitutional and legislative protection of the Irish language and how the right to an interpreter is protected in the context of the Irish language in Ireland.

Hocaoğlu Bahadır, Neriman
Kırklareli University

EU Translation and Interpreting

The European Union is a *sui generis* entity and its foundation goes back to 1959. Since then the European Union has developed and changed. It started as a Community of six Member States but now it consists of 28 Member States. There have been many changes since the beginning but multilingual structure of the European Union has not changed. While there were just four official languages at the beginning, now the European Union has 24 official languages and many other languages are spoken within the European Union. So the European Union is a multilingual Union and multilingualism in the European Union is supported and promoted with programs,

projects and actions. It is also sustained and supported by the Translation and Interpretation Services of the European Union. The legislation and the policy documents of major importance are translated into all official languages of the European Union so the citizens can reach these documents in their own languages as long as these languages are the official languages of the European Union. Therefore, the translations and interpreting services are important as they contribute to social cohesion, equality and participation in the European Union. Besides having right to reach the European Union legislation in their mother tongue, the citizens of the European Union also have the right to write to the institutions of the European Union in one of the official languages of the European Union and the institutions have to answer in the same language. Even though translation and interpretation services have many contributions they are also seen as challenges in terms of cost and efficiency. This paper aims to examine if the Translation and Interpretation Services of the European Union are an asset or a challenge for the European Union. In order to answer this question the official documents and the news related to this subject are going to be analyzed.

KEYWORDS: European Union, translation, interpretation, equality, challenge, asset

Ioannidis, Anastasios & Zoi Resta
Ionian University

Accreditation, role(s), (self-) image(s) and professional status of court interpreters in Greece

Despite the essential role of court interpreters in the administration of justice and asserting human rights, the profession in Greece is defined by the lack of these prerequisites that according to the literature are intricately linked with the professionalization process of interpreting, such as clarification of the role(s) of court interpreters, their professional status and an accreditation system. This is partially due to the complete lack of an ethical guideline, to the inadequate recognition of the profession and to the insufficient legal framework, which establishes no specific accreditation requirements for the recruitment of court interpreters, nor does it introduce any mechanism for qualifying them as such. As a result, almost anyone can be appointed as an interpreter in Greece, the quality of the delivered services is often questionable, court interpreters are confronted with a multiplicity of conflicting roles and ethical obligations, and their working conditions are poor. In order to illustrate how the above mentioned factors apply in the case of Greece, we used observation, on the one hand, and some of the empirical data acquired through our fieldwork with Greek judges and court interpreters, on the other hand. More specifically, based on the model of Mira Kadric (*Dolmetschen bei Gericht*, 2009), who conducted a questionnaire-based survey with the local court judges in Vienna, in order to record their opinions and expectations regarding the qualifications and role profile of court interpreters, we distributed a similar questionnaire to the judges of the Court of First Instance in Thessaloniki. At the same time, we addressed similar questions to Greek court interpreters, in order to define their point of view and/or self-image(s). In our paper, we will juxtapose the results of our surveys conducted in collaboration with the above mentioned groups and we will try to illustrate the current state of affairs in court interpreting in Greece and propose solutions to enhance the professionalization of the field in the country.

Isolahti, Nina
University of Tampere

Этика и профессионализм переводчиков в чрезвычайной ситуации в Финляндии [Ethics and professionalism in Crisis Interpreting in Finland]

Осенью-зимой 2015/2016 года Финляндия столкнулась с новой для страны экстренной ситуацией, вызванной миграционным кризисом в Европе. Только за три месяца (с сентября по декабрь) убежища в Финляндии попросило более 23,6 тыс. человек. К сравнению, количество просителей убежища за период с 1997 по 2003 годы составило в общей сложности 3,2 тыс., а за весь 2014 год - 3,6 тыс.

В кризисной ситуации возникла острая нехватка переводчиков с редкими в Финляндии языками, такими как курдский сорани, арабский, фарси. Для работы в качестве переводчиков привлекались непрофессионалы (ad hoc interpreters), знающие необходимые языки хоть на каком-то уровне. В выступлении кратко обрисую работу переводчиков в Распределительном центре просителей убежища в г. Торнио (Северная Финляндия) и коснусь этических и профессиональных аспектов работы ad hoc переводчиков в очаге чрезвычайной ситуации.

Isolahti, Nina & Mikhail Mikhailov
University of Tampere

Требование в грамматике и законе

Правовая норма является общеустановленным правилом поведения членов общества в конкретной обстановке. Правовая норма состоит, как правило, из диспозиции, содержащей правовое предписание, и санкции, предусматривающей последствия несоблюдения данного предписания. По характеру правового предписания большую часть норм можно разделить на запрещающие, обязывающие и управомочивающие. В данной работе остановимся на обязывающих нормах. В ходе исследования будут сравниваться средства выражения требования в законодательных текстах на русском и финском языках на материале сравнительного корпуса текстов российского и финского законодательства FiRuLex.

В языке существует богатый арсенал средств для выражения долженствования – от императивных форм и модальных глаголов (быть должным) до перформативов (требовать) и других лексических средств. Но языковые значения далеко не всегда совпадают с прагматическими функциями тех или иных конструкций юридических документов, например, в данных ниже примерах со словом "обязан".

(1) Поверенный обязан уведомить доверителя о допущенных отступлениях … (ГК РФ)

(2) … продавец обязан возместить покупателю понесенные им убытки, если не докажет, что покупатель знал или должен был знать о наличии этих оснований. (ГК РФ).

С точки зрения лингвиста оба примера имеют значение долженствования. С точки зрения юриста пример 1 относится к диспозиции правовой нормы и содержит правовое предписание к субъекту права. Второй же пример является санкцией на случай, если диспозиционное требование (в данном случае необходимость доказывания) не будет выполнено. Таким образом, выделение набора языковых средств выражения требования в текстах законов оказывается проблематичным, поскольку одни и те же лексемы и языковые конструкции могут выражать и требование, и рекомендацию, и запрет, и даже санкцию.

Это может показаться парадоксальным, но в юридических текстах форма императива практически не применяется для выражения требования. У русского императива нет формы третьего лица, а финский императив третьего лица является типичным средством для выражения санкции, а не требования. Чаще всего в обоих языках требование выражается имплицитно формой глагола настоящего времени.

Поэтому механическое выделение наборов средств выражения того или иного модального значения является тупиковым, поскольку не позволяет определить всего языкового репертуара и не дает количественных данных. Мы предполагаем, что для корректной работы необходимо найти набор предикатов при всех субъектах, обозначающих юридических и физических лиц. В грамматически аннотированном корпусе достаточно получить список существительных в именительном падеже, повторяющихся с частотой выше заданного порога. Далее производится поиск глагольных коллокатов для слов данного списка. Поиск позволит получить не только список средств, но и частотность их употребления.

Jacewicz, Iwona
University of Warsaw

Allen Menschen Recht getan, ist es wirklich eine Kunst, die niemand kann? Rechtsübersetzer als Hüter und Verräter der Kommunikations- und Rechtsgemeinschaften – eine besondere Herausforderung für die Translationsdidaktik

In dem Vortrag wird auf eine besondere Rolle des Übersetzers der Rechtstexte eingegangen, dem zugleich die Rolle eines Hüters und Verräters zufällt. Rechtsübersetzer haben nämlich eine doppelt so schwere Aufgabe zu bewältigen als Übersetzer der medizinischen oder technischen Texte, da sie im Rahmen ihrer Tätigkeit nicht nur die Kommunikationsgemeinschaft, sondern auch gleichzeitig die Sprachgemeinschaft wechseln müssen. Darüber hinaus müssen sie sich auch mit dem Phänomen der gleichzeitigen Mündlichkeit und Schriftlichkeit entsprechender Rechtstexte messen können. Die oben angeführten Themenbereiche werden in dem Vortrag am Beispiel der Strafurteile veranschaulicht. Zunächst wird auf Hauptschwierigkeiten der Rechtsübersetzung eingegangen, d.h. insbesondere auf die Rechtsvergleichung und Urkundenübersetzung als auch Informationsvoraussetzungen und Erwartungen der Ausgangstexts- und Zieltextempfänger. Nachfolgend werden Methoden der Übersetzung der Rechtstexte besprochen und an Beispielen veranschaulicht. Abschließend wird ein didaktisches Modell des Fachübersetzungsunterrichts zur Diskussion gestellt, das in drei Phasen, entsprechend der drei Phasen des Übersetzungsprozesses, gegliedert wird und am Beispiel der

praktischen Anwendung der Strafurteile im didaktischen Prozess detailliert besprochen wird.

Kadhim, Kais
University of Malaya

Translating legal texts from English into Arabic: Functional and Pragmatic Analysis

The main aim of this paper is to demonstrate how pragmatic and functional considerations are important in legal translation. The corpus the researchers relied on consisted of 20 translated versions of three authentic contracts. A Real-Estate Contract, a Contract of Lease and an Employment Contract were commissioned to be translated by three professional translators. The researcher will make use of Vermeer's Skopos theory and Vinay and Darbelnet translational procedures. This study has shown that, in general, mastering the technical terminology of the source and the target languages is insufficient to make a legal translator competent. Thus, pragmatic and functional consideration are important in legal translation and should be taken into account when determining translation procedures. In translating purely technical terms, literal or standardized translation can be adequate. Hence, pragmatic consideration might not be of much use since such terms are context-independent. On the other hand, semi-technical or mixed terms and everyday vocabulary in legal texts are context-dependent. Consequently, the legal translator should opt for a strategy that will enable him/her to convey the intended meaning.

KEYWORDS: Translation, legal translation, contract translation, pragmatics and function

Kakzanova, Evgeniya
Prof. Dr. (habil.) of Linguistics

Представление терминов-эпонимов в юридическом словаре
Presentation of eponym terms in the law dictionary

Много лет занимаясь терминами-эпонимами в мегаязыке науки, мы пришли к выводу, что чаще всего эпонимические термины встречаются в подъязыке математики (даже чаще, чем в медицине, в отличие от традиционных представлений). Эпонимом называется термин, который содержит в своем составе имя собственное (антропоним, топоним или мифоним), а также имя нарицательное в обозначении научного понятия (закон Вагнера). Также термин-эпоним может быть образован безаффиксным способом от имени собственного (антропонима, топонима или мифонима) путем метонимического переноса (Ампер). Третью группу составляют аффиксальные производные от имени собственного (антропонима, топонима или мифонима) (якобиан). Наши априорные знания о том, что язык права беден терминами-эпонимами, нуждаются в научных подтверждениях. С целью получения этих подтверждений мы подвергли сплошной выборке Русско-немецкий юридический словарь На 50000 терминов рассмотренного словаря приходится 33 термина-эпонима, что составляет 0,1%. Речь идет как об однословных терминах, так и о терминологических словосочетаниях. Нас удивил тот факт, что в юридическом словаре встретились термины, зафиксированные в нашем трехъязычном словаре интернациональных эпонимов и рассмотренные в рамках медицинского, политического и военного дискурсов Первый термин – это амнезия. В юридическом словаре он имеет помету «криминалистика». В криминалистике в получаемых от потерпевших сведениях возможны невосполнимые потери, когда вследствие чрезмерного нервно-психического напряжения вследствие совершенного преступления, т.е. наступает амнезия – частичное или полное необратимое выпадение из памяти пережитого события. Амнезия может появиться и в результате потери сознания, а также при кратковременном состоянии оглушенности, нередко наступающих после особо грубых физических воздействий преступников, которые могут сопровождаться контузиями и сотрясениями мозга различной степени тяжести, а также разными шоковыми состояниями. Название «амнезия» образовано от отрицательной древнегреческой частицы a- и корня mnesis – память. Древнегреческая богиня Мнемосина, или Мнемозина – это богиня памяти. Таким образом, производящей основой термина-эпонима «амнезия» является мифоним. Из перечисленных однословных эпонимов в электронном Большом юридическом словаре представлен только один – «гильотина». В то же время в указанном словаре встречаются однословные эпонимы «гипноз», «садизм» и «мазохизм». Термин «гипноз» образован от имени греческого бога сна Гипноса. Гипноз – это вызываемое внушением сноподобное состояние человека, сопровождающееся подчинением воли спящего воле усыпляющего (гипнотизера), а также сам способ такого внушения. Применение гипноза до сих пор не урегулировано в праве РФ. Лишь федеральный закон "О свободе совести" запрещает использовать гипноз в деятельности религиозных объединений. Правовая доктрина считает недопустимым применение гипноза при допросе. В докладе рассматриваются также эпонимические словосочетания, включенные в юридические словари и делается вывод о месте терминов-эпонимов в подъязыке права.

Kivilehto, Marja & Leena Salmi
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Evaluating translator competence: The functionality of the evaluation criteria in the Finnish examination for authorized translators

The system of certifying translators to translate legally valid texts in use in Finland was recently (2008) renovated from a translation test measuring language skills to an examination containing translation assignments. The examination consists of two translation assignments and a test on the candidates' knowledge of the authorized translator's professional practices (tested with multiple-choice questions). The translations are done on a computer; printed and electronic dictionaries, other reference material and the Internet may be used, but the use of machine translation, translation memories and personal contacts is not allowed. The tests are prepared and evaluated by evaluators authorized by the Finnish National Board of Education. The translations are evaluated using a predefined, two-fold evaluation system where translations are assessed both for their content and the quality of the target language.

In this paper, we examine the functionality of the evaluation criteria used as well as its consistency among evaluators. As material, we use assessments by the evaluators in several language pairs from the latest years.

KEYWORDS: Translator competence, evaluation of translator competence, translator certification

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The Multiple Faces of Legal Language

In his work *The Language of Law* Mellinkoff pointed out that "the law is a profession of words" (1963), i.e. a discipline drawing and depending on the intrinsic potential of the legal language. Yet, it also needs to be considered that every legal language is system-bound and that any aspect of a given legal language needs to be viewed in the context of the legal system and the wider legal culture in which it is embedded (de Groot 1998). Accordingly, this paper aims at shedding new light on the multiple dimensions of legal language which can be revealed when studying the various levels of Slovene, English, German and Italian legal texts from a contrastive perspective for translation purposes. In line with the sociocognitive approach to terminology we suggest analysing units of understanding expressed by simple terms, multiple elements terms and phraseology as depositories of knowledge providing information on the genre in which they occur, as well as on the relevant area of law, the legal system and the wider culture underlying the text. To this purpose, terminology mining as a crucial stage of the translation process is intended to be performed not merely as extraction of terms, but rather as their analysis, comparison and structuring, which reveals their verbal as well as extra-verbal dimensions. In the following stages of the translation process we propose expanding the focus and analysing further aspects of the contemplated legal languages from a contrastive perspective, i.e. addressing their syntactic, pragmatic and stylistic dimensions. This process which, to expand the metaphor of terminology mining, resembles archaeological excavation, will provide significant insights into the historical, ideological, evocative, status-conferring and common Latin background of the legal languages under scrutiny while heightening the sensitivity of legal translators to the multiple dimensions of legal texts and thus enhancing the quality of legal translation.

Kubacki, Artur
Pädagogische Universtität Krakau

Zertifizierung juristischer Übersetzer und Gerichtsdolmetscher in den deutschsprachigen Ländern und in Polen. Ähnlichkeiten und Unterschiede

Im Referat wird versucht, die Modelle der Beeidigung bzw. amtlicher Ermächtigung juristischer Übersetzer und Gerichtsdolmetscher in den deutschsprachigen Ländern (Deutschland, Österreich, Schweiz, Luxemburg und Liechtenstein) darzustellen sowie geforderte Berufsqualifikationen, Rechtsstellung wie auch das Zertifizierungsverfahren von staatlich vereidigten Übersetzern und Gerichtsdolmetschern zu vergleichen. Zuerst wird auf die bestehenden Ähnlichkeiten und Unterschiede in der Benennung des Berufs und in der Zulassung zu dessen Ausübung eingegangen. Dann wird das Prüfungsverfahren – soweit eine Prüfung zu diesem Beruf in dem jeweiligen Staat vorgesehen ist – genauer analysiert. Außerdem wird auch die pragmatische Seite dieses Berufs in den vorgenannten Ländern gezeigt, wie z.B. Vorhandensein von Leitlinien für die Anfertigung von Urkundenübersetzungen, Hinweise für das Dolmetschen bei Gericht, Honorarpraxis, Berufsverbände. Zum Schluss werden die EU-Vorschläge über die Vereinheitlichung von Bildung, Zertifizierung und Bestellung der zertifizierten Übersetzer und Gerichtsdolmetscher sowie über die Regelung der pragmatischen Fragen in diesem Beruf präsentiert.

Lai, Amy
University of British Columbia

Safeguarding Hong Kong' Legal Autonomy: Language, Oppression, and (un)translatability of legal terms

My presentation/paper will argue for the important role of English and Cantonese in legislation in enabling Hong Kong to safeguard its autonomy, both legally and politically, after its political changeover from Britain to China in 1997 and its becoming a Special Administrative Region of China. The Basic Law of Hong Kong stipulates that both Chinese (de facto Cantonese) and English are official languages in Hong Kong. During the British colonial era, English was the sole official language of Hong Kong until 1974. The exclusive use of English in legislation and in court proceedings resulted in a "linguistic apartheid" and has alienated Hong Kong's Chinese speaking local population from the legal system. Thus, from 1974 onwards, both English and Chinese (Cantonese) have been its official languages. Not only is legislation available in both languages, but "The Official Languages Ordinance (Cap. 5) enables any court in Hong Kong to use either or both of the official languages (i.e. Chinese and English) in any proceedings as it thinks fit. No matter whether English or Chinese is used in the proceedings, everyone has a right to use the language of his choice to give evidence. The court will arrange interpretation facilities." Since the changeover and particularly over the past decade, Hong Kong has undergone what is known as "Mainlandization," through which this former British colony has increasingly like Mainland China in terms of culture, due to the influx of Mainland Chinese tourists and immigrants. Meanwhile the Hong Kong government, mainly consisting of pro-China and/or China-affiliated officials, together with China-affiliated media networks and local businessmen keen on attracting Mainland tourists, has tried to displace local Hong Kong culture by Mainland Chinese culture through different means—some obvious, other more subtle (e.g. by replacing menus in traditional Chinese, which has been used in Hong Kong, with those written simplified Chinese, which has been used in Mainland China since the 1950s; replacing Cantonese-teaching with Mandarin-teaching at primary schools; injecting Mandarin terminologies and phrases in Hong Kong-based newspapers). Such displacement has drawn criticism and outrage from Hong Kong people. Hong Kong has enjoyed a strong legal system and an independent judiciary for many years, thanks to British colonization, as compared with Mainland China, in which the rule of law is still evolving due to its one-party political system. Over the past few years, there were nevertheless instances which give Hong Kong people strong reasons to fear that its robust legal system was under attack by strong pro-China political forces and the Mainland Chinese government. One example is the mistreatments by the police and the court of protesters involved in the Occupy Central (or Umbrella Movement)—a civil disobedience movement— in late 2014. It is within this context that my paper will argue for the adherence to English and Cantonese-Chinese legislation in enabling Hong Kong to safeguard its legal/political autonomy; when these languages are displaced and taken over by Mandarin-Chinese, then Hong Kong's legal system will collapse. There have been signs of attack to this system through linguistic means. One key example is the infiltration/introduction of new offenses, described in Mandarin-Chinese words and borrowed from the legislation in Mainland China, into the current system after the Occupy Central civil disobedience movement. The words of these new offenses are not comprehensible to Hong Kong Chinese, and can only be understood through paraphrases; moreover, as they are terms in Mainland Chinese and part of the mono-lingual legal system, they are not readily translatable into English—unlike the Cantonese-Chinese legal terms, which have immediate English equivalents in Hong Kong's legal system. Not only has this caused great anxiety to Hong Kong people, who fear that they will be charged with offenses with which they are unfamiliar, but this signals the breakdown of Hong Kong's legal autonomy. To maintain, or reclaim this autonomy, one of the effective strategies will be a linguistic one.

Liimatainen, Annikki & Anna Ruusila
Universität Tampere

Formelhafte Texte und formelhafte phraseologische Einheiten der Rechtssprache im Sprachenpaar Deutsch-Finnisch

Das Spezifische der Rechtssprache besteht darin, dass sie nicht international, wie die anderen Fachsprachen, sondern national ist, da sie an das Rechtssystem des jeweiligen Staates gebunden ist. Das Übersetzen juristischer Texte bedeutet demnach grundsätzlich den Übergang von einer Rechtswelt in eine andere. Neben den Kenntnissen in den Rechtssystemen der Ausgangs- und der Zielsprache muss der Übersetzer juristischer Texte aber auch über Kenntnisse in Bezug auf die Charakteristika der Rechtssprache verfügen. Für diese Fachsprache kennzeichnend ist die *Formelhaftigkeit* und *Festigkeit*. Unter *Formelhaftigkeit* wird eine in einer bestimmten Textsorte der Rechtssprache vorkommende Eigenschaft verstanden, die der juristische Laie erst dann entdeckt, wenn er mehrere in einer Originalsprache verfasste Texte derselben Textsorte gelesen hat. Wenn auch die Texte von mehreren nationalen Gerichten stammen, weisen sie innerhalb desselben Rechtssystems

einerseits immer dieselbe Struktur auf, andererseits treten auch gewisse Textstellen immer wieder in der gleichen oder fast gleichen Form auf.

Formelhaftigkeit und *Festigkeit* reichen von feststehenden Wortverbindungen bis zu mehr oder weniger umfangreichen formelhaften Texten. Charakteristisch für diese sind als gleich bleibende inhaltliche Komponenten, der relativ stabile Aufbau, die formelhafte Realisierung der Komponenten sowie die Verbindung des gesamten Textes mit einer Situation, die die Hauptfunktion des Textes bestimmt. Beim Übersetzen von juristischen Texten ist demnach nicht nur die Übertragung von einzelnen Rechtstermini aus der Ausgangssprache in die Zielsprache von Bedeutung, sondern auch die Berücksichtigung der Textsortenkonventionen. Rechtstermini können nicht isoliert verwendet werden, sondern sie verbinden sich mit anderen Wörtern und bilden mit ihnen mehr oder weniger feste Wortverbindungen, die als Phraseologismen betrachtet werden können.

Gegenstand unserer Untersuchung sind in diversen deutsch- und finnischsprachigen Textsorten des juristischen Fachdiskurses vorkommende Phraseologismen (formelhafte Kurztexte mit festen Strukturen, Phraseologismen mit unikaler Komponente, Kollokationen, Paarformeln und Routineformeln) sowie deren Funktionen und Spezifika. Rechtsprachliche Phraseologismen sind nicht nur für die juristische Textsorte typischer Sprachgebrauch, sondern für das Verständnis und die Produktion von sachgerechten und gültigen Texten unabdingbar. Ebenso wie die Rechtstermini beinhalten auch sie textexternes fachliches Wissen, und häufig wird in den Gesetzen, Rechtsnormen und Konventionen vorausgesetzt, dass bestimmte Formeln Verwendung finden, damit der Text fachlich gültig und korrekt ist und die gewünschte juristische Folge erzielt wird. Die Auslassung von rechtssprachlichen Phraseologismen verstößt gegen die Textsortenkonventionen und die Rechtsnormen.

Lindroos, Emilia & Stefan Kirchner
University of Lapland

The Right to a Fair Trial: Language and the Challenge of Guaranteeing Legal Certainty in Finland and Germany

Ensuring the right to translation and interpretation for persons who are involved in legal proceedings and do not understand the language used is a legal obligation. The right to a fair trial is enshrined both in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and in Article 47 of the Charter of Fundamental Rights of the European Union. On 20 October 2010, the European Parliament and the Council adopted Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings (hereinafter "Directive"). They aimed at establishing common minimum rules concerning interpretation and translation in criminal proceedings and in proceedings for the execution of a European arrest warrant (Article 1 of the Directive), and thus strengthening the right to a fair trial. But the right to translation and interpretation in itself is not enough to guarantee a fair trial if the services provided by translators and interpreters are not of a sufficiently high quality: according to Article 2 (8) and Article 3 (9) of the Directive, linguistic services provided "shall be of a quality sufficient to safeguard the fairness of the proceedings, in particular by ensuring that suspected or accused persons have knowledge of the case against them and are able to exercise their right of defence". Taking into account the diversity of the statutory regulation of translation and interpretation in the Member States of the European Union and the varying perceptions of 'quality', different measures have been taken on the national level to ensure that the interpretation and translation provided meet the level of quality required under Article 2(8) and Article 3(9). This article focuses on the multidimensional nature of the concept of 'quality' as a possible obstacle for ensuring the right to a fair trial. With an emphasis on the current situation in Finland and Germany, the article provides an investigation into different approaches to quality as well as different ways to safeguard the minimum quality of translation and interpretation deemed necessary to effectively guarantee the right to a fair trial in criminal proceedings.

Mantziara, Maria & Maria Dimitropoulou
Ionian University

Interpreting in the Greek Asylum System - A case study

The purpose of our paper is to examine the situation in and the conditions under which the interpretation in the asylum procedure in Greece takes place. In order to understand in depth the entire asylum procedure and to focus on the interpreting services provided during the interviews, we contacted the Greek authorities responsible for processing the asylum applications, i.e. the Greek Asylum Service and the Aliens Police Directorate of Attica, as well as "Metaction", the interpreting services provider and several migrant communities. The survey was carried out using questionnaires, distributed to both the Greek Authorities and the migrant communities, in Athens (from March to June 2015). On the first stage of our survey we proceeded with the analysis of each group-questionnaire separately. In a next step,

we compared the results which derived from said questionnaires. Setting this comparison as our basis, we reached some very interesting conclusions about the current situation regarding both the interpreters engaged in the Greek asylum system as well as the asylum setting itself. It should be highlighted that our conclusions include inter alia, the questions whether, upon arrival in Greece, the asylum seekers are aware of their rights concerning the interpreting services, if there is an interpreter present during the interviews and how the asylum seekers evaluate the communication between them and the interpreters. Moreover, we present the training that said interpreters have received and we examine whether they diverge from the strict framework of their work. Last but not least, after concluding the study and the comparison of the aforementioned results, we proceeded with the development of certain suggestions, such as improvements on the professional interpreters' training, definition of a general Code of Ethics for Interpreters and a catalogue of interpreters operating in Greece. These proposals will hopefully be materialized in order to improve and facilitate the asylum procedure.

Mouri, Masako
Kansai Gaidai University / Toyohashi University of Technology

How Court Interpreters Work – with Viewpoints of Bell's Theory

The numbers of criminals who are foreign nationals have been seen during the past decades in Japan in step with globalization. Accordingly, many legal interpreters have been hired in various sectors, e.g., immigration, customs, police, prosecutors' offices, courtrooms, detention centers and prisons. Court interpreters, in particular, have played quite important roles for foreign national criminals and they are only interpreters who have to interpret in front of the general public and anybody can see their performance. They must interpret anything that they face in any situation, including the language gap, gender differences, politeness and cultural differences, as well as discourses. Moreover, every word and translation can serve as evidence for all defendants. The legal participants involved in this situation, e.g., judges, prosecutors or legal counselors, however, have not understood the role of interpreters as mediators to avoid any misunderstanding related to language or culture, nor understand the sociolinguistic relationship base on the idea of Audience Design (Bell) among them including defendants and interpreters. On the contrary, they merely expect interpreters to act as word-by-word translation machines. Interpreters, particularly legal interpreters, are often viewed as machines, e.g. Reddy (1979) discussed the role of interpreters as conduits. However, interpreters must bridge all the gaps that occur under any circumstances.

The presenter as well as a researcher first would like to explain the current circumstances of court interpreters in Japan from Audience Design Framework (Bell) viewpoint, and discuss what happens at the courtroom and how interpreters work to communicate participants, such as speaker, addressee, auditor, overhearer and eavesdropper with authentic discourse data.

Määttä, Simo
University of Helsinki

Deconstructing Accuracy in Legal Interpreting

Accuracy of interpreting is a common topic both in public debates over legal interpreting and in legal interpreting research. In conversations among interpreters, it is not an uncommon topic either. The issue is becoming particularly important with the widespread use of remote-interpreting technologies. Besides, accuracy becomes quite problematic in settings in which the migrant and the interpreter communicate in a language that is not is not the migrant's first language. In Finland, this situation is common for example when the language of communication between the interpreter and the migrant client is English, French, Portuguese, Russian, Farsi, or Swahili. And finally, the issue of accuracy and the lack thereof in legal interpreting in Finland today is related to the fact that most legal and public service interpreters have little or no formal training in translation and interpreting theory and practice. At the same time, while there are numerous studies focusing on the issue of accuracy in legal interpreting, there is not enough reflection centering on the very foundations of the notion. In fact, most researchers, practitioners, service providers, and service users alike regard the concept as unambiguous and common-sense. The goal of this paper is to provide a critical reflection upon the notion of accuracy in legal interpreting. The ultimate aim is to develop research protocols that may help to bridge the gap between service providers' and interpreters' views of some of the key issues of the profession. First, I will provide a brief overview of the ways in which the issue of accuracy has been addressed in previous research on legal interpreting and asylum interpreting in particular. Second, I will analyze data from interviews I conducted with legal interpreters in Helsinki, Finland and my own participant-observation data as an interpreter. Third, I will analyze and deconstruct the notion of accuracy from three perspectives (lexical and textual accuracy, pragmatic accuracy, and affective accuracy) and three points of view (service provider, interpreter, and migrant).

Napier, Jemina; Robert Skinner, Lorraine Leeson, Myriam Vermeerbergen, Tobias Haug, Teresa Lynch, Heidi Salaets, Haaris Sheikh, Graham H. Turner, Liese Katschinka & Lourdes Calles
Heriot-Watt University

Justisigns: Access to justice for deaf sign language users

There is a growing body of literature that examines sign language interpreting provisions and practices in legal contexts in various countries (e.g., Brennan & Brown, 1997; McCay & Miller, 2005; Miller, 2001; Napier, 2011, 2012, 2013; Roberson, Russell & Shaw, 2011; Russell, 2002; Turner, 1995; Turner & Brown, 2001). The common theme in the results of all these studies is the limitations faced by deaf sign language users in gaining access to justice, either through inadequate interpreting provision, poor quality interpreting services, or lack of training, accreditation and standards for legal signed language interpreters and translators. The Justisigns project (2013-2016) conducted by a consortium of hearing and deaf researchers and signed language interpreter practitioners represents a ground-breaking initiative focussing on providing qualified and qualifying sign language interpreters new competencies in interpreting within a legal setting. The remit of the project was to develop training courses to be made available to sign language interpreters, legal professionals and deaf sign language users in Ireland, Belgium, Switzerland, and the UK. In addition the project developed: a European guide for interpreters practicing in legal settings; a European guide for legal professionals working with Deaf communities and signed language interpreters to improve their communication skills; an information tool-kit for deaf people in the national sign language to better understand the legal framework in each country; European outreach seminars and awareness sessions; project information leaflets; training posters with practical legal/sign language/Deaf culture & communication tips; and case studies of best practice and experiences from deaf users. This mixed-methods study involved surveying deaf people, interpreters and legal professionals through questionnaires, focus groups and interviews, as well as conducting a qualitative linguistic case study analyses of signed language interpreter-mediated legal communication, with a view to informing the development of the training courses and other deliverables in the project. This presentation will provide an overview of the data that was collected, and some of the challenges reported by deaf people, interpreters and police officers in ensuring that police interviews go smoothly. We will make recommendations to ensure best practice in sign language interpreting provision in police settings in Europe, and a summary of the training materials developed, which will go some way towards future proofing legal sign language interpreting standards and access to justice for deaf sign language users.

Nartowska, Karolina
Universität Wien

The court interpreter in criminal proceedings: a guarantor of a fair trial and a guardian of human rights?

The importance of an interpreter in criminal proceedings is stressed by regulations of international and Community law: European Convention on Human Rights as well as Directive 2010/64/EU of the European Parliament and the Council guarantee the right to interpretation and translation for each person charged or accused who does not speak or understand the language of the criminal proceedings. Interpreters are joining the footlights, for the right to oral interpretation is an indispensable element of a fair trial. Thus, interpreters should guarantee a person speaking a foreign language the right to ask questions, the right to an effective defence and also allow her/his presentation of the case as well as active participation in the trial. This paper examines to what extent court interpreters take on this key role in a given court interaction and whether interpreters guarantee a fair trial and guard human rights. For this purpose, two interpreter-mediated criminal proceedings, each at an Austrian and a Polish court, were audio-recorded and the transcriptions of the hearings were subjected to a Critical Discourse Analysis. The analysis demonstrates that the appointed interpreters not always fulfil their crucial role resulting from legal provisions and do not allow the defendants speaking a foreign language their active participation in the trial. However, the court interpreters take on roles outside their profession; they are independently acting interaction partners and significantly influence the court proceedings. The analysis shows that the assistance of an interpreter in the courtroom alone is not always a means of guaranteeing equality under law.

Arja Nurmi
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The file shall be stored for at least ten years – Translating deontic modality in legal texts

Deontic modality, expressing obligation, is one mainstay of all directive texts, including laws. In English legal texts, a typical finite verb phrase consists of a modal auxiliary +

be + past participle, with *shall* as the most frequent modal auxiliary (Hiltunen 1990: 75). Huddleston and Pullum (2002: 175–177) describe modality in terms of kind and strength. In their classification, the kind of modality refers to e.g. epistemic or deontic, while the strength of modality indicates, for deontic uses, the pragmatic strength of an utterance, where e.g. a semantically strong modal may be weakened in its context into a polite offer. Recognising the deontic kind of a modal expression and its strength is vital to translating legal texts, as it is important to reproduce a similar kind and strength of expression in the target text.

The Finnish Ministry of Justice has instructions for translating Finnish laws into foreign languages. These instructions include recommendations for the use of *shall* when translating from Finnish into English (Oikeusministeriö 2010: 3). While any translation into English is unofficial, there is an increasing body of translations available. In this study I use a corpus of all the Finnish laws and degrees translated into English (4 million words), comparing the source texts to the target texts. My particular focus is *shall*, and I will describe how well translators' practices follow the recommendations for its use.

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Parianou, Anastasia
Ionian University

Rechtsphraseologismen und Translation oder Wie bringt man die doppelte Verschachtelung unter einen Hut?

Fachphraseologismen als „gespeicherte komplexe bedeutungstragende sprachliche Einheiten" (Schindler 2015) sind fester Bestandteil der Fachsprachen. Trotz der immer umfangreicheren Definitionskriterien kann nicht immer mit Sicherheit gesagt werden, in welchen Fällen es sich in der Fachsprache tatsächlich um einen Phraseologismus handelt, genauso wenig wie die Frage nach der phraseologischen Ober- und Untergrenze beantwortet werden kann. Gläser (2007: 487) definiert den Fachphraseologismus allgemein als „in einem bestimmten Bereich der Fachkommunikation lexikalisierte, usuell verwendete, verfestigte und reproduzierbare Wortgruppe". Im Rahmen der kontinuierlichen Erweiterung des Gegenstandsbereichs der Phraseologie in ihre pragmatischen und kulturellen Aspekte werden die engen Phraseologiedefinitionen gesprengt (Kuhn 2007: 627), ja es sei „weder möglich noch wünschbar, eine exhaustive Klassifikation und entsprechende Terminologie zu erstellen" (Burger / Dobrovol'skij / Kuhn / Norrick 2007: 6). Wie verhält es sich mit den Rechtsphraseologismen innerhalb eines wenig erforschten Fachgebiets und eines kaum mehr als vagen Definitionsrahmens? Zunächst sind der juristische Fachterminus und gleichzeitig der Fachphraseologismus auszumachen. Auch sind Fragen zu beantworten, wie z.B. ob als juristische Phraseologismen nur diejenigen mit einer fachspezifischen Funktion gelten (Lindroos 2015: 197). Anders als bei den Allgemein- und einigen Fachphraseologismen müssen sich die ÜbersetzerInnen von Rechtstexten dieser doppelten Verschachtelung bewusst sein, der fachlich-juristischen („juristische Lesart", Hudalla 2012: 110) und der sprachlich-phraseologischen. Diese doppelte Funktion des Rechtsphraseologismus bringt zusätzliche Probleme für die Übersetzung von juristischen Fachphraseologismen mit sich, denn sie „sind keine dekorativen Elemente der Sprache, sondern verkörpern Rechtsinhalte und damit die Macht, durch Sprache Realitäten zu schaffen" (Hudalla 2012: 106). Die Untersuchungen auf diesem Gebiet sind noch recht dürftig und können mit einem „Flickwerk von Pilotstudien" (Lindroos 2015: 196) verglichen werden. Den ÜbersetzerInnen stehen in diesem Zusammenhang meist ein- oder zweisprachige (elektronische) Nachschlagewerke zur Verfügung, die selten Rechtsphraseologismen erklären. Erschwerend kommt die Bindung an die unterschiedlichen Rechtssysteme hinzu, die ein wichtiges Stück nationaler Identität darstellen (Grass 1999: 119), was z.B. in den Rechtsparömien zum Ausdruck kommt. Bei der Übersetzung von Rechtsphraseologismen muss besonders auf diese „doppelte Lesart" (nicht im Sinne von Burger 1998: 59ff.), d.h. auf die Verschachtelung von Phraseologie und Terminologie geachtet werden, worauf in diesem Beitrag mit Beispielen eingegangen wird.

Prieto Ramos, Fernando & Lucie Pacho Aljanati
University of Geneva

Facilitating Access to EU and International Law through Translation: A Comparison of Institutional Practices

Translation is a key component of multilingual supranational and international lawmaking processes, as translators give shape to binding EU and international legal instruments in different languages. Legal interpretation at EU and international courts is also marked by multilingualism: interpretation criteria are applied through judgements that are translated themselves, and determine the way in which meaning

is built for each multilingual instrument. This can involve comparing different language versions or, at times, resolving discrepancies between them. Previous studies have highlighted the need for cooperation between legal and language professionals in processes of lawmaking and application, precisely because law and translation are intertwined in these processes. In that context, high-quality legal translation facilitates equal access to the law in different languages, with implications for legal predictability and legal certainty. The paper will address how translation is integrated into the creation and application of multilingual law, and whether legal translation expertise is acknowledged and sufficiently exploited for the sake of legal certainty. The relationship between different actors and stages of legal text production and interpretation will be compared across three main text groups and procedures (lawmaking, monitoring and judicial) at three organizations (European Union, United Nations and World Trade Organization). These comparative results are part of a large collective project designed to provide evidence-based recommendations for the practice of institutional legal translation.

Salaets, Heidi & Katalin Balogh
KU Leuven, campus Antwerp

Legal interpreting in the EU: interdisciplinary research and dissemination

It is a self-evident fact that the 2010/64/EU Directive on the right to translation and interpretation in criminal proceedings is a means of guaranteeing equality under law. Since Tampere has been one of the starting points for the EU (Tampere summit 1998) to establish in all EU Member States guarantees and mechanisms for compliance with procedural safeguards in criminal proceedings, the present conference offers a perfect opportunity to reflect on past and current accomplishments in this field. Although in the meantime a long DG Justice research tradition has been established for over 15 years (see EULITA http://www.eulita.eu/european-projects), the Status Questionis publication (Hertog & Van Gucht (eds.), 2008) was a first eye-opener. After almost 10 years of research, the Agis project wanted with this publication to map the provision of legal interpreting (and translation) in Europe. With 194 responses (out of 1119 questionnaires distributed) it showed not only that Member States were not really concerned with legal interpreting, but also that insights and recommendations of the research projects had not reached the users of legal interpreters, mainly legal actors and/or the institutions/authorities. Nevertheless, the EC itself has continued its efforts to improve procedural safeguards by issuing the 2010/64/EU Directive. Now, the question is to know to what extent the EU Member States have implemented this important Directive. The 2014 CEPEJ (European Commission for the Efficiency of Justice) report entitled "European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice" (http://pdfcrop.biz/ebook/title/CEPEJ-2014-Evaluation-report-on-European-Judicial-.html) is not very promising. Chapter 16 (pp. 452-461) focuses on court interpreters and states that in not less than 13 states or entities the title of court interpreter is neither protected or regulated (p. 456), Belgium being one of them. Therefore, we want to show through a historical overview of the research done that there is an urgent need to work in a more interdisciplinary way. Although research has explored this path since decades, it apparently is still not the case when speaking about collaboration between interpreting, law and psychology research departments and police academies. Hence, research projects with different stakeholders involved like ImPLI, Co-Minor-IN/QUEST and TraiLLD recommend on the one hand joint training sessions with different professional groups and on the other hand closer cooperation with the authorities (Ministries of Justice and Home Affairs) in order to meet the changing needs. This presentation will be a step towards more effective interdisciplinary work and will discuss strategies to increase multidisciplinary cooperation: more effective dissemination by involving the interpreter users in research or organizing joint training, to name just a few.

Schlüter-Ellner, Corinna
BDÜ, SDI München

Beglaubigte Übersetzungen in Deutschland

Wenn der Kunde es so in Auftrag gibt oder wenn die deutschen Vorschriften für Gerichts- und Behördenverfahren es vorsehen, dass ein „nach landesrechtlichen Vorschriften ermächtigter Übersetzer" „die Richtigkeit und Vollständigkeit seiner Übersetzung bescheinigt", hat man eine „beglaubigte Übersetzung" anzufertigen. Der Verweis auf die landesrechtlichen Vorschriften hat zu einem uneinheitlichen System in der Bundesrepublik Deutschland geführt. In einigen Bundesländern ist nicht einmal die Bezeichnung „beglaubigte Übersetzung" erlaubt, weil Übersetzer im Rechtssinn nicht beglaubigen. Dort muss man die Bezeichnung „bestätigte Übersetzung" verwenden. Die Anforderungen an die fachliche und persönliche Eignung, die für die Ermächtigung zur Begutachtung der eigenen Übersetzung als richtig und vollständig vorausgesetzt wird, sind ebenfalls von Bundesland zu Bundesland verschieden. Die Dolmetschergesetze der Bundesländer stellen zudem ganz unterschiedliche Forderungen an die Formalitäten, beispielsweise in Bezug auf die Formulierung der Beglaubigung oder die Verwendung von Stempeln, die Übersetzung von Auszügen

oder die Bescheinigung von nicht selbst angefertigten Übersetzungen als richtig und vollständig. Weitere Formalitäten wie der Umgang mit Abkürzungen und Eigennamen, nichtlateinischen Schriften, Fehlern im Original, die Reproduktion des Layouts, das Verbinden mehrerer Blätter sind in den Gesetzen nicht geregelt. Dazu gibt es in einigen wenigen Bundesländern Richtlinien zum „Urkundenübersetzen“, wie dieser Bereich des Übersetzens auch genannt wird, allerdings haben sie meist nur Empfehlungscharakter. Diese Lücke füllt der Berufsverband BDÜ mit einer Allgemeinen Leitlinie für das Urkundenübersetzen.

Schnell, Bettina & Nadia Rodríguez
Universidad Pontificia Comillas Madrid

La formation en traduction juridique: franchir le fossé entre le monde académique et les défis du marché professionnel

Une revue de la bibliographie sur la formation en traduction juridique révèle une importante controverse entre les experts de la traduction et les professionnels du droit quant à savoir, si les diplômés de droit ou diplômés de traduction sont plus susceptibles d'être en mesure de fournir la traduction juridique d’ haute qualité. Ioannis Manganaras du Bureau de traduction du Ministère grec des Affaires étrangères va même jusqu'à dire que le diplômé de droit avec une connaissance d'une langue étrangère est un traducteur juridique alors qu’un diplômé de traduction ne l’est pas et il affirme que la nouvelle approche de la formation en traduction juridique devrait viser la formation de juristes en traduction et non pas la formation de traducteurs en droit. En tant que formateurs en traduction juridique nous ne souscrivons pas à ces propos, bien au contraire, nous partageons le point de vue de Prieto Ramos (2011: 19) que les «généralisations selon lesquelles les diplômés de droit soient de meilleurs candidats pour la traduction juridique que les diplômés de traduction sont plutôt simplistes" car les deux collectifs possèdent des compétences de base à la seule différence que ces compétences appartiennent à deux domaines d'expertise différents. Ainsi, en présumant que la compétence de traduction juridique peut être acquise et développée dans le cadre de la formation universitaire, la conception et le contenu du plan d’étude devient donc un enjeu déterminant, compte tenu de la nécessité d’établir la portée de la formation dans les domaines du droit et de la traduction, la mise en place de méthodes pédagogiques efficaces afin d'améliorer le développement de la compétence de traduction juridique et afin de satisfaire aux exigences du marché de la traduction. L’objectif de cette contribution est de présenter une approche intégrée de formation au niveau mastère, permettant la formation conjointe d’étudiants ayant un profil de droit ou de traduction au sein d'un seul programme interdisciplinaire en prenant en considération leurs besoins de formation spécifiques. L'accent est mis en particulier sur la structure du plan d’études et ses principales composantes de formation. En outre, une attention particulière sera accordée à la participation d’enseignants juristes et d’enseignants traducteurs, l'importance des stages préprofessionnelles, la pondération des composantes de formation en termes de crédits ECTS, ainsi que les aspects d’ordre méthodologique, à savoir la relation entre la théorie et la pratique ainsi que l’éventail de textes juridiques à traiter.

Schopp, Jürgen F.
University of Tampere

Der „autorisierte Übersetzer“ und das translatorische Paradox

In kaum einem anderen translatorischen Bereich herrscht eine solche terminologische Unschärfe und eine Vielzahl an z.T. widersprüchlichen Benennungen und deren Übersetzungen wie beim Urkundenübersetzen. Die Gründe dafür liegen einerseits in den unterschiedlichen Rechtsordnungen im deutschsprachigen Raum (Deutsche Bundesländer, Österreich, Schweiz), die sich im Zulassungs- bzw. Ermächtigungsverfahren und in den Benennungen für die Tätigkeit der Urkundenübersetzer widerspiegeln, z.T. aber auch in einem mehr oder weniger reflektierten Verständnis vom „translatorischen Handeln“ (Holz-Mänttäri 1984) des Urkundenübersetzers. So heißt der Titel je nach Bundesland bzw. Nationalstaat „vereidigter“, „beeidigter“, „ermächtigter“, „öffentlich bestellter Übersetzer“ etc. Mit der deutschen Übersetzung des finnischen Titels „auktorisoitu kääntäjä“ als „autorisierter Übersetzer“, tritt ein weiterer Terminus hinzu, der auf der Benennungsebene in Konkurrenz zu dem im Bereich des literarischen Übersetzens etablierten Begriff der „autorisierten Übersetzung“ steht und somit ein Phänomen sichtbar werden lässt, das ich „das translatorische Paradox“ nenne. Damit bezeichne ich die Tatsache, dass bei interlingual-interkultureller Übersetzung aus semiotischer Sicht verlangt wird, mit Benennungen (d.h. Wörtern, Phraseologismen) der Zielsprache Begriffe der Ausgangskultur so wiederzugeben, dass sich der zielkulturelle Adressat einen Begriff bilden kann, der die wesentlichen Merkmale des ausgangskulturellen Begriffs enthält, ohne diesen automatisch mit ähnlichen, funktionsgleichen zielkulturellen Begriffen gleichzusetzen oder durch Übersetzung auf der Benennungsebene („Sprachübersetzung“) zur Bildung von Faux ami, d.h. zu gleichen bzw. einander ähnelnden Benennungen für in zwei Kulturen unterschiedliche

Begriffe zu führen. Als weiteres Zeichen für unzureichende Reflektion und mangelnde Professionalität können Titel und Bekräftigungsformel der Urkundenübersetzungen gesehen werden: In vielen deutschen Bundesländern werden Vollständigkeit und Richtigkeit der Übersetzungen vom Übersetzer selbst „beglaubigt", in anderen dürfen sie lediglich „bestätigt" werden. Der Beitrag diskutiert anhand der genannten Beispiele den Professionalitätsgrad und das translatorische Berufsverständnis im Bereich Urkundenübersetzen, wie er sich in Ausbildung und Praxis widerspiegelt.

Sibul, Karin
Tartu University, Estonia

The Estonian discourse on legal interpreting in Estonia during political transition (1987-1997)

This presentation aims to provide insight into the history of legal interpreting in Estonia. The author, a conference interpreter, reflects on its evolution, offering an insider's view on terminological preparation for legal interpreting assignments in an Estonia under transition (1987-1997). The theoretical framework is based on the notion of symbolic capital as defined by French sociologist Pierre Bourdieu. Under his definition, the interpreter is an agent who has the privilege of contributing to the field in which the interpreter operates, and is thus associated with the creation of symbolic capital (Sibul 2015). The interpreter's professionalism lies partially in the invisibility of the act of interpreting, facilitated through terminological fluency, while the terminological preparation remains invisible as well. When interpreting the interpreter contributes (invisibly) to symbolic capital, producing "expressions, which are highly valued on the markets concerned" (Thompson 1997, 18). The empirical material for this presentation is based on the author's interpreting logbook, which covers her 38 years (1977-2015) as a conference interpreter and contains every interpreting assignment she has ever completed, including 174 in the legal field (682 workdays). This presentation will develop its argument by first introducing the changing framework during the transition period in order to analyse the environment that necessitated legal interpretation: law enforcement (22 jobs, 232 days) and judicial interpreting (26 jobs, 60 days). It then goes on to focus on the dilemma of non-existent legal terminology during the changeover from one legal system to another; this was also the pre-Internet era and available reference sources were scarce. The author has compiled hundreds of glossaries, one of the largest being of legal terminology (about 20,000 terms). The author's expertise was used to edit the English-Estonian terminology in the multilingual Law Dictionary (1998). The author's research led to the discovery that due to the lack of LSP dictionaries, interpreters prepared themselves by compiling glossaries, taking note of new terminology while interpreting and consulting with specialists.

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Tuhárska, Zuzana
Matej-Bel-Universität in Banská Bystrica

Methode der Korpusanalyse in der Übersetzungspraxis

Das Ziel des Beitrags ist es, darauf hinzuweisen, welche Möglichkeiten die Methode der Korpusanalyse für die Übersetzungspraxis leisten kann. Anhand einer kontrastiv ausgerichteten Textanalyse wird unter Anwendung von Daten-Beispielen aus dem Bereich der juristischen Texte auf verschiedene Ebenen (Lexeme, collocations, clusters) fokussiert. Die Paralleltexte aus dem Bereich des EU-Rechts bilden eine empirische Basis, in der die Bestrebungen zum Ausdruck kommen, passende Äquivalente für die sich aus der Divergenz der Rechts- und Verwaltungssysteme ergebenden Inkongruenzen in der jeweiligen Zielsprache zu finden. Der vergleichende Blick (L1 - L2) soll anhand der konkreten Beispiele und Korpusdaten die Verbindung zwischen Theorie und Praxis bzw. zwischen der Wissensbasis und translatologischer Praxis zeigen und zugleich auf das Potenzial hinweisen, welches die Anwendung der Korpusanalyse in Bezug auf Translationsprozess in sich trägt. Im Vordergrund stehen dabei die Prinzipien der Authentizität und Rekurrenz, mittels denen die Spanne zwischen Konventionalisierung und Normiertheit erfasst werden soll.

Vermeiren, Hildegard
Ghent University Belgium

How Asylum Procedures are influenced by language ideologies in the Belgian context

Issues of asymmetry, entextualisation and aspects of interpreting in Belgian asylum registration and hearings have been investigated by linguists (Gómez Díez, Jacquemet, Maryns), while ideological frames (intruders vs. victims) concerning asylum-seekers in Belgian newspapers have drawn the attention of communication scholars (Van Gorp).

In 2013 72.9 % of the 15.840 asylum applications in Belgium were rejected by the Office of the Commissioner General for Refugees and Stateless Persons (OCRS); 11.699 applicants lodged an appeal. Oral and written data from both Belgian Courts of Appeal offer us a unique insight into a series of sociolinguistic issues concerning asylum applications. In Belgium asylum procedures are subject to the language legislation in the Brussels area where all applications are forwarded to. Decisive for the selection of the language in which the application will be processed is the so called personality principle. Within this framework asylum applications are processed either in Dutch or in French further to the applicants' will or the administrative decision made at the outset of the procedure. Although this allows for a significant workload distribution, it also results in a series of barriers. Reasons for unsuccessful applications and appeal procedures include: Administrative errors: the language in which the application will be processed has changed without any previous notification. Language barriers: should the application be processed in Dutch, it is very likely for the candidate to require two interpreters to assist with his/her language barrier. This might often generate difficulties in communication, as some interpreters have very limited command of Dutch, which, unlike French, is not a lingua franca. Choosing French however might be a problem for applicants whose knowledge of this lingua franca is not proficient enough for sustaining hearings, and who by making this choice lose the right to an interpreter.

An additional barrier are language ideologies (Blommaert, Wodak, Woolard, Schieffelin et al.): In Flanders the intruder-frame applies, whereas Wallonia opts for the victim-frame. This might have repercussions on different levels. In this paper I investigate whether the selection of French or Dutch as the language in which the procedure will be conducted may affect the possibility of granting the refugee status to applicants. The data used for this study, both oral and written, come from 100 cases from the first court of appeal and from 50 cases from the second court of appeal.

Viljanmaa, Anu & Anna Mäntynen
University of Tampere

The Code and the Culture Revisited: In Search of Court Interpreters' Ethics in Finland

What is the current understanding of the interpreter's ethics among interpreters working in Finnish courts today? Inspired by the seminal action research paper "The Code and the Culture: Sign Language Interpreting – in search of the new breed's ethics" by Granville and Tate (1997) on sign language interpreters' understanding and appliance of their Code, this paper looks at the ethics of court interpreters in Finland today. The paper revisits the idea of Granville and Tate's original research in a different time, location and setting. It focuses on the ethical decisions and deliberations made by spoken language court interpreters in their daily practice. The aim is to explore what practitioners themselves understand as "the spirit" (Tate & Turner 1997) of the code of conduct or ethics of the interpreter.

At the moment there is a very heterogeneous group of interpreters working in the Finnish courts. The training background of interpreters working in Finnish courtrooms ranges from "learning by doing" to short-term courses on interpreting, to university degrees in translation studies, linguistics, and other majors. One reason for the different educational backgrounds has been the (lack of) training offered in certain language pairs. Following the application of EU Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings, the Finnish president signed the Law for a National Registry of Court Interpreters in Finland, in December 2015. The ethical guidelines for court interpreters working in Finland are also currently being updated.

Using a questionnaire study that poses concrete ethical case examples to court and community interpreters working in Finland, the authors examine the role of training, languages and cultural differences in the handling of ethical dilemmas. The main research question of the paper concerns whether different educational backgrounds and knowledge on the interpreter's ethics become visible in the interpreter's deliberation and actions in ethically challenging situations. Are there different trends or a different ethical awareness to be seen between interpreters who share either an educational or a cultural background, or is there a common shared understanding of the spirit of interpreter's ethics between most practitioners, regardless of their backgrounds?

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Whithorn, Nicholas
University of Messina

Issues arising from the translation and legal interpretation of Italian anti-mafia terminology in extradition cases

Culture-bound or system-bound legal terminology is notoriously problematic for translators to deal with, as it expresses concepts that often prove difficult to transfer adequately from one language/culture to another. This issue is of particular interest in areas requiring substantial international cooperation and coordination on legal matters across a wide range of cultures and languages, such as in the fight against international organised crime. The terminology of Italian anti-mafia laws refers to a phenomenon embedded in a peculiar social and legal context and serves the needs of Italian authorities in attempting to combat this very specific type of criminal enterprise. The illegal activities of mafia-type organisations are no longer restricted to Italy, however, and they have expanded to become some of the most widely recognised and notorious organised crime groups in the world. When mafia suspects are apprehended outside of Italy, and extradition proceedings are initiated, problems may arise as a result of how Italian legal terminology is interpreted in the foreign jurisdiction. This happens because the terminology in question conveys specific legal content and concepts peculiar to the Italian system and thus the principle of double criminality may come into play, particularly in jurisdictions adopting common law or 'mixed' systems. Even within the European Union, despite the fact that 'participation in a criminal organisation' is one of the categories of crime for which double criminality does not apply under the European Arrest Warrant (as specified by Council Framework Decision of 13 June 2002), inconsistent translation and use of the relevant terminology sometimes creates obstacles to the extradition of mafia suspects. This paper begins with a brief general consideration of the implicit legal content and concepts conveyed by Italian anti-mafia terminology and the problems faced when translating into other languages. Specific examples of translation used in European laws (and in national legislation incorporating European law) are then examined, as well as the terminological, translation and consequent legal interpretation issues that have arisen in particular extradition cases from various jurisdictions.

Więcławska, Edyta
University of Rzeszow

Chasing the impossible: examining consistency in the translation of legal performatives

In an attempt to test the consistency in the translation of recurring legal formulae carrying illocutionary force this paper aims at presenting the results of an empirical study conducted on the corpus of the parallel legal texts, i.e. English documents and their Polish translations. The discussion presented points to the complexity and special character of communication in the domain of law. In order to produce legal effect the texts are not only intended to provide description or state facts but they also have performative force. Building on previous research on the translation problems and the specificity of legal language (i.a. its interdisciplinary character, normative conditionings, its performative aspect), the investigation takes account of different cultural backgrounds of the English texts. The purpose is to trace the mainstream patterns in the translation procedures in point and to identify the scope of tolerance adopted by the Polish courts, as regards the acceptance of the variety of the relevant target language equivalents in point.