

**KAPITEL 10 / CHAPTER 10¹⁰****MODERN LEGAL TRANSLATION COURSE: NEW TRENDS, ASPECTS AND CHALLENGES (COMPLEX, CONTRASTIVE MULTI-PARADIGMAL APPROACH)****DOI: 10.30890/2709-2313.2024-33-00-020****Introduction**

Nowadays it has become popular to offer different special courses of Legal English to professionals as well as for the law university graduates. It is quite burning, as the profession of a lawyer has been gaining more and more of its popularity in most of countries on globe. Indeed, in the world of globalization, integration, multifunctionalism, where the economic crises in many cases leads to downsizing and growing unemployment, a lot of people over the world have to find new jobs and spend a lot of time on labour migration, it is highly important to gain more legal literacy. That's what is highly topical for Ukraine and other countries of war zones. And legal translation in this case will be just the necessary instrument to cope with these tasks, whether you are a lawyer, a translator / interpreter working in this field, or just an ordinary resident. "It is just called Continuing Legal Education. You can go to lectures; you can even listen to tapes on airplanes – they want you to stay current. So, you do have to stay current to maintain you license even if you are not practicing" [LEQ 2024].

The present research is devoted to methodological aspects of teaching Legal Translation to upper grade students for the magester degree. It was provided first in State Trade and Economic University in Kyiv, Ukraine, in 2023-2024 academic year. The discipline includes 20 hours of lectures and 20 hours more – of seminars as well as self-study work of students. The curriculum was developed for the following specialities: "International Law", "Commercial Law", "Civil Law and Process", "Financial Law", "Legal Providing of Safety of Reception Activities". The best is to offer the course in the 7th semester (the 1st year of the magistership) before students leaving for practice.

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10.1. The Aim and Methods

The characterized course is **aimed** on multi-paradigmal approach to the special (legal) translation teaching. It permits to integrate a lot of scientific paradigms to study the specifics of legal translation and train good skills in translation itself and translator's text analyses, as well.

Being developed in frames of contrastive linguistics in the beginning of 2000s (see for more details in [Terekhova 2010; Тєпєxовa 2012], etc.), the multi-paradigmal approach is oriented on complex study of the legal translation. It is based on three levels of translator's text analyses: (1) conceptual and semantic analyses, (2) lingual (lexico-grammatical, functional and semantic, pragmatic, functional and stylistic) analyses, and additional (3) psycholinguistic analyses [Тєпєxовa 2012, c. 89-101]. In such an approach to translation the maximum of the details of the source language text will be conveyed and represented in the target language text due to the detailed multi-paradigmal translator's text analyses.

In frames of the multi-paradigmal approach the following groups of methods were also used: 1) general research methods: analyses, synthesis, induction, deduction, comparison, observing and their method of hypothesis; 2) linguistic methods: contrastive method, structural method, in frames of which the following types of a linguistic analyses were used: contrastive analyses, lexico-grammatical analyses, semantical and stylistic analyses, functional and semantic analyses, functional and stylistic analyses, psycholinguistic analyses; 3) methods of translation: communicative, semantic, and the method of translator's transformations.

So, the subject-matter of the present research is the Curriculum on Legal Translation for high educational establishments students gaining the profession of a lawyer (Kyiv, 2023, updated and upgraded in 2024) [Terekhova 2024]. The offered Curriculum is focused on teaching multi-paradigmal methodology of translation of legal texts and translator's text analyses in detail. The matter is that not all peculiarities of the source language text can be conveyed in translation, especially if the working languages of translation belong to different morphological types and genealogical



groups. In this case traditional methods and ways of translation will not be enough. The text in both – the source and target languages should be analyzed from different viewpoints and on all the language levels to save both explicit and implicit content of the source language text in the target language one [Hhjort-Pedersen, Faber 2010, c. 237-250; Nord 2011].

The course of Legal Translation, characterized here, is developed for English / Ukrainian and Ukrainian / English translation. Despite belonging to one fleective language type, these two languages have a lot of differences, and in many cases, the equivalents (at least partial) may be found on different language levels of both. That's what is quite essential for reproducing texts of translation, as due to the specifics of the legal texts, mostly facefull exact translations are to be prepared.

10.2. Latest Research Analyses

Legal translations have become in a focus of research since the middle of the 20th century. That time basic features of the legal texts were described based on modern European languages (see [Hardy 1961; Федоров 1986; Шмігєр 2009], etc.). Later the attempt to characterize translation critics in frames of comparative linguistics (including legal texts) was done by O.B. Teterina [Тетеріна 2004]. For further linguistic analyses of source and target languages texts the works on linguistics of translation by G. Sampson [Sampson 1980], G. Steiner [Steiner 1992], L.S. Barkhudarov [Бархударов 1975], V.G. Gak & B.B. Grigoryev [Гак, Григорьев 2000], V.N. Komissarov [Комиссаров 2001; 2020] appeared to be rather essential. They opened a lot of opportunities for the interpreter / translator to convey not only the content in general but to reproduce the form, stylistic, grammatical, semantic, functional, conceptual, pragmatic and other peculiarities of the legal text in the target language, including national traditions and correlate the norms of the legal translation to the international standards. H. Sierocka is the first who points out on the necessity to mediate culture in legal translation via analyses of legal discourse and legal



communication [Sierocka 2023, c. 1630-1636]. The perception of legal texts in translation was investigated by V.S. Lòpez [Lòpez 2013].

Some works of the last decade are oriented on practical solutions of particular challenges of legal translation. For example, in her research “Power Distance and Persuasion: the Tension between Imposition and Legitimation in International Legal Genres” M.A. Orts Llopis analyzes three main legal documents which are widely applied in the international practice of trade (see in full in *Journal of Pragmatics*, 2016), giving a good examples to translators / interpreters of how to deal with problems of legal texts genre; the research deals with “the hidden nuances of power and imposition concealed in their discursive devices” [Orts Llopis 2016]. It studies the “asymmetries between the interactants of the text” [Orts Llopis 2016]. More practice of legal text analyses as well as ways of translation of other types of language units, using in a legal genre, one can see in research and the textbooks on legal translation by V.I. Karaban & N. Gladush [Карабан, Гладуш 2001], L.M. Chernovatyi and others [Черноватий, Карабан, Іванко, Ліпко, 2017]. The last-mentioned textbook is oriented on lecturers delivering university courses on legal translation.

In frames of geopolitical changes and the beginning of the process of Eurointegration of Ukraine, in August, 2024, “Manual on EU Legal Translation into Ukrainian” was issued in Kyiv National University Named after Taras Shevchenko [Manual... 2024]. This work was preceded by several publications on European legal translation by L. Biel (see [Biel 2010; 2014; 2018, 2019], etc.), T. Capeta [Capeta 2009], J. Cartoon [Cartoon 2018], B. Hatim & J. Munday [Hatim, Munday 2004], etc. as well as a lot of Council Directives, Decisions, Directives, including Charter of Fundamental Rights of the European Union ((2000/C 364/01) OJ C 364 18.12.2000 1-21), adopted by the EU and provided by the UN and by the countries-members of the EU for the last decade. With these documents the topicality of preparing professional legal translators / interpreters increased substantially worldwide. It is essential to add, that many of these works (both legal documents, textbooks on legal translation, research) are supplied with addendums containing the lists of recommended interlingual equivalents for many legal terms, professional lexis, legal names of state and



international European institutions, etc., so they have covered a lot of the before existed lacunes in translation, simplifying legal sources translation and permitting to avoid discrepancy and unwanted ambiguity. In the same way multi-paradigm approach works.

Before implementing complex, contrastive multi-paradigm approach to legal translation practice, this methodology has already been used in the sphere of professional (not intuitive) translation for at least two decades. Its prototype as a complex multidisciplinary model of analyses in translation was offered in 1998 by T. Dudley-Evance, S. John and M. Jo [Dudley-Evance, John, Jo 1998].

Firstly, this methodology was implemented for official and business text translation as well as for publicistic ones (see [Ню ЧЕНЬ, Жабо, Терехова 2017, с. 56-67; Terekhova, Chen, Chzhan 2022; Терехова 2024, с. 192-202], etc.). As a result, it was confirmed that for making facefull exact translations this methodology works perfectly [Терехова, ЧЕНЬ, ЧЖАН, Лю 2022а, с. 316-318]. Further it was implemented for preparing translations of some official and business texts [Терехова, АМІН АХМЕТ Реда Ібрагім 2020] fictional texts, in particular, parabelles (see [Terekhova 2022b]), novels and stories [Terekhova, Pitsyk 2023; Terekhova, Rudnytska 2018; Terekhova, Rudnytskyi 2018]. The result overcome the expectations: even for such a challenging field of translation as artistic translation of fictional texts it increased their faithfulness of conveying the original texts in more than 30%.

At present, linguistic specifics of the legal texts in translation was deeply investigated by S. Sarcevic [Sarcevic 2000] and V. Sosoni [Sosoni 2016]. The cognitive and discursive aspects were provided into translation study and described in detail by N.P. Andriyenko [Андрієнко 2016].

So, all modern linguistic aspects of linguistic analyses were implemented into linguistics of translation nowadays and used both separately and as a complex method of study in translation of texts of different literary genre. Indeed, more complex studies of such a kind should be conducted to legal text translation, as this approach has only been started. What are the most important aspects to be taken into account to complete a legal translation professionally and how to combine them in a university curriculum



on legal translation course – these questions will be discussed further in this work.

10.3. The main components of new Legal Translation Course

The content of the offered course on Legal Translation is based on the complex, multi-paradigmal approach, as it has been mentioned above, that's what predetermining its structure. The mentioned university discipline is taught only one semester, so it consists of 20 lectures and 20 seminars. It includes about 60 hours of selfstudy work and expects an exam at the end of it. There are 5 thematic modules in its structure. They all belong to one training module. Of course, it is not enough time to study all the details and challenges of legal translation for non-linguistic specialities of high education establishments, but it is quite possible to focus on the students' attention at the most of them in frames on complex, contrastive multi-paradigmal analyses of the source and target languages texts, described further.

Thematic module 1 “Types of the Legal Texts and their Specifics. Spheres of Usage of the Legal Texts” includes the following aspects to work at: (a) definitions of the legal texts (we discuss different ones given my many scientists); (b) specifics of the legal texts (as a specific literary genre of both scientific texts and official ones); (c) classifications of the legal texts (literary, thematic, structural, functional and stylistic, grammatic, pragma-semantic, communicative, etc.); (d) legal texts translation challenges (in structure, in genre and stylistic peculiarities, in choosing the most appropriate equivalent or way(s) and other techneeque of translation, in grammatical correlations to the source language text, in translation of legal terms, professional lexis, also in informative, ethic, aescetic, lingual, literature, law, cultural and other norms supporting, in oral and written forms of presenting, etc.); (e) psycholinguistic aspects of conveying the source language text or its particular parts / language units into the target language; (f) practice of legal texts translation from English to Ukrainian and from Ukrainian to English (including learning the typical equivalents for terms, set phrases using regularly in legal texts, lingual cliches, etc.). I must admit, for each



thematic module a particular type of legal texts chosen to practise, as it is one of the most spread types of legal texts in a lawyer's work. It correlates mainly to conceptual and semantic level of the complex, contrastive multi-paradigmatic analyses. In frames of this module contracts of different types are given to translate and study.

Thematic modules 2-4 refers to lingual (lexico-grammatical, lexico-semantic, functional-semantic, functional-stylistic, pragmasemantic, communicative) aspects of translator's text analyses in its relation to the source language text. In particular, thematic module 2, entitled "Specifics of the Legal Texts Translation. Legal Text and Discourse. Ways of Translation", contains the following topics: (a) peculiarities of the legal discourse; (b) challenges in conveying of the legal discourse; (c) ways of translation of different types of the legal text language units (here we begin with classifications of language units in general, then talk about the ones typically used in legal texts, analyse them in related texts for practicing, characterize ways of translation for each one in the text); (d) typical ways of translation of the legal texts for English and Ukrainian (this topic consequently summarise the results of preceeding practice and topic discussion, we define the most appropriate ways of translation for each group of lexis using in legal texts (terms, professionalisms, international lexemes and idioms, national specific words and idioms, proper names of different types, other types of assindetic noun clasters, etc.)). For practical tasks the texts of the state laws, constitutions, regulations and rules are offered as well as documents in courts. Usually, this thematic module is studied with a special interest of the students, as many of them already work partially on their future profession and have faced these challenges themselves.

Next, thematic module 3 "Lexical and Grammatical Specifics of the Legal Texts Translation" deals with the main text characteristics, they are cohesion and coherence of the text. The following topics are foreseen to study here: (a) cohesion: means of expressing lexical and semantic cohesion (here we talk about simple and complex repetitions, simple and complex paraphrase, coreference, using of proforms, substitutions, etc.); (b) ways of expressing lexical and grammatical cohesion in the source language text and the target language one (for English and Ukrainian). Special attention is given here to the following aspects of the topic: using of verb tense forms



and aspects, articles and their functions in the text, sentence structure, complexes with the gerund, the infinitive, the participles in the legal texts and their conveying to the target language, etc.; (c) coherence of the text in translation; (d) absolute constructions; (e) comparison; (f) abstracts and fragments; (g) inversions; (h) adverbial modifiers; (i) conditionals; (j) sentence parallelism; (k) pronouns; (l) subject and predicate; (m) sentence repetition; (n) conjunctions. The above mentioned linguistic events are offered to study based on translation of legal procedure (civil cases, criminal cases, trial, proceedings after the trial). One can see that these topics and ways of their conveying in the target language text (whether in its oral or written forms) are highly essential for professional lawyer's practice. It is also essential to mediate culture in legal text translation / interpretation, as legal culture does affect the decision of a translator / interpreter [Sierocka 2023, p.1630-1631].

Thematic module 4 "Pragmatic Aspects of the Legal Texts Translation" includes discussing the following topics: (a) basic components of the text pragmatics; (b) types and groups of the speech acts; (c) text and translation in frames of pragmatic studies; (d) text and context; (e) optimal correlation of the text translation and communication; (f) pragmatics of translation: pragmatic text analyses in the process of translation; (g) pragmatic, social and cultural adaptation of the legal texts in translation. Here students are taught to correlate explicit and implicit semantics of the text to the intention of the text, that's what often needs clarifying in the spheres of criminal law, tort law, real property law, probate law, family law. That's why for their practicing the texts from these fields are offered in frames of this thematic module.

The last one, thematic module 5 "Translator's Text Analyses of the Legal Texts of different sub-types" summarizes the above mentioned results adding to them some psycholinguistic details to clarify how to make the target language text clear and faithful enough to comprehend easily by the recipients of it. This module is concentrated on what for and how to use all the above-mentioned aspects of work at the text of translation to make it professional, not intuitive. The describe levels of complex, contrastive multi-paradigmatic analyses in translation are offered to be used altogether in practice of translation. It becomes the quintessence of the characterized



university course of legal translation. It is essential here to show to the students how to implement all the given above knowledge quickly in their everyday practice as lawyers and translators / interpreters. For the first steps of learning it, the group work, like preparing of projects, is appreciated. In this way students will be able to master the extended and complicated from their viewpoints (for the first glance, I must say) model of complex, contrastive multi-paradigm analyses with the purpose to use it in their everyday practice. The topics included in this thematic module are: (a) communicative and pragmatic characteristics of the source language and the target language texts (for legal texts); (b) text and discourse in the legal text translation; (c) ways and means of expressing of lexical and semantic cohesion and coherence; (d) ways and means of expressing of lexical and grammatical cohesion and coherence in the legal text; (e) stylistic features and peculiarities of the legal texts in the source language and the target language (for English and Ukrainian); (f) translator's transformations and other techniques of translation used in the target text; (g) ways of substitution of lacunes in translation and psycholinguistic commentaries. The appropriate types of text to practice are the ones about business transactions. Like the other types of texts, chosen for this university Curriculum, texts about business transactions are rather popular in lawyer's practice, so it will increase the professional interest of students to learn it. The matter here is to show to the students the drastic difference between intuitively translated text and the professionally completed one, prepared by means of the offered here complex, contrastive methodology.

Conclusions

To sum it up, it is essentially to point out on the necessity to implement the complex, contrastive multi-paradigm translator's text analysis into everyday students' practice to get them ready for fulfillment the professionally prepared legal texts on different legal topics. Usually, it is productively to carry out for the students with the C1 or C2 level of mastering English. Then it will be interesting for them not to fail all the steps of the described here complex, contrastive multiparadigm translator's text analyses and find much more peculiarities of the source language text



to convey them into a target text faithfully and exactly.

Further studies of the model of our translator's text analyses are foreseen to be used successfully for the texts of other functional styles and genres, as well with the purpose to teach students of the upper grades of high educational establishments to cope with translations of their speciality (specialities) texts fluently and professionally. The describe above approach is also good to be implemented to research on linguistics of translation, further complex contrastive studies of translation, methods of translation teaching, as well.