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LSP Translation and Globalization

Multilingual settings are becoming the norm in a globalized society as more and more people coming from different social and cultural backgrounds are able to take part in LSP communication. Moreover, the approach to the problems of dealing with more than one language in professional settings has become a multidisciplinary one. What has remained, though, is a general negative attitude towards translation; many still regard it as a nuisance in the much larger, and much more important process of localization of products or services, or as a less-than-ideal solution in the overall process of multilingual LSP text production. Translation seems to be absorbed by some newer trends; it just seems to be some untouchable phenomenon, something that nobody wants to deal with (apart from a few incorrigible academics), despite its long history as a social and cultural factor. Globalization is the ever present buzz word today and in this chapter we will try to outline the changes brought about by globalization in LSP translation as a type of multilingual LSP communication. We attempt a definition of LSP translation built on existing definitions for specialised communication and general translation; thereafter we provide a brief analysis of the changes that affect the notion of culture and subject field, and describe these changes in the particular discipline of law.

1. LSP translation

For the general framework of a translation activity, especially in an LSP environment focusing on written texts and a professional translator's setting, we endorse the functionalist approach and try to use a definition from this specific branch of translation studies, which

is specific not only in its assumptions but also geographically as it comes from the German-speaking community. This could leave us open to criticism from scholars of other branches of translation studies, but nonetheless we regard this definition as one which fits best in our context. According to Reiss and Vermeer (1984), any text may be regarded as an ‘offer of information’ (Reiss / Vermeer 1984: 72); faced with this offer, each receiver chooses the items he regards as interesting, useful or adequate for the desired purposes. The translator represents a special type of receiver who chooses the information elements he deems necessary to achieve a given purpose and transfers them, constructing a new text for the target culture. Thus, the target text represents information offered on some information provided in the source text. Vermeer explains the Skopos rule:

“Each text is produced for a given purpose and should serve this purpose. The Skopos rule thus reads as follows: translate/interpret/speak/write in a way that enables your text/translation to function in the situation in which it is used and with the people who want to use it and precisely in the way they want it to function” (Translated by and cited in Nord 1997: 29).

So, our first assumption for a definition of LSP translation is that every translation is governed by skopos. Translation is always part of the global communication effort within a discipline. Thus, it has to take into account the communicative framework which is “intimately linked to a discipline’s methodology, and they [the experts] package information in ways that conform to a discipline’s norms, values, and ideology” (Berkenkotter / Huckin 1995: 1). A definition of LSP translation must, therefore, build on the concept of specialised communication, which has gone a long way starting with strict linguistic approaches and then changing to a more interdisciplinary concept. Newer definitions reflect a more cognitive, knowledge-oriented semiotic approach, with the definition of specialised communication (*Fachkommunikation*) by Picht (1996) stressing the importance of a semiotic approach which takes into account not only all kinds of communicative means but all communication-oriented activity within the discipline as well. Hoffmann (1993) sets specific knowledge and cognitive processes into the centre of his definition of specialised communication: “exteriorisation and interiorisation of

knowledge systems and cognitive processes, motivated or stimulated from outside or inside, concentrating on subject-matter events or series of events” (Hoffmann 1993: 614, translation by author). As there is no reference to language at all in this definition, communicating is primarily a cognitive act which makes use of different semiotic systems. Translation is part of this activity when two or more different semiotic systems are used. We shall make use of the exteriorisation and interiorisation concepts in the following way: translation is a type of exteriorisation of specialised knowledge systems and cognitive processes in the sense that a functional text will be produced “as a form of situated cognition embedded in disciplinary activities” (Berkenkotter / Huckin 1995: 3).

Interiorisation refers to the process of acquiring specialised knowledge thus leading back to the source text. Since modern translation studies have long left behind the concept of translation as a one-to-one information transfer in the form of a simple postal package theory, the source text must be regarded as an information offer, all of whose elements are subject to the choice of its reader or translator. The translator has to extract all relevant knowledge from the source text by means of interiorising specialised knowledge systems and cognitive processes.

The target text has a role to play within the communicative network of another language. This sets translation apart from text production. Translation is text production for another – relative to the source text – linguistic background. Translation studies have stressed the fact that language is an integral part of a national culture and that consequently there is no language transfer without the impact of cultural factors. Translation thus is the dissemination of specialised knowledge in another linguistic and cultural context.

For a definition of LSP translation we try to combine elements of the definitions of specialised communication and translation from their respective academic fields, i.e. LSP research and general translation studies, to obtain a feasible description of LSP translation. On the basis of what has been said, we propose the following definition: LSP translation shall be the

1. exteriorisation of
2. specialised knowledge systems and cognitive processes
3. weighed and selected from an information offer (interiorisation)

4. with the objective of disseminating them in another linguistic (interlingual) and
5. cultural context (transcultural)
6. governed by skopos

So far we have not taken into account another element of the definition of specialised communication by Hoffmann, that is the external or internal motivation, which does not seem to concern the concept of specialised translation as such. It could be utilized though, to distinguish a professional activity which must be motivated from outside, from a mere recreational or private translation that need not have an outside stimulus. To a certain degree, this is reflected by the skopos which reflects the assignment of the translation together with all pragmatic and situational parameters of a particular translation. Specialised translation thus, is always characterised by external motivation.

In the following we will deal with items (4) and (5) of this definition and their consequences for LSP translation. How do traditional national cultures relate to disciplines? If translation is supposed to build bridges between (national) cultures, then what is the impact of cultures on disciplines? How do cultures relate to disciplines? What impact does globalization have on cultures and subject fields? Before questions like these can be answered, let us have a look at globalization and global trends.

2. Globalization, culture and subject fields

2.1. Globalization

Globalization seems to be a fuzzy concept interpreted differently in many disciplines. In a narrower sense, the term 'globalization' is used by companies to describe all their efforts to enter international markets (see definition in the LISA Localization Primer). In a wider sense, globalization describes a social trend that intensifies relations between societies and nations, a process by which decisions, events and

activities from one part of the world have strong influences on other distant parts of the world; in this sense it implies “the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa” (Giddens 1994: 64) Robertson tries to combine the historical trend with the personal awareness in the following definition: “Globalization as a concept refers both to the compression of the world and the intensification of consciousness of the world as a whole” (Robertson 1992: 8), but later he distinguishes two terms: globalization “in its most general sense a process whereby the world becomes a single place” (1992: 135) and globality as “the circumstance of extensive awareness of the world as a whole” (1992: 78). Accordingly we use globalization in a wide sense as an all encompassing cultural and social phenomenon which undermines traditional cultures and societies in their struggle for power and identity (see Beck 1999: 28).

Another fuzzy concept is the idea of culture used by many disciplines in a variety of meanings. If we take a broader definition of culture, for example according to Sperber, who regards culture as a “fuzzy subset of the set of mental and public representations inhabiting a given social group” (1996: 33), we come to a much broader understanding of culture without the traditional restriction to national cultures. On the basis of such an evolutionary model – Sperber (1996) calls this an epidemiology of beliefs – not only new insights into the spreading of ideas and beliefs can be gained, but also different levels of culture can be defined depending on the social group: culture of a nation, of a company, of a (working) team, of a discipline. Knapp (1999: 21) distinguishes different levels of cooperation for the economy and describes a hierarchy of cultural schemes: the individual cultural scheme, the team culture (project groups), the functional culture (departments, task forces), the organisational culture (company, joint ventures), national cultures (national economies) and the universal cultural schemes (global economy).

As cited by Durham (1991), the defining traits of culture agreed upon by anthropologists are: conceptual reality, social transmission, symbolic encoding, systemic organisation, and social history. The consensual definition of cultures would thus be “systems of

symbolically encoded conceptual phenomena that are socially and historically transmitted within and between populations” (Durham 1991: 8). A subject field could be seen as a specific type of culture as it fulfills all parameters: subject fields reflect a conceptual reality organized into a knowledge system; this knowledge is encoded in textbooks and scientific writing, which in turn are the basis for the education of new experts. Culture is a trait of a population, whereas a subject field is constituted by the people who possess the subject knowledge, i.e. Experts.

2.2. Subject fields as cultures

Every discipline has its own culture in the sense that specific values and norms are embedded in the methodology and ideology of the discipline. These peculiarities lead to a particular way of communicating and generating specific text types which a specialised translator has to master actively and passively. For most disciplines, this internal culture has come to be a global one in the sense that all characteristics apply worldwide. In life sciences, for example there seems to be a broad global consensus on methods and ethics, as well as about how a research article or an abstract should be written. Some exceptions, though, do exist, a prominent example being the Traditional Chinese Medicine (TCM) with its completely different health and therapeutic system and a different communicative model. However, this seems to constitute a parallel discipline already with a global application that does not exclude traditional medicine.

If disciplines are to be regarded as global cultures they can not be considered subsystems of national cultures, since they transcend traditional cultural borders. As an analogy to the aforementioned definitions of culture in an evolutionary approach, a discipline must be defined as the sum of all its cognitive units constituting an autonomous sphere of information. Memetics, a special branch of evolutionary cultural theory where cultural representations are called memes, uses the term ‘meme complex’ or ‘memesphere’: an agglomeration of cognitive units covering a specific piece of reality (Chesterman 1997, 2000; Dennett 1996).

Now, within the realm of such an infosphere, traditional cultures may have an influence on mental representations regarding definitions, connotations or the structuring of systems. They may influence experts and the way they look at the specific information of the subject field. The level of homogenisation in a subject field depends on the degree of influence from national cultures and thus, subject fields may have a varying degree of consensual cognitive units which all experts agree upon. This is what translators have to face. For each translation assignment a translator has to judge the cultural context that frames his/her activity:

1. Do the communication partners involved belong to one subject field culture, i.e. to one homogeneous infosphere, such as medicine?
2. Does the translation serve communication that departs from a local infosphere and targets people belonging to another local infosphere, as could be the situation in the case of legal translations?
3. Does consensual global content meet with different local convictions in the communication act, as, for example, in translation studies?

As an interlingual and transcultural activity, translation builds bridges between different national cultures, but it also represents a task brought forward within the 'culture' of a specific discipline. A translator acts within the global communicative network of a discipline. LSP translation, therefore, has to do with the conflict between national cultures within a disciplinary context and this should be reflected in any explanation of LSP translation. A look at a rather special discipline like law should help us illustrate this view.

3. Globalization and law

Let us take law as an example of an LSP infosphere and have a look at the changes brought about by globalization. Many authors have stated that law is communication, that law is language and many times, the

importance of legal context and the communicative framework of national legal systems have been underlined. In analysing recent developments and trends as well as their repercussion on translation, law must be put in a wider historical context. Law in general cannot be viewed as a static system invented in a single act of creation; it is rather a dynamic process changing continuously and adapting to different social needs. A diachronical view of the development of law over time can be helpful to understand the various relations between legal systems and to see the actual status quo of independent legal systems in a more relative way.

3.1. Formation of national legal systems

Legal systems evolved along with the concept of statehood. The juridical bases for the modern national states originate in the Treaty of Westphalia (1648) which ended the religious turmoil of the Thirty Years War. In the middle ages, before this point in time, we had a system that comprised multiple, layered power centers and different sources of legitimation, allegiance, and status. The Westphalian conception of state introduced two principles: the principle of territoriality and the principle of sovereignty. People transferred some of their rights to a sovereign who protected his subjects and jurisdictional concepts in turn emerged from sovereignty. The scope of a sovereign's law corresponds to the geographical boundaries of the sovereign's territory. All legitimate power was centered in the hands of a single sovereign, who fully controlled a defined territory and its population. The acceptance of national sovereignty by others, gives the state the right of territorial integrity and self-determination and hence the state is committed to accept this right of other states. The international community of nations is structured around the principle of sovereignty.

Territoriality and sovereignty were the historical requirements for the evolution of modern states. National legal systems as we know them today, however, are the result of a process which began at the beginning of the 19th century with the codification of law in Europe (*Allgemeines Preussisches Landrecht* 1794 the first German civil code, the *code civil* or *code napoleon* 1804, the Austrian *Allgemeines*

Bürgerliches Gesetzbuch 1811). Single states created national legal systems by differentiating their laws. Jurisprudence began to focus exclusively on national law, something which was unknown earlier, when Europe cultivated its century-old tradition of Roman Law, the *ius commune*, in one common language, namely Latin. Even though the *ius commune* was only subsidiary law in addition to the particular rights of each region or country, it soon formed a common legal basis because of its adaptability. This situation, however, was changed by the development of independent legal systems.

The object of jurisprudence was thus narrowed down to national law and this was heavily criticized by many scholars especially by legal historians in the second half of the 19th century. Rudolf von Jhering even called this process a degradation of legal sciences:

Die Wissenschaft ist zur Landesjurisprudenz degradiert, die wissenschaftlichen Gränzen fallen in der Jurisprudenz mit den politischen zusammen. Eine demüthigende, unwürdige Form für eine Wissenschaft! (Rudolf von Jhering: Geist des römischen Rechts auf den verschiedenen Stufen seiner Entwicklung: 1. Teil 1852, 15)

“Legal science has degraded to a national jurisprudence, its research borders now correspond to political borders: a humiliating and shameful situation for a research discipline” (translation by author). In order to alleviate this situation, new previously unknown legal disciplines appeared roughly in the same period of time such as Comparative Law, studies of Foreign Law, and later Private International Law.

3.2. Legal language

The creation of national legal systems would have been impossible without the discovery, formation, deepening and emancipation of language communities. Language was put into the centre of cultural and political movements, thus eventually leading to linguistic homogeneous national states. By no means can homogeneous linguistic communities be considered as a natural phenomenon. Nationalization in the nineteenth century was a product of linguistic standardisation and homogenisation and was also accompanied by the

suppression of minority languages (Hanschmann 2004: 85). Language as the main identifier of communities was an important precondition for the development of national legal systems. While this is true in regard to a historical analysis of legal systems, it is nonetheless hard to find a single language today which is strictly linked to a particular national legal system. Obviously, language communities are linked to particular legal traditions, such as English to the tradition of case law. However, as a result of colonialism, conquests, unsuccessful nationalistic movements and other historical developments, today most languages are linked to more than one national legal system. Many states use two or more languages within their legal system, or one language is used by more than one country (such as German which is used in five countries: Germany, Austria, Switzerland, Italy, Belgium). Thus we might have two languages used in the same legal system (Federal Law in Switzerland), or even a third language used for a smaller part of the legal system, for example German as a regional minority language in Italy. In this case, however, the same language will be the language of another legal system, or maybe of two other legal systems (such as Germany and Austria).

3.3. Modern global trends

Today it is said that with globalization we are entering a borderless world, in which international forces are rapidly eroding the significance of territorial boundaries. Capital, labour, goods, and ideas move largely without regard to political borders, thereby putting a great deal of international pressure on national legal systems through social and economic changes on global, regional and local levels: European unification, world-wide treaties, global institutions etc. The whole development which threatens the two pillars of statehood, namely territoriality and sovereignty, is described in the concept of globalization.

Globalization seems to roll back a historical development that began with modern statehood based on the Westphalian principles and culminated in the nationalization of legal systems. Globalization softens the once strict barriers of national legislation, but national legal systems will not disappear completely because of democratic

legitimacy. Citizens can choose the rules for their society; each community can make its own laws. The principle of democracy was one of the achievements of modern statehood, and constituted a major change from the feudalistic, oligarchic and absolutistic systems of the middle ages and later kingdoms and empires. It can not simply be eradicated by globalization trends. National legal systems will instead be supplemented by a strong framework of international law for which new democratic mechanisms still must be developed.

Law as a discipline is based on more than one level of legal content inducing us to differentiate between the following infospheres:

- local infospheres resembling national legal systems strongly influenced by national cultures;
- regional infospheres on an international level which still reflect common cultural values (e.g. EU);
- global infosphere, a transnational level (e.g. UN).

3.4. Legal translation

Law is distinguished from other disciplines in that it is traditionally interwoven with cultural values and national cultures. It took scholars in translation studies a while to recognize the importance of national legal systems as the deciding factor in legal translation (since 1980). As globalization trends intensify, the role of national legal systems as the all-important factor in legal translation is being diminished by transnational legal frameworks. A legal text, be it a source or a target text in the translation process, can be rooted in a national legal system, but can also be rooted in a regional or international legal framework. Newer studies on legal language (Müller / Burr 2004; Kjaer 2004) reflect a growing interest in translation in international multilingual legal settings.

It is still of overall importance for the translator to identify the specific legal environment of a legal text. But due to globalization trends more than one frame of reference will be necessary. Translation within a regional legal framework needs to take into account the LSP conventions of the national legal systems involved. And conversely, any translation where the target text is aimed at

readers from another legal system can be influenced by international or regional legal conventions.

Contrary to the general perception, legal translation will not get easier with globalization; a complex scheme of reference will be necessary that includes legal and linguistic knowledge on different levels. This should also be respected in the training of legal translators where International Law, Comparative Law as well as International Private Law should be taught.

4. Conclusion: LSP translation as translayered communication

Globalization changes cultural settings and intensifies LSP communication. A subject field can be regarded as an infosphere which contains the specific knowledge based on cognitive units either in people's heads or in written form. Communication about this knowledge takes place in different languages by persons coming from different cultural backgrounds, if we disregard linguistic homogenization tendencies. This leads us to a multi-layered notion of subject field culture which takes into account the influences of traditional cultures on LSP communication. Translation is a specific type of multilingual LSP communication, which can be considered as the exteriorisation of specialised knowledge systems and cognitive processes that are evaluated and selected from an information offer with the objective of being disseminated in another linguistic and cultural context within the overall subject field culture. Globalization, therefore, has contributed to the fact that each translation of an LSP text represents a meeting of two linguistically and culturally different backgrounds.

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