## Parallèles

Borja Albi, Anabel & Prieto Ramos, Fernando (Eds.). (2013). *Legal translation in context. Professional issues and prospects.* Bern: Peter Lang. ISBN 978-3-0343-0284-5 (pbk). CHF 75 / EUR 63. ISBN 978-3-0353-0433-6 (ebk). CHF 79 / EUR 63.

This book surveys the professional contexts in which legal translation and interpreting are carried out. It contains 14 contributions by 21 authors. Of these, 12 are not academics but experienced translators or the heads of translation departments in national or international institutions.

Part I of the book is devoted to legal translation in the private sector. It examines the use of comparative law in translation, the certification of freelance translators in Europe and the Americas (the UK, Spain, Germany, Greece, Argentina and the USA), freelance translation for multinational corporations and law firms and, lastly, recognition, lifelong learning, ethics and other professional issues of interest to freelance translators.

Part II is dedicated to national institutions. It deals with the following: translation in domestic courts (Europe and the USA); the translation of English letters of request for the police, prosecutors and judges; translation at the Spanish Ministry of Foreign Affairs; the co-drafting and translation of legislation (in Canada, Switzerland and the European Union).

Part III is devoted to legal translation within international organizations. It deals with the EU (its lawyer-linguists), the United Nations, the International Criminal Court (ICC), Interpol, the World Trade Organization (WTO) and translation technology in international organizations.

Short but precise references are included at the end of each contribution, enabling further research.

Because this book focuses on current translation practices, its realism should be welcomed. Indeed, it is to be hoped that it will inspire translation theory. Some examples of the more realistic points it makes may serve to illustrate this particular feature.

First, the vast majority of today's legal translators are no longer officials. Nor are they salaried: they work on the free market, running a small or even medium-sized business, and deliver to their clients not a product called "legal translation" but a specialized service (Esteves-Ferreira, who seems to suggest that the labels traditionally used to refer to translators and their work might now be profitably discussed).

Second, the significant increase in workload has prompted greater recourse to temporary personnel and external translators (Millet, referring to Interpol). As much as 60 per cent of WTO translations is done externally (Pasteur). Some countries have abandoned the direct hiring of translators and interpreters by courts, now outsourcing linguistic services to private intermediary companies (Herráez, Giambruno and Hertog, referring to Spain, the UK and Ireland).

Third, for all their main achievements, translators have not yet successfully dispelled the doubts society entertains about their work: "traduttore, traditore" (Gémar, who similarly seems to hint at a "labelling problem" that contemporary translators have inherited from earlier periods in the history of translation).

Reflecting on the above-mentioned examples, I could not refrain from thinking of Confucius' theory of names: "What is necessary is to rectify names ... If names be not correct, language is not in accordance with the truth of things. If language be not in accordance with the truth of things, affairs cannot be carried on to success" (*The Analects*, Book 13, Chapter 3, which is a part of his general theory of government as rectification).

If the structure of the book is highly conventional, its content is a mine of information, the bulk of which has hitherto been unavailable. This new information may have a considerable influence on university education and research; it might also make the book a useful career guide for final-year students in translation and interpreting faculties. Let us now consider some of this new information.

First of all, legal translators do not only translate: they are often required to perform other activities. They summarize very long documents, with the responsibility that this implies. To give just one example, those translating the responses to English letters of request write preliminary, "document-content" summaries, so that the requesting authority can decide which of the many documents received should be translated.

In addition, translators working for multinational corporations and law firms often reword counter-offers jointly with lawyers. Similarly, in-house translators at the Spanish Ministry of Foreign Affairs sometimes work hand in hand with diplomats during negotiations aimed at drafting international instruments.

In particular cases translators also give legal advice. The European Central Bank's lawyer-linguists advise on national law (although it should be added that generally they do not view themselves as translators, a further symptom of the above mentioned "labelling problem").

In my opinion, the question remains open as to whether these parallel activities (widespread in practice) should be considered or not during degree courses, by Legal Translation Studies and in relation to status, i.e. whether they should be encouraged or restricted. Globalization is certainly fostering some of them.

Indeed, one of the main results of increasing cost, "information overload" and time constraints is summarizing in its different forms. In this context, we learn from the book that, in Spain, the qualifying examinations for a *Traductor-Intérprete Jurado* include an oral summary of a written document, while those in the US for interpreters certified by the National Center for State Courts include a sight translation.

The book contains a great number of data indicating that globalization is also changing the notions of source language, source text and translation quality.

For example, as far as the notion of source language is concerned, following successive enlargements that have increased the number of EU Member States, "pivot languages" have, in practice, been introduced at the Court of Justice. "This entails using English, French, German, Italian and Spanish as the languages of the first translation from which translations of some documents are then made into the 'small' languages of the new Member States" (p. 184).

Similarly, a two-tier system is used at the European Central Bank, but for completely different purposes. Prior to finalization of a base text in English, lawyer-linguists start to translate the text into four or five languages, with the aim of highlighting in advance any drafting or translation problem presented by the base text in English. The latter is adapted accordingly and once it is considered sufficiently stable, translation into the remaining languages begins.

Interpol's working languages are Arabic, English, French and Spanish. Notices have the purpose of sharing police information and may be requested in one of Interpol's official languages by any of the 190 member countries. This means that "countries such as Croatia, Russia, Germany, China and Japan will request their notices in English, and that translating [their requests] into French or Spanish amounts to translating a translation" (p. 248).

The latter problem is shared by the EU, although at a level that is different again. The drafters in its legislative institutions are frequently not native speakers of the base-text language, which is now English in 80 to 90 per cent of cases (p. 187). Similarly, at the EU Court of Justice, Advocate Generals increasingly draft their opinions not in their native language, as in the past, but in one of the newly introduced pivot languages. In both cases, the drafters are translators from the outset.

The greatest complexity is to be found at the ICC, however. This is a global institution with no less than four types of language: not only "official" languages and "working" languages (like the EU), but also "communication" or "judicial co-operation" languages and "situation" languages (the latter being the languages of the situation country, e.g. Swahili, Lingala, Lendu, etc.). The "official" languages are the six UN languages, whilst the "working" languages are English and French. There are twenty-two "communication" or "judicial co-operation" languages and an open number of "situation" languages depending on the different cases. The Court Interpretation and Translation Section (STIC) is currently expected to support forty-five languages.

Globalization is similarly changing the nature of source texts. In some domains of legal translation, source texts are often hybrid or ambiguous and these domains appear to be increasing, both in number and in complexity. The book explores some significant examples, poorly studied by translation scholars so far. With a membership of 122 countries, the ICC has a hybrid judicial system, i.e. one that mixes common law with civil law, thus creating *sui generis* legal concepts. With a membership of 159 countries, the WTO produces texts frequently resulting from drafting compromises and therefore full of semantic ambiguity. Legal translation at Interpol faces similar problems, because 190 countries participate in this organization. In other words, following the erosion of authoritative national law by internationally negotiated law in a growing number of fields, translators are faced with source texts that legal scholars tentatively describe as hybrid, unstable and ambiguous.

Globalization is changing the notion of quality, too. Converging data in the book are opening up new fields for research. The Interpretation and Translation Section of the ICC is a high-pressure environment where translation deadlines are mainly linked to judicial deadlines. Thus what counts most in everyday work is to respect these procedural deadlines. At Interpol, documents translated externally carry a disclaimer stating that they were neither translated nor revised by the organization's language services. In the field of EU judicial cooperation, the translation of a letter of request merely "accompanies" the original; it is therefore acceptable to translate system-bound legal concepts approximately. Finally, because of ever-increasing translation volumes, the WTO's permanent staff comprises not only revisers but also translators with self-revision status.

My conclusion is that Legal Translation Studies should investigate the above mentioned contexts of professional translation and interpreting further, using the wealth of data provided in this book as an ideal starting point to attempt theoretical research on the effects of globalization.

This discipline should also increasingly consider definitions. A number of basic concepts (i.e. legal translation, judicial translation, sworn translation and institutional translation) are used inconsistently in some contributions of the book. Although they inevitably overlap in practice, the time has come to delimit these concepts.



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