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FUNCTIONALIST APPROACH TO TEACHING LEGAL TRANSLATION

Abstract. The paper deals with some problems of legal translation with a particular regard to the skopos theory approach, with a special emphasis on the practical implications of these problems to legal translation instruction. The author presents the circumstances in the Republic of Croatia over the preceding several years pertaining to the activities of legal translation for the purpose of accession to the European Union. This particularly refers to the translating of the *acquis communautaire* into the Croatian language. Possible functions of translated legal and legislative texts are analysed from this viewpoint, as well as various possible related approaches to solving translation problems. The author pays special attention to issues in translating cultural elements, considering that they tend to show special sensitivity to the function of a translated text. Finally, practical application of the above considerations regarding legal translation is presented in the last part of the paper. Having taught courses in legal translation to lawyers aspiring to work as legal translators within EU bodies, the author presents the contents of the courses and some methods of teaching which take account of the skopos theory, as well as the reception of such teaching methods and their outcomes.

Keywords: legal translation, teaching legal translation, teaching translation, skopos theory, functionalist approach

ESP course design involves a complex set of activities. It should primarily take account of the purpose of the course and the specific needs of the participants. It is assumed that the purpose of most language and ESP courses is oriented towards some form of communication in a specific context, related to a certain professional area. The challenge becomes even greater when the subject of the course is not the specialized language itself but specialized translation. Translation is a specific kind of communication that takes place over two linguistic codes and where its outcome will depend not only on the competence and skills of the translator, but also on various linguistic and particularly extralinguistic factors.

The course presented in this paper was developed and delivered under very specific circumstances, which at the same time helped and yet constrained the instructor in his choice of teaching content and methods. The

paper will present some theoretical and practical considerations in course design, as well as the results of the feedback survey conducted among the participants of the course in legal translation that took place at the Faculty of Law of the University of Zagreb in 2011 and 2012.

The Background to the Course

The Republic of Croatia started its negotiations for the accession to the European Union in 2005. Over the following several years activities were undertaken at all levels focusing on Croatia's future position as an EU member state. Some of these activities involved the translation of the *acquis communautaire* into the Croatian language. The negotiations process also required for a considerable amount of Croatian legislation to be translated into English, as English was the language chosen by the Republic of Croatia as the language of negotiation. In addition to the legislative texts, a vast amount of supporting texts, such as strategies, action plans, and reports, also had to be translated into English. Demand for skilled legal translators boomed. As the experience of the Ministry of Foreign Affairs and European Integration showed, finding a sufficient number of translators who could successfully tackle the challenges of legal translation was not always an easy task. After the accession, Croatia would have to supply a certain number of translators and lawyer linguists with similar skills to fill the positions in EU institutions. As the experience of the pre-accession period showed, it was to be expected that not many Croatian translators or lawyers would feel ready to take on such challenging positions. Considering that translation is hardly part of a lawyer's everyday practice, of particular concern was finding a sufficient number of lawyers who were skilled enough in two official languages in the EU and, more importantly, in translating from these two languages into Croatian.

The Centre for Language and Law was established within the Zagreb Faculty of Law in 2007. It brings together professionals from the areas of foreign languages and law in order to provide a platform for professional development of both linguists and lawyers. The many activities of the Centre include the organisation of foreign language courses for lawyers. The Centre recognized the need for providing training in translation to potential candidates for the positions of lawyer linguists in EU institutions. It was assumed that any lawyers interested in applying for these positions might be interested in receiving additional training in legal translation for these purposes.

Training Programme for Lawyer Linguists

In 2010, a one-semester multidisciplinary programme of training for lawyer linguists was developed by experts gathered in the Centre for Languages and Law. Advice was taken from lawyer linguists already working in EU institutions who had knowledge not only about the requirements of the position itself but also of the types of entrance tests usually taken by applicants for these positions. The programme featured both theoretical and practical courses, delivered over 15 weeks. Table 1 shows the contents of the programme and the number of hours taught in each course.

Table 1

Training programme for lawyer linguists delivered by the Centre for Language and Law

Course	Number of hours
1. Introduction to legal translation, legal terminology multilingual drafting of EU texts	20
2. Introduction to EU law and institutions	20
3. Sources of EU law, EU databases and online language tools	8
4. Legal translation exercises (English)	30
5. Legal translation exercises (German, French, Italian or Spanish)	20
6. Croatian standard language for lawyers	30
Total	128 hours

The first two courses were theoretical, and the remaining four were practical. With the exception of the courses in EU law and institutions and EU databases and sources of law, the courses were mainly focused on language. The author of the present article designed and delivered the legal translation exercises for English.

Eligible applicants for the training programme were law graduates (or students in the final year), with or without working experience in law and/or legal translation. However, in order to be accepted for the programme, successful applicants had to pass a written translation test. The applicants were given a one-page text on EU institutions, taken from an official EU website. They were expected to demonstrate in their translation that they understood the text, i.e. that they could handle a text of that level of difficulty, dealing with this specific area.

Considerations in course design

In approaching the design of the course in translating legal English texts, multiple considerations were taken into account. First of all, this was to be a specialist course intended for a very specific purpose, delivered to a very specific audience. The course was delivered over 15 weeks, at a dynamic of one 90-minute session a week. As for the contents of the course, the intention was for the participants to translate a page of an English text from the domain of law or EU institutions between sessions and bring their work to class each week.

The selection of texts was made following the advice of working lawyer linguists from the Council of the EU and the European Central Bank who co-operated in the project. Their advice was to include texts pertaining to national law (in this case English), as such texts were typically used in entrance exams taken by applicants. The intention was to cover various areas of law, as well as different types of discourse. Table 2 shows the selection of texts by area.

Table 2

Selection of translation texts	
English law	1. constitutional law 2. alternative dispute resolution 3. criminal procedure 4. family law
EU law	5. payment of damages for wrongful acts 6. public finances (European Fiscal Compact) 7. community trade marks (ECJ judgment) 8. competition law (Commission Directive) 9. environmental law (Commission Decision) 10. application of EU law in national courts

With the exception of texts 6 to 9, which are legislative texts, i.e. judgments, the texts were taken from university law textbooks.

The more difficult part of designing the course was choosing a method or methods, especially concerning the special features of legal language and, accordingly, legal translation, and due to the fact that the participants were not linguists and had potentially no training or experience in translation whatsoever.

The course design was approached with several key assumptions with regard to the participants. They were thought to be likely to have misconceptions about the translation process, to be prone to literal translation, to

expect ready answers, to expect to find perfect matches and aim at lexical equivalence seeing it as something permanent and unchangeable, and finally to have difficulty with the complicated syntax found in most legal English texts. Another key assumption pertained more specifically to the issue of terminology. As regards EU terminology, particularly the Croatian translations, it is important to note that at the time of course design and delivery there was no comprehensive and consolidated bank of Croatian EU terms available anywhere. It was rather a work in progress and not publicly available. To focus the course on devising the right terms in EU texts would be not only a daunting task, but would also yield questionable results. Terms were obviously to play an important role in learning to translate, but it was thought to be more important to focus on the process of arriving at the best possible terms in a given situation than the actual “final” solutions. Assuming that the participants had little or no experience in translating, the focus was to be on the process of translation, rather than the outcome. The process, naturally, included not only dealing with terminology, but also with all the other strategies used and shifts occurring in translation. This would include questioning whatever solution arrived at and finding arguments to support or reject it.

To conclude, the method sought was to focus on the process of translation and possibly point to multiple possible ways of approaching the translation of the same text. In the pursuit of this goal both theoretical and practical considerations were taken into account, drawn from the experience of the author. The most important of these considerations will be presented in the following part of this paper.

Theoretical considerations

A layman approaching translation is likely to think of it as a process of finding the right equivalents for the source text in the target language. While it is hard to find fault with this basic conception, the idea of equivalence will probably differ from what a good translation would offer as equivalent.

Definitions of equivalence have changed throughout the history of translation theory. The concept of equivalence was even abandoned or put aside as secondary. This was due to the fact that the idea of equivalence slowly transcended the linguistic level. For Catford (1965), translation meant the replacement of text in one language with equivalent text in another language, which is close to the above proposed conception of translation expected from inexperienced translators. Although this is essentially so, it dis-

regards the complexities of arriving at an 'equivalent' solution. And these complexities go beyond the relationship between the source and target texts or languages.

Koller (1989) as cited in Baker (2009) takes this further by distinguishing between several types of equivalence: denotative, connotative, text-normative, pragmatic, and formal. This suggests that it is hardly possible to achieve equivalence at several or all levels at one time. For example, by providing a literal translation and thus preserving denotative equivalence, the connotative or pragmatic equivalence may be impaired or completely lost. The translator is thus forced to choose between these types of equivalence and in doing so should consider which layer of meaning plays the crucial part in the text at hand. In order to find the answer to the question of how to arrive at these decisions, one must look beyond the purely linguistic features of a text.

In the 1970s, the descriptive translation studies by Gideon Toury et al. introduced the social component into the study of translation theory. Translation is observed in the sociocultural context of the target culture and not as a more or less equivalent rendition of the source text in the target language. The descriptive approach also notes the differences in the concept of equivalence and the acceptability of translations and translation methods over time and in different cultures. The process of translation is seen to be guided by socially defined norms. These norms will determine what is considered as an appropriate or equivalent translation in the target culture. Translation is indeed seen as a matter of the target language and target culture, with the crucial role of extralinguistic considerations. According to Baker (2009), 'translator fulfils a function specified by the community and has to do so in a way that is considered appropriate in that community'. Pym argues that the community, i.e. the recipient of the translation, will thus guide the decision-making process in translation, and equivalence will depend on the socially-determined expectation of the relationship between the source and target texts (Pym 1992 and 1995a as cited in Baker, 2009).

At the same time, new horizons in translation studies were discovered by Katharina Reiß and Hans Vermeer with their functionalist approach. Foundations were laid in the early 1970s in the works of Reiß in which she proposes a connection between the choices in translation methods and text types and functions. She distinguishes between informative, expressive, and operative text types. The primary purpose of informative texts, as the name suggests, is to inform the reader about something. In expressive texts, the aesthetic function takes precedence over the informative one. The style of the text is supposed to produce an aesthetic effect on the reader. In operative

texts, both the content and the form are subordinate to the appellative function, which aims at a reaction at the text by the reader (Nord, 1997). All these text characteristics will affect the approach to translation and the selection of methods and strategies. This text typology has undergone several revisions, including one by Nord (1997) who added a phatic function to Reiß's list.

The focus on the function of the text was taken further by Reiß and Vermeer, which resulted in the skopos theory. Vermeer sees translation as a form of action and considers that every action, including translation, should have a purpose. The skopos theory is based on that assumption. Vermeer (1987:29) as cited in Baker (2009) defines translation in the following way: 'To translate means to produce a text in a target setting for a target purpose and target addressees in target circumstances'. According to the skopos theory, the skopos (the purpose) is determined by the translator in negotiations with the commissioner of the translation. The key role is to be played by the recipient/user of the translation, as well. A translation of the same text can be approached in completely different ways, depending on the skopos and the specific requirements of the commissioner, i.e. recipient of the translation.

Nord (1991) as cited in Munday (2001) distinguishes between two principal types of translation determined by their functions: documentary and instrumental. A documentary translation 'serves as a document of a source culture communication between the author and the ST recipient'. An instrumental translation will perform a communicative function in the target culture without the reader being aware that the same text had earlier been used in another communicative situation.

The author found that these theoretical considerations strongly resonated with his seven-year long experience as a translator, and were consequently fundamental to the approach taken to teaching legal translation in the present context. In the following parts of the text, the author will present some other practical and theoretical considerations regarding legal discourse and particularly the discourses of English and EU law, which also strongly affected both course design and delivery.

Specific features of legal discourse

Legal discourse has many interesting features which have been subject to numerous studies. Its peculiar lexis may be hard to comprehend to the average person, but that does not make it very different from most other

ESP discourses. However, one of its distinctive features is the simultaneous need for high terminological precision and ambiguity. One of the key requirements of a legal text is for terms to be clearly defined and precise. At the same time, legal texts are often subject to different interpretations. This can be seen in everyday judicial practice, and the different interpretations can change the way the law functions and vastly affect people's lives. Sometimes multiple interpretations are possible despite the legislator's effort to achieve a high level of precision, and sometimes, the ambiguity is intentional. Indeed, it is sometimes very difficult for the legislator to envisage the extent of the possible meanings of a term in a particular situation, so the burden of interpretation is intentionally shifted to the judiciary. As far as translation is concerned, the question is raised as to the approach to be taken by the translator with such ambiguous terms.

As for the morphosyntactic level of discourse, legal texts which are supposed to have legal effect make special use of the modal verb 'shall'. It has nothing to do with expressing future time, but rather expresses an obligation. In Croatian, on the other hand, either the present tense or phrases like '*dužan je*' (is obliged to) are used instead.

As for the syntactic level, legal discourse is characterised by very long and complex sentences. In his research into sentence length, Gustafsson (1975) as cited in Gotti (2005) found the average number of words per sentence in legal texts to be as many as 55, which is double than those of natural sciences and eight times more than that of spoken English. According to Gotti (2005), this is explained by the need to reduce the possibility of ambiguity and wrong interpretation and to remove the possibility of erroneous identification of the referent. As regards the level of embedding, research by Hiltunen (1984) as cited in Gotti, (2005) suggests that the average level of embedding in legal discourse is 3.09, whereas in other ESP discourses the average number was approximately 2, according to Ellegard (1978) as cited in Gotti (2005).

Some other typical features of legal discourse include a considerable amount of repetition at the expense of anaphoric expressions, and the prevailing use of complex rather than simple conjunctions (Gotti, 2005).

Even though the above features of legal discourse pose a considerable challenge to the translator, another of its distinguishing features is the fact that law does not exist outside language. Legal texts (or at least some of them) produce legal effects, affect human behaviour, the relationship between the state and the individual, and a number of other relations in the society. According to Šarčević (1997), 'translations of legal texts lead to legal effects and may even induce peace or prompt a war.' This particu-

lar function of legal texts is of crucial importance to translation. However, a translation of a legal text need not necessarily retain the same purpose as the original. According to the skopos theory, translation methods and procedures will depend on the function of the translation, i.e. its recipient. A legal, i.e. regulatory text, may be translated for different purposes, and this will reflect in the choice of solutions selected by the translator.

Translating legal texts pertaining to English law

A peculiar problem in translating legal texts from or into English is the fact that English-speaking countries are predominantly common law countries. On the other hand, all other European countries, for instance, have the continental civil law system. Therefore, the problem transcends the linguistic level by a substantial degree. Even the name of the system, common law, illustrates this problem. It has been translated into Croatian in many different ways, most of which are unsatisfactory as they approached the word ‘common’ from the wrong perspective. Translations such as ‘*englesko opće pravo*’ (general English law – my back-translation), or ‘*precedentno pravo*’ (law of precedent – my back-translation) (Gačić, 2010) are not completely adequate. The term ‘general’ has little connection to the actual meaning of common law, while the ‘law of precedent’ is indeed accurate but not comprehensive, as the common law system includes more than just the law of precedent. In fact, the reason it is called common is historical. It goes back to the times after the Norman conquest in 1066, when the Normans introduced a legal system common to the entire territory of England and Wales (Darbyshire, 2008). The actual meaning of the term ‘common’ is, for obvious reasons, somewhat lost in the present context. For this reason, it is the opinion of the author that the term ‘common law’ is best left not translated in a Croatian text.

However, this is only the beginning of the problem. There are numerous terms of English law with no or no apparent equivalent in Croatian. Terms like ‘equity’ or ‘life estate’ have no conceptual equivalent in the Croatian legal system. In a documentary translation, explication could be used with little regard to practicality of the translation. In an instrumental translation, on the other hand, a concise term easily put through different inflexions and used in different contexts would be more practical.

In the texts used in the course, numerous similar examples appeared that were approached from several different angles, presupposing various possible translating situations, i.e. commissioner’s briefs. For example, the

House of Lords was translated as ‘*Gornji dom*’ (‘the Upper House’), which speaks more of its function, is more transparent and more likely to be found in an instrumental translation, and ‘*Dom Lordova*’, a more literal, documentary translation, keeping the reference to the Lords, but disregarding its function. In a text about alternative dispute resolution, the term ‘conciliator’ was translated as ‘*miritelj*’, but also ‘*izmiritelj*’ was suggested. In Croatian, the two terms have the same meaning. While the first is directly derived from the verb, the second one actually appears in the Croatian law on ADR. The latter solution might, therefore, be more appropriate in an instrumental translation. Finally, the translation of ‘recorder’, which is a type of judge in the British judiciary, was another interesting problem. It is in fact a solicitor or barrister temporarily appointed as a judge within the powers of a circuit judge. In some situations, the kind of judge in question may be completely irrelevant and the term could be only translated as ‘*sudac*’ (‘judge’). A completely different approach would be to translate it as ‘*sudac recorder*’ (‘judge recorder’), keeping the original English term seeing as there is nothing similar in the Croatian court system, but still adding the word judge before it to facilitate understanding. The former would be an instrumental translation approach, the latter, a documentary one, both suitable depending on contexts, circumstances or briefs.

In addition, there are many false friends between the English and the Croatian system, i.e. terminology, such as ‘legal remedy’ and ‘*pravni lijek*’, which, although lexical equivalents, are vastly different at the conceptual level. ‘*Pravni lijek*’ refers to legal institutes such as appeal or review, while a legal remedy refers to damages, injunctions and the like. The different role of the judiciary, i.e. their law-making role, can also make a considerable impact on the way law is seen, drafted, and interpreted in common-law countries, namely England. All this has to be borne in mind in the part of the course pertaining to the translation of texts concerning English law.

Translation from English in the context of European integration

As has already been mentioned, at the time of the development of this training programme, Croatia was preparing for its accession to the European Union. The integration of European countries has had an immeasurable impact on the linguistic reality of Europe. European language policy was set forth in the very beginnings of what is now known as the EU, namely in 1958. Regulation No. 1 of the EEC Council determining the languages

to be used by the European Economic Community provided that all four languages of the EEC at the time, French, German, Italian, and Dutch, were to be official and working languages of the Community, and that all its legal acts were to be published in all four official languages. Since those times, only the number of official languages has changed (it is now 24, with Croatian as the latest addition), but the policy has remained the same. All 24 languages have the same equal status, and all citizens of the EU have the right to access legal acts in their own language, which all have the same status.

According to the publication by the European Commission entitled “Translating for a Multilingual Community” (2009), in 2008, the Directorate-General for Translation translated as many as 1.8 million pages, of which 72.5% had originally been drafted in English, 11.8% in French, 2.7% in German, and the remaining 13% in other EU languages. These data speak for the dominance of English today as the working language in the European Commission. However, not so long ago, in 1997, the numbers were quite different. Although English still held the first place with 45.5%, French followed closely behind with 40.4%. Despite the evident dominance of English, EU terminology is still vastly different from that of its home country. The English language entered the Communities nearly 20 years after their formation, which means that a vast number of EU concepts were developed without the influence of the English language, law or administration. Even after the accession of the United Kingdom, EU concepts and texts were developed in co-ordination with a number of other states whose legal system is continental. These factors also need to be considered when approaching the translation of EU texts written in the English language.

In translating EU-related texts, special approach is needed with legislative texts. As was already mentioned above, Croatian EU terminology was still a work in progress. The focus in the course was, therefore, not necessarily on finding the perfect Croatian terms. However, recognizing that something is treated as a term in a legislative text was particularly important. An example for this can be found in anti-dumping legislation, namely *COUNCIL REGULATION (EC) No 1975/2004 of 15 November 2004 extending the definitive anti-dumping duty imposed by Regulation (EC) No 1676/2001 on imports of polyethylene terephthalate (PET) film originating, inter alia, in India to imports of polyethylene terephthalate (PET) film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not*. The regulation makes reference to the ‘investigation period’, and even replaces it with the abbreviation ‘IP’ throughout the text. The investigation period is defined in the basic provisions of the Regulation. All this

clearly indicates that this expression is used as a term, and that it should be treated as such in translation, i.e. not be paraphrased or unnecessarily modified. The Croatian lexical equivalent of ‘investigation period’ would be ‘*razdoblje istraživanja*’. However, in different contexts the term could be lost. For example, in the English phrase ‘during the investigation period’, the term is preserved, but a natural-sounding Croatian translation, ‘*tijekom istraživanja*’ loses one of the two components of the term. Awareness of the importance of term preservation, however, will point towards a solution such as ‘*u razdoblju istraživanja*’, which preserves both components and thus unmistakably refers to the same referent. Both solutions have their advantages and disadvantages. In an instrumental translation, the preferred translation would be the latter, i.e. the one preserving the term. However, in a documentary translation, whose purpose might be to inform the reader of how the matter is regulated in the EU, but the actual translation will not have legal effect and will never be interpreted or applied by the courts, would not have to be so careful about preserving every word of the term if it is certain that there is no reasonable possibility of misconstruction. In addition, a documentary translation would not have to strive to be consolidated with other language versions as is the tendency in translation for the EU.

The feedback survey

The feedback survey was conducted among the participants of both the 2011 and 2012 courses. The selection of texts was changed slightly between the two generations, but the method and approach remained the same. In 2011, the legal translation practice course was attended by 10 participants, and in 2012, it was attended by 12. The questionnaire was sent out to all 22 participants, of which 18 completed it (7 from the 2011 class and 11 from the 2012 class). The purpose of the survey was to find out about their expectations from the course and to what extent they had been fulfilled. Further, they were asked to grade and comment on the selection of texts, and a special question was aimed at grading and commenting on the functionalist approach.

Two introductory questions were asked about their background and reasons for applying for the course. The course was originally intended for law graduates. Indeed, approximately 84% were law graduates, most of whom were employed, while 16% were law students in their final year. As for the motivation for applying for the lawyer linguist training programme, the answers were somewhat surprising. In this question the respondents could give

multiple answers. Only 44.8% said they were planning to apply for the position of lawyer linguist in EU institutions, even though this was the intended and advertised purpose of the programme. 13.8% said they were working as court translators/interpreters, and 20.7% said that they were planning to become court translators/interpreters. In other words, roughly one third of the respondents saw this programme as an opportunity to improve the relevant skills necessary for this profession, whether they were already carrying it out or were only planning to. This suggests that there may also be a considerable need among the lawyer's population to take courses focused on translating legal texts outside the one linked to working in EU institutions. Just over 20% of the respondents also responded that they chose to attend the programme in order to expand their skills and knowledge in order to increase their chances of employment, and one answered that he/she needed legal translation skills in a project he/she was involved in in his/her job.

When asked to evaluate the selection of texts, 61.1% thought it was excellent, 22.2% very good, and 16.7% found it to be good. None of the respondents chose the answers 'satisfactory' or 'poor'. They were also given the possibility to elaborate on their answer. The comments were mostly very positive, but they also included some suggestions. One participant suggested that the selection of texts should be suited exactly to the needs of the participants, namely that for lawyers working with foreign clients, texts from commercial, company, and contract law areas would be more useful as these were the kinds of texts they sometimes have to translate or draft in their jobs.

According to their answers, their expectations from the course were largely fulfilled. As many as 72.2% found them to be completely fulfilled, 22.2% mostly fulfilled, and only one participant could not decide. None of the respondents chose the answer 'mostly unfulfilled' or 'unfulfilled'.

As for the functionalist approach, the results were slightly more divided. Half of the participants found the method to be very useful, 22.2% mostly useful, and 27.8% useful but also problematic. None chose the answers 'mostly not useful' and 'not useful'. The participants were given an opportunity to elaborate on this answer, and, although most were positive, there were some relatively negative comments. The positive comments generally praised the method for expanding their way of thinking, encouraging them to try out different approaches, teaching them that there are no single solutions and that one should be mindful of the context, and for helping them understand how complex a process translation is. Interestingly enough, several participants mentioned that the method helped them build their confidence and feel better about making decisions in translation. The

more critical comments referred to the fact that it was hard to be consistent in translation when multiple choices were accepted as possible, and that the different approaches and solutions selected by each participants made it difficult to work together as a group. Also, one respondent criticized the method for probably being more important for the theory of translation than practice, and for the fact that in a real situation only one solution must be chosen.

To conclude, the positive comments mostly referred to the method helping them learn about and better understand the process of translation, as well as build self-confidence. On the other hand, it was deemed problematic due to the fact that too many possible answers were provided, which had negative implications for the final result. These results are not surprising and are also in line with the assumptions made by the teacher at the beginning of the course and with the focus being on teaching about the process and not the result, i.e. finding perfect solutions.

Finally, 7 of the 18 respondents said that they had not done any legal translation since the course, while 3 said they had done it very often, and 8 occasionally. Of those who continued doing at least some legal translation (11), 7 said the course had helped them to a great extent, 3 considerably, and 1 to a small extent. Overall, the author believes these results to be largely encouraging. Also, they indicate some interesting points, such as the idea to concentrate on other areas of law (commercial, company, and contract) in the selection of texts and offer the course to a different part of the lawyer's population. Even though the aims of the functionalist approach seemed to be largely fulfilled, the answers pointing to problems regarding a too broad selection of final solutions should also be taken into account in any future delivery of similar courses.

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