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ASPECTS OF LEGAL TERMINOLOGY TRANSLATION PROBLEMS

Peculiarities of legal language and professional communication in the sphere of law, specific features of legal translation, components of legal translation competence, difficulties connected with the translation of legal terms, and strategic and methodological issues of teaching law terminology translation including phraseological units are analyzed in detail, including methods and techniques, which extend the students conceptions of sociocultural context, in which the target language is used by native speakers. To provide the equivalent translation of legal texts, the students must take into consideration the specific character of national law systems, use the right translation transformations, and find relevant legal terms. The main purpose of the translation is to bring together two conceptual pictures of the world. It is supposed that such an approach can help students to learn the new ways of world conceptualization and will stimulate the self-development of future translators, fostering their professional skills and creativity.

Why does legal terminology translation require so much cognitive effort? Once the teacher decides to help students learn how to translate legal terms he/she must clearly understand why translation of legal terminology requires so much cognitive effort and can hardly be reduced to looking up the equivalents in bilingual legal dictionaries. The specific nature of legal terms is best explained by cognitive linguists investigating how complex knowledge structures are organized and how meaning emerges from them. The cognitive approach adopts Haiman's encyclopaedic semantics which does not make a distinction between linguistic and extralinguistic knowledge [1].

Therefore, meaning resembles an encyclopaedia rather than a dictionary and is not perceived as a bundle of features but as a dynamic mental process which emerges during discourse processing. "A lexical item," argues Langacker, "is not thought of as incorporating a fixed, limited, and uniquely linguistic semantic representation, but rather as providing access to indefinitely many conceptions and conceptual systems, which it evokes in a flexible, open-ended, context-dependent manner."

Accordingly, legal terms may be regarded as points of access to concepts and prompts for conceptual operations that activate relevant background knowledge [1]. To understand what a legal concept means we have to refer to other cognitive domains which are presupposed by and incorporated in such a concept. For example, to understand the meaning of a Rights Issue we have to evoke the domain of company, shareholders, authorized capital, preemption rights, etc. Besides, concepts are interrelated and embedded in various structured cultural models, cognitive models and frames which are to a certain extent reflected in national legislation and case law. Let us compare Ukrainian Statute, which evokes a model of a unified company constitution versus than that of UK.

Articles of Association that refers to a model of a company constitution consisting of two documents: Memorandum of Association and Articles of Association, where the former sets forth the objects of the company and the details of its authorized capital, while the latter contains provisions for the internal management of the company. Furthermore, legal concepts are built around causal scripts. Kjœr argues that legal reasoning is based on the if-then mental model where a legal term connects legal conditions with effects and functions as "a reduced representation of legal rules". In other words, "a legal concept is an abstract general notion or idea which serves as a category of legal thought or classification, the title given to a set of facts and circumstances which satisfies certain legal requirements and has certain legal consequences…" It is obvious that sets of facts and sets of consequences will rarely be exactly the same in two legal systems.

Therefore, concepts belonging to different legal systems are hardly ever identical. This is not the case with subject fields like medicine, for example, where concepts are

universal and terms referring to them are completely equivalent in different languages. As for legal terms, their system bound nature does not allow to regard equivalence as a relationship of identity. Rather, it should be regarded as a relationship of similarity [2] or "the optimum degree of approximation" [2]. Thus, evaluation of the degree of equivalence is the main factor determining the choice of translation strategy.

Basically, translation strategies can be classified into two main types. One is *foreignising* (Source Language (SL)-oriented equivalents), which seeks to evoke a sense of the foreign. The other is domesticating (Target Language (TL)-oriented equivalents) which is aimed at facilitating comprehension through assimilation to the TL culture. Though in legal translation domesticating is considered to be a preferred strategy, scholars are not unanimous in their opinions as to its acceptability in translation of particular legal terms. Unlike Weston who speaks in favor of TL-oriented equivalence and finds it "the ideal method of translation", Rayar claims it would refer the recipient to the wrong legal system, which "would inevitably lead to confusion of the reader. This reader, accustomed to a different system, will automatically approach the text from his own frame of reference." Here the question of recipients and the target system must be raised. When one has to translate the term from English into a language with one standard variety such as Ukrainian the task may cause some problems but not as serious as those that, for example, Ukrainian lawyers are likely to face in situations when they counsel an English-speaking client on Ukrainian legislation. To convey the meanings of Ukrainian concepts in English in the most effective way it is necessary to give the client access to the unfamiliar through the familiar, that is, unless the degree of incongruity is too large, to use "a term designating a concept or institution of the target legal system having the same function as a particular concept of the source legal system" [1]. Thus, when looking for a TL-oriented equivalent, one might have to take into account what the target system is. Is it the US, Canada, Australia or the UK, with England and Scotland having distinct legal systems? Or is the translation intended for an audience for which English is not a native language but is a lingua franca? Sometimes it may be

important to use the established English equivalent, i.e. the one used in official translations of Ukrainian laws. Adoption of this or that English term as an established equivalent of a Ukrainian term is a matter of convention in the speech community, therefore in certain cases to use an established equivalent is a must for a lawyer as it may be a mark of competence and professionalism. For example, such type of the Ukrainian business entities as "публічне акціонерне товариство", denoting an entity whose shares may be purchased by the public and traded freely on the open market, is in many aspects similar to UK "public limited company" and US "C corporation". However, the established equivalent of the term used in official translations is "public joint stock company". The above said in no way implies that the teacher must offer students all possible English variants of equivalents.

What is really needed is to make students aware of existing translation strategies and teach them how to choose the most suitable one in a particular situation. Conclusion In teaching legal English, as the analysis of the learner's needs indicates, efficient development of basic communicative skills is harnessed to the skill of terminology translation. A system-bound nature of legal terms accounts for considerable cognitive effort and significant amounts of time spent by the teacher, especially when he/she is neither a native speaker nor an expert in law, preparation for activities aimed at describing students' own legal system as well as comparing and contrasting it to those of the UK or US.

References:

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