

A didactic sequence to help legal translation trainees develop strategic and intercultural competence: Macro-level textual consequences of micro-level decisions when dealing with legal culture-bound terms.

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A didactic sequence to help legal translation trainees develop strategic and intercultural competence: Macro-level textual consequences of micro-level decisions when dealing with legal culture-bound terms.

Translating legal culture-bound terms is one of the difficulties facing any legal translator due to asymmetries between national legal systems. To train trainees to deal with these terms, strategic and intercultural competences must be developed. This article focuses on how to pedagogically address the varying degrees of incongruity that may arise when translating legal culture-bound terms. The learning objectives set are for trainees to be able to apply the most appropriate translation technique for use in each instance, selecting it at a micro-unit level that is coherent with the macro-level approach determined by the communicative situation and target text purpose. A theoretical and pedagogical framework is presented, followed by the description of a didactic sequence that was created as action research to develop trainees' strategic and intercultural competences. The didactic sequence includes 4 units with task-based learning activities and formative and summative assessment. The activities were piloted in a postgraduate specialisation course in legal translation at the Autonomous University of Barcelona. Trainee responses to a follow-up survey and focus group show that the activities were perceived to be useful and helpful when dealing with the difficulty of translating legal culture-bound terms.

Keywords: legal translation training; legal culture-bound terms; strategic competence development; intercultural competence development; translation techniques; macro-level and micro-level decisions.

1. Introduction

Legal culture-bound terms constitute a challenge for legal translators (Cao 2007, Harvey 2000, Šarčević 1989). Training in how to best translate legal culture-bound terms is also a challenge for trainers. The author of this article struggled with this issue for several years. This led to action-research and the development of a didactic

sequence (DS)¹ to help trainees develop the competences necessary to successfully identify, solve, and assess solutions to problems relating to the translation of culture-bound legal terms. The main competences required to this end are strategic competence and cultural or intercultural competence, which is most often associated to thematic competence (i.e. knowledge of legal systems and cultures), both of which are included in most of the generally accepted translation competence (TC) models (Kelly 2005, PACTE 2000 and 2018, EMT expert Group 2022).

Strategic competence (SC) was included in PACTE's early TC model (2000, 101) and defined as 'all the individual procedures, conscious and unconscious, verbal and non-verbal, used to solve the problems found during the translation process'. In this model, which evidences the interrelation of competences, SC is considered to govern or manage all other competences. Kelly's TC model (2005) also includes SC as a governing competence over all other competences and is defined as 'encompassing all the procedures applied to carry out organizational and planning skills, problem identification and problem-solving, monitoring, self-assessment, and revision' (Kelly 2005, 85). Problem-solving and decision-making are also mentioned in the TC model of the Tuning project and included among instrumental competences (González and Wagenaar 2003, 83-84). Developing SC in translation trainees is, therefore, one of translation training's overall goals. This is also true for legal translation training, the focus of this article.

¹ A DS is described by Zabala (1998) as "a set of ordered, structured and articulated activities for the achievement of certain educational objectives, which have a principle and an end known to both teacher and student".

To effectively develop this competence in the classroom, the problems to be identified and solved must be based on, or involve, some of the other competences. This is coherent with both PACTE's and Kelly's models, which situate SC in direct relationship with some, or all, of the other competences. Of these other competences, in the field of legal translation, one that plays an essential role is intercultural competence (IC), because, as Biel points out: 'in contrast to other types of LSP translation, such as medicine, science or technology, legal translation tends to involve more culture-specific than universal components' (Biel 2008, 22). This is precisely the case of the translation of legal culture-bound terms because they are bound to a specific legal system, either national or international. The asymmetry between national legal systems and concepts in particular is one of the main problems faced by legal translators. For this reason, comparative legal analysis, including the analysis of differences between equivalent, non-equivalent and partially equivalent legal notions, is a key step in the translation process and a subject of numerous publications in the field of legal translation (Alcaraz Varó and Hughes 2002, Bestué and Orozco-Jutorán 2011, Biel 2009, Cao 2007, Enberg 2002, Gémár 2005, Harvey 2000, Obenaus 1995, Orozco-Jutorán 2014, Prieto-Ramos 2013, Šarčević 1989 and 1997, Way 2012). These authors have highlighted different factors influencing the choice of appropriate translation techniques and have proposed several methods and typologies for their application. However, there is consensus that the specific technique chosen to translate culture-bound terms (micro-level) should fit in or be consistent with the overall translation strategy or method (macro-level approach) prioritised for the text as a whole. In the words of Šarčević:

When determining whether a potential equivalent is acceptable in a given context, the translator should take account of the specific communication process, in particular the communicative situation of reception by the courts. Since the translator's task is to select terminology that will achieve the desired results, the

success or failure of a legal translation may depend on his/her ability to predict how the courts will interpret and apply the terms of the particular text. For the purpose of legal translation, the acceptability of a potential equivalent is determined primarily by the results in practice, i.e. the legal effects (1997, 229).

From a pedagogical point of view, the relationship between SC and IC has been explored by authors such as Katan, who stresses ‘the need to acquire competence in “uncertainty management” to develop IC’ (Katan 2009, 295). Angelone (2010, 19) defines uncertainty management as ‘the application of conscious, deliberate strategies for overcoming comprehension, transfer, or production indecision’, and elaborates on it as including problem recognition, solution proposal and solution evaluation. Yarosh (2015, 163) also points to SC when considering that the essence of IC is ‘the capacity to foresee the consequences of different translation strategies and choose the most appropriate one’.

Regarding the definition and the concept of IC, Tomozeiu, Koskinen and D’Arcangelo (2016, 253), participants in the research project ‘Promoting Intercultural Competence in Translators’, point to the fact that this competence is present in most TC models, but an ‘overlap between cultural, cross-cultural and intercultural competence can be found in many theoretical contributions’. These authors quote Witte (2008, 143) who defines IC as: ‘the ability to consciously assimilate notions about one’s own culture and other’s cultures’ and stresses ‘the need to relate and contrast cultures while aiming at producing appropriate behaviours according to the needs and circumstances of a communicative situation to make communication between two parties possible’. In the case of legal translation, most competence models to date include these components within thematic competence or in connection with thematic competence (“thematic and cultural competence” in Prieto-Ramos 2013; “thematic competence” in Piecychna 2013;

or “thematic and intercultural competences” in Scarpa and Orlando 2017), which is essential for legal comparative analysis, but we will refer to “IC” in this article.

This article presents a DS designed to develop SC and IC in legal translation trainees. The aim is to enable them to anticipate translation problems that arise when dealing with culture-bound terms in legal translation and thus prevent errors in the translation process. For this purpose, the most suitable theoretical framework is Prieto-Ramos’s (2014a) integrative model, which focuses on problem-solving in legal translation.

2. Framework adopted

The translation process defined in the integrative model for problem-solving in legal translation developed by Prieto-Ramos (2014a, 122-124), and adopted as a suitable framework for our DS, begins with the definition of an adequacy strategy. This involves establishing, firstly, general elements of the adequacy strategy. In accordance with the translation brief, the communicative situation, the legal effects of the target text (TT) and the quality standards required, a decision is made to produce either an instrumental or a documentary translation (as defined by Nord 1997). Secondly, additional specific elements of the adequacy strategy are established based on a legal macro-contextualization of the translation process, including the legal systems and branches of law involved and the text-type and genre. This enables the translator to identify, among other aspects, the relevant legal framework and discourse conventions that may condition translation decision-making.

According to Prieto-Ramos’s model (2014a, 123-124), once the adequacy strategy has been established, the next step is the ST analysis, with particular attention to culture-bound legal concepts and other problems. Then comes the reformulation phase, including solving terminological and phraseological problems. This problem-

solving process involves the analysis of the receivers' needs and expectations, and the adoption of sub-strategies for formal (identification of source system), conceptual (neutral reformulation) or functional (adaptation to target system) correspondence as micro-textual priority. In turn, this guides the acceptability analysis to determine the type and degree of correspondence between ST and possible TT formulations identified through comparative legal and linguistic analysis, which leads to the application of the most adequate translation technique to meet the communicative priorities at the microtextual level, also in accordance with the general strategy. Finally, the last step of the process is the revision, which means verifying the adequacy of the translation to the strategy defined in the first step.

According to Nord (1997, 127), when the TT purpose is to be read as an original text, i.e., not a translation, it is the translator's task to re-create in the target reader a perception as close as possible to the one the author intended the source reader to have.

Therefore, depending on the overall adequacy strategy and the micro-level communicative priority, the reformulation stage may involve the translator's major intervention in the sense that s/he might have to make important changes in the contents of the TT, or even create new terms in the target language; or it may involve keeping as close as possible to the source text and preserving the source culture references. For the DS suggested, we consider five possible degrees of translator's intervention: (1) major, (2) important, (3) intervention, (4) minor, and (5) no intervention. Each of these degrees of intervention is linked to specific translation techniques at the micro-level.

An example of major interventions are those often required when translating agreements that are to be signed and be effective (i.e., have legal effect) in the target culture, and therefore need to conform to the target legal framework. In these cases of 'instrumental

translation' (i.e., the TT purpose is to be read and perceived as an original text according to Nord 1997, 127), the translator acts as a drafter of a new document, often in collaboration with a lawyer. For instance, if an End-User License Agreement (EULA) written originally in the US needs to be signed by a consumer in Spain, some parts of the contents of the document may need to be adapted to the Spanish and European consumer laws, such as the number of years of guarantee offered.

The translation techniques typically linked to 'major intervention' are creation and compensation, whilst an 'important intervention' is usually linked with the substitution technique, also known as functional equivalent. This would be the case of an instrumental translation brief for a film where the term 'probation supervisor' appears in the source text (ST). This concept does not exist in Spain, but its functions are assumed by a special type of judge, 'juez de vigilancia penitenciaria', who makes decisions regarding the prison sentences of convicted persons.

Therefore, both 'major intervention' and 'important intervention' are usually linked to instrumental briefs in inter-systemic translation and require a great deal of translator's intervention regarding the contents and the form of the ST. The difference between them lies on the degree of adaptation to the target culture and the translation techniques used at the micro-level. In contrast, instrumental translation in international legal settings often require the opposite approach, i.e., maximum concordance between language versions and adherence to established conventions (involving 'no intervention') to express shared concepts (see e.g. Prieto-Ramos 2014b, Šarčević 2017).

When the purpose of the TT is informative, what Nord (1997, 45-52) called 'documentary translation', the translator's task is to transfer the ST meaning so that the target reader understands the source culture specificities and reads the ST fluently,

reproducing tone, register and style in an idiomatic way. This means leaving the signals - i.e., not 'intervening' from the perspective of cultural adaptation - that make the reader notice that the text refers to a different culture, and leaving the extralinguistic features or associations with the source culture present in the ST.

When there is a major difference between the source and the target cultures, and a concept does not exist in the target culture, one possibility is not intervening at all: this means leaving the micro-textual unit from the source language (SL) in the target language. Leaving the term as it is in the SL means using the borrowing technique and is considered 'no intervention'. However, if the micro-textual communicative priority is to facilitate comprehension of a source concept that the target reader would otherwise not understand, an explanatory technique may be used if this does not contravene the overall adequacy strategy (e.g., the brief does not prevent the translator from introducing this kind of addition), perhaps in conjunction with a borrowing in order to ensure that the cultural specificity is not lost. The explanatory technique can take the form a 'minor intervention': paraphrase; lexical translation, also called literal or word-by-word translation; and calque. In this case, the previous example of 'probation supervisor' could be translated as 'supervisor de libertad vigilada' (parole supervisor). Both 'no intervention' and 'minor intervention', understood as reformulations focused on conveying the source culture references without functional adaptations, are usually linked to documentary briefs.

Finally, plain 'intervention' is linked here to the generalisation translation technique, which may be justified in any kind of legal translation brief. This technique neutralises or dilutes the legal cultural differences. For instance, a term like 'end-user licence agreement' could be translated as 'licencia' (licence) or 'contrato' (agreement) when the potential target-text reader is not familiar or specially interested in the source culture. In

these cases, a technical explanation, for example, could make the TT less communicatively adequate or comprehensible, as in a piece of news or a brochure for an insurance company.

Regarding the taxonomy of translation techniques used in the DS, an effort was made to propose a synthesis considering the existing approaches and the needs observed by the author in the classroom over the years. This synthesis highlights what the techniques actually ‘do’ by using verbal forms to refer to several key translation techniques: borrow, explain, reduce, generalise, substitute, create, compensate. It is important to note, however, that we are not suggesting a new theoretical approach to translation techniques. The synthesised classification used in the DS was designed with two purposes: helping trainers to approach a difficult issue in the legal translation class, and helping trainees undergo the difficult decision-making process of translating legal culture-bound terms.

3. Pedagogical context

The DS was designed to be implemented as part of a postgraduate specialisation course in legal translation. It was piloted with 25 trainees in a legal translation course of a master’s degree at the Autonomous University of Barcelona in 2021-22. They were native speakers of Spanish and had already acquired a high level of general translation competence in a BA in Translation. The language pair chosen for the activities is English-Spanish.

Tomozeiu, Koskinen and D’Arcangelo (2016: 255) describe a three-step process for trainees to acquire IC, which can be briefly summarised as follows: (1) developing ability to identify differences and nuances between the cultures involved in the translation process; (2) developing conscious strategies for handling such differences; and (3) learning to understand the consequences their choices might have in the process

of transferring a ST to a target culture. The DS presented in this paper covers steps 2 and 3 of this process. This presupposes trainees have already covered step 1 in the legal translation course, in previous learning activities. Step 1 in this case means developing the ability to identify differences and nuances between the legal cultures involved in the translation process through comparative legal analysis (see e.g. Borja Albi 2016; Rodríguez-Castro and Sullivan 2015).

The aims of the DS presented in Section 4 are: (1) developing conscious strategies for handling cultural differences; this means learning about the translation techniques available and how to address the problem of varying degrees of incongruity when dealing with legal culture-bound terms with a view to applying the most suitable translation technique in each instance (i.e. as part of the abovementioned acceptability analysis for decision-making); and (2) learning to understand the consequences that micro-level choices have at macro-level, that is, the acceptability and adequacy of a legal translation. In the progression of the DS, these two aims are intertwined, in the same way as they are in the real decision-making process, where a translator must move back and forth from the macro-level to the micro-level several times.

The learning outcomes pursued by the DS are that trainees are able to:

- 1. Identify the most suitable macro-textual approach (or adequacy strategy) to translate legal texts.
- 2. Identify translation problems caused by the incongruity between cultures of the legal culture-bound terms through comparative legal analysis.
- 3. Apply the most suitable translation techniques to solve these problems, in accordance with the macro-textual adequacy strategy and the micro-textual communicative priority.

Regarding the teaching methodology used, the learning activities in the DS follow the task-based approach (see Hurtado 2007; González-Davies 2004; Washbourne 2012). This approach seeks to integrate theory and practice, engage trainees in hands-on-practice activities and is helpful to work with metacognitive problem-solving techniques in the classroom, which makes it appropriate for legal translation training, as pointed out by Rodríguez-Castro and Sullivan (2015).

The activities described in Section 4 are explained for an audience of translation trainers, who are used to managing class dynamics and are thus familiar with different types of actions that are commonplace in translation classrooms (see Kelly 2005; Hurtado 2007; González-Davies 2004). Therefore, the actions are mentioned, and a progression established, but no further pedagogical or didactic indications are given. These actions include fostering, supporting - and leading, if necessary - debates and discussions, brainstorming, small groups work, and formative assessment². The latter is used for scaffolding trainees' learning. In the units developed, it sometimes consists of peer feedback, but most often it is epistemic feedback provided by the trainer to encourage reflection and metacognition. This feedback can take the form of questions, short debates to assimilate the main ideas discussed or draw conclusions. Finally, Section 4.4. is devoted to summative assessment.

² Formative assessment gives the trainee feedback that supports the learning process and can take place among peers or from teacher to trainee/s. It is different from summative assessment in that it does not take the form of a numeric score or grade (see definitions and examples in Orozco-Jutorán 2006; Galán-Mañas and Hurtado 2014).

4. Didactic sequence

The DS suggested is composed of four units which encompass 11 class sessions of two hours (a total of 22 hours of class). The activities of each unit are detailed below. They include formative assessment in units 1-3 and summative assessment activities in unit 4.

4.1. Unit 1 (2 sessions): Becoming aware of the relationship between micro-level and macro-level decisions in legal texts

Session 1

- (1) Trainees are introduced to the DS goals. These are the three learning outcomes listed in the previous section.
- (2) Trainees are asked to read a TT which is a translation into English of a fragment of a Spanish criminal court judgement (Figure 1)³.

[Figure 1 near here]

- (3) Trainees are asked to step in the English-speaker reader's shoes and comment on what this reader (who is not familiar with the Spanish legal system/culture) would understand, and why. Class debate regarding the TT in terms of acceptability and adequacy given this context.
- (4) Trainees are asked to read another possible TT of the same ST (Figure 2⁴).

³ This is a bad quality translation found on the Internet without any source or authorship quoted.

It was chosen for this activity to make the trainees aware of the differences between a bad quality legal translation (Figure 1) and a good quality translation (Figure 2), but this is not made explicit to the trainees, as they are supposed to infer it in steps 5-7 of this session.

⁴ Figure 2 was translated by the trainer.

[Figure 2 near here]

- (5) Small groups discussion to answer the following questions: (a) Which of the two translations is more acceptable? Why? (b) Are there any translation problems that have been addressed more adequately in one of the translations? Which ones? (c) Which strategies have been applied to translate the culture-bound terms in the text? (d) Have the strategies chosen by the translators affected the translation in terms of adequacy or acceptability? How?
- (6) Small groups share their views with the class. Peer feedback.
- (7) Conclusions are drawn. Trainer feedback. The objective is to see that the second version is more acceptable because an English speaker would fully understand it, whilst the first version is not as easy to understand, unless the reader had prior knowledge of the Spanish language and legal system.

Session 2

- (1) Brief reminder of the conclusions drawn in the previous session.
- (2) Small groups work to analyse both translations and determine why the second version is more acceptable, finding specific examples of how micro-units have been translated.
- (3) Small groups share their findings with the class. Peer feedback.
- (4) The trainer writes the observations made by trainees on the board/screen where both TT (Figures 1 and 2) are being shown. Debate until a consensus is reached by the class. An example of a possible consensus reached is shown in Figure 3.

[Figure 3 near here]

- (5) Formative assessment: quick class debate among peers, with trainer feedback if necessary, to draw conclusions. The objective is to see how decisions made at

micro-unit level affect the translation at macro-textual level (acceptability and adequacy of the TT).

4.2. Unit 2 (2 sessions): Establishing the level of translator intervention and the degree of difference between cultures

Session 1

- (1) The trainer introduces the three main approaches to deal with cultural differences according to the TS literature: (1) foreignising, retaining or preserving; (2) neutralising or generalising; and (3) domesticating, recreating or substituting. These broadly align, respectively, with formal, conceptual or functional correspondence as microtextual sub-strategy or priority in the acceptability analysis presented in our framework (Section 2).
- (2) A visual prompt is used. Figure 4 shows a British culture-bound term (Christmas crackers). To translate it, using the preservation approach which stays close to the source culture to convey its specificity, a borrowing could be used (image on the left, depicting the Christmas crackers). If the translator were to use the generalisation or conceptual approach, which involves using a superordinate that softens or eliminates the cultural marks of the culture-bound term, Christmas crackers could be translated as ‘gift’ (second image). Finally, if the approach chosen is to bring the text closer to the target culture through functional adaptation, which involves a greater level of translator’s intervention, Christmas crackers could

be substituted by a Spanish custom that is also related to gifts during the Christmas celebrations, such as ‘regalos de Reyes’,⁵ as shown in the image on the right.

[Figure 4 near here]

- (3) Brainstorming session to think of legal text types and their potential translation briefs⁶. For example, an agreement that is translated to be signed and have legal effect in the target culture would need to be adapted to the target legal framework. The trainer writes all the ideas generated on the board/screen.
- (4) All the possible briefs displayed are divided into two main types: instrumental and documentary and they are described. Next, the five possible degrees of translator’s intervention are briefly explained (see Section 2).
- (5) Trainees are asked to match the level of translator intervention required to translate legal culture-bound terms with the different legal text types written on the board/screen, linking this with the purpose of the TT. The discussion continues until a consensus is reached and the trainer takes notes and summarizes. A possible result of this discussion is a table like the one shown in Table 1.

[Table 1 near here]

- (6) The trainer suggests different legal text types with specific translation briefs and asks the class to see if the table would work with these texts and briefs. For

⁵ Presents given to children on the night of 5th January, supposedly brought by the Three Wise Men.

⁶ Although the translation brief is usually given for any translation assignment in class, as in real practice, in this DS, it is the class that decides the brief. This pedagogical approach is deliberately aimed at fostering trainees’ reflection on the potential variation of briefs and their implications.

instance, the example of the agreement signed to have legal effect in the target system would be an instrumental translation and would need an important or even major degree of translator's intervention since some parts of the agreement would need to be adapted to the target legal framework (see Section 2).

- (7) The trainer shows a real text where this would happen, such as a US EULA to be translated into Spanish so that it can be signed by a person who is protected by the consumer legislation applicable in Spain and the European Union. The trainer explains the role of the translator in these cases, often working in collaboration with a lawyer. Examples of the practical effects in legal terms in a EULA's clause are shown (Figure 5): references to California law and US federal laws should be substituted by references to the corresponding Spanish or European laws, after consultation with a lawyer. This would be considered an important intervention by the translator, using mainly the substitution translation technique or functional reformulation. However, the same clause with a documentary brief would keep the cultural reference to the US legal system, with no translator intervention or functional adaptation, or minor intervention if the references are explained.

[Figure 5 near here].

Session 2

- (1) The trainer explains the four possible degrees of difference between the two cultures involved (Table 2).

[Table 2 near here]

- (2) The trainer shows a list of legal terms with different degrees of cultural difference (Figure 6).

[Figure 6 near here]

- (3) Small groups work. Each group places two of the terms in the appropriate row of the table shown in Table 2 and justifies the decisions made.
- (4) Small groups share with the class. Peer feedback.
- (5) Based on the results of the consensus reached by the class and reflected in the table drawn up in the previous unit (Figure 3), trainees are asked to reflect and discuss the following questions: (a) What was the degree of cultural difference between the legal terms of the text? (b) What was the level of translator intervention in each of the two TT? (c) How have the decisions made in the different TT, A and B, affected the acceptability of the TT? If necessary, other questions dealing with specific examples from the text can be introduced, such as ‘What possible approaches could the translator have taken regarding the translation of ‘*conducción sin permiso*’ (driving without a license)?
- (6) Formative assessment: Conclusions on the analysis are drawn. Trainer feedback.

The objective is to underline the importance of considering the degree of cultural difference as part of the acceptability analysis to decide the techniques to translate legal terms (micro-level) and how this can help improve the overall adequacy of the TT (macro-level).

4.3. Unit 3 (5 sessions): Choosing the most suitable translation techniques to translate legal culture-bound terms

Session 1

- (1) The trainer presents a dual axis chart (Table 3). One axis shows the different levels of translator intervention and the other the four degrees of difference between cultures. In this way, the different elements that influence and inform the translator

when making choices regarding the translation of legal culture-bound terms can be seen at a glance.

[Table 3 near here]

- (2) Class activity: trainees are asked to place the same terms that were used in the previous unit (Figure 6), in English, in the chart.
- (3) Small groups work to find all the possible translations into Spanish for these terms. One or two terms are assigned to each group. The translation solutions suggested must be placed in the chart in accordance with the level of translator intervention involved. Dictionaries, terminological databases and other means may be used to carry out the terminological research.
- (4) Small groups present what they have found. The trainer writes all the suggestions on the chart. Peer feedback.
- (5) If necessary, class discussion and trainer feedback regarding the place to put each possible translation solution or to clarify the different translation solutions suggested.
- (6) A possible result of this exercise for some of the terms is shown in Table 4, where the source term in English is placed between brackets and all the possible translation solutions in Spanish are situated in the appropriate squares of the chart.

[Table 4 near here]

Session 2

- (1) Brief reminder of the results of the previous session (Table 4).
- (2) Class discussion about what would make them choose one specific translation solution over the others. The objective is to see that the translation brief and the function of the TT - in particular, the needs and expectations of the target reader - play an essential role when choosing one possible translation solution over another.

- (3) Small groups work. Each group is given one of the four terms shown in the table (swap, lease agreement, cheque and High Court) and is asked to find and explain a realistic brief and communicative context for each of the translation solutions provided.
- (4) Small groups share their suggestions with the class. Peer feedback. The trainer takes notes in the screen/board. If necessary, class debate until a consensus is reached. The objective is to see that the first two columns (no intervention and minor intervention) are usually linked to documentary briefs and the last two columns (important and major intervention) are usually linked to instrumental briefs in inter-systemic translation, while the central column can be appropriate for both types of purposes, depending on the target readers' expectations. Figure 7 shows a possible result of this exercise for the term 'High Court'.

[Figure 7 near here]

Session 3

- (1) The trainer shows two charts, the one used in the first session (Table 4) and another one filled with a list of actions: borrow, explain, generalise, substitute, create (Table 5).

[Table 5 near here]

- (2) Class discussion comparing the two charts and establishing the links between them.
- (3) Class discussion. Trainees are asked if they can think of any examples of a culture-bound term that could be translated with an action that is not present in the chart, or that could be placed in a square that is empty in Table 5. To foster this discussion, the trainer can ask the trainees why they think there is an empty square in the upper row in the chart. This is because if there was a translation solution that could substitute the source term, then the difference between the two cultures would not

be complete but major, and the translation solution would belong in the second row, not in the upper row.

- (4) Class discussion regarding the possibilities that are not included in the table, such as reduction, omission, compensation. The objective is to see that there are always other possibilities, but they are not as usual as the ones included in the table (Table 5) and that they will only be adequate on very specific occasions, depending on the communicative context.
- (5) Small groups work. Trainees receive a short (150 words) strongly culture-bound legal text in English, and they are asked to identify the culture-bound terms in the text. This could be a text like the one presented in Figures 1 and 2, but originally written in English.
- (6) Small groups share their results with the class and feedback is provided by the trainer. Class discussion until all the culture-bound terms have been found.

Should the trainer prefer to use a different classification of translation techniques, the verbs appearing in the table (Table 5) may be replaced by the alternative taxonomy.

Session 4

- (1) Class discussion. A realistic translation brief is confirmed for the text of the previous session and the communicative and legal contexts are commented.
- (2) Small groups work. The culture-bound terms identified in the text in the previous session are distributed between the groups, and each has to choose the most appropriate technique to translate those terms, taking the purpose of the TT into account. They can use dictionaries, terminological databases, parallel texts or other means to do the terminological research.

- (3) The small groups share their decisions with the class and feedback is provided by peers and trainer. There is a class discussion until a consensus regarding the optimal translation solution for all the terms is reached.
- (4) The trainees are asked to translate the text for the following session.

Session 5

- (1) The translations and any problems or observations from the trainees are commented and feedback is provided by the trainer.
- (2) The trainer suggests a new brief for the same text they have just translated. If the previous brief was instrumental, the new one must be documentary, and vice versa.
- (3) Individual work. The trainees are asked to translate the same text again, but this time with the new brief.
- (4) Class discussions regarding the differences between the two TTs, and particularly if the translation solutions for the culture-bound terms has changed, and how.
Feedback is provided by the trainer.
- (5) Formative assessment: drawing conclusions from all the exercises carried out in the units. Questions that can be raised to encourage reflection and metacognition:
‘How useful are the translation techniques?’, ‘How would you describe the decision-making process when you find a culture-bound term in a legal text?’,
‘How important is to start the translation being aware of the brief?’, ‘How does this relate to the techniques applied?’

4.4. Unit 4 (2 sessions): Summative assessment tasks

Assignment

Trainees are given a strongly culture-bound legal text of medium length (500 words) and a translation brief. They are asked to (1) identify all the culture-bound terms; (2)

place them on an empty chart (Table 3) according to the cultural differences and level of intervention required. The decisions made must be explained; (3) translate the text; (4) explain how the TT would change if the brief was different (documentary/instrumental); (5) reflect briefly on the translation process. The trainer provides trainees with a rubric that will be used to mark the assignment. No class time is devoted to carrying out the assignment, the trainees do it on their own.

Session 1

Trainees are asked to translate a short, strongly culture-bound legal text (150-200 words) with a documentary brief.

Session 2

The trainer provides trainees with summative feedback (numeric grades) based on marking trainees' assignments and TTs from the two previous summative assessment tasks. A class discussion (formative assessment by trainer) follows to comment on the main errors and good practices observed in the TT and to solve any questions that may be raised by trainees.

5. Results and discussion

The DS described was piloted during the academic year 2021-22 with a group of 25 students of a specialised course in legal translation at the Autonomous University of Barcelona. Students were then invited to complete an anonymous online survey (Figure 8) and to participate in a focus group.

[Figure 8 near here]

The response rate for the survey was 90%, so it can be considered representative of the group. The pie charts (Figure 9) show the answers to the questions asked. A 5-point Likert

scale was used with values ranging from a minimum of 1 ('totally disagree') to a maximum of 5 ('totally agree'), where 3 is a neutral response ('neither agree nor disagree').

[Figure 9 near here]

After the survey was completed, trainees were asked to take part in a focus group session to gather qualitative data regarding the students' perceptions of the DS. The session lasted 60 minutes and 23 out of the 25 students attended. The researcher explained the purpose of the session and the rules for the focus group discussion: there were no expectations, anything they said was fine and they could express their opinions with complete freedom. They were asked to discuss the question: 'What improvements would you like to see in the DS?' The trainer clarified that the question included any aspect they might think of, from teaching and feedback received, to didactic materials, assessment, contents, or any other elements. The session was recorded with participants' consent and was later transcribed for subsequent content analysis. Table 6 summarizes the opinions of the trainees, grouping them by topics.

[Table 6 near here]

Regarding ethical issues, trainees' privacy was protected by not mentioning any names or identifiable elements in the findings and asking for their written consent to use their anonymised opinions for research/educational purposes.

The answers to the first three questions of the survey suggest that most trainees (96%-100%) agreed or totally agreed that the learning activities were useful, would help them make adequate decisions to translate culture-bound terms in their future legal translations and would help them produce adequate legal translations in which the decisions regarding

culture-bound texts are consistent with the purpose of the TT. The opinions expressed in the focus group regarding the contents and the assessment of the DS went in the same direction. This data suggests that the learning outcomes set were achieved, and that the activities helped trainees develop their SC.

The answers to question 4 of the survey suggest that the level of difficulty of the DS may need some adjusting, since it is the only question in which some trainees showed total disagreement (4%) or disagreement (8%). These answers, together with the neutral 'neither agree nor disagree' (12%), amount to approximately 24%, as opposed to 76% who found the level of difficulty adequate. This is also in line with the suggestion, expressed in the focus group, to add more practice in some of the exercises. A possible modification to improve this aspect would be to provide the trainees with additional didactic materials that they could use autonomously to do more exercises depending on their needs. Finally, a short summative assessment activity could be added after unit 2, as suggested by some students in the focus group.

Although this is only feedback collected from piloting the DS in one course, the data collected allows us to be optimistic and consider the approach helpful for the development of trainees' strategic and intercultural competences. It helps trainees translate legal culture-bound terms in an acceptable way by clearly linking the translation techniques with the communicative context and the translation purpose. This is a way of ensuring the coherence between the overall, macro-textual approach or adequacy strategy defined for the translation and the techniques applied at the micro-textual level.

We believe that the DS presented can be easily adapted to any language combination and for undergraduate courses in legal translation. We wish the materials and activities presented here will be useful to the legal translation training community

as a whole, and we hope that they will be tested by other trainers so that their feedback can help improve the DS.

Disclosure statement

No potential conflict of interest was reported by the author.

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Figures and tables

You, John Smith, adult, have been previously convicted for ‘*conducción sin permiso*’, by virtue of a final, non-appealable judgement issued on October 17th of 2014, dictated by the Investigating court number 2 of Gavà, Spain, to the penalty of 8 months of fine. (...)

In this act, the *in voce* sentence is declared final and non-appealable, notwithstanding its notification in written form.

Figure 1. First version of the TT of a fragment of a criminal court judgement.

You, John Smith, of legal age, have been previously sentenced for an offense of driving without a licence, according to a final, non-appealable judgment, issued on October 17th of 2014, handed down by the Investigating court number 2 of Gavà, Spain, to pay a fine for 8 months. (...)

In this act, this judgement that has been handed down orally is declared final and non-appealable. The judgment will also be duly notified in written form.

Figure 2. Second version of the TT of a fragment of a criminal court judgement.

First version:

You, John Smith, adult, have been previously convicted for *conducción sin permiso*, by virtue of a final, non-appealable judgement issued on October 17th of 2014, dictated by the Investigating court number 2 of Gavà, Spain, to the penalty of 8 months of fine. (...)

In this act, the *in voce* sentence is declared final and non-appealable, notwithstanding its notification in written form.

Second version:

You, John Smith, of legal age, have been previously sentenced for an offence of driving without a licence, according to a final, non-appealable judgement, issued on October 17th of 2014, handed down by the Investigating court number 2 of Gavà, Spain, to pay a fine for 8 months. (...)

In this act, this judgement that has been handed down orally is declared final and non-appealable. The judgement will also be duly notified in written form.

Green: generalisations. **Blue:** borrowings. **Pink:** explanations. **Yellow:** substitutions and idiomatic phraseology in target legal language. **Grey:** phraseology left too close to the SL, not idiomatic.

Figure 3. Example of possible conclusions reached in the class debate.

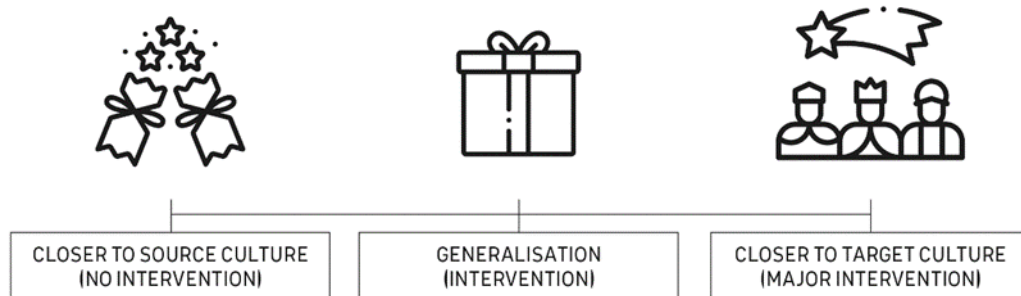


Figure 4. Three main possible approaches to translate cultural differences.

PURPOSE OF THE TRANSLATION	Documentary translation		Documentary or instrumental	Instrumental translation	
	No intervention	Minor intervention	Intervention	Important intervention	Major intervention

Table 1. Example of a table completed after brainstorming and discussion in class.

GOVERNING LAW. Any action related to this Agreement will be governed by California law and controlling U.S. federal law. No choice of law rules of any jurisdiction will apply.

Figure 5. Example of a clause that may be translated with different levels of translator intervention depending on the brief/purpose of the TT.

Complete difference between the two cultures Concept ≠ Function ≠
Major difference between the two cultures Concept ≠ Function ≈
Minor difference between the two cultures Concept ≈ Function ≈
None or slight difference between the two cultures Concept =/≈ Function =/≈

Table 2 Four possible degrees of difference between two cultures.

Court of Law, Grand Jury, swap, attorney, attorney general, power of attorney, Probation supervisor, joint venture, lease agreement, High Court, Queen's Counsel, bailiff, trust.

Figure 6. Legal terms to be placed in the appropriate position in the table (Table 2), in accordance with the degree of cultural difference.

Complete difference between the two cultures CONCEPT ≠ FUNCTION ≠					
Major difference between the two cultures CONCEPT ≠ FUNCTION ≈					
Minor difference between the two cultures CONCEPT ≈ FUNCTION ≈					
No or slight difference between the two cultures CONCEPT =/≈ FUNCTION =/≈					
DEGREE OF INTERVENTION BY THE TRANSLATOR	NO INTERVENTION	MINOR INTERVENTION	INTERVENTION	IMPORTANT INTERVENTION	MAJOR INTERVENTION

Table 3. Dual axis chart, one axis showing different levels of translator intervention and the other showing the four degrees of cultural difference.

Complete difference between the two cultures Concept ≠ Function ≠	(Swap) <i>Swap</i>	<i>Acuerdo para intercambio de flujo monetario</i>	<i>Contrato</i>		<i>Permuta financiera</i>
Major difference between the two cultures Concept ≠ Function ≈	(High Court) <i>High Court</i>			<i>Tribunal Supremo</i>	
Minor difference between the two cultures Concept ≈ Function ≈	(Cheque) <i>cheque</i>		<i>Medio de pago</i>	<i>Cheque/talón conformado</i>	
No or slight difference between the two cultures Concept =/≈ Function =/≈	(Lease agreement) <i>Contrato de arrendamiento</i>				
LEVEL OF TRANSLATOR INTERVENTION:	No intervention	Minor intervention	Intervention	Important intervention	Major intervention

Table 4. Example of possible translation solutions for four terms, reflecting the level of translator intervention (or cultural adaptation between England and Wales's legal system and Spain's legal system).

<p>Possible translations for High Court into Spanish:</p> <ul style="list-style-type: none"> • It could be left in English if the brief is to translate a judgement issued by the High Court for a Spanish judge. • It could be translated as ‘Tribunal Supremo’, fourth column, in a TV series where some law trainees dream of their future and say: ‘I can see myself as a judge of the High Court’.
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Figure 7. Different translation briefs and communicative contexts in which several translation solutions of the term ‘High Court’ into Spanish would be acceptable.

Complete difference between the two cultures Concept ≠ Function ≠	BORROW	EXPLAIN	GENERALISE		CREATE
Major difference between the two cultures Concept ≠ Function ≈	BORROW	EXPLAIN	GENERALISE	SUBSTITUTE	
Minor difference between the two cultures Concept ≈ Function ≈	PARTIAL EQUIVALENT	EXPLAIN	GENERALISE	SUBSTITUTE	
No or slight difference between the two cultures Concept =/≈ Function =/≈	TOTAL EQUIVALENT				
LEVEL OF TRANSLATOR INTERVENTION:	No intervention	Minor intervention	Intervention	Important intervention	Major intervention

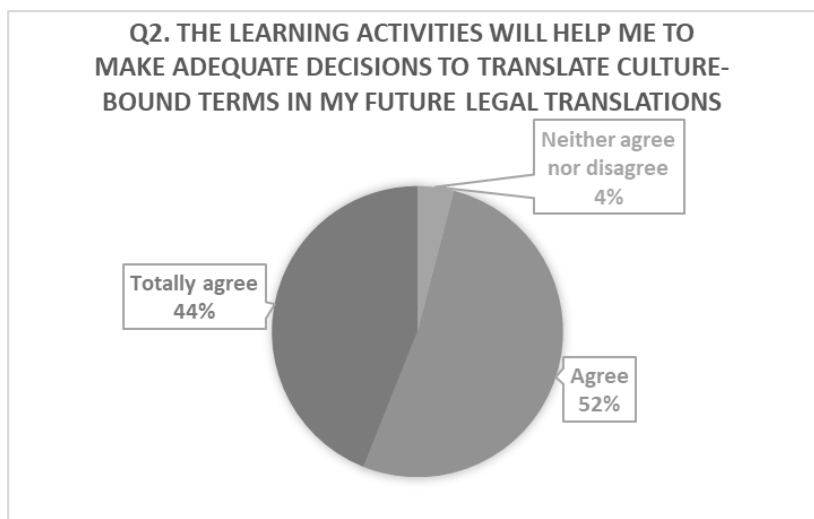
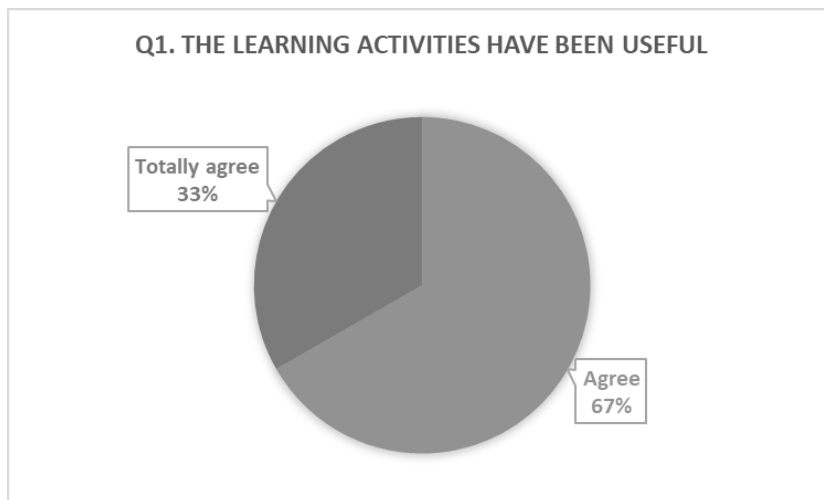
Table 5 Possible techniques (actions) to translate legal culture-bound terms.

The learning activities related to micro- and macro-level decisions to translate legal texts that we have carried out in this course....

1. Have been useful.
2. Will help me to make adequate decisions to translate culture-bound terms in my future legal translations.
3. Will help me to produce adequate legal translations in which the decisions regarding culture-bound texts are consistent with the purpose of the translation.

4. I feel the level of difficulty of these activities has been adequate.

Figure 8. Survey questions.



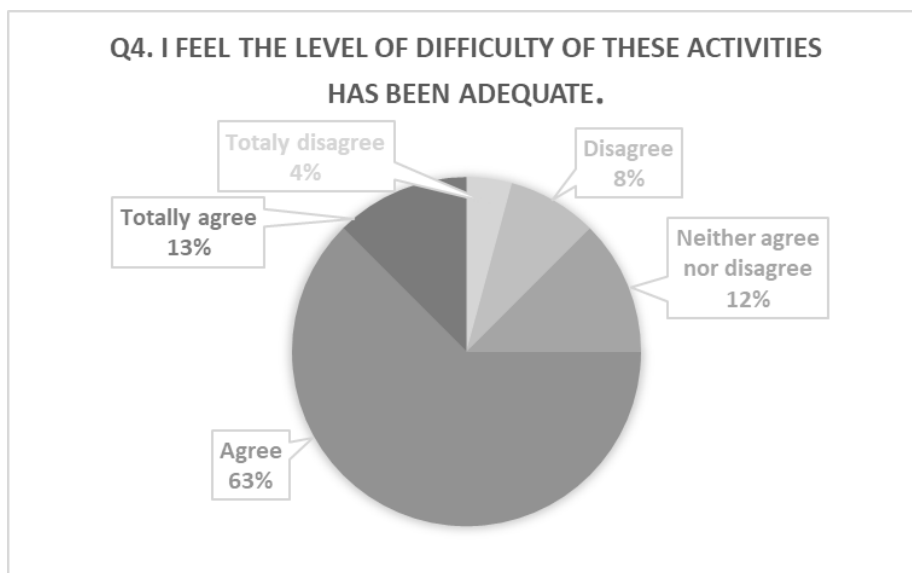
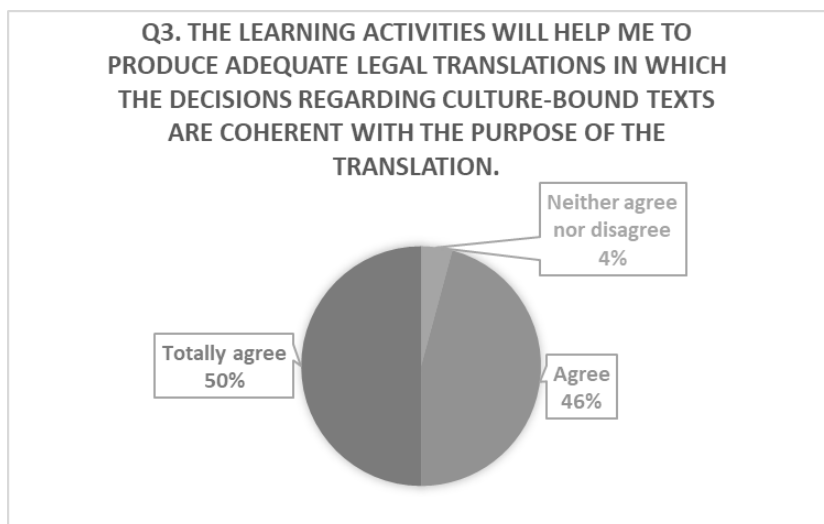


Figure 9. Results of the survey.

TOPIC	TRAINEES' OPINIONS
Trainers' performance and feedback	There was general agreement that the trainer was able to transfer her knowledge and that the feedback received during the course was sufficient.
Contents of the DS	Trainees were mostly happy with the contents of the DS. Some mentioned that now they felt they had a solid method to solve problems regarding culture-bound terms and that made them feel more confident to translate legal texts. One trainee mentioned that she had struggled with some exercises and that she would have liked to be able to have more practice in some of the exercises, maybe by repeating them.

Assessment	Most trainees expressed their satisfaction with the assessment. Trainees felt that it helped them see the areas in which they needed to improve. Some trainees expressed that they would have liked to have more summative assessment before the final unit.
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Table 6. Results of the focus group.