

# LINGUOCULTURAL FACTORS OF LEGAL TEXT TRANSLATION

A. Borichevskaya <sup>1</sup>, E. Dubrovskaya <sup>2</sup>

**Abstract.** *The article deals with the problem of legal text rendering. It dwells on the necessity of preserving functional and semantic equivalence of the original and translated variants as well as considering the discrepancies of linguocultural and ethnic sort.*

**Keywords:** *intercultural communication, legal documents, communicative equivalence, translator.*

In the era of global bilingualism, the notion of the language of intercultural communication becomes universal as any language now interacts with foreign cultures. Thus, mastering a foreign language is inextricably linked with the mastery of the culture it is used in, which involves not only the assimilation of cultural knowledge, but the formation of the ability to understand native speakers along with their national characteristics. Translation as well as interpreting is a mediator or intermediary in the process of comprehending and understanding different cultures, in making contacts and communicating between them.

Consideration of the translation factors of any text in terms of intercultural communication is based on the main features of the language culture, the type and mechanism of social coding of the native (Russian) language and the foreign (English) one. Such an approach makes it possible to reveal a new point of view on solving practical problems related to the translation of a legal text, for example. The dominant role in this regard plays not only the social knowledge of legal norms, legal terminology, judicial-procedural system, but a translator's personality as well, since the translation of any text involves interaction of national languages and, accordingly, cultural concept. In order to make an adequate translation, it is absolutely necessary to own specificity of images and related activities of the cultures engaged in communication.

The concept of cultural interaction implies the presence of common/particular elements along with differences/similarities which allow us to

distinguish one linguocultural community from another. Any translator, working with a legal text, should take into account the requirements of the language usage — linguistic habits of the recipient, not destroying the usual perception of the legal document.

Discrepancies of linguistic and ethnic character between speakers of a foreign language and a language of translation can be both culturally-historical and event-relevant.

The most adequate communication between multilingual communicants is done by creating a text in a language that is communicatively equivalent to the original foreign language.

The concept of communicative equivalence of texts is of extreme importance for understanding the translation mechanism of foreign language material.

Two texts are regarded by the communicants as absolutely equal forms in terms of message conveyal. They are functionally and semantically equivalent. But while translating such identity can only be achieved if the translator is well-qualified and holds legal literacy in both foreign and native languages. Knowledge of basic legislation and especially legal terminology is necessary.

Undoubtedly, different specialist will to the extent maintain their proximity to the translation and correspondingly, reproduce the original more or less completely. So as the reference translation is not entirely possible, the translator has to compromise, finding the best variants.

Thus, reproducing and translating a legal text, a translator deliberately deviates from the structural and semantic correlation between the two sides of communication in favor of their equal value in terms of impact. So, a legal text is one of the most important vital forms of expression of rights.

Any legal document, another written medium has textual features and a peculiar linguistic expression. Despite the existing contradictions in the view of linguists and lawyers, most of them agree on the fact that any text has lexical, logical and grammatical basis arranged in a certain way for the purpose of

transmitting information. There is no doubt that legal texts translated from a foreign language into the language required have the same fundamentals, regardless of their functional purpose and pragmatic role.

As known, law is a set of rules of behavior of individuals and groups in society; declaring a certain form of actions and stating the principles for resolving controversial issues. Therefore, the language of translation of a legal document must meet such requirements as: to be accurate, clear and reliable.

When translating a legal text, the dominant system attributes are those that convey cognitive information with a prescriptive intent and an emotional tinge of high style.

There have to be:

- legal terms, some of which are archaic. They are translated as direct equivalents. The translation units are words and word combinations.

- the absolute present as the basic tense form is by functionally equivalent means.

- passive voice is translated by grammatical equivalent correspondences, some of which undergo syntactic transformations.

- generalizing semantics of the subject are translated with the help of corresponding variants; the unit of translation is a word.

- the formal style of the legal text is shown through a combination of lexical and syntactical means. The translation unit is a word and word combinations.

- diversity of syntactic structures, the abundance of homogeneous members of the sentence.

- lexical density and cohesion are preserved in the translated version[1].

As already mentioned, working with a legal text, a specialist quite often turns to transformations. In most cases, the problems, if any, have to do with linguocultural diversities between two nations. There are completely different, sometimes absolutely dissimilar approaches to phenomena and things in different ethnic communities. For example: the liability of the carrier is to three exceptions at common law. The first is the act of God, by which is understood some

unforeseen accident of natural causes which could not have been prevented by any reasonable foresight. В соответствии с общим правом, перевозчик освобождается от ответственности в трёх случаях. Во-первых, в условиях форс-мажора, стихийного бедствия, под которыми понимаются непредвиденные обстоятельства объективного характера, которые не могли быть предотвращены с помощью разумной предусмотрительности.

In this example of adaptive translation of a piece of legal text, the information is transmitted by means of another language. This process as it combines the elements of translation and conversion of information from a foreign language into the language of translation.

When translating legal documents special attention should be paid to the lexical non-equivalence, as there are words and word combinations in every language with no fully corresponding lexical units. Undoubtedly, a specialist should be aware of that.

For example, most Russian-speaking people aren't familiar with the notion of primaries - pre-elections, defining presidential candidates from two political parties in the US.

Before voting every citizen must register in accordance with the laws of his state. This gives him the right of participating in primaries. Перед голосованием каждый гражданин должен зарегистрироваться в соответствии с законами своего штата. Это дает ему право принять участие в предварительных выборах.

Solicitor is a member of the legal profession qualified to deal with conveyancing, the drawing up of wills and other legal matters. A solicitor may also instruct barristers and present clients in some courts.

A solicitor, acting under a general retainer, has an implied authority to accept service of process for his client. Солиситор, действующий на основании общего договора с адвокатом, имеет подразумеваемое полномочие брать на себя обслуживание клиента в ходе судебного разбирательства.

Bill — a draft of a proposed law presented to parliament for discussion.

In certain circumstances a Bill may become law without the concurrence of all the component parts of Parliament. При определенных обстоятельствах Билль может стать законом, без составляющих частей парламента [2].

These examples prove that the methods of translating legal documents can vary and be combined, depending on the presence of legal terminology in the text language, the structure of the sentence, the presence of alliances and introductory words, the linguo-cultural feature of the foreign language text, etc. In addition, taking into account the ethnocultural differences in the legal systems of Russian-speaking and English-speaking countries, it is necessary to remember to keep the semantic and structural proximity of the translation of the legal text to the original one.

### **References**

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