

LOUISE RAYAR ON LEGAL TRANSLATION

An Interview

Louise Rayar is an experienced legal translator and a teacher of Dutch and European law at Maastricht University in the Netherlands, involved in the training of legal translators at the Institute of Court Interpreters and Court Translators. She is a translator of "The Dutch Penal Code" (together with Stafford Wadsworth), one of "The American Series of Foreign Penal Codes" published by the Wayne State University Law School. Louise Rayar is also a well known contributor to international conferences, including TEPIS International Forums of Legal Translation, and an author of many papers on legal translation. The interview was given to Danuta Kierzkowska.

DK: Polish court translators are in the course of discussing their future status and required qualifications. What do you consider to be the best professional qualifications for legal translators as regards both their formal education and self-training?

LR: Legal translators should first of all master the languages in which they work professionally. This holds true for any translator. Of crucial importance, however, is knowledge and understanding of the legal systems to which these languages relate. Since most of the work of a legal translator is at the academic level, education in law and language should also be at that level.

Obviously, formal education alone will not make a good translator. Law is dynamic, after all. Awareness of legal history and legal cultures will help the translator understand the evolvement of law. Legal translators are comparatists by definition, because they need to study more than one legal system each time they translate. They must, therefore, have good research habits.

One of the characteristics of legal language is that it contains a lot of implied information. Our task is to discover that information and make it available to an audience unfamiliar with the language through which the concept containing the information is expressed. Legal translators need to take into account all the related linguistic and extralinguistic information, especially the pragmatic context of the user, so that their translation is comprehensible in the target language. Being able properly to decode is therefore essential. If the decoding is not done properly, the information is lost and the translation will not be correct.

DK: What is your formal education in this context and whether you consider it adequate to your current needs of a professional legal translator?

LR: With hindsight, I feel my education as a legal translator did not provide me with sufficient knowledge, but perhaps this holds true for any professional education. Each translation job is different and you cannot always rely on earlier experience. You continue to learn as you go along. I have had to learn a lot in practice, because I had to translate texts in all areas of law. However, it is impossible, and not necessary, to become an expert in all areas of law. You need to establish good relations with lawyers, so that they can be consulted.

DK: What do you think, as the translator of the Dutch Penal Code, about the principle supported and disseminated by FIT not to translate into any other language but your own mother tongue? Is it realistic in the context of different ethnical situations of particular countries? What do you think of the assumptions of such principle in the context of legal translation and the absolute requirement to know the reality of the source language better than it is usually possible for a native speaker not very familiar with such reality?

LR: I have never understood the mother-tongue principle. Legal translation is about knowledge of the law. Languages are secondary. In a country, such as the Netherlands, with a language of limited diffusion, demand is for translation into English. What is needed therefore is a thorough knowledge of the Dutch legal system, its terminology, phraseology and formulaic expressions. It is the information contained in the Dutch law which must be made accessible. For the translation of the Dutch Penal Code I had to conduct a vast amount of research over a number of years, on source-language terminology, the legal terminologies using the target language, comparing

legal systems and establishing (the absence of) possible equivalents expressing the same information as contained in the source term. If target terms are not available, there are other ways of expressing information, such as paraphrasing. I doubt seriously whether there are many native speakers of a target language who really understand what is being said in the source language; who can really retrieve all the information. But if they exist, fine. Personally, I work with native speakers of English as revisors. After I translate the legal information -translation itself being merely the final, though creative, step of the work- the revisor is called in. He or she is, in fact, my mini target-audience. The translation is tried out on the revisor and adapted where necessary. Thus, the revisor ensures that the English is not flawed. I, on the other hand, must first ensure that all the information is retrieved and preserved, as much as possible, in translation. So, apart from lawyers as consultants, I need an English-speaking revisor in order to do my work professionally.

DK: What do you think about the procedure applied by the TEPIS Publishing House for legal translations, i.e. obligatory involvement of lawyers, economists and specialists in other fields as well as native speakers and terminologists responsible for the internal consistency of the unified terminological system?

LR: This is an excellent idea. The best way to translate legal documents is to have a team of experts of different disciplines. Fortunately, these days, we are able to check the consistency of our terminology electronically. However, manual checks are still necessary. It is not always possible to use the same target term for a source term. In Dutch legal language there are homonyms or a single term is used where in English there are several equivalents for different situations.

DK: Would you like to tell anything more personal about your professional activities?

LR: Apart from working full-time as a translator and teacher of Dutch and European law at Maastricht University in the Netherlands, I am involved in the training of legal translators at the Institute of Court Interpreters and Court Translators. I also do a modest amount of work for a number of ministries on a free-lance basis.

My main concern is to see the profession upgraded and to raise public awareness of the autonomy of the discipline of legal translation. Now that we have qualified legal translators and interpreters in the Netherlands through the Institute, the next step is recognition and proper pay.

My ambition is to write a dissertation on a number of aspects of legal translation. We should all publish more about our work, both for academic purposes and to educate the general public, but we are too busy translating, I am afraid. Right now, the papers I gave at conferences are piling up, even gathering dust, but one day I hope to make the knowledge and experience that I have acquired over the years available to a broader audience.

DK: I know that you are a very busy person. I have always appreciated your kind interest in TEPIS activities and take this opportunity to thank you for your time devoted to us in general and for this interview in particular. I hope we will see you again at the Fifth International Forum of Legal Translation in Poznań to be organized by TEPIS in September 2000. You have our warm invitation.