

Umatova Zh., Alimbayeva A.

Translation peculiarities of phrasal verbs in literature of law

Modern Kazakh society is actively integrating into the global conscience, expanding worldwide socio-economic, political and cultural connections. In connection with this, the question of specialized, particularly legal, translation is of particular importance due to its instrumental role in the establishment of international relations, which hinge on legal organization and professionally trained specialists who are able to, depending on the situation, actively switch from one language to another. The article deals with phrasal verbs, which are actively used within legal literature. These verbal constructions, consisting of a verb and a postposition, are idiomatical lexical units characteristic only of the English language. As a result of the research, the most frequently used phrasal verbs used in legal literature in English were identified. While working with the British National Corpus (BNC) as well as with the Corpus of Contemporary American-English (COCA) it was revealed that the quantity of phrasal verbs used in legal literature in English has been growing steadily. Linguistic particularities, which may complicate the phrasal verb translations from English to Russian, were brought to light based on analysis regarding dictionary definitions and translational equivalents.

Key words: legal literature, phrasal verbs, translation, corpus, variants of English language.

Уматова Ж.М., Әлімбаева А.Т.

Құқықтық әдебиеттегі фразалық етістіктердің аудару ерекшеліктері

Қазіргі қазақстан қоғамы мәдени, саяси, әлеуметтік-экономикалық байланыстарын нығайта отыра белсенді тығыз байланыс орнатуда. Осы жағдайға байланысты арнайы аударма мәселесінің маңыздылығы артуда, атап айтсақ халықаралық қарым-қатынасты орнатудың негізгі құралы ретінде саналатын заң аудармасы жатады. Мақалада заң әдебиетінде белсенді қызмет атқаратын фразалық етістіктер қарастырылады. Етістік пен жалғаудан тұратын құрылым ағылшын тілінде ғана тиесілі идиомалық бірліктерден тұрады. Зерттеудің нәтижесінде ағылшын тіліндегі заң әдебиетінде ең жиі кездесетін фразалық етістіктер анықталды. Британ ұлттық корпусы, сонымен қатар қазіргі американдық корпуспен жұмыс барысында, ағылшын тіліндегі заң әдебиетінде кездесетін фразалық етістіктердің саны күн санап өсуде екені анықталды. Сөздік анықтамалар мен аударма баламалар негізінде фразалық етістіктер ағылшын тілінен орыс тіліне аудару барысында қиындататын ерекшеліктер ұсынылды.

Түйін сөздер: құқықтық әдебиет, фразалық етістік, аударма, корпус, ағылшын тілінің нұсқалары.

Уматова Ж.М., Алимбаева А.Т.

Особенности перевода фразовых глаголов в юридической литературе

Современное казахстанское общество активно интегрирует в мировое пространство, расширяя социально-экономические, политические и культурные связи. В связи с чем особую значимость приобретает вопрос специального, в частности юридического перевода, являясь основным инструментом установления международных отношений, которые требуют правовой оформленности, а также профессиональной подготовки специалистов, способных в зависимости от ситуации переходить с одного языка на другой. В статье рассматриваются фразовые глаголы, которые активно функционируют в юридической литературе. Данные конструкции, состоящие из глагола и послелога, представляют собой идиоматические лексические единицы, характерные только для английского языка. В результате исследования были определены наиболее частотные фразовые глаголы, используемые в юридической литературе на английском языке. При работе с Британским национальным корпусом (BNC), а также с Корпусом современного американского английского языка (COCA) было выявлено, что количество фразовых глаголов, используемых в юридической литературе на английском языке, неуклонно растет. На основе анализа словарных дефиниций и переводных эквивалентов были выдвинуты особенности, которые могут усложнить процесс перевода фразовых глаголов с английского языка на русский.

Ключевые слова: юридическая литература, фразовый глагол, перевод, корпус, варианты английского языка.

**TRANSLATION
PECULIARITIES OF
PHRASAL VERBS IN
LITERATURE OF LAW**

Currently one of the most important and determining factors of the Kazakhstani society development is training highly qualified, competent and also competitive specialists in different spheres. Multilingualism acquires a special actuality in this regard, which assumes using of several languages in the communication process, and easy language code-switching according to situation. Moreover, globalization of worldwide economic and political processes, extending of international relationship spheres, establishing of business contacts, bearing institutionalized nature defines the importance of professional level English language skills. In State program of development and functioning of languages in the Republic of Kazakhstan for 2011-2020 [1] necessity of preservation and strengthening of Kazakhstani people linguistic capital, where English and other foreign languages shall be studied as a mean of business, legislative and international communication. In connection with it active use of phrasal verbs is became more necessary in foreign language study, in particular English language.

Topicality of phrasal verbs studying is conditioned upon, firstly, the necessity of this units using by reason of their accuracy and expressiveness, secondly, the fact that they cause great difficulty for studying is incontestable, in particular as literal and idiomatic meanings are different. Furthermore, question of phrasal verbs functioning in legal literature remains open. Here we can discuss problems of wide range specialists training, holding not only conceptual framework and terms, used in legislation, but also a special way of legislative ideas expression, operating with all language categories of that given language.

Phrasal verbs are a unique phenomenon, taking a particular place in the English language lexical system. They are unique because of the fact that, in spite of changes which phrasal verbs were subject to in the language evolution process, they preserve their own idiomatic nature. According to Krylova I.D., in work a phrasal verb means the combination of verb with adverb and/or preposition composing a semantic unity. Phrasal verb – is a difficult unit, composed of two words (verb and adverb or verb and preposition), but sometimes of three and more words [2, 15]. For example, *The government acceded to public pressure to review the tax.*

Famous lexicographer L.P. Smith considered this combination as one of the brightest peculiarity of English language. «English language has an interesting type of composite verb, in which an adverb is used with a verb without obvious unity, for example, *to boil down, to go under, to hang on, to back down, to own up, to take over, to run across*. Verbs, relating to this type, despite the fact that they are used in colloquial language often add idiomatic effect into the language and help to express ideas and meanings more precisely» [3]¹.

Today we can say with great certainty that significant growth of phrasal verbs number occurs in English language in general. This is evidenced by dictionaries, research, related to phrasal verbs and its application. In comparison of «The Dictionary of the English Language» dictionary of Samuel Johnson [4] – the most popular and full dictionary of XVII century and modern Oxford dictionary (2011) [5], we see that currently number of phrasal verbs have grown fourfold. Permanent growth of such construction in the language, and also an extension of its application sphere conditioned a huge interest from linguists.

A hypothesis of increasing number of phrasal verbs in English legal literature was developed by studying the process of phrasal verbs functioning peculiarities in legal literature, and diachronic analysis of its quantity was conducted for its confirmation, presented in British National Corpus ([BNC] [6], and in law «Criminal Law Act» (The National Archives) [7] of United Kingdom, which originated in 1967 and update every ten years. Each document consists of a hundred pages in about 4500 printed characters in volume.

Eight phrasal verbs were revealed in Law «Criminal Law Act» of 1967 in result of analysis, in Law «Criminal Law Act» of 1977 – 12, in Law «Criminal Law Act» of 1987 – 13, in Law «Criminal Law Act» of 1997 – 17, and in Law «Criminal Law Act» of 2007 – 20 phrasal verbs. These findings show peculiar indexes of increasing the number of phrasal verbs in British legal literature.

The following documents with phrasal verbs can be founded in these documents:

1) Section 9(2) of the Magistrates' Courts Act 1952 shall not *apply to* offences committed outside England and Wales (1967);

2) Otherwise to amend the criminal law, including the law with respect to the administration

of criminal justice; to *provide for* the alteration of certain pecuniary and other limits whether within or without territorial waters (1977);

3) Any person who without reasonable excuse fails to *comply with* a requirement imposed on him under this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months (1987);

4) This Act shall *come into* operation three months after the date of its passing (1997);

5) A person who is charged with a serious offence and *applies for* bail (in this section *referred to* as 'the applicant') shall *subject to* subsections (4) and (5) (c), furnish to the prosecutor written statement duly signed by the applicant and containing the following information relating to the applicant (2007).

For confirmation of developed hypothesis concerning legal literature of the American English language, we applied to Modern American English language corpus (COCA) [8]. The legal sub-corpus «ACAD: law/PolSci» was chosen as a basis in this corpus, in which the frequency of phrasal verbs applications for the period from 1990 to 2012 were revealed. The most frequently used phrasal verb is *to deal with* with relative frequency 0,01 %.

For example, *But the 1982 convention deals with the law of peace, not war or self-defense*.

The dynamic of this verb application can be shown in form of diagram, where we can see that number of application from 1990 to 2012 was significantly increased.

Phrasal verbs are idiomatic units particular only for English language that is why its translation into Russian language is complicated significantly. Moreover it is difficult to match a corresponding Russian equivalent to phrasal verb in legal discourse which required maximum accuracy, succinctness and a thorough from translator. To understand the nature of phrasal verbs as unique phenomenon of English language lexicon and to explore why they represent particular difficulties in acquisition, understanding and application in translation process is important and essential [9, 4].

During translation of phrasal verbs it is necessary to consider the fact that most phrasal verbs are polysemous, consequently context plays decisive role in selection of appropriate variant. For example, the phrasal verb *refer to* can gain three meanings depending its context in legal literature:

1) to mention or to refer: *He referred to her letters for proof*. – В доказательство он сослался на ее письма.

2) to hand for somebody's consideration: *The prisoner may require the Secretary of State to refer*

¹ Quote is given by: Tarabrina S.Yu. Semantic of phrasal verbs and verbal phraseological units: dis. ... cand. phil. scien.: 10.02.19. – M., 2003. – 180 p.

his case to the Parole Board. – Заключение может потребовать, чтобы министр передал его дело в комиссию по условно-досрочному освобождению.

3) *to be related to: These regulations refers only to juvenile offenders.* – Эти правила относятся только к несовершеннолетним правонарушителям.

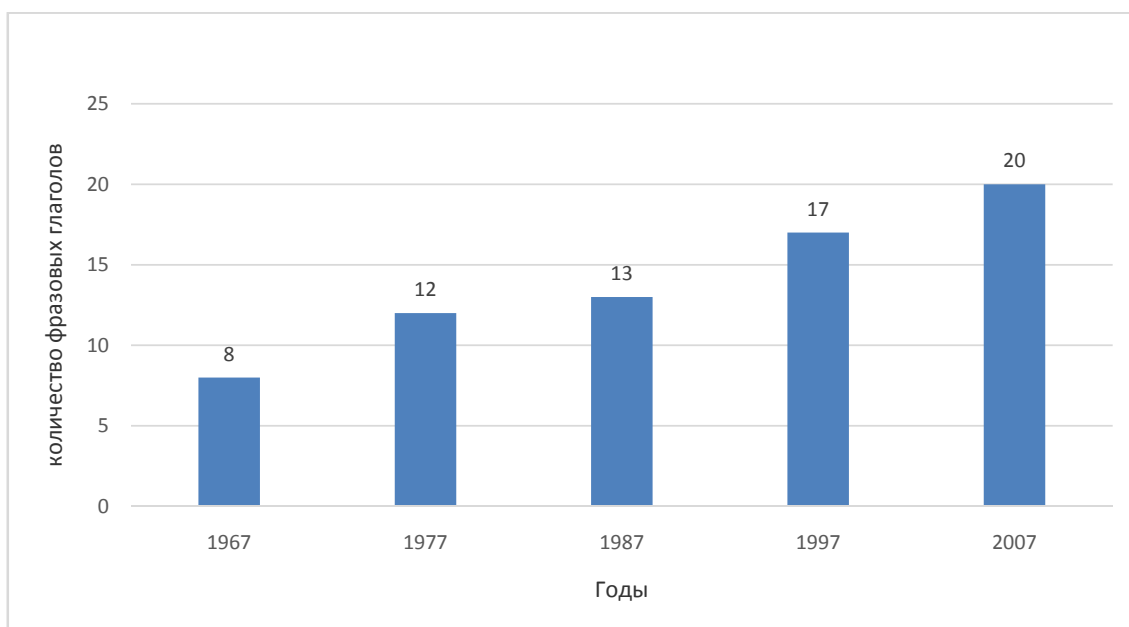


Image 1 – Change of phrasal verbs number, used in law «Criminal Law Act» of Great Britain.

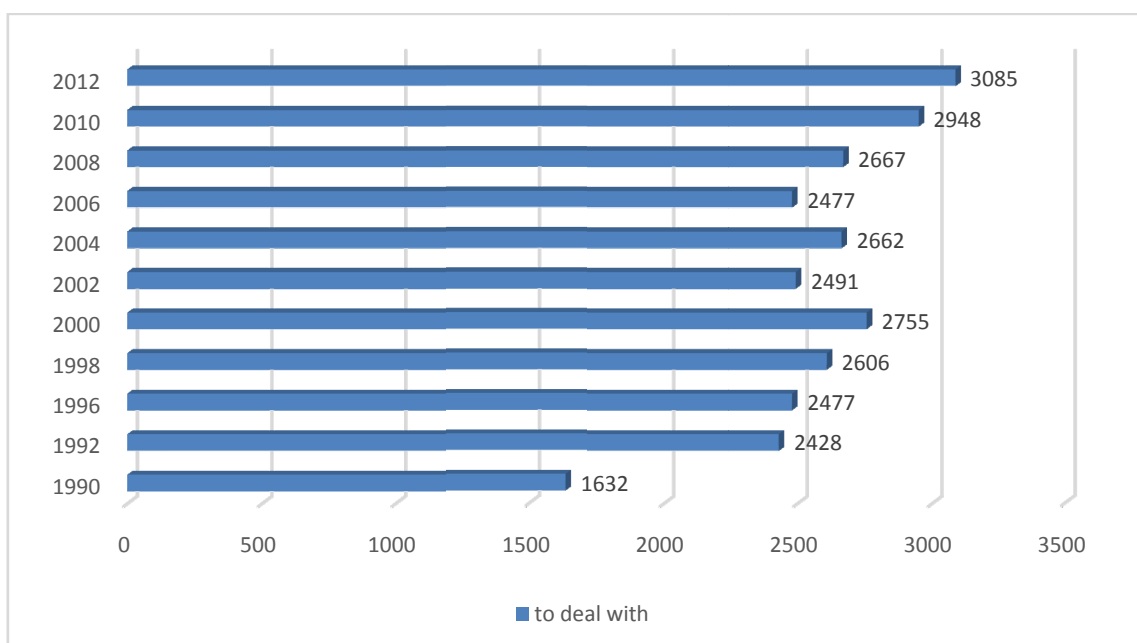


Image 2 – Change of phrasal verb deal with number in Corpus of Contemporary American English language.

Also one of the frequently-used verbs of legal literature *to deal with*, depending of context may have several meanings.

1) deal with; *They also deal with female prisoners in the station cells and with young offenders.* – Они также имеют дело с женщинами, заключенными в станционной камере, а также с молодыми правонарушителями;

2) be involved, concerned; *But a more complete understanding of the operation of and limits to parental rights in education requires a wider examination, of how the law deals with other areas where the interests of children, parents and the state are all in particularly sharp focus.* – Наиболее полное понимание функционирования и ограничение родительских прав в сфере образования требует более широкого изучения того, как закон затрагивает иные области, где интересы детей, родителей и государства находятся под особо пристальным вниманием;

3) to face with something; *It is preferable for government, by training civil servants properly, by using sound management techniques, by carefully specifying the tasks to be performed by its employees and by monitoring their performance, to prevent the sorts of errors and mistakes which judicial control deals with after the event.* – Желательно, чтобы правительство, путем обучения государственных служащих должным образом, используя способы рационального регулирования звука, тщательно определяя задачи, которые должны быть выполнены его сотрудниками, и контролируя их исполнение, предотвращало возникновение различных ошибок и недоразумений, с которыми судебный контроль сталкивается впоследствии;

4) to decide, consider; *None of these texts actually deals with the question what action becomes available as a result.* – ни один из этих текстов на самом деле не рассматривает вопрос, какая деятельность становится доступной в результате.

There are also cases when only one semantic meaning among several is appropriate for legal translation, which can not always be taken from translation of structural components. For example, one of the widespread phrasal verbs in legal English language *get out* has eight meanings, but only one variant matches for the legal context «escape from prison». *Several offenders managed to get out.* – Нескольким преступникам удалось сбежать из тюрьмы.

The most frequently used phrasal verb in British

legal literature *get off* has twenty semantic meanings, but it shall be translated in legal literature only as to escape punishment. *Supposed criminals got off owing to the deficiency of the motive of crime.* – Подозреваемые избежали наказания в силу отсутствия мотива преступления.

There are phrasal verbs in legal literature, which are included in combination, having standard translations. These are constructions as *to serve on a jury* – исполнять обязанности присяжного заседателя, *to bring in a verdict* – вынести вердикт, *to bring in a verdict of guilty* – признать виновным, *to bring in a verdict of not guilty* – признать невиновным, *to find for the plaintiff* – выносить приговор в пользу истца (решить в пользу истца), *find against the plaintiff* – выносить приговор против истца (решить против истца), *to break out of prison* – совершить побег из тюрьмы, *to go to law* – обращаться в суд (подать в суд), *to go beyond the law* – совершить противозаконный поступок, *to lay down the law* – формулировать закон, *to deal with a case* – вести процесс, *to lead for the prosecution* – возлагать обвинение, *to put under arrest / guard* – взять кого-либо под стражу / арестовать.

Only small group of phrasal verbs are marked with the *law* sign in bilingual dictionaries, i.e. legal, pointing out its function in legal discourse. Most regional belonging to Britain or American English languages is specified and stylistic marks as «formal» (official documents language), «informal» (colloquial) are also given.

In general, phrasal verbs represent significant constructions of the English language, which are characterized by idiomatic nature, polysemy and synonymy which constitute certain difficulty in the translation process and interpretation of legal texts from English to Russian. Even in legal literature we have to select an appropriate equivalent among several proposed depending on context.

Based on studying of phrasal verbs, functioning in legal literature we can confirm with big assurance that they gain enough widespread in jurisprudence sphere, there are even standard constructions with phrasal verbs and nouns with fixed meanings. The hypothesis on increasing of phrasal verbs quantity both in Britain and American legal literatures is confirmed. Therefore, studying of translation peculiarities of phrasal verbs in legal literature from English language to Russian language, importance of its application as a special linguistic phenomenon in communication process is incontestable.

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