## Legal Phraseology Today.
## A Corpus-based View

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**Editors' Preface / Einleitung**

**Articles / Aufsätze**

**Disputations / Disputationen**

**Bibliography / Bibliographie**

# Legal Phraseology Today: Corpus-based Applications Across Legal Languages and Genres[1]

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## 1 Introduction

One of the main theoretical findings of recent linguistics is that phraseology in the broad sense is central to language organisation (Hoffmann et al. 2015). Phraseological items may come in different shapes and sizes but they take precedence over single words. Yet, for all the impressive growth of studies into "[the] structure, meaning and use of word combinations" (Cowie 1994: 3168) over the past thirty years, research into phraseology in specialist discourse domains tended to lag behind the developments in NLP (Natural Language Processing) (Schulze/Römer 2008). There have been several reasons often cited to account for the perceived gap between LSP (Language for Specific Purpose) and LGP (Language for General Purposes) phraseology studies. Undoubtedly, many problems can be traced to the absence of rigorous and replicable methodologies to identify phraseologisms, the lack of clear and explicit criteria for distinguishing between phraseological and non-phraseological units (as well as classifying different types of phraseologisms), the preoccupation with the terminological perspective at the expense of other aspects of LSP phraseology, the scarcity of freely available corpus resources to carry out new analyses and to replicate the existing ones, and finally, the domain-specificity of different disciplinary discourses (legal, medical, scientific, etc.) precluding a more universalist view of phraseology. This list is not exhaustive and it seems that each of these factors, to a varying extent, has contributed to relegating phraseology to the periphery of LSP studies (cf. Kjær 2007: 506).

The legal domain and its phraseology has also received relatively scant attention. Textual recurrence was initially studied in terms of formulaicity traditionally regarded as one of the most typical and conspicuous features of legal style (Crystal/Davy 1969: 194). Formulaic expressions have been found to lie at the core of much of the formal and ritualistic language so ubiquitous in legal proceedings and documents (Tiersma 1999: 100–104). On the one hand, these expressions have been perceived as an obstacle to the understanding of professional-lay communication, especially in the courtroom, but, on the other hand, formulaic expressions have been recognised as vital signposts helping interactants to orient themselves at different stages in the course of legal proceedings (Coulthard/Johnson 2009). One type of formulaic expressions which has been most extensively studied is known as lexical doubling or binomials (e.g. Gustaffson 1984) and shown to be a distinctive feature of legal language. Gustaffson's analysis demonstrated that such sequences of two or three words (trinomials) belonging to the same part of speech and connected by some lexical link and semantic unity are used five times as often in legal texts as in other prose styles. While the statistics could vary depending on a particular text genre, this study is one of the earliest quantitative examinations of multi-word units in legal language and it is representative of an early interest in exploring the functions of repetitive and fixed expressions in legal discourse. Furthermore, this line of research signalled

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[1]    This paper stems from the ideas of both authors. Sections 1, 2 and 5 were written by Stanisław Goźdź-Roszkowski, whereas sections 3 and 4 by Gianluca Pontrandolfo.

the potential for relying on repetition, fixedness and frequency to uncover patterns of lexical combinations which may be otherwise difficult to intuit.

The crucial link between preserving formulaic patterning in legal instruments and achieving the corresponding legal effects was explicitly acknowledged in Kjær (1990: 28), who in her seminal paper "Context-conditioned word combinations in legal language" argued that failure to employ prefabricated word combinations which are directly prescribed by law "[will] result in the *invalidation* (our emphasis) of the whole text of which they form a part" (1990: 28). Even twenty-five years after its publication, this article is noteworthy for at least two reasons. First, Kjær posed several fundamental questions some of which appear to be relevant for legal phraseology even today. These questions range from the very notion of phraseology and the need for its precise definition, the repertoire of different word combinations found in legal texts, the distinction between LGP and LSP phraseology, and consequently the extent to which methods used to describe LGP phraseology may be used in the description of legal phraseology. As can be seen in Section 2 below, contemporary phraseology is still struggling to explicate its nature and to define parameters of phraseologisms (Gries 2008: 3). The cross-fertilisation between Corpus Linguistics, phraseology and LSP studies, while promising and innovative, raises the perennial question of selecting optimum methodologies for investigating word combinations in specialist discourse domains. It seems that all too often LSP researchers tend to apply corpus methodologies rather indiscriminately. They are preoccupied with the extraction of multi-word units without giving adequate attention to their analysis and interpretation in light of the complexities and specificity of the wider non-linguistic professional contexts in which the specialist domains are embedded. In fact, the other important point made in Kjær (1990) is that the explanation for the occurrence of phraseology in legal texts should be sought in the world of law, rather than within the realm of linguistics. This was (and perhaps still is) a valid criticism of those analytical approaches that only examine texts generated by legal systems and their institutions treating them as an artefact detached from the world of reality. But this study is also noteworthy for its limitations, characteristic of the early period when Corpus Linguistics was only beginning to weave its way into mainstream linguistics, electronic corpora of legal texts were virtually non-existent and general linguists were engaged in what Gries (2008: 3) describes as "idiom researchers and lexicographers classifying and researching various kinds of fairly frozen idiomatic expressions". As a result, the scope of these studies was heavily restricted in that phraseology was mainly studied monolingually as a lexical environment for terms identified manually within a very narrow range of legal genres (legislative texts being the preferred genre). It is the advent of Corpus Linguistics that has radically changed the landscape of contemporary legal phraseology resulting in an array of different approaches and perspectives.

## 2 Corpus linguistics phraseology

Much of the fresh impetus for the study of phraseology is rightly attributed to Corpus Linguistics and the emergence of specialised tools and computerised text resources. The term *corpus linguistics phraseology* is now used interchangeably with *distributional phraseology* or *frequency-driven phraseology* to indicate a range of methods employed to study the use, distribution, structure and/or function of multi-word units.[2] It includes both corpus-based and

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[2]     Cf. Grabowski (2015) for the most up-to-date and comprehensive overview of issues involved in corpus linguistics phraseology research.

corpus-driven methodologies (Tognini Bonelli 2001: 84–87). The corpus-based approach to multi-word units involves pre-selecting such expressions and then analysing the corpus to determine how they are used. For example, one might be able to find out how frequently selected binomial or trinomial expressions (e. g. *null and void* or *give, devise and bequeath*) are used in a specific legal genre, what is their function in context, whether they also appear in other genres, etc. With corpus data tagged with part-of-speech annotation, it is possible to retrieve all instances of such expressions. Such information could be particularly useful for users of legal texts who are not practitioners and/or who do not have sufficient experience with the generic conventions of the texts. In other words, the corpus-based approach can be used to verify one's intuitions about appropriacy and typicality of particular expressions.

On the other hand, the corpus-driven approach is more bottom-up and inductive. It is also more inclusive, i. e. it aims to provide a full account of possible sequences of words. Thanks to the growing number of custom-designed computer programmes (e. g. kfNgram, ConcGram, etc.) it is possible to generate various contiguous or non-contiguous recurrent word combinations which defy the traditional predefined linguistic categories. Such linguistic constructs have been variously defined and referred to as grammar patterns, lexical bundles, clusters, n-grams, skipgrams, phrase frames, prefabricated patterns, etc. Such constructs are treated as instances of phraseology since there is now general consensus among corpus linguists to treat phraseology as a general term to "describe the tendency of words, and groups of words, to occur more frequently in some environments than in others" (Hunston 2011: 5). However, Gries (2008: 4) notes that the notion of phraseology has become so widespread that many scholars tend to use it without providing clear definitions thus precluding wider applicability and comparability of their work. He offers six criteria useful in defining phraseology: (1) the *nature* of the elements involved in a phraseologism; (2) the *number* of elements involved in a phraseologism; (3) the *number of times* an expression must be observed before it counts as a phraseologism; (4) the permissible *distance* between the elements involved in a phraseologism; (5) the degree of *lexical and syntactic flexibility* of the elements involved; and finally (6) the role that *semantic unity* and *semantic non-compositionality/non-predictability* play in the definition (Gries 2008: 4). Thus, Gries advocates a more rigorous and principled view of what linguistic constructs should count as phraseologisms and proposes that phraseologism be defined as

> the co-occurrence of a form or a lemma of a lexical item and one more or additional linguistic elements of various kinds which functions as one semantic unit in a clause or sentence and whose frequency of co-occurrence is larger than expected on the basis of chance. (Gries 2008: 6)

This definition is worth noting for being explicit with regard to each of the parametres and for extending the range of phenomena regarded as phraseologism. As a consequence, it encourages researchers to define carefully the level at which they examine a potential phraseologism and to decide how many elements a phraseologism is supposed to comprise. It also prompts one to consider many types of multi-word expressions as phraseologisms, especially those computer-generated.

However, the influence of corpus linguistics phraseology on legal phraseology extends beyond technological advances in text processing. Rather, corpus linguistics phraseology has paved the way for new and innovative studies that have begun to reveal the potential for investigating various roles and functions performed by phraseologisms in legal discourse.

### 3 The applications of corpus-based approaches to phraseology in legal discourse

This section highlights some of the most important applications of employing corpus approaches to analyse phraseology in legal discourse taking place during the past fifteen years. These would not be possible without corpora of legal language (see an overview in Pontrandolfo 2012) becoming a fruitful test bed to investigate linguistic and textual features of this specialised language. Legal genres included in the existing corpora vary from legislative to judicial language, from academic to administrative one, thus allowing researchers to undertake monolingual or multilingual contrastive studies on different text types.

One such fundamental application, with significant theoretical underpinnings, concerns constructing new taxonomies of word combinations. Few attempts have been made so far to define the conceptual borders of legal phraseological patterns. Classifications of legal phrasemes have rarely been undertaken in the literature on legal genres, with few remarkable exceptions: Kjær's classifications of norm-conditioned legal word combinations based on the correlation between their stability and legal constraints (1990: 28–29)[3] as well the more general and term-based typology proposed in 2007 (509–510)[4]. More recently, there have been attempts to use the corpus-driven approach to construct classifications of recurrent word combinations according to their functional properties. These include Goźdź-Roszkowski's cross-genre classifications of legal lexical bundles (2011: 109–142)[5], Biel's classification of patterns based on a phraseological continuum in legislation (2014: 178–182)[6], and Kopaczyk's taxonomy of lexical bundles in the early legal discourse of Scottish burghs (Kopaczyk 2013).

Worth reiterating is that the new corpus-driven approach led to the identification of non-terminological units. These classifications represent a successful attempt to define the nature of legal phraseological units – a challenging task – providing a useful framework of analysis that takes into account both a functional and linguistic perspective on legal patterns. Combined with corpus-linguistic methods, they can reveal interesting views on how patterns weave meanings across languages.

Corpus-based research of legal phraseology can be grouped into five major areas (adapted from Pontrandolfo 2013: 151–166):

1) studies that analyse lexico-syntactic combinations in legal language, with a preference for specialised collocations, based on traditional notions of phraseology;
2) studies that focus on the formulaic nature of legal language in terms of routine formulae. This line of research has been recently augmented by investigations into uninterrupted sequences of word combinations, i. e. lexical bundles, carried out from a number of perspec-

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[3]   (1) Prefabricated word combinations directly prescribed by law; (2) word combinations only indirectly prescribed by law; (3) word combinations based on implicit quotations from other texts in a genre chain in the legal domain; (4) habitually routine phrases (Kjær 1990: 28–29).

[4]   (1) multi-word terms; (2) collocations with a term; (3) formulaic expressions and standard phrases (Kjær 2007: 509–510).

[5]   (1) *legal reference*: temporal, location, attributive, participative, institutional, terminological, procedure-related bundles; (2) *text-oriented*: causative/resultative, condition, clarification/topic elaboration, focus, framing, structuring, transition bundles; (3) *stance*: epistemic and attitudinal bundles (Goźdź-Roszkowski 2011: 109–142).

[6]   (1) text-organising patterns; (2) grammatical patterns; (3) term-forming patterns (multi-word terms); (4) term-embedded collocations; (5) lexical collocations (Biel 2014: 178–182).

tives: synchronic (e. g. Goźdź-Roszkowski 2006), *standardisation* of early legal discourse (Kopaczyk 2013), *variation* in legal discourse (Goźdź-Roszkowski 2011);

3) lexicographic studies aimed at building specialised legal dictionaries (de Groot 1999) with a special focus on terminology and terminography;

4) corpus-based analysis of phraseology applied to *contrastive analysis* of legal language (Pontrandolfo 2013, Tabares Plasencia 2014) and/or *legal translation* (Biel 2014);

5) Studies that focus on the way legal patterns weave an intricate web of semantic meanings by resorting to a wider notion of phraseology (Mazzi 2010, Goźdź-Roszkowski/Pontrandolfo 2013, 2014).

These studies have confirmed the relevance of corpus linguistics in discovering recurrent patterns. The order in which these clusters of studies are presented is not casual: a consistent move from the first ones (1, 2, 3) to the last sets of research (4 and 5) is increasingly evident in the literature on legal phraseology. If the first trends served the useful purpose of confirming the highly formulaic nature of legal language, the second group (4 and 5) made a step further. Studying phraseology proved to be extremely important for legal translation purposes: while translating a legal text, phraseology is possibly the element that more than any other (syntax, terminology, etc.) gives the text its 'legal flavour', by fulfilling the expectations of the intended readers. It also proved to be crucial in the interpretation of the conceptual relations that can be established between two or more legal terminological units (Meyer/Mackintosh 1994: 339–348) and gave valuable insights not only into legal language but also and most importantly into legal cultures – even more so in the comparison between different legal systems, such as common-law and civil-law ones (cf. Goźdź-Roszkowski/Pontrandolfo 2013).

The classification of studies proposed in this section cannot be regarded as a 'sealed off' box with fully defined borders. As a matter of fact, the papers collected in this special issue confirms the enriching interaction and overlaps between the five areas.

## 4 Synopsis of articles in this issue

The aim of this special issue, made of four original papers, is to collect some original corpus-based research in legal phraseology thus contributing to fill the existing gap in the literature, especially with regard to multilingual studies (both contrastive and translational). The articles collected in this issue bring some further support to the broad conceptualisation of phraseology in LSP studies and highlight new ways in which phraseologisms can be investigated.

The first article "Phraseological profiles of legislative genres: complex prepositions as a special case of legal phrasemes in EU law and national law" is by **Łucja Biel** who focuses on one of the most typical word combinations in legislative language: complex prepositions. It lies in between the first group of studies (see section 3: analysis of lexico-syntactic combinations in legal language), as it focuses on complex prepositions, a 'typical' and widely recognised type of phraseologism, and the forth one (contrastive analysis of legal language and legal translation), as it proposes an interesting interlingual comparison between translated vs. non-translated English and Polish.

The importance of studying complex prepositions relies on the role they play in terms of generic integrity (Bhatia 2004: 115); as a matter of fact, complex prepositions significantly contribute to phraseological profiles of legislative genres. The author analyses the distribution and functions of complex prepositions in multilingual EU law and national law, on a compar-

ative (cross-systemic) and contrastive English-Polish basis, against the background of general language. The analysis relies on three specialised corpora (JRC Acquis for the EU legislation, BoLC for the national legislation of the UK, and PLC for the national legislation of Poland) and two reference corpora (BNC and NKJP). The results confirm that complex prepositions are cognitively salient in the genre of legislation: they show increased distribution against general language, in particular in Polish. It is also demonstrated that national legislation and EU legislation (translated language) are profiled by different sets of salient prepositions, which may adversely affect the readability of the latter due to interference. Functionally, the author demonstrates that the phraseological profiles of legislative instruments are marked by complex prepositions used predominantly in referencing patterns (authority, conflict), conditionals, anchoring (framing) patterns, defining patterns and time deixis.

The second paper "Phraseological units in English-Spanish legal dictionaries: a comparative study" is by **Miriam Buendía Castro & Pamela Faber**. It belongs to the third group identified in section 3 (lexicographic studies aimed at building specialised legal dictionaries) although it takes into account the translation perspective (group 4).

Based on a translation-oriented lexicographic perspective, the authors analyse the headword *vista* ['trial, hearing'] in four of the most representative legal English-Spanish dictionaries with a view to evaluating their potential usefulness for translators. In addition to describing the main features of the micro- and macrostructure of the four resources, the authors study how each one deals with the types of phraseological units encoded, the kinds of phraseological information offered, as well as the location of phraseological units within the dictionary. The positive and negative aspects of each resource are highlighted with a view to designing a terminological entry for legal translators that combines the good points of these dictionaries and avoids their drawbacks. The study confirms that a legal dictionary for translators should provide various ways of accessing phraseological units as well as a classification of phraseological information within each entry for a more effective retrieval of information. The authors advocate the inclusion of a short description of the dictionary's unit so that users are better able to understand its meaning and usage in different contexts as well as its potential contextualised correspondences in the target language and culture.

The third paper "Investigating 'concgrams' in the language of contracts and legal agreements" is by **Katja Dobrić Basaneže** who analyses phraseological units in the language of contracts. The article can be included in the fifth group identified in section 3 (studies that focus on the way legal patterns weave an intricate web of semantic meanings by resorting to a wider notion of phraseology) as it proposes an original corpus-driven investigation of phraseological units in the language of contracts which confirms the formulaic nature of legal language (see group 2 identified in section 3).

The author compares the concgrams found in a bilingual (English, Croatian) comparable corpus of contracts and legal agreements with those included in legal dictionaries and reference corpora. The analysis of the concgrams clustered around keyterms (*agreement*, *parties*, *consideration*, *contract* and their Croatian counterparts) – i. e. complex nominal phrases, extended lexical collocations, extended prepositional phrases and extended bi- and trinominals – reveal that extended binomials are among the most frequent in the English corpus whereas complex nominal phrases prevail in the Croatian corpus. The results are also seen against the backdrop of the translation solutions provided by legal dictionaries.

The fourth and last paper is "(Re)producing habits in international negotiations: A study on the translation of collocations" by **Esther Monzó** who explores the subservient habitus

hypothesis explored in Interpreting and Translation Studies, where interpreters and transla-
tors are said to be especially sensitive and keen to reproduce social and textual norms, usually
dictated by other agents in the field. The paper is an interesting combination of groups 1, 2 and
4 identified in section 3 for the following reasons: it stems from the analysis of a 'traditional'
phraseological unit (*collocations*); it confirms the formulaic nature of legal language; it is main-
ly translation-oriented/driven as it investigates the translators' behaviours in legal settings.

The author presents a case study of legal translation carried out at the World Trade Or-
ganisation (WTO) whose aim is to discover to what extent Spanish legal translators at the
WTO reproduce collocations not included in organisational glossaries (which would therefore
be prescribed and prescriptive) and to find where differences can be detected. The author
combines a semantic target-oriented approach with a corpus-based perspective and focuses
on collocations as a key phraseological unit in legal language. The analysis relies on two cor-
pora of WTO agreements: the Spanish translation of panel reports derived from the (lack of)
compliance with the Agreement on Subsidies and Countervailing Measures (C1 subcorpus)
and the foundational agreements of the WTO (C2 subcorpus), which are taken as the source
of textual normality. The collocations under investigation are the result of a comparison with
the institutional glossaries used by translators at the WTO: after discarding the phraseological
units contained in those resources, the author compares the combinations found in the two
corpora. Overall results seem to suggest that C1 is actually taken as a normative source even
when there would be room for introducing other options, thus suggesting a move towards
standardisation where institutional norms established in authoritative texts (C1) are repro-
duced in other genres.

## 5 Looking ahead: future directions

Given the relative scarcity of the multilingual perspective, one should expect to see an increas-
ing presence of translational and contrastive/comparative perspectives in phraseological stud-
ies. The growing impact of corpus methodologies for text processing in the legal domain has
enabled researchers to generate and analyse a multitude of new types of frequent and recur-
rent sequences in order to investigate legal discourse from new perspectives. One possible ex-
tension of this line of research is to focus on 'units of meaning' rather than sequences of words
based on form. This approach is heralded by the concept of a semantic sequence described as
a "product of social conditions often requiring similar things to be said, rather than speakers
having semi-preconstructed phrases at hand" (Hunston 2008: 292). The emphasis would thus
be shifted towards the question of how members of legal professional communities create
and understand meanings by means of various phraseological units. In this context, semantic
sequences have already begun to be applied to explore the construal of evaluative meanings in
judicial discourse (Goźdź-Roszkowski/Pontrandolfo 2013).

Cross-fertilisation between disciplines of empirically-oriented linguistics and LSP studies
will result in triangulating the ways in which patterns of co-occurrence are analysed. The com-
ing years should witness an increased integration of research methods, e. g. corpus-based ap-
proach combined with Critical Discourse Analysis (CDA) (e. g. Potts/Kjær 2015) thus opening
up new avenues for research. Finally, the developments within the area of Digital Humanities
which aim at enriching data with more nuanced linguistic and non-linguistic information can
be expected to lead to a new generation of corpus data and new applications for them.

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# Phraseological profiles of legislative genres: complex prepositions as a special case of legal phrasemes in EU law and national law

## *Łucja Biel*

**Abstract** The paper explores the hypothesis that a large proportion of non-terminological word combinations in legislation is built around complex prepositions, which significantly contribute to phraseological profiles of legislative genres. The paper analyses the distribution and functions of complex prepositions in multilingual EU law and national law, on a comparative (cross-systemic) and contrastive English-Polish basis, against the background of general language. The analysis is conducted in the corpus-based methodology with the corpora of EU legislation (JRC Acquis) – regulations and directives, national legislation of the UK (BoLC) and of Poland (PLC), and general corpora (BNC and NKJP). The findings confirm that complex prepositions are very frequent and hence cognitively salient in the genre of legislation: complex prepositions show increased distribution against general language, in particular in Polish. It is demonstrated that national legislation and EU legislation (translationese) are profiled by different sets of salient prepositions, which may adversely affect the readability of the latter due to interference. Functionally, it has been demonstrated that the phraseological profiles of legislative instruments are marked by complex prepositions used predominantly in referencing patterns (authority, conflict), conditionals, anchoring (framing) patterns, defining patterns and time deixis.

**Keywords** complex prepositions, legal phrasemes, EU law, EU translation, legislative genre, phraseological profile

## 1 Introduction: Legal phraseology

With the advent of corpus linguistics and its focus on patterns, phraseology has received a second life. It is now studied mainly in the frequency-based approach which has redefined the concept of phraseology as a broad category that includes collocations, multi-word lexical units and lexical bundles (cf. Granger/Paquot 2008: 28–32), which are more frequent and cognitively salient in specialised languages than idioms or proverbs, which traditionally were at the core of phraseological studies (cf. Granger/Paquot 2008: 28). The phraseology of specialised languages has also benefited from corpus-based advances within Terminology, which has extended its area of interest by the linguistic environment of terms, that is phrasemes. Yet legal phraseology has not attracted much attention due to the predominant terminological orientation of legal language studies. Notable exceptions include Kjær's pioneering paper (1990), Goźdź-Roszkowski's work on multi-word patterns across legal genres (2011), Pontrandolfo's contrastive study of phraseology in criminal judgments (2013) and Biel's study of phrasemes in translated and nontranslated law (2014a, 2014b).

Legal genres have conventionalised their own phraseological profiles (cf. Groom qtd. in Goźdź-Roszkowski 2011: 39) and it may be hypothesised that such profiles are distinct not only externally, across legal genres, but also internally, within a legal genre. This paper will analyse an internal variation of prepositional phrases within the genre of legislation. One of the distinguishing features of legal phraseology is that it may contain very long sequences,

ranging from phrases to entire clauses. Secondly, in addition to multi-word terms and their collocations which are central to legal language, some significant combinations do not contain terms. This has also been confirmed *inter alia*, by Goźdź-Roszkowski (2011: 107), who has found that a large number of keywords in US legal texts are not terms proper but patterns which "fulfil very important local functions".

Drawing on earlier studies, Biel (2014a: 36–48) has proposed the phraseological continuum in the language of the law which accounts for non-terminological categories that are statistically significant in the genre of legislation. They range from the global textual level to the local microlevel: text-organising, grammatical and term-forming patterns as well as term-embedding and lexical collocations. The last group covers frequent recurrent patterns and standard phrases at the microstructural level which do not contain terms, for example qualifications of legal rules and inter-/intratextual mapping patterns, e. g. *in accordance with the procedure referred to in Article 25(2)*.

It is hypothesised in this paper that a large proportion of such unique non-terminological word combinations in legislation is built around prepositions, in particular complex prepositions. This was suggested by my earlier study (Biel 2014a), where keywords revealed an untypically high, asymmetrical distribution of prepositions in EU and Polish legislation (which was not researched further in the previous project). The objective of this paper is to analyse the distribution and functions of complex prepositions in multilingual EU legislation, in its English and Polish version, and in national legislation against the background of general language. Given the multifarious nature of EU law, which is heavily based on translation and cross-linguistic negotiations of meaning, both a comparative and contrastive perspective will be adopted. The comparative (cross-systemic) perspective will juxtapose prepositions across legal systems by comparing multilingual legislation to national legislation in the same language, while the contrastive (cross-linguistic) perspective will juxtapose prepositions across legal languages by comparing their distribution in legal English and legal Polish. Thus, the analysis will cover both nontranslations and translations to answer the following research questions:

1)　How and why does the distribution of complex prepositions differ in legal and nonlegal language, and in nontranslations and translations?
2)　What functions do complex prepositions serve in the legislative genre?

## 2 Complex prepositions as a distinctive feature of legal discourse

In this section, I outline the definitions and categorisations of prepositions in order to set the scene for complex prepositions. Then I review the literature on the role of complex prepositions in legal language.

### 2.1 Prepositions as a word class

Prepositions constitute a closed system of noninflectional function words, the main function of which is to link units and encode the *relationship* between them (cf. Greenbaum/Quirk 1990: 188, Biber et al. 2007: 56). Prepositions are divided into simple and complex:

1)　**simple prepositions:** (a) monosyllabic, e. g. *in, on*, which are typically very frequent, unstressed and with a reduced vowel; (b) polysyllabic: derived from a combination of simple prepositions (*within*), participles (*during*), borrowings (*despite*) (Greenbaum/Quirk 1990: 190);

2) **complex prepositions:** they are defined as "multi-word sequences [that] function seman-
tically and syntactically as single prepositions" (Biber et al. 2007: 75); in English they range
from two to four words (*save for, in exchange for, as a result of*). They may be further divi-
ded into: (a) a combination of a simple preposition with a preceding participle, adjective,
adverb, or conjunction, e. g. *owing to, devoid of;* (b) a simple preposition followed by a
noun and another simple preposition: *in charge of* (Greenbaum/Quirk 1990: 190). Com-
plex prepositions arose from productive prepositional constructions through the process
of lexicalisation (cf. Huddleston 1986: 342); hence, the boundary between a complex pre-
position and a prepositional phrase is fuzzy in some cases.

Classifications of Polish prepositions are based on similar criteria although polysyllabic simple
prepositions tend to be distinguished as a separate class: (1) **simple prepositions**, e. g. *w, na*;
(2) **compound prepositions** ("przyimek złożony") which are polysyllabic, e. g. *ponad, zza*; and
(3) **complex prepositions** ("przyimek wtórny", lit. secondary preposition), e. g. *na skutek* (cf.
Milewska 2003: 35–39 for further discussion).

Prepositions overlap with other word classes: they may function as subordinators, ad-
verbs, adjectives, and infinitive markers (*to*) in English (Biber et al. 2007: 76–77). While in
traditional approaches the status of complex prepositions is not always clear (a phraseme? a
preposition?), the frequency-based approach views them as a type of a phraseme, a recurrent
sequence of words. It should be noted that complex prepositions are often embedded in longer
phrasemes.

## 2.2 Complex prepositions as a distinctive feature of legal language

Complex prepositions are considered to be a distinctive feature of legal language both in the
written and spoken mode: this feature has been confirmed at least for English (Quirk et al.
1985: 672, Johnson/Coulthard 2010: 11), Polish (Łapa 2006), Spanish and Italian (Pontran-
dolfo 2013). Their distinctiveness in legal language results from their increased frequency, that
is overrepresentation, compared to everyday language. Some complex prepositions may be
restricted mainly to legal and administrative language (cf. Quirk et al. for "legalistic or bureau-
cratic usage" [1985: 672], Charrow/Charrow on vague *as to* [1979: 1322]). The overrepresenta-
tion of complex prepositions may be attributed to their syntactic and semantic functions. First,
since prepositions introduce noun phrases, their frequent use results in nominalisations and
contributes to a more formal style. In the same vein, Alcaraz and Hughes (2002: 9) observe that
high-frequency prepositional phrases – and they list mainly complex prepositions such as *pur-
suant to, without prejudice to, subject to* – create an "archaic or solemn tone". At the semantic
level, complex prepositions – as Johnson and Coulthard (2010: 11) note – code more precise
meanings than simple prepositions and hence may help reduce vagueness (see also Milewska
2003: 28, Łapa 2006: 359). The disambiguating function is stressed, *inter alia*, by Bhatia (1994:
143), who sees complex prepositions, such as *in accordance with, in pursuance of*, as a device
used to achieve clarity in legislative writing.

The overrepresentation of prepositions in legal discourse tends to be assessed as overuse.
Not only complex prepositions but also prepositions *per se* tend to be evaluated negatively by
proponents of the Plain English Movement. Take for example Garner (2002), who argues that
prepositions may "take over" the sentence: "Sentences larded with prepositions signal that
you're trying to pack in too much information. Readers of legal prose often find themselves

unable to get any air as they're sucked into verbal quicksand" (Garner 2002: 68). Likewise, Schiess (2007) emphasises that the abundance of prepositional phrases results in a "stilted and choppy" and "awkward" style that is "hard to read and hard to read quickly". On the other hand, Garner (2002: 69) warns against the other extreme – the avoidance of prepositions which results in "noun plague" and reduces clarity. It is because without a preposition, the relationship between units being linked is coded implicitly and implicitness invites ambiguity.

Despite their prominence in legal discourse, complex prepositions have not received much attention from scholars, except for a few passing mentions and anecdotal evidence. As Johnson and Coulthard (2010: 11) confirm "as yet there is no systematic comparative study of their use […] across both modes [i. e. spoken and written mode] and in large corpora". The goal of this paper is to partly fill in this gap by a corpus-based study of complex prepositions within the genre of legislation and by including translation as well.

## 3 Multilingual EU law – hybrid translator-mediated communication

While both UK and Polish national law is drafted in a monolingual setting, EU law is a melting pot for national legal systems, languages, and cultures and is drafted in a multilingual environment. EU-wide legislation is adopted in 24 official languages and is applicable in 28 Member States. In the case of EU law, the critical determinant of translation quality is its uniform interpretation and application in all the Member States (cf. Šarčević 1997: 73). Under the principles of multilingualism and equal authenticity, all language versions have an authoritative status, that is they are equally valid and presumed to have the same meaning (Šarčević 1997: 64). Furthermore, unlike in typical translation situations, drafting and translation of EU legislation take place concurrently. Although the proposal for a legal instrument is drafted mainly in English, it is then translated into the other official languages; hence, translation is involved at all stages of the drafting process rather than at the final stage only. The process is therefore multistage and multilingual with EU law emerging as a result of translator-mediated institutionally-standardised communication. All these constraints inevitably take a toll on the language of EU law – conceptually, lexically, grammatically and stylistically, creating a hybrid construct.

The hybrid language of multilingual EU law has not been researched extensively (cf. Biel 2014a: 75–83 for an overview) and we still do not have sufficient empirical data on how it differs from national languages of law. This paper will investigate salient prepositional phrases – to what extent they differ, why they differ and whether such differences are justified.

## 4 Corpus design and methods

This study is a follow-up on the Eurofog project (Biel 2014a) and uses the comparable corpora used in it: the JRC Acquis Corpus of translated EU law and the Polish Law corpus of nontranslated national legislation.

The Regulations Corpus (R-Acquis) and the Directives Corpus (L-Acquis) were extracted in English and Polish from Version 3.0 of the JRC Acquis Corpus released in 2007 (cf. Steinberger et al. 2006). Resolutions, which have general application, are binding in their entirety and are directly applicable in all the Member States, while directives are binding as to the result to be achieved upon each Member State to which they are addressed, but leave the choice of form and methods to national authorities (Article 249 EC Treaty).

The Polish Law Corpus (PLC) was compiled by the author and contains nontranslated Polish legislation in force as at 1 August 2011, covering the period from 1930s to 2011 (although nearly all statutes were substantially amended in the last two decades after the fall of Communism and accession to the EU in 2004). It covers the full range of variability of primary legislation passed by the Polish Parliament, that is the Constitution and various acts of parliament known as *ustawa*. The PLC corpus covers 71 % of the population of the Polish acts of parliament at the cut-off date (cf. Biel 2014a for more details).

Another reference corpus is the balanced sample of the National Corpus of Polish (NKJP; www.nkjp.pl). It is a large reference corpus of contemporary Polish released in 2012 with the time depth of 1945–2011. It is used as a background for the interpretation of translation data and to avoid the "difference mindset" (cf. Baker 2010: 153).

The corpus design for English mirrors that for Polish with two reference corpora. The subcorpus of Acts of Parliament, which is part of the Bononia Legal Corpus (BoLC; http://corpora.dslo.unibo.it/bolc_eng.html), was used as a corpus of national legislation. It contains 238 UK statutes from 1996–2003[1]. The British National Corpus, version BNCWeb at Lancaster University (http://bncweb.lancs.ac.uk/), was used as a general corpus with a representative cross-section of contemporary British English. For ease of reference, I will refer to it as "general English" and to the corresponding cross-section of the National Corpus of Polish as "general Polish".

The national corpora are not fully comparable as regards their time span and genre structure;[2] this is unavoidable due to the culture-specific nature of representativeness which is often based on national readership figures. This is a methodological constraint; however, since these corpora are to serve as a background for the analysis, I am more interested in general trends rather than in absolute figures.

*Tab. 1: Study design*

| Name of the corpus | Texts | Time depth | Tokens/words (million) |
|---|---|---|---|
| **POLISH CORPORA** | | | |
| PL JRC Acquis: Regulations (R-Acquis) | 8,821 | 1958–2006 | 14.7 |
| PL JRC Acquis: Directives (L-Acquis) | 1,962 | 1958–2006 | 7.2 |
| Polish Law Corpus (PLC) | 755 | 1930s–2011 | 6.8 |
| The National Corpus of Polish (NKJP) | n.d. | 1945–2011 | 240.2 |
| **ENGLISH CORPORA** | | | |
| EN JRC Acquis: Regulations (R-Acquis) | 8,829 | 1958–2006 | 15.8 |
| EN JRC Acquis: Directives (L-Acquis) | 1,969 | 1958–2006 | 8.8 |
| The Bononia Legal Corpus (BoLC): Acts of Parliament | 238 | 1996–2003 | 12.9 |
| The British National Corpus: BNCWeb | 4,048 | 1960s–1990s | 98.3 |

Owing to the different sizes of the corpora, frequencies were normalised to 1 million words. The study was conducted with Wordsmith Tools 6.0.

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[1]    Personal communication with Fabio Tamburini, 5.02.2015.

[2]    E. g. BNC has much more books and fewer periodicals than NKJP.

## 5 A corpus-based study of distribution of prepositions across legislative genres

### 5.1 Distribution of simple and complex prepositions
### in UK legal English, EU legal English, and general English

The discussion will start with a brief overview of the frequency of **simple prepositions** in legal and nonlegal English. Simple prepositions have high frequency and most of them appear in the first 200 words of wordlists. Table 2 shows the frequency of top prepositions in UK legal, EU legal and general English. The frequencies reflect occurrences of a form both as a simple preposition and as part of a complex preposition.

*Tab. 2: Frequency of simple prepositions in legal and nonlegal English (normalised to 1 million words)*

| | UK Legislation BoLC | EU Legislation EN Acquis | | | | General English BNC |
|---|---|---|---|---|---|---|
| | | EU Regulations | | EU Directives | | |
| *of* | 29,016 | **46,302**[3] | #2[4] | **46584** | #2 | 30,946 |
| *to* | 23,741 | 23,747 | #4 | 25720 | #3 | 26,382 |
| *in* | 15,576 | **25,863** | #3 | **23906** | #4 | 19,711 |
| *for* | 10,882 | **14,513** | #6 | 11920 | #8 | 8,938 |
| *by* | 8,140 | 8,467 | #13 | 8006 | #11 | 5,210 |
| *under* | **5,392** | 1,919 | #50 | 1593 | #61 | 616 |
| *with* | 3,574 | 5,374 | #20 | **7720** | #12 | 6,699 |
| *on* | 3,177 | **7,296** | #15 | **6635** | #15 | 7,420 |
| *at* | 2,662 | 2,948 | #32 | 3639 | #25 | **5,306** |
| *from* | 1,231 | 3,839 | #25 | 3,405 | #28 | **4,323** |
| *after* | **1,219** | 626 | #164 | 843 | #122 | 1,157 |
| *within* | 982 | **1,456** | #70 | **1,257** | #81 | 463 |
| *before* | **860** | 515 | #213 | 586 | #183 | **863** |
| *into* | 594 | 1,688 | #59 | 1,439 | #74 | 1,603 |
| *out* | 480 | 1,246 | #80 | 1,683 | #56 | **2,002** |
| *without* | 264 | 576 | #188 | **758** | #135 | 454 |
| *during* | 189 | **745** | #140 | **604** | #172 | 441 |
| *except* | 185 | 228 | #452 | 242 | #242 | 103 |
| *between* | 139 | 990 | #104 | 813 | #126 | 920 |
| *up* | 101 | 594 | #180 | 700 | #145 | **2,109** |
| *down* | 34 | **1,788** | #53 | **1,513** | #69 | 936 |
| *concerning* | 17 | **581** | #186 | **587** | #181 | 34 |

[3]      Bolded figures indicate strong overrepresentation compared to the other corpora.

[4]      Figures preceded by # indicate a ranking in the wordlist (available only for the EU corpus).

The table shows marked differences in the frequency of prepositions across the corpora and little similarity between how prepositions are used in EU and UK English. The main similarity concerns the top 5 prepositions which are shared (also with BNC but for the fifth *on*), though their normalised frequencies differ significantly:

- UK legislation                                   *of, to, in, for, by*
- EU legislation (Regulations)          *of, in, to, for, by*
- EU legislation (Directives)             *of, to, in, for, by*
- General English                              *of, to, in, for, on*

The fact that *by* has an increased frequency in legal English has also been observed by Coulthard and Johnson (2007: 40) on the corpus of contracts, who explained it by a strong preference for passive constructions.

As for the differences, the Eurolect corpora have ca. 40 % prepositions more than the UK legal corpus (which is surprising and may indicate increased explicitation/analyticity in EU English) and 20 % more than the general English corpus. The most frequent preposition in both legal and nonlegal corpora is *of*, which is two times as frequent as the next top ranking preposition in EU English but the difference is much less pronounced in the other corpora. The top ranking of this preposition is due to its grammatical function of genitive; therefore, its strong overrepresentation in EU English may indicate preference for nominalisations and noun strings. It is worth noting in passing that some English prepositions correspond to more synthetic case inflections (*of* genitive, dative) in inflectional languages (cf. Huddleston 1986: 337, Biber et al. 2007: 74), e.g. in Polish.

In most cases simple prepositions are strongly overrepresented[5] in the Eurolect compared to the UK legal corpus, e.g. *of, in, with, on, from, out, down, into, within, between, without, up, thereof, during, concerning*, of which *down* and *concerning* are virtually non-existent in UK legal English. The overrepresentation of *concerning* may be attributed to its use in names of EU instruments, e.g. *Directive 93/42/EEC concerning medical devices,* where UK English prefers more synthetic non-prepositional premodification, e.g. *Medical Devices Regulation.* In many cases the overrepresentation of a simple preposition is linked to the overrepresentation of a related complex preposition, e.g. *with → in accordance with, with a view to,* or to a repetitive pattern, e.g. *comply with the requirements/provisions of this Directive, Text with EEA relevance, measures provided for in X.* A few prepositions have a similar frequency – namely, *to, by, at,* while a few of them are underrepresented in the Eurolect, that is *under, after* and *before.* The most striking difference is the strong use of *under* in UK legal English – mainly in textual mapping patterns, such as *an order under subsection (1), a leave to appeal under section 183* – as a result of which *under* is three times more frequent than in the Eurolect and nine times than in general English.

Compared to general English, the prepositions *for, by, under*, and *within* are overrepresented in the UK legal corpus, and, thus, may be regarded as a distinctive feature of UK legal English. Prepositions typical of the Eurolect include *under, down, within, concerning.*

The use of **compound prepositions**, that is combinations of *here* and *there* with a preposition, is often regarded as a distinctive feature of legalese (cf. Mellinkoff 1963: 13; Crystal/ Davy 1969: 207–208; Mattila 2006: 244). As observed by Crystal and Davy (1969), compound prepositions have a referencing function – they are used for exact references to the instru-

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[5]     Prepositions that are overrepresented have been bolded in the tables.

ment, its sections and parties to the instrument; however, this use is evaluated as excessive and ritualistic: "it seems possible to see in the almost ritualistic repetitiveness more than a little reverence for tradition" (Crystal/Davy 1969: 208). Table 3 shows the most frequent compound prepositions.

*Tab. 3: Frequency of compound prepositions in legal and nonlegal English (normalised to 1 million words)*

| | **UK Legislation BoLC** | **EU Legislation EN Acquis** | | **General English BNC** |
|---|---|---|---|---|
| | | **EU Regulations** | **EU Directives** | |
| *hereby* | 8 | **281** | **133** | 3 |
| *hereinafter* | 1 | **130** | **56** | 1 |
| *hereto* | 0 | **135** | 19 | 1 |
| *hereafter* | 0 | 10 | 7 | 1 |
| Total: | 9 | 556 | 215 | 6 |
| *thereto* | 6 | **89** | **58** | 2 |
| *thereof* | 4 | **867** | **638** | 5 |
| *thereafter* | 3 | **37** | **30** | 14 |
| *thereby* | 2 | **31** | **30** | 27 |
| *thereon* | 1 | 14 | 9 | 1 |
| *therein* | 1 | **59** | **42** | 3 |
| *therefor* | 0 | **30** | 8 | 0 |
| Total: | 17 | 1,127 | 815 | 52 |

Compound prepositions have been found to be virtually non-existent in the UK legal corpus and in general English (except for *thereby*); however, they are quite common in the English Eurolect, at least compared to UK English. This impression is mainly created by a very high frequency of *thereof*, that is 867 occurrences per million words in regulations. Its salience results from its use in highly repetitive text-forming patterns, e. g. *Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,* which is part of the template of EU instruments in preambles (citations), or *The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 31 January 2006. They shall forthwith inform the Commission thereof,* which appears in the implementation section of enacting terms in directives. The remaining compounds are far less common. Combinations with *here* that have a marked frequency include *hereby, hereinafter* and *hereto,* while significant combinations with *there* include *thereof, thereto* and *therein.* The performative *hereby* is mainly used in amending clauses (*X is hereby amended/repeated/replaced*). Overall, compounds with *there* are at least twice as frequent as compounds with *here* in the Eurolect. In respect of the internal variation of the Eurolect, regulations use compound prepositions more often than directives do.

The final group covers **complex prepositions**. Let us now verify their distribution in legal against general English. Table 4 shows the most frequent complex prepositions (arranged according to their frequency in UK legislation) identified through concordances of simple pre-

positions. The table includes only such complex prepositions which appear more than 50 times per million words in either the UK legislation or the Eurolect corpora.[6]

*Tab. 4: Frequency of complex prepositions in legal and nonlegal English (normalised to 1 million words)*

| | UK Legislation BoLC | EU Legislation EN Acquis | | General English BNC |
|---|---|---|---|---|
| | | **Regulations** | **Directives** | |
| *in relation to* | **1,654** | 104 | 166 | 47 |
| *for (the) purpose(s) of* | **1,179** | 484 | 487 | 21 |
| *in respect of* | **928** | 513 | 396 | 30 |
| *subject to* | **862** | 495 | 506 | 53 |
| *by virtue of* | **693** | 48 | 31 | 10 |
| *in accordance with* | 631 | **1,896** | **2,003** | 21 |
| *relating to* | 464 | 359 | **757** | 32 |
| *in the case of* | 357 | 460 | **725** | 47 |
| *in connection with* | **326** | 62 | 38 | 16 |
| *other than* | 268 | **425** | **405** | 45 |
| *within the meaning of* | **212** | **189** | **173** | 2 |
| *in pursuance of* | **189** | 9 | 12 | 1 |
| *for a period of* | **153** | 57 | 46 | 3 |
| *with respect to* | **153** | 45 | 88 | 14 |
| *beginning with* | **153** | 2 | 1 | 4 |
| *on behalf of* | **149** | 55 | 49 | 27 |
| *at the end of* | **100** | 55 | 65 | 95 |
| *as a result of* | **96** | 86 | 70 | 52 |
| *by reference to* | **96** | 37 | 23 | 7 |
| *apart from* | **78** | 12 | 14 | 65 |
| *by reason of* | **75** | 30 | 25 | 3 |
| *by way of* | 72 | **103** | **99** | 14 |
| *in consequence of* | **65** | 2 | 2 | 1 |
| *at the time of* | 61 | 71 | **94** | 28 |
| *in the course of* | 54 | 41 | 34 | 19 |

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6    Examples of complex prepositions with a normalised frequency below 50 occurrences in UK legislation and/or EU legislation (Acquis): *instead of* (BoLC 38, R-Acquis 23, L-Acquis 28, BNC 72), *because of* (26, 45, 44, 179), *on account of* (14, 15, 11, 5), *on (the) ground(s) of* (10, 11, 24, 8), *in charge of* (9, 5, 11, 17), *contrary to* (8, 15, 16, 13), *irrespective of* (5, 29, 25, 9), *regardless of* (3, 16, 21, 14), *within the scope of* (3, 27, 34, 2), *along with* (3, 5, 4, 50), *depending on* (2, 34, 46, 23), *with reference to* (1, 9, 13, 4), *in line with* (1, 47, 26, 13), *for reasons of* (1, 22, 24, 2), *at the expense of* (1, 6, 1, 11), *in agreement with* (0, 38, 7, 2), *owing to* (0, 14, 22, 8), *in front of* (0, 3, 16, 62), *in the range of* (0, 2, 33, 2).

| | | | |
|---|---|---|---|
| *with a view to* | 51 | **128** | **135** | 8 |
| *as far as* | 46 | 53 | **94** | 58 |
| *by means of* | 43 | 84 | **175** | 16 |
| *without prejudice to* | 42 | 189 | **284** | 1 |
| *pursuant to* | 41 | **607** | 394 | 4 |
| *together with* | 35 | 94 | **131** | 59 |
| *as regards* | 34 | **364** | **234** | 7 |
| *in order to* | 30 | **603** | 630 | 123 |
| *in addition to* | 26 | 58 | **102** | 35 |
| *related to* | 23 | **95** | **97** | 46 |
| *as from* | 21 | **63** | **59** | **5** |
| *due to* | 19 | **106** | **101** | **107** |
| *in response to* | 16 | **76** | 7 | 20 |
| *from the date of* | 15 | **72** | 44 | 2 |
| *in case of* | 15 | **45** | **51** | 3 |
| *according to* | 14 | **314** | **429** | 158 |
| *with effect from* | 11 | **77** | **79** | 2 |
| *with regard to* | 11 | 163 | **234** | 17 |
| *in the form of* | 10 | **211** | 70 | 28 |
| *in (the) absence of* | 10 | **80** | 54 | 16 |
| *in compliance with* | 10 | **59** | 41 | 1 |
| *except for* | 10 | **53** | **51** | 19 |
| *in the event of* | 9 | 95 | **160** | 11 |
| *on the basis of* | 7 | **473** | 295 | 30 |
| *prior to* | 7 | 80 | **126** | 32 |
| *in (the) light of* | 6 | **122** | **113** | 18 |
| *in terms of* | 5 | 73 | 44 | **102** |
| *in conformity with* | 3 | 36 | **82** | 1 |
| *in the context of* | 3 | 55 | 44 | 20 |
| *on the occasion of* | 2 | 3 | **113** | 1 |
| *in view of* | 2 | **124** | 50 | 15 |
| *with (the) exception of* | 1 | **95** | **90** | 8 |
| *on the day of* | 1 | **87** | 40 | 3 |
| *in/within the framework of* | 0 | **93** | **53** | 2 |
| *in/within the territory of* | 0 | **65** | 75 | 0.5 |

The table shows marked differences in the frequency of complex prepositions. In contrast to simple prepositions, complex prepositions listed in table 4 have an overall similar frequency in both the Eurolect and UK legal English (around 10,400 occurrences per million words), which is ca. 6.5 times higher than their frequency in general English. However, there are significant differences at the level of individual prepositions.

Unlike simple prepositions, top 5 complex prepositions are far from being identical across the corpora and due to their high frequency contribute to distinct phraseological profiles:

- UK legislation                                    *in relation to, for (the) purpose(s) of, in respect of, subject to, by virtue of*
- EU legislation (Regulations)          *in accordance with, pursuant to, in order to, in respect of, subject to*
- EU legislation (Directives)             *in accordance with, relating to, in the case of, in order to, subject to*
- General English                                 *because of, according to, in order to, due to, in terms of*

Legal corpora share *subject to* and *in respect of* while general English and EU English share *in order to*, which is rare in UK legislation.

While legal corpora, in particular EU ones, prefer **in accordance with**, BNC shows strong preference for synonymous **according to**, which is very rare in UK legislation. With the frequency of around 2000 occurrences per million words, *in accordance with* is the most common preposition in EU English. For comparison, its frequency in BNC is 21 occurrences per million words. It is also extremely common in the English Eurolect compared to other complex prepositions, the next top ones ranging around 400–700 occurrences per million words (*in the case of, in order to, pursuant to, in respect of, subject to, for (the) purpose(s) of, on the basis of, relating to, according to, other than*).

UK legal English shows different preferences. The most frequent preposition is *in relation to* (1,654 occurrences per million words), which is ten times less common in the Eurolect. Other top prepositions include *for (the) purpose(s) of, in respect of, subject to, by virtue of, in accordance with* (which however is three times less common than in the Eurolect), *relating to*. The group of 100–400 occurrences includes *in the case of, in connection with, within the meaning of, in pursuance of, beginning with, for a period of, with respect to, on behalf of.* Most of these prepositions have a markedly lower frequency in the Eurolect, which might indicate non-native influences (either by translators or drafters). Interestingly, while UK legal English prefers *in pursuance of*, which is non-existent in the Eurolect, EU English prefers synonymous *pursuant to*, which is very rare in UK legal English. Other signs of non-native influences on the Eurolect are attested by the fact that quite a few prepositions which rank high in the Eurolect have such an insignificant frequency in UK national English that it is even lower than in general English. They include: *in order to, on the basis of, according to, in the form of, in view of, in (the) light of, with regard to, due to, in the event of, related to, with (the) exception of, together with, prior to, in (the) absence to, in terms of, in addition to, except for.* The comparison with Pontrandolfo's study (2013) of complex prepositions in UK criminal judgments in the COSPE corpus of 2 million words shows that the frequency of prepositions in UK judgments is significantly lower than in UK legislation; however, quite a few top prepositions are shared with UK legislation (*in relation to, in respect of, on behalf of, for (the) purposes of, in accordance with, by reference to*), far more than with EU English. Certain prepositions are unique to judgments

and are very rare in UK legislation (or EU legislation) – these include: *on (the) ground(s) of, in furtherance of, at the hands of, in charge of, by leave of, for reasons of.*

Compared to general English, complex prepositions are strongly overrepresented in the Eurolect. There are very few (4) complex prepositions which rank as frequent in the Eurolect and which at the same time have a frequency above 100 occurrences per million words in BNC – these are: *according to, in order to, due to, in terms of.* In respect of the table 4 complex prepositions, only *in terms of* has a higher frequency in BNC than in the Eurolect (and in UK legal English), which may be explained by the polysemous and terminological nature of the constituent 'term', with specific legal meanings, e. g. *terms and conditions hereof, during the term of the agreement, the following terms have the following meaning*[7]. Only *due to* has a similar frequency. The remaining prepositions may be regarded as typical of the Eurolect. The group of complex prepositions with a frequency below 50 occurrences per million words includes more units which are more common in BNC – these include *instead of, because of, in charge of, along with, in front of, in spite of, next to.*

The reason behind such a marked divergence between UK and EU English is that EU English was shaped by translation and is itself translationese. It was not until 1973 when the United Kingdom joined the European Economic Community, which was established in 1957. At the time of accession, a body of Community legislation already existed before the accession and was translated from one of the then official languages – French, Dutch, German and Italian – into English. EU English has become a *lingua franca* of the European Union – a hybrid mediated language which emerged in a multilingual environment with constant code-switching. As Robertson (2010: 6) notes, EU English may be "'bent' to accommodate other languages […] which translate from it". As a result, it is a distinct variety of English which differs from UK English. This is confirmed by an unusually high frequency of some complex prepositions in the Eurolect compared to general language: explicit/analytical *in order to, as regards*, as well as *on the basis of.*

### 5.2 Distribution of simple and complex prepositions in EU legal Polish, Polish national law and general Polish

As in English, **simple prepositions** dominate the top of Polish wordlists due to their non-inflected forms. Table 5 shows 14 prepositions which appear in the top 200 words of Polish legislation (16 in Polish Acquis – for comparison, 21 in English Acquis).

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[7]     I owe this remark to an anonymous referee.

*Tab. 5: Frequency and, where available, wordlist ranking of simple prepositions in legal and nonlegal Polish (normalised to 1 million words)*

| | Polish legislation PLC | | EU Legislation PL Acquis | | | | General Polish NKJP |
|---|---|---|---|---|---|---|---|
| | | | Regulations | | Directives | | |
| *w (we)*[8] [in] | **45,273** | #1 | 39,632 | #1 | 38,492 | #1 | 13,544 |
| *z (ze)* [with] | **20,418** | #3 | **21,727** | #2 | 17,234 | #3 | 9,381 |
| *o* [about] | **17,681** | #4 | 5,219 | #14 | 4,400 | #15 | 4,985 |
| *do* [to] | 15,652 | #6 | 14,948 | #4 | 16,081 | #4 | 7,483 |
| *na* [on] | **13,183** | #7 | 11,938 | #5 | 10,538 | #6 | 9,651 |
| *przez* [through] | **5,649** | #16 | 3,967 | #23 | 4,753 | #12 | 2,505 |
| *od* [from] | **3,780** | #20 | 3,026 | #30 | 2,827 | #26 | 2,969 |
| *za* [behind] | **2,872** | #28 | 1,694 | #48 | 1,717 | #47 | **2,803** |
| *po* [after] | 2,063 | #35 | 1,782 | #45 | 1,691 | #48 | **3,125** |
| *dla* [for] | 1,918 | #37 | **4,035** | #21 | **4,514** | #14 | 2,213 |
| *przed* [before] | **1,212** | #68 | 696 | #140 | 1,018 | #93 | 1,054 |
| *przy* [at] | 907 | #93 | 836 | #110 | **1,411** | #58 | 1,213 |
| *bez* [without] | 588 | #153 | 717 | #134 | **900** | #106 | 815 |
| *pod* [under] | 515 | #178 | 972 | #88 | **1,411** | #77 | 1,095 |
| *między* [between] | 270 | #393 | **806** | #113 | **768** | #129 | 439 |
| *podczas* [during] | 121 | #911 | 332 | #287 | **607** | #164 | 454 |

Top prepositions appear nearly twice as often in legal Polish as in general Polish (NKJP); this is true for both translated EU law and national law. These differences between legal and general language are not so marked in English, where the top prepositions in Acquis are only 20 % higher than in general English. As a result, simple prepositions are very salient in legal Polish against general Polish.

Similarly to English, the top 5 prepositions are shared, but for *dla* [for] which may code purpose and hence has an increased frequency in directives:

- PL legislation *w, z, do, o, na*
- EU legislation (Regulations) *w, z, do, na, o*
- EU legislation (Directives) *w, z, do, na, dla*
- General Polish *w, z, na, do, o*

There are some marked differences in the distribution of prepositions across the corpora. The comparison of legal Polish to general Polish shows that the majority of the top ranking prepositions are overrepresented in both the Eurolect and national legal Polish, i. e. *w* [in], *z* [with], *do* [to], *przez* [by], except for lower-ranking prepositions *na* [on], *od* [from], *przy* [at], *przed* [before], which have a similar frequency, and *po* [after], which is underrepresented in legal

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[8] The *w* and *z* prepositions have contextual variants, *we* and *ze*, if they are followed by a fricative consonant.

Polish. There is also some variation within legal Polish. The comparison of the Eurolect to nontranslated national legal Polish shows:

- Keywords (strong overrepresentation) in EU law: *pod* [under], *między* [between], *podczas* [during] and *dla* [for] (the latter may result from interference from English).
- Keywords (strong overrepresentation) in national legal Polish: *o* [about], *na* [on], *przez* [through], *za* [behind], *nad* [above]. The first preposition *o* [about] is ca. 3.5 times more frequent in national legal Polish than in the Eurolect and general Polish as a result of its use in the highly-repetitive referencial formula <u>*o*</u> *którym mowa w art. X* [which is referred to in Article X] and in titles of legislative instruments (e. g. *ustawa* <u>*o*</u> *rachunkowości* [the act about accounting]). The latter is also responsible for the strong overrepresentation of *concerning* in EU English, its literal equivalent *dotyczący* and the complex preposition *w sprawie* [in the matter of] in EU Polish, which has developed distinct naming patterns.

It may be concluded that the unusually high frequency of simple prepositions in legal language is often linked to their use in salient referencing formulas. It applies to the English *under* and to the Polish *o* and *w/we*, which collocate mainly with editing units, e. g. *Article* (cf. Biel 2014b).

Table 6 shows the frequency of **complex prepositions** extracted by examining concordances of simple prepositions. It includes complex prepositions with a normalised frequency of more than 50 times per million words in Polish or EU legislation (arranged according to the PLC corpus).

*Tab. 6: Frequency of complex prepositions in legal and nonlegal Polish (normalised to 1 million words)*

| | **Polish legislation PLC** | **EU Legislation PL Acquis** | | **General Polish NKJP** |
|---|---|---|---|---|
| | | **Regulations** | **Directives** | |
| *do spraw* [in charge of] | **2,077** | 11 | 12 | 69 |
| *w przypadku* [in the case of] | **2,008** | 1,738 | **2,196** | 213 |
| *na podstawie* [on the basis of] | **1,730** | 983 | 723 | 138 |
| *w zakresie* [in respect of] | **1,661** | 647 | 764 | 118 |
| *w drodze* [by way of] | **1,514** | 186 | 160 | 65 |
| *w terminie* [within the time limit of] | **1,137** | 246 | 175 | 35 |
| *w razie* [in the case of] | **755** | 113 | 219 | 61 |
| *w celu* [in order to; for the purpose of] | 693 | **1,464** | **1,936** | 84 |
| *zgodnie z* [according to] | 688 | **2,722** | **3,155** | 204 |
| *w sprawie* [in the matter of] | 636 | **1,536** | 1,128 | 213 |
| *w rozumieniu* [within the understanding of] | **616** | 216 | 243 | 17 |
| *z tytułu* [for; BT[9] under the title of] | **581** | 220 | 124 | 60 |

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[9]    BT – back translation.

| | | | | |
|---|---|---|---|---|
| *na terytorium* [in the territory of] | **572** | 134 | 184 | 14 |
| *z zastrzeżeniem* [subject to; BT with reservations as to] | **501** | 121 | 158 | 12 |
| *wraz z* [together with] | **418** | 199 | 238 | 177 |
| *w wysokości* [in the amount of] | **370** | 181 | 26 | 66 |
| *w związku z* [in connection with] | **364** | **325** | 247 | 173 |
| *w ramach* [within the framework of] | 352 | **943** | 401 | 159 |
| *w okresie* [within the period of] | 352 | **391** | 148 | 88 |
| *w trybie* [under; BT in the manner of] | **346** | 21 | 18 | 30 |
| *na rzecz* [for; in favour of] | **336** | 170 | 89 | 96 |
| *ze względu na* [in respect of] | **327** | 175 | 190 | 117 |
| *w formie* [in the form of] | **324** | 220 | 156 | 50 |
| *z wyjątkiem* [with the exception of] | 283 | **408** | **403** | 26 |
| *w stosunku do* [in relation to] | **282** | 190 | 247 | 82 |
| *w porozumieniu z* [in agreement with] | **261** | 18 | 14 | 10 |
| *w wyniku* [as a result of] | **257** | 196 | 181 | 82 |
| *z uwzględnieniem* [in consideration of] | **256** | 113 | 119 | 12 |
| *w odniesieniu do* [with reference to] | 243 | **1,674** | **1,244** | 33 |
| *w czasie* [at the time of] | 235 | 150 | 217 | 202 |
| *w ciągu* [in the course of] | 231 | 278 | 253 | 180 |
| *z zakresu* [in the scope of] | **229** | 32 | 59 | 30 |
| *z wyłączeniem* [with the exclusion of] | **203** | **234** | 72 | 7 |
| *do czasu* [by the time of] | **193** | 58 | 130 | 53 |
| *co do* [as to] | **170** | 54 | 71 | 135 |
| *na okres* [for a period of] | **162** | 120 | 41 | 15 |
| *w toku* [in the course of] | **162** | 20 | 12 | 26 |
| *przez okres* [for a period of] | **161** | 89 | 99 | 7 |
| *przed upływem* [before the lapse of] | **137** | 31 | 30 | 6 |
| *na terenie* [in the area of] | **134** | 43 | 56 | 104 |
| *z powodu* [for a reason of] | **129** | 89 | 75 | 102 |
| *w wypadku* [in the event of] | **114** | 24 | 23 | 30 |

| | | | | |
|---|---|---|---|---|
| *za pośrednictwem* [via; BT through the mediation of] | **108** | 48 | 42 | 36 |
| *z mocy* [under; BT by power of] | **108** | 7 | 5 | 8 |
| *w imieniu* [on behalf of] | 104 | **661** | **368** | 71 |
| *w trakcie* [during the course of] | 99 | **162** | **172** | 113 |
| *z chwilą* [upon; BT at the moment of] | **98** | 30 | 24 | 12 |
| *za okres* [for a period of] | **87** | 16 | 0 | 6 |
| *za pomocą* [with the help of] | 78 | 143 | **312** | 79 |
| *niezależnie od* [irrespective of] | 76 | 77 | **115** | 49 |
| *do celów* [for the purposes of] | 72 | **468** | **587** | 8 |
| *w postaci* [in the form of] | 70 | **177** | **122** | 67 |
| *w zależności od* [depending on] | 64 | **145** | **137** | 43 |
| *bez względu na* [regardless of] | 63 | 57 | 75 | 32 |
| *na skutek* [as a result of] | 62 | 24 | 29 | 31 |
| *pod rygorem* [under the pain of] | **59** | 1 | 0 | 2 |
| *niezgodnie z* [contrary to] | **58** | 4 | **4** | 6 |
| *w dziedzinie* [in the area of] | **57** | 74 | **192** | 31 |
| *na mocy* [pursuant to/BT: by power of article] | 47 | **595** | **435** | 17 |
| *łącznie z* [inclusive of] | 45 | 133 | **197** | 20 |
| *przy pomocy* [with the help of] | 44 | 31 | **69** | 23 |
| *w miarę* [in line with] | 42 | 61 | **165** | ~34 |
| *przy użyciu* [with the use of] | 37 | 78 | **128** | 13 |
| *pod względem* [in respect of] | 37 | **63** | **87** | 45 |
| *w oparciu o* [on the basis of] | 31 | **113** | **95** | 27 |
| *począwszy od* [beginning with] | 24 | **68** | 44 | 15 |
| *z uwagi na* [in view of] | 22 | **89** | 59 | 26 |
| *na temat* [on the subject of] | 18 | 147 | **201** | 164 |
| *na zasadzie* [on the principle of] | 16 | **68** | **75** | 20 |
| *włącznie z* [inclusive of] | 10 | **146** | 98 | 4 |
| *odnośnie do* [with regard to] | 10 | **122** | 98 | 9 |
| *ze strony* [on behalf of] | 8 | **55** | **32** | 76 |
| *w świetle* [in light of] | 5 | **119** | **126** | 26 |
| *bez uszczerbku dla* [without prejudice to] | 3 | **172** | **266** | 1 |
| *ds.* [in charge of – abbrev.] | 2 | **632** | 371 | 56 |
| *na baize* [on the basis of] | 2 | **86** | **74** | 11 |

In contrast to English which prefers three-word prepositions, Polish shows a strong preference for two-word ones. As for top 5 prepositions in each corpus, they sharply differ across the corpora:

- PL legislation                    *do spraw, w przypadku, na podstawie, w zakresie, w drodze*
- EU legislation (Regulations)      *zgodnie z, w przypadku, w odniesieniu do, w sprawie, w celu*
- EU legislation (Directives)       *zgodnie z, w przypadku, w celu, w odniesieniu do, w sprawie*
- General Polish                    *w przypadku, w sprawie, zgodnie z, w czasie, w ciągu*

The top 5 prepositions are identical for the regulations and directives subcorpora of EU legislation (except for the higher ranking of *w celu* [for the purpose of], which is natural in purpose-oriented directives), which is not the case with the corresponding EU English instruments.

The overall distribution of complex prepositions in Polish resembles that in English: namely, complex prepositions appear nearly as frequently in the Eurolect as in national legislation and are ca. 5.3 times more frequent than in general Polish. However, the number and frequency of complex prepositions are substantially higher in legal Polish (~22,000) than in legal English (~10,400), which also applies to general Polish compared to general English. Thus, complex prepositions are more cognitively salient in legal Polish than in English. The reason for this is the predilection of Polish for analytical structures where English prefers more synthetic patterns. The prolific use of complex prepositions in legal Polish may have been intensified by the significant growth of such prepositions in the 20th-century general Polish associated with the increasing analyticity of Polish (cf. Łapa 2006: 358, Milewska 2003: 9). The second reason is the ability of complex prepositions to trigger nominalisations and a strong preference of Polish for the nominal style in formal registers. Although legal English is typically described as favouring the nominal style, from the perspective of Polish it is much more verbal with a greater depth of hypotactic embeddings.

As shown in table 6, Polish national legislation and EU legislation are profiled by a different set of salient prepositions. As in the case of the English Eurolect, its Polish version has developed preferences for some complex prepositions which differ from those preferred by national legislation. The most frequent prepositions include *zgodnie z* [according to], *w przypadku* [in the case of], *w odniesieniu do* [with reference to], *w sprawie* [in the matter of], *w celu* [for the purpose(s) of], *na podstawie* [on the basis of], *w ramach* [within the framework of]. The first two are identical in both language versions: *zgodnie z – in accordance with* and *w przypadku – in the case of*. Some prepositions are strongly overrepresented in the Eurolect: *zgodnie z* [according to], *w odniesieniu do* [with reference to], *na mocy* [pursuant to], *bez uszczerbku dla* [without prejudice to]: they reflect the frequency of corresponding English pronouns in English Acquis. Some prepositions which are frequent in the Eurolect are hardly ever used in legal Polish; they include the abbreviation *ds.* [in charge of], *bez uszczerbku dla* [without prejudice to], *włącznie z* [inclusive of], *odnośnie do* [with regard to], *w świetle* [in light of]. This may be explained by interference from English and translators' preference for literal translation strategies when dealing with multilingual law, e. g. *without prejudice to → bez uszczerbku dla*, hardly ever used in Polish. Some prepositions are rarely prompted in translation (the Eurolect)

despite their prominence in legal Polish, e. g. *w trybie* [under], *w wypadku* [in the event of ], *w porozumieniu z* [in agreement with], *w toku* [in the course of ], or are strongly underrepresented, e. g. *na podstawie* [on the basis of ], *w zakresie* [in respect of ], *w terminie* [within the time limit], *z tytułu* [under the title of ], *w rozumieniu* [within the meaning of ], *w drodze* [by way of ], *na rzecz* [in favour of ]. They are good candidates for unique items[10] which are not prompted in translations and suggest translators' low awareness of legal target-language conventions. Compared to general Polish, the majority of prepositions are overrepresented in both legal corpora.

In addition to frequency distortions due to interference, the Eurolect shows an increased variation of complex prepositions, including some atypical (distorted) forms and constituent variation, e. g. *z wyjątkiem* [with the exception of ] and the stygmatised form *za wyjątkiem*, or *odnośnie do* [relating to] and incorrect use without *do*.

The above analysis provides empirical quantitative data on the frequency of complex prepositions. It confirms that complex prepositions are very frequent and cognitively salient in legislation. It also demonstrates that the (sub-)genres of national and multilingual legislation have developed distinct phraseological profiles as regards complex prepositions. The next section accounts for the predilection of legal discourse for complex prepositions by analysing their functions.

## 6 Functions of complex prepositions in legislation

Prepositions are polysemous and multi-functional; for example, the Polish preposition *w* [in] has as many as 50 senses (cf. Milewska 2003: 43). Prepositions encode spatial relations or their metaphorical extensions which are "figuratively derived from notions of physical space" (Greenbaum/Quirk 1990: 191), including time, cause, reason, motive, purpose, means, instrument, agency, stimulus, accompaniment, concession (Greenbaum/Quirk 1990: 191–202).

In contrast to everyday language, the prototypical function of prepositions – that is expression of spatial relations – is rarely utilised in legislation, except for *na terytorium* [in the territory of ], *na terenie* [in the area of ] and EU English *in/within the territory of*. The vast majority of uses of complex prepositions derives from metaphorical extensions of spatial relations into abstract concepts in which law abounds. In particular, the analysis of concordances with complex prepositions shows that their high frequency is linked to their important local and global functions in the formulation of legal rules. A typical legal sentence has an if-then structure, linking a set of legal conditions with legal effects (Kjær 2000: 146) and specifying circumstances in which a rule applies, or qualifications of legal rules in Bhatia's terms (1994). Complex prepositions are one of the main devices to introduce such qualifications. Structurally – in addition to conjunctions, subordinators and participles – prepositional phrases chunk a legal rule into smaller segments. Below is a list of major functions identified in the corpora.

- **Conditionals and hypothetical patterns**
  EN: *in the case of, in the event of, in case of, in (the) absence of*
  PL: *w przypadku, w razie, w wypadku, pod warunkiem*

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[10]   The underrepresentation of unique items is hypothesised to be a distinctive feature of translations, which contributes to a divergent textual fit of translations to nontranslated texts of a corresponding genre. Unique items are TL features without straightforward counterparts in the SL and "they do not readily suggest themselves as translation equivalents, as there is no obvious linguistic stimulus for them in the source text" (Tirkkonen-Condit 2004: 177–178).

Not all patterns that realise the *if-then* mental model are explicitly marked as conditionals and have the *if-then* prototypical form (cf. Salmi-Tolonen 1994: 18). They may function as preparatory qualifications which specify conditions under which a rule applies (cf. Bhatia 1994: 154).

- **Referencing patterns (text deixis): legal authority and conflict avoidance/resolution**
  EN: *in accordance with, pursuant to, subject to, on the basis of, according to, without prejudice to, in connection with, in compliance with, in conformity with, by virtue of, in pursuance of, by reference to, in line with, contrary to, by derogation from, within the meaning of*
  PL: *zgodnie z, na podstawie, na mocy, bez uszczerbku dla, w trybie, z mocy, niezgodnie z, w rozumieniu*
  This is a very productive group, more varied in English, and a prominent function linked to the condensation of information. They function as text deixis referring to specific places in the same or related statute. As observed by Mattila (2006: 78), legal texts behave as a "non-linear 'hypertext' weighed down with a large number of references" which function as shortcuts. References may be intratextual (within the document) or intertextual (to external instruments). References to editing units (e. g. articles) with complex prepositions are least salient in the Polish national legislation due to the high-frequency non-finite clause *o którym mowa w* [which (is) referred to in], which appears as many as 7,815 times per million words (743 in regulations and 436 in directives). Although the frequency of such references with complex prepositions is similar in Polish legislation and UK legislation, they constitute only 12 % of the analysed complex prepositions in the former, and as many as 30 % in the latter. Similarly, such references constitute ca. 20 % of complex prepositions in the Polish version of EU legislation and as many as 35 % in the English version of EU legislation (although their frequency is similar and higher than in national legislation). This indicates that complex prepositions to a large degree realise a referencing function in English while in Polish this function is less prominent.
  As regards their function, references may be divided into those which establish legal authority (*pursuant to*), signal lack of conflict (*in accordance with*) or resolve conflicts (*without prejudice to*) (cf. Biel 2014b).

- **Anchoring and particularisation**
  EN: *in respect of, as regards, relating to, with regard to, in view of, in light of, in relation to, related to, in terms of, with respect to*
  PL: *w odniesieniu do, w sprawie, w ramach, w zakresie, w stosunku do, na temat, odnośnie do, do spraw, co do, w dziedzinie*
  This is a very salient high-frequency category of prepositions which have an anchoring (focusing) function whereby they narrow down the scope of legal rule, especially when they appear in sentence initial position, e. g. <u>*In respect of a computer program created by a group of natural persons jointly, the exclusive rights shall be owned jointly*</u>. A subtype of this category is referred to by Bhatia as "preparatory qualifications" (1994: 151); they contain "the pre-positioning of the case description" to limit the universal application of the rule (1994: 146). They may also have a local function of particularisation: *no Member State may, on grounds <u>relating to</u> air pollution by their*

*emissions: refuse to grant EEC type-approval.* Such anchoring and framing increase the precision of regulation.

- **Time deixis**
  EN: *for a period of, from the date of, prior to, beginning with, on the occasion of*
  PL: *w okresie, przez okres, na okres, do czasu, z chwilą, za okres, w ciągu, w czasie, w terminie, począwszy od, w toku, w trakcie*
  This is a varied, frequent and prominent group in legislation (see also Goźdź-Roszkowski 2011: 120) due to the need to specify duration or time limits of rights or obligations.

- **Participative patterns**
  EN: *on behalf of, in charge of, in the range of , together with*
  PL: *w imieniu, na rzecz, w porozumieniu z, przy pomocy*
  This group has a more local function of setting the scene in a legal rule by introducing participants of legal rules.

- **Purpose**
  EN: *for the purpose(s) of, in order to, with a view to*
  PL: *w celu, do celów*
  The salience of this group is connected with the purposive function of law whereby it aims at achieving a certain end (cf. Salmi-Tolonen 1994: 29). For Bhatia purposive patterns are operational qualifications under which the rule of law applies (cf. 1994: 154). Purposive patterns are strongly overrepresented in the Eurolect, especially in directives which specify the purpose to be achieved by the Member States.

- **Means, instrument**
  EN: *by means of, by way of*
  PL: *w drodze, przy użyciu, za pośrednictwem, za pomocą, na zasadzie, w formie, w postaci*
  These prepositions have a local function of clarifying means or instruments of action.

- **Cause, effect, reason**
  EN: *due to, as a result of, by reason of, because of, owing to*
  PL: *z powodu, w wyniku, na skutek, ze względu na, z tytułu, w związku z, z uwagi na, pod rygorem, bez względu na*
  This is another type of framing which may introduce causal-resultative scripts and permission. It is quite a varied and frequent group compared to everyday language.

- **Inclusion and exclusion**
  EN: *with (the) exception of, except for, apart from, together with*
  PL: *z wyjątkiem, z wyłączeniem, wraz z, łącznie z, włącznie z*
  This group covers prepositions which include or exclude from a set, thus extending or narrowing the scope of regulation. Compared to everyday language, this group of prepositions has increased distribution in legislation.

To sum up, the phraseological profiles of legislative instruments are marked by the high frequency and resulting cognitive salience of complex prepositions which are used in referencing patterns (authority, conflict), conditionals, anchoring (framing) patterns, defining patterns and time deixis.

## Conclusions

The use of complex prepositions is language- and genre-specific and therefore it might have been reasonably expected to remain stable within the genre of legislation. Yet, despite some similarities in the overall increased frequency of complex prepositions in legal language against general language, their frequency significantly differs between EU variants and national variants of legal languages, both in English and Polish, contributing to distinct phraseological profiles of these variants. One of the reasons is that EU law has emerged from translator-mediated communicative events which are subject to interference and other distortions typical of the translation process and multilingual processing. In the case of Polish, the EU texts reflect underlying English (or other) originals; in the case of English, the EU texts reflect adjustments for the purposes of multilingual translation and the influence of non-native drafters and other official languages ("fusion", "osmosis") due to constant code-switching. Another factor is the sacrosanct – literal – approach to translating multilingual legislation which is naively believed to ensure the uniform interpretation and application of EU law across the Member States. It is important to point out that while some divergences between the language of EU law and national law are fully justified, especially at the terminological level, to differentiate between the concepts of EU law and national law, this is not the case with prepositional phrases which should be adopted to target-language conventions to facilitate text processing to readers. Such departures from target-language conventions may reduce the readability and clarity to the reader. In general, the unconventional use of phraseological patterns sends weaker signals of being "in a genre" and increases processing effort by breaking away from the routine (cf. Biel 2014b: 190). Clearly, more attention should be paid to raise EU translators' awareness of natural TL patterns to avoid unnecessary departures from established generic conventions.

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# Phraseological units in English-Spanish legal dictionaries: a comparative study

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**Abstract** A bilingual general language or specialized dictionary that addresses translation needs should include phraseological information. However, there is still no consensus as to the type of combinatorial information that should be included, where it should be placed, or how it should be classified. Not surprisingly, there are almost as many approaches to phraseology and phraseological units as authors or types of study. In this paper, some of the most representative legal English-Spanish dictionaries are described in order to evaluate their potential usefulness for translators who need to produce a target language text. The comparison of these dictionaries is based on the headword *vista* ['trial', 'hearing']. Our results concluded that a legal dictionary for translators should provide various ways of accessing phraseological units as well as a classification of phraseological information within each entry for a more effective retrieval of information. Finally, the dictionary should include a short description of the unit so that users are better able to understand its meaning and usage in different contexts as well as its potential contextualized correspondences in the target language and culture.

**Keywords** legal dictionary, phraseological unit, translation

## 1 Introduction

Approximately 80 % of the words in discourse are chosen according to the co-selection principle rather than for purely syntactic or grammatical reasons (Sinclair 2000: 197). Thus, the analysis of how words co-select or combine with other words is a crucial focus of study for any linguist and particularly for translators who wish to create a text that has the same meaning as the source language text, and which fits seamlessly into the target language text system and culture.

Phraseology is of paramount importance for lexicographers, and has a central role in monolingual and bilingual general language dictionaries. Terminographers also agree that phraseological information in terminographic resources is extremely important, and even more so for legal purposes:

> Dictionaries that provide help in communicative and cognitive situations are important information tools in today's society, in particular when two different languages and legal systems are involved. (Nielsen 2015: 111)

Nevertheless, few specialized resources actually contain word combinations (L'Homme/Leroyer 2009: 260). It goes without saying that those resources that do include them are frequently not consistent in their treatment of phraseological units (Montero-Martínez/Buendía-Castro 2012). Fortunately, this situation is gradually improving and the representation of phraseological units in specialized dictionaries is becoming increasingly frequent. There are now new ways of collecting and organizing data. These processes are enhanced by the use of corpus analysis tools that enable lexicographers and terminographers to extract a greater variety of information.

In this paper, some of the most representative English-Spanish legal dictionaries are described and compared. The focus is on how they represent, describe, and classify phraseological units and on their potential usefulness for translators. The entry analyzed in these resources is that of the headword *vista* ['hearing', 'trial'], and the user context envisioned is that of a translator who wishes to translate a Spanish legal text into English.

Our analysis focuses on both collocations and compounds. Our approach to collocations integrates insights from both the semantically-based approach and the frequency-oriented approach to collocations. The semantically-based approach (Mel'čuk et al. 1984–1999, Hausmann 1989, Benson et al. 1986, 2009) conceives collocations as mainly binary units with a semantically-autonomous base and a semantically-dependent collocate. In contrast, the frequency-oriented approach to collocation (Sinclair et al. 1970/2004) conceives collocations as statistically significant co-occurrences of two or more words.

In line with semantically-based approaches, what distinguishes a combination such as *eat meat* from *drop the meat* is the following: (i) the definition of *meat* (the flesh of an animal when it is used for food); (ii) the arguments allowed by *eat* (to put or take food into the mouth, chew it, and swallow it[1]). In this sense, *meat*, as an edible food, can appear with a verb of ingestion (*eat*), whose second argument is something that can be eaten, i. e. *food.* However, the definition of *meat* makes no reference to verbs such as *drop*. Therefore, *drop the meat* is a free combination, whereas *eat the meat* is a collocation.

In addition, our approach also includes a certain degree of compositionality in that each lexical unit in a collocation retains its meaning. As such, for example, in the collocation *monopolize a market*, both *monopolize* and *market* maintain their respective meanings. Nonetheless, they are not free combinations since the verb is imposed by the meaning of the noun, and at the same time, the verb selects its arguments. Finally, in order for a multi-word unit to be a collocation, it should also have a high frequency in texts that activate the same pragmatic context or situation.

Therefore, in our study, a collocation is a combination of two or more words. The most common typology in English is the following (Mendoza et al. 2013: 19): (i) verb + noun (direct object); (ii) noun or adjective + noun; (iii) noun + of + noun; (iv) adverb + adjective; (v) verb + adjective; (vi) verb + in + noun; and (vii) verb + noun (subject). In Spanish, collocations are most frequently formed by the following structures (Mendoza et al. 2013: 19): (i) verb + noun (direct object); (ii) noun + adjective or noun; (iii) noun + *de* + noun; (iv) adverb + adjective; (v) verb + adverb; (vi) verb + preposition + noun; and (vii) verb + noun (subject).

Compounds are often defined as "one word (in the sense of lexeme) that is made up of two other words (in the sense of a lexeme)" (Bauer 1988: 65). That means that they designate a single concept. As such, Sager underlines that the meaning of a compound is independent of its components: "A compound is a combination of two or more words into a new syntagmatic unit with a new meaning independent of the constituent parts." (Sager 1997: 34)

In line with this, Sager (1997: 34–35) identifies the following characteristics of compounds: (i) when there are two elements in a compound, the first element normally determines the second, which is the *nucleus* (e. g. *water load*, *canal bed*, *damp course*); (ii) compounds can be inserted into other combinations for new compounds (e. g. *rock-type flood*); (iii) depending on the nature of the nucleus, there is a difference between compounds that can designate ob-

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[1]     The definitions of 'meat' and 'eat' come from *Cambridge Dictionary Online:* <http://dictionary.cambridge.org/> [12.02.2015].

jects (e. g. *concrete breaker*), processes (e. g. *concrete casting*), and/or properties (e. g. *concrete stability*).

As a result, nominal compounds in English are either noun + noun or adjective + noun combinations. Since collocations can have a similar structure, it is often difficult to differentiate them from compounds:

> We are not aware of any broadly agreed standard for distinguishing noun-noun and adjective-noun collocations from multiword terms. And often not the classification of the phenomena, but the additional lexical and terminological description is what really matters. (Heid 2001: 791)

In this regard, some authors question whether a distinction between collocations and compounds is even necessary. Within this scenario, Meyer and Mackintosh coin the term *phraseme* to refer to both collocations and compounds:[2]

> [...] [W]e will take phrasemes to include both collocations and compounds. We realize that these are different, in that normally a compound designates a single concept while a collocation does not. However, compounds and collocations are both realizations of terminological word combinations. Furthermore, they share important relations to the conceptual structure of domains. (Meyer/Mackintosh 1996: 3)

## 2 Legal language as a sublanguage

Legal language in all language-cultures is a sublanguage with very specific syntactic, semantic, and pragmatic features (Tiersma 1999: 15–133). This is only natural because its subject matter is codified in legal terms or designations of specialized knowledge concepts, which are linked to national legal systems, generally based on civil law or common law. In most countries, legal systems generally fall into one of these two categories. The main difference between the two systems is that in common law countries, case law – in the form of published judicial opinions – is of primary importance, whereas in civil law systems, codified statutes predominate.

Legal documents often use grammatical structures that are typical of the field and rarely found elsewhere. Such structures include redundancy, formulaic (often archaic) expressions, foreign words and Latinisms, syntactic discontinuity, impersonal and passive constructions, nominalization, and complex sentences (Hiltunen 2012, Williams 2004: 112–115).

Such documents are issued in legal contexts that codify speech acts (e. g. assertive, commissive, directive, declarative, etc.) (Trosberg 1991: 71–85). Examples of directive speech acts include EU regulations, which are established so that the receivers will take a particular action. Contracts or promissory notes are commissive speech acts that commit the text sender to a future course of action. The content, form, and structure of legal documents thus reflect a message emitted by a text sender to a group of receivers or addressees.

Accordingly, legal translation is a subtype of LSP translation, which entails cross-linguistic communication in legal contexts. As Biel (2008: 22) states: "In contrast to other types of LSP translation, such as medicine, science or technology, legal translation tends to involve more culture-specific than universal components."

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[2]    We distinguish between compounds and collocations and refer to both as phraseological units.

Although to a certain extent, the relation between content and form is present in other specialized texts as well, it is even more prevalent for texts in the legal domain since legal language is the result of a social contract and can be regarded as system-bound (Mattila 2006: 9). In fact, in contrast to science and technology, legal *realia* are not concrete objects (e.g. machines, microscopic organisms, geological formations, etc.), but rather perceptions of sociocultural reality and events. Thus, the various ways that a person can unlawfully take something from someone else, infringe a contract, or be responsible for damage caused to another person, can be variously perceived and codified in different legal systems. This makes it difficult to establish correspondences between terms in these legal systems, especially when the systems are not closely related.

Accordingly, a bilingual entry in a legal dictionary can only be regarded as adequate if there is as complete a description as possible of the macro- and micro-context in which the term appears. This description informs the reader how the term is used and the degree to which it can be regarded as an equivalent to a given term within another legal system. Evidently, the equivalent target language term or terms should also appear with as much contextual information as possible, which facilitates mapping relations between the source and target language systems and cultures. Only then the translator can be able to judge which correspondence should be used in the target text.

## 3 Phraseology in legal English-Spanish dictionaries: description

When searching for legal equivalents, apart from the wide range of electronic tools available (such as Google or discussion forums), translators continue to use both monolingual and bilingual dictionaries as the first port of call. Monolingual legal dictionaries provide definitions of legal concepts that form a conceptual network of a legal system in one language, whereas bilingual legal dictionaries provide target language equivalents of source language legal concepts (Biel 2008: 27–28). In this paper we concentrate on the usefulness of bilingual legal dictionaries for translators.

As previously mentioned, specialized dictionaries that include phraseological information differ considerably in the way that they list phraseological units and represent them in entries. This section provides an overview of how phraseology is treated in some of the most representative English-Spanish legal dictionaries. The entries in these dictionaries frequently do not include definitions since it is assumed that users already know the meaning of the word or have previously looked it up in a monolingual dictionary. Generally speaking, these dictionaries are bidirectional, i.e. they allow searches from the source language to the target language (e.g. English-Spanish) and from the target language to the source language (e.g. Spanish-English).

The headword *vista* ['hearing', 'trial'] is used as an example to describe and compare this set of legal resources. The dictionaries analyzed are the following:

- *Diccionario de Términos Jurídicos = A Dictionary of Legal Terms: inglés español, Spanish-English* (Alcaraz-Varó et al. 2012);
- *Legal Dictionary English-Spanish – Spanish-English* (Kaplan 2008);
- *Diccionario Bilingüe de Términos Legales inglés-español, español-inglés = Bilingual Dictionary of Legal Terms English-Spanish, Spanish-English* (Ramos-Bossini et al. 2008);
- *Nuevo Diccionario de Derecho y Relaciones Internacionales (inglés-español-español-inglés) — New Dictionary of Law and International Relations (English-Spanish-Spanish-English)* (Muñiz-Castro 2003).

Apart from describing the main characteristics of the micro- and macrostructure of each terminographic resource, we analyze how each one deals with the following: (i) the kinds of phraseological units encoded; (ii) the types of phraseological information offered; and (iii) the location of phraseological units within the micro- or macrostructure of the dictionary. The positive and negative aspects of each resource are highlighted with a view to designing a terminological entry for legal translators that combines the good points of these dictionaries and avoids their drawbacks.

One of the main limitations of these dictionaries is that they have no electronic version and can only be consulted in book form. Generally speaking, specialized dictionaries in general are reluctant to provide electronic versions of their resources for copyright reasons. This considerably limits access to information since searches are only possible from the base term (i. e. the noun), and this means that searches are more time-consuming. In addition, there is the risk of not including the most recent concepts or new senses because of the length of the publishing process.

### 3.1 Diccionario de Términos Jurídicos (DTJ)

The *Diccionario de Términos Jurídicos. A Dictionary of Legal Terms (inglés-español, Spanish-English)* (Alcaraz-Varó et al. 2012),[3] henceforth DTJ, is an English-Spanish bilingual dictionary of legal terms.[4] Although the introduction of the dictionary does not specify the exact number of lemmas contained, it clearly states that the 11th edition doubles the number in the first issue, and that it has added about 300 lemmas compared to the 10th edition.

The DTJ targets translators, students, and professionals of the various branches of economics, business, and law, along with journalists and entrepreneurs. It includes both American and British English variants. For its compilation, a large number of specialized texts from numerous resources were consulted for searching and validating examples and definitions.[5]

The DTJ has two sections: (i) English-Spanish; (ii) Spanish-English. The reason for this is that some of the terms or phrases that are single units or multi-word units, either in English or Spanish, are translated as a paraphrase in the other language. Most of the lemmas in the dictionary are simple or compound lexical units although there are some syntactic or periphrastic units, especially in the Spanish-English part. The dictionary is organized alphabetically.

As stated in its introduction, the dictionary includes three kinds of lexical units: (i) *technical units*, considered to be the simplest because of their monosemic nature (e. g. *bribery*); (ii) *semi-technical units*, regarded as the most complex since they are composed of general words which have acquired specialized meaning when used in the field of law (e. g. *vista*); (iii) *general terms* used in the specialized field, but which do not present special difficulties (e. g. *agency*).

The DTJ gives a detailed description of each lemma by including a wide variety of combinations associated with the lemma. For example, *vista* has a total of 12 combinations (cf. table 1). First, different meanings of the lemma are designated by using a subscript (i. e. **vista**$_1$:

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3    This dictionary is in its 11th edition. The first issue was published in 1993.

4    Other bilingual dictionaries compiled by this research team are Alcaraz-Varó (2006a, 2006b); Alcaraz-Varó/Castro-Calvín (2007); Alcaraz-Varó/Hughes (2008); Campos-Pardillos/Alcaraz-Varó (2002); Castro-Calvín/Alcaraz-Varó (2003); and Mateo-Martínez/Alcaraz-Varó (2003).

5    There are more than 50 different dictionaries and other reference material used for the elaboration of the entries. For a complete description of all the works used, cf. Alcaraz-Varó et al. (2012).

'sight, vision, view'; ***vista₂***: 'hearing, trial, trial proper'). As shown in table 1, the grammatical category of the headword is given, followed by the various translations of the headword and the legal subdomain to which they belong.

The dictionary specifies 18 legal domains: administrative law (ADMIN), business law (BSNSS), civil law (CIVIL), community law (EURO), company law (COMP LAW), constitutional law (CONST), criminal law (CRIM), economics (ECO), employment law (EMPLOY), family law (FAM), insurance (INSCE), intellectual property law (INTEL PROP), international law (INTNL), general terms (GENE), procedural law (PROC), public health (PUBLIC HEALTH), successions (SUC), and taxation (TAX). The translations are separated by commas when they are regarded as synonymous, and by a semicolon, when they refer to different senses. Usage examples are provided after the symbol ◊ (e. g. '*Se celebra la vista con participación de los testigos*'). Entries in the DTJ also include cross-references to other lemmas headed by "S", which stands for *see* in the Spanish-English section, and headed by "V", which stands for *véase* ['see'] in the English-Spanish section. Finally, the various possible combinations with the headword are listed.

Word combinations are highlighted in bold typeface. The information displayed for each combination has the same structure as the information provided for the headword (i. e. domain and translation of the phraseological unit, usage examples, and cross-references to other word combinations).

*Tab. 1: Entry for the headword* vista *in the DTJ (Alcaraz-Varó et al. 2012)*

> **vista₁** *n:* GEN sight, vision, view. [Exp: **vista₂** (GEN hearing, trial, trial proper ◊ *Se celebre la vista con participación de los testigos; S. juicio*), **vista, a la** (BSNSS at/on sight, at call, on demand, on/upon presentation, upon presentment), **vista completa** (PROC full hearing), **vista de aduanas** (BSNSS customs inspector, collector of a port/the customs; S. *administrador de aduanas*), **vista de la causa** (PROC trial, public proceedings in a trial, public hearing), **vista del recurso** (PROC hearing of an appeal); **vista oral** (PROC public hearing, trial proper), **vista preliminar** (PROC pretrial/preliminary hearing/review), **vista pública** (PROC public hearing; S. *vista de la causa*), **vistilla** (PROC preliminary hearing; court appearance; *approx* plea and direction hearing; S. *vista oral*), **visto/-a₁** (GEN seen; S. *ver*), **visto/-a₂** (PROC having regard to, in view of ◊ *Visto el informe presentado, la comisión accedió a lo solicitado; S. considerando, resultando*), **visto bueno** (GEN approval, O.K., countersignature ◊ *Dio su visto bueno para que se practicara la prueba; S. aprobación, anuencia, aquiescencia, aceptación, conformidad, consentimiento, beneplácito*), **visto para sentencia** (PROC *approx* the matter is now ready for judgment, both parties have now rested their cases; judge's announcement that the trial is at an end and judgment will follow in due course), **visto que** (GEN seeing that, considering that; whereas: S. *visto*)].

The fact that the DTJ mainly focuses on compounds of the type noun + noun, noun + adjective (in Spanish), adjective + noun (in English), noun + preposition + noun (e. g. *vista completa, vista de aduana, vista de la causa, vista del recurso, vista oral, vista preliminar, vista pública*), and considerably less on collocations of the type verb + noun/noun + verb, signifies that users may find it difficult to retrieve the verb that the term co-occurs with. Consequently, if users consult the dictionary to identify which actions can be performed within the context of a trial (e. g. 'conduct', 'hold'; 'ask for', 'call for', 'demand'; 'attend') or to find the right Spanish terms for these actions, they will be disappointed.

The DTJ also includes adverbial phrases ("locuciones adverbiales") such as *a la vista* and conjunctions ("locuciones conjuntivas") of the type *visto que*. Although these phrases are helpful, their inclusion does not give the dictionary added value since such combinations can easily be found in general language repositories.

The most positive aspect of the DTJ is the number of combinations provided. The accuracy and reliability of the translations in this dictionary are reflected in its number of editions, which are the result of many years of work and revision. The translations of the combinations are either direct (e. g. *vista oral* – 'public hearing'), or explicative when the same concept is not lexicalized in the same way in the other language (e. g. *visto para sentencia – the matter is now ready for judgment, both parties have now rested their cases; judge's announcement that the trial is at an end and judgment will follow in due course*). It is thus a veritable treasure house of information for legal translators.

### 3.2 The Legal Dictionary

The *Legal Dictionary English-Spanish – Spanish-English* (3rd edition), compiled by Kaplan (2008), has over 100,000 entries and more than 135,000 equivalents in all areas of law. The targeted user groups are lawyers, translators, and anyone working in English and Spanish law. The author does not provide any further information concerning the micro- and macrostructure of the dictionary because as stated in the preface, its format is "straightforward and naturally intuitive". Users merely need to look up a term and obtain the Spanish or English equivalent.

Although the author states that this resource enhances searches, thus saving time and effort, it bears a greater resemblance to a bilingual glossary of terms in English and Spanish (cf. table 2). As can be observed, all the terms related to *vista* are given in bold type, followed by their gender (for common nouns) and English equivalents. When there are various equivalents for a noun or noun phrase, they are separated by commas and without any specification of differences in meaning or usage. For example, *vista* can either refer to vision/sight, or, within the more specialized context of law, to a trial or hearing. The entry for *vista* in this dictionary merely lists the possible equivalents for this term without any discrimination between meanings (i. e. **vista** *f – vision, hearing, trial, sight, view, look*).

*Tab. 2: Entry of the headword* vista *in Kaplan (2008)*

**vista** *f* – vision, hearing, trial, sight, view, look
**vista** *m* – customs official
**vista, a la** – at sight, in sight
**vista administrativa** – administrative hearing
**vista completa** – full hearing
**vista de, a** – in the presence of, in view of, in consideration of
**vista de aduana** – customs inspector
**vista de causa probable** – probable cause hearing
**vista de, en** – in view of
**vista disciplinaria** – disciplinary hearing
**vista informal** – informal hearing
**vista preliminar** – preliminary hearing
**vistas** *f* – meeting

> **vistazo** *m* – glance
> **visto** *adj* – seen, awaiting sentence or resolution, closed, decided, unoriginal, clear
> **visto bueno** – approval
> **visto para sentencia** – ready for judgement
> **visto que** – in view of the fact that, since
> **visto y aprobado** – seen and approved

Like the DTJ (cf. 3.1), Kaplan (2008) mainly focuses on compounds of the type noun + noun, noun + adjective (in Spanish), adjective + noun (in English), and noun + preposition + noun. It also has very few verb + noun/noun + verb, adverbial phrases, and conjunctions. In contrast to the DTJ, Kaplan (2008) does not specify differences in meaning when lemmas are polysemous or classify them in legal subdomains. Furthermore, it does not provide usage examples or cross-references.

Still another problem is that Kaplan (2008) includes various general language phraseological units, and even lists them in different lines as though their meaning was not the same (i.e. "**vista de, a** – in the presence of, in view of, in consideration of"; "**vista de, en** – in view of"). In addition, it omits frequent collocations in the legal subdomain (e.g. *vista oral, vista pública, vistilla, vista de la causa*), which do appear in the DTJ (cf. 3.1), and which are essential combinations for the headword *vista*. Finally, regarding the quality of the translations offered, in many cases, only a word-by-word translation is provided without the inclusion of any synonyms or equivalents.

### 3.3 The Diccionario Bilingüe de Términos Legales– Bilingual Dictionary of Legal Terms

The *Diccionario Bilingüe de Términos Legales (inglés-español/español-inglés) – Bilingual Dictionary of Legal Terms (English-Spanish/Spanish-English)* (5th edition) (Ramos-Bossini et al. 2008) contains about 20,000 entries in Spanish and English. Targeted user groups are legal practitioners, translators, and anyone interested in law. In the introduction, no explanation is given of the organization of the macro- and microstructure of entries. The authors only highlight that the dictionary provides a short definition of those terms that could pose difficulty from the perspective of comparative law. In this third edition, the dictionary also includes an annex of the most widely used legal forms and documents in Spanish and English, which could be helpful to users.

As shown in table 3, the dictionary does not offer any classification of phraseological units within the microstructure of entries. The various combinations are merely listed in alphabetical order, highlighted in bold, and separated by "||". Equivalents of the same phraseological unit are separated by a semicolon without any specification of meaning or usage. In addition, when the lemma is the last or middle word of the combination, a slash is displayed so that users can infer that they must place the lemma where the corresponding slash appears. However, when the lemma heads the multi-word unit, no slashes are displayed. The user is thus forced to guess where the lemma should go (e.g. *de aduanas, del recurso, oral, preliminar* or *pública*). Although this may be evident to native speakers, it is somewhat less obvious to non-native speakers.

Inconsistencies were also observed in this resource. More specifically, the dictionary seems to only include the specialized meaning within the legal field, because, unlike the other

two dictionaries, only the meaning of *vista* in its sense of trial is displayed. However, oddly enough, it then goes on to list combinations where *vista* is understood in its sense of *sight* ("a la – At sight").

*Tab. 3: Entry of the headword* vista *in Ramos-Bossini et al. (2008)*

**Vista** Trial; hearing; oral proceeding before a judge; court proceeding ordering a response from one of the parties; (document containing) legal opinion; customs officer. || **a la** – At sight. || **a – de** In the presence of. || **completa** Full hearing. || **de aduanas** Customs official. || **del recurso**   Hearing of the appeal. || **en – de** Considering; whereas. || **oral** Court hearing. || **preliminar**   Preliminary hearing. || **pública** Public hearing.
**Visto** adv. Considering; whereas. Formula with various legal meanings: (1) that a decision will not be taken in a case; (2) that all evidence has been heard; (3) that an appeal on cassation has been accepted; (4) that the judge has finished reviewing a matter; (5) in written judgments, the part preceding the "whereas" clauses which lists the precepts and facts on which a decision is based. || **bueno** Approval; seen and approved. || **el fondo de la cuestión** Having examined the basis of the case. || **para sentencia** Case which has been heard and is ready for judge's sentence. || **y considerando** Whereas. (preamble to introductory clause in an official document).

In the same way as Kaplan (2008) and in contrast to the DTJ, no usage examples or cross-references are included. Similarly, Ramos-Bossini et al. (2008) also focuses on phraseological units in the form of compound nouns and less on verbs. Finally, the number of combinations included within each entry is quite small, which signifies that the user may not be able to find a frequent combination such as *vista de la causa*.

### 3.4 Nuevo Diccionario de Derecho y Relaciones Internacionales– New Dictionary of Law and International Relations

The *Nuevo Diccionario de Derecho y Relaciones Internacionales (inglés-español-español-inglés) – New Dictionary of Law and International Relations (English-Spanish-Spanish-English)* (Muñiz-Castro 2003) stems from the compilation of the terminological data bank, IBEROTERM, which in 2003 had more than one million terms in Spanish with equivalences in English, French, and German. It is aimed at economic practitioners, translators, and students. It includes about 42,000 entries in English and Spanish. As stated in the introduction, it focuses on law and international relations, and more specifically, on the essential vocabulary of these fields. It thus excludes general words that are used in these fields but which do not have a specialized meaning.

Entries are in alphabetical order and headed by a headword. As shown in table 4, the various combinations in each entry appear in bold type and are organized alphabetically. As can be seen, *vista* is considered to be polysemous (in the same way as in the DTJ and Kaplan 2008). As such, each of its senses is given separately ($vista_1$, $vista_2$). When the first element of a combination does not have a specialized meaning, it is easily identifiable, since after the headword, a colon is provided (this is the case for $vista_2$). In contrast, as shown in table 4, $vista_1$ is regarded as specialized, and thus is not followed by a colon. In each case, the headword is replaced by this symbol (~) to avoid repetition. After the combination is offered, the field in which it is used is highlighted, followed by the translation(s) of the combination.

The dictionary comprises ten fields, namely, DER for law and public administration, POL for politics, DIP for diplomacy, COOP for international cooperation, CON for international conferences, COM-E for electronic commerce, TRAD for international treaties, ORG for international institutions, TRIB for international courts, and BEL for armed conflicts. As reflected in the description, this resource does not provide definitions, explanations, or usage examples in context.

*Tab. 4: Entry of the headword* vista *in Muñiz-Castro (2003)*

**vista₁** *n* DER trial; ~ **de aduanas** DER customs inspector; ~ **de una causa** DER trial, TRIB hearing; ~ **imparcial** DER fair hearing; ~ **preliminary** DER preliminary hearing; **causa** ~ **y resuelta** DER case heard and concluded; **desde el punto de** ~ **administrativo** POL administratively; **intercambio de puntos de** ~ CON exchange of views; **lista de causas no listas para** ~ DER reserve calendar; **lista de causas para** ~ con jurado DER jury calendar; **orden de traer los autos a la** ~ DER order to show cause
**vista₂: a primera** ~ *loc* DER prima facie
**visto:** ~ **bueno** *n* DER approval; ~ **bueno** POL countersignature; **caso** ~ **y resuelto** DER case heard and concluded

Muñiz-Castro (2003) tends to include a wide variety of combinations for each headword with some inconsistencies. For instance, as shown in table 4, the combinations *desde el punto de vista administrativo* and *intercambio de puntos de vista* refer to the general meaning of *vista* rather than to its specialized sense of *trial*. Therefore, these combinations should have been included within the lemma of *vista₂*. Similarly to the other resources, all the combinations within each entry are nominal, and no verbal collocations are included. As such, the user would not have any way of knowing the verbs most likely to combine with a given noun.

### 3.5 Practical application to real legal translation contexts

The translation process can be divided into three phases, namely, *preparation*, *translation*, and *revision* (Tarp 2007: 241):
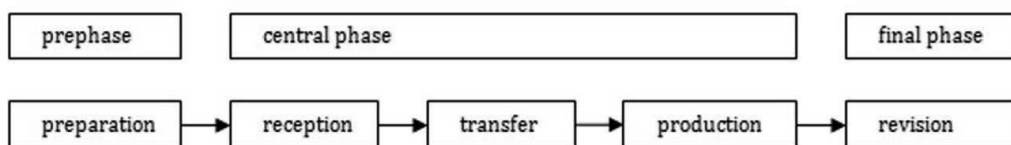


*Fig. 1: The translation process*

The translation phase is the central part of the process and focuses on the understanding of the source language text and on the translation of the knowledge structures encoded in its terminology. It is at this stage that translators require both monolingual and bilingual solutions, which can be in the form of explanations and/or potential translation correspondences.

This section describes three examples of these dictionary entries and their potential usefulness for translation purposes. More specifically, three short fragments of Spanish legal texts are proposed for translation into English with a special focus on the term *vista* in the source text.

(1) […] el Tribunal podrá decidir la **suspensión de la vista** durante un breve período si los representantes de las partes desean […].[6]

Quite often, the first action that a translator performs is to consult a specialized legal dictionary in order to find the translation of a source language term, in this case *vista*. The DTJ gives 'hearing' 'trial' and 'trial proper' as translation equivalents. Kaplan (2008) makes no distinction between the general language and specialized meanings of this term and includes 'vision', 'hearing', 'trial', 'sight', 'view' and 'look' as possible equivalents.

Ramos-Bossini et al. (2008) include 'trial', 'hearing', 'oral proceeding before a judge', 'court proceeding ordering a response from one of the parties', 'legal opinion', and 'customs officer'. Since there are significant differences between a proceeding, an opinion, and a customs officer, this rather heterogeneous list might lead to a certain degree of confusion.

Finally, Muñiz-Castro (2003) only offers 'trial' as an equivalent for 'vista'. What can be inferred from this is that these bilingual legal dictionaries include no information regarding differences between equivalents or the level of specificity of each correspondence. In addition, many bilingual dictionaries, such as Kaplan (2008), do not provide a way of dealing with polysemy since they do not distinguish between the different senses of a term.

It is thus the translator's job to choose the correct sense. For this reason, translators will be obliged to perform more operations in order to be able to ascertain which correspondence is the best fit for the target text. Regarding *suspensión*, which is the nominalization of the verb *suspender*, none of the dictionaries includes this collocation despite the fact that this verb and verb form are frequently used with *vista*.

(2) […] con motivo del procedimiento ante el Tribunal de Primera Instancia. – Que se fije una fecha para la celebración de la **vista oral**, si ello se considerara necesario.[7]

In example (2), although *vista oral* is one of the most frequent combinations of *vista*, Kaplan (2008) and Muñiz Castro (2003) do not include this multi-word unit. The DTJ provides 'public hearing' and 'trial proper' as equivalents in English, and Ramos-Bossini et al. (2008) 'court hearing'. Since these correspondences are not exactly the same and cannot always be used in exactly the same contexts, this could lead users to select the wrong translation if they do not have the appropriate background knowledge. This highlights the fact that differences between equivalents should be provided in dictionaries.

(3) La Corte de Lima inaugura esta mañana la sala laboral que conocerá los juicios orales con la nueva Ley Procesal de Trabajo (NLPT), con lo que se iniciará también la primera audiencia de oralidad, todo un cambio trascendental para la justicia en la capital, afirmó el presidente de este tribunal, Omar Toledo Tor]ibio. – ¿En qué consiste la audiencia de **vista de causa** programada para hoy?[8]

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[6]    <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:069:0013:0033:ES:PDF> [12.02.2015].

[7]    <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:297:0027:0028:ES:PDF> [12.02.2015].

[8]    <http://www.elperuano.pe/Edicion/noticia-empiezan-las-audiencias-orales-laborales-lima-1429.aspx#. VWRiXPntmko> [12.02.2015].

Example (3) is from a Peruvian newspaper. In this case, *vista de causa* is not in any of the dictionaries. The DTJ includes *vista de la causa;* Kaplan (2008) offers *vista de causa probable*; Muñiz-Castro (2003) gives *vista de una causa*; and Ramos-Bossini et al. (2008) do not include it. This is evidently a problem because users would have to decide whether *vista de causa* is a variant of one of the terms that do appear. However, this decision is not an easy one because of the lack of systematicity and normalization in legal dictionaries and their insensitivity to diatopic or geographic variants.

## 4 Conclusions

Thanks to the availability of large corpora and lexical analysis tools, it is increasingly frequent for dictionaries of all types to include phraseological information in their entries. Nevertheless, at the same time, there is still no systematic treatment of such information. The decision to include a phraseological unit as a lemma or as a combination within an entry, the classification of phraseological units, and their description often seem to be entirely random. This article has offered a comparative analysis of how phraseology is dealt with in some of the most representative English-Spanish legal dictionaries.

The four resources described in this study focus on the description and analysis of noun + noun or noun + adjective phraseological units to the exclusion of combinations with verbs, despite the fact that verbs are considered to be the most important category of language (L'Homme 1998). In other words, if users are searching for a verb which combines with *market* (e. g. 'monopolize', 'capture', etc.), they would not be able to find this information in these lexicographic resources. An effective bilingual specialized dictionary should not only contain compound nouns in its entries, but also adjective and verb combinations. In addition, it should provide different ways of accessing information depending on user needs (Bergenholtz/Tarp 2004, 2010).

To this end, it would help if resources were available online since then they would be easier to update with new terms. Electronic resources have no space restrictions and can be designed so that phraseological units can be easily accessed. This is accomplished by performing advanced searches, which could provide access to encyclopedic information as well as documents reflecting the usage of terms as well as their combinatorial patterns in the source language. In addition, these patterns could be linked to the most frequent combinatorial patterns of the equivalent or equivalents in the target language. Such data and mapping relations would help users to make informed decisions about which correspondence to opt for in the target language.

Regarding the description of phraseological units, with the exception of the DTJ, the other resources do not describe them at all. They only provide the translations of the phraseological unit. However, there is little information regarding potential degrees of equivalence or the context in which one equivalent would be preferable to another. In fact, usage notes and usage examples are only provided in the DTJ.

In line with Buendía-Castro/Faber (2014: 231), a dictionary, whether for general or specialized language, should provide a description of phraseological units so that users, and especially translators, can understand their meaning and use. This entails the inclusion of usage notes and examples as well as different types of pragmatic information, which give a description of the context in which the unit should be used.

Finally, the resources analyzed offer limited geographic information. This kind of data is of the utmost importance in legal contexts since each country has its own legal system. Even countries that share the same language have legal systems that differ. This means that diatopic variants proliferate in both Spanish and English.

As far as the classification of phraseological information within an entry is concerned, neither Kaplan (2008) nor Ramos-Bossini et al. (2008) offers any type of classification. Phraseological units in these dictionaries are merely displayed alphabetically. In contrast, the DTJ and Muñiz-Castro (2003) classify entries according to subfields within the specialized domain of law. In our opinion, dictionaries should provide a classification of phraseological units within entries. Users would then be able to retrieve relevant information more quickly and efficiently if the combinations were semantically classified and interrelated.

## Acknowledgements

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# Investigating "concgrams" in the language of contracts and legal agreements

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**Abstract** Extended units of meaning have been scarcely investigated thus far in legal phraseology. Moreover, dictionaries of law neglect to include extended versions of prototypical binary units. For instance, *nominal consideration* is included in the *English-Croatian Dictionary of Law* (Gačić 2010) but its wider context *transferred at nil or nominal consideration* is not listed. This paper will therefore contrastively investigate extended phraseological units in the language of contracts. The analysis will involve comparing specialized corpora with special purpose (LSP) dictionaries and with reference corpora. The paper proposes that by analysing the extended units of meaning found in contracts and legal agreements one can gain a clearer insight into the natural idiomaticity and formulaicity prevalent in this genre. By comparing the extended units of meaning found in English and Croatian corpora, one can reveal examples of usage of such units with all their associations. The results of such analysis can be applied to translator training, especially where translation is carried out into a second language (L2).

**Keywords** concgrams, extended units of meaning, legal agreements, genre analysis, legal phraseology

## 1 Theoretical background

Phraseology is usually regarded as a subfield of lexicology "dealing with the study of word combinations rather than single words" (Granger/Meunier 2008: IX). Although phraseology is part of linguistics, it attracts scholars from various disciplines, thereby making it interdisciplinary.

Corpus linguistics, however, has provided more rigorous and reliable methodologies for studying phraseology. Different studies have been conducted since the introduction of specialized computerised resources (cf. Evert 2004 and Nesselhauf 2004) and the notion of the phraseological unit has expanded to denote "the co-occurrence of a form or a lemma of a lexical item and one or more additional linguistic elements of various kinds which functions as one semantic unit in a clause or sentence and whose frequency of co-occurrence is larger than expected on the basis of chance" (Gries 2008: 6).

Although general purpose (LGP) phraseology has been researched from many linguistic perspectives in the last twenty years, the same cannot be said of legal phraseology. There are studies proposing a morpho-syntactic (Kordić/Ivković 2010) or lexico-syntactic (Bhatia et al. 2004, Biel 2011) description of "legal phrasemes" (Kjær 2007). Some scholars have focused on the analysis of the so called "doublets" or "triplets" in different legal genres (Bukovčan 2009, Carvalho 2007), while others have studied phraseology for the purpose of compiling legal dictionaries (De Groot 1999). Finally, there are scholars who use large legal corpora for the purpose of analyzing lexical bundles and different types of co-occurrence patterns in order to study intra-register variation in legal discourse (Goźdź-Roszkowski 2011). These surveys represent the few attempts at research on legal phraseology. Kjær (2007) finds one of the reasons for this scarcity of research in the fact that, generally speaking, only the terminological component is taken into account when studying legal phraseology. The other reason pointed

out by Kjær is that this is phraseology of a specialized language, the findings of which cannot be applied universally, thereby restricting LSP phraseology to the periphery of the discipline.

A further reason for the peripheral position of LSP phraseology might be the fact that LSP phraseological units cannot be analyzed without taking into account specific domains and related disciplinary discourses. With legal phraseology this involves taking the legal system and genre into account. Therefore, when studying legal phraseology, one has to keep in mind that the legal genre "establishes constraints on allowable contributions" (Swales 1990: 52) of word combinations. Since this paper focuses on the genre of contract, it is inevitable that phraseological and terminological units found in contracts will also be influenced by the respective legal systems. For instance, the legal concept of *good faith* is very much present in European contract law, but common law does not recognize it. This, of course, does not mean that a common-law system does not impose a standard of fairness on parties entering into a contract; it simply does so through several concepts such as *misrepresentation, fraud, facility, circumvention.*

The approach to interpretation of contracts also differs according to the legal system. This becomes obvious when comparing the length of common-law and civil-law contracts, with the latter being a lot shorter. The length of common-law contracts, however, should come as no surprise, since common law prefers **"particularity"**, i. e. it is "more *worried about not being misunderstood by the specialist community*" (Bhatia 1993: 137), unlike civil law, which is characterized by **"generality"**, i. e. it is "*eager to be widely understood by the ordinary readership*" (Bhatia 1993: 137). Legal translators are thus confronted with many pitfalls when studying phraseology and terminology in common-law and civil-law contracts, especially in cases where a contract written in English is governed by a civil-law system or vice versa (Triebel 2009).

In legal translation it is extremely important to be precise, since translation errors could have serious consequences. This especially applies to the translation of documents from languages used in Continental Europe (civil-law system) into English (common-law system) and vice versa, since the two represent not only different legal systems but also different legal languages resulting in different patterns of phraseological units. Despite these differences, one has to figure out how to find an "approximation between both systems" (Llopis 2007: 17) and overcome the untranslatability of law in contracts.

## 2 Hypotheses

A model that has had considerable influence on corpus semantics is John Sinclair's model of extended lexical units (Sinclair 2004: 24), which proposes that focus should be put on large phraseological units rather than on individual words. Sinclair (2004: 30) suggests that phrases "have to be taken as wholes in their contexts for their distinctive meaning to emerge". Furthermore, if we look at the wider context of lexical phrases, we discover that they are prone to variation. Therefore, Sinclair takes the binary unit *naked eye* as the starting point and by extending it he detects that the unit is dominated by the prepositions *to* and *with*, that it favours verbs of "visibility" and that it involves the semantic prosody of difficulty (e. g. *too faint to be seen with the naked eye*).

Although Sinclair's model mostly refers to natural language processing, his hypothesis of extending phraseological units can be applied to studying legal phraseology. This paper will therefore provide an insight into the patterns of extended units of meaning in two specialized corpora. Since corpora compiled for the purpose of this research consist of contracts and legal

agreements, the genre of contracts and the legal systems behind it will sometimes have to be taken into account in order to explain the existence or non-existence of phraseological units in contracts. The two language populations stem from different legal systems (English – common law, Croatian – civil law) and we know that "legal language is inextricably intertwined with the legal system" (Kjær 2007: 508). The paper will therefore reveal the reasons behind the different phraseological patterns in legal English and legal Croatian. It will also show that these units consist of constituents that are not easily recognizable as collocating items. That is why they are very problematic when translating both from and into one's L1.

One would expect that in legal language the structure of extended units of meaning would be more complex, i. e. it would involve phraseological units clustering around terms. The paper will also point out the application of phraseological research to legal lexicography by showing that extended units of meaning extracted from the two corpora of contracts are largely under-represented in legal dictionaries.

## 3 Methodology

### 3.1 Extended units of meaning precisely defined

"Phraseologists must carefully define the linguistic level(s) at which they observe a potential phraseologism" (Gries 2008: 8). Therefore, the extended unit of meaning will at this point be precisely defined taking into account six parameters established by Gries (2008). Regarding the nature of the elements involved in a phraseologism, the extended unit of meaning will encompass a lexical item extended by other lexical items (e. g. to make good any *damage;* integral part of the *agreement*). Regarding the number of the elements involved in a phraseologism, the extended unit of meaning will include at least three elements (a lexical item extended by at least two other lexical or grammatical items). As regards the number of times an expression must be observed in order to count as a phraseologism, the extended unit of meaning "has to occur a minimum of twice" (Sinclair 2004: 28) in the corpus. Since it was pointed out above that phraseologisms in legal language are frequently discontinuous, the extended unit of meaning will, therefore, include units consisting of both adjacent and non-adjacent elements. As regards the degree of lexical and syntactic flexibility of the elements involved, the extended unit will include flexible patterns, but sometimes only a part of the unit might be flexible. Finally, regarding the role that semantic unity and semantic non-compositionality play in the definition of a phraseologism, the extended unit of meaning has to represent a semantic unity but does not have to be non-compositional. In this paper analysis will focus on extended lexical collocations only, i. e. on combinations consisting of either a noun or a verb as the base extended by at least two other items.

### 3.2 Description of the corpora

As was pointed out above, this paper will focus on extended units of meaning in two corpora of contracts and legal agreements. In addition, *English-Croatian Dictionary of Law* (Gačić 2010), and *Opći pravni rječnik* (Mukić Vidaković 2006) will be consulted to see whether the extracted units are listed there.

It should be pointed out here that the initial intention was to build a corpus consisting of authentic contracts and legal agreements. However, lawyers are not willing to share their legal

documents since they may contain sensitive information, which, if revealed, would violate their clients' privacy.

The corpora, therefore, consist of contract and agreement templates that are used by lawyers on a daily basis. Croatian contracts were extracted from the digital edition of the book *Zbirka ugovora građanskog i trgovačkog prava 4* (Junačko/Rotar 2007), whereas the British English contracts and agreements were downloaded from the online edition of *Encyclopaedia of Forms and Precedents* (Millet/Walker 2014), which is constantly updated. The Croatian source for contracts was chosen after having interviewed lawyers on the most common source they use when drafting and adapting contracts, whereas the English source was chosen after having consulted Dr. Volker Triebel, an English barrister and a German lawyer. Since "corpora intended for LSP can be smaller than those used for LGP studies" (Bowker/Pearson 2002: 48), the Croatian corpus of 158,317 tokens and the English one of 375,223 tokens can be regarded as large enough. As pointed out above, the English corpus is larger than the Croatian one due to the "particularity" and "all-inclusiveness" (Bhatia 1993: 137) of common-law contracts.

In order to show "the deviance of special corpora"[1] and that the extended units of meaning are typical of legal phraseology, in particular of contracts and legal agreements, two reference corpora will be consulted, *hrWaC 2.0* (Ljubešić/Klubička 2014) for Croatian, consisting of 1,404,262,704 tokens, and BNC[2] for English, consisting of 112,181,015 tokens.

### 3.3 Procedure

Both specialized corpora of contracts will be searched using *Wordsmith Tools 6.0* (Scott 2011) by means of WSConcgram. Scott has adopted the definition from Cheng et al. (2008: 237) who define concgrams as "instances of co-occurring words irrespective of whether or not they are contiguous, and irrespective of whether or not they are in the same sequential order". The search for concgrams is fully automated and can find "the associated words even if they occur in different positions relative to one another (i. e. positional variation) and even when one or more words occur in between the associated words (i. e. constituency variation)" (Cheng et al. 2006: 413). This cannot be claimed for n-grams, on the other hand, since "n-gram searches are only helpful in finding instances of collocation that are strictly contiguous in sequence" (Cheng et al. 2006: 412), which results in failing to discover many collocations that occur in non-contiguous sequences. Parameters in the settings will therefore be modified to display clusters which occur at least twice, but will stop at sentence breaks.

The procedure will first involve creating a wordlist and adding the wordlist to an index. This index will be chosen for the procedure, and all items which occur together at least twice (Sinclair 2004: 28) will be saved as potential constituents of each concgram. These constituents will appear in frequency order, but one can also sort them alphabetically. A tree view of concgrams will then be produced, where "each branch of the tree shows how many sub-items and how many items of its own it has"[3]. The resulting concgrams will be analyzed and compared in their concordances.

It is expected that not all concgrams will represent valid phraseological units, which means that the procedure will be semi-automatic, i. e. it will involve both automatic extraction

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[1]    <http://www.ilc.cnr.it/EAGLES/corpustyp/node18.html>, 10.08.2015.

[2]    <http://www.natcorp.ox.ac.uk/>, 28.08.2014.

[3]    <http://www.lexically.net/downloads/version5/HTML/?viewing_concgrams.htm>, 20.01.2015.

of concgrams and linguistic analysis. For instance, ConcGram utility suggests that AGREE-MENT-WHICH-THE is a potential phraseological unit. This, however, is common for all such types of software. For instance, SkectchEngine lists *which* as one of the collocation candidates for *agreement* (cf. figure 1 for SketchEngine results). But ConcGram utility also produces many valid longer word combinations (cf. figure 2 for concgram TERMINATE-THIS-AGREE-MENT-BY-WRITTEN-NOTICE). Therefore, despite the fact that the procedure with concgrams cannot be completely automated, it still remains true that concgram function can save us a lot of time when trying to discover phraseological units.



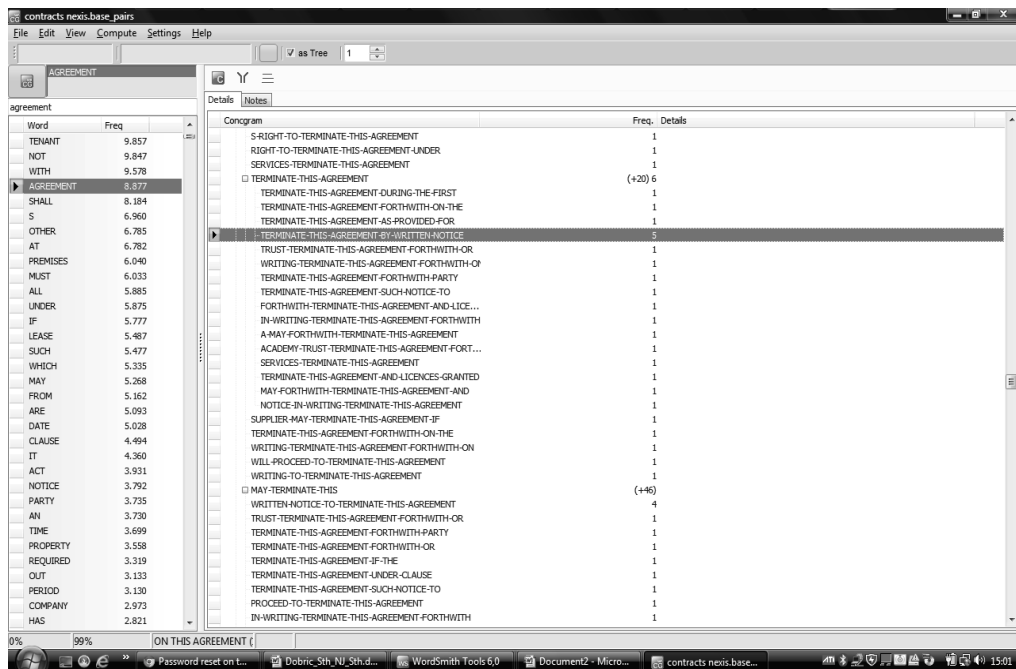*Fig. 1: Collocations of the term „agreement" in SketchEngine*

*Fig. 2: Concgram TERMINATE-THIS-AGREEMENT-BY-WRITTEN-NOTICE*

In order to reveal the frequency of the extracted extended units of meaning in *hrWaC 2.0.* (Ljubešić/Klubička 2014) and BNC[4], Sketch Engine software (Kilgariff et al. 2014) will be used.

## 4 Results

The starting point for the selection of elements for comparison was the definition of the term *contract*. One of the definitions provides that contract is "an agreement between two or more persons which creates an obligation to do or not to do a particular thing; its essentials are competent parties, subject matter, a legal consideration, mutuality of agreement, and mutuality of obligation" (Black 2004: 292). In other words, an *agreement* (offer + acceptance) between two or more *parties* must exist and be supported by *consideration* in order to create a valid *contract*. The italicized terms were therefore chosen as the starting point for running concgrams in the English corpus and their Croatian equivalents *ugovor (agreement/contract), strane (parties)* and *protučinidba (consideration)* as the starting point for running concgrams in the Croatian corpus. Since *agreement* is in the English corpus used to denote *contract*, the analysis of concgrams in the Croatian corpus will focus on the term *ugovor* only, since the concept in Croatian includes both contracts and agreements.

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4        <http://www.natcorp.ox.ac.uk/>, 28.08.2014.

*4.1 Concgrams in the English corpus*

*4.1.1 Agreement*

The term *agreement* results in 8,877 concgrams in the corpus of English contracts and legal agreements. It is far more frequent than the term *contract*, since most of the contracts in the corpus are actually titled agreements and Rossini suggests that "agreement is an acceptable title for any contract" (Rossini 1998: 11).

Extended lexical collocations are among the most frequent combinations with the term *agreement*. Examples from the concgram list can be found in table 1:

*Tab. 1: Extended lexical collocations with the term* agreement *and their frequency in the English corpus of contracts and in BNC*

| **Extended lexical collocations** | **Frequency in the corpus of contracts** | **Frequency in BNC** |
|---|---|---|
| 1.1 *to be in breach of the agreement* | 11 | 2 |
| 1.2 *to enforce any term of this agreement* | 7 | 0 |
| 1.3 *to make an effective agreement* | 6 | 0 |
| 1.4 *to contain the entire agreement between the parties* | 6 | 0 |
| 1.5 *to forthwith terminate the agreement* | 5 | 0 |
| 1.6 *to be expressly incorporated into this Agreement* | 5 | 1 |
| 1.7 *to terminate this agreement by written notice* | 5 | 0 |
| 1.8 *to assign the benefit of this agreement* | 5 | 1 |
| 1.9 *performance of one's duties under the agreement* | 5 | 0 |
| 1.10 *to execute an agreement in counterparts* | 3 | 0 |
| 1.11 *to validly terminate the agreement* | 3 | 0 |
| 1.12 *to be of the essence of this agreement* | 3 | *to be of the essence of the contract* (10) |
| 1.13 *effective period of this agreement* | 3 | 0 |
| 1.14 *integral part of this agreement* | 3 | 0 |
| 1.15 *assignment of the benefit of this agreement* | 2 | 0 |
| 1.16 *to enter into a binding agreement* | 2 | 0 |

Most of the extended lexical collocations listed in table 1 do not occur in BNC and the ones that do occur represent collocations derived from legal agreements. This suggests that these combinations are typical of the genre of contracts.

As far as dictionaries are concerned, *English-Croatian Dictionary of Law* (Gačić 2010) lists *performance of duties, integral part* and *essence of the contract.* This supports the claim that dictionaries mostly focus on binary units. They also deprive the translator of the real context in which these units are used, e. g. *to be of the essence of the contract/agreement.*

*4.1.2 Parties*

The term *parties* results in 1.873 concgrams in the English corpus of contracts and legal agreements. The list of extended lexical collocations is here much shorter:

*Tab. 2: Extended lexical collocations with the term* parties *and their frequency in the English corpus of contracts and in BNC*

| Extended lexical collocations | Frequency in the corpus of contracts | Frequency in BNC |
|---|---|---|
| 2.1 *exclusion of third party rights* | 16 | 20 |
| 2.2 *to act as the third party* | 13 | 3 |
| 2.3 *duly authorised representatives of the parties* | 6 | 7 |
| 2.4 *to contain/constitute entire understanding between the parties* | 3 | 1 |
| 2.5 *to embody entire understanding of the parties* | 2 | 3 |

The frequency of extended lexical collocations in BNC is relatively high. But again, all examples found in BNC are from contracts and legal agreements. Of all the above listed units *English-Croatian Dictionary of Law* (Gačić 2010) only lists *duly authorised*, again suggesting that dictionaries favour binary units.

*4.1.3 Consideration*

In order for an agreement to constitute a contract there must be "something promised or actually done by one party in return for the promise of the other party" (Chartrand et al. 2009: 19). In English contract law this is called *consideration* and without it the contract cannot be legally enforced. In the Croatian legal system, on the other hand, a contract can be legally enforced even if it is not supported by consideration. This difference between the two systems is also reflected in the number of phraseological units clustering around the term *consideration*.

In the English corpus there are 244 concgrams for the term *consideration*. There is a binary lexical collocation *to give consideration to something* (six instances), which was not taken here as one of the points for analysis, since the unit displays the meaning of giving "careful thought before making a decision or judgment about something"[5], therefore making it irrelevant for the phraseology of contracts. Extended lexical collocations include:

*Tab. 3: Extended lexical collocations with the term* consideration *and their frequency in the English corpus of contracts and in BNC*

| Extended lexical collocations | Frequency in the corpus of contracts | Frequency in BNC |
|---|---|---|
| 3.1 *consideration payable under this agreement* | 4 | 0 |
| 3.2 *payment in full of the consideration payable under this agreement* | 2 | 0 |

Extended lexical collocations listed in table 3 do not occur as such in BNC, but some of their constituencies do. For instance, *consideration payable* occurs five times, whereas *payment in*

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[5]    <http://www.macmillandictionary.com/dictionary/british/consideration>, 05.06.2015.

*full* occurs ten times. *English-Croatian Dictionary of Law* (Gačić 2010) does not list any of the above listed extended lexical collocations.

### 4.1.4 Contract

The term *contract* results in 617 concgrams in the English corpus. It is, therefore, expected that the list of extended units of meaning will here be shorter than in the section on extended units of meaning with the term *agreement*. Extended lexical collocations are here less frequent than in the section displaying concgrams of the term *agreement*:

*Tab. 4: Extended lexical collocations with the term* contract *and their frequency in the English corpus of contracts and in BNC*

| Extended lexical collocations | Frequency in the corpus of contracts | Frequency in BNC |
|---|---|---|
| 4.1 *to form part of the contract* | 10 | 10 |
| 4.2 *to reasonably require under the contract* | 2 | 0 |

The same frequency of units in the specialized corpus and in the reference corpus can again be explained by the fact that all instances from BNC contain units derived from contracts and legal agreements. None of the above listed units occurs in *English-Croatian Dictionary of Law* (Gačić 2010).

### 4.2 Concgrams in the Croatian corpus

*Ugovor (contract; agreement), parties (strane)* and *protučinidba (consideration)* were chosen as candidates for concgrams in the Croatian corpus as equivalents of the above listed English candidates for concgrams.

### 4.2.1 Ugovor (agreement, contract)

It has already been pointed out above that the term agreement, apart from referring to the first prerequisite leading to the formation of a contract, can also be used interchangeably with the term contract. Furthermore, if we look at the list of titles for different types of contracts that Rossini (1998: 11–14) explains, it is clear that the term agreement is preferred in terms of phraseology (only six types of contractual undertakings actually use the term contract out of a total of thirty-three listed by Rossini). This was noticed in the context of European contract law as well, where "in a large number of texts the word 'agreement' is used to refer to a type of 'contract'" (Fauvarque-Cosson/Mazeaud 2008: 17). In the Croatian corpus, on the other hand, all documents are referred to as ugovori.

The term *ugovor* results in 16,632 concgrams in the Croatian corpus. Most of the relevant extended units of meaning include extended lexical collocations:

*Tab. 5: Extended lexical collocations with the term* ugovor *and their frequency in the Croatian corpus of contracts and in hrwac 2.0*

| **Extended lexical collocations** | **Frequency in the corpus of contracts** | **Frequency in hrwac 2.0.** |
|---|---|---|
| 5.1 *vlastoručno potpisati ugovor (*to sign the agreement with one's own hand)* | 257 | *vlastoručno potpisati* (118) |
| 5.2 *sastavni dio ovog ugovora (integral part of the agreement)* | 78 | 182 |
| 5.3 *bitan sastojak ovog ugovora (of the essence of the agreement)* | 13 | 25 |
| 5.4 *sklopiti ugovor na vrijeme od (to conclude a contract for the term of)* | 6 | 111 |
| 5.5 *poseban dio ovog ugovora (separate part of this agreement)* | 5 | 0 |
| 5.6 *pravo jednostranog raskida ugovora (the right to unilateral rescission of the agreement)* | 4 | 0 |
| 5.7 *raskinuti ugovor uz otkazni rok od (to rescind the agreement by giving notice)* | 4 | 2 |
| 5.8 *otkazati ugovor uz otkazni rok od (to cancel the agreement by giving notice)* | 3 | 2 |
| 5.9 *jednostrano raskinuti ugovor (to unilaterally rescind the agreement)* | 2 | 113 |

Some of the units listed in table 5 are more frequent in the reference corpus than in the one created by the author. This should not lead to the conclusion, however, that the units listed above are not typical of contracts. Moreover, if one studies the wider context of units found in *hrwac 2.0*, one realizes that they either stem from contracts, newspaper articles reporting on the consequences of certain parties entering into contracts or from certain acts regulating the business of contracts or possible disputes that might arise out of them (e. g. *Consumer Protection Act; Civil Obligations Act*).

Opći pravni rječnik (Mukić Vidaković 2006) does not list the above discussed extended units of meaning.

### 4.2.2 Strane (parties)

The term *strane* results in 5,585 concgrams in the Croatian corpus. Among the most frequent ones are the prototypical binary units e. g. *ugovorne strane* (*contracting parties* – 647 instances) and *suglasno utvrditi* (*to determine by agreement* – 134 instances), the latter representing the most frequent verb phrase that collocates with *ugovorne strane (contracting parties)*.

Examples of extended lexical collocations can be found in table 6:

*Tab. 6: Extended lexical collocations with the term* strane *and their frequency in the Croatian corpus of contracts and in hrwac 2.0*

| Extended lexical collocations | Frequency in the corpus of contracts | Frequency in hrwac 2.0. |
|---|---|---|
| 6.1 *predstavljati pravu volju ugovornih strana (to represent the real will of contracting parties)* | 3 | 1 |
| 6.2 *pozivanje ugovornih strana na naknadne izmjene (inviting contracting parties to additional amendments)* | 3 | 0 |

Instances found in the Croatian corpus of contracts are either not present in the reference corpus or display very low frequency. *Opći pravni rječnik* (Mukić Vidaković 2006) does not list the extended units of meaning listed above.

### 4.2.3 Protučinidba (consideration)

The term *protučinidba* (*consideration*) occurs only four times in the Croatian corpus. It does, however, occur as part of an extended lexical collocation:

*Tab. 7: Extended lexical collocations with the term* protučinidba *and their frequency in the Croatian corpus of contracts and in hrwac 2.0*

| Extended lexical collocations | Frequency in the corpus of contracts | Frequency in hrwac 2.0. |
|---|---|---|
| 7.1 *darovati bez protučinidbe* (*to donate without consideration*) | 4 | 1 |

As seen above, Croatian contracts use the term *protučinidba* only if it needs to be emphasized that there is no consideration. In the UK common-law system, such documents would not be regarded as contracts or agreements at all. The only exception to the rule that an agreement or contract does not need to be supported by consideration is the so called contract under seal or deed (e. g. *deed of donation*).

The extended unit of meaning listed in table 7 does not occur in *Opći pravni rječnik* (Mukić Vidaković 2006).

## 5 Discussion

By comparing extended lexical collocations extracted from the two corpora some conclusions can be drawn based on their formation patterns. Figure 3, therefore, suggests that collocations in the English corpus are mostly extended by adjectives (e. g. *integral part of the agreement; to enter into a binding agreement*). Less frequently they are extended by noun phrases and adverbs (e. g. *performance of one's duties under the agreement; payment in full of the consideration payable under this agreement; duly authorised representatives of the parties; to reasonably require under the contract*). Prepositional phrases display the lowest frequency among extensions (e. g. *to terminate the agreement by notice in writing*). Figure 4, on the other hand,

suggests that lexical collocations extracted from the Croatian corpus are mostly extended by prepositional phrases and adjectives (e. g. *darovati bez protučinidbe; raskinuti ugovor uz otkazni rok od; sastavni dio ugovora; bitan sastojak ugovora*). Less frequently they are extended by adverbs and nouns (e. g. *vlastoručno potpisati ugovor; pravo jednostranog raskida ugovora*).
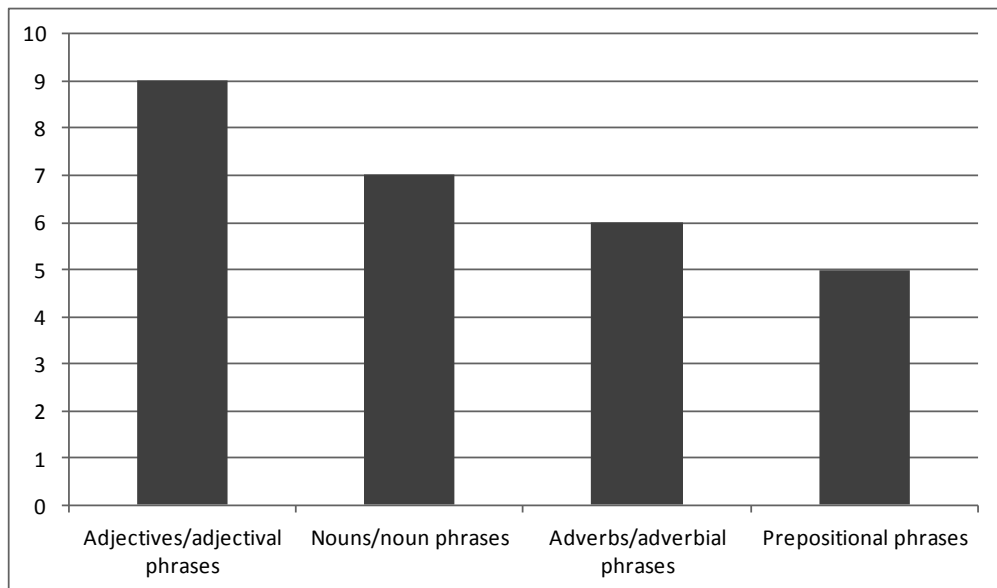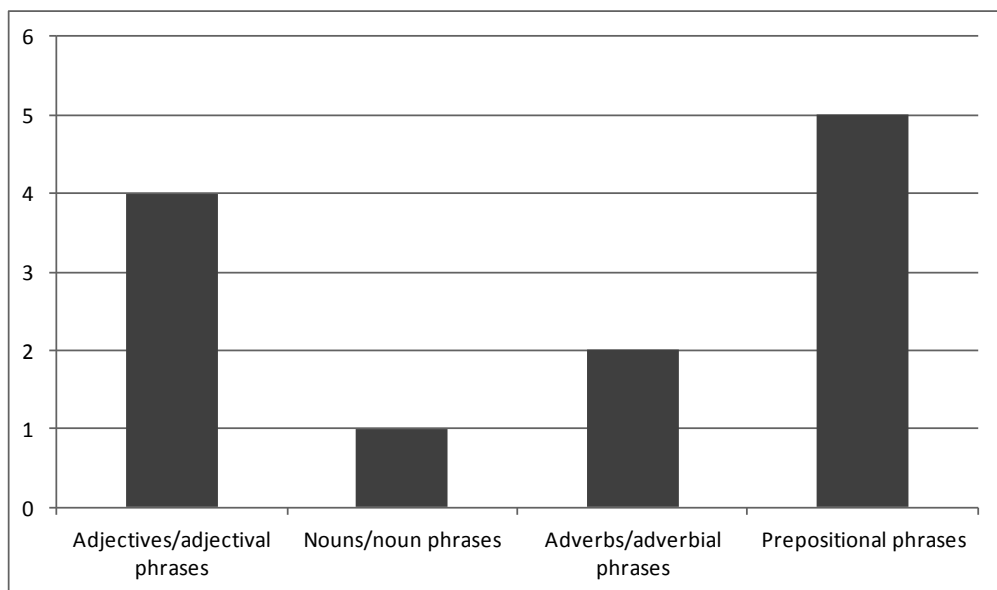


*Fig. 3: Types of extensions in the English corpus*



*Fig. 4: Types of extensions in the Croatian corpus*

There are differences in the way the extracted lexical collocations are rendered in the two languages. For instance, *bitan sastojak ugovora* is not rendered literally in English by means of an Adj+N+N structure (*important element of the agreement*), but with the help of the phrase *to be of the essence of the agreement*. Similarly, the Croatian unit *vlastoručno potpisati ugovor* would not be used in the English legal document in the form which represents the literal translation of the said unit, i. e. *to sign the agreement with one's own hand*; instead it would either use the noun phrase *handwritten signature* or the *routinae formula: I have hereunto set my hand*.

As regards frequency, the extended lexical collocations extracted from the two corpora are in most cases less frequent in the reference corpora. Some, however, display higher frequency in the reference corpus. This may be attributed to the size of the reference corpus and the variety of texts it includes, among them newspaper articles reporting on government bodies or companies entering into contracts as well as acts applicable to the business of contracts. Since the context in which these extended lexical collocations occur in the reference corpus is the context of contracts, one may suggest that they are typical of contract language. In dictionaries, on the other hand, extracted extended lexical collocations are highly underrepresented. Some of their constituents do occur, but they often deprive the reader of crucial information on the behaviour of these units in a wider context (e. g. *essence of the contract*).

Extending prototypical binary units sheds light on their possible variations and the relative stability of their constituents. For instance, units 2.4 and 2.5 listed in table 2 suggest that the verbs *contain* and *embody* favour different prepositions (e. g. *to contain entire understanding between the parties* vs *to embody entire understanding of the parties*). Extensions can sometimes lead to detecting translation equivalents (e. g. *sastavni dio ugovora – integral part of the agreement; otkazati ugovor uz otkazni rok – to terminate this agreement by written notice*), which are often far from straightforward (e. g. *bitan sastojak ugovora – to be of the essence of the agreement; jednostrano raskinuti ugovor – to unilaterally terminate the agreement*).

Some units are extended by vague or "flexible" (Mellinkoff 1963: 301) modifiers (e. g. *to reasonably require under the contract).* The attachment *reasonable* and *reasonably* has been subject to judicial interpretation many times and it has been shown "that a word wild and amorphous can suddenly become tame and purposeful" (Mellinkoff 1963: 302). Therefore, this vague modifier grants very specific meaning to some units (e. g. *to unreasonably withhold or delay a consent; reasonable time*). As regards the unit *to reasonably require under the contract*, however, the modifier *reasonably* does not aim at precision. In *Common European Sales Law* this modifier is part of the concept of good faith and is defined as "any reference to what can be expected of or by a person, or in a particular situation".[6] A common-law system, on the other hand, does not recognize the concept of good faith, which is why courts have been asked to interpret this word on many occasions.

Extensions can also reveal the tendency of drafters of legal agreements to overemphasize a provision in order to avoid possible disputes. For instance, *third party rights* is only once extended by the verb *to grant*, but there are 16 instances of *exclusion of third party rights*. If one takes the genre and the legal system into account, one can easily detect that since 1999 the *Contracts Rights of Third Parties Act* has been in force in England, Wales and Northern Ireland and it grants rights to third parties to enforce the terms of a contract. Although this provision has been underused up until now, drafters of legal agreements still feel they need to

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6    CESL, cited in <http://www.trglaw.com/documents/TRGlaw-ActingReasonably.pdf>, 10.08.2015.

emphasize that nothing in the agreement is intended to confer any benefit upon a person who is not a party to it.

The low frequency of some units in one corpus can help us describe the genre of legal agreements. For instance, the term *consideration*, occurs only four times in the Croatian corpus of contracts and only in the context of a deed of donation, i. e. when it needs to be emphasized that the donor does not expect anything in return from the donee. In the English corpus of contract, on the other hand, the term *consideration* is used even when it is clear that there is mutual exchange between the parties (e. g. *In consideration of the obligations of the Company under this agreement the Guarantor guarantees to the Company the due and punctual performance by the Buyer of the Buyer's obligations under this agreement.*)

Similarly, the unit *predstavljati pravu volju ugovornih strana* is quite frequent in the Croatian corpus, but there is no such thing as *to represent the real will of the parties* in the English corpus. The reason for this lies in the differences between the respective legal systems. Article 249 of the Croatian *Civil Obligations Act* stipulates that the expression of willingness to enter into a contract must be free and serious. In a common-law system, however, everything turns on what the parties declare and not what they want or will. Civil- law jurists, on the other hand, struggle between the two, i. e. whether "a declaration of intent" as an element of contract, should be interpreted on the basis of either the "will theory" or the "declaration theory".[7] Therefore, civil-law contracts rely on the real and serious will of the parties, whereas common-law contracts tend to put much more weight on the wording of the contract. This is why common-law contracts tend to be much longer than their civil-law counterparts. Additionally, in English law there are only two acts applicable to transactions between parties. The *Unfair Terms in Consumer Contract Regulations 1999* apply to consumer contracts, whereas the *Unfair Contract Terms Act 1977* applies to business relationships, but not to tenancy or other agreements relating to land. Therefore, we can trace many examples of **"particularity"** (Bhatia 1993: 137) in the corpus of British legal agreements, since in a common-law system "each party presumes, correctly, that the other party can cause it considerable difficulties by advancing a strategic misinterpretation of a contract provision" (Hill/King 2004: 904). All this results in the necessity to allow "little scope for vagueness in judicial interpretation", which leads to the certainty of expression and wordiness being "the most valued quality in common law drafting" (Bhatia 1993: 139).

## 6 Concluding remarks

The aim of this paper was to show that the investigation of concgrams can reveal the wider contexts of phraseological units, which contributes to many interesting and useful findings for research on legal phraseology. Legal dictionaries, although useful, have the flaw of scarcity of space. They sometimes list one or two examples of extended units of meaning, but provide no examples of usage. Sometimes they even deprive the reader of crucial information on the behaviour of the unit in a wider context. This impairs the work of a legal translator, especially if the translation is carried out into L2. Since legal dictionaries cannot include all possible combinations a lexical item can be part of, developing phraseological resources focusing on different genres (e. g. contracts, wills, judgments etc.) would help legal translators in their work. By

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7      <http://www.lexology.com/library/detail.aspx?g=96d2ca88-79be-41dd-8797-f2fae9be6e1b>,
       27.06.2015.

focusing on extended units of meaning we can detect their variations and stability in a wider context. If the study is conducted contrastively, one can also detect functional equivalents and contribute to achieving a translation which sounds natural. The wider context also helps us to reveal which lexical items are more frequently associated with the prototypical binary unit. This again enables us, with the help of genre analysis, to account for the frequency of a unit in the corpus.

Although comparable corpora consisting of non-translated texts cannot produce complete comparability, they represent a useful resource of phraseological patterns used in different legal genres. Most importantly, they provide us with examples of usage, which is something that dictionaries can never fully achieve. Since this paper focuses on extended lexical collocations only, it represents a small insight into patterns of extended units of meaning in contracts. Therefore, future research might profit from analyzing all concgrams from both corpora, and thereby could contribute to a complete analysis of the patterning of these units in the language of contracts. It is expected, however, that such a study would have to involve an in-depth genre analysis in order to account for the differences, both in patterning and frequency, between the two comparable corpora. This especially applies to extended binomial expressions, which are more typical of legal English than legal Croatian.

Studying and analyzing extended units of meaning in contracts can, therefore, contribute to filling yet another gap in the research on legal phraseology. Since the study would provide a contrastive insight into the phraseology of common-law and civil-law contracts, it might also contribute to resolving translation difficulties when translating between these two legal systems.

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# (Re)producing habits in international negotiations: a study on the translation of collocations

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**Abstract** The paper aims to contribute data to the subservient habitus hypothesis explored in Interpreting and Translation Studies, where interpreters and translators are said to be especially sensitive and keen to reproduce social and textual norms, usually dictated by other agents in the field. After exploring the use of this hypothesis in the field, the case study is preceded by a brief account of special features of translation in international organizations and the key elements of the use of legal translation at the World Trade Organization (WTO). The selection of the corpus of study and the target-oriented approach are justified before briefly comparing the traditions in the study of phraseology in English and Spanish. A method drawing from both traditions is explained and then applied to two subcorpora of legal texts in order to establish patterns that can help us see how subservient or subversive translators' behavior can be.

**Keywords** subservient habitus hypothesis, translational norms, legal translation, international organizations, collocations

## 1 Introduction

One of the most widely tested hypotheses in Interpreting and Translation Studies (TS) is that translators are "creatures of habit" (Kenny 1998). They have a special relationship to norms and conventions, as they are usually (albeit unknowingly) committed supporters of standards and patterns, sometimes seen as overtly conformist and submissive (Wolf 2007) and reluctant to take risks (Pym 2008). Studies on translators' *habiti* have focused on developing the concept and testing its applicability to translators in different systems (Simeoni 1995, Wolf 1999, Gouanvic 2002, Inghilleri 2003, Sela-Sheffy 2005, Meylaerts 2010). Definitions have closely followed Bourdieu's theory of social practice, which is especially significant in TS for both the sociologist's own interest in translation (Bourdieu 2002) and his reception in the field. Part of his ontological system has been pervasive in the discipline for the last decades. The explanatory powers of the notions, even outside of Bourdieu's conceptual complex, seem to withstand the test of time.

Within the field of TS, however, not all areas have shared the same keen interest to test the subservient habitus hypothesis bequeathed to the discipline (Simeoni 1998), or even Bourdieu's theoretical framework. Legal interpreting and translation (LIT), for instance, has been relatively impervious to Bourdieu's work (exceptions including Vidal Claramonte 2005), Monzó Nebot 2005, Valero Garcés/Gauthier 2010). The protracted debate on core notions such as loyalty or neutrality supports a tacit or explicit agreement on not only LIT but also LIT studies being aligned with a functionalist theory of translation (Garzone 2000, Prieto Ramos 2014). This approach endorses the introjection (cf. Bourdieu 1977: 26) of the norms found in the target group and a resulting subservience to the client and their needs, as perceived by or instructed to translators. At the edge of translation, the power to define LIT is claimed *de facto* by Law Studies, whose quest for the knowledge of the source legal system and language stresses both source-orientedness and an equivalence paradigm (cf. Condon 2010), where es-

sentialist views are impinged upon practitioners. Also in TS, the equivalence paradigm calls for the study of the legal systems and individualized discussions of equivalences (cf. Šarčević 2000). Both positions represent and reproduce a prescriptive approach to LIT.

Changes in society and LIT scope cast doubts on the dominant views and solutions as heterodox practices call for our attention (cf. Villeneuve 2001, Fiola 2004, Inghilleri 2010, Mingxing 2012, Guo 2014). A new wave of critical studies (cf. Vidal Claramonte/Martín Ruano 2003) have been focusing on the insights from real practice that shake up the status-quo bias in scholarly work. The more we know from different traditions across languages, cultures, and time, the more undeniable the diversity of coexisting definitions of LIT and its core notions becomes. A new zeitgeist is advancing ethnographic studies (Valdés et al. 2000, Inghilleri 2003, Koskinen 2008, Gallez/Maryns 2014), which present human experience as fragmented and provide specific cases and systematically taken data for a context-dependent discussion. "The turn to ethnography promises greater attention to agency and a focus on non-discursive practices and the potential of resistance to discourses otherwise seen as totalizing and reductionist to individual freedom." (Lie 2013: 202)

Studies focus on human groups, whose norms (cf. Toury 1978) are then related and compared to other results, aiming at constructing a LIT theory that can fit an ever-changing reality. LIT is thus viewed as "the other types of translational activities", that is, "a norm-governed human and social behavior" (Cao 2013: 422). Norms replaced the notion of equivalence in Descriptive Translation Studies (DTS) to refer to regularities in translational behavior. They determine the position of a translation or system of translations between adequacy (that is source-orientedness) and acceptability (target-orientedness) and they act as "the intermediating factor between the system of potential equivalence relationships and the actual performance" (Toury 1981: 24). "Norms imply that there is a course of action which is more or less strongly preferred because it is accepted as proper or correct or appropriate." (Hermans 2012: 4263)

Šarčević (1997) reviewed what norms have been dictated to and reproduced by legal translators through history, arguing that "legal translation remained under the grip of tradition much longer than other areas of translation" (Šarčević 1997: 23). Equal language rights movements in multilingual and multiethnic societies changed the norms by stressing the citizens' rights to access legal texts which are not distorted by linguistic or stylistic obligingness to dominant law-making languages (cf. Šarčević 1997 on the Rossel-Cesana controversy). The extent to which adequacy or acceptability is incorporated in translators' *habiti* and reproduced through their social and textual behavior remains an open question for descriptive studies in LIT.

By taking a descriptive microperspective, this study will approach the habitus of translators working in international organizations to contribute some data to the debate on how neutral, subservient, participatory, and subversive translators' habitus is. Of course, habitus is not to be understood in exclusively textual terms, and therefore this can only be added to other contributions in the field as a step towards deciphering the complexities and dynamics of LIT.

## 2 What is so special about international organizations?

The Paris Peace Conference (1919) marked a major milestone in the international political arena. Interstate negotiations changed scenario and moved from diplomats' bureaus to a public agora where discussions were relatively open. The resulting League of Nations (1920) set

the tone of an unprecedented institutional development. Liaison interpreting had been the mode *par excellence* in overcoming interlingual and intercultural differences between diplomats. Thereafter, translation would assume a crucial everyday role to make intense worldwide political cooperation possible. Translation policies and norms have been established through an intensive translation activity and thanks to technological developments and international resources, they have reached beyond institutional limits. Translators all over the world look for help in institutional multilingual glossaries and databases. Despite their easy access, these solutions are tailored to the specific needs and working procedures of the organizations that created them in the first place and they are heavily influenced by two special features that are particularly relevant for TS: "foundational multilingualism" and "multilingual drafting".

### 2.1 Foundational multilingualism and multilingual drafting in international organizations

Foundational multilingualism, as the linguistic policy agreed on at the inception of an international organization, acts as recognition of the political value of the parties to the institution or the original founding parties. The first session of the UN General Assembly established Chinese, English, French, Russian, and Spanish as the official languages of the UN (UN General Assembly 1946), to which Arabic was added in 1973 (UN General Assembly 1980). The European Union is an extraordinary case, as each and every one of the members choose one language upon accession that will be from then on considered "official", now amounting to 24. That does not mean, however, that the daily work at the secretariats or even discussions are conducted in all languages, as English is nowadays as dominant as French used to be at the time of the Paris Conference (cf. Baigorri Jalón 1999). The UN system relies mostly on English, French, and Spanish as working languages, and English is sometimes referred to as the only working language in the EU (Ammon 2006). Special attention must be paid to the Organisation of African Unity, whose Charter is worded in very ambiguous terms, whereby English and French texts have to be made available, whereas African languages are official and yet should be used only "if possible" (OAU 1963: art. 24 and 9). The subsequent incorporation of Arabic, together with Portuguese, gave some meaning to the provision, although no other African language has been used as an official or working language (Ajulo 1985).

The practical result of foundational multilingualism is that documents are produced in the (non-ambiguous) official languages at (more or less) the same time. Following the Vienna Convention on the Law of Treaties (UN 1969), translations in the official languages are called "texts" and any other translation is called a "version" (ILC 1966: 874th meeting, § 7, and 93rd meeting, § 41). All texts embody one single treaty (ILC 1966: 874th meeting, § 10) and the responsibility to reconcile eventual differences between texts lies on the interpreter of the treaty (UN 1969: art. 33.4) as their meaning is presumed to be the same (UN 1969: art. 33.3).

That rule has resulted in two disciplinary views clashing and jostling in the LIT field claiming the right to define what a legal translation is. From a legal perspective we must suspend our disbelief and accept that all texts are the result of the discussions and drafting efforts of State representatives, even though the *travaux préparatoires* are public and do acknowledge the existence of translations. Lawyers can therefore claim exclusive jurisdiction over any interpretation of those texts, linguistic, textual, and otherwise. Applying a translational doxa, however, we can use session proceedings and other available sources to determine which texts were authored by State representatives and which texts were entrusted to translators, albeit later discussed and possibly amended in the room. TS can thus claim its jurisdiction over the

study of norms, either linguistic or otherwise, and of translation as a means to canonize a text within the international legal system (cf. Berman 1988, Venuti 1992: 7).

Multilingual drafting, on the other hand, stresses the fact that documents in international organizations are collective endeavors. Drafters rarely share one language and, with or without interpreters and translators, discussions and related work are held and conducted in different languages using terms from different legal traditions. Both "multilingual drafting" and "co-drafting" are used although not always interchangeably. Jurilinguists suggested co-drafting as the ideal formula to coordinate two different legal traditions in bilingual legislation (cf. Covacs 1979, Fernbach 1995). The solution was to have a team of lawyers and jurilinguists work together and, when possible legal mismatches were identified, to gloss all versions (texts) so that correspondence was ensured and cultural differences were bridged. Co-drafting was implemented at the national level (Levert 1999, Gémar distinguishes co-drafting from any translational practice, e. g. 2013) but was rare in international negotiations (Shelton 1997 reports one such case). The most widespread use, however, refers to texts being drafted in one language, then translated, and then submitted for discussion or approval in the different languages simultaneously (cf. Koskinen 2000, Cao 2007, Biel 2014).

## 2.2 The making of norms

In this most common formula lawyers and translators work at different desks. Documents are sometimes discussed using different languages (proceedings of the International Law Commission attest to this practice), drafted in one (generally English, or Englishes), and transferred to translation sections whilst still being negotiated. Translators discuss solutions in (multidisciplinary) teams, establish prescriptive equivalences (circulated through memos and glossaries), and point out incongruences or comprehension problems in original versions when working on or upon submitting translations. Amendments are suggested for, and introduced in, any and all linguistic versions at the same time. In this process formulations are negotiated across languages and dialects, among translators but also delegates, counselors, and technical staff. The resulting texts are the product of complex, long, and detailed negotiations, and have an impact on the institutional future, and language. As representatives of different (legal) languages, cultures, and dialects, each negotiating party has contributed its share to a specific jargon which builds a common ground for translators from different Member States.

Approved documents are then processed and used as reference for future texts. International organizations provide computerized systems so that both drafters and translators have easy access to their documents in all official languages, thereby ensuring consistency across languages when quoting foundational agreements, referring to previous documentation, or contesting specific clauses. Organizations also have (official and informal) terminological databases that provide term equivalences in the official languages. These tools are especially convenient for the work of translators (and revisers) but they underscore the importance of negotiation and agreement: once a linguistic version has been agreed upon, changes would violate the expressed will of members.

## 2.3 Tools for consistency

Consistency across linguistic versions of institutional documents is crucial (cf. Condon 2012). Citizens may call upon any linguistic version of a given document, which of course should

provide the same rights and obligations whichever the language (cf. Aceves 1996), and delegates may be able to renegotiate covenants if inconsistencies or "mistranslations" are alleged. Consistency is not only applied across languages but also across texts within one same language. Reusing previous translations and formulae is not only a question of economy but also a requisite to respect the highly negotiated nature of organizational language. To ensure both drafters and translators/revisers have access to previously negotiated and approved versions, human and technological resources are established.

Before delivering a document to the translation service, most organizations provide a reference service where the secretariat's staff mark the parts of the document that have been taken up from existing official documentation. Translators are then given the texts and the translation support service (be it a department under this or any other name, or assigned personnel from other sections) offers and maintains a documentation system consisting of translation memories, terminological databases, and parallel corpora. Some organizations also provide basic style guidelines and specific instructions for particular genres or for documents sent by specific committees. Translators may or may not use these tools, but beyond ensuring consistency they will no doubt help them reach the minimum productivity rate for their job assessments. Revisers will then be assigned the translated document. These are professionals who have typically been working for the institution for a considerable time and their mission is to ensure consistency with the institutional norms in which they have been socialized. They are also available for questions and discussions with novice translators and sometimes they hold law-related seminars and practice-based workshops where different solutions for specific problems are discussed in detail.

Several of these tools and resources have been described and explored elsewhere.[1] The intention here is to establish the simultaneity and comprehensiveness of both human and technological measures aimed at preserving the institutional norms. Under these circumstances, can some self-determination escape control? Does innovation have a place in the institutional machine? Beyond explicit rules and equivalences enshrined in databases, do translators abide by common patterns? Parallel corpora allow both for translators and researchers to access previous decisions of any linguistic realizations. Will translators albeit implicitly recognize phraseological units and formulaic language as part of the textual and organizational consistency when drafting new texts? Do they take risks and introduce changes in the organizational culture or do they take a subservient role to norms seeking the revisers' and the institutions' approval?

To attempt to answer these questions, the collocations used in one of these organizations, the World Trade Organization (WTO), will be analyzed. The research will focus on the Spanish versions of texts as these are usually authored by translators and not by delegates or other professional and technical staff (cf. Condon 2010).

### 3 Brief notes on the World Trade Organization

This section will summarize the key data on the World Trade Organization (WTO) that will be used for corpus selection.[2] The WTO was founded in 1995 after the successful Uruguay round

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[1]   For an overview of the use of corpora in international organizations cf. Monzó Nebot 2011. The tools used at the WTO have been described in Pasteur 2013.

[2]   Cf. Narlikar (2005) for an overview and Prieto Ramos (2013) for an account of the translation work conducted at the WTO.

of negotiations that became an international agreement to establish rules and policies for international trade and an international organization to pursue and continue cooperation. The WTO provides a forum for trade negotiations and ensures agreements are honored through training, policy reviews, and dispute settlement. Multilateral agreements reached on its three major areas of interest (trade in goods, trade in services, and intellectual property) are administered and supervised through councils, specialized committees, working groups, and working parties. The fundamental agreements are together referred to as the Final Act of the 1986–1994 Uruguay Round, although they have been entered into at different times. The daily work at the Secretariat (Geneva, Switzerland) is conducted in English, French, and Spanish. Topics cover a wide range of specialisms, but given the organization's legislative and adjudication functions, law-related work and LIT hold a prominent position, especially considering the "ever-expanding body of dispute settlement reports" (Cook 2012: 49). This poses structural and procedural demands.

The Dispute Settlement Body (DSB) operates under the Dispute Settlement Understanding (DSU) through dispute Panels and an Appellate Body. Countries seek the DSB's mediation when they believe agreements have been violated. The resulting processes generate an enormous volume of documents, including lengthy reports that are usually "carefully crafted" (Jackson 2000: 196) in English, and conscientiously translated into French and Spanish.

## 4 Questions of method

### *4.1 The target-text oriented approach in the reconstruction of norms*

This contribution focuses on reconstructing translators' textual behavior by describing translational norms. There is no evaluative intention as any feature required to establish equivalence between linguistic versions is not considered "a postulated requirement, but an empirical fact" (Toury 1981: 13). The texts included in the corpus are part of the international legal system and are considered utterances of the target system (cf. Toury 1981: 11), that is, international legal texts uttered in Spanish. They are not considered derivative material (cf. Baker 2000) and, although relations to other texts in the system are assumed, these will not be the focus of this discussion.

The purpose is to establish how the existence of prescriptive norms in the system, in the form of utterances dictated by the institution and its different agents (revisers or senior translators through institutional glossaries), may have a standardizing effect on other utterances that are open to variability (specifically collocations).

### *4.2 Researching collocations*

Sinclair's argument that the phrase is the "primary carrier of meaning" (2008: 409) has placed the study of phrase at the center of linguistic studies. Frequently occurring contiguous and non-contiguous combinations of two or more words that express a certain meaning, under different names ("lexical phrases", "extended lexical units", "extended collocations", "n-grams" or "lexical bundles"), are attracting growing attention from language and translation scholars. Methods have been developed to identify most common phrases to test hypotheses of register and genre variation, to characterize genres, to improve second language acquisition, or to develop computer-assisted translation tools (cf. Stubbs 2002, Biber 2006, Conklin/Schmitt 2007,

Ellis et al. 2008, Römer 2010, Goźdź-Roszkowski 2011, Grabowski 2013, Buendía Castro/Faber 2014).

To cater to a different aim, the method will require some adjustments. Although the statistical approach is by far the most common in English studies, research on Spanish collocations tends to stress the semantic approach (Aguilar Amat 1993, Corpas Pastor 1996, Larreta Zulategui 2002, Zuluaga 2002, Sánchez Rufat 2010). In this paper, the aim is to discover to what extent Spanish legal translators at the WTO reproduce collocations not included in organizational glossaries (which would therefore be prescriptive). Although frequencies are a determining factor when trying to find an answer, a semantic target-oriented approach will allow us to locate the room for innovation and to discuss where variances are present.

Collocations will be extracted from the Spanish translation of panel reports derived from the (lack of) compliance with the Agreement on Subsidies and Countervailing Measures (C1, 12,014,055 words), an area taken to reduce topic variability. These reports were originally drafted in English by independent experts and lawyers from the WTO Secretariat. The texts were then translated and revised in Spanish by professional staff working at the Secretariat. Collocations in this Spanish corpus will be extracted and then those included in institutional glossaries[3] will be discarded. The remaining bundles will be compared with those found in a corpus comprising the foundational agreements of the WTO (C2, 903,502 words), which are taken as the source of textual normality, beyond prescriptive equivalences dictated by glossaries.

Keywords from C1 were automatically extracted with AntConc (Anthony 2014) applying log-likelihood calculations in both subcorpora and using the CREA corpus (RAE 2005) as a reference corpus.[4] For each keyword, extended collocations (3 to 5 word combinations) were extracted. Not being necessarily idiomatic, extended collocations allow for increased variability and were therefore best suited for our purposes. The five most frequent collocations for each keyword were then selected and classified. This classification aimed at distinguishing cases where translators may actually have different options from which to choose. The following categories follow Alonso's proposal (1994, 2001):

a)  Terminological. Collocates whose combination produces a new meaning which cannot be derived from any of the elements (*grupo especial*, Spanish for 'panel', literally 'special group'; or *estados unidos*, 'united states').

b)  Unique. Collocates that do not occur except in combination with the core element (*palabra esdrújula*, *proparoxytone*).

c)  Semantic. Collocates sharing a semantic field with the core element (such as *párrafo X del artículo Y*, literally 'paragraph X in section Y').

d)  Auxiliary. Collocates whose meaning is altered in the combination (*tomar una decisión*, 'take a decision') although implying no changes in meaning for the lexical core and which can collocate with other lexical elements.

e)  Elective. Collocates with an arbitrary relationship with the lexical core (such as *el mencionado artículo* or *dicho artículo*, 'aforementioned article'), where the core element does

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3     Glossaries include the English term and equivalences in Spanish and French. They are generally presented as word lists although some have been introduced in a MultiTerm file. The lists include a total of 35,000 entries, including terms and common expressions in the institutional jargon.

4     In order of frequency: *artículo, párrafo, unidos, acuerdo, grupo, especial, comunidades, medidas, Canadá, subvenciones, Europeas, informe, derechos, más, partes, China, productos, órgano, CE, Brasil, respecto, mercado, medida, precios, primera, subvención, prueba, parte, producción, sentido.*

not undergo any change in meaning and alternatives exist whose collocation produces a synonym expression.

This classification was meant to distinguish between collocations where translators had a real choice (d and e) from those where choices were determined by the linguistic system (b), highly dependent on the topic and content, or even determined by glossaries provided by the organization (a and c).

Among the most frequent there are no collocations whose relation to the core is unique. The highly specialized nature of these texts is confirmed by a strong presence of terminological relations between the elements forming the collocation (43.9 %). For the most part of these cases, translators cannot find alternatives in the legal register. However, a fifth (20.3 %) of these terminological units were considered as such only because they were included in institutional glossaries. For instance *establecimiento del grupo especial* is included as an equivalent for 'establishment of the panel', when *formación* or *creación* are also possible and frequent collocates for panels in the Spanish legal register (referring to 'establishment' and not to its 'constitution' at a later stage). In other cases, although alternatives exist, the preference is shared in other legal settings, as in *comunicación escrita* as the Spanish version of 'written submission' instead of the linguistically possible *comunicación por escrito*.

The number of collocates that were classified as elective are second to terminological combinations, representing 34.7 % of the total collocations under study. In these cases, at least one alternative is available but this is less used or most frequently disregarded. As an example the table shows units used in connection with *artículo* to express the meaning 'under the article', but preference is clearly given to *de confomidad con*.

*Tab. 1: Collocates with the term* artículo

| Collocates | Occurrences in C1 | Relative %[5] |
|---|---|---|
| *de conformidad con el artículo* | 2,876 | 44.5 % |
| *en virtud del –* | 1,824 | 28.2 % |
| *con arreglo al –* | 1,471 | 22.8 % |
| *según el –* | 208 | 3.2 % |
| *de acuerdo con –* | 83 | 1.3 % |

The preference in the CREA corpus (subcorpora 'justice and legislation' and 'law') is given to *de acuerdo con el artículo*, the least preferred alternative in C1. *De conformidad con el artículo* is third to *según el artículo*, and *con arreglo al artículo* is last after *en virtud del artículo*. Although the collocation of *de acuerdo con* with *acuerdo* ('agreement') simply does not work in Spanish, no parallelism can be found in the rest of the cases either. It is also noteworthy the preference in C1 for complex prepositions (all but *según*).

Less frequent were collocations showing a semantic relation between their constituent elements (13.3 %). In these cases the semantic fields concerned are trade, adjudication, and textual production, thereby attesting to the importance of the textual culture in international organizations. This is the case with *párrafo X del artículo Y* or *frase del párrafo*, among the five most frequent collocations of *párrafo*. The latter (literally, 'sentence in section') could also

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[5]    In C2 *artículo* is used 212,129 times. This percentage takes into account only the occurrences of *artículo* with one of the collocates listed (6,462).

be considered as an elective combination, since alternatives include *oración del párrafo*, as strict synonym, but also *lo expresado en el párrafo* or *la formulación del párrafo* in the sense of 'wording'.

*Tab. 2: Collocates with the term* párrafo

| Alternatives | Occurrences in C1 | Relative %[6] |
|---|---|---|
| *frase del párrafo* | 3,947 | 78.1 % |
| *oración del –* | 1,054 | 20.8 % |
| *lo dicho en el –* | 13 | 0.3 % |
| *lo expuesto en el –* | 10 | 0.2 % |
| *lo indicado en el –* | 9 | 0.2 % |
| *lo enunciado en el –* | 9 | 0.2 % |
| *lo señalado en el –* | 6 | 0.1 % |
| *la formulación del –* | 4 | 0.1 % |
| *lo expresado en el –* | 1 | 0.0 % |
| *lo afirmado en el –* | 1 | 0.0 % |
| *lo aseverado en el –* | 1 | 0.0 % |
| *lo consignado en el –* | 1 | 0.0 % |
| *lo sugerido en el –* | 1 | 0.0 % |

Relatively few auxiliary collocations were found (8.2 %). In this case alternative options were always available, and they were sometimes even registered in notes to the relevant entries in institutional glossaries. One of the examples is *objeto de apelación* ('appealed'). The entry is not registered in institutional glossaries, but *objeto de* is indeed included under other headings. For instance, under the entry 'matter in dispute', *asunto en litigio* is given together with *asunto objeto de litigio*, where *objeto* is an auxiliary collocate. The lesser number of auxiliaries actually improves readability, as non-lexical alternatives reduce discourse density.

At this point, only bundles where alternative collocates had been identified were selected for the next phase of the analysis. The purpose was to determine whether agreements (C2) were taken as normative sources even when flexibility was possible, and, if so, how strictly or loosely the norm set by those texts was reproduced. The aim is to determine whether translators (or revisers) use their discretion to introduce variability or if they rather adhere to trends as if they were norms.

## 5 From elective to normative?

Collocations with a terminological relation to the lexical core were not taken into account for this part of the analysis, as choices are clearly restricted. Among clusters with a semantic relation between their constituent elements, few bundles were selected, as most were found in institutional glossaries or admitted no variation while preserving meaning. Those selected referred mostly to textual elements. Both *párrafo* ('paragraph') and *artículo* ('article' or 'sec-

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[6]   In C2 *párrafo* is used 219,593 times. Percentages show the relative presence of the different collocates listed (out of a total of 5,057 occurrences). Only those carrying the meaning of 'wording' were taken into account.

tion') appear in the keyword lists for C2 and C1, and were also found in the most frequent combinations for other keywords. The use of *artículo* was found to have no alternative (*el artículo 1*). *Párrafo*, however, was used as a synonym for *apartado* in C1, whereas the latter was exclusively used in the sense of 'subparagraph' in C2. Thus C1 departs from the norm in occurrences such as *el párrafo b* or *el párrafo 1b*, where *el apartado b* or *el apartado 1b* would be consistently used in C2.

Other clusters were more open to variations, such as those including *disposiciones*, which collocates with *artículo* and *acuerdo* ('agreement'). When taking the legal register as a whole, alternatives in Spanish include *estipulaciones* (0 occurrences in combination with *acuerdo* in both C2 and C1), *preceptos* (2 occurrences in C2 in this combination and 0 in C1), *el contenido* (not used in this combination, although co-occurring in both subcorpora), *lo preceptuado* (0 occurrences in this combination in C2 and 1 in C1), *lo dispuesto* (21 occurrences in C2 and 131 in C1 for this combination), and *lo previsto* (2 in C2 and 22 in C1). The tendency is clear, and the preferences established in C2 are reproduced in C1. Both corpora show an overwhelming preference for *disposiciones* (547 occurrences in this combination in C2 and 2,024 occurrences in C1).

When considering *disposiciones* in combination with *artículo* (*disposiciones del artículo*) both corpora share the most frequent alternative and options found in C1 are all present in C2. Variety is slightly reduced in C1, as one of the alternatives present in C2 cannot be found in C1.

*Tab. 3: Collocates with the term* disposiciones *and their different frequencies (C1 and C2)*

| **Alternatives** | **Frequency C1** | **%** | **Frequency C2** | **%** |
|---|---|---|---|---|
| *disposiciones del artículo* | 483 | 63.0 % | 185 | 59.5 % |
| *lo dispuesto en el –* | 238 | 31.0 % | 76 | 24.4 % |
| *lo establecido en el –* | 32 | 4.2 % | 23 | 7.4 % |
| *lo previsto en el –* | 12 | 1.6 % | 24 | 7.7 % |
| *el contenido del –* | 2 | 0.3 % | 1 | 0.3 % |
| *lo preceptuado en el –* | 0 | 0.0 % | 2 | 0.6 % |
| *estipulaciones del –* | 0 | 0.0 % | 0 | 0.0 % |
| *preceptos del –* | 0 | 0.0 % | 0 | 0.0 % |

The trend is reversed in one case, *la frase del párrafo*, where C1 incorporates new alternatives that cannot be found in the agreements.

*Tab. 4: Frequencies for "frase del párrafo" and elective alternatives in C1 and C2*

| **Alternatives** | **C1** | **C2** |
|---|---|---|
| *frase del párrafo* | 3,947 | 191 |
| *oración del* – | 1,054 | 19 |
| *lo dicho en el* – | 13 | 0 |
| *lo expuesto en el* – | 10 | 0 |
| *lo indicado en el* – | 9 | 0 |
| *lo enunciado en el* – | 9 | 0 |
| *lo señalado en el* – | 6 | 0 |
| *la formulación del* – | 4 | 1 |
| *lo expresado en el* – | 1 | 1 |
| *lo afirmado en el* – | 1 | 0 |
| *lo aseverado en el* – | 1 | 0 |
| *lo consignado en el* – | 1 | 0 |
| *lo sugerido en el* – | 1 | 0 |

Another semantic combination would be *texto* ('text') in the frame *el texto del artículo* ('the text of the article'). Alternatives include *términos* ('terms') or phrases such as *lo expresado or lo formulado* ('what was expressed'), which occur in both C2 and C1, but also *lo mencionado, lo referido, lo indicado* or *lo señalado*, which do not appear in either corpora in combination with *artículo* (albeit some co-occur). Nevertheless, when compared with a reference corpus (RAE 2005), *lo señalado* is the most frequent option in the register 'Law' and 'Justice, Legislation'.

This same degree of homogeneity was found in auxiliary combinations, such as *medida adoptada* ('action agreed on' or 'approved measure'). Alternatives include *medida tomada, aprobada, convenida, dispuesta, establecida, concertada, convenida*. None of these alternatives occur in C2, and of the eight suggested three can also be found in C1, although the preference for *adoptada* is clear (316 occurrences vs. 53 for *tomada*, 29 for *establecida* and 1 for *aprobada*). When comparing these choices with results from the reference corpus (within the aforementioned register), *adoptada* is also preferred (69 occurrences), although the distance to the second option, *tomada*, is not significant (the latter is used 29 times), and *dispuesta, aprobada* and *acordada* are also present (7, 6 and 5 occurrences respectively). A look at documents from other international organizations, specifically the UN, shows how *aprobada* is the most frequent option among the given alternatives, thereby confirming the bearing of the organizational language (not only field-specific register) on translations.

Also auxiliary is the relation between different core elements and *presente* in *el presente caso* (literally, 'this present case') or *el presente informe/acuerdo* ('this present report/agreement'). The alternative considered in these cases was *este* ('this'), and the trend is consistent, as both C2 and C1 prefer *el presente* in combination with the name of the genre (report or agreement) but *este* in other clusters (*asunto, procedimiento, análisis, grupo, escrito*).

When considering elective combinations, which allow for the most flexibility, the preferences shown by C1 are parallel to those found in C2. This is the case for *de conformidad con el párrafo #* ('under paragraph #').

*Tab. 5: Collocates with the term* párrafo *and their different frequencies (C1 and C2)*

| Alternatives | Frequency C1 | % | Frequency C2 | % |
|---|---|---|---|---|
| *de conformidad con el párrafo* | 2,018 | 37.0 % | 365 | 51.2 % |
| *en virtud del –* | 1,524 | 27.9 % | 168 | 23.6 % |
| *con arreglo al –* | 1,100 | 20.2 % | 132 | 18.5 % |
| *al amparo del –* | 695 | 12.7 % | 39 | 5.5 % |
| *según el –* | 89 | 1.6 % | 7 | 1.0 % |
| *de acuerdo con el –* | 29 | 0.5 % | 2 | 0.3 % |

Another interesting elective combination is *con respecto al párrafo*. Alternatives include *con respecto del párrafo*, *respecto al párrafo*, and *respecto del párrafo*. According to the *Diccionario panhispánico de dudas* (RAE 2005), the forms are synonym and currently the most common would be *respecto a*. However, C1 strongly reflects the preferences shown in C2.

*Tab. 6: Different frequencies of collocates with* respecto *in the sense 'related to'*

| Alternatives | Frequency C1 | % | Frequency C2 | % |
|---|---|---|---|---|
| *con respecto a* | 7,309 | 63.9 % | 842 | 75.4 % |
| *respecto a* | 484 | 4.2 % | 30 | 2.7 % |
| *con respecto de* | 4 | 0.0 % | 3 | 0.3 % |
| *respecto de* | 3,633 | 31.8 % | 241 | 21.6 % |

Overall results seem to suggest that C2 is indeed taken as a normative source even when there would be room for alternatives, as exemplified by collocates with elective relations between the constituent elements. To confirm this trend, however, the list of keywords and bundles should be considerably expanded to further identify new clusters where alternatives are actually an option and analyze their behavior in the corpora.

## 6 Creatures of habit?

As seen in section 2.1, the position of translation in international organizations is somewhat particular. Texts translated into official languages are granted original and thereby central status, as the (translated) texts in those languages are independently taken as sources of legal rules and usually cannot become such unless all linguistic versions are available. Does this canonized and canonizing status result in translations occupying a more central and influential position in the system? Or do they show a conservative approach and preserve and reproduce conventional forms? Even-Zohar (1990: 50) theorized that, when translation is a primary product in the target system, translators do not feel constrained to follow existing models and are more prepared to "violate the home conventions". They are thus more prone to produce innovation through non-normal patterns. On the other hand, when translations are secondary, translators tend to use existing models, select linguistic options that are more common, and produce more 'non-adequate' and 'acceptable' translations. As a consequence there is a tendency towards a general standardization and loss of variation in style (Toury 1995: 268), as the translators accommodate to existing models. When this is the case, translation usually assumes a weak and peripheral position in the target system, and non-normal translations are assessed in negative terms.

Even though, theoretically, the texts in this analysis are to be seen as canonical, results suggest a process towards standardization where institutional norms established in authoritative texts (C2) are reproduced in other genres (in this case, reports), even though variations are not totally stifled. The patterns show institutional specificities that do not necessarily reproduce those found in the general language or in the legal register used in other settings so a primary nature vis-à-vis other Spanish legal languages can be hypothesized. However, institutional norms become models beyond terminology and conceptual rendering, as opportunities for variations do not seem to be seized, and translators resort to authoritative texts in the search for norms pertaining to the collocation of elements also in elective combinations. Hermans (1998: 53) suggests that when adopting norms translators do so "with a view to securing some form of benefit, whether personal or collective, material or symbolic". It can be easily hypothesized that translators working for international organizations want their contracts to be extended by seeking revisers' approval, but other motivations can be expected, especially from revisers working on a permanent basis.

What lies behind the strong parallelisms between the corpora analyzed remains uncovered. The suggestion that agreements are taken as a source of normativity even when no norms have been dictated can partially account for the results, but offers no satisfactory explanation as to the identity between possible and actual variations in both genres. Further parameters need to be taken into account. Among those, the extent to which the one-to-one equivalence paradigm is followed would need to incorporate the source texts and the study of shifts. Studying group preferences, the intersubjective development of nuances and complexities, and the pursuance of certainty and other possible material or symbolic benefits would need to include the participants in drafting and translating and comparisons with translation behavior in other organizations. How socialization and continuous revisions affect a translator's willingness to innovate in cases where variation is possible, or how the necessity for homogeneity in terminological and discursive choices impacts their decisions regarding elective combinations are also open questions.

Norms are system-dependent, a sense made common for the members of a group, a *doxa* whose borders can be drawn with the descriptive and ethnographical approach towards which TS is steadily progressing. There is far more to this matter than meets the eye and it seems worthy approaching translators with no prescription as to what they should do, adopting instead Toury's descriptive project. With an ethnographical stance, the translators' definition of LIT can be reconstructed and its evolution in the workplace and its relation to norms prevailing in the organization can be examined. Translators have sufficiently proven to be complex creatures and how they introject, identify to, or integrate norms in the workplace still remains unclear. Hopefully not for too long.

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# Dissertation: „Virtuelle Forschungsumgebungen: Nutzerbedarf, Wissenstransfer, Textualität. Auswertung einer Interview-Studie zu TextGrid"[1]

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### Ausgangsperspektiven und zentrale Fragestellung

Verfügbarkeit von vorhandenem, dokumentiertem Wissen, selektiver Zugriff auf relevante Inhalte, referenzielle und semantische Verknüpfbarkeit inhaltlicher Komponenten, kommunikativ-kollaborative Austauschmöglichkeiten – dies alles sind Bedarfsaspekte, die sich in der Wissenschaftsgeschichte bis weit vor die Entwicklung des Computers zurückverfolgen lassen. Vor dem Hintergrund solcher Erfordernisse sind Kulturtechniken entstanden, die im Zuge der Digitalisierung weiterentwickelt werden. Die in der Wissenschaft wahrgenommene Publikationsflut bzw. das exponentielle Wachstum der Menge an dokumentiertem Wissen hat zur Suche nach maschinellen Lösungen geführt. Daraus sind die Vorläufer des Computers und des Internets kurz nach Ende des Zweiten Weltkriegs (zum Beispiel Vannevar Bushs Memex-Entwurf) sowie die heutigen digitalen Medien und Werkzeuge hervorgegangen.

Die Bedarfsfaktoren, die diesen Entwicklungen zugrunde liegen, scheinen nach wie vor eine wichtige Rolle zu spielen – auch in den Geisteswissenschaften. Im Bereich der Digital Humanities werden computerbasierte Forschungsmethoden, insbesondere algorithmische Analyseverfahren angewendet. Voraussetzung dafür sind digitale Erschließung, Archivierung und Tradierung des kulturellen Erbes. Auf diesen digital erschlossenen Inhalten basieren neue Kommunikations-, Kollaborations- und Publikationspraktiken. Die Entwicklung virtueller Forschungsumgebungen, die diese Praxis des wissenschaftlichen Arbeitens ermöglichen, wird gefördert.

Bisher kaum erforscht ist jedoch die Perspektive der potenzielle Nutzer/innen dieser Angebote – zum Beispiel der Forscher/innen auf dem Gebiet der digitalen Editionen, die zu den Vorreitern in der Anwendung digitaler Praktiken in den Geisteswissenschaften gehören. Auf diese Themen- bzw. Problemfelder und Voraussetzungen ist die zentrale Fragestellung der hier beschriebenen Dissertation bezogen: Welche Bedarfsaspekte im Sinne eines Mehrwerts für das wissenschaftliche Arbeiten und die Wissensgenerierung bzw. den Wissenstransfer in virtuellen Forschungsumgebungen beschreiben potenzielle Nutzer/innen mit editionswissenschaftlichem Forschungsschwerpunkt?

Neben der differenzierten Bestimmung des Begriffs ‚virtuelle Forschungsumgebung' gehen aus der Leitfrage zwei zentrale Unterthemen hervor, die erarbeitet werden: der Aspekt der Wissensgenerierung und des Wissenstransfers im Zusammenhang mit wissenschaftlichem Arbeiten einerseits sowie die digitale Edition und die Veränderungen ihrer Bedingungen, Merkmale und Möglichkeiten im digitalen Medium andererseits.

Insofern spielt neben wissens- bzw. informationstheoretischen Ansätzen eine texttheoretische sowie text- und diskurslinguistische Perspektive eine tragende Rolle in der Arbeit –

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[1]     Die Dissertation wird demnächst in der von Ekkehard Felder und Marcus Müller herausgegebenen Reihe „Sprache und Wissen" (de Gruyter) erscheinen.

einerseits bezogen auf elektronischen Text und seine Besonderheiten, vor allem im Hinblick auf die textuellen Komponenten digitaler Editionen bzw. Text-Corpora, und andererseits auf sprachliche, textuell-diskursive Prozesse der Aushandlung (vgl. Warnke 2009) und des Transfers von Wissen in virtuellen Forschungsumgebungen.

## Methodische und theoretische Aspekte

Nutzerforschung wird in den Digital Humanities bisher kaum betrieben. Die wenigen publizierten Berichte über Untersuchungen zu diesem Thema sind im Hinblick auf die Methode nicht transparent oder ungenau dokumentiert. Auch wenn Nutzerbedarf berücksichtigt wird, findet oft gar keine Erhebung statt, sondern Anbieter und Entwickler antizipieren den Bedarf von Nutzern und entwickeln Systeme auf der Basis von Erfahrungswerten, Plausibilitätsannahmen oder Spekulationen. Oft werden keine Nutzer befragt, sondern sogenannte Experten, die eigentlich der Anbieterseite näher stehen als der Nutzerseite. Oder es werden keine Bedarfsaspekte abgefragt, sondern z. B. genutzte Werkzeuge und Ressourcen evaluiert. Aus hoher Nutzung wird hoher Bedarf abgeleitet. In standardisierten Interview- oder Fragebogen-Studien werden Antwortoptionen und mögliche Bedarfsformulierungen vorgegeben.

Diesen defizitären methodischen Ansätzen wird in der Dissertation eine Methodenkombination entgegengesetzt, die zwar aufwendiger ist, aber auch zu aussagekräftigeren und nachvollziehbaren Ergebnissen führt. Die Bedarfserhebung erfolgt durch offener gestaltete, nur teilstandardisierte Leitfaden-Interviews mit 28 Wissenschaftlern und Wissenschaftlerinnen, die schwerpunktmäßig an digitalen Editionen arbeiten und an einem Workshop zum Testen der virtuellen Forschungsumgebung *TextGrid* teilgenommen haben. Die Auswertung der Interviews erfolgt mittels einer Inhaltsanalyse mit induktiver Bildung von Bedarfskategorien und Unteraspekten. Die angewendeten Methoden stammen also aus der empirischen Sozialforschung (vgl. Gläser/Laudel 2010). Den theoretischen Hintergrund, der die Auswertung, ihre Kategorien und Interpretationen prägt, bilden jedoch informationswissenschaftliche und text- bzw. diskurslinguistische Ansätze, angewendet auf editionsphilologische Grundlagen. Schwerpunkte liegen dabei einerseits auf den Begriffen ‚Wissen', ‚Information' und ‚Daten' (vgl. Hammwöhner 2005, Janich 2006) sowie ihrem Verhältnis in einem Informationssystem wie der virtuellen Forschungsumgebung, andererseits auf der (Hyper-)Textualität der inhaltlichen Bestandteile und Schichten in digitalen Editionen (vgl. Landow 2006, Storrer 2008) sowie der Diskursebenen und Textsorten, die um diese Komponenten gebildet und vernetzt werden (vgl. Janich 2008) – um Faksimiles, Transkripte, Varianten, edierten Text, Kommentarebene, Annotationsschichten usw. (vgl. Gabler 2006).

## Zusammenfassung der wichtigsten Ergebnisse

Ein zentrales Ergebnis der Arbeit besteht darin, dass auch kategorienübergreifend deutlich wird, dass potenzielle Nutzer/innen keinen Bedarf an einem digitalen Werkzeugkasten, einem umfassenden Angebot universell einsetzbarer Tools haben, sondern einen vertrauenswürdig organisierten Raum mit gut erschlossenen, (hyper-)textuell verknüpften Inhalten für besonders wichtig halten. Die Perspektive der Nutzer/innen auf die jeweiligen digitalen Untersuchungsgegenstände, auf den Inhaltezugriff und die Produktion von projektspezifischen Daten steht im Mittelpunkt. Dieser Fokus auf digitale, vernetzte Inhalte (und eben nicht auf ein Werkzeuginventar) ist in allen sechs induktiv gebildeten Haupt-Bedarfskategorien zu erkennen:

In der Kategorie 1 ‚Bedienbarkeit' wird deutlich, dass es zwar Bedarf an einfacher Bedienung, Navigationsführung, Übersichtlichkeit und Erlernbarkeit gibt, diese Punkte aber vor allem in Relation zur Funktionalität bewertet werden, die auf die Forschungsgegenstände und die Fragen daran bezogen ist und höchste Priorität hat. Komplexere Bedienbarkeit wird für komplexere Funktionalität in Kauf genommen. Kategorie 2 ‚Rezeption/Zugriff' umfasst hauptsächlich Bedarfsäußerungen zur Verfügbarkeit, Erschließung und Ordnung von digitalen Inhalten und die Spezifizierbarkeit des Zugriffs darauf. Anforderungen an Möglichkeiten zur Produktion vor allem digitaler textueller Komponenten werden in Kategorie 3 ‚Produktion/ Manipulation' erfasst. Und auch die Kategorien 4 ‚Modularität/Anpassbarkeit', 5 ‚Kollaboration/Kooperation' und 6 ‚Organisation/Verwaltung' werden schwerpunktmäßig auf inhaltliche Komponenten bezogen.

Ebenfalls kategorienübergreifend ist der Bedarf im Hinblick auf die Vernetzung dieser Komponenten. Ein entscheidender Mehrwert wird darin gesehen, dass Kohärenzbeziehungen explizit gemacht und als Verknüpfungen operationalisiert und visualisiert werden können – intra- und intertextuelle bzw. hypertextuelle Bezüge bilden zusätzliche explizite Textschichten. Möglichkeiten zur Weiterverknüpfung werden als Bedarf artikuliert, indem die Anschließbarkeit und Anpassbarkeit von relevanten Inhalten und speziellen Werkzeugen als Anforderungen formuliert werden. Die spezifische Leistungsfähigkeit bestimmter digitaler Werkzeuge für das jeweilige Forschungsprojekt wird höher gewertet als die einfache Bedienbarkeit von Tools, eine Heranführung auch an komplexe computergestützte Methoden (z. B. an Auszeichnungssprachen) wird befürwortet.

Einen weiteren besonders bedeutenden Bedarfsaspekt stellen Möglichkeiten der Wissenschaftskommunikation und -kollaboration dar. Damit sind das ortsunabhängige, verteilte, gleichzeitige Arbeiten an einem digitalen Objekt, aber auch die diskursive Aushandlung von Wissen direkt am Untersuchungsgegenstand gemeint. Vor diesem Hintergrund werden außerdem Konsequenzen für Archivierungsverfahren sowie Publikationskonventionen und die Anerkennung wissenschaftlicher Leistungen sowie Urheberrechtsfragen thematisiert, die sich auf neue textuelle Formen wie bestimmte hypertextuelle Module und z. B. digitale Annotationen beziehen. Voraussetzung dafür und damit zugleich zentrale Anforderung ist die erwähnte vertrauenswürdige Organisation von Inhalten und Prozessen in einer virtuellen Forschungsumgebung.

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# Dissertation: „Textarbeit in der geisteswissenschaftlichen Lehre. Linguistische sowie didaktische Analyse und Modellierung für die Hochschule"[1]

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### 1 Problemaufriss und Fragestellung

Textarbeit gehört zu den Selbstverständlichkeiten geisteswissenschaftlicher Lehre. Trotzdem ist diese Selbstverständlichkeit bisher nur unzureichend konzeptualisiert. Unter den Akteuren im Umfeld des Lernortes Hochschule herrscht zwar ein intuitives Begriffsverständnis vor, welches jedoch selten systematisch expliziert wird. Insbesondere der Einsatz von Texten aus Dozentensicht ist ein wenig erforschtes und insgesamt eher stiefmütterlich behandeltes Thema der Hochschuldidaktik. Erstaunlich, denn die durch ein Studium angestrebte Professionalität bemisst sich vor allem in der Rezeption und Produktion fachbezogener Texte sowie in deren Verortung in Handlungszusammenhängen und Diskursen. Die hochschuldidaktische Beschäftigung kreist überwiegend um methodische Fragen und lässt Ansätze bzw. Erkenntnisse, z. B. der Linguistik, außen vor. Diese zunächst subjektive Beobachtung führt zu der handlungsleitenden Frage, anhand welcher Fragehorizonte/Dimensionen dozenteninitiierte Textarbeit in der geisteswissenschaftlichen Lehre systematisch und wissenschaftlich fundiert konzeptualisiert werden kann.

Drei Zielhorizonte bilden den Rahmen für die Strukturierung der Ergebnisse:
1) Praxis: Konturieren der Leerstellen bzgl. der Lehre mit Texten in handlungsanleitenden Texten (Ratgeber und Modulbeschreibungen) durch Auslesen zentraler Begriffe und Ableiten von Untersuchungsdimensionen.
2) Theorie: Beschreiben der Grundlagen für den Umgang mit Texten in der geisteswissenschaftlichen Lehre aus kommunikationstheoretischer, linguistischer und didaktischer Sicht mittels einer theoriebasierten Auseinandersetzung.
3) Konzeptualisierung: Schaffen einer wissenschaftlich fundierten Ausgangsbasis für die hochschuldidaktische Weiterbildung durch die Erarbeitung von Kategorien bzw. Konzepten.

Durch die angestrebte Theorieentwicklung soll ein Rahmen für lehrpraktische Entscheidungen erarbeitet werden. Nun erweist sich Textarbeit als komplexes Phänomen in variantenreicher Ausprägung. Das bedeutet, dass der Blick für die kommunikative und systemische Einbettung des Gegenstandes gewahrt bleiben sollte und aus der Vielfalt heraus eine Fokussierung erfolgen muss.

### 2 Methodisches

Das methodische Vorgehen besteht im Wesentlichen darin, ausgehend von den Grenzen praxisorientierter Empfehlungen eine konsistente Argumentationslinie hin zur theoriebasierten

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[1]     Die an der Martin-Luther-Universität Halle-Wittenberg verfasste und beurteilte Dissertationsschrift erscheint voraussichtlich Ende 2015 im Verlag Frank & Timme, Berlin.

Konzeptualisierung von Textarbeit und zu ausgewählten Kategorien zu entwickeln. Dabei wird das empirische, kategorienbildende Verfahren der Grounded Theory (Strauss/Corbin 1996) angewandt. Die so gewonnene Theorie ist gekennzeichnet durch eine hohe Entwicklungsdynamik. Sie nimmt durch kontinuierliche Modifikation Gestalt an. Zu Beginn der Auseinandersetzung steht ein Untersuchungsbereich oder Problemfeld, jedoch keine Hypothese oder Theorie. Relevantes wird im Forschungsprozess herausgearbeitet und nicht *a priori* postuliert. Die folgende Abbildung gibt den Forschungsprozess im Überblick wieder.
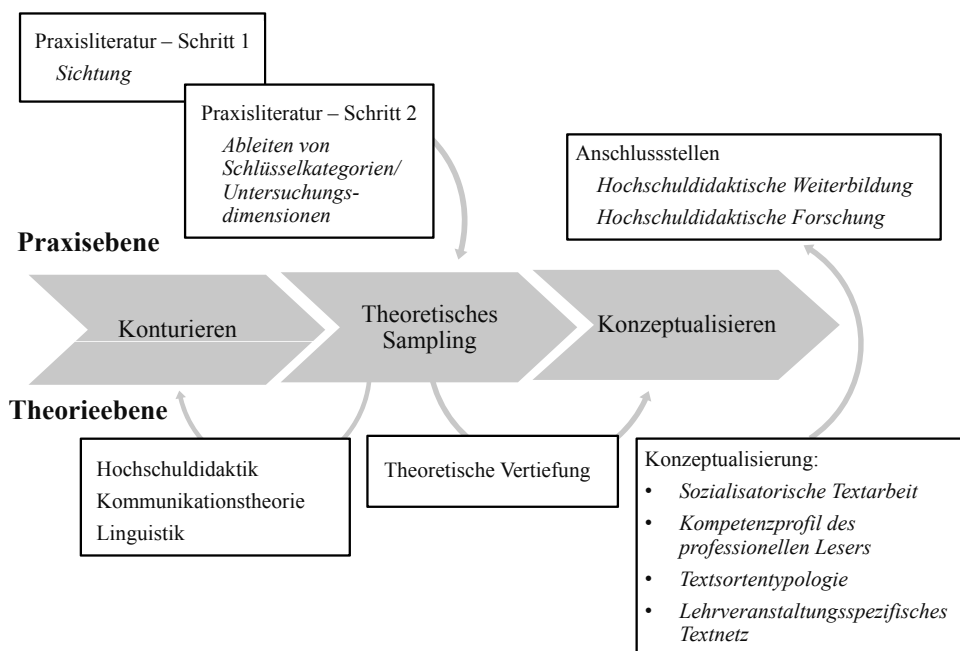


*Abb. 1: Der Forschungsprozess im Überblick*

Es handelt sich um einen iterativen Prozess im Vollzug der drei zentralen Phasen: Konturieren, theoretisches Sampling und Konzeptualisieren.

In einem ersten Schritt wird überprüft, inwieweit das Thema Textarbeit bzw. die Sozialisierung im Fach mittels Textarbeit in ausgewählten anwendungsbezogenen, hochschuldidaktischen Publikationen dargestellt wird. Die Kodierung erfolgt in zwei Dimensionen:

- das Auslesen von Begriffen und rahmengebenden Faktoren sowie
- das Aufdecken gegenstandsbezogener Textnetze.

Beides dient einer ersten Konkretisierung sowie dem Aufdecken von Anschluss- bzw. Leerstellen für die weitere theoretische Durchdringung.

Anschließend werden die gewonnenen Schlüsselstellen und die damit verbundene Terminologie innerhalb der drei Bezugswissenschaften vergleichenden theorieorientierten Fragen unterzogen, um vorhandene theoretische Kategorien problemspezifisch zu bündeln. Als interdisziplinäres Bindeglied fungiert die bekannte Lasswell-Formel, die sowohl in der linguistischen Pragmatik als auch in der Didaktik als analytisches Instrument verortet ist.

Die hochschuldidaktische Fortschreibung konzeptualisiert die so erarbeiteten Kategorien als Elemente eines kohärenten didaktischen Prozessmodells für die Gestaltung der Textarbeit in der geisteswissenschaftlichen Hochschullehre. Dabei werden ausgewählte Elemente konkretisiert.

### 3 Ausgewählte Ergebnisse

Die Erträge der Arbeit sind (1) methodischer und (2) inhaltlicher Art.

(1) Als zentrales Ergebnis für die Theoriebildung in Bezug auf einen komplexen Gegenstand lässt sich festhalten, dass sich die Verknüpfung erkenntnistheoretischer, kommunikations- und sprachwissenschaftlicher sowie soziologischer Betrachtungsweisen als ergänzende kohärente und angemessene Perspektive herausgestellt hat. Der Ansatz der Grounded Theory ist bisher weder in der linguistischen noch in der didaktischen Forschung in Deutschland verbreitet. Die Arbeit liefert daher Impulse, verschiedene Bezugsdisziplinen miteinander in Beziehung zu setzen, aufeinander abzustimmen sowie unterschiedliche Konzeptualisierungen von Begriffen aufzudecken und zu klären. Hier zeigt sich das Potenzial des methodischen Ansatzes für die Ausweitung bzw. den Übertrag auf andere, schwer zu erschließende komplexe Handlungsfelder.

(2) Mithilfe des iterativen Vorgehens wurden die Konzepte ‚sozialisatorische Textarbeit‘ und ‚lehrveranstaltungsspezifisches Textnetz‘, das Kompetenzprofil des professionellen Lesers sowie eine linguistisch-didaktisch motivierte Textsortentypologie konkretisiert. Wesentlich ist die kommunikative Einbettung der Textarbeit sowohl in den Lehr-Lern-Diskurs als auch in authentische Praxisdiskurse. Textarbeit im Kontext der geisteswissenschaftlichen Hochschullehre hat eine sozialisatorische Qualität. Sie zielt auf den Erwerb einer fachbezogenen kommunikativen Kompetenz als Fähigkeit, in einem fachlichen, jedoch bezogen auf eine mögliche Berufspraxis nicht ausschließlich wissenschaftlichen Kontext und dessen inhärenten, variablen Anforderungen verantwortlich und angemessen zu handeln.

Die in Schritt 1 untersuchten handlungsleitenden Texte konzentrieren sich allerdings auf den Lehr-Lern-Diskurs an der Hochschule sowie auf das wissenschaftliche Arbeiten. Zusammenhänge der Kommunikationsbereiche Wissenschaft und Praxis werden kaum berücksichtigt. Voraussetzung für das Formulieren von Lern- bzw. Kompetenzzielen ist die Entwicklung von Kommunikationsprofilen. Bezugnehmend auf die Mehrebenenmatrix von Janich (2007: 322) wird zur Erschließung fachkommunikativer Handlungsfelder eine Beschreibungsmatrix für Kommunikationsprofile entwickelt sowie der professionelle Leser als reflektierender, intertextualisierender, transformierender sowie soziologisch denkender Akteur modelliert.

Nach einer synoptischen Aufarbeitung von textlinguistischen Modellen der Textsortenvernetzung (u. a. Jakobs 1999, Klein 2000, Janich 2009, Adamzik 2011) wurde das ‚lehrveranstaltungsspezifische Textnetz‘ als Planungs- und Analyseinstrument für Lehrende erarbeitet. Die sich für die Lehrveranstaltung ergebenden Vernetzungsmöglichkeiten wurden mithilfe des Schichtungsmodells von Burger (2005) aus vier Perspektiven formelhaft dargestellt.

Ausgehend von der Frage *Wie kann auf linguistischer Grundlage eine Texttypologie für didaktische Zwecke aussehen?* wurden zwei Ordnungssysteme entwickelt. Zum einen ermöglicht eine quasi als Schablone vereinfachte Typologie Lehrenden, das Textuniversum aus der Anwendungsperspektive zu betrachten und fachlich sowie didaktisch begründete Entschei-

dungen zu treffen. Dagegen erfordert die Gestaltung hochschuldidaktischer Angebote durch Trainer, Coaches oder Autoren (Third Space) zum Thema Textarbeit eine komplexere Betrachtungsweise unter verstärkter Berücksichtigung linguistischer Kategorien.

Das für den Third Space entwickelte Ordnungssystem unterscheidet Großtextsorten anhand der übergeordneten Funktionen ,wissensgenerierend', ,wissensbezogen' (speichernd und/ oder vermittelnd), ,handlungsleitend/präformierend' sowie ,expressiv-sozial Sinn suchend'. Diese Kategorien werden weiter auf den Ebenen ,Subtextsorte' und ,Teiltexte' anhand von funktionalen Aspekten differenziert. Ein solches Ordnungssystem kann deskriptiv wirksam werden und die Analyse von Kommunikationsprofilen in Bezug auf die verwendeten Textsorten unterstützen. Lehre kann dadurch systematischer geplant, gestaltet und reflektiert werden.

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# Dissertation: „Im Namen des Gesetzes. Eine vergleichende rechtslinguistische Untersuchung zur Formelhaftigkeit in deutschen und finnischen Strafurteilen"

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## 1 Hintergrund

Mit der Internationalisierung und Europäisierung des Rechts sind auch die mehrsprachige Kommunikation im Recht und die damit zusammenhängenden rechtlichen und sprachlichen Probleme in den Vordergrund des akademischen Interesses gerückt. Der Grundsatz der gegenseitigen Anerkennung gerichtlicher Urteile sowie die Richtlinie 2010/64/EU über das Recht auf Dolmetschleistungen und Übersetzungen in Strafverfahren (ABl. L 280 vom 26.10.2010) bewirken, dass der Sprachvermittlungsarbeit auch in Strafverfahren eine zentrale Rolle zukommt. Verstärkt wird die Bedeutung von Urteilen als rechtliche Textsorte durch diese Richtlinie, denn Artikel 2 und 3 der vorgenannten Richtlinie verlangen, dass verdächtigen oder beschuldigten Personen, die die Sprache des betreffenden Strafverfahrens nicht sprechen oder verstehen, Dolmetschleistungen und schriftliche Übersetzungen aller wesentlichen Unterlagen, zum Beispiel von Urteilen, zur Verfügung gestellt werden.

Gerichtsentscheidungen sind unausweichlich an die Institutionen der Rechtsprechung der einzelnen EU-Mitgliedsstaaten gebunden und stehen unter dem Einfluss verschiedener Rechtsfindungstraditionen. In den Strafrechtssystemen der Mitgliedsstaaten werden aus rechts- und sprachwissenschaftlicher Sicht sehr unterschiedliche Strafurteile produziert, die nicht nur die hinter den einzelnen Strafrechtsnormen liegenden Wertvorstellungen reflektieren, sondern auch die rechtlichen Prozesse und die der jeweiligen Rechtskultur eigene juristische Denk- und Argumentationsweise widerspiegeln. Für die effektive gegenseitige Anerkennung gerichtlicher Urteile ist in rechtlichen Verfahren eine reibungslose Informationsvermittlung unabdingbar. Dies verlangt in Anbetracht der unterschiedlichen Ausgestaltung der nationalen Strafrechtsordnungen sowohl für Richter als auch für juristische Übersetzer und Dolmetscher vergleichendes strafrechtliches und sprachliches Wissen.

## 2 Rechtslinguistische Fragestellung

Die Fragestellung knüpft an diesen europarechtlichen Hintergrund und den daraus resultierenden konkreten Wissensbedarf an. Wie schon das sich aus den Komponenten *Recht* und *Sprechen* zusammensetzende Substantiv impliziert, setzt die richterliche Textproduktionsarbeit sowohl juristische Fachkenntnisse als auch kommunikative Fähigkeiten voraus. Sie bildet somit ein aus rechtslinguistischer Sicht äußerst interessantes Forschungsobjekt. Genauso wichtig wie die Rechtsfindung im Sinne der Gesetzesauslegung ist auch die Art und Weise, wie das Urteil als Dokument inhaltlich, strukturell und sprachlich gestaltet wird. Vor allem im Strafrecht, durch das besonders stark in die Rechte des Einzelnen eingegriffen werden kann, ist für den Verurteilten die Möglichkeit, die Gründe des Strafurteils zu verstehen, für die Akzeptanz der Entscheidung des Gerichts außerordentlich wichtig.

Gegenstand der Untersuchung sind deutsche und finnische erstinstanzliche Strafurteile, die aus kontrastiver Sicht als textuelle Resultate von gesetzlich geregelten nationalen Rechtsfindungsprozessen untersucht werden. Hierbei liegt der Fokus auf einer bestimmten Eigenschaft dieser Fachtextsorte: ihrer *Formelhaftigkeit*. Gemeint ist ein Merkmal, das auf eine gewisse Regelmäßigkeit oder Routinemäßigkeit in den Texten verweist. In Anlehnung an die Gedanken von Gülich (1997) zu formelhaften Texten kann unter der Formelhaftigkeit eine Regelmäßigkeit bezüglich des dargestellten Inhalts, der Struktur und der sprachlicher Ausgestaltung eines Textes verstanden werden. Die Formelhaftigkeit, die hier an die Phraseologieforschung (Burger et al 2007) anknüpfend analysiert wird, ist gerade im Kontext der Rechtsprechung interessant, da die gerichtliche Entscheidungsfindung stets im Spannungsfeld zwischen Einheit der Gesetzesauslegung und Vielfalt der konkreten Einzelfälle sowie zwischen Individualität und Kollektivität der sprachlichen Formulierung erfolgt.

Sowohl in Finnland als auch in Deutschland enthält das Gesetz Regelungen zum Inhalt und teilweise auch zur Struktur der Strafurteile. Es handelt sich hierbei folglich um in gewissem Maße gesetzlich determinierte Texte. Des Weiteren enthält die von Rechtsgelehrten verfasste rechtswissenschaftliche Literatur Anleitungen für die Abfassung von Strafurteilen, die bei der Textproduktion eine Rolle spielen und die Formelhaftigkeit der Urteilstexte fördern. Seitens der Legislative und der Rechtsgelehrten kann demnach in gewissem Grade von Standardisierungsbemühungen bezüglich Gerichtsurteilen gesprochen werden, die je nach Rechtssystem und Rechtskultur unterschiedlich stark ausgeprägt sind.

In der Untersuchung wird die Beantwortung folgender Fragen angestrebt:

- Inwiefern können Gerichtsurteile, anknüpfend an die Phraseologieforschung, als formelhafte Texte (Gülich 1997) angesehen werden und worin zeigt sich die Formelhaftigkeit in der Fachtextsorte?
- Inwiefern folgt die Formelhaftigkeit in Strafurteilen aus gesetzlichen Vorschriften, die die Strafurteile im deutschen und im finnischen Rechtssystem prägen, und worin bestehen zwischen den Strafrechtssystemen diesbezüglich Gemeinsamkeiten und Unterschiede?
- Inwiefern folgt die Formelhaftigkeit in Strafurteilen aus den Anweisungen zur Ausgestaltung von Strafurteilen in der finnischen und deutschen rechtswissenschaftlichen Literatur?

Um die Formelhaftigkeit der Urteilstexte den verschiedenen Ebenen nach differenziert zu betrachten, wird auf der Makroebene der Texte die Formelhaftigkeit bezüglich des Inhalts und des Aufbaus der Strafurteile – *inhaltlich-strukturelle Formelhaftigkeit* – und auf der Mikroebene die Formelhaftigkeit des Sprachgebrauchs – *sprachliche Formelhaftigkeit* – untersucht. Detailliert lauten die Forschungsfragen wie folgt:

- **Inhaltlich-strukturelle Formelhaftigkeit von Strafurteilen:** Wie sehen der durch nationale Gesetze bedingte Inhalt und die Struktur deutscher und finnischer Strafurteile aus? Welche Unterschiede und Gemeinsamkeiten lassen sich diesbezüglich zwischen den Rechtssystemen erkennen?
- **Sprachliche Formelhaftigkeit von Strafurteilen:** Was für rechtssprachliche Phraseologismen werden in deutschen und in finnischen Strafurteilen eingesetzt? Inwiefern ist die Festigkeit dieser Phraseologismen auf Formulierungen in nationalen gesetzlichen Vorschriften zurückzuführen, d. h., inwiefern sind diese Phraseologismen durch Gesetze bedingt? Welche Gemeinsamkeiten und Unterschiede lassen sich be-

züglich der Formelhaftigkeit dieser rechtssystemgebundenen Fachtextsorte im Sinne der Verwendung von rechtssprachlichen Phraseologismen und bezüglich deren Bedingtheit durch Gesetze zwischen den Rechtssystemen erkennen?

## 3 Pluralität der Methoden

Die Methodik der Untersuchung ist durch die verfolgte interdisziplinäre Zielsetzung bedingt. Zur angemessen tiefgründigen Erfassung der Strafurteile als Rechtstexte und zur Betrachtung ihrer Formelhaftigkeit wird eine Kombination von rechtlichen und sprachwissenschaftlichen Methoden verwendet. Eine Basis für die Betrachtung der Formelhaftigkeit wird zunächst durch die Darstellung fachtextlinguistischer Grundlagen mitsamt der Behandlung der bisherigen Erkenntnisse zur Fachtextsorte ‚Gerichtsurteil‘ gebildet. Zur Verdeutlichung der schöpferischen Natur der Rechtsfindung als Textvernetzungsarbeit werden anschließend die rechtstheoretischen Ausführungen der Heidelberger Gruppe der Rechtslinguistik (Müller 1989, Müller/Wimmer 2001) hinzugezogen. Weil die Formelhaftigkeit im Bereich des Rechts teilweise durch Gesetze bedingt ist, setzt die Analyse der inhaltlich-strukturellen und der sprachlichen Formelhaftigkeit eine rechtsvergleichende Annäherungsweise und das Vergleichen einschlägiger nationaler Rechtsvorschriften und der in der rechtswissenschaftlichen Literatur gegebenen Textgestaltungsvorgaben voraus. Die eigentliche empirische Analyse der in den Strafurteilen vorkommenden sprachlichen Formeln basiert auf (fach)phraseologischen Grundlagen und Publikationen zur Phraseologie in der Rechtssprache (insbesondere Kjær 1990, 1991, 1992, 1994, 2007).

## 4 Forschungsergebnisse

In der Untersuchung konnte gezeigt werden, dass in den erstinstanzlichen Strafurteilen sowohl in Finnland wie auch in Deutschland eine Formelhaftigkeit auf verschiedenen Ebenen zu erkennen ist, welche die Bezeichnung von Strafurteilen als formelhafte Texte nach Gülich (1997) rechtfertigt. Die Formelhaftigkeit lässt sich als ein Merkmal von Strafurteilen beschreiben, das in ihrer sprachlichen Ausgestaltung über die traditionellen phraseologischen Einheiten, wie Kollokationen, hinausgeht und auch oberhalb der Satzebene in einzelnen Teiltexten (z. B. Tenor, Urteilsgründe) zu erkennen ist. Sie bezieht sich nicht nur auf die sprachliche Formulierung, sondern auch auf den Inhalt und die Struktur der Texte; die Ausweitung der Perspektive von formelhafter Sprache (Stein 1995) zu formelhaften Texten ist somit notwendig. Im Einzelnen gibt die Untersuchung Anlass zu folgenden Feststellungen bezüglich der Formelhaftigkeit in deutschen und finnischen Strafurteilen:

*1) Gesetzesbedingte Formelhaftigkeit:*
Ist das Gleichbleibende bzw. Konstante in der jeweiligen juristischen Fachtextsorte durch nationale Gesetze bedingt, so kann die Formelhaftigkeit als Folge von bewusster Standardisierung seitens der Legislative angesehen werden. Dies ist bei dem Inhalt der untersuchten Strafurteile der Fall, deren gesetzlich vorgeschriebene inhaltliche Komponenten in den Texten vorhanden sein müssen. Allerdings ist aus kontrastiver Sicht anzumerken, dass das Gesetz im deutschen Rechtssystem eindeutig detaillierter festlegt, welche Informationen die einzelnen inhaltlichen Komponenten zu beinhalten haben. Der Inhalt deutscher Strafurteile ist somit stärker an das Gesetz gebunden.

*2) Sonstige rechtskulturell bedingte Formelhaftigkeit:*

- **Textgestaltungsvorgaben in der rechtswissenschaftlichen Literatur:** Als Resultat der Standardisierung kann die Formelhaftigkeit in den Urteilstexten auch dann aufgefasst werden, wenn sie auf die Einhaltung der in der nationalen rechtswissenschaftlichen Literatur vorzufindenden, an sich nicht verbindlichen Textgestaltungsvorgaben zurückgeführt werden kann. In Bezug auf Strafurteile leistet die einschlägige deutsche und finnische rechtswissenschaftliche Literatur eine Spezifizierung der vom Gesetz nur zum Teil vorgegebenen Struktur der Strafurteile im Sinne einer logischen Reihenfolge der einzelnen Komponenten. Der Unterschied zwischen der deutschen und der finnischen Rechtskultur besteht darin, dass die deutschen Lehrwerke mit ihren Formulierungsbeispielen und Textmodellen Leitfäden für die Ausgestaltung von Strafurteilen als Gesamttexte darstellen, wohingegen die finnischen Rechtsgelehrten lediglich Anweisungen für die Begründung der Urteile geben. Eine der deutschen Juristenausbildung entsprechende, pädagogische Anleitungstradition hinsichtlich der rechtlichen Textproduktion ist in Finnland noch nicht vorhanden.
- **Sonstige die Textgestaltung beeinflussende Faktoren:** Obwohl die Formelhaftigkeit in Strafurteilen einerseits aus der Standardisierung der Textsorte herrührt, wäre es voreilig, die Formelhaftigkeit ausschließlich als Resultat der gezielten Standardisierung zu betrachten. Regelmäßigkeiten in der Fachtextsorte entstehen auch durch Konventionalisierung: Derartige rechtskulturelle Textsortenkonventionen sind als stillschweigende Regeln der Textproduktion aufzufassen, die sich unter Gleichgestellten herausgebildet haben (Reiß/Vermeer 1991).

Als zentrale Erkenntnis der Untersuchung lässt sich die Beobachtung hervorheben, dass die Formelhaftigkeit in Gerichtsurteilen nur zum Teil der Konventionalisierung geschuldet ist. Sie ist das Ergebnis des Zusammenspiels von gesetzlichen Vorschriften und rechtskulturellen Konventionen. Deshalb wäre die Klassifizierung des Formelhaften in Gerichtsurteilen als Textsortenkonvention nicht ausreichend, denn dabei wird verkannt, dass ein Teil der Regelmäßigkeiten in dieser Fachtextsorte auf Rechtsnormen zurückzuführen ist. Das Gesetz als Bedingung für die Ausgestaltung rechtlicher Textsorten kann nicht unberücksichtigt bleiben, da es in verbindlicher Weise den Rahmen festlegt, innerhalb dessen sich der Textproduzent zu bewegen hat. Die gerade im Strafrecht für die Gewährleistung der Rechtssicherheit wichtige Gesetzesbindung der Rechtsprechung spiegelt sich in der oft nicht bewusst wahrgenommenen Gesetzesbindung der Strafurteile wider.

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# Dissertation: "Writing for publication in four disciplines: Insights into text and context"

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## 1 Introduction

Scholars are under increasing pressure to publish in high-impact, international, and often, English-language journals. This trend calls for an account of the evolving genres, discourses and practices of disciplinary communities, in part to inform English for Academic Purposes (EAP) courses designed to support scholars writing for international publication.

EAP scholarship addresses four key areas: the development of theory, analytical models and methods to research academic genres (e. g. Swales 1990); genre descriptions (e. g. Kuteeva/ McGrath 2015); pedagogy (e. g. Hyland 2007); and critical research into the possible repercussions of English hegemony for non-native English speakers and the status of local languages (e. g. Ferguson 2007). My thesis touches on all four areas. In the four studies that comprise the thesis, I investigate connections between discipline, and the genres, discourse, publication outlets and languages used by anthropologists, historians, linguists and pure mathematicians: The studies are:

1) Kuteeva, Maria/McGrath, Lisa (2015): "The theoretical research article as a reflection of disciplinary practices: The case of pure mathematics." *Applied Linguistics* 36: 215–235.
2) McGrath, Lisa (2014): "Parallel language use in academic and outreach publication: A case study of policy and practice." *Journal of English for Academic Purposes* 13: 5–16.
3) McGrath, Lisa (under review): "Open access writing: An investigation into the online drafting of and revision of a research article in pure mathematics."
4) McGrath, Lisa (under review): "Self-mentions in anthropology and history research articles: Variation between and within disciplines."

## 2 Theoretical framework

In the dissertation reported here, writing for publication is understood as a situated social practice (e. g. Flowerdew 2013) carried out by individuals operating within academic networks, which are associated with disciplines. As a starting point, I view disciplines as tangible organizations (e. g. Bondi 2006), with varying characteristics in terms of epistemology and social practices (Becher 1989). Members of a particular discipline share "a body of accumulated knowledge" (Krishnan 2009: 9), a common set of interests, research methodologies, concepts and theories. Furthermore, disciplines are generative (Becher 1989) in that they influence surrounding practices. For example, connections can be drawn between discipline and facets of the research and dissemination process, such as whether new knowledge is produced by collaborative groups or by individuals, and whether monographs or RAs are the more prestigious genre (Becher 1989).

Disciplinary communities communicate via genres, and therefore function as "discourse communities" (Swales 1990: 26), a group with "a broadly agreed set of common goals, mechanisms of communication among its members [and] mechanisms to provide information and

feedback". Genres themselves are "staged, structured, communicative events, motivated by various communicative purposes, and performed by members of specific discourse communities" (Flowerdew 2011: 140). Texts "perform" genres (Shaw 2015), meaning that some texts align closely with prototypical generic textual and rhetorical patterns, while others do not.

While many genres are common to many disciplines (both anthropologists and mathematicians write RAs), disciplinary differences are discernible on the macro and micro levels of text or discourse. For a definition of academic discourse, I adopt Hyland's (2011: 171) "ways of thinking and using language that exist in the academy". Discourse is shaped by and shapes the practices, beliefs and purposes of disciplinary groupings (e.g. Hyland 2011). Therefore, a reference to the disciplinary discourse of mathematics refers to "the language used by mathematicians, and the relationships and social practices that are constructed through discourse and that are manifest in the texts produced by the community" (McGrath 2015: 24).

## 3 The Studies

### 3.1 Study I

The aim of Study I was to describe and motivate the structure of pure mathematics RAs. A corpus of 22 published RAs written by five authors was collated. Sections and section headings (Yang/Allison 2003) were mapped, followed by a move analysis (Swales 1990) conducted in collaboration with a disciplinary expert. The textual analysis was supplemented by interviews with the authors of the RAs in order to establish a rationale for the emergent structure.

Results revealed that pure mathematics RAs do not adopt an Introduction-Methods-Research-Discussion structure. Instead, a dual argument structure was found. This comprised the mathematical argument which lays out the stages of the proof, and the meta-mathematical argument which contextualizes the result(s). While a prototypical rhetorical 'shape' could be established (cf. Kuteeva/McGrath 2015: 14), variation in terms of section headings and arrangement of content was observed.

Interview data provided a rationale for the findings of the textual analysis. The dual argument structure reflects the research process in the discipline, while flexibility in terms of headings and organization allows the author to arrange the text in a way that is best suited to guiding the reader through the results.

The study contributes to EAP genre research in that it is the first to map the structure of pure mathematics RAs. The findings provide insight into research and writing practices in pure mathematics, and how these practices shape the disciplinary discourse, and therefore inform EAP practitioners with mathematicians in their writing classes.

### 3.2 Study II

Study II employed case-study methodology to explore multilingual scholars' publication practices. The genres and languages used for outreach and academic publication by 15 informants across three departments at a Swedish University were investigated. The aim was to explore to what extent parallel language policy meets practice. Data were drawn from a questionnaire, interviews with the informants, a data-base trawl and a reading of policy documents.

The results revealed disciplinary differences in scholars' opportunities to publish in the local language and English. The use of language was largely determined by target audience and

object of study: scholars working in disciplines with a coherent local-language or practitioner audience, or who were writing about a locally-relevant topic, were able to publish in Swedish. Publications targeting an international audience were written in English. Informants reported a lack of agency in terms of language choice, and the increased emphasis on publication as a performance criterion as a reason for prioritising RAs written in English over, for example, outreach genres. Despite this emphasis, evidence of publication in Swedish and other languages was found.

Based on the results, I recommend that disciplinary differences should be taken into account in language policy. Furthermore, if one of the aims of parallel-language policy is to ensure publication in the local-language, local reward systems should give greater recognition to outreach and practitioner-oriented publication.

### 3.3 Study III

Study III also employed case study methodology, this time to investigate collaborative writing for publication in pure mathematics via a blog. The *Polymath* blog unites professional mathematicians (and, unusually, non-professional mathematicians) in solving open problems and reporting results through a collaboratively written RA. My aim was to gain 'behind-the-scenes' access to the process of article construction through an analysis of the blog posts.

The results of a descriptive coding process provided support for previous findings from genre analyses of RAs in mathematics using different methods, such as the arrangement of the argument structure. The writing process was shown to be non-linear, as participants gave attention to the mathematical argument, meta-mathematical argument, new knowledge construction and proof-reading concurrently. The analysis gave insight into how decisions pertaining to genre and dissemination outlets were made, and how the RA was constructed to cater for the needs and interests of a community of readers and writers outside of a prototypical disciplinary discourse community.

The significance of the study lies mainly in the method in that a new data source for research into the RA genre is proposed. The approach constitutes a type of virtual non-participant observational method, as the researcher is able to observe discussions pertaining to writing for publication that would usually take place in privacy. The study also has pedagogical applications: advanced students learning to write RAs could follow the blog to gain insight into the practices of the discourse communities they are seeking to join.

### 3.4 Study IV

Study IV investigated first person pronoun usage in history and anthropology RAs. A corpus of 36 RAs was compiled (18 per discipline) from informant-nominated academic journals. Starfield and Ravelli's (2006) typology of author roles was used to code all instances of author referential "I" in the data.

The results revealed that all the author roles identified by Starfield and Ravelli were present in the corpus. In addition, a new category was established to account for instances of "I" in the anthropology RAs that were biographical, but did not incorporate explicit reflexivity, which I termed "narrative I". This role was linked to epistemology, as it results from the ethnographic methods used in anthropology, which involve the researcher's own lived experience in the field. However, while some disciplinary patterns were discernible in the data (for example,

the first person pronoun was used more frequently in anthropology than in history), considerable intra-disciplinary variation was also apparent.

The article contributes to EAP research by giving support to the argument that even closely related disciplines employ rhetorical resources differently. However, given the intra-disciplinary variation observed in the data, I also discuss the problem of investigations that prioritise highlighting discoursal conventions in disciplines such as anthropology, which are not subject to the levels of "discoursal rigidity" (Gnutzmann/Rabe 2014: 24) seen in other disciplines. Instead, I argue for more focus on variation in EAP genre investigations.

## 4 Conclusion

The findings across the four studies support the view that writing for publication is influenced by discipline. Connections were found between epistemological characteristics of disciplines, and the rhetorical choices scholars make. For example, the structure of RAs in mathematics reflected to a certain extent knowledge construction in the discipline, and the use of first person pronouns in history and anthropology articles could be traced to disciplinary methodology. The results also pointed to differences in terms of language of publication and outlet.

Nonetheless, scholars' practices were also shown to be impacted by local, international and digital developments, and the data was characterised by a degree of intra-disciplinary variation. Trowler (2014) argues that the role of disciplines needs to be revisited, as previous descriptions are too rigid when applied to the real world, where categories, boundaries and practices are neither static, nor clear-cut. I conclude that this, coupled with the increasing emphasis on interdisciplinary research, has repercussions for EAP research and teaching, given the prominence of discipline in the theoretical frameworks that guide investigations.

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# Bibliography of Recent Publications
# on Specialized Communication

*Ines-A. Busch-Lauer*

## 61st Installment

Seit der 48. Fortsetzung erscheint die „Kleine Bibliographie fachsprachlicher Untersuchungen" auch online unter www.fachsprache.net (Link Bibliography) und trägt den Titel "Bibliography of Recent Publications on Specialized Communication". Die Datenbankversion der Bibliographie bietet verbesserte Suchmöglichkeiten, wie beispielsweise eine Schlagwortsuche. Derzeit finden sich in der Datenbank alle Titel, die seit der 48. Fortsetzung in der Bibliographie enthalten sind.

From the 48th installment on, the "Kleine Bibliographie fachsprachlicher Untersuchungen" has appeared under the title "Bibliography of Recent Publications on Specialized Communication". The references it contains can also be accessed online at www.fachsprache.net (Link Bibliography). The online version of the Bibliography offers additional search options, for example a keyword search. Currently, the database contains the titles included in this Bibliography since the 48th installment.

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## List of Journal Abbreviations

*ASp*: ASp, la revue du GERAS. <www.geras.fr>

*ESP J*: ESP Journal. English for Specific Purposes. An International Journal. New York/Amsterdam: Elsevier B.V.

*ESP across Cultures*: ESP across Cultures. Edizioni B.A. Graphis. <http://www.unifg.it/esp>

*ESP Today J*: ESP Today. Journal of English for Specific Purposes at Tertiary Level. <http://www.esptodayjournal.org/>

*Fachsprache.IJSC*: Fachsprache. International Journal of Specialized Communication. Wien: Facultas. <www.fachsprache.net>

*IJALEL*: International Journal of Applied Linguistics & English Literature. <http://www.aiac.org.au>

*JBTC:* Journal of Business and Technical Communication. Sage Publishers

*JEAP:* Journal of English for Academic Purposes. Elsvier B.V.

*JTESAP*: Journal of Teaching English for Specific and Academic Purposes. University of Niš. <http://espeap.junis.ni.ac.rs/index.php/espeap>

TEwT: The Journal of Teaching English with Technology. <www.tewtjournal.org>

*trans-kom*: Zeitschrift für Translationswissenschaft und Fachkommunikation. <www.trans-kom.eu>

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