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Legal profession terms in the light of subtitling: The Man Who Defended Gavrilo Princip¹

Abstract. *Our paper deals with terminology used in the film *The Man Who Defended Gavrilo Princip* (2014) by Srđan Koljević. According to the filmmakers, the film focuses on historical accuracy, trial documents, and participants' recollections, particularly those of Rudolf Zistler, Princip's defence counsel. We analyse the usage of legal terms in both the original Serbian language and the English and Czech subtitles. Our study aims to provide an in-depth description of the differences and nuances in the legal profession terms used throughout the film, contextualizing their meaning.*

Keywords: *legal language, subtitling, films, translation, legal profession terms*

1. Introduction and Methodology

Since the 1980s and 1990s, the integration of law and film has developed into a distinct discipline, gaining momentum, especially in the 21st century [1, p. 149]. Both fields serve as powerful cultural conduits, influencing societal narratives, as noted by Orit Kamir [2, p. 256]. However, they also have distinct linguistic requirements. In law, these requirements are reflected in legal language and terminology, while in film, language choices are guided by certain general rules.

When it comes to language resources in filmmaking, it is important to consider the audience composition. If the film is intended for professionals or is a documentary, specialised terminology is usually included. However, if it is intended for a wider non-professional audience, the focus is on ensuring comprehension rather than technical jargon. The use of legal terminology in subtitles can be more complex, as they must meet primarily technical requirements.

This paper examines the use of legal terms in non-legal/fictional texts and their translations. Divided into two main parts, the first section covers the basic functions of legal terms, the general requirements for translating legal terms and texts, and the theoretical background of subtitling. The second section analyses legal profession terms used in the film 'The Man Who Defended Gavrilo Princip' (directed by Srđan Koljević, 2014), exploring how the unique language of law and subtitling are reflected in both the original soundtrack and the Czech and English subtitles.

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The film was chosen for its authentic character. Referring to it as a *documentary reconstruction*, Koljević emphasises its authenticity and avoidance of distorting reality [3]. The primary purpose of this article is to bring attention to the critical issue of accurately translating legal terms. A simple shift in meaning can result in conveying inaccurate information to the target audience. This issue is particularly relevant in subtitling, where often sentence structures are simplified, explanations are limited, and a small number of characters can cause a shift in meaning. In this paper we analyse how legal terms are handled in our chosen film and to identify any shifts in meaning that have occurred. To accomplish this, we utilised a corpus-based analysis method to examine legal profession terms from the film and compared our findings to identify any differences in meaning.

2. Theoretical Background.

2.1 Legal Terms and Legal Language

Legal language is often regarded as a professional formal language with its own unique vocabulary, grammar, and syntax, which distinguishes it from general natural language. This definition is commonly accepted among legal theorists [4, p. 2995; 5, p. 785]. Legal language is closely associated with legal terminology, which can be defined as a collection of legal terms employed in law, jurisprudence, and other legal activities [6, p. 794]. According to A. Gerloch, legal terms must satisfy three fundamental requirements: unambiguity, constancy, and intelligibility [7, p. 112-113].

Clarity is essential in legal terms to avoid confusion caused by synonyms and vagueness. Consistency is crucial in maintaining precision in legal terminology across different fields of law. Additionally, the law should be understandable to the public despite its complexity and limitations [7, p. 112-113].

What is the primary challenge of translating legal language and terms? According to S. Husinec's article, each country's legal system affects the language used in its laws. This means that legal language is shaped by the legal system, and each country has its own unique approach. As a result, legal terms indicate the distinctions between legal systems and are an essential component of these systems [8, p. 125].

2.2 Specifics of Subtitling

The field of audio-visual translation is a multifaceted one, with a range of subcategories and emerging research areas. This paper concentrates on the relatively novel research field of subtitling [9, p. 1–2], which falls under the umbrella of audio-visual translation [10, p. 28–30]. Subtitling is recognised as a form of translation, as it involves the addition of written text to audio-visual content.

Subtitling involves adding text to an audio-visual medium, with the goal of conveying the same message as the original source. It is important to recognise that spoken language is perceived differently from written language; thus, subtitling cannot be observed just as a transcription of speech.

For example, subtitlers must consider the mode of communication and tone down emotionally charged expressions, when necessary, while the text of subtitles should have the same impact on the viewer/reader as the original.

At the same time, we believe that the terms used must be translated as faithfully as possible. In terms of technical considerations, text is primarily placed at the bottom of the screen, limited to one or two lines with 36 (or 40) characters max per line. Legibility within about 2 seconds is crucial for viewers following both text and audiovisual elements. Full transcription of speech isn't always possible. Also, translation of other visual and auditory elements like signs, titles, and lyrics must be considered. [11]. Furthermore, there is no excess room for supplementary information such as footnotes, as one would find in a translated article or book [12].

Subtitling frequently involves paraphrasing, imitating, condensing, and deleting content [13]. Legal terminology requires precise translation to ensure proper understanding and perception of legal processes. Interpretation of these terms significantly impacts legal proceedings and requires careful handling. The next section will demonstrate how legal terms are managed in subtitling.

3. Legal Terms and Their Occurrence in the Film

In the chosen film, we have compiled a comprehensive list of legal terms as they appear in the original audio. These terms are found in 37 separate instances throughout the film. Below, we present an alphabetical list of all legal terms used in the original audio, followed by those used in the English and Czech subtitles. In the case of terms that appear more than once, we indicate the number of occurrences in brackets.

Original Serbian:²advokat odbrane; branilac po službenoj dužnosti; branilac, po službenoj dužnosti, ex offio; branitelj (6x); branitelj po službenoj dužnosti (2x); državni tužilac; istražitelj; istražni sudac (2x); istražni sudija (2x); odvetnički kandidat; odvetnički vježbenik; odvetnik (6x); pravnik; sudac (2x); sudija (2x); sudski tajnik; tužilac; tužitelj; zabranilac ex offio

English subtitles:³Attorney of law⁴; attorney trainee⁵; candidate of law⁶; court clerk; defence lawyer⁷ (6x); defence lawyer appointed by the court⁸; defence lawyer

²We use “the language of the original” or “Serbian” to describe the language used in the film. However, it may have consisted of various regional dialects. The film is a work of contemporary Serbian cinema directed by a Serbian filmmaker, and its language is commonly referred to as Serbian on official websites [14; 15]. As we will demonstrate, some terms may be perceived as Western or Eastern or as more Croatian or Serbian depending on the context [16, p. 6–10].

³ Upon initial observation, it is noticeable that the English subtitles utilise broad terminology for the names of legal professions. The filmmakers have included legal terms that extend beyond the legal English. After analysing the content of these terms, we have determined that they do not pose a hindrance to comprehension for the intended audience. While viewers familiar with the Anglo-Saxon legal system may recognise some inaccuracies, it is important to note that even Serbian terms are not always used consistently (such as tužilac vs. tužitelj; branilac vs. zabranilac vs. branitelj).

⁴The proper term in BrE is “an Attorney-at-Law”.

⁵The proper term in BrE is “a trainee attorney”.

⁶The proper term in BrE is “a candidate attorney”.

⁷The proper term in BrE is “a defence counsel”.

⁸The proper term in BrE is “a court-appointed defence counsel”.

as a formality⁹; defence lawyer, ex officio; defending lawyer; investigator (2x); investigator judge¹⁰ (3x); judge¹¹ (4x); lawyer (8x); prosecutor¹² (4x)

Czech subtitles:

advokát (2x); advokátní koncipient (2x); obhájce (1 lx); obhájce ex offo (3x); obhájce pro forma; právník (4x); prokurátor (4x); soudce (4x); soudní sekretář; státní prokurátor; státní zástupce (2x); vyšetřovatel; žalobce

After analysing the frequency of various professions mentioned individually, it becomes evident that the predominant techniques employed in subtitling were condensation and simplification. This trend was noticeable in both versions of the subtitles, with the Czech subtitles exhibiting a more prominent utilization of these techniques.

4. Variability of Terms

In our considered opinion, the most notable aspect of this case is the marked variability of the terms involved, which is evidenced by a select range of legal professional terms.

a) Serbian: branilac/branitelj – English: defence lawyer/lawyer – Czech: obhájce

The first term we have focused on is **branilac/zabranilac/branitelj**, which refers to a defence counsel in criminal proceedings. In English, this term has been translated and subtitled as **a defence lawyer** or simply **a lawyer**. Meanwhile, in the Czech subtitles, the term **obhájce** has been used, which pertains to a criminal defence lawyer or counsel authorised to defend the accused before a criminal court. Below, all the occurrences of these terms can be found.

Original: branilac po službenoj dužnosti; branilac, po službenoj dužnosti, ex offo; branitelj (8x); branitelj po službenoj dužnosti; zabranilac ex offo

English: defence lawyer, ex officio¹³; defence lawyer¹⁴ (6x); lawyer (2x); defending lawyer¹⁵; defence lawyer appointed by the court¹⁶; defence lawyer as a formality¹⁷

Czech: obhájce (8x); obhájce ex offo (3x); obhájce pro forma

The Czech translation of the original terms is **obhájce** (+ ex officio or pro forma), which means **criminal defence lawyer** or **defense counsel**. This translation accurately corresponds with the context of the terms **odvjetnik** and **branitelj** used in the film. However, the English subtitles display some inconsistency, as the term **a defence**

⁹ The proper term in BrE is “a pro forma defence counsel”.

¹⁰ The proper term in BrE is “an investigating Magistrate” or “a Trial Judge”.

¹¹ The proper term in BrE is “a Judge”.

¹² The proper term in BrE is “a Prosecutor”.

¹³ The proper term in BrE is “an ex officio counsel” or “a court-appointed defence counsel”.

¹⁴ The proper term in BrE is “a defence counsel”.

¹⁵ We consider this to be a general expression of “a lawyer who defends someone”. The proper term in BrE is “a defence counsel”.

¹⁶ The proper term in BrE is “an ex officio counsel” or “a court-appointed defence counsel”.

¹⁷ The proper term in BrE is “an ex officio counsel” or “a court-appointed defence counsel”.

lawyer accurately represents the original meaning, while the broader term **a lawyer** is also used.

b) Serbian: odvetnik – English: lawyer – Czech: advokát/právník

An **odvetnik** is a defence lawyer who represents the defendant in criminal proceedings or acts as a party representative in litigation. In the Czech subtitles, the translations **advokát** and **právník** are used. An **advokát** is a person who is legally educated and specifically qualified to provide legal assistance to individuals and institutions, especially by representing them before courts and authorities. **Právník**, on the other hand, is an expert in law, having received training in the field. As such, the term **právník** has a broader meaning than the original professional term used in the film. The English subtitles, however, mostly use the term **a lawyer**, which has a wider range of meanings than the original term. Below, we have listed all occurrences of these terms.

Original: odvetnik (6x); odvetnički kandidat; odvetnički vjezbenik

English: lawyer (6x); candidate of law¹⁸; attorney trainee¹⁹

Czech: advokát (2x); advokátní koncipient; právník (3x); obhájce

Upon observation of this example, it appears that the professional term **odvetnik** has been translated into Czech as both **advokát** and **právník**. However, the meanings of these words may not be entirely appropriate. In spoken Czech language, the term **advokát** is sometimes used interchangeably with **právník**. Thus, it is possible to interchange **advokát** and **právník** in the communicative situations presented in the film some of which are also intended to present spoken language among non-professionals.

The term **a lawyer** has been employed in English to translate both **odvetnik** and **branilac/branitelj**, as demonstrated earlier. Our analysis reveals that these expressions possess distinct connotations, but based on the communicative context of the film, they may be utilised interchangeably.

4.1 Czech vs. Serbian Terms

a) Is the Czech term “obhájce” equivalent to Serbian “odvetnik” or “branitelj/branilac”?

During our corpus analysis, we discovered that the Czech term **obhájce** was used for both the original term **odvetnik** and the term **branitelj/branilac**.

Czech subtitles: obhájce

Serbian original: advokat odbrane; branilac, po službenoj dužnosti, ex offo; branilac po službenoj dužnosti; branitelj (8x); branitelj po službenoj dužnosti; “odbrana”; odvetnik; zabranilac ex officio

Definitions:

obhájce: práv. obhájce ve věcech trestních, osoba oprávněná hájit obviněného před trestním soudem, právní zástupce, advokát²⁰ [17]

¹⁸The proper term in BrE is “a candidate attorney”.

¹⁹The proper term in BrE is “a trainee attorney”.

²⁰Translation: law. criminal defence lawyer, person authorised to defend the accused before a criminal

odvjetnik: pravn. branitelj okrivljenog u kaznenom postupku, zastupnik stranke u parničnom postupku; advokat, odvjetnik²¹ [18]

branitelj: 1. onaj koji brani; branilac; 2. onaj koji brani klijenta u kaznenom postupku; advokat, odvjetnik²² [18]

The terms **obhájce**, **branitelj**, and **odvjetnik** appear to be interchangeably used and have similar meanings based on their definitions. As per the film, **odvjetnik** and **branitelj** are used in similar communicative contexts, leading us to conclude that the Czech term is fitting.

b) Is the Czech term “advokát” equivalent to Serbian “odvjetnik”?

Upon analysing the corpus, it has been observed that the term **advokát** was utilised to translate the original term **odvjetnik** in the given context.

Definitions:

advokát: osoba právnický vzdělaná a zvl. kvalifikovaná, oprávněná poskytovat právní pomoc jednotlivcům i institucím, zvl. zastupováním před soudy a úřady, právní zástupce²³ [17]

odvjetnik: mentioned above.

Based on the definitions, the term **advokát** encompasses a broader meaning. An **advokát** is someone who possesses legal training. Conversely, **odvjetnik** (in Czech **obhájce**) refers to the specific field in which the **advokát** practices. Therefore, while these terms may not be entirely interchangeable, the context of the film in question allows for a clear understanding.

c) Is the Czech term “právník” equivalent to Serbian “odvjetnik” or “pravnik”?

During the analysis of the corpus, we have identified the usage of the Czech term **právník** to translate the terms **odvjetnik** and **pravnik**.

Definitions:

právník: osoba odborně vzdělaná v právu, znalec práva²⁴ [17]

odvjetnik: mentioned above

pravnik: 1. stručnjak za pravne poslove; jurist; 2. onaj koji je stekao kvalifikaciju na pravnom fakultetu²⁵ [18].

court, solicitor, barrister (translated by the authors of this article).

²¹ Translation: law. defence lawyer of the defendant in criminal proceedings, a party representative in litigation; lawyer (translated by the authors of this article).

²² Translation: 1. one who defends; a defence counsel; 2. one who defends a client in criminal proceedings; an advocate, an attorney (translated by the authors of this article).

²³ Translation: a person legally educated and particularly qualified, entitled to provide legal assistance to individuals and institutions, especially by representing them before courts and authorities, a legal representative (translated by the authors of this article).

²⁴ Translation: person trained in Law, expert in Law (translated by the authors of this article).

²⁵ Translation: 1. expert for legal affairs; jurist; 2. one who has acquired the qualification at the Faculty of Law (translated by the authors of this article).

The term **právník** in Czech is quite comprehensive. Based on the definitions, it seems that the scope of the terms **právník** and **pravnik** (in Serbian) is similar. However, the Serbian term **odvjetnik** (as well as **branitelj**) specifically refers to the area of work that an **advokát** (in Czech) performs. It would be more appropriate to use the Czech term **advokát** in these cases.

4.2 English vs. Serbian Terms

a) Is the English term “a lawyer” equivalent to Serbian “branitelj” or “odvjetnik”?

Upon analysing the corpus, it was observed that the English term **a lawyer** had been employed to translate the terms **branitelj** and **odvjetnik**.

Definitions:

a lawyer: General term for someone whose job is to give advice to people about the Law and to speak for them in court. This term is mostly used in the USA. [19, p. 15]

odvjetnik and branitelj: mentioned above.

According to the definitions, the term **lawyer** in English has the widest scope, encompassing individuals who offer legal counsel and can represent defendants in court. In contrast, **odvjetnik** and **branitelj** denote specific legal roles and are not interchangeable. It's crucial to use these terms precisely due to their distinct meanings. Nevertheless, in the context of the chosen film, there is no ambiguity.

b) Is the English term “a defence lawyer / a defending lawyer” equivalent to Serbian “advokat odbrane” or “branitelj”?

The term **a defence lawyer** was employed in the translation of Serbian legal terms **advokat odbrane** and **branitelj**. The term **a defending lawyer** was also used in one instance.

Definitions:

a defence lawyer: the lawyer representing the defendant; synonym: defence attorney[20]/defence counsel

advokat odbrane: prav. branitelj okrivljenog u kaznenom postupku, zastupnik stranke u parničnom postupku; advokat, odvjetnik²⁶ [18]

branitelj: mentioned above.

According to the definitions, the English term **a defence/defending lawyer** and the original terms **branitelj** and **advokat obrane** are interchangeable. In this instance, the translation of the terms was perfectly adequate.²⁷

5. Conclusion

Our paper endeavours to tackle the obstacles associated with legal terminology in the context of translation and subtitling. We commenced by analysing two fundamental theoretical aspects. The first section expounded on the significance of

²⁶ Translation: law. defence counsel of the defendant in criminal proceedings, a party representative in litigation; lawyer (translated by the authors of this article).

²⁷ It is important to take into account that in British English, the preferred term for the legal representative of a defendant is “a defence counsel”.

legal terms and their indispensability. The second section delved into the theoretical and technical intricacies involved in subtitling.

Our research unequivocally showcased the inconsistency of terms in translation, specifically in subtitling, and underscored the challenges encountered when translating legal language in both subtitling and traditional translation.

Our research delved into the intricacies of translation and subtitling through a case study of Srđan Koljević's 2014 film, 'The Man Who Defended Gavrilo Princip'. With a setting predominantly in a courtroom and based on court records, we had ample material to analyse. Our findings showcased the adaptation of legal terminology in both spoken language and subtitling contexts, which was generally meaningful and unobtrusive for modern viewers, despite a few minor inaccuracies.

According to our findings, it is evident that precise terminology is crucial in legal language, as any slight deviation could have a substantial impact on the legal system. However, we must also consider the communication situations within the film and the audience's capability to comprehend and interpret legal terms. As a result, our analysis leads us to the conclusion that the appropriateness of incorporating legal terms in the film depends on the specific communication situation and the target audience's characteristics.

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