

# Introduction to Legal Translation

446 Najd

Level 9 (old plan)

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# Important dates

- First In-term: Tuesday 1<sup>st</sup> March 2016 (20 marks)
- Second In-term: Tuesday 12<sup>th</sup> April 2016 (25 marks)
- Terminology quiz: 26<sup>th</sup> April 2016 (10 marks)
- Minor project: 3<sup>rd</sup> May 2016 (5 marks)
- Exams will take place in your regular classroom if space permits.

# General Overview

- First part theoretical:
  - What is legal translation
  - Terminology in context
  - Features of legal language
- The practical component is the bigger part.
- Legal terminology is an important element.
- Assessment: two In-terms + terminology quiz + minor project
- Texts will be uploaded on my site every week.
- Resources: a general dictionary will suffice in this course.

**Do you need a law degree to translate legal documents?**

# What is legal translation?

- Legal language refers to the language of the law in addition to the language related to the law and the legal process. It is a highly specialised and technical discourse. Legal English reflects the mixture of languages which has produced the English language in general. Languages such as French, Latin, and Greek. It is different from everyday languages (plain language) not only in terminology but also in syntax. Though there is push towards simplifying it (see for example Plain English Movement). Later we will look at some of the characteristics of legal English.
- In legal English words have different meaning and use from ordinary language. For example, one hears of *construction* of a contract, or about parties seeking *relief*.

# Examples of words with different meaning in legal context

Ordinary English	Legal English
<b>Construction</b> 1. the action of constructing (e.g. a building), 2. a building or other structure, 3. the industry of erecting buildings.	Means interpretation. 'To construe' is the infinitive verb form of the term.
<b>Consideration</b> 1. careful thought 2. A fact taken into account when making a decision, 3. thoughtfulness towards others.	Means an act, forbearance or promise by one party to a contract that constitute the price for which the promise of the other party is bought.
<b>Tender</b> 1. gentle and kind, 2. (of food) easy to cut or chew, 3. (of a part of body) painful to the touch, 4. young and vulnerable, 5. easily damaged.	Means an offer to supply goods or services. Normally a tender must be accepted to create a contract.

- **There are various types of Legal texts:**
  - Contracts
  - Wills
  - Textbooks
  - Briefs
- **Translation:** involves rendering a legal text for source language (SL) to a target language (Tl). Thus legal translation is a type of specialist or technical translation. The legal translator should be highly qualified and have an excellent command of both languages in addition to special knowledge and expertise in legal matters.

# Why is legal Translation Important?

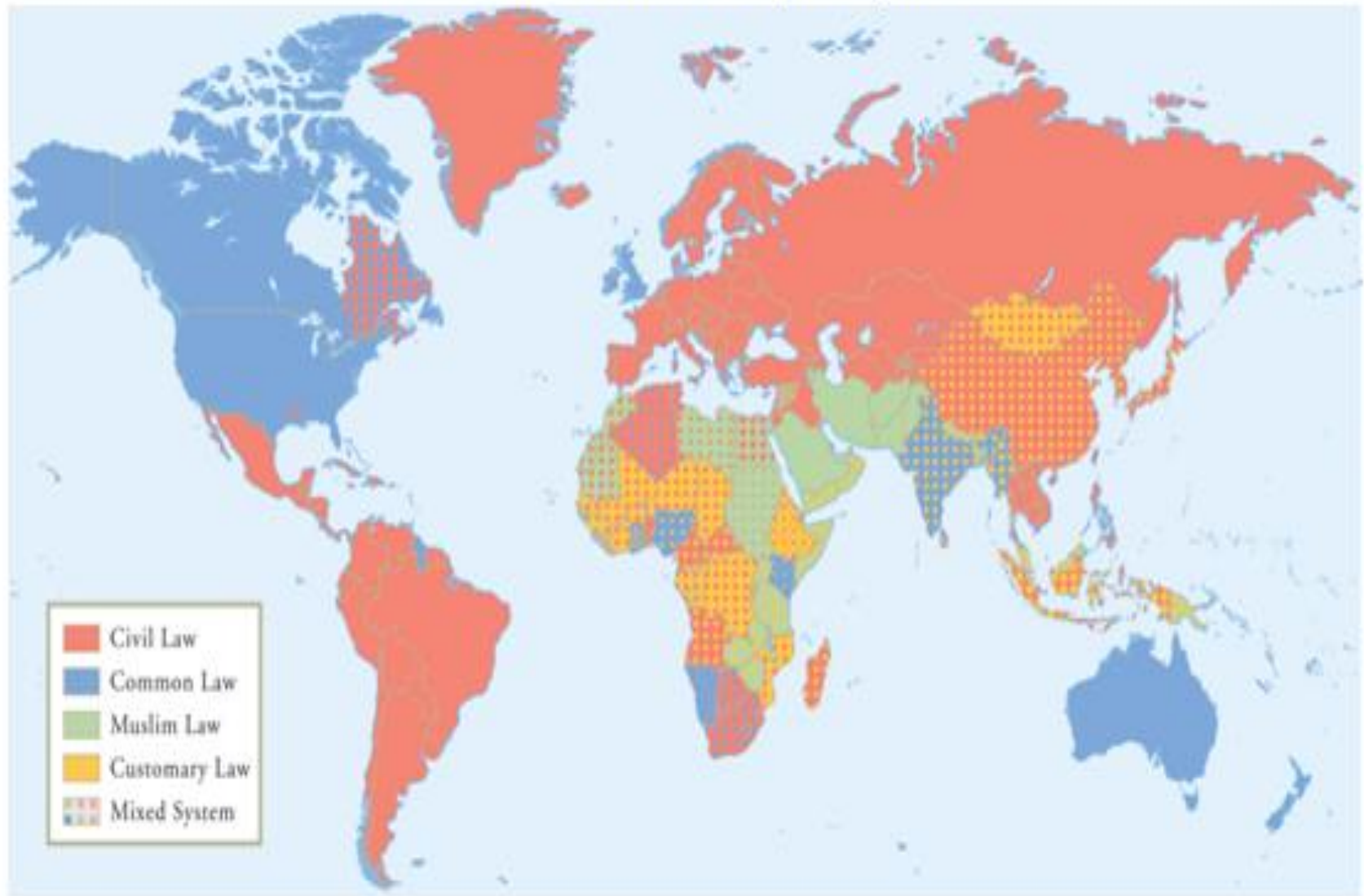
- Countries interact with which other for business and other important matters where it is essential to overcome the language barrier. Just as an example there are 27 countries in EU with different languages and legal systems. These countries need to communicate smoothly and successfully .
- Since the second half of the 20<sup>th</sup> century, the prominence of English as *lingua franca* has become overwhelming in all fields, including legal activities.



# Cont.,

- Legal translation not only facilitate understanding but also protect the right of each party and ensures that all parties concerned adhere to the terms and conditions of the working/social relationship.
  - What is the official language in the International Court of Justice?
- With Globalization and Internationalization, mobility of citizens has increased. People travel and migrate for various purposes. This creates a need to ensure their rights are protected in case of breach of law of the host countries.

## The Wide World of Legal Systems



# Categories and definitions

- In order to make the complex legal issues easier to understand there are different ways to categories and classify them. For example, legal systems are classified on the basis of the source of laws from which they are derived, i.e. common law and civil law.
- Another approach is to divide laws on the basis of issues dealt with. For example: civil laws dealing with matters related to family law, i.e. marriage, divorce, adoption. Criminal law decide on matters related to crimes such as homicide and money laundering

# World Legal Systems

- In the west, the two most prominent types of legal systems are the **common law**, and the **civil law** systems.
- The **common law** system originated in England. It developed as a system of case law; the judges in courts were very important in establishing what was the law. Common law was developed in the Middle Ages. It is called common because it was common to all England and Wales and did not vary from one area to another.
- Over the course of time, it evolved into what is known as **binding precedent**. This means that judges deciding new cases should follow the decisions made by judges in the past.

# World Legal Systems, cont.

- **Civil law** systems are coded systems, the laws were laid down in formal written codes. Unlike the common law, the civil law system developed by Roman law.
- this system's history began when Roman emperor Justinian united all of the laws in continental Europe and consolidated them into a single code under the name of "Corpus Juris Civilis." This would later come to be known as **Civil Law**, Continental Law or Roman Law. In those countries that adopted civil law, legislation represents the primary legal basis. The courts of law base their sentences on the provisions of the legal codes, which determine the solutions for each individual case.

## Terminology In context:

Find out the meaning of each term, context of use and provide Arabic equivalent

Legal systems	
Act	Jury
Arbitration	Legislation
Binding	Litigation
Concur	Overrule
Employment tribunal	Revoke
Statute	Plaintiff

Company law	
Binding	Penalty clause
Breach of contract	Assets
Deed	Capital
Capacity	Auditor
Discharge	Liquidation
Lapse	