

LEGAL TRANSLATORS AS A BY-PRODUCT THE MANCHESTER-METROPOLITAN UNIVERSITY EXPERIENCE

Walter Cairns

The author is a Lecturer in Law and Languages at the Manchester Metropolitan University, deeply involved in the methodology of academic preparation of legal translators trained at post-graduate specialized studies leading to the M.A. degree in Law and French

That translation is an academic discipline in itself has become a proposition which few now care to challenge. Nor are many voices heard to oppose the viewpoint that specialist translation is not only a matter of acquiring the necessary experience by years of professional practice. Although the latter is an indispensable element in the legal translator's training, a sound academic basis will certainly expedite the learning process and provide a higher threshold from which to start the actual process of training for one's career. In the same way that running a business is a skill which can be acquired purely on the basis of experience, in the vast majority of cases a degree in business studies or management will accelerate the process and enable future leaders of industry to avoid many costly mistakes which would otherwise only be corrected by the time-honoured trial and error method.

Many countries fully realise this, and not only provide full-time postgraduate degrees in specialist translation, but also organise a system of special schools for translators. However, Britain is still well behind in this respect. It is true that there are a number of institutions where it is possible to take an MA degree in translation and/or interpreting, more particularly at such universities as Salford, Bath and Bradford. However, the cost of studying at MA level in Britain is very high, and the provision of study grants for postgraduate study increasingly scarce. Because there are few openings for full-time staff translators, and many students shrink from plunging immediately into the world of self-employment, relatively few language graduates take up this opportunity. Also, even among the existing scarce MA degrees, there are hardly any specialist translation degrees to be had, and certainly not in legal translation. There used to be one at the Polytechnic of Central London, but that bit the dust more than 15 years ago.

This is extremely regrettable, because there is a crying need for good legal translators in Britain – more so, perhaps, than in other countries of Western Europe. The reason for this is twofold:

(a) British lawyers are less likely to know any foreign language than their Continental counterparts, and when faced with a text – such as a will drawn up in France or a contract concluded in Germany – will not even be able to gauge the general drift of the document in question. They are therefore more likely to need the services of legal translators for mere comprehension purposes, let alone for such ends as drawing up pleadings which are to be presented to a foreign court.

(b) Even if the British lawyer has a basic knowledge of a language, it will be difficult for him, unless he is thoroughly familiar with the legal system in question, to understand the legal language in which the document will be drafted. The same problem will not manifest itself for, say, the Dutch lawyer who has a basic knowledge of French. He will recognise the legal language, simply because the Dutch legal system was strongly influenced by the French Napoleonic codes of the early 19th Century. However, since English law followed a fundamentally different course from French law – a subject to which I will return later – the legal language will present the British lawyers with a considerable additional difficulty.

(c) English is the lingua franca of a large number of international institutions. Even among the European Union institutions, where for a long time French was the main working language, English has worked its way up to a position of at least equality with French.

The need for translating international legal instruments into English as a target language has therefore increased correspondingly.

That is why many of us who are academically involved in legal translation would dearly love to see a more serious approach taken towards this subject by the educational authorities and fund holders. Ideally, we would advocate a two-year intensive programme aimed at language graduates or law graduates who already have a certain knowledge of languages, with a flexible content. This would include not only an academic training, but also a period of practical traineeship with a firm of translators or even with a law firm or an international or European organization. In fact, I have still not abandoned all hope for starting up some such degree at some point in the future, perhaps with the assistance of European sponsorship money.

That, however, is long-term policy, and in the meantime we have to make the best of the means actually at our disposal. At the Manchester Metropolitan University (MML), we have had for some time now awarded a first degree at Bachelor's level in Law and French. It has to be said immediately that we are far from the only University in the country to organize such a degree; however, we can claim that it was the first of its kind, established as it was in 1974, well before some of the better-known institutions such as King's London and Exeter followed suit. However, the degree still bears the hallmark of those who established it in those early days, and the accent on legal translation is decidedly more pronounced at MMU than any other law and languages programme of my acquaintance.

At this point, it is perhaps appropriate to provide a brief overview of the course curriculum. The basic objective of the course is not, it has to be admitted, to turn out a regular supply of suitably qualified legal translators. The object of the exercise is to train English lawyers with a sound knowledge of French

- (a) to deepen their linguistic knowledge, and
- (b) to acquire a knowledge of the essential areas of French law.

In terms of the employment prospects of our graduates, we tend to aim for British law firms having branches in France and Belgium or transacting a considerable volume of business with other countries. The fact that, subject to certain adjustments, the students will follow all the subjects required in order to satisfy the requirements of the Law Society, being the professional body of solicitors in England, testifies to this. The reason for this particular pitch is once again mainly of an economic nature: few students would be attracted towards this four-year programme – a year longer than the ordinary English law degree – if they did not have the assurance of Law Society recognition.

Another particular feature of this degree is the year which the students are required to spend abroad. In the early days of the degree this element was not compulsory and mostly took the form of a year spent as a language assistant in a school. This has now been converted into a year spent at a university either in the Law Faculty (Bayonne), in an Institut d'Etudes Politiques (Lille, Strasbourg, Lyon) or on a special multi-disciplinary programme devised especially for exchange students of all nationalities (Nantes). The aim of the year abroad is therefore twofold:

- (a) to increase their knowledge of everyday French by their constant exposure to the language, and

(b) to have studied in French, and therefore learned to think academically in French.

So, let us now have a brief look at the curriculum year by year.

In Year One, the students take three English law subjects, as well as four hours of French. These four hours are broken down as follows:

(a) a lecture course explaining the French legal system against the background of French history and society;

(b) translation-precis (general, but towards the end of the course we introduce a legal element in these sessions).

(c) alternatively an hour of language laboratory training and sessions of spoken French, and

(d) grammar and comprehension; the latter element is still considered necessary because, even though our students are required to have a good A-level in French, language teaching methods in British schools vary so widely nowadays that we need this course as a "leveller" – for those whose knowledge of grammar is quite advanced, this hour is a useful refresher course, whereas those for whom grammar was taught less intensively at school, it is a necessary and expedient way of remedying this omission (for an omission it surely is).

Year Two follows the same pattern, with the following differences:

(a) the lecture course, being French public law, is taught entirely in French,

(b) in addition to translation-precis, the students are given practical sessions in French, business, correspondence, and

(c) the grammar/comprehension course is replaced by legal translation (of which more later).

Year Three is the year spent abroad.

Year Four has an almost identical programme to Year Three, except for subject-matter of the lecture course, which is France against the background of the development of European integration.

The session on legal translation are worth considering at greater length, since this is the aspect which differentiates the MMU programme from virtually all other similar degrees. The second-year legal translation course builds on the skills acquired during the general translation sessions held during the first year. The students are first made aware of some of the extra difficulties involved in legal translation – stressing particularly that it is mainly the difference between the legal concepts rather than any intrinsic linguistic difficulties which will pose the major problems – and inform them of the severe limitations of dictionaries in this context. In fact, we strongly recommend them to draw up their own glossary of legal terms, which they compile as difficult terms and concepts arisen during the translation of the text. We, then, translate text after text taking good care to provide a good mix of legal instruments, i.e. not only court judgements, but also items of legislation which have their own specific translation difficulties. These glossaries sometimes assume extremely impressive forms, and stand the students in very good stead, even after they have graduated. We also require the students to submit a number of written assignments during each term.

During these sessions of legal translation, a member of both the languages staff and of the law staff are present simultaneously, which gives the students as deep an insight as possible into the issues involved in legal translation. At the end of Years Two and Four, the candidates must take a separate examination in legal translation, which consists in straightforward of a court judgement.

We also rely to certain extent upon the other elements of the language part of the course to improve our students' ability as legal translators. Thus, we have ensured that every lecture

course on French law and society closely mirrors a course taught under the English law part of the course. In the second year, for example, we teach them both constitutional and administrative law, and albeit at a less intensive level – French public law. Since the legal translation course in the second year concentrates mainly on texts drawn from French public law, the students have the opportunity to familiarize themselves with the comparative terminology in that context also. We have noted that this reinforces considerably the legal translation course. The same occurs to a certain extent during the final and fourth year. The lecture course has considerable elements of European law, which the overwhelming majority of final year students also take as an optional course soon to be made compulsory). Here again, this has a positive effect from the point of view of familiarizing the students with the relevant terminology – particularly as the legal translation course in Year Four consists mainly in the translation of decisions of the European Court of Justice and the European Court of Human Rights.

It is our proud boast that at the end of these four years our graduates are as near to becoming fully qualified legal translators as is possible within our resource and time constraints. We have an interesting way of testing this claim after the Year Four examination. In most cases we set the candidates a decision of the European Court of Justice which they have not seen before. We often compare the students' scripts with the official translation made by the ECJ English translation staff, and in some cases have actually obtained better results. Another verification mechanism is the „external examiner" system. In Britain, all honours degree examinations must be checked by external examiners who change every four years. We have been complemented time and again by our external examiners for the quality of this particular part of the students' examination papers.

We are now trying to encourage as many people as possible to look towards legal translation as a career objective in its own right. This we do by making information available to them about the various traineeships available with the European institutions – in the course of which they very probably be called upon to do a great deal of translation – as well as the various civil service examinations, both at the national and at the international and European level. The reason why we find it difficult to do so is in itself a tribute to the success of our course. Our students generally find little difficulty in finding employment in the world of legal practice and tend to prefer a career as practicing lawyers who are regularly called upon to use their language skills, rather than spend forty years of their lives translating legal texts in an office in Brussels or Strasbourg.

It is therefore extremely frustrating for us to note that we are capable of achieving such results under very difficult circumstances, yet are unable to capitalize on these results by organizing a Master's Programme in Legal Translation. Some year ago, I made proposal to this effect to my Department, but without success. As I mentioned before, the problem is twofold: obtaining necessary interest and motivation on the part of first-degree graduates, and persuading the education authorities that it is an investment well worth making. Perhaps in the course of the discussion, some colleagues might have suggestions to make as to how we could improve our chances of starting this Master's degree programme in the light of their own experience. We have the knowledge, experience and know-how, particularly as I myself passed an EC Civil Service examination in legal translation ten years ago. All we lack at present is the necessary commitment and support from the public authorities.