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# Parallel Corpora as a Tool for Investigating Strategies of Translating EU Law

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- within research project UIP-2017-05-7169  
**Dynamicity of Specialized Knowledge Categories (DIKA)**, financed by the Croatian Science Foundation, a parallel corpus of English and Croatian texts in the domain of air traffic has been compiled for the purposes of term and definition extraction, as well as for the semantic and syntactic analysis of key terms

# I) Introduction

- the framework of this study:

## Parallel corpora

- unquestionable potential as a source of term candidates for building specialized resources
- terminological and phraseological research providing insight into translation strategies used
- empirical studies are esp. relevant in the field of EU legal translation (still relatively unknown, cf. Biel 2019)



# Initial research questions

- Which corpus?
- genre-specific (e.g. EUCLCORP; Trklja and McAuliffe 2018) vs. multi-genre (e.g. Prieto Ramos et al. 2019)?
- **parallel corpus** of English and Croatian texts comprising EU air transport legislation

# Why?

- intrigued by assertions that the translation of a normative text should be primarily foreignising to reflect as much as possible the expressed intention of the legislator (Paolucci 2017: 256)
- and criticisms of current EU translation practices (e.g. Baaij 2018) which use a so-called mixed approach,
- this corpus-based study examines to what extent the two opposing translation strategies are used in the translation of EU law

## II) Revisiting Foreignization and Domestication in the field of EU Legal Translation



What exactly is implied by the binary concepts of foreignization and domestication?

Are the categories of foreignization and domestication applicable to EU legal translation?



- Domestication – an approach to translation with the aim of minimizing the strangeness of the foreign text (in Schleiermacher's terms: 'bring the author to the reader') (Venuti 1994)
- Foreignization – deliberately breaking the conventions of the target text by retaining something of the original (Yang 2010: 77; 'bring the reader to the author, *Entfremdung*)
- *creativity/conformity,*  
*familiarization/externalization*



## 2 important aspects of the debate



- often overlooked; even though they are principal in the context of EU legal translation
- 1) the cultural dimension
- 2) no clear-cut boundaries between the two strategies



# 1) Cultural dimension

- although the categories liberal and literal translation sometimes overlap with foreignization and domestication, they are not synonymous (Yang 2010: 77),
- F and D tackle the cultural, and not just the linguistic form and ways to transcode language
- ‘EU culture of sameness’ (Šarčević 2015: 203),
- ‘acultural communication’ (Koskinen 2000: 54)

## 2) No clear-cut boundaries

- between the two strategies (Ožbot 2000, 2016)
- which needs to be taken into account in contemporary criticisms of the mixed approach or preferring one or another
- Paolucci (2017: 255) argues for applying foreignizing strategies to the translation of the normative legal texts by using calques, neologisms, and loans in order to reproduce the peculiarities of the source legal system; if a legal text has a purely informative function however, it is more appropriate to use a domesticating approach (Paolucci 2017: 257)
- according to Baaij (2018: 146), EU translation that orients itself towards both author and reader, reaches neither, cf. Schleiermacher (1813/2012: 49, Baaij 2018: 145) who claimed that combining translation orientations takes translation in diametrically opposite directions, generating unreliable results

- such views do not consider that the notions of foreignizing/domesticating or source- and receiver-oriented methods are not fixed categories but dynamic concepts that should be fine-tuned to the research of EU legal translation
- this is especially important bearing in mind that EU legal translation is affected by a multitude of factors (Biel 2019) which pose specific methodological and theoretical challenges
- macro-aspects (institutional, supranational, multilingual)

# Micro: Concordance, continuity, fit



- (multilingual) concordance – the relations of EU texts with all the other language versions (uniformity-legal certainty)
- continuity or consistency – translations must be consistent with the earlier body of texts and terminology (also internal intratextual consistency)
- fit – of supranational texts to the national context (the way EU legal translations interact with the corresponding non-translated texts (cf. Biel 2019; Prieto Ramos 2014: 317))

### III) Data and methodology



- the corpus is compiled from the Directory of legal acts of the European Union from the chapter "Transport policy", subchapter Air transport in English and Croatian
- 178 legal acts are taken having both (English and Croatian) language versions
- type of acts: decisions, regulations, and international agreements

- the texts are downloaded from the EUR-Lex database and entered into the Sketch Engine's corpus compilation module
- Sketch Engine is an online text analysis tool that works with large samples of language
- it is freely available for academic purposes

	English	Croatian
<b>Tokens</b>	1,151,297	1,059,406
<b>Words</b>	951,156	855,56
<b>Sentences</b>	72,045	75,638
<b>Documents</b>	178	178

- automatic term extraction in Sketch Engine (both single-word terms, and multi-word terms) is not reliable enough
- we exploit the fact that in legal acts articles that define concepts always use same wording:  
(‘term’) means (definition) in English  
 (“naziv”) znači (definicija) in Croatian
- by using these lexical markers (‘means’ and ‘znači’), we obtained the list of approximately 1,500 terms and their definitions in English and Croatian that we further analysed





## PARALLEL CONCORDANCE

air transport, English

simple **means**, **znači** 1,477

align

zračni prijevoz, Croatian

'security control' means the application of <b>means</b> by which the introduction of prohibited articles may be prevented;	"zaštitna kontrola" <b>znači</b> primjena sredstava pomoću kojih je moguće spriječiti unos zabranjenih predmeta;
'access control' <b>means</b> the application of means by which the entry of unauthorised persons or unauthorised vehicles, or both, may be prevented;	"kontrola pristupa" <b>znači</b> primjena sredstava pomoću kojih je moguće spriječiti ulazak neovlaštenih osoba ili neovlaštenih vozila, ili ulazak i jednih i drugih;
'access control' means the application of <b>means</b> by which the entry of unauthorised persons or unauthorised vehicles, or both, may be prevented;	"kontrola pristupa" <b>znači</b> primjena sredstava pomoću kojih je moguće spriječiti ulazak neovlaštenih osoba ili neovlaštenih vozila, ili ulazak i jednih i drugih;
'airside' <b>means</b> the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is restricted;	"štićeno područje zračne luke (airside)" <b>znači</b> područje kretanja zrakoplova u zračnoj luci, susjedno zemljište i zgrade ili njihove dijelove, do kojih je pristup ograničen;
'landside' <b>means</b> those parts of an airport, adjacent terrain and buildings or portions thereof that are not airside;	"nadzirano područje zračne luke (landside)" <b>znači</b> oni dijelovi zračne luke, susjednog područja i zgrada ili njihovih dijelova koji nisu štićeni dio zračne luke;
'security restricted area' <b>means</b> that area of airside where, in addition to access being restricted, other aviation security standards are applied;	"zaštitno ograničeno područje" <b>znači</b> onaj štićeni dio zračne luke u kojem se, osim ograničenog pristupa, primjenjuju i drugi standardi zaštite zračnog prometa;
'demarcated area' <b>means</b> an area that is separated by means of access control either from security restricted areas, or, if the demarcated area itself is a security restricted area, from other security restricted areas of an airport;	"demarkirana zona" <b>znači</b> područje koje je odvojeno uz pomoć kontrole pristupa bilo od zaštitno ograničenog područja bilo, ako je i samo demarkirana zona zaštitno ograničeno područje, od drugih zaštitno ograničenih područja u zračnoj luci;
'demarcated area' means an area that is separated by <b>means</b> of access control either from security restricted areas, or, if the demarcated area itself is a security restricted area, from other security restricted areas of an airport;	"demarkirana zona" <b>znači</b> područje koje je odvojeno uz pomoć kontrole pristupa bilo od zaštitno ograničenog područja bilo, ako je i samo demarkirana zona zaštitno ograničeno područje, od drugih zaštitno ograničenih područja u zračnoj luci;
'background check' <b>means</b> a recorded check of a person's identity, including any criminal history, as part of the assessment of an individual's suitability for unescorted access to security restricted areas;	"provjera podobnosti osobe" <b>znači</b> provjera identiteta i prethodnih iskustava, uključujući pregled kaznenih/prekršajnih aktivnosti kao dio procjene o podobnosti osobe za nepraćeni pristup zaštitno ograničenom području;
'transfer passengers, baggage, cargo or mail' <b>means</b> passengers, baggage, cargo or mail departing on an aircraft other than that on which they arrived;	"transferni putnici, prtljaga, teret ili pošta" <b>znači</b> putnici, prtljaga, teret ili pošta koji odlaze zrakoplovom koji nije onaj kojim su stigli;

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# Elements of foreignization

- analysis of the key words and their concordances enables us to identify different types of foreignization elements which we categorized as follows:
  - untypical collocations
  - overuse of nominalizations
  - (inter- and intratextual) inconsistency/term variation
  - (foreignizing effect of) abbreviations

# Untypical collocations - examples



- *demarcated area* – **demarkirana** zona
- *background check* – *provjera podobnosti osobe*
- *unregistered interest* – **neregistrirano**  
*stvarnopravno osiguranje* (vs. **neupisano**,  
**neuneseno**)
- *participating carrier* – **sudjelujući** prijevoznik
- *cutover or hot swapping* – *prijelaz ili vruće*  
*prebacivanje*
- these examples manifest unusual collocations  
as well as a preference for foreign (over more  
domestic modifiers)

# Overuse of nominalizations



- *obstacle limitation surface* – *površina ograničenja prepreka*
- *obstacle protection surface* – *površina zaštite prepreka*
- *host Member State* – *država članica domaćin*
- *Commission inspector* – *inspektor Komisije*

# Inconsistency/Term variation



- *environmental approval* – **ekološko** odobrenje
- *environmental testing* – **okolišno** testiranje
- *safety requirement* – *sigurnosni zahtjev*
- *safety requirement* – *zahtjev sigurnosti*
- *safety requirement* – *zahtjev u vezi sa sigurnošću*
- *insolvency-related event* – *dogadjaj povezan s*  
**nesolventnošću**/*dogadjaj u vezi* **nesposobnosti za**  
**plaćanje**
- *primary insolvency jurisdiction* - *primarna nadležnost*  
*u slučaju* **nesolventnosti**

- *area control centre (ACC) – područni kontrolni centar (ACC)*
- *area control centre (ACC) – centar oblasne kontrole*
- *area control centre (ACC) – centar oblasne kontrole zračnog prometa (ACC)*
  
- *air traffic services unit (ATS unit) – jedinica operativnih usluga u zračnom prometu (jedinica ATS)*
- *air traffic services unit (ATS unit) – jedinica službe zračnog prometa (ATS jedinica)*
- *air traffic services unit (ATS unit) – jedinica koja pruža operativne usluge kontrole zračnog prometa (jedinica ATS-a)*
  
- *pilot-in-command – glavni pilot / zapovjednik / zapovjednik zrakoplova*

# Abbreviations – no fit

- borrowings – as the ultimate element of foreignness (cf. Paolucci 2017)
- *airside* – *štićeno područje zračne luke (airside)*
- *landside* – *nadzirano područje zračne luke (landside)*
- *area control centre (ACC)* – *centar oblasne kontrole (ACC)*
- *joint Aviation Authorities (JAA)* – *zajedničke zrakoplovne vlasti (JAA)*
- *joint Aviation Requirement (JAR)* – *zahtjevi zajedničkih zrakoplovnih vlasti (JAR)*



- *Mode S interrogator – Mode S ispitivač*
- *Mode S operator – operater Mode S-a*
- *Mode S target – cilj Mode S-a*

- Domestication:

*DE Modus-S-Abfragecode*  
*Modus-S-Betreiber*  
*Modus-S-Ziel*

*FR interrogateur mode S*  
*opérateur mode S*  
*cible mode S*

*SL spraševalnik Mode S*  
*upravlavec Mode S*  
*cilj Mode S*





- abbreviations – rendered in full in Croatian but the English abbreviation is kept in the Croatian text
- interesting, Croatian national legislative texts when referring to these abbreviations do not use the English abbreviation, but only the Croatian full denomination (lack of fit and unnaturalness, hampered readability of Croatian texts)

## IV) Results and Discussion



- the results manifest some elements of foreignness emblematic of EU legal language - a source-oriented or foreignizing translation strategy?
- closer inspection of discussed examples however validates the claim that a mixed approach (both domesticating and foreignizing translation strategies) is indeed used in EU translation
- what's more, many of the categories of foreignization elements established for the purpose of this study demonstrate both methods (e.g. collocations)

# Summarizing

- while foreignizing translation may sometimes yield reliable equivalents and transparent translations, it does so at the expense of fit and clarity
- domesticating strategies on the other hand, increase the readability of translated texts in terms of fit and clarity, but may undermine uniform application of EU law
- yet, based on the corpus-based study, we cannot conclude that „exteriorizing EU translation is more likely to succeed in expressing EU law consistently in 24 languages“ (Baaij 2015: 119)

- domestication and foreignization can benefit the research of EU legal translation if understood as not fixed, heuristic concepts (cf. Venuti 1994) which can enable us to elucidate EU translation strategies by using parallel corpora
- at the same time, domestication and foreignization must be framed with regard to first the goal of EU legal translation (equally authentic language versions=uniform application of EU law) and second, with regard to multilingualism (as a salient feature of EU law)

# Outlook?

- large-scale empirical studies are needed (preferably in all EU official languages) - insight into multilingual concordance
- without corpus-based research however, theoretical discussions into the most adequate translation strategies remain conjectures



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