

Rechtssprache und Rechtsübersetzung in Geschichte und Gegenwart Legal language and legal translation: Past and Present Editorial

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This special issue of *Parallèles* contains revised versions of papers presented at an international workshop held at the University of Mainz in Germersheim. It deals with the historical, theoretical and practical aspects of legal language and legal translation.

Legal translation is not a new topic in translation studies. Since the 1990s, there have been a number of important publications, including research-based monographs offering different perspectives on legal translation (e.g., Šarčević, 1997; Wiesmann, 2004; Griebel, 2013), edited volumes and conference proceedings (e.g., Sandrini, 1999; Schena & Snel Trampus, 2000; Prieto Ramos, 2018), special issues of journals (e.g., Schwab, 2002; Lane-Mercier *et al.*, 2014; Dullion & Prieto Ramos, 2018) and textbooks (e.g., Gémar, 1995; Bocquet, 2008; Stolze, 2014).

The relationship between legal language and the translation of legal texts, which is one of the main topics of this special issue, was an early topic of discussion in the field of translation studies (see, e.g., the two volumes of Gémar, 1995) but has only recently garnered attention within the context of legal linguistics. The classical introduction by Cornu, *Linguistique juridique* (1990), does not address problems of translation in depth. However, the manual *Handbuch Sprache im Recht* (Felder & Vogel, 2017), published 27 years later, contains several articles on multilingualism, translation and interpreting, and *Lectures on Legal Linguistics* by Galdia (2017) includes chapters dedicated to legal translation and legal interpreting. Moreover, the recent establishment of large multilingual corpora has enabled us to analyse plurilingual legal linguistic features and research questions within legal translation studies through a wider lens (Mori, 2018; Cavagnoli & Mori, 2019; Prieto Ramos, 2019).

Therefore, progress has been made, but there is still room for closer cooperation between translation scholars and legal linguists. Another topic that plays an important role in this special issue and that remains under-researched is the history of legal translation. Šarčević (1997) provides an overview of this topic in chapter two of her ground-breaking monograph. However, comprehensive case studies, such those by Cáceres Würsig (2004) or Dullion (2007), remain scarce.

The contributions of this special issues are divided into the following three sections.

1. Theoretische und linguistische Aspekte von Rechtssprache und Rechtsübersetzung – Theoretical and linguistic aspects of legal language and legal translation

The first section of the special issue contains three theoretical and programmatic papers on legal language and legal translation. In his article “Legal translation as communication of knowledge: On the creation of bridges”, Jan Engberg defines legal translation as a form of knowledge communication and proposes strategies that translators might adopt to deal with comparative legal knowledge, using frames as a descriptive instrument. Johanna Mattissen’s “Semantics of coordinators in EU languages – The multiple readings of ‘and’, ‘or’, ‘but’” is located within the context of lexical semantics. Mattissen analyses the various usages and readings of some of the main coordinators in Germanic and Romance languages in legal texts

of the EU institutions. In “Deixis in notariellen Urkunden? Eine Klärung” (Deixis in notarial deeds? A clarification), Eva Wiesmann analyses a corpus of real estate sales contracts in Italian and German to illustrate the usage of expressions that are typically considered expression of deictic reference (e.g., “I”, “here”, “now”). She shows that these are used as anaphors instead of deictic expressions in this type of text.

2. Zur Geschichte von Rechtssprache und Rechtsübersetzung – History of legal language and legal translation

This historical section contains three papers dealing with legal language and legal translations between the 17th and 20th centuries in different European and non-European countries (Italy, Germany and Mexico). In “Traducción y construcción verbal de ‘culpa’ en textos judiciales del México colonial” (The verbal construction and translation of the concept of ‘guilt’ in legal texts from colonial Mexico), Martina Schrader-Kniffki and Yanna Yannakakis present an empirical study of legal documents translated from Zapotec, an indigenous language of the Oaxaca region of Mexico, into Spanish during the colonial era. They show that the translation of the concept of “guilt” implies not only a linguistic and cultural transfer but also a religious transfer in the context of Christianisation. Jelena Nikolic and Michael Schreiber’s paper “Juristische, administrative und politische Fachübersetzungen während der Napoleonischen Epoche. Projektbeschreibung und erste Ergebnisse am Beispiel von Genua” (The translation of legal, administrative and political texts during the Napoleonic era. Description and first results of a research project focusing on Genoa) outlines a research project (financed by the Deutsche Forschungsgemeinschaft) on the translation of legal, administrative and political texts in northern Italy under Napoleon, which is the follow-up to a research project dealing with legal translations in Belgium during the same era (Ingelbeen & Schreiber, 2017). The paper presents the initial results of an analysis of bilingual administrative texts (French-Italian) from archives in Genoa. Sarah Del Grosso’s “Die Übersetzung des napoleonischen Handelsgesetzbuches und ihr Einfluss auf die italienische Rechtssprache am Beispiel von *banqueroute* und *faillite*” (The translation of the Napoleonic Commercial Code and its influence on Italian legal language. The case of *banqueroute* and *faillite*) is a second case study in the context of the research project presented by Jelena Nikolic and Michael Schreiber. It deals with terminological issues in the translation of the Napoleonic codes from French into Italian, especially the Commercial Code, drawing on archival material from Milan.

3. Rechtssprache und Rechtsübersetzung heute – Legal language and legal translation today

The third and last section contains three papers dealing with methodological and practical problems in legal communication and legal translation in Germany, Switzerland and Norway today. Rahel Beyer’s paper “Zur intralingualen Übersetzung von Rechtstexten ins Deutsche. Beobachtungen bezüglich der Leichten Sprache” (The intralingual translation of legal texts in German. The question of plain language) concerns the discussion about barrier-free communication. Beyer illustrates certain practical problems that arise in the translation of legal texts from standard German into a simplified form of German known as *Leichte Sprache* (plain language) (see Bredel & Maaß, 2016). In “‘Inhalt des Originalsatzes unklar...’ Verständlichkeit und Vereinfachung von Schweizer Verwaltungstexten: Eine empirische Untersuchung im Kontext der Mehrsprachigkeit” (“Meaning of the original sentence not clear...”. Comprehensibility and simplification of administrative texts in Switzerland: An empirical study in the context of multilingualism), Cornelia Griebel and Annarita Felici discuss a similar problem to that addressed by Rahel Beyer but in the context of the multilingual

nation of Switzerland. They analyse multilingual administrative and legal texts in French, German and Italian to study the possibilities of linguistic simplification on different levels (e.g., syntax, vocabulary, informativity, cohesion and coherence), which has been a much-discussed topic since the 1970s. Ingrid Simonnæs, in her paper “Rechtsübersetzen im 21. Jahrhundert – Herausforderungen für *lesser-used languages*” (Legal translation in the 21st century. The challenges for lesser-used languages), describes the problems that arise when translating legal texts into a lesser-used language, such as Norwegian. These include a lack of textbooks, dictionaries and degree courses. To address one of these gaps, she has developed an online course on legal translation, which she has implemented at the Norwegian School of Economics (Bergen).

4. References

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