



Hybrid Legal Communication and its (British English↔Spanish) Translation Challenges: A Two-Case Study

 Esther Vázquez y del Árbol

¹ Senior Lecturer (Translation and Interpreting), Official Sworn Translator-Interpreter, Universidad Autónoma de Madrid, Spain.

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ABSTRACT

From a professional point of view, highly specialised hybrid documents are the most in-demand translation services. They have been investigated from the linguistic, textual, and translational point of view. Nevertheless, too little attention has been devoted to them from a comprehensive, integrative approach. Due to these reasons, the foregoing research topic aims to face the translation problems of professional translation briefs entailing a hybrid nature; 2 legal documents with a considerable amount of scientific terminology, phraseology, and thematic area; Death Certificates, and Advanced Medical Directives. By using a comparative bilingual corpus analysis and methodology, we will select 10 British English documents (5 Death Certificates and 5 Advanced Medical Directives) which were analysed and later on compared to 10 Spanish documents (5 Certificados de Defunción and 5 Declaración de Voluntades Anticipadas). Upon comparison thereof, these instruments' specificity, their (English-Spanish) translation challenges, and the applicable translation techniques, were researched. The results of the study herein presented will show the English-Spanish documents' difficulties, convergences and divergences, and how translators and proof-readers should consult parallel documentation and enhance a wide variety of knowledge and skills.

1. Introduction

Hybrid legal-scientific documents' translation entails a relevant list of challenges, even for professional translators. Simultaneously, they belong to two diverse knowledge areas: Law and Science.

Nowadays, there are several ways of stating a classification for Law and Sciences Areas. Nevertheless, there is just one with an international projection, the UNESCO (United Nations Educational, Scientific and Cultural Organization) nomenclature for codes and fields of study, proposed in 1973 (and subsequent years). From start, it was aimed at classifying research papers and doctoral dissertations, by using a binary code system. Within this system, Law was covered by a single code ("Juridical Science and Law", code 56), whereas Science was attached several codes, to wit:

Unesco Codes [<https://skos.um.es/unesco6/?l=en>]

11 Logic

12 Mathematics

21 Astronomy, Astrophysics

22 Physics

23 Chemistry

24 Life Sciences

25 Earth and Space Science

31 Agricultural Sciences

32 Medical Sciences

- 33 Technological Sciences
- 51 Anthropology
- 52 Demography
- 53 Economic Sciences
- 54 Geography
- 55 History
- 56 Juridical Science and Law
- 57 Linguistics
- 58 Pedagogy
- 59 Political Science
- 61 Psychology
- 62 Sciences of Arts and Letters
- 63 Sociology
- 71 Ethics
- 72 Philosophy.

When facing the translation of hybrid (legal-scientific) documentation, we may encounter several difficulties, since that documentation entails a mixed nature. Let us then display the most relevant definitions of “hybrid” in both Spanish and English language:

-Spanish (*Diccionario de la Real Academia Española*, online version):

Del lat. hybrida.

adj. Dicho de una cosa: Que es producto de elementos de distinta naturaleza.

-English (Oxford Online Dictionary):

A thing made by combining two different elements.

Let us now describe the most relevant features linked to legal-scientific hybrid communication.

1.1. Legal-Scientific Hybrid Communication

Overall speaking, the documents from a scientific field present a set of verbal and non-verbal features: lexical, grammatical, structural, and layout characteristics that do distinguish one type of textual genre from the rest of them. The same applies to business or legal texts: they all share common features.

Usually, when reading an English scientific textual genre, we may unveil the following features:

- high rate of tecnicisms (*LDL, HDL*)
- eponyms (*Alzheimer's, Parkinson's, Carrión's*)
- (Greek + Latin) hybrid nomenclature (*granuloma*)
- all sorts of neologisms (*magnetic resonance imaging, nano-technology*)
 - use of acronyms and abbreviations (*MRI, US, AIDS, or COVID-19*, which stands for “COronaVirus Disease in 2019”)
 - compound abbreviations and numbers (*TG1, TG2, 100-fold dilution*)
 - passive voice use (*the patient was discharged*)
 - impersonal style (*scientific reports argue the benefits of this technique*)
 - short sentences (*no nausea, no vomiting*)
 - noun phrases (*non-obese diabetic mouse*)
 - avoidance of contractions and phrasal verbs
 - use of numbers (inside brackets or square brackets, footnotes and endnotes) for mentioning researches (*investigation carried out [1], trial organised (3)*)
 - mixed language (verbal + non-verbal: figures, X-rays, magnetic resonance images...).

Conversely, when dealing with an English legal textual genre, we may face the following aspects:

- use of Latin expressions (*apud acta, nihil prius fide, ut supra, ut infra, affidavit*)
- euphemisms (*custodial interrogation, the defendant*)
- metaphors (*nude ownership, the weight of the law*)
- compound prepositions with “here” and “there” (*hereby, therein, thereabout*)
- infrequent plurals (*monies, persons*)
- old and uncommon verb tenses (*witnesseth, doeth, shall appear*)
- use of subjunctive tenses (*should the defendant admit it*)
- use of “non-” and “failure” with a negative meaning (*non-payment, non-refundable, failure to appear, failure to do so, failure to obey*)
- legal quotations (*Under/Pursuant to/By virtue of the Births and Deaths Registration Act 1953*)
- use of court abbreviations (‘SC’ for *Supreme Court*, ‘HC’ for *High Court*)
- gerunds and past participles (*the form submitted, the grant requested*)
- growing use of denominations for the document’s parties (*defendant, co-defendant, respondent, plaintiff, applicant, pursuer*)
- binomials, trinomials, tetranomials, also known as “grouped expressions” (*I give, devise, and bequeath my estate; I make publish and declare this as my Last Will*)
- paired expressions with as singular and a plural noun (*will or wills, right or rights*)
- ritual formulae (*To whom it may concern, I do solemnly swear upon my oath*)
- baroque and opaque language (*I have the honour, Sir, to be your obedient servant*).

2. Literature Review

Upon translating legal documents, we will discover that each genre entails its own features. As an example of this, business letters present highly precise formats and writing:

- a) They all share the use of “References” (*Our reference, Your reference*)
- b) They must be dated and placed, identifying the data on the sender’s full address and the recipient’s full address
- c) The letter starts with a Salutation (*Dear Mr/Ms + Surname*), continues with the Letter Body, and ends with a formal Complimentary Close or ‘Closure’ (*Yours faithfully, Yours sincerely*).

Some textual genres may influence language (and the reverse)¹. Indeed, Rogatory Letters (also known as Rogatory Commissions) are a clear example of how formal correspondence demands a special phraseology. Since they represent the document requesting international legal assistance from one country to another one, highly standardized formulae are used: “Being a designated prosecuting authority”, “I have the honour to request the assistance”, “upon implementation of the aforementioned request”.

Since the aim of this paper is focused on hybrid legal communication and its translation, we must bear in mind the relevance of previous research in the field of hybrid legal communication. In 2004 Bhatia remembered the importance of creating a legal-communicative taxonomy. Being aware of the hybrid nature of several legal documents, Bhatia et al (2004) researched into the ‘interdiscursivity’ (the mixing of genres) and the ‘intertextuality’ of legal discourse. In parallel, Monzó (2002) was also aware of the difficulties inherent in developing the translation of legal documents. At that time, she identified a new kind of term, called “transgenre”, as the discursive, cognitive, and cultural feature of a translation genre.

Bearing in mind the difficulties beneath hybrid texts, Borja and Gallego-Borghini (2012) have underlined the mixed character of medical-legal texts, entailing features from two fields of knowledge. Indeed, Rodríguez-Perdomo (2012) investigated the ‘polysemy issue’ within the professional translation of medical-legal discourses. In the same vein,

¹ To this regard, Pérez-Sabater (2017) highlights the features of English as a Foreign Language –even with some sexist grammatical features- that may evolve to a more neutral way of expression.

Pajares (2015) carried out a social-professional survey covering –among other issues- the translation frequency and the kind of professional translator who should address these translation briefs, to cite some.

On the basis of the pieces of research carried out by Bhatia (2004) and Borja (2007) on the hybridism of legal genres, we have created our own proposal, solely based on hybrid legal documents (Table 1), which includes the name of the main scholars who researched this field as can be seen below:

Table 1. *Towards a Taxonomy of Hybrid Legal Genres (English-Spanish)*

-Legal-Newspaper Genres (Newspaper Law Reports, Newspaper News, Spanish BOE Announcements, Vacancy Notices): Badger (2003).
-Legal-Administrative Genres (Transcripts, Official Academic Records and Transcripts, Academic Files, Academic Fees' Payment Proofs, Degrees of BA, Degrees of MA, Msc, PhDs): Mayoral (1991); Monzó (2003); Way (2005); Vázquez y del Árbol (2007).
-Legal-Doctrinal Genres (rules, norms, acts and laws): Chesterman (1993); Toury (1995); Hermans (1996).
-Legal-Business Genres (Contracts, Means of International Payment, Powers of Attorney for Financial Affairs): Acuyo (2003); Ferrán (2004); Orts (2006); Vázquez y del Árbol (2009).
-Legal-Bank Genres (Bank Circulars and Letters, Bank Receipts, Letters of Payment, Bank Borrowings): Blanco (1995); Ferrán (2004).
-Legal-Police Genres (Police Personal Data Response, FBI Background Check, RAP Sheets, Notifications of Fines and Penalties): Vázquez y del Árbol (2015); Vázquez y del Árbol (2016).
-Legal-Technical Genres (Patents and Licenses, Appliances Warranties and Securities): Bazerman, (1992); Engberg & Arinas (2011).
-Legal-Scientific Genres (Death Certificates, Livijng Wills, Advanced Medical Directives, Autopsy Reports): Casado (2008); Álvarez (2012); Mayoral (2012); Vázquez y del Árbol (2014).

As we can see through Table 1, hybrid legal communication entails a significant diversity of textual genres (legal-newspaper, legal-administrative, legal-doctrinal, legal-business, legal-bank, legal-police, legal-technical, and legal-scientific genres; the kind of hybrid genres that will be researched herein.

3. Method

3.1. Materials

Considering the binomial law-science within highly specialized communication, the present research will be focused on two of the most representative documents of legal-scientific hybridization. Taking into account the official hybrid translation briefs co-existing in the market and its needs, we decided to investigate the lexical and phraseological features –aimed at their professional translation- of two legal-scientific documents of hybrid nature. One the one hand, they belong to the area of Civil Law (Succession Law), and, conversely, they come from biomedical fields: forensic medicine and palliative medicine, respectively.

Hence, the two hybrid legal-scientific documents, greatest exponents of a high professional demand within the current market are Death Certificates and Advanced Medical Directives. Consequently, we selected 10 sample documents from each other (building a 20-document corpus), to wit:

- 5 Death Certificates (UK).
- 5 *Certificados de Defunción* (España).
- 5 Advanced Medical Directives (UK).
- 5 *Declaración de Voluntades Anticipadas* (España).

3.2. Procedure

Let us now begin by explaining the (Spanish-English) features of the first of them (the Death Certificate). In the country of Spain, section 3 of *Reglamento del Cuerpo de Médicos Forenses* (Spanish Rules for Coroners) rules that medico-legal reports and examinations must be arranged through Spanish courts, tribunals, Civil Registry offices, and relevant Administration bodies. They are entitled to issue documents stating the cause of death of a deceased person, following “artículo 35” (section 35) of *Ley del Registro Civil* (Spanish Civil Registry Act).

Overall, the Spanish official code ruling “Certificados de Defunción” are the *Código Civil* (Spanish Civil Code), the civil registration act *Ley 20/2011, la Ley del Registro Civil español*, and the rules for civil registrations.

Similarly, the main UK acts concerning the registration of deaths are the following:

- Births and Deaths Registration Act 1874
- Births and Deaths Registration Act 1953
- Registration of Births and Deaths (Amendment) (England and Wales) Regulations 2009
- Presumption of Death Act 2013
- Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) (Amendment) and Multilingual Standard Forms Regulations 2018
- Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019.

As far as Spain is concerned, the *Organización Médica Colegial* (Spanish Official Medical Organization) states that this document introduces a medical act under the relevant Spanish medical rules and codes of ethics, especially those under *Título VI* from *Estatutos Generales* (General Statutes, sections 58 and ss.) and the *Código de Ética y Deontología Médica* (Medical Code of Ethics and Ethical Rules) of the abovementioned Organization (section 11), as well as the rules issued by the Spanish Autonomic Medical Associations.

According to the paper called “El certificado médico de defunción” (Lex Sanitaria, 2012), the document consists of three main clauses:

1. Registration Data, to be filled in by the Civil Registry’s Registrar.
2. Deceased Data, to be filled in by the family or individual who is officially entitled by law to communicate the death.
3. Decease Cause(s), to be completed by the medical practitioner (coroner) stating the death or by an officer from the Civil Registry, identifying three possible causes: direct cause or condition leading to death, other significant conditions, starting and main condition.

Additionally, there are several data that should be completed:

1. Deceased personal data.
2. Date and Place of death.
3. Direct and main conditions leading to death.
4. Document’s date.
5. Undersigned medical practitioner (Coroner).
6. Applicant of the document.
7. Identification of the Spanish Medical Association of Physicians and Doctors.

As far as the UK is concerned, its official counterpart (“Death Certificate”) has the same functions of the Spanish “Certificado de Defunción”. To this regard, the British Office for National Statistics (<https://www.vitalcertificates.co.uk/>) has listed the pieces of information that must appear within the death document:

1. Registration district, sub-district and county (*Distrito de inscripción, subdistrito y condado*).
2. Full name of deceased person (*nombre completo del causante, incluyendo el segundo nombre de pila, o “Middle Name”*).
3. Date of death (*fecha del óbito*).
4. Place of death (*lugar de fallecimiento, según indique el facultativo médico*).
5. Gender (*sexo del causante o fallecido*).
6. Maiden name of deceased (*apellido de soltera de la causante, en caso de ser mujer*).
7. Birth details (*lugar y fecha del nacimiento del causante*).
8. Informant details (*datos del declarante*).
9. Cause of death (*causa del óbito, dictaminada por un forense/facultativo*).
10. Name of coroner, if any (*nombre del forense, si procede*).
11. Date the death was registered (*fecha de la inscripción de la defunción*).

12. Details of registrar (*datos del funcionario del registro*).
13. Date the certificate was produced (*fecha del expedición del certificado*).
14. Other information (*información adicional*).

Eventually, British Death Certificates are ended by introducing a certifying clause, as follows: “Certified to be a true copy of an entry in the death register”.

As far as the “Declaración de Voluntades Anticipadas” is concerned, it holds highly sensitive data, holding a specific number of Spanish legislation ruling its rights and duties:

-*Ley 41/2002, de 14 de noviembre, básica reguladora de la autonomía del paciente y de derechos y obligaciones en materia de información y documentación clínica (BOE nº 274, de 15 de noviembre de 2002)*. Act ruling the patient’s autonomy and his/her rights and duties regarding his/her information and clinical documentation.

-*Ley 3/2005, de 23 de mayo, por la que se regula el ejercicio a formular Instrucciones Previas en el ámbito sanitario y se crea el registro correspondiente (BOE nº 269, de 10 de noviembre de 2005)*. Act ruling the execution of previous instructions within clinical settings and the relevant registry thereof.

-*En el caso de Madrid, la Ley 4/2017, de 9 de marzo, de Derechos y Garantías de las Personas en el Proceso de Morir (BOCM nº 69, de 22 de marzo)*. In the capital of Spain, there is an Act ruling the rights and duties of persons in the dying process, among others.

In the UK, this Directive follows the regulations stated by The Medical Act 1983, The European Primary Medical Qualifications Regulations 1996, the Mental Capacity Act (MCA) 2005, and the Care Act 2014. It is often made, published and declared when the grantor wishes to express the way s/he wants to receive or reject any kind of medical treatment aimed at prolonging her/his life (or shorten it).

The Spanish “Declaración de Voluntades Anticipadas” (DVA, “Documento de Voluntad Vital Anticipada” or “Documento de Instrucciones Previas”, also known as “Instrucciones Previas” and “Testamento Vital”), introduces a written statement of an individual. The aforesaid individual, acting intentionally, and not under undue influence, duress or menace, directs someone to follow his/her instructions on medical attention and assistance. This document is executed in pursuit of a situation when, due to a medical condition, someone cannot communicate her/his wishes regarding medical care. Additionally, certain clauses may be added as far as organ and tissue donation is concerned.

The first Spanish sample of the document was issued by *Asociación Derecho a Morir Dignamente* (Official Association for dying in a dignified manner), which was later followed by the simple form issued by *Conferencia Episcopal Española* (Spanish Conference of Bishops). At a later stage, an act was approved in Catalonia: *Ley catalana 21/2000*. From that moment on, this Declaration has been supported by the enforcement of new national and regional legislation and rules. This is the main reason why there are multiple regional denominations for the same legal instrument: “Deseos Expresados anteriormente” (Oviedo); “Documento de Voluntades Anticipadas” (Valencia, Galicia, Cataluña, País Vasco, La Rioja, Extremadura, Aragón and Baleares); “Documento de Voluntad Vital Anticipada” (Andalucía); Castilla-La Mancha and Madrid usually refer to this instrument as “Instrucciones Previas”.

-The *Servicio Madrileño de Salud* (Madrid’s Health Service, <http://www.comunidad.madrid/servicios/salud>), the Previous Instructions Registry (*Registro de Instrucciones Previas*) enables its users to enjoy the following:

- Recopilar y custodiar las Instrucciones Previas en él registradas* (gather and keep the previous instructions under its custody).
- Garantizar que se va a tener acceso rápido a las mismas* (guarantee immediate access).
- Facilitar que los profesionales sanitarios presten asistencia en relación con las Instrucciones Previas* (enable the medical staff to attend their patients following the Previous Instructions’ documentation).

As it will be subsequently referred to, both the Spanish and the UK Registries offer a variety of Medical Directives, which is the reason why we will state the main clauses within them. As far as Spain is concerned, the document lists the following data:

1. *Datos personales del Otorgante* (Grantor’s Personal Data)
2. *Indicación de que se encuentra en pleno uso de sus facultades mentales y de que actúa libremente* (S/He is of

sound mind and is acting freely and intentionally)

3. *Apartado destinado al tratamiento y cuidados médicos, ya sea para aceptarlos o rechazarlos* (section devoted to medical care and treatment, either to accept them or to refuse them):

a) *criterios, ej.: mantener la calidad de vida y una muerte digna, no sufrir dolor intenso o no prolongar la vida en situación irreversible* (criteria: to keep life's quality and a dignified death, neither suffering a severe pain nor prolonging life within an irreversible situation)

b) *actuaciones sanitarias para la posible de asistencia sanitaria, tratamientos y terapias* (healthcare assistance and attention, treatments, and therapies)

c) *instrucciones tras la muerte, donación de órganos y tejidos corporales* (instructions for the time of the death, as well as organ and tissue donation)

d) *otras instrucciones: lugar/domicilio de atención al Otorgante al final de su vida* (additional instructions: place/address where the grantor of the document will receive medical care).

4. *Nombramiento de un representante del Otorgante a dichos efectos* (appointment of a personal Agent for the Grantor)

5. *Donación de órganos y tejidos corporales, indicando los propósitos de los mismos* (organ and tissue donation, and the purpose of them).

The British document fulfils the same functions as the Spanish one. Additionally, the English counterpart also shows a diversity of nomenclature: “Living Will”, “Advance(d) Directive” (Scotland), “Advance Decision”, “Advance(d) Decision to Refuse Treatment” or “Advance(d) Health Care Directive”.

Once again, a standard simple form cannot be found. Nevertheless, there several clauses and sections which remain fixed within every single Directive. These are the following:

1. Personal data of Grantor (*Datos personales del Otorgante, junto con la indicación de que se encuentra en pleno uso de sus facultades mentales*) + indication of sound and disposing mind, memory, and understanding + free act statement (*declaración de que actúa libremente*).

2. Revocation of all previous Directives (*revocación de cualquier Declaración otorgada con anterioridad*).

3. Medical Treatment Section (*Tratamiento médico, ya sea para aceptarlo “accept” o rechazarlo “refrain from”*):

a) artificial nutrition (*nutrición artificial*);

b) artificial hydration (*hidratación artificial*);

c) maximum pain relief treatments (*tratamientos que palien el dolor en la mayor medida posible*)

4. Power of Attorney for Health Care Agent (*Poder notarial para tratamientos sanitarios, que incluye el nombramiento de un representante del Otorgante*).

5. Organ and Tissue Donation (*Donación de órganos y tejidos corporales, indicando su propósito*).

Once we have stated the main features of the documents of the corpus under research, let us now move to the 10 English documents shaping our corpus, and their English-Spanish translation challenges. In order to detect them and provide a solution for each item, we began by analysing the Death Certificate, and, subsequently, the Advanced Medical Directive. Within both of them we researched the lexical, conceptual, cultural, and phraseological items entailing a translation challenge. After uncovering them, we then started to provide all the translation solutions available for each of them.

4. Results

Now, we will first show the British English original texts (called “source text”) of the Death Certificate, then, the translation challenges and afterwards the translation solutions. The same protocol will apply to the Advanced Medical Directive.

Source Text 1: Certified Copy Of An Entry

DEATH	Number of Death Entry/Entry Number
Registration District Sub(-)district	County
Date of Death Place of Death	Hour
(Deceased/Decedent) Name	Sex
First Middle Last/Surname	Maiden Surname of Woman who has married
Date and Place of Birth	Age (as stated)
Father's Name and Birthplace	Mother's Maiden/Née Name and Birthplace
(Deceased/Decedent) Marital Status	Name of Surviving Spouse (if any)
(Deceased/Decedent) Usual Address	City or Town
(Deceased/Decedent) Occupation	Number of Years in this Occupation
Name and Surname of Informant Address of Informant	Qualification/Relationship
Cause of Death/(Death was caused by:) -Disease or condition directly leading to death <input type="checkbox"/> -Other disease or condition, if any, leading to: <input type="checkbox"/> -Other significant conditions contributing to the death but not related to the disease(s) or condition(s) <input type="checkbox"/> -The death might have been due to or contributed to by the employment followed by the deceased <input type="checkbox"/> (Please, tick where applicable)	(Certified by (Name), M.B./ (Registered) Medical Practitioner) -Doctor's Registration Number /(Physician's License Number)
Please, ring appropriate digits and numbers: 1 The certified cause of death takes account of information obtained from post-mortem /(Autopsy) 2 Information from post-mortem will be available later 3 Post-mortem not being held 4 I have reported this death to the Coroner for further action	A Seen after death by me B Seen after death by another medical practitioner but not by me C Not seen after death by a medical practitioner
Physician's Certification	
I certify that the particulars above written are true to the best of my knowledge and belief	Signature of Informant
Registration. Date of Registration	Signature of the Registrar
Certified to be a true copy of an entry in a register in my custody	
Signature _____ Registrar _____ Date _____	

-Source Text 1: Translation Challenges

As we are about to show, the terms “Death” and “Deceased” must be translated different ways. When making reference to the act itself “muerte” should be avoided in Spanish, so it could be euphemistically replaced by “defunción” or “fallecimiento” (begin the first of them the preferred use within the title: “Certificado de Defunción” or “Certificación de Defunción”). Indeed, “Death Certificate” or “Certified Copy of an Entry of Death” would become “Certificado/Certificación de Defunción”, also known as “Partida de Defunción” and “Acta de Defunción” (as Spanish

Civil Registry officers verbally refer to the document).

- If we would like to state the cause(-s) of that death (“Cause of Death/Death caused by”) we should use “Causa del Óbito”, as can be read in parallel documentation.

- As far as “Deceased/Decedent” is concerned, it may be translated as “Fallecido” or “Causante”, but never as “muerto” (too forceful in Spanish).

That is the main reason why within a testamentary document, the terms “muerte” (usually replaced by “defunción”, “fallecimiento” or “óbito”), “muerto” (“Deceased/Decedent”), or “morir” (“to decease”) are always avoided. Nonetheless, there are technical denominations that are frequently employed: “conmorir”, “conmoriencia” for people dying at the same time, and “premorir”, “premoriencia” for an individual dying before another one.

When looking at Spanish parallel documentation, we shall adapt cultural elements of the source text and culture:

a) “First”, “Middle” & “Last” would then be “Nombre de Pila”, “Segundo Nombre de Pila” and “Apellido”, although in Spain two last names are attached to a new-born. When the source text requires data on the “Full Name” (or Name + Surname/Family Name/Last Name) it is asking for the information on the “Nombre Completo” (or “Nombre de Pila + Apellido”). In the source culture they only have a surname, whereas in Spain we have two surnames.

b) “Maiden Name” (also referred to as “Née” or “Née Name”) is “Apellido de Soltera (en caso de ser mujer y haber contraído matrimonio)”. In Spain this cultural trend is not applied.

c) “Sex” can be translated into Spanish as “Género” (although it could even be “Sexo”). When completing the data for both terms, different words could be collocated in Spanish. For instance, “Género” matches “femenino” (female) or “masculino” (male), whereas “Sexo” is rather placed with “mujer” and “hombre/varón”.

d) “Date and Place of Death” is “Lugar y Fecha” (altering the order, but not the contents). Similarly, there is another pair that can be simplified, because of their synonymy (“Disease or condition” can be translated by using a technicism: “Patología”).

e) “Qualification/Relationship” equals to “En calidad de”, since this section is making reference to someone who reports the death, and may (or may not) have blood links to the other person.

f) The euphemism “Condition” is also a false friend: it means ‘pathology’, not a specific situation; therefore, the translation is “Patología”.

g) “Registration Number” is not a “número de registro”, it is, rather, the officially called “Número de Colegiado” (“M.B.”/“Medical Practitioner”).

h) “Post-mortem” and “Autopsy” could be interchangeable, although the second one also comes from North America. Their translation into Spanish is always “Autopsia”.

i) “Particulars” means “data”, due to this fact, its translation into Spanish is not “particulares”, rather “información”.

j) “Coroner” does not have a single equivalent in Spanish (for each function there is a judge or officer in Spain), that is the reason why we can explain his/her skills and duties, although the dynamic translation into Spanish could be “Forense” or “Médico Forense”.

k) There are several calques that must be avoided;

“Occupation” should be translated as “Profesión”. “Surviving Spouse” (is not “Esposo que sobrevive”), is “Cónyuge Supérstite”. “Retired” (is not “Retirado”) is “Jubilado”. “Physician” makes reference to “Médico” or “Especialista” (not “Físico”). “Registration” states the fact that the “Inscripción” (not “Registro”) has been carried out. “Registrar” is the officer working within the Civil Registry (into Spanish “Funcionario del Registro”, not “Registrador”). Similarly, “to the best of my knowledge and belief” as “a mi leal saber y entender” (and not “A lo mejor de mi conocimiento y creencia”).

l) Some clarifications are needed in the source text. “If any” or “as stated” would become “Marque la opción que proceda” or “Marque según proceda”.

Source Text 2: Advanced Medical Directive

I, [Full Name], of [Full Address], being of sound mind, do hereby declare that this is my Advanced Medical

Directive and certify that I am not acting under any undue influence, duress or menace.

I revoke all earlier Advanced Medical Directive.

This directive should be followed if I become permanently unable to participate in decisions regarding my medical care.

Medical treatment

This section states my firm and settled decisions regarding Medical Treatment.

If all the following conditions are met:

1) My doctor and another doctor (providing a second opinion) are in agreement that I have a terminal condition that cannot be cured.

2) Where my death would occur without the use of artificial life sustaining procedures.

3) Where I am unable to communicate my wishes.

I direct my healthcare providers to: Refrain from treatment that involves Artificial Nutrition or Artificial Hydration. However I do want maximum pain relief, even if this might hasten my death.

Power of attorney for health care

This section states my firm and settled decisions regarding the appointment of a Health Care Agent.

My Agent's authority becomes effective when my primary physician determines that I am unable to make my own health care decisions.

I appoint as my Health Care Agent: [Health Care Agent's Full Name, Address and Telephone]

My Agent shall make health care decisions based on the details given in this document and any views I may have previously expressed.

In the situation where my wishes are unknown, my Agent should make decisions based on what he/she considers to be in my best interests and in keeping with my known personal values.

Organ and tissue donation

This section states my firm and settled decisions regarding organ and tissue donation.

I wish to donate my Heart and Corneas for the purpose of transplant only.

-Source Text 2: Translation Challenges

Notaries' documents make full use of first person singular in Spanish, whereas the first person singular is used (in English documents) for the person granting the document (testator/testatrix in a Last Will and Testament; grantor/donor/principal in a Power of Attorney). Due to this issue we may either keep the first person singular for the grantor of the document or replace it for the third person (as we wish).

The heading of the document is not called "Directiva" in Spanish, rather "Declaración" or "Manifestación" (*de voluntades anticipadas*). We can also -more colloquially- read it in Spanish as "Instrucciones Anticipadas" and "Voluntades Anticipadas".

The register of the source text could actually be higher in Spanish parallel documents (also with calque-avoidance purposes):

- "cannot be cured" becomes "es irreversible"

- "I wish" is "Manifiesto mi deseo"

- "wish(es)" means "voluntad"

- "decisions" also equals "voluntad"

- "section" becomes "cláusulas"

- "my (known) personal values" as "mis creencias/principios"

- "artificial life sustaining procedures" is "procedimientos/técnicas de prolongación de la vida"

- and "direct" is "disponer".

As mentioned earlier, the terms “muerte” (replaced by “defunción”, “fallecimiento” or “óbito”), “muerto” (“Deceased/Decedent”), or “morir” (“to decease”) are always avoided.

Additionally, some compensation can be used when translating emphatic tenses or sentences (“I do want maximum pain relief” for “tratamientos que palien al máximo mi malestar y dolor”). By the same token, modulation can be of help (“hasten my death” for “acortar mi vida”). A similar example happens when facing the translation of “firm and settled decisions”, which can be translated as “la expresión formal de mi voluntad”, “the details given in this document” as “las instrucciones fijadas por mí en el presente [documento]”, and “wishes are unknown” as “no quede constancia de mi voluntad”.

“This is (+ name of the document)” is a very frequent expression within notaries’ writings. It means that a person is granting the document (“otorgar la Declaración/Manifestación de Voluntades Anticipadas”).

“Being of sound mind” (also “Being of sound and disposing mind”, “Being of sound and disposing mind, and memory”, and “Being of sound and disposing mind, memory, and understanding”) is an expression that comes from succession instruments and it means that someone is actually keeping his/her reason. Therefore, it becomes “estando en pleno uso de las facultades/de las facultades mentales”. In the same vein, “if I become permanently unable to participate in decisions regarding my medical care” means “Si (...) no pudiera expresar mi voluntad acerca de los tratamientos médicos que se me fueran a aplicar”.

“Power of Attorney” is not “Poder de Apoderado”, rather “Poder Notarial” (or “Poder de Representación”). “Primary Physician” cannot be translated using the calque “Físico primario”, it is rather “Médico” or “Especialista”.

There are several paired and grouped expressions in the source text, although they can resort to a reduction (without omitting a single idea):

- “undue influence, duress or menace” can be simplified as “intimidación de tipo alguno”
- “firm and settled” can be translated as “formal”.

Conversely, we may find the reverse situation:

- “pain” can be translated as “malestar y dolor”.

Additionally, the use of adjectival items is highly recommended in Spanish:

- hereinmentioned/abovementioned: “antedicho”; said: “citado”/“circunscrito”; requested: “solicitado”, to cite a few.

5. Discussion and Conclusion

We will now introduce a table (Table 2) aimed at responding the main research inquiries by proving the reader with a summary of the most relevant features of the documents under research. Some of them share common attributes, while some others are rather supplementary.

Table 2. Corpus Comparison: Contrastive Analysis

Features	Death Certificate	Certificado de Defunción	Advanced Medical Directive	Declaración de Voluntades Anticipadas
Table Format	X	X	No	No
Several applicable laws and rules	X	X	X	X
Diverse Denominations	Slight (the alternative “Certificate of Death”)	Higher than the English document: -“Certificado de Defunción” -“Certificación de Defunción” -“Partida de Defunción” -“Acta de Defunción	X (Advanced Medical Directive”: “Living Will”, “Advance(d) Decision”, “Advance(d) Decision to Refuse Treatment” , “Advance(d) Directive” (especially in Scotland and the US)	X (“Testamento Vital”, “Documento de Voluntad Vital Anticipada” or “(Documento de) Instrucciones Previas”)

			or “Advance(d) Health Care Directive” (US))	
Grantor of the Document: 1 st person singular use	No (1 st person singular is used by the doctor)	No (1 st person singular is used by the doctor)	X	X
Binomials, trinomials & tetranomials use	X (“disease or condition”, “knowledge and belief”)	No	X (“under any undue influence, duress or menace”; “firm and settled decisions”)	X (“malestar y dolor”, “dolor intenso e invalidante”, “tratamiento o terapia”)
Data on the Subject’s Middle Name	X	No	X	No
Time (Hour) of the Act	No	X	No	X
Synonymy for the same concept	No	X (“fallecimiento”, “defunción” & “óbito”) & (“Certificado” & “Certificación”)	No	No
Synonymy for the main person within the document	X (“Deceased” & “Decedent”)	X (“Fallecido”, “Causante” & “Finado”)	No	No
Euphemisms to avoid “Death”	Just “Decease”	X (“Fallecimiento”, “Óbito” & “Defunción”)	No	X (“Fallecimiento”, “Óbito” & “Defunción”)
Potential false friends when translating the documents	X (“Occupation” is “Profesión”. “Surviving Spouse” is “Cónyuge Supérstite”. “Retired” is “Jubilado”. “Physician” is “Médico” or “Especialista”.)	X (“Número de Colegiado” is “Registration Number” -“Secretario” may become “(Superintendent/Deputy) Registrar”, depending on the context -“enfermedad” can be “condition” -“óbito” is “death/decease” “lugar y fecha” is “date and place”)	X (- “wish(es)/decisions” is “voluntad” -“section” is “cláusulas” -“personal values” is “creencias/principios” -“artificial life sustaining procedures” is “procedimientos/técnicas de prolongación de la vida” -“direct” is “disponer”.)	X (- “Número de Colegiado” is “Registration Number”, -“médico/especialista” is “Physician” -“Declaración” is “Directive” -“dolor intenso” is “severe pain” -“apartado” becomes “section”)
Sub-documents within	No	No	X	X
More than 1 signatory	X	X	X	X
Highly elaborate document	X	X	X	X

So far, English Death Certificates find several alternatives for the heading section (“Death Certificate”, “Certificate of Death”, and even “Certified Copy of an Entry”, the latter referring to an official copy to the one under custody of the registrar). Spanish Death Certificates also present diverse denominations (*Certificado/Certificación/Acta/Partida*). Their style –in both languages- is rather telegraphic-like, and the term “death/decease” is frequently used. Conversely, the Spanish counterpart avoids “muerte”, “muerto” and “morir” (as above mentioned, due to euphemistic reasons). The same issue occurs with the “Deceased/Decedent” translation (never “Muerto”, rather “Fallecido” or even “Causante”).

Additionally, the “Informant” provides the Civil Registry officers with relevant data on the death, although it is actually translated as “Declarante” (not “Informante”), being his/her data frequently introduced by the terms “Qualification” or “Relationship” (“En calidad de”). The “cause of death” (or “death caused by”) section becomes “causa del óbito” (following the official Latinism), and the “post-mortem” (or “autopsy” in the US) is “autopsia” as such, certified by a “M.B.” (Medicinae Baccalareus, which stands for Bachelor of Medicine) or “Medical Practitioner”, translated as

“Médico”, “Especialista” or “Facultativo”. Lastly, this hybrid legal-scientific genre introduces a set of options with a square space for placing a tick (“Please, tick where applicable”, “if any” or “as stated”) that would simply become “Marque la opción que proceda” or “Marque según proceda”, as mentioned before.

The second textual genre studied (“Advanced Medical Directive”) rather uses notary’s phraseology, with a stronger touch of legal expressions (“being of sound mind”, “do hereby declare”, “not acting under any undue influence, duress or menace”). It also entails compound prepositions and adverbs (“hereby”, “por el/la presente”). Its structure is clearly identified by 4 sub-headings, making reference to the sub-genres therein contained (“Advanced Medical Directive”, “Medical Treatment”, “Power of Attorney for Health Care” & “Organ and Tissue Donation”).

The second of these four sections is the only one providing the readership with numbers to order the sub-sections. The remaining sections resort to redundancy (“This section” (“apartado”) is repeated at the beginning of the clauses). Again, a higher dose of legal phraseology is detected within this genre, as it also uses binomials and trinomials: “firm and settled decisions” (“expression formal de mi voluntad”), “undue influence, duress or menace” (“intimidación [coacción o presión] de tipo alguno”).

Overall, English binomials can be simplified (“disease or condition” as “patología”), widened (“pain” as “malestar y dolor”), or translated by means of another binomial in Spanish (“to the best of my knowledge and belief” as “a mi leal saber y entender”).

Given the above considerations, both the first hybrid document and the second hybrid instrument are a clear reflection of the fields of study issuing them. Accordingly, translators and proof-readers encounter several difficulties when receiving them. So much so that hybrid legal-scientific translation entails the knowledge of several skills and expertise:

- a) Linguistic knowledge
- b) Translation knowledge
- c) Legal thematic knowledge
- d) Scientific thematic knowledge
- e) Knowledge on the skills and strategies of Legal Translation
- f) Knowledge on the skills and strategies of Scientific Translation.

Undoubtedly, the use of parallel corpora and documentation does help the professional translator and proof-reader in her/his tasks.

References

- AA.VV. (2020). *Diccionario de la Real Academia Española*, RAE. Retrieved from <http://www.rae.es/> Accessed 24 February, 2020.
- AA.VV. (2020). *Oxford Online Dictionary*, Oxford. Retrieved from <https://en.oxforddictionaries.com/definicion/hybrid> Accessed 26 February, 2020.
- Acuyo, M. (2003). *La traducción de textos del derecho de marcas: aspectos jurídicos, profesionales y textuales*. Granada: Universidad.
- Álvarez, P. (2012). Testamento vital, instrucciones previas, voluntades anticipadas. *Panace@*. 13, (36): 316-320.
- Badger, R. (2003). Legal and General: Towards a Genre Analysis of Newspaper Law Reports. *ESP*. Vol. 22(3), 249-63.
- Bazerman, C. (1992). Patent Realities: Legally Stabilized Texts and Market Indeterminacies. In H. Johnn (Ed.). *Conference of the Social Studies of Science* (pp. 5-12). Gothenburg: Sweden.
- Bhatia, V. (2004). *World of Written Discourse. A Genre-based View*. London and New York: Continuum.
- Bhatia, V., Langton N., & Lung, J. (2004). Legal Discourse: Opportunities and Threats for Corpus Linguistics. In Connor, U. & Upton, T. (Eds.). *Discourse in the Professions: Perspectives from Corpus Linguistics* (pp. 203-234). Amsterdam: John Benjamins.
- Blanco, P. (1995). Algunos aspectos de la traducción de textos bancarios. In Martín-Gaitero, R. (Ed.). *Actas de los*

V Encuentros Complutenses en tomo a la Traducción (pp. 521-527). Madrid: Complutense.

Borja, A. (2007). Los géneros jurídicos. In Alcaraz, E. (Ed.). *Las lenguas profesionales y académicas* (pp. 141-154). Barcelona: Ariel.

Borja Albi, A. & Gallego-Borghini, L. (2012). Los géneros médico-jurídicos. Textos híbridos en la confluencia de dos grandes disciplinas. *Panace@*, 13 (36): 165-166.

Casado, M. (2008). *Manual de documentos médico-legales*. España: Consejería de Sanidad y Dependencia de la Junta de Extremadura.

Chesterman, A. (1993). From 'is' to 'ought': Laws, Norms and Strategies in Translation Studies. *Target*. Vol. 5(1), 1-20.

Engberg, J. & Arinas, I. (2011). The Secret to Legal Foretelling: Generic and Inter-Generic Aspects of Vagueness in Contracts, Patents and Regulations. *International Journal of English Studies*. Vol. 11(1), 55-73.

Ferrán, E. (2004). *Las funciones jurilingüísticas en el documento negocial. Un enfoque pragmático*. Unpublished PhD Thesis, Universitat Autònoma de Barcelona, Barcelona, Spain.

Gobierno de España (2020). *Boletín Oficial del Estado*. Retrieved from <https://www.boe.es/> Accessed 23 February, 2020.

Hermans, T. (1996). Norms and the Determination of Translation: A Theoretical Framework. In Álvarez, R. & Vidal, Á. (Eds.). *Translation, Power, Subversion* (pp. 25-51). Clevedon: Multilingual Matters.

HM Government (2020). *Legislation.Gov.UK*. Retrieved from <https://www.legislation.gov.uk/> Accessed 23 February, 2020.

Lex Sanitaria (2012). *El certificado médico de defunción*, Uniteco. Retrieved from <http://www.lexsanitaria.com/el-certificado-medico-de-defuncion/#> Accessed 23 February, 2020.

Mayoral, R. (1991). "La traducción jurada de documentos académicos norteamericanos". *Sendebare*. Vol. 2, 45-57.

Mayoral, R. (2012). Guía para la traducción jurada de documentos de registro civil (nacimiento y defunción) del inglés al español. *Panace@* 2012; 13 (36): 202-228.

Monzó, E. (2002). *La professió del traductor juridic i jurat: descripció sociològica del professional i anàlisi discursiva del transgènere*. Unpublished PhD thesis, Universitat Jaume I, Castellón, Spain.

Monzó, E. (2003). La traducción jurídica a través de los géneros: el transgénero y la socialización del traductor en los procesos de enseñanza/aprendizaje. *Discursos. Revista de Tradução*. Vol. 2, 21-36.

Orts, M. de los Á. (2006). Exportar en España: la influencia del inglés en el discurso contractual español. In *V Congreso Internacional de AELFE* (pp. 556-561). Zaragoza: Universidad.

Pajares, J. (2015). La traducción de textos médico-jurídicos: un breve análisis. *FITISPos International Journal: Public Service Translation and Interpreting*, vol. No. 2, pp. 183-193.

Pérez-Sabater, C. (2017). Research on Sexist Language in EFL Literature: Towards a Non-Sexist Approach. *Porta Linguarum*. Vol. 23, 187-203.

Rodríguez-Perdomo, T. (2012). La polisemia en la traducción jurídico-médica. *Panace@*, 13 (36): 321-326.

Servicio Madrileño de Salud (2020). *El Registro de Instrucciones Previas, SMS*. Retrieved from <http://www.comunidad.madrid/servicios/salud> Accessed 25 January, 2020.

Toury, G. (1995). The Nature and Role of Norms in Translation. In Toury, G. (Ed.). *Descriptive Translation Studies and Beyond* (pp. 53-69). Amsterdam-Philadelphia: John Benjamins.

UNESCO (2020). *Unesco Codes*, UNESCO. Retrieved from <https://skos.um.es/unesco6/?l=en> Accessed 25 January, 2020.

Vázquez y del Árbol, E. (2007). *La traducción español-inglés de documentos académicos. Los sistemas universitarios español, británico y norteamericano frente al futuro EEES*. Granada: Universidad.

Vázquez y del Árbol, E. (2008). *La traducción (inglés-español) de testamentos británicos y documentos relacionados. De la teoría a la práctica*. Granada: Universidad.

Vázquez y del Árbol, E. (2009). *Los poderes notariales (y documentos relacionados) en el Reino Unido, EE.UU.*

y España: teoría y práctica aplicada a la traducción (inglés-español-inglés). Granada: Comares.

Vázquez y del Árbol, E. (2014). *Derecho civil comparado aplicado a la traducción jurídico-judicial (Reino Unido y España)*. Madrid: Dykinson.

Vázquez y del Árbol, E. (2015). “Los certificados de antecedentes penales en Reino Unido, Estados Unidos, Canadá, Australia, Nueva Zelanda y España. Análisis contrastivo aplicado a la traducción”. *Onomázein*. Vol. 32 (diciembre), 315-338.

Vázquez y del Árbol, E. (2016). *Traducción judicial y policial (inglés<>español) y derecho comparado. Court and Police Translation (English<>Spanish) and Comparative Law*. Madrid: Dykinson.

Vital Statistics Office (2020). *Vital Certificates: Death Certificates*, UK Government. Retrieved from <https://www.vitalcertificates.co.uk/> Accessed 21 February, 2020.

Way, C. (2005). *La traducción como acción social: el caso de los documentos académicos (español-inglés)*. Unpublished PhD thesis, Universidad de Granada, Granada, Spain.