

Holl, Iris (2011): *Textología contrastiva, derecho comparado y traducción jurídica: Las sentencias de divorcio alemanas y españolas*. Berlin: Frank & Timme. ISBN 978-3-86596-324-6, 486 pages.

In this book, based on a doctoral dissertation, the author examines the relationship between legal translation, comparative law, and contrastive textual analysis through a corpus study of Spanish and German divorce judgments. The aim of the study is to provide thematic and textual knowledge to legal translators so as to enable them to make informed translation decisions.

In addition to the introduction, the book is structured into two sections, each of which deals with one of the key areas of the study (i.e. thematic and textual knowledge), and a conclusion. The book comes with a CD-ROM containing the corpus of Spanish and German divorce judgments, which provides the basis for the contrastive textual analysis, as well as Spanish to German and German to Spanish glossaries of legal terms.

The first section (Chapter 1) is devoted to the subject of thematic knowledge. In this section, the author briefly introduces the methodological basis for the comparative study of the subject of divorce, that is comparative law, and, more specifically, the functional method which holds that only laws which perform the same function in different legal systems can be compared (p. 23). However, by far the main part of this section is devoted to a meticulous comparative analysis of the topic of divorce in the Spanish and German legal systems. The analysis is subdivided into different sections, each of them dealing with a separate aspect of divorce regulation in Spain and Germany, respectively. More specifically, the analysis covers the following areas (in both legal systems): the historical development of marriage law, the present marriage law as well as the financial consequences (including the responsibility to maintain the family, and matrimonial regime), separation, annulment and divorce as well as the personal and financial consequences (including dissolution of matrimonial regime, custody of the children, payment of child support etc.), a description of divorce proceedings as well as of the territorial competence of courts and applicable law in international divorce proceedings. Among other things, the results of the analysis show that because of the Franco regime divorce was introduced much later in Spain than in Germany. However, as a consequence of a reform of the Spanish divorce law in 2005, the Spanish law is now less rigid than the German one. While Spanish couples can now obtain a divorce already after three months without consent from the other party, German couples face a mandatory three-year period of legal judicial separation before being able to apply for divorce without consent from their spouse.

The second section (Chapter 2) is devoted to the subject of textual knowledge and includes, more specifically, a thorough analysis of a corpus of 30 Spanish and 30 German divorce judgments. Again, before commencing the analysis, the author introduces the multi-dimensional text model that provides the basis for the analysis. The model consists of four levels: 1) functional level (purpose), 2) situational level (sender, recipient, time and place of text production), 3) thematic level (subject and macro structure), and 4) formal-grammatical level (formal and linguistic features). The analysis focuses on the thematic level because knowledge of the textual content and macrostructure is central to the translator. Distinguishing between secciones (= thematic parts of the macrostructure) and secuencias is central for the analysis, and focus is upon the secuencias as indicators of the internal organization of the text (p. 216). The author distinguishes between four types of secuencias, i.e. narrative, descriptive, expositive, and persuasive. Moreover, the author works analytically with an argumentative and a poetic dimension of language use. The difference lies in the fact that sequence types may not

overlap in the analysis, whereas it is analytically possible to have traits of argumentation or of a poetic function in the instantiations of the sequence types. The findings show that the two legal systems are more or less identical as regards the purpose of the judgment and the situational context (i.e. functional and situational levels). However, when it comes to the thematic level, the findings reveal differences in terms of structure. While the Spanish and German judgment consists of the same four basic sections (head, factual circumstances, legal circumstances, and conclusion), their order differs. In Spanish judgments, the conclusion comes last, whereas this section comes in second position (after the head) in German judgments. The results also reveal differences on the formal-grammatical level, especially in terms of verbs and prepositions (p. 421). For instance, the Spanish judgments include a much greater variety of prepositions than the German ones.

The final chapter (Chapter 3) draws conclusions from both the comparative legal analysis and the contrastive textual analysis. Based on the results of the analyses, the author concludes that thematic knowledge is inextricably linked to textual knowledge (p. 427). In other words, to be able to analyse the text, knowledge on the subject matter is indispensable, and, likewise, conducting a comparative legal analysis is an almost impossible task without thorough knowledge of characteristic textual features and conventions of the languages involved. As regards translation, the author concludes that to be able to produce a successful translation, the translator must have thorough thematic knowledge of both legal systems (p. 428). Thus, the author concludes that comparative law is an appropriate tool for acquiring the necessary thematic knowledge (p. 429). As for the model of textual analysis, the author argues that it has proved its worth because it allows for an exhaustive analysis of the text at different levels. Also, she states that the *secuencias* are particularly useful for analysing texts since they combine semantic aspects with formal-grammatical ones (p. 434). Thus, the author concludes that the model may be used successfully for analysing other (legal) texts (p. 437).

To sum up, this book is an impressive piece of work. Based on a meticulous comparative legal analysis and an extensive contrastive textual analysis, it makes an important contribution to the field of research work supporting the quality of legal translation. Especially the contrastive textual analysis of Spanish and German divorce judgments can be appreciated for its thoroughness and for being based on a large corpus (30 judgments for each language) which is presumably sufficiently representative of the genre in question. The chosen four-level model of analysis reflects the state-of-the-art in the field of (contrastive) textual analysis in a European context. Choosing this approach is thus not in itself an important contribution to the development of the field. But this may definitely be said about the analysis of the sequences and their formal-grammatical characteristics. The theoretical presentation and discussion of the concept of sequences is insightful and the analyses are performed in a thorough manner. Attempts to perform this type of analysis are rare, and the author convincingly argues for and shows the usefulness of the results for the purposes of the translator. Especially on this basis, the author's statements concerning the value of the work and the developed methodology for future research are justified.

However, although this is a good book, it is not without points to be criticised or discussed. First, since the author concludes that thematic knowledge is inextricably linked to textual knowledge, and that an analysis of the one cannot be successfully carried out without consideration of the other, one would expect a clearer link between the two analyses of the study (i.e. the comparative legal analysis of the first section and the contrastive textual analysis of the second section) throughout the book. Yet, in the study of similarities and differences

between the two legal systems not a single reference is made to the subsequent textual analysis. This raises the question whether knowledge of textual features and conventions is, in fact, indispensable for a successful comparative legal analysis. Moreover, in the textual analysis of Spanish and German divorce judgments, only relatively few references are made to the very extensive comparative legal analysis, and not all of the areas covered in the latter are touched upon in the textual analysis. Thus, although the legal translator must, of course, acquire thematic knowledge to produce a successful translation, the legal analysis would have benefited from a more stringent focus on the issues that are immediately relevant to the legal translator rather than adopting a broad focus (p. 38). A more narrow focus would also make it easier for the translator to identify the main similarities and differences between the Spanish and German legal systems.

Secondly, the work is a piece of research aimed at supporting translators and translator students working with divorce sentences between German and Spanish. This is a valuable orientation of the research. However, the author has given more importance to this aim in the organisation of the second part of the work (textual knowledge) than in the first part (thematic knowledge). When planning a text analysis for a PhD project, the researcher may follow either the logic of the model applied or the logic of the intended beneficiaries of the analysis. In many cases, the logic of the model will be followed leading to independent analyses of, in this case, all four levels of the text model. Instead, the author here relevantly chooses to analyse the functional and the situational levels together (as they are interlinked from the point of view of the translator), to focus upon the thematic level (with the organisation of sections and sequences) and to limit the analyses at the formal-grammatical level to investigating linguistic choices in the light of especially the characteristics of the sequences. In the part on the thematic knowledge, on the other hand, the author admits that not all aspects reported in the comparative law part are actually relevant for the translation of divorce sentences. Instead, she here follows the logic of the "model" (i.e. of comparative law and of the legal system) and reports on all parts of the legal concept. In the concluding part, the author herself discusses the relations between legal translation and comparative law and reaches the conclusion that the interests of the translator are different from the interests of the comparative lawyer (p. 429). But she does not use this insight to make a selection among the pieces of information on the concept of divorce in the thematic section on the basis of the prospective needs of translators. And we do not agree that this would not have been, or even may not at all be possible in a relevant way, as stated in the conclusion (p. 430). Focusing upon specific translational tasks (e.g. translating divorce sentences for the purposes of the court) would enable the author to make a selection.

Finally, the book is divided into two main sections consisting of approx. 200 pages each, and each section is divided into sub-sections up to a remarkable depth of seven levels, which makes it quite difficult for the reader to form a general view of the book and its contents. Thus, the book would have benefited from a structure with more separate chapters, and, consequently, reduced hierarchical depth.

We are impressed, in some cases almost overwhelmed, by the thorough analyses and the wealth of information given by the author in this book. For everyone who wants to know about German and/or Spanish divorce law, wants to perform a comparative legal analysis in the functionalist framework, wants to know in detail about the structure and language of German and/or Spanish divorce sentences or wants to see an example of a corpus-based focused textual analysis of a (legal) genre, this work will be especially useful. Furthermore, it will be

interesting for everyone with interest in practical contrastive textology and especially for those text linguists working in the field of analysing thematic sequences.

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