The Native Speaker Principle and its Place in Legal Translation

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Abbreviations

NL	native language(s)
NNL	non-native language(s)
NS	native speaker(s)
NNS	non-native speaker(s)
SL	source language(s)
ST	source text(s)
TL	target language(s)
TT	target text(s)

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Declaration

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Abstract

This paper seeks to examine, in the context of legal translation and focussing on the language pair German/English, the relevance of the native speaker principle to this specialist field. The research, spawned by the disparity in professional practice between the UK and Germany, directs attention away from fluency aspects and towards other equally-relevant factors which should not be overlooked when considering the prerequisites for translating law and, adopting a case-study approach using professional legal translators, sets out to ascertain the place of the native speaker principle in legal translation by asking two intrinsically-linked questions: a) can a non-native speaker of the target language produce an adequate legal translation? and b) does a native speaker of the target language automatically always produce an adequate legal translation? Reiss' model for translation quality assessment forms the basis of the analysis and is used to set up a hierarchy of parameters for the assessment of adequacy. The findings indicate that non-native speakers of the target language can indeed produce adequate legal translations, that these must not necessarily be inferior in terms of fluency and, most interestingly, that native speakers of the target language themselves do not always produce fluent, let alone adequate, translations. The paper therefore concludes that, given its very individual nature, translation competence is too complex to be subject to a principle as arbitrary as the native speaker principle and highlights the pitfalls and problems of an ethical nature of applying the native speaker principle as a blanket principle when commissioning legal translations.

(Word count: 251)

Introduction

The native speaker (NS) principle is a norm which has been adopted by the translation industry primarily in English-speaking countries such as the UK and the US and which prescribes that a translator should only translate into his/her native language (NL). This norm is underpinned by traditional translation theory which insists on the NS principle on the grounds that only a NS of the target language (TL) can produce a flawless translation in terms of fluency and linguistic and grammatical accuracy. Although it is true that, with regard to traditional forms of translation, such as literary translation, fluency and linguistic and grammatical accuracy of the target text (TT) are of utmost importance, since this type of translation is concerned with the aesthetic effect of the translation on the reader, many other fields of translation have since emerged, particularly in the fields of business and technology, to which this norm has automatically been extended, and which today is regarded as the embodiment of professionalism in the English-speaking translation industry.

However, placing the emphasis on the fluency of the TT detracts from a further requirement which is to accurately communicate the source text (ST) message and which, particularly in the case of specialist fields of translation, must be considered equally important to, if not even more important than, the requirement of fluency. If selecting a translator who is a NS of the TL is the key to a fluent translation, it would seem to follow that a NS of the source language (SL) would be the key to accurate comprehension and therefore accurate communication of the ST message. This would appear to apply even more to legal translation because, unlike in the case of other areas of specialist translation, such as medicine and the automobile industry, in which there are equivalent terms in most languages thus making subject-specific knowledge fairly universal, legal translators are required to translate not only between two languages but also between two legal systems. It is therefore imperative that legal translators have knowledge and an understanding of the legal system out of which they are translating. Although in an ideal world every translator would have a perfect command of both languages, in addition to the required subject-specific knowledge, in practice this is most unusual, thus requiring the commissioner to select a NS of one of the languages only. Logically, if the prime concern is communication of the ST message, a NS of the SL would therefore appear to be the more appropriate choice – or at least no less appropriate than a NS of the TL. However, traditionally these arguments have been completely disregarded and still are being disregarded in the English-speaking world where the NS principle has

become a norm which has been allowed to bulldoze its way through the English-speaking world of professional translation with an apparent disregard for logic, ethics and individuality.

This research has been spawned by the disparity in professional practice between the UK and Germany. Whilst the NS principle is the golden rule for translators in the UK, in Germany, and indeed in many other European countries, the NS principle does not appear to apply at all and translators are trained to and do appear in practice to translate bidirectionally irrespective of whether the text concerned is literary or pragmatic, general or specialist. These two completely opposing but co-functioning practices will serve as the springboard for this dissertation which aims to

> examine the place of the NS principle in legal translation in view of the arguments against it for specialist translation put forward in literature and in light of professional practice in other countries.

The research topic requires examination of the following fundamental questions:

1) Can a professional legal translator who is a non-native speaker (NNS) of the TL produce an adequate legal translation?

2) Does a professional legal translator who is a NS of the TL automatically always produce an adequate legal translation?

Voices in literature suggest that it is indeed the case that a NNS of the TL can produce an adequate legal translation; some even go as far as to suggest that translating into the non-native language (NNL) is *preferable* in specialist fields, given the additional specialist knowledge required and the complexity of the subject-matter. This dissertation adopts a case-study approach which aims to put this hypothesis and the NS principle to the test. It would, of course, also be interesting to be able to take account of the reasons why translators do or do not translate into their NNL, the extent to which commissioners take account of the NL of the translator when commissioning work and the demands of the industry itself. However, in view of its restricted length, this dissertation will limit itself to the above-mentioned fundamental questions and any further issues are left to further research.

After looking more closely at the NS principle and professional practice in the UK and in Germany in order to place this research within the broader framework of the translation industry in Chapter 1, Chapter 2 subsequently provides a review of the existing literature and examines two existing case studies which are concerned with comparing translations produced by NS and NNS of the TL. The Literature Review will also address the peculiarities of legal translation as a specialist field and the issue of translation quality assessment and methods of defining and determining adequacy. Chapter 3 explains the Methodological Approach to the case study forming the basis of the present research for which German and English native-speaking legal translators were all asked to translate the same short German legal text into English. The translation products resulting from this case study are subsequently analysed and presented in Chapter 4. This analysis is followed by a discussion of the findings of the case study in terms of the answers they provide to the research questions (Chapter 5). The paper concludes (Chapter 6) by considering what the findings might mean for professional practice and finally makes some recommendations as to areas for further research (Chapter 7).

1. Context

The native speaker principle and professional practice in the UK

Traditionally translation theory has called for a receiver-oriented approach to translation. This places the focus on the fluency and the linguistic and grammatical accuracy of the TT and there has always been and still is an assumption that only a NS of the TL is in a position to achieve this. Venuti (2008, p.6) points out that given this situation, 'it seems inevitable that fluency would become the authoritative strategy for translating, whether the foreign text was literary or scientific/technical, humanistic or pragmatic, a novel or a restaurant menu'. This assumption developed into a norm and is now a principle, which has since filtered through from translation theory into professional practice, presumably helped along by universities offering translation courses at postgraduate level, which insist that students translate solely into their NL. The NS principle is today applied across the board to all fields of translation with an apparent disregard for text type, field and possible alternative strategies and counter-arguments. This is hardly surprising given the stances taken in books aimed at budding translators: Newmark (2003, p.3), for example, states: 'I shall assume that you, the reader, are learning to translate into your language of habitual use, since that is the only way you can translate naturally, accurately and with maximum effectiveness' (emphasis added) and likewise Baker (1992, p.65) writes: 'Assuming that a professional translator would, under normal circumstances, work only into his/her language of habitual use, the difficulties associated with being able to use idioms and fixed expressions correctly in a foreign language need not be addressed here' (emphasis added). Neither Newmark nor Baker sees any need to address the NS principle directly; they only make indirect reference to it; and the use of the verb 'assume' underlines just how much of a generally accepted principle, today enshrined in professional practice, it has become.

In their Codes of Professional Conduct, the two main professional associations in the UK, the Institute of Translation and Interpreting (ITI) and the Chartered Institute of Linguists (IOL), require their translators 'to translate only into a language which is either (i) their mother tongue or language of habitual use, or (ii) one in which they have satisfied the Institute that they have equal competence' (ITI, 2007) and 'to work […] only into their language of habitual use' (IOL, 2007) (emphasis added)

respectively. However, despite this general principle, the Chartered Institute of Linguists does go on to acknowledge that translation into the NNL does take place:

> 'Notwithstanding the provisions of 5.2, if a Principal requests that the Practitioner […] translate out of his or her language of habitual use (as may occur if the Principal believes that a mother-tongue translator will have a better understanding of the text), the Practitioner may proceed provided that […] the Principal has been made aware of the potential disadvantages of proceeding in disregard of the principle expressed in 5.2' (emphasis added).

However, this is clearly enshrouded with negative connotations. In the UK translating into the NNL is reserved solely for language teaching and learning purposes in an educational environment and anyone who translates into their NNL professionally is likely to be both ridiculed and dismissed as unprofessional: Newmark (2003, p.3) comments that such translators '…contribute greatly to many people's hilarity...' and Grindrod (1986, p.9) comments on a survey of translators she conducted where she reports that the percentage of translators who translate solely into their NL drops from 84% in Britain 'to an astonishingly low 35% in Germany (which perhaps explains the trouble I had recently with the instructions, translated into English, for my cuckoo clock!)'. Translating into the NNL, particularly in the UK, is therefore most certainly a no-go area.

Bidirectional translation and professional practice in Germany

Unidirectional translation is by no means the norm in other countries, however. In Germany, for instance, translators translate bidirectionally and are trained to do so. The *Bundesverband der Dolmetscher und Übersetzer e.V.* (Federal Association of Interpreters and Translators) automatically assumes that its members will wish to offer translations in both directions to the extent that translators not wishing to offer this service must manually change the standard settings on the website. The *Berufs- und Ehrenordnung* (Code of Professional Conduct) merely states:

> '*Dolmetscher und Übersetzer dürfen sich nur in solchen Sprachen und auf solchen Sachgebieten betätigen, in denen sie über einwandfreie Kenntnisse verfügen, um die übertragenen Aufgaben*

> *auch gewissenhaft ausführen zu können*' (emphasis added) (author's translation: 'Interpreters and translators may only work in the languages and in the specialist areas of which they have impeccable knowledge such that they can carry out the tasks assigned to them in a conscientious manner').

'*Einwandfreie Kenntnisse*' (impeccable knowledge) is not defined; a high level of proficiency is a clear requirement but there is certainly no mention of the language into which translators translate having to be their NL.

Not only is bidirectional translation an accepted part of professional practice in Germany, it is also required practice to some extent. For example, university courses training translators require students to translate in both directions and, more alarmingly for those coming from an English translation background, it is only possible to become a certified translator in Germany as a bidirectional translator. This is of particular relevance to the field of legal translation given that the vast majority of translations requiring certification will be legal documents. The Federal State of Baden-Württemberg makes the following requirement of such translators:

> '*Die Kompetenz der Übersetzerfähigkeit bei sowohl allgemeinen als auch fachlichen Texten jeweils in und aus der Fremdsprache muss zweifelsfrei nachgewiesen werden*' (author's translation: 'There must be no doubt about the translator's competence and ability to translate both general and specialist texts both into and out of the foreign language').

There is no option of applying to be certified for the language direction German into English, for example, but not from English into German. This automatically excludes many English NS who abide by the NS principle from becoming certified translators in Germany which, in turn, gives rise to a market demand for translators translating into their NNL in this area.

2. Literature Review

There is a substantial amount of literature which addresses the NS principle and translation into the NNL, much of which dates from the 1990s onwards. This appears to be the time when translating into the NNL, which had long been a taboo subject in translation theory, started to be openly addressed for the first time. The literature can be roughly divided into three bodies: the first body of literature is concerned with translation into the NNL within the context of translator training, improving language competence and as a measure of language competence (e.g. Campbell, 1998). Given that the research question is concerned with translation in professional practice, this literature is not relevant to this project. The second body of literature argues that the NS principle is idealistic, particularly in respect of minority languages such as the Scandinavian languages and Slovene, for which there are simply not enough suitably-qualified NS translators to meet the demands of the industry (e.g. Pokorn, 2008). Given that this dissertation is not concerned with the reasons why translators do or do not translate into the NNL but merely with the underlying question of whether it can be considered acceptable, this literature is not relevant here either. The third body of literature, and the literature which is relevant to this study, focuses on translation into the NNL in specialist fields arguing that the strengths which a NNS translator of the TL can bring to a translation in terms of ST comprehension and specialist expertise must outweigh those brought by a NS of the TT in terms of fluency. Legal translation is not addressed directly but some references are made to it. However, there is additionally a small amount of literature which is concerned with the prerequisites for legal translation and the categorisation of legal translation as a specialist field which, read in conjunction with the literature arguing in favour of translation into the NNL in specialist fields, sets up the framework for this research. These two areas will be discussed below. This will be followed by a review of methods of translation quality assessment put forward in literature and of the concept of adequacy. Finally the findings of two case studies will also be considered which, although not concerned with specialist translation, do examine translation into the NNL. It is these case studies which will form the basis of the methodological approach explained in Chapter 3.

Translation into the non-native language in specialist fields

The main argument put forward against the NS principle for specialist translation is that that there are certain fields of translation which require translators to have very

specialist subject-specific knowledge and as such whether or not the translator is a NS of the target language (TL) may not be the prime concern. Pokorn (2000, p.79) emphasises that 'the advantage of fluency in the target language that native speakers of the TL have is often counter-balanced by an insufficient knowledge of the source language and culture, which means that translations by native speakers of English are not automatically 'superior".

Bretthauer (2000) picks up on this problem faced by specialist translators, stating that they are expected have an in-depth knowledge of their specialist field, whilst at the same time acknowledging that most translators still have a linguistic rather than a specialist background. He infers that in an ideal world a translator would have both linguistic competence, cultural knowledge and have studied a specialist field, preferably in both countries concerned, and terms this a '*dreifache Doppelqualifikation*' (author's translation: triple-facetted dual qualification) (p.147): linguistic knowledge x 2 languages, cultural knowledge x 2 languages and specialist knowledge x 2 languages. This is, of course, idealistic. As such there is an awareness that compromises are necessary. Since the style and register which is required for technical translation is not part of general language and must be learned, he believes that this can be acquired equally well by NS as by NNS of the TL.

A further point which Bretthauer (2000) makes is that commissioners of specialist translations are often not looking for a polished translation but are concerned primarily with accurate communication of the ST message and that, for this reason, NNS are also in a position to provide a translation which meets these requirements, to provide an '*adäquate, geringeren stilistischen Ansprüchen genügende Übersetzung*' (author's translation: 'adequate translation which satisfies lower stylistic requirements') (p.148). Adab (2005) adopts a similar stance, recognising that in highly-specialised areas such as 'cutting-edge research in medicine', translations into English are often not intended for NS of that language and as such global English will be found to be acceptable particularly where the 'addressees who are using the target language as a second language, a *lingua franca*, may themselves not possess a full range of native speaker competences' (p.233). However, where this is not the case, she argues that 'few translators working into a second language […] will be likely to produce a text that would need no editing by a native speaker' (p.234).

Although advocating translation into the NNL in specialist fields, Bretthauer (2000) does concede that translators who are NNS of the TL do have their limitations in

terms of their power of expression in and the ability to manipulate the TL which he regards as a problem in advocating the use of the NNS with respect to the translation of international treaties which rely heavily on very slight nuances of expression. Schmitt (1990, p.101), on the other hand, argues that, even when the TL is not the translator's NL, the range of expressions available to this translator can still be sufficient to produce a TT which is not only accurate in terms of content but also linguistically and grammatically correct. He focuses on the argument that a NS of the SL will find it easier to understand a complex specialist text and thus argues in favour of NNS translator and asks what is the point of a perfectly fluent translation if it does not accurately communicate the ST message. Nuances contained in the ST which need to be understood are equally important to the nuances which need to be expressed in the TL.

Two camps have thus materialised: those who believe that translation into the NNL is necessary given the complexity of specialist fields but who recognise that specialist translation is a compromise and, forced to choose, prefer accuracy over fluency, assuming that the TT will still be adequate, and those who believe that translation into the NNL is necessary for the same reasons but believe that the resulting TT must not necessarily be inferior in terms of fluency.

Legal translation

Legal translation is a specialist field of translation to which the above arguments apply perhaps more than to any other since, as de Groot (1987) points out:

> 'There is, for the most part, no international jargon in jurisprudence. Legal terms are strictly bound to a legal system and because legal systems differ from state to state, legal terminology also differs from country to country. Because legal terminology is bound to a legal system, translating legal texts is more difficult than translating texts which refer to other specializations. […] When translating legal texts, more than just linguistic skills are important. The translator must possess the skill to compare the legal content of terms in one language (one legal system) with the legal content of terms in another legal language (the other legal system). We can formulate this thesis differently; comparative law forms the basis for translating legal texts' (pp.796-7)

and even goes as far as to draw parallels between 'the work of a translator of legal texts and the work of a private international law specialist' (p.801). Given these requirements, the NL of the translator must perhaps not pale into insignificance but must certainly take a step back in view of the arguably more important attributes which a translator in this field must necessarily possess. Harvey (2002) argues that translation of statutory instruments should be 'left to expert practitioners' (p.183) precisely for this reason and the expert practitioners of German law will in the vast majority of cases be German lawyers and thus NNS of the TL.

Adequacy and methods of translation quality assessment

'Adequacy' is a much-discussed concept in translation studies and does not have one single definition. For the purposes of this dissertation 'adequacy' will be assumed to have the meaning it has been assigned in skopos theory (which considers translations in terms of their purpose/function), that is that "adequacy' refers to the qualities of a target text with regard to the translation brief: the translation should be 'adequate' to the requirements of the brief' (Nord, 1991, p.35). Where the purpose of a translation is to convey the same information to the TT reader as is contained in an informative ST (as is the case with the text selected for the case study, Chapter 3), a translation can therefore be considered 'adequate' if it succeeds in doing so. However, the situation is slightly more complex given that, as Reiss (2000) explains, the main problem with translation quality assessment is its inherent subjectivity. Given that translation quality assessment is a necessary process but in awareness of the fact that there is no place for subjectivity in empirical research, various methods are proposed in literature which are aimed at making any analysis as objective as possible. These aspects include the importance of a ST/TT comparison (Reiss, 1991, Nord 2000) and the need for any evaluation to be based on a clearly defined 'strong conceptual framework' (Pym, 1992, p.279).

Both Nord (1991) and Reiss (2000) call for translations to be assessed on the basis of a comparative analysis of the ST and the TT and for the TT not to be treated as a stand alone product: 'Since success in dealing with translation problems can be determined only by a comparison with the text in the original language, reference to the original text provides the only effective means for establishing a detailed evaluation of a translation' (Reiss, 2000, p.15).

Nord (1991) also calls for translations to be assessed in terms of 'the translation skopos' and explains that errors should be regarded as deviations from the skopos for the translation in question. Although, of course, in the professional world the translation skopos, in the form of a translation brief, is not always provided, it is the translator's responsibility to carry out a ST analysis in order to deduce the most appropriate translation strategy. A set of parameters must therefore be established for each translation. A useful set of parameters is offered in the form of Reiss' (2000) model for translation quality assessment. This consists of four categories: 'semantic equivalence', 'lexical adequacy', 'grammatical correctness' and 'stylistic correspondence'. Critics are called upon to consider the TT in terms of these four factors although she recognises that the value of each individual factor will vary according to text type. In the case of an informative text, 'semantic equivalence' will be the primary factor for determining adequacy. The reason for this is that 'the consequences of pragmatic errors are serious, since receivers tend not to realise they are getting wrong information. Pragmatic errors are thus among the most important a translator can make' (Nord, 2007, p.76). 'Lexical adequacy' will also be important where poor lexical choices lead to errors in 'semantic equivalence' whereas 'grammatical correctness' and 'stylistic correspondence' will only be relevant where grave errors also distort the meaning of the ST: 'The grading of […] linguistic errors depends on the influence they have on the function of the target text. If a missing comma or a spelling mistake leads to an inadequate interpretation of the referential function, the error is no longer a mere deviation from linguistic norms' (Nord, 2007, p.76).

Pym (1992) proposes a model which distinguishes between what he refers to as 'binary errors' and 'non-binary errors' whereby 'binary errors' are defined as clear-cut errors; either the chosen translation solution is correct or it is incorrect. 'Non-binary errors' on the other hand are more complex. The chosen translation solution may be correct but there may be a more appropriate choice for various reasons. Pym explains that the 'problem with non-binary errors is that there is no readily available authority for their immediate correction' (p.286). The focus of the evaluation of the translation products in the case study will therefore be on binary errors which can be assessed objectively. By fusing the two models, the case study will therefore be concerned with binary errors and it is expected to be binary errors of a semantic or lexical nature which will lead to a TT being considered inadequate.

Case studies in literature

Two case studies, discussed below, can be regarded as relevant to the current research. These case studies by Rogers (2005) and Pokorn (2005) are not concerned with translation into the NNL in specialist translation but in general translation and literary translation respectively.

Firstly, Rogers (2005) asks whether it is 'good professional practice to translate out of as well as into your mother tongue' (p.256). Although she admits that translators working into their NNL have been known to produce atrocious translations, she is quick to point out that translators working into their 'mother tongue or language of habitual use may also produce work of an unacceptable standard' (p.258). Like Bretthauer (2000), she recognises that NS of the SL have certain strengths and NS of the TL other strengths. She presents the results of a small case study which compares the results of translations by native English-speaking and native German-speaking student translators of a short German non-specialist text into English and compares the results. She finds that, as expected, the translations by the NS read more fluently but, rather alarming, that they contained pragmatic errors which were completely covered up by the fluency of the TT. She also discovers that, although the translations by the NNS did not read as fluently and did contain lexical and grammatical errors, they did not distort the message of the ST.

Although not concerned with specialist translation, these results are extremely interesting since legal texts are, by their nature, often extremely complex and, as such, translators who are NS of the TL with insufficient subject-field knowledge may incorrectly construe the meaning of the ST which, in the field of legal translation, could have disastrous consequences. It must be borne in mind, however, that the case study conducted by Rogers (2005) involved student translators. Student translators, unlike professional translators, can be expected to make more linguistic and grammatical errors and more errors of comprehension simply due to their inexperience. Rogers (2005) recognises that her findings do not 'support a global proscription on the use of non-native speakers as professional translators' (p.271) but she does believe that their translations would present fewer problems for subsequent revision than the NS translations whose 'fluent but inaccurate translations […] can be counterproductive'.

Secondly, Pokorn (2005) conducts a case study which focuses on literary translation. This is extremely interesting given that it is precisely literary translation to which the fluency argument and the NS principle traditionally applied. As its corpus the study takes existing translations by Slovene and English NS into English of various works originally written in Slovene. Her aim is to determine whether there is any correlation between the NL of the translator and the type of errors made and, in a second step, whether NS of the TL can recognise the NL of the translator from the TT. What she discovers is that there is no correlation between type of error, i.e. lack of mastery of TL, lack of comprehension of ST and the NL of the translator concerned and that it was impossible to detect the NL of the translator in question from the TT. She thus disproves some common assumptions. Although she acknowledges that more often than not it will be the NNS of the SL who have comprehension difficulties and NNS of the TL who will make linguistic errors, her findings show that this is by no means always the case and she concludes that it is the skills and competence of the specific translator concerned together with his/her knowledge of the subject concerned which determine the quality of the final translation product.

Summary

The literature makes the following hypotheses:

1) A NNS of the TL can produce an adequate legal translation (whereby adequacy must be regarded as being accuracy of transmission of the ST message). It is proposed that this is even more likely to be the case where the translator has specialist knowledge of the specialist field concerned.

2) A NS of the TL is likely to lack the ability to comprehend a complex specialist text if he/she does not have knowledge of the specialist field. The resulting translation will thus be fluent but possibly inaccurate and thus inadequate.

The results of the two case studies discussed are in opposition to one another: whilst the first finds that NS of the TL produce fluent translations which, in some cases, conceal semantic errors and NS of the SL produce less fluent translations but do not misconstrue the ST message, the second finds that it is not possible to make such generalisations because translation competence varies from translator to translator and is unrelated to NL.

3. Methodological Approach

In order to test these hypotheses a case-study approach is being adopted which essentially combines individual elements of the two case studies discussed in the Literature Review chapter with intentional variations. In the first instance the present case study adopts the approach taken by Rogers (2005) in that it compares translations into English of the same short German text by NS and NNS of the TL. The reason for selecting the translation direction German into English was to make use of the fact that, in professional practice in Germany, it is the norm to translate in both directions. This means that, in theory, translations provided by native German speakers will be real examples of the work these translators usually produce. If the language direction were to be reversed, given the fact that in the UK translators do not, as a rule, translate out of their NL, any translations would have been produced solely for the purposes of this study and would not reflect general practice. The approach adopted hopes for more authoritative results.

The key differences between the present approach and Rogers' approach is that the text selected for the present case study is a specialist legal text (as opposed to a general text) and the translators used in the study are NS and NNS of English who are professional legal translators (as opposed to student non-specialist translators). The reason for the selecting a specialist legal text is clear since translation into the NNL in specialist fields is the focus of this study. The decision to use professional legal translators was taken on the basis of the assumption that translators with experience translating specialist texts in a specialist field should, in theory, neither make as many errors of comprehension as student translators nor make as many linguistic and grammatical errors thus suggesting that there may not be so much of a difference between the translation products produced by the NS and NNS of English as Rogers (2005) found. The research question asks whether NNS professional legal translators can, in practice, produce legal translations which can be regarded as adequate. In practice professional translators specialising in the field of legal translation will have additional skills which they have built up over years of experience which may include subject-specific knowledge (either in the form of formal legal training or gained from their experience), the ability to use translation tools and the ability to quickly locate other resources such as parallel texts; these are skills which student translators will not yet have perfected. It is therefore quite possible that the presumed lack of fluency in the NNS translations and the expected

semantic errors in the NS translations will not materialise. Furthermore, Pokorn's (2005) findings (see the Literature Review chapter) suggest that there may not be such a clear distinction anyway and that, although, in theory, NNS of the TL are more likely to make errors of fluency and NNS of the SL are more likely to make errors of interpretation, this must not necessarily be the case.

In an attempt to make the study as objective as possible, a further variation from Rogers' approach was made to incorporate part of the approach applied by Pokorn (2005). Although the translators were asked to state their NL and whether or not they had formal legal training, in a first step the translation products were considered without the information provided by the translators about their NL and legal background. For this purpose and also to ensure anonymity, the translations were assigned a letter. It was felt that this would be the most objective approach given that knowledge of the NL of the translator would automatically influence the analysis and make the author look for specific errors. The information regarding the NL of the translator and about his/her legal training was therefore only considered in a second step in an attempt to identify any correlation between adequacy and NL and/or legal background.

Selection of the text for translation

When selecting the text to form the basis of this case study it was necessary to take the following factors into consideration:

1) the text would necessarily have to be short

    a) in order to make data analysis possible within the scope of a restricted-length study

    and

    b) because the case study relies on translations provided by professional translators without remuneration.

    However, it was decided that the text should also be a text which stands alone and not a paragraph of text taken from a larger document which

would make it more difficult for a translator to connect with the subject-matter;

2) the text should be a text not devised for the purpose of a case study with specific translation problems added for the purpose but part of an original text which a professional translator had actually been faced with;

3) the text should not be a straightforward contract with simple sentences and boilerplate clauses which can be easily found on the internet since the assumption in this case would be that the translation would not pose many translation problems and would therefore not test the translators' subject-specific knowledge;

4) the text should not be so complex that translators would be put off from participating in the study.

The text finally selected was thus a short (approximately 250 word) German text explaining the appeal system under German law (Appendix 1). Since the text is informative in nature much of the required knowledge is contained in the text itself. However, the text contains a number of specialist terms for which there are no direct equivalents in English law, such as the names of the courts and the types of appeal, thus requiring additional knowledge or research. This requires the translators to adopt appropriate translation strategies, tests their understanding of the concepts and also their ability to express/describe these concepts in the TL. In the brief the translators were asked to translate for a reader who has no knowledge of German or the German legal system and from the nature of the text it was clear that the text was informative in function thus making accurate communication of the ST message the primary concern.

Criteria for assessment

Next it was necessary to set up criteria for assessment. Reiss' (2000) model for translation quality assessment discussed in the Literature Review chapter is being used as the basis for the assessment of adequacy which forms the basis of the case study. The individual translations were thus considered in terms of their adequacy which was assessed on the basis of the following criteria (the categories have been

taken from Reiss' model for translation quality assessment and their content adapted to the text type which forms the basis of the case study):

1) Semantic equivalence (accurate communication of the ST message (i.e. no misinterpretation or misconstruing of the ST, no semantic errors, communication of intended meaning, correct interpretation of polysemous terms, correct use of homonyms, no additions or omissions);
2) Lexical adequacy (suitable strategies adopted to deal with specialist SL terms for which there is no equivalent in the TL);
3) Grammatical correctness (syntax, grammatical usage, stylistic aspects should conform to TL usage, correct comprehension of SL structures);
4) Stylistic correspondence (the formal register of the ST should be maintained).

Although all four criteria are relevant to a translation of the text type in question, the prime concern with an informative text is accurate communication of the ST message; it must be possible for the TT reader to obtain the same answers to any questions answered by the ST by reading the TT. This means that the first two criteria must be assigned greater importance than the second two criteria. It was thus semantic or lexical errors which led to a translation being regarded as inadequate. Although grammatical correctness and stylistic correspondence are also desirable, stylistic perfection is not a prerequisite unless lack of grammatical fluency or gross errors of register are considered to detract from the informative function to such an extent that this leads to miscomprehension or the TT.

The discussion of translation quality assessment in the Literature Review chapter makes it clear that a comparative analysis of the ST and the TT is imperative and that the translations should not be evaluated as stand alone products. It is also important to realise that comparing the NNS translations with the NS translations is not an option given that no assumption is being made that the translations by NS will be of superior quality. The objective is to determine whether translation into the NNL is viable, or even preferable, and whether translations produced by NS can automatically be considered adequate and not to start off from an assumption about the quality of the translations from each group. By applying the same model to each of the translations the aim is to ensure that the assessment of adequacy remains as objective as possible. The results of this assessment will subsequently allow a comparative analysis of the resulting translation products.

The following diagram has been constructed to illustrate the proposed method of categorisation of the translation products, the findings which the literature suggests will result and the author's thesis:

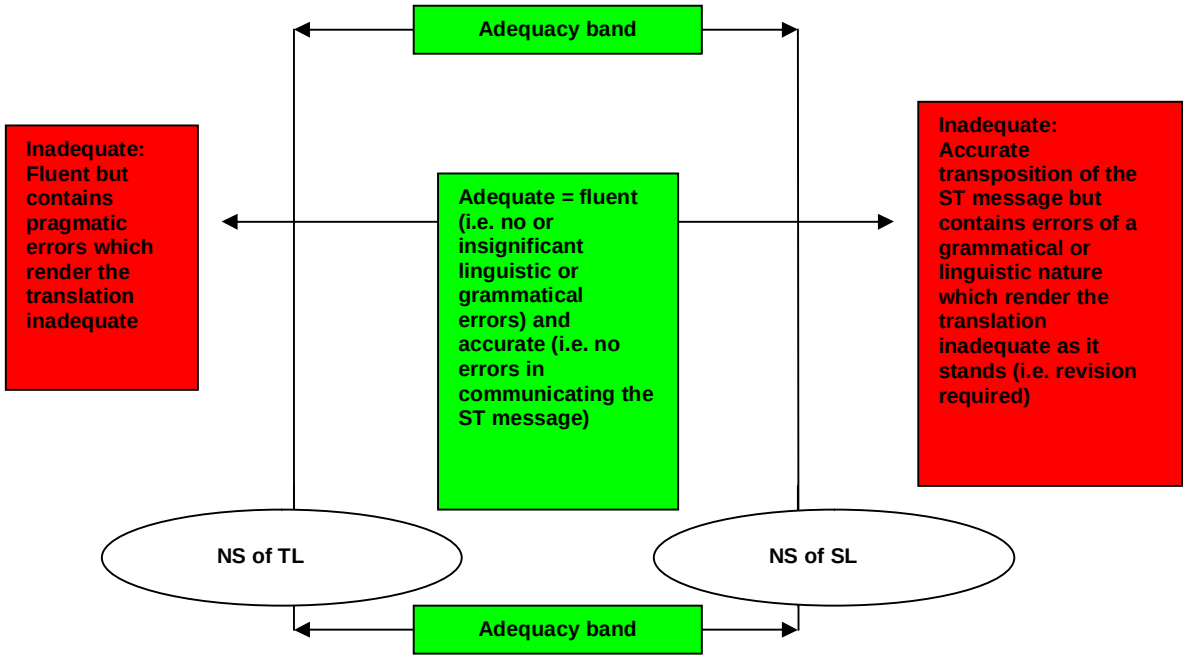

Figure 3.1: Adequacy scale

Figure 3.1 allows for both NS and NNS of the TL to produce translations which are both adequate and inadequate, thus moving away from the NS principle. However, given their expected different strengths and weaknesses, their translations are likely to be inadequate for different reasons. According to the literature, NS of the TL can be expected to produce translations which may contain semantic errors caused by lack of ST comprehension but which will still be fluent. These will therefore fall outside of the adequacy band to the left because they do not accurately communicate the ST message. NNS of the TL, on the other hand, can be expected to produce translations which may contain errors of a linguistic or grammatical nature which are serious enough to lead to miscomprehension of the ST message. These will therefore fall outside of the adequacy band to the right. The NS principle assumes that the only translations which will fall within the adequacy band are those produced by NS of the TL, thereby excluding all translations produced by NNS of the TL. The corollary of the NS principle is also that NS will always produce translations which fall within the adequacy band. The author proposes that both NS and NNS are capable of producing translations which fall inside the adequacy band but that

equally both NS and NNS are also capable of producing translations which fall outside of the adequacy band.

Data collection

With a case study of this nature involving professional translators the next question was naturally how to go about obtaining the required data. The most obvious places to look for participants were the professional associations of the counties concerned and on internet forums for translators although it must, of course, be borne in mind that professional associations have conditions for entry, such as qualifications or experience, thus suggesting, but by no means guaranteeing, some kind of quality control and that internet forums are generally open to anyone. 'Translator', and by analogy 'legal translator', is not a protected profession either in Germany or the UK and as Chesterman and Wagner (2010) note, 'just about anyone with some bilingual skills can set themselves up as 'a translator', advertise, find some translation work and produce some translations - regardless of how good they are, how much professional training they have had, etc.' (p.37).

Moreover, when making such data requests it is important to note that, in general, professional translators, particularly freelancers, do not have much time on their hands, will not be kindly disposed to providing their services for free and can be extremely critical of any academic or theoretical endeavours given that they are either completely unaware that there is any such thing as a translation theory or, if they are aware of it, tend to be negatively disposed to it, arguing that theory is completely out of touch with practice: 'Translation theory? Spare us …?' is what Wagner (Chesterman and Wagner, 2010, p.1) accepts is the '...reaction to be expected from most practising translators'. An explanation of the study and the text chosen for translation were thus posted in English or in German as appropriate on various websites and also sent directly to colleagues with the request that it be forwarded to anyone else they may know who may meet the requirements. The request called for native German-speaking and native English-speaking legal translators to participate in the study by providing an English translation of the short German legal text by email together with details of the their NL and whether or not they have formal legal training. Participants were informed about the purpose of the study and that all translations would be treated anonymously. The decision to post on so many different websites was taken in order to take account of the fact that the number of translators who would be willing/suitably qualified to participate in such a

case study was likely to be limited and in an attempt to obtain a sample representing various different layers of the market.

Limitations of chosen approach

The author is aware that without funding a case study of this kind is destined to remain small. With funding it would have been possible to remunerate translators for their efforts and thus include a variety of different text types and even language combinations in the study. However, it is recognised that given the limited nature of the case study and the extremely complex and multi-facetted nature of the topic, any findings will be of no more than a preliminary nature and that the study would need to be expanded to include additional types of legal text before any reliable conclusions can be drawn. Further research and an expansion of the present case study is necessary. The fact that the translations were produced by translators in their own home/work environment means that it is impossible to guarantee that the translations provided really were produced by the translators themselves, that they were not proofread, revised, etc. The results should therefore be treated with caution and not regarded as conclusive.

4. Discussion of the Material Investigated

Reflections on the response to the case study

The request for participants generated three types of responses. The first type was from those who participated in the study and provided translations. This data is discussed in detail in the next section. In addition, further responses were received, particularly from NNS, commenting that, although qualified to translate in both directions, they prefer not to do so. Others commented that, although trained to translate in both directions and in awareness of the fact that many translators choose to do so, their experience has been that translating only into the NL is now also accepted professional practice in Germany with many agencies only being prepared to work with NS of the TL and commissioners also requiring translations by NS of the TL. This is extremely interesting and is worthy of further research. The third type of response, and this is discussed here in an attempt to place the number of responses into a explanatory framework, was from translators complaining a) about the lack of remuneration and b) about the fact that translation theory has no relevance to professional translation and that the results of such studies never filter down to those at the wordface thus making participation a waste of time.

Many professional translators are quick to complain that their profession is misunderstood by academics but if professional translators are not prepared to participate in studies being conducted with the aim of trying to understand professional translation, this gap between theory and practice will only widen further. The proscribed aim of descriptive translation studies is to reflect practice, not to dictate or to prescribe, and it may be true that it is currently not doing that as effectively as it might but the only way it can do this is if professional translators permit researchers access to the field. Otherwise researchers have no choice but to base their studies on the work of student translators which naturally means that such studies are restricted to providing an insight into translator training and cannot be regarded as representative of the profession. The lack of awareness and knowledge by professional translators about how translation theory can assist them in their work is clearly the underlying factor for these views and attitudes and, as in other walks of life, people tend to automatically reject the unfamiliar. Chesterman and Wagner (2010) quote Graham Cross, a British translator, who comes to the following conclusion, after reviewing the Routledge Encyclopaedia of Translation Studies,

> 'a remarkable storehouse of interesting information. But my doubts about the book's aims remain. Will it help one to become a better translator? I doubt it. … Does it help to give the translation profession a feeling of self-esteem and worth? Hardly. ... From the point of view of my working life, it is interesting but irrelevant.' (p.1)

Until professional translators become aware that translation theory could be a useful tool to them in their daily work, that it could help to break down various misconceptions about the translation industry, these attitudes will not change and until translation theorists are given access to professional translators and their work, translation theory will not develop in a useful manner. Ways of breaking out of this vicious circle should definitely be the subject of future research.

Data corpus

A total of 13 translations were received in response to the study. Although this is a relatively low number, for qualitative data analysis on the restricted scale of this project, it can be considered sufficient to provide preliminary indications. As described in the Methodological Approach chapter, the study was advertised on a wide number of translation websites and the translations provided came from a variety of different sources. Six of the translations were provided by NNS and a further seven by NS. Given the fairly equal NS to NNS ratio and the relatively low number of translations, the entire sample was taken as the data corpus. These translations were first subjected to an individual analysis in terms of their adequacy based on the criteria set out in the Methodological Approach chapter which are repeated here for ease of reference:

1) Semantic equivalence (accurate communication of the ST message (i.e. no misinterpretation or misconstruing of the ST, no semantic errors, communication of intended meaning, correct interpretation of polysemous terms, correct use of homonyms, no additions or omissions);
2) Lexical adequacy (suitable strategies adopted to deal with specialist SL terms for which there is no equivalent in the TL);
3) Grammatical correctness (syntax, grammatical usage, stylistic aspects should conform to TL usage, correct comprehension of SL structures);
4) Stylistic correspondence (the formal register of the ST should be maintained).

The translations are provided in Appendix 2 and have been randomly assigned the letters (a) to (m). Perceived errors have been highlighted red and green in these translations. The errors highlighted in red have been deemed to render the translation inadequate. The errors highlighted in green are other errors which were deemed to have no effect on adequacy. These translations are followed in Appendix 3 by a detailed error analysis and an assessment of their adequacy in terms of the above parameters in tabular form. The analysis does not claim to have identified every single relevant element and a conscious attempt has been made to only comment on binary errors which could be assessed objectively (Pym, 1992). Other stylistic points have not been considered given that, as discussed in the Literature Review chapter, any assessment thereof would be subjective and such matters are not relevant to the question of adequacy. A summary of findings of the initial ST/TT analysis is provided in the next section. Subsequently the results are analysed and synthesised in an attempt to ascertain whether there are any indications of correlation between adequacy or inadequacy and the NS or NNS groups of translators and between adequacy and inadequacy and the legal training or lack of legal training of the individual translator. The results of this analysis can be found in Chapter 5.

Adequacy of the translation products

This section will discuss the translation products in terms of the above categories of errors and discuss their relevance to the assessment of adequacy.

1) Semantic equivalence

   As explained in the Methodological Approach chapter, accuracy in communicating the ST message and thus lack of semantic errors was deemed the prime parameter relevant to this text type for determining adequacy. To recap, when translating an informative text the prime concern must be to accurately communicate the ST message to the reader. Any answers to questions about the German appeal system which could be provided by way of reference to the ST must also be able to be provided by way of reference to the TT and the content of the answers must be the same. The translations were therefore automatically regarded as inadequate if they contained semantic errors. Seven out of the twelve translations were found to

contain semantic errors. These errors can be divided into two groups: those which are simply a result of carelessness and those which result from insufficient subject-specific knowledge (i.e. either miscomprehension of the ST or lack of familiarity with TL). Examples of such errors were:

- simple carelessness, e.g. in translation (d) the figure is incorrectly transposed making what should have been 'EUR 20,000' into 'EUR 10,000' and translation (m) states 'one month' instead of 'two months' as the deadline for submission of the grounds for appeal.
- misinterpreting polysemous terms in the ST: 'violation of rights' for the German *'Rechtsverletzung'* (gloss: violation of the law) (in German *'Recht'* can refer to 'rights' or to the 'law') (translation (j));
- failure to understand technical terms in the ST: *'Tatsacheninstanz'* (gloss: instance dealing with facts) commenting that this word does not exist in German (translation (e));
- confusion of TL terms: *'Sicherung einer einheitlichen Rechtssprechung*' (gloss: to safeguard uniform case law/jurisprudence) is translated in translation (j) as 'to guarantee unity of jurisdiction' and in translation (c) as 'unilateral jurisdiction'. The TL terms 'jurisdiction' and 'jurisprudence' are semantically completely unrelated;

Surprisingly these errors were made by both NS and NNS alike and not solely by NS as suggested by the literature.

2) Lexical accuracy

The strategy adopted for dealing with technical SL terms was also considered to have an effect on the adequacy of a TT. Sometimes these errors have been classed as semantic/lexical in the analysis in tabular form in Appendix 3 since, where a poor strategy is adopted, this has an effect on communication of the meaning of the ST.

One of the translation problems in the ST is the fact that the German legal system has two types of court of appeal with different names: the '*Berufungsgericht*' (gloss: court of first appeal) and the '*Revisionsgericht*' (gloss: court of second appeal). Almost all of the translations adopt the

successful strategy of employing a descriptive equivalent plus transposition of the SL term in brackets. In some cases the SL term is used throughout but explained the first time it is used. However, in some of the translations the translator has failed to be consistent when referring to the two types of court thus introducing ambiguity into the TT. Translation (l) uses 'court of appeal' for both concepts thus failing to distinguish between the two courts at all. Translations (d), (j) and (m) each assign separate names to the courts but on one occasion fail to use the correct term for the correct concept thus misconstruing the ST message.

3) Grammatical correctness

Grammatical correctness or fluency is the parameter with which the NS principle is primarily concerned. However, although ideally a fluent translation is the aim, unless grammatical errors were so serious so as to render the ST message incomprehensible, minor grammatical errors were not considered sufficient to render a translation inadequate. As already emphasised, this study was not concerned with polished translations but adequate translations which accurately communicate the ST message.

Given that the NS principle is based on the assumption that only a NS can produce a fluent, grammatically accurate translation and that a NS will always do so, it was surprising to find that it was by no means only the NNS translations which contained errors of a grammatical nature but also some of the NS translations. Most of the grammatical errors, both in the NS and the NNS translations, were isolated cases of prepositions being used incorrectly or misuse of articles which were not regarded as sufficiently serious to render the translation inadequate. The following are examples of grammatical errors made by NS:

- syntactical error in translation (i): '…amounts to EUR 20.000,- at least'. Here the 'at least' should be inserted before the amount.
- grammatical error in translation (b): '...are to be…' (ST: 'sind […] zu…' (gloss: …are to be…). The translator has adopted the SL construction in the translation. The preferred English construction would be 'must be'.
- grammatical error in translation (g): 'appeal on the points of law'. The direct article is not required here.

4) Stylistic correspondence

The final parameter relevant to the assessment of adequacy is register. None of the translations provided contain serious errors of register which render the translation inadequate since these are isolated occurrences. For example, 'wrongful decision' (translation (j) NNS) and 'reviewed straight away' (translation (h) NNS) whereby 'incorrect' and 'directly' respectively would be more appropriate in terms of register.

5. Evaluation of the Results

This dissertation set out to ascertain the place of the NS principle in legal translation. It aimed to do this by examining the following questions:

3) Can professional legal translator who is a NNS of the TL produce an adequate legal translation?
4) Does a professional legal translator who is a NS of the TL automatically produce an adequate legal translation?

These questions will now be discussed in turn in light of the results of the case study:

1) The results of the case study indicate that, as hypothesised in the literature, a NNS of the TL can indeed produce an adequate legal translation. Two out of six translations produced by NNS were considered to be adequate (see Tables 5.1 and 5.2 in Appendix 4). The NS principle assumes that NNS of the TL will make errors of fluency. The findings do indeed indicate that NNS of the TL make errors of fluency. However, in the majority of cases these were isolated errors which were not serious enough to render a translation inadequate.

   The literature advocating translation into the NNL suggests that NS of the SL are less likely to make semantic errors given their increased proficiency in the SL. The results of the case study do not corroborate this. Even some of the translations provided by NS of the SL with formal legal training contain semantic errors which render the translations inadequate. Particularly interesting and surprising in terms of comprehension of the ST by NS of the SL was mistranslation of polysemous terms. For example, one would expect a NS of the SL to be able to infer, from the context, whether *'Rechtsverletzung'* refers to a violation of rights or to a violation of the law and whether *'Das Gesetz'* is referring to the law in general or to a particular act. However, this was not what the study found. These errors contained in translation (j) were produced by a NNS without formal legal training suggesting that subject-specific knowledge is a requirement for an accurate legal translation. Further semantic errors by NNS included confusion of TL terms, i.e. jurisdiction/jurisprudence. These errors do not result from miscomprehension of the ST but from lack of proficiency in the TL.

2) The findings suggest that, unlike what the NS principle proposes, a NS of the TL does not automatically produce an adequate translation and, even more interestingly, does not automatically produce a completely fluent translation. Some of the NS made semantic errors as the literature suggested they would and some even made errors of fluency. Although the NNS translations did contain the highest number of errors of fluency, some of the NS translations also contained errors of fluency. This was surprising. In the majority of cases the errors of fluency made by NS can be considered to be the result of 'translationese' where the translator has simply allowed the ST to influence the translation. It is also possible that, in the case of translators no longer living in the country of their NL, that the language of their environment is influencing their NL.

   Some of the NS also made semantic errors. The semantic errors made by NS mostly result from omissions or over-interpretations which lead to misinterpretations of the ST. These can be explained by NS translators attempting to make the TT read more fluently by altering sentence structure, i.e. in translation (k) the TT makes two sentences out of a single sentence in the ST but as a result misconstrues the ST. Please see the table relating to translation (k) in Appendix 4 for details.

Summary of findings

What these results would appear to indicate is that the NL of the translator is not directly linked to adequacy. Both NS and NNS of the TL can produce adequate translations. However, equally both NS and NNS of the TL can produce inadequate translations. The fact that both NS and NNS make both semantic and grammatical errors was unexpected and surprising. The hypothesis that NS and NNS can both produce adequate and inadequate translations has been proven correct. However, the assumption that NS would produce inadequate translations purely as a result of semantic errors and NNS purely as a result of grammatical errors has been disproven. Although the NNS made more grammatical errors, none of these errors were serious enough to render the TT inadequate. Semantic errors (in some cases together with related lexical errors) were the only type of error which led to TT inadequacy and these were made by NS and NNS alike. Although this study would

need to be reproduced on a larger scale with an increased number of texts, the findings of this case study seem to indicate that correct interpretation of the ST may indeed have more to do with a translator's subject-specific knowledge than their NL. As illustrated by Table 5.3 in Appendix 4, five out of the six translations deemed adequate were produced by translators who had some form of legal training. However, in three cases translators with legal training produced translations deemed inadequate.

The results of this case study therefore corroborate Pokorn's (2005) findings: translators are individuals who must be assessed on the basis of their own individual skills and not dismissed or accepted on the basis of an arbitrary criterion. Although the most successful translations in terms of fluency were those produced by NS of the TL, the NS principle is not a useful principle to apply in a first step when commissioning translations since the NS principle looks no further than the NL of the translator concerned and, as illustrated by the case study, this is no guarantee of adequacy. However, the role of the NS cannot be completely disregarded. If the specific translation task does require more than mere adequacy and there is an additional fluency requirement, it is recommended that the NS principle be applied in a second step. The following diagram illustrates this:

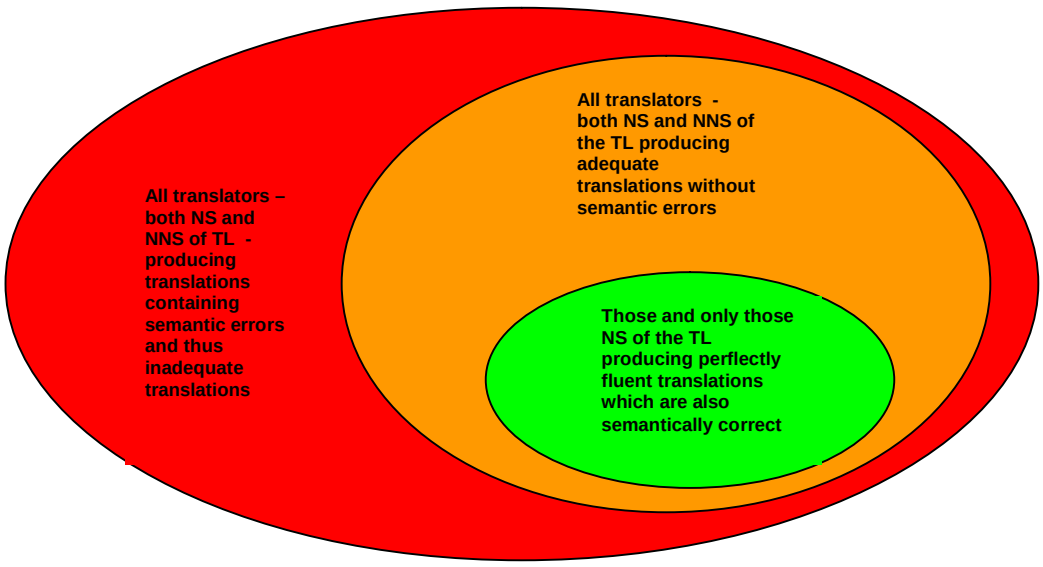

Figure 5.1: Levels of translation quality

The red oval represents inadequate translations produced by NS and NNS alike. The amber oval represents adequate translations which meet the minimum requirements for legal texts. The green oval represents those translations which meet not only the

requirements of adequacy but also further more stringent fluency requirements. However, it is important to emphasise that by no means all NS will be included in amber oval, let alone in the green oval, but also that translations meeting the criteria required by the green oval will not always be necessary depending on the purpose of the translation, the translation brief and the requirements of commissioners. With so many people today quite happy to rely on machine translation and successfully communicating in 'global English' as a lingua franca which is far from standard, and in many cases far from grammatically correct, it seems unfair to simply disregard adequate NNS translations on the basis of an arbitrary principle which operates on the basis of several misconceptions.

6. Conclusion

The NS principle as it is currently applied has no place in legal translation. The assumption that a NS of the TL will always automatically produce an adequate translation has been refuted by this and other case studies. The presumed automatic superiority of a NS translator is therefore without substance. However, this does not mean that NS of the TL have no role to play at all. Where the translation skopos is such that grammatical accuracy is of equal importance to semantic equivalence, for instance where the translation is not for information purposes but is intended to function as a text in its own right or is to be published in the TL, or even where slight nuances of register are necessary to put across a sensitive issue, the involvement of a NS of the TL is imperative. NS of the TL also have a place as revisers of translations produced by NNS where there is deemed to be a need to iron out errors of fluency.

If it is indeed true, as suggested by some of the responses to the case study (and this should be investigated), that the NS principle is starting to spread and take root in Germany, this is a cause for some concern. The fact that the NS principle is misunderstood and is being misapplied has serious consequences for the industry. The assumption that any NS of the TL can translate means that there are many poor translators and many inadequate translations in circulation. Unfortunately, in the field of legal translation, many of these inadequate translations will end up being at the heart of litigation. It is extremely important that all of those involved in the translation industry from the translators themselves to commissioners are sensitised to these issues.

Furthermore, ethical issues arise from the fact that it is, in fact, by no means the case that all NNS of the TL are incapable of producing adequate translations into English. It seems unfair to exclude potentially competent translators purely on the basis of their NL and to comdemn translators producing adequate translations into their NNL as unprofessional. As McAlester (2000) comments, 'prescribing such translation work [translation into the NNL] as illegitimate can only lead to it being shunned by conscientious professionals, with the result that, being needed anyway, it will end up being done by the incompetent and the untrained. In demanding a soufflé, and rejecting an omelette, all we shall get is 'beaten up eggs' (p.297).

In conclusion, if a translator chooses to only translate into his/her NL, this is a choice which the translator in question makes (perhaps because he/she does not feel comfortable translating into his/her NNL or because he/she have sufficient work in his/her preferred direction). However, such translators would be wise to avoid using the NS principle to support this decision since this automatically passes ethical judgement on other translators, who have also made a decision, but a decision in favour of bidirectional translation, and who are providing good-quality work. The fact that there are translators out there producing inadequate translations is a fact of life; but these translators are by no means only or all translators translating into their NNL but also translators translating into their NL. As Thelen (2005, p.250) points out, 'Very often, translation companies seem to use native speakers as a form of protection against dissatisfied clients; it gives them an additional form of authority. A good system of client education would, however, help to render such a stance redundant'. It is essential that measures be taken to counter the negative effects of the NS principle and it is perhaps at the level of client education that this work must begin.

7. Limitations and Recommendations for Further Research

This paper does not claim to do more than provide an initial insight into this field. The study should be rolled out to different types of legal texts and to different language combinations. Research still needs to be conducted into the reasons why translators do or do not translate into their NNL. It would be interesting to know whether translator training is supporting practice or whether practice is dictating translator training or whether this is simply a vicious circle.

What commissioners are looking for in legal translations should also be investigated as well as ways of sensitising commissioners to the problems associated with the NS principle.

Although this study has been concerned with translations by translators working alone as individuals, all of the translation products provided could fairly easily be revised in a manner which would render them adequate. Many of the inadequate translations only contained isolated semantic errors and were otherwise adequate. In the case of the translations containing semantic errors, the reviser would need to have knowledge of both the SL and the TL and have subject-specific knowledge. In the case of the translations containing grammatical errors, the reviser would only need to have knowledge of the TL. The number of errors made by professional translators in the case study translations suggests that revising is a topic which should be addressed. Various quality standards call for proofreading and the results of the case study do suggest that better quality products could indeed be produced as a result of a second pair of eyes looking over a translation.

However, although it is clear that revision would lead to a better translation product, economic and time constraints mean that this is not always possible in practice. The result of every translation produced by every freelance translator being proofread by another translator would lead to the prices which freelancers can charge being reduced or to commissioners having to be prepared to pay a considerably higher amount for their translations. Within a translation agency or in-house translation team revision/proofreading is perhaps more feasible. Further research should be conducted into ways in which proofreading and revision could be effectively incorporated into the translation process.

Appendices

Appendix 1 – Source text

Das deutsche Recht kennt zwei Rechtsmittel, die Berufung und die Revision.
Gegen erstinstanzliche Endurteile kann die unterlegene Partei des Rechtsstreits grundsätzlich beim nächsthöheren Gericht Berufung einlegen. Eine Ausnahme besteht nur in den Fällen, in denen der Wert des Beschwerdegegenstandes EUR 600 nicht übersteigt und das Gericht des ersten Rechtszuges die Berufung im Urteil nicht zugelassen hat. Das Gesetz sieht ferner vor, dass bei Einverständnis der Parteien die erstinstanzliche Entscheidung unmittelbar vom Revisionsgericht überprüft werden kann ('Sprungrevision'), was in der Praxis nur sehr selten genutzt wird.
Die Berufung kann nur mit der Begründung eingelegt werden, dass die Entscheidung auf einer Rechtsverletzung beruhe oder die zugrunde zu legenden Tatsachen eine andere Entscheidung rechtfertigen. Neues, streitiges Vorbringen einer Partei darf das Berufungsgericht allerdings nur in eng umgrenzten Ausnahmefällen berücksichtigen. Eine neue Tatsachenfeststellung ist daher nicht ohne weiteres zulässig.
Gegen Entscheidungen des Berufungsgerichts ist die Revision das statthafte Rechtsmittel. Die Revision ist keine Tatsacheninstanz und kann nur wegen einer Gesetzesverletzung erhoben werden. Voraussetzung ist, dass das Berufungsgericht die Revision in dem Urteil zugelassen hat oder - im Falle der Nichtzulassung - das Revisionsgericht die Revision aufgrund einer Nichtzulassungsbeschwerde zugelassen hat. Voraussetzung der Zulassung ist, dass die Rechtssache grundsätzliche Bedeutung hat oder die Fortbildung des Rechts oder die Sicherung einer einheitlichen Rechtsprechung ein Revisionsurteil gebieten. Allein die Fehlerhaftigkeit eines Berufungsurteils führt daher noch nicht zur Zulässigkeit einer Revision. Eine Nichtzulassungsbeschwerde ist dabei nur möglich, wenn die Beschwer mindestens EUR 20.000,- beträgt.
Beide Rechtsmittel sind innerhalb eines Monats ab Zustellung des angegriffenen Urteils einzulegen und grundsätzlich innerhalb von zwei Monaten nach Zustellung zu begründen.

Appendix 2 – Target texts

(a) Non-native speaker (formal legal training)

German law recognises two kinds of legal remedy, the appeal (*'Berufung'*) and the appeal on points of law (*'Revision'*).
Against final judgements of first instance, the losing party may usually appeal to the next higher instance. An exception exists only in cases where the value of the object of the appeal does not exceed EUR 600 and the court of first instance did not grant leave to appeal in its judgement. The law further provides that, with the parties' consent, the first-instance judgement may be reviewed directly by the court of appeal on points of law (leap-frog appeal - *'Sprungrevision'*). In practice, however, this possibility is used but rarely.
An appeal can only be made on the grounds that the decision is based on a violation of the law or that the facts of the case justify a different decision. Only in narrowly defined exceptions may the court of appeal take into consideration new and contested statements of a party. Therefore, a repetition of the finding of the facts is not readily permissible.
The permissible legal remedy against decisions of the appeal court is the appeal on points of law. The appeal on points of law does not constitute a trial court and may only be pursued on account of a violation of the law. The appeal on points of law is only admissible if the court of appeal has granted leave to appeal on points of law in its judgement or – if this is not the case – the court of appeal on points of law admits the appeal on points of law if a party applies for leave to appeal. Leave to appeal on points of law can be granted if the case is of fundamental importance or if the further development of the law or the securing of a uniform body of case law demand for an appeal decision on points of law. The faultiness of an appeal judgement in itself does therefore not render the appeal on points of law admissible. An application for leave to appeal on points of law is only possible if the gravamen amounts to at least EUR 20.000,-.
Both legal remedies have to be filed within a month of service of the judgement appealed against, and usually have to be justified within two months of service.

(b) Native speaker (formal legal training)

German law has two types of appeal; the appeal on facts and law (*Berufung*) and the appeal on law (*Revision*).
In principle, a losing party can appeal against a final first instance judgment at the court of next instance. There is only an exception to this in cases in which the value in dispute is not above EUR 600 and the court of first instance has not given permission to appeal in its judgment. Statutory provisions furthermore provide that, with the agreement of the parties, the decision at first instance can be reviewed directly by the court deciding appeals on law (a 'leap appeal"), which in practice is a route rarely used.
The appeal on facts and law can only be made if it is claimed that the judgment is legally incorrect or that the relevant facts justify a different outcome. New, disputed evidence provided by a party can only be considered by the court of appeal on facts and law in strictly limited exceptional cases. A new judgment as to facts is therefore not permissible in all cases.
The permissible means of appeal against judgments of the court of appeal on facts and law is the appeal on law. The appeal on law does not provide for a review of the facts and can only be brought on the basis of an incorrect legal decision. The prerequisite is that the court of appeal on facts and law has granted permission to appeal or, if this permission has been refused, that the court of appeal on law has allowed the appeal on the basis of an appeal against the refusal to give permission to appeal. The prerequisite for permission to appeal is that the case is of fundamental importance or that the advancement of the law or ensuring consistent case law require a judgment at this instance. The incorrect nature of a judgment of the court of appeal on facts and law alone is therefore not sufficient to allow an appeal on law. An appeal against a refusal to grant permission to appeal is only possible when the substance of the complaint amounts to at least EUR 20,000.
Both forms of appeal are to be lodged within one month of service of the judgment being appealed against and, in principle, the grounds for appeal are to be given within two months of service of the judgment.

(c) Non-native speaker (formal legal training)

The German law has two legal remedies, the appeal [on matters of facts] ('Berufung') and the application for an order of certiorari ('Revision') [appeal on matters of law]. As a principle, the party defeated in the action may appeal to the next higher court against final judgments in the first instance. There is only an exception in those cases, in which the value of the subject matter of the claim does not exceed EUR600 and in which the court of the first instance has not granted a leave to appeal in the judgment. Additionally, the law provides that in the event of a consent of the parties the judgment of the first instance may be reviewed directly by the court of the leap-frog appeal ('Sprungrevision') [literally spoken: to jump to the second-next instance of court by leaving out one instance] which is actually used only very rarely.
The appeal can only be made by arguing that the decision is based on a violation of law or the facts on which it is based are justifying a different decision. Of course, a new, contentious pleading of a party may only be taken into consideration by the appellate court ('Berufungsgericht') in narrowly defined exceptional cases. Therefore, a new finding of facts is not readily permitted.
Against decisions of the appellate court the application for an order of certiorari is the admissible legal remedy. The application for an order of certiorari is no trial court ('Tatsacheninstanz') [no judgment on the matter of facts] and may only be lodged for reasons of a breach of law. A prerequisite is, that in the judgment the appellate court has granted a leave to appeal or - in the event of a non-granting - the court of the order of certiorari has granted the application for an order of certiorari as a result of a claim of non-admission ('Nichtzulassungsbeschwerde'). A prerequisite for the admissibility is, that the legal matter is of fundamental importance or that the development of the law or the safeguarding of a unilateral jurisdiction demand an order of certiorari ('Revisionsurteil') [order here in the sense of a judgment].
Therefore, the sole incorrectness of a judgment on an appeal does not result in the admissibility of an application for an order of certiorari. Moreover, a claim of non-admission is only possible, if the gravamen ('Beschwerde') amounts to at least EUR20,000.
Both legal remedies have to be filed within a month from the date of the service of the challenged judgment and, as a principle, have to be substantiated within two month after the date of the service.

(d) Non-native speaker (formal legal traing)

German law offers two forms of appellate remedies, the appeal (Berufung) and the appeal on points of law (Revision).

As a matter of principle, the party failing in an action is entitled to lodge an appeal from final judgements rendered by a court of first instance at a higher court. Exceptions are only made for cases in which the sum involved in the appeal does not exceed 600 EUR and in which the judgment of the court of first instance is not appealable. The law further provides that if both parties have declared their consent, the judgment of first instance may be reviewed by the court of third instance (leap-frog-appeal). However, the latter is rarely used in practice.

An appeal can only be lodged on the grounds that either the decision at first instance was based on a violation of law (Rechtsverletzung) or that the facts at issue justify a different decision. However, the appellate court allows the parties to present new facts and legal arguments in very restricted exceptional cases only. Therefore, further fact-finding is not readily admissible.

An appeal on points of law may be taken in the third instance, after a decision of the appellate court. The appeal on points of law is not a trial court proceeding and can only be based on a violation of the law. Prerequisites for an appeal on points of law are that either the court of appeal has granted leave to appeal on points of law or– if leave has been refused – the court of third instance has admitted the appeal on points of law on the basis of a complaint against refusal of leave (Nichtzulassungsbeschwerde). An appeal on points of law is only admissible if the case is of fundamental legal importance or if a decision by the appellate court is necessary in the interest of the development of the law or to secure the uniformity of case law. The mere fact that a mistake has been made in an appeal judgment will therefore not result in the admissibility of an appeal on points of law. A complaint against refusal of leave is only possible if the sum involved is more than 10,000.00 EUR.

Both appellate remedies must be filed within one month after service of the court decision appealed from and a brief in support of the appeal must be filed within two month after service.

(e) Native speaker 5 (no formal legal training)

German law recognizes two forms of legal remedy: appeal on questions of fact and law, and appeal on questions of law only.
As a rule, the defeated party in litigation can file an appeal on questions of fact and law with the next highest court against final first-intance decisions. An exception exists only in cases where the value of the amount in dispute does not exceed EUR 600, and the court of first instance has not permitted an appeal on questions of fact and law in its decision. The law also stipulates that in the event of agreement between the parties, the first-instance decision can be directly reviewed by the Appellate court ('leapfrog appeal'), a procedure which is used only very rarely in practice.
An appeal on questions of fact and law can be filed only on the grounds that the decision was based upon a violation of law, or that the underlying facts justify a different decision. The appellate court may consider new, litigious assertions by a party only in very narrowly circumscribed exceptions, however. A new finding of facts is therefore not automatically admissible.
An appeal on questions of law only is the admissible legal remedy against decisions of the appellate court. An appeal of questions of law only is not a court of first instance* and can be filed only due to a violation of law. A requirement is that the appellate court has admitted the appeal on questions of law only in the decision, or (in the event of non-admission) the final appellate court has admitted the appeal on questions of law only based upon an appeal against denial of leave to appeal. A requirement for admission is that the legal matter is of fundamental importance, or that a decision on the appeal on questions of law only is required for further development of the law or the assurance of uniform jurisprudence. The defectiveness of an appellate decision on questions of fact and law is therefore not sufficient to establish the admissibility of an appeal on questions of law only. An appeal against denial of leave to appeal is possible in such cases only if the complaint has a value of at least EUR 20,000.00.
Both legal remedies must be filed within one month after issuance of the decision in question, and as a rule, the grounds must be submitted within two months after issuance.
[* This part of the sentence makes no sense to me. A Revision is an appeal and a Tatsacheninstanz is a court. The two words have nothing to do with one another! Perhaps the author meant to say that this type of appeal is not 'a matter for' a court of first instance??]

(f) Native speaker (formal legal training)

Under German law there are two forms of appellate review, intermediate appeals (*Berufung*) and final appeals (*Revision*).
A losing party in litigation may, in principle, seek intermediate review of final judgments handed down by lower courts by appealing them to the next highest court. An exception is made only for those cases in which the amount involved in the litigation under appeal does not exceed EUR 600, and in which the court of first instance does not make allowance for appeal in the judgment. The law also provides that, with the consent of the parties, a final appeal may be filed directly against the decision of a court of first instance ('leap appeal"), a possibility used only vary rarely in practice.
Intermediate appeals may be filed only on grounds that the decision rests on a breach of law or that the facts to be considered as material to the case justify a different decision. However, new and contested submissions by a party may be considered by the appellate court only in narrowly limited exceptional cases. New factual findings are thus not automatically admissible.
Final appeals are the avenue foreseen for seeking review of decisions by the lower appellate courts. Final appeals are not intended for the review of facts and may therefore only be filed on grounds of breach of law. As a prerequisite it is necessary for the lower appellate court to have made allowance in the judgment for a final appeal, or - where it has not made such allowance - that the higher appellate court admits the appeal on the basis of an appeal against the non-allowance. Prerequisite to admissibility is that the matter in dispute be of fundamental significance, or that further development of the law or the need to assure consistent precedent call for a final appellate judgment. The mere fact that an intermediate appellate judgment is erroneous is thus not sufficient to assure the admissibility of a final appeal. At the same time, a complaint against non-allowance of a final appeal is possible only where the amount in litigation is not less than EUR 20,000.--.
Both forms of appeal must be filed within one month of service of the contested judgment, with a grounded pleading to be submitted, as a rule, within two months of service.

(g) Native speaker (legal training)

Under German law there are two forms of appeal: the appeal on points of fact and the appeal on points of law. The party which loses the first instance of the legal dispute may as a matter of principle file an appeal against the final decisions in the first instance with the court immediately above. The only exception is in cases in which the value of the subject of the complaint is no more than EUR 600 and in its decision the court of the first instance has not allowed the appeal. Statute also allows a review of the decision of the first instance to be made directly by the appeal court responsible for points of law (*Revisionsgericht*) (leapfrog appeal), providing both parties agree, but this is not used very much in practice.
The appeal can only be filed on the grounds that the decision is based on a breach of law or the facts on which the decision was made illustrate that another decision would be appropriate. However, the court responsible for decisions on points of fact (*Berufungsgericht*) may only consider new, contentious pleadings from one party in a very few exceptional cases. Therefore it is not easy to obtain permission to submit fresh facts.
The appeal on the point of law is the legal remedy available against decisions of the *Berufungsgericht*. The appeal on a point of law is not an instance in which fresh facts can be pleaded and may only be filed owing to a breach of the law. This is subject to the Berufungsgericht allowing the appeal on a point of law in its decision or, if not allowed, the *Revisionsgericht* allowing the appeal on the point of law on the grounds of a complaint against denial of leave to appeal (*Nichtzulassungsbeschwerde*). This is only the case if the matter at issue is of primary importance or further development of the law or ensuring uniformity of case law demands a decision on a point of law. The faulty nature of a decision as to the facts therefore does not alone justify an appeal on a point of law. Here a complaint against denial of leave to appeal is only possible if the value of the complaint is at least EUR 20,000.

Both legal remedies must be filed within one month of service of the contested decision and grounds must be filed as a matter of principle no more than two months after service.

(h) Non-native speaker (no formal legal training)

German law provides for two legal remedies: 'Berufung" (appeal on questions of fact and law) and 'Revision" (appeal on questions of law only).
On principle, the unsuccessful party may file a 'Berufung" against a judgement of a court of first instance to the next higher court. However, this is not possible in cases where the amount in dispute does not exceed EUR 600 and the court of first instance does not allow an appeal. In addition to this, the law provides for a decision of the court of first instance to be reviewed straight away by the 'Revisionsgericht" – the final court of appeal (dealing with appeals on questions of law only) – if the parties agree to such a procedure. In practice, however, this so-called 'leap-frog appeal" is rarely used.
A 'Berufung" may only be filed on the grounds that the decision was based on a violation of the law or that the facts of the case justify a different decision. However, the 'Berufungsgericht" (court of appeal dealing with questions of fact and law) may consider new controversial arguments brought forward by a party only in narrowly defined exceptional cases. Therefore, a new fact-finding is not admissible ipso jure.
A 'Revision" (appeal on questions of law only) is the legal remedy which is available against decisions taken by the 'Berufungsgericht". The 'Revision" is not an instance considering facts and may only be filed on the grounds of a violation of the law. The 'Revision" is possible only if the 'Berufungsgericht" has allowed the 'Revision" in its judgement or – in case of refusal to allow a 'Revision" – if the 'Revisionsgericht", has allowed the 'Revision" on the basis of an appeal against such a refusal to allow a 'Revision". The condition of such a leave to 'Revision" is that the case is of fundamental importance or that a judgement by a final court of appeal seems advisable in the interest of the development of the law or the safeguard of uniform case law. Just a defect in the judgement pronounced by the 'Berufungsgericht" does not automatically mean that a 'Revision" is admissible. An appeal against a refusal to allow a 'Revision" is only possible if the gravamen amounts to at least EUR 20,000.00.
Both remedies have to be filed within one month after the service the judgement under appeal, and on principle the grounds have to be stated within two months after service.

(i) Native speaker (formal legal training)

German law knows two types of appeal, the 'Berufung' (appeal on facts and law) and the 'Revision' (appeal restricted to questions of law).
The party who is unsuccessful in the litigation can in principle file a 'Berufung' with the next highest Court against final first instance judgments. An exception only applies in cases where the amount in dispute does not exceed EUR 600 and the court of first instance did not authorise the 'Berufung' in the judgment. The law also provides that, if both parties agree, the first instance judgment may be reviewed directly by the highest Court ('Sprungrevision', leapfrog appeal), a possibility which is rarely used in practice.
The 'Berufung' can only be filed on the grounds of breach of law or that the facts at issue justify another decision. The appellate court may only examine new, disputed arguments of a party in restricted, exceptional cases. A new ascertainment of facts will therefore not always be possible.
Decisions of the appellate court are subject to the 'Revision' appeal. Facts cannot be reviewed in 'Revision' appeal proceedings; therefore, the 'Revision' may only be filed on grounds of breach of law. A prerequisite is that the appellate court authorised the 'Revision' in its judgment or – if such is not the case – that the superior appellate court authorises the 'Revision' on basis of an appeal against the refusal of authorisation. A prerequisite of the authorisation is that the legal matter is of fundamental importance or that a judgment of the superior appellate court is required for the development of the law or to ensure consistent case law. Therefore, the inaccuracy alone of an appellate court's judgment does not make a 'Revision' appeal admissible. In addition, an appeal against the refusal of authorisation is only possible if the amount still in dispute amounts to EUR 20.000.- at least.
Both types of appeal must be filed within a month from service of the challenged judgment and the grounds of the appeal must in principle be filed within two months from service.

(j) Non-native speaker (no formal legal training)

German law provides two remedies, *Berufung* and *Revision*. The party which has lost a dispute before a court of first instance has a right to lodge an appeal (*Berufung*) to the next higher court. Only those cases in which the amount in dispute does not exceed EUR 600 and the court of first instance has not granted a right to appeal in its decision are excluded from this rule. In addition, the Act provides that the parties may agree on having the first instance decision reviewed by the appellate court straight away ('Sprungrevision'), a course of action very rarely opted for.

The appeal (*Berufung*) can only be lodged on the grounds that the decision is based on a violation of rights or that the facts of the case justify a different decision. However, pleadings and submissions of new facts may be considered by the appellate court only in exceptional and very specific cases. Thus, a new ascertainment of facts cannot be easily granted.

The proper remedy to challenge an appellate court's decision is called *Revision*. This further appeal (*Revision*) does not and may not include ascertainment of facts and can only be lodged on the grounds of violation of the law. For such further appeal to become effectively lodged the appellate court (*Berufungsgericht*) must have permitted to do so in its decision, or – if it has not given such permission – the higher appellate court (*Revisionsgericht*) must have permitted the further appeal (*Revision*) due to a complaint of non-allowance. Any such permission requires that the case is of general importance or that a further appellate decision (*Revisionsurteil*) is needed to enhance the law or to guarantee unity of jurisdiction. Thus, a wrongful appellate decision (*Berufungsurteil*) alone does not necessarily entail permission for a further appeal (*Revision*). For a complaint of non-allowance to be admitted the value under appeal has to be at least EUR 20,000.00.

Both remedies have to be lodged within one month as of the service of the challenged decision and have to be substantiated within two months as of service.

(k) Native speaker (no formal legal training)

German law makes a distinction between two types of appeal: 'first appeal'* (*Berufung*), which is an appeal on questions of fact and law, and 'second appeal'* (*Revision*), which is an appeal on a point of law.

In first-instance final judgments the losing party can generally lodge a first appeal with the next higher court. Exceptions are only possible in cases where the value of the appeal is no more than EUR 600 and where, in its judgment, the first-instance court has not given leave to appeal. Provided that the parties agree, the first-instance decision may be reviewed directly by the court of second appeal (*Revisionsgericht*). This option, which is very rarely used in practice, is referred to as a 'leapfrog appeal' (*Sprungrevision*).

A first appeal (*Berufung*) may only be lodged on the grounds either that the decision came about owing to infringement of a right or that the facts of the case are such that a different decision would be justified. However, the court of first appeal (*Berufungsgericht*) may only consider contentious new arguments from either party in strictly defined circumstances. Thus, a new finding of fact is therefore without further not permissible.

Decisions of the court of first appeal can be appealed against as a second appeal (*Revision*). The role of a second appeal is not to establish facts and a second appeal can only be filed if there has been a breach of law. A second appeal is only possible if the court of first appeal has given leave to appeal or – in the event that it has not – if the court of second appeal has granted leave to appeal based on an appeal against refusal to grant leave to second appeal (*Nichtzulassungsbeschwerde*). A second appeal is only granted if the matter is of fundamental interest or if it is necessary in order to develop the law or to ensure consistency in court rulings. The fact that a first appeal judgment is in some way defective does not automatically make a second appeal admissible. An appeal can only be filed against refusal to grant leave to second appeal (*Nichtzulassungsbeschwerde*) if the value of the appeal is at least EUR 20,000.

Both types of appeal must be filed within one month of the date on which the contested judgment was served. The grounds for the appeal must then be filed within two months of that date.

* this terminology suggested in Commercial Dispute Resolution in Germany (Rützel, Wegen, Wilske, Verlag Beck)

(l) Native speaker (formal legal training)

Two types of means of legal redress are provided for under German law: the review or revision and the appeal. As a basic principal, parties to a legal dispute have the right to lodge an appeal against decisions at first instance to the next highest court. An exception exists only in those cases where the value of the matter in dispute does not exceed Euro 600 and the court of first instance, in its judgement, has not granted leave to appeal. The law also provides that with the parties' agreement, the decision of first instance may be directly reviewed or revised by the court of appeal ('accelerated review/revision" (*Sprungrevision)*), which is seldom used in practice.
An appeal may only be lodged on grounds that the decision was based on an incorrect application of law (*Gesetzesverletzung*) or that the underlying facts justify a different finding. However, new submissions made by a party but which are disputed may only be taken into account by the court of appeal in narrowly defined exceptional cases. A new determination of facts is thus not, without more, permissible.
The legal redress available from court of appeal decisions takes the form of a review or revision. A review or revision may only be raised due to an incorrect application of law *(Gesetzesverletzung)*, it is not an instance for considering findings of fact. Here the requirement is that the court of appeal has granted leave to review/revise in its judgement, or, in cases where no such leave has been granted, the court of appeal has allowed the review/revision on the basis of a pleading of inadmissibility. To be admitted, it is necessary that the case is of fundamental significance or the advancement of law or securing of a unified jurisprudence commands a review/revision. The defectiveness alone of an appeal judgement does not therefore lead to the admissibility of a review/revision. A pleading of inadmissibility is therefore only possible where the [value of the matter in dispute]* amounts to at least Euro 20,000.
Both forms of legal redress must be filed within one month of delivery of the disputed judgement and must always be substantiated within two months of delivery.

*Please note the source text appears to have text missing, in particular 'die Beschwer' is not a German concept. I have assumed it refers to 'Beschwerdegegenstand' which appears earlier in the text. Please confirm.

(m) Non-native speaker (no legal training)

German law recognizes two legal remedies: 'Berufung" (general appeal) and 'Revision" (appeal on a point of law only).
The unsuccessful party to a legal dispute can, in principle, lodge an appeal (Berufung) with the next highest court against the final judgment of the court of first instance. The only exceptions are for such cases in which the value of the subject of complaint does not exceed EUR 600 and in which the court of first instance has not granted leave to appeal against its judgment. The law additionally provides that the first-instance decision may be directly reviewed by the appellate court ('Sprungrevision", leapfrog appeal) upon mutual agreement by the parties, although this is only used rarely in practice.
An appeal (Berufung) can only be lodged on the grounds that the decision is based on an error of law or that the underlying facts justify a different decision. However, the appellate court can only take into account new and disputed material by one of the parties in very narrowly defined exceptional cases. A new finding of facts is, therefore, not readily allowable
The *Revision* is the permissible legal remedy against decisions of the appellate court. The *Revision* does not constitute a review of the factual circumstances of a case and can only be asserted due to an error of law. The appellate court must have granted leave to appeal in its judgment or, if this is not the case, the court of final appeal must allow the *Revision* on the grounds of an appeal against the denial of leave to appeal. The requirement for admission is that the case must be of fundamental importance or that a judgment on points of law is necessary due to further developments in the law or to ensure uniform case law. Flaws in a judgment of an appellate court are thus not regarded as sufficient grounds for the admission of a *Revision*. An appeal against denial of leave to appeal is in such cases only possible if the amount in dispute is at least EUR 20,000.
Both legal remedies must be lodged within one month from notification of the contested judgment and must in principle be justified within one month from notification.

Appendix 3 – Adequacy assessment

Translation (a) NNS (formal legal training)		**Extract from TT:**	**Extract from ST with gloss (where appropriate):**	**Problem**	**Renders translation inadequate Y/N and reasoning where appropriate**
Type of error/ issue:	Grammat-ical (punctuat-ion)	'EUR 20.000,-' German style quotation marks		Use of German punctuation in TT	N since although disturbing to the eye, the message is still clear
	Grammat-ical (preposition)	'demand for an appeal decision'		No preposition required	N
	Grammat-ical (syntax)	'is used but rarely'		Incorrect word order, prefer 'is rarely used'	N
	Grammat-ical (syntax)	'does therefore not'		Incorrect word order	N
Adequacy assessment: Adequate translation: no semantic errors, minor grammatical errors which do not distort the meaning; errors could easily be corrected without reference to the ST					

Translation (b) NS (formal legal training)		**Extract from TT:**	**Extract from ST with gloss (where appropriate):**	**Problem**	**Renders translation inadequate Y/N and reasoning**
Type of error/ issue:	Grammat-ical	'are to be'	'sind […] zu' (gloss 'are to be'	Translationese, prefer 'must be'	N
Adequacy assessment: Adequate translation, no semantic errors, minor grammatical errors which do not distort the meaning; errors could easily be corrected without reference to the ST					

Translation (c) NNS (formal legal training)		**Extract from TT:**	**Extract from ST with gloss (where appropriate):**	**Problem**	**Renders translation inadequate Y/N and reasoning**
Type of error/ issue:	Lexical	'an order of certiorari ('Revision')'	'Revision' (gloss: appeal)	A typical reader cannot be expected to be acquainted with Latin expressions. This term is no longer in use in English law since it was renamed a 'quashing order' in Part 54 of the Civil Procedural Rules. Given that this is a German concept operating in a German legal system a more neutral descriptive equivalent together with transposition of the German term would be a more appropriate choice, e.g. 'appeal on points of law (*Revision*)'	N - although not reader-friendly, an explanation of the meaning of this term is provided
	Grammat-ical	'The German law', 'a consent of the parties', 'not granted a leave to appeal', 'date of the service'		Incorrect use of the definite and indefinite article throughout the text	N – this incorrect use of the definite article continues throughout the text. It is disturbing to the reader but does not distort the meaning itself
	Grammat-ical	'the facts […] are justifying'		Incorrect use of the present	N

				continuous, prefer the simple present 'the facts […] justify'	
	Grammat-ical (nominal structures)	'the sole incorrectness', 'a non-granting'	'Allein die Fehlerhaftig-keit' (gloss: Alone the incorrect-ness), Nichtzulass-ung (gloss: non-granting)	Use of nominal structures where TL would prefer verbal structures	N
	Grammat-ical	'as a principle'		Unusual collocation in this context, prefer 'in principle'	N
	Grammat-ical	'is no trial court'		Correct: 'is not a trial court'	N
	Lexical	'Of course'	'allerdings' (gloss: however)	'Of course' is reinforcing in effect rather than concessive which the ST requires, prefer 'however'	N
	Grammat-ical (punctua-tion)	'is, that…'		Use of German punctuation conventions, i.e. commas before 'that'	N
	Semantic/ lexical	'unilateral jurisdiction'	'einer einheitlichen Rechtsprech-ung' (gloss: uniform case law/jurisprud-ence)	Back translation of 'unilateral jurisdiction' into German would be 'einseitige Zuständigkeit' which is a completely unrelated concept. The translator is clearly confusing 'jurisdiction' and 'jurisprudence'.	Y incorrect translation thus incorrectly communicat-ing ST message
	Semantic/ lexical	'court of the leap-frog appeal'	'Sprung-revision' (gloss: leap-frog appeal)	Incorrect interpretation: reference is being made to the name given to a particular	Y since misconstrues the ST

				mode of appeal and not to the name of the court which deals with this. The TT suggests that there is a different type of court to deal with such types of appeal. This is not the case.	
Adequacy assessment: Inadequate: two semantic errors mean that the ST message is not adequately communicated. The TT is also characterised by an extreme lack of fluency due to the excessive number of grammatical errors, particularly in connection with use of the definite and indefinite articles. Although the grammatical errors could easily be corrected without reference to the ST, it would only be possible to correct the semantic errors by way of reference to the ST.					

Translation (d) NNS (formal legal training)		**Extract from TT:**	**Extract from ST with gloss (where appropriate):**	**Problem**	**Renders translation inadequate Y/N and reasoning**
Type of error/ issue:	Spelling	'Judgement', 'judgment'		Inconsistent spelling. In law the preferred spelling is without the 'e'	N
	Grammat-ical	'appeal from'		Incorrect preposition, prefer 'against'	N
	Lexical	'at a higher court'	'beim nächsthöheren Gericht' (gloss: at the next highest court)	TT generalises, suggests any court	N
	Semantic (omission)	'is not appealable'	'das Gericht [...] die Berufung im Urteil nicht zugelassen hat' (gloss: the court […] did not grant leave to appeal in the judgment)	Sentence is passivised and excludes information contained in ST	Y - missing information
	Semantic/ lexical	'court of third instance', 'appellate court' 'appellate court', 'court of appeal'	'Revisions-gericht' 'Berufungs-gericht'	Inconsistency with names of the different courts of appeal, starts by referring to the *Berufungs-gericht* as the 'appellate court' but later uses 'court of appeal' in one case; starts by calling the *Revisions-gericht* the 'court of third instance' but later refers to it as the 'appellate court' which is the name assigned to	Y - ambiguity introduced

				the *Berufungs-gericht*		
	Semantic (omission)	'new facts and legal arguments'	'Neues, streitiges Vorbringen' (gloss: new contested pleadings)	Facts and legal arguments appears to be being used as a translation for 'Vorbringen' which is satisfactory. The word 'streitiges' (gloss: contested) is omitted in the TT	Y - omission	
	Semantic (incorrect transposi-tion of figure)	'10,000.00 EUR'	'EUR 20.000- '	Inaccurate transposition of figures	Y	
	Grammat-ical	'within 2 month'		Singular instead of plural; possibly a typo	N	
Adequacy assessment: Inadequate due to semantic errors, omissions and inconsistencies.						

Translation (e) NS (no formal legal training)		**Extract from TT:**	**Extract from ST with gloss (where appropriate):**	**Problem**	**Renders translation inadequate Y/N and reasoning**
Type of error/ issue:	Spelling	'first-intance'		Typo, 'first-instance'	N
	Stylistic	'appellate court', 'final appellate court	'Berufungs-gericht', 'Revisions-gericht'	Inconsistency, capitalised once, otherwise lower case; 'appellate court' is used in one instance for the 'Revisions-gericht' which is otherwise referred to as the 'final appellate court'	Y ambiguity
	Semantic/ lexical	'is not a court of first instance'	'ist keine Tatsachen-instanz' (gloss: is not a factual instance)	Although the translator has added a comment highlighting that the translation does not make sense, he/she has misinterpreted the ST. The translation as it stands is incorrect.	Y misinterpret-ation due to lack of comprehen-sion of ST term
Adequacy assessment: Inadequate: due to semantic errors. Although the translator has inserted a comment making it clear that he/she is not happy with the translation and considers there to be an error in the ST this is not actually the case the mistranslation results from inadequate subject-specific knowledge. This sentence would need to be revised with reference to the ST.					

Translation (f) NS (formal legal training)		**Extract from TT:**	**Extract from ST with gloss (where appropriate):**	**Problem**	**Renders translation inadequate Y/N and reasoning**
Type of error/ issue:					
Adequacy assessment: Adequate: no semantic or grammatical errors - ST message accurately transposed, extremely fluent					

Translation (g) NS (legal training)		**Extract from TT:**	**Extract from ST with gloss (where appropriate):**	**Problem**	**Renders translation inadequate Y/N and reasoning**
Type of error/ issue:	Stylistic	'Berufungs-gericht'		All German terms but one are italicised; this term should also be italicised for consistency	N
	Grammat-ical	'appeal on the point of law'		Correct: 'appeal on points of law' or 'appeal on a point of law'	N
Adequacy assessment: Adequate: no semantic errors, two minor stylistic/grammatical issues which could easily be corrected without reference to the ST					

Translation (h) NNS (no formal legal training)		**Extract from TT:**	**Extract from ST with gloss (where appropriate):**	**Problem**	**Renders translation inadequate Y/N and reasoning**
Type of error/ issue:	Stylistic (register)	'reviewed straight away'		Too colloquial, prefer 'directly'	N
	Lexical	'ipso jure'	'ohne weiteres' (gloss: not automatically)	Cannot expect the reader to understand Latin expressions.	N
	Stylistic (register)	'Just a defect'		Too colloquial, prefer 'A defect […] alone'	N
	Lexical (collocation)	'on principle'		'In principle'	N
	Grammat-ical	'the safeguard'		Prefer verb phrase, 'to safeguard'	N
Adequacy assessment: Adequate: no semantic errors, minor linguistic and register issues.					

Translation (i) NS (formal legal training)		**Extract from TT:**	**Extract from ST with gloss (where appropriate):**	**Problem**	**Renders translation inadequate Y/N and reasoning**
Type of error/ issue:	Lexical	'German law knows two types…'	'Das deutsche Recht kennt zwei…' (gloss: German law knows two...)	Incorrect collocation, translationese, prefer 'recognises' or 'provides'	N
	Grammat-ical	'on basis of'		Omission of definite article, 'on the basis of'	N
	Grammat-ical (syntax, punctuation)	'amounts to EUR 20.000.- at least'		Unusual word order, prefer 'amounts to at least EUR 20,000', German punctuation transposed from ST, use English punctuation	N
Adequacy assessment: Adequate: minor grammatical/lexical errors					

Translation (j) NNS (no formal legal training)		**Extract from TT:**	**Extract from ST with gloss (where appropriate):**	**Problem**	**Renders translation inadequate Y/N and reasoning where appropriate**
Type of error/ issue:	Lexical/ semantic	'the Act'	'Das Gesetz' (gloss: Law)	Polysemous ST term incorrectly translated; reference back to the first sentence of the ST makes it clear that reference is not to an individual statutory instrument but to German law in general	Y
	Semantic/ lexical (inconsist-ency)	'appellate court'	'Revisionsgericht', 'Berufungsgericht'	Inconsistency as regards the terms used for the two types of court. *Revisionsgericht* is translated as 'higher appellate court' in all but one instance where it is referred to as the 'appellate court' which is the term used throughout the text for the *Berufungs-gericht*	Y – ambiguity, misleading
	Grammatic-al	'The appeal'	'Die Berufung' (gloss: The appeal)	German uses the definite article even when not talking about a specific appeal. English uses the indefinite article in this scenario, prefer 'An appeal'	N
	Lexical/ semantic	'violation of rights'	'Rechtsverletzung' (gloss:	Polysemous ST term incorrectly	Y

			violation of the law)	translated. In German 'Recht' can refer to a right or the law. The context here makes it clear that the latter option is what is intended. Subject-specific knowledge or research would have confirmed this	
	Semantic (omission)	'pleadings and submissions of new facts'	'Neues, streitiges Vorbringen' (gloss: new, contested pleadings)	Omitted to translate the term 'streitiges' (gloss: disputed)	Y
	Grammat-ical	'must have permitted to do so'		Incorrect use of verb, prefer 'given permission to do so'	N
	Lexical/ semantic	'to enhance the law'	'die Fortbildung des Rechts' (gloss: development of the law)	Incorrect collocation, prefer 'further development of the law'	Y
	Lexical/ semantic	'guarantee unity of jurisdiction'	'Sicherung einer einheitlichen Rechts-sprechung' (gloss: safeguard uniform case law/jurisprud-ence')	Incorrect translation of ST term. Jurisdiction is clearly being confused with jurisprudence and unity with uniform	Y
	Stylistic (register)	'wrongful appellate decision'		Too colloquial, prefer 'incorrect'	N
Adequacy assessment: Inadequate: several serious semantic errors					

Translation (k) NS (no formal legal training)		**Extract from TT:**	**Extract from ST with gloss (where appropriate):**	**Problem**	**Renders translation inadequate Y/N and reasoning**
Type of error/ issue:	Grammat-ical/ semantic	'In first-instance final judgments'	'Gegen erstinstanzliche Endurteile' (gloss: Against first instance final judgments'	Incorrect preposition	Y – changes meaning
	Semantic/ lexical	'infringement of a right'	'Rechts-verletzung' (gloss: violation of the law)	Polysemous ST term incorrectly translated. 'Recht' in German can refer to a right or to the law. Here it is clear from the context that reference is to the law	Y
	Lexical	'without further'	'ohne weiteres' (gloss: without further)	This is a direct translation from the German which makes no sense in English. What is meant is 'automatically' or 'not always'.	N
	Semantic	'The grounds for appeal must then be filed within two months of that date'	'und grundsätzlich innerhalb von zwei Monaten nach Zustellung zu begründen' (gloss: and must be substantiated in principle within two months of service)	The TT makes 2 sentences out of the ST sentence. This is not an issue in itself. However, the TT interprets additional information into the ST sentence by way of 'of that date' suggesting that the date by which grounds for the appeal must be submitted is two months from the date on which	Y - provides incorrect information

				the appeal is filed rather than of service of the contested judgment. 'Zustellung' (gloss: service) refers back to service of the original judgment in the first part of the sentence. At the very least this is ambiguous.	
Adequacy assessment: Inadequate: contains two serious semantic errors					

Translation (I) NS (formal legal training)		**Extract from TT:**	**Extract from ST with gloss (where appropriate):**	**Problem**	**Renders translation inadequate Y/N and reasoning**
Type of error/ issue:	Semantic (homo-phone)	'As a basic principal'	'grundsätz-lich' (gloss: in principle)	Incorrect spelling. Confusion of the homophones 'principal' and 'principle'	N
	Semantic (omission)	'parties to a legal dispute'	'die unterlegene Partei' (gloss: the losing party)	Overgeneralisa-tion. The ST states that the losing party may file an appeal not any party to the dispute as the TT states	N – logically only the losing party would file an appeal anyway
	Semantic/ lexical	'court of appeal'	'Berufungs-gericht' (gloss: court of first appeal), 'Revisions-gericht' (gloss: court of second appeal)	The TT uses the same term 'court of appeal for both types of court of appeal. Since the text is concerned with the different types of appeal and the different courts of appeal a distinction must be made, preferably by way of a descriptive equivalent and transposition of the German term. The result of the strategy adopted is ambiguity and confusion.	Y
	Lexical	'without more'	'ohne weiteres' (gloss: 'without further')	This is a direct translation from the German which makes no sense in English. What is meant is 'automatically' or 'not always'.	N

	Semantic/ lexical	'value of the matter in dispute' plus comment	'Beschwer' (gloss: gravamen)	The translator has inserted a comment stating that the ST term 'Beschwer' (gloss: gravamen) is not a German concept. This term is a technical term in German law which could easily have been researched. The translation as it stands is adequate since the assumption made about the meaning of the term is correct but the comment highlights that the translator lacks subject-specific knowledge.	N
Adequacy assessment: Inadequate: as a result of the ambiguity introduced by not assigning separate terms to the two different courts of appeal.					

Translation (m) NS (no formal legal training)		**Extract from TT:**	**Extract from ST with gloss (where appropriate):**	**Problem**	**Renders translation inadequate Y/N and reasoning**
Type of error/ issue:	Semantic/ lexical (terminolog-ical inconsist-ency)	'may be directly reviewed by the appellate court'	'unmittelbar vom Revisions-gericht überprüft werden kann' (gloss: may be directly reviewed by the court of final appeal (*Revisions-gericht*))	Although the two types of appeal court have been given different names in the TT (*Berufungs-gericht* = appellate court, *Revisionsgericht* = court of final appeal), there is an inconsistency here where the *Revisions-gericht* is being referred to as the 'appellate court' which is the term otherwise used for the *Berufungs-gericht* throughout the TT; as it stands the sentence does not correctly communicate the ST message	Y
	Semantic	'necessary due to further developments in the law'	'die Fortbildung des Rechts...ge-bieten' (gloss: necessary for development of the law)	Not causal, not necessary because of something which has happened but necessary in order to ensure something happens	Y
	Semantic	'has not granted leave to appeal against the judgment'	'die Berufung im Urteil zugelassen hat' (gloss: has not granted leave	Slight semantic error. However, it is obvious that information about permission to	N

			to appeal in the judgment)	appeal would be contained in the judgment	
	Semantic	'within one month'	'innerhalb von zwei Monaten' (gloss: 'within two months')	Numerical error	Y
Adequacy assessment: Inadequate: as a result of confusion introduced by inconsistency and numerical error.					

Appendix 4 – Summary of results

Table 5.1 Results of adequacy assessment by NL and legal training

Translation	NS or NNS	Some form of legal training Y/N	Translation deemed adequate Y/N	Number of semantic errors
(a)	NNS	Y	Y	0
(b)	NS	Y	Y	0
(c)	NNS	Y	N	2
(d)	NNS	Y	N	3
(e)	NS	N	N	1
(f)	NS	Y	Y	0
(g)	NS	Y	Y	0
(h)	NNS	N	Y	0
(i)	NS	Y	Y	0
(j)	NNS	N	N	6
(k)	NS	N	N	2
(l)	NS	Y	N	3
(m)	NNS	N	N	4

Table 5.2 Correlation between adequacy and NL

	Adequate	**Inadequate**
NS	4	3
NNS	2	4
Total:	6	7

Table 5.3 Correlation between adequacy and legal training (irrespective of native language)

	Adequate	**Inadequate**
Legal training	5	3
No legal training	1	4
Total:	6	7

List of References

Adab, B. (2005) 'Translating into a Second Language: Can We, Should We?', in Anderman, G. and Rogers, M. (eds.) *In and Out of English: For Better, For Worse?* Clevedon: Multilingual Matters, pp. 227-241.

Baker, M. (1992) *In Other Words: A Coursebook on Translation.* London: Routledge.

Bretthauer, P. (2000) 'Das Anforderungsprofil für Fachübersetzer/-dolmetscher und Voraussetzungen für ihren bidirektionalen Einsaz', in Grosman, M., Kadric, M., Kovačič, I. and Snell-Hornby, M. (eds.) *Translation into Non-Mother Tongues In Professional Practice and Training*. Tübingen: Stauffenburg, pp. 147-152.

Bundesverband der Dolmetscher und Übersetzer e.V. (2007) *Berufs- und Ehrenordnung*. Available at: http://www.bdue.de/ [Accessed 21 July 2011].

Campbell, S. (1998) *Translation into the Second Language*. London: Longman.

Chartered Institute of Linguists (2007) *Code of Professional Conduct.* Available at: http://www.iol.org.uk/Charter/CLS/CodeofProfConductCouncil17Nov07.pdf [Accessed 21 July 2011].

Chesterman, A., Wagner, E. (2010) *Can Theory Help Translators?* Manchster: St. Jerome.

De Groot, G. (1987) 'The point of view of a comparative lawyer', *Les Cahiers de Droit*, 28(4), pp. 793-812, *Érudit* [Online], Available at: http://id.erudit.org/iderudit/042842ar [Accessed 20 September 2011].

Grindrod, M. (1986) 'Portrait of a profession. The Language Monthly survey of translators', *Language Monthly*, 29, pp. 9-11.

Harvey, M. (2002) 'What's so Special about Legal Translation', *Meta: Translator's Journal*, 47(2), pp. 177-185, *Érudit* [Online], Available at http://id.eurdit.prg/iderudit/008007ar [Accessed 20 September 2011].

Institute of Translation and Interpreting (2007), *Code of professional conduct*. Available at http://www.iti.org.uk [Accessed 21 July 2011].

McAlester, G. (2000) 'Teaching translation into a foreign language - status, scope and aims', in Dollerup, C. and Loddegaard, A. (eds.) *Teaching Translation and Interpreting Training, Talent and Experience*. Amsterdam/Philadelphia: Benjamins pp. 291-297.

Newmark, P. (2003) *A Textbook of Translation.* London: Longman.

Nord, C. (1991) *Text Analysis in Translation: Theory, Methodology, and Didactic Application of a Model for Translation-oriented Text Analysis*. Translated by Christiane Nord and Penelope Sparrow. Amsterdam: Rodopi.

Nord, C. (2007) *Translating as a Purposeful Activity: Functionalist Approaches Explained*. Manchester: St Jerome

Oberschulamt Karlsruhe, Staatliche Prüfung für Übersetzer und Dolmetscher, *Informationen über die Feststellung der sprachlichen Eignung als Urkundenübersetzer und Verhandlungsdolmetscher*. Available at: http://www.rp-karlsruhe.de/servlet/PB/show/1260054/rpk7_ps%FCd_sprachliche_eignung.pdf [Accessed 21 July 2011].

Pokorn, N. K. (2000) 'The pros and cons of translating into a non-mother tongue: Theoretical bias and practical results', in Grosman, M., Kadric, M., Kovačič, I. and Snell-Hornby, M. (eds.) *Translation into Non-Mother Tongues In Professional Practice and Training*. Tübingen: Stauffenburg, pp. 71-79.

Pokorn, N. K. (2005) *Challenging the Traditional Axioms*. Amsterdam: Benjamins.

Pokorn, N. K. (2008) 'Translation and TS Reseach in a Culture Using a Language of Limited Diffusion: The Case of Slovenia', *Jostrans*, 10/08. Available at http://www.jostrans.org/issue10/art_pokorn.pdf [Accessed 21 July 2011].

Pym, A. (1992) 'Translation error analysis and the interface with language teaching', in Dollerup, C. and Loddegaard, A. (eds.) *Teaching Translation and Interpreting Training, Talent and Experience*. Amsterdam/Philadelphia: Benjamins pp. 279-288.

Reiss, K. (2000) *Translation Criticism - The Potentials & Limitations Categories and Criteria for Translation Quality Assessment.* Translated by Erroll F. Rhodes. Manchester: St. Jerome.

Rogers, M. (2005) 'Native versus Non-Native Speaker Competence in German-English Translation: A Case Study', in Anderman, G. and Rogers, M. (eds.) *In and Out of English: For Better, For Worse?* Clevedon: Multilingual Matters, pp. 256-274.

Schmitt, P. A. (1990) 'Was Übersetzen Übersetzer? – Eine Umfrage', *Lebende Sprachen*, 3/90, pp.97-106.

Thelen, M. (2005) 'Translating into English as a Non-Native Language: The Dutch Connection', in Anderman, G. and Rogers, M. (eds.) *In and Out of English: For Better, For Worse?* Clevedon: Multilingual Matters, pp.242-255.

Venuti, L. (2008) *The Translator's Invisibility A History of Translation*. London: Routledge.

Statement

I hereby declare that I prepared this dissertation independently without the help of anybody and that I did not use any publications other than those cited in the introduction, the research paper or the bibliography.

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