

A DUAL PERSPECTIVE IN LEGAL TRANSLATION

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The article describes, on the basis of hermeneutics, the specific perspective from which a translator may approach legal texts, as translation is seen as a personalized activity. Different text types are rooted in a specific legal system and fulfil their function within a special field of law, and the cultural and legal background is evident in linguistic aspects on a textual level.

Comparative law carries out research on the differences in legal concepts, whereas translation studies and practice use this knowledge as a basis for work. Legal terminology has various levels of abstraction and appears in texts along with general language words. Fields of orientation for the translator are presented here, such as legal contexts, genre, concepts and style. This should be combined with proficiency in writing according to the text function, terminology and standard formulae. The translator tries to make source cultural and legal aspects transparent for target readers, as translation is always a means of comprehension that furthers communication.

1. INTRODUCTION

Any person who translates is confronted with the task of understanding a given text in order to present its content in another language for readers from a different culture. There is a holistic approach to texts where individual aspects are seen in their specific role within a whole entity. This view is different from the idea of various “stages ... when translating legal texts” (Kocbek 2012, 64). Instead of analyzing certain structures of a source text as a reference to extra-textual phenomena (culturemes, behaviourmes, memes, skopoi, etc.) (Kocbek 2012, 65), we understand a legal culture as the background of a text, which influences its specific forms. Text analysis for translation, therefore, is top-down, running from the context towards the appearance of the language.

The focus of scholarly reflection is on the translator’s cognition and activity in relationship to the surrounding cultures and the subject fields represented in texts. The

translator, hence, needs special competence, and this situates our theoretical approach within the paradigm of philosophical hermeneutics that reflects on the conditions of comprehension as a human outlook towards the world (Stolze 2012, 30). Hermeneutics explores the possibility of understanding otherness, and this is central for the task of translating, which cannot be reduced to merely an interlingual transfer in the sense of replacing “the chain of signifiers that constitutes the source-language text... by a chain of signifiers in the target language” (Venuti 1995, 17). There is only a minor difference as to the reference point between text production as writing and text production as translating (Dam-Jensen, Heine 2013, 89).

The point of departure for translational hermeneutics is the awareness of the fact that a translator can only translate what and how he or she has understood it. Translation, in practice, is a task yet to be performed, and no methodological steps can be yet put into use. What one can do, however, is to describe some points of orientation in the world of texts for the translator.

2. DIFFERENT ACADEMIC DISCIPLINES

The focus of scholarly discussion concerning “translation and the law” is first and foremost on two different academic disciplines – Translation Studies and Comparative Law. These academic disciplines do specific research – either on translation theories or on legal systems, and the relationship between both concepts – law and translation – is somewhat unclear at first glance.

Law, according to its purpose, is a system of social conventions defined by legislation that regulates the orderly living together of people within their culture. It is a legal order that has been created and developed in history, either by constitutions or by judicial sentences. All aspects of life, which include things like dealing with offences and crime, public administration, trade, family affairs, and education among a host of others, are governed by laws and legislation. These rules can apply both on a national basis or on an international basis. In addition there is also supranational law. We cannot translate “law” as such, but what we can do at the beginning is to compare legal systems. Comparative Law is an important field of research today and it focuses on the differences in legal concepts (Sacco 2001). At first sight, all nations seem to have the same human values: *internal peace, justice, status of persons, public order, freedom of speech and of religion, fair trade, recognized education, punishment of crimes*, etc. But the respective ideas are not identical everywhere and their legal treatment is different according to the cultural and political background. The difference between existing legal systems is mainly visible in the central concepts regarding those values. What’s more, problems arise when a word has different meanings in various legal systems.

The link between both areas of research – Comparative Law and Translation Studies – is the fact that law is set down, handed down and interpreted within texts through language. There are texts in various fields of law – such as civil, criminal, trade, administrative, family, international, European law, etc. We find what is known as legal language here, and the translator will approach texts from two perspectives, taking both law and linguistic features into account. The legal backgrounds in different cultures are decisive here, as law is an interpretive concept.

3. LEGAL BACKGROUNDS OF TEXTS AND TRANSLATION PROBLEMS

3.1 Legal background

There is the well-known difference between Common Law in the Anglo-Saxon countries with its old history of case law decisions, and the written law in most of the countries on the European continent that derives from Roman constitutional law. And recently there is the influence of European legislation in the form of Directives that have to be integrated into the national legislation of every EU member state. On the global level there is the confrontation, in politics and commerce, with Arabic and Asian law and with African legal traditions as well.

British Common law has developed since the 13th century by court days under the King and through itinerant judges. In cases that were similar, they would decide through analogical comparisons with a precedent. Hence, a case law developed where the law is revealed and evolves by means of judicial decisions (Pommer 2012, 281). This replaced the older local and religious orders and is called Common law, i.e. common to all subjects of the crown. The individual judge is free in his or her decision, and the parties try to convince the jury with their arguments. The law is constantly evolving in a collection of superior court decisions, and the judge will have to substantiate his decision by rational arguments.

Contrary to this, the European continental law as civil law has evolved from Roman constitutional law. In Germany, there is a constitution in the *Grundgesetz* (Basic Law) and the civil law in the *Bürgerliches Gesetzbuch*. (This was developed in the 19th century on the basis of the Code Napoléon, much influenced by the Latin tradition.) This structure of law developed in the 15th century from the Roman *Corpus iuris civilis*, which was translated into the vernacular languages, e.g. Italian, French, Spanish, and German. A science of legal interpretation called “jurisprudence” also developed. A judge is not totally free: he has to interpret the text of the respective code and subsume the contentious case under the law. His interpretation of the meaning of law is determined by history (Pommer 2012, 282). Articles from written legislation are mentioned in court sentences, and this practice has led to the fact that they are copied literally, which has greatly influenced the style

of writing, and it has also introduced antique formulae and Latin words into the legal language in Germany. The terminology is full of specific concepts according to the law.

3.2 *Language form*

This has two consequences for the text structures possibly found in legal translation texts: the style of texts in English text can vary somewhat more than German ones, where the structure is often ruled by official decrees. And the legal terms for concepts are more general in English than in German, where specific aspects of a case have already been defined by law.

Legal texts are translated either between legal systems or within legal systems using several languages which can be national, supranational or international. In the first case two different legal cultures are involved; in the second case there is only one that is involved; in supranational law the situation is more that there is one primary culture and several secondary cultures.

When we ask how translation might interact with aspects of law, we look at texts that need to be translated. Our perspective is reversed from the general characteristics of legal systems to the concrete language level. “The translator of a legal text aims at introducing foreign legal worldviews into a different legal life-world. His task is to make the foreign legal text accessible for recipients with a different (legal) background” (Pommer 2012, 283).

Texts to be translated in the field of law come from various text genres, but are mainly documents by which a person intends to establish a right in another culture: *personal certificates, diplomas, contracts, affidavits*, etc. *Court sentences* and some *articles* from legislative codes are also translated sometimes for information. But in all these translations, the validity and the meaning of those texts is bound to the source language culture with its legal system, and this cannot be changed. Legal translation is impossible without a prior understanding of the given text, which is based on the legal knowledge of the system the original text operates in.

Legal texts are for jurists. Law or jurisprudence as a specialist declarative knowledge in its concepts would rather easily function with only an exclusive, fixed technical terminology. Expert communication among lawyers and judges does not require general intelligibility. However, legal texts – such as *codes, court sentences, certificates, trade agreements* – do rule the life and activities of lay persons. So these texts must also appeal to general language in order to be understood by the people. Lawyers also use general language, as it would not be possible to write texts without any general language.

Legal language as a specialized language has two kinds of addressees: the lawyer and the general public (Müller-Tochtermann 1969, 91; Stolze 2009, 103). Its terms have a double coding – not only a specialist concept but also a lay meaning – and often they use the same linguistic frame. This is true for all fields of legal discourse.

4. CASES OF LEGAL TRANSLATION

When it comes to the concrete translation of a text, we should be aware of its legal background, with it being either in Common law or in Civil law. But any text is also rooted in a specific field of law, such as criminal or civil or international or contract law, etc. A special legal terminology is relevant in these fields, and dependent on the social function of such texts, both as originals and as translations. There are some typical cases of practical translation:

1. Personal administrative documents that are being used to create or establish a right in another country: a *birth certificate* and/or *divorce decree* or *affidavit* for marriage, an *education certificate* or *diploma* for studies abroad, a *work testimonial* for a new employer, a *medical certificate* about an illness during holidays abroad, a *police report* of theft abroad for the domestic insurance, a *medical certificate* of foreigners for their home pension scheme, and other similar documents. The difference of conceptual meanings and the equivalence of terms must be checked. Sometimes the acceptance of such documents depends on inter-state agreements.

2. In penal proceedings there is often a need to translate *court sentences* or *investigation documents* for the request of international judicial assistance. *Summons*, *office texts* and *statements of charge* may be translated for foreigners. The difference between criminal and civil proceedings is important here, e.g. one has to distinguish between *Staatsanwalt / Angeklagter / Verteidiger* (*public prosecutor / accused / counsel for the defence*) and *Klägerin / Beklagte / Prozessbevollmächtigter* (*petitioner, claimant / defendant / counsel for the plaintiff*).

3. Foreign court decisions with included articles of code (*criminal and civil proceedings*) must be translated. Among others, the linguistic style is a problem here, but it is more or less relevant in all cases.

4. Trade contracts that are signed in order to sell goods or transmit licenses. They will be written in one *valid language copy* with a translation for convenience. *Articles of incorporation* or *shareholder books* and *extracts from commercial registers* have to be translated when a company wants to open a business establishment in another country. Cultural differences regarding company forms and publication duties etc. are important here.

5. New law texts from the European Council (Directives, Regulations, Decisions, etc.) must be translated into a local language in order to display their effect in the national legal system. EU law uses a common social terminology, and its conformance or difference to national terminology is important.

6. Some countries have long used several languages which their law is expressed in, e.g. in Switzerland, Canada, and South Tyrol. Here, translations are parallel texts, and certificates often are issued in two languages. The identity of conceptual meaning is vital.

7. After political changes, it can be necessary to translate a whole national body of legal texts from the former main language into other local languages, as was the case in Hong Kong (Chinese) or South Africa (Kwa Zulu, Xhosa), and in the former Yugoslavia (among others). Sometimes words for legal concepts need to be created anew.

8. International Treaties are formulated in a general way open for interpretation following *political agreements*, and then we have their formulation in a language coherent in both bilateral and multilateral conventions. The divergence of conceptual meanings from national legislation is important to take note of.

One must first of all determine which kind of translation is relevant in each individual translation commission. The most frequent case, of course, is the translation of a national document so that it may have a legal effect in another country. In such a case, the translation is between two different legal systems.

The translation does not replace the original text with its legal status, especially in document translation. But translations as secondary texts should be transparent enough to produce the same legal effects in practice. For instance, the German translation of an Italian article of statute law will give precise information, but it is not German law. Or: The English translation of a German school certificate should be clear enough to enable to do studies abroad, but it will never be a British certificate or the like.

5. LEVELS OF ABSTRACTION IN LEGAL TERMINOLOGY

Given the fact of different legal addressees, we see expert concepts with various levels of abstraction, often presented in lexemes from standard language. The specific problem of translating, then, is to recognize such expert concepts in a text which at first view might seem to offer themselves to “normal” understanding. The natural meaning is narrowed by a legal definition (Fuchs-Khakhhar 1987, 39), the expert concept constitutes a specification of the stereotypical concept into a specialist one, but it still refers to the former. There are several levels of abstraction to be distinguished with respect to their content:

- Subjects & rights (specified concept in standard lexemes)
- Conditions of life (vague legal terms)
- Actions & relations (specific legal terms)
- Legalistic ideas (abstract terms of jurisprudence)

5.1. Specified concepts of subjects and rights in vague standard lexemes

There are difficulties for the layman if standard lexemes regarding legal subjects like *man, woman, father, animal, birth, object, marriage, equality*, etc. are fixed in some specific usages by legal discourse. A “father”, for instance, is not only somebody who fathered a child, but he is also legally responsible for caring for it (according to varying national rulings). One might doubt about the equivalence of EN. *marriage* with FR. *mariage* or DE. *Ehe*, as

legal concepts are rather different in the respective civil codes concerning the rights of the persons. But socially it is more or less the same thing. A *dog* is not only a beloved animal, a pet, but also an object with a certain value to be determined in case of damage.

Such terms are much less evident than laymen would believe, as is evident from a commentary of 500 pages on Article 3 of the Basic Human Rights: “Alle Menschen sind vor dem Gesetz gleich” (*All persons shall be equal before the law*). The reason is that individual ideas can differ widely even in the same country, in history, and all the more so internationally.

5.2 Vague legal terms for conditions of life

There are also “vague” legal terms that need interpretation, like for instance *good faith*, *public decency*, *important reason*, *high value*, *law and order*, *state of the art*, *night-time peace*, *freedom of speech*, etc. We might call them conditions of living together. The opinions regarding *silence in the night* may cause dispute; *freedom of speech* is interpreted differently in a democratic or in a dictatorial regime, etc. Their schematic concepts are easily inferable at first sight and the terms might be translated literally, but their legal content is not at all precise. The idea behind these terms may vary from group to group. The choice of target language terms can even require court decisions, e.g. when a product is not the promised “state of the art”. Or: What is included in “Höhere Gewalt”? (only an *Act of God*, or also a *strike*, other *damage*, *political upheaval*, *lack of electricity*, etc.). The vague legal terms may have specific definitions in local legislation.

5.3 Specific legal terms for interaction

Lawyers also use what are known as “specific” legal terms formally taken from standard language regarding social interaction and relations between parties like *purchase*, *sale*, *debt*, *exchange*, *rent*, *burglary*, *theft*, *offence*, *ownership*, *possession*, *murder*, *manslaughter*, etc. Their legal meaning is determined by a description of their legally relevant semantic content in the facts of the case. The problem, however, is that this semantic content often is not identical between various legal backgrounds, which may cause trouble, especially in international trade. There are a lot of relevant studies, but dictionaries are only partly reliable.

Literal translation is not always possible: see EN *ownership* that corresponds to DE *Besitz* (*possession*), *Eigentum* (*property*), *Rechteinhaberschaft* (*title*). The layman concept of such terms may also be deviant, and this will create dispute, thus the expert meaning must be specified in court proceedings.

5.4 Theoretical aspects and terms of jurisprudence

On the next level of abstraction, there are terms for phenomena that are only theoretically conceivable, some legalistic ideas in their significance for society. The concepts of such terms are precisely defined by legal provision.

There are, for instance, terms like *Rechtsnachfolger* (successor in title), *Willenserklärung* (declaration of will), *Gläubigerverzug* (creditor's delay in acceptance), *Mängelhaftung* (responsibility for defects), *Transporterschleichung* (transport obtained by devious means, fare dodging), etc. They look like they would be easily comprehensible, but they contain some specific legal concept, and this makes such terms difficult to understand for the layperson. Also, they present linguistically typical technical word compounds that are unusual in general language. As precise terms, they fulfil the requirements of an exact terminology which is also attested to in respective dictionaries.

Finally there are highly abstract terms of jurisprudence that are taught during the respective academic studies, like e.g. *desist order*, *concurrency of offences*, *subsidiarity*, *derogation*, *Buchgrundschuld* (uncertificated mortgage), *Faktenbeweis* (real evidence), *Zwangsvollstreckungsklausel* (execution clause), etc. Such terms concern theoretical concepts within a law system, and not only interpersonal relationships as the terms mentioned before. They are hardly accessible for non-lawyers in terms of their meaning.

6. INTERRELATION OF LINGUISTIC FEATURES

Law is a part of culture. Comprehension, then, is possible by putting down implicit cultural references to certain structures on the text level (Stolze 2009, 130). Cultural elements appear in the texts on all levels – from the shape of words for concepts, the sentences and stylistic text structure, to the pragmatics in its social function. Culture as the background of every human communication is a dynamic phenomenon based on historical tradition, which includes the individual's personal development.

When we now look at the concrete translation of a legal text, it is clear that linguistic aspects come to the foreground. These may be described on various language levels. The question is: How can a translator deal with these aspects which, in every single text, are mixed with one another?

6.1. *Standard macro-structures*

At first we see some standard macro-structures when we look at the text to be translated as a whole. Every text genre, such as the *paragraph of a code*, *a patent text*, *a school certificate*, *a contract*, *a court sentence*, etc. has a specific macro-structure. It is important for a professional translator to know the relevant macro-structures for texts in the languages that he or she is dealing with.

However, translation is not a comparison of texts, but rather a service, a means for understanding when it presents the text precisely. One might refer here to the special status of certified translations, where the source text structure will always remain visible. There is never a cultural transfer in the sense of changing a source text document into a target language document. Also there is no need to first “define the *skopos*, i. e. the prospective

use of the target text” (Kocbek 2012, 65). On the contrary: documentary translation will not change the function and form but rather follow its shape in a narrow way. And we can never know the prospective use of the text, or when it will be read later on. So the source text’s macro-structure will remain visible, and the certificate which contains its legal value only in the source document, can be read and understood via the translation. The target text is transparent for the source. In contracts, not only used by jurists, it is adequate to look at the idiomatic qualities of the language, but we have to keep the amount of sentences identical in the translation so readers with different mother tongues will be able to discuss and refer back to exact places in the text. The use of expressions which are characteristic for a specific type of text is of great importance in all legal texts.

6.2. Translation of terminology

There is also the special terminology we mentioned already. We find terms for concepts that have different levels of abstraction side by side on the text level. The translator can choose various strategies, including:

- Literal translation
- Use of a loanword
- Substitution by a target term
- Use of a hyperonym which is more general
- Translation with explicative extension
- Target version with source term in brackets
- Use of the source term with a footnote
- Use of original word as a target neologism

The respective decision has to be taken based on one’s knowledge of the subject.

6.3. Functional style

What we also will have to look at is the technical style in service of a specific speech function. Legal texts are specialized communication, and their style is different from the creative language used in one’s family, in literature, and in newspapers. The characteristics of technical style are anonymity, precision, and economy of expression, as the key function of language for special purposes is “specification, condensation and anonymity of the propositions” (Gläser 1998, 206). This is also true for legal texts, and is realized through a special style:

- *Anonymity*: use of a passive voice, the 3rd person in the present tense, a focus on function and not persons, orders that are in the infinitive.
- *Precision*: use of many nouns focusing on facts, functional verbs with nouns, factual adjectives, syntactic appositions, and linguistic condensation.
- *Economy of expression*: making of compound words, phraseological forms, and series of hypotaxes for explicitation. This style, aimed at achieving the requirement of precision, may of course lead to unusually long sentences.

6.4. *Speech acts in the law*

Another important feature of legal texts is the fact that there are many speech acts in legal language, and this is realized by performative verbs. “How to do things with words” (Austin 1962) is a central question in the law, because actions and relations have to be designated verbally. There are five forms of these kinds of speech acts:

- Assertive (statements, representation, description)
- Declarative (self-commitment, warranty)
- Directive (orders, recommendations)
- Commissive (binding, obligations)
- Expressive (expression of feelings).

One should observe the special forms of language that are relevant here: orders, for example, are made in the infinitive: *send application*, obligations are indicated in English by ‘shall’: *the parties shall inform each other...*, descriptions of facts are done by nouns and with infinitive verbs: *the mutual information of the parties is considered effected when ...*, affirmations of parties appear in indirect speech: *they affirmed that...* A self-commitment or warranty is often designated expressly: *person N. declares that he warrants to do this...* (Trosborg 1994). Finally, the expression of feelings is rarer in legal texts. The translator has to meticulously observe these aspects in order to render transparent precise legal information in the translation.

6.5. *Repetition of formulae*

As law and court decisions do refer to other relevant texts, such as previous sentences or statutory texts and codes, there is usually a reference to similar aspects, analogous procedures, or repetitive activities. “The meaning of a law, if it has one, is to be sought in the text and in its inter-textual connections and not in the will of a legislator” (Pommer 2012, 279). The existence of similar parallel texts is a very important characteristic of specialist texts. Naturally, a reference is made by repeating the same formulation, there is a procedural repetition in formulae. We note:

- The same expression is used for a similar action;
- No literal translation is applied, as style is different in cultures;
- A bilingual collection of stylistic formulae would be helpful.

For similar actions, the same expression is used again and again. Some standard formulas have developed, e.g. *die Kosten des Verfahrens werden gegeneinander aufgehoben* (*costs offset each other*), and the like. But these aspects have developed differently in various countries. Often a literal translation of such formulaic expressions is not possible: instead we should build-up bi-lingual collections of such formulae which are currently not well documented in dictionaries. One has to exploit one’s own texts during his or her career in order to build-up a collection of repeated formulae.

In translating legal texts, one will also observe the groups of addressees and apply inclusive language where requested. Technical phraseology enhances the authoritative appearance of different types of legal texts.

7. THE DUAL PERSPECTIVE IN LEGAL TRANSLATION

The translational challenge is looking at both the content in the legal background and at the language level and bring these two things together. The translator has a dual perspective. The issue in legal translation is to precisely render “what is written there”, as the legal value of a text is always bound to its original and the translation is only a means for understanding. A translation is not a “cultural transfer” in the sense that the source text would be transferred into the target legal system, even if it does have this effect.

The central prerequisite of translation as a dynamic task for the translator is to comprehend the given text within its legal perspective. For this purpose, one needs a well-grounded understanding based on subject knowledge by doing research, since a merely intuitive, naïve interpretation of legal texts would be inadequate. Also, specialized translation in the field of law requires the formulation of communicatively adequate technical texts in the other language.

With a hermeneutical approach to texts, translators have a dual perspective and need a system of orientation (Stolze 2012, 36). In first positioning the text within its legal system, we will keep in mind the characteristics of the relevant background and its difference from the target situation, as we observe the special language forms on the text level regarding terminology, text genre and formulaic style while in doing the translation one will focus on correct terminology and the technical style that is needed. For a better understanding of this approach I present the following ideas below in a table mentioning the fields of orientation for the legal translator.

All these fields of orientation with the aim of translating as precisely as possible, in a comprehensive form and based on legal knowledge, should be observed in every single text for its translation. Their combination varies individually.

Table 1: Fields of orientation in translation

Positioning of text	Textual background
Legal world	culture with its own law system (European continental/ Anglo-Saxon/Arabic/Chinese)
Form of legislation	continental law/ case law/ supra-national law/ law in other regions
Text genre	macrostructure of text type (paragraph of code, court sentence, certificate, contract, document, etc.)

Positioning of text	Textual background
Field of law	criminal, civil, administrative, works, trade, family, international law, etc. in the national law
Legal concepts	levels of abstraction of concept and lexis on the text level
Legal style	precision and anonymity in civil law, individual style in Common law, standard formulae, speech acts
Rhetoric	Formulating
Text function	transparency for ST function, documentary translation, orientation markers, translation assignment
Terminology	state of equivalence of concepts to be checked, translation principle of the “common denominator” of a concept, literal translation of terms
Language information	official language, speech acts and verbal tense, sentence perspective, phraseology, technical word compounding, inclusive style
Standardization	archaic forms, standard procedural formulae

8. CONCLUSION

The translator applies a dual perspective to both the language structure and the content of meaning. Of course, numerous studies on legal language and also on the translation of legal texts have been published already. However, often the focus is only on external subject matters, such as different legal concepts, stylistic features, analysis of macrostructure, the problems of lexicography, etc. The point where all these individual different aspects come together is their interrelation in the translator himself as a professional person who acts on the texts and tries to produce an adequate translation that is available for further interpretation by jurists.

The legal translator’s work is based in hermeneutics, since one needs to understand the text without necessarily being a trained jurist. Whereas jurists focus on the legal consequences of acts and decisions, often speaking intuitively about these aspects, translators will particularly focus on the language form of speech acts and on terminology in order to achieve precision in their writing.

Translation studies as the field of research that regards translation as a process and a product might be enriched by integrating the hermeneutical outlook visible in the dual perspective of the legal translator.

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TEISĖS TEKSTŲ VERTIMAS IŠ DVIEJŲ PERSPEKTYVŲ

RADEGUNDIS STOLZE

Santrauka

Remdamasi hermeneutikos idėjomis straipsnio autorė aptaria, kaip vertėjas galėtų imtis versti teisės tekstus. Skirtingi tekstų tipai atsiranda tam tikroje teisinėje sistemoje ir atlieka savo funkciją tam tikroje teisės srityje, o kultūrinis ir teisinis teksto aspektai atsiskleidžia kalbai būdingomis ypatybėmis teksto lygmenyje. Lyginamojoje teisėje moksliniai tyrimai grindžiami teisės sąvokų skirtumų analize, tuo tarpu vertimo teorijoje ir praktikoje šiomis žiniomis naudojamosi siekiant atlikti vertimo užduotį. Teisės terminijai būdingas įvairus abstrakcijos lygis, ji vartojama kartu su kitais bendrinės kalbos žodžiais. Straipsnyje vertėjui pateikiami tam tikri orientaciniai laukai, pavyzdžiui, teisinis kontekstas, žanras, sąvokos ir stilius, kad jam būtų lengviau pasirinkti tinkamiausius terminus ir bendrinės kalbos žodžius. Tokie gebėjimai papildomi rašymo pagal teksto funkciją igūdžiais, terminologinėmis ir standartinėmis formulėmis. Vertėjas stengiasi originalo tekstą perteikti kita kalba taip, kad originalo kultūriniai ir teisiniai aspektai vertimo skaitytojui būtų visiškai skaidrūs, nes vertimas yra būdas suprasti. Būtent tai užtikrina sėkmingą komunikaciją.