

## Need for Training of Translators of Legal Texts in Albania

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### Abstract

In this Paper the author attempts to address the importance of training of translators dealing with legal texts, trying to guide the novice or self-made translators on relevant aspects of consideration when deciding to deal with this type of translation and raising their awareness on the specificities of the job. The current paper highlights that training should start from the University and it has to continue via formal and informal training by linguists, peer translators, experienced translators, and law professionals. Such training is a life-long process, not an aim in itself.

**Keywords:** legal documents, legal texts, training, functionality, linguistics, law

In the conditions of an ever growing awareness of the importance of multilingualism in every walk of life in Albania, striving its way to become a member country of the European Union (EU), much has been said about the importance of translation in general, while no special visible importance is dedicated to the translation of legal texts<sup>1</sup>. Translation in itself is a very difficult process because it requires a very good linguistic capacity and skills of the translator in at least two languages, a good understanding of the subject matter, knowledge of the context and ability to bring same connotations of the original text in the target language, but translation of legal documents is an even more demanding process because, *inter alia*, it requires familiarity of the legal system and legal order by the translator, knowledge of the structure of the legal texts, which in their nature are diverse and serve different purposes, and often times urge for an in-depth knowledge of concepts and ideas that are difficult to understand even by law practitioners. Translation of legal texts gains importance even because of the legal binding nature of most (if not all) of these documents in two (or more) languages, and the impact they might have on the national legal order and judicial practice.

However, despite of the many difficulties and complexities of the work of a translator of legal documents there are basically “two things wrong with the legal writing: one in style, and the other is content” (Rodell, 1936). In a humble effort to help the new, inexperienced or untrained translators of legal documents, the purpose of this paper is to raise the awareness of translators of legal texts on the need for special training both in the field of linguistics and law in hopes of provoking an in-depth critical thinking process for the translators involved in the translation of legal texts.

In the Albanian free market, including, *inter alia*, law firms, notary offices, legal and physical persons, legal texts or documents, as other documents, are usually translated by people having mainly a degree in foreign languages or humanities, or self-taught translators lacking any special field of expertise, not being formally trained on either translation or legal studies, but just getting some experience as they go and working on a personal pace to improve their skills and get a better knowledge of both language and the law. In the public institutions market, legal documents have to be translated by certified translators, who have to first be certified by a state institution<sup>2</sup> thus being part of a list updated annually. While the list of certified translators is long, again, as in the private market, the only formal education they have is a diploma on foreign languages or humanities, lacking any other formal or informal legal or English for special purposes training. In other words, in the Albanian reality, for somebody to become a translator of legal documents, it is usually enough to have a degree, preferably in languages, and the will to work as a translator.

Regarding translation of legal documents, experiences in the EU countries are diverse, depending a lot on the tradition and culture of the country, and the language or languages spoken there (be them official or not), therefore, for purposes of illustration the author of this article has decided to resort to the experience of one of the EU institutions using legal translation frequently because of the nature of its work, the Court of Justice of the European Union. In this supra-national court, given the importance of the role translators as intermediaries in the Court, the Directorate-General for Translation is composed of lawyer-linguists who have a law degree or an equivalent professional qualification ([www.curia.europa.eu](http://www.curia.europa.eu)). Article 22 of the Rules of Procedure of the Court of Justice provides that the translation service is to be ‘staffed by experts with adequate legal training’. In addition to their translation work, all lawyer-linguists perform a variety of tasks: legal analysis in collaboration with the registries and other services of the Court (including the drafting of summaries for certain requests for preliminary rulings), terminological research or collaboration with lawyer-linguists of other language units on questions of national law. This, in other words means that lawyer-linguists are trained in both law and language.

Albeit such two realities being very different and even extreme, still in the author’s opinion, the

<sup>1</sup> Legal texts and legal documents are used interchangeably in this article.

<sup>2</sup> The Ministry of Justice of the Republic of Albania; for more information see [www.justice.gov.al](http://www.justice.gov.al)

comparison serves to test that there is no doubt that no matter what kind of legal documents a translator is translating, he or she needs to be subject to a proper and well-structured training. In discussing its value for interpreters and translators, Gile (2009: 7) argued that formal training can at least ‘help individuals who wish to become professional interpreters or translators enhance their performance to the full realization of their potential’, as well as ‘help them develop their translation skills more rapidly than through field experience and self-instruction, which may involve much groping in the dark and learning by trial-and-error.’ He went on to say, from the perspective of the wider professional community, that formal training programmes can “help raise general professional standards ... by selecting the best candidates at admission and the truly skilled at graduation,’ as well as ‘help standardize working methods’.

While the need for training of translators of legal documents is evident, there is no doubt training of legal translators has to start from the school and has to be seen as an on-going life-long process. The schools of translation studies should not only restrict their academic curricula to introduction of translation courses and special (legal) terminology courses, but should instead deal with in-depth and more complex topics, having a clear picture of the market and aiming at providing the students with the skills for their ultimate goal -- employability. Combined law and translation courses at higher studies are a way to go to better train future translators of legal texts.

While legal translators are often encouraged to strive for linguistic purity, their primary task is to produce a text promoting uniform interpretation and application of the single instrument. Above all the text must preserve the intent of the single instrument by leading to the desired results in practice. Like legal drafters, translators have to be fully acquainted with the format of the legal text and understand the function of each of its part. As other types of texts, legal texts are ‘communicative occurrences’ produced at a given time and space and intended to serve a specific function (Baden, 1977:183). It is exactly the function of legal texts that makes them special. There is no doubt that legal texts are informative to a legal context, but this is not their primary function. Peter Newmark (1982:13-15) refers to laws and regulations as examples of connotative, i.e. vocative texts, which he briefly described as ‘directive’ and ‘imperative’. This is something the translators have to keep in mind when dealing with legal texts.

Getting back to the author’s main topic of discussion, another source of training new and self-taught translators on how to translate simple and more authoritative legal texts is by receiving training by more experienced translators of legal documents. Such training might come in different shapes. It might start as sharing work-related issues and solutions informally between peers, in a community of translators’ format, in informal question and answer sessions, or in the shape of more formal training where well-experience and well-established translators show the importance of understanding of the logics of the law, structure of legal texts, importance of functionality of language in legal documents, and bring real-case scenarios and choices they have made in the course of their peers. In this context, providing the rationale for taking certain decisions is important, because it can serve as a ground for justification or objection thereof of the same or similar choices by individual translators. Due to the global world we are living into, nowadays, it is also possible to discuss about professional concerns with other translator peers everywhere in the world. There are many web forums and internet-based sites to ask questions even from ‘virtual’ peers.

According to Gile (2009: 8-10) there are four ‘components of translation competence’. Beside a command of one’s working languages, Gile expects translators to have ‘sufficient knowledge’ of the subject matters they deal with, and ‘both declarative and procedural knowledge about translation.’ As he explains it, declarative knowledge is: .... the kind of knowledge which can be described in words ... [including] knowledge about the marketplace, about clients, about behavioral norms ... between Translators and clients and between translators [and one another], ... about information sources, ... tools, ... clients’ specific expectations ... etc.

Procedural knowledge, on the other hand: ... is the ability to actually perform actions; ... ‘technical skills’ such as ... knowledge acquisition, ... language enhancement and maintenance, ... problem-solving, ... decision-making, ... note-taking in consecutive, ... simultaneous interpreting, [etc.]’. In the context of translation of legal documents, procedural knowledge is, inter alia, related with the procedural law and with the understanding on the law contexts and concepts. Training not only may affect declarative knowledge or procedural knowledge, but also may help in assuming strategic knowledge, which means knowing when to apply a specific knowledge or skill, also called ‘training for adaptive expertise’.

Literature and experience shows that training on procedure law and law concepts is (best) done by law professionals. Hence, in addition to basic and more advanced law courses in the higher school systems, translators of legal texts need to be trained by legal professionals on matters of law, depending on the narrowed field of interest. The training from legal practitioners might come in various forms and shapes. It might be in the form of informal training, formal training, distant training, face-to-face training, training by law professionals in the country, or by law professions from abroad. However, in order for the translators to benefit the most out of the training by law professionals, it is necessary for them to have made their own research, to have read the relevant legal bases and to focus on real and detailed matters, rather than on the broad picture and basic concepts

of the relevant field of law. Law practitioners are busy people, plus, as human beings, we prefer to interact with people who show interest and have some (if not comparable) level of understanding of the subject matter.

Other instruments that might help in the training of translators of legal documents are guidelines for legal translators. In the European Communities one of the first drafting guidelines for coordinating texts in the official languages was the Manual of Precedents drawn up by the Legal/Linguistic Experts of the Council of the European Communities (1977). To ensure a greater degree of standardization in the structure and formulation of Council regulations, directives and decisions the Formulaire des actes mis au point par les groupes juristes/linguistes du Conseil des Communautés Européennes was published in October 1983. Revised in 1989, the third addition of the Formulaire des actes établis dans le cadre du Conseil des Communautés Européennes was published in French and in French/Greek, French/Italian, French/Spanish, etc.. The third edition of the English Manual of Precedents for Acts Established within the Council of the European Communities was published in 1990. For the purposes of promoting uniformity between legal instruments of the Council and of the Commission, the Règles de technique législative à l'usage des services de la Commission were revised and expanded to include all the official languages of the EU. General guidelines on the Quality of Drafting of Community Legislation were adopted in the Resolution of the Council of the European Communities of June 8, 1993.

The purpose for mentioning all of the above is that in the author's opinion these documents might serve as a valuable source of reference for all the translators, especially for novice translators, because they apply to general rules and some of them come in different language combinations. There have been several detached efforts for producing guidelines and terminology glossaries in the Albanian language, mainly on an institutional or agency basis, but there is still need to work to streamline what has been produced and generated thus far, ensuring more transparency and a higher access to the interest groups. Such resources are as well a precious instrument for computer-aided tools and for better effectiveness. Other documents have to be drafted at the national level in order to promote uniformity between the legal instruments of the EU Council, the Commission and of the Parliament and the equivalent translated documents into Albanian, through helping the translators build their skills and perform up to the desired standards. In addition, it is common practice for institutions (ministries, parliaments, courts) to adopt drafting guidelines to coordinate the production of parallel texts of a particular instrument.

In conclusion, it is the author's belief that training of translators of legal documents is a must. Translating treaties, conventions, directives, court judgments, decisions, laws, normative acts, and other similar documents is a very difficult job, putting a lot of burden and pressure on translators. Such a demanding job can only be eased by preferably planning well in advance in one's career to become a translator of legal documents, by having a proficient and realistic education system close to the real needs of the market demands, by learning from other community of practice peers, both from their success stories and failures, by getting trained from law professionals and by being eager to learn and contribute to one's individual professional growth and motivation. State institutions, private-sector institutions and international agencies using such translation services have to contribute by producing guidelines and reference documents, agreed upon after the participation of linguists, translators, law experts, and editors. Neither the need for very good language skills, or legal skills can be neglected, as translation is an inter-disciplinary process and, being such, it requires the participation of representatives of all relevant fields.

### **Bibliography**

- Akerhurs, M. (1972). 'Preparing the Authentic English Text of the E.E.C Treaty' in B.A. Wortley (ed.) An Introduction to the Law of the European Economic Community, Manchester: Manchester University Press, 20-31;
- Alcaraz, E. Hughes B. (2002). Legal Translation Explained, Manchester: St. Jerome Publishing
- Asensio, R. (2003). Translating Official Documents, Manchester: St. Jerome Publishing
- Bowers, F. (1989). Linguistic Aspects of Legislative Expression, Vancouver: University of British Columbia Press
- Gile, D. (2001). The role of consecutive in interpreter training: A cognitive view. Retrieved February 4, 2013 from <http://aiic.net/page/377/the-role-of-consecutive-in-interpreter-training-a-cognitive-view/lang/1>
- Gile, D. (2009). Basic concepts and models for Interpreter and Translator Training, Amsterdam, John Benjamins (9-13);
- Jonassen, D. (1999). Designing constructivist learning environments. In C. Reigeluth (Ed.), Instructional-design theories and models (Vol. II). Mahwah, N.J.: Lawrence Erlbaum Associates, Inc.
- Joyce, B., Weil, M., & Calhoun, E. (2004). Models of teaching (Seventh ed.). Boston: Allyn& Bacon.
- Margetson, D. (1997). Why is problem-based learning a challenge? In D. Boud& G. Feletti (Eds.), The challenge of problem-based learning, 36-44. London: Kogan Page.
- Newmark, Peter (1982) Approaches to Translation, Oxford, Pergamon

Newmark, Peter (1988) *A Textbook of Translation*, London: Prentice Hall  
Newmark, Peter (1991) *About Translation*, Clevedon/Philadelphia/Adeilaide: Multilingual Matters  
Rodell, F. (1936) Goodbye to Law Reviews, 23 *Virginia Law Review* 38-45  
[www.mie.gov.al](http://www.mie.gov.al) (Manual for the Translation of the Acquis in Albanian); retrieved on 12 September 2013  
[www.justice.gov.al](http://www.justice.gov.al) (The Criteria on Certified Translators); retrieved on 17 August, 2013  
[www.curia.europa.eu](http://www.curia.europa.eu) , retrieved on 4 January 2013  
[www.hudoc.echr.coe.int](http://www.hudoc.echr.coe.int), landmark judgments on Albania, retried on 7 January, 2013

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