

Biel, Lucja (2014). *Lost in the Eurofog: The textual fit of translated law*. Bern: Peter Lang. ISBN 978-3-631-64626-7. SFR 77.

Introduction

In this impressive book, Lucja Biel asks two questions which – with few exceptions (e.g., Anderson, 2006) – have not been addressed and empirically investigated in translation studies before: How does the language of EU law differ from the language of national law, and has the language of EU law affected the language of national law? Her test case is Polish, and her core data are pre- and post-accession legislative texts in Polish as well as EU-directives and regulations in Polish.

Biel's study is a linguistic counterpart to the bulk of legal studies on harmonization and unification of European legal systems. It sheds light on the linguistic effects of Europeanization and measures the degree of translational alienation, which is the unnoticed cost of the increasing independence of EU law from the national legal systems of the Member States. With EU law being expressed with equal authenticity in all 24 official languages, the language versions mirror each other in a relationship of interdependency while their dependency on the legal languages of the individual national legal systems is on the decrease.

The book

The book consists of 7 chapters plus an introduction, a conclusion, a comprehensive bibliography and an index.

The 7 chapters are divided into two parts: Part I establishes the theoretical background of the study, whereas Part II describes the corpus design and gives a detailed report on the findings of the corpus analysis on the macrostructural and microstructural level.

The book is well-written and well-organized, and the reader is guided through all steps of the research, always confident that claims and arguments made are well-documented and built on all relevant prior research.

Throughout the book the author keeps a strong and clear focus on the topic: the textual fit of translated law, and she never falls into the trap of describing in too many details the many theories on which she bases her argument.

This focused state-of-the art shows the author's impressive command of all disciplines involved in her study. The chapters in Part I contain valuable overviews of existing theories and approaches in the respective fields and can be recommended in their own right.

Let me finish the overview of the book by recommending browsing the bibliography: 29 pages with a comprehensive selection of books and articles, which mirror the multidisciplinary conceptual framework of Biel's research. The bibliography includes a wealth of Polish references – a total of 88 books and articles which indicates the strong position that Polish research has in the field of legal linguistics.

The Study – Theory and methodology

Lost in the Eurofog is a multidisciplinary project. The author integrates corpus linguistics, translation studies, legal linguistics, comparative lexicology and phraseology, and EU law. She

combines in-depth theoretical knowledge with high-quality empirical text analysis based on corpus-linguistic methodology.

Textual fit is the theoretical core concept of the book. It was coined outside translation studies by the Swedish linguist Nils Erik Enkvist, who defined it as “the adaptation of a text unit such as a sentence to its textual environment” (1989, p. 373). Later it was introduced into translation studies by Andrew Chesterman (2004) as a measure of the degree of naturalness of target language translations compared to target language nontranslations.

Biel’s study is inspired by Mona Baker’s proposal to make corpus-based comparisons of translations and non-translations to measure the textual fit of translated texts. But it differs from Baker’s theory and method in two distinctive respects:

1. Biel’s approach is purely data-driven: it takes corpus findings as a starting point of the textual fit analysis rather than making assumptions about the kinds of textual divergence of the translated texts in advance.
2. Biel extends the analysis to translated EU law and adds the specific contextual factors which influence EU translations and have an independent impact on the divergent textual fit of translated EU Polish: multilingualism, the process of drafting of EU legislation, hybridity of EU discourse, institutional norms of translation in the EU institutions, the requirement of uniform interpretation of EU law, and the specificity of EU legislative genres.

Biel defines *textual fit* as “a linguistic distance between translations and nontranslations of a comparable genre”. She admits that it is “a fuzzy concept” and therefore makes it operational by measuring “atypical frequency (an underrepresentation and overrepresentation of lexicogrammatical patterns) and an atypical form of such patterns”, the focus being placed on “key generic and other salient features of legislation”, whereas only selected aspects of terminology are analysed (p. 118).

Biel’s study may be characterized as corpus-driven legal linguistics; it makes the actual language use speak for itself, rather than relying on prefabricated hypotheses. Moreover, it integrates into the analysis the legal context in which the translations are produced, and stresses the fact that atypical features of EU translations can be accounted for by reference to the legal context, and not to the translation process itself.

Concluding remarks

The impact of Europeanization on the Polish version of EU language is well documented in Biel’s study. As indicated implicitly in the title of the book, (drawing elegantly on the title of Sofia Coppola’s 2003 movie *Lost in Translation* and the clear writing campaign of the EU Commission’s Directorate-General for Translation: *Fight the FOG*), the Polish of EU legislation is a eurolect, shrouded in unclear Eurofog, failing to make the message of EU legislation comprehensible to the Polish addressees it is meant for.

How should we assess the rise of this foggy eurolect? In Biel’s own synopsis, she seems to be mostly critical:

[...] translated EU law markedly departs from the generic conventions of Polish law, invading its integrity and colonising the genre. As a result, translated law creates a distinct, foreignising, more European variety of Polish (a eurolect), which in addition to being a product of efforts to ensure a uniform interpretation and application of

multilingual law, seems to be a by-product of the unequal interaction between a majority and minority culture.” (p. 16).

However, Biel concludes her study on a more positive note and prophesizes:

Owing to repeated exposure to EU Polish, the improved quality of EU translations after their increased institutionalization and the growing convergence between national law and EU law, EU Polish will become assimilated by the speakers of Polish and will be perceived less and less as ‘other’ and ‘alien’ and the unfortunate result of translation-related distortions. EU Polish has also another role to play: it promotes more democratic attitudes towards hybrid variants of Polish which may be more and more frequent in the future. (p. 311).

While the prelude seems to be a reaction to the poor quality of Polish EU translations and to the general anglicization of languages which is detectable all over Europe, the postlude suggests a way out: accept and embrace the Polish eurolect and do an effort to improve its quality!

Biel’s study and the description model for textual fit that she develops contribute immensely to the latter goal.

The book is a must-read for practitioners working with legal Polish, and due to the wealth of examples and empirical evidence of the Polish of EU law as well as the Polish of national law it can be used as a handbook for translators. Moreover, the novelty of the approach, the reactivation of the concept of textual fit, and the thorough theoretical considerations on which the empirical study is based, makes the book a new classic in the theory of EU translation. Any researcher sharing Biel’s interest in legal language, EU translation, and corpus linguistics should place it high on the wish list.

References

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