

Translating Culture-Specific Items: The Legal Terminology of Shakespeare’s Sonnet 46 in Russian Translations

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Abstract.

A discussion of how to translate words with cultural implications from the source language into the target language text has been ongoing for a long time. It is well established within Shakespeare commentary that the culture-specific items used by Shakespeare in the Sonnets reflect the range of social institutions in Elizabethan England, for example, the legal system. Legal terminology is used especially frequently by Shakespeare in the sonnet cycle and plays an important role in its imagery. In translations of the sonnets, this particular feature presents Russian translators with specific difficulties. This paper aims to examine those difficulties and looks at the translation strategies applied within eleven Russian translations of Sonnet 46, which employs a great amount of legal terminology.

1. Introduction

A translation offered to the reader inevitably involves two languages and two cultures, that is, two systems of norms, which have some “requirements deriving from two essentially different sources often incompatible, if not diametrically opposed to one another” (Toury 1980:52). The issue of translating cultural-specific items has been discussed by a number of scholars. Their primary concern has traditionally been with words and phrases, deeply rooted in one culture, and which are difficult to translate into the terms of another culture. The Bulgarian linguists Sergei Vlachov and Sider Florin (1980) highlighted this issue having called their seminal book on the subject *Neperevodimoe v perevode (The Untranslatable in Translation)*, suggesting that the issue poses many problems for the translator. This is particularly relevant for my study

of Russian translations of Shakespeare's Sonnet 46, which is built on the metaphor of the civil law trial and is characterized by the extensive use of legal terminology. In this study, the legal terms used by Shakespeare are considered as the culture-specific items.

As Javier Aixelá notes, the culture-specific items are linguistic concepts embodied in the source text that cause problems for translation because they do not exist in the target culture or are perceived differently (1996:57).¹ There are a number of categories of culture-specific items proposed by different scholars. Their classifications differ but share the similar criterion of areas of culture, or "specific areas of activity which correspond in the end to actions which are unique to a person or social group, subject to a very specific place and time" (Santoyo 2010:15). For example, Peter Newmark distinguishes five types of *cultural words* according to the following major fields: ecology, material culture, social culture, customs and organizations, and gestures and habits (1988:94–103). Vlachov and Florin suggest three categories of *realia*: geography (including physical geography and particular places), ethnography (words denoting, for instance, everyday life, work, art), and politics and society (for example, administrative offices and military realia) (1980:50–56). It has been noted by many (Rodríguez Herrera 2015:181; Harvey 2002:177) that one of the most challenging cultural areas for translation refers to the field of law because legal language is not only culture-specific but is also considerably different from an ordinary language with respect to vocabulary and style. Legal terminology plays a significant role in the imagery of many poems within Shakespeare's sonnet cycle, including Sonnet 46.² Since they are so frequently employed, the legal terms constitute one of the major problems that Russian translators have faced.

The translation of such culture-specific items as legal terms in Shakespeare's sonnets involves the dealing with cultural implications that are implied in the cultural background knowledge of the source text audience. Analyzing Shakespeare's language as it is used in his plays, Charles Beauclerk notes that the playwright exhibits the knowledge of court politics, science and culture, and aristocratic pastimes, such as hunting and hawking, as well as the daily life of the common people (2010: xv). The same can be said about the Sonnets. Allusions not only to the fields of law but also to chemistry, music, theater, navigation, politics, economics, militaria, etc., are scattered throughout the Sonnets cycle. They reflect some of the key themes underpinning the Renaissance worldview, which involved aspects of the life of an individual human being, the material world and the humanities. According to Nina Avtonomova and Michail Gasparov (1969), the poetical use of technical terms associated with specific

¹ It should be noted that there is no single term to define culture-bound words. The following terms in translation studies are used interchangeably: *culture-specific items* or *cultural concepts* (Davies 2003), *culture-specific concepts* (Baker 1992), *cultural words* (Newmark 1988), *realia* (Robinson 1997, Vlachov & Florin 1980), *culture-bound elements* (Hagfors, 2003). I will use Davies' term *culture-specific items*.

² Shakespeare's extensive and accurate knowledge of law has led some commentators to the assumption that the playwright had a formal legal education or/and worked as a legal clerk. On the discussion concerning Shakespeare's use of legal language, see Alexander (2001).

fields of literature and poetry was one of the favorite artistic techniques and a common phenomenon during the Renaissance period. As Rodríguez Herrera points out, the use of legal terminology was part of daily life in Elizabethan England, to the extent that many theatergoers regularly attended courts and were familiar with all sorts of legalisms and court proceedings: “Far from feeling alienated, the audience instantly recognized many of technical terms heard for the simple reason that they were more or less regularly exposed to them in the course of their daily lives” (2015:167). The aim of this study is to analyze translation strategies applied to cope with the legal terminology of Sonnet 46 and to present the strategies that have been used more frequently by Russian translators.

According to Kate James (2002), another factor that seems important to consider is underlined by Malcolm Coulthard (1992). He draws attention to the role of the two intended readerships, the source text audience, for whom the original text was destined and the potential target text audience. Coulthard emphasizes the significance of defining the so-called ideal source language reader and the target language reader. The imagined ideal source language reader is supposed to have knowledge of specific aspects of the cultural environment, particular facts, experiences and opinions, and a certain level of linguistic competence (James 2002). It should be noted that Shakespeare’s contemporary audience differs significantly from any modern one. The modern reader, including native English speakers, often complains about difficulties with Shakespeare’s language. Indeed, the distance between Shakespeare’s texts and the modern English-speaking audience is constantly increasing. The main reason for such linguistic problem is mostly related to the ever-changing grammar and expanding vocabulary that has affected the language significantly over the past four hundred years. According to Jean-Michel Deprats, the factors that complicate the contemporary British audience’s perception of Shakespeare’s original texts are not only linked to the use of unfamiliar words and turns of phrase, but also numerous “tricks of assonance, dissonance, changing stresses within the verse line, alliteration and punning rhymes” (1997:128).³

Apart from defining the ideal source language reader, Coulthard writes about the need for “construction of a new ideal reader who, even if he has the same academic, professional and intellectual level as the original reader, will have significantly different textual expectations and cultural knowledge” (1992:12, quoted in James 2002). In the case of Sonnet 46, it is debatable whether the Russian reader has particularly “different textual expectations”, because, as I aim to demonstrate, the legal concepts and references used by Shakespeare in Sonnet 46 have much in common with

³ The argument whether Elizabethan English and contemporary English should be regarded as two separate languages resulted in the appearance of such a phenomenon as the Shakespeare *Made Easy* Series or other simplified editions of his works. On the other hand, David Crystal states that claims about the incomprehensibility of Shakespeare’s language are greatly exaggerated. The vast majority of grammatical rules and words are the same in the Elizabethan period as now: “At worst we are talking about somewhere between 5 and 10 per cent of Shakespeare’s grammar and vocabulary posing a problem” (2008:15).

the Russian legal vocabulary. Nevertheless, the Russian audience of the period from the late nineteenth century until the early twenty-first century may not be familiar with all details of the culture-specific concepts of Shakespeare's Sonnet 46 nor with the particular situation described in the text as a court trial. As Tamara Kazakova notes, translation becomes even more challenging when there is a considerable temporal distance between the productions of the source and target texts (2003:102–104). On the basis of these considerations, it seems reasonable to assume that the differences between source and target cultures would pose many problems for Russian translators of Shakespeare's texts.

Furthermore, considering literature as being the product of its era, it is important to take into account that the translation activity is always under the influence of constraining cultural norms, "which are prevalent in a given society at a given moment in time. The study of literary translations therefore consists of the study of translation norms, models and traditions" (Lambert 1998:132). Gideon Toury claims that the translator is always subjected either to the norms of the source text or to those of the target text, which will lead to either source-text oriented or target-oriented translation (1995:56). In Russia, the process of translating and retranslating Shakespeare's canon, including the Sonnets, has always taken place against the background of the opposition between two translation extremes – the 'literal' (foreignizing) vs. the 'free' (domesticating) translation. In terms of the history of Russian translation, one can observe alternating periods in which foreignizing and domesticating strategies dominated. According to Gasparov ([1971] 1988), the nineteenth century was the era of 'free' translation, when translators strived to bring the original closer to the norms familiar to the Russian readership not only regarding form but also content. The twentieth century witnessed first the return to the idea of literal translation, then a reaction against it from the side of the proponents of the so-called Soviet school of translation.⁴ Finally, the last decade of the twentieth century saw the beginning of a revival of literalism in Russia.

2. Translation strategies for culture-specific items

There is no single opinion among scholars as to how to define translation strategies for culture-specific items. For example, Vlachov and Florin identify such strategies as transcription, transliteration, calque, translation, substitution, approximate translation and contextual translation (1980:86–102). Aixelá divides translation strategies into two major groups: conservation and substitution (1996:61–65), while Davies distinguishes seven groups: preservation, addition, omission, globalization, localization, and

⁴ For the principles and major tasks of Soviet school of translation, see Witt (2016a; 2016b), Borisenko (2012).

creation (2003:72ff). These and other classifications differ in their opinion on which are the most relevant distinctions between the different strategies. However, for the purposes of the current analysis, Davies' classification seems to be able to capture and explain most of the relevant differences between the investigated Russian translations, and in the following discussion I will therefore mainly use Davies' classification and terminology.

The first of Davies' strategies, *preservation*, is used when there is no close equivalent in the target language, which may force the translator to transfer the original term into the target text in its original form.⁵ When a particular semantic component of the source text lacks an equivalent in the target language, a translator may use *addition*, an explanation of the meaning of the cultural item either outside or inside the text, or, on the contrary, choose to *omit* it in the target text. *Globalization* is described by Davies as "the process of replacing culture-specific references with ones that are more neutral or general" (2003:83). The opposite strategy is called *localization*, when a translator replaces a culture-specific item with one which originates in the target culture and is familiar to the target audience. The last strategy, *creation*, is used when a translator chooses to include a cultural-specific item which is not present in the source text.

3. Sonnet 46 and analysis of the translations

Sonnet 46 considers a conflict ("mortal war") between the speaker's eyes and heart, which was a conventional Renaissance theme (Booth 1977:208):

Mine eye and heart are at a mortal war,
 How to divide the conquest of thy sight;
 Mine eye, my heart thy⁶ picture's sight would bar;
 My heart, mine eye the freedom of that right;
 My heart doth plead that thou in him dost lie,
 A closet never pierced with crystal eyes;
 But the defendant doth that plea deny,
 And says in him thy fair appearance lies.
 To find this title is empanelled
 A quest of thoughts, all tenants to the heart,
 And by their verdict is determined
 The clear eyes' moiety, and the dear heart's part:

⁵ A number of other scholars have discussed exactly the same strategies but using different terms. For example, for the strategy of *preservation* (Davies 2003:72) the following terms have been proposed: *translation using a loan word* (Baker 1992:33), *transference* (Newmark 1988:81), *exoticization* (Chesterman 1997:108), *repetition* (Aixelá 1996:61).

⁶ *thy* (here and in lines 8, and 13–14) is one of fourteen accepted emendations for Q's 'their'" (see Booth 1977:176, 208; Duncan-Jones 2010:162, 202).

As thus, mine eye's due is thy outward part,
And my heart's right, thy inward love of heart.⁷

The conflict between the heart and the eye is designated in line 1 as a “mortal war”, which implies a conflict to the death with no possibility of reconciliation. Yet, Shakespeare takes it in an original direction when, after violent imagery in the first two lines, he moves to the civilized language of law in the context of a courtroom. The court hearing between the heart and the eye is described through a large number of legal terms: *bar*, *right*, *plead*, *defendant*, *plea*, *deny*, *title*, *empanelled*, *quest*, *tenants*, and *verdict*.⁸ The bitter enemies, the eye and the heart become now the plaintiff and the defendant in a civil dispute over the possession of love. In the elaborate extended metaphor of a miniature trial scene, the heart pleads for the possession of the sight of the friend. However, the defendant (the eyes) denies the plea, declaring that the friend's beauty is rightly his. To establish (“find”)⁹ ownership, the case is brought before a jury of thoughts, which are all the tenants of the heart. This jury will determine the part due to each. The speaker states that the eyes' share is the friend's outward appearance of love, and the heart's is the “inward love of heart”. The legal terms employed by Shakespeare in Sonnet 46 may be considered culture-specific items as they reflect everyday life of the Elizabethan era in the impaneling of a jury to decide the matter.

Below I will examine how the legal references of this poem have been rendered into Russian through the works of eleven translators, starting with two translations from the late nineteenth and early twentieth centuries, by Nikolaj Gerbel' (1880) and Modest Čajkovskij (1914), two versions from the Soviet era, by Samuil Maršak (1948) and Aleksandr Finkel' (1977), and finally seven recent translations of the early 2000s.¹⁰

⁷ The sonnet is quoted according to *Shakespeare's Sonnets* (Arden Shakespeare), edited by Katherine Duncan-Jones (1997, revised edition 2010).

⁸ According to the *OED*, the words *bar*, *right*, *plead*, *defendant*, *plea*, *title*, and *quest* have multiple meanings including the legal one, while the words *empanelled*, *tenants*, and *verdict* have a single meaning used only in the law context. Other sonnets contain yet additional variety of legal terms. For example, Sonnet 49: *audit*, *advis'd*, *lawfull*, *strength of laws*; Sonnet 30: *sessions*; Sonnet 74: *nail*, *interest*, *review*, etc.

⁹ The word ‘find’ in line 9 as given in the Duncan-Jones edition, presents an editorial problem since there are three alternative ways of reading the verb: either as ‘side’, ‘cide’ (an aphetic form of ‘decide’), or ‘fide’ (possibly, a misreading of ‘finde’ in the manuscript in the legal sense of ‘to determine or declare’ a legal case or verdict (*OED* find v.17)). Paul Hammond argues that the first two readings make no sense in the context of the sonnet. On the other hand, ‘finde’ continues the legal imagery of the sonnet (2008:188). Duncan-Jones adopts the reading ‘find’. Because of this lack of consensus, I will not consider the word in my analysis.

¹⁰ According to Pervušina (2010:342–345), two more complete translations of Shakespeare's cycle into Russian were produced before the Revolution of 1917 – by Pavel Kanšin (1893) and Aleksandr Sokolovskij (1898), both in prose. Translations into prose do not present the same restrictions and constraints in terms of rhythm and metre as the poetry equivalent and therefore I will not include the prose translations into my analysis. Another Russian translation of the whole cycle was published in 1977 in London, done by Jakov Berger, an Israeli poet of Russian origin. Even though Berger's translation was reissued in Russia in 1999 (2010:313), neither edition has, unfortunately, been available for this study. The seven contemporary translations are only a small cross-sample of the numerous Russian translations of the *Sonnets* that have been published over the period of past three decades in print or appeared on the internet. Pervušina provided the list of those Russian translators, who have their translations of the *Sonnets* published between 1839 and 2009, whether selected sonnets or complete

There are several reasons for choosing this particular group for my analysis. First of all, the considered renderings of Shakespeare's legal vocabulary represent a wide range of translation strategies. Although my intention is to analyze the translations of only one sonnet, I have chosen those translators, who have produced verse translations of the whole cycle of Shakespeare's sonnets. I think that translators who have made an effort to render the entire body of 154 sonnets probably shared the similar attitude to Sonnet 46 as a part of a poetic unity of the cycle. Moreover, one may assume that those translators have invested more effort into their work, having paid much attention to the problem of the sonnets' context. A translator of not only Shakespeare's Sonnet 46 but all his law-related sonnets inevitably faces the question whether to deal with the terms corresponding to those of the source language, or not. The Russian legal vocabulary is sufficiently elaborate to allow a translation of the sonnet's legal terms that is close to the original text where necessary, as it does contain legal terminology corresponding to Shakespeare's (Andrianov et al. 2003a). Thus, the aim of the present analysis is not only to examine what strategies the translators used to deal with the culture-specific metaphor of a civil trial, but also to consider whether the translations are as explicitly legal in the target language and imagery as the original.

Table 1 provides an overview of the application of legal terms by different translators, whose names are represented by their initials. In addition to the translators' initials, the years of publications of their translations are also listed. Chronologically, the target texts span a period of almost 130 years:

1. Nikolaj Gerbel' (1880) - NG
2. Modest Čajkovskij (1914) - MČ
3. Samuil Maršak (1948) - SM
4. Aleksandr Finkel' (1977) - AF
5. Sergej Stepanov (2003) - SS
6. Andrej Kuznecov (2004) - AK
7. Vladimir Mikuševič (2004) - VM
8. Renard Badygov (2005) - RB
9. Sergej Truchtanov (2006) - ST
10. Vladimir Kozaroveckij (2009) - VK
11. Aleksandr Šarakšanè (2009) - AŠ

In the columns, the existence or absence of the corresponding legal terms used in the Russian versions are indicated. The table shows the translators' choices marked by crosses. In terms of Davies' classification, the last column in the table represents examples of the strategy of *creation*, i.e. the legal words whose equivalents are not

translations of all the 154. Her list contains twenty-five names of translators of the whole sequence (2010:342-353).

present in the original sonnet but introduced (added) in the target text in order to recreate a “legal” effect of the source text.

		bar	right	plead	defendant	(to) deny	plea	title	quest	empanelled	tenants	verdict	added terms
1.	NG 1880	+	+										
2.	MČ 1914	+	+					+					++
3.	SM 1948							+	+				
4.	AF 1977			+					+			+	
5.	SS 2003		+			+	+	+	+			+	
6.	AK 2004	+	+						+			+	
7.	VM 2004								+	+			
8.	RB 2005	+	+	+	+			+	+			+	++
9.	ST 2006				+			+	+			+	+
10.	VK 2009					+	+		+	+		+	
11.	AŠ 2009	+	+			+	+					+	
	Total times used	5	6	2	2	3	3	5	8	2	0	7	4

Table 1. Use of Russian legal terms corresponding to Shakespeare's terms in translations by different translators over the period from 1880 to 2009.

Listed below are the terms used by Shakespeare in order to create a picture of legal imagery of Sonnet 46 and its individual translations into Russian made by different translators. The meanings of the English legal terms in the source text can be found in *Shakespeare's Words* by Crystal & Crystal (2002), a glossary of over 50,000 words found in Shakespeare's plays and poems. In some cases, I also refer to the OED since not all of Shakespeare's words under consideration are listed in the glossary mentioned above. The translations of Russian corresponding terms used in the target texts have been provided to make it possible to compare them with the source text. Similar to the

English terms, most of the Russian counterparts found in the analyzed translations have multiple meanings including the legal ones, which are listed below.¹¹

Bar *v* – ('forbid, deny, deprive [of]') –
lišit' (NG, AK) – to override
razdelit' (MČ) – to separate, sever
ustupit' (RB, AŠ) – to cede, concede, yield

Right *n* – ('just claim, rights, title') –
pravo (s.)/*prava* (pl.) (NG, MČ, AK, RB, SS, AŠ) – right/rights

Plead *v* ('make a case for, present an argument for') –
dokazyvat' (AF) – to assert, aver, evince, prove, substantiate
isk (*serdca*) (RB)¹² – action, causa, claim, complaint, demand, lawsuit, plea, suit, remedial action, civil complaint (of the heart)

Defendant *n* ('a person sued in a court of law')¹³ –
otvetčik (RB, ST) – accountant, defendant, defensor, libelee, respondent, sued person, civil defendant

Deny *v* ('refuse, rebuff, reject, decline') –
otvodit' (SS) – reject
otvergat' (VK, AŠ) – abnegate, disallow, disapprove, defeat, repudiate, negate, negative, non-concur, overrule, redargue, refuse, reject

Plea *n* ('claim, argument, issue') –
argument (SS) – argument, plea, submission
zajavlenie (VK) – allegation, application, assertion, claim, declaration, statement, maintenance, predication, preference, preferment, proposition, submission, bill
isk (AŠ) – action, causa, claim, complaint, demand, lawsuit, plea, suit, remedial action, civil complaint

Title *n* ('right, claim, entitlement') –
delo (MČ) – contentious case
meždousobnyj spor (SM) – internecine argument, contention, contest, controversy, difference, dispute, quarrel, strife, variance
tjažba (SS, RB) – causa, matter of law
imuščestvennyj spor (ST) – pecuniary argument, contention, contest, controversy, difference, dispute, quarrel, strife, variance

Empanelled *adj*, from **empanel** *v* ('to enroll, oblige to appear in a court') –
formirovat' (VM) – to form

¹¹ For the legal meanings of Russian translations, I have consulted the *Russian-English Law Dictionary*, edited by Andrianov et al. (2003b).

¹² Badygov's translation of the source text phrase 'my heart doth plead', where 'plead' is a verb, contains no verbs or verb forms. The noun phrase (*po*) *isku serdca* consists of two nouns, one of which – *isk* ('suit, claim') – has a legal meaning.

¹³ Crystal & Crystal (2010) provides the definition of *defendant* only as an adjective, meaning 'defensive, protective', though Shakespeare here uses this word as a noun.

sozvano (VK), (participle formed from the verb *sozvat'*) – to assemble, call, summon

Tenant(s) *n*, pl. ('one who holds or possesses lands or tenements by any kind of title. In English law implying a lord, from whom the tenants hold land')¹⁴

None of the translators has provided any corresponding legal term.

Quest *n* ('jury, body of persons appointed to hold an inquiry') –

sud (SM, AF, ST) - bank, bench, court, judicatory, judicature, judiciary, court of judiciary [of jurisdiction], judicial court, law court, court house

sudebnaja kollegija (VM) – college, board, body

sud prisiažnych (SS, AK, RB) - assize, lay court, trial by the country, jury trial

žjuri (VK)¹⁵ – judges, jury

Verdict *n* ('unanimous decision, agreed judgment') –

prigovor (AF, RB, ST, AŠ) - arrest, judgment, sentence, sentencing decision, suspended imposition of sentence

verdikt (AK, VK) - verdict

(sud) opredelil (SS) – (the court) has assigned, defined, determined, meted, qualified, set, settled, specified

Table 1 and the list of correspondences show that Sonnet 46, with its extensive use of legal terminology, being translated into Russian, finds itself embodied in a variety of correspondences drawn from the legal domain of the Russian language. With the exception of the word 'tenants', each term employed by Shakespeare has been rendered into Russian by at least two translators. Yet, out of eleven considered Shakespearean legal terms, the translations of only three of them (the nouns *right*, *quest*, and *verdict*) have been found in the majority of Russian versions. The terms *to bar* and *title* have been rendered with a corresponding Russian legal term in five of the investigated translations, while the terms *to deny* and *plea* - in three. The four remaining words (*to plead*, *defendant*, and *empanelled*) have been rendered literally twice each. Finally, none of the translations under review have included a corresponding legal term to the word *tenants* in the target language text.

When we consider the translators' individual decisions, we notice that the overwhelming majority of translators employed only two to five words with legal connotations, choosing the strategy of *preservation* of these particular terms. At the same time, there seems to be a certain tendency towards a greater use of legal terms as time passes. While the versions by Gerbel' (1880), Čajkovskij (1914), Maršak (1948) and Finkel' (1977) contain only two or three words from the legal vocabulary, the later

¹⁴ This term is not listed in Crystal & Crystal (2010).

¹⁵ The most common usage of the Russian word *žjuri* is "a group of individuals appointed to decide the winners of a contest or competition" (Evgen'eva 1999, my translation), that is, not the legal one. The word can, however, be used in Russian context to define a body of people sworn to give a verdict in a legal case in court, especially when describing the judicial system in other countries (Gruber 2005:171). Aleksandr Šarakšanė (2009) uses the word *žjuri* in his interlinear translation of Sonnet 46, though in his verse translation he chooses the phrase *sobran'e myslej* (the meeting of thoughts).

translations (2003-2009) exhibit a more frequent use of legal terms¹⁶. Badygov uses the greatest number of legal terms in his 2005 translation, thus, I argue, succeeding in preserving many of the nuances of Shakespeare's metaphors. These observations support the model proposed by Gasparov, who described the development of literary translation in Russia as a cyclical process, according to which free approach and literal approach to translation succeed each other alternately.

As for the source text, legal terms whose legal correspondences are not present in the translations, it is not necessary to suggest that the translators *omitted* them because they failed to find the way to convey the legal connotation of the words in question. Rather, it can be argued that, using Davies' term, the translators applied another strategy, *globalization*, that is they replaced culture-specific items with more culture-neutral ones. For example, line 8 (*A quest of thoughts, all tenants to the heart*) contains the word *tenants*, which, as it was previously mentioned, has no suggested legal correspondences in the analyzed translations. The whole line means that a jury of thoughts, assembled by the speaker, holds allegiance to his heart.¹⁷ Some Russian translators render this line (or a part of it) using words with no legal connotations:

[U] *myslej, v serdce tom živuščich neprestanno* (NG) – thoughts that constantly live in that heart;
Doroža serdečnoj pravdoj (VM) – holding dear the truth of (my) heart.

Finally, three translators employed the strategy of *creation*: that is, they made up for the lack by using Russian legal terms that do not have any immediate correspondences in the source text. These Russian terms comprise the following:

Istec – plaintiff and *prisužđen* - adjudged (MČ, 1914)
Doznanie – investigation and *prisudit'* – to adjudge (RB, 2005)
Prenija storon – hearing of arguments (ST, 2006)

Čajkovskij, one of the very first Russian translators, who favored the foreignizing translation, characterized, by among other things, retaining the culture-specific items of the original, finds legal counterparts to only three of the source text's legal terms. He might have considered it to be insufficient for re-creating the legal effect of the sonnet. Probably, in order to convert foreign cultural information to the Russian reader as much as possible within the translated text, he attempted to compensate for the lack by inserting two Russian words that have a legal flavor but have no immediate counterpart in the source text. The same method was employed by two contemporary translators, Badygov (2005) and Truchtanov (2006). The former introduced two additional legal terms into his translation, which on the whole is characterized by an extensive use of legal terminology – nine words, i.e. almost equal the number of legal

¹⁶ With the exception of Mikuševič's translation from 2004, where only two legal terms have been found.

¹⁷ Adam Kotlarczyk (2012) points out that by this, "Shakespeare once again calls to mind the classic view of the heart's pure love versus the tainted infatuation of the eye", though the speaker does not share this apparent bias.

terms used by Shakespeare. The latter, Truchtanov, employs five legal terms, one of which is added by the translator himself.

4. Conclusions

It is a well-known fact that translating metaphorical images is one of the most challenging tasks any translator faces, especially if culturally-specific items are involved. In Sonnet 46, Shakespeare employs an extended metaphor, using concrete legal terminology to create a scene of litigation. As Thomas Regnier states, “[...], Shakespeare’s legal knowledge manifests itself in large ways and small, in both the grand theme and the tiny detail” (2013:90). In one single sonnet 46, the total number of the source text terms that have a legal connotation is rather large (ten), giving Owen Hood Phillips grounds to state that Sonnet 46 is “wholly constructed of legal imagery” ([1972] 2013:39). Many Russian translators, however, have conveyed this elaborate metaphor by substituting a large part of legal words with vocabulary that does not carry legal connotations, thereby weakening the contrast between, on the one hand, the picture of a conflict to the death, between two alien sides, and, on the other hand, the civilized debate of two parties in a courtroom. An abundance of legal terminology in lines 2-14 of the source text leads to the harmonizing effect of the following trial scene that presents a solution to the problem.¹⁸

To overcome the difficulties that cultural-specific items pose, the translator can use a wide range of strategies identified by a number of scholars. Menachem Dagut argues that there cannot exist any prescriptive approach to translation of such items. He states that the translatability of any given source language metaphor depends, firstly, on the particular cultural experiences and semantic associations which it exploits. Secondly, the degree of overlap in each particular case also plays an important role (1976:32). Dagut points out that “what determines the translatability of a SL [source language] metaphor is not its ‘boldness’ or ‘originality’, but rather the extent to which the cultural experience and semantic associations on which it draws are shared by speakers of the particular TL [target language]” (28). In other words, if the source and the target languages share some cultural experiences and assumptions, it might be expected that the target language can reproduce the metaphor. Therefore, the question arises to what

¹⁸ The expression “mortal war” placed in the very first line, emphasizes the significance of the initial confrontation but it is rendered as *spor* (dispute, controversy) by several translators, which implies an ordinary discussion. The words and phrases *smertel’nyj boj* (mortal battle, fight), *vražda* (enmity), *žestokaja bor’ba* (fierce struggle), *vojujut nasmert’* (fight to the death) are much closer to the meanings conveyed by the words used in the source text. One translator (Badygov) used the phrase *davnjaja vojna* (old war), though the word *davnjaja* suggests the long duration of the state of conflict but not the feeling of impossibility for reconciliation, as “mortal” implies.

degree the cultural experiences and semantic associations within the field of law in Elizabethan England are shared by the Russian culture of the last 130 years.

As pointed out by Sokol & Sokol, Shakespeare's contemporaries came into contact with law quite often, having negotiated commercial agreements, taxes, employments and other sorts of private legal procedures: "[...] a late Elizabethan population of about four million persons were involved in over one million legal actions every year!" (2003:3). Michael Jay Willson notes, that on many occasions, Shakespeare himself had to resort to legal measures both personally and professionally (2014:699). In his article about the idea of justice in Shakespeare's comedies *The Merchant of Venice* and *Measure for Measure*, Willson characterizes the legal practices of that time as being often inefficient and problematic in achieving justice (700).

Several recent studies on the historical development of the Russian judicial system have shown that, during the last 130 years, an ordinary Russian individual has most likely been familiar with the judicial system and trial court functions, including justice-of-the-peace courts, reintroduced in Russia in the late 1990s (Conlon 2014; Burbank 2004; Hendley 2009). Similar to the state of legal matters of Elizabethan England, within the Russian legal model, justice has generally been considered unattainable (Krivoruchko 2014:1). Based on her study of Russian national idea of law and justice, Anna Krivoruchko claims that the existing stereotype of the Russian legal system includes a disbelief in the law's function, the opposition between law and justice, and a striving to settle matters out of court (2014:3). While the English tradition of trial by jury has existed for centuries, jury trials began to function in Russia only in the second half of the nineteenth century and were completely eliminated by the Soviet regime along with other institutions. Courts became a part of the repressive system of the new authority. Almost a century later, Russia has again turned to trial juries, which have been operating simultaneously with the old order. Thus, in spite of the fact that the considered source and target cultures differ greatly in terms of time periods, languages and traditions, they seem to share the assumptions of how the legal authorities use the law to tightly control many aspects of society.

This paper has shown that even if the analyzed translations reflect the theme and mood of the source text, most of them do not offer the reader the same legal connotation. The reasons behind this result may be viewed from different perspectives. First, many Russian words used by the translators as counterparts to Shakespeare's legal terms, have not only a legal connotation but also a non-legal meaning. For example, the words *lišit'*, *ustupit'*, *razdelit'*, *pravo*, *dokazyvat'*, *delo*, *zajavlenie* would not be perceived at first as having legal meanings, as they are often used in ordinary speech to refer non-legal matters. Second, if we turn to the history of Russian literature, the imagery of a civil trial or a court hearing has not been employed much by Russian poets, to the best of my knowledge. In Russian prose and drama, however,

one can find many influential texts that feature the court¹⁹, for example, the novels *Dubrovskij* (1832) by Puškin, *Brat'ja Karamazovy* (*The Brothers Karamazov*, 1880) by Dostoevskij, *Voskresenie* (*Resurrection*, 1889) by Tolstoj. Russian literary law-related drama includes such plays as *Delo* (*The Case*, 1861) by Suchovo-Kobylin, *Rastočitel'* (*The Spendthrift*, 1867) by Leskov, *Živoj trup* (*The Living Corpse*, 1900) by Tolstoj. These literary works present the individual's contacts with the legal system mostly as tragic and unjust. As Krivoruchko states, the Russian law-related literature generally expresses skepticism about the power of the word and verbal activity in legal issues, because they “never help one to attain justice but rather obstruct it” (2014:v).

As far as Russian poetry is concerned, it is not totally uncommon to find some legal vocabulary in many genres of Russian poetry, especially such words as *sud*, *pravo*, *prigovor*, *verdikt*. However, those have been used more frequently in descriptions of a state of the human soul rather than for depictions of a court-room scene.²⁰ In the analyzed Russian translations of Sonnet 46 these words are also among the most frequently used by translators.

Finally, the choices of certain strategies made by different translators reveal their tendency to adapt Shakespeare's text to the changing norms of Russian culture. When discussing norms, Toury mentions that they may change across time, because translation has never been an isolated activity (1995:62). The eleven analyzed translations were produced during a period of almost 130 years, which means that they were conditioned by different socio-cultural constraints. The historically changing norms have affected the strategies used by different translators for rendering the legal vocabulary of Sonnet 46. One can trace the development of norms from the first attempts made in the nineteenth century to the numerous translations of modern times. On the whole, the study's results do not contradict the correlation between translation strategies chosen for translating Sonnet 46 and Gasparov's model describing the pendulum-like movement from “free” to “literal” approaches through the history of Russian literary translation.

¹⁹ There are numerous Russian literary works that reflect the authors' various ideas of law, justice and mercy but I limit myself only to those which depict the actual proceedings in a court of law.

²⁰ I do not consider the Russian translations of Shakespeare's comedies about judgement, *The Merchant of Venice* and *Measure for Measure*, which both contain the scenes of court-room proceedings. The plays are written mainly in the form of unrhymed iambic pentameter, though Shakespeare uses the rhythm to move his verse. To the best of my knowledge, there is no research done yet on the Russian translations of Shakespeare's legal terminology used in these plays.

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