BEYOND SEMANTICS AND SEMIOTICS—ARGUING FOR A CLEARER SET OF ARBITRATION RULES ON THE ISSUES OF TRANSLATION AND LANGUAGE INTERPRETING

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ABSTRACT

Although the linguistic issues concerning the appropriate and accurate translation of documents and concerning language interpreting of statements in an arbitration proceeding are important, it is of even higher systemic importance that legal issues relating to translation and language interpreting are properly identified and addressed in arbitration rules. The paper argues that translation and language interpreting between different languages in arbitration and other legal proceedings involves certain important legal issues. Since translation and language interpreting involves legal issues, the paper argues that it is legally and practically desirable to include certain provisions in arbitration rules to address such legal issues so as to avoid translation and interpreting being made and conducted in a manipulated or distorted manner. The paper proposes some general principles to be included in the arbitration rules, such as the requirement of good faith in translation; the requirement that all translation and interpreting are subject to the other party’s challenge, among others. The paper also proposes some specific principles to be included in arbitration rules, such as the submitting party to be responsible for the result of its translation; an interpreter to be prohibited to

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actually help correct, modify or distort the statement of the party, and the translator or language interpreter to be prohibited to actually “interpret” or “distort” the law or contract provision or the evidence.

**KEYWORDS:** good faith, language interpreting, semantics, semiotics, translation