LAW RELATED TRANSLATOR'S FALSE FRIENDS

Natalia PAŞA, Facultatea de Limbi şi Literaturi Străine

"Prietenii perfizi din domeniul juridic" *reprezintă o cercetare calitativă şi cantitativă ce are scopul de a identifica prietenii perfizi ai limbajului juridic şi de a oferi soluţii pentru a evita astfel de greşeli. Această lucrare cercetează prietenii perfizi din domeniul juridic şi aspectul lor. De asemenea, arată actualitatea acestui fenomen lingvistic şi propune soluţii pentru a-l evita. Prin lucrarea dată noi am demonstrat că prietenii perfizi din domeniul juridic sunt o provocare pentru traducătorii din toate timpurile. Am încercat să cuprindem toate aspectele prietenilor perfizi şi să arătăm comportamentul lor în diferite contexte. Tema vizată necesită timp, atenţie, devotament, răbdare, eficacitate, cunoştinţe. Noi am reuşit să lucrăm îmbinând aceste componente pentru ca într-un final să obţinem o lucrare ştiinţifică în care se găsesc răspunsurile la anumite întrebări despre subiectul dat.*

"Good translations are one of the vital necessities of our time" F.C. Lucas said. The process of translation involves some challenges and issues and the translators are in charge to handle them. Common pitfalls in translation, especially when practiced by inexperienced translators include false equivalents such as *false friends*.

The paper is a qualitative and quantitative investigation of legal false friends. This paper investigates the legal false friends and their behaviour in the domain of law.

According to P.J. Chamizo-Dominguez "The term *false friends* refers to the specific phenomenon of linguistic interference consisting of two given words in two or more given natural languages that are graphically and/or

phonetically the same or very alike; yet, their meanings may be totally or partially different" [1, p.1].

Historically, false friends are the result of interfluence of languages. Words having similar form in the majority of cases were derived from words of Greek and Latin origin. Such words exist in different languages and are called international words. In a very limited number of examples they are the result of incidental coincidence. The concept *false friends* was born bearing precisely this idea that the English word seems to be friendly to the learner.

From the point of view of P.J. Chamizo-Dominguez, borrowings, calques and inheritances are the most usual source for creating false friends. But we identified other sources of false friends' formation which are as important as the previous ones: synonymy, homonymy, metaphor.

Synonymy is the relationship between two predicates that have the same sense. ***Borrowing*** is the process of adapting a source word to the target pronunciation and morphology. ***Calque*** lies in borrowing a given collocation or term from a SL and translating them into a TL with a particular meaning.

Many think that false friends and cognates represent one and the same definition, but for a linguist it is important to know the difference. ***False friends*** are pairs of words in different languages that have similar spelling and are perceived as similar but have different meanings. ***Cognates*** are pairs of words in different languages that have similar spelling and similar meanings.

The rise of English as a global legal language increases the need for translation of legal texts. Working in this area, a translator faces some problems or pitfalls that create difficulties in practice when working in or through English. Most of the mistakes consist in a wrong enlargement of the meaning of the word under the influence of the Romanian term. Thus, the word *reclamation*, which can be interpreted wrongly as *reclamație* (Engl. claim, complaint), has the correct translation *amendament*, meaning in Romanian "the modification of a law" [2]. The word *attachment* is defined in English as „the lawful seizure of property and placing of it under control of a court" [2]. It can become a false friend in Romanian being translated as *ataşament* with the meaning of „affection". Its correct translation is *sechestru*.

An important issue in legal language is to translate the concepts, terms, and expressions. Legal concepts are abstraction of the generic legal thoughts and rules within a legal system playing an important role in delineating each branch of the law. For instance, the term *aggravated battery* means "the unlawful use of force against another such as using a dangerous weapon" [2], and it could be translated as a false friend in the following way – *baterie agravată*, which is a wrong translation. *Agravat* from Romanian means

acute, *worse*, and usually it refers to a disease. The Romanian equivalent for this term is *atac în forță*. The expression *oral submission* should not be translated *submisiune orală* into Romanian, because it is a false friend. The right equivalent is *pledoarie* and it is "a legal agreement to submit to the decision of arbitrators" [2].

There are several classifications done by different linguists like A.Bantaș, Chamizo-Dominguez, A.Veisbergs. The most known and the simplest one is: ***Complete (total) false friends*** – pairs of words in two languages which are monosemantic in both or one language and this meaning differs from that of its counterpart. ***Partial false friends*** – pairs of words in two languages that are identical in one or several meanings but in some meaning are different.

A relevant example of total false friends is the English *parole* and the Romanian word *parolă*. These words have nothing in common if to speak about their sense. *Parole* means in legal language "the temporary or permanent release of a prisoner before the expiry of a sentence, on the promise of good behaviour" [2]. The translation into Romanian is *eliberare condiționată*. The Romanian word *parolă* has no relation with the legal domain. It has the sense of password, "a secret word or phrase that must be used to gain admission to a place" [2], and it cannot be used as a translation for the word *parole*.

Partial false friends are those who can cause problems due to different meanings. The first word from the category of partial false friends is *accessory*. From the first view, one will consider it as "a thing which can be added to something else in order to make it more useful, versatile, or attractive" [2] or as a small article or item of clothing. But we should mention that *accessory* has a second meaning in the domain of law. The Oxford Dictionary of Law gives the following definition: accessory is "one who either successfully incites someone to commit a crime or helps him to do so" [2]. For the first meaning, the translation into Romanian is simply, *accesoriu*, but for the second sense the equivalent is *complice*. It is essential for a translator to know both meanings and equivalents.

In order to see how false friends are identified and translated from English into Romanian, we made an experiment based on law related translators' false friends. We have chosen six sentences related to legal language, which contain words that might become false friends. Our task was to give these sentences to second and third year students to translate them, without mentioning about possible pitfalls. Making such an experiment we came to the conclusion that false friends are often met in students' translation and not only. The majority of times, false friends appear spontaneously, in situation of a simultaneous translation, or when someone does not consult the dictionary translating according to the intuition.

To sum up, false friends is a phenomenon present in each language and can affect both, learners of a foreign language and translators. The most frequent sources of false friends' formation are synonymy, homonymy and borrowing. There are two main things for translating words incorrectly: there are many legal words with several meanings, and the majority of legal terms sound alike with certain Romanian words. False friends constitute a real difficulty in translating legal documents because the majority of words are terms or concepts which have equivalents. In addition, quality false friend dictionaries, bilingual, etymological, explicative dictionaries are reliable reference works, that will furnish learners and trainee translators with facts instead of over-generalized tendencies.

References:

1. CHAMIZO-DOMINGUEZ, P.J. *Semantics and Pragmatics of False Friends*. Routledge Taylor&Francis Group, 2008, p.186.
2. *Oxford Dictionary of Law*, Oxford University Press, 5 edition, 2003, p.551.

Recomandat
Gabriela ȘAGANEAN, dr., conf. univ.