

## Bringing ideology into the legal translation classroom: A step towards training translators for counterhegemonic legal translation?

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## Abstract

Pedagogical approaches should allow translation trainees to recognize the factors that impact on their decision-making. Nonetheless, the role of ideology has received scant attention when exploring translators' decision-making in translator training. In this paper, framed within counterhegemonic legal translation (Favila-Alcalá, 2020), we advocate bringing ideology into the legal translation classroom by outlining a case study method to be used in the classroom. This method aims to assist trainees in unravelling the underlying ideology of the source texts and the parallel texts involved in the translation process and in evaluating the implications for their subsequent translation. It foregrounds that, if the texts involved in the translation process are not critically and systematically scrutinized in training contexts, trainees' decision-making may be unconsciously influenced by the underlying ideology behind these texts.

**Keywords:** ideology; translators' decision-making; legal translation; translator training; case study method.

## 1. Introduction

Over the years translation scholars have foregrounded that pedagogical approaches should allow translation trainees to recognize the factors that impact on their translation decisions (see Way, 2014: 137-139). Nonetheless, the role of ideology has been largely under-researched when exploring translators' decision-making in Translation Studies (TS) (mainly Zlatnar & Grahek, 2012; Rojo & Ramos, 2014; Rojo & Meseguer, 2021). This is utterly surprising if we consider that "ideology is highly influential in [...] translators' decision-making process" (Fang, 2011: 155) and that, often, "translation mediates culturally and ideologically" (Monzó-Nebot, 2020: 18).

In the legal translation classroom, bringing ideology into the equation is vital if we wish trainees to reflect upon the notion of "counterhegemonic legal translation" (Favila-Alcalá, 2020). Thus, this paper is framed within counterhegemonic legal translation with the aim to bring to the classroom an undeniable professional reality: legal translators, at times, are faced with ideologically-loaded texts that will confront them with the dilemma of whether to question the *status quo*, or to maintain it by perpetuating the hegemonic ideology underlying them (Favila-Alcalá, 2020: 385). In order to allow trainees to face these situations in their professional practice, pedagogical approaches should allow trainees to understand the pressures that may be influencing their decision-making. Further developing their critical-thinking skills is vital in these pedagogical approaches where trainees should be guided to critically evaluate their decision-making and their subsequent translation decisions, which, in turn, contributes to the development of their legal translation competence (Biel, 2017: 327).

Thus, our general goal is to propose a pedagogical method to further develop trainees' critical thinking skills by prompting critical pre-translation reflection that considers that the texts involved in the translation process may be ideologically loaded. Our understanding is that this reflection is as a crucial step for trainees to be able to demobilize the inertia of reproducing power structures (Monzó-Nebot, 2020: 19) with their translation decisions. Thus, being aware of the varied ideological pressures that may influence trainees' decision making (see section 2), here we have chosen to specifically address the "translation of ideology" of texts or "the transference of ideology as translation results through translation" (Fang, 2011: 162-163). Framed within this general goal, our specific goal is that this method assists trainees to critically and systematically scrutinize when both their source texts (STs) and the parallel texts (PTs) consulted may be ideologically loaded to subsequently evaluate what the implications for their translations may be. In order to meet these goals, we will draw on the case study method designed by Holl & Elena (2013) for training contexts to propose our pedagogical method. As in their proposal, our method is comprised of four phases, which will be developed throughout this paper, as summarized in table 1:

**TABLE 1**

A case study method to introduce ideology in the legal translation classroom (adapted from Holl & Elena, 2013)

CASE STUDY METHOD TO INTRODUCE IDEOLOGY IN THE LEGAL TRANSLATION CLASSROOM		
PHASE OF THE METHOD	AIM	SECTION OF THE PAPER
First phase	To address how ideology has been previously addressed in TS and specifically in the (legal) translation classroom, in order to determine how ideology can be brought into the translation classroom.	Section 2
Second phase	To propose a textual analysis that aims to prompt critical pre-translation reflection by legal translation trainees to assist them (1) to critically and systematically scrutinize when both their STs and PTs may be ideologically loaded in order to (2) subsequently evaluate the implications for their translation.	Section 3
Third phase	To apply the textual analysis proposed to our case study in order to reflect upon the underlying ideology of STs and PTs in the case study chosen.	Section 4
Fourth phase	To show how the information previously gathered through the application of the textual analysis proves useful to critically face the subsequent translation of the ST in question.	Section 5

## 2. First phase: ideology in TS and in the translation classroom

Ideology is not new to TS. In fact, after the “cultural turn”, several researchers brought to the fore the need to pay attention to it from different perspectives (Lefevere, 1992; Venuti, 1995). This has resulted in an array of ideological matters being addressed in our discipline, which have been linked to the own evolution of TS, i. e., progressively shifting “from the micro level of isolated linguistic units to the macro level of the socio-cultural context in which the translation act takes place” (Rojo & Ramos, 2014: 251). However, as rightly summarized by Rojo & Meseguer (2021: 132), “the interest of translation studies in ideology has been closely related to [...] literary translation, discussing topics such as translation as rewriting, gender and translation, or translation and post-colonialism” (for a thorough revision see Rojo & Ramos, 2014: 251-252).

Recently, studies on ideology in TS have been concerned with “interventionism” on the part of translators (see Rojo & Ramos, 2014: 252; Rojo & Meseguer, 2021: 132). This latter research trend foregrounds that translators need to be aware of the ideological values that may influence their job and, hence, of how these values may influence their intervention in the translation itself. Accordingly, several authors have placed translators’ work at the center of their research agendas by exploring the influence of translators’ ideology on the translation as a product or the influence of the underlying ideology of texts in the translation process (Tymoczko, 2014;

Fang, 2011; Zlatnar & Grahek, 2012; Calzada, 2014; Rojo & Ramos, 2014; Rojo & Meseguer, 2021). As for legal translation, even if ideology has been peripherally addressed in previous studies (Way, 2003), it has been under-researched if compared with the body of research on ideology in interpreting within legal settings (Leung, 2018: 238). This research imbalance needs to be addressed as “through their work, whether consciously or not, legal translators are participating in the consolidation, and at times transformation, of a power structure” (Leung, 2018: 239) since:

Power relationships are, simply put, part of the context that constitutes the source and target culture that the legal translator needs to work with. Translation not only marks linguistic, cultural, or status differences across texts, but is also an instrument that creates, reinforces, and may attenuate such differences (Leung, 2018: 253).

As for studies focused on ideology and translator training and, specifically revolving around translation trainees’ decision-making, a limited body of works are also found. The few exceptions are Zlatnar & Grahek (2012), who investigated how the personal ideology and the culture of final year translation trainees impacted on their translations from a descriptive standpoint, and Rojo & Meseguer (2021), who empirically tested how third-year translation trainees’ political ideology impacted on the translation process through a reaction time experiment. To our knowledge, no studies on ideology and translator training have been performed in the legal translation realm. Nonetheless, much can be learnt from the above-mentioned studies on other areas, as detailed below.

## **2.1. Bridging the gap: towards introducing ideology in the (legal) translation classroom**

Ideology is indeed a problematic concept. Even if it is widely used in both specialized and non-specialized contexts, it certainly escapes an easy definition and a limited scope. Due to this fact, a working definition of ideology suited to our goals and our pedagogical focus (see section 1) is vital. Thus, considering that in order to demobilize the inertia to reproduce power structures is pivotal making translators aware of how their decisions may impact on cultures, groups, and individuals (Monzó-Nebot, 2020: 19), for the purposes of this research this general definition of ideology will be used: “a belief or a set of ideas, especially, the political beliefs on which people, parties, or countries base their actions” (Calzada, 2014: 3). However, merely providing trainees with a definition of ideology is not enough if trainers do not meet the challenge of assisting trainees in understanding the influence of ideology on their decision-making (see Zlatnar & Grahek, 2012: 71). This is paramount since:

Increasing awareness of the effect of ideology on translators’ work may, at the very least, contribute to maximizing efficiency and awareness of potential biases. Classroom support to enhance awareness and allow for a more efficient exploitation of our abilities and limitations can be provided by introducing the translation and discussion of ideological issues into curricula designs (Rojo & Meseguer, 2021: 142).

This need is even more pressing considering that previous studies show that trainees at the end of their training do reproduce different ideological biases in their translations (Zlatnar & Grahek, 2012; Rojo & Meseguer, 2021), including final years. Undeniably, this can be partially explained due to the array of ideological pressures translation trainees' are exposed to. Among others, they are constrained by their own ideology (Zlatnar & Grahek, 2012; Rojo & Meseguer, 2021) or their trainers' ideology, by the ideology of the dominant institutions and cultures in which they work (Zlatnar & Grahek, 2012), by the ideology of the other agents involved in the translation process (their clients or their audience), or by the ideology of the texts involved in the translation process (Tymoczko, 2014).

Regardless of their nature, what previous studies suggest is that trainees not only generally lack the critical thinking skills required to identify which ideological pressures may play a role in the translation process (declarative knowledge), but may also not know how they can be resolved (procedural knowledge). In order to start to bridge this research gap, and as it is unviable to address all of these pressures in this paper, the textual analysis proposed below specifically focus on one of them: the underlying ideology of (some) texts. This textual analysis aims to develop trainees' critical thinking skills by allowing them to factor in the fact that the underlying ideology of their ST and of the PTs consulted may influence their unconscious choice of translation equivalents (what, declarative knowledge). Furthermore, it provides them with a textual analysis framework that assists them to critically and systematically scrutinize these texts to inform their decision-making (how, procedural knowledge).

Thus, informed by the findings of Zlatnar & Grahek (2012), we have chosen to customize our subsequent textual analysis for it to allow trainees to focus on the lexical level, since the authors conclude that the main ideological shifts in trainees' translations occur at this level. In fact, Zlatnar & Grahek (2012: 81) relate these ideological lexical shifts in translations to two main reasons: (1) a misunderstanding of the ST on the part of trainees or (2) "because they chose words or expressions which mean roughly the same thing but carry with them some additional positive or negative charge that is not found in the source text". Thus, this study suggests that, for trainees to be able to make informed choices at the lexical level when dealing with ideology, they need a prior in-depth understanding of the ST, which is the guiding principle of the textual analysis proposed in our second phase (see section 3). Lastly, since it has been shown that STs on immigration have proven useful to investigate ideology and translation trainees' decision-making (Zlatnar & Grahek, 2012), we have chosen a ST on immigration as our case study for the third phase of our method (section 4).

### **3. Second phase: a proposal of a textual analysis to reflect upon the underlying ideology of STs and PTs in the legal translation classroom**

In this second phase of our method we are to propose our textual analysis to be used in the legal translation classroom. The general learning outcome of this textual analysis, which

coincides with our specific goal, is to assist legal translation trainees to critically and systematically scrutinize when both their STs and PTs may be ideologically loaded to subsequently evaluate what the implications for the translation process are. To include this textual analysis in training contexts we have used a task-based approach (González, 2004). Accordingly, trainees are presented with the stages of the legal translation process and with the different tasks to be generally performed within them, as summarized in table 2 drawing on Prieto (2011)<sup>1</sup>. Informed by previous research (see section 2), we have underlined the specific tasks addressed in this paper given its goals, while visually representing their relationship with the other tasks generally performed within the legal translation process. The result can be found below:

**TABLE 2**

The legal translation process in the classroom (drawing on Prieto, 2011)

A SUMMARY OF THE LEGAL TRANSLATION PROCESS IN THE CLASSROOM		
STAGE	MAIN STEPS WITHIN THE	SECTION OF THE PAPER
PRE-TRANSLATION STAGE	1. Analysis of the translation brief, <i>skopos</i> of the translation and macro-contextualization (Prieto, 2011)	<ul style="list-style-type: none"> <li>- Identification of the main aspects to be considered for the specific translation brief at hand—legal systems involved, branches law or legal text typologies...—through documentary research.</li> <li>- Critical analysis of the translation brief and the <i>skopos</i> of the translation.</li> <li>- Contrastive analysis of the main aspects previously identified—comparison of the legal systems, the branches of law and legal text typologies involved...—.</li> </ul>
	2. <u>ST analysis</u> (Prieto, 2011)	- <u>Critical pre-translation analysis of the ST based on the information gathered.</u>
TRANSLATION STAGE	3. <u>Translation problem-solving or transfer problem-solving</u> (Prieto, 2011)	<ul style="list-style-type: none"> <li>- Dealing with translation-problem solving or transfer problems at two levels: <ul style="list-style-type: none"> <li>→ Macrostructure</li> <li>→ Microstructure (<u>such as dealing with terminological problems by consulting resources such as PTs<sup>2</sup></u>).</li> </ul> </li> <li>- Creation of complementary resources to address this problem-solving (such as glossaries).</li> </ul>
	4. Target text (TT) production (Prieto, 2011)	- Translation of the TT
POST-TRANSLATION STAGE	5. Revision (Prieto, 2011) and edition of the TT	<ul style="list-style-type: none"> <li>- Revision and proofreading of the TT</li> <li>- Edition of the TT</li> </ul>
	6. Submission	- Submission of the TT to the client

1 Unarguably, in order to prompt a critical pre-translation reflection, numerous tasks need to be performed within the legal translation classroom (see Prieto, 2011) beyond the ones addressed here.

Thus, after presenting trainees with the whole translation process, and the different tasks to be performed within it, we feature two specific tasks for trainees to perform in the classroom. As shown in table 3 below, each task has specific learning outcomes to be met. Trainees need to use the first part of our textual analysis to address task 1, while the second part of our textual analysis will assist them in addressing task 2:

**TABLE 3**

Tasks to be performed using the textual analysis.

TASK TO BE PERFORMED	STAGE OF THE LEGAL TRANSLATION PROCESS	LEARNING OUTCOME TO BE MET	HOW TO MEET THIS LEARNING OUTCOME
Task 1: To perform a critical and systematic pre-translation analysis of the ST	Pre-translation stage	To unravel the underlying ideology of the ST	Using part 1 of our textual analysis: the analytical pre-translation framework outlined in section 3.1
Task 2: To perform a critical contrastive analysis of the lexical items present in their ST and of the lexical equivalents found in PTs	Translation stage	To unravel the ideology underlying these lexical items in order to make informed and conscious choices when selecting a translation equivalent	Using part 2 of our textual analysis: the contrastive critical analysis of lexical items of the ST and of PTs outlined in section 3.2

Source: the author.

### 3.1. Part 1 of the textual analysis: performing a critical and systematic pre-translation analysis of the ST

Previous studies have shown that an in-depth analysis of the ST is required for translation trainees to be able to address ideological aspects at the lexical level (Zlatnar & Grahek, 2012) and, generally, to be able to address the legal translation process as a whole (Prieto, 2011; Soriano, 2020; Vigier-Moreno, 2020). Accordingly, previous legal translation studies have proposed different approaches to address ST analysis in this pre-translation stage. While some studies have prioritized comparative law tasks and contrastive macrostructural analyses (Holl & Elena,

- 2 We are aware that consulting PTs is one of the ways in which terminological problems can be solved. However, addressing this is vital since “resorting to target-language texts during the translation has been long used in training”, not only to develop contrastive analysis skills but also to adapt translations to target-language conventions (Biel, 2017: 317). This justifies our decision to focus on PTs below.



2013), others have proposed a contextualization focused on extratextual, macrostructural and microstructural elements (Vigier-Moreno, 2020), or have specifically proposed a textual model for ST analysis (Soriano, 2020). Their common denominator is that they provided trainees with a valuable framework for contextualization to assist them in analysing their STs, and the context that surrounds it, before the actual translation stage commences.

Arguably, when ideology is brought into the equation, this prior contextualization is even more pressing, but also more challenging to articulate. Dealing with ideological pressures requires trainees to be even more aware of the “wider contextual factors that may systematically affect” their decision-making (Leung, 2018: 240) in order to ultimately understand “what is practically influencing the way they work, and how the way they work takes on a social and political meaning” (Leung, 2018: 251). Simply put, when dealing with ideology, this prior contextualization is not only needed to be able to address the translation itself, but also to be able to factor in the “translation of ideology” (Fang, 2011). Here this means allowing trainees to assess whether their decision-making is unconsciously influenced by the underlying ideology of their ST. Thus, the pre-translation framework outlined as the first part of our textual analysis aims to allow trainees to perform task 1—a critical and systematic pre-translation analysis of their ST—to ultimately assist them in unravelling the underlying ideology of the ST in question. This framework is an adaptation of the one developed in Ruiz-Cortés (2021b) and it is subdivided into four main levels: the legal context, the sociolinguistic context, the textual context and the linguistic context. Furthermore, at the end of the framework, a critical reflection level is included to specify the main implications of the information gathered for translation purposes (see table 4).

The first level, the legal context, is comprised of four sublevels: (1) the text typology involved in the source culture, (2) the legal systems involved—and the legal family in which they are framed—, (3) the branches of law involved—which may vary depending on the legal system—(Soriano, 2020: 290), and (4) the legal instruments that justify the production of the ST (Ruiz-Cortés, 2021b: 166). We have added these legal instruments to our legal context, not present in other proposals, since ultimately most legal texts are derived from one or several legal instruments that justify their production and determine their structure, rationale, aim and content. Accordingly, unravelling how these legal instruments influence the ST is vital to foster a critical understanding and decoding of the ST in the pre-translation stage.

The second level, the sociolinguistic context, has been created drawing on Ruiz-Cortés (2021b: 166-168) and it is comprised of two sublevels. The first sublevel (1) deals with the social practices within which the ST is embedded—mainly a public, private or other type of practice—accompanied by a succinct specification of the settings within which this social practice is framed (a judicial, educational or healthcare setting, for instance). The second sublevel (2) consists of a description of the main agents involved in the legal translation process beyond the translator: the ‘initiator-producers’ and the ‘users’. Thus, in our frame-

work the broad term ‘initiator-producers’ is understood as the agents who initiate the translation process and who are interested in the production of translated documents. On the other hand, the term ‘user’ is used to refer to the translation audience within this context. The information gathered in this sociolinguistic context is pivotal to allowing trainees to understand how all these aspects may influence the translation process (among other aspects, the agents influencing the production of the ST, how the social practice impacts on the elements included in the ST, how the characteristics of the target audience may impact on the interpretation of the ST...).

The third level, the textual context, is comprised of one sublevel in which the ST and TT main characteristics are compared. This sublevel is based on the work of Nord (2018: 61), who stresses the importance of comparing the “ST and TT situations”, since “pragmatic translation problems arise from the differences between these situations”. Therefore, here both the ST and TT characteristics are explored based on Nord’s proposal (2018: 56-59) by comparing the intended text functions, times and places of reception, mediums and motives for the text production and reception of the ST and the TT. Furthermore, to redress any possible shortcomings we have included an ‘others’ item. The fourth level, the linguistic context of our framework, is comprised of three sublevels, in which drawing on Soriano (2020: 290) trainees are asked to reflect upon: (1) the type of legal language used in the ST, (2) the type of discourse used in the ST and (3) the kind of terminology used, and we have added (4) other possible comments.

Lastly, after gathering all the information provided by the legal, sociolinguistic, textual and linguistic contexts, the fifth level—critical reflection—is presented. It is comprised of two sublevels. On the one hand, trainees are asked (1) to reflect on the implications of the information gathered for the translation by: determining their type of translation, using Nord’s documentary and instrumental translation categorisation (see Nord, 2018: 45-50)<sup>3</sup>, and reflecting upon their future translation decisions and their social impact. On the other hand, (2) trainees are asked to reflect upon their professional roles within the legal translation process.

This framework proposal, underpinned by a sociological perspective, places the focus on providing trainees with a broader conceptual frame of reference to reflect upon their actions, professional role and social impact within the legal translation process. It has been customized for our specific goals in order to ultimately make trainees aware of “what is practically influencing the way they work, and how the way they work takes on a social and

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3 This categorisation has been chosen for the framework because it is centred on text function, which is a key aspect that translators need to consider when meeting the needs of their heterogeneous users. Furthermore, it is a useful categorisation in the legal translation context (Prieto, 2011: 16).

political meaning” (Leung, 2018: 251). We have created table 4 for trainees to complete in order to summarize their pre-translation reflection:

**TABLE 4**

An analytical pre-translation framework (drawing on Soriano, 2020, and Ruiz-Cortés, 2021b)

AN ANALYTICAL PRE-TRANSLATION FRAMEWORK		
1. LEGAL CONTEXT		
1.1. Text typology	1.1.1. Text typology in the source legal culture	
1.2. Legal system	1.2.1. Supranational legal system 1.2.2. National legal system	<ul style="list-style-type: none"> <li>• Legal system within the Civil Law tradition</li> <li>• Legal system within the Common Law tradition</li> <li>• Independent legal system</li> </ul>
1.3. Branch of law	1.3.1. Specification of the branch of law involved	
1.4. Legal instruments that justify the production of the ST	1.4.1. International legal instruments 1.4.2. National legal instruments 1.4.3. Local legal instruments 1.4.4. Other kinds of legal instruments	
2. SOCIOLINGUISTIC CONTEXT		
2.1. Social practice within which the ST is embedded	2.1.1. Private context 2.1.2. Public context 2.1.3. Others	Settings <ul style="list-style-type: none"> <li>• Judicial</li> <li>• Healthcare</li> <li>• Education</li> <li>• Social services (such as immigration services)</li> <li>• Other</li> </ul>
2.2. Agents involved	2.2.1. Initiator-producer	Characteristics <ul style="list-style-type: none"> <li>• General description of the initiator-producer</li> <li>• Common characteristics</li> <li>• Personal characteristics</li> </ul>
RELATIONSHIP BETWEEN THESE AGENTS?	2.2.2. Users	Characteristics <ul style="list-style-type: none"> <li>• General description of the user</li> <li>• Common characteristics</li> <li>• Personal characteristics</li> </ul>
3. TEXTUAL CONTEXT		
3.1. Comparison of the main characteristics of the ST and TT	3.1.1. ST 3.1.2. TT	Characteristics <ul style="list-style-type: none"> <li>• Text intended function</li> <li>• Motive for production / reception</li> <li>• Theme</li> <li>• Time and place of text reception</li> <li>• Medium</li> <li>• Other</li> </ul>

#### 4. LINGUISTIC CONTEXT

4.1. Type of legal language	4.1.1. Normative 4.1.2. Judicial 4.1.3. Administrative 4.1.4. Notarial 4.1.5. Used in private documents
4.2. Type of discourse	4.2.1. <i>Legalese</i> 4.2.2. <i>Officialese</i> 4.2.3. Plain language
4.3. Terminology (frequency of):	4.3.1. Specialized terms 4.3.2. Semi-specialized terms 4.3.3. General terms 4.3.4. Other comments concerning terminology

#### CRITICAL REFLECTION

Implications for the translation	• Type of translation (documentary or instrumental) • Translation decisions
Implications for the translator	• Role of the translator?

### 3.2. Part 2 of the textual analysis: performing a contrastive critical analysis of lexical items of the ST and of PTs

Considering that a translation's ideology is partially determined by the content of the ST (Tymoczko, 2014: 182), the first part of our textual analysis is an analytical pre-translation framework customized to provide trainees with a system intended to critically and systematically analyse the underlying ideology of their ST. It seeks to prevent trainees from reproducing this underlying ideology unconsciously when translating lexical items subsequently by choosing "words or expressions which mean roughly the same thing but carry with them some additional positive or negative charge that is not found in the source text" (Zlatnar & Grahek, 2012: 81)<sup>4</sup>. However, as rightly argued by Tymoczko (2014: 182), "the ideological value of the source text is in turn complemented by the fact that translation is a metastatement, a statement about the source text that constitutes an interpretation of the source text" (Tymoczko, *ibid.*). Thus, when making their lexical choices, the same ideological shifts (Zlatnar & Grahek, 2012) may occur if trainees are unaware of the ideology of lexical items of the PTs consulted. To prevent the latter, the second part of our textual analysis encourages trainees to perform a critical contrastive discourse analysis (Ruiz-Cortés, 2021a) to reflect on the ideology underlying the lexical choices of their ST and of the lexical equivalents in PTs considered as possible translation solutions.

4 This ST analysis can also be useful to address other tasks involved in the legal translation process (see table 2). However, as discussed in section 2, in this paper we will focus on the lexical level.

Specifically, trainees are asked to perform a critical contrastive analysis using Fairclough's three-dimensional model (1995: 98) of Critical Discourse Analysis (CDA). Way (2012) has successfully used an adaptation of this model in legal translation training before by proposing a discourse analysis methodology to provide trainees with a structured analytical process to approach the translation of legal texts. Thus, even if we generally draw on Ways' work, this author's adaptation of Fairclough's model differs to ours since her adaptation is applied to the whole legal translation process, while ours is specifically used when performing the abovementioned lexical contrastive analysis.

Fairclough's model conceives the text as a form of social action. Therefore, this model provides evidence to substantiate affirmations about social structures, relations and processes in the classroom by prompting a critical reflection on how social control may be exercised through texts. To this aim, his model includes three steps: description of the elements analyzed (in our case the lexical items), interpretation of the relationship between the discursive processes involved and the elements analyzed, and an explanation of the relationship between the elements analyzed and the social processes in which the texts are framed. Thus, we have adapted this model for the classroom as shown in table 5. We have created table 5 for trainees to complete in order to summarize their critical contrastive analysis:

**TABLE 5**

A critical contrastive analysis of lexical items from an ideological perspective.

	LEXICAL ITEMS ANALYZED	
	ST	PT
	Term X	Equivalent to term X
<p><b>DESCRIPTION:</b> Critical contrastive analysis of the lexical choices used in the ST and in the PTs from a linguistic standpoint.</p> <p>-What do these lexical items mean?            -What are their nuances?            -Do they have different nuances in the cultures involved?</p>		
<b>Implications of the description</b>		
<p><b>INTERPRETATION:</b> Critical contrastive analysis of where these lexical choices come from.</p> <p>- Who decided to use this specific lexical item in this text?</p>		
<b>Implications of the interpretation</b>		

<p><b>EXPLANATION:</b> Critical contrastive analysis of the reasons why these lexical choices seem to have been selected for the ST and the PTs in question (reflecting on how power relations may have influenced these selections).</p> <p>Why was this specific lexical item used in this text instead of other possible alternatives?</p>		
<p><b>Implications of the explanation</b></p>		

Source: the Author drawing on Fairclough, 1995.

Thus, both the questions included in each step of the model and the summary of its main implications aim to guide trainees in the critical comparison of the terms used in their STs and PTs. This guided critical contrastive analysis aims to make trainees aware of the fact that lexical selection may emerge from different ideological positions (Hatim & Mason, 1990: 89), so that they are able to demobilize the inertia to reproduce the power structures (Monzó-Nebot, 2020: 19) present in lexical choices. Furthermore, it aims to better equip trainees to propose a translation solution by foregrounding that “translators don’t translate words; they translate what people do with words” (Robinson, 2003: 112).

#### 4. Third phase: the application of our textual analysis to reflect upon the underlying ideology of STs and PTs in the case study chosen

In this third phase of our method we show how the textual analysis proposed above can be used in the legal translation classroom through a case study. The case study in question is a Spanish immigration form (hereinafter the immigration form) issued by the Spanish Ministry for Inclusion, Social Security and Migration (hereinafter the Spanish Ministry for Migration) that will be translated into English in the classroom<sup>5</sup>.

Firstly, trainees are presented with the translation brief: to translate this Spanish immigration form into English to facilitate the residency application process for non-Spanish speakers. Secondly, they are asked to address task 1, to perform a critical and systematic pre-translation analysis of the ST, and to complete table 4 summarizing their reflection. Thirdly, they are asked to address task 2, to perform a critical contrastive analysis of the lexical choices present in their ST and of the lexical equivalents in PTs, and to complete

5 Solicitud de tarjeta de residencia de familiar de ciudadano de la UE. Available at: [https://extranjerios.inclusion.gob.es/ficheros/Modelos\\_sollicitudes/mod\\_sollicitudes2/19-Tarjeta\\_familiar\\_comunitario.pdf](https://extranjerios.inclusion.gob.es/ficheros/Modelos_sollicitudes/mod_sollicitudes2/19-Tarjeta_familiar_comunitario.pdf). This decision has been informed by previous research that shows that ideology plays a crucial part in this text (see Ruiz-Cortés, 2021a).

table 5 summarizing their contrastive analysis. Below, we address how all of the above may be implemented in practice.

#### 4.1. Part 1: unravelling the ideology of the ST through the pre-translation framework

Here the framework presented in section 3.1, and summarized in table 4, will be used to gather key information to allow trainees to contextualize the translation assignment in question and to reflect on the underlying ideology of the ST.

##### 4.1.1. The legal context

The ST involved is an official administrative form produced for third country family members of EEA and Swiss nationals to apply for residence in Spain under EU law. This entails that trainees may determine that the prospective English translation of the form will not be an official document<sup>6</sup>, which gives them more leeway to include explanations or descriptions to enhance understanding in their translations.

This form is derived from the EU legal system. The EU legal system is a multilingual and supranational legal system, which, even if it is considered an independent legal system, is not fully established as one. This is the case since the legal instruments produced within the EU legal system are applied in 27 national systems (see Ruiz-Cortés, 2020: 50). Thus, even if our ST is produced within this broader EU legal system, in practice it is applied in one national legal system in particular; the Spanish national legal system framed within the civil law tradition. So, in this case, trainees must understand that it is paramount to consider both legal systems when analysing the ST. Furthermore, since this ST revolves around immigration law, which is not regarded as a branch of law *per se* in Spain, the main branches of law that need to be considered here are civil law, administrative law and private international law.

As for the legal instruments involved, the form studied is derived from the EU directive 2004/38/EC<sup>7</sup>, which sets forth that family members of EEA nationals (European Economic Area, comprising the EU member states, Iceland, Liechtenstein and Norway) and Swiss nationals have the right to move and reside freely across the EEA and Switzerland. This directive has been transposed into Spanish legislation under Royal Decree (RD) 240/2007<sup>8</sup>. This identification is key for the research stage of the translation process, since it will help train-

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6 The only form that Spanish authorities will consider as such is a completed ST in Spanish and, therefore, translations cannot be submitted as forms. Thus, when the ministry provides translations of immigration forms, it is clearly stated in the translation that “this is not an official document”.

7 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32004L0038>

8 <https://www.boe.es/buscar/pdf/2007/BOE-A-2007-4184-consolidado.pdf>

ees to understand that the Spanish Ministry for Migration has created the ST in accordance with the abovementioned supranational and national legal instruments, as detailed below.

#### 4.1.2. The sociolinguistic context

By using the framework summarized in table 4, trainees are generally prompted to reach the following reflection. Trainees will be able to identify that the social practice in which this document is framed is an immigration procedure within the Spanish context. In their research stage, analysing the legal instruments above, trainees will understand that this immigration form allows third-country nationals, who are family members of EEA or Swiss nationals, to apply for a residence card in Spain. Thus, they will identify that the translation domain in this case is administrative, as the translated version will be used at local Spanish immigration offices.

As for the agents involved within this communicative interaction, the initiator-producer is the Spanish Ministry for Migration, while the intended users are numerous and varied. All of them are third-country migrants that have some family relationship with an EEA or Swiss national, making them eligible applicants for the process sponsored by the immigration form. Indeed, a wide variety of residents will meet those eligibility requirements, which implies heterogeneity of the profile of users of both the immigration form and its translation. In other words, this reflection will allow trainees to identify that the anticipated users of the ST and its translation will differ in age, nationality, language, culture, socio-economic situations or educational backgrounds<sup>9</sup>. In both cases, however, the users of the ST in Spanish and of its English translation may access these documents using these languages as a *lingua franca*, which should also be considered to assess how these texts may be understood by these users.

Notwithstanding this, trainees will need to consider that all the applicants involved will share a common denominator: that of being migrants. It is precisely due to this fact that these applicants will generally share their initial misunderstanding not only of Spanish bureaucracy, but also of the implications that their statements may have on the final administrative decision on the granting of legal residence. Furthermore, this occurs in a bureaucratic context where there is an asymmetrical relationship between the agents involved, with migrants in a subordinate position to the authorities. This identification is also pivotal to understand how this application process works.

#### 4.1.3. The textual context

On the one hand, the framework will allow trainees to understand the main characteristics of their ST and of their TT. Specifically, they will identify that the ST involved has the

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9 <https://extranjeros.inclusion.gob.es/es/estadisticas/operaciones/con-certificado/index.html>



referential function of presenting the applicant with the information he/she is required to complete to obtain the resident card that attests to his/her right to legal residence in Spain. On the other hand, the form also has the phatic function of defining the asymmetrical relationship (Nord, 2018: 43) between the Spanish authorities, who examine the applicant's eligibility to be granted legal residence in this context, and the migrant, who is required to prove said eligibility to the Spanish authorities. Thus, its theme is migration/regularization. This immigration form will be used throughout Spain indefinitely until it is modified or replaced, and it is available online and in hardcopy. As for the TT, its motive for reception is to help the applicants to understand and to complete the form in Spanish. The functions, theme, time and place of reception, as well as the medium of TT, are the same as those highlighted above for the ST.

#### 4.1.4. Linguistic context

As for the linguistic context, the reflection the framework seeks to prompt on the part of trainees is summarized below. This linguistic context allows trainees to focus on the linguistic level by identifying that this official administrative form mainly uses administrative language, although some legal language can be found when referring to legal instruments. Broadly, they can also identify that *officialese* makes parts of the document ambiguous and incomprehensible. In other words, although forms should ideally be user-designed in order to foster effective communication—which in this case would imply tailoring the form to the needs of its heterogeneous foreign users—very often, as in this case, the linguistic and textual decisions made in them impede this goal. As identified in previous research (Ruiz-Cortés, 2021b: 173), in our ST several problematic aspects seem to contribute to this form incomprehensibility, for instance, vague instructions are given in order to complete the form (for instance, Footnote 7 “Tick the appropriate box”) or are not located in the best place to foster communication (where the user needs them).

As for terminology, this document broadly combines general language when dealing with parties' details (names, addresses, contact information...), with immigration-related specialized language when dealing with immigration procedures (such as types of immigration procedures or types of residence in Spain) and bureaucratic specialized language throughout the document (such as internal codes or the way social agents are situated in the text, i. e., the applicant). However, generally, it fails to explain cultural references that may be challenging to decode (such as identity documents used in Spain, *DNI* or *NIE*<sup>10</sup>); it uses made-up terms which do not exist in Spanish (see the abbreviations for marital

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10 The *DNI* (*documento nacional de identidad*) is the personal identity number assigned to Spanish citizens in Spain and the *NIE* (*número de identidad de extranjero*) is the national identity number assigned to foreign citizens residing in Spain.

statutes in footnote 3) and contains several mistakes in Spanish (mainly abbreviations and acronyms)<sup>11</sup>.

#### 4.1.5. Critical reflection

Trainees can deduce several relevant implications from the information gathered above using the framework for this final critical reflection level. Firstly, the legal context allows an initial contextualization of the legal systems and the key legal instruments needed to decode the ST. This legal context is essential, among other things, to understand the hierarchy of legal sources involved, the branches of law that should be considered and the main legal concepts used in the form. Additionally, the Spanish and English versions of the directive are also vital, not only to decode crucial definitions and key terminology and phraseology used in the ST, but also to find possible equivalents for the English translation of the Spanish form.

Secondly, the sociolinguistic context allows trainees to situate the ST and the TT in a specific administrative social practice: the application process for an EU resident card in Spain by third country nationals. Thus, the fact that this is an administrative practice within the migration context has a direct implication in terms of the power asymmetries that should be borne in mind when translating (see section 5). Thirdly, the information gathered in the textual context allows trainees to determine that the English translation of this immigration form is a documentary translation that ostensibly seeks to help the applicants to understand the information they are required to provide to the authorities in the form in Spanish. Furthermore, the information collected in the framework allows trainees to reflect upon their actions, professional role and social impact within the translation process. It allows them to understand that they are another social agent taking part in this social practice, an expert whose main priority is to produce an effective translation for their users, which, in this asymmetric context, may present some challenges (as discussed in section 5 on implications for the translation process).

**TABLE 6**

Performing a critical and systematic pre-translation analysis of the ST in our case study (source: the author)

AN ANALYTICAL PRE-TRANSLATION FRAMEWORK	
1. LEGAL CONTEXT	
1.1. Text typology	1.1.1. Official administrative form
1.2. Legal system	1.2.1. EU legal system (independent legal system) 1.2.2. Spanish legal system (civil law <sup>12</sup> tradition)

<sup>11</sup> See Ruiz-Cortés (2021b) for a thorough description.

1.3. Branch of law	1.3.1. Spanish immigration law (civil law, administrative law and private international law)
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1.4. Legal instruments that justify the production of the ST	1.4.1. Directive 2004/38/CE
	1.4.2. RD 240/2007

## 2. SOCIOLINGUISTIC CONTEXT

2.1. Social practice within which the ST is embedded	2.1.1. Immigration procedure in Spain in the public context	Settings · Administrative. In the context of the application process for an EU resident card
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2.2. Agents involved	2.2.1. Spanish Ministry for Inclusion, Social Security and Migrations	Characteristics · Public institution of the majority culture · This institution controls the elaboration of the ST and the decision on the granting of legal residence
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RELATIONSHIPS: Migrant-ministry: Asymmetrical relationship	2.2.2. Family members of EEA or Swiss nationals	Characteristics · Third country migrants that must have a certain family relationship with an EEA or Swiss national to be eligible to use this application · Probable lack of understanding of the new social, cultural and bureaucratic reality faced · Less familiarity with the specialized discourse used in this bureaucratic context · A variety of personal characteristics that impact on how the applicant faces the procedure, such as the possibility of experiencing language barriers
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## 3. TEXTUAL CONTEXT

3.1. Analysis of the translation brief. Comparison of the main characteristics of the ST and TT	3.1.1. ST	Characteristics · ST and translation intended functions: referential and phatic · Motive for production/reception: -ST: needed for migrants to apply for their residence card -Translation: needed for migrants with language barriers, and that understand English, to understand and complete the ST · ST and translation theme: immigration, regularization · ST and translation time and place of text reception: Spain, indefinitely until replacement · ST and translation medium: online and hardcopy
	3.1.2. English translation of the ST	

12 As opposed to the Common Law tradition. In 1.3.1. of table 6 “civil law” is understood as a branch of law in Spain.

#### 4. LINGUISTIC CONTEXT

4.1. Type of legal language	4.1.3. Mainly administrative language with some legal language
4.2. Type of discourse	4.2.2. <i>Officialese</i>
4.3. Terminology (frequency of):	4.3.1. Immigration-related and bureaucratic specialized terminology 4.3.3. General language terminology when dealing with parties' details 4.3.4. Mistakes in Spanish are found throughout the texts as well as made-up terms created by the authorities Cultural references are not explained in the ST

#### CRITICAL REFLECTION

Implications for the translation	• Documentary translation
Implications for the translator	• Translator role: social agent within the translation process who should prioritise the effectiveness of the English translation of the ST to help migrants to complete the ST in Spanish

## 4.2. Part 2: unravelling the underlying ideology of lexical items through a critical contrastive analysis

As explained in section 3.2., through the application of our adapted version of Fairclough's three-dimensional model (1995: 98) of CDA, we aim to reveal the ideology underlying the lexical choices of our ST and of the PTs consulted. However, two practical clarifications are required before performing this analysis. Firstly, due to space constraints, we have chosen one specific PT to perform this critical contrastive analysis in this case study: the equivalent immigration form used by third country family members of EEA and Swiss nationals in pre-Brexit UK<sup>13</sup>. Secondly, considering that an array of lexical elements may be presented to trainees to be analyzed in both the ST and the PT selected, we have chosen to focus on lexical items used to describe one of the key social agents present in these immigration forms (the EEA or Swiss nationals who have the original right of residence and who extend it to their third country family members, i. e., the applicants, for them to be able to exercise this right). In other words, since texts not only classify social realities, but also social groups by showing us how those groups classify themselves and others (Way, 2003: 18), the analysis of the labels used to represent this agent is worth exploring in the classroom. This will allow trainees to understand how these citizens are classified and represented in the forms from an ideological standpoint. Below, we summarize how this critical contrastive analysis of the lexical items representing this social agent in the ST and the PT involved may be implemented.

13 This decision was informed by a prior in-depth study (Ruiz-Cortés, 2020), which showed that, generally, the lexical items used in this British immigration form were ideologically-loaded. The British form is no longer available online but it can be consulted in Ruiz-Cortés (2020).

#### 4.2.1. Description

Firstly, trainees need to focus on the description of the lexical items used to refer to this agent, which will allow them to immediately identify that both forms use different labels for this purpose. On the one hand, the ST in Spanish uses two generic labels to refer to them, which, although they differ slightly, refer to the same reality: “*ciudadano de la UE*” or “EU citizen” (in the title) and “*ciudadano de la Unión que da derecho a la aplicación del régimen comunitario*” or “Union citizen who gives entitlement to the application of EU law” (in text). On the other hand, in the British form, there are four different labels used to describe this agent, namely: family members of “European Economic Area or Swiss national” (title), “EEA national”, “sponsor” and “qualified person” (the last three in-text). As can be observed, the first two lexical items used in the British form are rather generic, while the second two lexical items are more specific.

The mere identification of these lexical choices in both forms reveals substantial differences between the lexical items used in them to represent this agent. In other words, while the two generic labels used in the Spanish form (the ST) include only EU nationals, the first generic lexical item in the British form includes not only EU nationals, but all EEA nationals and Swiss nationals. Similarly, the British form uses a second generic lexical item, i. e., “EEA national” throughout the text, although it clarifies on page 1 of the form that when “EEA nationals” is used in the form this notion also included Swiss nationals<sup>14</sup>.

As for the specific lexical items used in the British form, i. e., “sponsor” and “qualified person”, in both cases a definition for them can be found in the form. Firstly, “sponsor” is defined on page 19, where three cases of “sponsor” are envisaged: (1) an EEA national who is a qualified person or has permanent residence, (2) an EEA national who was a qualified person or had permanent residence or (3) a British citizen to whom the *Surinder Singh* judgment applies<sup>15</sup>. The analysis of these definitions allows trainees to understand that “sponsor” in the British form seems to be a clear example of how this general English word has acquired a special meaning when activated in this specialized migratory context in the UK. Beyond this fact, it is also worth considering the nuances that this noun has when used in a non-specialized context, for instance, consulting the three definitions provided by the Cambridge Dictionary online in the classroom (n. d., definitions 1, 2 and 3)<sup>16</sup>. In these three definitions a clear common denominator may be found: the economic capacity of the person who is the sponsor, since in all of them the “sponsor” provides money to someone or

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14 From this point, when we refer to EEA nationals in the British form, we understand Swiss nationals are included in this notion.

15 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61990CJ0370>

16 <https://dictionary.cambridge.org/es/diccionario/ingles/sponsor>

some organisation for different reasons. Finally, the very definition of “sponsor” in the British form mentions the last label studied, “qualified person”, which refers to: “worker, self-employed, self-sufficient, student, or jobseeker.” After their description of the lexical items used in these forms to represent this agent, in the interpretation stage trainees need to unravel where these lexical choices derive from by exploring the forms’ production process.

#### 4.2.2. Interpretation

By investigating the forms’ production process, trainees can uncover several relevant aspects. On the one hand, the generic labels used in our ST, “EU/Union citizens”, seem to be related to the terminology used in the legal instruments identified in section 4.1.1: the directive 2004/38/EC and in its Spanish transposition (the RD 240/2007). In other words, although at the beginning of this directive it clarifies that the text is relevant for EEA purposes, this legal instrument only mentions “EU citizens” and no reference to the EEA and Swiss nationals can be found in it. On the other hand, in the RD 240/2007, some terminological inconsistencies when referring to this agent can be identified. Particularly, sometimes it refers to this social group as “EU and EEA citizens”, while other times it only mentions “EU citizens”. Nonetheless, what is clear is that Swiss nationals are only mentioned in passing in the preamble and in the third additional provision of the RD. The above leads to two main conclusions: (1) the terminology chosen by the Spanish form to represent this agent in the text, mainly “EU citizens”, seems to be influenced by the legal instruments that justify its production (in which this formulation is repeated the most), and (2) the terminological inconsistencies identified in the ST also seem to mirror the terminological inconsistencies present in these legal instruments. In other words, although the labels used in the Spanish form do not refer to different concepts (EU citizens in all cases), the concept they evoke is not precise, since they fail to include within this concept some nationals that need to be included: nationals from Norway, Iceland, Liechtenstein (also EEA nationals) and Switzerland.

As for the British form, it should be noted that the legal instruments that justified its production are the abovementioned directive, and its transposition into British law, i. e., The Immigration (EEA) Regulations 2016<sup>17</sup>. Concerning the generic labels used in the British form, it should be noted that, even if the directive uses “EU/Union citizens”, the UK transposition uses the broader and more precise term “EEA nationals”, while specifying that Swiss nationals are included in this notion. After analysing the British transposition of this directive (Ruiz-Cortés, 2020), it may be inferred that the strategy used in the British form (referring to EEA nationals after specifying that the term includes Swiss nationals) derives from this national legal instrument, where exactly the same strategy is employed. In the case of “spon-

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17 <https://www.legislation.gov.uk/uksi/2016/1052/made> . The UK was subject to directive 2004/38/EC until 1 January 2021.

sor”, as this term does not appear either in the directive or the British transposition (Ruiz-Cortés, 2020), this suggests that the label “sponsor” has been created by UK’s authorities to be used in the UK administrative practice. By contrast, in the case of “qualified person”, the definition of this term is prescribed in the British national transposition, and this conceptual delimitation is mirrored in the British form. Accordingly, these two specific labels used in the British form to describe this agent seem to be derived from (1) the transposition of the directive into British law (“qualified person”) and the drafting of the form in the administrative sphere (“sponsor”). This suggests that different social agents have attributed the meaning given to these two lexical items, namely British legislators when transposing the directive (“qualified person”) and the UK authorities when creating the form (“sponsor”).

#### 4.2.3. Explanation

Lastly, here trainees consider how the lexical items studied are connected to the social practices within which the forms are embedded: an immigration procedure.

Undeniably, the different labels analyzed above not only situate these agents within the form, but they also define their social identity in it. Drawing on the previous steps of the contrastive analysis, here trainees need to unravel the social identity that the different lexical choices used in these forms seek to stress in each case. On the one hand, the lexical items used in the Spanish form, the ST, give pre-eminence to EU nationals over other EEA nationals (nationals from Iceland, Norway and Liechtenstein) and Swiss nationals. Accordingly, the terminology used in the ST is not only imprecise, but it also seems to be EU-centric terminology which manifestly excludes the other nationals. The reasons behind this choice may be manifold, although we infer that it may be linked to the intention to present a shorter term in the Spanish form. Nonetheless, the use of this imprecise terminology may have serious repercussions in practice: it may mislead the family members of EEA or Swiss nationals to think that the form does not apply to them. This confusion can be avoided by applying an array of strategies, such as the one chosen in the British form (maintaining a simplified term throughout the form, “EEA national”, while clarifying that it includes Swiss nationals when used in the form).

In shifting the focus to “sponsor” and “qualified person” several relevant aspects can be highlighted. From the definition of “sponsor” (section 4.2.1), which seems to be a label created in the UK at the administrative level (section 4.2.2), it can be inferred that not any (EEA) citizen can be a “sponsor” for their family members, since these citizens must fulfil certain requirements. These requirements are either having permanent residence (having resided in the UK for more than 5 years) or being a “qualified person”. So, what then is the connection between “sponsor” and “qualified person”?

By analysing the definition of “qualified person” (see section 4.2.1), it can be deduced that, with the exception of the figure of job seeker, one condition is mainly required to become

a “qualified person” in the UK: to have considerable economic capacity (i. e., to work or to have sufficient financial means to support oneself and others.) In other words, the way national legislators have chosen to define “qualified person” in the UK transposition law (section 4.2.2) seems to underline that the concept of “qualified person” is generally linked to the economic capacity of the EEA national. Interestingly, as shown in section 4.2.1, this conceptual nuance is also present in the definitions for the term “sponsor”. Therefore, arguably, if in order to be a “sponsor” one must necessarily be a “qualified person”, this fact suggests that the choice of the label “sponsor” by the British authorities is not innocent but rather conscious, since it seeks to emphasize the status of these EEA nationals as mainly economic providers for their family members (the applicants) in this migratory context.

Going one step further, we contend that these two terms are two sides of the same coin. The difference lies in the fact that one is defined with respect to the resident EEA national and the other with respect to his or her third-country applicant family member. “Qualified person” sets out the conditions that EEA nationals have to fulfil in order to exercise the right of free movement and residence themselves, which is indispensable for them to act as “sponsors” for their family members (the applicants) to exercise the same right. Therefore, if “qualified person” is defined with respect to the resident EEA national, “sponsor” is defined with respect to his/her applicant family member. In short, these two labels seek to emphasize, at a discursive level, the main identity that EEA nationals have in the UK; they are mainly economic providers. This analysis shows that this conceptual nuance is not present in the lexical items used in the ST in Spanish to represent these social agents. Thus, arguably, the lexical items used in the British form highlight how the British legislators (“qualified person”) and its public administration (“sponsor”) have imposed and legitimized their perceptions concerning this social group’s identity through the lexical items chosen.

In sum, unquestionably, in both forms EEA nationals are being classified, however, the criteria differ. While the Spanish form gives pre-eminence to EU nationals by using the EU-centric terminology previously discussed, in the British form the criterion to classify these nationals is far more dangerous, as it seems to be their economic capacity. This identification is essential in order to subsequently choose the most appropriate lexical item in the translation process. After performing their analysis, trainees need to summarize it by completing table 5 above:

**TABLE 7**

Performing a critical contrastive analysis of the lexical items of the ST and the PT in our case study.

LEXICAL ITEMS ANALYZED	
ST	PT
Ciudadano de la UE Ciudadano de la Unión que	European, Economic Area and Swiss National



	da derecho a la aplicación del régimen comunitario	EEA national (Swiss nationals included) Sponsor Qualified person
<p><b>DESCRIPTION:</b> Critical contrastive analysis of the lexical choices used in the ST and in the PT from a linguistic standpoint.</p> <p>-What do these lexical items mean? -What are their nuances? -Do they have different nuances in the cultures involved?</p>	<p>The ST uses two generic labels to describe this social agent, which mean roughly the same.</p> <p>However, both labels only include EU nationals within this notion.</p>	<p>In the PT there are four different labels used to describe this agent, namely: two generic labels and two specific labels.</p> <p>The generic labels used not only include EU nationals, but also EEA and Swiss nationals.</p> <p>The specific labels used have specific nuances in the UK migratory context.</p>
<b>Implications of the description</b>	There are substantial differences between the lexical items used in the ST and the PT to represent this agent.	
<p><b>INTERPRETATION:</b> Critical contrastive analysis of where these lexical choices come from.</p> <p>-Who decided to use this specific lexical item in this text?</p>	<p>The terminology chosen by the ST to represent this agent, mainly "EU citizens", seems to be influenced by the legal instruments that justify its production.</p> <p>The terminological inconsistencies identified in the ST also seem to mirror the terminological inconsistencies present in these legal instruments. The concept both lexical items evoke is not precise.</p>	<p>To describe this agent using the general labels described above this form has mirrored the strategy used in the national legal instrument from which it derives (referring to EEA nationals after specifying that the term includes Swiss nationals).</p> <p>The two specific labels used in the British form to describe this agent seem to be derived from (1) the transposition of the directive into British law ("qualified person") and the drafting of the form in the administrative sphere ("sponsor").</p>
<b>Implications of the interpretation</b>	By analysing these forms' production processes, it can be inferred that different social agents involved in this process have attributed meaning to the lexical items analyzed, at times, introducing new nuances.	
<p><b>EXPLANATION:</b> Critical contrastive analysis of the reasons why these lexical choices seem to have been selected for the ST and the PTs in question (reflecting on how power relations may have influenced these selections).</p> <p>-Why was this specific lexical item used in this text instead of other possible alternatives?</p>	<p>The lexical items used in the ST mirror the decisions made in the legal instruments that justify its production. They are not only imprecise, but they also seem to be EU-centric terminology which manifestly excludes the other nationals. More accurate alternatives could have been chosen.</p>	<p>The two specific labels used in the British form seek to emphasize, at a discursive level, that the main identity that EEA nationals have in the UK is mainly being economic providers. The generic labels used are precise though. These lexical items have been imposed by different actors within the production process.</p>

**Implications of the explanation**

In both forms EEA nationals are being classified, however, the criteria differ. The ST gives pre-eminence to EU nationals. In the PT the general labels are precise while the specific labels classify these nationals according to their economic capacity.

Source: the author.

## 5. Implications for the translation process

In this last and fourth phase, trainees need to consider how the information previously gathered is useful to critically resolve the subsequent translation of the ST in question.

On the one hand, the analysis performed in section 4.1 has prompted an initial critical reflection on the ideology that may underlie the ST. The ideology of the ST is directly linked to the power imbalances present in the social practice in which the text is embedded, which impact on how the ST is construed. In other words, the power imbalances already present in any administrative context between the authorities and the citizens are heightened in this case by the fact that these citizens are foreign nationals seeking to obtain legal residence in Spain. Therefore, in this context, migrants are in a subordinate position to the Spanish authorities, not only because the authorities make the final decision on their granting of legal residence, but also because they determine the structure, the content and the relevance of the issues addressed in the document that allows them to make that decision: the immigration form (the ST). Thus, the analysis of the information gathered in the pre-translation framework (section 4.1) contributes to a deeper understanding and interpretation of the ST from an ideological stance on the part of trainees by allowing them to answer these two vital questions: How has this Spanish Ministry chosen to construe the ST? How does this impact on its underlying ideology?

If critically analyzed, the information gathered suggests that Spanish authorities have created the ST prioritizing their information collecting needs—using their jargon, their typical instructions (even if they are obscure), inventing abbreviations...—and not the users' need to understand this form. This suggests that the underlying ideology of the ST is to serve merely as an instrument of the most powerful participant in the communicative act (here, the immigration authorities) to gather information that suits its institutional agenda, rather than being an instrument to facilitate communication. In other words, authorities seem to conceive that the main function of this form is to gather the information they require to subsequently decide on the immigration procedure. This fact unquestionably influences the authorities' choice of the terms to describe the social agent analyzed in section 4.2. Thus, identifying this underlying ideology of the ST situates trainees in a challenging position, since they are translating a form that generally fails to have the user in mind when presenting the information.

In light of the above, to make informed translation decisions for the lexical items analyzed in the case study, trainees need to be “particularly alert in scrutinizing semantic nuances in order to scrupulously convey them in reformulation” (Prieto, 2011: 16). We believe that the critical contrastive analysis proposed assists them in doing so (section 4.2). In other words, table 7 above, allows trainees to: (1) scrutinize the semantic nuances of the lexical items used in the ST, (2) scrutinize the semantic nuances of the lexical items used in the PT and (3) assess whether the lexical alternatives of the PT are viable options as translation equivalents.

As can be observed in table 7, broadly speaking, the lexical items used in the British form to represent this agent do not match the lexical items used in the ST. Nonetheless, the critical contrastive analysis performed does provide relevant data to resolve the translation of these lexical items. On the one hand, the analysis allowed trainees to observe the conceptual limitations of the lexical choices used by the ST in Spanish. These limitations are related not only to the fact that the terminology is used inconsistently, but also to the fact that all the labels chosen are EU-centric and imprecise (see table 7). It seems that the tendency to present rather schematic and concise forms in the Spanish administrative culture may have motivated the use of this simplified, albeit erroneous, term throughout the text. However, as highlighted in section 4.2.3, the contrastive analysis performed presents trainees with a possible strategy to avoid this confusion, while solving the conceptual limitation of the ST. Likewise, the analysis suggests that the underlying ideology of this EU-centric lexical item present in the ST is to give pre-eminence to EU nationals over other EEA nationals (nationals from Iceland, Norway and Liechtenstein) and Swiss nationals. Thus, identifying this is vital for trainees to understand that the literal reproduction of the lexical items used in this ST in its future translation would not only imply reproducing imprecise terminology, which could jeopardise the functionality of the translation itself, but would also, in some way, contribute to legitimizing the exclusion reproduced by the ST when using this terminology.

Additionally, this contrastive analysis also shows that, while in the Spanish form only generic labels are used to represent this agent, the British form also adds two specific labels to do so (“sponsor” and “qualified person”). This critical contrastive analysis has been essential to decode the meaning and underlying ideology of these specific labels, as well as their viability or not as possible translation equivalents. Particularly, it allows trainees to discard these specific labels as translation equivalents. Firstly, since both terms are created by British legislators or administrative authorities in order to use them at the national level. And, secondly, since the underlying ideology of these terms seems to stress that the main identity of this agent is to be an economic provider; an ideological nuance that does not appear in the terminology used in the ST. Thus, the analysis shows that both “sponsor” and “qualified person” use lexical-semantic resources to convey and reflect a certain ideological stance: that the social identity of this agent is marked by his or her economic capacity in

the British migratory context. This identification allows trainees to understand that they can choose to demobilize the inertia to reproduce power structures in the translation process, by understanding that using these terms as lexical alternatives would serve to reproduce the ideology underlying them in their translation.

In order to further explore the possible contributions of this proposal, beyond the initial theoretical findings summarized here, in the future we seek to complement them by exploring the options presented in other PTs and by empirically testing our proposal in the classroom.

## 6. Conclusions

Legal translation trainees face an endless stream of decisions during the legal translation process (Way, 2014). Nonetheless, the role that ideology plays in this decision-making has received scant attention in the literature, possibly, due to the complexity of addressing the array of ideological pressures that may influence this process. In this paper, we have chosen to focus on one of these ideological pressures: how the underlying ideology of some of the texts involved in the translation process may influence trainees' unconscious decision-making if these texts are not carefully scrutinized.

Although previous studies have already noted that the texts involved in the translation process may impact on the unconscious transmission of ideology in the classroom (Zlatnar & Grahek, 2012), our contribution to this line of research is to propose a structured and systematic pedagogical method to raise awareness of how this may be addressed and prevented in training contexts. Thus, here we have advocated bringing ideology into the legal translation classroom by outlining a case study method that specifically addresses how the STs and PTs involved in the translation process may influence the "translation of ideology" (Fang, 2011) in the classroom (our goals).

This pedagogical method is a mere starting point. However, it foregrounds that if we wish legal translation trainees to be able to face ideologically-loaded texts, future descriptive and empirical research needs to further explore not only the different ideological pressures that may influence trainees' decision-making (including STs and PTs), but also to propose pedagogical approaches for them to assess how these pressures influence their decision-making. In other words, this calls for further development of critical thinking skills in the legal translation classroom, especially when working with texts containing sensitive matters, such as migration, abortion or politics. In these cases it is even more pivotal that trainees are able to evaluate their problem-solving during the translation process, justify their arguments and make informed translation decisions. Consequently, here we advocate introducing counter-hegemonic legal translation (Favila-Alcalá, 2020) in the classroom to allow trainees to revise their social roles by foregrounding that their translations decisions may impact on how cultures, groups, and individuals (Monzó-Ne-

bot, 2020: 19) are perceived and represented in society. Thus, this proposal is a valuable starting point towards training legal translators for counterhegemonic legal translation, since it encourages them to factor in the social impact of translation decisions that they may otherwise be taking for granted.

## 7. References

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