

УДК 811.111'42

ON CROSS-CULTURAL COMMUNICATION: PROFESSIONAL DISCOURSE TRANSLATION

Mykhaylenko Valery V.

Буковинський-державний фінансово-економічний університет

The present paper is a study of the cross-cultural aspects the lexical semantic domain 'lawyer' in the Source Discourse and the Target Discourse. The contrastive analysis highlights the bottleneck spots in the professional translation.

Key words: *lexical semantic domain, functional semantic domain, translation, source discourse, target discourse, cross-cultural communication.*

Михайленко В. В. Міжкультурна комунікація: переклад професійного дискурсу. *Статтю присвячено деяким аспектам міжкультурної комунікації на прикладі перекладу професійного (юридичного) дискурсу. Встановлено семантичні розбіжності у семантиці професійних номінацій у мови оригіналу та перекладу.*

Ключові слова: *лексико-семантичне поле, функціонально-семантичне поле, дискурс оригіналу, дискурс перекладу, міжкультурна комунікація.*

Михайленко В. В. О межкультурной коммуникации: перевод профессионального дискурса. *Данная статья рассматривает некоторые аспекты межкультурной коммуникации на примере перевода профессионального (юридического) дискурса. Определены семантические различия в семантике профессиональных номинаций в языке оригинала и языке перевода.*

Ключевые слова: *лексико-семантическое поле, функционально-семантическое поле, дискурс оригинала, дискурс перевода, межкультурная коммуникация.*

Introduction. Communication is the exchange of ideas, information, etc. between two or more people. Communication regardless of its kind may happen between people of same culture and language or of different cultures. Each participant may interpret the other's speech according to his/her own cultural conventions and expectations. Cross-cultural communication is also frequently referred to as intercultural communication [6]. Having gone through drastic changes in the course of its development, Translation Studies has adopted *the cultural turn* which, referring to a specific trend that sought to be the dominant paradigm, initially presented itself as an anti-linguistic paradigm [12]. However, the re-orientation of the discipline in question does not solely consist in the opposition between these two approaches, whereas "it can be seen as part of a cultural turn that was taking place in the humanities generally in the late 1980s and early 1990s, and has altered the shape of many traditional subjects" (Bassnett 2007, p.16, as quoted in Sakellariou 2014).

Culture is a set of beliefs, ideas, attitude, customs, behavior, festivals, cuisine and clothes style that differ from country to country. As viewed by the Greek thinker, culture is "everything, in the institution of a society, that goes beyond its ensemblistic-identitary (functional-instrumental) dimension and that the individuals of this society positively cathect as "value" in the broadest sense of the term: in short the Greeks "paideia"." [5, 301–302]. According to Castoriadis, the values of society are not received externally, nor do they originate from natural deposits. Rather, they are the fruit of a certain society, an indispensable part of its institution, serving ultimate bearings for orientation points for social making/doing and representing [5, 302]. When people of different languages are to communicate, they need a common language for understanding each other. Translation is a

reasonable way of communicating in these cases. Translation is one of the major cross-linguistic and cross-cultural practices. We would like to highlight such key issues as equivalence in translation, translation evaluation, and intercultural communication [9, 533–547]. Knowing both languages, the translator faces the two cultures, each presenting an unsurpassed, unique imagery – in other words, the world-in-itself. However, the two cultures do not necessarily exclude each other. Rather, “the world is not different from the views in which it presents itself” [8, 444]. The different worldviews, therefore, constitute the various linguistic shadings of the world, and in the case of the shadings of verbal worldviews, each one potentially contains every other one within it – i.e., each worldview can be extended into every other. “It can understand and comprehend, from within itself, the ‘view’ of the world presented in another language” [8, 445].

The objective of the present paper is to reveal correlations of the professional nomination semantic structures constituting the lexical semantic domain ‘lawyer’ in the original English discourse and its Russian translation. The data was selected from “The Associate” by J. Grisham [3] and its translation Ю. Г. Кирьяка [4]. The contrastive analysis can help us define the semantic structure of the units under study and all possible shifts in the process of translation.

Discussion. The Legal nominations are considered to form the most stable system in related languages due to their Roman Law roots. Therefore semantic changes in this system are slow and gradual mainly caused by introducing new branches or specific interpretations into legal practice. Translation can be treated as a type of cross-cultural communication based on the conversers’ language knowledge and their background knowledge, see: А. Вежбицкая [2], Г. Елизарова, Ю. Серебрякова, С. Тер-Минасова, et al. Evidently, to secure objective generating, perceiving, and interpreting the referred communication is necessary to define the semantic volume of the nomination and its transference into the target language. We must admit that ‘language personality’ of the translator plays a decisive role in choosing a corresponding unit of the target language to realize the semantic component meant by the author. The fact is that his/her first or native language takes the upper hand in pinpointing the definite component to actualize it in the target language, c.f.: the man’s life depends much on his/her native language [1, 102]. The contrastive analysis of the English (ST) set of nominations with that of the Russian one (TT) has revealed that the most general nomination of the judicial profession is ‘advocate’ which is a constituent of the proceeding level ‘jurist’ then comes the nomination of the lower lever ‘lawyer’.

As understood narrowly, contrastive linguistics is a branch of comparative linguistics consisting in “socio-culturally linked” pairs of languages, i.e. such that are *a)* used by a great number of bi- or multilingual speakers and *b)* where a considerable amount of a certain linguistic substance (for instance, written text or oral discourse) is translated from the source language into the target language. As part of applied linguistics, contrastive linguistics aims at establishing the similarities and differences between the learner’s native language and the target foreign language.

Investigation. In the novel “Associate” by John Grisham there are very few lexemes used to nominate “a person of legal profession”: lawyer with frequency 169; associate with frequency 146; attorney with frequency 17; and litigator with frequency 10.

The “lawyer” is defined as “a person whose business it is to give legal advice in relation to any cause or matter whatever”. The component “legal advisor” is the dominant one in the lexical meaning of the unit:

1. The lawyers had been at their desks for hours.
2. The first and still the only firm to boast of more than two thousand lawyers.
3. He had no idea what he wanted to become, or if he would in fact become anything other than a disbarred lawyer, but selling his soul to become a partner was not in the plans.
4. He called himself ‘a street lawyer’, an advocate for clients who worked in factories, who got injured or discriminated against, or who ran afoul of the law. “Он называл себя “адвокатом улицы”, защитником тех, кто трудился на крошечной фабрике, кого обидели или лишили законных

прав, кто дерзнул скрыться от карающей руки правосудия”. The translator changes “lawyer” for “advocate” in the first case, and employs “защитник” to stress the component “defender”.

In the Russian target text we find the following correspondences: юрист, адвокат (после сдачи экзамена в адвокатуру), адвокат улицы, защитник, консультант, партнёр (младший-старший), сотрудник (младший-старший), стажёр, советник юстиции, новичок, специалист по судебным разбирательствам, эксперт по судебным искам.

The “associate” is a person at a more junior level in an organization; a person who is a co-worker of a higher level worker, but occupies a status level slightly under the worker. In general, a business associate is a person or organization, other than a member of an entity’s workforce. In the legal field, an associate often refers to an attorney who has not been made a partner to the law firm. The lexeme actualizes the component “trainee”.

1. We expect each of the two law firms to commit fifty lawyers to the case maybe as many as ten partners, the rest associates.” *По нашим предположениям, каждая фирма закрепит за иском около пятидесяти юристов – скажем, с десятков партнеров, а остальных наберут из сотрудников*”. In the first case the lexeme “lawyer” is translated as “юрист”; the lexeme “partner” as “партнер”, and the “associate” as an “employee”. This transformation reveals the translator’s misunderstanding of the lexeme “associate”.

2. They try to work you to death for a few years, but they reward you. By the time you’re thirty, you’re a senior associate making four hundred grand a year. *“Три-четыре года ты будешь уставать до полусмерти, но оклад того стоит. К своему тридцатому дню рождения ты превратишься в старшего сотрудника с четырьмястами тысячами долларов в год*”. The ST lexeme “associate” in the TD may combine with adjectives “young” or “senior” in the word combination. In the long run associates may further on get to the position of “partner”, see the following instances:

3. The senior associates and junior partners were awarded small offices on the outer walls, with a view of similar buildings. *“Опытным сотрудникам и младшим (the first-year) партнёрам предоставлялись отдельные скромные комнаты с окнами, которые выходили на точно такие же безликие громады*”. “Associates” are divided into “young” and “senior”. The context stresses the division between first-year and more than first-year employees.

4. The rookie associates were stuffed in tight windowless spaces; three or four of them wedged together in cramped cubicles, nicknamed “cubes.” *“Новички довольствовались крошечными отсеками без окон, по три-четыре человека в каждом. Офисы свои они меж собой называли “кубиками”*.

5. Associates were waiting at the door, sharply dressed young men not much older than Kyle. Smug, harried, nervous, they stepped into the lion’s den... *“Возле двери кабинета стояли четверо сотрудников одетые в дорогие костюмы молодые люди на год или два старше Кайла. Четвёрка со строгими, напряжёнными лицами ступила в логово льва...”*.

In the Russian translation the “associate” is translated as: молодой юрист, молодой сотрудник, стажёр, новичок, молодой специалист, новобранец, будущий сотрудник, новый сотрудник, новый работник, сотрудник, начинающий сотрудник, молодые юристы, сотрудник нового набора. Therefore the component ‘novice’ prevails in the semantic structure of the lexeme “associate”.

With reference to *the Law Dictionary*, “the attorney is a person employed in preparing, managing, and trying cases in the courts. An officer in a court of justice, who is employed by a party in a cause to manage the same for him. In English law: an attorney at law was a public officer belonging to the superior courts of common law at Westminster, who conducted legal proceedings on behalf of others, called his clients, by whom he was retained; he answered to the solicitor in the courts of chancery, and the proctor of the admiralty, ecclesiastical, probate, and divorce courts. It is now provided by the judicature act, 1873.” [13]

1. Before long, I’ll have a visit with the attorney for Elaine Keenan, show her the video, look once again at the net worth of Baxter Tate. “Но вскоре я нанесу визит адвокату Илейн Кенан,

покажу ей видео и ещё раз проверю, чего на самом деле стоит Бакстер Тейт”. Here is a close correspondence between the American ‘attorney’ and the Russian ‘адвокат’, on the level of the word the American component is lost/ however it is perceived on the discourse level, see the same case in the following text fragment.

2. At stake is something in the neighborhood of \$800 billion, and the loser might not survive. Nasty, vicious litigation. A bonanza a source of great and sudden wealth or luck” for the attorneys. *“Под вопросом судьба восьмисот миллиардов долларов, и проигравший, похоже, не сумеет выжить”*. *Процесс обещает быть самым скандальным, для адвокатов он станет настоящим золотым дном”*.

3. Attorneys-at-law, all twenty-one hundred of them, the largest law firm the world had ever known. *“Обладая штатом в две тысячи сто юристов, “Скалли энд Першинг” гордо называла себя крупнейшей фирмой в мире”*. While in this case “attorney-at-law” finds its translation as “юрист”.

The lexeme “attorney” realizes the ethnic-cultural component “American in the general meaning of the lexeme”.

The “litigator” is a lawyer who specializes in criminal or civil litigation. Litigators represent plaintiffs and defendants in hearings, arbitrations and mediations as well as jury and non-jury trials. The plaintiffs and defendants involved in the lawsuit are known as “litigants.” Litigators may lead a trial team consisting of litigation paralegals, experts, legal secretaries, litigation support personnel and others [11].

Lawyers are required to litigate some matters, such as qui tam actions for fraud against the government. In most cases, lawyers are just a preferred option for those who choose not to represent themselves in court. The component “highly skilled participant of the trial” is actualized in the context:

1. The average career of a litigator is twenty-five years. The work is high pressure, high stress. Peckham may have been forty-one, but he could easily pass for fifty. *“Эксперт по судебным искам в среднем работает около двадцати пяти лет, Эта работа на износ, вечные стрессы. Сейчас Дугу всего сорок один год, однако он вполне может сойти за пятидесятилетнего”*.

2. The lawyer who signed it was a noted litigator named Wilson Rush, a senior partner with Scully & Pershing, and throughout the day he had telephoned the clerk to make sure it would be properly received and docketed before the court closed for the week. *“Документ был подписан Уилсоном Рашем, опытейшим крючкомвором и старшим партнером фирмы “Скалли энд Першинг”. В течение получаса после подписания Раиш изводил клерка телефонными звонками: зарегистрирован ли иск должным образом? Когда его увидит судья?”* The English noted litigator is metaphorically and emphatically translated as “крючкомвор”.

3. They were greeted by Wilson Rush, the firm’s leading litigator and attorney of record for Trylon Aeronautics in its case against Bartin Dynamics, though that lawsuit was not mentioned. *“Там их приветствовал Уилсон Раиш, глава секции судебных разбирательств и старший в команде адвокатов, представляющий интересы “Трайлон аэронамикс” в её иске к Бартон дайнэмикс” (хотя сама тяжба в беседе не упоминалась)”*.

4. “Someday in court,” she said gravely, “it will be crucial for our litigators to be able to tell the judge that we have examined every document in this case.” *“В суде для наших юристов будет жизненно важным доказать, то они действительно прочитали каждый листок”*. So gain is used as a general lexeme which may substitute all the constituents of “the lexical semantic domain “lawyer” (a person whose business it is to give legal advice in relation to any cause or matter whatever).

5. A long career as a document reviewer would no doubt be dull, but it would also be much less hazardous than that of a litigator. *“Карьера архивной крысы примитивна и скучна, зато она меньше изнуряет, нежели высокие цели эксперта по судебным разбирательствам”*.

6. At the age of forty-four, he was the top-producing (billing) litigator in the firm and had not lost a jury trial in eight years. Toby was in demand by the in-house lawyers of many major corporations. A

year earlier, Kyle had read and clipped an article in Fortune touting The greatness of Scully & Pershing's "fanciest litigator." *"В свои сорок четыре года Тоби считался самым результативным (в плане подсчёта часов) специалистом по судебным разбирательствам, за восемь лет он не проиграл ни одного дела. На Роланда был огромный спрос в крупнейших корпорациях. Годом ранее Кайл вырезал из журнала "Форчун" статью, воспевавшую авторитет "первого" в "Скалли энд Першинг" грозы судей". The lexeme "litigator" actualizes the component "специалист по судебным искам", see also: "эксперт по судебным искам, специалист по судебным разбирательствам, юрист, эксперт по судебным разбирательствам".*

Conclusion and perspective. In the process of text replacement from one language to another, the translator should take into account that the text is not the sum total of its parts, therefore it is no use translating separate words or sentences. Instead it is important that the translator bear in mind carrying the cultural features while converting the text from one language to another [12]. Hence, the translator should strive for the closest approximation of the translated text to the original source to retain its cultural peculiarities, – the process which is easier in case of similar language systems.

The volume of the lexical semantic domains "lawyer/адвокат" differs greatly as well as the volume of semantic components of the nominations. The Russian correspondences of the lexeme "associate" hardly reveal the component which the author intended in the original text. The employment of attributes with the common meaning "молодой" ("young", "unqualified"), or "начинающий" ("green") prove our suggestion.

The main character of the story starts up his carrier as an associate who will go "the way of all flash" in that limited form from a junior associate (partner) to a senior (partner) associate. The pragmatic component of the referred nominations "the associate" in particular is presented by various adjective pragmatically charged, for instance, "green", "young", "unqualified".

For the objective perception and translation it is necessary to translate professional nominations on the lexical semantic domain level and then on the discourse level.

BIBLIOGRAPHY

1. Вайсгерберг Й. Л. Родной язык и формирование духа. Й. Л. Вайсгерберг [пер. с нем.] – М. : Изд-во Московского ун-та, 1993. – 232 с.
2. Вежбицкая Анна. Язык. Культура. Познание /Анна Вежбицкая. – М. : Русские словари, 1996. – 416 с.
3. Гришэм Джон. Юрист [роман]/Джон Гришэм; пер.с англ. Ю.Г. Кирьяка. – М. : Москва, Владимир: ВКТ, 2010. – 382 с.
4. Grisham John. The Associate. John Grisham. – New York : Doubleday, 2009. – 448 p.
5. Castoriadis Cornelius. Social Transformation and Cultural Creation / Cornelius Castoriadis. Political and Social Writings. Vol. 3. (tr. D. A. Curtis). – Minneapolis : University of Minnesota Press, 1993. – P. 300–313.
6. Davaninezhad Forogh Karimipur. Cross-Cultural Communication and Translation / Forogh Karimipur Davaninezhad // Translation Journal. – 2009. – Volume 13. – No.4.– P. 33–37.
7. Gadamer Hans-Georg. Truth and Method. 2nd rev. edn. (Edrs.J. Weinsheimer, D. G. Marshall) / Hans-Georg Gadamer. – London/New York : Continuum, 2004. – 601 p.
8. House Juliane. Translation, Interpreting and Intercultural Communication/Juliane House // J. Jackson (ed.) Routledge Handbook of Intercultural Communication. – Oxford : Routledge, 2012. – PP. 495–509.
9. House Juliane. Translation/ Juliane House //Carmen Millán,Francesca Bartrina (eds.) The Routledge Handbook of Translation Studies. – New York, Oxford: OUP, 2009. – P.533–547.
10. House Juliane. Translation. Oxford Introduction to Language Study ELT/ Juliane House. – Oxford: OUP, 2009. – 134 p.
11. Kane S. The Role of the Litigation Attorney – available at <http://legalcareers.about.com/od/legalspecialties/a/litigationatto.htm>
12. Sakellariou Panagiotis. Translation, Interpretation and Intercultural Communication / Panagiotis Sakellariou// Journal of Specialized Translation. – 2014. – Issue 15.
13. The Law Dictionary. – available at <http://thelawdictionary.org/attorney-at-law/>