

ТАРЖИМАШУНОСЛИК

TRANSLATION OF HUMAN RIGHTS TEXTS: GENDER ASPECT



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Аннотация

Мақолада инсон ҳуқуқларига оид матнлар таснифи, уларни таржима қилиш масалалари, таржимоннинг тўғри стратегияни танлашидаги герменевтик жиҳатдан ёндашувининг аҳамияти таҳлил этилган. Хусусан, жинслар тенглигига комплекс ёндашув дискурсининг асосий тушунчаларидан бири “гендер стереотип” терминининг инсон ҳуқуқларига оид матнларда таржима қилиш муаммолари тадқиқ этилган.

Аннотация

В статье речь идет о классификации текстов по правам человека, проблеме перевода и роли герменевтики в выборе правильной стратегии переводчика. В частности исследуется проблема перевода термина *гендерный стереотип*, одного из ключевых терминов в рамках дискурса комплексного подхода к проблеме равенства женщин и мужчин.

Abstract

The article deals with the classification of human rights texts, the problem of translation and the role of hermeneutics in choosing the right strategy by translator. In particular, the problem of translating the term "gender stereotype", one of the key terms of gender mainstreaming discourse has been studied.

Калит сўзлар: инсон ҳуқуқларига оид матнлар, таржима, герменевтик ёндашув, термин, гендер стереотип.

Ключевые слова: тексты по правам человека, перевод, герменевтический подход, термин, гендерный стереотип.

Keywords: human rights texts, translation, hermeneutic approach, term, gender stereotype.

The demand for legal translation in the process of globalization is increasing due to exchange of common practices on gender issues in international community. One of the urgent subject matters which are in need to be translated into foreign languages is human rights texts for which Skopos theory is of importance.

Skopos theory (from the Greek *skopos* – “goal, task”), is one of the fundamental concepts of translation studies. The theory was formulated in the 1970s by the American linguist Katharina Reiss and German linguist Hans Josef Vermeer (3); a new approach to translation studies according to which translation process has a purpose in terms of commission, i.e. the functions of the source text

and target one are equally important in the choice of the strategy and methods of translation, as well as the addressee and the audience.

As is known, to translate is to create the target text in the target environment. The Skopos theory takes the target text for granted, since it claims that it is produced for a given purpose and should serve this purpose; whereas the original text serves as a “data basis” the translator adapts according to the needs of the target audience and produces an appropriate target text.

Assessment of the translator in terms of “expert” in translation action Vermeer asserts that “he is responsible for the performance of the commissioned task, for the final translatum. Insofar as the duly specified Skopos is defined from the translator's point of view, the source text is a constituent of the commission, and as such the basis for all the hierarchically ordered relevant factors which ultimately determine the translatum”(9, 228).

Any translation procedure for legal terminology urges the consideration of the text types. Human rights texts (hereinafter HRT) as well as their translations serve a communicative function with particular intention. It is worth noting that terminology translation is not limited to the lexicon or glossaries; it can be found in legislation such as the Criminal code of the Republic of Uzbekistan in line with other relevant legal-normative documents, legal text books, etc. Defining the purpose of the texts and its type can help a translator to decide which translation procedure is best suitable to follow.

Reiss suggests specific translation methods according to the text type. Among four text types – informative, expressive, operative, audiomedial, we consider HRT, as all special-purpose texts, to be informative. The translation of so-called informative TT should “transmit the full referential or conceptual content of the ST. The translation should be in ‘plain prose’, without redundancy and with the use of explicitation when required” (6, 72).

At the same time HRT are included in the operative text type which “induces behavioral responses”: the aim of the appellative function is to appeal to or persuade the reader or ‘receiver’ of the text to act in a certain way”(6, 72). Dealing with legal texts Sarcevic asserts that legal texts, being different from other special purpose texts, are primarily conative or vocative. In his classification of legal texts, the first type covers the texts in which law is fixed or determined: laws, regulations, codes, treaties, agreements and conventions. The second type is the texts in which law functions: judicial decisions, actions, pleadings, appeals, petitions, etc. The third type serves as a tool in which communication is realized through literature, textbooks and legal commentaries(7, 11).

For a better definition of HRT Marianne Garre distinguishes the following three main categories: 1) legislative instruments, i.e. conventions, declarations,

covenants and the like, 2) enforceable case law, i.e. decisions and judgments from competent bodies, 3) general literature, i.e. textbooks, articles, press releases, official statements and comments, etc(4, 48).

It is obvious that the translation of HRT implies the interpreter's understanding of the meaning of the translated text and key concepts it embraces. Therefore, the examination of the essence of the process of understanding itself must be extremely important for distinguishing the nature of translation as a phenomenon.

As is known any understanding is carried out in the interpretation act, the primary challenge the hermeneutics deals. The questions of social cognition and its methods are the subject of modern hermeneutic theory, the objective of which is to explain the "essence of understanding".

The foundations of hermeneutics as a general theory of interpretation were laid by the German philosophers Friedrich Schleiermacher and Wilhelm Dilthey at the end of the XVIII and beginning of the XIX century. Later in the XX century hermeneutics was developed by M. Heidegger and H. Gadamer (ontological hermeneutics). Modern theory of philosophical hermeneutics is closely associated with the name German philosopher H. Gadamer. It is worth noting the viewpoint of Gadamer, which can be applied to the scope of our research, the theory of understanding which is characterized by the emphasis on the dialogical nature of hermeneutics, in terms of the logic of the *question* and *answer*. For instance, the interpretation of the cultural tradition, he regards as a dialogue of the past and the present, as an independent source of philosophical knowledge. As to Gadamer Dialogue is the principle way to achieve the truth in humanities. Any knowledge, in his opinion, has to pass through a correct question, however posing a question is much more difficult than the answer – the way the dialectics is realized. Finally obtained knowledge will depend on the solution of the question, whether the question itself is posed correctly or not(2, 255).

Meaning in the process of translation obtains a dual nature, because it is originally inherent in the author and depends on the creative experience of the reader. Thus, understanding is always connected with the interpreter – the subject of understanding, and therefore it is always conditioned situationally and historically.

The translator must thus understand the value of concepts related to the text in the source culture, taking into account both the author's position and the message of the source text in the course of its functioning, as well as the features of perception by the target culture.

Meanwhile, the result of translation is to transfer the meaning of the source language clearly, based on an array strategies related to translation, we assume that

in some cases, Uzbek version of translation of gender related terms doesn't render a clear meaning implied by the source language.

As is known, the term “gender stereotype” is one of the actively used terms in gender mainstreaming discourse. “In social psychology, a stereotype is any thought widely adopted about specific types of individuals or certain ways of behaving intended to represent the entire group of those individuals or behaviors as a whole; stereotypes are aids to explanations which help the perceiver make sense of a situation”(5, 2).

However, today, stereotypes have become not so much as aids to understanding but aids to misunderstanding. They have received such a bad press in social psychology for a very long time(5, 4). It follows that the thoughts or beliefs may or may not coincide with reality under the term *stereotypes*.

UN Women glossary defines gender stereotypes as following: “Gender stereotypes are simplistic generalizations about the gender attributes, differences and roles of women and men. Stereotypical characteristics about men are that they are competitive, acquisitive, autonomous, independent, confrontational, concerned about private goods. Parallel stereotypes of women hold that they are cooperative, nurturing, caring, connecting, group-oriented, concerned about public goods. Stereotypes are often used to justify gender discrimination more broadly and can be reflected and reinforced by traditional and modern theories, laws and institutional practices”(9).

According to M.V. Tomskaya and K.A. Svetkova gender stereotypes (as well as other types of stereotypes) on the one hand, relate to individual knowledge and constitute the core of concerted and shared understanding by the majority of members of culture of typical features and characteristics attributed to men and women on the other, which is the ambivalent essence of gender stereotypes(13, 177).

Along with consistency, as T. Eckes notes, gender stereotypes have two components that distinguish them from other types of stereotypes – descriptive and prescriptive. The descriptive component covers representations about what women and men are, i.e. particular qualities are attributed to individuals based on their sex. The prescriptive component refers to the notion how women and men should be, or how they should behave(1, 168).

The above mentioned criteria of gender stereotypes let us propose that gender stereotype is a prescribed idea on both sexes that justifies discrimination, since it is included in the semantic group in line with *stigma* and *violence*: “But these measures will only be effective if stereotypes, stigma, and violence against women are also addressed. Much of women's disadvantage in labour markets

stems from persistent stereotypes about the kind of work that is suitable for them” (8, 121).

However, we could not find a proper equivalent of the term *gender stereotypes* in the Uzbek language. The versions we faced showed that the very term is translated into Uzbek as “андозалар”. The first two examples share the same meaning mentioned in CEDAW and UN Women glossary: “... жинсий ва роль *андозалари* бутун маданиятни, жумладан, тилни ҳам қамраб олган” (11, 80). “Аниқ вазият шундан иборатки, аксарият ҳолларда айнан аёл ўз касби бўйича эришилган мавқеидан воз кечиб, ўзини бутунлай оилага бағишлайди ва бу минтақамизда таркиб топган андозалар ҳамда миллий ўзига хос хусусиятлар натижасидир. Назарий жиҳатдан олганда, аксинча вазиятни ҳам тахмин қилиб кўриш мумкин, бироқ эркак ва аёл ўртасидаги ўринлар тақсимланишининг анъанавий *андозаси* барибир жуда барқарор ҳисобланади” (14, 30).

Yet, we can observe that the term *андозалар* in the same text has been rendered in the context of positive model which is to be observed: “... меҳнат сиёсатидаги гендер асосларига амал қилишлари лозим бўлган халқаро-ҳуқуқий андозани ташкил этади” (14, 38).

Explanatory dictionary of the Uzbek language renders *андоза* as following: Андоза [ф. ўлчов, қолип] – 1) Ўрнак олмоқ, ибрат олмоқ; 2) Тайёр қолип, намуна; 3) Ўлчов, меъёр; which in our opinion does not coincide to the meaning the *stereotype* renders.

A manual prepared by Ya. Mamatova and S. Sulaymanova fixes the term *стереотиплар* for ten times, defining it in brackets as “қолип ва андоза” (12). Keeping *stereotypes* instead of *андозалар* seems reasonable, since it sends the true message which coincides with the intuition of the authors: Медиаларнинг кудрати турли стереотип (қолип ва андоза)ларни, масалан, жинсларнинг жамиятдаги анъанавий ролини тақдим этиш ва сингдиришда ҳам кўринади.

Examples from CEDAW (article 5) show that the term *stereotype*, i.e. its combination form *stereotyped roles* has been translated incorrectly; the translator renders it as “эркак ва аёлнинг бир хил роли” (*same roles of male and female*):

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on *stereotyped roles* for men and women;

а) эркак ва аёлларнинг ижтимоий ва маданий хулқ-атвор моделларини битта жинс иккинчиси устидан устун бўлиши ёки эркак ва аёлнинг *бир хил роли* ғоясига асосланган хурофий урф-одатлар, бидъатлар ва шунга ўхшаш

ролларни тугатиш ва бекор қилиш мақсадида ўзгартириш (<http://taraqqiyyot.uz/hotin-izlar-uulari-kamsitil>; <https://kasaba.uz/wp-content/>).

The translation of the concept stereotype into Uzbek has been of particular concern; the options found as qolip, tip, andoza seemed contested all the time. It follows that either this concept doesn't exist on terminological level in the Uzbek language or it has not been formed as a “social-cognitive category” yet. There is one further version that it might be associated with the etymology of the word in the sense of “duplicate”. However, we still claim that the next reference to stereotype as image does not mean the norms the society is to adopt; and offer to keep the term гендер стереотиплар operating in the scope of gender mainstreaming discourse. The term андоза is not rejected, as it has the right to imply the norms prescribed and kept by society, the norms based on the world conceptualization. However, it is assumed that андоза may be presented as a frame structure of стереотип, the latter being fixed in the terminology system of gender discourse.

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