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Linguistic Insights
Studies in Language and Communication

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Legilinguistic Translatology

A Parametric Approach
to Legal Translation

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Introduction

Purpose, scope and methodology of research

Legal translation is considered one of the most difficult tasks as far as translation of texts formulated in languages for special purposes is concerned. This is due to the fact that legal texts are rarely formulated in legal language only. Moreover, there is a wide variety of branches of law and text genres functioning in them. Finally, legal systems of different countries vary. Consequently some language pairs are easier to translate from and into, whereas others are more difficult and challenging. It happens so especially when the translator deals with e.g. a common law / civil law language pair.

The translation of legal texts poses numerous problems encountered in the translational enterprise. The research has been inspired by numerous quandaries faced by translators of legal texts in Poland and abroad. The aim of this research is, on the one hand, to show how the existing theories of translation and linguistics may be adapted to legal translation and, on the other hand, to formulate a more formally advanced theory of legilinguistic translation. In other words, this work is to inquire into some difficulties which translators have to deal with while striving after securing translational equivalence.

With the purpose of making the process of legal translation accessible to investigation, I will resort to the parametrization of translational reality as an inalienable component of my translational theory being proposed here for consideration. My aim is to propose a more precise theory of legilinguistic translation which may enable us to clearly distinguish primitive terms and postulates. The latter specify the image (model) of the reality in question in terms of relevant dimensions used to characterize the following translational objects and relations:

- (i) the impact of the author on the source text,
- (ii) commissioner's impact on translation,

- (iii) translator's competences,
- (iv) source and target text properties,
- (v) source and target communicative communities and their impact on rendered translations.

The dimensions secure a systematic examination of the translation reality and process.

In order to illustrate the practical application of the parametrization in legal translation, I will limit my discussion concerning translation approach to certain selected types of legal communicative communities which are amply exemplified. The research is based on data and information gathered during an in-depth case study of translations and parallel text corpora mainly in the field of civil law including insolvency and bankruptcy law. The proposed approach to a theory of legal translation will be illustrated with its practical implementation in the process of translation.