

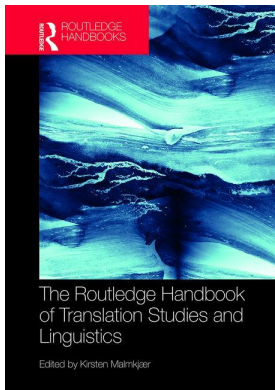
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Language for Specific Purposes and translation

Stefanos Vlachopoulos

Introduction

This chapter is divided into two parts: the initial part is devoted to the historical background and major trends concerning the interaction of LSP and translation; a second part deals with practical issues.

At the outset of the first part we will start with two tales: the tale of *LSP*, *Language for Specific Purposes* or *Language for Special Purposes*, and secondly the story of how translation (studies) reacted to LSP. In connection with the tale of LSP, we will argue that the concept of language for specific purposes is no longer viable. Research following Hoffmann's (1993) postulation of a communicative view of domain-specific language use has shown that specialised communication is generated by domain-specific discourse employed to communicate knowledge (Engberg 2010; Eppler 2007). The second tale, of how Translation Studies has reacted to domain-specific communication, will build upon Picht's view (1996) of LSP translation as *intersprachliche Fachkommunikation*, that is, as domain-specific communication across languages. It will demonstrate that translating specialised discourse is actually intercultural knowledge communication (Engberg 2010).

In the second part of the chapter we will examine how translators have handled specialised discourse by analysing samples of translated legal texts, the cultural extreme of domain-specific discourse. The examination of discourse reminds us that we must view a translator's decisions in light of the communicative events both in the source and the target culture and of the knowledge to be communicated. The analysis of the samples will highlight future directions for research in intercultural domain-specific communication.

From Language for Specific Purposes (LSP) to specialised communication

Let us first consider the widespread misconception that the acronym LSP stands for terminology in a given domain, implying that vocabulary alone makes communication happen. After some reflection on communication in general we realise that there is much more to communication than terminology and we come to understand that there are as many LSPs as there are domains and that LSPs change with the domains they serve as instruments of

communication. If we take, for example, communication in fields that are all considered as business, we soon realise that there cannot be a single (sub-)language carrying the burden of communication in so versatile a domain. Linguistic structures are used qualitatively and quantitatively differently in accountancy, marketing, banking, etc. as a result of diverging social practices.

In addition to its focus on vocabulary, the LSP school of thought also considered specialised communication to be confined within the borders of each individual domain. The German linguists Möhn and Pelka (1984, 26) defined *Fachsprache* (LSP) as that variety of a language that enables the conceptualisation, the notional designation and the recognition of specialised objects and processes belonging to the domain. However, the communicative reality as we experience it does not know any disciplinary boundaries since intradisciplinary and interdisciplinary communication, as well as communication with laypersons, are routine. The LSP provides common ground for communication by experts with experts from the same or another domain, but it also allows for communication with non-specialists. This means that apart from expert communication within a certain discipline, LSP is used to transfer knowledge across the boundaries of a discipline.

In the late 1970s and 1980s, research contrasted LSP with the common language (Bausch 1976, 128; Henne 1979, 313) focusing on vocabulary and terminology to distinguish the languages of specific purposes from the common language. Research highlighted the interrelation between specialised and non-specialised language and made the mechanisms used visible (Hoffmann 1985, 48; Fluck 1985, 160). Bolten (1992, 153) agrees with Hoffmann and Fluck that the difference between communication using the common language and communication using the LSP is what triggered interest in LSP. At a second stage, research shifted from the study of isolated linguistic issues to communicative aspects of specialised communication (Kalverkämper and Baumann 1996, 355) focusing on the production and the perception of specialised texts (Baumann 2010, 1). Research in domain-specific communication became internationalised and intercultural perspectives on specialised communication developed. Expert communication was studied across cultural borders (Schröder 1993, 517; Baumann 1996, 368).

Buhlmann and Fearn (2000, 12–13) realised that the discourse of certain scientific disciplines results from socialisation and that it reflects structures of thought:

Therefore, LSP as a means of communication is a result of socialization within a certain scientific discipline. It is characterized as such by reflecting certain thought structures that are determined by the interest in findings and research prevailing in the respective field. LSP is important for the communication of technical contents – objects, operations, processes, procedures, theories, etc. – and, from a linguistic point of view, uses the most concise and precise form.

In other words, LSP is used to communicate patterns of thought within the discipline. These patterns of thought transfer knowledge. The following quotation from Buhlmann and Fearn (2000, 13) reveals a crucial position for LSP research at that time: “LSP is therefore linked to the thought element of the field that the technical terms exist in – the thought structures of the field and the customary communication structures of the discipline”. From these words one infers that every domain develops its own, unique, linguistic tools for communication, its own discourse, in Fairclough’s (1992) terms, that are linked to the thought patterns of the experts working in the field, and that come into being through socialisation; however, it is a discourse that uses linguistic features of the common language to a great extent: Communication comes

into being through fixed stylistic formations (Baumann 1993, 417; Gläser 1978, 463; Grabowski 1992, 17–18; Hoffmann 1984, 47, 231).

The German linguist, Hoffmann, uses the term *Fachsprache* (LSP) in his early work to describe communication within a domain (Hoffmann 1984, 53):

Fachsprache – das ist die Gesamtheit aller sprachlichen Mittel, die in einem fachlich begrenzten Kommunikationsbereich verwendet werden, um die Verständigung zwischen den in diesem Bereich tätigen Menschen (und die Popularisierung der fachlichen Inhalte sowie den Kontakt zu bestimmten Nicht-Fachleuten) zu gewährleisten.

(LSP is the sum of all the linguistic resources used in an area of professional communication to enable mutual understanding between professionals in the area (and to communicate the specialist content to the general public and maintain contact with selected lay people).)

About a decade later, Hoffmann abandoned the notion of *Fachsprache* and adopted the term *Fachkommunikation* (specialised communication), which he defined in terms of communication of knowledge (Hoffmann 1993, 614) as follows:

Fachkommunikation ist die von außen oder von innen motivierte bzw. stimulierte, auf fachliche Ereignisse oder Ereignisabfolgen gerichtete Exteriorisierung und Interiorisierung von Kenntnissystemen und kognitiven Prozessen, die zur Veränderung der Kenntnissysteme beim einzelnen Fachmann und in ganzen Gemeinschaften von Fachleuten führen.

(Specialised communication is the externalisation and internalisation, whether motivated or stimulated from the outside or from the inside, of knowledge systems and cognitive processes related to specialised information, which leads to change in individual experts' knowledge systems and in the knowledge systems possessed by entire communities of specialists.)

The definition of specialised communication focuses on the communication as a whole, on the cognitive processes, knowledge systems, the individual interlocutor and the dynamics of meaning, providing an integrated picture of communication in domain-specific settings (Engberg 2010, 53). Moreover, it implies that communication cannot focus solely on isolated linguistic features, such as individual words, syntactic structures, etc. Hoffmann's (1993) definition of specialised communication provides a perspective that considers knowledge and the transformation of knowledge systems to be an integral part of domain-specific communication.

Notwithstanding the definitions by Hoffmann (1984, 1993) and by Buhlmann and Fearn (2000, 13), experts communicate beyond domain borders. The communication of knowledge from expert to non-expert is an endeavour in which language is challenged. Struggling to achieve a communicational goal and transport expert knowledge across disciplinary boundaries – both in writing and in spoken discourse – can stretch the linguistic/communicative competence of the interlocutors.

The pragmatic definition of domain-specific communication as an inherent feature of text and knowledge systems forms a bridge that leads to the scrutiny of communication and the limits of the human mind in acquiring and managing knowledge (Roelcke, 2010, 24). This shifted the examination of domain-specific communication away from linguistic features alone onto communication as such. Moreover, including cognition into the research in domain-specific

communication opened up new methods of text classification and provided a new methodological dimension (Baumann 1996, 384). What counts is the degree of domain-specificity of knowledge, knowledge structures, the transfer of knowledge, its linguistic representation and its deployment when communicated within a given domain, etc.

Hoffmann's (1993) definition of specialised communication implies that knowledge and its interiorisation is closely linked to the existing subject knowledge of the receptor. The successful transfer of knowledge and its reception is subject to a successful assessment of the available subject knowledge: Tsoukas and Vladimirou (2001) identified three important factors concerning knowledge: Firstly, existing knowledge is the basis for the acquisition of new knowledge; secondly, knowledge is created and applied in the mind of the bearer; and, thirdly, knowledge and comprehension are different procedures, where the latter, comprehension, determines the former. For Risku and Windhager (2009, 4) knowledge is relatively stable in comparison to understanding. They write:

By "understanding", we mean the process of combining experience-based knowledge with information gathered from the present environment to form a new mental or physical action. Thus, making sense of the environment and understanding are challenges that confront us every single day.

Knowledge can come into being in the mind of the bearer; comprehension needs existing knowledge on the basis of which it can grow. For Eppler, Röpneck and Seifried (1999) the successful communication of knowledge requires the successful transfer and restructuring of that knowledge by the receptor.

Language (for specific communication) as the raw material of domain-specific communication

When it comes to domain-specific communication, what actually occurs is a change in the knowledge system of the individual and the domain; it is the discourse, the fixed, domain-specific, linguistic patterns that experts use when communicating knowledge. As happens with any communication, language is the factor challenged when it comes to the communication of knowledge (Welch and Welch 2008). If language is used inappropriately, communication might fail. For Welch and Welch (2008, 354) language is a reconfiguration agent, a mechanism for reconfiguring knowledge.

Given the above, we will isolate LSP from specialised communication in order to shed light on the linguistic mechanisms making up the discourse employed in specialised communication. In order to get a picture of the linguistic raw material in specialised communication, we will examine specialised language as a subsystem of a wider linguistic system. This perspective provides for a more focused look at the special features of specialised communication, drawing a clearer line between LSP and other varieties of language such as the language of hunters, students, etc. (Fluck 1976, 11). According to Möhn and Pelka (1984, 24), LSPs distinguish themselves as far as choice, use and frequency of particular linguistic features of morphology, vocabulary, syntax and textual properties are concerned. Vocabulary plays a pivotal role in the LSP school of thought. The notion of terminology has – mostly in the past – been treated as a synonym for LSP. Syntactic and textual parameters were considered at a later stage in research. Apart from terminology there is much more to vocabulary in specialised texts. The terms used need complementary lexical material, which allows them to bring about their specific meaning.

Lexically, a specialised text is comprised not solely of terminology but also of other vocabulary. As to terms, in many disciplines they are used for one concept only, while in general language many words have multiple meanings. The term is a special lexical unit that denotes an exactly defined concept within a system that belongs to a domain. Arntz and Picht (1992, 35) provide the following definition of the notion *term*:

... *spezifische lexikalische Einheit und einnamige Bezeichnung eines im betreffenden Fach exakt definierten Begriffes oder Gegenstandes, die einen definierten Begriff im System eines Fachgebietes bezeichnet.*

(... a specific lexical unit and the single denotation of an distinctively defined concept or object within the relevant domain, which denotes a concept defined within the system of the specialised domain.)

The very common lack of polysemy within one specialised domain accounts for the context independency of terms. In terminology, the polysemic nature of language is limited; terms are the result of convention, because they are formed on the basis of an agreement between specialists in a given field, and because they are motivated by the intention to facilitate communication in the domain (Sager 1990, 56–57).

Notwithstanding its importance in communication, syntax is neglected when it comes to specialised language. In contrast to the vocabulary where terminology distinguishes the specialised texts from non-specialised, syntax makes use of structures that are known from the common language. Early research in LSP focused on distinct aspects of the specialised language like terminology and – marginally – on syntax. Most work on specialised language limited its involvement with syntax to claiming that the difference between the syntax of common language and specialised language is a qualitative discrepancy in the use of particular syntactic structures (Wüster 1991, 2; Beier 1979, 276; Möhn and Pelka 1984, 19; Buhlmann and Fearn 1987, 50).

Littmann (1983), though, investigated the syntax of German specialised language and identified regularities: Littmann (1983, 98) refers to the relationship between the surface and the deeper logico-semantic structure of language as syntactic structures (*syntaktische Strukturen*), the correlation of the deep structure (*zugrundeliegende Struktur*) and the surface structure (*Oberflächenstruktur*) of a speech act. Littmann bases his approach on the ability of most users of the language to recognise a specialised text from experience and to categorise it as a special text. In his initial approach to a text he identifies the syntactic features of the specialised text on the surface, the *surface structure*. Subsequently, he tries to reconstruct the simplest structure of the verb, the deepest underlying verbal chain (*zugrundeliegende verbale Kette*). By this Littmann (1981, 147, 150) means the verbal phrase, whose environment is fully analysed to its simplest structure. For him the analysis is considered complete when the simplest verbal structure has been produced. In Littmann's words (1981, 150), "*Erst wenn all Leerstellen eines zugrundeliegenden Verbs mit Ausdrücken besetzt sind, die ihrerseits nicht auf zugrundeliegende verbale Ketten zurückführbar sind, ist die Analyse abgeschlossen*". (Only if all empty positions of the underlying verb are filled with expressions which cannot be reduced to other underlying verbal chains, is the analysis complete.)

Consider the following sentence from a German contract:

- (1) *Wird M die Konzession für diesen Geschäftsbetrieb oder für den Vertrieb einzelner der in § 12 Abs. 1 erwähnten Artikel nach Vertragsbeginn entzogen aus Gründen, ...*

- (2) *Wird M die Konzession für diesen Geschäftsbetrieb oder für den Vertrieb einzelner Artikel, die in § 12 Abs. 1 erwähnt werden, nach Vertragsbeginn entzogen aus Gründen,*
- (3) *Wenn man M nach Vertragsbeginn die Konzession für diesen Geschäftsbetrieb oder für den Vertrieb einzelner Artikel, die der Verfasser in § 12 Abs. 1 erwähnt, aus Gründen entzieht, ...*

The first sentence is taken from a German lease. It is semantically very dense due to the use of participles (*erwähnten, entzogen* in version 1). Breaking down the past participles gradually into verbal structures one arrives at the deep structure (*erwähnt, entzieht* in version 3), the simplest verbal chain possible. In the interim phase, version 2, the participle, *erwähnt*, is analysed into a passive voice, a verbal chain.

This is not to imply that the syntax of specialised discourse is necessarily complex in structure. On the contrary: The sentence below taken from the monthly report of the *Deutsche Bundesbank* illustrates exactly the opposite:

Mit dem Ölpreisverfall und der Abwertung des Euro, die gegen Mitte des Jahres 2014 einsetzten und sich zum Jahresende markant verstärkten, haben sich einige Eckwerte des globalen Umfelds erheblich verändert.

(Deutsche Bundesbank 2015, 50)

Nobody would question the high degree of specialisation of the text – simply because of a less complex syntactic structure. It is simply another discourse deploying a different linguistic inventory. The dense occurrence of terms, some of them originating in verbs (*Ölpreisverfall, Abwertung*), signals to the German reader that he has a specialised text at hand.

Apart from lexical and syntactic features, textual patterns are also domain- and culture-specific. Every text is connected to a culture which determines the way the meaning is produced and extracted (Koller 1992, 59). Stolze (1992, 192) connects textuality to domain-specific thought patterns and maintains (Stolze 1992 109, 143) that domain-specific thought patterns differ from culture to culture and are mirrored in a distinct, culture-specific, text structure.

Translating thought patterns

In this section, we will turn to the translation of specialised texts and how translation (studies) deal(s) with it. Picht's coinage (1996) *intersprachliche Fachkommunikation*, (interlinguistic specialised communication), which indicates how specialised translation was viewed at the time, illustrates a tendency to view it rather as a form of specialised communication than as translation. This could explain why, a decade later, Sandrini (2010) concludes that specialised translation is not treated as a field of its own within Translation Studies and that it has not found the place it deserves. Moreover, apart from being largely neglected by Translation Studies proper, it took Translation Studies some time to refocus on pragmatic issues of specialised communication: Stolze (2009, 15) writes that translation theory is too focused on the design of models of the translation process, the discussion of language-specific code transfers, the description of text typologies and text-linguistic structures, the prerequisites for achieving equivalents, the presentation of a model of translation as intercultural communication, the analysis of functional translation problems, and the didactic description of cognitive procedures. In her opinion Translation Studies proper disregards pragmatic aspects of specialised communication.

Much has been written on the translation of domain-specific texts, such as legal texts, engineering texts, business texts, medical texts, etc., but works dealing with specialised translation generally are scarce. The number of books in the field is very limited. Mostly, research in the field is published in journal articles and in collective volumes. Such titles are Hoffmann, Kalverkämper and Wiegand (1998), Kovtyk and Wendt (2002), Rega and Magris (2004), Gotti and Šarčević (2006), Lavault-Olléon (2007), Schmitt and Jüngst (2007), Reinart (2009), Dogoriti and Vyzas (2015) and Vlachopoulos (2015). The books, however, are dedicated to domain-specific translation.

Despite attempts to establish an integrated theory of translation (Snell-Hornby 1986/1994; Hatim and Mason 1990), the work done did not result in a coherent theory of specialised translation. There were, however, attempts to describe the translation of specialised texts generally in the first decade of our millennium. The popular approaches to specialised translation were pragmatic, and culturally and knowledge focused. Stolze (2009) discusses the issues that arise in the course of translating specialised texts against a theoretical backdrop. She urges the translator to compare original texts in the domain with the same text genre cross-culturally and points out that specialised translation can be as diverse as, or even more diverse than, specialised communication. The purpose and the linguistic make-up of the target text genre determine the translator's decisions; specialised intercultural communication is feasible only when we know for what purpose particular norms are used and why specific facts and procedures are denoted in a certain way. Stolze (1999, revised version 2009) is considered a landmark introduction to the field. It discusses the quality of the linguistic, cultural and expert knowledge a translator needs to be able to cope with specialised translations (Stolze 2009, 15) and emphasises the need for an analysis of the aspects of LSP texts on both sides of the cultural rim (Stolze 2009, 13).

The approach of Gerzymisch-Arbogast (2008) is based on a three-step approach based on Nida and Taber (1969) and Dogoriti and Vyzas (2015, 146–148). She proposes the following three steps (Gerzymisch-Arbogast 2008, 13):

- a bottom-up text analysis with text-individual “salient” LSP features in the reception phase (identifiable on an atomistic, hol-atomistic and holistic level), i.e. a phase in which the LSP source text is “understood” and its comprehension is secured and controlled;
- a contrastive analysis phase in which language and cultural LSP features, patterns and/or knowledge systems are compared for translation purposes (transfer phase) and which includes a comparative compatibility analysis of source and potential target text features from all three text perspectives: atomistic, holistic and hol-atomistic;
- a reformulation phase in the target language and culture, in which the individual target text is produced ((re)production phase) against the language and cultural resources identified in the transfer phase. The reformulation process is governed by at least the target text purpose, applicable norms and assumed recipient or text type and interrelates atomistic, hol-atomistic and holistic levels or text perspectives.

She describes a three-step procedure beginning with a bottom-up description of LSP, with the target text purpose and its correlation with the knowledge systems inherent to the domain. The paper acknowledges the importance of the knowledge systems involved in the translation of specialised texts. She points out that not only linguistic features but, most importantly, knowledge systems may be differently structured interculturally, i.e. their “setup” may vary by language and culture (Gerzymisch-Arbogast 2008, 26).

Sandrini (2010) provides, what he calls an attempt to define specialised translation: He proposes the following definition (my translation):

1. skopos-dependent
2. exteriorisation of
3. thematic knowledge-systems and cognitive processes,
4. selected from a pool of available information and weighted (interiorisation),
5. with the intention to disseminate it, in a different linguistic (interlingual) and
6. cultural (cross-cultural) area
7. against the backdrop of the global framework (interculture).

According to Sandrini (2010) each of the above points that make up the framework of specialised translation is a distinct feature of the process. Thus, Sandrini believes that in the widest sense, any communicative act has a skopos, a purpose, and that this has been provided by the initiator who prescribes the translators actions. Features 2 and 3 are taken from Hoffmann's definition of specialised communication and refer to the thematic integration of the translated text into the domain (Hoffmann 1993, 595–617). Feature 4 pays tribute to a basic determinant of Translation Studies, i.e. the choices to be made by the translator when it comes to the purpose-oriented activity of translation. Sandrini points out that the features that differentiate specialised communication from specialised translation are features 5 and 6. These two points account for the fact that translating is about the transfer of knowledge into a different language and culture and the constraints of domain-specific communication in that culture as explained above. Point 7 mirrors the influence of the domain as a global community on the communication processes including translating. The more specialised the translating becomes, the more the general, national culture is pushed into the background and the cultural features of the domain gain importance. Sandrini remarks that this cannot always be attributed entirely to the highly specialised source text; both the envisaged purpose of the target text and the recipient have an impact on the degree of specialisation of the translation.

The texts of a domain are the reflection of the knowledge system and the cognitive structures developed over time to comprehend them. The expert acquires new knowledge on the basis of the existing knowledge. Widdowson's words "no text is an island" (Johns 1997, 35) are confirmed both by linguists such as Hoffmann, Buhlmann and Fearn and by researchers from other domains such as Eppler, and Tsoukas and Vladimirou. Widdowson tells us a general truth: No text stands alone. The understanding of a text relies on the knowledge and experience gained by the individual or the group in the domain. Thus, specialised translation can be seen as an integrated mode of cross-cultural communication – bearing responsibility for a functioning cross-cultural dialogue in a given domain (Sandrini 2010). Indeed, this reconfirms what has been said by Gryzmisch-Arbogast and Sandrini about specialised translation: As an early link in the chain of communication the translator understands a given source text on the basis of existing knowledge. The knowledge s/he comprehends in the course of the translation project is interiorised. The next step is the exteriorisation of this knowledge in a target system in the form of a skopos-appropriate, target knowledge structure.

At this point we will provide a definition of specialised translation based upon the positions put forward so far:

Specialised translation is the communication of intercultural knowledge that takes place when the knowledge from a specialised text inherent to a knowledge system is transferred

into a target text embedded in a target culture and aiming at a fulfilling a communicative purpose through transformation of the recipient's knowledge system.

From theory to practice; or how do translators cope with knowledge structures?

In the second part of this chapter we will examine samples of translated specialised communication. We opt for legal texts, the most extreme examples of culturally specific and knowledge-dependent domain-specific communication. The analysis of the samples is conducted against the background of the definition of specialised translation formulated just above.

We will proceed as follows: So far any (specialised) communication has been described as a data-driven process, which cannot disregard the knowledge of language and about language inherent in domain-specific knowledge (communication). Observing the changes in the linguistic inventory is expected to provide feedback on the appreciation of different knowledge structures in different legal cultures by the translators and their awareness of the cross-cultural differences of the appropriate knowledge structures. An examination of the translation process focused on changes in the knowledge systems would direct attention to the translated text as a product of intercultural communication of knowledge and to the interplay between the translator's mindset, the translated text and the management of the available knowledge. The assessment of the (non-)existence of traces of appropriate use of available data to initiate and sustain the communication of knowledge is expected to provide feedback on how translators experience specialised language, if they are aware of the cross-cultural differences and understand why the translators make (no) discourse changes. In particular, scrutiny of the discourse changes (not) made is expected to reveal if the system-inherent particularities on both sides of the cultural rim, and their interplay within the system, have been fully appreciated.

In other words, we will establish whether there are indications of appropriate intercultural communication of structures of knowledge, whether the translator responded correctly to a prompt by an initiator, elaborating on the available data, and whether the target text conforms with the *skopos*; language will be studied in both systems communicatively – or – the communication will be viewed linguistically. This implies a scrutiny of language in use, language above or beyond the sentence, language as meaning in interaction and language in its situational and cultural context.

Identifying instances in which the translator's decisions are reflected in his or her linguistic choices during the production of a pragmatically sound target text is expected to make systemic discourse properties visible, to highlight cross-cultural differences in the structures of knowledge reflected in the differences between the legal discourses involved, to reveal whether and to what extent linguistic differences between a source system and a target system are being considered and, most importantly for cross-cultural communication in law, to show appreciation of the interplay of system-inherent discourse particularities within the systems of knowledge involved.

The analysis

We will study the translations of two texts. The first text is the 1951 translation of the Greek Civil Code into German, and the second is a German lease translated into Modern Greek for use before a court in Greece. The analysis of the two cases will provide insight into the knowledge systems involved by highlighting the legal background against which the texts

were translated. The translations will also be scrutinised for functionality, and the juxtaposition of the discourse properties of the translated text with the source text will allow us to delve into approaches to communicating knowledge appropriately.

The translation of the Greek Civil Code into German

The first case under scrutiny is the translation of a law, the Greek Civil Code, into German. The source text draws heavily on the German Civil Code, which is probably the reason why our examination of the texts does not reveal any problems in the translation of Greek terminology into German. What is interesting, though, is the translation of the sentence structure. In his preface to the translation the translator writes (Gogos 1951, VIII):

Bei der Übersetzung des griechischen ZGB wurde versucht, den griechischen Text wörtlich wiederzugeben. Dabei wurde auch an der Reihenfolge der Worte und an der Interpunktion dieses Textes festgehalten, soweit dies stilistisch möglich war. Nur dort habe ich von einer wörtlichen Übersetzung abgesehen, wo durch eine solche der Sinn des griechischen Textes nicht wiedergegeben werden konnte.

(When translating the Greek Civil Code, I tried to render the Greek text word-for-word, and to retain the word order and punctuation, insofar as this was possible. I have only foregone word-for-word translation in cases where translating in that way could not reflect the sense of the Greek text.)

The translator seeks to stay as close as possible to the source text structure, which is an understandable decision, since the work is published under the auspices of the *Max-Planck-Institut für ausländisches und internationales Privatrecht* for comparativists, who would be interested in gaining insight into the argument structure of Greek law. He commits himself to syntactic fidelity and adds that he will deviate only where any linear reproduction of the source text structure would endanger the comprehension of the original text.

Interestingly, the juxtaposition of the texts shows that he did not act consistently throughout the text. For example, in paragraph 904 the first sentence was restructured as follows:

Source text

Αδικαιολόγητος πλουτισμός

Άρθρον 904

Ο καταστάς πλουσιότερος άνευ νομίμου αιτίας εκ της περιουσίας άλλου ή επί ζημία τούτου, υποχρεούται εις απόδοσιν της ωφελείας. Η υποχρέωσις αυτή υφίσταται ιδία συνεπεία παροχής αχρεωστήτου ή παροχής δι' αιτίαν μη επακολοθήσασαν ή λήξασαν ή παράνομον ή ανήθικον.

(Enrichment without just cause)

Article 904

A person who has become richer without a lawful cause by means or to the detriment of the patrimonium of another shall be bound to restitute the benefit. Such obligation shall particularly arise by reason of a payment made which was not due or of payment for a consideration that did not materialise or that ceased to exist or that was illegal or immoral.)

Translated text

Ungerechtfertigte Bereicherung

904. *Wer sich ohne rechtlichen Grund aus dem Vermögen eines anderen oder zu dessen Schaden bereichert hat, ist zur Herausgabe des Vorteils verpflichtet. Diese Verpflichtung besteht insbesondere wegen Bewirkung einer nicht geschuldeten Leistung oder einer Leistung aus einem nicht eingetretenem Grund oder aus einem Grund, der zu bestehen aufgehört hat oder rechtswidrig oder unsittlich ist.*

The participle in the first sentence (*Ο καταστάς πλουσιότερος άνευ νομίμου αιτίας εκ της περιουσίας . . .*) was translated in a more transparent way as a relative clause (*Wer sich ohne rechtlichen Grund aus dem Vermögen eines anderen oder zu dessen Schaden bereichert hat . . .*). In the following sentence the translator acted in the same way and participles (*. . . μη επακολοθήσασαν ή λήξασαν ή παράνομον ή ανήθικον*) were transferred into the target system as relative clauses (*. . . der zu bestehen aufgehört hat oder rechtswidrig oder unsittlich ist*). Complex genitive structures (*Ο ένεκα γενομένων δαπανών υπόχρεως προς αποζημίωσην . . .*) were again translated as more transparent relative clauses (*Wer für Aufwendungen zum Schadenersatz verpflichtet ist . . .*).

The German language has the same inventory as the Greek language for expressing conditional clauses; however, the translator chose to use an alternative solution instead of being faithful to the original sentence structure. The Greek conditional sentence is introduced by the word *Εάν* while the German language uses either the equivalents *Wenn* or *Falls* or an alternative sentence structure according to which the conditional sentence is introduced by the verb of the conditional clause. The conditional clause *Εάν η εκτέλεσις του τρόπου καθίσταται . . .* in paragraph 2016 of the Greek Civil Code could have been translated linearly, but the translator chose a different solution. A linear transfer of the source text structure would have provided a clearer view of the argument structure of the original sentence and served its purpose better. As mentioned in the first part of this chapter, syntax is crucial in the communication of knowledge and syntactic structures may mirror the degree of speciality: The higher the density of the meaning due to a syntactic structure, the more specialised the text.

In this case the translator produced a much too “German” text; despite the fact that the target system provided for solutions closer to the sentence and argument structure of the original Greek text. The comparison of the original and the translation show that the translator did not keep to his initial intention to adhere to the original text structure as much as possible, and therefore he actually deprived the recipient of the chance to gain a better understanding of the source system’s argument structure.

As far as translation for the purposes of comparative law is concerned Leckey (2009, 124) writes:

Although linguistic translation is a key part of comparative law, often it is not texts globally or words individually that comparatists and law makers translate. They translate concepts, in the sense of units of thought combining within themselves the properties and relationships of things. The comparatist objective is to convey the gist of a concept, at a minimum, to readers unfamiliar with its legal system of origin. Respecting legal concepts, they undertake the transference; removal or conveyance from one person, place, or condition to another. The legislative objective is to translate a concept so as to set it to work in the destination legal system: legislatures express a rule or formulate a concept in adapted or modernized terms.

We could not agree more with the above words for comparative purposes. But there are limitations: When it comes to the examination of the argument structure in comparative law, which is reflected in sentence and text structure, and, secondly, in cases where comparability (as in legal disputes) is vital, a translation as linear as possible is more appropriate. In the first case a linear translation of the terminology from one system into another with a differing structure would create confusion about the actual denotations of the concepts. However, in cases where comparability is sought, even linear transfers of terminology can be accepted under certain circumstances.

However, what the examination of this example reveals is that linearity can be the product of a conscious knowledge communication process: The correct use of the information provided might lead to the perception that the translation product cannot be anything else than adherence to the source text structure; this makes the knowledge structure of the source system visible to the target audience. In this case the translator seems to have disregarded the idiosyncrasy of the Greek legal discourse; a linear translation would be a more appropriate solution. Thus he deprived the recipient of a clear view of the existing parallel knowledge structures in the source system.

The translation of a German contract into Greek

The second case concerns the translation of a German contract into Greek; the translation would be used before a court of law and it was translated by a trained and professional translator. The translator of the text researched the terminology and structure and made no mistakes in that respect. For example, the German term Mietvertrag (contract of lease) was translated as *ιδιωτικό συμφωνητικό μισθώσεως* (private lease agreement) despite the lure of a linear translation of the compound noun. The same applies to the translation of the term Glasversicherung (glass insurance), which was translated into the appropriate Greek equivalent, *Ασφάλεια θραύσης κρυστάλλων* (insurance of glass breaking).

As to the sentence structure, the following extract shows that the translator restructured according to Greek legal discourse features:

Source text

Bis Vertragsbeginn kann M durch schriftliche Erklärung gegenüber V von diesem Vertrag zurücktreten, wenn ihm die Konzession für diesen Geschäftsbetrieb oder für den Vertrieb einzelner der in § 12 Abs. 1 erwähnten Artikel nicht erteilt wird, und zwar auch dann, wenn dies aus Gründen geschieht, die in seiner Person liegen. Erfolgt der Rücktritt kürzer als 14 Tage vor Vertragsbeginn, hat M an V den Mietausfall für höchstens 2 Monate zu erstatten.

(Until the contract begins M can withdraw in writing from that contract with V, if he does not receive the licence for the store or for the sale of certain goods as under article 12 paragraph 1, and also if this happens for reasons caused by him. If this withdrawal occurs less than 14 days before the contract starts, M has to reimburse a loss of rent for at most 2 months.)

Greek translation

Ο Μ δύναται μέχρι την έναρξη του συμφωνητικού να δηλώσει γραπτώς στον Ε υπαναχώρηση από την παρούσα σύμβαση σε περίπτωση μη χορήγησης άδειας πώλησης μεμονωμένων αγαθών, τα οποία αναφέρονται στην παράγραφο 12, εδάφιο 1, ή ακόμη και σε περίπτωση που η αναφερθείσα κατάσταση οφείλεται στον Μ. Εάν η υπαναχώρηση

πραγματοποιηθεί σε λιγότερο από 14 ημέρες πριν από την έναρξη της σύμβασης τότε ο Μ οφείλει να καταβάλει στον Ε αποζημίωση ύψους μέχρι δύο μηνιαίων μισθωμάτων.

The complex German sentence, “*wenn ihm die Konzession für diesen Geschäftsbetrieb oder für den Vertrieb einzelner der in § 12 Abs. 1 erwähnten Artikel nicht erteilt wird*” has been translated as a genitive structure commonly used in Greek legal texts (... σε περίπτωση μη χορήγησης άδειας πώλησης μεμονωμένων αγαθών, τα οποία αναφέρονται στην παράγραφο 12, εδάφιο 1, ...). The sentence “*Erfolgt der Rücktritt kürzer als 14 Tage vor Vertragsbeginn, hat M an V den Mietausfall für höchstens 2 Monate zu erstatten*” has been identified correctly as a conditional sentence by the translator. From experience, we know that non-native translators of German often fail to identify a German conditional sentence introduced by the verb and not by a conditional conjunction such as *wenn* or *falls*. In this case, elsewhere in the translation, the translator rendered the conditional sentence with the use of a junction (*εάν - σε περίπτωση που*), since conditional sentences can be formed in Greek only this way. Moreover, the translator recognised the structure *fällig sein* (*Der Mietzins ist monatlich im voraus jeweils am 1. des Monates fällig*) and translated it using a passive structure (*Το μίσθωμα θα καταβάλλεται την πρώτη εκάστου μισθωτικού μήνα*), despite the fact that a linear alternative is available. The translator used the active voice wherever possible (... *wenn die Absicht einen Monat vorher schriftlich angekündigt wurde ... - εάν δηλώσουν εγγράφως ένα μήνα προηγουμένως την πρόθεσή τους αυτή*) as is appropriate in Modern Greek legal discourse.

In this case the translator made excellent use of the flexibility the target system inventory provides: There is no doubt that the translator had expert knowledge and provided the recipient with a text showing awareness of the knowledge structures of source and target texts.

What was it all about?

The two cases analysed above demonstrate two points very clearly: In the first case, no knowledge communication process was initiated: There is no trace in the translation of the Greek civil law text into German of any kind of knowledge management: The translator of the Greek Civil Code into German has not taken into consideration the discourse structures of the source and target systems and did not identify these as reflections of domain-specific knowledge structures. This is likely to hamper the process of knowledge communication.

As far as the other case is concerned, our examination shows that the availability and correct assessment of information during translating generated a knowledge communication process as we defined it. The examination suggested that in the course of her/his work, the translator was concerned about the communicative value of the translated text. The translator used an appropriate linguistic inventory to produce a purposeful translation.

Language as a reconfiguration agent in intercultural knowledge communication

Let us return to where we began: We set out to discuss the relationship between LSP and translation. We questioned the use of the term *Language for Specific Purposes* (LSP), argued for the use of the term “domain-specific communication” and defined specialised translation as intercultural knowledge communication, elaborating on the positions of Stolze, Gerzymisch-Arbogast and Sandrini.

But is it indeed knowledge that is being communicated in the course of the translation of specialised texts? First of all, we have shown that in the case in which no use of divergent knowledge structures was in evidence, there seemed to have been little appreciation of either the source or the target language. In particular, in the case of the translation of the Geek Civil Code into German the translator diverged from his or her initial promise to observe discourse properties. On the other hand, the second translator, who translated the German contract, decoded the linguistic system on the basis of his or her knowledge of the source system and the meaning was made available to the knowledge system of the target audience; here the translator resorted to not identical but equivalent linguistic structures to transfer the knowledge structures of the source system communicatively into the target system.

Translating specialised texts is more than replacing source culture terms by target culture terms: It is a complex endeavour of communicating knowledge across cultures. When translating specialised texts, the translator engages in an intercultural knowledge communication procedure. S/he transfers knowledge structures across cultural borders and with the help of language as a reconfiguration agent, this knowledge is embedded in the target knowledge structure, fulfilling a communicative purpose with the transformation of the recipient's knowledge system.

Further reading

Apart from the works cited in the chapter, interested readers should consult the following two online journals. Both publications provide insight into the versatility of (intercultural) specialised communication.

FACHSPRACHE – International Journal of Specialized Communication. Available at <http://www.fachsprache.net>.

FACHSPRACHE is a refereed international journal that publishes articles on all aspects of specialised communication and provides an interdisciplinary forum for researchers and teachers interested in this field. It is the oldest forum for the exchange of knowledge in the field of LSP.

The Journal of Specialised Translation (JoSTrans). Available at <http://www.jostrans.org>.

JoSTrans is a multilingual journal specialising in non-literary translation issues. *JoSTrans* is a free, open-access, electronic, peer-reviewed journal. Going through its archives reveals the breadth and width of issues concerning specialised translation.

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