

外教社 翻译硕士专业 (MTI) 系列教材  
笔译实践指南丛书 ③

Roberto Mayoral Asensio

# Translating Official Documents

## 公文翻译

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**ST JEROME**  
PUBLISHING

St. Jerome Publishing  
Manchester, UK & Northampton, MA

## 图书在版编目(CIP)数据

公文翻译 / 阿森西奥 (Asensio, R. M.) 著.

—上海: 上海外语教育出版社, 2008

(“外教社翻译硕士专业系列教材”笔译实践指南丛书)

ISBN 978-7-5446-0849-7

I. 公… II. 阿… III. 公文—英语—翻译—研究生—教材  
IV. H315.9

中国版本图书馆 CIP 数据核字 (2008) 第 059581 号

**出版发行: 上海外语教育出版社**

(上海外国语大学内) 邮编: 200083

**电 话:** 021-65425300 (总机)

**电子邮箱:** bookinfo@slep.com.cn

**网 址:** <http://www.slep.com.cn> <http://www.slep.com>

**责任编辑:** 邵海华

**印 刷:** 上海信老印刷厂  
**经 销:** 新华书店上海发行所  
**开 本:** 700×1000 1/16 印张 10.75 字数 236千字  
**版 次:** 2008 年 7 月第 1 版 2008 年 7 月第 1 次印刷  
**印 数:** 3 500 册

**书 号:** ISBN 978-7-5446-0849-7 / H · 0366  
**定 价:** 24.00 元



本版图书如有印装质量问题, 可向本社调换

Published by

St. Jerome Publishing  
2 Maple Road West, Brooklands  
Manchester, M23 9HH, United Kingdom  
Tel +44 161 973 9856  
Fax +44 161 905 3498  
stjerome@compuserve.com  
<http://www.stjerome.co.uk>

ISBN 1-900650-65-7 (pbk)

ISSN 1470-966X (*Translation Practices Explained*)

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First published by St. Jerome Publishing.

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本书由圣·杰罗姆公司授权上海外语教育出版社出版。

仅供在中华人民共和国境内销售(香港除外)。

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## 导 读

随着全球化的进程越来越快,各个国家不同文化之间的交流日益密切,尤其是一些公文的翻译和认证,变得越来越重要。公文一般指有效的法律文件,几乎无所不包,从出生证明、死亡证明、结婚证明到学分记录、法律合同等。由于公文的翻译具有较强的特殊性,文化差异表现得非常突出,目前国内外很少有人讨论公文翻译所面临的困惑以及翻译技巧的运用。

2003年出版的《公文翻译》一书正顺应了时代的要求。作者罗伯托·马约拉尔·阿森西奥(Roberto Mayoral Asensio)是西班牙格拉纳达大学教授,执教23年,从事公文翻译长达18年。他根据自己丰富的翻译实践经验和翻译教学经验,深入浅出地介绍了公文翻译涉及到的很多实际问题,并且在尽可能广泛的文化语境内讨论解决的对策,同时对译者的主动性予以足够的关注。每一章节都配有建议性的活动和练习,在全书的最后还附有全球职业协会和组织的相关信息。这本著作可以广泛地用于翻译课堂教学,或供读者自学,还可以供职业人员指导自己的翻译实践。可以说,上海外语教育出版社适时引进这本著作,对于中国当下的翻译实践和翻译教学研究具有重要的启迪意义。

### 一、主要内容与结构

《公文翻译》一书共分十章。

在《引言》部分,作者以英语和西班牙语互译为例,主要讨论世界范围内最常见的公文的笔译。要讨论公文的翻译,不可能仅仅局限于翻译实践,自然需要讨论翻译理论。因此,老师在进行翻译教学时,不仅要讲解怎样“译”,而且要传授学员一些批判性的理论工具,让他们有意识地、创造性地根据自己的判断来进行选择,从而获得翻译的乐趣。

第二章主要论述了需要翻译的公文一般所具有的特点,简要介绍世界范围内不同国家和地区公文的翻译情况。作者认为,尽管很难用一个固定的“范式”来进行具体的描述,但可以从译者称呼、官方允许的活动、翻译的方向(外语译成母语或者相反)、对职业的管理与权限、宣誓仪式、考试方式、授权机构、证明机构、翻译协会等方面,来进行一个系统的但并不是面面俱

到的描述。

第三章主要论述了公文翻译的社会语境。具体来说,从参与者、忠实性、译者的意识形态、跨文化距离等四个方面,通过实际事例来论述翻译公文的注意事项。作者特别强调译者的意识形态不能操控公文的翻译。事实上,目前流行的“解构主义”翻译理论是行不通的,因为如果译者不尊重文本事实,就是违法的,需要承担民事或刑事责任。即使解释一些不同的文化差异,也只能翻译出一些规章性的事实,而不能表露对文化价值的主观判断。

第四章主要介绍翻译文件的各种类型和最常见的文件种类。本章提出一个很重要的概念,即“虚拟文件”(virtual document)。这种文件其实是不存在的,是译者以目标文化中的接受者能够接受为预设前提,对原文件所承载的信息进行过滤,只选取最“基本”、最相关的信息进行翻译。例如,空白表格的填写说明、填写提示、抬头格式等都可以略去不译。还有一些细节问题,不同文化有着不同的处理方法。例如,在巴基斯坦,小孩的出生证上一定要填写母亲的详细信息,但在有些国家并不一定需要,这样在翻译时就可以省略不译。因此,公文的翻译是对译者过滤、提取后的“虚拟”文件进行翻译,而不是翻译真实的原文件。此外,作者还特别提到了如何根据文件中所包含的信息及其功能,采取不同的翻译策略。

第五章主要讲述公文翻译对译员的素质要求。译员既要具有坚实的双语甚至多语的语言功底,掌握语言知识,能够了解所使用语言的来源,判断它的可靠性,把握特地设定的模糊表达并区别出不同表述中的细微差别。与此同时,还要掌握语言之外的知识,即熟悉法律体系,了解不同文件的特点以及它所涉及国家的文化等等。有时候,根据律师的要求译员需要解释外国文化中的有关法律规定。译员在接受翻译任务之前需要具有专家的眼光,帮助客户判断需要翻译文件的本身是否存在问题,从内容、措词甚至单词的拼写等方面对文件的真实性进行考察。

第六章主要讲述不同的翻译方法。公文的翻译目的很明确,不管采用什么方法,首先要满足一定的“适当条件”(adequacy conditions),即成功条件(success conditions)和有效性条件(effectiveness conditions)。也就是说,翻译文件要被最终接受者或客户所接受,需要忠实、有效地传递原文的事实。如对原文正文以外的其他信息,如签名与插图、对正文的注释、情况说明与变动等,在译文中一定要用方括号标出来。要做到这点,作者提出“翻译缺省法”(translation by default)。运用“翻译缺省法”来翻译公文,容易给译者带来风险。有些国家的法令规定证书的翻译必须是“忠实的全文翻译”,所以,译者要尽量不删减,强调形式上和语义上都必须忠实于原文。实际上,在翻译每一份公文时,译者都面临很多方面的限制(如法律规范、伦理规范、习惯用法和格式、客户、发起人或接受人提出的限制),需要创造性地解决

来自不同翻译方法与不同程度“忠实”之间的矛盾,做出合理的翻译抉择。总而言之,公文的翻译总是受到双重制约,一方面要充分达到职业标准,另一方面要被公共机构或客户所接受。

第七章主要从表达方式、格式和打印模式、文件翻译过程及认证、媒介等四个层面,列举了公文翻译中的常见问题和解决方法。

在表达方式上,公文的翻译最终是以原文和译文对照的形式出现,所以在宏观层面上译者需要尽量尊重原文,强调可读性,聚焦于源文化。在微观层面上,译者针对具体情况采取不同的翻译方法。例如,保留同源词,便于识别译入语文化中没有对应词的法律、法庭、机关名称或法律概念;在遇到翻译专有名词、学位、分数时或者两种文化里没有对等词时,可使用外来词再加上适当的注释;在译入语里没有对等的合适词语时,可以仿造词语。另外,常用的方法还有省略法、简化法、融合法、增加法、功能调整法、语言调整法,使用近义词、省略小品词、省略强调部分、改变语法人称等。

公文的格式很有讲究。在翻译过程中可以根据不同国家的习惯和客户需要进行灵活处理。全书介绍了10种不同的格式。例如,把复杂的格式如表格、图表等转换成段落形式;文件中的邮戳和印章要照译(译其形状、颜色、特点、名称),并且放在方括号内;为防止造假而需要采用的特别格式;同一文本可以根据原文顺序翻译,也可以根据译入语的标准格式来翻译。

第八章主要论述翻译出生证、结婚证、死亡证明、学位证书和成绩单、合同以及其他文件时可能遇到的具体问题。

第九章主要论述公文的信息来源。面对广泛的信息来源,译者需要收集相关的信息,并遵循一定的判断标准,如信息的可靠性、权威性、可行性、专业性、可穷尽性、语料库、意向用户等。职业官方译员要不断收集用自己工作语言起草的文件,建立自己的信息图书馆,与同行和专家建立联系网络。

第十章主要论述翻译职业的其他相关知识,主要讨论了翻译费问题。一般来说,公文的翻译费用比较高,甚至是出版社的三至四倍。市场的激烈竞争、自由翻译职业的发展、职业化管理的削弱、客户的选择等因素使得翻译费很难由官方管理。一般情况下,事先根据原文件的长度、翻译文本的类型等来估计费用。

## 二、实际指导意义

阿森西奥的这本著作事例详实,说理通俗易懂,把翻译理论与翻译实践很好地结合在一起。可以说,《公文翻译》对于口笔译实践具有无法漠视的指导意义,开辟了公文翻译研究的新空间。

首先,从翻译实践的视角出发,对公文的翻译进行了全方位的准确论述,有利于读者全面而系统地了解公文翻译这一领域的全貌。

“全面而不失细致,琐碎而不失重点”是这本书的一大特色。从宏观层面上看,作者把公文作为一种特别的文本,置于世界范围内的社会语境中进行讨论,突出其翻译的特殊性和可操作性,提出一些新的翻译概念,比如虚拟文件、风险分析等。在微观层面,他兼顾了公文翻译中具体的专业技巧与职业技能。如翻译策略、翻译方式、法律文件格式、伦理范式以及翻译认证等。

其次,昭示翻译理论和翻译实践之间的密切联系,让更多的学者认识到翻译者(translator)与翻译学者(translator scholar)不可割裂开来,既需要研究“学”,又需要重视“术”。

在中国翻译界,一直存在着翻译理论与翻译实践之争<sup>1</sup>。“搞翻译研究的人自身必须具备相当的实际翻译经验,这在过去是不成问题的,但是现在却成了一件有争议的事。这样一来,翻译与翻译研究(更确切地说是翻译“术”之研究与翻译“学”之研究)终于分道扬镳,而且似乎正相互渐行渐远。现在这两者各有各的领地,两者之间的共同语言实际上并不多”。<sup>2</sup>其实,经验和常识告诉我们,只有把实践和理论很好地结合在一起,才能把握好翻译的本质、洞悉翻译研究的真谛。实践是孕育理论的土壤,通过翻译实践来讨论翻译理论,更有说服力。公文的翻译,受到文化差异、法律规范、职业规范等众多因素的限制,从而使得“解构主义”的翻译理论无立论之地。同时,大量的公文的翻译实践,丰富和发展着翻译目的论,使其具有较强的解释力。

第三,重视公文翻译的主体性,在为译者传授专业技巧的同时,还提供了职业技能方面的知识,为培养翻译人才给予科学的智力支持。

公文在一定程度上具有法律作用,具有很强的可操作性。同其他类型的翻译材料比起来,公文的翻译需要承担更多的责任,实际影响更大。即使是平行文本(parallel text)或相近文本(neighboring text)的转换,也不可以掉以轻心。所以,本书所介绍的翻译技巧显得十分必要而有益。同时公文翻译的职业技能,对于中国的译员来说 also 具有很强的实用性。确实,好的翻译人才首先应该是翻译“通才”,具备系统的知识储备和合理的应用能力,在此基础上,“术业有专攻”,专心从事某一领域。但翻译市场的操作规范也需要我们给予足够的重视,从而不仅仅沉迷在翻译的“象牙塔”中翩翩起舞,而是更实用地面对外面的世界,面对翻译市场,使“纸上谈兵”真正变成决胜于千里之外。

陶友兰

复旦大学翻译系

1 《上海科技翻译》2003年第1-4期曾发起关于翻译理论与实践的关系大讨论

2 何刚强,翻译的“学”与“术”——兼谈我国高校翻译系科专业面临的问题,《中国翻译》2005年第2期

## Acknowledgements

The following colleagues, among others, have contributed their advice, knowledge, expertise, time and friendship to this work. They prove that it can still be said that the translator's profession is characterized by solidarity, collaboration and generosity. Quite often their opinions differ from the author's.

Flavia Caciagli, Italy  
Bart De Rooze, Belgium  
Fee Engemann, Germany  
Manuel Fera García, Spain  
Nancy Festinger, US  
Celia Filipetto, Catalonia, Spain  
Natividad Gallardo San Salvador, Spain  
Rafael Gil Esteban, Spain  
Miguel Ángel González Reyes, Spain  
Dennis McKenna, US  
Montserrat Oriol, United Kingdom  
Anthony Pym, Catalonia, Spain  
Sally Robinson, Australia  
Nicholas Smith, United Kingdom  
Josep Peñarroja Fa, Catalonia, Spain  
Catherine Way, Spain

## **Dedication**

To

Natividad Gallardo, Dorothy Kelly, Cathy Way, Ada Franzoni de Moldavski,  
Rafael Gil, Josep Peñarroja, Celia Filipetto, Manuel Feria, Anabel Borja, Marian  
Labrum, Enrique Alcaraz and Anthony Pym

To

Colegio de Traductores Públicos de la Ciudad de Buenos Aires, Argentina  
Associació de Traductors i Intèrprets Jurats de Catalunya, Spain

To

the Pakistani community in Spain  
all my students

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# 1. Introduction

This book is about official written translation and official translators in the world. Official translations may be broadly defined as *translations that meet the requirements to serve as legally valid instruments in a target country*. This kind of translation is of growing importance in the increasingly smaller world we live in. It arouses interest in students, scholars, trainers and practitioners. Given the absence of any comprehensive monograph on this subject, our study is more than justified.

However, our task is not easy. Official translation takes on extremely varied forms throughout the world, and discussing the practice of translation is always difficult when you must exclude references to a specific pair of languages in order to reach a wider audience. In order to overcome this problem, English will be the source text in our examples and, for the target language, I will give an English version of what would have been my translation. Since translation procedures are simply expression procedures, my point is that the transition from the source to the target can be explained through intralinguistic operations. Hopefully, re-expression in the same language may be an accurate enough representation of many of the translation procedures that occur between two different languages.

When considering the social context of this kind of translation, I will make frequent references to the Spanish situation. My intention is to use them as an example, not to present the Spanish situation as ideal or unique.

The discussion of official translation in this work is meant to portray only its practice and not theoretical considerations. This has proved an impossible task; even when priority has been given to introducing the reader to practice, generalizations about practice always lead us to theoretical considerations. Teaching practice consists not only of explaining how to translate a text; it necessarily implies endowing future translators with critical tools that will allow them to make their own choices consciously and creatively.

Official translation is not a well-defined activity. It overlaps with fields such as oral translation, legal translation, court translating and interpreting, and community interpreting. Nevertheless, I have tried to restrict the description to the most common types of translation tasks we may find.

Official translation is often considered an activity subject to numerous strict norms, or as an extremely constrained form of translation. However, this is not always the case. Firstly, there are many different kinds of norms, and their degree of obligation varies from legal norms to uses and customs. Secondly, the number of compulsory norms in our field is usually extremely low. Thirdly, transgression of the norms is inherent to the practice of any kind of translation, as this is the only way to develop new techniques and reach higher standards of

quality. Lastly, even the most constrained ways of translating admit a high degree of freedom and creativity, which allows translators to find their job extremely enjoyable.

Work as an official translator makes you feel socially useful, even powerful; it gives you a prominence that other kinds of translation do not. Official translation is also one of the most personalized types of translation. It lets you meet your client and the recipient of your work. Official translation is strongly linked to ethical considerations. Being an official translator brings to life the idea of being a bridge between cultures, for which the client's trust is an indispensable condition. Official translation also allows high doses of creativity. It is a prestigious profession and a very old activity: official translation in Spain has been documented as far back as the ninth century; the first reference to 'sworn translation' was in 1551 (Feria 2002a).

Welcome to a whole new world.

## 2. Professional Practice

In Spain, the official written translating of documents is called *sworn translation* and is carried out by professionals called *sworn translators*. But official documents are also rendered by translators who are non-professional or have not achieved sworn translator status. We will thus call the translating of these documents *official translation*, rather than *sworn translation*. When we refer to translators who perform official translation, we will call them *official translators*, whatever their professional condition may be.

Documents may be translated for different purposes. They may be intended for the government of a country or community speaking a foreign language, often in order to certify allegations in a legal or administrative process and usually as evidence in a court case. They may be translated so that a legal situation originating in a foreign language country can be recognized, or in order to apply for the recognition or validation of merits acquired in a foreign country. Legal texts can also be translated in order to apply the source norm to foreign citizens, which is a basic principle of Private International Law. For instance, a Moroccan citizen living in Spain can require their divorce demand to follow Moroccan law; in that case, the Spanish judge and lawyers may need a translation of the corresponding law, jurisprudence and doctrine plus the official translator's expert commentary.

Since official translations must include a statement that certifies fidelity to the source text, the translator becomes a *public authenticator* of the contents of the translation. In order to acquire the status of an authenticator, a translator must sit an exam set by the Spanish Ministry of Foreign Affairs. Translators with a university degree in translation and interpreting must have met certain requirements in order to receive the appointment without taking the exam. These conditions are specific to Spain and situations vary enormously all around the world, as we will discuss later.

Documents for official translation may contain any of the following elements:

- ❑ Recorded elements: births, marriages, academic studies, deaths, wills, illegal activities, or other legal or administrative acts (such as sales agreements or medical prescriptions)
- ❑ Documentary elements, such as letters, reports, blank certification forms, completed certification forms, validated certifications, translations, authorized translations and authorized and validated translations
- ❑ Validating elements, such as the certification of formalities corresponding to different moments of a proceeding (the certifications of a registrar, a notary public, a court clerk, the Hague apostille, for example)