

Special issue:

***Cross-cutting  
methodological  
issues in legal  
translation***

Guest edited by

**Fernando Prieto Ramos**



## Preface

### **Cross-cutting methodological issues in legal translation**

This special issue is the first of two volumes of *Comparative Legilinguistics* devoted to legal translation. They include research presented at the 2018 Transius International Conference on Legal and Institutional Translation at the University of Geneva's Faculty of Translation and Interpreting.

The four articles gathered in this first volume cover a selection of key aspects of legal translation, with an emphasis on specialized methodology and competence, including comparative legal analysis for translation, the impact of legal thematic knowledge on translators' performance, and the differences between machine translation output and human translation in this field. These studies refer to a wide variety of language combinations (French-English, English-French, Norwegian-German, English-Hungarian and Italian-German), and exemplify common methodological challenges in the quest for quality in legal translation.

The first two articles address comparative law for translation. In line with the multilingual nature of the Transius Conference and this journal, they are written in two different languages, French and German, respectively. In the first paper, "L'analyse jurilinguistique en traduction, exercice de droit comparé. Traduire la lettre ou «l'esprit des lois»? Le cas du Code Napoléon", Jean-Claude GÉMAR (Universities of Montreal and Geneva) describes his approach to examining the spirit and the letter of the laws through comparative legal linguistic analysis for translation. He provides insightful examples of transfer strategies in the translations of several civil codes derived from the Napoleonic Code, e.g. early translations of this Code into English for informative purposes, the source-oriented rendering of Quebec's Civil Code for the English-speaking minority of this Canadian province, and the more recent translation of the Civil Code of Louisiana into French characterized by the double influence of continental and common law.

Ingrid SIMONNÆS (Norwegian School of Economics, NHH) also highlights the pivotal role of comparative law

in “Intersystemischer Rechtsvergleich und interlinguale Rechtsübersetzung Norwegen und Deutschland”, which concentrates on a typical scenario in translation between two national legal systems, Norwegian and German. Her approach is illustrated by the analysis of terminological problems in the area of family law.

In “Comparative analysis of translations prepared by students with and without legal qualifications”, Márta LESZNYÁK (University of Szeged) and Dorka BALOGH (Pázmány Péter Catholic University) compare the legal translation errors made by two groups of postgraduate students of English-Hungarian translation, one previously trained in Law and the other with a Humanities background. The results suggest that the lower thematic competence of the latter can be correlated to higher incidence of error in information transfer and legal register, and a case is made for more interdisciplinary training in legal translation to compensate for these deficiencies.

In the last paper, entitled “Machine translation in the field of law: a study of the translation of Italian legal texts into German”, Eva WIESMANN (University of Bologna) also examines a significant question for translation competence development and professional practice: to what extent machine translation and post-editing should be integrated into legal translator training. In light of the insufficient comprehensibility and accuracy of the Italian-German translation output of two systems (DeepL Translator and MateCat), the author concludes that the emphasis must remain on building the professional methods that make a difference for legal translation quality, especially the analysis of the legal parameters relevant to achieving communicative adequacy in each situation.

I would like to thank all authors for their contributions and cooperation, as well as Aleksandra Matulewska (editor-in-chief) and Emilia Wojtasik-Dziekian (section co-editor) for their kind assistance through the editing process.

Fernando PRIETO RAMOS  
Guest editor of the special issue  
Centre for Legal and Institutional Translation Studies (Transius)  
Faculty of Translation and Interpreting (FTI)  
University of Geneva, Switzerland

October 2019