



SCOTT, Juliette, *Legal Translation Outsourced*. Oxford: Oxford University Press 2019. 232 pp.

Who translates legal documents? Under what conditions? Are those conditions optimal? What could be done to improve the situation? These are just a few of the topics Juliette Scott grapples with in *Legal Translation Outsourced*, published in the *Oxford Studies in Language and Law* series, offering readers a coherent overview of how legal translation is performed in “outstitutional” settings.

The legal translation field generally has been burgeoning in recent years with a plethora of books and conferences on that topic; many though have focused on practice-informed theoretical approaches to legal translation in major institutions (see Biel 2014 or Prieto Ramos 2018), so this work’s focus on the nitty-gritty of translation out in the real world comes as a welcome balance. This is no dry academic tome but the work of a practitioner exploring aspects of her professional milieu in search of ways to improve day-to-day workflows while also bettering the lot of legal translators and bolstering their status. It is thus firmly situated in the practitioner research paradigm as Scott continued to work as a legal translator throughout the lengthy process of conducting this research, and drew on insights from her long career. Scott is famous for her *Words to Deeds* blog<sup>1</sup> and conferences, where the joint themes of professionalisation and status are central.

Working from the assumption that the way legal translation is done in the market economy is less than ideal, and that there is much scope for improvement, through the course of its five chapters the book explores how briefing processes actually work (chapter 1), whether legal translators and the commissioners of translation work are satisfied with the situation, whether commissioners have concerns about the situation (pp. 139-143), and whether both translators and commissioners have suggestions for improvements (pp. 150, 172-73).

In the outstitutional setting explored in Chapter 1, anyone can call themselves a legal translator and there are no standardised qualifications. There are also major questions about how to measure the quality of the work produced. Fitness-for-purpose, or the idea that translations should comply with expressed requirements set out in advance in a brief, is discussed at length, though the survey results presented later in the book reveal divergent views about what the concept actually means. Legal translators frequently operate entirely alone, unable to interact with the author or end user; unable to pose questions that might improve quality. Sketching the setting within which legal translation is done, Scott presents the *dramatis personae* and the roles they play. Critical in her view is the “isolation” of the translator, and his/her limited knowledge of intended end users and intended purpose which she goes on to

<sup>1</sup> <https://wordstodeeds.com/>

argue is a “crucial and indispensable prerequisite for success” (p. 49). As presently structured, the legal translation market downplays the translator’s agency. These factors combined increase the risk of potential flaws in the translated text which could have serious implications for the client in legal or monetary terms. It would certainly be interesting to explore the extent to which translators operating in this dysfunctional marketplace are actually being found to be liable.

Another key issue with the marketplace as it currently stands is whether commissioners have the knowledge required to evaluate translation quality. In short, Chapter 1 provides a cogent description of the state of play, and certainly resonated with me as a legal translator. It definitely raises many questions that bear further investigation.

Continuing the themes developed in the first section, in Chapter 2 Scott explores the textual agency of legal translators (their ability to intervene in a text) and looks at the factors affecting that. Legal translators are presented as performing a delicate balancing act, “negotiating” between legal systems, and performing highly complex cognitive tasks. Scott goes on to present a tesseract model; a useful device for presenting those complex cognitive processes at work. She posits that the status of legal translators can be raised by conveying such complexity, and highlighting their importance in the process.

Having looked at what translators do, Chapter 3 examines the constraints on outsourced legal translation processes. Analytical as ever, Scott classifies them into upstream, in-performance and downstream constraints, going through the various sub-categories and explaining the impact on the legal translations produced. Taking downstream constraints as an example here, Scott argues that who the reader is impacts considerably on legal translation performance. A key issue identified in whether “good” translations can be provided is whether the translator has received a brief, and to that topic she dedicates all of Chapter 4.

It is a self-evident truth that before a professional can commence a task he/she needs to receive instructions in order to be able to perform it properly. Yet briefing in the legal translation sector is far from perfect. Chapter 4 contains an interesting overview of the relevant literature from the viewpoint of translation scholars and then goes on to explore the importance of briefing in other sectors like law, advertising and copywriting. One cannot imagine an architect designing a house without knowing who it is for or how it is to be used. Yet, as the survey data in Chapter 5 shows, this is often reality in the legal translation sector. In the absence of a brief or a “proper” brief, can a legal translator do his/her job correctly? Given the importance of legal texts being translated, one might assume that the translator would occupy a central space in the process and have access to the other actors to be able to ask questions if needed. Scott then goes on to explore the elements typically found in a brief, which she defines as “the technical instructions required by the translator to carry out his/her work” and offers a preliminary list of what a brief for a legal translation ought to include.

Having looked at theoretical and practical aspects of how translation is done out in the real world, Scott turns in Chapter 5 to a presentation of the results of the parallel surveys she conducted, which attracted a large number of responses globally. In the surveys, she explored how briefing works in practice, whether principals (Scott’s term for persons commissioning legal translations) and legal translators are satisfied with the process “as is”, whether principals have concerns about the translations delivered to them and whether principals/translators could suggest ways to improve the situation. The results are too complicated and numerous to go into in detail here but

certainly make for interesting –yet unsurprising– reading, confirming in large part my own experience of working as a legal translator.

Just as a taster, Scott found that briefs –as defined– are not widely used and only basic “translation orders” are given. Key elements that would enable the translators to do better work are missing. Interestingly though, principals tend to believe that they are briefing translators better than they actually are. Interestingly too, principals appear to be open to being asked questions (though often translation agencies are unwilling to ask clients such questions). Scott paints a picture of a suboptimal market; one that will surely resonate with any working legal translator. In essence, legal translators are currently being briefed primarily on logistical and commercial terms, and this has repercussions for quality.

The survey also explores the types of texts being outsourced and which ones are the most troublesome. Again the findings would tend to chime with my own professional experience that court-related documents are among the hardest; though working from Greek to English at the very pinnacle I would put legal opinions on aspects of civil law written by law professors.

Having sketched the problems and dysfunctions, Scott proposes various avenues for improvement and has devised a brief which can be freely shared.

If one could summarise what is needed to fix the situation and give translators more agency, it is: consult early with authors about their texts, obtain a full set of instructions and build interaction and dialogue into the process. Other professions do it, primarily by employing briefs, so why should the legal translation profession be any different? While showcasing so much of what is wrong in how current things stand, the book also provides a window into what a better world might look like. It should be viewed as a call to action for the profession to up their game, for translators to acquire greater “agency” in the legal translation process, and be accorded stronger professional standing. The issue is how to “operationalise” the improvements being proposed.

If you are a newcomer to the profession, or an established legal translator seeking to improve your lot, this book has much to recommend it. This work should also prove useful for translation trainers as a vademecum of what newcomers to the profession should be aware of. Professional associations may also find it a useful guide in their fight to defend and promote the interests of their members in this sector. Lastly, principals, be they translation agencies or direct clients, may find it offers them useful insights into how to work better with legal translators.

In short, it is a well-researched, cogently argued piece. The survey data provides a strong foundation on which to build better client-translator interactions, and a fuller understanding of the issues and constraints helps us as translators formulate better arguments to present to clients, and to improve professional practice.

## References

- Biel, L., *Lost in the Eurofog: The Textual Fit of Translated Law*. Frankfurt: Peter Lang 2014.
- Prieto Ramos, F. (ed.), *Institutional Translation for International Governance: Enhancing Quality in Multilingual Legal Communication*. London/New York: Bloomsbury 2018.

John A. O'SHEA