

A Corpus Based Study of Simplification in The Legal Translated Documents of Pakistan

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KEYWORDS

SIMPLIFICATION, AUTHENTIC
LEGAL TEXT, CORPUS BASED,
TEXT TYPE, LANGUAGE PAIR



Date of Publication:
08-06-2020

ABSTRACT

Simplification has been reckoned among translational universals since Baker's (1996) incipient contentions. This study aims to investigate the relevance of simplification hypothesis in translated authentic legal documents. The text of the Constitution of Pakistan and its Urdu translated draft served the purpose of data in this corpus-based study. Word list and key word list tools available in Wordsmith6 have been employed to measure the simplification indicators. The analysis has suggested that the text understudy does not verify the simplification hypothesis. However, the generic conventions, the speech act theory and the less flexible nature of translated texts situated on LSP cline provide sufficient justification for contrary to hypothesis findings. The findings of this study can be further strengthened by conducting the similar studies on other legal text types and other language pairs. The study would provide insight to legal translators, trainers, trainees, editors and genre analysts.

Introduction

Simplification alternatively termed as disambiguation has been categorized as “most persistent unbending norm” among the translation universal both by Baker (1996) and Laviosa(2001).It has been studied both as an intrinsic feature (unconscious) and as a conscious technique to meet sociolinguistic norm of acceptability by a series of scholars including Baker(1993), Berman, Bemardin and Zanettin(2004), Blum-Kulka and Levenston(1983), Chesterman(2004), Harvey and Higgs(1992), Laviosa(2002), Mossop(1983), Nida(1969), Papai(2004), Toury(1980), Vanderauwera, Vinay and Darbelent(1995).

Literature Review

As far as the form and function of simplification in any text is concerned Mossop(1983) equates it to omission of “excess of verbiage” and this strategy simplifies the reader’s task. Baker(1992) regards translational transformation of any hyponym by some superordinate term as a conventional strategy in order to deal with the issue of non equivalence. Such strategies reduce the information load (Laviosa 2002). Harvey and Higgs (1992) termed this strategy as “generating translation” and in it the explicit details of the source text are replaced by words having wider and less specific meaning. Larson(1998) talks of simplification as a means of reducing redundancy to develop ‘easier understanding’. This redundancy reduction strategy can be syntactic, semantic or stylistic. Papai(2004) is of the view that explicitation and simplification appear simultaneously in translated texts. He is of the view that lexical repetitions involved for the process of explicitation leads to ‘lower variety of vocabulary’ and result in simplification. Certain categories are erroneously considered instances of simplification i.e opacification (translational error or inability to understand and translate source text entire range of references syntax, morphology, meaning). Similarly, simplification can not be considered synonymous to implicitation since by condensation implicitation may make reading of a text harder. Although, replacing one hard word with an explanatory phrase also increases repetition and redundancy in the text, the phrase may nonetheless be easier for reader to understand. This makes it possible to consider the text to be simpler in terms of its readability. For Blum-kulka and Lenvenston(1983) only translational strategies involving the superordinate term usage and overgeneralization reduce the target text vocabulary range and results in lexical simplification.

Toury(1980) contends on empirical grounds that translated titles of Hebrew novels have a “limited range of syntactical patterns” and that is a tendency towards simplification. Vinay and Dabbernet(1995) consider the higher frequency of grammatical function words compared to content words as an indicator of simplification. Baker(2018) also accepts lexical density and type token ratio as indicators of simplification in translation. Hansen and Tech(2001) regard lower lexical density and type token ratio in translated texts as an instance of simplification. Most of the later empirical studies on simplification have scrutinized vocabulary and grammar and focused on word frequency and sentence length.

Providing the evidence of simplification Shelsiger(1989) suggested that extended clauses are replaced by shorter ones as well as long strings of paratactic clauses. Shelsinger(1991) established that court interpreters either condense or omit pre or post modifiers, nominalizations, series and sequence of prepositional phrases. Repeated phatic expressions, inappropriate comments, direct references to interpreter’s self are mostly omitted. Braithwaite(1996) found four regular patterns of simplification i.e “lower lexical density ratio, higher proportion of high frequency words, larger percentage of total vocabulary in the list head and fewer lemmas in list head.” These findings led Braithwaite(1996) to conform simplification hypothesis based on simplified vocabularies and lower information loads. Zanettin(2000) investigated the vocabulary of one and half million words taken from parallel corpus of Italian English literary corpus. He found that translated texts appeared to be ‘lexically less varied’ than non-translated texts. Camargo(2003) found tendency towards simplification in his research on journalistic and non literary texts translated from English source to Brazilian-portuguese target language. Anyhow, this study has pointed out that though translated texts have lower type token ratio yet being situated on the cline of functional variety of language the proportion is very low when compared to that of literary texts.

Laviosa’s (2000) study based on the analytical framework of lexical variety, sentence length and information capacity to measure simplification recorded that translated versions of texts have restricted lexical variety and the ratio between content and function words remains low. Moreover, consistent tendency in use of high- frequency words in contrast to lower-frequency words and lesser average length of sentences in translated texts has also been observed by this study. Hu’s(2007) analysis conducted on the lexical features of Lancaster Corpus of

Mandarin Chinese and Contemporary Chinese Translated Fiction Corpus also supported the simplification tendency in terms of restricted lexical variety in translated fiction. The findings are suggestive of the fact that fewer words and phrases are used, a lower lexical density is adhered. The translated fiction employs a higher percentage of high frequency words in comparison to non translated fiction, news articles and other non literary texts produced in Chinese language. These findings strengthen the hypothesis that in translated texts content words have lower occurrence rate and lexical items are preferably repeated. Wen's (2009) study conducted on detective fiction was based on the analytical framework of average sentence length, type / token ratio and lexical density. The study reported that the type/token ratio and the lexical density of translated corpus is lower than non translated one and the average sentence length of the is also less in the case of translated detective fiction in comparison to non translated one. Hence analysis of this study again verifies translated texts are strongly prone towards simplification. Xiao and Dai's (2010) study conducted on the Lancaster Corpus of Mandarin Chinese and the Zhejiang University Corpus of Translational Chinese (ZCTC) verified the simplification hypothesis in terms of lexical density. The findings suggest that the indicator of simplification hypothesis i.e lexical density has been verified. Since the ratio between content and function words in translated Chinese is lower than non translated one.

The findings of the above mentioned studies establish translation as a distinct form of verbal communication. In this process of translation the translator assumes the role of a facilitator i.e the role of the person who establishes a communication bridge between source text writer and the target text reader. This bidirectional communication on the part of translator involves his effort to comprehend the message delivered by source text writer on one hand and on the other hand an attempt to transmit the information deduced from source text to the reader of target text. In this dual role, he most of the times opts the principle of economy or least effort aiming at best possible transference in order to facilitate reader's understanding instead of hampering it. In order to achieve this end he prefers to use ordinary words, simple sentences having least redundancy and repetition. Hence this principle of least effort interferes with translators' inference of the non translated text as well as his production of the target language culminating in two dimensional simplification. Thus, the principle of least effort governs translators' efforts to simplify the text. The literature discussed above has established

simplification as the accepted universal feature and Chasterman's(20004) claims regarding the existence of translation universals seem sound, "Genuine universals are the subject of unrestricted hypotheses" irrespective of text type, time and place.

Internationally narrowing cultural, social, academic and economic boundaries require for an extended professional practice of translation and that too in the domain of functional varieties of language. The investigation of legal data from translational transformation perspective had been a belated development rather an unattended area particularly in Pakistan. The immediate context in Pakistan aroused in consequence of Supreme Court Of Pakistan's judgment to translate all legal documents in Urdu has generated immense translational activity. But this professional practice cannot be isolated from theorization, analysis and translation training. The translational analysis of these legal texts from the paradigm of simplification would be a preliminary step in this direction. As a result this study would be situated along the exploratory and descriptive paradigm. Hence the current study aims to investigate the simplification tendency in legal translation and the specific genre chosen for the purpose of analysis in this study is authentic institutional translation.

Research Questions

1. How far the authentic legal translated text analysed in the study verifies the translation universal of Simplification?
2. If the analysis does not verify the hypothesis, is there any language specific or genre specific reason behind it?

Methodology

The methodology in this study is based on the use of electronic corpora i.e a sample of authentic text gathered in electronic format and analysed as being a representative reference for linguistic research (McEnery and Wilson 1996; Bowker 2002; Bowker and Pearson 2002). An important point in this regard is that the present study is "corpus-based" rather than "corpus-driven," to use Tognini Bonelli's terms. Tognini Bonelli (2001,2004,1996) distinguishes between a purely inductive, "corpus-driven exploration and discovery of patterns in corpus data, versus the more deductive approach of formulating a hypothesis and then modifying it based on tests on a corpus. The latter is the "corpus-based" method of the present study.

The Corpus

The data for the purpose of analysis in this study consists of the source English and target Urdu text of the constitution of Pakistan as available on the official website of the Supreme Court of Pakistan. With such texts, identification of individual translators and authors is not possible. The authorship of documents on such sites is rarely identified and can arguably be designated as “institutional,” since most of these documents are in all probability the work of more than one person. In their anonymous authorship, the institutionally translated text under analysis can be assumed to have been produced in the manner of what is called “factory translation” in Milton (2000). Among the characteristics of “factory translation” noted by Milton are the texts that are produced anonymously, through teamwork.

Table 1: The Corpus Design

Status	Non Translated, Translated
Languages	English and Urdu
Text type	Non-literary: specialized legal
Authorship	Institutional
Size	Approximately 125,000words
Text coverage	Full texts (no excerpts)
Medium	Writing
Subject	Law
Publication dates	2015

Analytical Design for Measuring Simplification

The hypothesis about simplification is that the vocabulary and sentence structure is simplified during the process of translation. To test the hypothesis of simplification as a feature of translated legal institutional documents, three descriptive statistics would be obtained: standardized type/token ratio, lexical density ratio, and mean sentence length. The similar measures had been used to investigate simplification as a recurrent feature of translation by Laviosa(2002), Hu(2007), Wen(2009) and Xiao and Dai(2010).

In the present study WordSmith6 has been used to analyse the text. By using Wordlist tool information about file size, total number of characters, running words (tokens), standard type token ratio, mean sentence length in words has been gained. In order to find lexical density keyword list tool available in WordsSmith6 has been used. After getting frequency of lexical items, following formulae: Lexical density = number of lexical items/ total number of words has been used to find lexical density both in source and target text.

Results

The analysis has revealed that the findings of this study are quite contradictory to simplification hypothesis since in the case of institutional authentic legal text understudy the translated draft has higher type token ratio, mean sentence length in target text is higher than source text. Moreover, the hypothesis of simplification has not been verified by the analysis of lexical density measure that is slightly higher in target text as compared to source text. A detailed description of the findings is given in the table below.

Table 2

Statistical data for the assessment of simplification hypothesis				
Simplification Features	Measure	Non-translated(English)	Translated(Urdu)	Difference
Vocabulary range	Type/token/100 ratio	4.59	6.75	2.16
Information load	Lexical.density ratio/100	54.16	62.52	8.36
Syntactic complexity	Mean.sentence length	22.71	45.15	22.44

Discussion

The following reasons can be considered as contributing factors to the contrary to hypothesis findings: The very nature of the source text being an authentic legal document would not let the translated text undergo higher degree of modification or simplification. Functionality or the norms of acceptability in target language system may influence the

translated text in the case of literary or other technical texts and even in the case of legal translation for informative purpose but in the case of authentic translated texts for normative purpose the norms of expectancy would hold strong. Source text or the will of the author prevails since to give translator or interpreters an authority to play creatively with the text implies to put to the background the will of the original author that can cause a misinterpretation or misunderstanding of a sensitive legal text. Fidelity to the spirit than to language can be true to the other text types but not to this specific legal text type.

The fidelity to 'letter' or 'spirit' has been a long standing debate in legal translation too, But linguistic fidelity has been deemed necessary for such institutional authentic documents Zaborska(2000) and Kasier(2000). For example when the similar type of texts are translated in UN documents, the instructions for the purpose of translation hold that "the fidelity to the original text must be the first consideration". (Sarcevic 1997). Similarly, in US it is not permissible to legal translators to change the sentence length because by doing so there would be great possibility of adding their own interpretation Beyer and Conredsen (1995). This very idea is expressed by Kasier(2000) "the meaning of legislative text is declared rather than construed or created". This very approach has been adopted in jurilinguistics in Canada and Hong Kong where the equal status of statutes English and French in former case and English and Chinese in later case has made formal parallelism necessary.

Regarding the structural patterns of the legal texts Sarcevic(2000) observes that the structure of any legal text mostly represents the process of legal reasoning underlying that particular text and " seems to be similar for same type of instrument and this structure of a legal text is dependent upon the genre of the specific text." As far as the structure of the source text under study is concerned it follows the structural criteria laid down by Tiresma(2003) for the statutes. It has long title, an enactment clause, substantive provisions, short title or citation. The translated draft of the text being an authentic version has also followed the same structure. This very act of the adoption of macro generic structure without any adaptation reduces the possibility of any modification in terms of simplification.

Another justification for the structural consistency is provided by Vadarskicne(2006) by saying that legal acts or statutes are organized in such a way that it would facilitate understanding of subject matter, to identify parts of a text and to focus specific things. This statement further

illustrates that the generic structure is highly functional and it contributes in comprehension of text and alteration in the structure in terms of simplification may result in obscurity by adding an unconventional structural pattern to the translated text.

Leaving simplification of the translated legal texts aside, the plain English campaign supported by Bhatia(1987,1993) and Cesniene(2015) has also been disapproved by lawyers and other legal professionals on the grounds that such ‘easification’ and simplification would result in loss of specification of legal scope, ‘legal certainty’ ‘technical accuracy’, and ‘linguistic precision’ (Donata 2016). This observation further strengthens the idea that if the translated draft of some constitutional legal text has to retain its authentic status and it should not undergo any ‘easification’ or simplification process.

A possible objection on such translation retaining the letter and spirit of the source text can be posed on the ground of skopos theory, Vermeer(1984) himself claimed the applicability of the theory to the legal translation. On the other hand legal experts like Torosborg(1994), Madeson(1997), have objected the recipient oriented aspect of the theory in the case of legal translation. Garzone’s(2000) observation regarding the application of Skopos theory to legal translation has drawn a categorical distinction between different legal text types and their functions and regarded authentic translation in bilingual context as a specific text type having informative, prescriptive, and performative role simultaneously. The equivalence of letter and spirit is essential in the case of such translation in order to achieve complex functional nature of the source text though not for the other legal text types that have a single function to perform. For Garzone(2000) “the legal translator’s project varies depending upon the fact whether target text would be authoritative and if so whether it is to take its force from the same performative act as the original as is the case with bi or multi lingual legislation or from a new speech act to be performed within legal system of target language.

Another angle from which the findings of this study can be interpreted is that the broader category to which the text understudy belongs is LSP. As the previous literature shows that LSP texts i.e academic, news papers etc undergo less modification during the process of translation as compared to the literary and other genres. These very findings have been established by Taylor(2003) .In ‘Linguistic Insights’ on the cline that show the degree of creativity asserted by translators in different types of texts, Taylor(2003) has placed legal texts in general on the side that

undergo less modification and statutes in particular among the texts that are least modified.

So the discussion leads to the contention that the translated text under study does not accept the universal trait of translation i.e simplification and this can be attributed to the very nature of the genre i.e prescriptive text, statutes, and its authentic translation being an attempt to retain the function or status of the source text.

Limitations of the study

The findings are text type (institutional) legal translation specific and Urdu English language specific. So they cannot be generalized to other text types and languages. The data was limited to the text of the constitution of Pakistan. Only three measures to analyse simplification have been employed. For further insight and more revealing findings the data set and can be enhanced and other measures to analyse simplification can be added to the analytical framework.

Significance of the Study

- ❖ Such analysis dealing with genre and text type specific translational transformation would pave way towards reconceptualization of translation practice with an aim to overcome linguistic incongruities and communicate the illocutionary force of the source text by employing appropriate linguistic features.
- ❖ The study would play rudimentary role in the formation of translation for specific purpose based bilingual glossaries and terminological databanks like JUSLEX and JudGENT. These databanks would assist in preparation of translation memory tools.
- ❖ The findings of this study would facilitate translators by providing genre and text type specific strategies in their respective field of translation.
- ❖ The findings of this study would facilitate in creation of web based translation competence models for applied legal translation studies.
- ❖ When viewed from a broader standpoint the output of this paper would not only be exclusively fruitful in Pakistani context but applicable globally to all the contexts where translational activity is construed as an administrative obligation—a result of country's long standing cultural and linguistic 'dualism' and where translational activity is pursued as an institutional practice.

Insight For Further Study

An interesting development can be investigation of the similar data and the same simplification hypothesis from the perspective of co drafting techniques and the findings would be illuminating in text type specific peculiarities. Moreover, the findings of the studies on the same Urdu English language pairs on the literary, other legal text types and non-translated texts based on the analytical framework of simplification can add significant insight to the results of this study.

Conclusion

This corpus based study aimed to scrutinize the translational hypothesis of simplification has provided the findings that are quiet contradictory to hypothesis. The analysis has established that the text under study has deviated from translational norm of simplification in terms of all the three measures i.e type token ratio, lexical density and mean sentence length, conventionally regarded an instrument to measure simplification. However, an in depth probe into the very nature of the text i.e authentic legal document and the authoritative function it has to play, an insight into the speech act theory and least bending nature of the translated drafts of functional varieties of language justify the findings of the study. These findings can further be verified by enhancing the number of texts belonging to the authentic legal genre and other legal text types. Moreover the findings would be further authenticated if similar text types in language pair other than English, Urdu would be analysed by employing similar analytical framework.

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