

Sworn translators and interpreters in the legal field, mutually exclusive?

FRANCISCA GARCÍA LUQUE
UNIVERSIDAD DE MÁLAGA

TRANSLATION AND INTERPRETING
CONVERGENCE, CONTACT, INTERACTION

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1. INTRODUCTION

- In a province like Málaga, located in the Coast of the Sun, the presence of foreign people who might not speak Spanish leads to a considerable demand in translation and interpreting services.
- Translation and interpreting tend to be considered in the academical context as two different professions.
- We intend to reflect a situation that seems to be more complex than what this sharp division may suggest, in which the translator and the interpreter is the same person.

2. OBJECTIVES

- To reflect about the relationship between translation and interpreting.
 - Common aspects (linguistic and cultural knowledge in two languages and cultures, expert knowledge, documentation strategies, text/discourse analysis, etc.)
 - Divergences (cognitive abilities related to different areas)
 - Interpreting: Oral comprehension, memory, note-taking, reaction time, documentation process (before), oral expression.
 - Translation: Written comprehension, documentation process (after), written expression.
- To describe a reality in which these two professional profiles converge.
- To analyze how university degrees try to respond to this heterogeneity.

3. PREMISES

- Academia establishes a clear division between translating and interpreting.
- Academic profiles are often mutually exclusive.
- The labor market does not always reproduce this separation and very often potential clients are not aware of the different professional profiles of translators and interpreters.
- In many contexts, translation and interpreting converge in the same individual.

4. ACADEMIC OVERVIEW

Differences and similarities

- **Traditionally, literature focuses on the differences.**
 - Conditions concerning access to the source text / discourse.
 - Material conditions for carrying out the activity (technical equipment, personal interaction).
 - Cognitive abilities involved in the interpreting process: memory, shared attention, etc.
 - Time restrictions in interpreting.
 - Space restrictions: physical presence of the participants in the communicative act.
 - Difference in the strategies involved: reconstruction of information.

(Collados y Fernández Sánchez, 2001)

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- Documentation phase/process takes place at a different moment in translation and interpreting.
 - The target discourse is emitted only once and there is no possibility of changing or rewording.

(Torres Díaz, 1998)

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- “Interpreting is about communication. [...] Interpreters only exist because of that language barrier, and they must obviously have sufficient linguistic knowledge if they are to translate correctly. But the barriers to communication, and there the role of the interpreter, are more than that. [...] Communication difficulties are thus much more than pure translation difficulties.”

(Jones, 1998: 3)

Definition of translation	Definition of interpreting
<p>“Translation is an interpretative process consisting of the reformulation of a text with the means of a language that takes place in a social context and with a given purpose.” (Hurtado Albir, 2001)</p>	<p>“The communicative oral process established to overcome the lack of linguistic comprehension between two clients belonging to two different cultures and languages or to two different communicative codes.” (Torres Díaz, 2004: 16)</p>

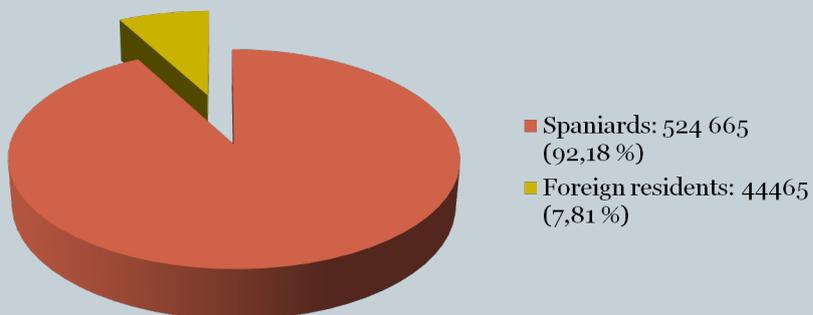
<ul style="list-style-type: none"> • Focus on similarities <ul style="list-style-type: none"> ○ Experts in linguistic and cultural mediation <ul style="list-style-type: none"> ✦ Translators need also competences in oral expression. <ul style="list-style-type: none"> ○ Communication with clients →inspire confidence. ✦ Interpreters need also competences in text analysis and text production. <ul style="list-style-type: none"> ○ Sight interpreting. ○ Written communication with clients. ✦ Translators (i.e., in AVT or literary translation) and interpreters (in all settings, especially social settings) are cultural intermediaries.

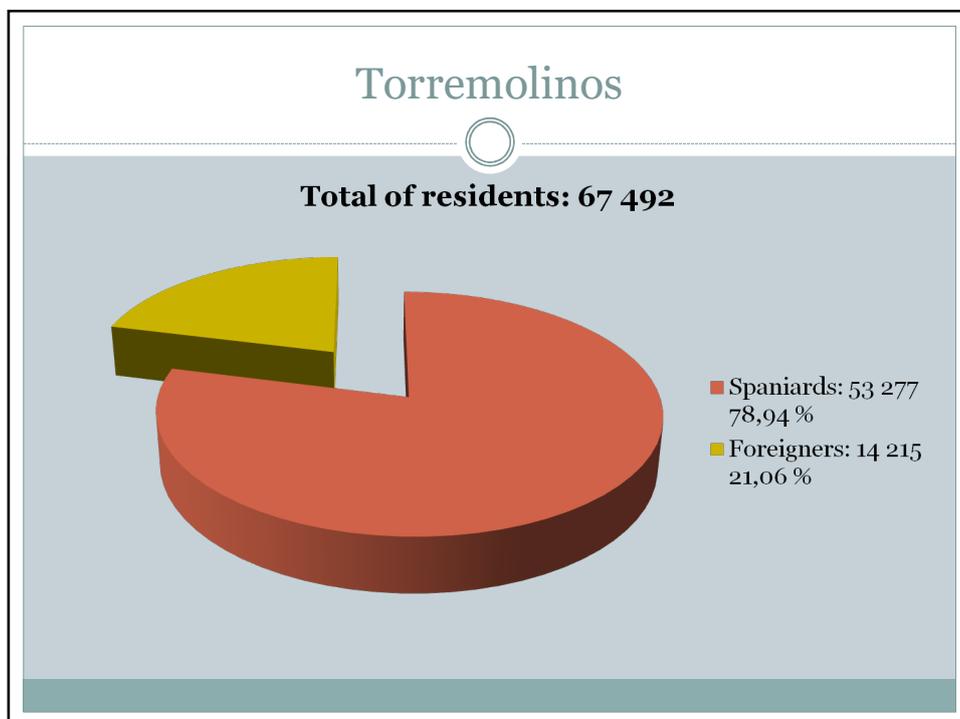
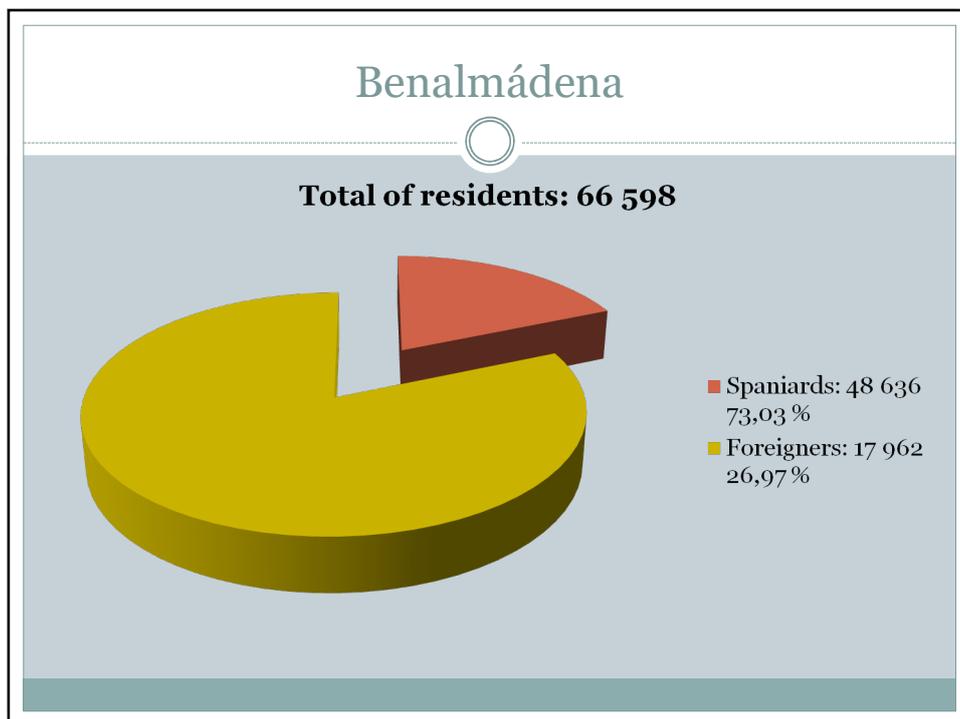
- Need for expert knowledge (conceptual and terminological)
 - ✦ Curiosity
 - ✦ General knowledge
 - ✦ Attention to details and to precision
- Experts in documentation (specialized translation and interpreting)
 - ✦ General interpreting? ≠ general translation
- Similarities in translation techniques (adaptation, condensation and omission)
 - ✦ Subtitling, voice-over , interpreting.

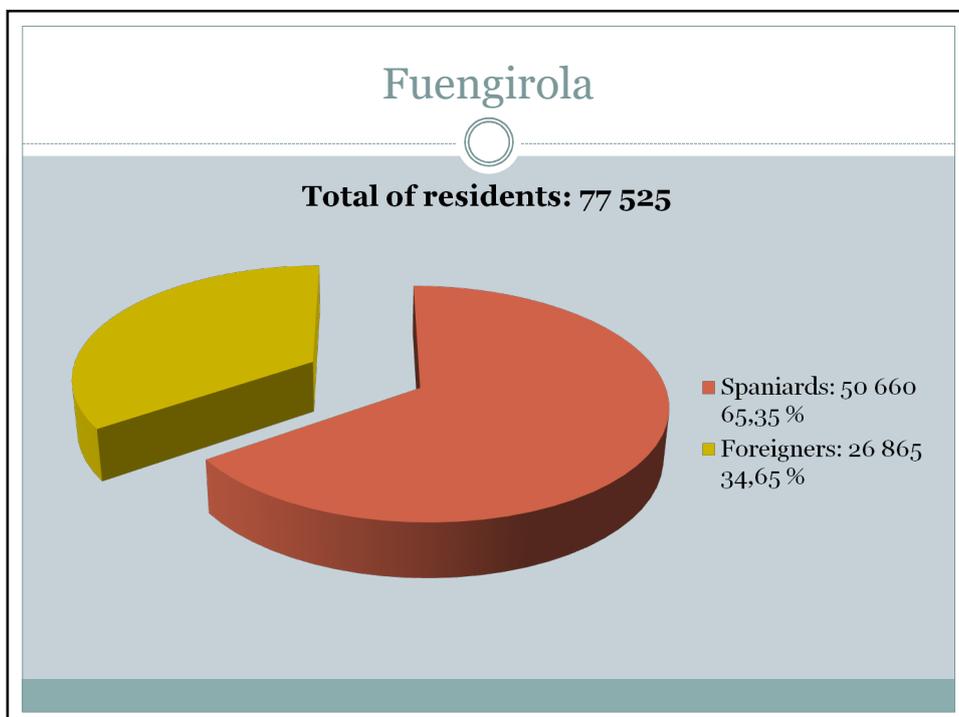
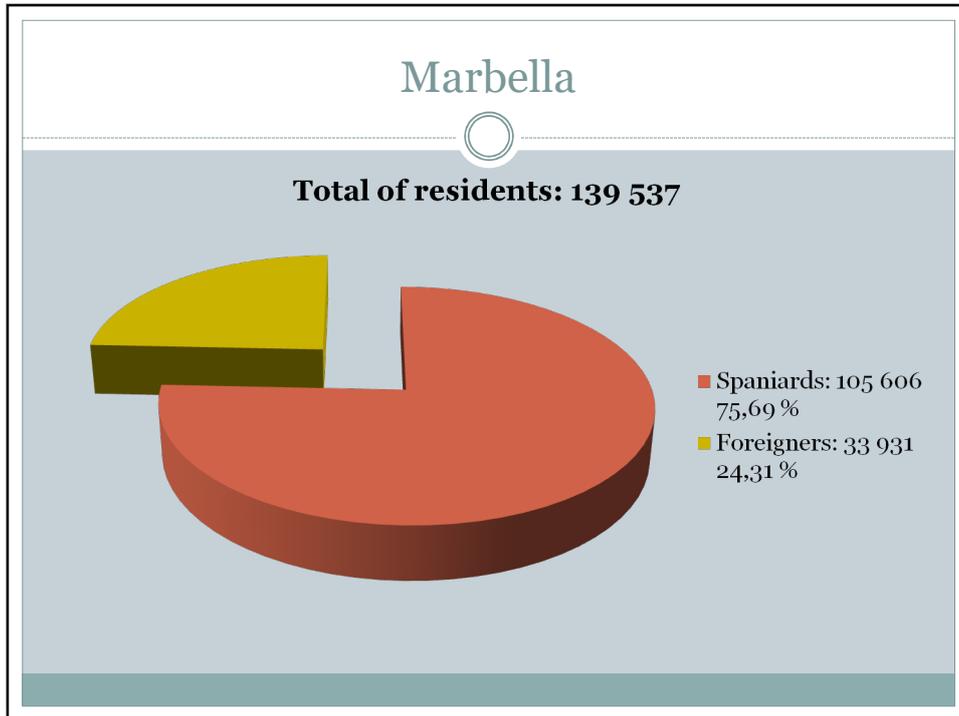
5. DESCRIPTIVE ANALYSIS

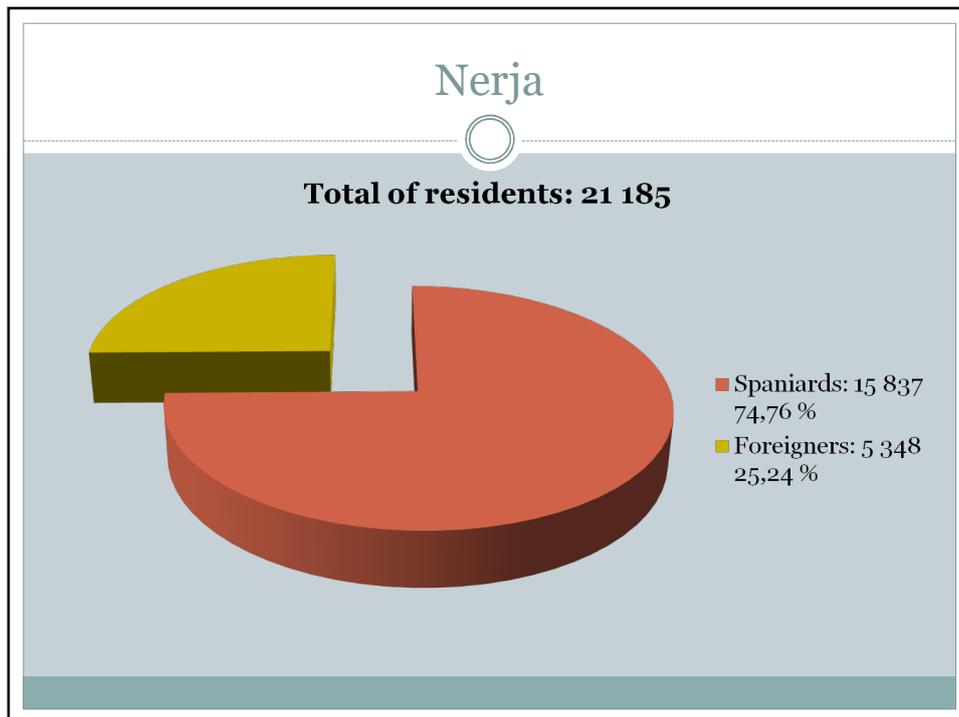
Some statistical data about our local market:
the Coast of the Sun

**Total of residents in the province of Málaga:
569 130**









Sworn translators and interpreters

- **Consequences:**
 - Growing amount of documents (not in Spanish) to be processed and used.
 - Administrative and legal procedures to be carried out both in the public and the private areas.
 - The presence of translators and interpreters in the daily life of many residents in our province is absolutely necessary.
 - Part of the mediation needed is oral and another part is written.
 - For some written documents, a sworn translator is needed, when the target of the translation process is the Justice administration or other public administrations (Education, Foreign Affairs, etc.) (Mayoral, 1999: 17)

Textual genres in sworn translation

- Documented elements: birth, marriage, academic degrees, testaments, legal sentences, criminal activities and other facts with administrative or legal value (purchase agreements, medical prescriptions, etc.)
- Documental elements: letters, reports, certificates, translations, etc.
- Validating elements: certification proceedings (notary, register, Apostille of the Hague).

• Consequences:

- Many of the sworn translations needed for some procedures are to be processed by notaries, lawyers, registrars, who might not speak the language of the applicant.
- There are some legal prescriptions which require the presence of an interpreter in order to ensure the total understanding of what is being signed.
- The sworn translator has to act as an interpreter.

6. THE ACADEMIC RESPONSE

- Our current systems is 4 + 1 (at the moment...)
- At the University of Málaga, the three first years are similar for all students.
- During the third year (bilateral and consecutive interpreting)
- The fourth year has three different itineraries:
 - Specialized translation (economic, legal, scientific, technical)
 - Interpreting
 - Non-specialized translation (a third foreign language)

- All students acquire basic skills in bilateral and consecutive interpreting.
- Students who choose specialized translation in the legal field have no more training in interpreting during the fourth year; they acquire competences in the legal and economic field (expert knowledge, genres conventions, etc.)
- The situation is very similar in other Universities.

7. CONCLUSION AND FINAL REFLECTION

- Translations and interpreting trainers must be aware that sharp separations between interpreting and translation in the legal field do not always reflect professional reality.
- As an example, the change in the name of the sworn interpreter → sworn translator and interpreter (1999)

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