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Translation of Technical Terms: A Case of Law Terms

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***Abstract*—According to Nida and Taber (1969) "a good translation focuses on the meaning or content as such and aims to preserve that intact" (p.173) The purpose of this study is to take into account law terms and their equivalents in Persian language and also is to classify and identify the most frequent strategies which are used by Persian translators in the process of translating the law terms from English into Persian. For this purpose, the intended books were studied from the beginning to the end, and instances of law technical terms were identified and compared with their Persian counterparts in translated texts and also their equivalence in law technical dictionary. Based on the results of this research, the strategies used by the translators in translating technical terms of law are not due to the chance, and there is relationship between words and their translation strategy. Hence, the equivalence strategy had the highest percentage which showed that in translating technical words from English into Persian language this strategy was used with the highest frequency by the translators.**

***Index Terms*—English language, law terms, Persian language, translation strategy**

I. INTRODUCTION

The choice of a suitable equivalent in a language depends on many factors. Some of them are linguistics; others include extra-linguistic. So, words in two different languages are not always equivalent. Thus, Baker (1992) expresses that "non-equivalent at word level means that the target language has no direct equivalent for a word which occurs in the source text; the type and level of difficulty posed can vary tremendously depending on the nature of non-equivalence." (p.20) so, different kinds of non-equivalence use different strategies and translators should try produce equivalent meaning and effect for the target language recipients. Gutt (1991) states that “the translators produces a receptor language text, the translation, with the intention of communicating to the receptors the same assumptions that the original communicator intended to convey to the original audience.” (p. 94) Beekman and Callow (Cited in Gutt, 1991) further emphasis that the naturalness of the target text should be comparable to the naturalness of the source text. As for conveying the meaning of the original message in the translation and for correctness of translation, Nida and Taber (1969) maintain that “correctness must be determined by the extent to which the average reader for which a translation is intended will be likely to understand it correctly.” (p. 1) Therefore, purposes of translators are also important in choosing translation strategies for various words. The purpose of this study was to take into account law terms and their equivalents in Persian language and also is to classify and identify the different strategies which are used by Persian translators in the process of translating the law terms from English into Persian.

A. Terminology Management

Considering terminology and terms Cabré (2003) argues that:

Terminology presupposes a need for all the activities related to their presentation and transfer of specialized knowledge such as technical translation, the teaching of languages for specific purposes, technical writing, the teaching of special subjects, documentation, special language engineering, language planning, technical standardization, etc. We note that all professions dealing with special knowledge need terminology. This is obvious: terms, in their widest sense, are the units which most efficiently manipulate the knowledge of a particular subject. (p. 182)

Cabré (2003) also mentions that terminology is a set of applications in as far as it allows the development of products specifically intended to satisfy needs. The important characteristic of such products is their appropriateness; a terminological application must be oriented towards the solution of specific needs and therefore it must take into account its recipients and the activities they plan to carry out by means of such a specific application. (p. 182-183)

Cabré expresses that the central object of terminology are terminological units including units of knowledge, units of language and units of communication. According to Cabré (2003) from the perspective of their linguistic component, terminological units fulfill, among others, the following conditions:

(a) They are lexical units, either through their lexical origin or a process of lexicalization; (b) They can have lexical and syntactic structure; (c)As lexical structures they exploit all the devices of word formation and the processes of acquiring new units; (d) Formally, they may coincide with units belonging to general discourse; (e) Regarding word class, they occur as nouns, verbs, adjectives or adverbs or nominal, verbal, adjectival or adverbial structures; (f) They belong to one of the broad semantic categories: entities, events, properties or relations; these categories with their own subcategories do not necessarily exclude each other and should therefore be rather considered as semantic values; (g) Their meaning is discreet within a special subject; (h) Their meaning is extracted from the set of information of a lexical unit; (i) Their syntactic combinability is restricted on the basis of the combinatory principles of all lexical items of a language. (p. 184)

Cabré (1999) also expresses that:

A general theory of terminology considers terminology to be an interdisciplinary but autonomous subject at the service of scientific and technical disciplines in which the nature of concepts, conceptual relations, the relationships between terms and concepts and assigning terms to concepts are of prime importance. (p. 7)

Based on Cabré "terminology is closely linked to the special subject fields."(p. 9) As technology develops so does the terminology. Thus, Cabré puts it "terminology is at the service of science, technology and communications; as a results, it must work within the limits of providing a service to other disciplines." (p. 9) She states that as new concepts are created, terminology is subject to change too. Bononno (2000) considers different theories regarding terminology. According to Bononno "modern theories of terminology are based upon a clear distinction between the general lexicon, the words we use in every day speech to express a full range of feelings and ideas, and special languages, subsets of the global language stock that are generally used for communication among experts." (p. 649) From Bononno's point of view, terminology is a field of study which is restricted to special languages. Thus, concepts, terms, and definition comprise the main components of any terminology. In his words, terminology refers to "the terms in a specific field of knowledge", and also to the "systematic arrangement of concepts within a special language." (p. 651) L'Hommeet al. (2003) also proposes an exhaustive definition as for terminology. They state that terminology is a field "with a growing number of applications in all spheres where language and specialized knowledge have to be organized and managed together." (p. 160)According to Sager (Cited in Wright, et al., 2001) "good practice in terminology management requires that terminological information no longer be extracted from previous lists or by individual searches, but rather from a body of relevant textual material called a corpus." (p. 762) He mentions that such textual corpus covers texts containing all the information produced and required by a group of subject specialists.

In connection with computer terminology and jargon, Corbolante, et al. (Cited in Wright et al., 2001) reiterates "the continuous development of computer technology also results in the introduction of new concepts that require naming and consequent equivalents in the target languages, which means that terminologists and translators must coin new terms more frequently than ordinarily common in other, more stable domains." (p. 516) They also add that "computer jargon is used long with acronyms and neologisms, and general terms often acquire new meanings in the computer texts." (p. 517) Thus, based on Corbolante, et.al "when a software application is transferred from the SL into different target languages (TLs), it might also require considerable degree of localization." (p. 517) So, according to their views, there are many problems such as language- and culture-specific problems, and technical requirements that should be resolved in translating law terminology from SL to TL.

B. *Lexicology and Terminology*

According to Cabré (1999) "if lexicology deals with all the words of a language, terminology only focuses on the words belonging to either a specific field (such as physics, chemistry,…) or to a professional activity (such as business, industry, sports, etc.)" (p. 35) In relation to the basic units of lexicology and terminology, Cabré states that "lexicology deals with the study of words, whereas terminology deals with terms." (p. 35)

Hartmann, et al. (1998) also distinguishes between terminological lexicography and general lexicography. From their view, the domain of terminological lexicography is technical terminology, specialist texts, special- purpose expert users, whereas the general lexicography is related to general vocabulary, non-specialist texts, and multi-purpose general users.

C. *Words and Terms*

Jackson (2002) defines words from two perspectives: writing and speech. According to him, in writing words refer to "a sequence of letters bounded by spaces; in speech words are composed of sounds, syllables, and they follow one another in the flow of speech without spaces or pauses." (p. 1) He identifies two classes of words namely large class and small class. The items in large class are nouns, verbs, adjectives, and adverbs; the small class also consists of pronouns, determiners, prepositions, and conjunctions. Jackson adds that the large class is dynamic but the small class is static and is used to link the members of the large class in making sentences. To identify an element of a word, Jackson uses the term morpheme and states that "words are composed of morphemes." (p. 8) Thus, in Jackson's standpoint, in cases which words consist of one morpheme, they are called 'simple' words and if they have more than one morpheme, they make compounds.

According to Hartmann and James (1998) a term is defined as "a word, phrase, or alphanumeric symbol used by the practitioners of a specialized technical subject to designate a concept." (p. 138)

Thus, Cabré (1999) differentiates between terms and words. She phrases that "terms and words are similar and different at the same time; a word is a unit described by a set of systematic linguistic characteristics and has the property of referring to an element in reality, a term is a unit with similar characteristics used in a special domain, from this standpoint, a word of a special subject field would be a term." (p. 35)

Kageura (2002) also states that terms are concrete linguistic objects in a specialized discourse. From his standpoint a term is "a lexical unit consisting of one or more than one word which represents a concept inside a domain.' (p. 9) Kageura views terminology as vocabulary related to a specific domain.

According to Cabré (1999) from a linguistic point of view, a word is a unit characterized by having a phonetic (and graphic) form, a simple or complex morphological structure, grammatical features, and a meaning that describes the class to which a specific object belongs, a term also has the same features. She also states that "words are not just linguistic units that can be described solely from the standpoint of the system of the language; they are also communicative (pragmatic) units that identify speakers by the way they use words in specific expressive or communicative situations." (p. 35) Cabré reiterates that pragmatics is the major factor that differentiates terms from words. From her standpoint, "pragmatically, terms and words differ with respect to their users, the situations in which they are used, the topics they communicate, and the types of discourse in which they usually occur." (p. 36) As mentioned earlier, Cabré differentiates between users of words and users of terms. Based on her, users of words are all speakers of language, but those of terms are the professionals that deal with relevant subject field. Cabré says that "words are used in widely varying situations, whereas the use of terms of a special subject field is usually limited to the professional circles." (p. 36) Thus, based on Cabré's words, the purpose of terminology is to identify and name the concepts belonging to a specific subject.

D. Word Formation Processes

Jackson (2002) enumerates some methods of making new words: (a)compounds which are formed by joining two or more root morphemes into a single lexeme, (b) derivatives which are formed by addition of a prefix or suffix to a lexeme, (c) acronyms which are formed by using initial letters of a phrase, (d) loan words are borrowed from another language. Jackson also states that there are two basic ways that a language can increase its vocabulary, one of them "is to use the material (morphemes) available in the language already and to recombine it in new ways", the other is "to import a word from another language, a process called 'borrowing'." (p. 11) Yule (2006) also identifies a broad category of word formation processes: (a) coinage: by this he means the invention of new terms in the language, (b) borrowing: taking words from other languages. Yule states that this process is the most common process in English language. According to him, loan translation or calque are also types of borrowing, (c) compounding: two words combine with each other and produce a single word, (d) blending: the beginning of one word is joined to the end of the other word, (e) clipping: Yule expresses that clipping occurs when "a word of more than one syllable is reduced to a shorter form." (p. 55) (f) backformation: it means that a word of one type (part of speech) is changed into another type. Yule also introduces hypocorism as a particular type of backformation, in which larger words are reduced to a single syllable, then –y or –ie are added to their end, (g) conversion: a change in grammatical functions of a word, (h) acronyms: Yule puts it they are produced "from the initial letters of a set of other words." (p. 57) (i) derivational: are those words which are produced by the addition of affixes to the root morphemes. Jackson (2002) also has referred to borrowing, compounds, acronyms and derivational in his categorization of word formation processes the same as those which are referred to by Yule.

E. Technical Translation

Byrne (2006) defines technical translation as "a communicative service provided in response to a very definite demand for technical information which is easily accessible (in terms of comprehensibility, clarity and speed of delivery)." (p.11) According to Kingscott (Cited in Byrne, 2006) "technical translation accounts for 90% of the world's total translation output each year."(p. 2) Byrne enumerates some misconceptions as for technical translations which are as following:

(a)Technical translation includes economics, laws, business, etc.. In reality "technical" means precisely that, something to do with technology and technological texts; (b) Technical translation is all about terminology. This particular misconception is not unique to those uninvolved in technical translation but many of those people within technical translation hold this belief. Pinchuck (Cited in Byrne, 2006, p. 3) for example, "claims that vocabulary is the most significant feature of technical text. Byrne argues this is true in so far as terminology is, perhaps, the most immediately noticeable aspect of a technical text."

(c) Style does not matter in technical translation. This is another misconception for technical translation. Byrne (2006) puts it:

If we look at style from a literary point of view, then it does not have any place in technical translation. But if we regard style as the way we write things, the words we choose and the way we construct sentences, then style is equally, if not more, important in technical translation than in other areas because it is therefore a reason, not simply for artistic or entertainment reasons. (p. 4)

(d) Technical translation is not creative; it is simply a reproductive transfer process. Byrne (2006) states that for information to be conveyed appropriately and effectively, technical translators have to find creative linguistic solutions to ensure successful transfer of information.

(e) You need to be an expert in a highly specialized field. Byrne (2006) asserts the reality is that technical translators cannot be specialized in all subject areas. So, he summarizes the essential areas of expertise for technical translators: “subject knowledge, writing skills, research skills, knowledge of genres and text types, and pedagogical skills.” (p. 6)

Finally (f) Technical translation is all about conveying specialized information. This is another misconception regarding technical translation which is not true. Byrne (2006) points out that “technical translation involves detailed knowledge of the source and target cultures, target language conventions, text type and genre conventions, register, style, detailed understanding of the audiences; whether translators realize it or not, an understanding of how people learn and use information.” (pp. 6-7) Byrne also characterizes “technical translation at the basic level on the basis of: subject matter, type of language, and purpose.” (p. 8) He distinguishes between scientific and technical translation and states that they both have specialized terminology. So, from Byrne’s standpoint “the purpose of technical translation is, therefore, to present new technical information to a new audience, not to reproduce the source text, per se, or reflect its style or language.” (p.11)

F. Models of Translation Evaluation

Translation evaluation is an issue that many translation scholars considered it and introduced different model for evaluating translated texts. This section is an attempt to present some of these models:

Melis and Albir (2001) argues that in translation assessment , objects, types, functions, aims and means of assessment should be defined clearly. They take into account three areas of evaluation in translations: (a) the evaluation of published translations, consisting of comparing a source text and a single translation of it or comparing a source text with its several translations; (b) evaluation of professional translators’ work, either for the purpose of research, or teaching purposes; and (c) evaluation of translation teaching, with focus on correcting errors and translation problems. Thus, from their point of view, two concepts should be taken into account in translation evaluation: (a) translation problems such as linguistic problems, extralinguistic, transfer problems, psychophysiological and professional problems relating to translation brief; (b) translation errors namely related to the difference between product or process errors of translation, between the source text (intralingual errors) or target text(interlingual errors), between functional errors or absolute errors, and finally the difference between systematic and random errors. In assessing translation, Farahzad (1992) considers two approaches: holistic approach and objective scoring in which accuracy, appropriateness, cohesion, and style are of prime importance. Melis and Albir (2001) identify three ways for assessing translation: (a) intuitive assessment which is subjective and impressionistic and does not apply explicit criteria; (b) partial assessment assessing only some of the translation problems and is employed in teaching context and evaluating professional translators; (c) reasoned assessment which is objective and using scales for different types of errors in translation. They highlight that translation assessment should apply explicit and objective criteria, determine the seriousness of errors, find good solutions for the translation problems, and be flexible in assessment. Melis and Albir (2001) mention that “evaluation criteria may change, depending on the period, aesthetic taste, literary conventions, and the prevailing translation method.” (p. 273) Waddington (2001) also introduces a model for translation quality assessment based on error analysis in which he distinguishes between major and minor errors in translation; the other method proposed by him is holistic method considering translation as a whole. According to his model of assessment, translated text is assessed by the researcher and two raters. Goff-Kfouri (2005) further proposes general impression, error count and analytical grid as methods which are used in translation assessment. Regarding translation evaluation, Sainz (1992) present a model which is student-centered and consists of five stages: (a) development stage which considers and anticipates student’s need; (b) implementation stage in which the correction chart is given to the students; (c) monitoring, the teacher monitor student’s translation to make adjustment; (d) integration, in this stage teacher notes down the types of mistakes of a particular translation; and (e) self-monitoring, at this stages students check their own progress. Some of these models are similar to each other’s to some extent, for instance, the model of Melis and Albir (2001) is similar to Beeby’s model (2000) of translation assessment which is based on points given for specific translation problems such as extralinguistic knowledge, cultural transfer, lexical errors, syntactic difference, etc..

G. Research Question

What is the most frequent strategy in translation of technical law terms in the process of translating from English into Persian?

H. Theoretical Framework

Baker (1992) proposes strategies in the cases of non-equivalence at word level; thus, the strategies based on Baker are as follows: (a) Translation by a more general word; (b) Translation by a more neutral /less expressive word; (c) Translation by cultural substitution; (d) Translation by a loan word or loan word plus explanation; (e) Translation by paraphrase using a related word; (f) Translation by paraphrase using unrelated words; (g) Translation by omission; (h)Translation by illustration.

II. METHODOLOGY

To obtain the aim, the intended books were studied from the beginning to the end, and instances of law technical terms were identified at random and compared with their Persian counterparts in translated texts and also their equivalence in law technical dictionary and the extracted instances were classified based on the Baker's translation strategies. Then, the percentage was calculated to see which one was used with the highest frequency. The three law texts and their Persian counterparts consist mainly the materials of the study: (a) *A level and as level law*, by Martin Hint (2000), (b)*General Course Studying of English Law (GCSE law)*, John William,9th edition(2005), and(c)*Law Texts*, G.Eftekhar (2001)

Findings of the Study

TABLE 1.
FREQUENCY OF TRANSLATION STRATEGIES IN THE CORPUS

Translation Strategies	Frequency
Equivalence	**150**
general word	**40**
Loan words+ paraphrase	**30**
specific word	**20**
paraphrase using a related word	**10**
paraphrase using unrelated word	**5**
Omission	**5**

As table 1indictaes equivalence strategy has the highest frequency (150) and paraphrase using related words and omission strategies (5) have the lowest in number.

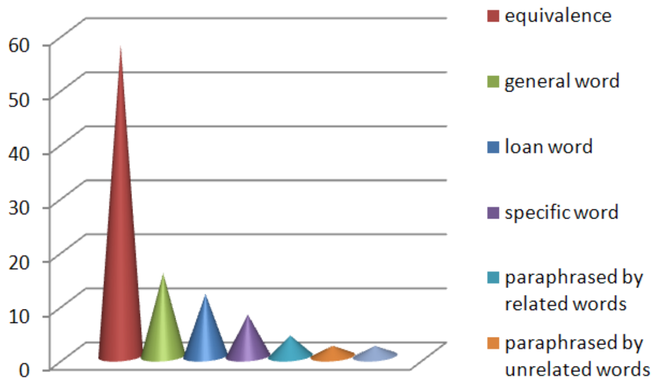

Figure 1. Percentage of Translation Strategies in the Corpus

Based on figure 1 equivalence contains the highest percentage (57.69%) and paraphrase using unrelated words and omission strategies (1.92%) comprised of the lowest one in comparison with others strategies.

III. RESULTS AND ANALYSIS

Based on the purpose of the study, and research findings, equivalence was the most frequent translation procedure used by the Persian translators. It contains the highest percentage (57.69%) and paraphrase and omission strategies (1.92%) carried the lowest percentage in the corpus. Then, the answer is provided to the research question of the study and equivalence strategy was used with most frequency in this case study.

IV. DISCUSSIONS AND CONCLUSIONS

Research findings indicated that equivalence was used with the highest percentage. Thus, it may be because of these reasons: (a) since these texts were written and translated for specific readers, i.e. those who are specialized in law field, Persian translators also preferred to apply equivalence strategy in most cases; (b) It seems that translators wanted to present communicative translation rather than semantic one. Therefore, they have applied equivalence. It is also worth mentioning that in those cases which law terms have not equivalent in Persian language, the Persian translators preferred to use more general words and use paraphrase in their translation with highest frequency rather than applying other strategies. The research attempted to identify and classify the most frequent strategy which the Persian translators have used in translating the technical law terms into Persian. Considering different translation procedures, it can be concluded that the translators apply different procedures in translating from one language into another one. Therefore, the results show that the strategies used by the translation in translating technical words of law are not due to the chance. Hence, the equivalence strategy has the highest percentage which shows that in translating technical words from English into Persian language this strategy is used with the highest frequency by the translators.

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