

Using translation theory to solve problems of legal translation

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This presentation aims to present an outline of the application of translation theories to the translation of legal documentation from Italian to English, in the context of bilateral agreements between Italy and Australia, in order to identify how potential problems of legal translation can be solved. Italy and Australia have different legal systems. Australia belongs to the English or common law group of legal systems, which is altogether different from the civil or Roman law family, to which Italy belongs. This reality gives rise to the following problems for a translator of legal documents:

- Where there are legal terms that appear to correspond, at least at the lexical level, however the legal meaning of those terms is different in the respective languages.
- Where a legal term is different at both a lexical and legal level. In such situations it may be that a direct translation of such a term does not correspond to any legal concept in the target language.
- Where a legal term or institution does not exist in the country of the target language.

There are different theories that have been developed to try and solve such problems, and to build a comparative model, I have researched the application of translation theories of legal documentation in a multilingual context (the European Union), and in a bilingual and bilingal context (Canada). I then intend to compare the application of those theories to the Agreements to identify which approach has been applied. In so doing, I hope to also be able to come to an understanding of why a particular translation theory was adopted. In other words, was the translation prepared for a particular audience in mind, or, as is the case with most legal documentation, purely to be understood by “those in the know”?



Rocco LOIACONO graduated from the University of Western Australia, Perth, Australia (**UWA**) with a combined Law and Languages degree, with specialisation in Italian. As well as working as a lawyer, he is currently completing a PhD at UWA, his area of study being legal translation from Italian to English, in both directions. In 2008, Rocco won an Italian Government Scholarship to undertake research at the Dipartimento di Studi Interdisciplinari su Traduzione, Lingue e Culture at the University of Bologna, Forlì Campus. He tutored in the Department of Italian at the UWA in 2009, and was awarded a teaching internship by the University to teach there in 2010-2011. He was a presenter at the “Researching Language and the Law” Conference held at the University of Bergamo last year, and had his paper published in *Researching Language and the Law: Textual Features and Translation Issues*, edited by D. Giannoni and C. Frade, Bern, Peter Lang AG,

this volume being a publication of the refereed proceedings of that Conference.