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LINGUISTIC FEATURES OF LEGAL TRANSLATION

Law is a part of culture. Understanding, then, is possible by putting down implicit cultural references to certain structures on the text level. Cultural elements appear in the texts on all levels - from the shape of words for concepts, to the sentences and stylistic text structure, up to pragmatics in its social function. Culture as the background of every human communication is a dynamic phenomenon based on historical tradition, including the individual's personal development.

When we now look at the concrete translation of legal texts, it is clear that the linguistic aspects come to the foreground. These may be described on various language levels. The question is: How can a translator deal with these aspects which, in every single text, are mixed with one another?

At first, we see some standard macro-structures when we look at the text to be translated as a whole. Every text genre, such as *the paragraph of a code, a patent text, a school certificate, a contract, a court sentence*, etc. has a specific macro-structure. It is important for a professional translator to know the relevant macro-structures for texts in the languages dealt with. The use of expressions which are

characteristic for the specific type of text is of great importance in all legal texts.

There is also the special terminology. We find those terms for concepts with different levels of abstraction side by side on the text level. There are various possible reactions to this by the translator: 1) Literal translation, 2) Loanword, 3) Substitution by a target term, 4) Use of a hyperonym, which is more general, 5) Translation with explicative extension, 6) Target version with source term in brackets, 7) Use of source term with a footnote, 8) Original word as a target neologism. The respective decision has to be made based on subject knowledge.

What we also have to observe is the technical style, which serves a specific function of speech. Legal texts are specialized communication, and their style is different from the creative language in general utterances used within the family, literature, or newspapers. The characteristics of technical style are anonymity, precision, and, as the key function of the language for special purposes is specification, condensation and anonymity of the propositions, economy of expression. This is also true for legal texts, and is thus realized by a special style:

Anonymity: Passive voice, 3rd person in present tense, focus on function not on persons, orders in the infinitive.

Precision: Many nouns focusing on facts, functional verbs with noun, factual adjectives, syntactic appositions, linguistic condensation.

Economy of expression: Word compounding, phraseological forms, series of hypotaxes for explication. This style aimed at achieving the requirement of precision may of course lead to unusually long sentences that are difficult to analyze.

A further important feature of legal texts is the fact that there are many speech acts in the legal language, and this is realized by performative verbs. "How to do things with words" is a central question in the law, because actions and relations have to be designated verbally. There are five forms of such speech acts: 1) Assertive (statements, representation, description), 2) Declarative

(self-commitment, warranty), 3) Directive (orders, recommendations), 4) Commissive (binding, obligations), 5) Expressive (expression of feelings).

The translator has to meticulously observe these aspects, in order to render a transparent, precise legal information in the translation. In translating legal texts, one will also observe the groups of addressees and apply inclusive language, where requested. Technical phraseology enhances the authoritative appearance of legal text types.