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WHEN YOU UTTER TWICE, YOU MAY NOT TRANSLATE TWICE: ON THE ENGLISH-SPANISH TRANSLATION ALTERNATIVES OF PAIRED EXPRESSIONS IN DIVORCE DECREES

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ABSTRACT

Acting in the capacity as both official sworn translators and university professors, we have been witnessing to the issue that legal documents are troublesome specialised instruments with a relevant rate of paired expressions. The same could be said of Divorce Decrees, either issued in the UK or in the US, since they provide us with a significant diversity of doublet and triplet expressions. Hence, they pose a threat for translation trainees, and even for professional translators, since they can resort to somewhat literal translations that might not prove as fluent as the source text. Additionally, most of these paired expressions are not quoted in specialized dictionaries; and the ones rendered tend to be too literal translations as well. For the reasons abovementioned, this article reports on the translation of 10 English doublets, and triplets, drawn from a legal corpus of 20 Divorce Decrees: 10 North American, and 10 British. Our main contribution relies on the fact that we do not only provide with rather literal translations but also with cultural equivalent ones, probing how the search for legal parallel documents is of utmost importance. Additionally, we have unveiled how the Spanish language trend is towards simple, and clearer legal expressions.

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INTRODUCTION

Nowadays, we are witnessing to an increased rate of translation briefs, due to the fact that population movements are striking, both from a domestic and an international point of view. In this situation, the demand for official documents, and their renderings into another language becomes a daily reality, especially when dealing with legal paperwork. One of the documents most in demand is a court judgement related to divorce: the 'Divorce Decree' (also known as 'Decree of Divorce'). When it comes to a marriage between a couple who belongs to diverse ethnic or racial backgrounds, we often receive the (English-Spanish) translation brief of a Divorce Decree of an interracial marriage. The main problem arising thereof is a substantial number of paired expressions (binomials, trinomials, and tetranomials), legal language-specific ones. Nevertheless, their translation into Spanish may become troublesome, since Spanish language does not usually resort to that sort of redundancies and repetitions. Accordingly, in this research paper we will investigate how many English-Spanish (both literal and dynamic) renderings could be provided, so we would be offering a significant list of translation alternatives for both translation trainees and professional translators.

Legal paired expressions: Before going into the English corpus research, we must first define what "paired expressions" are. Paired expressions are a distinctive feature of legal English. Since the main aim of these kinds of expressions is to reinforce what has been previously affirmed, this issue represents a prevalent characteristic in legal discourse. So far, there have been several contributions concerning the difficulties encountered when dealing with these (mostly redundant) expressions, and the name changes depending on the scholar him/herself. Hence, Ortega Arjonilla et al (1996) used "parejas de sinónimos" (paired synonyms), De Miguel (2000) opted for "parejas y tríos de nombres" (pairs and trios of names), Doblás (1996) and Alcaraz (2002) used "dobletes y tripletes" (doublets and triplets), whereas Calvo (1980) resorted to "términos de significación cercana" (terms of close meaning). Below is a list of the diversity of denominations in the research field, grouped by expressions,

- «binomials, trinomials, tetranomials» (Lagüéns 1992; Bhatia 1993; Puche 2003; Vázquez y del Árbol 2006);
- «construcciones bimembres y trimembres» (two- or three-membered expressions: Puche 2003);
- «doublets, triplets, quadruplets» (Doblás 1996; Mayoral 2003; Crystal 2006; Alcaraz 2007);

- «multinomials» (Bhatia 1993);
- «paired expressions» (Gustafsson 1975);
- «parejas de sinónimos» (paired synonyms: Ortega Arjonilla, et al. 1996);
- «parejas y tríos de nombres» (pairs and trios of names: De Miguel 2000);
- «términos de significación cercana» (terms of close meaning: Calvo Ramos 1980);
- «worthless useless doubling» (Mellinkoff 1987).

Regarding the research on binomials within specialized translation, several contributions have been released so far.

Several decades ago, Malkiel (1959) pioneered the research of irreversible binomials in English discourse.

Gustafsson (1975) carried out a semantic and syntactic study linked to binomial expressions in present-day English. Later on (1984), he analysed the syntactic features of binomial expressions in legal English.

Several decades later, Gorgis and Al-Tamimi (2005) unveiled how, after an Iraqi-Jordanian Arabic binomials' research, the most frequent grammatical pattern was noun plus noun binomials.

Carvalho (2006) performed a corpus-based study. Within this piece of research, the author faced the translation of binomial expressions in legal agreements.

Princová (2006) contrasted binomial expressions in contemporary German and their Czech renderings available.

Dámová (2007) performed a stylistic analysis, focused on lexical (binomial) expressions from the language of the law.

Klégr and Čermák (2008) introduced a piece of research on binomials' use within an historical English literary perspective.

Heyden (2010) started from the Civil Law versus Common Law documents' divergences, in order to provide a French rendering for legal English binomials.

Chromá (2011) investigated synonymy and polysemy in legal terminology. Additionally, this scholar showed their link towards bilingual and bijural translations.

Andrades (2013) first highlighted the relevance of binomials within legal translation. At a later stage, himself (2016) proposed a set of English-Spanish equivalences for legal translation documents, by using CORBICON corpus, and researching a list of contracts.

Khatibzade and Sameri (2013) made a (English-Persian) contrastive study of binomials in political speeches and reports, since the area in question had not received the attention it deserved.

Hejazi and Dastjerdi (2015) carried out an attempt to appraise the naturalness of translated binomials in hard news. Meanwhile they both identified the most frequently used translation strategies in this respect.

Mollin (2014) re-used the expression and concept of Malkiel (1959) concerning the irreversibility of binomial expressions in English language.

Motornyuk (2014) carried out a contrast by researching binomial expressions in Czech and Russian.

Al-Jarf (2016) studied how translation trainees carried out the translation of English binomials into Arabic language (including those without an exact equivalent).

Štichová (2016) developed a corpus study while researching the English-Czech-English translation of binomials such as “rules and regulations”, “prevent and combat”, “law and order”, “terms and conditions”, and “if and when”.

Al-Otaibi (2021) presented a study examining how Qur'ānic binomials were rendered into English language by seven translators.

Nevertheless, we were not able to identify research papers devoted to the English-Spanish translation of binomials from the text genre called “Divorce Decree”.

MATERIALS AND METHODS

Once we have reviewed the most significant contributions linked to the area in question, we can now move to the corpus selection and the research methodology applied thereto. We selected 20 Divorce Decrees in English language (10 from the UK and 10 from the US). Subsequently, we gathered 10 Spanish documents, representing the equivalent text genre: “Sentencia de Divorcio”. At a later stage, we identified 10 legal English binomial and trinomial expressions, and provided both a literal (calqued) translation, as well as a dynamic (with a cultural equivalent) one, the latter coming from our Spanish Sentencias de Divorcio, therefore avoiding the use of redundant paired expressions. Thus, our English-language corpus consisted of the following 10 items:

-full and complete jurisdiction
-terms and conditions (of the Agreement)
-fair and equitable
-value and extent
-ordered, adjudged, and decreed
-terminated and held for naught
-released and discharged
-be and the same hereby is incorporated
-and a part as if fully rewritten
-fit and proper

RESULTS

Once we have displayed our research corpus, we can now explain the available translations for each corpus item.

- 1- Full and complete jurisdiction:
 - a) Literal translation: Jurisdicción total y completa/Jurisdicción plena y total
 - b) Cultural equivalence translation: Plena jurisdicción.
- 2- Terms and conditions (of the Agreement):
 - a) Literal translation: Términos y condiciones del Acuerdo
 - b) Cultural equivalence translation: Cláusulas del Convenio (Regulador de Separación o Divorcio).
- 3- Fair and equitable:
 - a) Literal translation: Justo y equitativo/Justo e imparcial
 - b) Cultural equivalence translation: Justo/Totalmente justo.
- 4- Value and extent:
 - a) Literal translation: Valor y alcance
 - b) Cultural equivalence translation: Valor.
- 5- Ordered, adjudged, and decreed:
 - a) Literal Translation: Ordenó, juzgó y decretó
 - b) Cultural equivalence translation: Debo decretar y decreto.
- 6- Terminated and held for naught:
 - a) Literal translation: Terminado y en vano
 - b) Cultural equivalence translation: Disuelto por razón de divorcio (el matrimonio).
- 7- Released and discharged:
 - a) Literal translation: Liberados y eximidos
 - b) Cultural equivalence translation: Con todos los efectos legales inherentes.
- 8- Be and the same hereby is incorporated:

- a) Literal translation: Sea y que la misma se incorpore a la presente
 b) Cultural equivalence translation: Que dicho documento/instrumento sea incorporado.
- 9- And a part as if fully rewritten:
 a) Literal translation: Y una parte como si se hubiera reescrito en su totalidad
 b) Cultural equivalence translation: Como si se hubiera redactado ex novo.
- 10- Fit and proper:
 a) Literal translation: Apto y propio
 b) Cultural equivalence translation: Oportuno.

Once we have unveiled both the literal and the cultural equivalence translation, we will now display a table summarizing the results thereof, especially those regarding the simplified translations, by using a dynamic cultural equivalent in Spanish language.

Corpus Source Items	Corpus Target Items (by means of Cultural Equivalence)
Full and complete jurisdiction	Plena jurisdicción
Terms and conditions (of the Agreement)	Cláusulas del Convenio
Fair and equitable	Justo/Totalmente justo
Value and extent	Valor
Ordered, adjudged, and decreed	Debo decretar y decreto
Terminated and held for naught	Disuelto por razón de divorcio
Released and discharged	Con todos los efectos legales inherentes
Be and the same hereby is incorporated	Que dicho documento/instrumento sea incorporado
And a part as if fully rewritten	Como si se hubiera redactado ex novo
Fit and proper	Oportuno

Upon display of the results of our research, let us now interpret them.

DISCUSSION

As we have shown, binomials and trinomials' use is striking when dealing with UK and US Divorce Decrees. Their English-Spanish translation might be either calqued or adapted by means of cultural equivalence in the target language. In fact, upon consultation of their Spanish counterpart, the "Sentencia de Divorcio", virtually no redundant expressions were available as a translation alternative. With regard to the first option abovementioned (calqued translations), they provide the target reader with a somewhat redundant (and straightjacketed) Spanish language. Some examples of redundant Spanish renderings could be "total y completa", "términos y condiciones", "justo y equitativo", "valor y alcance", "liberados y eximidos" or "apto y propio". Conversely, we have also encountered examples of straightjacketed Spanish translations, such as "ordenó, juzgó y decretó", "terminado y en vano", "sea y que la misma se incorpore", and "como si se hubiera reescrito". On the other hand, the use of parallel Spanish documents for searching cultural equivalent translations proved relevant and pertinent, since all of them sounded natural and fluent in the target language, such as "plena jurisdicción", "cláusulas del Convenio", "justo/totalmente justo", "valor", "debo decretar y decreto", "disuelto por razón de divorcio", "con todos los efectos legales inherentes", "que dicho documento/instrumento sea incorporado", "como si se hubiera redactado ex novo", and "oportuno". As a matter of fact, when carrying out the parallel-document search for 10 paired expressions in legal English, we could only detect one (out of 10) nearly correspondent to the source item: "debo decretar y decreto" (a verbal binomial expression). Nonetheless, the source item consisted of 3 verbal expressions ("ordered, adjudged, and decreed"), whereas the Spanish counterpart only resorted to 2 items ("debo decretar y decreto"), by using and compound present tense + a present tense clause. Overall, we have illustrated how UK and US Divorce Decrees are more prone to use paired (and grouped) expressions, whereas Spanish "Sentencias de Divorcio" are, in this specific regard, stylistically less complex.

Additionally, the use of parallel documents when carrying out the translation of highly specialized texts is of utmost relevance, since they can provide professional translators with the cultural equivalents employed in Spanish legal documents.

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