"JUDGE" AND "SUDYA" IN THE ENGLISH AND RUSSIAN LANGUAGES:
IN SEARCH FOR TERMINOLOGICAL ADEQUACY

Vladimir Ozyumenko¹, Tatiana Larina² and Kamo Chilingaryan³*

¹Assoc. Prof., Peoples' Friendship University, Russia, vladimir@ozyumenko.ru
²Prof., Peoples' Friendship University, Russia, tatiana@larina.tv
³Assoc. Prof., Peoples' Friendship University, Russia, chili1@yandex.ru
*Corresponding Author

Abstract

Due to the expansion of international cooperation in different fields the problem of terminological equivalency in translation is among the most important ones. This research is carried out within a framework of the comparative terminology studies and continues the analyses of the English and Russian lexemes denoting the core legal professions and their translation correspondences. The aim of the present article is to compare lexical and semantic fields of English ‘judge’ and Russian ‘sudya’ composed by the lexemes and lexical units containing the semantic element of ‘an official, executing justice’ in order to find out their similarities and differences and to search for translation equivalents of their constituent elements. The authors believe that in the rapidly changing world both the Russian practicing lawyers and their foreign counterparts, participating in many legal disputes must be aware of the terminology used in different jurisdictions to be able to compete. But to have highly qualified lawyers we need to prepare them now at law schools.

The data for this work were taken from English and Russian bilingual dictionaries, definition dictionaries, specialized dictionaries, legal texts, and media, British National Corpus (BNC), Corpus of Contemporary American English (COCA) and Russian National Corpus (RNC). The authors compare the quantity of the lexemes, forming the lexical and semantic fields under study, their semantic volume and analyze their differentiating features. The study implements definitive, distributive, context, contrastive and cultural analyses. The latter seems important these days because they enable to specify the semantics of the terms, their culture specific characteristics and to offer some recommendations on their translation. The analysis showed that within to the long history of Britain and its highly developed legal system the English lexical and semantic field "judge" is represented by a greater number of lexemes and lexical units, i.e. it has higher nominative density. English terms are characterized by nominative specification, territorial variation and polysemy. At the same time many Russian businesses prefer claiming the British courts, which means that not knowing the revealed differences create considerable difficulties in translation. They are also a source of confusion when dealing with a criminal court judge or a civil court arbitrator. The results of the research can be used in comparative terminology studies, in theory and practice of translation, in dictionary making, and mostly, in teaching professional legal English to law students.

Keywords: translation equivalents, terminological adequacy, legal terms, judge, English language, Russian language.
1. INTRODUCTION

The problem of equivalence is one of the major in translation. In professional translation in general and legal in particular, it is of utmost importance, as clarity, conciseness, and unambiguity are integral requirements for legal texts.

The term equivalent means a correctly found correspondence between the source text and the target text. It refers to correspondences on lexical, syntactic, stylistic and pragmatic levels and is considered on the levels of a word, a sentence and a text. In the semantic sphere, scholars distinguish between different types of equivalency - complete and partial, absolute and relative. Complete lexical equivalents are words that fully cover all the meaning of the word and are not dependent on the context (Retsker 2004: 13-15). However, equivalents, which would cover all the meaning of the word in the source language and the target language, actually hardly ever exist. Moreover the meaning of each lexical unit can only be determined in the context, both on the level of the sentence and the text, including sociocultural context. Equivalence of the objects means their equality in any respect, but equality of the objects in all respects is impossible (Latishev, Semenov 2008: 56); respectively, there are no fully equivalent lexemes that represent them. However, there are a few lexical groups which traditionally are named among the words that can be characterized as complete equivalents. They are: a) proper names, b) geographical names, and c) terms.

Terms are defined as a special layer of vocabulary, which is characterized by 'a single meaning, emotional neutrality and independence on the context' (Alekse 2012: 258). According to the definition given by Russian linguist A. Reformatskiy, the terms are special words, limited to their special designation, seeking to have a single meaning as an exact nomination of concepts and names of things (Reformatskiy 1996: 61). In this definition, it is important to pay attention to the word seeking, which doubts the equivalence in full measure. The same idea but in a more explicit way was articulated by L. Barkhudarov (2014) who notes that terms, in many cases are characterized by polysemy and, therefore, have not just one but several correspondences in other languages (Barkhudarov 2014:75). The polysemy of the terms is viewed as a linguistic way of organizing and structuring scientific knowledge (Tatarinov 2013).

Our study as well as teaching and translation experience also testify to polysemy of terms which creates considerable problems in translation. It also indicates to linguistic disparities of English and Russian terms and their cultural specificity that aggravate finding their correspondences in the two languages.

This article is a part of the study of the Russian and English lexemes denoting the core legal professions and their translation correspondences (Ozyumenko 2014; Ozyumenko, Chilingaryan, 2015; Chilingaryan, Larina, Ozyumenko, 2016 and others). The aim of the article is to compare semantic fields of English 'judge' and Russian 'sudya' in order to find out their similarities and differences, both qualitative and quantitative, and to search for terminological adequacy in translation. We analyze the lexical units containing the semantic element of ‘an official, executing justice’. Semantic field is viewed as ‘a set of lexemes which cover a certain conceptual domain and which bear certain specifiable relations to one another’ (Lehrer 1985).

2. DATA ANALYSIS AND RESULTS

2.1. Sources used

The data for the analysis was taken from Russian and English definition dictionaries, bilingual dictionaries, specialized dictionaries, legal texts, media, British National Corpus (BNC), Corpus of Contemporary American English (COCA) and Russian National Corpus (RNC). The study of semantic fields judge and sudya implemented definitive, distributive, context, contrastive and culture analyses. These methods enabled to specify the semantics of the terms, their culture, specific features and to offer some recommendations on their translation. Our results have showed that the terms, denoting officials, executing justice in English and Russian, are not always monosemantic; they differ in volume of meaning and in a number of semantic features.

The comparative analysis of English and Russian bilingual dictionaries has revealed considerable differences in the number of lexemes denoting ‘an official, executing justice’ in the two languages. The English language has much more nominations of this meaning than Russian. The New Russian English Law Dictionary (NRELD) gives 10 lexical units corresponding to the Russian term sudya. Besides judge, it offers justice, magistrate, commissioner, arbitrator, awardeer, referendar, umpire, chancellor, and referee. The MULTITRAN dictionary contains more than three dozens of English translation equivalents. For example, the Russian term mirovoy sudya is translated as squire, magistrate, lay magistrate, commissioner (in some US states), Justice of the Peace (or abbreviated - J.P.), peace justice, peace commissioner, justice operator.
The English language offers a great number of one-word collective terms that lack in Russian. We have already noted the term the bar ‘college of lawyers’ (Ozyumenko 2014). The same was observed in the case of a judge: the bench (‘panel of judges’), the chamber, judiciary, judicature, magistrature, court (‘judges’ in AmE).

2.1.1 Metaphorical sources

English nominations of a judge and his positions are often based on a metaphor, e.g.: a bencher, a chair. In the core of a number of metaphorical nominations there is a mantle of a judge, as well as its colour: gownsman (lit.: mantle man) – ‘judge, lawyer’; gentleman of the long robe or a gentleman in a long gown - ‘judge’; purple judge – ‘County Court Judge in the UK’; red judge – ‘High Court Judge in Britain’; to wear the ermine (lit.: to wear robes with ermine fur) – ‘to be a member of the Supreme Court’, assume the ermine means – ‘to be / become a judge of the Supreme Court’, to ermine - ‘to become a judge or a peer’. The phrase dispute between silk and ermine means ‘a dispute between a lawyer and a judge’. Accordingly, He was robed in ermine means He was made a judge or a peer (NERD) and it is translated accordingly.

2.1.2 Borrowings

Among the English nominations of a judge there are a lot of borrowings, mainly from Latin: magistrate, in latere, justice of nisi prius, judge emeritus, praetor, circuiteer. Besides Latin there are borrowings from French: bailie (‘a city judge in Scotland’), puisne (‘junior judge’) and some other languages: Arabic - hakim, Spanish – alcalde and others.

On the periphery of the semantic field judge there are some obsolete (referendary, daysman, reeve, podesta) and highly specialised terms: knight-marshall (‘judge of the royal court’), deemster (‘one of the two judges on the Isle of Man’); commissary (‘judge of Canterbury Court’); Judge of the Arches (‘the Chief Justice of the Court of Archbishop of Canterbury’); chancellor of diocese  (‘the judge of Consistory Court’) and others.

The Russian field ‘sudya’ is much less representative, which is quite understandable. Due to a shorter history, the Russian legal system is less developed in comparison with the British one, it has less legal realities to be fixed in the language. The term sudya is a core lexical unit which is differentiated by adjectives and objective case collocations: mirovoi sud'ya, federal'nyi sud'ya, sud'ya Konstitutsionnogo suda, treteiskii sud'ya, sud'ya arbitrazhnogo sudya, etc. Thus, in the absence of specific lexical units the Russian language resorts to the aid of attributive phrases. As a result, though in both languages there are one-component terms and multicomponent terms, in English terminology monocomponent terms predominate, while Russian terms nominating a judge tend to be multicomponent: E.g.: magistrate – mirovoi sud'ya, awarder — treteiskii sud'ya, arbitrator — arbitrazhnogo sud'ya.

The Anglo-Saxon system of law often has realities which have no analogues in the Russian legal practice; consequently there are no relevant Russian legal terms. English terminology system offers a lot of specific nominations for judges depending on the cases they specialize in. Such a terminological specification also contributes to an abundance of the terms. E.g. committer AmE - ‘a judge who appoints a guardian for the mentally ill’; ordinary - ‘a judge for probate’; also register - ‘a judge for probate and guardianship’ (in some the US states).

In addition to the terms differentiating functions of judges in the legal system, there are words in the English language, differentiating judges in a court case, that was not met in the Russian language: fact finder - ‘a judge at the stage of investigation’; trier - ‘investigating judge’ condemnor - ‘a judge who condemns’; dissentient / dissenter - ‘a judge stating dissenting opinion’ and others.

2.1.3 Status

There are also a number of English nominations of a judge, showing the status differences that almost lack in the Russian language. On the top of the UK judicial hierarchy there are Lords of Appeal in Ordinary (also known as the Law Lords), Lord Justices of Appeal (‘appeal court judges’) and High Court Judges (‘Judges of the High Court of Justice’, who are appointed by the Queen on the recommendation of the Prime Minister and the advice of the Lord Chancellor) (Brown, Rice 2007: 30). In the US, the most senior judge of the legal system, that is, the one who heads the US Supreme Court, is called the Chief Justice (LDELG). On the lower level, a status gradation is expressed as well. Here we find chancellor, vice-chancellor, chief judge, senior judge, chief justice, chief magistrate (‘senior judge’), junior judge, deputy judge etc.

In Russian the words, distinguishing status differences of judges, hardly ever exist. The only one word is predsedatel’ (‘a chairman’). The status differences are determined by the level of the court: predsedatel’
Verkhovnogo / oblastnogo / gorodskogo / raionnogo suda ('chairman of Supreme/ Regional / Municipal / District Court'). Within the framework of each court and case all the judges are equal.

Another peculiar feature of the English field 'judge' which contributes to the number of its components is a territorial variety of the terms discussed. There are terms which are typical of certain countries and their cultural traditions. Besides British terms mentioned above (a bencher, Judge of the Arches, knight-shield, purple judge and others), in Scotland, and only there, one can meet: sheriff in the meaning of 'judge, chief judge of a county' (NERD); ordinary - 'one of the five judges of Supreme civil court' (NERD); justiciary (justiciar) – 'an officer or administrator of justice; judge' (FDF); Lord of Session – 'a judge of a Court of Sessions' (MULTITRAN); Lord Justice General – 'the Chairman of a Court of Sessions' (MULTITRAN). In American English there are terms Justice of the Supreme Court – 'a judge of the Supreme Court', jurist – 'a judge in a low court in the US') (MEDAL); alcalde – 'mayor, authorised as a judge in South-Western states of the US'.

The Russian language due to its uniformity is devoid of territorial variety of the terms.

The results of our analysis show that the semantic field 'judge' is represented by a great number of lexical units which contain a lot of semantic components regarding to functions of judges, a type of court where they serve, a type of a case they administer, as well as their status and some other characteristics. They vary in different varieties of the English language and are to a great extent culture-bound. The Russian semantic field 'sudya' in comparison with the English 'judge' can be characterized as minute. It is represented mainly by the word sudya and some collocations based on it, which cover the whole sphere of this legal activity.

The differences in the amount of lexical units and their ability to convey various semantic subtleties cause a lot of difficulties in legal translation.

3. THE PROBLEM OF SEARCHING FOR TRANSLATION EQUIVALENTS

The analysis of our data has showed that the Russian term sudya and its English translation equivalents are the words of different semantic scope. As a result, one Russian lexical unit may correspond to several English units. Thus, conciseness and unambiguity which are the basic requirements for the translation of terminology are practically impossible to achieve while translating the legal terms of this group. For example, all five English words - awarder, arbiter (arbitrator), umpire, referee, adjudicator - are translated into the Russian language as treteiskii sud'ya ('arbitrator') (NERD), even though it can be assumed that the differences between them may exist. For example, an adjudicator, is a judge who makes a preliminary decision in order not to send the case to court (An adjudicator makes an initial decision to keep a case from going to court ...) (Brown, Rice 2007: 56). The term mirovoi sud'ya, as it has been noted above, according to bilingual dictionaries has 8 translation variants: squire, magistrate, lay magistrate; commissioner (in the UK in a number of US states); Justice of the Peace (or abbreviated - J.P.); peace justice, peace commissioner, justice operator.

3.1. Polysemy

While analyzing the terms of semantic fields 'judge' and 'sudya' we have observed polysemy, a phenomenon not typical of terminology, which creates additional difficulties in translation. As the definition analysis has showed, many of the terms considered are not unequivocal. A number of lexical units have several meanings and besides judge, they name some other legal professions and positions, i.e. intersect with adjacent lexical and semantic fields.

For example, commissioner is translated as morovoi sud'ya 'magistrate' (in some of the US states); komissar) 'the police commissioner'; upolnomochennyi 'authorised agent', predstavitel' 'representative' (MULTITRAN). This ambiguity creates serious difficulties in the translation:

(1) …the Commissioner, Lieutenant-Colonel Sir William Summer, had taken them out of the formal structure and appointed Bragg as his personal detective assistant (BNC).

(2) The Court of Appeal reversed the High Court's decision, and the Commissioner appealed to the Privy Council (BNC).

(3) … nor the Court of Appeal were willing to overturn the Commissioner's opinion about the risk of an outbreak of serious public disorder (BNC).

Only the context can determine that in example (1) commissioner is a policeman, in (2) it is a representative, and in example (3) it has the meaning of a judge.
Another example is the term recorder, which is defined as ‘a magistrate with jurisdiction over criminal and civil cases’; ‘city magistrate and a judge in criminal cases of quarterly sessions’; as well as ‘archivist, ‘court reporter’ and ‘recorder’ (the chairman of the session of Crown Court in England) (NERD, MULTITRAN). The context is necessary to distinguish the meaning of the term:

(4) Two joyriders were eventually convicted at Oxford Crown Court. Today they were sentenced. Passing sentence Recorder Marry-Jane Mowatt said Cameron and Ralph had put lives of others at risk (BNC).

(5) …it’s a leading question and if you asked that in the court the judge would intervene and tell the recorder to strike it out (BNC).

In example (4) recorder acts in the meaning of a ‘judge’ in (5) it is a ‘court reporter’.

The terms jurist has also three meanings: 1) a jurist; 2) AmE a lawyer; 3) AmE a judge (NERD). Some examples:

(6) This, for instance, was largely the thesis developed by the great English comparative jurist, sir Henry Maine (BNC) (jurist).

(7) They included…the appointment of an independent judge or jurist to investigate incidents of violence (BNC) (judge).

(8) On Jan.31, 1990, a noted jurist and head of the Ankara Bar Association, Mummar Aksoy, was shot dead… (BNC) (lawyer).

Dictionaries do not always help to make out meanings of terms. Some definitions from a Russian perspective are more than confusing:

circuiteer (circuiter) - ‘a judge or lawyer of a circuit court’ (NERD);

registrar - ‘the court registrar, judicial assistant’ (UK) (NBRAS), at the same time, the registrar in bankruptcy is ‘a judge of the bankruptcy (MULTITRAN);

squire - AmE. 1) a magistrate; 2) a local judge, 3) a lawyer (NERD); etc.

It is evident that a language context and socio-cultural context are crucial for translation of these terms. Besides, the translator needs to have a deep knowledge of the subject.

3.2. Lack of equivalents

As the Russian and Anglo-Saxon legal systems differ considerably, it is quite natural that the terms denoting realities of the Anglo-Saxon system, which are missing in the Russian one, do not have generally accepted Russian terminological equivalents. They are terminological lacunae in Russian lexicon. Translation of such lacunary terms poses considerable difficulties. Usually it is achieved by means of partial or complete transliteration, tracing, or descriptive translation techniques. Sometimes more than one means is required. For example, the term rekorder (with e-spelling), which has come into Russian through transliteration is accompanied by the comment ‘a chairman of the session of Crown Court in England ’ (NERD). It is interesting to note that MULTITRAN dictionary, in addition to the rekorder in the above meaning, gives another term rikorder (with I-spelling) explained as ‘a magistrat with jurisdiction over criminal and civil cases in the cities and towns’. As one can see, trying to convey different meanings through transliteration, translators oppose them using spelling distinctions, comments here are also inevitable.

Tracing is not always productive as well. For example, Justice of the King's (Queen's) Bench is defined as Sud'ya Korolevskoi skam'i ‘Queen's Bench judge’. However, this definition can be considered to some extent arbitrary, since it does not disclose the meaning of the nomination. Here, in our opinion, a descriptive translation is needed.

The descriptive translation is often used when a word that does not have an analogue in the target language is replaced by a narrative structure: circuiteer - ‘judge of a circuit court’; register - ‘judge of probate and guardianship (in some states of the USA)'; a stipendiary - ‘judge who receives a salary’, etc. However, as the analysis of translation dictionaries has shown, descriptive translation is not always used sufficiently, making it difficult to understand English terms and their use, as any differentiating features are missing. E.g., in addition to the above-mentioned translation equivalents of the word sudya which are judge , justice, magistrate, commissioner, arbitrator, awarer, referendary, umpire, chancellor, referee there are: jurat, trier of law, trior, doomsman and even some phrases with rather broad semantics: legal profession member,
member of judicial body. Thus, the translation given by dictionaries is not always clear and requires some comments.

It should be noted, however, that no translation techniques and their complex application guarantees a successful outcome without a deep knowledge of the subject area and culture and cultural realities. A vivid illustration of the above are example 9 and 10 in which different types of judges are mentioned, which cannot be distinguished and translated without a thorough knowledge of English judicial system:

(9) … the case goes to the Crown Court…where it is heard by a Queen's Bench or Circuit judge or by a Recorder (in certain circumstances joined by two or four Justices of the Peace) (BNC).

(10) … in certain types of cases where the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls and other senior judges favour a hard line… (BNC).

All the italicized nominations can only be translated by a single word sudya (‘judge’) followed by clarifying definitions and/or culture notes.

It is impossible as well to distinguish between Lord Justice General, Lord Justice Clerk, and Lord Commissioners of Justiciary without knowing some specifics of the Scottish judicial system and types of judges, as in ex.11:

(11) The High Court is presided over by the Lord Justice General and the Lord Justice Clerk. … The other full time judges, who are also Senators of the College of Justice, are known as Lords Commissioners of Justiciary (BNC).

It is not uncommon that one and the same term can be translated differently depending on the socio-cultural context. The term chancellor is an example. In the UK chancellor is ‘a judge, the Chief Justice, esp. of Chancery Court ’ (10), and in some US states it is ‘ President of the Court of justice’ (12) (NERD):

(12) Going back to the 1980s, the Supreme Court has been more conservative on these issues than the Chancery Court. But perhaps Chancellor Chandler will push back against the Supreme Court (COCA).

One and the same Russian term can have different translations in different varieties of English: e.g. mirovoi sud'ya can be translated as recorder BrE, squire AmE or commissioner (in some states of the US); peace commissioner IrE (the term replaced Justice of the Peace in 1923). Depending on the region of Ireland in which they serve, Justices of the peace are also known as magistrates, squires, and police or district judges (FDF).

As many of the terms, particularly English, are culture specific, they require background explication, containing information about the functions of judges, the types of courts and the territory on which they serve. For example, surrogate – ‘judge for probate and guardianship’ (in some the US states) (NERD).

Due to increased cooperation in the legal sphere and arising need to reproduce the subtleties of the English legal lexical units the Russian language gradually borrows words taken from the English judicial sphere. Thus, in addition to rekorder and rikorder, there are magistrates, ordinarily, registrar. They are used while translating English professional terms, and are already fixed in some dictionaries (NERD and MULTITRAN). Thus, the gap in the Russian terminology is filled by borrowing the appropriate lexical units from the English language. In cases where the loan words are not yet well-known, dictionaries provide them with some commentaries. For example, alcal'de - ‘mayor authorized to judge’ (NERD).

When translating terms one should take into account the target language. When translating from English into Russian a method of generalization should be used, as a rule, when translating from Russian into English the method of specification is worth implying.

4. CONCLUSION AND DISCUSSIONS

In this article, we conducted a comparative analysis of the semantic fields ‘judge’ and ‘sudya’ in the English and Russian languages, considering the words and collocations, naming ‘an official, executing justice’. The analysis has shown that the fields under study differ in quantitative and qualitative aspects. These differences are caused both by linguistic and socio-cultural factors.

The semantic field ‘judge’ is formed by a greater number of lexemes and collocations in comparison with the Russian ‘sudya’. It is characterized by nominative detализации when every single position or function of ‘an official, executing justice’ has its specific nomination. Thus we can conclude that the English semantic field ‘judge’ is of a higher nominative density.
The Russian field ‘судья’ on the contrary is very poor, it is represented by just a few lexemes. It can be explained by the lack of corresponding realities in the legal system of Russia. As a result one Russian term corresponds to an array of English specific terms.

These findings once again suggest that the English terminology system in the field of law is elaborate in comparison with the Russian one. This can be explained by the fact that the English legal system has a long history, it is more developed and is playing an increasingly important role in society. Our findings confirm the words by V. Komissarov, who rightly pointed out that the number of nominations in a certain field of activity is directly dependent on the degree of public importance of this field (Komissarov 2014:74).

This terminological discrepancy causes considerable hurdles in translation which are aggravated by such an abnormal for terminology phenomenon as polysemy, as well as by nominative variation in different varieties of the English language, which we have revealed through our analysis. The translation difficulties are further complicated by the fact that a dictionary definition does not always give a complete understanding of a lexical unit.

The problem of translation can be tackled differently depending on a target language. The prerequisite for successful translation is the context and knowledge of a target legal system, culture and its realities, which once again shows that translation is a question not only of language but also of culture.

Our comparative study is limited both in data and translation techniques offered. It has just outlined the problem which needs further research. Nevertheless, the results obtained can be useful for Comparative Terminology, Lexicography, Theory and Practice of translation. They can also be applied in teaching professional English to law students.

REFERENCE LIST


Chilingaryan, K., Larina T., Ozyumenko, V. (2016, in print). Ambiguity of Culture-Bound Terms in Legal English and Russian. In SGEM,


Nekrassova, T.P. (2013).особенносты певрода юридических терминологий с русского языка на английский (Features of legal terminology translation from Russian into English). PhD. Moscow. (in Russian)

Ozyumenko, V.I. (2014), Perevodniye sootvetstviya slova ‘advokat’ v angliyskom yazyke (English
equivalents of the word ‘advokat’). Vestnik RUDN: Russian and Foreign languages and teaching methodology. 4, 114-119. (in Russian)


Dictionaries and digital resources


MULTITRAN – http://www.multitran.ru

BNC – Brinsh National Corpus. http://www.natcorp.ox.ac.uk/


Russian National Corpus. www.ruscorpora.ru/

RNC - Russian National Corpus