

## RECENSIONI BOOK REVIEWS

Marshall MORRIS, (ed.) *Translation and the Law*, John Benjamins, Amsterdam/Philadelphia, 1995 (ATA Scholarly Monograph Series, VIII). 337 pp., 130.00 Hfl. / \$75.00 (Hbk). ISBN 90 272 3183 (Eur) / 1-55619-627-X (USA).

The original intention behind the project of this very useful book on legal translation and court interpreting was, in the words of its editor Marshall Morris, "to engage a number of persons with expert knowledge of these issues to provide well-grounded, sharply focussed papers written for the general reader" (p. 2). This objective has certainly been achieved. The call for papers was issued on several Internet sites, which accounts for the truly world-wide participation in the volume and for the scope and variety of the sixteen scholarly and professional papers it contains. The languages and/or legal systems dealt with in the contributions range from Icelandic to Spanish, from Russian to Japanese, from German to Hmong. With all its wide-ranging scope, it is amazing how the volume suffers only marginally from those problems typical of ambitious compilations like this — varied quality and approach, repetition and incoherence — managing to make this variety its main strength.

In an attempt to categorise such diverse material, the papers have been grouped under four roughly thematic sections: Translation and the language of the law; Responding to change and to difference; Professional issues, professional practice; Persons, laws and the presence of the translator. However, these are far too broad and overlapping to be really informative to the prospective reader. A more meaningful division could have been made between general-theoretical contributions vs. more focussed case studies or between papers dealing with legal translation vs. court interpreting, where speed is also a major requirement. Inasmuch as there is an unspoken common theme, it is provided by the huge responsibilities of the translator/interpreter as a conveyor of cross-cultural understanding in the particularly delicate field of justice. Nowhere is this more evident than in Cooke's report about the difficulty of Djambarrpuyngu-speaking Aboriginal people in the Northern Territory of Australia to understand English court proceedings and the apparently hopeless task of the court interpreter (in this case working with the legal translator) to redress this inequality before the law. Similarly, Dunnigan and Downing's report of the rape trial of a Hmong man in a Minnesota court, Bucholtz's account of the transcription into English of Spanish oral speech to be used as evidence in

federal trials on drug crimes in the United States and Storey's paper on the crucial role of interpreters in the identification or elimination of a suspect on the basis of an acoustic analysis of covertly taped recordings in Australia, are all hinged on the tremendous responsibilities of translators/interpreters in providing the jury with linguistic non-biased evidence in trials involving non-English-speaking defendants belonging to minorities. The other specific two case studies are Brown's account of the crucial role played by translators in the increasing westernisation of concepts and drafting conventions in the new legislation of the successor Soviet republics to suit Western investors and Kunz's contribution on the difficulties of translating European Union legislation into Icelandic and of the subsequent adaptation of the small but proud island's existing laws to conform to the requirements of its membership of the European Economic Area (EEA).

The bulk of the papers are, however, more general in scope. These include, firstly, Joseph's theoretical conceptualisation of the applicability of Alexander Fraser Tytler's three principles of translation to the legal field in the context of what the author calls an emerging "post-postmodernist" approach to legal translation, and Morris's culture-specific description of the progressive monolingualisation from the 1731 Courts of Justice Act to the present day of English-language courts and its negative consequences for non-English-speaking participants. The remaining eight contributions are equally spread between, on the one hand, four comparative analyses of different legal systems and their implications for legal translation, and, on the other, four studies focussed on general professional issues. The first cluster is represented by Smith's overview of the many aspects where German civil law, based on the Roman code, and the Anglo-American system diverge; Beyer and Conradsen's insights into the problems of legal translation from Japanese into English; Mikkelson's contrastive analysis of the terms *murder* and *manslaughter* in Spanish and English; and Stone's account of the vital role played by translation from Spanish in the legal, economic, political and social history of the United States. Lastly, professional issues aimed specifically at the interpreters are tackled by Palma's paper on the impact of textual density, ie. the amount of information contained in each word, on the accuracy of judiciary interpreters' performance and by Niska's contribution on the clash existing between the norms and conventions directing the court interpreters' work and real-life situations where they are not allowed to work as professionals, whilst more general aspects of professional practice are dealt with by Obenaus in his account on how legal translators need to be trained as information brokers in order to take full advantage of computerised tools such as the legal resources on the Internet and in Hammond's paper on the ISO 9000 standards and, more generally, on the thorny issues of translation quality and translators' liability.

The predominantly jargon-free language in which the book is written and the practical subject matter of the vast majority of the contributions make *Translation and the Law* compulsive reading both for those would-be practitioners who need an introduction to the reality of the complex field of legal translation and for those already within the translation profession who want to be brought up to date with the state of the art of their discipline. However it would also make interesting reading for those monolinguals who, working within the legal profession in close contact with translators/interpreters, need to be made fully aware of the difficulty of working with two different legal systems (let alone just one!). Finally, this very readable book should prove to be of considerable value as a library resource for both translation teachers and students.

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Gideon TOURY, *Descriptive Translation Studies and beyond*, John Benjamins, Amsterdam/Philadelphia, 1995 (Benjamins Translation Library, vol. 4). 312 pp., ISBN 90 272 2145 6 (Eur.) / 1-55619-495-1 (US) (Hb; alk. paper), ISBN 90 272 1606 1 (Eur.) / 1-55619-687-3 (US) (Pb; alk. paper).

Toury's book is an ambitious attempt to bridge the gap between the theoretical and descriptive branches of Translation Studies, the discipline founded more than twenty years ago by the late American translator James Holmes who, in a pioneering essay (*The Name and Nature of Translation Studies*), advocated the need to investigate the "complex problems clustered around the phenomenon of translation". Since then, descriptive studies of literary translations and of translational behaviour in particular socio-cultural contexts have positively proliferated and translation has come to be considered not only an interlinguistic process but also and foremost an intercultural and intersystemic phenomenon governed by many variable factors. Nevertheless, Toury argues that most descriptive studies are still being performed within disciplines other than Translation Studies, such as Contrastive Linguistics and Textology, Comparative Literature and Stylistique Comparée and, more recently, Text-Linguistics and Pragmatics. As pointed out by the author, the descriptive branch still relies on methods and models derived from other disciplines and still lacks a clear theoretical framework with independent methodological tools for the systematic exploration of translation activity.

The framework proposed by Toury is based on a series of concepts and assumptions which he first introduced in 1980 in his book *In Search of a Theory*

of *Translation*, where he provocatively tried to subvert traditional views of looking at translation: abandoning the primarily linguistic slant of scholars like Koller, Nida and Wilss and their normative and source-oriented outlook on translation, the Israeli scholar called for a more pragmatic, target-oriented approach which would allow to find out why translations historically differ from their originals and how translated literature functions in the literary and cultural system of the target language. Moving from the revolutionary assumption that translations should be considered as "facts of real life", not as hypothetical constructs, Toury dismissed the idealistic and vague notion of 'translation equivalence' as founded on a misleading conception of translation as a product to be prescriptively judged as an (un)successful linguistic and formal match to its original. He introduced instead the notion of 'translational norms', i.e. behavioural constraints which embody the cultural and literary values shared by a community and govern those decisions in the translation process which are independent of the two language systems involved.

In his new book Toury extensively elaborates on this pivotal notion which stems from the realization that literary translation represents an encounter, more often a clash, between two norm systems and that the translated text, while introducing new aspects into the target culture, often involves certain "adjustments" to the requirements of the host cultural system in order to be accepted as a literary product. In other words, neither the literary status of the original, nor even the attempt to retain those features which marked it as literary in the source culture, is enough to secure a position for the end product in the recipient literature and, paradoxically enough, a translation may be denied the status of literary text precisely because it reflects the original too closely. For instance, one of the many exemplificatory case studies discussed by Toury deals with a 1920 Hebrew translation of the famous German tale *Das Schlaraffenland* which, as a pseudo-narrative, belonged to a genre deeply rooted in the German tradition but virtually unknown to modern Hebrew literature for children and therefore formally unacceptable for the recipient culture. Only by devising a genre shift from narrative to the more familiar epic and by resorting to the use of rhymed prose (a formal constraint not present in the original) could the translator secure the popularity of the translated tale in his own culture.

Toury does not reject altogether the legitimacy of a more traditional source-oriented approach but makes a strong call for a contextualization of translational phenomena. When comparing different translations of the same text (as Toury does with some Hebrew translations of Shakespeare's Sonnets), scholars should refrain from giving subjective value judgements and rather try to identify the motives which led to the choice of a particular translation method, thus trying to uncover the poetological and/or ideological constraints that affected them. While since the 80's some of Toury's ideas may have lost their revolutionary flavour,

the ultimate message of his new book is still a strong one: the import of translation in a particular cultural community can be fully understood only if we keep in mind that translation, like any other type of cultural activity, is a "conditioned" type of behaviour.

As the author states in the introductory chapter, *Descriptive Translation Studies and Beyond* is not intended as a mere sequel but as an actual replacement of *In Search* and, it may be added, it is a successful one: far less obscure as to the language and better-structured than its predecessor, the new book also presents a wider range of case studies, mainly dealing with translations of German and English literature into Hebrew, which provide for a thorough understanding of the more abstract theoretical chapters.

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Wolfram WILSS, *Knowledge and Skills in Translator Behavior*, John Benjamins, Amsterdam/Philadelphia, 1996. 259 pp., 140.00 Hfl. / \$79.00 (Hbk). ISBN 90 272 1615 0 (Eur.) / 1-55619-696-2 (USA).

In the last few years research into translating as a process rather than translation as a product has intensified considerably. Undoubtedly, part of the interest in this field originates from the growing need to devise suitable curricula for translation training at university level and thus equip future translators with the essential tools needed to survive in the increasingly competitive field of professional translating. *Knowledge and Skills in Translator Behavior* by Wolfram Wilss falls into this category of translation studies (TS). In fact, it provides an outline of state-of-the-art research in translation, but with a particular slant, i.e. a focus on the translator and his/her processes and procedures. As the title of the book suggests, a distinction is made between two different kinds of translator's 'tools': knowledge and skills. Knowledge includes all the information translators need to retrieve or gather in order to perform their activity successfully, whereas the term 'skills' is used by Prof. Wilss to refer to any kind of experience that comes into play when translating. The whole book revolves round these concepts.

The two introductory chapters outline the current scope and challenges of TS and define theoretical and empirical aspects of the discipline, thus identifying knowledge and skills as more suitable for empirical or inductive investigation. In Chapter II Prof. Wilss states that the current goal of TS is "to clarify the principles, structures and categories of the translation process in accordance with general contemporary views of the perception and execution of tasks" (p. 30). He

considers text-based translation a useful framework for TS, but is against the so-called 'dethroning' of the source text proposed by adherents to the skopos theory of translation as he favours a middle-of-the-road approach based on a tripartite focus: source text, translator and target text.

Chapters III to IX are devoted to the main topic of the book and therefore analyse different aspects of knowledge and skills in detail. Prof. Wilss explains that knowledge-based behaviour consists in "first, the acquisition of knowledge, either in direct (experiential) or in indirect (mediated) manner; second, the storing of acquired knowledge in memory; and third, the reactivation of internalized knowledge, normally for multiple use, either in a problem-solving setting or in automatized form" (p. 57). He further distinguishes between schematically organised — or generic — knowledge and episodic — or non-schematic — knowledge. Schemata are based on previous experience and, once internalised, they can be triggered almost automatically and thus allow individuals to build up structures. However, schemata are not completely fixed structures and can be modified as experience increases or new insights are acquired. Text types are kinds of schemata, hence their relevance for translation and for this branch of TS is further reinforced in the book. Prof. Wilss therefore proceeds to identify and analyse different aspects of text processing that highlight the translator's cognitive behaviour: context, culture, compensation for interlingual and intercultural differences, originality of approach or automatization and speed. He then turns his attention to the processing of meaning as a special case of information-processing and analyses it from the point of view of gradience, complexity, conventionality, schematicity, economy and predictability.

From Chapter VI on the picture is further complicated as new elements are added in the description of translation as "a mental activity, in which occur internalized, 'elementary' translation procedures, such as literal translation, and more intricate transfer procedures, such as obligatory or optional non-literal transfer procedures" (p. 137). Translation is then described as an acquired skill and thus contrasted with inborn abilities. Skills are applied to identify text properties, such as regularities or analogies, text patterning, speech functions, and style. Translation is finally described as a problem solving and — rational and irrational — decision-making process consisting of six stages: problem identification, problem clarification, research on/collection of background information, deliberation of how to proceed, moment of choice and evaluation of translation results.

Finally, Chapter X discusses possible implications of the investigation conducted in the book for translation teaching, while Chapter XI compares and contrasts human and machine translation with a view to identifying future prospects of TS in general and new scope for research into knowledge and skills in particular. The impossibility of a fixed canon of translation teaching and the

need for profession-oriented training are emphasised. In this respect Prof. Wilss points out that task specification should be singled out for special treatment. Moreover, questions such as the amount and type of knowledge required by translators to cope with a complex task, how the knowledge needed in a particular translation setting is selected and according to what criteria and client needs priorities are established in the translation process need to be discussed and answered before suitable translation courses can be devised. Machine translation has in fact proved that translation problems must be solved by heuristic procedures.

This outline of the main features of the book can only give an idea of the wealth and complexity of topics dealt with by Prof. Wilss. What should be emphasised, however, are the intrinsic merits of *Knowledge and Skills in Translator Behavior*. First of all, the book is marked by a shift of emphasis away from literary translation to focus on the currently prevailing type of translation, LSP translation. Secondly, Prof. Wilss shows extreme balance combined with complete mastery of the subject and deep insight, especially in the treatment of such delicate topics as creativity and intuition in translation. In fact, he regards translation as a transformative activity carried out in 'tension between creativity and reactivity' (p. 53), whereas intuition — he agrees with Kussmaul — cannot be taught, though perhaps students can be shown how to use it successfully. Thirdly, constant reference to current debates gives a clear idea of what is going on in TS and provides useful hints for further research. Therefore, the book will be very useful for teachers devising courses for translators and for all those who would like to know more about the translator's 'black box'.

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