An Interdisciplinary Approach for Academic Training in Translation: Legal Translation as a Specialized Translation Course

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Abstract

There has been a number of discussions on the methods by which translation and interpreting should be taught in Turkish universities since 1980s; a period when the departments of Translation and Interpreting started being established. As the number of the departments increased, accordingly the content of discussions and research on training enhanced. When the curricula of these departments are examined, it becomes obvious that they all have various, often different methods to train their students. Discussions on the subject cover topics such as curriculum and syllabus design which increasingly have become of great interest for many researchers. Considering the close relationship between the subject areas of the special fields of translation such as economics, law, medicine, literature, engineering etc., the need of incorporating certain aspects of such areas into translation training programs becomes evident. Thus, developing knowledge and awareness on those special fields becomes embedded in translation competence which covers competence in language, culture, text analysis, research, etc. The aim of this paper is to concentrate on the methods in which academic training programs of specialized translation, particularly in legal translation training, should be designed so that a functional way of teaching/training could be achieved through a concept of translation competence. In order to do so, we will focus on the curriculum of "Translation of Legal Texts" module at Yaşar University. The theoretical framework of our paper is based on one of the key concepts of the translation studies which is "function". In this context, we will also examine the widely used term "specialist" (or rather being/becoming a specialist translator) and some misconceptions that seem to result from the blurry understanding of the term in question. Therefore, we aim to pinpoint certain "problem zones" that hinder a functional teaching / training process and we intend to come up with plausible alternative suggestions that could hopefully help have a clearer idea as to how to design appropriate modules in translation departments, also create more realistic expectations about legal translation training among students. We will also look at the ways through which students could obtain the translation-relevant knowledge of the given subject area more efficiently and gain awareness of internal and external contexts of a given text, special field related text types, registers and terminology by in-class-translation exercises. Accordingly, we hope to shed light on the route that leads to becoming a "specialist translator". Finally, we suggest that "being a specialist translator" should necessarily mean "becoming a specialist translator". That is a lifelong learning and practicing process which requires a

constant awareness of the ever-changing and developing nature of subject areas and the translation studies itself. We further suggest that such an undertaking cannot be confined to a limited time of an academic education program; on the contrary, academic education/training programs on special subject area translation/interpreting can and should be designed as a functional tool. In this respect, we also intent to come up with some suggestions that would hopefully guide translator-candidates by shedding light on the ways that would enable them to go through that constant learning process in a safer, sounder and more efficient manner.

Key Terms: translator training, legal translation, function, awareness, translation competence

On the foreword of the famous 1997 meeting proceedings book, Kurultay (1997) puts forward one of the main discussion topics of translation studies in a appropriate question: *what do departments of translation offer, and will they be able to provide it?* The meeting brings seven departments from different academic institutions which used to offer translation education at the time. One of the main observations that came out of the meeting was the variety and diversity of curricula coming from different schools. Today, there are nearly seventy departments of translation, still with the same degree of difference among themselves. Thus, we can claim, what Kurultay asked seventeen years ago is a live question and it is worth bothering with. As we point out variety of the curricula, we do not criticize the institutions themselves. Taking circumstances and ever-changing dynamics within different academic institutions into consideration, reasons for impossibility of a nationwide standard for translation education are many; imbalance between number of faculty members and departments (not enough academic staff for departments), insufficient number of PhD programs to support the field with new educators and researchers, changing perspective on translation studies as a academic discipline as people who work in translation departments come from different backgrounds… the reasons also vary as the curricula do. On the other hand, we can question difference as well as the need for standardization. We can also add another question, along with many others; do departments whose curricula seem to focus on a specific field should specialize entirely? Yet departments as a whole do not seem to completely fall into a strict conceptual category, and courses often overlap thematically though course names change. Could modular education offer us a way out? We will give much energy to discussions on functions and differences which seem a bit confusing—and more than provocative- just like Kurultay's question that kindled them.

Already, ongoing discussions are confusing still, considering that over time we can at least offer some solution to certain extend if we engage the question from a different angle. Thus, topic of our paper is subject areas of the special fields of translation in translation education in Turkey. Of course, analyzing all subject areas exceeds our time and intentions here; therefore, we will focus primarily on legal translation training as it is directly related to translation as a profession and field of education. In order to do so, we will focus on the curriculum of "Translation of Legal Texts" module at Yaşar University. The theoretical framework of our paper is based on one of the key concepts of the translation studies, that is "function". Since we both wish to understand the conceptual framework and its impact on application, we will try to unpack a possible plan on legal translation training which could be extended to other special fields.

Law as a discipline has a characteristic, that is, it somehow covers all other disciplines under its umbrella, so to speak. It also has a special place for translation departments, and a translation student who has not taken a course on legal translation would fail to provide even an insight in other courses and in his/her professional life. Also, all translation processes are more or less related to legal field.

The word 'special' in courses on special fields may have different connotations. TDK describes the word as follows[1]: "1. Belli bir işte, belli bir konuda bilgi, görüş ve becerisi çok olan (kimse), mütehassıs, kompetan. 2. Belli bir bilim dalında lisansüstü öğrenim derecesine sahip kimse, spesiyalist. 3. Bilirkişi."

In TDK's descriptions, we see a possible gateway to different interpretations which is only logical. So, interpretation and recognition of the concept specialization itself gives us the key to understanding the diversity in curricula. If we are to start with the meaning of specialist in legal translation, we can see that misconception does not lie in some unseen depth but in its essential texture. So let's see how specialization in a course is understood by many people:

- This course provides students with information on legal matters, gives them notion of legal systems
- Building upon information they acquire and understanding of notion of legal systems, students have the opportunity to apply their knowledge to different texts

A similar question about these presumptions might be: how departments, who offer courses on medical translation, multimedia translation, literary translation etc., can claim to have their undergraduate students, master all these skills? Is it even possible to study and tackle every one of these special fields with excellence within a mere four years? On the other hand, in translation studies, as it is our nature as an academic discipline, we struggle to equip our students with competences of language, culture and communication. Yet, this procedure does not promise complete degree of success as it is almost impossible to become master of all. Then, we should question the meaning of the term 'specialist', how it has its meaning and by whom the meaning is given. The main division between conceptual understanding when it comes to identifying specialization is the specialization on a specific field versus specialization on act of translation and processes integrated to this act.

As for legal translation, we will try to distill a functioning approach, a version of which we might adapt as an extension of a revision of a key concept in translation theories: function. To provide a working example of our approach to translation theory and 'function', we will have a look at "Introduction to Legal Translation" and "Legal Translation" courses in Yaşar University's curriculum. We are quite aware of the fact that, this module should base on application and practice. Yet, to form accumulated knowledge on the field and provide insight about the notion of legal systems, we offer "Introduction to Legal Translation" course. The course is arranged not as an abstract lecture but as a tableau of competences, spiraling around a central motif, which is function. As a part of our central motif, we aim to

[1]http://www.tdk.gov.tr/index.php?option=com_bts&arama=kelime&guid=TDK.GTS.535ba29f025473.71477907

establish a basis with key concepts, and information about general and special legal systems. Moreover, we try providing an awareness and to foreseeing the possible uses, or 'functions' of given information and conceptual interpretation within translation processes.

It is an interesting study; one can amplify it as we do with terminology study, which clarifies the key concepts and avoids ambiguities; discuss it with students who are given information on special and general legal traditions and systems; challenge it altogether as course diverges into differences between legal cultures of different languages and even between different institutions within the same culture and language. On the other hand, as Eruz indicates (2000: 92-97), legal texts has a chain function (that is, a legal document triggers another process based of a different legal document), and are multi-layered (paper, text, signatures and stamps have different meanings and functions on legal documents and they should be analyzed accordingly during translation process), are factional (a legal document may need other legal documents to function, for example, an entrance pass for an exam would not function without and ID), all of those functions are explained within the framework of translation. (2000: 92-97). But is this how this study works and why? To anyone not equipped with a translation competence and education, it is almost trivial, yet the necessity to distinguish the function of the legal text in relation to the text type is essential for a translator. Basically, students should distinguish functions of legal texts. Moreover, legal texts contain cultural elements as well. Translation is not reducing a text to a grammatical transaction between two languages. Cultural elements play an important role in translation and not only the text but also the culture of those who experience it should be taken into consideration.

Therefore, we don't expect students to obtain subject-specific knowledge, our expectation lies in the ability to recognize the reflection of translation on legal texts. But what do we mean when we talk about subject-specific knowledge? If there is one simple explanation of this concept, it is in Hönig's words: "The decisive qualification of translators is not their knowledge of a foreign language and their subject-specific knowledge but it is their knowledge of what texts are used for and how they achieve their effects" (in Schäffner 1998:3). So, Legal Translation course, which functions as the application of Introduction to Legal Translation course, will reveal itself not in mere template-based translation practice but as a solidified action of translation which has its roots in theoretical knowledge. Vermeer argues that translation would be successful if its purpose is explained clearly (in Venuti:221) and one of his focal points is the function of translated text (see. Vermeer 2008:3-5). Therefore, an active concretization of field knowledge through application will give function to theoretical information. To apply theory in the cadence of its application, we fictionalize real translation jobs with resonances of legal texts. A translator should lead and manage translation process, and to keep an open eye for covering elements definitely helps to sort out purpose of the customer, purpose of the translation, differences in source and target cultures. By doing so, translator can work within the 'skopos' as Vermeer describes it.

> Functionalist approach means that, whenever the "customer (auftraggeber)" "orders" or "gives" a job (in auftrag geben), he has an aim and a target. Translation is expected to serve the target culture, and naturally to target

> audience. The best possible translation is determined by the norms during the process (Vermeer, 2008:4).
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> Each text is produced for a given purpose and should serve this purpose. The Skopos rule thus reads as follows: translate/interpret/speak/write in a way that enables your text/translation to function in the situation in which it is used and with people who want to use it and precisely in the way they want it to function (in Nord, 2007:29)

Though it leaves us uncertain about specifics and details in a way, this approach makes palpable that students should not only receive different norms that surround the translation process but also should pay attention to the textual level. So the path we take to guide the students is as follows:

Textual analysis for translation: We can analyze this process involves two phrases, extratextual factors form one and intratextual factors the other. Yet, translation process is covered by different norms related to these main concepts. What we should pick out in the process is the theoretical disposition the student/translator has developed towards "purpose" and "function". Purpose of the translation among these variables changes according to translation brief, customer definition, customer expectation, language of the text, technical information, style, terminology, institutions in which the text will function both in target and source cultures, reflections of these differences within the text and actors to collaborate. We will claim that, the more efficient students apply their textual analysis skill before and during translation, the more effective and clear their path become.

Translation assessment: Textual analysis for translation practice in form of in class application and homework are the main basis for this assessment. Students also question their translation decisions according to determined expectations, as well as the appropriate strategies for translation. We assess the outcomes according to use of competence such as parallel texts, access to right sources, terminology studies. In legal translation, students create their texts through information about text type, style, and tradition. Nord explains how students make use of parallel texts as follows:

> I have found that once the students have really grasped that they have to use parallel texts as models to produce a text for a certain audience and to serve a particular purpose, they actually commit fewer linguistic errors than when they just try to transfer the words and grammatical structures of a source text into another language system (Nord in Fraser, 2000: 55).

Until this point, we tried to emphasize the necessity to develop competences in the coursework. Special field translation classes should focus not on the specialization in the field but on the process of translation related to that particular field, which is called translation competence. Many academic studies also deal with translation competence. Shaffner suggests that to really grasp the translation process, a set of competences should be equipped, she describes these competences as:

1. linguistic competence of the languages concerned;

2. cultural competence, i.e. general knowledge about historical, political, economic, cultural, etc. aspects in the respective countries;
3. textual competence, i.e. knowledge of regularities and conventions of texts, genres, text types;
4. domain/subject specific competence, i.e. knowledge of the relevant subject, the area of expertise;
5. re(search) competence, i.e. general strategy competence whose aim is the ability to resolve problems specific to the cross-cultural transfer of texts;
6. Transfer competence, i.e. ability to produce target texts that satisfy the demands of the translation task. (Shaffner, 2000:146).

If we think translation competence as a fusion of text analysis, research, language and cultural competences, we can claim that we try to teach students to use this fusion in order to find their ways through the rough terrain of translation process. We also expect them to determine the right approach during translation process, find the right source of information, and bring functional solutions to possible problems.

Moreover, specialization process fits perfectly to lifelong learning concept of European Commission, as it is described acquiring and updating all kinds of abilities, interests, knowledge and qualifications from the pre-school years to post-retirement[2] Specialization in translation is not a closed process, it does not finalized with undergraduate courses. One should follow new trends and changes in both field of specialization and translation studies. Specialization process is open ended as developments and changes in market, profession standards, translation technologies are taken into consideration.

To sum up, we can argue that special field translator and translation specialist are different concepts altogether. Moreover, a good translator should master both skill sets. But, if we have to limit ourselves with the circumstances of our time, undergraduate education should focus on gaining and instructing translation competence and student should graduate as translation specialists. Nevertheless, translator candidates should have the ability to develop his/her skills with time by using the tools he/she gains during undergraduate degree. Besides, translators who want to gain knowledge on a different field should join different programs and work on different fields. Field specialization requires huge resources and a change in current educational conditions. It would take quite some time to arrange the curricula accordingly and go through a structural reform. But, it is possible to train translators who seek functional solutions, questions, translators who have the "red alarm light" in their heads (as Hönig points out) (in Eruz 2013:119), through translation education.

[2] http://www.dcalni.gov.uk/lifelong_learning_2.pdf

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