

TILTM 2020

Topical Issues of Linguistics and Teaching Methods in Business and Professional Communication

METHODOLOGICAL PRINCIPLES FOR TRANSLATION TRAINING IN GROUPS OF LEGAL TRACK OF TRAINING

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Abstract

The peculiarity of training translators in the field of legal activity is determined, firstly, by the thematic, subject-specific nature of this sphere of human life and, secondly, by the nature of communication that legal employees enter into. Training of translators must be conducted on a textual basis: various operations with the text (reading, elementary translation, modeling, simultaneous and reverse translation) should be the main content of the training sessions. Separate subject blocks should be devoted to the historical aspects of the legal system of the target language country, its comparison with the legal system of the native country, and the features (asymmetry) of legal terminology and the established traditional legal practice (procedure) of both countries. In this regard, it is effective to interpret the stylistic systems of both languages and the place of legal style in them. Thus, the English stylistic system implies greater freedom of using lexical, morphological and syntactic resources of the language in the legal sphere, while the similar Russian system (with the exception of judicial eloquence) is a rather rigid, closed and clichéd structure. The forms of training sessions for translators in the legal field are determined not only by the subject content, but also by the general didactic experience associated with a positive result and the effectiveness of the learning process. Therefore, it makes sense to proportionally combine individual, pair and group forms of classes. As practice shows, role-playing sessions based on a predefined scenario and without it are highly effective.

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Keywords: Didactics, legal, communication, text, vocabulary, terminology.



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1. Introduction

Translation training is an important issue in modern language education. A special area here is the language training of translators in various professional fields (Jones, 2018). The Interpretation and Translation Studies track of professional training at the Tula State Lev Tolstoy Pedagogical University traditionally includes groups of students of three areas of training: legal, culture and art, scientific and technical. Methodological support for each of them has a natural specificity, caused, on the one hand, by thematic-professional features (corpus of terminological and special vocabulary, syntactic and stylistic originality of the text), and on the other hand, the nature of the correspondence and asymmetry of professional linguistic view of the world in two languages (the proportion and types of language matches / mismatches are different in each of the three named areas).

2. Problem Statement

Each of the areas of translation training in the professional sphere is focused on the formation of practical skills in interpretation and translation. How to make this training focused and effective? Teaching should initially be communicative and text-oriented (Jones, 2019) (the level of complexity and specification of texts should increase over time, i.e. from stage to stage of training). The legal direction of training includes the following main themes of texts and areas of professionally oriented country studies: Legal Proceedings in the UK and USA, The Structure of the Judicial System, Features of Legal Proceedings, Jury Trial, Crime and Punishment, The Problem of Terrorism and Juvenile Delinquency, Crime Prevention (Dyson & Ibbetson, 2013; Fijnaut, 2017; Frost, 2009).

3. Research Questions

First of all, it is necessary to determine the most effective types of tasks and forms of pedagogical interaction between the teacher and students, as well as among students themselves. Elementary level tasks should be the starting point of training (simple translation from one language to another).

Here is an example of an elementary level task.

Translate the description of the criminal case into Russian.

On June 17, 1987, at 10:32 p.m., a call was received at the 911 service of the Metropolitan Police Department in Washington, D.C. The female caller said, "I just shot my husband," and gave the address as 1799 Lamont Street, N.W. Detective Sal Palmer responded to the call and reached the house at 10:38 p.m.

Detective Palmer met Martha Monroe at the door. Mrs. Monroe led the Detective to a bedroom upstairs. When Detective Palmer entered the bedroom, he saw a fully clothed man, later identified as George Monroe, Martha Monroe's husband, lying face down on the bed covered with a light blanket. The blanket had three bullet holes in it, and several blood stains.

Detective Palmer ascertained that the man on the bed was dead, and asked Mrs. Monroe who he was and what had happened. She responded "I shot my husband," and pointed to the dresser near the bed on which was a revolver. Detective Palmer read Mrs. Monroe her Miranda rights, and placed her under arrest.

Later, at the station, Mrs. Monroe waived her right to counsel and to remain silent. Detective Palmer questioned her, after which he wrote up a statement. Mrs. Monroe signed it. The prosecution charges Mrs. Monroe with the First Degree Murder of her husband, George Monroe.

Martha Monroe admits that she shot her husband, but now, through her attorney, asserts that then she acted in self defense. Mrs. Monroe now claims that for the entire time of her marriage to George Monroe she has been the victim of severe and continual physical and emotional abuse from him; she says the last time he beat her he almost killed her. She claims that because of this abuse she is suffering from Battered Woman Syndrome, and that she shot her husband because she had a reasonable belief that even though her husband was asleep, her life was in imminent danger. She claims she had no choice but to kill him (Ilyina & Aganina, 2012).

4. Purpose of the Study

The main purpose of the research is to identify didactic means of representing nationally specific forms of legal language. Each of the above-mentioned thematic lines begins to be studied with an overview of the content, including an automatic comparison with the relevant Russian realities. At this stage, the general lexical correlation of Russian and English languages in this thematic block is worked out, the possibilities of literal and equivalent translation of special words and phrases are determined, and lexically non-equivalent zones of state legal systems are identified. An example of the latter is, in particular, the nature of the legal profession in the UK and the USA (*barrister, solicitor, attorney*). A separate area is the problem of translating various national specific abbreviations in written forms of legal speech.

5. Research Methods

The research was carried out using a practical methodology applicable to textual activity. Let's analyze the main methods of working with text examples from the didactics of Translation Studies.

Here is an example of comparative work based on familiarity with the texts that reflect national-specific legal information. The first text is in English.

A lawyer is a person learned in law. A lawyer, also known as an attorney, a counselor, a solicitor, a barrister or an advocate, is an individual licensed by the state to engage in the practice of law and advise clients on legal matters. Lawyers act as both advocates and advisors on behalf of their clients.

The role of the lawyer varies significantly across legal jurisdictions, and therefore can be treated in only the most general terms. Lawyers' roles vary greatly, depending upon their practice environment and field of specialization.

In most countries there is only one legal profession. This means that all the lawyers have roughly the same professional education leading to the same legal qualifications, and they are permitted to do all the legal work.

In England the system is different. Here the profession is divided into two types of lawyers, called solicitors and barristers. Solicitors and barristers are both qualified lawyers, but they have different legal training; they take different examinations to qualify; and once they have qualified, they usually do different types of legal work.

Many solicitors deal with a range of legal work: preparing cases to be tried in the civil or criminal courts; giving legal advice in the field of business and drawing up contracts; making all the legal arrangements for the buying and selling of land or houses; assisting employees and employers; making wills.

Barristers are mainly “courtroom lawyers” who actually conduct cases in court. Unlike solicitors, they have rights of audience (rights to appear) in any court of the land, and so barristers are those lawyers who appear in the more difficult cases in the higher courts.

The second text of professional and country specific character is given in the native (Russian) language. It helps to deepen the already received ideas about the peculiarities of legal procedures in English-speaking countries and becomes the basis of lexical (and lexicographic) work.

В английской юридической практике есть два типа специалистов – солиситоры и барристеры. Барристер – это юрист, который ведет судебные дела, выступает в суде, готовит документы для суда и т.д. Солиситоры после 1990 года тоже получили право выступать в суде, если у них есть специальный сертификат.

По состоянию на 2008 год в Великобритании насчитывалось 112,2 тысяч солиситоров и чуть более 16,5 тысяч барристеров. В период с 1997 по 2008 год количество юристов в Англии увеличилось более чем на 50%.

Чтобы стать солиситором, необходимо получить специальное юридическое образование. Здесь две возможности: или специалист первой ступени (бакалавр права) в Англии с трехлетним образованием (LLB), или бакалавр в какой-нибудь иной сфере с годичной дополнительной подготовкой в виде интенсивного курса профильного образования (что обозначается как GDL – Graduate Diploma in Law).

Помимо юридического образования, солиситору требуется получить контракт, по которому он бы мог проходить практику на базе одной из юридических фирм (training contract). За два года солиситору надо отработать в 4-х разных департаментах (по 6 месяцев в каждом). Юридическое образование получить в Великобритании сравнительно нетрудно. Большую сложность составляет получение договора (контракта) на прохождение практики: в надежных, зарекомендовавших себя фирмах конкурс на получение контракта может составлять более 30-и претендентов на место (Ilyina & Aganina, 2012).

For example, the word *legal* can become the object of didactic consideration. At first glance, it is quite easy to translate this word because it belongs to the international vocabulary. However, an important feature of its functioning in English texts is that it can appear in different meanings, and therefore it has different translations. While translating into Russian, these meanings can be united into two semantic groups: 1) *legal, lawful, legitimate* and 2) *legislative, judicial, juridical*. When working with this word, we use the material of the manual “English for Lawyers” (Ilyina & Aganina, 2012).

Translate the following English sentences into Russian, paying attention to phrases with the word **legal**.

1. To the rest of the world the English **legal** profession is very strange because historically there were two types of lawyers: barristers and solicitors.
2. Every **legal** system has many shortcomings.

3. Criminal charges and divorce are normally seen as matters needing **legal** help and advice.
4. Not every accident victim has a **legal** remedy. Some accidents are nobody's fault.
5. There is a large information gap in people's awareness of their **legal** rights.
6. Such **legal** knowledge as people had come largely from newspapers and television.
7. The new Community Legal Service aims to provide **legal** information as well as **legal** advice and representation.
8. Newspapers regularly carry frightening stories about losers in **legal** actions who face bills of thousands of pounds.
9. **Legal** costs of the lowest income group are paid by the state.
10. **Legal** aid is usually granted as long as financial test is satisfied (Ilyina & Aganina, 2012).

From general texts of introductory and informative nature we pass to texts concerning specific issues of legal proceedings, legal measures, judicial procedures, types and categories of crimes, etc. At this stage, future translators improve and deepen their knowledge of professional lexical systems of two languages, as well as make observations on the nature of the syntactic structure of such texts and their stylistic features. It is important for students to get a clear understanding that the official business style of legal texts has different characteristics in Russian and English. These characteristics include a different degree of "rigor" in the selection of lexical and morphological units, a different number of fixed (clichéd) elements, a different ratio of neutral and stylistically marked vocabulary, and so on. It is more expedient to move in translation from texts of legal genres (legislative acts, court decisions, regulatory orders, etc.) that have a mandatory, clear structure and linguistic features, to texts of legal journalism (newspaper, magazine, online texts) and literary texts with a legal basis (detective stories, forensic essays, etc.). Such arrangement of the material allows, in our opinion, to form a deeper and more systematic understanding of the existence of legal information in the language.

Here is an example of a task that illustrates the theoretical provisions of professional Linguodidactics outlined above.

Translate phrases from business correspondence into English.

1. Мы будем весьма признательны Вам, если Вы сообщите ответ, по возможности, быстрее. Из-за срочности вопроса мы были бы благодарны Вам за ответ в кратчайшие сроки.
2. Искренне благодарим Вас за оказанное содействие и, пользуясь случаем, хотели бы высказать надежду на продолжение нашего сотрудничества.
3. В том случае, если мы сможем помочь, обязательно сообщите об этом; мы будем рады оказать Вам всяческое содействие.
4. Свяжитесь, пожалуйста, с нами, если у Вас остались вопросы, и мы сделаем все, что от нас зависит, для решения ваших проблем оптимальным способом.
5. Выражаем Вам искреннюю благодарность за письмо от 25 сентября и рады сообщить о том, что все вопросы урегулированы своевременно.
6. Обращаем Ваше внимание на перенесение сроков семинара. Пожалуйста, примите наши извинения за доставленное неудобство. Мы надеемся, что изменение сроков не вызовет каких-либо затруднений. В противном случае свяжитесь, пожалуйста, с нами.

7. В ответ на Ваше письмо от 12 апреля рады сообщить, что в соответствии с Вашей просьбой мы можем предложить Вам обновленный проект контракта и другие сроки его исполнения.
8. К сожалению, должны сообщить Вам, что мы до настоящего времени не получили Вашего подтверждения. Обращаем Ваше внимание на то, что срок ответа не должен превышать 5 (пяти) дней. Надеемся на скорейший ответ. С уважением...
9. Хотим напомнить Вам, что в случае возникновения каких-либо осложняющих обстоятельств, мы будем благодарны, если Вы заранее известите нас о возникающих трудностях. С наилучшими пожеланиями ... Рассчитываем на скорую встречу. Ваши надежные партнеры ... (Ilyina & Aganina, 2012).

It makes sense to complete the work with interpretation of various types and development of skills to improve translation (correcting mistakes, eliminating language and stylistic inconsistencies, deepening semantic correspondences). At the same stage, it is convenient to involve reverse translation (from Russian into English). It is effective to use dialogical textual material of a bilingual nature for bilingual translation (to translate Russian parts of the texts into English, English parts – into Russian).

Here is an example of such a didactic text.

Correspondent: Генри, почему Вы выбрали профессию юриста?

Mr. Dahut: When asked why I became a lawyer I usually say because it seemed like a smart thing to do. Unlike some of my law school classmates, I had no illusions of becoming either a great advocate or a legal scholar. All I wanted was a nice income and a respectable position in life. For me, law was a safe career choice, not a passion. My only concern was that as a creative, emotive, right-brain type, I would not be able to make my mind do whatever it is that lawyer minds do to think like lawyers. But an old lawyer I met told me that the real danger was that once you start thinking like a lawyer it becomes difficult to think any other way.

C.: Когда Вы сами поняли, что необходимо научиться мыслить как юрист?

Mr. Dahut: That process began on the first day of law school when the dean told our petrified first-year class that before we could become lawyers we had to learn how to think like lawyers. One student had the nerve to ask the dean how we would know when he had learned to think like lawyers. The dean shot back, when you get paid to think! I soon saw how thinking like lawyers actually meant altering our reasoning structures. For example, memory, while important to success in law school, stood a distant second to learning how to reason like a lawyer.

C.: Что значит – мыслить как юрист?

Mr. Dahut: Thinking like a lawyer demands thinking within the confines of inductive and deductive forms of reasoning. As law students, we entered a world of rigorous dialogue in which abstractions are formulated and then described – usually leading to the discovery of a general principle or rule, which is then distinguished from another general rule. We learned how to narrow and intensify our focus. The process taught us how to think defensively: We learned how to protect our clients (and ourselves) and why we needed to proceed slowly, find the traps, measure and calculate the risk.

C.: Какие качества Вы стремились развить в себе во время учебы?

Mr. Dahut: The goal, of course, was for me to become a rational, logical, categorical, linear thinker – trained to separate what is reasonable from what is not and what is true from what is false. Having learned to think in a new way, I had less tolerance for ambiguity. A new mental structure was forming – a new set of lenses through which to view the structure of human affairs (Ilyina & Aganina, 2012).

6. Findings

Our practical research allows us to accentuate the fact that at all the stages of studying the thematic blocks of legal information described above it is advisable to practice different types of translation: full written translation, summary translation, unprepared translation, sight translation, consecutive interpretation, simultaneous interpretation, etc. It is necessary to be immune to the “false friends of a translator (*appellation, appeal, composition* and other words in legal texts).

Of the didactic techniques that have proved effective, we should mention the role-based methods that allow us to consolidate successfully and quickly the national specifics of legal systems in translation.

Compressive handling of legal texts plays an important role in the training of translators in the professional sphere. The priority position is taken by abstracting and thematic categorization requiring the spotting of key information which must be inevitably translated in the texts.

7. Conclusion

Thus, in groups of legal direction of training, it is advisable to organize translation training using two main didactic principles: communicative orientation and text-centricity. It is widely known that knowledge of a foreign language has a solid character only when it is demanded and mastered during the training in the framework of communication identical to or reproducing real professional communication. In modern higher education, such communication can be modeled by using original English language material both oral and written from available Internet sources, textbooks and teaching guides.

Obviously, the methods of learning foreign languages that are traditional for the Russian educational system can also be used in training professional translators in the legal field. This applies to both particular teaching techniques and avoidance of various kinds of speech errors.

The special literature (of educational and professional nature) available to the teacher can be involved in the didactic process in its separate fragments and with an orientation to the curriculum of a particular university and a specific track of training.

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