

Record of thesis defence

Student: Andrew Philip Fisher, M.A.

Student ID: 15295158

Degree programme: Philology

Branch of study: Translation Studies

Thesis title: Agency and Empowerment in Translation: The Influence of Josef Winiwarter and his 1866 English Translation of the Austrian Civil Code

Language of the thesis: English

Language of defence: English

Supervisor: doc. PhDr. Marta Chromá, Ph.D.

Reviewers: PhDr. Vanda Obdržálková, Ph.D., Mgr. Jan Chovanec, Ph.D.

Date of defence: 6 December 2019, 13:00

Venue of defence: Institute of Translation Studies, Hybernská 3, Prague 1, Room 203

Chair of the examination board: prof. PhDr. Jana Králová, Csc.

Members of the board: doc. PhDr. Marta Chromá, Ph.D., doc. PhDr. Tomáš Duběda, Ph.D., PhDr. Tomáš Svoboda, Ph.D., doc. Mgr. Martin Djovčoš, Ph.D.

Persons present: prof. PhDr. Jana Králová, Csc., doc. PhDr. Marta Chromá, Ph.D., Mgr. Jan Chovanec, Ph.D., PhDr. Vanda Obdržálková, Ph.D., doc. PhDr. Tomáš Duběda, Ph.D., PhDr. Tomáš Svoboda, Ph.D.

Course of the defence:

The chair of the board, Prof. Králová, welcomed all present and invited the supervisor to describe the course of the candidate's studies and work on the thesis.

The supervisor, Dr Chromá, briefly summarized the circumstances in which the thesis was written and the shift from the original focus – translation of the Czech Civil Code – to research focused primarily on Joseph Winiwarter.

The candidate presented the basic parts of his thesis – the methodological framework, in particular its grounding in the work of Anthony Pym, the personality and professional background of Josef Winiwarter, his reasons for translating the ABGB, his influence on future translations (Charles Brickdale, Baeck, potentially the translation by Peter and Erica Eschig) and the recent fortunes of his translation (paperback releases). He explained how the Winiwarter text and knowledge about it could be important to his successors – he mentioned the general style and phrasing, the borrowing of Latin terms for clarity and discussed the distinctive features of the following translations. He mentioned his future research plans related to the PhD thesis – investigating the agency of translators in Austria-Hungary, aiming for a monograph on the issue.

Prof. Králová thanked the candidate and invited the reviewers to comment.

Dr Obdržálková appreciated the author's emphasis on the agency of the translator. In Part 4 and 5 the candidate could, in her opinion, have been more specific in the analysis of Winiwarter's influence because it remains rather implicit.

She invited the candidate to comment on his method of analysis. The thesis does not mention the effect of the translator strategies.

How does Winiwarter's method differ from the methods of the others? What does "modernization" entail?

Could the candidate specify how the Winiwarter translation differs from approaches that take into account e.g. American models (Louisiana Code etc.)?

Dr Chovanec appreciated the first part of the thesis, the meticulous historiographical research. The contribution to translation studies is less significant in his opinion, as the practical part of the thesis does not thoroughly compare the solutions with the original version. It would also have been interesting to look at the amendments to the original wording of the ABGB, which Winiwarter's successors had to deal with but which the thesis does not take into account.

Reservations mentioned by Dr Chovanec: The "storytelling" approach may not be ideal for this kind of academic work. The thesis should have had more solid theoretical and terminological grounding (terms such as source language, target language etc.).

There were ten translations of the ABGB into various languages of the empire. Originally, all should have been equal and officially binding but eventually only the German version retained this status, the other versions were downgraded. Was there an official language and translation policy?

Winiwarter's father translated the ABGB into Latin. How exactly did Winiwarter use the latinisms? Did he explain them?

In what context did the ABGB operate in Europe (e. g. in relation to the Napoleonic Code of 1804 etc.). Was its role as unique as the candidate claims? What were the translation policies regarding legislation in other European countries?

Is the Winiwarter tradition really so significant? Winiwarter as a non-native speaker translated into a non-native language – is not the archaic language he uses a consequence of this fact?

The thesis as a whole is interesting, there are many problematic points that would merit further attention, but on the whole it meets the requirements for a PhD thesis.

Candidate's response to some of the comments:

It should be emphasized that the "Winiwarter method" does not mean a method applied by Winiwarter but rather an approach that refers back to the past knowledge and practice of translation. The candidate wanted to encourage translators to consult sources from the past and from other countries in solving translation problems.

As regards the multilingual situation in the Hapsburg Empire – there was extensive legislation pertaining to the languages of the empire. All languages were equal in theory, people were entitled to education in their language. Translation policy was not explicitly formulated; it was an implicit part of cultural policy, but language policies were quite explicit. The downgrading of the other language versions occurred because of profound differences in interpretation that arose when different language versions were referred to. German had certain advantages.

Chovanec:

But there also seems to be a change of the political situation. After 1848 there was much less permissiveness, because of the “dangerous” claims for independence on the part of the other nations of the empire etc. The views on the language question may also have followed these political developments.

Chromá:

You mentioned language modernization in Brickdale – I could not see any. Where do you see such modernization? You should have provided legal and linguistic analysis. You cannot prove that one phrase is “modern” and another is not. Modernization is not the essence of the difference. The term “modernity” should have been defined more clearly. Why did Winiwarter use Latin terms?

Candidate:

He encountered difficulties in interpreting the German terms, he referred to the Latin terms because of the Roman law tradition.

Chromá:

Which means this practice need not have been influenced by the translation into Latin made by Winiwarter's father.

Obdržálková:

Could the influence of the Louisiana Code or others be found in the other translations analysed, e.g. Baeck?

Candidate:

Baeck is not a full-fledged translation – he was not a translator, he mainly tried to explain how the legal system of the ABGB was different from the common law tradition – he only looked at Winiwarter. He often uses a more “common law” term, e.g. criticises the translation of die Sache as “thing”- Eschigs use “asset”.

The Eschigs in the end ceased to communicate, so it could not be established with certainty whether they looked to other sources for inspiration.

Obdržálková:

If you want to answer whether Winiwarter had an impact and how big it was, it is important to look at other potential sources of inspiration. The thesis should have contained some evaluation of the individual translations, otherwise it is difficult to assess the extent of the influence.

Dr Králová underscored the focus of the thesis on the personality and agency of the translator and declared the public part of the defence closed. The board then discussed the result in private.

After the board had voted, Dr Králová as chair informed all present of the result:

4 members of the board present, 4 votes in favour of the candidate's passing. The result of the defence: "passed" ("prospěl").

Recorded by: Zuzana Šťastná

Chair of the board: Prof. PhDr. Jana Králová, Csc.

Board member: