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# Lección 1: *The US Constitution*

# Introducción (aspectos importantes)

- Government vs. “gobierno” (nota. Pág. 11)
- ¿Cómo traducir *state* frente a *federal*? (ejemplo: *state constitution, state court, state legislation*) Los problemas de la traducción “estatal” frente a “de cada estado” o “del estado correspondiente”
- *The three powers: the judiciary, the executive and the legislative power*
- *Legislature*
- *Is held by: ¿“ostenta” o “detenta”?*

# La Constitución y *The Bill of Rights*

- Importancia: *checks and balances*
- *The Bill of Rights: limitation of the power of the government over the individual*
- Tipo de traducción: pensar en contexto, finalidad y destinatarios

# First Amendment:

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

- Congress: ¿el Congreso? ¿las cámaras legislativas? Asimetría terminológica y opciones de traducción
- Law: opciones de traducción (“ley”, “instrumento jurídico”, “legislación”)
- Shall: futuro en castellano, pero también “no podrá” o “se abstendrá de”.
- Thereof: repasar uso deícticos *here/there* combinados: búsqueda de antecedente
- Petition: véase Declaración Independencia, y también *petitioner* en Tema 3
- Redress: compárese con *relief*, etc. (*El Inglés Jurídico*)
- Grievances: véase uso en Declaración de Independencia

# Second Amendment:

**A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.**

- Cuestiones históricas: NRA, lobbies, etc.
- A: generalización y automatismo: no siempre “las”, “cualquiera”, “toda”
- regulated: tentación paronímica (“reglamentada”, “organizada”)
- Militia: asimetría histórico-cultural
- being necessary gerundio causal; considerar la conversión en subordinada causal.
- Security vs. safety: asimetría, diferencias, opciones traductológicas (“protección”, etc.). Ver también *to secure these rights...* en Decl. Independencia
- the right of the people...: si no se invierte el orden es casi anglicismo.
- People: ¿“pueblo” en este contexto? ¿“ciudadanos”?
- Arms: uso antiguo de mayúsculas
- Infringed: (a) *infringe* vs. *inflict* (ver Enmienda VIII); (b) vulnerar, quebrantar, incumplir... ¿“violar”?

# Third Amendment:

*No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.*

- House vs. *home*: usos actuales (el parónimo es *home*)
- consent: tentaciones paronímicas (“autorización”; usos en tecnolectos, como *informed consent*)
- Owner: “titular” para otros contextos
- to be: “en su momento”.
- prescribed: tentaciones paronímicas (“dictar”)

# Fourth Amendment:

*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation and particularly describing the place to be searched, and the persons or things to be seized.*

- Tentaciones: *secure, papers, unreasonable, violate, affirmation, particularly.*
- The: inversión orden casi obligatoria
- In: amplificar (“en lo que respecta a...”)
- issue: uso deponente (cf. *Read, sell...*)
- probable cause: condicionado por contexto (“motivos suficientes” vs. “indicios razonables de culpabilidad”. Vid. Lección 6 (Grand Jury, etc.)
- seized: cuidar traducción (buscar válida para “personas” y “objetos” o desdoblar)

# Fifth Amendment:

*No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

- indictment: junto con *probable cause* (IV), origen del *Grand Jury*
- Cases: tentación paronímica (reparar *El inglés jurídico*)
- *Twice put in jeopardy*: concepto de *double jeopardy* (no aplicable a lo civil)
- compelled to be a witness:
  - ◆ lo que importa no es la “obligación”, sino las consecuencias. Ver *Charge to jury* (pp. 99-100).
  - ◆ Sólo penal, y sólo para acusados (“against himself”).
  - ◆ Origen del “I claim the Fifth” y de la Miranda Warning
- taken for public use: origen del *power of eminent domain*. Usos de *condemnation* (ver p.161)
- compensation: aquí “indemnización”. Sin embargo, ver uso en págs. 221-2 y 273 (“sueldo”, “remuneración”)



# Sixth Amendment:

*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.*

- by: amplificar preposición (“que se realizará”)
- Speedy and public trial: la renuncia a este derecho es *to waive time*; el hacerlo valer es *refuse to waive time* . Ver *relinquish* en Decl. Independencia
- which: insertar pausa fuerte (demasiados relativos)
- To have: español más específico (“disponer”, “contar con”)
- In: “que declaren” a su favor.
- Counsel: ver lecciones penales (*Counsel for the Prosecution / the Defense*). Este derecho también es renunciabile (no todos lo son).

# Seventh Amendment:

*In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.*

- origen del *trial by jury* en el ámbito civil (asimetría). Consecuencias (*torts, damages, class actions*, etc.)
- at: amplificar preposición (“que se celebren...”)
- common law: opciones de traducción (“consuetudinario”, “civil” o incluso mantenimiento)
- Shall be re-examined: evitar pasivas (“será objeto de...”)
- Than according: salvo en lo que establezcan.

# Eighth Amendment:

*Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

- Enmienda origen de *certiorari* contra pena de muerte
- bail: usos como verbo (*bail out*).
- Excessive: repetición intencionada? *Variatio elegantis*?
- inflict: colocaciones (*damage, harm, punishment...*)

# Ninth Amendment:

*The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.*

- Enmiendas IX y X: garantistas
- *by way of example vs. by way of limitation* (vid. *Power of attorney* en *El inglés jurídico*)
- ,: cuidado con las comas en castellano entre Sujeto / predicado
- Retained: evitar TP (amplificar “que seguirán correspondiendo...”)
- People: este es equivalente a *citizens*.

# Tenth Amendment:

*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*

- Cláusula garantista: hay cosas reservadas al poder central o prohibidas a los estados (aduanas interiores)
- Tentaciones paronímicas: *delegate* (atribuir, reservar), *prohibit* (privar)
- Clarificaciones: *United States* (“unión”), *the States* (cada estado)

# Other amendments:

*XIII (1865):* Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have power to enforce this article by appropriate legislation.

- Abolish, repeal, derogate: diferencias (significado, colocaciones)
- Congress shall have power to enforce this article by appropriate legislation: fórmula repetida

# Declaration of Independence (0)

- Interés histórico y lingüístico: *Enlightenment...*
- Existen traducciones previas
- Valorar tipología textual. ¿Posibles textos paralelos?
- Opciones traducción: arcaizante, semi-actualizada (evitando formas “demasiado actuales” que resultarían anacrónicas)

## Declaration of Independence (1)

IN CONGRESS, July 4, 1776.

The unanimous Declaration of the thirteen united States of America

When in the Course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

- TP: *dissolve, connected, separate, decent, declare*
- Congress: problemas de asimetría y ambigüedad
- Course: vacilaciones ortotipográficas
- *have connected*: (¿les han unido?) (¿les unen?)
- *Nature's God*: también “Dios, su creador”
- *The*: “dicha” si se mantiene relación léxica de *separation* con *separate*



## Declaration of Independence (2)

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

- TP: *self-evident* (sí), *certain* (¿?), *unalienable* (no)
- hold: diferencias según géneros textuales (general vs. sentencias)
- these: catafórico (referencia posterior). ¿Las siguientes? > reorganización , a :
- that: reorganización conjunciones, posibilidad relativo
- Liberty vs. *freedom*: colocaciones (*freedom of speech...*)

### Declaration of Independence (3)

- that to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,

- TP: *secure, institute, deriving* (¿?)
- *secure*: recordar *safety vs. security*; también *insure, ensure, assure, secure*
- No TP: *government, consent* (aquí), *governed, powers* (aquí)
- men: “hombres”
- these: catafórico (referencia posterior). ¿Las siguientes? > reorganización , a :
- that: reorganización conjunciones, posibilidad relativo
- Liberty vs. *freedom*: colocaciones (*freedom of speech...*)

## Declaration of Independence (4)

- that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness,

- form: también “sistema”
- these: recordar otras posibilidades deícticas (“los anteriores / citados”)
- abolish: recordar *abolish / repeal / derogate*
- laying its foundation:
  - *lie* vs. *lay*
  - relativos tras coma
  - otras opciones: “fundamentar”, “asentar”
- such.... such... as: mantener enlaces consecutivos
- form: evitar “forma”

## Declaration of Independence (5)

- Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.

- indeed: cambios de orden y transposiciones
- all: imposibilidad mantener sin transposición (ver nota)
- hath shewn: ¿pasado o presente?
- suffer: evitar parónimo, uso arcaico
- by abolishing: transposiciones, no parónimos

## Declaration of Independence (6)

But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

- But: evitar conjunciones tras pausa fuerte
- long: “prolongada”
- design: plan. Explicitación de *to*.
- under: necesidad (a) evitar “bajo” (b) “bajo” no es “direccional” en español
- it is their right... duty: transposiciones, no parónimos
- guards: con el tiempo *safeguards* ( $\cong$  *checks and balances*)
- their future security: valorar triple transposición, empezando por *security*>proteger

## Declaration of Independence (8)

Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

- such: mantener, o bien “Así es como...” Con transposición de *sufferance* y demás)
- ; actualizar puntuación
- former: “anteriores”, pero también “por los que se han regido hasta la fecha”. Valorar como posible compensación.
- history: “¿historial?” necesidad (a) evitar “bajo” (b) “bajo” no es “direccional” en español
- repeated: ¿evitar TP?

## Declaration of Independence (9)

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

- Assent:
  - *royal assent* (US *sign into law*, pág. 33)
  - *explicitar* (“a otorgar su/la”)
- public good: “bien común” (ahora “interés general” o *public interest*)
- Pass vs. approve (diferencia de agente). *Approve vs. approve of*
- and: ¿tras pausa fuerte?
- utterly: ¿otras opciones sin “-mente”?
- *attend to vs. attend*

## Declaration of Independence (10)

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

- has refused:

- *refuse vs. deny*
- ¿pasado o presente?

- for: explicitar preposición

- Transposiciones: *acomodation, representation*

- people: valorar correferencia con repetición plena (español menos proclive)

- relinquish: más literario que el jurídico *waive* (ver *6th Amendment*)

- legislature: recordar falso amigo

- Inestimable, formidable: usos arcaicos (cf. *wonderful* en *It would not be wonderful to meet a Megalosaurus, thirty feet long, waddling like an elephantine lizard...*). (¿Diccionarios?)