

Univerzita Karlova, Filozofická fakulta
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Ústav Translatologie
Institute of Translation Studies

Translatologie
Translation Studies

Autoreferát (teze) disertační práce
Summary of PhD dissertation

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AGENCY AND EMPOWERMENT IN TRANSLATION:
THE INFLUENCE OF JOSEF WINIWARTER
AND HIS 1866 ENGLISH TRANSLATION OF THE AUSTRIAN CIVIL CODE

PŘEKLADATELSKÉ JEDNATELSTVÍ A ZMOCNĚNÍ:
VLIV JOSEFA WINIWARTERA
A JEHO ANGLICKÉHO PŘEKLADU RAKOUSKÉHO OBČANSKÉHO ZÁKONÍKU
Z ROKU 1866

Vedoucí práce / supervisor: Doc. PhDr. Marta Chromá, Ph.D.

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This PhD dissertation will attempt to map out the agency of Josef Maximilian Winiwarter and the influence his landmark 1866 English translation of the Austrian Civil Code (ABGB) has had on other translators and legal practitioners. It will showcase two additional English translations of the ABGB, one in the mid-twentieth century and the other in the early twenty-first century, in order to substantiate just how influential Winiwarter's translation was, even a century later. The final part of the dissertation will look towards the future and offer some practical insight and guidance to legal translators based on the research carried out in the dissertation.

The context of Winiwarter's life and work around the time the translation was produced is discussed in more detail in **Chapter 3**. This chapter also explores Winiwarter's motivations and intentions for translating the ABGB into English and introduces the premise that Winiwarter's text was pivotal in creating a standard for legal terminology and phrasing to be used in future civil-law texts in English.

What influence the translation had on other English-language, civil-law texts at that time and later texts is a central theme in this dissertation and is taken up in **Chapter 4**. This is illustrated using three case studies. The first study introduces the texts of a UK land registry officer who journeys to Austria-Hungary 30 years after Winiwarter translation was published. The second one explores an adaptation of Winiwarter's text during the second half of the twentieth century in the United States. The third takes us back to Austria in the early twenty-first century with a new, long-awaited English translation of the ABGB.

Chapter 5 examines future directions for translating civil legislation into English by putting the findings of this dissertation into practice. It takes a look at the recommendations and strategies of Winiwarter and his successors and suggests guidelines based on the Winiwarter tradition. It also makes reference to the Czech Civil Code and the situation at the beginning of the twenty-first century as an example of how to apply these strategies and recommendations for translating civil legislation into English and for bridging the gap between the languages of common law and European civil law.

The key questions of importance that I have tried to answer in this study are

- 1. Who was Josef Winiwarter and how was he important as a legal translator?
- 2. Why did Winiwarter translate the ABGB into English?
- 3. Has his translation influenced other translators or legal practitioners and their texts?
And if so, how?
- 4. How is this knowledge important to contemporary legal translators and to legal translation practices in general?

The answers to these questions, which are developed throughout this dissertation, can be expressed in terms of my academic contribution to translation studies and the field of translation history.

What is the outcome this PhD project and what has it contributed to the field of translation history and legal translation in general?

Firstly, it introduces to the public an important legal translator who was practically unknown until now. This, in and of itself, is a significant contribution to the field of legal translation history and translation studies as a whole.

As my research demonstrates, Winiwarter was, in many respects, a pioneer of legal translation in the environment of nineteenth-century central Europe. He was the first person to translate the Austrian Civil Code into English, and as such, established a benchmark for future English translations of continental law.

Chapter 3 answers the first two questions of importance above. This chapter not only provides previously unknown details of Winiwarter's life and relationships, it creates a rich portrait of a unique legal translator in nineteenth-century Europe who influenced the development of legal translation. Without this research, many detailed aspects of Winiwarter's life and achievements would have remained unknown.

Secondly, my research reveals how the pioneering work of Winiwarter in translating the key civil legislation of a powerful empire has influenced other translators and legal practitioners in central Europe, England, and the United States. It also points to the importance of Winiwarter's translation in developing and establishing a reliable model for translating the terminology and concepts of civil legislation into English.

The third question of importance above is answered in Chapter 4. This chapter takes us on a journey through the nineteenth and twentieth centuries and shows the different facets of Winiwarter's influence, from a travelling English registry officer using Winiwarter's translation to explain the central-European system of registration (Brickdale), various legal scholars in Europe and the United States citing Winiwarter's translation in legal journals, to an adaptation of Winiwarter's translation of the ABGB in the United States in the mid-twentieth century (Baek). We end up in the twenty-first century with the Eschigs' new translation of the ABGB in Austria and Dr Chromá in the Czech Republic consulting the past translations of civil codes in order to cope with the new terminology and concepts of the Czech Civil Code.

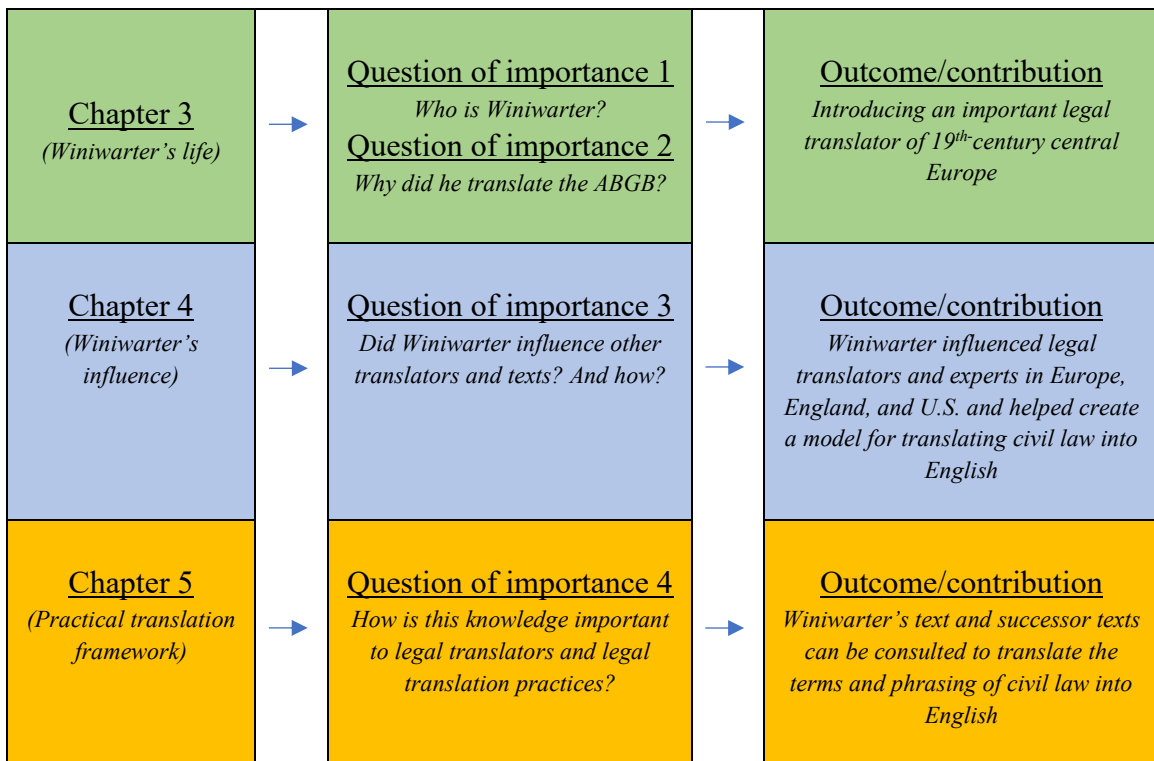
This again is a noteworthy contribution to translation history, demonstrating how a translation travels through time and space and influences other people and texts

Thirdly, my dissertation shows in Chapter 5 how Winiwarter's text and the texts of his successors can be consulted and used today to translate the complicated terminology and phrasing of continental legislation into English. This chapter ultimately answers the fourth question of importance above. It offers an historical approach to translating important civil legislation into English based on what I refer to as the Winiwarter tradition and provides a framework for applying this approach.

This is undoubtedly an important practical contribution to jurilinguistics and translator training and proficiency in general.

The new Czech Civil Code is used as an example for illustrating this framework. By using this example, the study focuses on putting translation strategies into practice – taking advantage of Winiwarter’s translation, the texts of his successors, and other past translations when dealing with the problematic terms and concepts in the Czech Civil Code. The insight and work of Chromá (2014) has been instrumental in this area. Although her book consults a wide variety of civil legislation from several jurisdictions, she has also looked to Winiwarter’s translation as a source of potential knowledge for translating the terms and concepts in the Czech Civil Code.

Organization of the main chapters in relation to the questions of importance and contribution:



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Primary sources – English translations of legislation; original legislations in German and Czech

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- **PhD Erasmus Exchange Programme, Rovira i Virgili University, Tarragona, Spain, 2011**
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- **Translator – Czech Government Projects**
 - Government of the Czech Republic – Pension System Reform, July–September 2005
 - Czech Ministry of Finance – Convergence Programmes, October–November 2005; October–November 2006; February–March 2007; November 2007
 - Czech Ministry of Finance – Institutional Structure for Introducing the Euro in the Czech Republic, January 2006
- **Translator, Editor, Language Consultant**, 2006–2008
Office of the Central Bohemia Region, Prague, Czech Republic,
Translated brochures and publications
- **Translator, Proofreader, English Web Page Coordinator**, Aug. 2001–March 2005
Raiffeisenbank, Prague, Czech Republic
Translated and proofread financial, banking, and accounting texts; coordinated, edited, and published the bank's English web pages
- **Financial Proofreader and Translator**, 2000–2005
Czech National Bank (Central Bank of the Czech Republic), Prague, Czech Republic
Provided financial proofreading and translation services to the board members of the central bank of the Czech Republic
- **Translator and English Language Consultant**, October 1998–July 2001
Konsolidační banka, Prague, Czech Republic
Translated financial documents for the institution
- **English Instructor**, 1996–2003
Getronics (IT Support Company for Dell Computers), Prague, Czech Republic
Instructed employees of the company
- **English Instructor, Translator, Pronunciation Consultant**, 1995–2003
Divadlo Na zábradlí (Theatre on the Balustrade), Prague, Czech Republic,
Instructed and consulted the actors

- **TEFL Methodologist/Director of Studies**, October 1992–June 1997
ÆSOP, The American English School of Prague, Prague, Czech Republic
Worked with director in managing the school and developing English-language curricula
- **English Pronunciation Trainer/Consultant**, Nov. 1996–Jun. 1997
Český rozhlas (Czech Radio), Prague, Czech Republic
Trained Ondřej Havelka a jeho Melody Makers in pronunciation and intonation for the recording of songs
- **English Instructor**, 1992–1993 & 1995–1997
U.S. Embassy, U.S.A.I.D. Section, Prague, Czech Republic
Teaching Phonetics, Writing, and Conversation to Czech Employees
- **Assistant to Director of Studies/Pedagogy**, Summer 1991 & June–September 1992
SPUSA Education Center Prague, Czechoslovakia
Assisted the director of studies in developing English-language curricula
- **English Instructor**, Rychnov nad Kněžnou, Czechoslovakia
 - Společenské centrum 1991–1992 (Elementary, Intermediate, and Advanced Adults)
 - Five Regional Pre-schools 1991–1992 (Pre-school Children, 4–5 years old)
 - Regional Council 1992 (Phonetics and Pronunciation)
- **Initiator and Developer of the Regional Library's English Collection**, 1992
Regional Council, Rychnov nad Kněžnou, Czechoslovakia
Established an English collection of books donated from the United States and the U.S. Embassy
- **Linguistics Instructor**, 1989–1991
Ohio University, Department of Linguistics, Athens, Ohio
Instructed undergraduate university students
- **French Instructor**, 1989
Ohio University, Department of Linguistics, Athens, Ohio
Instructed undergraduate university students
- **English Instructor**, 1988
Mairie de St. Cyr s/Loire (Town Hall), St. Cyr s/Loire, France
Instructed elementary level French adults
- **English Instructor**, 1988
École ADVAL, Tours, France
Instructed unemployed French adults

Published Translations

- *Equipment for Recreational, Technical, Wreck, and Cave Diving*
Restart Project s.r.o. (forthcoming 2019/2020)
- *The Travels of the Puppeteer Family Brát through Europe in the Eighteenth and Nineteenth Centuries*
Czech Academy of Performing Arts Press, 2012
- *The History of Czech Theatre: A Survey* (volume 1 + glossary)
Czech Academy of Performing Arts Press, 2010
- Special Advisor for publication and translation of *The International Monetary System: Towards Convertibility, Stability and Liquidity*, by Dr. Eduard Němeček
Karolinum Press, Charles University, Prague 2000