THE GOVERNMENT OF THE RUSSIAN FEDERATION

Federal State Autonomous Educational Institution for Higher Professional Learning

THE NATIONAL RESEARCH UNIVERSITY
HIGHER SCHOOL OF ECONOMICS

Faculty of Law
Public and Private International Law Department

First Year Master Degree Curriculum

Field of Education 40.04.01 Jurisprudence
Detailed Field Private International Law
Level Master Degree

Course Syllabus

LEGAL TRANSLATION: AN APPLIED APPROACH

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September 4, 2015 (Protocol N4)

Endorsed by the Academic Supervisor for the Private International Law Curriculum
Natalya Y. Erpyleva
Department Head

September 4, 2015 (Protocol N4)

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COURSE DESCRIPTION

The Course is intended for masters’ students of law and other social sciences and aims at training the essentials of legal translation in its practical application formats. The Course is set for enhancing the knowledge and advancing the skills acquired by students in the preceding years of their academic training. This is achieved through the studying and improving of critical reading of authentic legal texts both in English and Russian extensively used across multiple legal fields and lawyering practices.

The Course aims at pooling the key concepts and categories available to-date in the translation studies and forensic linguistics into elaborating a legal translation framework in its practical application perspective. The text production capabilities largely determined by translators’ linguistic proficiency appear to be basic and crucial for the communicative competence underlying legal translation skills. Such skills are recognized as technical due to abundant technicalities in legal language and legal texts as stipulated by inherently complex and distant national legal systems.

This Course allows for developing master students’ competences to advance their knowledge across the following range of legal disciplines, such as private international law, international banking law, international investment law, international commercial arbitration, international civil procedure, corporate law, and the EU contract law. This is believed to ensure an integrated approach with a comprehensive coverage of the interdisciplinary nature of legal translation as the resultant of complex issues associated with the law-and-language interaction.

PREREQUISITES

The Course draws on postgraduates’ knowledge acquired during their preceding years of the university bachelor degree training in law, linguistics and/or other social sciences, as well as on the skills developed prior as necessitated by the academic curricula including, specifically, the academic skills of critical thinking, critical reading, critical writing, and analytic reviewing. Proficiency in general English at the mid or upper intermediate level and general proficiency in legal English are desirable.
The syllabus follows the comprehensive curricula designed for training university masters students at the NRU HSE Faculty of Law in consistency with the Russian Federation National Educational Standard for Higher Learning Establishments (FGOS VPO) “Jurisprudence” endorsed by the RF Education and Science Ministry Ordinance No.1763 as of 14 December 2010, rev. as of 31 May 2011; Educational Curricular 030900 “Jurisprudence” for masters’ degree in law, LL.M; NRU HSE Curriculum 030900.68 “Jurisprudence” for masters’ degree in Private International Law endorsed in 2014.

The Course includes the following theoretical and practical dimensions.

**Theoretical dimensions:**

- legal translation status, social role and significance in the globalization contexts;
- major concepts of legal translation;
- legal translation as a special type of professional communication; major properties of legal discourse;
- types and varieties of legal translation;
- discrepancies within legal translation practices, traditions and usage;
- theoretical approaches to legal translation quality, its attainability with the view of providing equivalent target texts;
- nature of equivalence in legal translation; restrictions in attaining equivalence in legal translation and related issues;
- linguistic and extra-linguistic complexities to be conveyed in legal translation; pragmatic restrictions in legal translation.

**Practical dimensions:**

- legal translation problems and available solutions in domestic and international practices;
- application of online tooling by students with the view of mastering legal translation skills from Russian into English and vice versa;
- lexicographic sources for legal translation; legal monolingual, bilingual and multilingual lexicography; electronic dictionaries and web-tools;
• challenges associated with legal translation; contextualization and localization, and other adaptation techniques;
• critical reading and an in-depth analysis of authentic English legal texts at the pre-translation stage; phasing-in and phasing-out approaches;
• communicating legal rationale by identifying relevant linguistic devices to be applied in legal translation;
• detailed reviewing and analysing of specific issues associated with legal translation through case studies.

LEARNING OBJECTIVES

The Course features several frameworks currently employed for the classification of legal translation in terms of types, varieties of settings, and communicative purposes. A comprehensive coverage of legal translation domain is explored based on approaches suggested across English-speaking jurisdictions. Other legal translation phenomena are studied in their correlation with purely linguistic translational problems described in general translation studies’ findings.

The Course major objectives comprise:

- enhancing masters students’ skills of academic writing and legal research in specific fields of law or related areas;
- increasing masters students’ capabilities for communicating across the English-speaking professional legal community, legal scholarly community, and/or legal practitioners;
- ensuring the English-speaking proficiency within a wide range of legally relevant academic and professional issues for legal translation purposes;
- extending the skills required for legal translation in certain subject-specific fields of law and producing an essay outlining the research findings based on the academic writing conventions.
LEARNING OUTCOMES

A. Competences

At the end of this Course students should gain the following competences:

- **comprehensive communicative competence** which ensures graduates’ professional performance both in national and international settings;
- **extended language competence** which ensures wider applicability of findings in legal translation studies for practical purposes, lawyering, or research by graduates both in national and in international settings;
- **wide-ranging intercultural competence** which ensures the broadening of the graduates’ professional worldview due to their continuous exposure to legal texts generated in several variants of English.

The Course delivers the following knowledge to masters’ students and at developing their competences for ensuring their gaining:

**the knowledge of:**

- essentials of legal translation in its practical application formats;
- key concepts and categories available to-date in the translation studies and forensic linguistics into elaborating a legal translation integrated framework in practical application perspective;
- communicative strategies underlying legal translation skills;

**the skills of:**

- critical reading, critical thinking and critical assessing of authentic English legal texts in several variants of legal English;
- identifying basic features of legal texts and/or legal discourse with the view of enhancing legal translation quality;
- formulating communicative strategies and norms relevant for the implementation of legal translation assignments in national and/or international settings;

**the abilities of:**

- applying linguistic tools and processes for substantiating legal
reasoning for legal translation purposes;

- identifying the level of formality and applying formal rules and norms relevant for linguistic analysis of legally-relevant content for legal translation purposes
- delivering quality translation in the global legal research community and across lawyering practices.

**DISTRIBUTION OF WORKLOAD**

**Table:**

Total hours against the self-study (extramural) hours broken down by subject

<table>
<thead>
<tr>
<th>Item</th>
<th>Subject Headings</th>
<th>Total Hours</th>
<th>In-Class Hours, of which</th>
<th>Self-Study Hours</th>
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<tbody>
<tr>
<td>1.</td>
<td><strong>SUBJECT 1.</strong> Legal Translation as Professional Communication and its Social Role in the Globalization Context. Legal Translation Studies. The EU Translating Practices</td>
<td>32</td>
<td>6</td>
<td>24</td>
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<tr>
<td>2.</td>
<td><strong>SUBJECT 2.</strong> Legal Lexicography for Legal Translation Purposes. Web-tools and IT-methods Applicable for Legal Translation. Legal Translation Analysis and Assessment</td>
<td>28</td>
<td>6</td>
<td>20</td>
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4. **SUBJECT 4.** Grammatical Issues in Legal Translation. Grammatical Cannons Specific of Legal Instruments and Their Relevance for Legal Translators

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<th>Modules</th>
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<td>26</td>
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**TOTAL** 144 28 12 104

**TYPES OF KNOWLEDGE CONTROL**

- **Current control:**
  - Essay on a selected topic as agreed with the Course Instructor;
  - In-between forms: regular quizzes during seminar classes lasting 15 minutes for checking the level of memorizing key conceptology notions and expected skills proficiency.

- **Intermediate control:**
  - Exam – graded assessment of the level of acquired knowledge and developed skills during the Course; includes written questions covering syllabus material, i.e. theoretical and practical dimensions, as well as discussion with the Course Instructor of selected problematic issues relevant for the Course acquisition assessment.

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<th>Control type</th>
<th>Control Form</th>
<th>Modules</th>
<th>Parameters</th>
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<tbody>
<tr>
<td>Current</td>
<td>Essay</td>
<td>4</td>
<td>12-15 printed pages (Times New Roman, 14 pt); 2-week assessment</td>
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<tr>
<td>Intermediate</td>
<td>Exam</td>
<td>*</td>
<td>Written exam 90 min., 1-week assessment</td>
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COURSE PLAN

SUBJECT 1.

Legal Translation as Professional Communication and Its Social Role in the Globalization Context.

Legal Translation Studies. The EU Translating Practices


Essential Reading:


Further Reading:

Masters students are encouraged to read a couple of the below listed books or excerpts from them:


**Questions for self-checking:**

1. Describe legal translation as a type of professional communication.
2. What are the major types of legal translation? Enumerate varieties and types or subtypes, if any, of legal translation.
3. What is the social role of legal translation? Substantiate your point of view by providing cases and examples illustrating legal translation status.
4. What are the major distinct features of legal translation in the global interaction of professional legal communities?
5. Formulate major categories, notions, and the subject-matter of the legal translation studies.
6. Describe the EU translating practices and the approaches to legal translation. Provide instances and/or references to relevant case studies.
7. What other countries’ practices in legal translation can you describe? Provide instances and/or references to relevant case studies.

**SUBJECT 2.**

*Legal Lexicography for Legal Translation Purposes.*

*Web-tools and IT-methods Applicable for Legal Translation.*

*Legal Translation Analysis and Assessment*

Web-tools and IT-methods applicable for legal translation; electronic processing of legal documents for translation purposes. Online reference sources. Legal lexicography; legal dictionaries dependability. Legal translation
analysis and assessment; country-specific practices in assessing legal translation. Legal translation: case studies

**Essential Reading:**


**Further Reading:**

Masters students are encouraged to read a couple of the below listed books or excerpts from them:


**Questions for self-checking:**

1. Which web-tools and IT-methods are applicable for processing legal documents for legal translation purposes?
2. What are the advantages and/or disadvantages of applying IT-methods for electronic processing of legal text for translation purposes?
4. How can legal translation be analysed for assessing its quality?
5. What are the main criteria used of assessing legal translation?
6. Describe country-specific practices in legal translating which you can be aware of. Provide instances and/or references to relevant case studies.

SUBJECT 3.

Interdisciplinary Nature of Legal Translation.
Lexical Cannons Specific of Legal Instruments. Inconsistencies in Legal Terminologies. Legal Translation Quality Grading


Essential Reading:

Further Reading:

Masters students are encouraged to read a couple of the below listed books or excerpts from them:


Questions for self-checking:

1. How can an interdisciplinary nature of legal translation be illustrated?
2. Define the ‘legalese’ in the context of legal translation. Substantiate your viewpoint by providing arguments and giving examples.
3. Explain the need for plain legal meaning for purposes of legal translation by indicating your arguments in favour of the approach or against it.
4. How can legal translation quality be graded? Substantiate your viewpoint on legal translation quality by providing arguments and giving examples.
5. What criteria are applied for grading legal translation quality? Substantiate your viewpoint on legal translation quality by providing arguments and giving examples.
6. Does the availability of several varieties of English affect the quality of legal translation? Substantiate your viewpoint by providing arguments and giving examples.

SUBJECT 4.
Grammatical Issues in Legal Translation.
Grammatical Cannons Specific of Legal Instruments and Their Relevance for Legal Translators
Grammatical issues and complexities in legal translation; grammatical inconsistencies; grammatical meaning. Grammatical cannons specific of legal instruments; their relevance for legal translators. Grammatical exceptions: practicability of practical translating solutions. Legal translation and practical solutions: case studies

**Essential Reading:**


**Further Reading:**

Masters students are encouraged to read a couple of the below listed books or excerpts from them:


**Questions for self-checking:**

1. Define the notion of “grammatical meaning”?
2. What grammatical inconsistencies can you identify when doing legal translation from English into Russian?
3. Itemize grammatical cannons which can be found in legal instruments.
4. Detail grammatical cannons and the associated complexities in handling them when doing legal translation. Provide examples and/or case studies.
5. How can translation complexities associated with grammatical cannons used in legal documents be overcome in legal translation?

SUBJECT 5.

**Legal Syntax and Legal Style Issues in Legal Translation.**

**Legal Syntactical and Stylistic Cannons Specific of Legal Instruments.**

**Challenges for Legal Translators**

Legal syntactical cannons and legal stylistic cannons as complex features of legal instruments to be translated for legal communication purposes. Challenging issues associated with legal syntax and legal style relevant for legal translators. Practical solutions in overcoming challenges caused by legal syntax and style. Legal translation: case studies

**Essential Reading:**

Further Reading:

Masters students are encouraged to read a couple of the below listed books or excerpts from them:


Questions for self-checking:

1. Describe the most typical features of legal syntax, which can limit the attainability of adequate quality in legal translation.
2. Define legal syntax and legal style using available opinions by both linguists and lawyers; provide relevant citations and references.
3. How can translation-related complexities associated with legal syntax and style be overcome when rendering legal instruments?
4. What solutions can be suggested for handling legal syntax and legal style to improve legal translation quality?

TOPICS FOR ESSAYS

1. Legal translation as a type of professional communication.
2. Main distinction between legal translation and other types of professional translation.
3. Legal translation and its target audience and/or end-users.
4. The role of legal translation in the global interaction of professional communities.
5. The social role of legal translation in globalized settings.
7. Legal translation: its main goal(s) and function(s).
8. Legal translation: varieties, types and subtypes, if any.
10. Criteria and methods used for differentiating the varieties of legal translation.
11. Legal translation under international attempts of harmonizing and unifying international legal rules and principles of law?
15. Key principles and/or criteria used for assessing legal translation quality.
16. EU translating practices: instances and/or references to relevant case studies.
17. The main distinction between the EU translating practices and non-EU countries’ practices.
18. Legal translation from the ‘legalese’: approaches, arguments, and examples.
20. Compliance with the plain legal English approach: its impacts on legal translation?
22. Grammatical meaning in legal translation: definition, complexities and solutions.
23. Legal syntax and legal style: opinions by linguists and lawyers.

Topics for each student are subject to individual review and approval by the Course Instructor.
Questions for checking the quality of knowledge acquired during the Course

A tentative list of issues to be regularly checked prior to the exam is provided to each individual subject presented in this Course Overview.

QUESTIONS FOR THE EXAM

1. Does legal translation constitute a type of professional communication? Substantiate your viewpoint by providing arguments and giving examples.
2. What is the main distinction between legal translation and other types of professional translation?
3. Whom is legal translation delivered to? Itemize most probable end-users of legal translation.
4. Does the legal community consist of legal practitioners and legal scholars? If not, itemize members of the legal community.
5. What role does legal translation play in the global interaction of professional communities?
6. What is the social role of legal translation? Substantiate your point of view by providing arguments and giving examples.
7. What are the major categories, notions, and the subject-matter of translation studies for professional communities?
8. What are the major categories, notions and the subject-matter of legal translation studies?
9. How can the main goal(s) and function(s) of legal translation can be defined?
10. What are the major types of legal translation? Enumerate varieties, types and subtypes, if any.
11. Enumerate the main principles used for differentiating varieties of legal translation.
12. What specificity does legal translation acquire in the globalization context?

13. How do attempts for harmonization and unification of international legal rules and principles of law impact legal translation?

14. Does the availability of several varieties of English affect the quality of legal translation? Substantiate your viewpoint on legal translation quality by providing arguments and giving examples.

15. What are the advantages and/or disadvantages of applying IT-methods for electronic processing of legal text for translation purposes?


17. Describe commonalities and dissimilarities in various types of legal translation.

18. How can an interdisciplinary nature of legal translation be illustrated?

19. What are the key principles used for assessing and/or grading legal translation quality?

20. Describe the EU translating practices. Provide instances and references to relevant case studies.

21. What is the main difference between the EU translating practices and those exercised in the non-EU countries?

22. Define the ‘legalese’ in the context of legal translation. Illustrate your viewpoint by providing arguments and giving examples of translating from the ‘legalese’.

23. Explain the need for plain legal meaning and give your arguments in favour or against it for purposes of legal translation.

24. Is there any benefit for legal translation from applying the plain legal English approach?

25. How can “grammatical meaning” be identified and handled in legal translation?

26. What terminological complexities can you identify when doing legal translation from English into Russian?

27. Are there many differences in confronting terminological complexities when legal translation is done from Russian into English?

28. Define legal syntax and legal style using opinions by both linguists and lawyers; provide relevant citations and available references.
GRADING SYSTEM

Guidelines for Knowledge Assessment

A. ASSESSMENT

B. Seminar attendance / participation – 10%
C. Self-study – 10%
D. Essay – 30%
E. Examination (test) – 50%

The form of intermediate control is an essay and an exam as a written test, the grade being a sum total equalling 80%.
An overall assessment formula comprises a sum total of the following variables:

\[(\text{lecture/seminar attendance / participation}) \times 0.1 + (\text{self-study}) \times 0.1 + (\text{presentation/essay}) \times 0.3 + (\text{exam}) \times 0.5 = \text{final grade}\]

B. GRADING

Grading rates for the essay:

- Outstanding 9–10 points
- Very good 7–8 points
- Good 5–6 points
- Satisfactory 3–4 points
- Poor 1–2 points

METHODS OF INSTRUCTION

Classes are split into lectures and seminars. Lectures are conducted in the interactive mode with the focus on the feedback from masters’ students. Students’ willingness and readiness for the upcoming lectures and seminars
are encouraged. This is believed to enable students to better comprehend the subject matter delivered by the lecturer and engage in seminar classwork more efficiently.

Seminars are conducted based on multitasking; such multitasking is build on the didactic routine which implies combining interactive methods and spontaneous individual or group debates on specified translation problem areas. Such interactive tutoring is built on both the prepared and spontaneous modes.

Home tasking is built around the review and cross-analysis of translated legal texts of different types, as well as preparing for the multitasking format of exercising during in-class teamwork.

**READING LIST**

Below enlisted are the basic, essential and optional sources, dictionaries, as well as online reference sources.

**Basic Sourcebook**


**Essential Reading**


**Optional Reading**


**Reference Books, Dictionaries and Encyclopedias**

Online Reference Sources:

12. Latin Phrases on Freebase.com: URL:
    http://www.freebase.com/view/language/views/latin_phrases
15. Longman Dictionary of Contemporary English – [URL:
    http://www.ldoceonline.com/ ]
16. Online Russian Dictionaries: [http://slovary.yandex.ru/]
17. Oxford: Oxford online dictionaries. URL: oxforddictionaries.com
19. Latin Phrases on Freebase.com:
    http://www.freebase.com/view/language/views/latin_phrases
20. Merriam-Webster Dictionary and Thesaurus [URL:
    http://www.merriam-webster.com/ ]

Special Equipment and Software Support

An overhead projector, a notebook, and a screen are used at both lectures and seminars. Students make use of their personal laptops (ultrabooks or notebooks), android tablets, and/or ipads.

Author of the Course / Course Instructor

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