

LAWYERS AND LINGUISTS TRANSLATING LEGAL TERMS: WHO IS MORE LITERAL?

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The fact that lawyers often require “literal” translation has been resonating in the field for decades (e.g. de Groot 1987: 793). In the Czech Republic, the quest for literal translation, especially in official translations, is further exacerbated by the wording of the legislation regulating the professions of sworn translators and interpreters, which requires such a translation. This often remains so despite any attempts at client education. This paper tries to examine the variable of translator’s background and its impact on the choice of strategies to attain equivalence on the terminological level. With all awareness of the limitations of the method, a multiple choice translation test will be used as it was done e.g. by Orlando (2016), who also compared the performance of lawyers and linguists. Two groups, one consisting of professional lawyers who have experience with legal translation and the other one consisting of translators who are linguists by training, will be presented with a set of contextualized legal terms in English and Czech and proposed translations for each item into the other language. The proposed translations will make use of different strategies on the cline from foreignizing ones to domesticating ones (cf. Biel and Goźdz-Rozkowski 2015: 262) and the subjects will be asked to choose one which achieves the highest level of communicative adequacy in their judgement. The results will be analysed to see whether a different tendency can be traced in lawyers and linguists with respect to the translation of legal terminology, and whether the directionality is a factor involved in their decision-making, i.e. whether different strategies are used more often when translating into the native or non-native language. Based on the results, implications for training these groups of legal translators will be discussed.

Bibliography

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