

Learning by Translating

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As a Student of Political Science, International Development and French Studies, the importance of language, its functions and its contributions in complex political, cultural and social affairs have been stressed throughout my entire studies. Language is an operative tool for analyzing matters not only of high international significance but also for fostering personal comprehension between two people.

Only through comprehension you can truly create respect and tolerance for the other. Therefore language plays a significant role in interpersonal relationships.

Language as a carrier of its culture – often described as the most abstract metaphor for culture – is a “semiotic system” (Hallyday) and therefore allocates different meanings, notions to specific terms. These terms need to be analyzed closely so as to transfer the notion of one term into another language – which can only be done with an intense examination of how the words are used in a specific context.

Through the challenging work of translating we come closer to dissolving problems of comprehension and thus bridging differences towards a true understanding.

Institutional bodies, such as the United Nations Organization and the European Union often have legal texts which comprise rules and regulations for its member countries. Hence these legal texts need to be translated to various national languages of the member states which present various difficulties in it. Legal language is not a universal language, but remains tied to a national legal system, which reflect the history, evolution and culture of a specific legal system. In translation, the translator is confronted with the problem of overcoming cultural barriers by combining two different cultural settings.

Legal language also has to fight with another problem: whereas legal texts are per se written in a very exact and precise manner, this legal certainty often faces a linguistic indeterminacy where notions are falsely translated: Many legal terms do not correspond to terms in another language which makes this non-equivalence of legal terms to a major problem of translation.

It is therefore essential to note the normative, performative and technical character of legal language. Only through real translation work and with an intense examination of the matter this problem can be solved.

Through my work of translating the “UN and EU recommendations on the Treatment of Foreigners in Prison” from English to German I have been confronted myself with the difficulty of legal terms in the domain of Criminal Justice. I have had to learn some legal terms in English which at the same time helped me broaden my mind as to the topic of Criminal Justice. I had to commit myself entirely to this topic, understand the situation, and assess the problems of prisoners and prison authorities to comprehend fully the complexity of problems hidden behind various notions and legal expressions.

At the same time I had to use my knowledge on my own national legal system in order to find the appropriate and equivalent term for the translation, which at the same time facilitated the retention of these new learned terms.

Working on the translation of these EU and UN Recommendations has additionally made me very sensitive to the problem of languages in communication per se. Although German is my mother tongue I had to understand and see my own barriers when it comes to legal language: As I had never studied law I was confronted with the exceptional character of legal language, which I had to learn first, appropriate it, in order to give the right translation of an EU/UN recommendation.

This very same problem is an every day problem for many prison authorities working with foreign prisoners. Prison guards still speak few foreign languages and are therefore incapable of really communicating with foreign prisoners. This situation of incomprehension between prison authorities/prison guards and prisoners on the other hand complicates the relationship between these two groups and often results into verbal violence (sometimes even pushing and physical violence). It is a frustrating situation of not being able to express oneself, to communicate, or to understand. It is neither an easy situation for the prison authorities nor for those foreign prisoners, who both need a more tolerant approach to language in order to better understand their needs. Instead of letting this situation of incomprehension grow into frustration, violence, or solitude, it is essential to stress the importance of learning languages and finding means to give foreigners the proper assistance in a language they can understand.

Translating the EU and UN Recommendations on how to treat foreign prisoners has hence not only taught me a lot about the situation of foreigners in prison but it has also shown me that learning languages, working with foreign languages is an important mean to foster comprehension, respect and tolerance for the other.