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Official Translation and Forensic Linguistics

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Official Translation

- ▣ Official translation refers to document translation with legal, criminal implications
- ▣ Language (basic level)
- ▣ Language register (advanced level)
- ▣ Extra-lingual considerations (content/context)

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General Introduction: Forensic Linguistics

- ▣ What is forensic linguistics?
- ▣ Olson's reply is helpful:
- ▣ First consideration in his viewpoint, is the kind of texts "forensic linguistics are sometimes asked to examine." =>

Olsson, 2008

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Definition: Forensic Studies

- ▣ "Literally any text or item of spoken language has the potential of being a forensic text. If a text is somehow implicated in a legal or criminal context then it is a forensic text."
- ▣ (Olson, 2008, p. 1)

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Forensic Linguistics

- Possible approaches:
- Olsson(2008): mainly authorship issues
- Coulthard & Johnson (2010): Criminal/judicial/legal + authorship issues
- Tiersma & Solan (2012): Extensive studies on language and law
- Olsson & Luchjenbroers(2014): Application of forensic science

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Forensic Linguistics (translator)

- Education 1: basic language skills (university)
- Education 2: Legal/criminal language (4 legal system areas)
- Education 3: Study of legal systems (through real manuals)
- Education 4: Study of police records (through manuals and sample texts)

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Literature: Official Translation

- There are two book chapters of special interest:
- Debora Cao (pp. 78 - 91) [2010]. A situational study (China, Canada, EU, UN)
- Susan Šarčević (pp. 187 - 199) [2012]. A study on translation methods for "Legal translation".

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Literary Example: Sherlock Holmes

- In The Adventure of the Norwood Builder (pp. 569 - 582), on page 573 Sherlock Holmes' discussion of the will (readable/unreadable part) =>
- Pre-forensic linguistic observations

Conan Doyle, 2007, p. 573

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Applied Forensic Linguistics

Handwriting analysis

- Necessities:
- Questioned document - other samples
- Comparing:
- Capitals with pen-strokes (number and direction)
- Cursive: jointed-up writing (highly individual and many variations) [See: appendix]

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- Disconnected writing with breaks between letters (varies from person to person)
- Other indicators (quantative method):
- Grammar, punctuation, sentence length, spelling mistakes

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important for an official translator?

- Determining if the text is genuine.
- Updating developments within the legal language framework
- Comparing legal systems for common and dissimilar linguistic counterparts.
- Language issues in particular cases (case studies: police interrogation methods)

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The Visibility Issue

- Case example:
- Interpreter/translator at police interrogation
- Suspect's answer: "I smoke shag tobacco".
- Police officer considered it as a type of drug.
- The interpreter became visible participant.
- From interpreter to explicator.

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Illustration shag tobacco



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Tobacco Categories

- Cigars (most expensive option for smoking)
- Pipe tobacco
- Cigarettes
- Shag (cheapest option for smoking)
- * [Shag is, however, a legal product!!]

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Examples

- Police reports (multilingual)
- Official documents

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Examples of Translation Options

- *Rechtsovertreding opzettelijke vernieling van persoonlijke eigendommen* (Criminal offense of willful destruction of private property)
 - 故意に個人物の破壊した犯罪 (=direct translation)
- Correct translation:
- 毀棄罪(Kikizai): Willful damage of property
- However, Japanese police wanted direct option

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From Official Documents

- Knowledge about Japanese society: [ZEE-account/2012] =>
- the inequality issue between men and women in Japanese documents: even born after the first daughter (長女), the first son (長男) is repositioned first.
- That is against historical and factual truth!!

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Continue previous slide

- This is one case from Yamanashi Prefecture. (Other prefectures are more truthful) [[Because of privacy law without further identification entries]]

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Document (examples): 1/3

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2/3

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3/3

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Interesting facts

- Notification of two sisters on the same day.
- Notification will also be registered on the same day.
- However, unclear if they are twin sisters.
- Source: [Watabiki-account/2012]

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References

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In publication: article on Authorship (winter 2014)
A case of identity: The authorship controversy surrounding the Sherlock Holmes canon
www.otbforum.net

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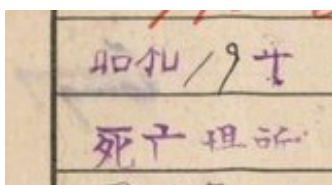
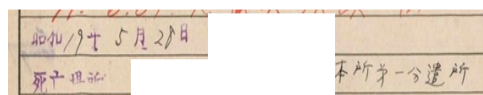
□ APPENDIX

Methodical Work Order (Summary)

- Observation (read the original)
- Knowledge/experience (use previous cases)
- Text reconstruction [Kors-account/2012]*
- Deduction (what are the actual facts from the textual content?)
- Translation decision (result: a product)

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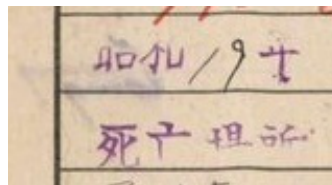
Text Reconstruction: [1]



Source:
Japanese Army
P.O.W administration
card (1940 - 1945)
[日本軍隊捕虜管理部]

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Text Reconstruction: [2]



- [昭和19年]・[死亡場所]
- [昭和19年] = (1944) [Cohesion change: Substitution]

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- Memo section: for the presenter

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Text Reconstruction - Methods

- Study of Japanese calligraphy (習字)
- Textual context investigation
- Direct inquiry (person in question/others)
- [last option in case the text has been severely damaged]

What is an official translator?

- One who has completed an university level course in a language as a major
- One who has no criminal record
- One who is officially sworn in by a judge with his secretary assistant present as a witness
- One who has proven a high level of competence (if university degree is not available)

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