

EXERCISE: TG 7

Module:	Transfer Skills
Type of Exercise:	Translation
Topic:	Deceptive cognates in legal texts
Learning Outcome(s):	<p>On completion of this exercise, trainees will have:</p> <ul style="list-style-type: none">• an increased awareness of the existence of words that are similar in form and different in meaning in source language and target language• the ability to translate them appropriately, avoiding duplicates.
Language (Combination):	English/Romanian
Equipment:	Specialised dictionaries, PC and Internet connection
Time:	30 minutes
Suitable for:	Intermediate
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Notes:	<p>As various languages evolved in different historical conditions, words that were originally related may appear in several languages with similar forms and (partly or totally) different meanings. These are known as (deceptive) cognates. The familiar, recognisable form may be misleading and translators should therefore be aware of their existence and give the correct equivalent instead of duplicating the word. An example is English “arrest”, which means not only “to apprehend by legal authority” but also “to stop”, while in Romanian “a aresta” has only the</p>

former meaning; similarly, in English, “embarrassed” means “feeling socially inappropriate”, while in Spanish “embarazada” means “pregnant”.

EXERCISE

Consider the following examples, in which the cognates have been underlined for quick identification. Discuss what the difference in meaning is between the two words similar in form; use a dictionary to find the correct translation – obviously the equivalent may be formally different. Translate the texts. List other pairs that you know, along with their translation.

1. Defendants and their officers, agents, servants, employees, and attorneys, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, or any of them, shall fully cooperate with and assist the Receiver.

in concert with – together or in agreement with someone or something (not “performing together”); Rom. “în înțelegere cu, în consens cu”)

to assist – to help (not “to be present, to attend”, in Romanian “a asista”); Rom. “a ajuta, acorda ajutor”)

2. [The receiver should] conserve, hold, and manage all receivership Assets, and perform all acts necessary or advisable to preserve the value of those Assets, in order to prevent any irreparable loss, damage, or injury to consumers or to creditors of the Receivership Defendants.

injury – an act that damages or hurts (not “words of abuse”, in Romanian “a înjura, a profera injurii”); Rom. “daună, prejudiciu”)

3. ... if such request has not been responded to within thirty (30) days of receipt by the Receiver, any such person or entity may thereafter seek an Order of this Court with regard to the relief requested...

relief – legal remedy or redress (not “relief” in the terminology of geography, identical in form in Romanian); Rom. “reparație, despăgubire”)

4. The Receiver shall have the discretion to determine the time, manner, and reasonable conditions of such access.

discretion – the power of an official, usually a judge, to make decisions on legal matters based on their opinion against the general legal framework (not the quality of being willing to keep a secret, in Romanian “discreție”); Rom. “împuternicire, abilitare”)

5. ... an affidavit identifying the names, titles, addresses, and telephone numbers of the Persons that Defendants have served with a copy of this Order in compliance with this provision.

to serve – to deliver a legal instrument or to notify (not “to be of service, to attend or to wait on”, in Romanian “a servi”); Rom. “a notifica”, *to serve a writ* “a înmâna o citație”

provision – a part of a legal document that specifies terms of agreement, conditions, requirements (not a stock of food articles or other goods, which exists in a similar form in Romanian as “provizii”); Rom. “prevederi”

6. The Court having considered the complaint, declarations, exhibits, and memorandum of law filed in support thereof, and now being advised in the premises finds that: ...

support – help and approval of an idea, position (not “device or piece of furniture such as a stand used to hold the weight of objects” in quasi identical Romanian “suport”); Rom. “sprijin, susținere”, in collocation *in support of* “în sprijinul”