

li171

Linguistic Insights
Studies in Language and Communication

Aleksandra Matulewska

Legilinguistic Translatology

A Parametric Approach
to Legal Translation

Peter Lang

Contents

Acknowledgements	9
Abbreviations	11
Introduction	13
PART I	
1. Legal Language and Translation	15
1.1. Introductory Remarks.....	15
1.2. General Translatological Foundations	15
1.2.1. Skopos Theory	15
1.2.2. Text Typologies, Translation and Translative System...	16
1.2.3. Parallel Text Comparison.....	20
1.3. Equivalence in Translation.....	21
1.3.1. Equivalence in General Theory of Translation	21
1.3.2. Equivalence in Legal Translation.....	29
1.4. Legal Language and Legal Translation in Brief.....	32
1.4.1. Legal Language as a Language for Special Purposes....	32
1.4.2. Legal Linguistics.....	38
1.4.3. Legal Translation	39
PART II	
2. Legilinguistic Translatology.....	51
2.1. Introductory Remarks on Translatology	51
2.2. Legilinguistic Translatology	53
2.3. Theoretical Legilinguistic Translatology	54
2.4. Practical Legilinguistic Translatology	57
2.5. Legilinguistic Translational Reality	59
2.6. Primitive and Defined Terms	60
2.7. Translational Postulates	78
2.8. Explanation Scheme.....	102
2.9. Concluding Remarks	105

3.	Towards Parametrization of Translatology	107
3.1.	Introductory Remarks on Relevant Dimensions	107
3.2.	Source-text (Translandum) Author	108
3.2.1.	Authorship of the Source-Text.....	108
3.2.2.	Author's Professional Knowledge	109
3.2.3.	Author's Communicative Skills	110
3.2.4.	Author's Awareness of the Art of Translation	110
3.3.	Translandum, translatum and their component parts	111
3.3.1.	Communicative situation	112
3.3.2.	Text Delivery Form and Quality.....	113
3.3.3.	Text Force and Legal Effect	114
3.3.4.	Text Function.....	115
3.3.5.	Time of Text Creation.....	115
3.3.6.	Language Variety.....	116
3.3.7.	Lects.....	119
3.3.8.	Legal System.....	121
3.3.9.	Branch of Law to which the Text Refers	122
3.3.10.	Text Genre	123
3.4.	Commission and Commissioner	124
3.4.1.	Commissioner	124
3.4.2.	Commission Length and Duration	126
3.4.3.	Remuneration.....	127
3.5.	Translator	128
3.5.1.	Translator's Educational Background.....	128
3.5.2.	Translator's Qualifications.....	129
3.5.3.	Translator's Personality	129
3.5.4.	Translator's Approach to the Role of the Translator	130
3.5.5.	Translator's Competence Verification	132
3.5.6.	Information Accessibility at the Time of Translation Rendering.....	133
3.5.7.	Translator's Information Retrieval Skills	134
3.6.	Communicative Communities.....	135
3.6.1.	Zabrocki's Theory of Communicative Communities ..	135
3.6.2.	Communicative Communities in Legal Translation ...	137
3.7.	Concluding Remarks	150

PART III

4. Calculating Translandive Text Meaning	151
4.1. Introductory Remarks on Meaning in Translation	151
4.2. Calculating Translandive Text Meaning	155
4.3. Calculating Meaning of Translandive Text Component Parts ..	160
4.4. Technical Terms.....	162
4.5. Semi-technical Terms.....	165
4.5.1. Polysemous and Homonymous Terms	165
4.5.2. Words and Expressions with Flexible Meaning.....	175
4.5.3. Euphemisms, Metaphors and False Cognates	176
4.6. Translandive Lingua Units with Undetermined Meaning....	179
4.8. Concluding Remarks	180
5. Communicative Communities of Recipients in Legal communication.....	181
5.1. Introductory Remarks.....	181
5.2. International Communicative Community	182
5.3. European Union Communicative Community	192
5.4. Common Law Communicative Community	202
5.5. Civil Law Communicative Community	206
5.6. Business Oriented Communicative Community	209
5.7. Legal System Ignorant Communicative Community.....	212
5.8. Business Relation Bound Communicative Community	214
5.9. Concluding Remarks	216
6. In Quest for Sufficient Equivalence	217
6.1. Introductory Remarks.....	217
6.2. Establishing Sufficient Equivalents	217
6.3. Translation Problems	232
6.4. Concluding Remarks	237
7. Translational algorithm	239
8. Conclusions	253
References	255
Index of key terms	275
Index of authors	277