

PROBLEMATIZING THE USE OF PARALLEL TEXTS IN LEGAL TRANSLATION TRAINING

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Abstract

Academics emphasize the importance of legal translation training as a specific area requiring specialized and finely-tuned training. Translation students encounter various difficulties during the translation process of legal texts, difficulties that can persist throughout their career. The cause of these challenges may stem from the fact that the students, in general, fail to apply the theoretical methods learnt during the translation process. One of these methods offered during legal translation training is the analysis of parallel texts. Although students are generally aware of this method, the implications for their translation process may not be immediately obvious. In this paper, therefore, I problematize the use of parallel texts in legal translation training, and conduct a case-study involving third and fourth-grade translation students through a comparative method. This study reveals that there is a difference between the theoretical approaches offered in the scholarly studies and their practices; in other words, a gap exists between theory and practice in terms of analysis of parallel texts in legal translation training.

Keywords: Legal translation training, parallel texts, case study, theory, practice.

Özet

Akademisyenler hukuk çevirisi eğitiminin önemini vurgulamaktadır, çünkü böyle özel bir alanın yine özel ve konuya odaklı bir eğitim gerektirdiği bilinmektedir. Çeviri öğrencileri hukuk metinlerinin çeviri sürecinde çeşitli zorluklarla karşılaşmaktadır ve öyle görünüyor ki bu zorlukların üstesinden gelmek onlar için üniversiteden sonraki meslek hayatlarında bile sorun yaratabilir. Bunun sebebi genel olarak öğrencilerin teorik olarak öğrendikleri yöntemleri çeviri süreci sırasında uygulayamamaları olabilir. Koşut metinlerin incelenmesi hukuk çevirisi eğitimi için sunulan yöntemlerden biridir. Öğrenciler bu yöntemin farkında olsa da bunun yansımalarını çeviri sürecinde görmek zodur. Bu sebeple bu çalışmada karşılaştırmalı bir yöntemle üçüncü ve dördüncü sınıf çeviri öğrencileri üzerinde bir örnek olay

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çalışması yürütülerek hukuk çevirisi eğitiminde koşut metinler üzerinde yapılan çalışmalar sorunsallaştırılmaktadır ve bu çalışma akademik çalışmalarında önerilen kuramsal yaklaşımlar ve bunların uygulamaları arasında bir farklılık ortaya çıkarmıştır; diğer bir deyişle, hukuk çevirisi eğitiminde koşut metinlerin incelenmesi açısından teori ve uygulama arasında bir fark mevcuttur.

Anahtar sözcükler: Hukuk çevirisi eğitimi, koşut metinler, örnek olay çalışması, teori, uygulama.

1.Introduction

Today's world involves an increasing amount of agreements, negotiations and disputes between nations and individuals, and makes legal translation crucial, and even indispensable. This being the case; legal translation training has come into prominence to ensure that translators in the sector are well-trained and competent. A considerable number of scholars of translation have focused on different aspects of legal translation training, especially in recent years. Some scholars point out the difficulties related to legal translation encountered by students, and suggest methods to overcome these (Altay 2002, Yalçın 2003, Alcaraz Varo and Hughes 2002, Sarcevic 1997), while others conduct research on the methods to be employed in legal translation courses (Gomez Gonzalez-Jover 2011, Harvey 2000, Galán-Mañas 2012, Selmi and Trouille 2006, Eruz 1999). Gomez Gonzalez-Jover (2011), for instance, offers a course design for legal translation training in which, in addition to the elaboration of the legal and political systems in Anglophone countries and their continental counterparts, the relevant concepts and vocabulary are explained at the undergraduate level. Likewise, Harvey (2000) suggests an outline for a legal translation course which enables students to make decisions by taking into account the expectations and needs of the receivers, and how the target text functions in the target system, namely, extra-linguistic factors (ibid: 6). In a similar vein, Galán-Mañas (2012) argues the use of contrastive rhetoric for introductory courses on legal translation. Another example of such studies is Selmi and Trouille's research, entitled *Legal Translation in the Classroom, a Case Study* (2006). They approach the method of legal translation training from a linguistic point of view, and suggest that studies on linguistic features of the documents are necessary

in addition to terminology to ensure that students make strategically appropriate decisions (ibid:10).

In addition to the aforementioned studies on methods, parallel texts are proposed as a beneficial tool for instructors by some scholars. Schaeffner (1998) was one of the first scholars to give a definition of parallel texts, and pointed out that students are able to learn text-typological conventions through analysis of such texts (1998:3). Schaeffner reported employing this method herself for the final year students in advanced translation courses. According to this method, students find and study the exemplars of the relevant text type in source and target languages, and then attempt to define the systematic regularities for that text terminologically and culturally. She reported finding this method beneficial for translation training. (ibid:4)

In a similar way, Eruz points out in her doctoral dissertation entitled *Çeviri Eğitiminde ve Çeviride Koşut Metinler, Hukuk Alanında Koşut Metin Çalışmalarının Kapsamı İşlevleri ve Yöntemleri* (1999)^{1,2} that parallel texts are necessary parts of the translation process, and also suggests that competent translators need to know how to benefit from parallel texts (p.113). Considering Eruz's argument, it might be assumed that analysis of parallel texts is not only a method to be included in the curriculum, but also a part of the research process which the translation students will make use of throughout their professional career. In this comprehensive research, Eruz employs students' translations and follow-up questions to examine the students' behaviours during the translation process, with the aim of highlighting the role of parallel texts in the translation of specialized texts, in particular, legal texts. Based on the data obtained from the translations of the students and their answers to the follow-up questions, Eruz claims that studies on parallel texts both in target and source languages can help to eliminate the difficulties students encounter in translation process (ibid:167). She concludes that it is almost impossible to produce a text in the target language without the analysis of parallel texts. However, translation students or future translators will only be able to benefit from

¹ [Parallel Texts in Translation Training and Translation, Scope, Functions and Methods of Studies of Parallel Texts in the Field of Law]

² The translations are mine unless otherwise stated.

parallel texts if taught how to use them effectively and efficiently. Thus, for Eruz, the studies on parallel texts aim to teach students how to find practical research methods to reach functional solutions to the problems that source texts present, and how to be creative in the production of the target text (ibid:136). She states that,

Parallel texts are the main sources of reference of this open-ended profession. Nevertheless, benefiting from the parallel texts [...] properly requires the translator to have a particular skill and methodology. Parallel texts are not magic wands but keys for only those who can use them correctly. (ibid:227)

In general accordance with points raised in the research above, in my study I will problematize studies on parallel texts in legal translation training. This body of research has revealed that parallel texts are considered as an important tool by academics, although it appears from the students' translations and answers to the follow-up questions that only a small number of the academics put such analysis into practice. I will therefore argue difference between the theoretical approaches offered in the scholarly studies and practices of these approaches has been revealed and it is possible to rephrase it, saying that there is a considerable gap between theory and practice in the use of parallel texts in legal translation training. In this research, I will refer to parallel texts as not only original texts that are produced in the target language, but also target texts produced from the source texts (Wilss in Eruz 1999:112). The latter texts are included because sometimes, corresponding text types may not exist in the target culture (Schaeffner 1998:6). Particularly, the texts created by international or supranational organizations such as the European Union are less likely to have corresponding text types in the target system (ibid:7). Similarly, in this study, I chose a resolution produced by the EU, and since there is no corresponding text type in the Turkish legal system in terms of capacity, target texts produced through translation of similar documents are considered to qualify as parallel texts in this study. It is also important to note that this is a preliminary study and thus, the argument presented in this paper needs to be tested in further research.

2.Methodology

In this study, I will make use of the qualitative method, rather than applying statistical tests, or measuring or comparing the findings statistically (Williams and Chesterman 2002). In addition, the triangulation technique, which is a combination of three data collection tools, will be employed (Olsen 2004). In the social sciences, triangulation is a widely-used technique for the validation of data through a combination of more than two methodologies, and is considered useful since it ensures that the topic being researched can be enlightened by diverse viewpoints (Olsen 2004). By incorporating various viewpoints and methods, this method not only increases validity, but also broadens and deepens understanding (Yeasmin and Rahman 2012:154-155). As subjectivity is inherent in the social sciences, in order to ensure that data are reliable and verifiable, it is important that they are collected from as many sources as possible. Yeasmin and Rahman state that,

Triangulated techniques are helpful for cross-checking and used to provide confirmation and completeness, which brings “balance” between two or more different types of research. (ibid:157)

Triangulation itself is divided into four main approaches, namely data triangulation, investigator triangulation, theoretical triangulation and methodological triangulation (Denzin in Yeasmin and Rahman 2012:157). I selected “methodological triangulation”; and accordingly collected data from three sources. The first is the students’ translations of an English text, in this case, a resolution made by the European Parliament. The second data source is the follow-up questions given to the third and fourth grade students, and the final source is an interview with academics responsible for legal translation training at the undergraduate level. I designed the questionnaires and interviews to be open-ended in order to allow those answering the questions to express themselves freely and without restriction. It is also important to note that, although I make use of the triangulation technique, there exists a degree of intrinsic subjectivity in the research, which can be considered as the weakness of this research.

To start with the first data set, I selected four sections from the introduction part and the Articles 17, 24 and 28 of the European Parliament Resolution

on “EU-Turkey relation” dated 24 October 2007³. The students were given 90 minutes to translate the text, which consisted of 13 clauses connected to one subject. 18 third-grade and 20 fourth-grade students at the Department of Translation and Interpreting at Dokuz Eylül University were asked to translate the text into Turkish so that I could conduct a comparative analysis between the source and the target texts. The translation activity was conducted in class. Access to Internet or online dictionaries was not allowed, but hardcopy English-Turkish dictionaries were permitted. Students worked on the translation individually. The students in the third grade had already taken the elective courses entitled “EU Organs and Policies”, “German-Turkish Translation of Political Texts” and “German-Turkish Translation of EU Documents” and an obligatory course entitled “International Institutions and Diplomacy”, and were also in the process of taking “German-Turkish Legal Translation” as an elective course. As well as the aforementioned courses taken by the third-grade students, the fourth-grade students had been taking an obligatory course entitled “English-Turkish Translation of Political and International Legal Documents” for almost four months at the time of the study. I chose these two groups as I assumed that they had adequate competence in the use of Turkish and English and were familiar with politics, legal documents and legal discourse. Unlike the third-grade students, the fourth graders had additionally been studying English-Turkish legal translation, and a further aim was to investigate whether this additional course had any impact on the students’ translation ability.

The second set of data was obtained from the third and fourth grade students’ answers to a questionnaire. Third and fourth graders were given four and six follow-up questions respectively. The questions given to the third grade students address the challenges faced, the methods used to overcome these challenges, the tool (dictionary) used while translating, and the points to be considered during the translation process. In addition, as the fourth graders had become familiar with the concept of the parallel texts in the legal translation course, two questions were added to determine whether they

³ The reason why I chose this text is that demand for translation of the EU documents in the market has increased to a great extent thanks to the close relations and negotiations between Turkey and the European Union and it is highly probable for the students to encounter similar documents in their career as it is a current issue nowadays. In addition, resolutions are legal documents that have specific characteristics in terms of sentence and text structure and terminology.

had in fact conducted studies on parallel texts for practice during the legal translation course. All answers were given immediately after they completed their translations to avoid the possibility that details would be forgotten.

The third method data set is the interview with five academics giving legal translation courses at four different universities, namely Dokuz Eylül University, Ege University, Izmir Ekonomi University and Bilkent University. The interviews consisted of six questions regarding legal translation training.

Based on these three data sets, I will analyze the findings under three categories. The first category is related to the translations performed by the students and I will divide the issues detected in the analysis into two: those relating to the terminology and those relating to the target text conventions. The second category is related to the evaluation of the students' answers to the follow-up questions, and the final is an analysis of the interview with the academics.

3. Comparative Analysis

A. Terminology

In this part, terminology will be analyzed in two sections, first, “names of institutions, titles of agreements, and official documents” and second, “word choice”, while the part on target text conventions also consists of two sections, namely “sentence structure” and “tense”.

1. Names of institutions and titles of agreements and official documents

In such specialized documents, the names of the institutions and the titles of agreements and documents are not flexible or interchangeable. Although equivalent institutions may not exist, or equivalent documents may not be available in the target culture, their translations in the target language are widely-known and, in fact, are fixed.

Table A. Names of institutions and titles of agreement and official documents- 3rd and 4th grade students

| Names/ titles in S.L | 1st Choice | | 2nd Choice | | 3rd Choice | | 4th Choice | |
|----------------------------------|---|---|---|--|---|---|------------|---|
| | 3. Graders | 4. Graders | 3. Graders | 4. Graders | 3. Graders | 4. Graders | 3. Graders | 4. Graders |
| Resolution | Önerge [motion]-16 | Karar [decision]-16 | Yönerge [directive]-1 | Çözüm önerisi [solution offer]-2 | Karar [decision]-1 | Önerge [motion]-2 | - | - |
| The Association Agreement | Ortaklık Anlaşması [Association Agreement]-10 | Ortaklık Anlaşması [Association Agreement]-12 | Birlik Anlaşması [Union Agreement]-6 | Birlik Anlaşması [Union Agreement]-6 | İşbirliği Anlaşması [Cooperation Agreement]-2 | Üyelik Sözleşmesi [Membership Contract]-1 | - | Kurum Anlaşması [Institution Agreement]-1 |
| Progress Report | İlerleme Raporu [Progress Report]-13 | İlerleme Raporu [Progress Report]-16 | Kalkınma/ Gelişme Raporu [Development Report]-4 | Gelişme Raporu [Improvement Report]-4 | Süreç Raporu [Process Report]-1 | - | - | - |
| EC | Avrupa Konseyi [The Council of Europe]-8 | AK [Students refer to either the Council or Commission of Europe]-8 | Avrupa Komisyonu [European Commission]-5 | Avrupa Konseyi [The Council of Europe]-6 | AK [Students refer to either the Council or Commission of Europe]-2 | AT [European Community]-3 | EC-2 | Avrupa Komisyonu [European Commission]-2 |

Table A shows clearly the distributions of the various terms used in the translation of names of institutions and titles of agreements stated in the given text. The initial term addressed is the title of the document itself. The document is a resolution of the European Parliament. Resolution can mean “karar [decision], kanun [law], önerge [motion]” in different contexts; however, in EU documents it should be referred to “ilke kararı” [Back translation: “decision of principle”] (Glossary for the European Union 2009:227)⁴. As Table A points out, none of the third-graders translated “resolution” as “ilke kararı”. In general, they translated the word in different ways, such as karar [decision], çözüm önerisi [solution offer], yönerge [directive], but mostly, önerge [motion]. Similarly, the analysis of the fourth-grade students’ translations again reveals that no student translated “resolution” as “ilke kararı”, and that sixteen students opted for “karar” [decision]. The reason for the choice of “karar” rather than “ilke kararı” might be the fact that the first denotation of “resolution” in English-Turkish dictionaries is “karar”, and they had no supporting information about the meaning of this term, particularly within the context of the European Union.

Another problematic word shown in Table A is the title of an agreement, “the Association Agreement”. Again, it has a specific equivalent in Turkish, which is “Ortaklık Anlaşması” (Glossary for the European Union 2009:14). In fact, ten students at the third grade opted for “Ortaklık Anlaşması”, while the rest preferred various options such as “Üyelik Sözleşmesi” [Membership Contract], “Birlik Anlaşması” [Union Agreement], “İşbirliği Anlaşması” [Cooperation Agreement]. The fourth-grade students show a similar pattern, twelve translated the agreement as “Ortaklık Anlaşması” while six preferred “Birlik Anlaşması” [Union Agreement].

As is understood from Table A, unlike the above-mentioned documents, “progress report” caused no confusion for either the third or fourth grade students. Only a very small number of students chose other options, namely “kalkınma raporu” [development report], “süreç raporu” [process report] and “gelişme raporu” [improvement report].

In respect of the names of the institutions, all students from both grades successfully translated “the European Parliament”, “the Commission”, “the European Council” into Turkish, and found their equivalents in the target language. This is a possible consequence of the elective course named “EU Organs and Policies”, offered at the second grade. However, a single problem emerged, the translation of the abbreviation ‘EC’, which is referred to in the

⁴ http://www.abgs.gov.tr/files/Sozluk/glossary_for_the_european_union.pdf

context of the Association Agreement between EC and Turkey. The abbreviation stands for the European Community, which is denoted as Avrupa Topluluğu in Turkish. Among all the students, only three fourth-graders opted for “Avrupa Topluluğu”. Table A shows that the first choice of the third-graders was “Avrupa Konseyi” [the Council of Europe], which is an intergovernmental organization and, in fact, a completely separate body from the European Union. On the other hand, the first choice of the fourth-grade students was another abbreviation, AK. It is possible that students chose this abbreviation to avoid having to make a decision between “Komite” [committee], or “Konsey” [council], as the K in AK can refer to either body in Turkish. The variety of the options showed in Table A reveals that the students are confused by the abbreviation, owing to their lack of knowledge about the agreement and the parties involved.

This analysis reveals that translation of the titles of the EU documents and agreements into Turkish is one of the most challenging points for translation students. Despite taking a course on the European Union, these students still had difficulty in finding Turkish equivalents for terms. This was perhaps due to the absence of translation work during this course and thus, the lack of opportunity to compare Turkish and English equivalents in this field.

2. Word choice

The final two words in Table B represent the more commonly known words. Not surprisingly, having taken a course on the European Union, both the third and fourth grade students were able to find appropriate equivalents of widely-known words such as “negotiations, accession”. The interesting point here is the preference for “müzakere” for “negotiation”, although it is hardly used in daily language among young people since it is a fairly archaic Ottoman Turkish word. In fact, because the word is rather unusual, students are aware of it and its equivalents within the context of European Union. The same is true for “accession” which, when translated into Turkish, actually means “erişim” [ability or right to use or approach]. However, most of the students are familiar with its usage in the context of European Union, and translated as “katılım” [joining, participation]. According to Table B, the third-graders in particular preferred “katılım”, the formal usage of the word as it is mentioned in the EU documents, most probably owing to the recently completed course on the EU Organs and Policies in the previous semester. In contrast, the more colloquial term “müzakere” was selected by the fourth graders, a term which is common in the news media.

Table B. Word Choice- 3rd and 4th grade students

| Words | 1st Choice | | 2nd Choice | | 3rd Choice | | 4th Choice | |
|-------------------------------------|---|---|---------------------|--|----------------------------|--|--------------------|--------------------------|
| | 3. Graders | 4. Graders | 3. Graders | 4. Graders | 3. Graders | 4. Graders | 3. Graders | 4. Graders |
| Regret | Üzüntü duymak [Feel sad/sorry]-12 | Üzüntü duymak [Feel sad/sorry]-12 | Kınamak [condemn]-3 | Kınamak [condemn]-3 | Şikayet etmek [complain]-1 | Pişman olmak [feel sorry about sth done]-1 | Reddetmek [deny]-1 | Reddetmek [deny]-1 |
| Provision (of more shelters) | Temin/ tedarik etmek [supply- provide]-16 | Hüküm [an item specified in a legal instrument]-9 | Ölçüm [measure]-1 | Temin/ tedarik etmek [supply- provide]-8 | Kontrol [control]-1 | Şart [condition]-1 | | |
| Negotiation | Müzakere [negotiation]- 17 | Müzakere [negotiation]- 18 | Görüşme [talks]-2 | İlişki [relation]-2 | | Görüşme [talks]-1 | | |
| Accession | Katılım [accession/ participation]-13 | Giriş [Join]- 11 | Giriş [Join]- 5 | Katılım [accession]-4 | Müzakere [negotiation]-1 | Üye [member]-4 | Üye [member]-1 | Erişim [access/ reach]-1 |

Undoubtedly, in such international documents, great attention needs to be paid in order to avoid conflicts or misunderstanding. I chose two specific words from Table B so as to show how the translations of the students differ and to highlight the potential effects of these different choices in such an international document.

The first word shown in Table B is “regret”, with which two sentences start in Articles 17 and 24:

The European Parliament,
[...] regrets that violations of women’s rights [...] remain a matter of serious concern. (Article 17)
[...] regrets that no substantial progress has been made in reaching comprehensive settlement of the Cyprus question. (Article 24)

Both sentences above start with the verb “regret”, apparently meaning that the European Parliament feels unhappy or disappointed due to the fact that these issues have not yet been resolved. In fact, as is shown in Table B, twelve students from each grade reflected the spirit of the word, while the others not only picked words which were inappropriate (for instance, belirtmek [determine], vurgulamak [emphasize]) but also words with the potential to lead to conflict between the parties, such as kınamak [condemn], reddetmek [reject], şikayet etmek [complain]. Such words carry an emphasis that is likely to be excessive in the context of this resolution.

In general terms, it is possible to say that the students in both grades are aware of the fact that legal texts require legal discourse and thus, they attempted to select what they considered the most appropriate option for the context. However, their very awareness that this was a legal text seems to have misled some fourth-grade students, due to their tendency to consider only legal terminology during the translation process. Yet, in such situations, it would be better to take every possibility into consideration. There is a clear example of this situation in Table B. The word “provision” has several meanings, one of which is “stipulation” in a legal context, translated by “hüküm” in Turkish. Another meaning is “supply”, translated as “temin etmek”. So let us take a look at the word in its original sentence:

The European Parliament,
[...] stresses that those efforts should include, inter alia, a
sustained public campaign and provision of more shelters for
women in distress. (Article 17)

In Article 17, “provision” means to supply more shelters for women, and is completely unrelated to the word “hüküm” [stipulation]. As seen in Table B, however, ten fourth grade students used “hüküm”, which is a potential cause of misunderstanding for the target text readers. As these students were taking a legal translation course at the time, it is likely that they were influenced by the legal terminology they were studying, and failed to consider alternative options that a more thorough analysis of the text would have suggested.

Based on the analysis from the terminological point of view, students at both grades had difficulties in choosing the correct words and generally opted for the first denotative meanings. However, generally speaking, the analysis on the translations of the third and fourth-grade students revealed that most were more conscious in terms of legal discourse. Being aware that the given text was a legal document, they were justifiably suspicious of the first denotative meanings of the words, and searched for equivalents that were appropriate for the overall meaning of the text.

B. Target Text Conventions

In this part, I will analyze the translations of the students on the basis of the target text conventions. According to Kussmaul, conventions refer to conformity to specific regularities and rules that are expected while producing specific text types, and if one fails to conform to these it is possible to hinder or damage communication (1997:68). Similarly, Nielsen describes textual conventions as features of textual genres and says:

Textual units are only elevated to the class of conventions if they share characteristics with identical units in other texts that can reasonably be grouped together by applying various criteria. The concept of genre is helpful to place textual conventions in a general framework and they are often referred to as genre conventions to accentuate their affiliation with specific types of texts. (2010:24)

Based on the explanations regarding conventions given above, it may be assumed that legal text conventions in Turkish can only be learned through the analysis of parallel texts, as these conventions are not explicitly stated (White in Bhatia, 1997:208). Bhatia clarifies White's argument as follows:

[...] there are expectations about the way in which language operates in legal contexts, but such expectations are never explicitly stated anywhere but in legal culture [...]. (ibid)

Considering the statement given above, it is reasonable to assume that translation students are unlikely to be able to find text conventions in the text books, however, the conventions can be learned by analyzing parallel texts. It is clearly impossible to study every type of legal text, thus, as Eruz suggests, analysis of parallel text needs to be a part of a continuous research process that that will support the work of students throughout their studies and subsequent career. (Eruz 1999: 113)

As for the translations of the students, I will focus on two points, which, according to the analysis of their translations, seem to be the most challenging areas for students in the translation process. Therefore, I classify the following subcategories:

1. Sentence structure

As resolutions have very long and complex structures connected to the subject at the very beginning of the sentences, the third-grade students in particular had difficulty in analyzing the sentences. This had two consequences: First, some students omitted articles which consisted of a series of long sentences and left them untranslated. Second, ten students preferred to divide the sentences, and were sometimes confused about the subject of these sentences. For example:

The European Parliament,⁵

[...] urges the Commission, therefore, to stress to the new government the need to strengthen its efforts to eradicate violence and discriminatory practices against women. (Article 17)

⁵ [emphasis added]

[...] Bu yüzden Komisyon, kadına karşı şiddeti ve ayrımcılığı bitirmek için yeni hükümeti çabalarını arttırması konusunda zorluyor.

[Back Translation:

Therefore, the Commission urges the new government to increase its efforts to eradicate violence and discrimination against women.]

An example from the students' translations is given above. As seen in the example, while translating Article 17, six third-grade students were confused as to which should be the subject, and thus, they translated the sentence making the "Commission" as the subject and the doer of the action, which in fact was a serious error since it is not the Commission that was the actor in this case, but the European Parliament. Probably those students had difficulty comprehending such long connected sentences, and thus difficulty in producing it in the target language. The same confusion is also seen in the fourth-grade students' translations. Although seventeen (the majority of the students at this grade, and more than the third-graders) were able to retain the length of the sentences as in the source text, Article 17 seems to have caused similar problems. The length of the sentences in this article caused a degree of confusion for the fourth-grade students and five considered "the Commission" as the doer of the action whereas the actual doer was the European Parliament, as stated at the very beginning of the text.

One specific characteristic of resolutions issued by the European Union is the use of phrases such as "having regard to" and "whereas". These two phrases are used at the beginning of the resolutions before the articles, and both have the same meaning in the context: considering, taking into consideration [dikkate alarak, göz önünde bulundurarak] etc. Thus, one can translate both "having regard to" and "whereas" as either "dikkate alarak" or "göz önünde bulundurarak".

The European Parliament,

[...] having regard to the Turkey 2006 Progress Report of the Commission,

[...] D. whereas Turkey has not yet fully implemented the provisions stemming from the EC- Turkey Association Agreement and its Additional Protocol.

Avrupa Parlamentosu,

[...] Komisyonun 2006 Türkiye İlerleme Raporu hususunda,
 [...] D. Türkite-AB Ortaklık Anlaşması ve bu anlaşmanın Ek Protokolü'nün getirdiği hükümleri Türkiye'nin tam olarak uygulamaya koymasına rağmen

[Back translation:

The European Parliament,
 [...] having regard to the Turkey 2006 Progress Report of the Commission,
 [...] D. Although Turkey has not yet fully implemented the provisions stemming from the EU- Turkey Association Agreement and its Additional Protocol]

When sentences start with these phrases, as in the above example, the students had difficulty in finding either a verb or a subject. As the above example from the students' translations points out, most students understood the meaning of "having regard to" and duly reflected it in the target language, but they had much more difficulty with sentences starting with "whereas". Eleven translated "whereas" as meaning "although" (as in the example above), "on the condition that", or "while/when". Another twelve preferred to ignore the phrase completely, and make full sentences using finite verbs.

[...] D. Ancak Türkiye, Avrupa Komisyonu-Türkiye Ortaklık Anlaşması ve Ek Protokol'den kaynaklanan koşulları henüz tam olarak yerine *getirmedi*. [emphasis added]

[Back Translation:

[...] D. However, Turkey has not yet fully implemented the provisions stemming from the European Commission and Turkey Association Agreement and its Additional Protocol.]

Moreover, two sentences start with "having regard to" and two with "whereas", and there is conspicuous inconsistency regarding the translations of these phrases. Six students overlooked the consistency of the words, for instance translating "whereas" differently within the same text.

Avrupa Parlamentosu,

[...] Komisyonun 2006 yılı Türkiye İlerleme raporunu göz önünde bulundurarak,
[...] AT- Türkiye Ortaklık Anlaşması ve Ek protokolünden doğan hükümleri Türkiye'nin tamamiyle uygulamadığını dik-kate alarak,

[Back translation:

The European Parliament,
[...]having regard to the Turkey 2006 Progress Report of the Commission,
[...] whereas Turkey has not yet fully implemented the provisions stemming from the EC- Turkey Association Agreement and its Additional Protocol.]

Unlike the third-grade students, the problematic phrases “having regard to” and “whereas” were correctly translated by the fourth-grade students, as given in the example above, and, with a few exceptions, the target texts reflected the actual meaning, i.e. “taking into consideration”.

2. Tense

In the parallel texts and translations of such documents, the simple present tense is mainly used.

The European Parliament,

[...] instructs its President to forward this resolution to the Council, the Commission, [...] and Parliament of Turkey.

Avrupa Parlamentosu,

[...] başkanına bu önergeyi Konseye, Komisyona, [...] ve Türk Parlamentosuna iletme talimatını veriyor. (from translations of third-graders)

[Back translation:

The European Parliament,
[...] is instructing its President to forward this motion to the Council, the Commission, [...] and Parliament of Turkey.]

Among the third-grade students, only eight translated documents in the simple present tense while the others opted for the present continuous

tense in one of two ways, as shown above: “-yor” suffix [-ing] or “-mekte, -makta” suffixes [to be in the process of]. A further seven even used different structures, the past tense or expressions of obligation in some sentences. It is not clear why these expressions were chosen, as there is no grammatical indication for such uses. In my opinion, the causes of this error were giving their own interpretation of the text, or lack of attention to the actual meaning of the text, combined with a failure to reread and revise the translation.

In contrast to the third-graders, twelve fourth-grade students correctly used “simple present tense”, probably on the basis of the information gained during the legal translation course, but a further six opted for the present continuous tense, and three of these even used the gerund form of all verbs in all sentences in the target language. Another interesting finding is that in one case, an active form was translated into a passive form in the target language, in spite of the fact that the subject was given at the very beginning of the sentence, thus making the use of passive unacceptable. By overlooking this, the student creates an inaccurate target text.

Evaluation of the students’ answers to the follow-up questions

Immediately after completing their translations, the third-grade students were given four open-ended follow-up questions about their translation process. My analysis of their answers reveals clear parallels between their translations and their answers.

As a result of the evaluation of their answers, three important points are highlighted:

- _ Long, complex sentences with conjunctions
- _ Legal terminology
- _ Studies on parallel texts

As regards the first two questions, focused on the difficulties they encountered and the methods to overcome these, almost all the students gave similar answers, confirming that certain areas of translation were problematic. In terms of the structure, they had difficulties mainly in translating the longer, more complex sentences, and in particular, dealing with the conjunctions. The students reported being unable to make appropriate connections between

sentences while translating. Moreover, since they have not studied the parallel legal texts and the characteristics of such documents in the Turkish system, it was challenging to produce a text in the target language. Therefore, they preferred to divide the sentences; eight students reported trying to divide the longer sentences for the sake of comprehensibility, which points to a lack of regard for the form of the document. By and large, the students seemed to give priority to the meaning. This is shown by the tendency, indicated by a number of students, to first try to translate all the content before moving on to considering the form, and making some corrections and replacements. Sometimes, the sentences were so complex that they were forced to rely on their own interpretations. One student explained that he preferred to put the so-called extra information between the brackets, which can be considered a very arbitrary approach.

In terms of terminology, again, they touched upon their lack of knowledge of the titles of agreements and documents, which was also detected in the translations. Another point which is emphasized in the analysis is their failure to choose the most appropriate words for the context. Most explained that although they used the dictionaries they could not decide which words were suitable within the context. This is possibly due to their lack of familiarity with the legal discourse of the target language, and inability to decide on the best equivalent, as they may have never analyzed original legal documents produced in the target language itself, as opposed to translated ones.

Every point mentioned in their answers was reflected when analyzing their translations. Hence, their answers have clearly verified the findings obtained from the analysis of their translations. It seems that the opportunity to analyze parallel texts would have prepared them much better to deal with the long sentences without dividing, summarizing or interpreting them; they would be able to understand the background of the document and the legal system in both cultures. Studies on parallel texts i.e. having comprehensive knowledge about every aspect of such texts, in this case a legal document, in the target system would facilitate translation process, and help translators produce more functional and acceptable translations in the target language. (Eruz 1999:123)

During the translation process, the students were allowed to use English- Turkish dictionaries. However, as understood from their answers to

the follow-up questions, the dictionaries were not effective in providing the support needed and were used only to confirm the meaning of words or choose the most appropriate word for the context among the given meanings. However, they were able to access certain concepts pertaining to the context of the European Union, such as commission, negotiation, accession etc. and were able to find the proper equivalents of such concepts. Here it is highly possible that the course on the EU Organs and Policies helped them to some extent, and that, due to this course, the students had some, if limited, familiarity with the terminology.

According to the answers to the fourth question, almost all seemed to agree on the necessity of prior analysis or study on parallel texts in order to be able to produce a text in the target language. As seen from the findings obtained from their translations, they had problems with producing an equivalent document in the target language, due to lack of familiarity with the characteristics of such a text, which was also a conclusion drawn from analyzing the student questionnaire. Therefore, most students appeared to have found their own way to deal with the document, mainly by dividing and simplifying the longer sentences, or even summarizing them, giving the gist. This highlights the limitations of their knowledge about the structure of legal texts and the methods used to translate them. Based on the analysis of their answers, it appears that the students, in theory, know the importance of studying parallel texts and the difference between legal discourse and colloquial language by virtue of the translation training they have already undertaken; however, they are not yet able to put this training into practice. It may be suggested that this failure is caused by the fact that the students do not know how to study or analyze parallel texts.

The fourth grade translation students' answers to the first four questions were similar. This means almost all experienced similar problems during the translation process, including dealing with long and complex sentences, terminology, and legal discourse. Again, the students resorted to the dictionaries mainly to confirm what they had already known or to select the most appropriate equivalent within the context. Most were aware that words, such as "regret", "accession", were not being used in their first meaning, and took into account the nature of the text when choosing their equivalents in the target language. It is possible to assume that this awareness was the result of the legal translation

courses, both in German and English, which they had taken. However, some students also mentioned their incompetence regarding the legal discourse.

As for the last two questions added to the questionnaire, the fourth-graders reported that they had never studied parallel texts during the legal translation courses, and only a few reported analyzing parallel texts on their own initiative. According to their answers, the students were aware of the importance of such studies, yet were not able to analyze parallel texts on their own. They approached studies on parallel texts purely in terms of learning legal discourse and terminology; however, such studies cannot be carried out merely at the linguistic level, and analysis of parallel texts aims to produce a functional and communicative text for the target readers without isolating the target text from the context and the target system (Eruz 1999:120).

According to these students' comments, during the courses, no time is allocated to study parallel texts in the target language with the aim of analyzing the characteristics of the document in the target system. Therefore, the students seem to have developed their own system, which involves conducting a short analysis on parallel texts before the translation process begins, comparing similar source texts with their finished translations, and gaining experience by means of reading and analyzing multiple texts on similar subjects. It appears that they are aware of the fact that analyzing parallel texts is helpful; however, in practice, they do not have the opportunity to conduct such studies during the courses.

Interview with the Academics

The five academics were asked six open-ended questions. The first four of these focused respectively on the legal translation training in terms of topics to be taught during the course, assessment of the students, qualifications of the trainers, and the overall contribution of this course to the students' education. It follows from their answers that all the academics prioritize legal discourse and the text conventions of target and source languages, and also attach importance to studies on legal terminology and formal equivalence during the course. As one⁶ states:

⁶ I have no intention to disclose the identities of the academics in this research since it is not the aim of the study. Therefore, I will not use their names.

What I focus on conceptually the most is equivalence, analysis of long sentences and their transposition into a similar structure and text production in accordance with legal discourse.

The academics also highlight the importance for instructors of having basic legal knowledge, familiarity with various legal documents, knowledge of legal discourse both in the target and source language, and also competency in and knowledge of the translation process and methods. One of them says:

Information on methods of legal translation, legal discourse and legal text conventions developing on the basis of a specific legal system [...] and legal knowledge [...] is very important.

The other two questions were related to the texts in legal translation. With regard to the parallel texts, although all are aware of the role of these in the process of training translators, their practice in the class seems to be different. One of the academics does not mention whether parallel texts are used at all in the legal translation course, and another explains that he does not have sufficient time to concentrate on parallel texts during the classes, and instead prefers to guide students to such texts by recommending related links and books to encourage them to conduct such studies outside class. However, some academics clearly express the benefits of parallel texts for legal translation training. The following comment expresses this view:

I use parallel texts very often. I can even say that I develop my lesson plan according to parallel texts. For instance, one week we translate a court order from the Queen's Bench Court and another week we translate a court order sent abroad by the Republic of Turkey Public Prosecution Office, thus we can both position the intended purposes and functions of the texts better and have an opportunity to know and learn similar terminologies and text production strategies in both languages well.

It also follows from these answers that there is a lack of consistency among the academics in terms of the use of parallel texts in legal translation courses.

Conclusions

It is undeniable that legal translators have a crucial role in this globalizing world, in which there is an increasing number of international agreements, negotiations, conflicts needing resolutions, and also that the most important duty of the translation departments is to train well-educated and competent legal translators. To achieve this goal, academics recommend that the analysis of parallel texts should be an important aspect of translation courses. Therefore, I conducted this case study so as to analyze the approach of both students and academics to the concept of parallel texts and their use in practice.

This study has revealed that the translation students are highly aware of the importance of parallel texts, most probably due to the legal translation courses attended, and also academics attach importance to such studies and make efforts to increase the familiarity of this concept among their students. On the other hand, the translations of the students show that they had difficulty in producing legal documents in the target language, and their mistakes regarding structure and terminology are closely related to their lack of knowledge of target text conventions. Additionally, their answers to the follow-up questions point out that they are unable to study or benefit from parallel texts, and have not themselves conducted any analysis on parallel texts during the course. Moreover, they mainly approach the analysis of parallel texts from a linguistic point of view. For them, such a study is important for learning legal discourse, terminology or sentence structure, rather than for understanding the target or the source system itself.

This study has therefore disclosed that there is a difference between theory and practice as regards the use of parallel texts. Although in the interviews the academics highlighted the importance of parallel texts, and reported encouraging students to conduct such studies, the translations and answers of the students show that in fact they were not able to effectively work with parallel texts in practice, and indeed, were not required to carry out such studies as part of legal translation courses. That means that theoretical knowledge is not put into practice.

It has also been found that, compared to the third graders, fourth-grade students, who have taken an extra legal translation course, have an increased

awareness level. Thus, it may be further suggested that legal translation courses result in greater success in this area. This suggests that it would be beneficial to increase the number of elective courses to support the legal translation course for those interested. Another possibility is to offer fourth grade and graduate students additional elective courses, which allow more time to study various legal texts both in the target and source languages, and which also provide basic legal knowledge. In an ideal case, as stated by the academics interviewed as well, it is preferable that instructors have such knowledge and combine it with translation theories for legal translation training.

Besides this suggestion concerning the curricula, it is important to consider various approaches to the use of parallel texts in a legal translation class. A starting point may be to choose the specific type of legal texts to be studied during one semester. During the first two or three weeks, for instance, study should be limited to the legal texts of the relevant type in source language, and the features of the texts such as conventions, sentence structure, discourse etc. as well as the relevant legal system can be analyzed. Then the process can be repeated for the same type of texts in the target language for another two weeks. Pursuant to this study of parallel texts, some sessions may be allocated to the comparative analysis of these legal texts, and only then should students be given texts to translate, and thus be given the opportunity to put their theoretical knowledge into practice. This is just one example of how instructors could use parallel texts in classes, and of course there are many more possibilities to be explored.

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