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Translating an Auditor's Report: an instance of specialised legal translation

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ABSTRACT

In this article we would like to look at the question of why the translation of highly standardised legal texts is at the same time easy (due to the degree of standardisation of the formulations) and difficult (due to the roots of the texts in the national legal culture). The article will be centred on the difficulties stemming from the texts and their contexts and the strategic choices that have to be made when translating an auditor's report between Danish and English. Translating standardised legal texts may in fact be easy, when the translator has taken the necessary time to make sure s/he is making the right choices.

KEYWORDS

Legal translation, Danish language, standardised texts, auditor's report.

Introduction

One of the characteristics of specialised translation is that texts that are subject to this kind of translation tend to follow conventional patterns. This is connected to the fact that specialised texts are often embedded in specific, recurrent situations. Due to the routine that arises out of such recurrent situations, the combination of situational elements, intended functions and chosen linguistic elements become standardised in a kind of generic pattern underlying professional text production in the relevant field. In other words, specialist writers of such texts acquire the habit to write the texts in a specific way and also expect others to write the texts in the same way.

This description fits the subgenre focused on in this article, i.e. the auditors' report as part of companies' annual report and accounts. The standardisation of this subgenre is obvious to anyone who has seen even a limited number of instances of auditor's reports. At first glance, this fact makes the translation of such specialised texts easy and almost automatic. But is it actually possible to automate the translation of standardised texts? This is the question we want to address in this article.

We want to concentrate here on the translation of the auditor's report in annual report and accounts as an instance of legal translation. We define legal translation as translation performed for legal purposes and often including an authorisation of the target text by the translator in order for it to play its intended role in a legal context in the target culture. Prototypical instances of legal translation are the translation of birth certificates or judgements in connection with court proceedings. But also translating auditor's reports for the

sake of fulfilling requirements of registration of the company in a country different from the company's home country is a case in point here.

The auditors' report as a genre

In the auditors' report, the auditors, on the basis of an audit, voice their opinion about the financial statements of the company (Preis 2004:63). The audit "provides an objective verification to shareholders and other users that the financial statements have been prepared properly and in accordance with legislative and regulatory requirements, that they present the information truthfully and fairly and that they conform to best accounting practice in their treatment of various measurements and valuations" (Pendlebury /Groves 2001:95). From a genre perspective the auditors' reports contain the following elements, in order to comply with these requirements:

- title
- introduction
- respective responsibilities of directors and auditors
- the basis of opinion of the auditors
- the opinion of the auditors
- the signatures of the auditors
- the date of the report

Translating auditor's reports

In the remainder of this article, we want to focus on just one translation problem: the translation of the Danish term *årsrapport* as it is used in Danish auditors' reports. We will start out by presenting an example from a Danish text and its authentic translation:

Danish text

Vi har revideret årsrapporten for Danisco A/S for regnskabsåret 1. maj – 30. april 2004.
(Danisco A/S 2004, Danish version: 3)

Authentic translation

We have audited the Annual Report of Danisco A/S for the financial year 1 May 2003-30 April 2004. (Danisco 2004, English version: 3)

In the following pages, we will evaluate this suggested word-for-word translation and compare the solution with other possible solutions. Through this process we want to show that this solution has advantages and disadvantages and that the translator looking for optimal solutions will have to consider the different possibilities in the light of the individual translation situation. For evaluating purposes we draw upon two criteria, viz. Skopos and genre conventions.

Skopos

According to the Skopos Theory of translation presented by Vermeer “the prime principle determining any translation process is the purpose (*Skopos*) of the overall translational action” (Nord 1997, 27). This means that it is not the characteristics of the source text that determines how to translate a text, but the functional characteristics of the target text in the target text situation. In order to make this theoretical statement manageable for practitioners, Nord distinguishes between two basic types of translation processes: *documentary* and *instrumental translation* (Nord 1997, 47). When the function of the target text is metatextual, i.e. a text about a text, the translator should choose a documentary translation. When the function of the target text is textual, e.g. referential, expressive or appellative in its own right, the translator should choose an instrumental translation.

The overall function of the translation of the auditors’ report as described above is to serve as documentation of the existence of an opinion concerning the object of the audit. This means that it must document that an audit has taken place and also how the audit was planned and performed. Consequently, the function of the translation is metafunctional, and thus in the terms of Nord (1997) a documentary strategy is to be followed. Consequently, it seems sensible to translate the Danish term *årsrapporten* by the word *annual report* that contains similar lexical elements and therefore on the surface carries the same meaning.

However, if we look at the definitions of the two words, we find slight differences that may be of importance when judging the quality of the translation. In the context of the auditors’ report, the Danish term *årsrapporten* limits itself to the exact object of the audit (financial statements, management’s review, statement by the executive and supervisory boards) (Danish Financial Statements Act, section 2). The English term *annual report*, on the other hand, refers to the whole document presented by the company and normally designated “annual report and accounts” (Laidler & Donaghy 1998:1). This document also contains other elements, like for example a “Letter to the shareholders” and the auditors’ report.

Consequently, the terms do not mean exactly the same. The question then is, whether to document the exact meaning of the Danish term and if so, how to do it. If the translator judges the difference in meaning to be irrelevant for the purpose of the target text, the suggested translation is optimal. In this case, it is a possible argument for choosing the translation that it is used in the official translation of the Danish Financial Statements Act. If, however, the translator judges the difference to be of importance, two possible strategies spring to mind: either to attribute an explanation to the English term (e.g. citing the

relevant section of the Act) or to seek help in the way the object of the audit is identified in original English auditors' reports.

Genre conventions

The following example from the Annual Report and Accounts of Sainsbury 2004 is a prototypical example of an English auditors' report:

We have audited the financial statements which comprise the Group profit and loss account, the balance sheets, the Groups cash flow statement, the Group statement of total recognised gains and losses, the reconciliation of movements in equity shareholders' funds and the related notes, which have been prepared under the historical cost convention (as modified by the revaluation of certain fixed assets) and the accounting policies set out in the notes to the financial statement. We have also audited the disclosures required by Part 3 of Schedule 7A to the Companies Act 1985 contained in the Directors' Remuneration report ("the auditable part") (Sainsbury 2004, our emphasis)

In the English version, the object is presented as two elements, financial statements and disclosures, whereas the Danish version presents only one element (*årsrapporten*). Furthermore, the individual parts of each element are specified explicitly in the English version.

On this basis, we once again have two choices: the translator may render the Danish term *årsrapport* with the names of the two elements, i.e. *financial statements and disclosures*. Or the translator may adopt the format of the English version and specify the audited elements of the Danish document. This, however, requires a high degree of specialised knowledge and insight in the field of auditing practice.

Conclusion

All the suggested solutions can, in our opinion, support the metatextual function of the translation and thus may be said to be examples of the documentary type of translation, as they all document different aspects of the source text:

- *Annual report* shows that a single word is used in the Danish text and it is a direct translation of the lexical elements of the Danish term
- *Annual report + citation* shows the same as the above, but also states the source of the meaning of the Danish term
- *Financial statements and Disclosures* shows that the Danish object of audit may be covered by the two elements traditionally used in the English auditors' report

- *Full English format* shows the same as the above, but also explicitly mentions which parts of the Danish object of audit belong to each of the English elements.

Which solution is the best depends entirely on elements of the individual translation situation like time, space, clients' requirements of translations, etc. and not on textual factors per se. Consequently, the translation process cannot be fully automated, although the source text is standardised.

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