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Newsletter of the
German Language
Division of the
American
Translators
Association

March 1999, No. 1

The German System of Criminal Law

I. The development of the criminal law system

The history of criminal law in Germany is a fragmented one, with separate sets of laws in the various German-speaking areas. The first example of a uniform criminal code was the Carolina (*Peinliche Gerichtsordnung*) of Emperor Charles V in 1532. Current criminal law is based on the Code of Criminal Law (*Reichsstrafgesetzbuch*, now *Strafgesetzbuch*), first promulgated in 1871, and the Code of Criminal Procedure (*Strafprozessordnung*), first promulgated in 1877; both were influenced by the ideas of the French Revolution.

With the founding of the Federal Republic of Germany after the Second World War, a legal system developed that is shaped by the tenets of the Basic Law (*Grundgesetz*), whose first 19 articles guarantee certain fundamental rights, among them equality before the law and freedom of conscience and religion, including the right to refuse military service for reasons of conscience. Since then, the Code of Criminal Law and the Code of Criminal Procedure have been revised extensively in order to fulfill the guarantees of the Basic Law. These revisions include the mandate that the courts consider extenuating factors when deciding upon a sentence for a convicted offender. This concept of the "degree of guilt" means that the court must consider not only the deed itself, but such factors as background and family history. Since 1953, it has been possible to place an offender on probation.

On April 1, 1970, major changes in the Criminal Code became effective. A system of monetary fines, such as that used in Scandinavian countries, was established for certain offenses. Also, some minor and less minor offenses, if

they are clear-cut, may be dealt with through a *Strafbefehlsverfahren*. Devised to relieve overcrowded court dockets, this is a procedure conducted entirely through the mails which allows the defendant to avoid a trial if he or she admits guilt and agrees to pay a fine.

Two completely different legal systems developed in the postwar German states, the German Democratic Republic and the Federal Republic of Germany. When the GDR became part of the Federal Republic in 1990, however, western German laws became applicable in all of Germany.

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The German Language Division newsletter is a publication of the GLD within the American Translators Association.

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Division News

by Helge L. Gunther, Administrator

Despite the pressure of Thanksgiving, holiday and New Year celebrations we managed to publish the December issue of our newsletter. Thanks have to go to Marga Hannon, our newsletter editor, Karin Wuertz-Schaefer who did the layout, the contributors, and to the ATA headquarters staff who printed and mailed the newsletter.

Thoughts are now turning to plans for the upcoming ATA conference in St. Louis, November 3-6, 1999. Ruth Boggs has volunteered to help plan events for that conference and to contact potential speakers/presenters. We already have some leads for speakers from Germany. But that is just the beginning.

To offer conference attendees a wide choice of German-language related programs, we need volunteers willing to give presentations. I can think of a lot of topics that would be of interest: medicine, chemistry, telecommunications, automotive, computers, environment, legal, finance, and their various subcategories; explanations of typical German institutions (see the lively discussion of the article by Anne Driesslein and Courtney Searls-Ridge about the translation of German educational documents in the GLD newsletter).

Many GLD members would love to do literary translations. Do you have any experience in that area that you would be willing to share? If you are a sports aficionado, how about a presentation on sports-related terms? The "Neue Rechtschreibung" is bound to be of great importance to translators translating into German. Anyone out there able to discuss this topic? Do you have special expertise in interpretation that could benefit your colleagues? So whatever your expertise, do consider giving a paper at the St. Louis conference. If preparing and presenting a 1 1/2-hour paper seems too formidable to you, get together with one or

two colleagues, decide on a common topic, and share the work. This can be lots of fun as I found out when I was preparing presentations for ATA conferences.

Will there be any benefits to you? Well, if your paper gets accepted, your name and bio will be published in the conference program. If you submit a transcript of your presentation, it will be published in the proceedings of the conference. A nice way to get name recognition! And there is, of course, your personal satisfaction of helping colleagues. But don't delay submitting an abstract of your planned presentation! The deadline for submitting abstracts of papers for the St. Louis conference is April 15 — an easy day to remember! For further details and application forms contact ATA Headquarters at 703-683-6100 or call ATA's toll-free Document on Request line at 1-888-990-3ATA, and request document 80.

Are there other activities you would like us to attempt to arrange? Any interest in fee-based preconference seminars/workshops? What topics would you be interested in?

What type of social events would appeal to you? A dinner at a local restaurant, or rather a reception at the conference hotel? And here I appeal especially to GLD members living in the St. Louis area to suggest restaurants and other sites that may be of special interest to GLD members.

With the St. Louis conference only about seven months away by the time this newsletter reaches you, we are very anxious to have your suggestions for making the St. Louis conference a success for GLD. Do send me your ideas and suggestions by e-mail (cytran@compuserve.com), snail mail (606 John Anthony Drive, West Chester, PA 19382-7191), or fax (610-430-8623). ♦

II. Criminal prosecution: the path through the courts

When a crime is committed, a complicated criminal law apparatus goes into operation. A description of a typical criminal prosecution case and the procedures used to resolve it follows.

1. Police or prosecution (*Staatsanwaltschaft*). They begin an investigation when a complaint is filed or there is suspicion of a crime. An investigation is usually carried out by the police by questioning witnesses or interrogating suspects.

The over 4,000 public prosecutors (*Staatsanwälte*) are civil servants, not elected officials. They are not independent, as are judges, but are supervised by the Ministries of Justice of their respective states. Prosecutors are described as “guardians of the law” (*Wächter/innen des Gesetzes*) or “representatives of the public interest” (*Vertreter/innen des öffentlichen Interesses*). Their functions include leading the investigation of crimes, prosecuting, taking part in trials, and supervising the treatment of prisoners. They are also called “heads without hands” (*Köpfe ohne Hände*) because they have no investigators of their own. An important aspect of the work of the *Staatsanwalt* is that he or she is expected to remain neutral and is bound by law to investigate on behalf of the defendant as well as the state.

An *Ermittlungsrichter*, a judge who deals with the investigation of crimes, may be asked to issue search or arrest warrants. If the investigation confirms the suspicion of a crime, the prosecutor considers whether there is enough evidence to warrant a trial. If the evidence is deemed insufficient, the investigation may be cancelled, but the suspicion of wrongdoing remains; if new evidence is found, the case may be re-opened (*nolle prosequi*). Even if there is enough evidence, the public prosecutor may recommend that the matter not be pursued further. There

may be several reasons for this. The matter may be deemed so insignificant that a court need not/should not deal with it, or the prosecutor may determine that it is something that should be resolved personally by the parties involved. However, the prosecutor’s freedom to send back the case to the private sphere is limited: he or she can do this only in such matters as petty theft and slander. If the case touches upon questions of the greater public good (*das öffentliche Interesse*), the authorities must prosecute.

2. Preliminary proceedings (*Zwischenverfahren*). The German system requires that two separate state authorities evaluate a case before it actually goes to trial. The first evaluation described above is by the public prosecutor. The second takes place in a court and is called a *Zwischenverfahren*; it could be described as a preliminary proceeding. The *Zwischenverfahren* takes place in the lowest court for the type of case under consideration. If the judges in this court agree with the public prosecutor that the case should be tried, it moves to the next stage.

The approximately 20,000 judges currently in office in Germany are civil servants, but are not part of the special group called *Beamte*, who are bound to represent the interests of the state and may not strike. Judges, by contrast, are independent, bound only by the decisions of the Federal Constitutional Court (*Bundesverfassungsgericht*). They cannot be dismissed except under extraordinary circumstances.

3. The trial (*Hauptverfahren*). At this point, the case is submitted to the judges who will try it in the *Hauptverfahren* (the trial itself). Before the case is formally opened, however, these judges may consider the case and may decline to try the defendant if in contrast to their colleagues, they feel that the evidence is insufficient (*Ablehnung*). They may also declare that the case should be dismissed because trying it is not in the public interest. If neither of these is the case, the trial begins.

In contrast to the U.S. system, where prosecution and defence dominate the proceedings, the judges play

the predominant role in a German trial. They do not sit as spectators or arbiters between two sides, as do U.S. judges, but are an active part of the process, questioning witnesses and discussing the evidence. Cross examination is possible, but rarely happens; the more usual procedure is direct questioning by the judge(s). The prosecutor or defense counsel may pose direct questions, but the questioning does not reach the intensity usual in American courts.

4. The resolution. The trial may result in acquittal, conviction or suspension (*Einstellung gegen Auflage*). In the last-named decision, the trial is ended and the charges are dismissed if the defendant admits guilt and agrees to pay a fine or to compensate the victim in some way. A convicted offender may be sentenced to a prison term, a suspended sentence if certain conditions are met, probation, detoxication, psychiatric treatment, or suspension of driving privileges.

III. The law and its representatives

1. The courts (*Gerichte*). In keeping with its federal structure, the Federal Republic of Germany has both federal and state courts. The task of the federal courts is to assure the uniform administration of justice.

Decisions by courts of first instance can be appealed in a court of second instance. This appellate court reviews the legal issues involved in the case, but may also consider evidence anew. The next and final instance is the *Bundesgerichtshof*, the supreme court of appeal, which considers only technical aspects of the case, that is, whether all procedures were followed correctly.

The hundreds of local courts (*Amtsgerichte*) all over the country are the courts of first instance in minor criminal cases. Cases are tried by a single judge or a judge and two lay judges (*Schöffengericht*), who are pri-

...continued on page 4

vate citizens. These lay judges are not part of a jury, but sit alongside the professional judges and have the same rights to question the participants in the case. Theoretically, they can outvote the judge, but are unlikely to do so.

The number of District Courts (*Landgerichte*) is much smaller, and their chambers are usually composed of three judges and two lay judges. More serious criminal matters are tried in the first instance in this kind of court, and they have appellate jurisdiction in cases tried in an *Amtsgericht* in the first instance.

There are only a few Courts of Appeals (*Oberlandesgerichte*). These courts, located in large cities, have panels (*Senate*) with three or five judges each. The *Oberlandesgerichte* are the appellate courts and also the first instance for various serious crimes.

The Federal Supreme Court (*Bundesgerichtshof*) and the Federal Constitutional Court (*Bundesverfassungsgericht*) are the highest instances in the German legal system. The Federal Supreme Court is the highest court with jurisdiction in civil and criminal matters. It is essentially a court of appeal in civil matters with a high dispute value; in criminal law, cases involving state security issues as well as rulings by the criminal and economic crime divisions of the state courts may be appealed there. The Federal Constitutional Court monitors compliance of government institutions with the constitution and decides on the interpretation and application of the constitution. Its jurisdiction involves four areas: constitutional disputes between federal institutions, or between federal and state institutions; proceedings aimed at determining the constitutionality of laws; appeals by citizens who feel that their rights have been violated; and protection of the democratic and constitutional system of government. The last area may involve declaring political parties unconstitutional and ordering their disbandment.

2. The lawyers (*Rechtsanwälte*). Another important part of the German legal system are the approximately 60,000 attorneys (*Rechtsanwälte*), who are an independent part of the judiciary. The defendant has the right to choose his or her own lawyer. If a defendant has no attorney, the court may assign one; if a defendant lacks the means to pay for legal representation, it is paid by the state (*Prozesskostenhilfe*). The professional code for the legal profession prohibits marketing of legal services.

IV. Principles of criminal procedure

The defendant is not the object of the criminal proceeding. Defendants have the right to reply to the charges, but need not; if they wish, they may choose simply to confirm their identity and otherwise remain silent. The accused is not under oath, and choosing not to speak may not be counted against him or her. The defendant is innocent until proven guilty; if doubts remain at the end of the trial, charges must be dismissed, in keeping with the principle of *in dubio pro reo*.

There are a number of general principles governing criminal procedure:

(1) Principle of the constitutional state. The first constitutional premise is that no act may lead to the offender's punishment unless it has been declared punishable by law before it was committed (*nulla poene sine lege*). Judges may not close gaps in penal law by applying legal provisions that apply to similar cases, nor may they apply laws retroactively. Another principle contained in the German constitution is that no one may be punished more than once for the same offence under general criminal law.

The proceedings must adhere to the rights guaranteed in the Basic Law and the Geneva Human Rights Convention, such as

- inviolable human dignity (Article 1, Par. 1 of the Basic Law);
- rights of free development of one's

personality (Article 2, Par. 1 of the Basic Law);

- liberty of the individual (Article 2, Par. 2 of the Basic Law);
- equality before the law (Article 3 of the Basic Law);
- unlawfulness of arbitrary rule and ban on inhumane treatment (Art. 3 of the Geneva Human Rights Convention);
- presumption of innocence (Art. 6 II of the Geneva Human Rights Convention).

(2) **Principle of legality (*Offizialprinzip und Legalitätsprinzip*).** The prosecutor has not only the right but also the legal obligation to initiate and conduct an investigation into any complaint with a view to bringing charges.

(3) **Accusatory form (*Akkusationsprinzip*).** The judges have no function until charges have been brought by the public prosecutor.

(4) **Principle of public trial (*Öffentlichkeitsgrundsatz*).** The court is formally open and engaged in the transaction of judicial affairs, and all persons who conduct themselves in an orderly manner must be admitted. Closed-door proceedings are allowed in juvenile criminal cases and in certain civil matters, such as divorce or adoption.

(5) **Principle of oral argument (*Mündlichkeitsgrundsatz*).** All material that is submitted as evidence, such as documents, must be read aloud into the record. Witnesses' statements must be made in court. Written statements and videotapes are not allowed. The fact that all evidence must be read aloud in the courtroom is one of the reasons for the extraordinary length of some German trials.

(6) **Right to a court hearing.** Everyone has a right to a court hearing, guaranteed as a fundamental democratic principle by the constitution. A defendant has (on principle) the right to be present at every stage of the proceedings and to be heard.

(7) **Equal opportunity (*"Waffengleichheit"*).** The two sides have equal access to all material submitted as evidence.

(8) **The judge as interrogator** (*Unmittelbarkeitsgrundsatz*). Whereas in the United States lawyers for the prosecution and defense dominate the proceedings, in Germany the judge questions all witnesses directly. There is little cross-examination.

(9) **Principle of proportional decisions** (*Verhältnismäßigkeitsgrundsatz*). This is a provision that refers specifically to cases where detention is a possible or probable sentence. Personal liberty may not be abridged except on the basis of formal law, and only a judge can decide on a sentence of imprisonment and its length. When the law allows two sentences, the milder must be chosen.

(10) **The “fruit of the poisonous tree doctrine”** (*Fernwirkung von Beweisverwertungsverboten*). “Fruit of the poisonous tree” holds that certain kinds of evidence are not valid in a court of law; these include tape recordings and journal entries. However, there are exceptions to the rule. If, by the admission of this evidence, rights of equal or greater importance are protected, the evidence may be ruled admissible. This might be the case if the evidence could serve to prove the innocence of someone about whose guilt there is serious doubt, because the question of a person’s guilt or innocence in a serious matter would take precedence over the more technical question of the type of evidence the court views as valid. Likewise, if

the evidence can prove or disprove identity in a felony case, it may be admitted.

The law mandates that a variety of factors be considered before sentence is passed. They include:

- degree of premeditation (*Vorsatz/Fahrlässigkeit*);
- motives/intention of the offender (*Beweggründe*);
- the degree of criminal responsibility of the perpetrator (*Schuldfähigkeit*);
- the way in which the offence was carried out and its consequences;
- the offender’s legal history (previous convictions);
- personal, social, and economic background;
- the offender’s behavior after committing the crime and during the proceeding (does he or she show remorse?);

In misdemeanor cases (*Vergehen*), where the law allows a choice in sentencing between a fine or a prison term, first time offenders are generally sentenced to the fine, unless the perpetrator has a “negative prognosis,” i.e., is considered to be at high risk of committing the crime or other crimes again. Prison is supposed to be the instrument of last resort (principle of *ultima ratio*). In felony cases (*Verbrechen*), a prison sentence must be imposed. In cases where a sentence of under two years is passed, the court may examine the possibility of imposing a suspended sentence and setting conditions for probation. In addition, an offender may be sentenced to such rehabilitatory measures as detoxification or treatment in a psychiatric hospital, or a driving ban/suspension of driver’s license may be imposed. A new instrument is the so-called *Täter-Opfer-Ausgleich*, which means that the offender meets with the victim — if the victim is willing — in safe, neutral surroundings, such as a therapist’s office, and learns personally from the victim about the consequences of the crime.

There were approximately 600,000 convictions in 1990 in the eleven western states of the Federal Republic. A total of 101,100 adults were sentenced to prison terms ranging from a few

months to life. Some 72,697 persons received sentences of nine months or less; 11,627 were imprisoned for between nine months and one year; 10,962 went to prison for 1-2 years; 4,820 received sentences of 2-5 years; 938 offenders were imprisoned for 5-15 years and 56 received sentences of life imprisonment. A total of 489,337 persons were sentenced to fines.

V. German criminal law as it relates to juveniles

Criminal law as it pertains to juveniles has come under particular scrutiny in Germany in light of the fact that many of the adherents of violent right-wing groups are young. Consequently, so are many of the perpetrators of such heinous offenses as the firebombings of apartment buildings in Mölln (Schleswig-Holstein) in November 1992 and in Solingen (Baden-Württemberg) in May 1993, both of which caused multiple deaths.

The first separate code of juvenile law (*Jugendgerichtsgesetz*) was established in Germany in 1923. It set the age of accountability at 14 and considered intellectual, mental and moral maturity. Socio-educational aspects remain the focus of juvenile law today, expressed in the principle of *Spezialprävention*, or the deterrent effect on the individual offender, rather than *Generalprävention*, or general deterrence, which infuses the law as it pertains to adults. Prevention is an important part of the German government’s overall policy on youth, not only within criminal law. In 1992, the government spent a total of DM 317 million (U.S. \$191 million at an exchange rate of DM 1.66) to promote youth programs (the *Bundesjugendplan*) and an additional DM 20 million (U.S. \$12 million) for a special program meant to deter young people from aggression and violence.

German law recognizes two groups of non-adults: those 17 and

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Query

As a member of the German Translators’ Association BDÜ and active translator English/ German specializing in legal texts I would be interested in getting into e-mail contact with American legal translators for an exchange of information, discussions about specific translation problems, etc. Thank you in advance.

Martina Trauth
(m.trauth@main-rheiner.de)

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under, who are "proper" juveniles, and 18-21 year olds, who are classified as *Heranwachsende* or young adults. While juveniles may not receive prison sentences — although they may be remanded to a detention center and a variety of other institutions — young adults may receive sentences of up to 10 years. Young adults may be tried under juvenile law if the authorities decide that despite their more advanced age, they are equivalent to adolescents in terms of moral and intellectual development or when their offences are judged to be "typical adolescent transgressions." In making such a decision, the court and expert witnesses consider whether the defendant understands the nature and consequences of his or her acts and that they were wrong. Children under 14 years are excluded from criminal responsibility altogether. They may be placed under the guardianship of the state and may be placed in supervised homes.

Young offenders are tried in special juvenile courts. To protect them, the proceedings are not open to the public. Representatives of the juvenile court assistance (*Jugendgerichtshilfe*), usually social workers, take part in the proceedings. They evaluate the young offender and offer their opinion on the social, welfare and educational aspects of the case.

There are various sentencing measures for young offenders, some of which are corrective and some disciplinary. The former may include a warning, a work sentence, or mandatory attendance at some kind of therapy or class. Disciplinary measures may involve an order for compensation or a period of detention. Actual imprisonment is considered an appropriate penalty for only very serious crimes, because of the many detrimental side effects, such as the reinforcement of a negative self-image as a criminal, the opportunities to learn from more experienced criminals, integration into a prison subculture, and the fact that young people have a higher sensitivity

to imprisonment (*höhere Strafempfindlichkeit*), i.e., five years of imprisonment have a much greater effect on a person of 18 than on one of 40. The minimum penalty is 6 months and the maximum sentence allowed has been set at 10 years.

A total of 77,274 individuals, 34,684 juveniles and 42,590 young adults, were convicted under juvenile law in western Germany in 1990. Of these, 63,507 were sentenced to disciplinary measures of various kinds and 32,861 to corrective measures. Relatively few, 2,103, received prison sentences. Multiple sentences can be imposed. ♦

This summary was supplied by the German Information Center of New York. We thank the Center and its representative, Klaus Dieter Duexmann, for making it available to the "Gotham."

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Announcement

The Portuguese Language Division requested the publication of the following announcement.

Portuguese Language Division

American Translators Association
5th Annual Spring Meeting
Hotel St. Marie
New Orleans, Louisiana
May 7-8, 1999

Call for Papers

The Portuguese Language Division of the American Translators Association is pleased to announce its 5th Annual Spring Meeting, to take place at the Hotel St. Marie, New Orleans, Louisiana, May 7-8, 1999.

Those interested in making presentations, please contact Timothy Yuan, Administrator, PLD, by phone: (718) 776-8139; fax: (718) 776-3589; or e-mail: yuan@pipeline.com; by March 1, 1999.

Units of Weight and Measurement

by João Roque Dias (Lisbon, Portugal)

Grappling with units of weight and measurement or converting between the imperial and the metric system is a common issue for the technical translator, but even those specializing in other fields will likely encounter these challenges on the odd occasion. Following is a summary from a workshop held at the ATA Conference in Hilton Head last November. —Ed.

The *Système International* [SI]

The *Système International d'Unités* officially came into being in October 1960 and has been adopted by nearly all countries, though the amount of actual usage varies considerably. It is based upon 7 principal units (called *base units*), one in each of seven different categories:

Symbol	Category	Name
m	Length	meter
kg	Mass	kilogram
s	Time	second
A	Electric current	ampere
K	Temperature	kelvin
mol	Amount of substance	mole
cd	Luminous intensity	candela

Definitions of the Seven Base SI Units

meter [m]

The **meter** is the base unit of length. It is the distance light travels, in vacuum, in 1/299792458th of a second.

kilogram [kg]

The **kilogram** is the base unit of mass. It is the mass of an international prototype in the form of a platinum-10% iridium cylinder kept at Sèvres in France. *It is now the only base unit still defined in terms of a material object and also the only one with a prefix [kilo] included in its name.*

second [s]

The **second** is the base unit of time. It is the length of time taken for 9 192 631 770 periods of vibration of the caesium-133 atom to occur.

ampere [A]

The **ampere** is the base unit of electric current. It is the current which produces a specified force (0.2 $\mu\text{N}/\text{m}$) between two parallel wires, which are 1 meter apart in a vacuum. A widely used unit is the *milliampere* [mA]. *It is named after the French physicist André Ampère (1775-1836).*

kelvin [K]

The **kelvin** is the base unit of temperature. It is 1/273.16th of the thermodynamic temperature of the triple point of water. *It is named after the Scottish mathematician and physicist William Thomson, 1st Lord Kelvin (1824-1907). The form °K (degree Kelvin) is now deprecated.*

mole [mol]

The **mole** is the base unit of substance. It is the amount of substance that contains as many elementary units as there are atoms in 0.012 kg of carbon-12.

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candela [cd]

The **candela** is the base unit of luminous intensity. It is the intensity of a source of light of a specified frequency, which gives a specified amount of power in a given direction.

Derived Units of the SI

From the 7 base units of the SI many other units are derived for a variety of purposes. Only some of them (those with **special names**) are explained here. The units printed in **bold** are either base units or, in some cases, are themselves derived.

farad [F]

The **farad** is the SI unit of the capacitance of an electrical system, that is, its capacity to store electricity. It is a rather large unit as defined and is more often used as a *microfarad* [μF] or *picofarad* [pF]. *It is named after the English chemist and physicist Michael Faraday (1791-1867).*

hertz [Hz]

The **hertz** is the SI unit of frequency of a periodic phenomenon. One hertz indicates that 1 cycle of the phenomenon occurs every **second**. For most work, much higher frequencies are needed such as the *kilohertz* [kHz] and *megahertz* [MHz]. *It is named after the German physicist Heinrich Rudolph Hertz (1857-94).*

joule [J]

The **joule** is the SI unit of work or energy. One joule is the amount of work done when an applied force of 1 **newton** moves through a distance of 1 **meter** in the direction of the force. *It is named after the English physicist James Prescott Joule (1818-89).*

newton [N]

The **newton** is the SI unit of force. One **newton** is the force required to give a mass of 1 **kilogram** an acceleration of 1 **meter per second** in each **second** [m/s^2]. *It is named after the English mathematician and physicist Sir Isaac Newton (1642-1727).*

ohm [Ω]

The **ohm** is the SI unit of electrical resistance. Its symbol [Ω] is the Greek letter known as 'omega'. *It is named after the German physicist Georg Simon Ohm (1789-1854).*

pascal [Pa]

The **pascal** is the SI unit of pressure. One pascal is the pressure generated by a force of 1 newton acting on an area of 1 **square meter** [N/m^2]. It is a rather small unit as defined and is more often used as *kilopascal* [kPa] or *megapascal* [MPa]. *It is named after the French mathematician, physicist and philosopher Blaise Pascal (1623-1662).*

volt [V]

The **volt** is the SI unit of electric potential. One volt is the difference of potential between two points of an electrical conductor when a current of 1 **ampere** flowing between those points dissipates a power of 1 **watt**. *It is named after the Italian physicist Count Alessandro Giuseppe Anastasio Volta (1745-1827).*

watt [W]

The **watt** is used to measure power or the "rate of doing work". One **watt** is a power of 1 **joule per second** [J/s]. *It is named after the Scottish engineer James Watt (1736-1819).*

The SI Prefixes

The SI allows the sizes of units to be made bigger or smaller by the use of appropriate prefixes. For example, the electrical unit of a watt is not a big unit, even in terms of ordinary household use, so it is generally used in terms of 1000 watts at a time. The prefix for 1000 is *kilo*, so we use *kilowatts* [kW] as our daily unit of measurement. For makers of electricity, or bigger users such as industrial plants, it is common to use *megawatts* [MW] or even *gigawatts* [GW]. The full range of SI pre-

fixes with their symbols and their multiplying factors which are also given in other forms is:

yotta	[Y]	1 000 000 000 000 000 000 000 000	= 10 ²⁴
zetta	[Z]	1 000 000 000 000 000 000 000	= 10 ²¹
exa	[E]	1 000 000 000 000 000 000	= 10 ¹⁸
peta	[P]	1 000 000 000 000 000	= 10 ¹⁵
tera	[T]	1 000 000 000 000	= 10 ¹²
giga	[G]	1 000 000 000	(1000 millions = a billion)
mega	[M]	1 000 000	(a million)
kilo	[k]	1 000	(a thousand)
hecto	[h]	100	
deca	[da]	10	
		1	
deci	[d]	0.1	
centi	[c]	0.01	
milli	[m]	0.001	(a thousandth)
micro	[μ]	0.000 001	(a millionth)
nano	[n]	0.000 000 001	(a thousand millionth)
pico	[p]	0.000 000 000 001	= 10 ⁻¹²
femto	[f]	0.000 000 000 000 001	= 10 ⁻¹⁵
atto	[a]	0.000 000 000 000 000 001	= 10 ⁻¹⁸
zepto	[z]	0.000 000 000 000 000 000 001	= 10 ⁻²¹
yocto	[y]	0.000 000 000 000 000 000 000 001	= 10 ⁻²⁴

(μ) - the symbol used for **micro** is the Greek letter known as 'mu'.

Nearly all of the SI prefixes are multiples or sub-multiples of 1000. However, these are inconvenient for many purposes and so **hecto**, **deca**, **deci**, and **centi** are also used. **deca** also appears as **deka** [da] or [dk] in the USA and Continental Europe. So much for standards!

Speak right, write right: rules of usage for SI units

- Units may take only *one* prefix. For example, 'millimillimeter' is incorrect and should be written as 'micrometer'.
- Most prefixes that make a unit bigger are written in capital letters (M, G, T, etc.), but when they make a unit smaller, lower case (m, n, p, etc.) is used. Exceptions to this are the **kilo** [k] to avoid any possible confusion with **kelvin** [K]; as well as **hecto** [h] and **deca** [da] or [dk].
- A unit which is named after a person is written all in lower case (newton, volt, pascal etc.) **when named in full**, but starting with a capital letter (N, V, Pa, etc.) **when the symbol is used**. An exception to this rule is the liter which, if written as a lower case 'l' could be mistaken for a '1' (one), and so a capital 'L' is allowed as an alternative. It is intended that a single letter will be decided upon some time in the future when it becomes clear which letter is being favored most in use.
- Units written with their symbols are NEVER pluralized. Therefore, 'm' can always be either 'meter' or 'meters'. Note that 'ms' could represent 'meter second' (whatever that is!!!) or, more correctly, 'millisecond'.
- The symbols of units (such as J, N, g, Pa, kg, Pa, etc.) are NEVER followed by a period [.] unless at the **end of a sentence**.
- To make numbers easier to read, they may be divided **into groups of 3 separated by spaces** (or half-spaces) in numbers with 5 or more digits, but **not** commas. **Note:** 2000, but 20 000.
- The SI **preferred** way of showing a decimal fraction is to use a comma (123,456) to separate the whole part of the number from its fractional part. The practice of using a period, as is common in English-speaking countries, is only acceptable provided that the period is placed ON the line of the bottom edge of the numbers (123.456).

Many units are eponymous, i.e., they are named after persons. This is always someone who was prominent in the early work done within the field in which the unit is used.

...continued on page 10

Pitfalls checklist

No! Never! Please, Don't! What?	Yes! Always!
megagra	ton
kiloday, megasecond, millidegree, decadegree	SI prefixes are NOT used with units of time or angle
millimillimeter	micrometer
M or G (without units)	Prefixes can ONLY be used with units
M (meter), Km, cM (centimeter), KW, KV, KWH	m, km, cm, kW, kV, kWh
Pascal, Newton, Volt, hectoPascal (used as symbols of units)	pascal, newton, volt, hectopascal (always lowercase, when symbol is written in full)
50C, 50F, 120°C, 212°F, °K, 10 degC	50 °C, 50 °F, 120 °C, 212 °F, K, 10 °C
ms (as plural of "meter")	m (1 m and 1 000 000 m)
Bake cake at 123.54 ∞C	Come on! Make it easy on your reader: 125 °C.
kinch (???)	1000 inches (DO NOT use SI prefixes with non SI units)
kg. (period after the symbol)	kg (in the SI, symbols ARE NOT abbreviations)
cc, CC, cu.cm	cm ³

Units on the Internet

Note: All of these sites were tested and found to be in perfect working condition on 25 September 1998.

- Bureau International des Poids et Mesures
They are the ones who tell the world how to measure things correctly.
<http://www.bipm.fr>
- Conversion of temperatures
<http://www.cchem.berkeley.edu/ChemResources/temperature.html>
- Conversion to and from U.S. to metric fluid measures and U.S. to dry metric measures
<http://hbd.org/brewery/cm3/recs/convert.html>
- Great software. Requires free on-line registration before downloading.
<http://www.daat.com/coolcalc.htm>
- A great site about units for the medical translator. Very precise info about the SI.
<http://www.healthlab.org/siunits.htm>

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e-mail: jrdias@mail.telepac.pt*

- Go ahead, just print these pages!
<http://www.asi.org/adb/f/conversion-factors.html>
- Not for the faint of heart! 2,800 units in 80 categories. Probably the best units program I've seen on the net. Costs a mere \$32.00, plus some extra pennies for shipping.
<http://www.pro-techsoftware.com/unitsprohome.html>
- Start here! Click on the unit you want to convert and enter the number.
http://www.entisoft.com/ESUnits/Units_A.HTM
- Just print the 5 files: mass1 thru mass5. Makes a good starter for your units binder.
<http://www.ceramics.com/mass1.html>
- Homepage of Sergei Gershtein. From Russia with Units...
<http://www.mplik.ru/~sg/transl/index.html>
- A great pocket calculator for units conversion. Costs about \$60.00.
<http://mdmetric.com/ciumm1.htm>

Units on your bookshelf

Conversion Tables of Units for Science and Engineering by Ari L Horvath

Macmillan Reference Books, London, 1986 (147 pages), ISBN 0 333 40857 8

Probably the most comprehensive set of conversion factors in print, covering both old and modern units. There are 77 tables covering categories from length to radiation dosage. The length table alone lists 107 units together with the conversion factors needed to change each one into meters.

The Macmillan Dictionary of Measurement by Darton and Clark

Macmillan, New York, 1994 (538 pages), ISBN 0 460 861379

Very comprehensive coverage of all kinds of units (including currencies), sorted in conventional dictionary form, and giving several conversion factors. A must — try any Barnes & Noble store.

The Economist Desk Companion

Random Century, London, 1992 (272 pages), ISBN 0 7126 9816 7

A handy compendium of units used in science, medicine, engineering, industry, commerce, finance and many other places, together with all the necessary conversion factors. There is also much other incidental (but related) information.

World Weights and Measures

Statistical Office of the United Nations, New York 1955 (225 pages)

A very comprehensive survey of each country in the world (as it was then) from Aden to Zanzibar, giving the units used in each for length, area and capacity with their British and Metric equivalents. There is an appendix on the measures used for selected commodities. Currencies are also given. The indexes are very thorough.

The World of Measurements by H Arthur Klein

Allen and Unwin, London, 1975 (736 pages), ISBN 0 04 500024 7

A very readable and comprehensive account of the history of units used in measuring, from the earliest known beginnings and around the world.

Scientific Unit Conversion by François Cardarelli

Springer-Verlag, London, 1997 (456 pages), ISBN 3-540-76022-9

It claims, "This practical manual aims to be the most comprehensive work on the subject of unit conversion. It contains more than 10 000 precise conversion factors ..." It is certainly a very chunky and compact (= handy-sized) book. Comprehensive it certainly is, but still not complete. However, with its very wide coverage, both historical and modern, it should certainly satisfy nearly all users. ♦

About Power, Voltage and Current

by Manfred Mondt

Starting with any dictionary, we would render these terms as *Leistung*, *Spannung* and *Strom*. From a purely technical standpoint the product of voltage times current is power. The 100 watt you see on your light bulb is the power rating. Multiply this by the number of hours the bulb is in use and we have watt-hours; this is energy.

Netzkabel is not a difficult concept to understand, it usually carries three wires, one of them being the ground. Some of the source language terms I have come across recently were: AC line cord, input mains supply power lead, input power lead, input supply cable, mains AC input supply cable, mains supply lead, power supply cord, power cable, power input cable, power supply leads.

Let's take a wall outlet for example. In various source texts I have found AC outlet, earthed outlet, earth-

ed VAC supply, grounded outlet, main lead, outlet, power outlet etc..

According to the National Electrical Code the correct term for this gadget is grounded (duplex) receptacle. The only receptacle you are allowed to install in Germany is a *Schukosteckdose* (*Schutzkontakt*) or the more generic *Netzsteckdose*. There is no way of cutting off the third prong from the mating plug as the English text warns us not to do. These should not be confused with the output supply socket or just output socket and load equipment socket or just load socket on the back of your computer or similar device. *Gerätesteckdose* will be just fine in most cases.

It is important to differentiate between the various forms of power, as in the following examples. The power supply you find in your computer, also seen as power pack or power entry module, is a *Netzteil* or

Netzgerät, while the power supply, supply power, input power or power input to your computer is a *Stromversorgung*. The power company, sometimes called *Kraftwerk*, as well as the electrical power it supplies is *Energieversorgung*. The power we receive from the street into our house is *Netzstrom*, but the power we pay for is *Stromverbrauch*, or more correctly *Energieverbrauch*. A power failure is *Stromausfall*; however, when we turn the power off for safety reasons we say *Netzspannung abschalten*.

As a final word I would like to add this. If the source text does not give you sufficient clues indicating what the term in question looks like or what it does, you probably have no way of translating it. ♦

For biographical information about the author see the December 1998 issue of interaktiv.

Rechtschreibreform Boykott-Aufruf

Die Deutsche Akademie für Sprache und Dichtung hat zum Boykott der Rechtschreibreform aufgerufen. In einer am 16. Oktober in Darmstadt veröffentlichten Erklärung empfiehlt die Akademie, weiterhin bei der alten Schreibung zu bleiben. Akademie-Präsident Christian Meier kündigte einen Gegenentwurf zu den am 1. August eingeführten neuen Regeln für Orthographie und Interpunktion an.

Meier beklagte die „Regelungswut“ der Kultusminister. Viele Punkte der

in zehnjähriger Arbeit gemeinsam mit Österreich und der Schweiz ausgearbeiteten Reform seien nicht stimmig. Dies spürten nicht nur die öffentlichen Verwaltungen, sondern auch Medien und große Verlage, die mit der Übernahme der neuen Regeln daher zögerten. Ein Dialog mit den Kultusministern sei nicht möglich, sagte Meier, denn die seien „nach wie vor völlig vernagelt“.

In den Schulen wird die Rechtschreibreform bereits seit längerer Zeit unterrichtet; die Schulbücher berück-

sichtigen die neuen Regeln. Ein Volksentscheid in Schleswig-Holstein hat am 27. September eine deutliche Mehrheit gegen die Reform ergeben. ♦

Aus: Online Ausgabe
der *Deutschland Nachrichten*
vom 23.10.98

Die *Deutschland Nachrichten* – aktuelle und frühere Ausgaben — finden Sie auf der Website des German Information Center
www.germany-info.org.

Tools for Translators

Creifelds Rechtswörterbuch, 14. Auflage, München: C. H. Beck, 1997, ISBN 3-406-42429-5

reviewed by Thomas Hannon

When translating American legal documents into German or German legal documents into American English, an accurate rendering of the text involves more than finding an appropriate term. Both countries have very different legal systems operating in quite different ways and using very different court procedures. The North American, British and Commonwealth common law is based on precedent and statute while the German legal system developed from Roman law and its understanding of the law as a code.

Before translating a legal term, it is important to understand the underlying legal concept. This is the moment when the translator reaches for a legal encyclopedia such as the *Creifelds*. This compact dictionary of German law, now in its 14th edition (1997), contains short articles on more than 10 000 legal terms and concepts including all areas of the law, from the profane (*Abbiegen im Straßenverkehr*) to the spiritual (*ius divinum*). Physically, it has the great advantage of being small and comparatively light, even with 1598 pages. The articles, while quite condensed, are generally clear and provide sufficient information for the translator. There are frequent cross-references to other articles and also to specific acts (*Gesetze*).

This new 14th edition incorporates the latest changes in legislation, such as the *Telekommunikationsgesetz*, *Arbeitnehmer-Entsendegesetz*, *Aufstiegsfortbildungsförderungsgesetz*, *Genehmigungsverfahrenbeschleunigungsgesetz* (what lovely terms!) sowie *das Jahressteuergesetz 1997*.

There is a useful list of the abbreviations of the more common acts that

appear so frequently in German legal texts, though it is not comprehensive enough to replace other lists of abbreviations such as Dieter Meyer's *Juristische Fremdwörter, Fachausdrücke und Abkürzungen* or Kirchner's *Abkürzungsverzeichnis der Rechtssprache*. Translators who have been working in the legal field for any time will also have their own lists of abbreviations.

The *Creifelds* contains 15 short appendices at the end with a lot of useful information on German law and the courts. The first is a diagram showing the division of law into public and private law and their respective subdivisions. Another lists the most important acts and regulations under subdivisions such as court procedure, civil law, trade and economics, and social law. Appendix V illustrates the making of law in the two houses of the federal parliament. Several appendices show the composition of the courts, even indicating whether the judges are professional or honorary judges. The course of proceedings in civil cases and in various courts is also indicated with flow charts. The remaining appendices show examples of the

expenses associated with court proceedings and information on inheritance and social insurance.

I have found the *Creifelds Rechtswörterbuch* an extremely useful reference, particularly with the appendices. It is compact, concise and easy to use. However, in addition to the information provided, the encyclopedia would have benefited from a bibliography. The articles include frequent references to other articles and to specific acts but rarely to any other legal sources.

Even though legal translation does not form the largest part of my work, I would not want to do without the *Creifelds* as a quick, reliable reference when I need to clarify the concept behind a German legal term. ♦

Thomas Hannon is a certified German to English translator living in Canada. His academic qualifications include an MA specializing in legal history. Most of his translation work today focuses on new technologies and software associated with them.

Glossary Links

Finding on-line dictionaries and resources can be a time consuming and not always successful undertaking. A fellow translator and member of the German Language Division has shouldered this task, compiled an extensive list of glossary links and made them available on the net. Frank Dietz Glossary Links, last updated on February 25, 1999, contains over 270 entries of monolingual and bilingual resources covering a wide variety of topics from the obscure (heraldry and poker) to the mainstream (*Börsenlexikon* and telecommunication).

<http://www.jump.net/~fdietz/glossary.htm>

Published with permission from Frank Dietz

Wundersame Geldschöpfung bei der Straßenbahn

Die Idee ist ebenso einfach wie genial, und außerdem lukrativ. Die Kasseler Verkehrsgesellschaft (KVG) vermietet 43 ihrer Straßenbahnen an eine amerikanische Bank, die sie sofort nach Kassel zurückvermietet, ohne dass die Züge deshalb ihre Fahrt unterbrechen müssen. Die US-Bank zahlt die Miete für die gesamte Laufzeit, rund 100 Millionen Mark an Kassel, zieht jedoch die Leasing-Raten der KVG ab. Unter dem Strich bleibt für die KVG ein Gewinn von 7,8 Millionen Mark übrig, der bereits auf dem Konto eingegangen ist.

Möglich werden solche Geschäfte, auch *lease in-lease out* genannt, mit Hilfe des amerikanischen Steuerrechts. Die US-Unternehmen können den Erwerb der deutschen Straßenbahnen als Investition von der Steuer absetzen und teilen die Steuerersparnis mit dem deutschen Partner. Bei den Gewinnern

sind außer den amerikanischen Banken auch die Anwälte. Verlierer ist der amerikanische Fiskus.

Kassels Oberbürgermeister Georg Lewandowski, auch KVG-Aufsichtsratsvorsitzender, freut sich, dass der KVG „auf ganz legale Weise zusätzliche Einnahmen beschert“ wurden. Auf die Frage nach der moralischen Seite solcher Geschäfte meint Lewandowski, „Wir betrügen ja niemanden.“

Die juristische Seite sei jedenfalls wasserdicht, alle Risiken seien ausgeschlossen, sagt KVG-Chef Helbig. Auch für den Fall, dass die USA ihre Steuergesetze ändern und solche Geschäfte in Zukunft unmöglich machen sollten, gebe es keinen Grund zur Sorge. Rückwirkende Verschlechterungen des Steuerrechts gebe es nach amerikanischem Recht nicht.

Inzwischen wollen immer mehr deutsche Städte bei der wundersamen

Geldschöpfung mitmachen. Die Stadt Leipzig hat außer der Straßenbahn auch ihre Messehallen in die USA vermietet, zurückgemietet und einen zweistelligen Millionengewinn verbucht. Der Gewandhaus-Konzertsaal und das Stadttheater sollen auf dem Papier ebenfalls in die USA und zurück geschoben werden. ♦

Übernommen aus der elektronischen Version der *Deutschland Nachrichten* vom 5. Februar 1999, Teil 2. Die *Deutschland Nachrichten* gestatten generell eine Wiederveröffentlichung ihrer Artikel mit Quellenangabe. — Ein Hinweis: Die *Deutschland Nachrichten* verwenden bereits die neue deutsche Rechtschreibung. Dieser Artikel wurde von Helge L. Gunther eingereicht. Vielen Dank!

Rechtschreibreform

Schleswig-Holsteiner gegen Rechtschreibreform

Gleichzeitig mit der Bundestagswahl entschieden die Wähler in Schleswig-Holstein am 27. September auch über die Reform der deutschen Rechtschreibung. Sie entschieden sich mit 56,4 Prozent dagegen. Das für den Schulunterricht zuständige Kultusministerium des Landes wurde damit in ein Dilemma gestürzt. Die Reform ist nämlich bereits seit dem 1. August in Kraft, und fast alle Schulen unterrichten schon seit zwei Jahren nach den neuen Regeln.

Kultusministerin Gisela Böhrk kündigte einen Erlaß an, der im Schulunterricht sowohl die alten wie die neuen Regeln zulassen soll, wobei aber die neuen Regeln weder gelehrt noch geübt werden sollen. Bei schriftlichen Leistungsnachweisen sollen als Fehler nur solche Schreibweisen gewertet werden, die sowohl nach den bisherigen wie nach den neuen Regeln falsch sind. Verwendet werden die Schulbücher, die im Handel sind. Die meisten von ihnen berücksichtigen bereits die Reform.

Der Volksentscheid in Schleswig-Holstein gab den Gegnern der Rechtsschreibreform Auftrieb. Sie sprechen von einem „großen Erfolg der Demokratie und der Vernunft“ und fordern erneut den unverzüglichen Stop des Experiments sowie eine Sonderkonferenz der Ministerpräsidenten der Bundesländer. ♦

Aus: Online Ausgabe der *Deutschland Nachrichten* vom 2. 10. 1998

From the Editor

This issue of *Interaktiv* focuses on legal translation with an article about German Criminal Law and a review of Creifelds Rechts-wörterbuch. Those of you working in this field may have additional contributions or comments which I would be pleased to publish in future issues.

Our newsletter still appears in a paper version only. Eventually we plan to publish *Interaktiv* on the GLD website. Michael Metzger, chair of the Website Committee, is now working on attracting suitable offers for setting up the site. Establishing the website has proven to be a lengthy and laborious process. In the meantime, establishing an electronic mailing list for GLD members is under consideration. It is a project that could be implemented much faster than the website.

This is how it would work: Every GLD member with an e-mail account would be asked whether he or she wants to participate in a GLD e-mail list. Only those who agree will become part of this list. Every e-mail message posted on this list will automatically be sent to every member of the list. This list can then be used to pose and answer queries, discuss topics, or share information. *Interaktiv* can be sent through this list as a text file. In other words, we would have an electronic forum specifically for GLD members.

As members without e-mail (are there still any?) would not be able to benefit from this list, it may be another impetus for them to join the era of electronic communication.

We would like to hear your comments to this proposal. Please e-mail, fax or mail your response to the editor (see Editorial Information on page 2 for details—my only e-mail address is now mh_translating@saltspring.com) or to Michael Metzger directly (karas@sirius.com, fax 415-346-5529).

Ingo Stoehr, chair of the Literary Committee, is repeating his call to anybody interested in literary translation to contact him regarding the for-

mation of a discussion group. Interested members could then set a focus in terms of an agenda, discussion formats etc. Ingo Stoehr can be reached at ingostoehr@aol.com, tel & fax: 903-297-3037.

The June issue of *Interaktiv* will place an emphasis on medical translation. This is an invitation to translators working in this field to share their knowledge and expertise with their colleagues. Write an article for *Interaktiv* (remember, you retain the copyright and will be able to publish it elsewhere as well), review some reference material or collate relevant web-

sites, dictionaries etc. Please contact me with your ideas. The submission deadline for the June issue is May 15.

With more lead time and without the many commitments of the holiday season, Janice Becker and Manfred Winter are back as proofreaders for *Interaktiv*. I would like to thank them and all the others who have contributed to this issue.

—Marga Hannon, Editor



Letters to the Editor

Revisiting “Translating German Educational Documents”

One more suggestion for translating “Diplom-Vorprüfung.” I have used “Qualifying Examination” in analogy to the qualifying examination American Ph.D. candidates have to pass prior to starting their Ph.D. research to verify that they have successfully completed the courses, lectures and seminars prescribed by the department and/or Ph.D. supervisor. This is a familiar term in the academic world and has the additional advantage of brevity making it easier to follow the German layout.

For the “ordnungsmäßiges Promotionsverfahren,” I use “Ph.D. requirements;” for “Doktorarbeit,” “Ph.D. thesis” rather than “doctoral thesis,” and for “Reifeprüfung” “High School Diploma.”

—Helge L. Gunther

German Language Division
American Translators Association
1800 Diagonal Road, Suite 220
Alexandria, VA 22314

Poetry in Translation

Two special literary events have been scheduled by the Goethe-Institut Chicago to explore poetry in translation and to allow the interested public to experience and hear the poetry in its original German version and in translation. Poets Raoul Schrott, Gerhard Falkner, Joachim Sartorius and translators Peter Filkins and Fred Viebahn will read from works recently published in a special edition of *Poetry*.

Monday, April 26, 1999

A Reading in English and German
Newberry Library
60 W. Walton

For information and time, please call the Goethe-Institut at 312-263-0472.

Tuesday, April 27, 1999

Symposium
Goethe-Institut
By invitation only.

For information, please call 312-263-0472.

German language poets, poetry translators, scholars specializing in contemporary poetry and publishers of contemporary German poetry in translation will be invited to discuss specific issues of translating poetry.

This project is organized by the Goethe-Institut Chicago, the Austrian Cultural Institute New York, *Poetry*, the American Literary Translators Association (ALTA), and the Literarisches Colloquium Berlin (LCB). ♦

Thank you, Ingo Stoehr, for bringing these events to our attention. —Ed.