

**Where ‘fiscal’ Cannot Mean ‘financial’:
A case study at the crossroads of legal
and public-service translation taxonomies**

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ABSTRACT

This paper attempts to delineate the scope of legal translation with a view to distinguishing it from public service translation (PST). Legal translation tends to be recognized as a constituent of PST. However, the paper challenges this view and suggests it is legal translation under which PST is subsumed. Some Russian legal scholars believe inadequacies in legal translation may have grave consequences for a country’s international status, while PST is known to affect individuals. Whenever a translation flaw occurs in institutional settings, identifying whether a flaw is attributable to a translator’s legal incompetence or insufficient knowledge of matters the law regulates, or mere inexperience might be no easy task. A high-profile legal translation case is analyzed based on debates among government authorities, academia, and media. The analysis advocates more distinct goal-oriented criteria behind identifying translation branches under study, given their primary goals in institutional contexts.

KEYWORDS: conceptual congruence, institutional translation, legal translation, public service translation, translation fidelity, translation studies taxonomy

*One consequence of globalization on the law
has been a growing need to translate
from one legal language into another.
Peter Tiersma, 2012*

1. Introduction

Over the past three decades, translation studies as a discipline have been witnessing a pace of development exceeding by far that which was observed over the previous stages of its evolution. This is visibly manifested by the overall range of research fields and the resultant variety of academic publications (see inter alia Baker and Saldanha 2011; Cronin 2013; Drugan 2013; Hale and Napier 2013; Hatim 2013; Katan 2012; Malmkjær and Windle 2011; Munday 2012; Nord 2012; Pym 2010). Added to this, there have been abundant contributions on subject-specific translation studies, notably legal translation (see, for instance, Asensio 2003; Byrne 2012; Cao 2009; Cheng et al. 2014; Mikkelsen 2000; Šarčević 2000, 2012; Vlasenko 2006; Wagner et al. 2012; Wolff 2011; Wright 2011, to name but a few). A major cause behind this increased pace is economic and financial globalization and a snowballing of associated changes in human interaction and business dealings. The explanatory power of traditional knowledge on translation, accumulated by different translation schools and viewed largely from within the process-oriented and result-oriented perspectives, appears to be insufficient for tackling current queries posed daily by an ever-growing diversity and rising complexities of professionalized communication cross-culturally and cross-linguistically.

This paper attempts to delineate the scope of legal translation and public service translation (PST) to achieve a clearer demarcation of these branches. The cliché name ‘public service translation and interpreting’ together with its synonym ‘community translation and interpreting’ both denote the same translation domain, which is high on the translation studies agenda. Quite clearly, PST has been gaining momentum as many translation scholars set out to allocate its role amid a mounting international demand (for detailed accounts see Hale 2011; Taibi 2011; Wadensjö 2011 among others). Along with these works, researchers from those communities using less widely spoken languages make their contributions to these and related issues (see, for instance, the Estonian cases in Karu and Romantšik 2013; Romantšik and Karu 2014). However, some branches within the overall translation studies boundaries

like legal translation seem to overlap in scope and goals with others and, hence have a vaguer status than can reasonably be required when it comes to distinguishing and naming specific translation efforts. The picture becomes more blurred when translation studies scholars suggest alternative names for branches or, by contrast, name different discursive practices mediated by translation in a similar way.

The hypothesis of this paper starts from the premise that legal translation cannot fall within PST, since the range and complexity of substance, or subject matter, in legal translation by far exceed those in PST. This becomes more conspicuous, when the translation of international legal documents, called by lawyers ‘international legal instruments’, is addressed.

International legal instruments are intended for regulating certain pressing issues occurring in more than one jurisdiction and calling for resolution on a global scale. This paper considers a high-profile legal translation case, which exemplifies the validity of the premise made.

However, legal translation and PST do have one thing in common – the settings where both are delivered are institutional. Given that the institutional level of delivery, the legal authority embodied by the legal documents translated, and the scope of applicability covering regional, national, and/or international levels do not completely overlap for these two translation domains, the paper claims that there are reasons to consider PST a constituent of legal translation, though this view differs from the established view.

Analytically speaking, a clear-cut distinction drawn in modern translation studies between interpreting and translating does not reduce indeterminacy inherent in the subject analyzed, inasmuch as translating and interpreting, in terms of cognitive mechanisms underlying speech activity, constitute two sides of one coin, though approached and labelled differently by different scholars (Chernov 2004; Eco 2004: 62–80; Shveitser 1973; 1988; Zimnyaya 1993). This indeterminacy can be slightly reduced if translation/interpretation is treated from within the English–Russian language interaction. In Russian, the word ‘translation’ incorporates ‘interpretation’ by default urging one to specify which one is meant – oral or written; thereby in Russian the term ‘translation’ appears a hypernym while ‘interpretation’ – a hyponym. Practically speaking, no translator does only written translations or renders only interpretation services; these usually come together in translators’ careers and practices. Where translation of written documents prevails over interpreting in a daily stint, a person is called a ‘translator’ and vice versa; where interpreting prevails over translating, a person is called an ‘interpreter’.

Therefore, for purposes of this study PST will be treated as comprising public service interpreting and legal translation – as comprising legal interpreting, as well.

A polyphonic ‘concert’ of labels: generic and specific names

A closer look at PST reveals several problems, comprising first and foremost the naming of this branch within the overall translation studies framework. In a broad overview of PST, Taibi sensibly equates it with community translation by indicating that PST is a “sub-field of translation covering written language services needed in a variety of community situations” (2011:225). Earlier, Niska (2002) expressed a similar view. Hale, in her systemic account of community interpreting, equates the ‘three most common names’ ascribed to largely comparable interpretation activities, namely: *liaison interpreting*, *community interpreting*, and *public service interpreting* (2011:345). Acknowledging multiple labels for what goes into *public service interpreting*, Hale identifies still other ones: *dialogue interpreting*, *social interpreting*, *cultural interpreting*, and, finally, *cultural and linguistic mediation* (Hale 2011:346). Wadensjö believes some contexts of using this type of interpretation are associated with amateurish settings and ad hoc situations, giving rise to many alternative names (2011:44). This argument further highlights the complexity of delineation.

Such a polyphonic ‘concert’ of labels is presumably supposed to denote almost the same practices, which, in Taibi’s terms, are aimed to ensure a sustainable access for members of linguistic minorities to official institutions, papers, public services such as healthcare, education, welfare and legal advice, all of which are rendered in the mainstream language (2011: 214-27). The trend to incorporate legal translation into the public service branch does not seem fully justifiable even if Hale’s assumption is taken into account that PST can potentially affect the course of a person’s life, while conference interpreting is associated with issues that can potentially affect the world at a macro-level (2011:343). Certainly, such issues which deserve to be addressed at conferences predictably embrace the most pressing agendas for humankind, not a single person. Besides conferences usually address comprehensive agendas incorporating interdisciplinary or multidisciplinary domains, thus implying the domain-specific categorization of the present-day reality. Accordingly, the best-fit translation taxonomy appears the one based on the subject-specific categorization of knowledge to be transposed cross-linguistically.

In view of this, incorporating legal translation into PST seems unjustifiable. The reason behind this is, firstly, the mode of delivering PST presents more a cultural adaptation, linguistic and textual accommodation (Taibi 2011:226), thus becoming closer to what Wright calls a heterofunctional translation (2011: 254). Secondly, incorporating legal translation into PST does not stand to reason as the goals of these two types of translation are different. Legal translation products, particularly international legal instruments, as well as adjudications, such as international court rulings or international tribunal awards, have a more profound outreach and can affect and indeed do affect people personally, nationally, and globally, thereby touching upon countries' standpoints and strategies.

2. Institutional translation as a generic framework for legal and public service translation

As mentioned above, both legal translation and PST have one thing in common – they are commissioned by, delivered in or performed for certain institutions. Institutional settings enclosing almost any discourse or text produced for socially, economically and/or legally valid purposes constitute a macrocontext, a conspicuous and powerful extralinguistic factor determining the translation end product. Hence, the viewpoint suggested by Kang, an institutional translation scholar, seems quite predictable:

Like many other terms in the discipline 'institutional translation' continues to evolve and encompass new meanings. While it has so far mostly centered on translation practice at large and important institutions, the concept is slowly but clearly being used as a means of understanding and studying translation practice in general: in other words, there is a growing trend to view and analyse all forms of translation in institutional terms (Kang 2011: 144).

In view of that, institutional translation, according to Kang, "broadly refers to a type of translation that occurs in institutional settings" when translation is done "*in or for* specific organizations..., or to institutionalized social systems... such as the legal system or the health care system" (Kang 2011:141). It is noteworthy that both Taibi and Hale often point towards legal and medical contexts as the predominant factor in PST (Taibi 2011:216-7; Hale 2011:352-4).

Given rapid globalization with its swiftly alternating advantages and disadvantages felt within or outside the public sector, subject-specific knowledge is increasingly coming into the fore as a hot issue for translation. One of the most challenging types of knowledge an institutional translator/interpreter may need, is legal knowledge. In fact, one can hardly imagine a conversation between senior government officials not containing legal expressions, which, along with spontaneous allusions and figures of speech, constitute a ‘hybrid’ interpreting assignment. Such hybrid discourse practices are indispensable in diplomatic procedures known to be based on and ruled by international law. These discourse practices are predictably resistant to taxonomic classifications. Nevertheless, institutional translation for public authorities, i.e. senior government officials, in respective institutional settings is a serious and responsible assignment and cannot be overestimated in its importance and outreach. It is also sometimes called ‘government’ or ‘official’ translation’ (more details, see Asensio (2003) on ‘official translators’ as ‘sworn translators’ exemplified by Spanish practices) or ‘public sector translation’. This type of translation, often comprising legal substance, can also be referred to as public sector translation/interpreting, because ‘public sector’ is an appropriate expression within the context discussed.

Considering the potential and implications of intergovernmental relationships against a broad macroeconomic scale encourages assessing the role of the institutional translator even higher. In addition, Kang dwells on the role of the translator as follows:

The notion of *the translator* in our common conceptualization of translation may no longer be serviceable in an institutional context: ‘the translator’ is no longer an individual who translates a text solely on the basis of personal training and experience, but also a participant in a situated institutional practice that has become routinized and habituated over time (2011:144).

Quite obviously, the strings attached to the institutional translator by what Kang calls ‘a situated institutional practice... routinized and habituated over time’ can include observance of an in-house translator code of conduct, full discretion and non-disclosure policies, equal proficiency in both the source and target technical languages, similar levels of translating and interpreting skills, among many others. Institutionalization by default presumes an availability of legal relations, official conduct rules, in-house paperwork, and other such typical features. Once the translator steps into an institutional setting, he/she is bound to behave accordingly, adhering to the language register spoken, texts written, services rendered, and/or cross-

language communication patterns prescribed and approved by a specific institution. Institutional settings by default subsume a certain legal arrangement, such as industry/trade regulatory framework and respective legal knowledge in its multiple dimensions, genres and forms pertinent to the institution under analysis. Knowing these institutional strings contributes to our understanding that an increasingly changing role of the institutional translator is part of in-house development policies, departmental strategies and agendas. All these represent the broadly perceived working environments created by institutions for ensuring their mission accomplishment. As such, legal translation turns out to be the most representative example of institutional translation. Admittedly, legal translation is one of the most challenging types of translation, in terms of its subject-specific domains and technical knowledge variety, as it conveys sophisticated subject-matter cross-linguistically (comparable views can be found in Cao 2009; Galdia 2009; Mikkelsen 2000; Šarčević 2012). Hence, the resultant conclusion presumes an inherent dependence of the institutional translators' status on the status of a respective institution and the versatility of their role in the society.

3. Legal translation in the international law context:

blurred taxonomy vs. real status

As noted above, the idea of legal translation being a constituent part of PST is advocated by some translation scholars, while others consider it an independent branch in its own right (among others, see Cheng et al. 2014; Šarčević 2000; Wolff 2011). There are still others who stick to the opinion that legal translation constitutes an indispensable part of institutional translation, since the settings in which legal translation is implemented include a vast range of institutions: federal and local governments, ministries and committees, customs authorities, fiscal regulators, banks and hospitals, law enforcement agencies, penitentiaries, law firms and legal consultancies, etc. (for more details on institutional settings, see: Asensio 2003; Kang 2011; Wagner et al. 2012). Despite these views, the legal translation taxonomy appears a 'no man's land' as *strictu sensu* no such taxonomy exists.

While the status of legal translation remains unsettled taxonomically, legal translation itself sustains its significant role in ensuring that major international legal concepts from within various legal domains are included in national legislation by treaties' signatory countries. Incorporating rules envisaged by international legal instruments in national legislation

warrants against the futility of some countries' efforts to eradicate in their respective jurisdictions those wrongdoings and misdeeds which are committed globally. Taxonomically, if regarded in the international public context, legal translation is likely to be seen not as a part of PST, which principally aims at minority groups of migrants, refugees and other socially vulnerable citizenry, but rather as a fully-fledged branch of translation studies addressing fundamental challenges within and across jurisdictions. Cross-linguistically and cross-culturally, the coverage of legal translation is much broader and its outreach is much more profound than that of PST.

Troubleshooting: processes immanent for legal translation

Some Russian legal scholars believe that inadequacies in legal translation may have grave implications for the international status of a sovereign nation (see inter alia senior academics Treushnikov 2012; Vedernikova 2007). Whenever a translation flaw occurs within certain institutional settings, identifying whether a flaw can be attributable to the legal incompetence of a translator or to technicalities abundant in sophisticated fields of knowledge, which the law regulates, or any other linguistically relevant or linguistically irrelevant reasons may result in a stressful and frustrating faultfinding and troubleshooting. Clearly, both processes within institutional settings might turn out to be a trap, since these settings are believed to be demanding in terms of translation fidelity on the background of predictable and sustained challenges, such as expert knowledge misbalances between the SL and the TL, as well as SL–TL systemic incongruences. Hence, translators' integrity in conjunction with their superb speech-control mechanisms are prerequisites for working in institutional environments.

To this effect, where a translation flaw occurs within an institutional environment as a result of a translator's fault, senior company managers or government officials would face the need to respond to the public or their peers by answering questions. When a translation flaw is not the translator's fault, press liaison officers or officials would face the same need of responding publicly, no matter who was to blame for the flaw. Following this logic, faultfinding and unavoidable troubleshooting should be regarded as one of the necessary processes immanent for legal translation.

Another convincing reason behind the challenging issue of legal translation taxonomy is the case described below. This is believed to shed additional light on the scope and significance

Svetlana V. Vlasenko, Where 'fiscal' Cannot Mean 'financial': A case study at the crossroads of legal and public-service translation taxonomies, 46-73.

of legal translation whose contexts are so wide-ranging and frameworks are so deeply rooted in national law and legal culture that these facts alone justify regarding legal translation as a branch of translation studies in its own right (on the role of contexts in translation, see Nida (2001)).

4. A high-profile legal translation case: the 1990 AML Convention

The legal translation case analyzed is the English–Russian translation of the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime¹ (AML, hereinafter – the 1990 AML Convention). A Russian version reads as follows, *Konvencyja ob otmivanyji, vyjavlenyji, izjatyji i konfiskacyji gokhodov ot prestupnoj dejatel'nosti*². The matter can be gisted in the following way: a technical term used by the Foreign Affairs Ministry's official translator(s) commissioned to translate this Convention into Russian appeared to be a terminological misfit and could have entailed a misunderstanding on the part of relevant authorities (for details on terminologies as minimal units of legal translation see [Vlasenko 2014]). Such terminological misfit of a legal concept representing financial and criminal law implied the narrowing of the range of offence falling under the regulatory scope of the Convention. This case, largely attributable to a terminological collision between the source and target legal languages, turned out to be high-profile.

The event in focus occurred in April 2001 during the parliamentary ratification hearings at a joint session held by the two Russian State Duma [the Russian Parliament] committees. The involved participants were the State Duma's Budget Committee and Security Committee both set to discuss and ratify the said Convention. It was at that session when an MP found a 'mistake', which he called an 'improper translation' and a 'translation mistake' in the Russian version of the 1990 AML Convention, specifically, in ETS 141, Ch. III, Sec. 5, Art. 18, Para 1(d). The parliamentarian established the flaw by having meticulously checked the translated version against the original English text, thus arriving at an observation that the legal concept

¹ "<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=141&CL=ENG>" (accessed 22 April 2014) is the online source for the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. CETS No. 141.

² "<http://www.conventions.coe.int/Treaty/RUS/Treaties/Html/141.htm>" (accessed 22 April 2014) is the online source for *Konvencyja ob otmivanyji, vyjavlenyji, izjatyji i konfiskacyji gokhodov ot prestupnoj dejatel'nosti*; Russian translation from English of the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. European Treaty Series – No. 141ETS 141.

of *finansovyje prestuplenyja* [financial offence] suggested by the translator(s) as a rendering for *fiscal offence* was improper. Essentially, a technical term from the domain of financial law – *fiscal offence* – was pivotal to the entire AML framework stipulated in the English version of the 1990 AML Convention. However, that particular terminological item was destined to constitute a legal-translation challenge due to the following fact: the concept was unavailable in Russian financial law and, hence the verbal counterpart of this particular concept was unavailable in the target language, i.e. Russian financial law terminology. This case is a classic case of terminological nonequivalence caused by a legal lacuna, which in multinational institutional contexts had economically significant weight, given the considerable volume of domestic and transborder financial flows and associated transactions.

Gisting this terminological collision, English legal language as the source language (SL) contained the term *fiscal offence* whereas Russian legal language as the target language (TL) had only *finansovyje prestuplenyja* [financial crime] in stock to match as an approximator. Thus, the range of the offence committed and punishable under the Convention, as well as the range of liable entities might have been narrowed, had the first rendering survived (Vedernikova 2007:52-4). Since the hearing was reported on by mass media, a number of publications appeared in Russian central media sources (Kizilova 2001; Lyapunova 2001). Mass media criticized the Foreign Affairs Ministry for the translation incompetence whereby the SL-word *fiscal* was rendered with the TL-word *finansovyje* [financial].

Below is an excerpt of the English portion of the 1990 AML Convention, which contains the challenging technical term of law marked in italics; the excerpt reads as follows³:

Section 5 – Refusal and postponement of co-operation
Article 18 – Grounds for refusal
Co-operation under this chapter may be refused if <...> (d) the offence to which the request relates is a political or *fiscal offence* <...>” (ETS 141. Ch. III, Sec. 5, Art. 18, Para 1(d).)

A translation mistake was claimed to have originated when rendering a technical legal term *fiscal offence*. Below is an excerpt of the 1990 AML Convention’s initial Russian translation with the flawed technical term of law marked in italics; the excerpt reads as follows:

³ Italics is used in the quoted passage to highlight the terms analyzed for purposes of comparing the SLT with the TLT.

Razdel 5 – Otkaz ot sotrudničestva i otsročka sotrudničestva

Statyja 18 – Osnovanyja dlja otkaza

1. Otkaz ot sotrudničestva v sootvetsvii s nastojaščej glavoj vozmožen v tom slučaje, esli: <...>

d) prestuplenyje, v svyazi s kotorym sdelan zapros, yavlyaetsya političeskim ili *finansovym prestuplenyem* [financial crime]; <...>

The 1990 AML Convention's revised Russian translation available online now without the unfortunate terminological inconsistency is excerpted below; the excerpt reads as follows:

Razdel 5 – Otkaz ot sotrudničestva i otsročka sotrudničestva

Statyja 18 – Osnovanyja dlja otkaza

1. Otkaz ot sotrudničestva v sootvetsvii s nastojaščej glavoj vozmožen v tom slučaje, esli: <...>

d) prestuplenyje, v svyazi s kotorym sdelan zapros, yavlyaetsya političeskim ili *nalogovym pravonarušenyjem* [fiscal offence].⁴

The Ministry of Foreign Affairs of the Russian Federation refuted accusations by Russian mass media regarding an imprecise translation of the 1990 AML Convention. The comments made by the Russian Foreign Affairs Ministry in its official statement⁵ provided direct references to the Russian legislation as lacking in the word '*fiscal*,' whereby "the word '*finansovyje*' [financial] was quite justifiably used" for translation purposes to bridge the conceptual gap. Specifically, the Ministry quoted the precedent⁶ of drafting the 1957 and 1959 European Conventions and acknowledged that in the course of drafting them, the parties came to realize that the term *fiscal* comprised an offence related to collecting taxes, fees and duties, i.e. the types of offence committed against the country. For that reason, the Russian State Duma parliamentarian who identified the inconsistent terminology between the source (SLT) and the target (TLT) texts insisted on the word *fiskal'nyj* [fiscal] in Russian,

⁴ "<http://www.conventions.coe.int/Treaty/RUS/Treaties/Html/141.htm>" (accessed 22 April 2014) is the online source for the Russian translation "Konvencyja ob otmivanyji, vyjavlenyji, izjatyji i konfiskacyji gokhodov ot prestupnoj dejatel'nosti"; translated from English: 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. European Treaty Series – No. 141ETS 141. Ch. III, Sec. 5, Art. 18, Para 1(d).

⁵ "http://www.mid.ru/brp_4.nsf/76bbf733e3936d4543256999005bcbb7/65f25fed3ab8d29943256a2a0050c0e8?OpenDocument" (accessed 10 May 2014) is the online source for the Official Statement by the Ministry of Foreign Affairs of the Russian Federation – Zajavlenyje MID Rossii (2001) as of 10 April 2001 "V svyazi s publikatsijami v rossijskich gazetach odnositel'no perevoda na russkyj jazyk teksta Konvencyji ob otmivanyji dochodov ot prestupnoj dejatel'nosti" [Regarding Russian Newspapers Publications On the Translation into Russian of the 1990 Convention on Laundering of the Proceeds from Crime], in *ITAR-TASS Agency Statements* (V.A. Khrekov), Interfax (A.I. Korzun).

⁶ Ibid.

completely rejecting the word *finansovyj* [financial]. The Foreign Affairs Ministry underscored that the word *fiscal* in its usage in the 1990 AML Convention had no correspondences in Russian law, which urged translators “for purposes of translation to use the word ‘*finansovyj*’ [financial] quite justifiably”. Besides, the Ministry representatives assured mass media that the meaning conveyed by *fiscal offence* in the earlier conventions was maintained in this Convention as well. That was the essence of the message made by the Russian Ministry of Foreign Affairs through its official representatives in an official note⁷ as a feedback to mass-media reprimands.

Legal lacuna as the SL–TL conceptual congruence gap

The case study suggests that the terminological collisions described could be profiled as a ‘legal-lacuna case,’ whereby two similar concepts demonstrate noticeable proximity of meaning but, in fact, are not fully conceptually congruent. The lexemes *fiscal* and *financial* respectively in the SLT and the TLT are defined within legal frameworks of their respective legal systems and, accordingly, are bound to different usage domains. It is noteworthy that in the case analyzed the legal gap was bridged by the subsequent use of *nalogovyje pravonarushenyja* corresponding in legal English to *tax offence*. Eventually, *fiscal* was not and could not be used in the revised version of the 1990 AML Convention’s Russian translation. In technical terms, an attributive lexeme *fiskal’nyje* [fiscal] does exist in the Russian legal framework and legal terminology, but it was and still is a constituent of different terminological collocations denoting other legal relations than those conveyed in the SLT [the AML Convention]. Therefore, the 1990 AML Convention’s translator(s) used *finansovyje* [financial] instead. However, the latter’s legal scope of application was narrower than that of the former as per the current Russian legal framework. Consequently, achieving conceptual congruence and bridging inevitable inconsistencies, or legal gaps, when conveying legal substance cross-linguistically seem to constitute major items on the agenda for legal translation.

Terminologically, no legal system can be expected to match readily and well with others, even within one legal family (for details see Koch et al. 1996; David and Brierley 1985; Zweigert and Kötz 1992). In view of this, the incongruence of technical terms of law cross-linguistically appears predictable with a high degree of certainty while the proximity of their

⁷ Ibid.

meanings can vary within a wide range. A similar attitude is exemplified by Cao's presumption on the underlying discrepancies and multiple gaps among languages serving various legal systems; this presumption reads as follows:

Because of the nature and function of law, the language of the law has developed particular linguistic features, lexical, syntactic and pragmatic, to fulfil the demands of the law and accommodate the idiosyncrasies of law and its applications. Such linguistic characteristics of legal language have profound implications for legal translation (2009:20).

The case analyzed urges a focus on the issue of terminological congruence when rendering the same or similar types of cases nationally and/or internationally, as well as on the fidelity of legal translation. Definitely, the precedent translation cases matter, particularly when they originate within the collaboration efforts by government authorities, different countries' stances on persistent global challenges and international legal concerns featured in international legal instruments.

Cao's indication that the international legal instruments comprise first and foremost international conventions is particularly relevant (ibid. 2009:135, 141). The word 'convention' occurs frequently in this paper since it is used in the title of the international legal document under analysis, but it appears in two different meanings. The first is synonymous with 'contract, agreement, covenant', while the second – synonymous with 'tradition, custom or usage' implying a way in which something is usually done, especially within a particular area or activity (ABBYY 2011). Given the second meaning of a 'convention' and regarding the convention-driven nature of terminological meaning, the following opinion by Manning is notable, "[T]he literal or dictionary definitions of words will often fail to account for settled nuances or background conventions that qualify the literal meaning of language and, in particular, of legal language." (2003:2392)

Hypernym–hyponym relations: semantic triggers of translator's decision-making

The paper emphasizes a hierarchy of semantic relationships underlying decision-making by the 1990 AML Convention translator on transposing the attributive lexemes *fiscal* and *financial* from the SLT to the TLT. This hierarchy starts from establishing hypernym–

hyponym relations of these lexemes by identifying their semantic properties both in the SL and the TL and expands further to the quest for terminological equivalence between the candidate lexical choices available in the TL. An essential chain link here is establishing the dependability of dictionary meanings to ensure translation fidelity in the SLT. Along this road, flaws might have occurred in decoding the SLT or encoding subject-specific knowledge in the TLT while handling this translation assignment.

Dictionary meanings of *fiscal* and *financial* are quoted below with a view to displaying possible options taken by translator(s) in arriving at their final solutions. Translators' decision-making is always associated with dictionaries and in the case scrutinized – with terminological and encyclopedic dictionaries both mono- and bilingual in specialized fields of knowledge where *fiscal* and *financial* are generally found, namely: law, banking, finance, investment, and accounting (AAFG 2002; ABBYY 2011; Curzon 2002; Downes and Goodman 2010; Faekov 2011; Fitch 2012; Friedman 2012; Garner 2004; Gifis 2003; Rubin 2000).

One of terminological dictionaries defines an attributive lexeme *fiscal* almost without collocations:

- Fiscal – pertaining to public finance and financial transactions; belonging to the public treasury (Friedman 2012:277).

Given this, a 'fiscal policy' is the "use of government spending and taxation policies to achieve desired goal" (ibid.). Running through other definitions across numerous subject-specific dictionaries provides evidence that the nature of the semantic relationship between *financial* – *fiscal* can be qualified as one of proximity and appears to be subject to a hypernym–hyponym relation.

- Fiscal – (1) of or relating to financial matters (fiscal year); (2) of or relating to public finances or taxation (the city's sound fiscal policy)" (Garner 2004:668).

The meaning of 'public finance' is not at all accidental since *fisc* originates from Latin *fiscus* < *the basket* or *moneybag* denoting 'the public treasury' (ibid.). However, still another definition available in the encyclopedia of American law urges the translator to understand this attributive lexeme wider:

- Fiscal – relating to finance or financial matters, such as money, taxes, or public or private revenues (West's 1998(12):118).

Given this definition, the semantic field of *fiscal* is now extended to accommodate a new dimension, i.e. private finance. Such semantic extension does not in any way affect the predominant understanding of this lexeme – *public* or *private* – but definitely finance. Consequently, based on the cited dictionary meanings the attributive lexeme *fiscal* claims to contain principally two sememes, or minimal sense-builders: ‘tax-related’ and ‘financial’, the latter prevails in collocations over ‘fiscal’ and ‘budget[ary]’. The collocations below exemplify these linguistic facts. Each collocation is supported by its Russian version based on the authoritative English–Russian Financial Dictionary (Faekov 2011) and is back translated into English in square brackets. Back translations are known to be helpful in identifying some basic semantic footing. The English collocations with ‘fiscal’ are numerous, with further examples to follow (ABBYY 2011; AAFG 2002:15; Faekov 2011(I):283):

- *fiscal law* → *nalogovoyje pravo* [tax law], *nalogovoje zakonodatel'stvo* [laws on taxation];
- *fiscal period* → *period nalogoobloženyja / nalogovyj period* [taxation period];
- *fiscal tools* → *nalogovyje ryčagy* [tax[ation] leverage], *nalogovyje meropryjatyja* [tax measures];
- *fiscal relief* → *nalogovaja l'gota* [tax concession];
- *fiscal control* → *finansovyj kontrol'* [financial control];
- *fiscal deficit* → *bjudžetnyj deficit / deficit bjudžeta* [budget deficit];
- *fiscal revenues* → *bjudžetnyje dochody* [budget revenue]; *nalogovyje postuplenyja* [tax proceeds]; *gosudarstvennyje dochody* [government revenue];
- *fiscal responsibilities* → *polnomočyja v oblasti bjudžetno-nalogovoj politiki* [power to shape budget and tax policy];
- *fiscal year* → *finansovyj god* [financial year], *bjudžetnyj god* [budget year], *nalogovyj god* [tax year], etc.

Referential range: veiled semantic features of the terms analyzed

The mere availability of such a combinatory variety for the concept analyzed is indicative of its wide referential range. It shows the possibility for legal concepts to correlate routinely with multiple signifiers contradicting traditional but obsolete provisions in terminology studies and challenging the best bilingual terminological dictionaries available to-date. The meanings of

these two attributive lexemes are technical in substance and proximate in semantic relations, which complicates translators' decision-making and final signification solutions. However, the combinatory variety displayed above does not noticeably contribute to a clear distinction between the two lexemes. If a sememe incapable of further subdivision could be identified as a minimal unit of meaning for *fiscal*, it would be feasible to propose a discrete and distinct meaning of this word, distinguishing it from *financial*. This could be sufficient to establish a cut-off point for their semantic proximity. However, until this is found, there seems to be an obvious interchangeability between these two attributive lexemes *fiscal* and *financial*, further evidencing their semantic proximity.

Case-wise, possible renderings of the attributive part of the terminological expression *fiscal offence* vary within the following triple split based on the three possible sememes: [offence related to] 'financial,' 'tax[ation],' or 'budget[ary]' [domains]. This variation entails a pool of Russian renderings, each of which might be quite competitive in the context under analysis. The renderings of an attributive lexeme *fiscal* in different Russian collocations with their back translations into English are given in square brackets below (based on: ABBYY 2011; Kartaški and Lukaševa 2002:629; Konvencyji 2000:90); interchangeability of the three optional meanings mentioned being evident:

- *fiskal'nyje prestuplenyja* [fiscal crime; tax crime];
- *fiskal'nyje pravonarušenyja* [fiscal misdeeds / malpractices; tax violation; tax evasion];
- *finansovyje pravonarušenyja v bjudžetno-nalogovoj sfere* [financial misdeeds / malpractices in the budgetary and/or taxation spheres];
- *pravonarušenyja v praktike bjudžetno-nalogovoj dejatel'nosti* [irregularities in budgeting and taxation practices; budgeting and taxation malpractices];
- *narušenyje nalogovykh pravil* [fiscal rules violation / infringement]; etc.

Terminologies: dependability of dictionary meaning vs. conventional professional meaning

Given the case under analysis, the validity of translations suggested by legal and other terminological dictionaries is not questionable. What is questionable is the applicability and relevance of terminological meanings suggested by dictionaries for translators' final solutions

of denoting. An accompanying query arises: to what extent are terminological dictionaries dependable for the legal translator to feel safe in quoting their meanings in a specific legal text with provisions to be enforced across a nation or the world? This paper does not aim to answer this question, as the status of legal terminography is outside the paper's immediate objectives. However, in the given context of the high-profile legal translation case, it seems obvious that terminological dictionaries are vulnerable in specific cases.

Despite synonymic relations of *fiscal* and *financial* and regardless of the hypernym–hyponym nature of such relations, a major distinguishing feature seems to be tied to their usage domains. Essentially, legal translators are unlikely to treat dictionary meanings on a prioritized basis as the first-best choice. Moreover, it does not seem reasonable any longer to expect legal translators to restrict their decision-making to dictionary meanings. Faithful legal translators opting for transposing legal substance cross-linguistically in a clear and unambiguous way would rather turn from dictionaries to translation precedents available thus far. This holds true specifically when it comes to translating international legal instruments, for which precedent renderings are available in legal databases reflecting the legal profession's conventions on legal substance of the core terminologies. Therefore, references to specialized lexicographical sources and terminological dictionaries, including bi- or multilingual terminography, despite their value and authoritative status, might eventually become futile in convincing law-makers of the appropriateness and/or adequacy of a translator's decision-making if international lawyers have agreed otherwise. Hence, it is legal conventions comprising professional default assumptions that underlie the meaning and connotations of legal terminologies. This is exemplified by the research into the cited English–Russian legal translation case.

5. Semantic relations of proximity: research on *fiscal*–*financial* conceptual congruence

A linguist and a lawyer conducted a joint research into the semantic relations of *fiscal* and *financial* in terms of their conceptual congruence in English and Russian legal languages (Vlasenko and Voronkov 2015). This research shows that in general language these attributive lexemes hold hypernym–hyponym relations, with *fiscal* being a hyponym; these relations hold true for the Russian counterparts *finansovyy* [financial] and *fiskal'nyj* [fiscal] in

general usage. However, in subject-specific legal contexts the two lexemes become much more sensitive to the immediate context of their use (*ibid.*).

For research purposes, linguistic data on the *fiscal–financial* semantic correlation in Russian legal language were drawn from eleven terminological dictionaries (AAFG 2002; ABBYY 2011; Curzon 2002; Downes and Goodman 2010; Faekov 2011; Fitch 2012; Friedman 2012; Garner 2004; Gifis 2003; Rubin 2000; West’s 1998), legal documents comprising several codes of the Russian Federation, namely: the Budget Code, the Criminal Code, and the Code on Administrative Offence, last-instance court adjudications, as well as several Russian federal laws. Linguistic data on the *fiscal–financial* semantic correlation in English legal language were drawn from the Uniform Commercial Code⁸, state codes on financing,⁹ and several court cases adjudicated over a big span of time¹⁰. The research findings showed that the conceptual congruence of *fiscal–financial* across different legal branches totally depends on exact contexts of use, i.e. a particular domain of a certain branch of law. These are categorized into three major domains: legislation domain, legal doctrine domain, and law enforcement domain. Taken together these three domains shape what is called a generic notion of ‘legal context’ for both legal English and legal Russian. However, the Russian legal context cannot claim to be conceptually consistent with the English legal context.

Although the concepts analyzed are not completely congruent, they can be selectively congruent in some of the legal domains within a branch-specific legal context. Therefore, semantic relations of *fiscal–financial* replicate the disposition proportional to and consistent with the available legal branches serving their usage domains. Such usage domains enclose respective institutions, legal frameworks, legal principles, and fully agree with the long-standing legal rules and technicalities in legal English and legal Russian.

⁸ “<https://www.law.cornell.edu/ucc> (accessed 11 February 2015)” is the online source for the Uniform Commercial Code (U.S.C.).

⁹ For instance, “[www.law.justia.com/codes/nevada/2013 /chapter-387](http://www.law.justia.com/codes/nevada/2013/chapter-387) (accessed 21 January 2015)” is the online source for the Financial Support of School System –Nevada Revised Statutes, 387; and “www.law.justia.com/code/kentucky/2012/chapter-286 (accessed 21 January 2015)” is the online source for the Kentucky Financial Services Code – Kentucky Revised Statutes, 286.

¹⁰ For instance, “<http://law.justia.com/cases/connecticut/supreme-court/1954/141-conn-129-1.html> (accessed 23 January 2015)” is the online source for *Bassett v. Rose*, 1954, 141 Conn. 129 (1954), Connecticut Supreme Court; “<http://law.justia.com/cases/iowa/supreme-court/1974/56375-0.html> (accessed 23 January 2015)” is the online source for *Holi-Rest, Inc. v. Treloar*, 217 N.W.2d 517 (1974) No. 56375, Iowa Supreme Court; and “<http://openjurist.org/93/us/266/broughton-v-pensacola> (accessed 18 January 2015)” is the online source for *Broughton v. Pensacola*, October Term, 1876, 93 U.S. 266, 23 L.Ed. 896, Circuit Court of the United States for the Northern District of Florida.

Legal reviewers' role in verifying legal-translation fidelity

The case under study neither gives instances of what Hale calls “breaches of the target language system” (House 2011:224) at any level, nor illustrations of some non-routine translation toolkit used by official translator(s). On the contrary, using a hypernym to denote a hyponym is a common device employed by translators working in different language pairs. What rests with both the legal and translation professions is to delineate the areas of responsibility in the sense that each does its own job. Cao makes a relevant observation when rightfully affirming the role of the legal translator:

Legal translators are not lawyers. Likewise, bilingual lawyers are not automatically translators. The legal translator does not read and interpret the law the way a lawyer does. The legal translator does not write the law either. However, the legal translator needs to know how lawyers, including judges and lawmakers, think and write the way they do, and at the same time, to be sensitive to the intricacy, diversity and creativity of language, as well as its limits and power (2009:4-5).

Additionally, it seems relevant to refer to Gifis who assumes that “the legal communication process depends upon shared understandings of the professional language” (2003:v). For purposes of our analysis it appears justifiable to assume that ‘shared’ in legal translation should refer to a tri-party community: lawyers producing the SLT – translator(s) – lawyers and/or other target audience perceiving the TLT. Fixing this bond may appear to be legal translation’s primary concern on its agenda, as it is highly likely to affect fidelity of the legal translation output. Sharing relevant knowledge with the legal translator should be a standard basic prerequisite for legal-translation assignments. This seems though a somewhat idealistic and a perfectionist viewpoint, while realities of legal translators’ daily assignments are by far different.

Extralinguistically, it seems hardly likely that legal translators can be expected to have been familiarized with and to be aware of the professional conventions outside their immediate terms of reference. A high-quality translation end product establishing conceptual congruence between the SLT and the TLT might be feasible if and only if an essential prerequisite is satisfied: the translator is aware of the legal profession’s conventions underlying relevant legal matters conveyed in the SLT. Legal-translation fidelity depends on the accessibility of

relevant legal databases, prompt feedback from law-makers, legal scholars, lawyers and/or judges equipped with preceding legal decisions on matters adjudicated, debated or pending, and on many other significant procedure-oriented routines, which should be easily accessed by legal translators.

6. Taxonomic reasoning over the PST and legal translation correlation

Taxonomically, it is still worth pointing out that classifying the described case under any of the translation branches does not seem easy. Firstly, the subject-matter of the SLT, an international legal instrument, qualifies for *legal translation*. Along with this, three branches of law are involved – international law, financial law, and criminal law, calling for complex law enforcement and, hence falling within an interdisciplinary legal domain. Secondly, given its communicative status, functional goal, and implementation mode, the SLT qualifies for *institutional translation* and, thirdly, by its target audience – for *public service translation*. Any of the mentioned branches can have a slot for incorporating the text of the Convention. These reasons in combination suggest this case being a fully-fledged *institutional*, as well as a *legal translation* case, inasmuch as institutional translation is believed to be a generic term encompassing many branches within translation studies, each serving professional communities in their dealings via cross-language interaction.

Coming back to the basic prerequisites underpinning translation taxonomies, it is particularly notable that there are no vetting arrangements for a PST end-product: once a translation job is done, it is done and deemed complete, while in legal translation, there are chains of reviewers, editors, as part of a requisite post-translation stage – the vetting arrangement, aimed at polishing final wordings and ensuring consistency with the precedent legal documents, statutory provisions, and/or adjudications.

Unlike other branches of translation studies, PST has many labels, as shown in the beginning of the paper. This labelling is essential as it gives still another reason to demarcate PST from legal and other translation branches. Indeed, no matter how many labels are used for denoting a translation branch, those labels cannot alter the essence of this type of translation, its goals and socially relevant functions. Consequently, based on the functional approach, it is legal translation that subsumes PST and not the contrary, as claimed by some translation studies scholars.

Identifying the correlation between PST and legal translation undoubtedly necessitates a well-defined taxonomy. The taxonomies currently available in translation studies, such as process-oriented, product-oriented, subject-matter-oriented or recipient-oriented, SL- or TL-oriented are long-standing, each serving good research and practice purposes. It would be desirable in the foreseeable future that translation scholars collectively work out a taxonomic classification for PST, which would aim at yielding a taxonomic hierarchy, whereby each taxon is placed onto a respective superior, subordinate or parallel-leveled taxonomic location. The overall number of taxa will need to be strictly defined or, on the contrary, be indefinite with blank slots left untouched for future events amid new global challenges the translation profession is sure to confront.

However, the primary question in shaping each taxon is its underlying criteria. Taxonomically, PST is *recipient-oriented*, while legal translation is *subject-matter-oriented*. In view of this, the taxonomic classification underlying PST with legal translation as a constituent seems to be lacking much needed consistency. This entails ill-defined objectives and conflict-prone human and operational environments for public service translators. The indicated conflicts are reported by translation scholars in abundance (for detailed comments on the nature of conflicts and complexities in PST see Hale 2011:348-53; Wadensjö 2011 among others). As far as PST is concerned, the relations of legal translation *per se* and socially relevant legal translating/mediating discourse practices done for minority language speakers within a certain mainstream language environment¹¹ appear to overlap, rather than to be strictly hierarchically ranked.

7. Conclusions

The paper describes an English–Russian legal translation case study, which is attributed to high-profile cases as it draws on debates among government agencies, law-makers, academia, and the media. This case study is believed to be instrumental in advocating the view whereby more distinct goal-oriented criteria need to be identified for distinguishing between legal translation and PST as branches functionally serving comparable primary goals in institutional contexts. Therefore, PST can be viewed as a constituent of legal translation. PST

¹¹ Primarily, it comprises the environment where the majority of people living and interacting in this environment typically uses one language.

encompasses such translation practices, as interpreting in police stations, prisons, at courts of law, as well as customizing and easing access to national legislation for migrants, mediating migrants' labour relations, etc. In one way or the other, all these are instances of legal translation, provided the subject-matter is the major criterion for attribution in a translation studies taxonomy. Apart from that, the case analyzed appears to be convincing in evidencing a close interaction between branches of translation studies. This in turn requires a more profound effort to delineate branches and methodologies with regard to their attribution.

The case study was accompanied by research based on the extensive use of terminology studies and terminological dictionaries. This allowed a demonstration of vulnerabilities of dictionary meanings used for legal translation purposes. Therefore, the paper postulates that a dictionary meaning cannot be granted the status of the first-best choice by legal translators opting for clear and unambiguous legal meanings when processing texts with embedded legal substance to be enforced on a nation-wide or global scale in complex institutional contexts. In such cases, legal meanings should preferably be quoted from statutory provisions, adjudications or court determinations, where these meanings are scrupulously defined for purposes of vetting, qualifying and/or modifying relevant legal relations. This fact alone can validate the assumption that legal translation should a priori be regarded as dependent upon and relying on lawyers' involvement in legal translation efforts or collaboration with the legal-translation profession at large.

There is no point denying the fact that each and every law addresses human communication, liaising, networking, and/or collaboration. In view of this, public service translation 'affecting the individual' at a micro-level' (Hale 2011:343) might be viewed as a stand-alone component of legal translation, since its major target is ensuring social welfare mediation for language minorities against the mainstream language (Taibi 2011:226). If this holds true, legal translation may be said to be a vast branch with multiple goals and various discursive practices subsumed from political summitry and signing of treaties down to questioning law-breakers at police stations, border guard control points, courtroom or police stations and so on. Obvious overlapping of the institutional discourse areas observed between PST and legal translation, as well as of the popularization and dissemination of legal knowledge, should not be confused with the primary and long-established translation goals recognized for these two types of translation. The goals of public service translation are *societal*, i.e. *socialization*

agency, including acculturation and professional socialization for language minorities within the mainstream language(s); while the goals set for legal translation are *language and cultural mediation, knowledge bridging and transfer* between/among languages, cultures and nations.

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