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## **La traduzione giuridica: aspetti teorici ed applicativi.**

### **Legal translation: theoretical and practical aspects.**

In this essay I examined the theoretical and practical aspects of legal translation.

As for the theoretical part, the first issue I dealt with is the basic relationship between law and language. It is a topic on the borderline between several disciplines, such as law, linguistics, philosophy and anthropology, but interesting suggestions come also from studies in ethology and psychology.

Having examined this matter, the second main theme is related to the peculiarities of the language of the law, with particular regard to its differences with the everyday, non-specialized language, and with other specialized languages such as those of medicine, natural sciences, or mathematics. These peculiarities have been studied in depth, though some authors cast doubts on the idea that the language of the law is different from the ordinary language. Thus, according to Karl Olivecrona there is no difference between legal and ordinary language. In his view, every day we're involved in minor legal acts; most of the news we hear, e.g. political and economic news concern deeply legal aspects. Nonetheless, the average person, who has no law degree, can understand what reporters say.

On the other side, most authors focused their attention on what distinguishes legal speech from everyday speech. The starting point of those who support this idea is that, even though the boundary between ordinary and legal language is quite subtle, there is a difference, which lies in the use of words, and the connotations they bear when they are incorporated in legal speech.

At the end of this first part, I illustrated and assessed the answers given to the never solved question whether it is possible to have a perfect translation. In fact, the

aim of each translation theory is to find some principles and develop a procedure or a set of rules to achieve a perfect translation. As pointed out by a significant number of linguists and translators, there's no such thing as a perfect translation. Every translation is the result of a compromise between the type of the source text, the skills of the intended addressee, the context in which the target text will be placed, and the linguistic and cultural distance between the source and the target language. This is the first obstacle lawyers or translators are faced with when translating the law.

Another obstacle is that different Countries have different legal systems. While in mathematics, in natural sciences, in medicine, different languages refer to one single reality, the comparative lawyer has to deal with different legal systems and different languages, with a double switch, i.e. from language to language and from system to system. This obstacle is often hard to overcome also because of the indeterminacy and the internal ambiguities that affect substantial portions of the legal language, i.e. amphibologies, or simply inaccuracies of the lawgiver. The so-called analytic school, whose main authors are Austin and Searle, has methodically investigated the verbs of the legal speech. In their analysis they used thoroughly the notion of performative verbs, revealing the peculiar aptitude of some verbs to change, just for the fact of the pronunciation, some aspects of the legal order, and therefore, of the reality.

After having shaped a consistent conceptual framework of the process of translating the law, the research moves on the practical side.

One can approach a text in different ways, depending on the context in which the translated text will be placed; to accomplish successfully his duty the translator can choose among different techniques. The essential choice however is between a strict literal translation and a translation that tries to adapt the text to the target language, trying to get to a text that has the same effect as the original.

At a first glance, the best and more faithful technique is the literal translation, in which the translator tries to translate word by word, with as less intrusion as possible on the order of the words and on the syntax of the source text. Nonetheless this could result as the more deceptive way of translating a text, especially when the source and the target language reflect totally different cultures.

The method of the functional equivalence can be misleading too. In this case the translator tries to create a target text with the same effect as the source text, without paying substantial attention to the single words of the source text, trying to render the overall meaning of the entire source text. For some texts it is the only way to approach successfully the problem of translation, because a strictly literal translation would result in complete non-sense in the target language. On the other hand, the problem with this method is that it can be more risky than literal translation, because the translator has to have a perfect knowledge of the source language and culture. In fact, any misunderstanding of the translator results in an utterly wrong translation, even though the style may seem correct.

Other techniques are: the use of borrowings, when a single word of the source text is introduced in the target text because it is too complex to translate clearly or because a translation will waste away his connotations. Another method is the use of neologisms. These last two methods have to be used with great restraint by translators; an extensive use of borrowings and creation of neologisms is an admittance of the translators failure to accomplish their duty, i.e. to make the source text understandable to people who can only read the target language.

Another aspect of the essay concerns the main techniques used by interpreters, with special regard to the situation of court interpreters in Italy.

In the end I consider the organization and the work of the translation services of the EU.