

**Morris, Marshall (Ed.) (1995): *Translation and the Law*, American Translators Association Scholarly Monograph Series, Vol. VIII 1995, Philadelphia, John Benjamins Publishing Company, 337 p. ISBN 1-55619-627-X**

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L'interprétation en langues des signes

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#### **Translation and the Law**

*Translation and the Law* is an outstanding contribution to international collective thinking on translation and it stands as a distinguished achievement on the part of the American Translators Association. The monograph presents a collection of sixteen papers of which three quarters are of exceptional quality in content and presentation. Among the many interesting aspects of this collective work, one notes that while legal translation occupies the forefront in all places, much of what is said can be applied equally to general

and other areas of technical translation, which is a credit to the book's genuine universal appeal.

Another interesting aspect of this fascinating work lies in the maturity of the papers retained. In all, the reader will discover sixteen parallel worlds described by sure-handed, seasoned "culture vultures" who have assembled, synthesized and presented sometimes conflicting but always complementary views of two vast expanses of human knowledge and experience. The authors' styles vary as they should: most are as racy and convincing as a good novel while others, well somewhat laborious, but all are well documented.

Traditionally, a book review is a place for providing some sort of critical analysis / synthesis of content. I prefer, however, to break with tradition and leave the floor to the authors themselves, starting with the editor, Marshall Morris:

"These papers, written by scholar-practitioners, are field reports, orderings of data, thoughtful essays written home from an intellectual frontier, even from the trenches in a struggle where the stakes are not cities but understanding and fair treatment. The personal effort necessary to think through, and document, and write up these issues is very great indeed."

So very true! For the seasoned translator or interpreter who seeks an enjoyable dialog with fellow workers worldwide, this is a book for you. For beginners venturing out over unexplored seas, here are the charts to assist you in navigating over the perilous hidden shoals and through the threatening currents that these generous predecessors have so carefully mapped out.

So here follows a medley of citations which I have deliberately not referenced so that it will be up to you to find out who said what and where:

### **Courtroom interpretation**

Clearly it is naive of the judge to believe that swearing an oath to accurate interpreting will guarantee accurate interpreting. Interpreters do the best they can, and are sincere in their effort to be precise and faithful to the foreign language testimony. Yet if they are not highly qualified to do their job, the product of their efforts is bound to be faulty. No amount of oath-swearing can guarantee high quality interpreting from an interpreter who does not have the necessary competency. (...)

The court found that a translation is good if the target text does the job it was ordered to do, like any other product. (...) It is similar to saying "the customer is always right."

### **Down under**

Aboriginal and western thinking contrast in that the former is tied to reality but the latter may break that link. This disparity is the cause of misunderstanding.

### **European Communities**

One of the first rules taught to students aspiring to become translators is that they must understand a concept if they hope to be able to translate it. This is the first rule to be unlearned, I fear, by aspiring EC translators. Instead tell them: find a non-committal and roughly equivalent term, that no one will be able to disprove or discredit, if only because its meaning is unclear in the target language.

### **ISO 9000 et seq.**

"The ISO standards were kept purposely vague so as to represent general quality principles applicable across all industries. They operate on the rule of thumb 'document what you do and do what you document'."

“ISO 9000 ‘has become the common denominator of international business quality.’ Certification confers a competitive advantage. ‘Certification is not mandatory in the EC. But it is fair to suppose that when a certified supplier is competing with a non-certified one for the same business, the company with certification usually get the nod’.”

### **Machine translation**

“The very *possibility* of machine translation demands a fictional theoretical model, for machine translation is science fiction in the truest sense: the day a machine is capable of translation, we shall at the very least have to change the definition of “human.”

### **Neologisms**

“In Icelandic neologisms are generally very transparent and describe the object, operation or characteristic in question. At present there are two words for fax fighting it out in the country: bréfsími, which literally means a letter-telephone, and myndsendir, which means a picture-sender. A gambling man could open a betting shop on the outcome of such struggles.”

### **Standardized Spanish terminology**

“There is surprisingly little international communication among legal scholars and jurists in the Spanish-speaking world, and little effort has been made to standardize terminology.”

### **Textual density**

“Textual density, for purposes of this discussion, is defined as the *amount of information contained in each word*. So the density of a text is measured in terms of the information each word carries, rather than the number of words in that text. The *number* of words is the *volume* of text, for purposes of this discussion. A text can be voluminous yet not be dense; or it can be brief and very dense. Volume bears no necessary direct correlation to density.”

### **Translation theory as seen by two different authors**

“Modern translation theory, like communication theory, cognitive psychology, and reading theory, recognizes the importance, or even supremacy, of the *purpose* of a translation as a guiding factor in the creation of the target text. “[Imitating the original] is not, as many people still seem to believe, the central task of a translation. The guiding actor in creating a translation is its *purpose*.”

“The theoretician’s job is not to provide a theoretical demonstration of what practice makes all too apparent. Rather it is to construct the most useful and effective fiction for a given time and context.”

### **Translator liability**

“Possible liability is a subject that is often debated among translators. U.S. translation-market observers surveyed by this author could not think of a single case of a translator being sued for anything other than failure to deliver on time.”

This sampling is meant only to whet appetites. Once these excerpts are resituated in context, in most cases the reader will discover a wealth of examples giving credence to support the authors’ arguments. Lastly, the book may be read in one or as many sittings as one prefers. I first read it through from cover to cover and then went back and picked out my favorites.

Kudos once again for the ATA and my gratitude to Marshall Morris and his devoted team of collaborators for many hours of well-spent pleasure.

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