

## REVIEWS

**Deborah Cao**, *Translating Law*. Clevedon, UK: Multilingual Matters. 2007. Pp xii + 189. ISBN 978-1-85359 954 5.

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*Translating Law* is the outcome of ten years of research as well as the author's firsthand knowledge as an interpreter and translator. Dr. Cao clearly defines, illustrates and discusses ways of bridging bias within the interdisciplinary dialogue involving broad but complex discursive communities like law and linguistics in the translation of legal documents in "various languages and legal cultures" (p. xi). The challenging but well-grounded study draws on a careful and updated selection of references in order to fulfil the goal of both "studying legal translation as an intellectual pursuit and a profession" (p. xi) and fostering users' translation competence. It is Dr Cao's purpose to illustrate the knots and bolts of translating legal texts in a postmodern paradigm, necessarily reflecting and having an impact on, as she rightly puts it in the preface, "the diversity of human as well as non-human lives, the life of the Other, and of many" (p. xi).

As the author herself states at the outset of the book, the corpus of this study is wide ranging. It covers private legal documents, domestic legislation and international legal instruments, with a focus on idiosyncrasies across languages, such as Jewish/Hebrew, Italian, American/Australian/English, German, French and Chinese, "without oversimplifying the complex and interdisciplinary nature of the problems involved" (p. 3). This is particularly relevant because different legal systems in the world, i.e., The Common Law and the Civil Law, are at the core of legal, linguistic and discursive choices. Despite the fact that translating law differs from translation in other domains in a number of variables, briefly but systematically pointed out in the book, it is the author's claim that law "is translatable despite the various inherent difficulties" (p. 5).

Furthermore, and among the book's major claims, stand out the author's discussion and comprehensive illustration of the translator's development of multiple competencies in an interdisciplinary scope so as to bridge the confinements of "legal jurisdictions and linguistic groups" (p. x). To put it briefly, the legal translator is supposed, on the one hand, to know how participants in the legal discursive community "think and write and why they write the way they do" (p. 5), while resorting to sub-technical lexis. On the other, the legal translator needs "to be sensitive to the intricacy, diversity and creativity of language, as well as its limits and power" (p. 5). Hence, it is argued that "translation is the product of a total act of interlingual and intercultural mediation involving the interactions of different variables in situational contexts" (p. 5).

The book comprises seven chapters. It is systematically organized and moves

in a logical fashion, from defining concepts, followed by an appropriate illustration in several linguistic codes and contexts, to their critical appraisal. The book is reader-friendly and addresses both experts and non-experts in different fields and discursive communities, given the way subject matters are presented, in terms of style, content and argumentative force. Moreover, it offers a comprehensive but theoretically-grounded account of the variables involved in translating law. And the end chapter notes provide readers with further and useful data on related matters, thereby reflecting the author's concern, explicitly stated at the outset of the book: overview of theoretical issues and practical guidance in order to overcome the "tension between legal certainty and linguistic indeterminacy" (p. 7).

Chapter one presents a critical review of the literature on domains involved in the translation process, namely its linguistic, discursive and legal underpinnings. The review is supported by a critical view on defining operational concepts borrowing from an accurate selection of references. The concepts under scrutiny entail the following issues: 1) legal translation typology; 2) the nature of legal language, with a focus on the normative, the performative, the technical, and the indeterminate nature of language; 3) characteristics of legal language with regard to lexicon, syntax, pragmatics and style; 4) sources of difficulty in legal translation, bearing in mind different legal systems and laws, linguistic differences as well as cultural differences; and finally 5) limits and possibilities of legal translational equivalence.

The second chapter focuses on the role and competence of the legal translator, being thus contended that it "can be identified, described and acquired" (p. 39). The topic briefly touched upon in chapter one, regarding competence, is thus examined in the light of Bachman's contentions and building on the notions of competence and proficiency, for example, by Chomsky (1964). The author advances: "legal translation proficiency refers to the ability to mobilise translation competence to perform legal translation tasks in the legal setting for intercultural and interlingual communication purposes" (p. 39). She then presents a model of translation competence by enclosing a couple of synoptic views to better depict the relation between relevant principles of translation and language proficiency. These "consist[ ] of three sets of variables interacting with one another in the context of situation". They entail: "(1) translational competence; (2) translational knowledge structures; and (3) translational strategic competence" (p. 40). Although these are analysed in detail, it is explicitly stated that further studies may provide some insight on the understanding of translating "as a total act" (p. 50).

Departing from the premise that translating institutional terms may pose problems, Chapter 4 outlines four major terminological areas worth analysing in legal translation and "applicable to most languages" (p. 54) and not only English. These comprise the translation of: 1) legal concepts with reference for instance to both a three-dimensional stance by Peirce (1934/1979) and cultural-specific criteria, as advocated by Sandrini (1996); 2) legal system-bound words, namely words associated with the legal profession, with courts along with areas of law and institutions; 3) ordinary meaning vs. legal meaning; 4) legal synonyms; and 5) linguistic and legal uncertainty.

Chapters 5, 6 and 7 grant readers a basic understanding of the nature of law and legal language which is a prerequisite in legal translation. While reviewing the major tenets related to theoretical paradigms within translation studies, linguistic and legal theories, the author analyses the translation of private legal documents, in Chapter 5, domestic legislation, in Chapter 6, and international legal instruments, in Chapter 7. The author draws on a wide array of contexts to account for the normative or informative purposes which guide the translation of documents involving not only practising legal translators, but also bilingual lawyers, especially academic lawyers. Among the contexts referred to, stand out the countries with bilingual and multilingual jurisdictions “where two or more languages are the official legal languages”, like Canada, Switzerland and Hong Kong. Moreover, there are about 30 pages in Chapter 6 on the illustration of linguistic specificities regarding: 1) textual features of statutes; 2) the pragmatic feature with a focus on modality in a contrastive perspective; 3) other common linguistic features of legislative texts, apart from issues related to bilingual statutory interpretation and linguistic uncertainty. Also rather noteworthy is the comprehensive outline of major translation technological tools for translating multilingual texts (with reference to, among other, Baker et al. 1993) in the final chapter.

Scholars of any language, linguists, legal translators, translation researchers, lecturers and students would certainly benefit from this study as it points to specificities in legal translation in several domains in a crosscultural and interlingual perspective (Bathia et al. 2005). These may be equally regarded as a starting point for further research in the realm of discourse analysis, contrastive linguistics, not to mention studies in legal-related domains.

## References

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