Translation of Judgments:
A Corpus Study of the Textual Fit of EU to Polish Judgments

Dariusz Koźbiał
University of Warsaw, POLAND
d.kozbial@uw.edu.pl

ABSTRACT

The study investigates the degree of textual fit of EU judgments translated into Polish to non-translated national judgments in the framework of Corpus Translation Studies. It profiles the linguistic composition of two sub-genres of judgments — judgments passed by the Court of Justice of the European Union and judgments passed by the Polish Supreme Court (SN). The choice of Polish language versions of EU judgments is dictated by the research project financed by the Polish National Science Centre (UMO-2014/14/E/HS2/00782) "The Eurolect – An EU variant of Polish and its impact on administrative Polish" (https://eurolekt.ils.uw.edu.pl), which studies four legal and semi-legal genres (legislation, judgments, reports, and websites for citizens) representative of the Polish Eurolect, a new hybrid, translator-mediated variety of the Polish language. The author of this study was employed as an investigator/doctoral student in the project; his work package involved the analysis of court judgments. It is assumed that Polish is used by Polish-speaking legal practitioners to familiarize themselves with EU case-law. The multi-dimensional analysis is carried out on a translation-driven monolingual comparable corpus made up of: (1) translated Court of Justice judgments, (2) translated General Court judgments, (3) non-translated post-accession SN judgments from 2011-2015, and non-translated pre-accession SN judgments from 1999. The comparable corpora of judgments are representative of the respective judicial varieties of legal language. The National Corpus of Polish (NKJP) serves as a reference corpus representative of general (as opposed to specialized) Polish.

As an intertextual relation, the textual fit (Chesterman 2004; Biel 2014) is operationalized as the degree of linguistic distance between translations (the supranational context) and non-translations (the national context) belonging to a comparable (sub-)genre. The approach combines macro- and micro-level linguistic genre-register analysis. The former compares the genre structure of EU and national judgments, investigates the context of their production, discusses the translator profile and the translation process, while the latter, primarily using Wordsmith Tools 7.0, focuses on the analysis of over- and underrepresentation of chosen linguistic features within three pillars: (1) chosen lexico-grammatical features, (2) formulaicity (lexical bundles, binomials) and (3) terminology (single and complex terms, Latinisms).

The study confirms the existence of a distinct judicial variety of the Polish Eurolect. Translations have a partly convergent macro-structural profile and a largely divergent micro-

level linguistic profile from non-translations. The key genre markers characterizing both sub-genres are: long mean word and sentence length; high reliance on simple, compound and complex prepositions expressing time, (intra- and intertextual) reference, cause-effect, result, condition, participation, modality, purpose, adversariality and manner relations; a high distribution of paratactic and hypotactic markers, markers of deixis, depersonalized constructions (including auxiliary verbs, passives), verdictive, exercitive (including the impersonal epistemic modal verb *należy* [(it) should/must (be)]) and reporting verbs, conditional patterns, adverbials (in particular epistemic stance adverbials), as well as adjectival and adverbial participles; high overall formulaicity with a low overlap of lexical bundles; a low distribution of binomial structures; a common conceptual base structured around the node simple terms which acquire specialized, both generic and system-specific meanings at the level of complex terms; and frequent use of Latinisms. The data do not unequivocally confirm the direct influence of translations on non-translations, showing only a partial correlation of linguistic change in national judgments with over- and underrepresentation in translations.

The Ph.D. thesis is set to be published in book form by Peter Lang in the last quarter of 2020 under the title "The Language of EU and Polish Judges: Investigating Textual Fit Through Corpus Methods".

KEYWORDS: corpus study; eurolect; judgments; legal translation; textual fit

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