

TRANSLATION OF LEGAL DISCOURSE: LINGUISTIC AND INTERCULTURAL COMMUNICATION PERSPECTIVE

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Linguistics and translation science are closely interrelated and significantly complement each other as a theoretical basis and its applied application. Translation can be considered as a large-scale natural experiment in comparing linguistic and speech units in two languages in real acts of inter language and intercultural communication. The study of translation makes it possible to reveal important features that may remain undetected within the framework of a “monolingual” research [3. P. 4].

The aim of the article is to consider the specifics of translating a legal text from English into Russian in the aspect of intercultural communication.

The understanding of translation as a channel of interaction between languages and cultures is increasingly being established in Uzbek and foreign translation studies. According to most researchers this approach means, that, a new text arises as a result of translation activity which adequately replaces the original text in another culture, another language, another communicative situation. A translator, as an intermediary, must be not only a bilingual, but also a bicultural person. At the same time, the question of the equivalence of the translation to the original remains relevant in theoretical and applied terms.

It should be noted that currently synonymous terms “equivalence”, “adequacy”, “equivalence”, “identity” are used in scientific spheres. A number of scientists consider them interchangeable; others differentiate these terms, but we think it is preferred to use the term “equivalence” with the definitions of “relative”, “contextual”, “informal”. Apparently, the less categorical nature of the word “equivalence” has made it more preferable in modern translation studies, although the concepts of adequacy, identity, usefulness and even similarity remain in the same semantic field and sometimes duplicate each other.

According to Russian scientist V. Vinogradov, equivalence implies the preservation of relative equality of the content, semantic, stylistic, functional and communicative information contained in the original and the translation [1]. The equivalence of the translation depends on the original text and its reproduction in the target language and reflects the completeness and multilevel nature of this concept.

Thus, if equivalence is considered to be an equivalent correspondence of one object (the translation text) to another (the original text), then we have to agree with the majority of translators on the following fundamental points.

Firstly, it is impossible to achieve absolute equivalence (identity) in translation due to a number of reasons, the most important of which, according to a famous French linguist and translator J. Munen, are:

- the specificity of the semantics of language signs in different languages;
- incompatibility of “world pictures” created by languages;

– differences in the reality itself, culture and civilization of speakers of different languages [4. P. 37].

Secondly, despite all the objective difficulties of translation, there is nevertheless a possibility of overcoming them. The need for translation of various types, the ever-increasing role of translation and the demand for the translator's profession in ensuring inter language and intercultural communication prove that foreign culture is not something incomprehensible, inaccessible for perception, description, study and, ultimately, transmission by means of another language. Bilingual communication, according to J. Munen mediated by the translator's activity is never absolute, but at the same time it is always possible [4: p.62]

Thirdly, the concept of equivalence applies primarily to the text as a whole, and the meaning of the whole is not equal to the mechanical sum of its parts. However, it is also true that any message has its own meaning and consists of linguistic units, each of which carries certain information. The content of the entire utterance does not exist apart from the meanings of consisting linguistic units, and the purpose of any translation is to convey the semantic information of the text.

All its other types and characteristics (functional, stylistic, sociolocal, emotional, etc.) cannot be transmitted without reproducing semantic information, since all the rest of the message content is only layered on semantic information, extracted from it, prompted by it, transformed into figurative association [2. P. 2].

It means that while studying various aspects of translation activities, in particular, in line with the problems of intercultural communication, the study of the semantics of lexico-semantic level units is still relevant, and furthermore underlies professional translation activities.

Finally, the problem of translation equivalence can be productively considered from the standpoint of compensation theory. Despite all the difficulties of translation, languages and cultures demonstrate the ability to compensate for the insufficiency of one of their spheres at the expense of others. Compensation is a common property of complex evolving, self-regulating (synergetic) systems, which include society, culture, and language [5. P. 117]. N. Fenenko suggests distinguishing different types of compensations – linguistic (intra- and inter-level, full and partial, linear and nonlinear, formal and substantive) and extra-linguistic (cultural and socio-cultural) [5. P. 13].

Legal discourse is one of those humanitarian areas that is characterized by the presence of a significant number of national and cultural specific features that reflect the developed norms of the relationship of an individual with the State and other people. Legal texts must be accurate and reliable; they prescribe a certain form of action and formulate principles for resolving disputes, develop rules of social behavior in society.

When the translation of a legal text is made in writing form, the translator is not limited in time and has the opportunity to constantly refer to the original, use various dictionaries, encyclopedias, reference books, according to experts, which should ensure the greatest equivalence of the translated text in the end. This can be fundamentally important when the original text and its translation must have equal legal force.

The appeal to the legal texts of this thematic focus is becoming especially relevant at the present time, when the professional cooperation of lawyers in the field

of law enforcement is increasingly internationalized – the fight against international terrorism, illicit trafficking in drugs, weapons, strategic materials, human trafficking, financial and economic crimes, etc. There is a practical need to correlate national legislations with international norms of law, exchange experience in the activities of the police, courts, prosecutors and penal enforcement agencies of various countries.

All these circumstances, on the one hand, significantly increase the role and responsibility of translators of legal texts, and on the other hand, allow to interpret the term "legal text" more broadly. The modern understanding of the legal text is not limited to the strict framework of the legal document itself, but also includes other types of both oral and written texts, the subject of which are legal issues discussed by the professional community of lawyers and citizens. For instance, polemical discussions on legal issues in scientific monographs, articles, newspaper and magazine publications, during live professional communication of specialists, in electronic media, among various groups of the population.

Legal issues are widely condemned in society today, and the legal culture of the population is steadily growing. Subsequently the vocabulary of modern legal texts is actual for linguistic analysis and translation practice due to its actively replenishing the composition of common used words of a particular language. All this means the importance of improving the professional competence of the translator in this subject area.

By the way, an example of the functioning of lexical units correlated with the field of law in American English is appropriate. It is a well-known fact that Americans are a nation whose level of legal culture is much higher than many other nations. In the USA, where it is customary to resolve most controversial issues in the relations between citizens and the state in court, the proportion is significantly higher than in other countries. All this is reflected in the language: quantitatively and functionally, the legal discourse in the common vocabulary of Americans occupies a much more important place than, other nations. Therefore, the translator must be ready to correctly, with respect to all cultural subtleties, translate legal vocabulary not only in the texts of legal documents, but in texts of other styles and genres, even in artistic text.

Achieving equivalence in the translation of a legal text, considered more broadly than the text of a legal document, implies a sufficiently high level of linguistic and cultural competence of a translator. As a rule, in order to create an equivalent translation, the translator uses various mechanisms of intra- and extra-linguistic compensation, which allow to convey the semantic content of the original text with a sufficient degree of completeness and accuracy. As the concrete material shows, the greatest difficulties are caused not by the translation of legal terms themselves, fixed in the language system in explanatory and translated dictionaries and reference books, but by units of the lexico-semantic system of the language, regularly used in legal texts with meanings determined by the linguistic and cultural context. It is difficult to overestimate the importance of translation notation, which makes it possible to provide the most complete understanding of the translated legal text, to fulfill the shortcomings of the reader's background knowledge, to resolve the conflict of cultures in the professional field of jurisprudence and translate it into a dialogue.

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