ON THE CULTURE-BOUND TERMINOLOGY IN TRANSLATION FROM THE PERSPECTIVE OF A TRANSLATION TRAINER

Teodor Hrehovčík

Abstract: Specific terminology related to two different cultures is one of the major areas of difficulties in non-literary translation. This is specifically true in the situation when novice translation trainees strive to cope with a text which is based on facts that have no counterparts in the target language. This phenomenon is most striking when translating legal or economic texts, but also administrative in relation to the names of organizations and institutions. In many such cases we are dealing with concepts that are either absent or the terms used have broader or narrower meaning in the culture of the target language. The purpose of the present contribution is to give a few examples of the tasks which both translation trainees and translation trainers have to deal with in translation seminars. The commented examples reflect some differences in concepts and terminology related to Slovak, British and American reality.

Key words: translation, terminology, culture in translation, translation training

One of the frequent difficulties in non-literary translation from and into English (it may also be the case with other languages) is the difference in specific terminology which is closely related to the two cultures in question. This phenomenon is most striking when translating specialized texts, such as legal or economic, but also administrative in relation to the names of organizations and institutions. Unlike disciplines of exact sciences or technology possessing their own international concepts and in many cases standardized terminology, the mentioned types of texts cannot be separated from country-specific cultures. In many cases we are dealing with foreign concepts that are absent in the culture of the foreign language. In this respect, translating legal texts seems to be more than a complex task involving a good (if not professional) knowledge of the subject matter and good comprehension of the original text. The fact that legal systems in English speaking countries vary is reflected in a diversity even of basic terminology.

For illustration, the following examples may be provided. In Slovakia as well as in the United Kingdom, a government official charged with bringing defendants in criminal cases to justice in the name of the state is a prosecutor (prokurátor). In the United States, however,
such a professional may be known by any of several names depending on the legal jurisdiction. The terms county attorney, prosecuting attorney (in Michigan, Indiana, and West Virginia), county prosecutor, state attorney, state’s attorney, state prosecutor, Commonwealth’s attorney (in Virginia and Kentucky), district attorney (in some states), district attorney general (in Tennessee), prosecuting attorney (in Missouri counties) are all titles of prosecutors in the various state courts. Although responsibilities vary from one jurisdiction to another, their principal role is to represent the state in all the cases. It should be pointed out that the word procurator also exists but has a different meaning. It is the designation of a person with full power authorized to act for somebody else (prokurista).

The term attorney in the above examples may be confusing for an inexperienced translator who may perceive it as a lawyer providing legal advice to clients, and draft important legal documents such as wills, trusts, deeds, and contracts (advokát). This interpretation would be correct but in different contexts, mostly related to American usage. Attorney-at-law or counselor in the U.S.A. is what the British system understands by solicitor or barrister. To make things even more complicated, in the United Kingdom, Australia, Hong Kong and the Republic of Ireland, the legal profession of an American attorney-at-law is split between solicitors and barristers. In the English legal system, solicitors traditionally deal with any legal matter including conducting proceedings in courts while barristers have an exclusive right to appear in higher courts.

The consequences of different judicial systems in English speaking countries compared to Slovak reality are also seen in the names of the court personnel. If we disregard the different types of justices, a special position is taken by the clerk of the court (US) or clerk to the court (UK), who is effectively the Master of Ceremonies, but who usually has some legal training or background. The position involves responsibilities such as maintaining the records of a court and administering oaths to witnesses, jurors, and grand jurors. There is no equivalent of this type of a judicial officer in the Slovak legal system; therefore a general designation for the clerk of the court may be used in translation (súdny úradník).

Variations in judicial proceedings also result in exploiting terms absent in the Slovak legal practice. For example, in divorce procedure, if the British court is satisfied that the marriage has broken down irretrievably, it will first issue an interim Decree Nisi (dočasné súdne rozhodnutie). After a period of six weeks an application can be made to issue the Decree
Absolute ([konečný] rozsudok). The Decree Nisi should not be confused with a judgment. The court can also issue the Divorce Order, i.e. an order that ends a marriage.

When approaching a legal text in translation seminars, the trainer is often in the situation that he/she must first provide the trainees with general background information and, subsequently, specific information about the terms which, on the surface, look as equivalents but in reality they have different meanings and different legal consequences. Unfortunately, sometimes even dictionaries treat such words as equivalents. One of such cases is the distinction between the terms force (platnosť) and effect (účinnosť) of law. According to Slovak legislation, the law may come into force (e.g. on the date of publication) but it may come into effect (i.e. become binding) on a later date, which is usually stated therein. Dictionaries often make no difference between the two terms.

Another example of a culture-bound terminology is the existence of a marriage licence (license) in some jurisdictions. This document is issued by a church or state authority authorizing a couple to marry. It is a legal requirement and may also serve as a record of the marriage itself, if signed by the couple and witnessed. The Slovak law does not require any permission before a marriage is concluded. The Slovak authorities may, however, require from the couple intending to marry the Certificate of No Impediment (potvrdenie o neexistujúcich prekážkach) if one partner is a foreigner.

People applying for a job in Slovakia are usually supposed to submit to a potential employer a document which proves that they have no criminal history or that they have not been prosecuted. In some countries a police clearance certificate is used for the same purpose. The Slovak legislation, however, distinguishes between two documents. An applicant can receive two different certificates from the Prosecutor General Office. One confirming that the person has no entry in the criminal records (Výpis z registra trestov) or a certificate that presents full information about the person’s criminal history, including offences erased from the register by law (Odpis z registra trestov). When translating the two documents, the difference in the words Extract (výpis) and Copy (odpis) is not self-explanatory, therefore a more descriptive translation of the two documents should be made. The former document may be translated as the Extract from the Criminal Records or the Statement of Criminal Records and the latter the Full Transcript of the Criminal Record or the Complete Transcript of Criminal History.
In the area of business and economy, certain problems in translation arise from the
differences in economic systems between the source and target language countries. For
example, the private limited company resembles in many features a Slovak limited liability
company (s.r.o.) but with regard to the fact that it is formed by shareholders, as is the case
with Slovak joint-stock companies, it sounds like a “hybrid” of a limited company and a joint-
stock company. The existence of the public limited company makes the situation even more
complicated for the translator.

These and many other pitfalls are an integral part of the translators’ routine work.
Therefore, also the Directorate-General for Translation of the European Commission included
these specific skills in its requirements for a translator profile. Since Commission translators
are required to translate political, legal and administrative texts, potential candidates for
positions in EU institutions must have or must be prepared to acquire in addition to a perfect
command of at least two languages also the so-called thematic skills. This means that they
must be familiar with economics, financial affairs, legal matters, technical or scientific fields. As
for the required translation skills, the DG for Translation insists on:

— a capacity to understand texts in the source language and to render them correctly in the
target language, using a style and register appropriate to the purpose of the text,
— a capacity to research topics and terminology quickly and efficiently — in both source
language and target languages,
— a capacity to master computer-assisted translation and terminology tools, as well as
standard office-automation software.

Point two of these capacities in particular requires special attention. Translation trainees
should be guided in how to research specific topics and terminology efficiently using all
available sources of information. Besides numerous reference materials, searching the web
seems to be the quickest and most reliable source of information. In this respect, introductory
training that would provide students with basic clues for an effective search should be made
part of the basic translation course curriculum.

1 http://ec.europa.eu/dgs/translation/workwithus/staff/profile/index_en.htm
References

Author
Teodor Hrehovčík, Associate Professor, Institute of British and American Studies, Faculty of Arts, University of Prešov, Prešov, Slovakia; e-mail: teodor.hrehovcik@unipo.sk