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Some Insights into Translating and Teaching English for Specific Purposes

Abstract

This short paper aims to highlight and concisely explore – but not address in depth – some aspects related to translating and teaching English for specific purposes (mainly English for Legal Purposes). The following questions will be briefly considered: What is the impact of comparative law on legal translation? How can tricky terms in legal translation be taught effectively? How can mediation activities and student self-reflection be utilised to train legal skills? How can teaching plain English to PhD students improve their writing in a scientific context? The paper starts with a brief introduction to the concept of language and communication for specific purposes, with a particular emphasis put on English for Legal Purposes. The second section of the essay refers to issues connected with legal translation; its specificity and the role of comparative law in the quality of translation and interpretation. The third and last part of the paper is dedicated to the issue of instructing languages for specific purposes. It mainly tackles the problem of equipping students with such linguistic competencies, skills, and knowledge which are most valuable for their study and work.

Keywords

comparative law, legal language, legal skills; legal translation; mediation; plain English; self-reflection

1. Introduction

Language for special or specific purposes (LSP), as noted by Gunnarsson (1997, p. 107) is the traditional term for the various linguistic variants used in professional settings and is rooted in the human need to moderate language to suit various types of activities. Due to the global role of English as a *lingua franca*, English for Specific Purposes (a dominant subfield of Language for Specific Purposes) has, in recent years, attracted attention from numerous researchers and lecturers, together with a considerable amount of literature on the topic: (Hutchinson & Waters, 1987; Swales, 1990; Bhatia, 1993; Jordan, 1997; Dudley-Evans & St John, 1998; West, 1998; Douglas, 2000; Flowerdew & Peacock, 2001; Gatehouse, 2001; Bhatia, 2002; Hyland, 2002; Basturkmen, 2006; Belcher, 2006; Dovey, 2006; Harding, 2007). Much of the early research concerned genre analysis and written products *i.e.* specific terminology, text types and registers but over time there has been a gradual shift toward the communicative processes involved, and also in the context of sociolinguistics or critical linguistics. The studies have not only dealt with written or spoken discourse but more attention has been paid to teaching English for Specific Purposes as well (Sierocka, 2014a; Costello & Kulbicki, 2023; Basturkmen, 2010). As Gunnarsson (1997, p. 107) remarks “the earlier interest in language differences has made way for an interest in problems relating to language-in-context” (Chovancova, 2018; Chow, 2023). The cross-cultural dimension has become more and more central (Friedman, 1997; Bhatia & Bhatia, 2011; Sierocka, 2014b; Piszcz & Sierocka, 2020). Within this context, this paper endeavours to present some insights into translating and teaching English for Specific Purposes.

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2. Issues in Translating English for Specific Purposes

A large and growing body of literature has investigated the concept of legal translation (Schroth, 1986; Šarčević, 1997; Alcaraz Varó & Hughes, 2002; Mattila, 2006; Cao, 2007; Matulewska, 2007; Biel, 2008; Prieto Ramos, 2011; Wolff, 2011; Piecychna, 2013; Simonnæs, 2013; Anesa, 2014; Matulewska, 2016; Engberg, 2017; Orozco-Jutorán, 2017; Jopek-Bosiacka, 2019; Biel et al., 2019; Engberg, 2020; Klabal, 2020; Galli, 2021; Wagner & Matulewska, 2023; Biel, 2024). The array of research is huge and encompasses its definition, goals, status, the process of legal translation itself, the impact of culture on legal translation as well as the competencies a legal translator should be equipped with. Due to space limitations, the present essay tackles two issues related to legal translation i.e. the competencies of legal translators and the role of comparative law in the legal translation process.

Many scholars have argued that the translation of a legal text should produce the same effects in the target legal system as it does in the source legal system (Šarčević, 1997; Ainsworth, 2014; McAuliffe, 2015), which makes the legal translators' work particularly difficult. They have to use a legal text in one language to produce an equivalent legal text in another language in such a way that a reader will draw the same conclusion regardless of the language used, which means that they not only need to understand the legal concepts in both systems but also, as Wagner & Gémár (2014) remark, need to have awareness of the cultural context for law and legal language. As noted by some scholars (for example, Klabal & Kubanek, 2021; Kusik, 2022; Sierocka, 2023) legal translators may use various strategies and techniques to compensate for deficiencies or deal with the problems they encounter, and the comparative analysis of legal terminology might be one of the useful tools to exploit.

In that vein, it is noteworthy to mention Kusik's paper on the role of comparative law in the legal translation process (Kusik, 2024). The scholar remarks that although the confrontation of the laws and languages of various legal systems addresses the interest of translation scholars little research has been done on how exactly legal translators may use comparative law in their practice and how both fields relate. In his studies, Kusik attempts to discuss the various approaches to comparative law and its impact on legal translation and to compare and contrast them with the goals and processes of legal translation and comparative law. In the first part of his paper Kusik examines the basic facts about the nature, goals, and processes of comparative law. He aptly remarks, following Bussani & Mattei's definition (2012, p.3) that comparative law may mean various things to different people. Instead, of adopting a single definition of comparative law he would rather enumerate the key elements of the concept such as references to more than one legal system, an act of comparison, the search for similarities and differences as well as formulating explanations. Kusik notes that there are numerous goals, functions, and uses of comparative law; the contribution to different areas such as transnational communication, legal education, legislative activities, legal unification projects, legal interpretation, and, notably legal translation as one of the most significant (Tokarczyk, 1999; Husa, 2015; Kischel, 2019; Siems, 2019; Demarsin & Pieters, 2023). In addition, as he notes, the analysis of comparative law may be conducted either on a larger or smaller scale and/or at a higher or lower level. As regards the process of comparative law research, according to Kusik (2024), it does not comprise divisible steps but at every stage of the study, all other factors/elements/steps need to be taken into consideration. They may include a topic/research problem, substantial general knowledge, knowledge of the specific legal issue in question as well as the knowledge of comparative law and its methods. As Kusik remarks, scholars that deal with legal translation (Šarčević, 1997; Doczekalska, 2013; Prieto Ramos, 2014; Engberg, 2017; Engberg, 2020; Klabal, 2020; Prieto Ramos, 2021) perceive comparative law either as a direct element of the translation process or a part of a legal translator's general knowledge, competence or training. In his paper Kusik also attempts to contrast legal translation and comparative law as far as their goals and processes are concerned. He underscores that although both comparative law and legal translation share a common feature i.e.

a kind of comparative enquiry into various legal systems (by identifying similarities and differences between them), their goals are different. The main goal of legal translation is to create a target text that conveys the legal sense of the source text, whereas comparative law aims at examining the similarities and differences between legal systems, not finding or creating terminological equivalents. Kusik also remarks that the scales of comparative enquiry between comparative law and legal translation present the most striking difference as a comparatist usually deals with a large number of legal sources while examining an issue, something which is difficult to expect from a legal translator who may deal with several problematic terms within one legal text which are supposed to be translated. Another problem a legal translator may encounter is the fact that s/he may lack relevant skills. As Simonnæs (2013, p.151) remarks, one cannot expect that a translator who is not a lawyer will precisely apply a functional method of comparative law, although as some researchers claim, for example, Šarčević (1997), Prieto Ramos (2011), Piecychna (2013), translators are expected to acquire comparative law skills and knowledge. The findings of Kusik's research indicate that there is a distinction between comparative law and legal translation as far as their goals, scales, and roles of the comparative enquiry are concerned. Even though some mutual links between these domains can be noted, legal translation has its purpose and process, and comparing elements of various legal systems should not be understood as comparative law by itself.

The studies on the skills legal translators need to master are quite extensive (Šarčević, 1997; Prieto Ramos, 2011; Piecychna, 2013; Simonnæs, 2013; Matulewska, 2016; Engberg, 2017; Scarpa & Orlandswow, 2017; Klalal, 2020); however, most of them refer to holistic approaches to legal translation training which bring a rather macro level than a micro level to the forefront. In his paper", Klalal (2024) attempts to fill in the gap and offers a systematic approach to teaching tricky terms to legal translation trainees. The following categories of tricky terms are discussed in the paper: false friends that are words that look the same in two languages but have different meanings, such as *actual*, *adequate*, *complex*, *caution*, *protocol*, etc.; vague expressions which include the so-called "weasel words" (Melinkoff, 1963) such as *likely*, *generally acceptable*, *properly*, *undue*, *reasonable*; non-transparent terms with complex legal meaning in the form of a simple term (e.g. *in lieu of*, *constructive*) and enantiosemy (a kind of polysemy, in which one meaning is, to some extent, the opposite of another one, like *rent*, *apparent*, *qualified*). The author believes, drawing on his teaching experience, that these problematic notions should be taught in isolation (but with authentic materials) as they are better remembered by the trainees of legal translation studies. This may help future translators and interpreters to develop a greater awareness of the complex legal English terminology and consequently act with greater confidence and ease in their professional practice.

3. Teaching and Learning Skills in English for Specific Purposes

The ability to communicate effectively with others in professional settings is of central importance, particularly when working in an international environment; therefore, there is a constant need to equip students/trainees with such linguistic competencies, knowledge, and skills that are most valuable for their profession. This affects the way the course and teaching materials are designed both for pre-service and in-service students. With that in mind, it is worth mentioning Chovancova's paper (2024), which points out that some legal skills can be effectively developed while learning English for Legal Purposes. Chovancova refers to the soft skill of linguistic mediation, which, as she remarks, is one of the key soft skills "that are relevant for any professional situation where communication occurs between specialists and non-specialists". In her studies, she attempted to address the gap existing in ELP instruction by examining how the practice of the skill of linguistic mediation can be effectively incorporated in the ELP classroom and how such practice is perceived and reflected on by the students themselves as well as what implications (if any) it holds for teaching / learning English for Legal Purposes. After the theoretical considerations, in the practical part of her work, she analyses how the skill of mediation can be practised in the ELP classroom. The activities

both at the macro and micro level include lawyer-client interviews, argumentation and negotiation, and professional team presentations. They are followed by a report on the students' self-reflection while doing the tasks mentioned above. The study concludes with a discussion of the results and the implications which arose therefrom. The findings of the research indicate that the inclusion of linguistic mediation in the ELP classroom resulted in demonstrable benefits such as acquiring skills that would be desired and useful in their prospective job, developing or increasing the level of student's self-esteem and empathy as well as providing the instructors with information about the issues their students find challenging or problematic. Another example of skills that could be practiced and included in the university curricula is provided by Śleszyńska (2024). The author investigated the relevance of instructing plain English to Polish PhD students and its impact on their writing skills in a scientific context. As Śleszyńska underscores, despite a growing number of studies into writing in English as a target language for publication purposes (for example, Hyland, 2009; Huang, 2010; Flowerdew, 2013; Flowerdew, 2016; Cargill et al. 2017; Li & Flowerdew, 2020), no research has been conducted to date on developing writing skills by integrating plain English into the language instruction of PhD students who need or wish to publish in international, scientific journals. In her study, Śleszyńska seeks to determine if instructing plain English to PhD students within the doctoral studies is relevant to their writing skills, meet their expectations as well as constitutes adequate content matter for the English course within the PhD programme. The results of multiple-case studies revealed that despite some limitations such as the lack of interrater reliability, no explicit strategic training and a fully virtual learning environment, positive behaviours and attitudes towards writing were noted. As Śleszyńska remarks, these results would seem to suggest that the inclusion of plain English instruction into doctoral language programme may bring such benefits as: building the confidence of junior scholars, raising their awareness regarding correct scientific English, hence submitting more readable, clearer and better quality papers by future scholars. Despite some limitations, the outcomes of this research project can serve as a reliable foundation for further studies in using plain English to instruct students of different specialisms in various educational contexts.

4. Concluding remarks

The purpose of the current paper was to present some insights into English for Specific Purposes (mainly English for Legal Purposes) as far as their translation and instruction are concerned. As many scholars emphasise (Friedman, 1997; Bhatia & Bhatia, 2011; Matulewska, 2016; Engberg, 2020; Piszcz & Sierocka, 2020; Galli, 2021; Sierocka, 2022), although legislators intend to produce unambiguous and accurate concepts, due to various cultural and social contexts, it is not always that simple and easy. Legal notions are deeply rooted in the religion, ethics, customs, philosophy, and culture of a particular nation, which makes the work of translators and interpreters particularly troublesome (for example, Doliwa, 2021). Quite frequently, they need not only to translate legal texts but also to translate legal culture. Interpreters and translators may use various strategies and techniques to compensate for their deficiencies in the legal terminology of a particular legal system, however, some of these would not be possible at all if they were not equipped with some skills, competencies, and the knowledge, not only of special terminology but also of social and cultural contexts. In that vein, the papers by Kusik and Klalal above referred to, might be a valuable contribution to the research on legal translation. Turning now to ESP instruction, it should be highlighted that there has been a plethora of research into the concept of ESP teaching to date (Hutchinson & Waters, 1987; North & Brown, 2006; Basturkmen, 2010; Sierocka, 2014a; Sierocka, 2017; Chovancova, 2018). They refer to various aspects of ESP pedagogy such as the role of the teacher, teaching materials or the importance of needs analysis, to name but a few. It is noteworthy to mention that a general trend has been observed recently i.e. the gradual shift from teaching specialized knowledge to developing diverse skills which are more frequently included in ESP programmes. The research conducted by Chovancova and Śleszyńska, presented in this volume

might shed some light on the issue in question. All in all, it may be stated that although extensive research has been carried out in ESP translation and teaching to date, the research papers outlined herein further examination is still needed and recommended in the field.

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