

Universitat Jaume I

FACULTAT DE CIÈNCES HUMANES I SOCIALS
Departament de Traducció i Comunicació



Epistemological Approaches to Legal Translation
Education: A Situated Account

Tesi doctoral presentada per:
Robert Martínez-Carrasco

Dirigida per:
Dra. Anabel Borja Albi

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| | |
|---------|--|
| AG | Advisory Group |
| ANECA | National Agency for Quality Assessment and Accreditation of Spain (<i>Agencia Nacional de Evaluación de la Calidad y Acreditación</i>) |
| AQU | Catalan Agency for Quality Assessment (<i>Agència per a la Qualitat del Sistema Universitari de Catalunya</i>) |
| BFUG | Bologna Follow-up Group |
| CCDUTI | Conference of Translation and Interpreting Centres and Departments in Spain (<i>Conferencia de Centros y Departamentos de Traducción e Interpretación del Estado Español</i>) |
| CEDA | Questionnaire on Teaching Assessment for Students [<i>Cuestionario de Evaluación Docente para el Alumnado</i>] |
| CEDEFOP | The European Centre for the Development of Vocational Training |
| CRUE | Rectors' Conference of the Spanish Universities (<i>Conferencia de Rectores de las Universidades Españolas</i>) |
| DeSeCo | Definition and Selection of Competencies: Theoretical and Conceptual Foundations |
| DC | Diploma Supplement |
| DST | Dynamic Systems Theory |
| EAR | European Area of Recognition |
| ECA | European Consortium for Accreditation in Higher Education |
| ECTS | European Credit Transfer System |
| EEES | European Higher Education Area (<i>Espacio Europeo de Educación Superior</i>) |
| EHEA | European Higher Education Area |
| EMT | European Master's in Translation |
| ENIC | European Network of Information Centres in the European Region |
| ENQ | European Association for Quality Assurance in Higher Education |
| EQAR | European Quality Assurance Register for Higher Education |
| EQF | European Qualifications Framework |
| ESG | European Standards and Guidelines for Quality Assurance in the European Higher Education Area |
| ESU | European Students' Union |
| EUA | European University Association |
| EUATC | European Union of Associations of Translation Companies |
| EURASHE | European Association of Institutions in Higher Education |
| EU-SILC | EU statistics on income and living conditions |
| EUTI | University School of Translation and Interpreting (<i>Escuela Universitaria de Traductores e Intérpretes</i>) |
| ILE | Free Educational Institution (<i>Institución Libre de Enseñanza</i>) |
| ILO | International Labour Organisation |
| LFS | Labour Force Survey |
| LLL | Lifelong learning |
| ISCED | International Standard Classification of Education |
| LOMLOU | Spanish Organic Law on the Adjustment of the 2001 Organic Law on University Education (<i>Ley orgánica por la que se modifica la Ley Orgánica 6/2001, de Universidades</i>) |
| LOU | Spanish Organic Law on University Education (<i>Ley Orgánica de Educación</i>) |
| LOUE | Spanish Law for the Management of the Spanish Universities (<i>Ley</i> |

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| | <i>Ordenación de la Universidad Española)</i> |
| LRC | Lisbon Recognition Convention |
| LRU | Spanish University Reform Law (<i>Ley de Reforma Universitaria</i>) |
| NARIC | National Academic Recognition Information Centres in the European Union |
| OECD | Organisation for Economic Co-operation and Development |
| PISA | Programme for International Student Assessment |
| QF-EHEA | Framework of Qualifications of the European Higher Education Area |
| RD | Royal Decree (<i>Real Decreto</i>) |
| RIQAA | Recognising International Quality Assurance Activity in the European Higher Education Area |
| SEEQ | Students Evaluation of Educational Quality |
| SGIC | Internal Quality Assurance System (<i>Sistema de Garantía Interna de Calidad</i>) |
| ST | Source text |
| TAMUFQ | Teaching and Assessment Methodology of University Faculty Questionnaire |
| TAP | Thinking Aloud Protocol |
| TI | Translation and Interpreting |
| TT | Target text |
| UAB | Autonomous University of Barcelona (<i>Universitat Autònoma de Barcelona</i>) |
| UGR | University of Granada (<i>Universidad de Granada</i>) |
| ULPGC | University of Las Palmas de Gran Canaria (<i>Universidad de las Palmas de Gran Canaria</i>) |
| UMA | University of Malaga (<i>Universidad de Málaga</i>) |
| UPF | Pompeu Fabra University (<i>Universitat Pompeu Fabra</i>) |
| USAL | University of Salamanca (<i>Universidad de Salamanca</i>) |
| UVigo | University of Vigo (<i>Universidad de Vigo</i>) |
| WG | Working Group |
| WWII | World War II |
| ZPD | Zone of Proximal Development |

INTRODUCTION

Motivation

Ever since the European Higher Education Area was implemented following the 1999 Bologna Accords under the Lisbon Recognition Convention, the European third level education scenario has suffered a shift towards a more comparable, compatible, and coherent system of higher education in Europe. This has meant an adjustment period whereby universities have been compelled to introduce the relevant changes in their curricula, not only in terms of modules and distribution of ECTS credits but also in terms of methodology and, consequently, in the materials and the approaches to the teaching-learning activity itself. The research project presented along these pages is indeed framed within the Translation and Interpreting Studies area, particularly in the field of Translation Pedagogy and Education. It is a descriptive study of the different pedagogical epistemologies guiding the legal translation education process and how they affect curriculum development in our discipline, especially at present, where the first generations of EHEA translation students have graduated and a transition/adjustment period for universities and departments has already been left behind. It is at present, now that the normalisation of the Bologna system is an everyday fact, where we can look back and evaluate how particular pedagogical standpoints have transformed the methodology in the translation classroom. For this study, I will focus on specialised translation, notably on legal translation and its teaching methodology. Bearing in mind the different pedagogical epistemologies in regard to the learning activity, the ultimate aim of this work is to reflect on the pedagogical assumptions lying behind the different methodologies within the legal translation classroom in order to discern and envisage current, relevant approaches to legal translation competence development and translation education.

Subject of study and relevant background

The so-called Bologna process, which culminated in the European convergence towards EHEA by 2010, shook the grounds of the traditionally-reluctant-to-change Spanish university system. The implications in terms not only of conceptualisation of the learning process, that is, the very much quoted lifelong learning, but also in terms of university financing, curriculum development and teaching methodology met the opposition of a significant part of the education community who argued that the university was to become a training factory at the disposal of corporations rather than a personal/professional development centre. Universities were feared

to follow the British third level education system, where accountability — bureaucratisation?— and employability —neo-liberalism?— stood as main pillars. Notwithstanding, and however flawed, the consolidation of EHEA is a reality nowadays, and the Spanish universities have adjusted accordingly. The first adjustment to be made was pedagogically rooted, and it referred to the fact that under the Bologna Convention the student is to be placed at the very centre of the education phenomenon, shifting the traditional teacher-centred scenario present in most third level education centres in Spain towards an apparently underlying social-constructivist approach to education. Student-centred education was one of the main aims of the 2009 Leuven/Lovain-la-Neuve Communiqué, where the main working areas for the next decade (2009-2019) were set and refined. Emphasis was placed on the social dimension of the education process: lifelong learning, employability, student-centred learning, and the teaching mission of education. This meant the revision and implementation of the different curricula across Europe in order for them to be rightfully adapted to the new common educational framework. In Spain, for instance, back in 2004 the ensemble of degrees in Translation and Interpreting drafted a common white paper for the implementation of the future Bologna-based degrees in Translation and Interpreting (TI). The aforementioned white paper included not only the basis for the said implementation, but also a number of EHEA-related case studies concerning, for instance, the adjustment to the new ECTS credit system.

I feel it is particularly interesting, and thus one of the main motivations behind this work, the fact that the signatories to the Leuven Communiqué (2009) seem to support an implied post-positivist approach to education, namely a social-constructivist one. Indeed, Bologna goes far beyond the mere standardisation of curricula in terms of mobility, cooperation and the creation of a European dimension to higher education, but rather implies a solid bet in regard to post-positivist epistemologies, with the relevant implications in the subsequent teaching and classroom methodology. What had been considered unshakable tenets of contemporary education, heirs of the works, among others, of economist Frederick Taylor, behaviourist Ralph Tyler (standardised testing, for instance), or even Skinner's stimulus-response theory, seem to have finally become outdated under this epistemological shift fostered by the European educational umbrella. Despite being apparently discarded in the process of modern curriculum development, a number of questions arise: What is the real extent of this paradigm shift? Has it permeated all aspects of third level education (curriculum development, content, methodology, assessment, etc.) or has it had irregular

acceptance levels, resulting in eclectic, even at times contradicting, approaches to the matter? Similarly, what is the degree of implementation of this *new* ways of conceptualising and framing the education activity among the different Member States? Have we achieved real comparability?

Concerning the education of translators, understood in this work as the intersection between translation approaches to education and pedagogical approaches to translation, one may acknowledge an increasing interest within the academia, which in a way may indicate the good health of the discipline. Far from dated perspectives whereby personal/professional experience in translation was the basis for curriculum development, a number of relevant proposals has been developed in the last decades understanding learning as something beyond the transmission of knowledge from subject A (lecturer) to subject B (student), which seems to be in accordance with EHEA's aims. Still, as Kelly admits (2005:2) more research concerning curriculum design and programme development is very much needed in order to grasp the bigger picture and provide comprehensive, pedagogically-rooted approaches to translation education. While it is true that the TI degrees may be prone to rather practice-oriented stances, especially when compared to other degrees where the conceptual input is significantly higher (the Law, for instance), one may wonder whether the pedagogical revolution embraced by EHEA has been successfully implemented, and how the new paradigm has affected curricula and pedagogy.

Along with EHEA, the notion of 'competence' has gained momentum in third level education settings, leaving behind other traditional approaches to measuring the evolution of students (learning outcome, knowledge attainment criteria, etc.). Are competences an appropriate construct in order to conceptualise the education of the TI students, namely legal translators-to-be? If so, what are those competences, and how are the new pedagogical expectations articulated around them?

Concerning its translation dimension, the work focuses on specialised, legal translation —its specifications, idiosyncratic nature and particularities—, rendering a unique kind of inter-linguistic practice where anisomorphism determines and characterises all approaches to the field. Referring to the educational dimension of the dissertation, the work draws the pertinent links to a number of matters— from more abstract notions such as the apprehension/construction of knowledge itself and the different epistemological assumptions and approaches within the academia, to other everyday concepts

such as curriculum development, project-based education, meaningful learning, critical thinking, collaboration, use of authentic materials, and a number of methodological strategies and methods aimed at developing and activating the relevant components of a solid specialised translation competence.

Translation is an increasingly popular career path among Spanish university students. Proof of this is the proliferation of TI degrees across the country. Be it following the unstoppable demands of globalisation, the alleged *glamorisation* of the translation profession or the attractiveness of a pre-eminently practical education very much in harmony with the current marketisation of education, the truth is that more and more TI degrees are being offered, and there is increasing interest in our studies. This raises valid questions about curriculum development and the epistemological bases translation curricula stem from. In order to reach a particular destination, that is, in order for learning to take place, one needs a route map, and not all route maps are suitable for every journey. In our field, in order for students to apprehend the declarative and procedural aspects of the translation profession, one must wonder first what the required skills are, what the desired translation competence is like and what the outcome of the learning process should be; and then reflect on how to convey the latter following the most suitable methodology.

Inertia is still one of the driving forces in curriculum development in most academic disciplines. In many cases, even if translation lecturers acknowledge shortages in their methodology, there is an inherent resistance to adapt and change materials, objectives, and curricula that hinders the potential growth of translation students. An increasingly market-driven university, as mentioned above, and its necessity for measurable impact resulting from a change of global paradigm, seem to give little room for pedagogical innovation.

Objectives

Following Kiraly's constructivist approach to translation education and later emergentist standpoints, this work attempts to outline the different trends in translation pedagogy, from a classic transmissionist methodology based on positivist premises where knowledge is pre-defined, self-existing and can therefore be apprehended, to the decisive consequences that the shift towards post-positivism has implied in the education of future translators (Baumgarten, Klimkowski, & Sullivan, 2010; Bereiter & Scardamaglia, 1993; Biesta, 2005, 2013a,

2013b, 2016; Davis & Sumara, 2006, 2008; Doolittle & Hicks, 2003; Doolittle, 2014; González-Davies, 2004; González-Davies & Enríquez-Raído, 2016; González-Davies & Scott-Tennet, 2005; Kiraly, 2000, 2005, 2006, 2012, 2013; Kiraly & González-Davies, 2006; Kiraly & Hofmann, 2016; Risku, 2010, 2016; Vrasidas, 2000).

The concept of translation competence, understood as the ensemble of abilities, knowledge, and skills the professional translator is able to display (Kelly, 2002:14) is also analysed and reviewed in this work, since it reflects the epistemological approach adopted and provides the grounds for a particular methodology. In fact, the very notion of translation competence has been broadly used in order to design and implement a very significant number of translation programmes at higher education level. Different suggestions so as to the nature and extent of 'professional competence' on a broader sense and particularly 'translation competence' are revisited, analysing the latter from several points of view—experimental research, empirical studies, etc. Special attention is paid to legal translation and the intrinsic characteristics differentiating it from general translation competence, wondering whether general models of translation competence are of any use for the legal translator (Borja, 2000, 2005, 2007a, 2007b, 2013; Borja, García Izquierdo, & Montalt, 2009; Borja & Prieto Ramos, 2013; Calvo Encinas, 2011; Cao, 2014, 2007; Domínguez Milanés, 2015; Edwards-Schachter *et al*, 2015; Juste, 2016; Klimkowski, 2015; Lasnier, 2001; Le Boterf, 2001; Mertens, 1996; Monzó, 2015; Morón, 2009; Muñoz Miquel, 2014; Prieto Ramos, 2011; Šarčević, 1997; Scarpa & Orlando, 2017; Schäffner & Adab, 2000; Way, 2014, 2016).

On a final note, once characterised the legal translation phenomenon within EHEA's situated framework, the revision and analysis of different methodological and pedagogical approaches on legal translation education and legal translation competence development will be presented, focusing on whether the latter are in line with EHEA's vision of education and drawing, at the same time, an accurate portrait of how legal translation is currently being taught (learnt?) in the Spanish undergraduate programmes. In order to do so, legal translation lecturers in Spain will be inquired about their epistemological and pedagogical approaches to teaching legal translation, reflecting on the evolution of the discipline before and after the Bologna process. On a parallel line, acknowledging the current practices, the relevant literature on legal translation education and pedagogy will be reviewed and analysed in an attempt to draw common patterns and confront the different sources in regard to legal translation competence development. In short,

this will be a descriptive/empirical study on legal translation education in Spain towards a reflection on curriculum development and teaching methodology. Through these pages, I will revisit educational paradigms and contemplate the current state of legal translation education in Spain with the aim of contributing, in a modest way, to the development and promotion of a comprehensive methodology in regard to legal translation competence among undergraduate translation students.

Overall, as reflected in the pages above, the main objective of this work is to describe and analyse the contemporary, state-of-the-art methodology applied in the legal translation classroom, situating legal translation within the framework of EHEA, therefore subject to particular epistemological stances fostered institutionally. Working on the relevant epistemological and educational theories, and contextualising legal translation education in contemporary settings where competences seem to be the educational unit around which education is articulated, the epistemological assumptions of legal translation lecturers in Spain as well as their *savoir faire* and methodological strategies in the legal translation classroom will be analysed.

The specific objectives of the work are as follows:

- To reflect on the different epistemological assumptions leading to current conceptualisations of the education activity.
- To revisit the said assumptions and approaches, dissecting the elements that, throughout history, have permeated current practices.
- To situate legal translation education under the EHEA framework and the Spanish institutional regulations, reflecting on the consequences for the education of translators-to-be.
- To describe the undergraduate translation education offer in Spain, analysing the role and weight of legal translation within the overall curriculum.
- To reflect on the role of competences as a tool to conceptualise the learning activity.

- To revisit general and legal translation competence models and the different sub-components put forward.
- To question whether those models are of any use for the legal translation activity, contrasting its particular characteristics to the needs legal translation poses.
- To characterise legal translation education, analysing the different methodological and pedagogical practices in the legal translation classroom.
- To evaluate the extent and nature of the underlying epistemological paradigm in regard to legal translation education.

Ultimately, the aim of this work is to advocate a particular view of translation pedagogy and education that is seen as an emancipatory, enactive, empowering activity whereby students take full responsibility of their own learning process, that is, an epistemological ground that, far from deterministic approaches, provides students with critical reflexive skills as independent, engaged, self-aware professionals ready to join their respective communities of practice.

Hypotheses

The hypothesis providing the backbone of this work that I will either validate or refute according to the results of the relevant analyses and reflections included in the pages below are the following:

- Legal translation presents unique features and characteristics as a result mostly of the high levels of anisomorphism it presents, hence the need for specific methodological strategies covering the intrinsic, particular components of legal translation competence.
- Despite the overwhelming post-positivist educational input promoted by the relevant European and domestic institutions, eclectic practices, that is, an attempt to achieve a 'best-of-both-

worlds epistemology', are deeply rooted in the Spanish education system.

- Along with this education-related paradigm shift within EHEA, particular neo-liberal policies have permeated current educational discourses and practices, placing the emphasis in market needs and employability as tenets in curriculum design.

The attainment of the abovementioned objectives and hypothesis will be possible through the triangulation of data (Patton, 1987; Denzin, 1989) from the following sources:

- The main theoretical contributions on legal translation competence, legal translation competence development and legal translation education and pedagogy.
- The main theoretical contributions on pedagogy and epistemology, as well as the specifications EHEA puts forward in the adjustment process following Bologna's Convention.
- The account of legal translation lecturers providing vital information about their epistemological assumptions, and thus their methodology.
- The information gathered in the syllabi of the different legal translation modules offered at undergraduate level in Spain.

Methodology

Concerning its methodological grounds, the work stands at the very intersection between the Education and Learning Sciences, on one side, and Translation Studies. It stands as an empirico-descriptive study, analysing how legal translation is taught in Spain and comparing it to current educational trends while attempting to result in a better comprehension of a particular aspect of reality (Borja, García Izquierdo and Montalt, 2009:59). In other words, it is through the observation and analysis of data (Williams and Chesterman, 2002:58), related in this case to teaching practices and methodology, that an accurate portrait of the desired educational outcome is drawn.

In order to obtain the relevant data about the learning outcome together with the teaching methodology and the classroom pedagogy of the legal translation modules making up the curriculum, a multimethodological approach will be adopted, using a number of qualitative and quantitative methods in the different phases of the project which will allow the readers of this work to reach the relevant educational conclusions in a comprehensive way (Creswell and Plano Clark, 2011).

The empirical research below consists of two parallel studies that follow an initial exploratory analysis of the content reflected on the syllabi of the legal translation modules in Spain. The outcome of the former may provide, once both studies are confronted, an interesting insight of how legal translation education is currently being implemented in the Spanish undergraduate courses. Therefore, it is hoped that it entails a stimulating breeding ground for further discussion on curriculum development, together with the relevant implications on learning outcomes and the underlying concept of (legal) translation competence. The parallel studies are arranged as follows:

Preliminary study: The course syllabi. An analysis of the different syllabi of the legal translation modules in Spain will be carried out in an attempt to draw a relevant number of conclusions regarding the nature and characteristics of the methodological and pedagogical strategies applied in the various legal translation modules offered in Spain at undergraduate level on the 2016/2017 academic year.

Study I: Methodological, pedagogical and epistemological perceptions of the legal translation faculty. Legal translation lecturers in Spain will be distributed a questionnaire dealing with their underlying epistemological beliefs, together with the methodological and pedagogical initiatives that stem from their classroom performance. In order to do so, a questionnaire arranged in three scales will be distributed, working not only on the two most straightforward complementary educational models, that of 'teaching' and that of 'learning', but also on the different teaching skills involved.

Study II: Contextualising the results. Prior to drawing the relevant conclusions, the results obtained in Study I will be confronted with a number of semi-structured interviews where lecturers will be given the chance to contextualise and offer a detailed depiction of their stances and viewpoints on translation pedagogy and the other objectives stated above.

According to Grotjahn's research paradigm classification (1987), this study could be ascribed to a pragmatic research paradigm given its underlying philosophical framework of multimethod research (Tashakkori and Teddlie, 2003; Somekh and Lewin, 2005). Indeed, a mixed methods approach provides the structure for the development of "more complete and full portraits of our social world through the use of multiple perspectives and lenses" (Somekh and Lewin, *ibid*:275), giving rise to "greater diversity of values, stances and positions"; hence the situated, postmodern notion of education these pages advocate.

Concerning data production and extraction, the analysis of the theoretical input stemming from the educational framework this study is ascribed to, together with the relevant interviews, questionnaires, and syllabi examined, constitute the main sources of data this dissertation will resort to. This working method, normally referred to as 'methodological triangulation', allows researchers to obtain diverse, confronted, solid data about a given subject of study. Likewise, according to the interview classification put forward by Taylor and Bogdan (1992), the interviews carried out for this dissertation will be individual, in-depth, semi-structured interviews. Indeed, semi-structured interviews are believed to stand as a useful tool in order to provide essential qualitative information so as to, as mentioned above, contextualise the information gathered upon the distribution of the questionnaires. The questionnaires will be delivered in an electronic format, given the advantage that means in terms of access and availability. The platform chosen in order to do so will be Typeform, since it currently stands as one of the most intuitive, easy-access, free-of-cost survey providers. Besides, its survey analysis features will also be of relevant use.

After gathering all relevant data and background information on the studies, the discussion of the different findings and results will be presented, sharing the relevant final conclusions and formulating, if necessary, any particular future research line or initiative that may complement the conclusions, findings or the overall empirical studies in the dissertation.

Structure of the dissertation

The work is divided in two different parts (conceptual and empirical framework) aimed at addressing the major thematic and organisational blocks outlined along these introductory pages. As may be noticed in the figure below, the conceptual framework (**Part I**) is formed by four chapters leading to an **exploratory study**,

the outcome of which lays the grounds for the empirical part of the dissertation (**Part II**). At the same time, Part II comprises two individual, complementary studies that analyse the subject matter of study from two interdependent perspectives.

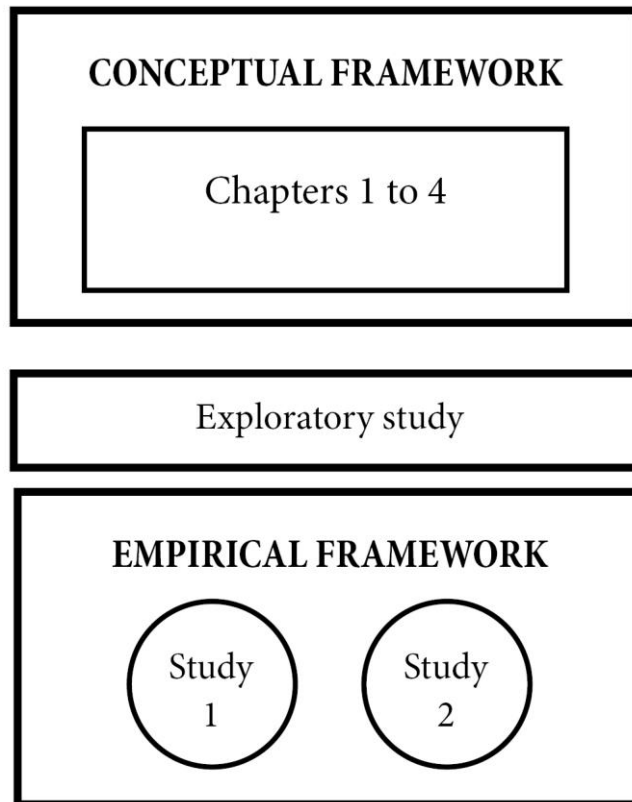


Figure 1 Structure of the dissertation

As stated above, **Part I** includes the conceptual framework of the PhD dissertation and covers the relevant theoretical background where the studies are located. It comprises four chapters. **Chapter 1** addresses Education and Learning Science and its intersection with Translation Studies. It revisits the different epistemological paradigms that have influenced our discipline and the implications they have had on translation education. The most important epistemological trends are reviewed, from transmissionist empirico-rationalist approaches to education, where knowledge is deemed to be composed of static, compartmentalised units whose immediate didactic approach is that of knowledge transfer, to the most current critical-reflexive trends underlying emergentist pedagogical philosophies. This chapter revisits concepts such as knowledge itself and how human beings

apprehend it, and provides the relevant contextualisation and justification of the different pedagogical trends that stem from it.

Chapter 2 contextualises the study and places it in the current EHEA scenario. Indeed, the European Higher Education Area has meant a shift in higher education settings not only in terms of fostering mobility and unifying institutional criteria but also in a global paradigm where education is more and more market-driven, its efficacy being measured in terms of impact rather than knowledge and cultural development. This approach to higher education will be linked to the progressive need to rely on the competence construct in higher education. Six years after the EHEA-based reforms took place, it is high time we looked back and revisited how it has transformed TI degrees. Special attention is paid to the underlying objectives and priorities of EHEA, since they may arguably imply a shift in the way we conceptualise higher education, namely translation education, and therefore have an impact in what we deem the components of (specialised) translation competence should be.

Chapter 3 addresses translation competence and its role in translation education within EHEA. Prior to its application in translation-related scenarios, the very concept of competence is reviewed, analysing its origins, components, and how the construct has been shaped since it was first used in the late 1960s. Next, a significant number of translation competence model proposals is presented. The models will be analysed from a number of perspectives (academic, professional, institutional) emerging from different sources (observation, experience, empirico-experimental research, etc.). The different competence models are presented in chronological order, in an attempt to infer the epistemological progression of the construct, reflecting the at-the-time expectations and characteristics of knowledge itself.

Chapter 4 characterises the nature of legal translation and the intrinsic features setting it apart as a unique form of translation, heavily determined by the legal systems and cultures it aims to bridge. Working on the particularities of legal language and legal texts, the suitability of general translation competence models is called into question, highlighting the prominent weight several sub-components are bestowed, namely the thematic, extra-linguistic component. Similarly, the different legal translation competence models are introduced, analysing their particular features and characteristics. Concerning legal translation competence development, Chapter 4 revisits the main contributions in legal translation

pedagogy and contrasts them with the results of the exploratory study mentioned above on the methodological and pedagogical aspects covered in the syllabi of the legal translation modules in Spain, rendering a complex picture with at times overlapping and contradicting elements.

In order to delve into those apparent contradictions explored in Chapter 4, **Part II** presents the empirico-descriptive block of this dissertation. It comprises two chapters. **Chapter 5** analyses the results of Study I and justifies the methodological approach of this dissertation in terms of multimethod research. The tool used for data collection, that is, the questionnaire introduced above, is presented along its pages, providing the relevant justification both for this measuring tool and the subjects taking part in the study. The chapter presents an accurate overview of the different classroom models and teaching skills of the legal translation lecturers involved in the study, and analyses, from a quantitative perspective based on statistical criteria, the role of legal translation lecturers in Spain, together with the methodological approach to their module and their classroom performance.

Chapter 6 includes the results of Study II. Once the results of Study I are fully analysed, a number of translation scholars with an outstanding career in legal translation and legal translation education will be consulted and confronted with the results obtained, in an attempt to draw a more accurate, free-flowing picture of legal translation education in Spain. The main objective of this study is that of providing the data gathered in Chapter 5 with the relevant contextual rationale based on the experience of those who have witnessed the pedagogical and methodological evolution of translation education, making, that way, the relevant links to whether the said results are in line with the epistemological assumptions EHEA advocates. At the same time, the study aims at bridging, and of course addressing, any discrepancy in the trends observed in Chapter 5.

The **Concluding Remarks** gather the conclusions of this dissertation. Acknowledging the limitations of the overall study, and examining the objectives and hypotheses phrased above from a critical standpoint, the concluding remarks will offer the perfect breeding ground for the researcher to voice and release their subjective consciousness by reflecting on the extension of their work, their motivation, and the different ideas, beliefs and standpoints that may —hopefully will— have emerged throughout the course of the dissertation. While not intending to offer a prescriptive set of norms concerning legal translation curriculum development or classroom methodology, the concluding remarks shall

articulate and voice a number of aspects that may be left at times at the periphery of translation education, advocating transformative stances on the matter.

Finally, the **References** section of the dissertation, preceded by the relevant **Annexes**, includes the overall bibliography of the PhD dissertation. The bibliography selection criteria are described below.

Bibliography selection criteria

The selection of works, articles and reference materials used in this PhD dissertation has been made according to the different methodological/theoretical needs that have arisen during the course of its elaboration. In a broad sense the works and materials used belong to the following fields of knowledge: Education/Learning Sciences and Translation Studies, especially legal translation and translation education.

On the performative nature of language

It is the researcher's belief, in line with Austin's understanding of performativity, that languages, besides communicating, serve both to consummate actions and construct and perform identities. Very few believe these days that languages may be predominantly referential, and in fact reality is generally understood to emerge from the interaction of the partial discourses we are exposed to. Language is the tool we use to construe the world around us, and even if we perceive a direct, referential relation between language and reality, we cannot forget that we are speaking of a semiological system and not a factual system, hence our perception that all stances of reality apprehended through language seem logical, natural. Using a language implies a deliberate act of ideological positioning, be it conscious or unconscious, as it may be used either to perpetuate traditionally sanctioned mainstream linguistic practices or to oppose given social constructions and practices embedded in the language.

In full agreement with the fragment above, this dissertation uses 'they' and all its inflected or derivative forms —them, their, theirs, themselves— as an epicene, a gender-neutral singular pronoun, in sentences such as:

- *A lecturer* needs to be aware of the needs of *their* students.

- Group work allows students to scaffold each other's work. Indeed, if *a student* struggles with any given task within the project *they* can always resort to *their* peers for help.

In order to back such editorial decision, it could be argued that the use of 'they' with a singular antecedent, despite its proscription by traditional grammarians, dates back to the 14th century (Huddleston & Pullum, 2002:493-494). Furthermore, its use seems to have gained momentum in formal, academic English these days, remarkably given the general, increasing awareness towards gender-inclusive language by institutions, academics and social movements. Even if from the very beginning it met the opposition of many

(...) *Let us keepe a naturall order, and set the man before the woman for maners sake.* (Wilson, 1560)

the use of 'singular they' has been consistently noted and recorded, even compared to the 'royal we' insofar a plural pronoun is used in order to refer to a singular agent. While its use was particularly discouraged during the 19th century, and so we have inherited the tradition and the proscription, many classic, canonical authors have resorted to the use of singular they at some point —Lord Byron, Jane Austen, Daniel Defoe, William Paley, etc. (Baskervill & Sewell, 1895)—.

For those reasons, keeping the performative nature of languages in mind, in order to be coherent with one's own beliefs and, similarly, in order to encourage the use of 'they' as an unmarked, neutral pronoun referring to a masculine or feminine agent indistinctly, this dissertation embraces the premises above and far from *breaking* the rules of English it *bends* them in order to reflect the inclusive, situated, changing reality its aims to depict.

PART I - CONCEPTUAL FRAMEWORK

CHAPTER 1 - EPISTEMOLOGICAL APPROACHES TO TRANSLATION EDUCATION

This chapter is intended to provide an epistemological framework to this work, what I consider the basis for curriculum development and classroom methodology. On the first part, the need for a systematic, epistemologically grounded approach to translation education will be underlined. Next, the major epistemological trends in Education/Learning Sciences will be re-visited, paying special attention to how reality and knowledge are conceptualised under the different epistemological approaches and, therefore, what the learning process is considered to be like. Finally, the subsequent pedagogical application of the said epistemologies and the different emerging classroom models will be explored as a previous step towards legal translation education and classroom methodology analysis.

Education Studies is an academic field enriched by a plethora of trends, ideas, multifaceted suggestions and interdisciplinary approaches coming from several neighbouring disciplines (Psychology, Pedagogy, Philosophy, Metaphysics, Epistemology, Critical studies, Cultural studies, Hermeneutics, etc.). Given this background, it is not surprising that education experts have the heavily-rooted habit of importing theoretical frames and methodological approaches from other domains and disciplines, as Davis and Sumara (2008:33) acknowledge. The intersection of each of them with Education Studies, particularly Epistemology given the nature of this chapter, renders a complex map that may be read from different pedagogical perspectives, with different educational aims and countless prescriptive/descriptive applications. Therefore, following the very nature of the discipline, it is impossible to cover in a comprehensive fashion all major aspects of the intersection between those two, let alone in a chapter of a doctoral dissertation whose main aim is not the study of the methods and grounds of scientific knowledge but rather a reflection of how the education of translators-to-be is implemented according to particular epistemological stances. Given the said interdisciplinary grounds, this chapter intends to explore a number of epistemological approaches that later on in this dissertation will serve to build, hopefully, a comprehensive skeleton of translation teaching methodology.

1.1 The need for an epistemological approach to translation education

Donald Kiraly (2014) makes a remarkable statement when he says that:

We [translation lecturers] participate in curriculum development, create lesson plans, devise and implement approaches for promoting the acquisition of knowledge essentially on the basis of our own prior professional experience as language mediators.

Indeed, Translation Education is still predominantly outside the Learning/Education Sciences and depends in most cases on the intuition and the professional praxis of the translation lecturers in charge of the modules taught at the different universities offering programmes in Translation and Interpreting nowadays. A similar statement is that of Kelly (2008:102):

In many countries, compulsory training exists for all other levels of education, but at universities it is simply assumed that those who know, know how to teach. It is still the case in many countries that new members of teaching staff are left literally to sink or to swim in the classroom, while more attention is paid, for example, to their training as researchers in their discipline

This statement is backed by Kiraly, who acknowledges an androgologic deficit in higher education given the fact that most lecturers have failed to receive formal education concerning the know-how of their primary professional activity, that is, teaching. This apparent lack of epistemological ground is compensated by experience and what lectures deem to be best for their students, something that Bereiter and Scardamaglia (1993) refer to as “common sense epistemology”. However, this results normally in university lectures where, as Johnson and Jonson (1991) point out, “the information passes from the notes of the professor to the notes of the students without passing through the minds of either one”.

The lack of a comprehensive pedagogical epistemology in our discipline is therefore an issue to be tackled. Until recently the only academic post-positivist contributions were that of Mackenzie and Nieminen (1997) and that of Vienne (1994). Still, as Kiraly points out (2014) these didn't follow any particular epistemological trend or pedagogical theory. Therefore, the scholar advocates to

turn to Pedagogy and Learning Sciences, to analyse their praxis, their learning epistemology and “the assumptions or beliefs about knowing and ‘coming to know’ that educational praxis” (Kiraly, *ibid*).

In any case, as the author advises (Kiraly, 2000:19) the very nature of knowledge is something we cannot prove but just speculate about, and it is, and so it will be, a matter of belief. Regardless of the epistemological and pedagogical approach taken, the validity of the latter will be determined by our ability to identify, assess and argue for the belief system upon which our educational decisions are based.

1.2 Re-visiting epistemological grounds

Questions concerning the nature and apprehension of knowledge go far back in civilisation. Names like Plato (429-347 BC) and Aristotle (384-322 BC) set the grounds back in their time of different approaches towards the conceptualisation of reality. Plato emphasised logical intuition, while Aristotle, to a much larger extent, emphasised empirical investigation.

Far from the Translation Studies domain, Doll (2002), professor of Education, and Davis (2004), professor of Mathematic Education, suggest there are three major comprehensive epistemological trends to which the different suggestions about the nature of knowledge itself and knowledge acquisition can be ascribed: empirico-rationalist approaches, constructivist approaches and emergentist approaches. Still, as Kiraly (2016:53) points out, this is just a way to conceptualise reality, so there is no claim to universal truth or any intention whatsoever to present a complete, valid approach to the matter. The list below tries to compartmentalise how human beings have traditionally considered the universe to be in a particular context of the history of the human race, given a set of circumstances. The way we conceptualise reality will affect our very understanding of it, hence our relation with knowledge and the learning activity. For this chapter I will briefly re-visit empirico-rationalist epistemologies, given its traditional pre-eminent role in education settings until recently, constructivist epistemologies, since current curricula and teaching practices are heavily rooted in constructivist ideas (Davis & Sumara, 2003), emergentist epistemologies and the implication of process philosophy and complex thinking in the shaping of translation competence; and critical theory, for its implications in the ethics and critical thinking competences of translation training, one of the cornerstones, in my opinion, of third level education.

1.2.1 Empirico-rationalism

The fact that empirico-rationalism/positivism has traditionally been the historical basis for socio-behavioural and educational theory makes it assume a central role in all paradigmatic discussions on teaching practice, hence all later theories and pedagogical trends being inevitably confronted to the statements, categorisations, and conceptualisations following these traditional epistemologies. In short, empirico-rationalist epistemologies believe the universe to work similarly to a highly complicated machine. Their standpoint is that we may not currently understand all its mechanisms fully but eventually, as science and technology evolve, we will, since once the organisational principles of reality are discovered it will be an easy task to explain and predict reality. It is just a matter of time that knowledge is at our disposal, since knowledge is understood as an apprehensible, identifiable concept, something pre-defined, “out there”. If knowledge is similar to a machine, that is, if by whatever means, be it analysing its components in order to grasp more complicated ideas or be it by discussing the functioning of the universe in a logical way, we may understand reality, then knowledge itself is subject to be compartmentalised and transmitted. The basic assumption that underlies this statement is the world existing objectively, independent of the human mind and external to the knower (Jonassen, 1992b; Lakoff, 1987). As Lakoff (1987:163) puts it:

Knowledge consists in correctly conceptualizing and categorizing things in the world and grasping the objective connections among those things and those categories

Thus, even if empiricism and rationalism conceptualise reality in a different way, as shown below, at the end of the day they both represent the belief that knowledge exists outside our minds as a self-existing entity, hence Doll’s use of the joint term “empirico-rationalism”. Altogether, rationalism and empiricism constitute the two main tendencies of European philosophy in the period between scholasticism and Kant, the former being traditionally connected to British thinking and the latter to continental thought (Garrett & Barbanell, 1997:ix). The implications of positivist epistemologies in the field of Pedagogy and Education are clear, and indeed most traditional approaches to learning that are based on behaviouristic and cognitive theories do share philosophical assumptions that are fundamental in empirico-rationalist epistemologies (Vrasidas, 2000:2), as shown below.

1.2.1.1 Empiricism

The main epistemological standpoint of empiricism stems from the fact that the careful observation of reality, together with the sensory experiences we go through in life, lead to knowledge acquisition, and thus they should be regarded as the main method to gain knowledge. Ideally, through the bottom-up approach it represents, all scientific controversies should be reduced to simple claims that, at the same time, could be corroborated by empirical observation. Therefore, the learning process would be regarded as the sum of all those verified observations by an induction process.

There is a vast range of empiricist positions, from the assumptions that all we can think or know are our sensations to more moderate claims whereby experience plays some role in the formation of some of our concepts and in the justification of some of our beliefs (Smelser & Baltes, 2001:4481). It is true, though, that there is a particular basic assumption of empiricism that all other epistemologies reject, and that is the fact that sensations and experiences are considered to be independent of any theory, conceptual framework or personal, cultural, or political agenda. The careful observation of reality would give access to the truth regardless of any of the parameters mentioned above.

It is undeniable, though, that some knowledge does not derive directly from experience. Alston (1998) makes a fair point when he asserts that empiricism assumes, in a way, a stratified form whereby the lowest levels of knowledge do represent a direct interaction with experience, but the higher ones are inevitably based on the former. In that sense, most of our beliefs would be supported by other experience-related beliefs that make us assume the validity of a particular scenario.

Three names emerge during the 17th and 18th century that are strongly linked to empiricism: John Locke (1632-1704), George Berkeley (1685-1753), and David Hume (1711-1776), later followed by John Stuart Mill (1806-1873), among others. In all three cases, the philosophers developed versions of both concept and knowledge empiricism rejecting vigorously the fact that we are born with innate knowledge. This assumption, the fact that new-born human beings have no knowledge whatsoever (*tabula rasa*) opposes contemporary theories in our discipline related to language acquisition and the innatists' assertion, for instance, that human beings have an innate faculty that guides them in learning a language (Nygren, 2011). Still, the consistent development of this view in the history of

philosophy, together with other assertions such as the fact that complex concepts are construed through the interaction of simple concepts or the fact that learning processes are governed by laws of association (Hjørland, 2005:136) have permeated the praxis of the current teaching/learning activity.

1.2.1.2 Rationalism

Plato was probably the first philosopher who disdained empiricism on the grounds that observation can only provide information about a realm of appearances less important and indeed less real than a more abstract realm that we may be able to grasp through a form of thinking that does not depend on experience. It is, therefore, not possible to tell whether something is cold if you do not possess an aprioristic system of concepts, including that of temperature. In order to sense a particular experience one needs to have a conceptual framework as a precondition.

The most important knowledge for rationalists, as Hjørland claims (2005:134-37) is always given beforehand. Rationalists like René Descartes (1596-1650), Benedict de Spinoza (1632-1677) and Gottfried Wilhelm Leibniz (1646-1716) relied on Geometry as their scientific model, since it proved that it was indeed possible to formulate a scientific statement with no previous observation whatsoever. Rather than focusing on experience, on empirical data, rationalists used a top-bottom approach whereby reality was analysed and reduced to minor evident statements that, combined altogether, would allow for new knowledge and the progression of science.

Some moderate versions of rationalism do acknowledge the importance of observation in knowledge acquisition to a particular extent by asserting that observations of reality are chemical-physical stimulations of the sense organs. However, while empiricists believe that those stimulations create new concepts in us, rationalists argue that the concepts are pre-defined, inborn structures that analyse and label our perceptions.

1.2.1.3 (Logical) Positivism

Another term frequently used to describe empirico-rationalist epistemologies is that of 'positivism'. Even if, as Hjørland acknowledges (2005:131), positivism is nowadays mostly regarded as a form of empiricism, logical positivism (also referred to as 'logical empiricism' or 'neopositivism') stood as a 20th century

attempt to combine both empiricism and rationalism, causing significant tension between supporters of both epistemological approaches. In the words of Smith (1986:64):

Logical positivism arose as the joint product of two intellectual traditions that conflicted deeply with one another: In attempting to unite these traditions, its adherents created an extremely influential approach to philosophy but one that embodied serious intellectual tensions from its dual ancestry.

Logical positivists, a term coined and spread by the Vienna Circle, claim that the knowledge one apprehends through their senses is the most certain kind of knowledge, which leads to a dualist view of science as a whole made of an observational and a theoretical part. Thus, combining rationalist and empiricist approaches, logical positivists set the grounds for what we understand as the formal and the empirical components of science, acknowledging the role of both in knowledge acquisition. The traditional opposition between empiricism and rationalism mutated into a linguistic nuance: that of analytic and synthetic truths.

One of the main criticisms logical positivism had was its closeness to empiricism. However, logical positivism differed in one important aspect from the empiricist tradition. While classical empiricists based their studies on psychologism, that is, the belief that most facts unrelated to Psychology could be explained or grounded through it, logical positivists tried to change the very basis of science. Earlier forms of empiricism had emphasised the role of perception, but logical positivists were concerned primarily by knowledge in its linguistic and logical aspects.

Logical positivism lost momentum during the 1950s and 1960s due to the influence of other movements such as pragmatism, postmodernism, social constructivism or hermeneutics. Rationalism, though, this time through cognitive perspectives, re-gained its influence through major representatives of these new cognitive scientists such as Noam Chomsky (born 1928), who openly subscribed to the said epistemological tradition.

In any case, it is fair to remember that terms such as empiricism, rationalism and positivism have been applied generously with very different, sometimes even overlapping meanings in the history of science and philosophy. Far from epistemological inaccuracies, the gradual shift in the boundaries of these concepts reflects the ever-lasting need to trace and categorise the epistemological grounds

of our decisions in order to understand, explain, and improve contemporary research processes.

At present, there is not much controversy between the traditional empiricist and rationalist epistemologies, which, despite their differences, stand adamant in their quest for aseptic, neutral deductions/observations. Post-positivist traditions, though, tend to emphasise the cultural influence, interests and theory-laden nature of knowledge (Hjørland, 2005:135) and criticise fiercely the assumption that observations, or the rational discussion of the latter, are neutral, regardless of one's prior knowledge, sex, or culture. As Mackenzie points out (2011:534) the term 'positivism' has become these days a pejorative term in educational settings since it represents the belief, or so its detractors assert, that the methods of the natural sciences should be adopted blindly in the research of social, and specifically educational questions. In any case, the positivist way of thinking is still heavily rooted in all aspects of reality, especially in the academia, and remains in many cases the primitive backbone, or silent philosophical ground of everyday didactic decisions.

1.2.1.4 Pedagogical implications of positivist approaches to Education

This conceptualisation of reality tends to result in a teacher-centred methodology when it comes to education, an approach where the learning activity is defined "as (a) change in behaviour and/or change in the learner's cognitive structures" (Vrasidas, 2000:3). Following that train of thought, instruction is to be designed in a way that it transfers, in an effective way, the objective knowledge the instructor has selected into the learner's head. This way, the teacher/instructor, who is the source of knowledge in the classroom, presents their students with the relevant 'units of knowledge' for them to learn, increasing the difficulty of the latter as the education process unfolds (Kiraly, 2016b). The role of students under this paradigm is similar to that of an empty vessel, that is, they are meant to retrieve cognitively the information deemed appropriate.

In any case, the implications of positivist grounds in the education system meant a profound impact in the way we understand education these days. In the 17th century, even if the humanistic-literary tradition of the 16th century was still the canonical approach to education, a new pedagogical trend rooted in positivist ideas brought winds of change to the education scenario. One of the main figures representing how positivist approaches to education traditionally conceptualised

knowledge acquisition was, according to Doll (2012:10), the French pedagogue Petrus Ramus, to whom we owe the invention of a 'method' consisting of a rigid lesson-plan-based structure, an idea that spread fast around Europe. The above-mentioned didactic shift was based on the following premises: understanding the outside world as opposed to one's inner world as well as and understanding natural phenomena as opposed to the education provided by classic literature and language, which corresponded to an "aristocratic, aesthetic, disinterested" source of knowledge. In the new learning methods, modules such as natural sciences and mathematics were deemed essential for a useful education. As Bacon would point out, knowledge is power (*ipsa scientia potestas est*), and thus the purpose of education was for it to be applied, to be useful, rather than for it to be exhibited or stored.

Universities opposed these new epistemological trends and insisted in providing the corresponding qualifications to the upper classes for them to develop all kinds of liberal professions. This is the reason why several independent schools, and not universities, started providing education in mathematics and physics following the recently established paradigm, which would gradually allow a major shift in the educational scenario.

Another important figure is that of John Comenius (1592-1671). The Czech pedagogue is the father of modern education and a defender of life-long learning and lessons to be held in the students' native tongue rather than in Latin, among many other ideas and stances. According to Comenius, it is the intuitive, direct knowledge of things what triggers the education of students, far from the memorisation of a number of words, phrases, opinions by renowned authors, etc. Learning starts at observation of reality and not through a verbal depiction of the former. The two cornerstones of Comenius' educational philosophy, that is, the fact that anything can be taught to anyone, and the fact that education must be gradual and cyclical, influenced deeply our current education settings.

Ramus' contributions, together with Comenius', had a deep impact in training schools and education centres for centuries, influencing contemporary figures such as Frederick Taylor at the beginning of the 20th century (Callahan, 1962; Kiraly, 2016:55). The long tradition of an objectivist approach in education, Vrasidas argues (2000:4), has indeed its contemporary roots in Taylor's ideas on scientific management. The American mechanical engineer, in an attempt to improve industrial efficiency, sought the relevant standardised mechanisms to ensure that

jobs and products had the standards required, something that caught the eye of modern curriculum developers. It is indeed a feature of positivist curricula the tendency to grant excessive importance to productivity, linking the former to economic growth and development, at least a particular kind of economic development where the role of natural and technical sciences is rather overvalued at the expense of any humanistic approach to education. (Negrete Ballesteros, 1997:26).

Building on Taylor, curriculum theorists like Bobbit (1918) or Tyler (1949) suggested that the best model upon which to build a school and its functioning should be that of a business, where standards for every step of the production process would be clearly analysed, defined, and applied. Those standards would allow for greater control of the government on how the money is invested and also greater accountability among teachers and schools, who could be compared and confronted seeking an objective, comprehensive, quantifiable vision of the 'state of the educational affairs'.

From a positivist epistemological standpoint, Tyler worked towards a model of curriculum development that, in a linear way, would cover the needs of the educational experience. His sequential model, divided in four steps, stands as follows (Tyler, 1949):

- 1) Identification and analysis of the main objectives of the instruction
- 2) Selection of the relevant learning experiences to take place
- 3) Arrangement of the relevant experiences in a logical order that allows the transmission of knowledge
- 4) Evaluation

Vrasidas (2000:3-7) provides a very interesting overview about how Tyler's model influenced later studies and instructional models, not only those that built on objectivist philosophy but also those that drew on behaviourist learning theories. As the author explains, Tyler's approach, which is often reduced to a three-step process, represents an objectivist pedagogical approach where all the stages of the pedagogical progression are included. The three steps analysed by Vrasidas are as follows:

Input, formed by the formulation of the course's objectives, the analysis of the content and the design of the different tasks that make up the course. The objectives, vital in positivist education, indicate in a very precise way the specific knowledge, abilities, and skills that the students will acquire by the end of the course. For an objectivist instructional designer, Vrasidas argues (2000:4), "learning can only be demonstrated in observable behaviour. Therefore, objectives are phrased so that they indicate specific observable behaviour under certain conditions." (Mager, 1962; Sullivan & Higgins, 1987; Tyler, 1949). Once the objectives are set, the content of the course is analysed and divided into whatever pieces of knowledge/instruction the teacher deems appropriate according to the difficulty of the course, among other parameters. Finally, a number of significant tasks in increasing difficulty and linear progression is drafted, where the instructor, beforehand, sets the outcome of the tasks and the only means to reach that outcome. On some occasions, initial assessment tests may be necessary in order to identify the level of the group or any gaps in the education of the students.

Process, where the instructor focuses their efforts into learner-content/learner-teacher interaction according to their teaching plan, established beforehand. Emphasis, Vrasidas asserts (*ibid*), "is placed on the organization and sequencing of learning experiences in ways that will be most efficient and effective in meeting the pre-specified learning outcomes". Among the possible ways the instructor may foster learner-content and learner-teacher interaction, Vrasidas finds readings, literature reviews, reaction papers, specific questions about the content, feedback on the students' work, etc., applying strict deadlines to all those predefined tasks and assignments. In case the positivist teacher wanted to assign some kind of collaborative work, the parameters of peer collaboration and the process of the collaborative work would be also be assigned and defined by the instructor.

Output, evaluation being goal-driven and criterion-referenced following the objectives set in the earlier stages of curriculum design. The role of the student, through their performance, would be to prove their command on the particular behaviour the instructor deems important according to the assessment measures foreseen beforehand. Objectivity, absence of bias, and uniformity in the assessment methods are sought so that the change in a particular behaviour of students can be easily measured. Besides the traditional role of the exam, other evaluation methods could be essay-like questions, oral presentations, and observation of students in the course of their work (Tyler, 1949).

It is not until the 1990s (Kiraly, 2016:54) that Taylor's ideas, together with other at-the-time positivist cornerstones of education such as Tyler's contributions on curriculum development and Skinner's stimulus-response theory, were finally discredited, giving way to a shift in the dominant epistemological approach to education. Regardless, some positivist features are still present in modern curricula (Doll, 2012; Pinar, 2008:491) especially the necessity of standardising assessment methods, namely exams, and the teacher's accountability in the education process (Roskelly, 2009:201).

1.2.2 Constructivism

Donald Kiraly is perhaps the biggest exponential of social constructivism within Translation Studies. His book *A Social Constructivist Approach to Translator Education* (2000) is a cornerstone in translation pedagogy and has influenced generations of lecturers greatly, becoming one of the very few comprehensive epistemologically-guided reflexions in our discipline concerning education and pedagogy. His views about the validity of this epistemological approach have changed recently towards more emergentist ideas (Kiraly, 2014, 2016) but one cannot deny the importance of his constructivist analysis of translation education in the last couple of decades.

Two of the scholars outside Translation Studies influencing Kiraly's work are Sumara and Davies, who provide a very interesting insight about the epistemological shift concerning the nature of knowledge after the 1990s (1997:409):

"For the constructivist [...] cognition is not a process of "representing" a real world that is "out there" waiting to be apprehended but, rather, is a process of organizing and re-organizing one's own subjective world of experience."

Another interesting contribution is that of Fosnot (1996:ix)

"Learning from this perspective is viewed as a self- regulatory process of struggling with the conflict between existing personal models of the world and discrepant new insights, constructing new representations and models of reality as a human meaning-making venture with culturally developed

tools and symbols, and further negotiating such meaning through cooperative social activity, discourse, and debate.”

This definition depicts perfectly the main shift in the understanding of knowledge: from something static and self-existing to something that is construed, interpreted (Boghossion, 2006), something on the basis of a particular context and particular circumstances, subject to the active engagement of the learner (Jenkins, 2000:601). For constructivists, knowledge is regarded as temporary, developmental, socially and culturally mediated, and thus, non-objective (Brooks & Brooks, 1993), something valid as long as it does not fail to represent reality in a given scenario, far from any absolute truth. The main paradigm underneath this epistemological approach is that knowledge acquisition is anything but acquisition: it is a matter of transformation of the self, a matter of re-contextualisation of one's perspective of the world whenever our surrounding world offers new input that contradicts our existing ideas about it. From this perspective, individuals do not passively receive knowledge but it is rather built up by the cognising subject (von Glasersfeld, 2005) through interpersonal interaction.

The constructivist epistemological approaches are nothing new, either. In fact, Protagoras and his quote “man is the measure of all things” may constitute a proto-constructivist approach to the world and the relationship that human beings have with knowledge. Other more solid foundations towards a constructivist approach in teaching philosophy may be found in the idea that “the only way of ‘knowing’ a thing is to have made it”, by the philosopher Giambattista Vico (1668-1744). Vico's *De antiquissima Italorum sapientia* (1710) conveys the idea that “God alone can know the real world because he knows how and what he has created in it. In contrast, the human knower can know only what he has constructed”. This statement does in fact underline that it is creation, and not observation, what constitutes knowledge. Some other 20th century philosophers and educators who provide epistemological grounding for the current constructivist views are Kuhn (1970), Malcom (1986)¹, and Rorty (1991).

All forms of constructivism emerge from Developmental Psychology and, as reflected above, consider that knowledge is not apprehended but rather constructed. The different trends, though, stand as part of a whole constructivist

¹ Further contributions by the scholar are signed as Wittgenstein, her husband's family name.

continuum the main pillars of which Moshman (1982) defined as exogenous constructivism, dialectical constructivism, and endogenous constructivism, arising predominantly on both epistemological and ontological level (Cato, 2006:57). Those different dimensions of the said constructivist pillars result in what we understand as the constructivist epistemology, whose more frequent denomination nowadays would be, according to Doolittle (2014:485), trivial constructivism, radical constructivism and social constructivism. These three main constructivist theories comprise, in turn, a number of interpretations, nuances, and minor epistemological shifts within the main constructivist epistemology, as the scholar (*ibid*:486), depicts below:

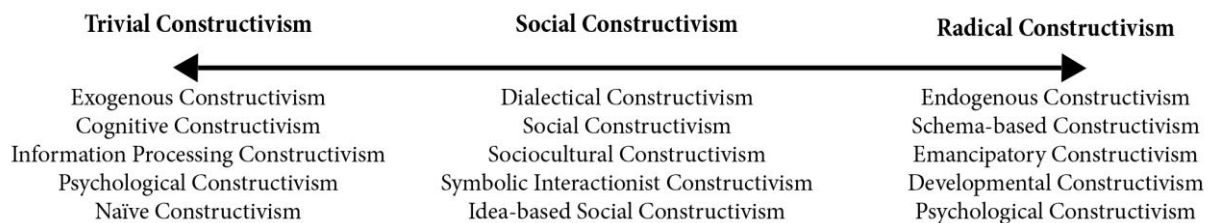


Figure 2 Doolittle's constructivist spectrum (2014:486)

The main difference among the abovementioned main epistemological approaches lies on the *locus cognitio* of the learning process, that is, the location where the learning activity takes place. In broad terms, **trivial constructivism** is argued to focus on knowledge as the internal re-construction of an external reality. **Radical constructivism**, in turn, believes the learning process to happen within the individual, while **social constructivism** advocates for knowledge being the result of the interaction between individuals and its consequent re-interpretation of the world.

On a more general level, Von Glaserfeld (1984, 1996) suggests what may constitute the three main epistemological tenets of constructivism, to which, later on, a fourth tenet was added by Doolittle and Hicks (2003):

1. Knowledge is not passively accumulated, but rather, is the result of active cognising by the individual;
2. Cognition is an adaptive process that functions to make an individual's behaviour more viable given a particular environment;

3. Cognition organizes and makes sense of one's experience, and is not a process to render an accurate representation of reality; and

...

4. Knowing has roots in both biological/neurological construction, and social, cultural, and language based interactions².

An interesting point is that of Davis and Sumara (2002:420) when they assert that the constructivist vocabulary and ideas have become an intrinsic part of the prevailing discourses within the Education Studies context, even if 1) the constructivist theories are mainly descriptive rather than prescriptive, 2) they were never formulated as educational discourses, and 3) they offer very little practical advice to teachers (*ibid*:417-422). Indeed, constructivism has traditionally been underpinned by other trends and theories such as situated cognition, sociocultural theories or cultural and critical theories that have enriched the constructivist tenets and their applications to the teaching practice. That is the reason why the constructivist discourses seem to be a good starting point and provide useful models to be adapted to the relevant educational projects.

1.2.2.1 Trivial constructivism

Trivial constructivism is the simplest form of constructivism, focusing on the external nature of knowledge. It stands as the root of all the other shades of constructivism and it is regarded as the internalisation and reconstruction of an external reality. The term, frequently linked in a rather inaccurate way to information processing and its component processes (Derry, 1996) is attributed to Von Glaserfeld (1990), who understands trivial constructivism as the process of building accurate internal representations of external structures in the “real” world (Doolittle, 2014:486). This view assumes, therefore, the fact that reality is knowable, providing a link between the constructivist theories and more positivist approaches to the learning activity.

A trivial constructivist epistemology is displayed by Jacqueline and Michael Brooks in their book *In Search of Understanding: The Case for Constructivist Classrooms*

² The scholars argue their claim through the works of post-positivist authors such as Dewey, (1916), Garrison, (1995), and Gergen (1995), among others.

(1999) when they assert that "knowledge comes neither from the subject nor from the object, but from a unity of the two" (Brooks & Brooks, 1999), where a distinction is posited between 'the knower' and 'the known', an independently existing reality that would serve to constrain the unrestricted activity of the knower (Cato, 2006:59).

In a context where knowledge is apprehended through experience, von Glasersfeld argued (1989:2) that "we have no way of checking the truth of our knowledge with the world presumed to be lying beyond our experiential interface, because to do this, we would need an access to such a world that does not involve our experiencing it". Therefore, following this train of thought, von Glasersfeld attributed the term 'trivial' to those attempts to combine the acknowledgement that there is no way to check the truth of our knowledge of the world (and therefore the constructed nature of knowledge) with the belief that our conceptual constructions represent an independent, objective, apprehensible reality.

1.2.2.2. Radical constructivism

Radical constructivism, whose main exponent is Jean Piaget (1896-1980), emphasizes the internal nature of knowledge, which is regarded as an inevitable, biologically determined, individual process. The fact that knowledge is regarded as the individual construction resulting from external experiences and earlier mental structures, that is, the fact that the *locus cognitio* of the learning process takes place within one's own cognitive structures, makes some scholars regard this epistemology as relativistic and solipsistic (Davis & Sumara, 2002:414) or even a late form of positivist epistemological approach (Kiraly, 2016b).

Piaget's main research problem was both epistemological and philosophical, wondering not only about the nature of knowledge itself but also the way it operates, grows and develops. The study of knowledge, something he did through his cognitive research on children, led him to his famous book *La construction du réel chez l'enfant* (1937) ('The Construction of Reality in Children') where he studied the nature of knowledge empirically not only from a historical development of knowledge perspective, but also concerning the growth and development of the individual (Sjoberg, 2007).

New experiences, asserts Piaget, trigger the re-construction or re-organisation of old mental structures, thus fostering the acquisition of new forms of knowledge. As

opposed to trivial constructivism, radical constructivism does not believe knowledge to be a real representation of the outside world, but rather a coherent internal collection of structures and processes (Doolittle, 2014:487). Our internal construction of reality is valid, as pragmatist Richard Rorty (1979) suggests, while it complies with our context. It is in those cases where our mental representation and the outside stimuli do not match that learning and knowledge acquisition occur. The internalisation of knowledge and socio-cultural practices, that is, the process whereby inter-personal knowledge becomes intra-personal knowledge, is what Piaget referred to as 'assimilation' (Kiraly, 2000), something for which Leont'ev (1981) used the term 'appropriation' later on. The assimilation metaphor (Piaget, 1970, 1973, 1977; Glasersfeld, 1995) suggests that whenever someone comes across an unknown situation they confront it to their previous cognitive structures in an attempt to make it fit their existing representation of the world. Whenever that process is successful, their previous understanding of the world is reinforced. Whenever that is not possible new explanations must be sought, developing emergent cognitive structures and therefore allowing for the learning process to take place (Powell & Kalina, 2009:243). The fact that our mental structures strive for viability rather than truth allows Kiraly (2000:44) to state that learning is a continuous, dynamic process where we constantly refine and shape our understandings.

A very interesting pedagogical remark concerning the assimilation/appropriation process is its duality in terms of application for both students and teacher. As Newman, Griffin, and Cole (1989) point out, appropriation stands as a reciprocal process whereby students develop new cognitive structures, they learn; but teachers, following their own interaction with students, may feel the need as well to re-contextualise their ideas and present new perspectives in the classroom.

In any case, the radical constructivist view assumes that reality is not knowable (Glasersfeld, 1995) and the only thing people can retrieve cognitively is the internal representation of the said reality. The learning activity following Piaget's standpoint (1973) is the result of those particular changes in our internal mental structures, caused, as Doolittle points out (2014:487), by the integration of previous levels of cognitive development into new knowledge/cognitive levels.

1.2.2.3 Social constructivism

Social constructivism stresses the importance of the interactional nature of knowledge. Far from trivial constructivist ideas that reality is knowable, and radical constructivist ideas whereby the learning activity occurs within the personal cognitive domains of the individual and therefore seldom addresses directly issues of power, authority, and the place of formal knowledge (Cato, 2006:57), social constructivism understands knowledge acquisition as the result of the interaction between the individual and their surrounding environment, including other individuals (and especially other individuals), since the internal representations we construct of the external stimuli we experience are filtered through criteria such as personal beliefs, background, culture, experience in life, etc., which is based on our interaction with others. In the words of Dewey (1956:99):

“Mind cannot be regarded as an individual, monopolistic possession, but represents the outworkings of the endeavour and thought of humanity; that it is developed in an environment which is social as well as physical, and that social needs and aims have been most potent in shaping it”

The works of Lev Vygotsky and John Dewey are major pillars of social constructivism. Their study of the socio-historical theory of psychological development and social behaviourism, respectively, have been noted by Garrison (1995), among others, as sharing common ideas and links towards social constructivist stances.

According to Vygotsky (1978) individuals are able to develop their cognitive structures through interaction with other individuals (peers, experts) who socialise them into a particular socio-cultural context. Culture-bound, context-dependent experiences provide individuals with the relevant experience they need for cognitive development once that social experience is individually internalised. Vygotsky’s concept of the ‘zone of proximal development’ illustrates how knowledge and knowledge acquisition are the result of social experience through a particular socio-cultural perspective whose outcome is a socially bound representation of reality.

The zone of proximal development (ZPD)

The ZPD, that is, the area where appropriation and development take place, is the cornerstone of Vygotsky's socio-historical theory of developmental psychology. In his own words (1994:57):

We propose that an essential feature of learning is that it creates the zone of proximal development; that is, learning awakens a variety of internal developmental processes that are able to operate only when the child is interacting with people in his environment and in cooperation with his peers.

The ZPD is therefore the space of potential growth created within a specific learning situation that can lead to learning and, thus, to socio-cognitive development (Király, 2000:40). The ZPD is not an intrinsic attribute of a child/student, says Mercer (1994:102), but rather the attribute of a learning event, and hence the role of the teacher would be to hold learners in their ZPD until their competence in a particular matter increases.

The concept of ZPD is rounded when we have an insight of its two operational levels of cognitive development: the actual development level and the level of potential development. The former comprises all tasks and activities that students can perform independently, while the latter refers to the limit in terms of abilities and competences that an individual could perform with the assistance of a more competent (expert) or even equally competent (peer) external subject. Applying Vygotsky's cognitive developmental theory to the everyday activity of the teaching praxis, one could argue that it is the role of the teacher to push the level of potential development of the students so that they can internalise particular skills in order to develop higher mental functions. This way learners can begin to assimilate new input of knowledge and skills in a *scaffolded* way, far from transmissionist positivist perspectives.

The ZPD, Király (2000:41-42) continues, is constantly susceptible to grow as learning implies the emergence of new cognitive structures that push the boundaries of the actual development level and the level of potential development. The value of this process and the implications of the ZPD in education settings is recognised by many teachers and learners who identify learning from their peers as one of the high points of their learning experience (Robinson, Olvera-Lobo & Gutiérrez-Artacho, 2016).

1.2.2.4 Pedagogical implications of constructivist approaches to Education

A constructivist conception of reality results in student-centred education models, as highlighted the education reformer John Dewey, one of the representatives of pragmatic philosophy together with Charles Peirce and William James. Dewey was firmly convinced that knowledge emerges from action, hence his model where the student is placed at the very centre of the education process in a real context.

Along similar lines, while assessing the beliefs and standpoints of the major constructivist trends, Doolittle and Hicks (2003) suggest the following as basic learning principles of a constructivist education model:

- The construction of knowledge and the making of meaning are individually and social active processes.
- The construction of knowledge involves social mediation within cultural context.
- The construction of knowledge is fostered by authentic and real-world environments.
- The construction of knowledge takes place within the framework of the learner's prior knowledge and experience.
- The construction of knowledge is integrated more deeply by engaging in multiple perspective and representations of content, skills, and social realms.
- The construction of knowledge is fostered by students becoming self-regulated, self-mediated, and self-aware.

This perspective on learning reflects the complexity of the learning activity itself involving adaptation, self-organisation, interaction, and history.

- Progressivism

A very interesting (proto) breeding ground in the western educational settings for the actual application of constructivist ideals in the classroom was Progressivism, also referred to as 'Progressive education'. Born in the late 19th century, this diverse, heterogeneous movement stood as frontal opposition to the 18th century

traditional concept of schools and education (Martínez Boom, 2004:103). Progressive education, a firm defender of pre-eminently practical education, was principally applied in private schools at the time (Narváez, 2006:630), and it was based on Rousseau's and Clapadère's ideas on education, following an at-the-time scientific interest in the study of children's biological and psychological structures as well as learning mechanisms. Even if Progressivism was predominantly applied to the first stages of the education process of an individual (principally elementary education), some of the pedagogical implications and outcome that Progressivism meant are still major pillars in contemporary curricula and could perfectly be applied to third level education, the main interest focus of this work.

Education figures such as Maria Montessori, Johann Pestalozzi, Ovide Decroly, John Dewey, Georg Kerschensteiner, Edouard Claparède, Adolphe Ferrière, Roger Cousinet and Célestin Freinet tried to establish comprehensive education systems based on particular techniques and methods heavily rooted in careful epistemological and educational observations about the nature of the individual (Gal, 1978:36). They all came up with extremely relevant aspects of the education process, marked below in italics, that could be ascribed to a proto-constructivist view of the world. In general, all members of the progressivist pedagogy shared some core ideas about the nature of the education process and its implications concerning class methodology:

- Learning is to be understood as an active, cooperative, student-centred activity.
- Curricula need to be relevant, linked to the interests and needs of students.
- The evaluation methods need to be flexible.
- The school must stand as a community within a community, and therefore there needs to be a close link between the former and society.
- Democratic values and attitudes, together with critical thinking, are basic features of curricula.
- Teachers' education needs to be more practical and more effective
- The role of the teacher is that of a facilitator, de-centring their authority in the classroom.

A number of relevant contributions by some of the most important representatives of Progressivism is briefly summarised below. Some key names of the progressivist education movement have been deliberately omitted in this work since their

contributions to Education Studies and Pedagogy is strictly limited to earlier stages of education and therefore fall beyond the scope of this work (Friedrich Fröebel and the concept of 'kindergarten', Georg Kerschensteiner and his network of vocational schools, Rosa and Carolina Agazzi and the role of feelings and emotions in the education process in elementary education, Ovide Decroly and his interest focus, and Henry Wallon and his studies on human development, among others).

Johann Heinrich Pestalozzi (1746-1827)

Together with his disciple, Friedrich Fröebel, Pestalozzi was one of the first pedagogues to put in practise Rousseau's ideas about the nature of children and education. A detractor of manual-based education, he was a pioneer in what he called "basic competences", the *gradual, progressive development of abilities, skills, and attitudes* as the basis of the education process. The application of his theories entailed the beginning of the emergence of *collaborative work* in the classroom and "social education", the root of *critical thinking* as a cross-disciplinary competence in the curriculum.

Andrés Manjón y Manjón (1846-1923)

Father Manjón was a Spanish pedagogue whose educational approach was based on *project-based experiential work*, something he instilled in all the schools he founded. Far from far-outdated premises where students were regarded as "vessels to be filled" or "blank pages awaiting to be properly written", Manjón believed children to have an *active role* in the education scenario, where the teacher had a *supporting role*, accepting their students as they are and helping them thrive according to their abilities.

Edouard Claparède (1873-1940)

A child psychologist and educator, Claparède was a defender of functional education, an education system whose main aim was to satisfy the necessities and interests of learners so that they were *better socialised* and therefore fit in society once the education process was deemed finished. He also introduced the concept of *interdisciplinarity* in educational settings together with that of 'active school', whereby the curriculum and teaching methodology are shaped *according to the interests and necessities of students*. Besides implementing innovation projects involving the use of role-plays in the classroom, Claparède showed particular interest in *evaluation and assessment methods*, suggesting that the traditional paper-based exam may not be the best way to assess a student.

Roger Cousinet (1881-1973)

Cousinet was a French educator and a pioneer of the progressive education system in France. He is well known for his passionate defence of *collaborative work* and *team work* in the classroom. Collaborative learning, in his view, becomes the only means for intellectual development and social education. Cousinet valued *student-centred education* above other traditional positivist approaches, where the teacher becomes a facilitator guiding their students and fostering the students' own leading role in their education process. His methodology, based on research, aimed at developing communicative skills, synthesis, analysis and reflection skills, critical thinking, autonomy, creativity, self-evaluation and self-planning.

John Dewey (1859-1952)

Dewey stands as one of the major forces of progressive education and situated learning in the US, whose ideas crossed borders and have influenced educational reforms in western countries. Epistemologically a constructivist, Dewey considered knowledge as a construct far from any actual representation of reality, the result of the individual and social experience of the learners. His works influenced other major figures such as Jean Piaget, Lev Vygotsky or Carl Rogers, who shared with him the belief that the purpose of education was to facilitate the natural developing tendencies and potential of learners (Ultanir, 2012:199).

Since not all experience is considered education, Dewey paid special attention to both *self-directed learning*, that is, the process whereby individuals take the lead “in diagnosing their learning needs, formulating learning goals, identifying human and material resources for learning, choosing and implementing appropriate strategies, and evaluating learning outcomes” (Knowles, 1975:18) and the role of the student in the classroom, stressing the fact that more *learner-centred* and less teacher-dominated environments were needed. According to Dewey, *active participation and self-direction* are of uttermost importance, hence his belief in the need to foster self-direction as a way towards the self-realisation of the learner, a way of recognising their voice and dignity.

Another important aspect of the Deweyan thought is the '*learn by doing*' premise, the fact that education should be closely connected to action. Dewey, like Rousseau, stood against the traditional educational approach of memorisation and recitation, and argued that “education is not preparation for life, it is life itself” (Duffy & Cunningham,

1984:4). Knowledge and ideas, he asserts, are born through meaningful and important experiences for the learner, and thus the learner's needs and interests should be placed at the forefront of the education process.

Maria Montessori (1870-1952)

Montessori is probably one of the best-known educators and pedagogues of the progressive education movement. For her, the educational process is based on self-direction. In this context, teachers are meant to accompany and guide their students by sustaining a *continuous learning process* and an *encouraging atmosphere* that fosters the *independent work* of students. The Montessori pedagogy encourages independence and creative problem solving skills, and supports the development of self-control with the teacher assuming the role of a *facilitator*, redistributing the roles in the classroom and the position of the teacher from the centre of the educational action to the periphery. The authority in the classroom is shared so that students may engage and critique the education they are undertaking

- A pedagogical criticism to the constructivist epistemology: assessment

The idiosyncratic nature of the constructivist learning makes the assessment of learners' pedagogical progression a rather complex task (Jonassen, 1991:28). If all interpretation of reality is a construct, if there is no tangible reality to which one can conform their students' performance, then the evaluation criteria are subject to the teacher's paradigms, cognitive structures, and subjective interpretation of both the learning activity and ultimately the performance of their students. Therefore, if knowledge construction is the goal of constructivist education and the process is more important than the product, which is inevitably a construct by nature, then consistency and compliance with constructivist premises only allows us to believe that self-evaluation is, strictly speaking, the only means by which one can judge their learning process (*ibid*:32), something that may prove tricky in an everyday educational setting and may challenge the view of many contemporary self-proclaimed constructivist teachers.

When confronted with this dilemma, von Glaserfeld (1989a:16-17) argued that "teachers must try to infer, from what they can observe, what the students' concepts are and how they operate with them. Only on the basis of some such hypothesis can teachers devise ways and means to orient, direct or modify their students' mental operating". What is never revealed, Cato observes (2006:72), is how a constructivist teacher can possibly have any notion of how and what their students think, without it

being an internalised personal interpretation of reality. The reason for this apparent lack of consistency may be found, as Davis and Sumara point out (2002:410), in the fact that most constructivist discourses were not originally conceived as *educational* discourses: they did, and they do, provide a relevant insight of particular phenomena that fall in the domain of educators, but their primary focus has never been to deal with formal education (*ibid*:418).

In an attempt to tackle the constructivist assessment issue, several suggestions and guidelines have been put forward (Vrasidas, 2000). Using portfolios and authentic assessment, for example, is one of them (Duffy & Cunningham, 1996; Eisner, 1994; Jonassen, 1992a). Another alternative would be that of Shavelson, Baxter and Pine (1992:22) arguing that it is not the outcome of a particular task what should be evaluated but the means and the “reasonableness” of the student’s approach in solving a particular problem. Finally, the question of the students’ role in the evaluation process has also been discussed within the academia, since it involves the students in their own learning process, gaining self-reflective skills and assuming more responsibility in their education (Jonassen, 1992a; Posner, 1995).

In order to summarise the constructivist input in the educational debate, it is fair to include some remarks by Davis and Sumara (2003:137-138) when they alert that the different forms of constructivism as discourses directed to the teaching practice have reached their limit:

In many ways, in fact, these theories have helped to bolster some of the conceptual and practical obstacles that they were intended to critique. Much of the vocabulary used by theorists and advanced by researchers, for example, is readily fitted to existing beliefs about learning, despite the fact that it was developed to describe very different processes. With this linguistic slippage, the theories have been inappropriately extended beyond their original description of learning into prescriptions for teaching.

In the words of these scholars, there is already a number of significant alternatives by educational researchers whose works stand far from the “complex organic processes described and employed by constructivist theorists (that) do not mesh with the imagined-to-be straightforward, mechanical structures of schooling” (*ibid*:138). Among those contributions the scholars include the works on phenomenology by Grumet (1988) or van Manen (1991), the works on ecology by Bowers (2000) or Jardine (1988), the

contributions from psychoanalysis by Britzman (1998) or Ellsworth (1997), those from queer studies by Pinar (1998), or Doll's (1993) works on complexity theory.

1.2.3 Emergentism

The abovementioned criticism of Davis and Sumara concerning the application of social constructivism in educational settings is not the only argument the scholars have put forward. Indeed, they elaborate elsewhere (2004:125-27) on the difficulty of integrating the social nature of the social constructivist epistemology into a model where the *locus cognitio* of the learning process is ultimately still located within the individual. The fact that knowledge may be socially created but individually stored proves to be problematic for the scholars, together with the whole construction metaphor, that, in their opinion, may create the impression that the learning process is a rather mechanical activity, something in frontal opposition with the non-linear, construed nature of learning they advocate.

In fact, on-going learning, they argue (*ibid*:127), "seems to be about the construal and re-construal of interpretive systems in ways that enable a person to make sense of broader and broader realms of experience", something far from the construction metaphor normally used in educational settings. The authors assert that the origin of the problem may be located in the translation of the French word *construire*, used by Piaget. Indeed, the term may be translated in English as 'to construe' and 'to construct', both stemming from the root 'structure'. However, 'structure' may be understood in a biological way, as something fluid, *complex*, in constant change, "in ways that cannot be predetermined, but that are not completely random either" (*ibid*:127), or in a rather architectural way, giving the impression of something static, permanent. The opinion of the authors is that the former is indeed closer to Piaget's ideas, given his background in biology. The other sense of 'structure', used at the same time as Piaget's, belongs to the epistemological assumption that all claims to truth would eventually fit it together "in a tidy and pristine edifice of knowledge" (*ibid*:128). Both discourses, used at the same time in discussions and suggestions concerning educational settings and teaching practice, led to the translation of Piaget's *construire* as 'to construct', something the scholars deem rather unfortunate given Piaget's intention to convey something *complex, emergent, continuous*.

This assertion, coupled with the firm belief that education is a complex, trans-disciplinary activity, has led many scholars to speak of emergentism as an

epistemological basis for curriculum development and the education activity. Emergentism, rooted in complexity thinking and other complex-related neighbouring disciplines (Dynamic Systems Theory, etc.), is believed by many as the perfect match for an educational theory (Davis & Sumara, 2008; Kiraly, 2016) given the fact that they both have a trans-disciplinary approach very much aligned with the emergent features of educational research. Authors like Doolittle (2014) have integrated the characteristics of complex thinking into a constructivist model and speak of “complex constructivism”, advising that complexity goes beyond the educational context and stands as “a broad-based theory concerning the evolution and functioning of non-linear systems that may be applied in many domains”, education included (*ibid*:490). Kiraly himself (2006:68), even if he currently uses the term ‘emergentism’ has elsewhere referred to it as “neo-Vygotskian constructivism”. Still, for the purposes of this doctoral dissertation, I will opt for Davis and Sumara’s suggestion of abandoning the ‘constructivist spectrum’ for the sake of clarity and in an attempt to put aside the metaphor of construction and the inherent problems mentioned above. Thus, in this work, I will refer to the integration of complexity into the epistemological bases of knowledge as ‘emergentism’, even if I acknowledge the constructivist backdrop of the emergentist approach.

1.2.3.1 Integrating complexity thinking

Complexity thinking has gained momentum in the last 30 years (Davis & Sumara, 2008:35), exceeding the domains of physics, information science, and other technical fields, and irrupting in other areas of knowledge such as the social sciences of even the humanities. In another work to the one mentioned above (Davis & Sumara, 2006) the scholars present a comprehensive depiction of how educationalists have embraced complexity thinking and have incorporated it in the core of their research, providing an interesting insight on topics such as individual sense-making, teacher–learner relationships, classroom dynamics, school organisations, community involvement in education, bodies of knowledge, etc. (Davis & Sumara, 2008:34).

Kiraly (2016:60-61) mentions Dewey’s work at the end of the 19th century in the context of Process Philosophy as the seed of complexity theory, which re-visited this paradigm a century later. The epistemological idea that underlies this train of thought is that the world is in constant flux, far from static depictions. Kiraly traces back this idea to Heraclitus and his quote “no man can step into de same river

twice”, highlighting the fact, in regard to knowledge acquisition, that new knowledge, new reality, meets particular cognitive structures in the individual during the learning process that change upon meeting the said knowledge, since new cognitive structures emerge. Therefore, any later knowledge will never meet the original cognitive structures, but new ones.

What complexity brings to the table is that in order to make sense of the world one must simultaneously analyse a particular question both internally (in order to grasp its coherence and behaviour rules) but also the conditions that emerge from the interaction, something that, according to Davis and Sumara (2008:34), contrasts with “the individual-focused emphases of imported frames anchored in behaviourist psychology or constructivist epistemology”.

Hanna Risku is probably one of the first scholars within the Translation Studies domain to advocate for a post-positivist, emergentist epistemological approach to translation education. In her own words (Risku, 2010:103):

Due to the major role played by the environment, any attempts to explain translation by describing processes in the mind of an individual alone are bound to fail. The mind is only one part of the story. We need to find out not only what happens in a translator’s mind, but also what happens elsewhere, e.g. in their hands, and their computers, on their desk, in their languages or in their dialogues. Translation is not done solely by the mind, but by complex systems. These systems include people, the specific social and physical environments and all their cultural artefacts.

Risku’s opinion is shared by Van Lier when he says, discussing foreign language education (2000:248) that:

Instead of assuming that every phenomenon can be explained in terms of simpler phenomena or components, it says that at every level of development properties emerge that cannot be reduced to those of prior levels. Second, ecology says that not all of cognition and learning can be explained in terms of processes that go on inside the head.

- Complicated and complex systems

An interesting remark in the complexity debate is that of Kiraly (2016:61) when he resorts to the differences between complicated and complex systems in order to shed light about complexity thinking and the emergentist epistemological grounds. The former, he asserts, are deemed to be mechanical, able to be divided into their primary parts. This draws striking similarities with positivist premises and the universe-as-a-machine metaphor I have used above. The latter, though, understands systems as something beyond the sum of its parts, something with *emergent* properties (Weaver, 1948). Learning, as Davis and Sumara point out (2004:101) “is not about acquisition, processing or storing, but about *emergent* structuring”.

When it comes to a definition, Doolittle (2014) mentions that complex systems are the “non-linear, open, and far from equilibrium systems comprised of interdependent agents whose interactions, based on internal models and schemas, lead to self-organized and emergent behaviours that have dynamic fitness levels in response to selection pressures exerted by changing environmental conditions, thus facilitating the need for adaptation in order to maintain effective performance”. Quoting Thelen and Smith (1994), and Holland (1995), the author refers to the fact that non-linear systems are unpredictable (weather, human behaviour, etc.) since, among other factors, the whole is greater than the sum (or average) of its parts, very much in harmony with Kiraly. As it can be seen in the definition provided, the emergentist, complexity-based vocabulary has little or no connexion with constructivist paradigms, another reason advocating for the use of the term ‘emergentism’ rather than other options (i.e. ‘complex constructivism’). Next, the scholar applies the definition of a complex system to a school and its members, providing a striking portrait of how the educational setting could benefit from complexity thinking. Other authors working along the same lines are Laidlaw and So-Har Wong (2016) or Larsson and Dahlin (2012), for instance.

1.2.3.2 Characterising emergentist standpoints

Davis and Sumara (2008:35) speak about the inherent difficulty, or even impossibility, of defining complexity or the complexity thinking movement within the emergentist spectrum. Complexity, they argue, “might be positioned somewhere between a belief in a fixed and fully knowable universe and a fear that meaning and reality are so dynamic that attempts to explicate are little more than

self-delusions". This apparent vagueness refers to the fact that emergentism accepts that a number of phenomena might be stable, or at least as stable as the brief, ephemeral nature of human beings and thought may apprehend. The authors alert, though, that complexity is not to be misplaced as a hybrid between positivist and post-positivist epistemological approaches to reality, that is, an attempt to reconcile alleged sworn opponents. Neither should it be regarded a 'best-of-both-worlds' epistemology. Emergentism stands as a fresh view in the study of reality beyond the 'paradigm wars' (*ibid*:36) by "emphasizing the need to study phenomena at the levels of their emergence, oriented by the realizations that new stable patterns of activity arise that are specific to the emergent system".

Beabout (2012), on his work about educational change, covers some of the shared principles of emergentism. Besides complex systems being non-linear, open, and far from equilibrium (all of which included in Doolittle's definition above) Beabout mentions experience as a motor for adaptation to the environment, the role of agents in the behaviour of the complex system, the role of experience offering regular patterns that trigger internal models, and the role of the existing internal models in the creation of new models and schemas.

- The Dynamic Systems Theory

Emergentism, as seen above, understands knowledge acquisition as a dynamic, emergent process recognising the role of the interaction of a number of variables at different levels (micro-variables, macro-variables, clusters of variables) in the overall result of the learning process and the construal of meaning. De Bot *et al.* (2007) find in the Dynamic Systems Theory (DST) an interesting ground that allows them to integrate, in a model, those "interacting variables, non-linear behaviour, and sometimes unpredictable outcomes" (*ibid*:7) that emergentism speaks of regarding knowledge acquisition³.

Given the complete interconnectedness of complex systems, the authors reflect on how changes on a particular variable may affect the other variables of the system, which renders a rather complicated picture when it comes to predicting, in a

³ DST is also the backdrop of Göpferich' (2013) emergentist approach to translation competence and translation competence acquisition. See Chapter 3.1.2.3 below.

rather analytical fashion, the outcome of the ever-going interaction of variables⁴. Systems, they argue, and consequently the construal of meaning and knowledge, are constantly changing, developing through interaction with their environment and through processes of internal reorganisation, hence the said difficulty.

DST assumes that for any system to grow, to develop, a minimal amount of energy and resources are needed, since systems are maintained by a flux of energy that allow the development of the different cognitive structures. Those resources, be it internal (“capacity to learn, time to learn, existing conceptual knowledge, intrinsic motivation, etc.”) or external (“spatial environments to explore, time invested by the environment to support learning, external informational resources, etc.”) (*ibid*.12) are “compensatory”, in the sense that “a low aptitude may be compensated by high motivation”, for instance. Therefore, those internal and external resource systems “will always be in flux and change, taking the current state of the system as input for the next one”.

DST may indeed be a very interesting, cross-disciplinary approach to categorising and conceptualising the education phenomenon, since it explains the emergent nature of knowledge and knowledge acquisition briefly identified in this section. In the words of the scholars, summarising their DST approach to education and providing the relevant conceptual framework (*ibid*:11):

From a DST perspective, a (...) learner is regarded as a dynamic subsystem within a social system with a great number of interacting internal dynamic sub-sub systems, which function within a multitude of other external dynamic systems. The learner has his/her own cognitive ecosystem consisting of intentionality, cognition, intelligence, motivation, aptitude (...) related [in turn] (...) to [their particular situated] social ecosystem, consisting of the environment with which the individual interacts.

- Where to place the emergentist cognition: the rhizome metaphor

An interesting contribution in the emergentist debate regarding the *locus cognitio* of the learning activity is that of Duffy and Cunningham (1996:8) suggesting the

⁴ Some minor changes in a system may lead to significant effects in the long run (the butterfly effect, for instance), while other major perturbations may be absorbed by the system without any significant change.

metaphor of the mind as a rhizome. The authors suggest this metaphor as opposed to the constructivist mind-as-a-computer and the well-established emergentist mind-as-brain metaphors. As they see it, the former, following the information-processing paradigm, believes that learning occurs following our interaction with reality. The outcome of that process is transferred to the mind, resulting in a number of internal representations of the said reality that determine our later interactions with the environment. On the other hand, the mind-as-brain metaphor, which has traditionally been used in emergentist scenarios, understands cognition as an emergent complex system where “intelligence emerges from the interaction of large number of simple processing units”. Cognition, then, is understood to be located within the individual.

The scholars’ suggestion goes a step beyond the premises above and claims that cognition may be socially shared and stored, removing it from the actual individual. The mind-as-a-rhizome metaphor they suggest emphasises the fact that minds may be inter-connected, “distributed in social, cultural, historical, and institutional contexts”, forming a shared, collective cognition, a dialogic activity in constant flux: context-dependent, culture-dependent. Removing the mind from the individual body changes the *locus cognitio* of the learning process and implies that learning is a process “of dialogue and negotiation with and within a local sociocultural context”, that is, rather than an active internalisation of knowledge, learning has to do with transforming one’s participation in a given social community, something other authors have referred to as ‘socially shared cognition’ or ‘distributed cognition’ (*ibid*:12). Within our discipline, Kiraly’s current emergentist epistemological approach, and especially his translation competence model (See Chapter 3), seems to be directed towards a mind-as-a-rhizome way of understanding reality.

The rhizome metaphor, that is, understanding cognition as a shared phenomenon, calls for a number of methodological and conceptual approaches in the education of future members of communities of practice. If cognition is shared and thus belongs to a particular context-bound, culture-bound scenario, then situating the learning activity and the cognitive processes of students and making them self-aware of that situatedness becomes an essential task for teachers. Concepts such as negotiating the curriculum, questioning concepts, methods, and viewpoints can only be developed if teachers are able to convey the situated nature of knowledge, cognition, and education to their students, something that critical pedagogy deems essential in any education process, as seen below.

1.2.3.3 Pedagogical implications of emergentism

All things considered, Doolittle (2014:495-498) suggests that emergentist standpoints applied to educational settings are to be seen as “the active construction and adaptation of one’s internal models of reality based on the interaction between oneself and one’s environment (including other persons), such that the functioning of one’s internal models exceeds the sum of the models’ components”. The definition takes him to put forward six basic ideals on education, which are further elaborated and justified below:

- **Learning involves the students’ adaptation to the environment**, that is, the students alter the behaviour to interact with the environment in a more effective fashion according to social interaction, the environment, and other parameters.
- **Learning involves the active construction of knowledge by the individual**. As mentioned above, Doolittle consciously opts for constructivist terminology in order to explain what in complexity theory would be referred to as the active search for regularities of the agent within a complex system.
- **Learning involves the self-organization of knowledge and experience into internal models** that are not transmitted or imposed from any external source but rather *construed* by the student
- **Learning involves the emergence of internal models as a natural consequence of one’s on-going experience**, as opposed to knowledge being ‘actively constructed’ by the cognising agent, here knowledge (the internal models) emerges naturally as a consequence of the interaction between the already existing models and schemas of the cognising agent and the new cognitive input.
- **Learning is a function of both student interaction and existing internal models**, combining aspects of radical constructivism (the fact that the *locus cognitio* of the learning process is located inside the cognising agent’s mind) and social

constructivism (the fact that interaction is needed for the learning activity to take place).

- **Learning occurs within agent hierarchies and selection pressures** that include individuals, family, friends, and local and global culture, emphasising the situated nature of cognition and the need to interact with one's context along the learning process.

Along the same lines, it is a current research topic, Risku (2016:1) argues, how students can develop knowledge through collaboration. In the Education Studies domain, for instance, a great interest has aroused “on the emergence and establishment of collective fields of knowledge, their interaction with cognition at the individual level and the knowledge dynamics which result”, embedding knowledge in a “dynamic social context of action”.

Building on the pedagogical implications put forward by constructivism that I have briefly presented above, the emergentist approach elaborates and emphasises a number of particular aspects that complement the constructivist view on the learning process. From the field of situated cognition, Risku (2010, 2016) highlights the fact that post-positivist epistemologies understand learning as a “situated, context-dependent activity” (as opposed to an abstract, decontextualized approach), hence the need for students to manage different professional situations in their relevant context. Therefore, she argues (2010:101), “it is of paramount importance that teachers of translation and interpreting *integrate authentic or near-authentic translation tasks* into their teaching”. This belief has extensively been supported by other authors such as Kiraly (2006, 2012, 2013, 2016), for instance, or Calvo Encinas (2015).

An interesting remark to that concern is that of Marco (2016:34), who brings to the table the notion of legitimate peripheral participation (LPP). The term, borrowed from Lave and Wenger (1991), refers to the fact that “learning is taken to be an integral aspect of practice (in a historical, generative sense)” (Lave & Wenger, 1991:34-35). As Marco acknowledges (*ibid*:40) LLP has a wider scope than situated learning, since it “implies that learning is a feature of practice”.

The use of authentic tasks may also be ascribed to other post-positivist pedagogical approaches, but it is within the emergentist context that this feature

gains momentum, since the emergentist pedagogy, hand in hand with the constructivist, is understood as an emancipatory, enactive, empowering activity whereby students take full responsibility of their own learning process, “gaining competence especially when they take part in a dialogue and can assume a meaningful role in an authentic situation” (Risku, 2016:6). Therefore, it is through *real, significant translation assignments embedded in authentic situations* that students are truly able to learn (Kiraly, 2016b), since they are exposed to the complexity and the problem-solving constraints a professional translator would meet in the course of their career.

González-Davis and Enríquez-Raído find three different trends currently being implemented referring to authentic work in the translation classroom (2016:3):

- Approaches where students are presented with a realistic task in the classroom based on collaborative work/project-based methodology (inside the classroom).
- Approaches where students engage real-life professional work through work placements and work schemes (outside the classroom).
- Approaches where the previous methodologies are combined.

Under this paradigm, activities and tasks are understood as situated in specific yet dynamic contexts, hence the difficulty to plan a translation activity in pre-set sequences or tasks. The use of authentic materials leads inevitably to the importance of the ‘community of knowledge builders’ students aspire to join, that is, the *communities of practice* where translators-to-be are being socialised into, advancing from ‘novice’, at the periphery of the community, to ‘expert’, at its centre (González-Davies & Enríquez-Raído, 2016). As Marco (2016:34) acknowledges, the functioning and internal rules of a socio-professional community depend exclusively on its members, and there “they find the authority for their decisions by participating actively in the collectively created values, norms and conventions of the translation community” (Kiraly, 2000).

Keeping the communities of practice in mind means “paying appropriate attention to the ‘actor-networks’ in which complex work activities are negotiated” (Risku, 2010:105). By mimicking and adopting the role of the expert, students develop the ability to deal with the challenges that the community of practice in question

demands and therefore “feel closer to the centre of the community of professional (...) translators by virtue of their experience” (Marco, 2016:37), thus developing the ability to think and act as professionals (González-Davies & Enríquez-Raído, 2016:1). Besides, if the translation scholars are able to draw the relevant links between the translation community of practice and other neighbouring players (authors, clients, agencies, market, rates, etc.) in the course of the translation modules, they will indirectly be able “to explain how professional translators are able to develop their flexibility, creativity and sense of responsibility without losing touch with the real world” (Risku, 2010:107).

1.2.4 Critical Theory

Richard Rorty in *Objectivity, relativism, and truth* (1991) makes a very relevant point when he asserts that what we choose to call ‘knowledge’ is nothing but a consensus of beliefs open to continuous negotiation. This assertion implies two things: 1) a post-positivist, post-modern vision of reality very much in harmony with the constructivist/emergentist epistemologies above, and 2) the ephemeral, situated nature of knowledge, and therefore of the learning activity itself. That ‘continuous negotiation’ Rorty mentions is not an aseptic process but it is rather subject to particular narratives (Baker, 2006) that, among other factors, globalisation puts forward regarding particular agendas stemming from the economic elites towards the peripheral systems that constitute our very perception of reality (Vidal Claramonte, 2010).

Specifically in the Education Studies field, Davis and Sumara (2003:130), from an emergentist standpoint, claim that “teachers, in these frames, are often cast as cultural agents, largely unaware of their participation in the perpetuation of established mindsets and practices”. It seems that the idea that both reality and the world around us are shaped through partial discourses and particular narratives is paramount, and therefore should not be neglected in educational scenarios; an idea shared by Scorza, Mirra and Morrell (2013:8) following, as they claim, the current neoliberal shift in educational settings and its emphasis on accountability in an attempt “to market ideas and work against the development of critical thinking”.

Sarroub and Quadros (2015:252) assert that all classroom discourse is inherently political and, indeed, see the need for a critical pedagogy that conveys the “complex understanding of how social structures mediate power relations to create different

forms of alienation”, depicting “the reproduction of social struggles, inequities, and power differences”. The political nature of the learning activity is shared by Eisner (1994), who, besides acknowledging that the classroom methodology and the content of a particular module is inherently political, refers to a “hidden curriculum” as the exposure to politically-oriented stimuli that students receive from their textbooks, their teachers, and the school itself.

Critical theory, as emergentism, may be categorised under the post-positivist epistemological spectrum, thus advocating the fact that individuals cannot separate themselves from what they know. In a narrow sense, Bohman argues (2016), critical theory refers to the generations of German philosophers and social theorists in the Western European Marxist tradition known as the Frankfurt School (1923). According to them, “a ‘critical’ theory may be distinguished from a ‘traditional’ theory according to a specific practical purpose: a theory is critical to the extent that it seeks human ‘emancipation from slavery’, acts as a ‘liberating influence’, and works ‘to create a world which satisfies the needs and powers’ of human beings’ (Horkheimer, 1982). Building on Marx, and particularly on his views about labour, these scholars believed that the root of all problems in society was socio-economic inequality (Breunig, 2011:4)

During the 1960s and 1970s, given the fact that critical theor(y/ies) aimed at transforming all the circumstances that ‘enslave’ the human being, a variety of new theoretical paradigms emerged, all of them questioning the very nature of the quantitative, empiricist, and positivist concepts of social theory and research (Kellner, 1990:1).

In the Latin American context, for instance, Freire’s experiences on developing educational ideals and practices in order to improve marginalised people’s lives and thus soften their oppression marked a milestone in critical pedagogy. For Freire (1970), schools hindered systematically the development and progression of the most humble layers of society, hence his search for ways to cope with that ‘dehumanising process’, as he would call it.

In North America, Breunig (2011:4) claims, the “New Left Scholars”, Henry Giroux among them, began to blend the most progressive elements of Dewey’s approach to education with the critical theory heir of the Frankfurt School. Scholars like the Giroux, Apple, or McLaren directed their efforts towards the way schools conveyed particular discourses and political narratives and how critical pedagogy could

empower teachers towards the implementation of democratic values in their classroom (Kincheloe, 2004).

Other trends focused on the intersection between critical thinking and feminism, and later on on queer studies (Pinar, 1998), emphasising the paramount role of teachers in the process of raising awareness among their students about the existence of oppressive social structures and the need to change them (Weiler, 2001:68).

All in all, these new critical theories emerged together with the many social movements whose dissatisfaction with the dominant, mainstream methodologies and theories led them to the active search of their own alternative epistemological paradigms. Identifying varied dimensions of the domination of human beings in modern societies, the new paradigms (phenomenology, ethno-methodology, structuralism, Marxism, feminism, queer studies, post-colonial studies, and so on) “offered new conceptions which claimed to be more adequate in characterizing contemporary society and in providing inspiration and guidance for transforming it” (Kellner, 1990:1). These post-positivist epistemologies argue that no metaphysical or epistemological issue may be tackled by abstracting it from the interconnectedness of both our experience and global phenomena, since they are inherently global and historical, aiming at the ‘big picture’ “that sketches the fundamental outlines of socio-economic development and the ways in which [oppression] structures social life” (*ibid*:12).

The emergence of critical theory marked the ‘linguistic turn’ of contemporary paradigms, that is, the assumption that our reality is constructed (construed, alas!) through language, guiding and limiting any empirical process we may want to undergo. Traditional thinking, Horkheimer argues (1982:9), is unable to do that since it is unaware of how social processes constraint its nature, thus failing to see its lack of autonomy and social determination and therefore surrendering to the dominant discourses. Another interesting point is how critical theorists believe the dualist conception objective-subjective to be problematic. Indeed, they deem objectivity to be socially agreed (and not natural) and therefore it may stand as a tool aimed at protecting the privilege of particular groups. Keeping that into account, the scientific methodology they suggest combines dialogic methods of observation and reflection that challenge the mechanisms of order maintenance, challenging pre-set assumptions in an attempt to change reality.

1.2.4.1 Pedagogical implications of critical theory

The first and foremost principle of critical pedagogy Sarroub and Quadros deem essential (2015) is to acknowledge the importance of classroom practices as a form of ideological production, reflecting social discursive formations and power-knowledge relations. Raising awareness of the situated nature of learning allows translation students to widen their vision and to come to terms with the fact that language, and thus translation, is everything but an innocent activity (Baker & Maier, 2011:4). Language, far from beliefs whereby its main function is to be predominantly referential, stands as a deliberate act of ideological stance (Tymozcko, 2003). Along similar lines, Freire (1970), when referring to the issue of making the pedagogical more political, asserts that teachers should prepare their students “to read the word” as much as “to read the world”, something that could be applied to any educational setting⁵. A similar vision is that of Muro (2012:4) who warns against schools “promoting passive reception of decontextualized content instead of active engagement with subject matter”.

The main difference between critical pedagogy and other post-positivist epistemologies is that the former roots its epistemological beliefs on existing power relations, hence the need to contextualise knowledge, creating a space where power relations and privilege are properly understood and where students are encouraged to engage in collective action based on social justice, equality, and empowerment (McLaren, 2009), a space that validates multiple forms of expression as well as the social and cultural experiences of the learner (Giroux, 1998). Sarroub and Quadros (2015:254), working along the same lines, claim that critical pedagogy allows for a stronger engagement of the students with the curriculum and a sharp improvement of their critical skills towards cultural norms and their (conscious or unconscious) participation in hetero-patriarchal communities. In their words:

To use critical pedagogy, practitioners (...) [need] a curriculum (...) founded upon students' interests, cultural needs, and community empowerment. In terms of the dynamics of interaction, the teacher/educator in the classroom focuses on participation and skills in dialogue in a rational articulation of

⁵ Through this statement Freire claims the role of teachers in developing a critical mindset among their students. ‘Reading the world’ is to be understood as identifying the different narratives shaping reality and go beyond superficial content and passive cognitive retrieval of information by the cognising agents.

one's context with others who are differently situated (...). In this regard, the participatory dynamics and dialogical skills involve the construction of dialogues amongst peers, questioning concepts and common behavior, doubting the ritualized form, explaining one's perception of reality, providing evidence of assertions, advancing arguments from diverse knowledge and/or disciplinary perspectives, drawing upon experience with the curriculum and topics addressed, and listening to a variety of voices in different discourses.

This is the fundamental reason why Scorza, Mirra and Morrell (2013:19) understand that a pure constructivist approach does not suffice in educational settings and does not create effective learning environments. New intersectional approaches, they claim, need to be implemented, where critical pedagogy serves “as a legitimate form of engagement to develop learning models and hybrid spaces”, and non-dominant narratives are presented as legitimate forms of expression within our cultural practices and ideological frameworks (Giroux, 1999). That way, students will become conscious of the different forms of social oppression subtly or overtly hidden in everyday social, economic, and political relations (Abdallah, 2011:138).

For students to become professionals in their field, Abdallah (2011:133) argues, “they must be encouraged to question, challenge and ultimately change those workplace practices that seem to them unfair, i.e. unethical, and to become aware of the links between the social and the political”, therefore acknowledging that education cannot and should not be separated from its social and political settings (*ibid*:134).

Specifically in the Translation and Interpreting context, this idea is backed by the data presented by Baker and Maier (2011:2), who quote a major survey carried out by a large language service provider about the ethics of the translation profession and the particular contexts where professional translators refuse translation briefs on the grounds that they have irreconcilable ideological differences with either the brief itself or the client. For the scholars, the outcome of the said survey highlights the fact that ethics is an increasingly relevant topic in the translation profession, and despite the increasing attention it is receiving (Arrojo, 2005; Corsellis, 2005), they feel there is a shortage concerning its pedagogical implementation. In their own words (*ibid*:3):

In order to address the question of accountability, educators need to engage far more directly and explicitly with the issue of ethics and build it into the curriculum. They need to offer trainee translators and interpreters the conceptual means to reflect on various issues and situations that they may be confronted with in professional life, and which they may find morally taxing, without having to fall back unthinkingly on rigid, abstract codes of practice. But they also need to alert trainees to the ethical implications of behaviour that they might regard as routine, unproblematic, and hence not experience as challenging from a moral point of view.

This assertion calls for a space for critical reflection within the classroom, fostering a situated, *ad hoc* ethical approach far from 'dos-and-don'ts' lists to be applied on whatever circumstance. The authors suggest classroom methodology to be oriented towards debates, critical essays, role-plays, and the use of student diaries as a means to foster these critical reflexion skills in the students. Finally, they close their paper wondering (*ibid:7*) whether in the quest to train professional translators there is room to educate citizens and whether both of them can be separated at all.

1.3 Educational Models in the Translation Classroom: An Epistemologically grounded Overview

The contemporary epistemological shift in educational settings I have tried to exemplify above has given rise to a variety of educational models and approaches with very different objectives, aims, and methodologies. A relevant example to mention would be the revision of Bloom's taxonomy of educational objectives, a classic key tool in structuring and understanding the learning process. Bloom, an American educational psychologist in the 1950s and 1960s, presented a set of three hierarchical models regarding the classification of learning objectives according to parameters of complexity and specificity, covering cognitive, affective, and sensory aspects. The cognitive model, where Bloom categorised and assigned increasing/decreasing relevance to thinking skills and objectives in educational contexts, has been typically used to structure curriculum learning objectives, assessments, and activities. The continuum he presented ranged from Lower Order Thinking Skills (LOTS) to Higher Order Thinking Skills (HOTS) in the learning

process. Despite being applied and praised countless times, the model was re-visited by a former student of Bloom, Lori Anderson, together with David Krathwohl, and published as “Bloom’s Revised Taxonomy” in 2001, with a substantial, and very much epistemologically illuminating change in the order of its two main features:

| Classic Higher Order Thinking Skills | Revised Higher Order Thinking Skills |
|---|---|
| Evaluation | Creating |
| Synthesis | Evaluating |
| Analysis | Analysing |
| Application | Applying |
| Comprehension | Understanding |
| Knowledge | Remembering |
| Lower order thinking skills | Lower order thinking skills |

Table 1 Bloom’s traditional and re-visited Taxonomy of Educational Objectives (1956/2001)

As can be seen in the table above, the most valued thinking skills become ‘creating’ and ‘evaluating’, hence abilities such as collaborating, designing, assembling, constructing, producing, inventing, commenting, giving value, negotiating, arguing etc. come as top priorities in the new taxonomy, highlighting the importance of procedural knowledge, the practical application of concepts, as one of the main objectives in education. This, many would argue, comes as a result of a shift in the educational paradigms from pure positivist premises to post-positivist approaches.

Be as it may, the epistemological tenets upon which educational approaches are designed result in a number of models of curriculum development that may be applied to the teaching practice. Kiraly (2000:21), building on Miller and Seller’s (1985) work on the relationship between educational approaches and the philosophical, psychological, and social assumptions giving rise to educational models, identifies two sets of pedagogical beliefs underlying the educational practice, the “transmission” and the “transformation” position:

| Transmission perspective | Transformation perspective |
|-----------------------------------|-----------------------------------|
| Knowledge is transferred | Knowledge is constructed |
| Learner is a student and a client | Learner is a whole person |
| Teacher should be in control | Student should be in control |

| | |
|-------------------------------------|-------------------------|
| Knowledge is public | Knowledge is private |
| Motivation is extrinsic | Motivation is intrinsic |
| Learning is molecular | Learning is holistic |
| Learning characteristics are shared | All learners are unique |
| Learning is individual | Learning is social |
| Knowledge is content | Knowledge is a process |

Table 2 Kiraly's (2000:22) pedagogical beliefs and implications in the educational practice

From a different perspective, Cronjé (2006:391) adapts the works of Reeves and Harmon (1994), who provide a comprehensive breakdown of each of the transmission and transformation poles of the spectrum according to their epistemological grounds:

| Category | Extremes of the continuum | |
|---|----------------------------------|--------------------------|
| Epistemology | Objectivism | Constructivism |
| Pedagogical Philosophy | Instructivist | Constructivist |
| Underlying Psychology | Behavioural | Cognitivist |
| Instructional sequencing | Reductionist | Constructivist |
| Goal orientation | Sharply focused | Unfocused |
| Role of teacher-instructor | Authoritarian/Didactic | Egalitarian/Facilitative |
| Experiential value | Abstract | Concrete |
| Programme flexibility | Teacher-proof | Easy modifiable |
| Value of errors | Errorless learning | Learning from experience |
| Motivation | Extrinsic | Intrinsic |
| Structure | High | Low |
| Learner control | Non-existent | Unrestricted |
| User activity | Mathemagenic | Generative |
| Accommodation of individual differences | Non-existent | Multifaceted |
| Cooperative learning | Unsupported | Integral |
| Cultural sensitivity | Non-existent | Integral |

Table 3 Pedagogical dimensions [synthesised from Reeves & Harmon, (1994)] in Cronjé (2006:391)

Kiraly (*ibid*:20) acknowledges that these conceptualisations are a good starting point “for clarifying and distinguishing the educational implications of objectivist and constructivist views”, and therefore valid as a basis for a discussion on the epistemological grounds of curriculum development and classroom methodology. In parallel, and basing their findings on Kiraly’s ideas, her previous works (González-Davies, 2004:14) and their joint efforts (Kiraly & González-Davies, 2006), González-Davies and Enríquez-Raído (2016:7) add a third approach to the teaching activity besides the transmissionist and transformative models, the ‘transactional’ educational model, which is to stand as a step between teacher-controlled and student-controlled educational scenarios. In their words:

(a) Transmissionist: A traditional product-oriented and teacher-centred learning context where a predetermined syllabus includes model translations that are singled out to be received by unquestioning students who are instructed to ‘read and translate’

(b) Transactional: This is a step towards empowering the students and is based on cooperative learning. It provides for group work and interaction, but the teacher still determines the syllabus and holds the final answer to the problems set in the activities.

(c) Transformationist: A student and learning-centred context that focuses on collaborative study and exploration of the translation process with the teacher acting as a guide. Here, procedures that bridge academic and professional extramural practice are pivotal. As the translation projects are real-life or very nearly so (as in mock conferences), the teachers learn alongside the students to a certain extent, as they cannot foresee all the problems that may arise and, so, have to leave room for the unexpected in the syllabus.

The **transmissionist** perspective corresponds clearly to a positivist paradigm where knowledge is divided in apprehensible units that students are meant to retrieve cognitively without any room for interaction or critical thinking. The teacher is regarded as the source of knowledge, whose task is to pass on what they deem relevant to their eager audience. Baumgarten, Klimkowski, and Sullivan (2010:9) offer the following illustrative figure to that concern:

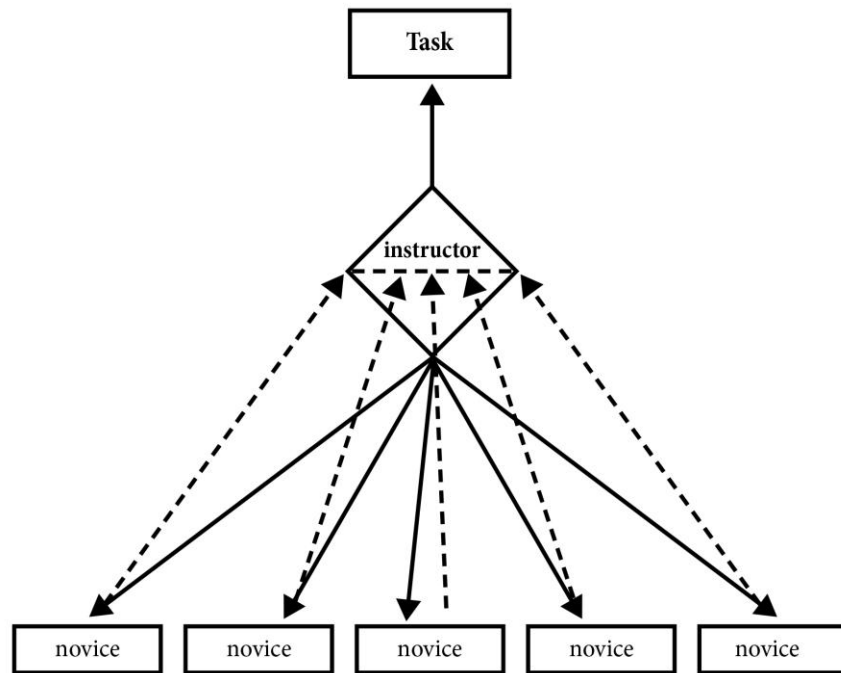


Figure 3 Baumgarten, Klimkowski, and Sullivan's (2010:9) transmissionist model

The **transactional** model, based on cooperative learning and a communicative approach, still sees the teacher (trainer) at the very centre of the education process, but acknowledges social interaction between peers (apprentices) as an essential feature of the education process, since one of its underlying assumptions is that students learn best when encouraged by their classmates in an open environment where all contributions are welcomed (Baumgarten et al., 2010:8). Still, as González-Davies and Enríquez-Raído argue above, it is up to the trainer to envisage the learning outcome, content structure, and methodology of their module, and thus they are needed for education to take place. Working on Baumgarten *et al*'s figure above, a transactional classroom could be summarised as follows:

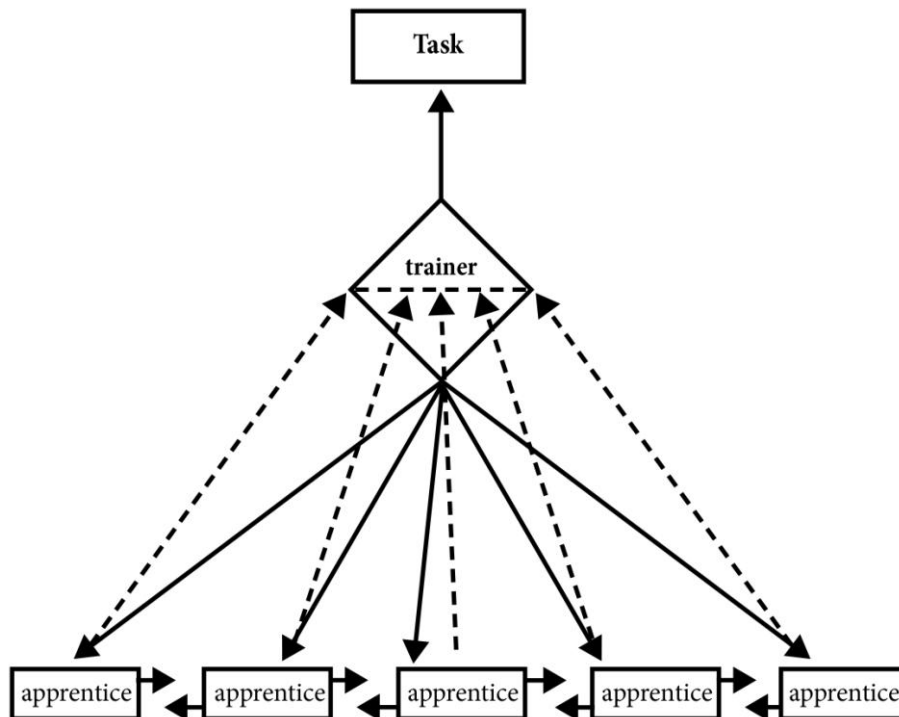


Figure 4 Transactional education model [based on Baumgarten et al., (2010)]

The **transformationist** position sees learning as a “personal, holistic, intrinsically motivating and socially effectuated construction process, where knowledge cannot be transferred from one person to another” (Kiraly, 2000:23). This post-positivist conception of the learning activity results in a student-centred, learning-oriented (as opposed to teaching-oriented) praxis of education. The teacher (facilitator) assumes a background role and scaffolds their students by pushing their ZPD towards unfolding the best of their abilities in a collaborative, empowering context. Post-positivist, constructivist/emergentist epistemological grounds to education involve the use of authentic, or nearly authentic classroom materials in the socialisation of the students into their respective communities of practice (*see Emergentism above*). Baumgarten *et al.* (2010:12) provide the following figure to that concern:

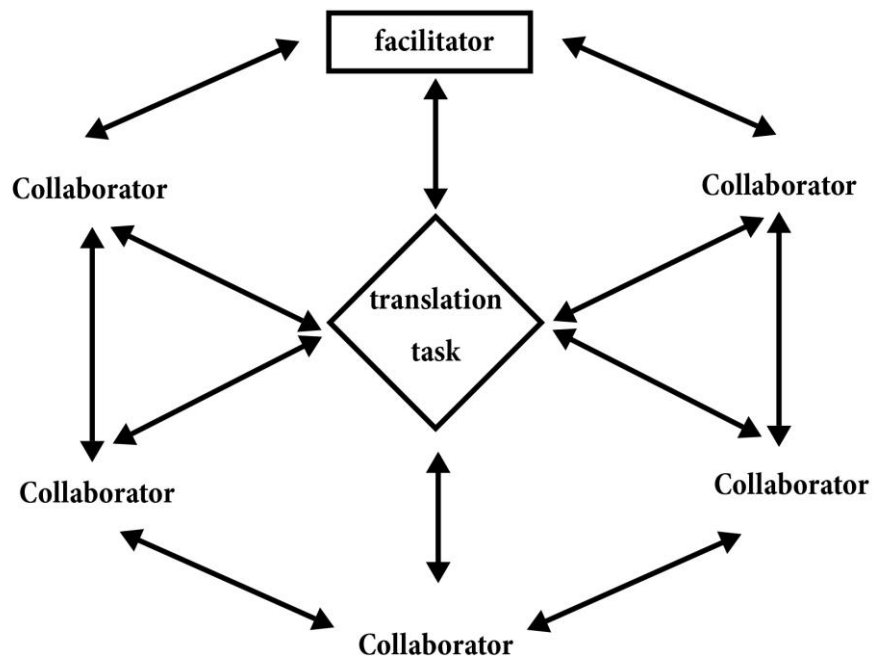


Figure 5 Baumgarten, Klimkowski, and Sullivan's (2010:12) transformationist model

To the three educational models Kiraly and González-Davies suggest, Baumgarten, Klimkowski, and Sullivan (2010) add a fourth one: the **transgressionist** approach. Building on transformationist grounds, that is, a post-positivist epistemological standpoint, the authors suggest taking the education process a step further away from the teaching figure, a scenario where both the facilitator and collaborators undergo a process of change as a result of the learning activity. The didactic approach the scholars suggest, heir to the post-positivist tradition, places critical-reflexive features at the very centre of the educational model. Ultimately, they claim (*ibid*:6) that “this philosophy is the most flexible (...) since the student collaborator can take knowledge as well as practical and intellectual skills into the real world and apply them to life”. Transgressionism is a situated, context-bound activity whose critical roots follow some of the practical implications of critical pedagogy.

The scholars deem Kiraly’s holistic approach, and especially its practical implications, substantially beneficial regarding curriculum development. Their suggestion, they argue, only serves to complement some aspects of Kiraly’s model that, according to them, need further clarification (*ibid*:7). One of these aspects is the fact that the said model may potentially be read in a deterministic fashion (with stimulus-response connotations) that do not really couple with a post-positivist understanding of the learning activity. The answer to that, they assert, is to further elaborate on how the facilitator and the students influence each other,

something they explain through acts of *transgression*, following the works of Koziellecki (1989). The other specification they make is that current educational models should be anchored within the post-modern climate in which current translation education is embedded. It seems imperative, they claim, “to emphasize the social relevance of our pedagogical practices” concerning the development of heightened social awareness among translation students.

In any case, both Baumgarten *et al.* (2010:5) and Kiraly (2000:27) recognise the usefulness of all educational models in particular contexts, and acknowledge that some knowledge may be acquired/construed/constructed in a transmissionist fashion in cases, for example, “where there is only one way to accomplish something, where the learner is not called upon to make choices, to use personal judgement or to weigh conflicting social, cultural or cognitive constraints against one another” (Kiraly, 2000:27).

It seems that an eclectic approach, based not only on the nature of the content of a module, but also on the epistemological stance of the teacher as well as other social/environmental factors, could be an interesting contribution to an epistemologically grounded debate whose implications go beyond epistemology and enter, at times, conflicting territories within the pedagogical domain.

Cronjé (2006:395) reflects on this very topic, building on the works by Smith and Ragan (1999) on supplantive and generative instructional events. The scholars present a model of cognitive load and information processing where indeed the elements from *both* sides, that is, both positivist and post-positivist, are relevant in the learning process, since education, in their view, comprises both generative and supplantive elements:

| Supplantive | Generative |
|---|--------------------------------|
| Introduction | |
| 1. Compel attention to lesson | Activate attention to lesson |
| 2. Inform learner of instructional purpose | Establish purpose |
| 3. Stimulate learner’s attention and motivation | Arouse interest and motivation |
| 4. Provide overview | Preview learning activity |

| Body | |
|---|----------------------------------|
| 5. Stimulate recall of prior knowledge | Recall relevant prior knowledge |
| 6. Present information and examples | Process information and examples |
| 7. Compel and direct attention | Focus attention |
| 8. Guide or prompt use of learning strategies | Employ learning strategies |
| 9. Provide for and guide practice | Practice |
| 10. Provide feedback | Evaluate feedback |
| Conclusion | |
| 11. Provide summary and review | Summarise and review |
| 12. Enhance transfer | Transfer learning |
| 13. Provide re-motivation and closure | Re-motivate and close |
| Assessment | |
| 14. Conduct assessment | Assess learning |
| 15. Provide feedback and remediation | Evaluate feedback |

Table 4 Supplative and generative instructional events [adapted from Smith & Ragan, (1999)] in Cronjé (2006:395)

The following section aims precisely at analysing possible links between the epistemologies re-visited above and the implications that would have in the subsequent educational models.

1.4 Reconciling opposing views?

The traditional positivist classroom, and therefore traditional methodology, has been home to generations of learners. In fact the majority of the current adult population these days has been educated under positivist premises. One may wonder whether the traditional approach might be of any use, or whether the contemporary pejorative meaning that the term ‘positivist’ seems to have at present reflects a dated epistemology underpinning the education process offering little or no added value in a given learning environment. Despite the current pro-constructivism movement in teaching methodology and curriculum development, Vrasidas (2000:359), at the end of the day, admits that “there are times that a more objectivist approach is appropriate and there are other times that a more constructivist approach is appropriate”, a view backed by Kinchin and Hay

(2007:4), among others, when they state that “university teaching is exemplified by a range of epistemological stances”.

Vrasida’s concerns are echoed by other scholars who, despite acknowledging the fact that constructivist premises are the backbone of current pedagogical approaches to education, do have some concerns about a number of its premises. Kiraly himself (2006:68) acknowledges that emergentism may be used to show “how a principled combination of transmissionist, transactional, and transformational teaching approaches might be more effective than any other approach alone”. Another example would be that of Marco (2016), for instance, rejecting the constructivist role of the teacher as a ‘mere’ facilitator of the learning process on the basis that the teachers’ input “is necessary if the project is to remain viable and the continuity of the work placement scheme is to be ensured” (*ibid.*:38). Similarly, the scholar has some hesitations with the importance of the students’ autonomy in the education process, since it requires students to have a semi-professional approach to their education, something, he asserts, not every student is able to do not even by the end of their studies.

Perhaps the biggest criticism to the current pedagogical/epistemological “dogma”, as he puts it, is that of Biesta (2016), who raises relevant critical questions about “the too facile critique of traditional teaching” (*ibid.*:387) based on post-positivist premises. Quoting Richardson (2003:1628), the scholar asserts that we should never underestimate our capacity to receive, since students also make meaning from activities taking place in transmissionist models of teaching. Besides, he argues, accepting blindly the role of the teacher as a simple facilitator in the education process implies, to some extent, to give up on the very idea of education (Biesta, 2013:3).

As Biesta sees it, the problem with traditional thinking stems from the fact that we associate it with authoritarian teaching, bestowing the students a passive role, that of an object, in the overall education process. Far from dualist/binary constructions where freedom and authority stand as ends of the academic spectrum, he advocates a process in which ‘authority’ becomes ‘authorised’ (*ibid.*:376), a non-egological act where there is no subject-object implications. In his words (*ibid.*:378):

Such teaching is not authoritarian—it does not reduce the student to an object but rather has an interest in the student’s

subjectness. But it does not overcome authoritarianism by opposing it (which would mean leaving students entirely to their own devices, that is, to their own learning-as-signification). It does so by establishing an entirely different relationship. This is a relationship of authority—bearing in mind that authority is relational (Bingham, 2008)—because in moving from what we desire to what we can consider desirable, we give authority to what and who is other or, with a slightly different word, we authorise what and who is other by letting it be an author, that is, a subject who speaks and addresses us.

To that concern, in previous works (Biesta, 2013:12), the scholar tackles the difference between ‘being taught’ and ‘learning from’ somebody as the root for his anti-egological approach. Learning from a teacher suggests, in his opinion, the use of the teacher as a simple resource in the learning activity, thus denying “the subjectivity of those who are subjected to such authority”, that is, the very students (*ibid*:11). In those cases, so he asserts, what the students retrieve is within their own control at all times. ‘Being taught’, however, implies that something enters the students from the outside, thus out of their control, resulting in a process where the students willingly give authority to the teacher in question.

On a different work in the same year about the politics of learning (Biesta, 2013a:5), the author suggests that the contemporary epistemological paradigms that shape current content, curricula, and teaching methodology have resulted in what he calls ‘the new language of learning’, as opposed to that of education. The paramount importance of student-centred education, he argues, responds to both epistemological and political reasons based on the following developments:

- (1) The impact of new theories of learning, particularly constructivist theories, which put the focus more strongly on students and their activities than on teachers and their input;*
- (2) the (postmodern) critique of authoritarian forms of teaching;*
- (3) the ‘silent explosion’ of learning – that is, the fact that more and more people are engaged in more and more different forms and modes of learning, particularly non-formal and informal ones; and*
- (4) the individualising impact of neo-liberal policies and politics*

on education, including adult education

From a different perspective Cronjé (2006:393) also wonders whether the positivist epistemology and constructivism could be somehow integrated as a comprehensive approach towards curriculum design and the education process:

If learning events could combine both perspectives (...) it would follow that the two polar extremes are not opposites, but can be reconceptualised so that high levels of both characteristics can be harmoniously accommodated in one model.

Quoting Rieber (1992) and his suggestion that “microworlds” could be the perfect link between both epistemologies, Cronjé recognises that most people, and therefore also those in charge of education, feel comfortable with a binary approach. Still, it is his belief that a binary approach does not fully represent such a complex issue and therefore suggests a model made of four quadrants integrating both constructivist and positivist epistemologies building on Smith and Ragan’s (1999) model of cognitive load and information processing, an indicator, in his opinion, that education comprises not only generative elements but also supplantive elements, which matches the epistemological dispute he tries to resolve (Cronjé, 2006:394):

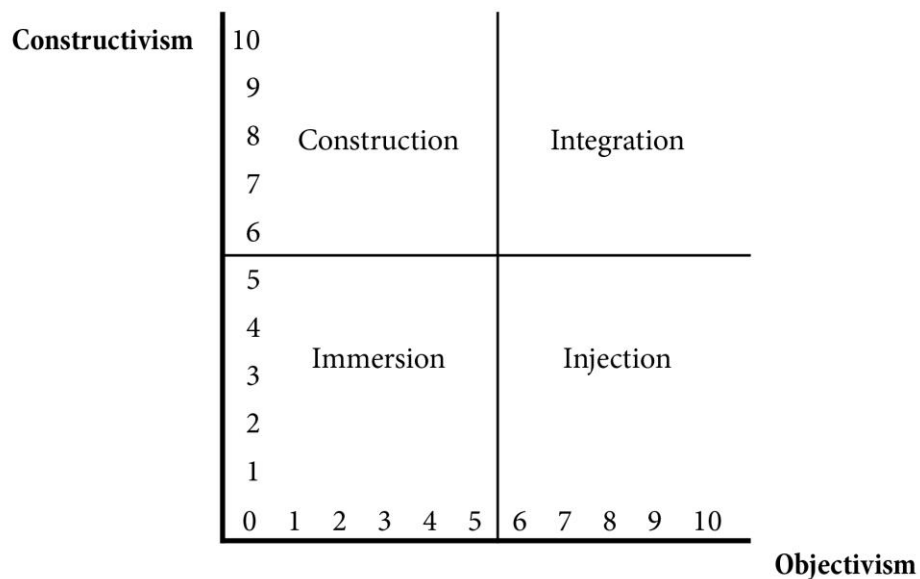


Figure 6 Cronjé's (2006) quadrants of teaching and learning

Injection, where knowledge is acquired in an objectivist way, reinforcing an empirico-rationalist conception of the world and knowledge acquisition

Construction, where knowledge is deemed to be an internal representation following constructivist premises

Immersion, where learning is regarded as a rather 'serendipitous' activity lacking any positivist or constructivist epistemological basis, planning, or formal/informal instructor/facilitator. The author mentions the example of a baby and an insect that stings them. After the episode, he asserts, the child has learnt to avoid those insects.

Integration, where instruction and construction are combined in truly appropriate conditions (Cronjé, 2006:398). The author suggests that this quadrant requires a deep analysis of the learning objectives and the desired learning outcome so that the teacher can adapt their methodology, class activities, and assessment methods according to both positivist and post-positivist epistemologies.

The closing remark of the author (*ibid*: 412) that constructivism and positivism are not in debate but at cross-purposes casts light, in my opinion, on the engaging suggestion that a combined methodology is possible, something that reflects most the reality of most curricula and teaching praxis these days.

1.5 Epistemological Remarks for an Intersectional Field

Along this chapter I have sketched the bases for an epistemological ground upon which the different educational models aimed at the education of future translators and interpreters is built. Far from static definitions and rigid conceptualisations, I have stressed the idea that epistemological grounds are all but uniform. Instead, they represent different ways of conceptualising reality that respond to different moments and particular geographical locations, and therefore they must be analysed in intersectional, context-bound terms. Accordingly, each and every epistemological approach is formed by a more-than-relevant number of trends, ideas, and schools of thought that render an epistemological analysis of the education process a complex task, as intersectional as the very field of Education Studies itself.

Similarly, the epistemologies re-visited above, and by extension all epistemological trends, have not been envisaged for educational purposes but rather as a form to treat, process, and apprehend scientific knowledge. Therefore all application in educational settings proves to be problematic in a way or another. Constructivism, the very cornerstone of current educational practices, was meant as a means to conceptualise reality, with no pedagogical application whatsoever besides Vygotsky's works on the zone of proximal development and the role of scaffolding. 'Constructivist curricula', 'constructivist teachers' or 'constructivist methodology' reflect no other reality than the attempt to transpose epistemological thoughts to the everyday activity of education.

Education is a complex situated activity that needs to be addressed in its particular context. Reductionist attempts to conceptualise, analyse or dissect its nature or phenomenology are bound to fail since it stands probably as one of the most intersectional fields within the academia. This complexity requires a multi-faceted epistemological approach in the absence (and impossibility) of a holistic, comprehensive education theory covering all aspects of knowledge acquisition/construction/construal. A polyhedral, dynamic epistemological base stands, as far as I see it, as the only possibility for educators and educationalists to tackle successfully the arduous duty of educating citizens and train professionals in any field.

Such eclectic approach requires, in my opinion, a **post-positivist perspective** on education that, while recognising the **complexity and the emerging properties** of this intersectional field and the constructed/construed nature of knowledge, re-claims the figure of the educator as a versatile actor who knows when to facilitate learning and thus become the 'guide at the side', when to instruct and lead (not as a draconian authority but as an 'authorised agent' in Biesta's terms) and when to vanish, let the students take all responsibility regarding their education process and become a 'peer at the rear'. Such education model must be rooted in **critical thinking** whose primary end is not only the training of successful members of their corresponding communities of practice but the education of critical, empowered citizens able to recognise the partial discourses and narratives that conform our surrounding reality and act according to a strong translation ethical framework.

CHAPTER 2 - ON EHEA AND ITS IMPACT ON THE TRANSLATION AND INTERPRETING FORMAL EDUCATION PROGRAMMES IN SPAIN

While the previous chapter has analysed the epistemological grounds of education phenomena, this chapter is intended to re-visit the institutional and regulatory frameworks where the education of translators and interpreters-to-be is embedded. On the first part, given the situated nature of education, the work will be contextualised in the current EHEA scenario, its structure, rationale, and objectives, focusing on how the contemporary institutional framework has meant a major shift in higher education, not only in domestic terms but also at the European level. Special attention will be paid to the epistemological assumptions EHEA incorporates in its educational approach, since later on in this dissertation it will be argued that it may constraint the educational models that lecturers apply during the course of their professional activity. The first section of the work stems from the 2015 Bologna Process Implementation Report, the several directives and communiqués shaping the European common education process and the subsequent interpretation of data and initiatives. Next, the EHEA-related adjustments implemented in the Spanish third level education scenario will be analysed, focusing on the implications that the current four-year-long degree structure (*grado*, in Spanish) has had as opposed to the former 5-year-long programmes (*licenciatura*). Finally, as a previous step towards the study of the components of (specialised) translation competence and (specialised) translation education, the white paper corresponding to the translation and interpreting degree programmes in Spain will be studied in an attempt to draw and infer relevant epistemological, pedagogical, organisational, and descriptive features of the Spanish third level formal education studies of translation and interpreting. The overall underlying rationale backing this chapter, then, stems from the following assumptions: the epistemological grounds of the education process (Chapter 1) and the framework where the said education takes place (Chapter 2) shall provide a consistent breeding ground to address specific questions about translation pedagogy and legal translation education.

2.1 The European Higher Education Area

2.1.1 Modelling Europe *à la Bolognese*

It was on the occasion of the 800th anniversary of the University of Paris when the ministers for Education of France, Italy, the UK, and Germany set in motion the current third level education scenario in Europe. As revolutionary as it has proved to be in terms of European cooperation and impact in the creation of a pan-European feeling among the younger generations in Europe, the Bologna Declaration (1999) signed a year after the Sorbonne Joint Declaration (1998) by 29⁶ participating countries sought to tackle the out-dated, segmented picture that the European higher education context had managed to draw until then.

Originally, the Bologna Declaration was aimed at strengthening the European higher education domain and foster student mobility through a system of comparable, accessible programmes and degrees⁷. For that purpose, the undersigning ministers agreed on meeting every two years in order to evaluate the progress made and envisage measures that would build a cohesive European network of third level education referred to thereafter as the European Higher Education Area (EHEA). Those meetings⁸, taking place since 1999, have

⁶ At present 47/49 countries that have ratified the European Cultural Convention of the Council of Europe (1954) have joined the Bologna Process, making the Bologna Declaration a successful endeavour in terms of mutual understanding and common vision of a Europe beyond “that of the Euro, of the banks and the economy (...) a Europe of knowledge as well” (Sorbonne Joint Declaration, 1998).

⁷ The Lisbon Convention (1997) stands as the first attempt to reach relevant agreements concerning third level programme recognition.

⁸ The outcome of those follow-up meetings are the following declarations and communiqués:

Sorbonne Declaration (1998):

http://www.ehea.info/Uploads/Declarations/SORBONNE_DECLARATION1.pdf;

Bologna Declaration (1999):

http://www.ehea.info/Uploads/Declarations/BOLOGNA_DECLARATION1.pdf;

Prague Communiqué (2001):

http://www.ehea.info/Uploads/Declarations/PRAGUE_COMMUNIQUE.pdf;

Berlin Communiqué (2003):

http://www.ehea.info/Uploads/Declarations/Berlin_Communique1.pdf;

Bergen Communiqué (2005):

http://www.ehea.info/Uploads/Declarations/Bergen_Communique1.pdf;

London Communiqué (2007):

http://www.ehea.info/Uploads/Declarations/London_Communique18May2007.pdf;

Leuven/Lovain-la-Neuve Communiqué (2009):

progressively deepened on aspects such as the mobility of students, lecturers and researchers, a common degree system, the social dimension of the educational phenomenon, lifelong learning, the ECTS European system of credits, quality assurance, the social dimension of higher education, the development of Europe as an attractive knowledge region, etc. (Commission/EACEA/Eurydice, 2015:25). The process of implementing and tackling the abovementioned features of EHEA is summarised in a concise, illustrative way in the following table, including the milestones and relevant projects launched at every ministerial meeting

| 1998 Sorbonne Declaration | 1999 Bologna Declaration | 2001 Prague Communiqué | 2003 Berlin Communiqué | 2005 Bergen Communiqué |
|--|--|---|---|---|
| Mobility of students and teachers | Mobility of students, teachers, researchers and administrative staff | Social dimension of mobility | Portability of loans and grants Improvement of mobility data | Attention to visa and work permits |
| A common two-cycle degree system | Easy readable and comparable degrees | Fair recognition Development of recognised joint degrees | Inclusion of doctoral level in third cycle | QF-EHEA adopted National Qualifications Framework launched |
| | | Social dimension | Equal access | Reinforcement of the social dimension |
| | | Lifelong Learning (LLL) | Alignment of national LLL policies Recognition of Prior Learning | Flexible learning paths in higher education |
| Use of credits | A system of credits (ECTS) | ECTS and Diploma Supplement (DS) | ECTS for credit accumulation | |
| | European cooperation in | Cooperation between quality assurance and | Quality assurance at institutional, national | European Standards and Guidelines for |

<http://www.ehea.info/Uploads/Declarations/Leuven Louvain-la-Neuve Communiqu%C3%A9 April 2009.pdf>;

Vienna/Budapest Declaration (2010):

<http://www.ehea.info/Uploads/Declarations/Budapest-Vienna Declaration.pdf>;

Bucharest Communiqué (2012):

[http://www.ehea.info/uploads/\(1\)/bucharest%20communiqu%C3%A9%202012\(1\).pdf](http://www.ehea.info/uploads/(1)/bucharest%20communiqu%C3%A9%202012(1).pdf);

Yerevan Communiqué:

http://www.ehea.info/Uploads/SubmittedFiles/5_2015/112705.pdf [Last accessed: 11th August 2016].

| | | | | |
|----------------------------|---|--------------------------|---|--|
| | quality assurance | professional recognition | and European level | quality assurance adopted |
| Europe of knowledge | European dimensions in higher education | Attractiveness of EHEA | Links between higher education and research areas | International cooperation on the basis of values and sustainable development |

| | 2007 London Communiqué | 2009 Leuven/Louvain-la-Neuve Communiqué | 2012 Bucharest Communiqué | 2015 Yerevan Communiqué |
|--|---|--|--|--|
| Mobility of students and teachers | Challenges of visa and work permits, pension systems and recognition | Benchmark of 20% by 2020 for student mobility | Explore ways to achieve automatic recognition of academic qualifications | Guidelines on staff mobility and portability of financial support for mobile student Growing interest in other parts of the world |
| A common two-cycle degree system | National Qualifications Frameworks by 2010 | National Qualifications Frameworks by 2012 | New roadmaps for countries that have not established a National Qualifications Framework | Short cycle qualifications in the overarching framework of qualifications for the European Higher Education Area (QF-EHEA) |
| Social dimension | Commitment to produce national action plans with effective monitoring | National targets for the social dimension to be measured by 2020 | Strengthening policies of widening access and raising completion rates | Implement social dimension strategy. Improve gender balance and widen opportunities for students and staff from disadvantaged backgrounds and conflict areas. |
| Lifelong Learning | Role of LLL in higher education Partnerships to | LLL as public responsibility requiring strong | Enhance employability, LLL and entrepreneurial skills | Support institutions that provide relevant LLL activities. |

| | | | | |
|--|---|--|--|---|
| | improve employability | partnerships Call to work on employability | through improved cooperation with employers | Improve permeability and articulation between different education sectors |
| Use of credits | Need for coherent use of tools and recognition practices | Continuing implementation of Bologna tools | Ensure that Bologna tools are based on learning outcomes | New ECTS Guide. Credits to be allocated on basis of learning outcomes |
| European cooperation in quality assurance | Creation of European Quality Assurance Register (EQAR) | Quality as an overarching focus for EHEA | Allow EQAR registered agencies to perform their activities across EHEA | Revised version of ESG. Focus on: - Interests of students and employers in good quality higher education; - Central importance of institutional autonomy, - Need for external quality assurance |
| Europe of knowledge | Strategy to improve the global dimension of the Bologna Process adopted | Enhance global policy dialogue through Bologna Policy Fora | Evaluate 2007 global implementation strategy with aim to provide guidelines for further developments | |

Table 5 Milestones within EHEA, adapted from The Bologna Process: from Sorbonne to Bucharest, 1998-2012 (Commission/EACEA/Eurydice, 2015:25) and the Yerevan Communiqué (2015)

The ministerial meetings since 1999 have broadened the very scope of the Bologna Declaration and given greater precision to the tools developed, adjusting the focus of its actions in an attempt to further elaborate on common policies and strategies. The recognition of European qualifications, for instance, is currently perceived as a central issue within the EHEA network and policies, and so is the social dimension of higher education, introduced for the first time together with lifelong learning after the Prague Communiqué (2001), including at present gender balance and further opportunities for students and staff from disadvantaged backgrounds and conflict areas as one of its main objectives (Yerevan Communiqué, 2015).

Overall, Bergan (2015:74-76) distinguishes four different development and implementation stages within EHEA:

- **Sorbonne 1998 to Prague 2001**, where goals for the next decade were set together with the first steps towards a solid European Higher Education Area.
- **Berlin 2003 to Bergen 2005**, where the ESG and QF-EHEA were introduced, stressing the necessity for progress assessment, procedural guidelines, and quality assurance. During this phase EHEA grew substantially in size⁹.
- **London 2007 to Vienna/Budapest 2010**, where the consolidation phase began and the Global Dimension Strategy was implemented, adopting the 20% mobility commitment by 2020.
- **Bucharest 2012**, where the financial crisis hits EHEA, political interest in the common project seems to decrease and uncertainty as to how the EHEA should develop further begins to appear.

Considering these phases one could begin to envisage a post-Yerevan 2015 scenario, where the attention, as argued below, appears to have shifted from structural reforms towards the social/pedagogical dimension of the EHEA project.

2.1.1.1 Lubricating the gears of the EHEA wheel

Concerning the internal functioning of the so-called Bologna Process, it was agreed that a number of independent support structures would be implemented in order to ensure that the process complies with whatever decisions and resolutions the different ministerial meetings consider appropriate. The main follow-up structure is the Bologna Follow-up Group (BFUG¹⁰), which meets at least once every six months between the corresponding ministerial meetings¹¹.

⁹ From 33 Member States in 2001 to 45 in 2005.

¹⁰ The BFUG is composed of the representatives of all members of the Bologna Process and the European Commission, with the Council of Europe, the EUA, EURASHE, ESU, UNESCO, Education International, ENQA and BUSINESSEUROPE, as consultative members. The BFUG is co-chaired by the country holding the EU Presidency and a non-EU country, which rotate every six months. The vice-chair is the country organising the next Ministerial Conference. [See: <http://www.ehea.info/article-details.aspx?ArticleId=5>; Last accessed: 12th August 2016]

The work of BFUG is supervised by a Board and supported by the Bologna Secretariat, which is provided by the next country hosting a ministerial meeting. One of the main tasks of the Bologna Secretariat is to present updated information about the on-going processes, actions and statements of the EHEA project for both European and non-European audiences.

At present BFUG is implementing its work plan for 2015-2018¹² following its meeting in Luxembourg in September 2015, where BFUG incorporated the resolutions, action plans, and further strategies included in the Yerevan Communiqué (2015). One of its main aims is to re-structure its organisation, placing the national stakeholders in a more prominent position. In order to do that they count with the following working groups (WG) and advisory groups (AG):

- “Monitoring” WG, monitoring and reporting on the current state of the implementation of the Bologna Process
- “Fostering implementation of agreed key commitments” WG, supporting the implementation of the agreed goals (peer learning and peer exchange events) by offering exchanges of good practices.
- “Policy development for new EHEA goals” WG, dedicated to new priorities for the future of the EHEA, finding policies to follow new EHEA goals and innovation.

¹¹ Other organisms and networks aiming structuring, facilitating, and implementing the initiatives and measures put forward by the ministerial meetings are:

- The European Association for Quality Assurance in Higher Education (ENQA)
- The European University Association (EUA)
- The European Association of Institutions in Higher Education (EURASHE)
- The European Consortium for Accreditation in Higher Education (ECA)
- The European Students' Union (ESU)
- The European Qualifications Framework (EQF)
- The Framework of Qualifications of the European Higher Education Area (EHEA Framework, or QF-EHEA)

¹² See

http://www.ehea.info/Uploads/Work%20Programme/BFUGMeeting_LU_LI_48_6%201a_WP_fin.pdf [Last accessed: 12th August 2016]

- “EHEA international cooperation” AG, aimed at enhancing the international dimension and prepare the 5th Bologna policy forum.
- “Support for the Belarus Roadmap” AG, aimed at co-operating with the national authorities of Belarus to help them implement the principles of EHEA.
- “Dealing with non-implementation” AG, aimed at proposing the best way for member countries to further their implementation of the Bologna’s key commitments.
- “Revision of Diploma Supplement” AG, responsible for producing a renewed version of DS so as to ensure its efficiency.

2.1.2 From Bologna to Yerevan — the objectives of EHEA

2.1.2.1 The Bologna objectives

The original objectives upon which EHEA was built were gathered in the Bologna Declaration (1999), whose signatories committed to engage in co-ordinating their respective domestic policies aiming at achieving “a more complete and far-reaching Europe” and “building upon and strengthening its intellectual, cultural, social and scientific and technological dimensions” (Bologna Declaration, 1999:1-2). A Europe of knowledge, they claimed, “was to be an irreplaceable factor for social and human growth and an indispensable component to consolidate and enrich the European citizenship”. The objectives in question may be summarised as follows (Bologna Declaration, 1999:3-4):

- Adoption of a system of **easily readable and comparable degrees**, also through the implementation of the Diploma Supplement¹³, in order to promote European citizens employability and the international competitiveness of the European higher education system.

¹³ The DS together with the ECTS credit system and the qualification framework have been useful tools in order to achieve this objective.

- Adoption of a **system essentially based on two main cycles**¹⁴, undergraduate and graduate. Access to the second cycle shall require successful completion of first cycle studies, lasting a minimum of three years. The degree awarded after the first cycle shall also be relevant in the European labour market as an appropriate level of qualification.
- Establishment of a **system of credits** —the **ECTS** system— as a proper means of promoting the most widespread student mobility.
- **Promotion of mobility** by overcoming obstacles to the effective exercise of free movement with particular attention to:
 - for students, access to study, training opportunities and related services
 - for teachers, researchers and administrative staff, recognition and valorisation of periods spent in a European context researching, teaching, and training.
- Promotion of **European co-operation in quality assurance** with a view to developing comparable criteria and methodologies.
- Promotion of the necessary **European dimension in higher education**, particularly with regards to curriculum development, inter-institutional co-operation, mobility schemes, and integrated programmes of study, training and research.

2.1.2.2 EHEA in 2015, looking back without anger (?)

For the 2015 ministerial meeting in Yerevan¹⁵, a Bologna Process Implementation Report was drafted and submitted (European Commission/EACEA/Eurydice, 2015) including an updated overview of third level education demographics and trends within EHEA as well as the progress and implementation measures of all its

¹⁴ The Bologna Declaration only refers to two cycles. The three-cycle programme was introduced in the Bergen Communiqué (2005).

¹⁵ The next ministerial meeting is scheduled to take place in France, in 2018.

signatories in regard to domestic policies, projects, and actions undergone in order to adjust the different national third level education systems to the shared EHEA scenario. The findings of the said report concerning the implementation and further elaboration of the original objectives in the Bologna Declaration by 2015 may be summarised as follows¹⁶:

- A system of easily readable and comparable degrees

Even if progress is acknowledged in this particular field, the education ministers have committed to strive for more coherence between domestic policies, especially in completing the transition to the three-cycle system, the use of ECTS credits, the issuing of Diploma Supplements, the enhancement of quality assurance and the implementation of qualification frameworks, including the definition and evaluation of learning outcomes. For that reason two networks are currently working hand in hand to provide up-to-date information concerning both academic and professional international mobility and recognition of foreign qualifications: the European Network of Information Centres in the European Region (ENIC) and the National Academic Recognition Information Centres in the European Union (NARIC). Besides, the European Area of Recognition (EAR) Manual was introduced together with a set of guidelines for recognition of foreign qualifications (*ibid*:47). The manual is designed to guide credential evaluators and admission officers in higher education settings in the process of programme recognition (*ibid*:81).

One of the remarkable disadvantages concerning comparable systems is the workload of students enrolled in first and second cycle studies. While the most widespread combination is 180 ECTS (first cycle) plus 120 ECTS (second cycle), some other 12 combinations are still commonly found across the EHEA, ranging between 240 ECTS ('3+1') to 360 ECTS ('4+2') (*ibid*:54). This may cause potential recognition problems since credential evaluators may wonder whether the learning outcomes of both qualifications really match.

Similarly, two thirds of countries have failed to provide their graduates with an automatic Diploma Supplement drafted in a widely spoken language and issued free of charge (*ibid*:74). To this concern, a Pathfinder Group was set up in 2012 with the aim of exploring ways to establish automatic recognition.

¹⁶ Data has been extracted from the Bologna Process Implementation Report 2015 (Commission/EACEA/Eurydice, 2015).

As can be seen, further efforts from the national stakeholders are needed in order to push for a truly comparable third level education system within EHEA. As much as it is true that EHEA's aim to export its goals for easier recognition of studies and programmes outside its borders is a praiseworthy initiative, more commitment seems to be required if that common goal is to be achieved.

- A system based on three cycles

The relevant data for this indicator is currently being collected by Eurostat, adding a quantitative turn to the prior BFUG qualitative surveys. So as to 2015 (*ibid*:51), the results show that the first and second cycles are close to being fully implemented with some minor exceptions where the implementation rate stands at 70-89%. The only overall exception is that of Andorra, whose indicators only show a low percentage of 50-69%).

- A system based on ECTS credits

The question of what an ECTS credit should amount to has still not reached consensus within EHEA. Even if most systems allocate their credits on the basis of learning outcomes and student workload, a significant number of countries still does so through a combination of student workload and teacher-student contact hours, which, according to the progress report, is not truly compatible with the grounds of the ECTS system (*ibid*:71).

Similarly, there is no model of first-cycle programmes within EHEA. As mentioned above, the 180 ECTS workload model is the most widespread (58%) compared to those countries opting for a 240 ECTS system (37%) (*ibid*:52).

- A system that promotes mobility

The promotion of mobility is one of the central aims of the Bologna project, leading the 2012 minister meeting to adopt its Mobility Strategy for the European Higher Education Area¹⁷ as an addendum to the Bucharest Communiqué regarding the

¹⁷ See [http://www.ehea.info/uploads/\(1\)/2012%20ehea%20mobility%20strategy.pdf](http://www.ehea.info/uploads/(1)/2012%20ehea%20mobility%20strategy.pdf) [Last accessed: 13th August 2016].

role of internationalisation, the importance of portable support for students, and the role of non-formal and informal learning.

Internationalisation, indeed, is a current common goal within EHEA, even if at the beginning of the Bologna Process it was understood as a concept similar to that of mobility (Wächter, 2008:13-14). As EHEA progressed so did the concept of internationalisation, which is currently understood as “the process of integrating an international, intercultural, or global dimension into the purpose, functions and delivery of post-secondary education” (Knight, 2003:2), that is, mobility operates just as a part of a more complex internationalisation process.

Currently, the 2012 EHEA Mobility Strategy includes a number of measures to be implemented at institutional, national or European level by 2020 referring to the increase in mobility flows of students and staff, improving the quality of higher education, and enhancing the attractiveness and competitiveness of national higher education institutions (*ibid*:212). One of the concrete measures analysed and highlighted in the 2015 Yerevan Communiqué is that of the portability of grants and student loans, which is an area where further action is deemed necessary.

- A system based on European co-operation in quality assurance

Both the 2012 and 2015 implementation reports have highlighted the momentum quality assurance seems to have gained within EHEA and its national stakeholders. Even if the European Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG¹⁸) and the European Quality Assurance Register for Higher Education (EQAR¹⁹) seem to operate and work properly, providing a forum for cooperation and engagement among quality assurance agencies (*ibid*:94) and promoting the exchange of good practices between them,

¹⁸ Adopted in 2005.

¹⁹ The Register aims at increasing the transparency of quality assurance in higher education across Europe. It was founded in 2008 by the European Association for Quality Assurance in Higher Education (ENQA), the European Students' Union (ESU), the European University Association and the European Association of Institutions in Higher Education (EURASHE). EQAR publishes and manages a list of quality assurance agencies that substantially comply with the European Standards and Guidelines for Quality Assurance (ESG) to provide clear and reliable information on quality assurance agencies operating in Europe (European Commission/EACEA/Eurydice, 2015:270).

many countries still remain reluctant to accept external quality assurance initiatives beyond their national borders (*ibid*:87).

Still, the focus on quality assurance in the last 15 years is deemed rather successful. When the Bologna Declaration (1999) was signed, very few countries had a recognisable quality assurance system, a scenario far away from current data showing a number of 22 countries where external quality assurance agencies have been implemented (*ibid*:89). Furthermore, the project “Recognising International Quality Assurance Activity in the European Higher Education Area” (RIQAA) has provided a significant insight of how a growing number of cross-border quality assurance activities is being implemented, which speaks about the transparency and accountability of the different countries within EHEA (*ibid*:95).

To this concern, Prisacariu (2015) draws a very accurate portrait about the role quality assurance agencies have had regarding quality standards both nationally and within the EHEA network, making a comparative analysis between the new and old European Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG).

- A system fostering the European (and social) dimensions of higher education

In the 2012 Bucharest meeting the ministers agreed to further increase their efforts towards underrepresented groups in third level education, thus reducing inequalities and providing adequate student support services, counselling and guidance, flexible learning paths, and alternative access routes, including the recognition of prior learning (*ibid*:105). Looking back in 2016 there are two types of measures that have been implemented to this concern: measures to increase the overall participation in third level education, and those measures aimed specifically at those under-represented groups in an attempt to reach a balanced composition of the student body. Far from being ideal, the most applied measures so far in order to foster a social European dimension of education have been the arrangement of scholarships for particular groups of students (students with disabilities, orphans, students coming from poor socio-economic background, those from rural areas, released from military service, Roma, etc.) and the provision of special examination/study conditions aimed at students with disabilities.

2.1.2.3 EHEA after Yerevan — New goals for a new context

The Yerevan Communiqué, issued on the 15th of May 2015 after the relevant ministerial meeting taking place on the same location, is the latest commitment plan the relevant authorities have undergone in the process of development and strengthening of EHEA. For the first time, the ministers have acknowledged that the implementation of structural reforms and the use of the Bologna tools may be uneven and sometimes even inadequately addressed in terms of bureaucracy and inaccuracy along the EHEA network. At the same time, they have acknowledged that EHEA faces serious challenges regarding the current economic and social crisis and its impact on third level educational settings: youth unemployment, conflicts, extremism, new migration patterns, etc. For those reasons, they have recognised the need to give new cooperation impetus within EHEA and re-define the original vision and objectives of the Bologna Process which, by 2020, should be as follows:

- **Enhancing the quality and relevance of learning and teaching**, supporting pedagogical innovation in *student-centred learning environments* that exploit the benefits of digital technologies for learning and teaching, providing incentives for activities related to creativity, innovation, and entrepreneurship and supporting transparent descriptions of learning outcomes and workload, flexible learning paths, appropriate teaching and assessment methods and a collaborative process of curriculum design and quality assurance where students are fully represented.
- **Fostering the employability of graduates** in the rapidly changing labour markets by paying special attention to self-employment and new job profiles, making sure the students acquire *the relevant competences* in terms of *employability* through dialogue with employers, balancing theoretical and practical input in modules, fostering entrepreneurship and innovation, etc.
- **Making systems more inclusive** by supporting relevant learning activities in appropriate contexts for different types of learners, including *lifelong learning*, improving gender balance and opportunities for access and mobility for students from

disadvantaged backgrounds, especially from conflict areas (while working to make it possible for them to return home once conditions allow).

- **Implementing agreed structural reforms** in regards to common degree structure and credit system, common quality assurance standards and guidelines, cooperation for mobility and joint programmes, etc., developing more effective policies for the recognition of credits gained abroad, of qualifications for academic and professional purposes, and prior learning.

As can be observed in the re-visited objectives above, one can appreciate some minor shifts and turns in the way the original Bologna objectives have been phrased and presented in the Communiqué. Indeed, questions like lifelong learning were not a priority in the EHEA network until 2001 (Prague Communiqué) and the same could be said for employability. The very word 'employability' is four times more frequent in the 2015 and 2012 communiqués than in the first ministerial papers, for instance. There seems to be an increasing trend to incorporate employability standards as indicators and core ideals around which the whole educational process is meant to be articulated. The central ideas of the Bologna Declaration (1999), that is, comparability standards, recognition of qualifications, and a common cycle/credit-based system were ranked in 1999 as the top three goals in the Bologna Process. However, in 2015, they have become the very last initiative to tackle in the relevant ministerial meetings. This can be attributed to the fact that the substantial structural reforms within the EHEA countries have been almost fully implemented, which, according to the 2015 Bologna Implementation Report, is true. Still, the very same report shows striking implementation differences and inaccuracies, and room for structural and coordination reforms on both domestic and European level (the Bologna tools, automatic recognition, etc.) and all those have been placed within the very same objective ('structural reforms') at the very end of the list²⁰.

The 2015 goals seem to be socially and pedagogically oriented. The relevance of the teaching and learning processes, entrepreneurship, employability, competences, gender balance, inclusive education, immigration, etc., they all seem to be directed towards a more socially inclusive third level education system and a

²⁰ Further discussion on the future challenges of EHEA may be found in Section 2.1.4 below.

student-centred structure framed on employability and entrepreneurship terms. This, I will argue later on, may constitute a transnational shift (or even a transnational stance of a global shift) in educational paradigms. For that reason, I will further elaborate on two of the redefined objectives of the Bologna Process in the following section.

2.1.2.4 EHEA — A shift in its interest focus

- Lifelong learning

The Bucharest Communiqué believes lifelong learning to be an “important factor in meeting the needs of a changing labour market, where higher education institutions play a central role in transferring knowledge and strengthening regional development, including the continuous development of competences and reinforcement of knowledge alliances” (European Commission/EACEA/Eurydice, 2015:147). The same vision is shared by the Yerevan Communiqué, emphasising the development of flexible learning pathways, the recognition of prior learning, and the close cooperation between higher education institutions and external partners (employers).

The 2015 report shows clear differences in the understanding of what lifelong learning is among the undersigning countries, even if more than 75% of the higher education institutions involved do reflect its importance on their mission. So as to 2015, the most common strategies and projects in order to implement lifelong learning policies in third level educational settings have been e-learning as a key notion towards flexibility and other measures that allow students to meet other commitments besides education: part-time programmes, MOOC courses, the combination of distance learning and on-site modules, etc. (*ibid*:152). Still, as the report advises, more efforts should be allocated in order to define the very concept of lifelong learning and its different dimensions (agendas?): lifelong learning for economic progress and development, lifelong learning for personal development and fulfilment, and lifelong learning for social inclusiveness and democratic understanding (Aspin & Chapman, 2001:39-40, in Biesta, 2013:6). Special attention, the report goes, should be placed in this EHEA goal, since the recent “dramatic, economic, and social changes (...) have accentuated the need to develop lifelong learning provisions, (...) [evidencing the need for] major structural changes (*ibid*:166).

- Employability

Within the Bologna Process, employability is understood as 'the ability to gain initial meaningful employment, or to become self-employed, to maintain employment, and to be able to move around within the labour market' (Working Group on Employability 2009:5²¹). Enhancing employability as a means to consolidate EHEA seems to be one of the current priorities of the EHEA ministerial meetings. In regards to this output-oriented objective, the ministers have stressed the cooperation role "between employers, students and higher education institutions, especially in the development of study programmes" that contribute to the needs of society and the labour market (Bucharest Communiqué, 2012:2).

Some of the initiatives commonly undertaken towards this end are introductory courses and mentoring programmes aiming at reducing drop-out rates, together with other initiatives such as projects focusing on vertical mismatch²², work on competences and curriculum development where all stakeholders of the education process are present, practical training towards enhancing graduates' employability, etc.

The role of higher education under these premises, according to the Working Group on Employability (*ibid.*5), is understood as 'to equip students with the knowledge, skills and competences that they need in the workplace that employers require; and to ensure that people have more opportunities to maintain or renew those skills and attributes throughout their working lives'. Following this train of thought, third level education institutions are to focus on the market needs and consequently incorporate the relevant initiatives both in their curricula and the desired learning outcome of their students in order for them to achieve the relevant skills and competences.

Indeed, in as much as 11 EHEA countries, the needs of the labour market are of uttermost importance when allocating enrolment quotas or funding from the state. In 11 other countries, market analysis is one of the core elements in the

²¹ See

http://www.ond.vlaanderen.be/hogeronderwijs/bologna/conference/documents/2009_employability_W_G_report.pdf [Last accessed: 15th August 2016].

²² Discrepancies between graduates' level of education or skills and the level of education or skills required by their job (Cedefop 2010:13). 38.8% of Spanish young graduates were employed in occupations for which a lower qualification level should be sufficient (Figure from 2015 Bologna Implementation report; page 192).

accreditation process of new study programmes or the evaluation of existing curricula (European Commission/EACEA/Eurydice, 2015:198-199). The rationale behind this process is that “employers and business representatives are aware of the skills graduates need when entering the labour market, and higher education institutions can use this knowledge when designing degree programmes”.

2.1.3 Pedagogical (and epistemological) implications within EHEA

Following the section above, I wish to engage in the debate whether the stress on lifelong learning, ‘the politics of learning’ (Biesta, 2005, 2013a), and employability follow a subtle epistemological shift in third level educational settings.

In the section above vertical mismatch was considered a problem when it came to the employability of recent graduates. A reality within EHEA, the report concluded. The 2015 Bologna Implementation Report argued that vertical mismatch suggests “diverse forms of inefficiencies in how the education system responds to labour market needs” (European Commission/EACEA/Eurydice, 2015:192). This, it continues, “indicates that tertiary education institutions are not able to provide graduates the skills necessary for a better labour market position”. Again and again throughout the report one can spot rather prescriptive references to employability and the role of employers in curriculum design, accreditation, and quality assurance. One cannot help but wonder, especially from a critical standpoint, whether this only answers to an attempt to bring together all stakeholders in the educational process (which indeed is a sign of a healthy third level educational scenario) or whether this responds partially to a particular economic rationale where the emerging, resulting concept of ‘learning’ is related to a larger socio-economic and political context of neo-liberalism and the erosion of the welfare state. Indeed Biesta (2005:52) advises that in many occasions the relationship between the state and its citizens has evolved into a scenario where the state has become a service-provider and its citizens, mere consumers of those services.

This ‘marketisation’ of third level education renders employability and the needs of the market as the very core of the education process, something around which curricula should be defined and universities should operate.

Without neglecting the role of market needs in regards to providing a valuable insight and realistic perspectives for graduates about the professional application of their studies, we should not forget the differences between the very concept of

training and educating our students (Hagemann, 2016). The former aims at building solid skills, knowledge, and aptitudes among trainees and prepare them for their future careers. The latter raises individuals, prepares them for life, and allows them to join their relevant socio-professional communities under engagement and critical premises. From our discipline, and related to this, Kelly (2000:8) asserts that “universities are far more than a factory whose main activity is to train workers/professionals”.

Indeed, we live in a ‘learning age’, Biesta (2013:4) asserts, where learning becomes something inevitable, something “we cannot not do” throughout our lives, both extended in time (lifelong learning) and in space (life-wide learning). The explosion of ‘all things learning’ may also stem from the current post-positivist approach to education, particularly the application of constructivist ideals in pedagogic scenarios. Strictly speaking, as shown in Chapter 1²³, pure constructivist ideals tend to neglect the role of the teacher since knowledge is constructed/construed within one’s cognition. This has resulted in a dominant, widespread student-centred pedagogy where the teachers adopt a secondary, rather passive, scaffolding role in the education process. In many ways education has mutated to learning, and so has the education vocabulary and language. Biesta alerts of the consequences of what he calls the ‘learnification’ of the educational discourse and practice (*ibid*:5). For him, unlike education, learning stands as a rather individualistic and individualising term, “shifting attention away from the importance of relationships in educational processes and practices, and (...) [making it] far more difficult to explore what the particular responsibilities and tasks of educational professionals, such as teachers and adult educators, actually are”.

One significant change of this on-going individualisation of learning may be found in the need society fosters among students to “adapt and adjust to the demands of the global economy” (*ibid*:7), something one may infer from the different EHEA communiqués and the increasing role of employability of third level education (De Miguel, 2005).

Together with lifelong learning and employability other terms have acquired special relevance in third level educational settings. ‘Competences’, ‘learning outcome’, ‘learning objectives’, and ‘socio-professional profiles’ are receiving

²³ See Chapter 1, Section 1.4 above.

further attention from contemporary educationalists, constituting a coherent epistemological continuum that follows a particular educational paradigm.

The current competence-based pedagogy scenario following the shift in the mainstream educational paradigm, argues De Miguel (2005:20), does not focus on what the students need to know once they finish a particular module or a programme, but on the actions they will have to perform after concluding their education process, that is, only through the professional performance of our students may we know whether their education process was successful, hence the necessity to formulate the learning outcome of a module/programme in terms of employability. This view is shared by other scholars in different areas of the third level education context: Teva and Buela-Casal (2011) on the consequences of the paradigm shift in research and scientific production, Buela-Casal and Castro (2011) on quality assurance, or Ariza, Quevedo-Blasco, Bermúdez, and Buela-Casal (2012) on post-graduate education.

This epistemologically rooted shift in education does not necessarily cover an underlying agenda, nor is it good or bad. It just reflects the emergence of a number of features (social, economic, epistemological, etc.) that shape both the current educational praxis and its corresponding underlying theory. The point of this is that the epistemological framework EHEA ascribes itself to is something we should be aware of when discussing curriculum models, competence models and the development of a solid translation competence among our students.

2.1.4 Future challenges for EHEA

As I have argued above, there seems to be a decreasing political interest in EHEA. In some aspects it appears to have become a bureaucratic, technocrat affair rather than an ambitious educational common project. This may explain how progressively more and more senior officials, and not politicians, are being sent to the different ministerial meetings and initiatives, and how rare it has become for them to take the floor and join the on-going debates. Bergan (2015:727) makes a very interesting reflection to this concern:

Is this because there is a feeling that the EHEA has achieved all it was intended to achieve, because the initial goals are now seen as too ambitious and nobody wants to be associated with failure, because the EHEA is seen to lose focus and become everything to all people, because

an increasing focus on implementation implies that the EHEA is now seen as an administrative—some would say bureaucratic—rather than as a political challenge, or simply because as “Bologna” ceases to be new it is also perceived to cease to be innovative and politically interesting?

It could be argued that the implementation of measures and strategies is significantly harder than the creative process of setting the goals and start such a titanic process from scratch. Harmsen (2015:785), following that idea, elaborates on how in the early years EHEA’s objectives and aims were clear, and so were the paths to implement them, in contrast with the “exhausted” current scenario he depicts. In his work, he examines the future of EHEA as a governance process, seeking to probe how soft law instruments could be developed in an attempt to introduce dynamism in the project.

On the global dimension of the project, the third objective stemming from the 2015 Yerevan Communiqué, Erdoğan (2015) and Dang (2015) examine the influence of the Bologna Process in non-EHEA countries (Turkey and the Asian countries, respectively) and how there seems to be inconsistencies in regards to a comprehensive external policy of the European project. Indeed, Bergan (2015:733) reflects on the underlying values of EHEA (institutional autonomy, academic freedom, and student participation) and how those may, or not, be reflected in the policies of some of the current EHEA members. An example could be that of Belarus, welcomed in EHEA in 2015 when in 2012 its application was declined and in 2005 they were even discouraged to formalise its application to join EHEA.

The social and global dimension of EHEA, the scholar concludes, has been on the common agenda for more than ten years, but there are still many issues to be tackled in defining clear and measurable commitments in this area. The lack of a comprehensive, external appearance of unity could be partially due to the resistance of some countries to join the EHEA network fully since they may already have a strong internationalisation tradition and therefore may prefer to market themselves nationally rather than as a part of EHEA. In the case of the EU countries, Bergan follows (*ibid*:732) “it matters a great deal whether students come from outside the EU or not because this will determine the kind of study fees they may be charged”.

All in all, it seems that one of the immediate priorities of EHEA should be to establish an internal debate on its future governance and objectives, a debate on

what they are and what they strive for. Mutual consensus in this regard should be sought, deciding whether the future of EHEA is closer to that of a forum aimed at sharing good practices and mutual learning or rather a solid framework based on compatible structures in terms of programmes, qualifications, and quality assurance. The outcome of that discussion will provide the solid grounds the common project needs and shed light on questions such as the level of commitment one may expect from its partners and the level of prescriptiveness of its outcome, among others.

2.2 EHEA and the Spanish third level education system

2.2.1 Regulatory Framework

The epistemological shift in education described in the pages above, together with the resulting educational models fostered by EHEA put forward by contemporary educationalists and pedagogues, required an adjustment not only in our educational culture and teaching praxis (learning praxis, following the new focus) but also in the legal framework around which the whole education system has been built.

The different laws and Royal Decrees²⁴ briefly analysed below represent the Spanish attempt, both on legal and institutional terms, to adopt and adjust a traditionally positivist educational scenario to the European, student-centred, transnational context. As I will argue later on, it is precisely the lack of involvement of the other major stakeholders of the process what stands currently as one of the biggest sources of friction and criticism about the Bologna harmonisation process.

2.2.1.1 Spain before EHEA

In broad terms, the Spanish pre-EHEA legal scenario was defined by the 1983 LRU Law²⁵. Prior to that, the Francoist 1943 LOUE²⁶, partially amended in 1965 by the

²⁴ In the Spanish legal system, a Royal Decree (*Real Decreto*, RD) is a legal norm/regulation issued by the Government and sanctioned by the Crown (as opposed to the laws enacted by the Parliament).

²⁵ *Ley de Reforma Universitaria* (LRU, Spanish University Reform Law)

²⁶ *Ley Ordenación de la Universidad Española* (LOUE, Spanish Law for the Management of the Spanish Universities) [See: <https://www.boe.es/datos/pdfs/BOE/1943/212/A07406-07431.pdf> Last accessed: 18th August 2016]

Spanish Law on the Structure of University Faculties and Professors²⁷, had meant a period of stagnation in terms of research, cooperation, educational models, and university development (González Gómez, 2013; Hernández Sandoica, Ruiz Carnicer & Baldó Lacomba, 2007; Hernández Sandoica, 2002; Michavila Pitarch & Calvo Pérez, 2000). The 1970s scenario, González Gómez claims (2016:36) did not offer very promising perspectives on the third level education sector either. Increasing enrolling rates, lack of facilities and material resources, lack of teaching and researching staff, and the at-the-time climate of political and pro-democracy agitation, among other factors, drew a complicated institutional and social picture to tackle the university reform. The period that followed the democratisation of Spain and the Spanish universities meant for third level education a process of decentralisation and diversification whose main aim was placing Spain at the same level as its European neighbours, in an attempt to leave behind not only positivist methodologies and curricula (the Napoleonic educational model discussed below) but also pre-democratic practices, traditions, and regulations against the basic democratic nature of the European educational models.

The first reference to universities after Franco's death (1975) and the beginning of democracy may be found in the very Spanish Constitution (1978). Calvo Encinas (2009:133) mentions article 27.10, granting autonomy to universities, and article 149.1.1, establishing the right to education for all Spanish subjects, as the tenets of the Spanish modern university legislation. As the scholar points out (*ibid*:134), article 27.10 has traditionally been subject to interpretation by the government, and the actual degree of autonomy reflected in the relevant education regulations has therefore varied according to their understanding of the said article (the degree of competence transfer to the different regions in Spain, the internal management and organisation systems, etc.).

²⁷ *Ley sobre estructura de las facultades universitarias y su profesorado* [See <https://www.boe.es/boe/dias/1965/07/21/pdfs/A10293-10296.pdf> Last accessed: 18th August 2016]

- The Spanish 1983 University Reform Law (LRU)²⁸

The LRU Law was passed on the 25th of August 1983 under the at-the-time Spanish socialist government led by Felipe González and his Minister for Education José María Maravall. According to Romero López *et al.* (2015:251) the law had a strong underlying reforming spirit, aiming at improving “the quality of teaching, research and management, [while providing] a renewed legal framework”. Working on the aims of LRU, Calvo Encinas (2009:134) advises that the reforms undertaken may not seem particularly innovative when regarded from a contemporary standpoint, but, once put in context, these reforms meant a profound impact in the country and its university system, especially in its understanding of universities as the place where the development of the scientific and technical advancement required for Spain to join the advanced, democratic, industrial societies should take place.

The law tried to offer a new university system that reached the quality of teaching and research required, as well as to establish a framework for the renewal of its academic life, establishing common guidelines for the different curricula and defining the new training and academic demands (Romero López *et al.*, 2015:251).

Calvo Encinas (2009:134), working on García Pascual (2004:336), Benavent (2002:416), Quintanilla (1996:35) and Way (2003:54), suggests that the reforms implemented operated in three different levels:

- Adjusting university studies to contemporary social and labour market needs
- Democratising the Spanish universities and granting higher levels of autonomy
- Updating scientific and teaching practices in the Spanish Universities

The outcome of the LRU was strengthened by the RD 1497/1987, aimed at tackling both the excessive work/study load of students and the length and variety of

²⁸ See <https://www.boe.es/boe/dias/1983/09/01/pdfs/A24034-24042.pdf> [Last accessed: 18th August 2016]

degrees and study programmes, and leaving behind traditional positivist educational models by incorporating more practice in university curricula²⁹.

In 1996 the Spanish main conservative party (PP) won the general elections in the country amidst an educational debate on the need for further educational reforms launched, and fostered, by the Rectors' Conference of the Spanish Universities (CRUE). The debates ended in the *Informe Universidad 2000* Report that later on would serve as the grounds for the first post-Sorbonne Spanish third level educational reforms. The said report analysed in full detail the Spanish university system, acknowledging the increasing number of students enrolled and warning about the gap between the existing curricula and the social needs at the time. In an increasingly globalised society, it argued, the flux of activities and persons was common practice and went beyond traditional borders, and therefore adjusting to a credit-based system, implementing a European dimension to education and paying special attention to quality assurance should be a priority in order to be able to offer new and flexible opportunities to students (CRUE, 2000).

2.2.1.2 The EHEA reforms

- The Spanish 2001 Organic Law on University Education (LOU)³⁰

According to Romero *et al.* (2015:251) one of the most significant changes in the Spanish university network coinciding in time with the Sorbonne Declaration and the Bologna Declaration was the introduction of computational credits that brought the 2001 Organic Law on University Education (LOU)³¹. Cerezo Merchán (2012:15), on the introduction of the law, argues that the preceding months to the enactment of the law witnessed several heated debates among a number of social and institutional agents on the 'political and market-oriented nature' of the text and how this law would slow down the harmonisation process in regards to EHEA; a vision shared by Calvo Encinas (2009:140), who mentions several student protests and strikes. The opponents to the law saw the autonomy of universities

²⁹ Between 1984 and 2002 134 university degrees were approved. In our discipline, in 1991 the three-year-long studies in TI (*diplomatura*) became five-year-long study programmes (*licenciatura*).

³⁰ See <https://www.boe.es/buscar/pdf/2001/BOE-A-2001-24515-consolidado.pdf> [Last accessed 18th August 2016]

³¹ LRU already defined credit as a "unit of teaching evaluation" based on hours of theory or practice teaching hours (1 LRU credit = 10 teaching hours).

compromised and argued, for instance, that the access to the teaching profession and other aspects of the university system would thereafter be regulated on a national level when they had been de-centralised before.

All in all, the rationale of LOU was based on the transparency of curricula and programmes, the implementation of an EHEA-based cycle system, the introduction of the DS, and the creation of strong links with foreign universities so as to promote mobility among the students, paving the way for Spain to claim its rightful position within EHEA. Among the many other objectives listed below, the law tackled the urgent question of quality assurance and the necessity to create quality assurance criteria regarding evaluation, certification, and accreditation processes, while considering quality an essential goal in all university policies³² (González-Pérez, 2015).

Calvo Encinas (2009:140) mentions the following objectives of LOU:

- Reinforcing the leadership role of universities as well as granting flexibility in their internal structures
- Fostering research and cultural/scientific development
- Fostering a system of quality assurance and evaluation
- Fostering autonomy and academic freedom
- Adjusting the working conditions of lecturers and the access to the teaching profession
- Elaborating on the role of private universities in the relevant regulatory framework
- Fostering Spain's inclusion in EHEA
- Adjusting the statutes and governing bodies of universities
- Elaborating on the role of departments and faculties

³² In 2002, following the implementation of LOU, the Spanish National Agency for Quality Assessment and Accreditation of Spain (ANECA) was created, a step towards better quality assurance (one of the core goals of the 1999 Bologna Declaration).

- The 2003 Framework Paper towards the Integration of the Spanish University System in EHEA³³

The framework paper was introduced in order to further elaborate on some aspects concerning the adjustment of the Spanish third level education system to the Bologna Process, namely the adoption of the ECTS credit system³⁴, the adjustment to a two/three-cycle structure for third level education consisting of bachelor studies, master's degree studies, and doctorate studies (further elaborated by RD 1393/2007), the adoption of the DS in order to improve comparability standards and transparency among the different EHEA members (further elaborated by RD 1044/2003) and accreditation and quality assurance criteria³⁵.

Concerning the structure of undergraduate degrees, the Framework paper allows them to be composed of at least 180 ECTS credits and no more than 240 ECTS credits. Joint degrees among different institutions are also recognised as long as their curricula is duly approved. When referring to sanctioning the creation of an undergraduate degree, the paper requires:

- The concrete, specific name of the degree in question, the total number of ECTS credits making up the degree, the educational content it plans to cover, and the credits allocated in order to fulfil every item making up the content of the study programme
- A detailed list of the objectives of the study programme, plus the knowledge, skills, and aptitudes the students are to gain following its completion as well as how they are related to the educational content of the study programme
- The envisaged socio-professional profile of prospective alumni

³³ *Documento Marco para la integración del Sistema Universitario Español en el EEES (2003).*

³⁴ See Section 2.2.2.4 below, on the adjustment from 3/5-year-long degree programmes to EHEA degree programmes.

³⁵ See Section 2.2.3 below on ANECA and quality assurance within the Spanish university system.

- The relevance of the degree in regard to the development of knowledge and the labour market in the Spanish and European context
- The reason and justification regarding its inclusion in the Spanish Catalogue of official university degrees, paying special attention to how it is linked to EHEA's core aims and guidelines

- The Spanish 2007 Organic Law on the Adjustment of the 2001 Organic Law on University Education (LOMLOU)³⁶

Again, the change of government in 2004 triggered another university reform modifying the 2001 LOU. The motivation behind the new law was to further elaborate on the European dimension of the Spanish education system, to introduce more structural reforms in the cycle-based structure of the Spanish degree programmes and to amend some issues derived from the previous law. Calvo Encinas (2009:141-142) summarises the main reforms of the said law in terms of:

- De-centralisation, increasing the decision-making capacity of the different Spanish regions.
- Autonomy, strengthening the role of ANECA.
- Flexibility, allowing universities to stand up for their degrees and removing the traditional catalogue of degree programmes.
- Teaching staff, modifying the access to the teaching profession criteria and granting more importance to the accreditation process.
- Role of universities, fostering LLL and highlighting the double mission of universities, that is, to adapt to both social and scientific/technological demands.

³⁶ *Ley orgánica por la que se modifica la Ley Orgánica 6/2001, de Universidades*. See <https://www.boe.es/boe/dias/2007/04/13/pdfs/A16241-16260.pdf> [Last accessed 18th August 2016]

- Student body, defining the role of the Students' Union in the university system.
- Mobility and internationalisation, fostering mobility programmes and further adjusting to the Bologna Process demands.

- The 2015 RD 43/2015 'El decreto Wert'³⁷

LOMLOU has been amended three times by Royal Decree since its enactment: in 2007 (RD 1393/2007), 2011 (RD 99/2011) and 2015 (RD 43/2015). The last decree, though, deserves special attention in this work given the remarkable controversy it has caused among the main stakeholders of the Spanish university system, leading to protests and strikes at all institutional/social levels.

The Wert decree aims at liberalising the length of university degrees and adapt them to the most widespread option within EHEA, that is, a 3-year-long first cycle followed by a 2-year-long second cycle (3+2). As its text reads (translation and bold mine):

*Actualmente (...) un estudiante universitario en España necesita, para acceder a un programa de doctorado (...) haber realizado los estudios de Grado, con un mínimo de 240 créditos, y haber realizado los estudios de Máster, con un mínimo de 60 créditos. En los países de nuestro entorno los estudiantes pueden acceder al doctorado con titulaciones universitarias de Grado que tienen 180 créditos, y con la titulación universitaria de Máster, que tiene un plan de estudios de 120 créditos. Esta discrepancia entre la configuración de los estudios universitarios en España y en los países de nuestro entorno, dificulta la internacionalización de nuestros egresados universitarios. (...) Con esta nueva norma, las titulaciones de Grado en España tendrán que tener (...) **un mínimo de 180 créditos y un máximo de 240 créditos.** (BOE 3rd February 2015:8088)*

³⁷ Lit. "The Wert Decree". The name refers to José Ignacio Wert, Spanish Minister for Education 2011-2015.

Currently, in order to access a doctorate programme, a university student in Spain needs to be in possession of a bachelor degree consisting of at least 240 credits, and a master's degree of at least 60 credits. In our neighbouring countries students can access doctorate programmes with 180-credit bachelor degrees and 120-credit master's degrees. The discrepancy between the study programmes in Spain and that of our neighbouring countries complicates the internationalisation process of our alumni. (...) Under this new provision, the Spanish programmes of bachelor degree must have **between** 180 and 240 credit. (BOE 3rd February 2015:8088)

The idea, whose essence may fit perfectly in the harmonisation scenario envisaged by EHEA, has proved to be tricky in its implementation in the Spanish context, since it has raised ideological questions (there is a significant perception that this decree implies a neo-liberal turn in educational settings, in favour of private universities), financial questions (the price of a master's degree credit is higher than that of a bachelor's, hence raising the overall expenses of families when paying for their children's education), and organisational/competition questions (the flexibility the decree advocates means that some universities may offer 3-year-long degrees with the same status as those that offer the same degree designed in a 4-year-long programme).

The very little social consensus on the matter may be proved, among any other initiatives at a significant number of institutional and social levels, by the overwhelming refusal made by the 76 members of the Rectors' Conference of the Spanish Universities (CRUE) on the application of the said Royal Decree³⁸ before the 2017/2018 academic year³⁹, postponing the government's decision to transform the university structure into a 3+2 system.

³⁸ The decision was made after the following voting results: 57 votes in favour, 1 vote against, and 5 abstentions.

³⁹ Decisions made by CRUE were not binding for its members until 2015. Statutes have been changed following the debates on the implementation of RD 43/2015 so that members not following CRUE's decisions may be expelled from the organisation.

2.2.2 Institutional Framework

The implementation process of EHEA in Spain ended officially in 2010 with significant criticism, as seen above, among a relevant number of the stakeholders involved, namely student unions, parts of the student body, educationalists, third level educators, scholars, and major representatives of the civil society. That is the reason why many argue that the implementation of the Bologna Process is still in an on-going negotiation, adaptation, and adjustment process following the many conceptual changes in terms of the learning-teaching process and the shift in the epistemological focus it represents (Martínez Sánchez, 2015; Sánchez-García, 2016:2). Indeed, some years ago, Borja and García Izquierdo (2008:154-155) warned already about the consequences of a rushed timing and implementation stages the common project had had in the different undersigning countries. They offered the example of Italy, where the adjustments implemented were a matter of an external make-over rather than true efforts towards a comparable system and implementation of the European common objectives and initiatives.

The Bologna Process required (requires) structural reforms, but more importantly, it required (requires) a change in a heavily rooted educational culture and practice, and consequently in the very identity of universities and their idiosyncratic nature.

The on-going debate on the length of first cycle degrees in the country (3+2?, 4+1?) resulting from the enactment of RD 43/2015 evidences the fact that, at least in Spain, it is too early to speak about a consolidation process of the common project.

Pozo Muñoz and Bretones Nieto (2015:149) have analysed the impact of EHEA in the Spanish universities and the parameters and conditions they have been compelled to meet in terms of coherence between design and implementation of teaching programmes, implementation of quality assurance systems, fostering of mobility programmes, employability, and the very much needed cooperation in terms of research, development, and innovation following, among others, the Dearing Report (1997) in the UK, the Attali Report in France (1998) or the abovementioned *Informe Universidad* Report in Spain (2000) (*ibid*:151).

The methodological issue is also deemed one of the biggest challenges for the implementation of the EHEA premises in Spain by Romero-López, Pascual Ochando, and Fernández Cabezas (2015:4). In the specific case of Spain, they argue, “the adaptation has been much more complex and traumatic [than in other

countries] as it is one of the countries whose system is farthest away from the new methods, requiring more effort and work to be done". Thus, despite the autonomy granted to universities by article 27.10 in the Spanish Constitution (1978), the scholars see a very traditional approach to education compared to other regions of the EHEA network.

2.2.2.1 Some background notes: Spain as a heavily rooted transmissionist university stronghold

In her outstanding work, Calvo Encinas (2009:128) offers a comprehensive insight on TI curricular development in Spain, focusing, among many other factors, on how educational models have influenced curriculum design and teaching practices over time. Building on Michavila and Calvo (2000), and starting in the 19th century, she identifies four different types of educational models: the Humboldtian-Krausist model, the French Napoleonic model, the Anglo-Saxon model and the Soviet model. The former two, she argues, have played an important role in the Spanish university system, although the Anglo-Saxon one, following the epistemologically-based shift of educational paradigm discussed above, is not to be neglected either in the current scenario:

- The Humboldtian-Krausist model focuses on the freedom of human beings and the autonomy of universities, thus fostering scientific progress.
- The Napoleonic model is considered to be heavily centralised and attached to authoritarian traditional values.
- The Anglo-Saxon model focuses on the personal development of students (Michavila & Calvo, 2000:33), hence the importance of the relationship teacher-student and the understanding of educational settings as communities within communities, both inside and outside the classroom.
- The Soviet model supervises the different study programmes carefully and removes research from university settings, including instead comprehensive modules (a general curriculum) to all degrees.

González Gómez (2016:36) argues that the late 19th century universities in Spain were heavily influenced by the French model above (authority of ecclesiastical and monarchical structures, centralism, ultra conservatism, elitism, uniformity, etc.). In that context, post-positivist, progressivist⁴⁰ ideas based on Krause's works were introduced, advocating a secular, independent, ethical education (*ibid*:128). The common aim of these initiatives was to re-new the foundations of society and its education systems not only through the active role of students in their education process, but also through critical and analytical thinking, a pre-eminently practical focus, gender equality measures, etc.⁴¹

The influence of post-positivist premises on the Spanish third level education system was rather limited, since the Spanish Civil War (1936-1939) interrupted, and later on discarded, any progressivist attempt to change the traditional authoritarian focus rooted in the Spanish universities. During Franco's dictatorship (1939-1975), Calvo Encinas claims (*ibid*:131), the university system remained static and rather at a standstill, regulated by the 1943 LOUE. After Franco's death (1975), the democratisation process of Spain fostered an accelerated process of de-centralisation and diversification (Michavila & Calvo, 2000:38) under the 1983 LRU and the subsequent laws and regulations mentioned in the section above.

This overview of the roots of the Spanish institutional third level education scenario before EHEA tries to provide the relevant context of the intrinsic, idiosyncratic, historical features that may hinder (definitely affect) the Spanish university system in its integration process within EHEA. Those background characteristics may be to blame for the rather "sceptical predisposition to change" some scholars see in our universities (Romero López *et al.*, 2015:252) and definitely reflect, and provide a rationale for the positivist epistemological approach to education that, despite the dominant constructivist trends in education in the last 15/20 years, has managed to endure over the time, incorporating an Anglo-Saxon educational flavour to a system with very little exposure to such educational models.

⁴⁰ See Chapter 1, Section 1.2.2.4 above.

⁴¹ Dewey himself collaborated with The Free Educational Institution (*Institución Libre de Enseñanza*, ILE, in Spanish), an institution founded in 1876 by a group of disaffected university professors who committed to implement post-positivist educational ideals.

2.2.2.2 ANECA⁴², tackling quality assurance within EHEA

Cerezo (2012:15), regarding quality assurance within EHEA, refers to the creation in 2002 of ANECA, the National Agency for Quality Assessment and Accreditation of Spain. The body in question aims at contributing to the improvement of higher education through the evaluation, certification, and accreditation of the different study programmes, members of the teaching staff, and education institutions in Spain. One of the most relevant initiatives ANECA has carried out was, back in 2003 under the at-the-time recently issued Framework Paper towards the Integration of the Spanish University System in EHEA, its European Convergence Programme⁴³ (2003-2006) aimed at orienting universities in their adjustment process to EHEA. The outcome of the said project was the publication of 56 white papers on the different study programmes in the country. The white paper on the TI degrees is described below, analysing the changes our discipline has had in the process comprising the regulation of TI studies in Spain and the implications of EHEA in the structure and content of our current degrees.

For the purpose of ensuring Spain's smooth integration in EHEA, ANECA develops its activities around the following evaluation, certification, and accreditation programmes:

- Programa VERIFICA, evaluating degree proposals designed according to EHEA criteria.
- Programa MONITOR, monitoring accredited programmes to check the correct implementation and results.
- Programa ACREDITA, checking that a degree has been implemented according to its initial project.
- Programa ACREDITA PLUS, providing assessment for national accreditation and international seals.

⁴² Further information about ANECA may be found on its website: <http://www.aneca.es/> [Last accessed 19th August 2016]

⁴³ See http://www.aneca.es/eng/content/download/10358/153099/file/publi_convergencia_060620.pdf [Last accessed 19th August 2016]

- Programa AUDIT, providing guidance for university centres in regard to establishing their own internal quality assurance systems.
- Programa MENCIÓN, evaluating PhD programmes candidating to a Quality Label towards Excellence.
- Programa PEP, evaluating CVs of applicants to access non-civil servant academic staff bodies according to LOMLOU.
- Programa ACADEMIA, evaluating CVs of applicants to access civil-servant academic staff bodies.
- Programa DOCENTIA, supporting universities to create mechanisms to evaluate the quality of their teaching staff.

Working on the role of the accreditation, evaluation, and certification activities ANECA develops and supervises, González-Pérez (2015:262) highlights the importance of quality assurance, a tenet in the EHEA network. Quoting RD 1393/2007, the scholar refers to Internal Quality Assurance Systems⁴⁴ (SGIC) as the basic grounds for the proper functioning of third level education. At the end of the day, SGICs play an essential role in the implementation of quality assurance policies at universities as well as in the proper development of their educational activities. Some of the common objectives of SGICs are the following:

- To provide the transparency and quality criteria required by EHEA.
- To incorporate strategies for continuous improvement.
- To plan teaching initiatives in regards to effective quality assurance.
- To facilitate the accreditation process of qualifications.
- To build common trust in the process of the accreditation of curricula.
- To improve accountability and the quality of the teaching staff etc.

In order to do so, ANECA, together with other regional quality assurance agencies, developed Programa AUDIT, mentioned above.

⁴⁴ *Sistema de Garantía Interno de Calidad*, in Spanish.

2.2.2.3 Changing curricula under the ECTS perspective: from *licenciaturas* to *grados*⁴⁵

From 1999 to 2010 universities were compelled to adapt and adjust their curricula in order to fit EHEA's aims of comparability, readability, structure, social dimension, and quality. Each of the countries, at their own path and according to their particular circumstances, implemented the initiatives they deemed relevant in order to fit the common objectives in due course.

The common guidelines were, as seen before, to adapt curricula to a three-cycle-based third level education structure and to adopt the ECTS credit system, granting 180/240 ECTS credits to undergraduate programmes and 60/120 to master degree programmes. The ECTS credit system had been used in Spain since 1989, nine years before the Sorbonne Declaration. Following the adoption of the Erasmus mobility Programme⁴⁶ in June 1987, Spain, together with all its European partners, had started using the ECTS credit system as a common tool in order to evaluate the workload of their students when participating in the at-the-time novel mobility programme. Nationally, though, the LRU credit system had been used since 1983 following the enactment of the LRU law, resulting in two different credit systems co-existing at the time. As opposed to ECTS credits, a system that combines the workload of students inside and outside the classroom, LRU credits represented an accumulative structure of the several teaching hours that made up the modules students underwent. One LRU credit, at the time, stood for ten teaching hours. ECTS credits, though, represent a system of transfer and accumulation of credits, and under RD 1125/2003, one ECTS credit is meant to represent 25/30 working hours; while the total workload of an academic year for a full-time enrolled student was established to be of 60 ECTS credits.

⁴⁵ *Licenciatura* refers to one of the two former university study programmes in pre-EHEA Spain, lasting between four and five years and leading, through its two-cycle structure, to third level PhD studies. *Grado* refers to the current EHEA undergraduate programme system where a first-cycle degree is awarded after three/four years of study and leads to post-graduate/master studies.

⁴⁶ At present the Erasmus mobility programme belongs to the overall umbrella project Erasmus+ (2014-2020), combining all the EU schemes for education, training, youth and sport, including the Lifelong Learning Programme (Erasmus, Leonardo da Vinci, Comenius, Grundtvig), Youth in Action, and five international co-operation programmes (Erasmus Mundus, Tempus, Alfa, Edulink and the programme for co-operation with industrialised countries).

Besides the common guidelines for all the EHEA members, each undersigning country has developed its very own domestic policies regarding their university programmes addressing issues such as the total number of credits, the name of the programmes in question, their common education/training contents, their objectives, the socio-professional profile they correspond with, etc. In Spain those matters have been progressively addressed through the Framework Paper towards the Integration of the Spanish University System in EHEA, the RD 1125/2003 and all subsequent amendments, initiatives and decrees.

RD 55/2005, for instance, aims at integrating within the curriculum both general and transversal knowledge and skills traditionally linked to all-round comprehensive education together with the specific knowledge and skills linked to employability and the introduction of students in the labour market.

Another example is that of RD 1393/2007, Article 3.5, introducing for the first time in the Spanish third level education system ethical values and principles regarding curriculum and study programme design, including strategies to promote equality, respect, and the promotion of democratic and Human Rights within a culture of peace in the design of new study programmes.

In 2006, the Spanish Ministry for Education issued a paper advocating for deeper curriculum reforms⁴⁷ while granting more autonomy to universities and urging for more accountability regarding quality assurance. In the said paper the role of competences is stressed, as discussed below, together with that of learning outcome.

2.2.2.4 Spain in 2015: the Bologna Progress Implementation Report

The following data is intended to draw a picture about the role of Spain within EHEA and the degree and nature of the implementation of its policies, compared to the other EHEA members. Data has been extracted from the 2015 Bologna Process Implementation Report and gathers information by Eurostat, several BFUG questionnaires, Labour Force Survey (LFS), EU-SILC, and other relevant European bodies and institutions. It is displayed according to the Bologna objectives, as revisited by the 2015 Yerevan Convention.

⁴⁷ “La organización de las enseñanzas universitarias en España” (*The organisation of university studies in Spain*) See: <http://www.unizar.es/ees/doc/doc1.pdf> [Last accessed 20th August 2016]

- Contextual information: Spain and EHEA

According to the enrolment rates in tertiary education, Spain stands above EHEA's average, at 16.2% of the total population aged 18-34 enrolled in higher education. Compared to the 2005/06 and 2008/09 data, Spain shows a steady growth in terms of university enrolment, as opposed to the very same figure on the previous years, consistently below 15%. In order to address this concern, and following the European trend, in 2014 Spain introduced demographic projections related to university enrolment in its steering documents.

Concerning its total number of higher education institutions, Spain is located in a rather moderate band (11 to 100 institutions), a position significantly below that of other neighbouring countries such as Germany and France (over 200) or the UK and Italy (between 101 and 200).

Spain was also found below the EHEA average regarding annual public expenditure on tertiary education if compared to the country's total public expenditure. In all data presented (2005, 2008, and 2011) Spain stands below EHEA's average (2.7%), placing 23 different countries before Spain in what expenditure is concerned. As a remark, it is interesting to note that the overall trend within EHEA has been to decrease the percentage of public expenditure in higher education from 2005 to 2011.

- Degrees and qualifications

The Report observes a trend among an increasing number of countries to move away from a workload of 180 ECTS in undergraduate programmes. Still, that is the most widespread option within EHEA (58% of programmes) as opposed to the Spanish 240-ECTS-based model (followed by 37% of the EHEA members)⁴⁸.

When it comes to second cycle programmes, 65% of the programmes offered within EHEA follow the 120 ECTS model. The Spanish model, that of 60 ECTS credits, is only followed by 16% of the overall programmes. It is interesting to note that in Spain, according to the 2013/2014 data provided, between 25 and 50% of students continue their studies in second-cycle degrees within the first year after

⁴⁸ The 240 ECTS model is commonly used in Azerbaijan, Armenia, Bulgaria, the former Yugoslav Republic of Macedonia, the Netherlands, Russia, Spain and the United Kingdom (Scotland), where at least 75% of programmes follow that model.

finishing their corresponding undergraduate programmes, out of which around 30% eventually enter third-cycle education programmes; one of the countries within EHEA, together with France, with a bigger share of students. However, unlike major EHEA members, Spain does not fully apply the ECTS system to its doctoral studies.

The ECTS credit system for accumulation and transfer of elements within study programmes has successfully been implemented in 100% of the Spanish universities, properly linked to their corresponding learning outcomes. There seems to be consensus within EHEA that ECTS credits should be allocated on the combination of learning outcomes achieved and student workload. That is at least the system followed by most of its members (36 countries). The second most common system is based on a combination of student workload and teacher-student contact hours. Spain, together with six other countries, follows this pattern. In any case, the 2015 Bologna Implementation Reports argues that this system is not fully compatible with the nature and aims of the ECTS system.

Concerning the level of implementation of the Lisbon Recognition Convention (LRC), the following principles were measured according to the implementation of the following items in domestic legislation:

- Applicants have a right to fair assessment.
- There is recognition if no substantial differences can be proven.
- Legislation or guidelines encourage comparing of learning outcomes rather than programme contents.
- In cases of negative decision, the competent recognition authority demonstrates the existence of substantial difference.
- Applicants have the right to appeal the recognition decision.

Spain, together with Italy, France, Germany and all other major countries within EHEA, only complies with four out of the five criteria. A worse scenario is that of automatic recognition of qualifications in the three cycles of higher education, where only Germany and the Nordic countries seem to grant full recognition to all qualifications within EHEA. Spain, for instance, only does so with a limited number of countries.

- Quality assurance

When it comes to the level of responsibility for external quality assurance, there seems to be no common pattern within EHEA. Some countries, like Spain or Germany, have more than one agency dealing with quality assurance. Others, like the UK, Portugal, Italy, or the smaller countries, only have one central agency. Even in size stands, obviously, as one of the most important criteria (the smaller the country, the smaller the need to have more than one body supervising quality processes and outcome), it seems that the level of de-centralisation of the country in question does play a major role too (the more de-centralised, the bigger number of regional quality assurance bodies and agencies).

All agencies from the major countries, excluding Italy and Portugal, are fully registered in EQAR. An interesting point concerning the EQAR-registered agencies is the level of openness to cross border quality assurance they have. Excluding the central Europe countries, there seems to be a deep reluctance to accept QA agencies from outside the country to fulfil their obligations for external QA, and no plans are being currently discussed to address the issue.

For Spain, unlike the majority of EHEA countries, the level of student participation in external quality assurance may also be a point for further reflection, given the yellow indicator it has been granted.

- Social dimension in higher education

The 2015 Bologna Implementation Reports notes that in terms of representation there seems to be an equal number of men and women enrolled in higher education, the latter being more prone to engage studies in the fields of social services, health, education, and the humanities.

Regarding diversity in terms of students' age, Spain doubles EHEA's average in 25 to 34-year-olds enrolment, only behind Greece, Slovenia, and Italy. The report argues that a common factor in those four countries is the fact that there are domestic policy approaches to widening participation in higher education in the countries' steering documents. The economic recession may also play a role, especially given the youth unemployment rates in those countries, as a firm motivation for recent graduates to continue studying in order to avoid labour market uncertainty and probable unemployment.

Finally, the report notes that between 10 and 29% of undergraduate students in Spain receive a form of grant/scholarship, a figure similar to that of Germany, and way behind other countries like France, the UK, or the Nordic countries (30-70%). The same applies to second cycle students. Spain is one of the few countries where, besides grants, there are no tax benefits or state loans for students.

- Lifelong learning

Lifelong learning, following the shift in educational paradigms argued above, appears in the mission statement of all institutions within EHEA.

Concerning part-time students, Spain does not require them to make higher contributions than full-time students, and are eligible for the same level of support. All institutions in Spain are compelled to offer part-time studies.

When it comes to adults (30-64) in higher education⁴⁹, they stand in Spain as 4.3% of the total number of students, way behind the EHEA average, where 20 countries overtake Spain, evidencing an area where further action is needed.

- Effective outcomes and employability

Concerning the unemployment ratio of people aged 20-34, Spain comes on top of the EHEA network regarding youth with low educational attainment (beyond 36.9%). For youngsters with medium educational attainment, Spain comes in fourth place (24.1%) only after Bosnia and Herzegovina, Greece, and the former Yugoslav Republic of Macedonia. Finally, when it comes to high educational attainment, Spain has an unemployment rate of 20.5%, the sixth highest within EHEA after Bosnia and Herzegovina, Greece, the former Yugoslav Republic of Macedonia, Serbia, and Georgia. The EHEA average stood at 7.5%.

Besides the level of attainment, another interesting factor to analyse is that of unemployment levels for recent graduates, which was found to be considerably higher than that of more experienced young people in all EHEA countries with available data. The unemployment ratio of graduates with less than three years of (potential) work experience stood at 28.4% in Spain, compared to that of 16.5%

⁴⁹ ISCED 5 or 6

for those with more than three years of experience. Regarding employment and vertical mismatch, Spain came in third position⁵⁰, right after Albania and Cyprus.

Finally, when it comes to the level of involvement of employers in higher education, Spain, together with the majority of the EHEA countries, does not make their presence compulsory for curriculum development, although it contemplates the possibility to incorporate them according to the wishes and needs of universities. A different scenario is that of the decision-making bodies of higher education institutions, where the presence of employers is compulsory in Spain. It should be noted that there is no consensus in the EHEA network to this concern: some countries have made it compulsory, some other countries contemplate it as a possibility.

- Internationalisation and mobility

Overall, within the EHEA network, there is no consensus on the necessity for national strategies towards the internationalisation of higher education. Spain, together with Germany, the UK and the Nordic countries, for instance, does have a specific budget for it, besides additional incentives, but it is not the most widespread option.

Regarding balanced and imbalanced mobility, Spain has more outgoing than incoming international students. In fact only Finland shows a balanced mobility flow compared to the rest of the EHEA countries. If the presence of international students outside EHEA is taken into account, the Spanish ratio improves slightly, but it still renders the country as an exporting country. The biggest differences can be observed when comparing figures from the Spanish, French, and German students: students from Spain undergoing international mobility programmes in Germany and France largely outnumber the German and French students in Spain.

The main obstacles noted for incoming students when coming to Spain were the lack of information, encouragement, and recognition. For our outgoing students, curriculum/study organisation, recognition, and funding. Unfortunately, despite the mentioned obstacles, Spain has not monitored the effects of the measures taken in order to tackle those obstacles.

⁵⁰ ISCO 1 and 2: 44.2%; ISCO 3: 17%; ISCO 4 to 9: 38.8%

2.2.2.5 The 2015-2020 Strategy for the Internationalisation of the Spanish Universities

In the Spanish scenario, the process of internationalisation of universities has received significant attention lately. Following the 2007 ministerial agreement on the common external dimension of EHEA⁵¹, complemented in 2012 by the 2020 Mobility Strategy⁵², the Spanish authorities launched in 2015 their very own strategy for the internationalisation of the Spanish universities, suggesting four strategic pillars for the said internationalisation process and 28 different concrete actions for its implementation:

1. **Consolidate a highly internationalised university system**, by improving the corresponding legal framework, elaborating guidelines and recommendations in order to internationalise programmes and include transversal competences, promoting international mobility for students, teaching staff, and administration staff; fostering domestic multilingualism and multiculturalism, improving recognition processes for EHEA and non-EHEA members under the Lisbon Convention, working on transnational quality assurance, etc.

2. **Improve the international reputation of the Spanish universities**, by implementing the corresponding internationalisation strategies in the relevant institutions, improving the support mechanisms for international students, setting up adaptation courses and modules for international students on language, culture, learning skills, methodology and assessment; improving the number of modules taught in English on both graduate and postgraduate level, working on transnational joint programmes, improving the position of the Spanish universities in international rankings, joining international networks, projects, and programmes; promoting the Spanish university education system through the brand “Study in Spain”, etc.

3. **Promote international competitiveness**, by arranging fora aimed at creating meeting points for employers and universities, fostering international final year

⁵¹ European Higher Education in a Global Setting. A Strategy for the External Dimension of the Bologna Process. See: <http://www.ehea.info/Uploads/Global%20context/Strategy-for-EHEA-in-global-setting.pdf> [Last accessed 29th August 2016]

⁵² Mobility for Better Learning. Mobility Strategy 2020 for the European Higher Education Area. See: [http://www.ehea.info/uploads/\(1\)/2012%20ehea%20mobility%20strategy.pdf](http://www.ehea.info/uploads/(1)/2012%20ehea%20mobility%20strategy.pdf) [Last accessed 29th August 2016]

internships, fostering the internationalisation of research, development, and innovation projects; developing business models and university service models through the analysis and identification of potential international demand, etc.

4. Intensify cooperation in higher education, by setting up bilateral agreements with other EHEA members in terms of recognition, quality assurance, and mobility; strengthening the Spanish role in the Ibero-American Area of Knowledge, promoting bilateral agreements and collaboration projects with Mediterranean countries and universities, exploring new specific cooperation projects with other countries such as the US, Australia, Canada, and South Korea; reinforcing cooperation with developing countries, etc.

2.2.3 Pedagogical implementation of EHEA in Spain: competences galore

In section 2.1.3 above I have argued how the new politics of learning have transformed the epistemological scenario of the countries within EHEA. By placing the labour market as one of the core foundation grounds of third level education, the analysis and evaluation of socio-professional profiles becomes essential in order to design curricula and train (educate?) future members of the corresponding communities of practice. The said analysis and evaluation process by the relevant educational institutions, claims Cerezo (2012:37), results in a list of competences that are subsequently used in order to set the different objectives and learning outcomes in the education process. A competence-based conception of learning outcomes, she continues, guarantees that by the end of their studies students will have acquired a number of competences that allow them to enter the labour market.

The Bologna Declaration (1999) finds in competences the common system EHEA is after in order to establish readability and comparability standards between curricula in different countries. The use of competences allows EHEA to find a connexion with the labour market, and therefore employability, since it is the breakdown of the professional skills what, translated into competences, will render an accurate portrait of the objectives and learning outcome students should be expected to master by the end of their studies. Another advantage implied is the transition towards constructivist grounds and student-centred education, having a comprehensive vision where knowledge, and education, is composed of both declarative and operational content.

De Miguel (2005:18) quotes the Delors Report in order to define the concept of competence, integrating the concepts of learning to know, learning to do, and learning to be. In his view, competences are to be understood as the ensemble of technical, social, methodological, and participative knowledge and abilities regarding the requirements and specifications of the labour market. Calvo Encinas (2009:152), working on the same grounds, claims that the Bologna Process, in order to integrate a competence model, speaks of specific, expert competences (those related to the professional community of practice the students are being socialised into) and transversal, generic competences (those that, given their social and professional value, all studies should include in their curricula). This, the scholar argues, is directly linked to employability, since the dualistic conception of competences would allow curriculum designers to focus, on the one hand, on the socio-professional needs of a particular community of practice (specific competences) while making sure their graduates are able to adapt to a changing working climate and conditions (transversal competences).

In order to attain the common objectives of the Bologna Process, García Manso and Martín Cabello (2013:604) note, a group of European universities started to collaborate, back in 2010, in a pilot project called the Tuning Project, aimed at the development of four action programmes related to competences and competence development. The outcome of the Tuning project, together with that of similar projects taking place rather simultaneously as well as the core Bologna guidelines, has allowed universities to adjust their programmes to the common European framework. It is fair to note that each participating country has also issued its very own requirements and guidelines to complement the European papers on the matter. In Spain, for instance, the curricula put forward by universities need to be assessed by the Spanish Council of Universities and by ANECA, and the publication of ANECA's white papers on the different study fields has been widely used in regard to curriculum design (Cerezo, 2012:39). In any case, the Tuning project, together with some other European initiatives working on competence analysis and development and how to refine the European common project through the application of competence schemes, may be found below:

- DeSeCo Project⁵³

The DeSeCo Project (Definition and Selection of Competencies: Theoretical and Conceptual Foundations) was launched in 1997 by OECD in order to provide a conceptual framework towards the identification of the key competences needed in order to keep up with today's world, as well as to strengthen international assessments, and help define goals for education systems and lifelong learning.

- The Tuning Project⁵⁴

TUNING started in 2000 as a project aimed at linking the political objectives of both the Bologna Process and the Lisbon Strategy in higher education contexts by (re-)designing, developing, implementing, evaluating, and enhancing quality, in an attempt to understand curricula and make them comparable. The discussions undergone by the Tuning project were organised around the following areas:

- Generic competences
- Subject specific competences
- ECTS as an accumulation system
- Approaches to learning, teaching and assessment
- Quality enhancement

Elaborating on updated information about the areas above at European level, several teams of experts worked towards providing understanding, context, and conclusions that universities may find useful in order to 'tune' their curricula without losing their autonomy and, at the same time, stimulate their capacity to innovate.

⁵³ See <http://www.oecd.org/edu/skills-beyond-school/definitionandselectionofcompetenciesdeseco.htm>. [Last accessed 22nd August 2016] The findings of DeSeCo's research were published in the report "Key Competencies for a Successful Life and a Well-Functioning Society".

⁵⁴ See <http://www.unideusto.org/tuningeu/> [Last accessed 22nd August 2016]

- Dublin descriptors⁵⁵

The Dublin Descriptors were presented in 2003 and adopted in 2005 as the Qualifications Framework of the European Higher Education Area. The descriptors, phrased in terms of competences (as opposed to learning outcomes), represent the achievements and expectations that students are meant to have at the end of every Bologna cycle in terms of knowledge and understanding, the application of that knowledge and understanding, making judgments, communication and lifelong learning skills.

2.2.4 Criticisms to the Spanish implementation strategy

In section 2.2.2 above I have referred to the fierce criticism among the many stakeholders in Spain against the implementation process of the Bologna common project. The inevitable outcome of 17 years of an on-going debate from which many stakeholders have felt excluded has resulted in a fairly widespread anti-Bologna feeling: a particular scepticism against all things European that has eroded, and still continues to do so, the image of EHEA in Spain.

The adaptation system in Spain has been particularly complex at many different levels. From a methodological/epistemological standpoint, Spain is one of the systems within EHEA located furthest away from the recently-introduced methods, education models and learning culture, hence the extra efforts some voices have claimed repeatedly that may have failed to convey the need for further debate on the methodological implications in education to the relevant authorities. A weak methodological reflection prior to any change of this magnitude translates inevitably in chaos for both the teaching staff, who may be reluctant to adapt to unexplained, foreign concepts lacking solid grounds or even be ideologically positioned against the process, and also the student body, who senses the confusion and therefore feels that their education process has become a trivial matter based on give-and-take, rushed premises, and lack of clarity. As main stakeholders, one of the biggest criticisms EHEA has received in Spain has been lack of clarity, lack of consensus, and lack of debate and common construction of the European project in domestic terms.

⁵⁵ See http://www.ehea.info/uploads/seminars/0412_qf_of_ehea.pdf [Last accessed 22nd August 2016]

Another controversial point has been the structure of university programmes: whether to adopt a 4-year-long undergraduate degree followed by a 1-year-long master's course, or the most widespread 3+2 combination; both of them with supporting and opposing arguments. One of its most visible consequences has been that of university taxes, since the price of a master's ECTS credit is way higher than that of a bachelor credit. Even if the Spanish Minister for Education, José Ignacio Wert, assured that only 10% of jobs require second cycle studies and therefore having a shorter first cycle reduces the overall expenses for families, both student unions and trade unions have noted that a 3-year-long undergraduate degree decreases the overall quality of the study programme in question, and therefore reduces its specialisation, pushing students inevitably towards the difficult decision of enrolling a master's degree that they may struggle to pay or risking the chance of losing competitiveness given the less qualified and specialised nature of their bachelor studies.

Besides, the flexibility of a 4+1 or 3+2 structure affects deeper questions such as fairness and comparability of graduates. If both options are allowed to co-exist in the country, then some students will be awarded the same degree as others who may have studied an extra year in order to finish their studies. This flexibility benefits private institutions, where changes in programmes and the creation of new programmes may be faster to implement. That is the position of CRUE, for instance. It is interesting to note that, when the CRUE members voted for a common position against the flexibility introduced by RD 43/2015, the only votes against and abstentions to the said common position came from private universities, evidencing, or at least hinting, that the argument that private universities make substantial profit of the reform may not be too misguided.

Another front comes from the implications of employability and the marketisation of third level education mentioned in section 2.1.3 above. Those opposing the way the Plan is being implemented in Spain argue that reforms have been carried out attending the needs of the labour market exclusively, setting aside the nature of education as a critical process of personal growth. Following that argument, when assessing universities from economic, profitability criteria some university degrees whose practical application in the labour market may not be as straightforward as others may be marginalised, and ignored for not being as relevant as other studies.

Be what it may, Pozo Muñoz and Bretones Nieto (2015:152) believe that the source of discrepancies, misunderstandings, and disputes lays in the lack of information and transparency between policy makers and the civil society. Evidence to their claim is the fact that prior to 2005, that is, at the very heart of the Bologna implementation process, around 75% of universities in Spain claimed to have seminars and activities of all kinds related to EHEA and the convergence process. Unfortunately, only three universities out of those had special information and awareness sessions aimed at students and administrative staff. Some years later, both in 2008 and 2012, the scholars point out, research was carried out in order to determine the degree of updated information related to EHEA and the adjustment process the websites of the different Spanish universities had undergone. The results, they claim, highlight the fact that the information available in those websites was “unequal, asystematic, and heterogeneous”.

It is my opinion that EHEA has meant a remarkably positive experience for Spain and for the thousands of students that have studied, and continue to do so, under the EHEA educational umbrella. In terms of European integration, no other political, economical or social measure undertaken has meant such a big impact in the creation of a pan-European citizenship than the mobility programmes aimed at its youth. In academic terms, EHEA has meant greater chances of comparability, recognition, quality and flexibility, something the EHEA members are still working on but whose fruits can already be observed across the continent. The implementation process in the Spanish arena, though, may not have been as successful as planned, or may not have hit the mark in the way policy makers envisaged it would. While it is true that the lack of trust and commitment between the political forces in Spain, resulting in legislative reforms in Education after every change of government, has pre-conditioned the Spanish subjects against reforms, adjustments, and educational innovations, there is still room for a change of perspective towards a successful consolidation of EHEA. But willingness, commitment and trust among all stakeholders beyond unilateral prescriptive actions are essential for the common project to work out.

2.3 EHEA and the study of TI in Spain

2.3.1 Hagiographical Remarks

Pegenaute (2004:604) starts his journey on the ins and outs of our discipline gaining educational independence from philological studies, applied linguistics, or compared literature by asserting that, no doubts, the appearance of the studies in translation and interpreting in the Spanish context propelled exponentially the role of translators in the Spanish society. The increasing need for further interlinguistic exchanges after WWII, he continues, fostered the creation of the first training centres for translators and interpreters in Europe, such as Geneva's School of Interpreters, in 1942, or the centres in Moscow (1930-1933, and then 1942), Heidelberg (1933) or Vienna (1943) (Pöchhacker, 2015:126). It was a matter of time that the said courses, modules, and programmes arrived in Spain.

- The 1960s and early 1970s: Conception

Traditionally, before the 1970s, the formal study of languages in Spain had been ascribed to the faculties of languages offering degrees in philological and philosophical studies, where translation was indeed present as part of the curricula. Those degrees, departments, and faculties were highly consolidated within the Spanish territory, dating back to the 1950s, and had a strong tradition and reputation in the country (Muñoz Rayas, 2004:13). In that context, the study and use of translation in those degrees, Calvo Encinas points out (2009:198), was merely that of a tool for language advancement, compared grammar, and text production.

In Spain, the first training school for translators and interpreters appeared in Madrid in 1959. Centro Universitario Cluny (Cluny University Centre) was the Spanish spinoff of the French Institut Catholique de Paris (Paris Catholic Institute) founded by the Institut Supérieur d'Interpretation et de Traduction (Higher Institute of Interpreting and Translation) in 1957.

A few years later, in 1963, García Yebra started the negotiations with the at-the-time Ministry for Education and Science that led to the opening, some ten years later, of Instituto Universitario de Lenguas Modernas y Traductores (University Institute of Modern Languages and Translators), ascribed to Universidad

Complutense de Madrid (Complutense University of Madrid), offering post-graduate education on literary translation.

- The 1970s and 1980s: Birth

In 1972 the University School of Translation and Interpreting (EUTI) was founded in Barcelona offering a three-year-long *diplomatura* study programme. Pegenaute (2004:606) finds it interesting that the programme only offered translation courses, despite 1) being inspired by the educational model in the School of Translation and Interpreting in Mons (Belgium) where interpreting played a fundamental role given its proximity to the European institutions, and 2) despite the very name of the school and the mentions to interpreting in its curriculum (Calvo Encinas, 2009:199).

In 1979 Granada launched its School of Translation and Interpreting, stemming from University of Granada's Institute of Languages. This time, the school in Granada did offer modules on both translation and interpreting. Las Palmas followed some years later, in 1988, presenting a programme inspired by that of Barcelona where interpreting was not included. Still, Las Palmas introduced for the first time the concept of A-language, B-language, and C-language according to the level of proficiency of the students (Calvo Encinas, 2009:199).

The scholar (*ibid*:228) notes how the two initial EUTIs in Spain followed different educational paths given the at-the-time lack of common guidelines for the implementation of translation programmes. Thus, while Granada focused on international organisms and the intersection of interlinguistic studies with specialisation areas such as the Economy, the Law, or Medicine; Barcelona adopted a classic standpoint, including modules on Geography or History.

In any case, the at-the-time 3-year-long undergraduate programmes in translation and interpreting posed a problem for its graduates. Indeed, its professionalising nature, as opposed to the classic study of languages based on 5-year-long *licenciatura* study plans, hindered the academic and professional development of its alumni. On the one hand, degrees in translation were deemed academically inferior (Lafarga & Pegenaute, 2004:606), and graduates showed a clear need to further deepen their knowledge and skills on their working languages, especially on their C-language. On the other, they prevented graduates from joining international organisations where translation and interpreting services were very

much needed but whose job profiles required higher academic achievement and at least two strong working languages⁵⁶. It may come as no surprise that educationalist in this incipient area of study pushed for reforms and the creation of proper 5-year-long *licenciatura* study plans for the discipline.

Seen the need for further and deeper translation and interpreting education within the Spanish education system, Calvo Encinas (2009:206) elaborates on the different objections and difficulties argued at the time by the Spanish Board of Universities on the implementation of a 5-year-long *licenciatura* programme:

- Philology departments and faculties were reluctant to let go what they considered a part of their discipline.
- Bilingual regions in Spain required their co-official languages to be included as A-languages in the corresponding curricula.
- Some educationalists coming from philological studies opposed the intersectional nature of translation and therefore the need for information mining and research and other non-linguistic modules in translation curricula.
- Some educationalists claimed further emphasis on language teaching as a possible career path for graduates.
- Some other educationalists coming from philological studies opposed the fact that a degree in translation could lead to a language-teaching job, and specified that it should not be included in the relevant curricula.
- Given its applied nature, some philology departments and faculties didn't believe translation to be a proper academic discipline.

- The 1990s: Nurture

In 1991, and despite the obstacles mentioned above, the Translation and Interpreting *licenciatura* was implemented under the new Spanish higher education law LRU. One of the most immediate consequences, Pegenaute notes, (2004:606) was the rapid increase in universities offering translation programmes

⁵⁶ Leading to many translation graduate students complementing their studies with a second degree (Lafarga & Pegenaute, 2004:606).

and setting up translation departments⁵⁷. The first universities to implement *licenciaturas* in Translation and Interpreting in 1992 were ULPGC (Las Palmas), UAB (Barcelona), UMA (Malaga), UVigo (Vigo), UPF (Barcelona), and USAL (Salamanca). UGR (Granada) did it a year later (1993), and, progressively, during the next 15 years, more than 20 universities adopted similar study programmes, evidencing an increasing social, professional, and academic interest in the discipline.

Despite some minor drawbacks that Kelly (2000) witnessed in the process, such as the difficulty of making interpreting a compulsory part of TI curricula, or even whether to include interpreting at all following a number of experts and scholars at the time, Cerezo (2012:19) mentions the positive outcome of the autonomy universities were given in order to design their curricula according to some basic contents established by the Board for University Coordination of the Spanish Ministry for Education⁵⁸. Pegenaute (2004:607) agrees with her, and indeed highlights the advantages brought along by the introduction of compulsory modules for all institutions offering TI programmes: terminology, information mining and research, IT applied to TI, A, B, and C language modules, specialised translation, translation studies, applied linguistics, etc.

An example of the success of the TI *licenciaturas* may be found, according to Calvo Encinas (2009:213), in the creation in 1995 of CCDUTI⁵⁹ (Conference of Translation and Interpreting Centres and Departments in Spain), an organism representing all private and public institutions that offer degrees in translation and interpreting. Among the achievements reached by CCDUTI, the scholar mentions the recognition of the TI degree for positions previously reserved exclusively to philologists and the extinct academic accreditation for sworn translators in Spain.

2.3.2 Change of plans: EHEA

In 2004, the White Paper of the Spanish Undergraduate Degrees in Translation and Interpreting was introduced (Muñoz Raya, 2004), following ANECA's guidelines regarding both the evaluation and assessment of degree programmes and the

⁵⁷ 'Translation and Interpreting' had just become an official area of knowledge, allowing translation-related programmes and faculty members to join in translation departments.

⁵⁸ *Consejo de Coordinación Universitaria del Ministerio de Educación y Ciencia español*

⁵⁹ See <https://confetradi.wordpress.com/> [Last accessed: 25th of August 2016]

creation of new undergraduate degrees. The paper, following the specifications included in the Bologna Process, the different ministerial meetings after the Bologna Declaration, and the 2003 Framework Paper towards Spain's integration in EHEA, constitutes the first systematic study of the several translation degrees in Spain (Cerezo, 2012:24). The white paper provides major information and analysis of the different translation and interpreting degrees in Europe, discusses the ideal length and contents of TI undergraduate degrees, and observes trends, patterns, and perceptions regarding employability and socio-professional profiles based on the findings of several surveys among graduates, employers, and teaching staff.

It is interesting to note that the paper pays special attention to the generic and specific competences implied in each and every socio-professional profile and career path the authors link to the TI degree, following the 'competences galore' turn discussed in 2.2.3 above. Indeed, the rationale adopted is that the said competences are a key concept in order to define the objectives of the education process of future translators.

A controversial issue on which the different co-authors of the white paper seem not to reach an agreement is that of the desired, optimal, length of the studies. Thus, even if the majority of representatives opted for a long 240 ECTS-based undergraduate degree, some argued that a 180 ECTS programme would fit best the Bologna spirit. Instead of compromising and presenting a solid bet, the co-authors finally present a list of advantages of both models, thus contributing to the heterogeneous discussion that has recently pushed CRUE, as seen above, to confront the latest Royal Decree on higher education and put off any possible implementation regarding the length of the programmes.

Among the advantages of a 240-ECTS programme, the authors conclude that they would be easier to adapt since their structure would not be too far away from that of *licenciaturas*. Other arguments employed are: a more comprehensive approach to education, better extralinguistic and encyclopaedic knowledge, and deeper harmony with the Bologna ideals, since one of its objectives is to prepare students for their future career paths, something they would struggle with if they only had a programme composed of 180 ECTS.

On the other hand, a shorter curriculum would foster LLL, since translators would need to define and polish their profile progressively. Besides, once devoid of all specialisation modules, a truly comprehensive approach to translators' education

could take place, since there would be more credits to strengthen, among others, basic linguistic and extralinguistic competences in students. Finally, by promoting shorter undergraduate degrees an increase in postgraduate education would follow, fostering mobility and quality among graduates.

Another interesting point the co-authors make in the paper, in contrast with the optimistic comments regarding the same issue by Pegenaute above, is the necessity for further flexibility when it comes to curriculum design and advancement. The authors claim that more dynamic curricula, along the lines of other similar translation degrees in Europe, would foster creativity and competitiveness, since every institution could adjust to a particular profile, or needs of the zone where it is located, thus enriching the profession with a wider set of skills (Muñoz Raya, 2004:18). In other European countries, they argue, compulsory modules for all the institutions are scarce, with the exception of some internal agreements between neighbouring universities (the French speaking universities in Belgium, University of Graz and Innsbruck in Austria, etc.).

Following the core aims of EHEA, Cerezo argues (2012:25), the representatives of the Spanish degrees in TI in the white paper advocate a curriculum attending to a number of socio-professional profiles related to the translation professions. Similarly, Calvo Encinas (2009:303) makes an interesting point when she asserts that even if the white paper adopts a competence-based model in order to discuss the different socio-professional paths of future alumni, the said competences seem overlapping, blurry, and some transversal competences have wrongly been attributed to particular profiles rather to the whole translating profession ('teamwork' has been attributed exclusively to 'translators working for a public institution', for instance). Among other critiques, the scholar warns about the little attention paid both to teaching as a possible career path for graduates — something likely among translation graduates, she argues— and the role and importance of working languages in the different socio-professional profiles suggested, since the command of foreign languages only appears in the description of 'cultural and linguistic mediators' and not in any other translation-related career path.

2.3.3 The Spanish undergraduate degrees in Translation and Interpreting

According to the Spanish Ministry for Education and Science, there are currently some forty programmes in translation and interpreting in Spain, 75% of which are being taught in public universities. Admittedly, EHEA, together with the Spanish legal reforms that followed, has fostered the creation of new degrees in our discipline and has allowed for further flexibility in terms of curriculum design and adjustment to the 240 ECTS reality. The table below shows the current offer in Spain of undergraduate degrees including translation, interpreting and other kind of interlinguistic matters:

| Undergraduate Programme | University |
|---|---|
| Applied Languages and Translation ⁶⁰ | Universidad de Vic-Universidad Central de Catalunya |
| Modern Languages and Translation | Universidad de Alcalá |
| Translation ⁶⁰ | Universidad Antonio de Nebrija |
| Translation and Interpreting | Universidad Alfonso X El Sabio |
| Joint degree Translation and Interpreting + International Relations | Universidad Alfonso X El Sabio |
| Translation and Interpreting | Universidad de Alicante |
| Translation and Interpreting | Universidad Pontificia Comillas |
| Translation and Interpreting + International Communication | Universidad Pontificia Comillas |
| Translation and Interpreting English-German | Universidad de Las Palmas de Gran Canaria |
| Translation and Interpreting English-French | Universidad de Las Palmas de Gran Canaria |
| Translation and Interpreting | Universitat Autònoma de Barcelona |
| Translation and Interpreting | Universidad Autónoma de Madrid |
| Translation and Interpreting | Universidad Complutense de Madrid |

⁶⁰ Programmes under termination process (BOE 05/01/2016, BOE 03/07/12, and BOE 08/01/2009, respectively).

| | |
|---|--|
| Translation and Interpreting | Universidad de Córdoba |
| Translation and Interpreting | Universidad de Granada |
| Translation and Interpreting | Universidad de Málaga |
| Translation and Interpreting | Universidad de Murcia |
| Translation and Interpreting | Universidad de Salamanca |
| Translation and Interpreting + Law | Universidad de Salamanca |
| Translation and Interpreting | Universidad de Valladolid |
| Translation and Interpreting ⁶⁰ | Universidad de Vic-Universidad Central de Catalunya |
| Translation and Interpreting | Universidade de Vigo |
| Translation and Interpreting | Universidad del País Vasco/Euskal Herriko Unibertsitatea |
| Translation and Interpreting | Universidad Europea del Atlántico |
| Translation and Interpreting | Universitat Jaume I |
| Translation and Interpreting | Universidad Pablo de Olavide |
| Translation and Interpreting + Humanities | Universidad Pablo de Olavide |
| Translation and Interpreting | Universidad Pompeu Fabra |
| Translation and Interpreting + Applied languages | Universidad Pompeu Fabra |
| Translation and Interpreting | Universidad Rey Juan Carlos |
| Translation and Interpreting | Universitat Internacional Valenciana |
| Translation and Intercultural Communication | Universidad Europea de Madrid |
| International Relations + Translation and Intercultural Communication | Universidad Europea de Madrid |
| Translation and Intercultural Communication | Universidad Europea de Valencia |
| Translation and Interlinguistic Mediation | Universitat de València |
| Translation and Intercultural Communication | Universidad San Jorge |

| | |
|--|---|
| Translation, Interpreting, and Applied Languages | Universitat Oberta de Catalunya (inter-university programme Universitat de Vic) |
|--|---|

Table 6 Undergraduate degrees in Translation (Spanish Ministry for Education and Science, adapted)

- Name of the studies

As one may notice, the most common name for the undergraduate programmes of our discipline is ‘translation and interpreting’. Other options include applied languages, modern languages, intercultural communication, or mediation, all of them coupled with ‘translation’. The flexibility observed derives from RD 1393/2007, granting universities further room for curriculum design and innovation. Universities with no explicit reference to interpreting in the name of their study programmes tend to include a less significant amount of oral translation and offer modules such as ‘intercultural mediation’ or ‘liaison interpreting’ instead, paying little or no attention to major forms of interpreting (simultaneous, consecutive, etc.). Also, these undergraduate programmes do not usually stem from *licenciaturas*, but rather have been created under the umbrella of EHEA, limiting their constraints when it came to the creation and implementation of their curricula.

Some of the institutions offer joint degrees in translation and other neighbouring discipline, in an attempt to boost competitiveness and stand out from the increasing number of translation programmes offered. The possible combinations include International Relations, International Communication, Law, Humanities, and Applied Languages.

- Number of credits and language offer

The application in our discipline of RD 42/2015 on the length of our study programmes (240 ECTS vs. 180 ECTS) repeatedly put off by CRUE has meant that all Spanish undergraduate degrees in TI have 240 ECTS credits divided in eight semesters. Out of the 240 ECTS credits, according to the legislation in force, 60 ECTS credits correspond to core subjects in the first two years of the translation degrees. The core subjects ensure transversality and provide the solid grounds upon which students will construct their education process. For the degrees in translation, the core subjects refer to languages (mother tongue and foreign languages), IT, and linguistics.

Concerning the range of A languages, all universities within the Spanish territory offer Spanish, the modules ranging between 12 ECTS and 24 ECTS. The most common option is 12/18 ECTS credits in modules such as 'Spanish Language', 'Spanish Language for Translators', etc. Given the pluri-linguistic reality of Spain, the bilingual regions also offer their co-official languages (Catalan, Basque, and Galician) as A Language. Consequently, those universities tend to allocate some more credits to the use and mastery of the A Languages (A1/A2), leaning towards 24 ECTS or more. For those students who are alien to the second A language, universities tend to adopt a major A language/minor A language approach for the study of both languages where the students decide what language to study while making sure they attain some basic/medium competence of the other. That is the case, for instance, of University of Alicante, offering 24 ECTS credits allocated for A language in three different itineraries according to the needs and wishes of students: 12/12 ECTS Catalan/Spanish, 18/6 ECTS Catalan/Spanish or 18/6 ECTS Spanish/Catalan.

In regard to B languages, the most widespread option is English (24 universities), followed by French (14 universities), and German (7 universities). In general, the Spanish universities tend to offer their students an average of two B languages. The biggest range of B languages is offered by University of Granada (English, French, German, and Arabic) and Pompeu Fabra University (English, French, German, and Catalan sign language). Above the average, that is, offering three B languages, stand University of Alicante, Autonomous University of Barcelona, University of Salamanca, Pablo de Olavide University, and University of Valencia. Concerning the workload allocated to the B language, the offer ranges between 18 ECTS and 30 ECTS, the most common option being 24 ECTS. The universities offering a higher workload of B language-related modules (36 ECTS) are University of Alcalá, University of Valencia, and Pompeu Fabra University. The credits allocated for B language tend to be concentrated in the first two years of university education, providing a solid linguistic ground for the subsequent translation modules.

When it comes to C language, German and French are present in an overwhelming number of universities in Spain (21), followed by English (10), Arabic and Italian (8), and Chinese (4). Other minority options include, in descending order, Russian, Portuguese, Greek, and Japanese. The universities offering a wider range of C languages are Autonomous University of Barcelona and University of Granada, offering nine different C languages to their students.

University of Malaga and University of Valladolid also include an interesting amount of C languages (6). Concerning the workload allocated to these modules, it varies greatly among the Spanish universities, the most common option being 30 ECTS credits, followed by 24 ECTS and 36 ECTS. Some universities have also introduced a D language in their curriculum as elective modules, whose aim is to present their students with an introduction to a fourth foreign language (University of Alicante, Autonomous University of Madrid, University of Murcia). In those cases, besides the C languages mentioned above, the language offer includes languages such as Romanian, Polish, Turkish, Persian, Finnish, Korean, and Spanish sign language.

- Introductory translation courses

During the first two years of the undergraduate degree in translation, students undergo several foundation modules that will later on be essential in order to develop a comprehensive translator competence (own and foreign language, IT, information mining, etc.). All Spanish universities also include some introductory translation modules aimed at providing their students with a first taste of their discipline of study. In Spain, most universities tend to leave those modules to the second year of study, even if some of them do already include one module in the first year. The most usual combination is that of 6/6 ECTS credits in cases where introductory translation modules are included in both years, and 12 ECTS credits in those universities that do not provide translation modules until the second academic year.

It is interesting to note that private universities are more prone to offer more translation modules since the very beginning of their curricula, some of them offering up to 24/30 ECTS credits on translation modules during the first two years of study (Rey Juan Carlos University and European University of Madrid). The reason for this may lie in the fact that these universities have little tradition offering translation courses and therefore have more freedom to design their programmes and fewer constraints coming from the management and institutional hierarchies in public universities. Besides, private universities tend to market their programmes as more practice and labour market oriented in an attempt to stand out among the rest of universities.

- Degree of specialisation

The white paper of the degrees in translation and interpreting in Spain does not sanction whether the desired length for the degree should be that of 240 ECTS or 180 ECTS (see 2.3.2 above), and neither did CRUE following the application of RD 43/2015. Definitely, having a shorter degree would grant departments the possibility to truly develop among their students a strong, comprehensive general translation competence, leaving specialisation for postgraduate studies. From the opposite angle, incorporating specialised modules to a 240-ECTS undergraduate programme would equip the students with better thematic knowledge and a wider mastery of their profession, allowing them to have a better overview of their future career.

The truth is that all universities in Spain offer some kind specialised modules during the course of their degrees, most typically during the very last two years of education. The most common areas of specialisation include the traditional legal (and legal related), technical and scientific, literary, and audio-visual translation modules. Some universities, though, have opted for higher specialisation possibly in order to stand out from the rest. Among their offer stand specialised modules on translation and advertising, translating for the media, translating for tourism and leisure, food and agriculture translation, bio-sanitary translation, marketing and translation, etc.

Among the options to include specialised translation in the curriculum, most universities offer a wide range of elective modules and allow their students to arrange their very own bespoke degree according to their needs and interests. That is the case of University of Granada, Autonomous University of Barcelona, and University of Valladolid, for instance, where very little specialised translation content is included as compulsory modules (6/12 ECTS credits). That way, students can have a more active role in the design of their education process. Regardless of the percentage of compulsory specialised translation modules, all universities seem to include legal and/or economic translation as a compulsory module in their curricula, followed by technical and scientific translation, leaving the other traditional translation specialisations a rather secondary, elective role.

A different option, followed by University of Alicante, University of Las Palmas, and University of Salamanca, for instance, is to present students a rather rich compulsory range of specialised translation modules so they can have an

overview of very different translation fields as a comprehensive basis of their education process. Jaume I University, for instance, makes its students undergo literary translation, technical and scientific translation, legal translation, and audio-visual translation modules in the third year of their study programme. That way, students are introduced to the major fields of translation so they can pick one specialisation itinerary on their final year, composed of two extra specialised modules in the chosen field.

Finally, some universities (University of Salamanca, Pablo de Olavide University, Pompeu Fabra University, etc.) include relevant pre-translation elective modules presenting thematic, encyclopaedic knowledge of the different specialisation areas they offer during later stages of the education process. Those modules, providing an overview of fields such as the Economy, the Law, or Science, help underpin a deeper understanding of the intersectional areas translation covers.

- Final year internships and dissertation

Work experience is considered particularly relevant, especially under the Bologna Process premises and the current post-positivist epistemological climate. All Spanish universities contemplate the possibility of enriching the curriculum and the education process of their students with a final year internship whose main aim is to introduce students to the professional practice of the translation profession, a first step towards joining their relevant communities of practice. The number of credits allocated for a final year internship within the translation degrees in Spain ranges between 6 ECTS and 24 ECTS credits, the average being 6 ECTS credits (14 universities). Again, the same as for the introduction of translation modules in the curriculum, private universities tend to allocate more credits to this module, highlighting their closeness to the labour market and the practical nature of the programmes offered. It may be interesting to notice that more than 40% of the curricula analysed do not include the said final year internship as a compulsory module within their study programme, but rather as an elective. This may be a consequence of both the times of economic turmoil we are currently experiencing and the explosion of faculties and departments offering translation programmes, increasing the total number of students eager to undergo an internship in order to gain further insight of the profession and include some professional experience in their education process. In all those universities

whose final year internship is offered as an elective module, students interested in accessing it may do so in a competitive fashion, the brightest students (according to their academic record) being placed first in order to enrol the module. All in all, the universities in Spain allocating the most credits to their final year internship are Rey Juan Carlos University (24 ECTS, a compulsory module) and Pompeu Fabra University (20 ECTS, an elective module).

Concerning the final year dissertation, all universities include one in their curriculum, following the legislation in force. In fact the white paper of the degrees in translation and interpreting considers the final year dissertation an interesting module, since “one may assess through the module the overall competence acquisition process and maturity level of students” (Muñoz Raya, 2004:45). The most common pattern is that of 6 ECTS credits allocated for the final year dissertation. That is what 75% of the Spanish universities do. The university designating the biggest number of credits for the dissertation module is that of Alcalá de Henares (14 ECTS), followed by University of Valladolid, University of Valencia, and European University of Madrid/Valencia (12 ECTS).

- Bringing the professional and the deontological into the classroom

A minority of universities have taken the advantage of the EHEA-motivated reform in order to implement in their curricula a number of modules whose main aim is to fill the gap between the translation classroom and the translation market. These modules represent the professionalising turn EHEA is after and aim at developing among the students a number of skills and competences professional translators need in order to make their business work. Again, it is the private universities the ones that present a higher offer of this kind of professionalising business-related modules, especially Alfonso X el Sabio University (‘Translation project management’ and ‘Setting up a company’), and Valencia International University (‘Setting up and managing a translation business’). Other universities offer slightly more general modules about the translation profession, namely University of Las Palmas (‘The translation and interpreting profession’), Complutense University of Madrid (‘The translation and interpreting profession: project management’) and University of Valladolid (‘Professional aspects of translation and project management’).

Another aspect one may notice about the current translation and interpreting curricula in Spain is that of the presence of ethics and deontological aspects of

the translation profession. While it is true that developing critical skills is a transversal competence and therefore should be tackled in a multi-faceted approach throughout a significant number of modules within the curricula, some of the universities analysed feel the need to set up a special module in order to address the issue properly. Sometimes this module is combined with other socio-professional aspects of the translating profession. That is the case of Rey Juan Carlos University ('Deontological aspects of translation, management, professionalisation, and normalisation'), University of Salamanca ('Deontological aspects of translation and interpreting'), and Pompeu Fabra University ('Translation Practice and Deontology').

- Socio-professional profile of future graduates

One of the criteria prospective students of any degree assess when deciding what to study at university is the future career path(s) they will be able to follow and qualify for upon graduation. Closely linked to EHEA's focus on employability and educating/socialising future members of particular communities of practice, all universities offer information about the socio-professional profiles of their graduates. This reflection is also relevant on the White paper of the degrees of translation and interpreting, where the authors analyse the said profiles through both surveys to graduates and employers, and interviews with authorities in the translation field. Subsequently, the authors of the paper suggest a list of likely career paths for the translation graduates.

In the information included in the websites of the different Spanish universities offering degrees in translation and interpreting the most quoted (the most common?) career path for translation graduates is deemed to be that of a general translator, coinciding with the graduate surveys and the expert opinions in the white paper. Secondly, careers related to the education field were mentioned, which coincides as well with the surveys to graduates in the white paper. Indeed, many translation degrees in Spain offer elective modules on teaching Spanish to foreign speakers or teaching foreign languages. This contrasts with the opinion of the authors of the white paper, where the education profession is included at the very end of the list suggested and it is not really paid as much attention in terms of employability and skills and competences as the rest of options. In third place came revising and proofreading, coinciding again with the graduate surveys. After that came intercultural and interlinguistic mediation, placed number 2 in the expert

opinion, and finally interpreting and liaison interpreting. It is remarkable to note that only a few university websites included translation project management as a possible career for their graduates.

2.3.3.1 Legal translation in the Spanish undergraduate degrees in Translation and Interpreting

As mentioned above, the white paper of the degrees in translation and interpreting advocates translation undergraduate education to be general, comprehensive, transversal, and multidisciplinary. Given the length of the studies, they consider that specialisation should take place in further postgraduate studies of translators-to-be, focusing instead, at undergraduate level, on the development of a strong general translation competence.

This seems not to match the different translation and interpreting curricula in Spain, where specialisation, or at least some hints of it, can be traced and analysed, as seen above. This contradiction between the white paper and curriculum reality is already pointed out by Cerezo (2012:50) in her study about audio-visual translation in Spain. In the context of legal translation, not only does this contradiction apply, but also it is remarkable how the study of at least some legal translation is deemed essential by all universities in Spain, since each and every one of them includes legal translation or legal translation-related compulsory modules in their curriculum. Most typically, those modules are worth 6 ECTS credits, even if some universities offer shorter modules ('Legal translation' in University of Valladolid, worth 3 ECTS credits, or 'Legal and economic translation' in Rey Juan Carlos University, also worth 3 ECTS credits).

Concerning the name and nature of the module, there seems to be a lack of consensus on what kind of content should be taught within this specialisation, and legal translation is often offered together with some neighbouring fields such as economic translation (University of Las Palmas), financial translation (University of Alcalá), socio-economic translation (University of Malaga), administrative translation (University of Vigo), sworn translation (Rey Juan Carlos University), etc. Sometimes there is even a combination of more than one legal-related field in a module, such as the "Economic, legal, financial, commercial translation" module offered in University of Alicante, or the "Legal, administrative and commercial translation" module offered in Complutense University of Madrid.

Besides the compulsory modules, universities also offer a wide range of electives related to legal translation and its intersection with international organisms (Jaume I University, Complutense University of Madrid), finances (Pontificia de Comillas University), international trade (University of Murcia), business (Jaume I University) or institutions (University of Alcalá).

All in all, there seems to be significant interest in legal translation, as it is reflected in TI curricula across the country. A remarkable example to this concern is that of University of Salamanca, offering a joint degree in Law and Translation and Interpreting, for instance, in an attempt to form lawyers who are sensitive to interlinguistic matters and/or translators with a strong thematic, extralinguistic legal input.

It is safe to point, though, that there may be a lack of academic progression in terms of specialisation and legal translation education if RD 43/2015 is finally implemented in Spain. Having shorter, 180 ECTS degrees would prevent most universities from offering the range of legal translation related modules currently available for students, which would result in a higher demand of legal translation postgraduate education. Indeed, on postgraduate level, the current offer of legal translation courses is rather limited, with the exception of the 'Master's Degree in Legal Translation and Court Interpreting' offered by Universitat Autònoma de Barcelona, the on-line 'Master's Degree in Institutional Translation' offered by University of Alicante, where 30 ECTS credits are allocated to the practice of legal translation, the 'Master's degree in Intercultural Communication, Interpreting, and Translating in Public Services', offered by University of Alcalá (18 ECTS credits focusing on legal translation), the 'Master's degree in Specialised Translation' offered by University of Córdoba (16 ECTS of legal translation practice) and the 'Master's degree in Translation of Specialised Texts' offered by University of Saragossa (10 ECTS credits allocated to legal translation). Given the extent of the offer and the demand of undergraduate legal translation courses, the perspectives of post-RD 43/2015 legal translation in Spain would inevitably push for a rather drastic change of scenario.

2.4 The epistemological within the political: No degree is an island

In this chapter I have intended to argue that, partially, the shift in the epistemological tradition presented in Chapter 1 has been supported and fostered

institutionally, in this case by the different European umbrella bodies and the transposition of the relevant initiatives and agreements resulting from the ministerial meetings within EHEA.

The degrees in translation and interpreting belong to a higher, more complex hierarchical institutional system subject to particular situated conditions. Thus, in order to grasp the very nature and characteristics of our studies, one needs to step back and analyse the wider circles in which we are enclosed, the most straightforward one being EHEA. The Higher Education Area has shaken up the grounds of the Spanish university system. Indeed, following the discussions and reforms since the Bologna Declaration (1999) the traditional 4/5-year-long *licenciaturas* in Spain have become 240 ECTS degrees bringing particular consequences in terms of content and structure. Questions such as the importance of mobility, quality assurance, comparability, and the creation of a pan-European feeling among university networks and graduates have monopolised discussions and headlines, contributing to a change of global (European) third level education picture. EHEA has also resulted in a change of educational paradigm and teaching models, fostering particular student-centred pedagogical narratives consequence of the popularisation of post-positivist trends in mainstream education scenarios.

From the original aims of Bologna, 17 years ago, it is relevant to mention the subtle shift towards employability and lifelong learning included in the Yerevan Communiqué (2015) and previous ministerial meetings, what I have called, following Biesta, the 'politics of learning'. The impact of all things learning and the fierce focus on employability have had, and do have, a remarkable impact in curriculum development and the social perception of the role of universities, something not to be neglected.

Similarly, the different European adjustments in terms of domestic legislation in Spain have been re-visited, providing an overview of central questions in this debate such as the degree of flexibility and autonomy of universities. Indeed, the different education reforms have been blamed as one of the main reasons for the current climate of scepticism reigning in Spain about the European common project, given an apparent lack of political willingness to tackle Education without a hidden agenda based on the interests of the political party in office. The implementation of EHEA in Spain has been analysed, paying special attention to the idiosyncratic differences between our country and the rest of the continent, together with the unfortunate pitfalls, or main criticisms, the process has received

from the different sectors of civil society, namely the student body and other main actors involved.

Pedagogically, the reforms inspired by EHEA have meant in Spain the introduction of a range of new vocabulary where questions such as competences, objectives, socio-professional profiles, employability, learning outcome, etc. have prevailed undefeated. It is not trivial, then, that the expression I have used in order to address this aspect is 'competences galore', something Chapter 3 will analyse in depth in relation to both the importance of a competence-based approach to translator education and the very concept and models of translation competence, a starting point from where to design and envisage different methodological approaches towards the education of specialised translators.

Finally, and once put in the relevant context, I have reflected on the current picture of the undergraduate degrees in translation and interpreting in Spain in relation to the specifications and reflections that the authors of the white paper have deemed relevant about the study of our discipline. The publication, issued in 2004, follows the 2003 Framework Paper towards the Integration of the Spanish University System in EHEA, and, among many other aspects, it tries to address the issue of the length of translation degrees, closely linked to questions such as the learning outcome for translation graduates, the level of specialisation that degrees should have, and the socio-professional career paths that may follow. The white paper fails to present a firm proposal about the length of our studies, and even if it advocates a generic translation competence as main learning outcome and socio-professional profile for translation graduates, reality offers a different picture, including specialised translation modules in all curricula, namely legal translation.

From the macro European scenario, to the particular nuances of the different translation and interpreting curricula in Spain, this chapter has summarised the idiosyncratic nature of the TI degrees in the Spanish universities and the pedagogical connotations and implications that have come, accordingly, hand in hand. Once provided the epistemological grounds of this work (Chapter 1) and the situated context of the learning process in question (Chapter 2), time has come to address the nature of competences and the role and characteristics of translation competence in the education process of translators-to-be, the aim of the following chapter.

CHAPTER 3 - A MATTER OF COMPETENCES

The 2003 Framework Paper towards Spain's integration in EHEA, together with RD 1393/2007, is adamant about the need to implement the design and evaluation of competences in third level education settings. Indeed, the documents assert that curricula should “focus on the acquisition of competences”, highlighting the role and the subsequent adjustment of the “learning methods used in order to acquire them”— namely student-centred education and competence-based learning outcome (Dejo, 2015:341; Cano, 2008). The epistemological shift in third level education I have referred to in Chapter 2 has a clear impact in course design and curriculum advancement, since it demands analysing and defining the socio-professional profile of future graduates in terms of competences linked to a particular socio-professional path (Barnet, 2009; Deaking, 2008), integrating in the curriculum the relevant *general/transversal competences* that allow for the holistic development of students, and the *specific competences* setting the specialisation and professional grounds of a particular undergraduate degree (Mérida *et al.*, 2011:36)

In our field, the reflection on competences, and particularly translation competence and its different components, is generally referred to the ability to translate, together with the skills, knowledge, and attitudes translation educators need to foster among translators-to-be. It follows, then, that adopting a competence-based approach in order to contextualise the education of legal translators, the main aim of this work, may constitute a coherent starting point from which to tackle deeper issues such as classroom methodology and content.

This chapter analyses the concept of ‘competence’ from a number of stances. The chapter begins with a reflection on the terminological/conceptual havoc around the notion of ‘competence’, analysing its very nature and characteristics applied to academic settings. From very different areas of human knowledge (Human Resources, Business, Pedagogy, etc.) a multi-faceted, complex notion of competence will be presented, rendering ‘competences’ holistically as context-dependent constructs (Edwards-Schachter *et al.*, 2015:24). Next, the intersectional area of competence studies and our discipline will be explored, revising how the notion of ‘competence’ has been treated in Translation Studies literature and analysing different models of translation competence based on observational, intuitive, and empirical, experience-led research models. Both conceptualisations of competences will be presented as a horizontal study in an attempt to grasp a

better overview of the evolution of the construct, hand in hand with the evolution of the discipline, and the subsequent underlying epistemological implications stemming from it.

Ultimately, this chapter aims at categorising and elaborating on a competence-based approach to education given the situated condition of our studies. Indeed, the competence construct allows for further reflection on teaching practice under the current epistemological scenario and fosters further debate on the topic, an interesting breeding ground and starting point for the remaining chapters of this work. Building on the notion of specialised translation competence will allow us to articulate a comprehensive picture of the skills, knowledge, and attitudes translators-to-be need for their future careers and therefore will set the grounds for the corresponding classroom models and teaching methodology.

3.1 The professional competences paradigm

3.1.1 Some background notes on the nature of professional competences

As mentioned in the previous chapter, EHEA has been one of the major platforms allowing the concept of competences to expand exponentially and steal the spotlight in educational settings. Particularly linked to the new politics of learning, the International Labour Organisation (ILO) has subsequently included competences in their definition of employability, understood by ILO as the combination of qualifications and competences reinforcing the individuals' ability to make the most of the education and training opportunities they are presented with regarding career advancement, the pursuit of a fulfilling job, lifelong learning, and versatility/adaptation to market needs. As argued above, working on De Ketele (2008), Biesta (2013), or Dominguez-Milanés (2015:1), this peak in the use of competences may answer the needs and requirements of the current emerging models of economic and social growth and their respective agendas.

The subject of professional competences is, in any case, not new or innovative. Indeed, its complex nature renders a number of —at times— overlapping, virtually similar definitions that have been used in many disciplines in an attempt to satisfy the needs of a market-oriented, results-oriented understanding of professions and communities of practice. Thus, some epistemologically positivist notions of competence understand them as unchangeable, solid standards applicable to each and every context regardless of the particular circumstances in which those

contexts take part. Other notions of competence, however, emphasise the role of cognition and individual aspects of competence development, some of them even acknowledging and exploring the social, situated dimension of competences and highlighting how they are applied to particular socio-professional environments (Luengo, Luzón, & Torres, 2008). Given the heterogeneity and rich thematic range, the need for a holistic contextualisation of the so-called competences wave seems more than appealing, not only in what social sciences are concerned, but also regarding those areas of knowledge beyond the traditional competences stronghold.

3.1.1.1 Historical remarks

The concept of competences has been used for over forty years within the academia, especially in the Human Resources field regarding organisational development and personnel management. Stemming from Differential Psychology, competences have traditionally been used to set apart the differences between individuals, their skills, behaviour, and attitudes; and have been the motor of competence-based models applied to headhunting, job descriptions, and many other facets of HR. Mertens (1996) asserts that competences were first used at the end of the 1960s and early 1970s by David McClelland, a Psychology professor at Harvard University. Noticing that the traditional examination papers lacked efficacy in terms of later success in life and professional performance (McClelland, 1973), he shifted his research interests towards possible indicators, descriptors, and variables ensuring professional success among Harvard graduates. Competences were the outcome of his research, the variables he used in the quest for a common framework of the characteristics shared by successful employees, expanding the competence construct progressively towards organisational and educational areas, among others (Domínguez Milanés, 2015:2).

An interesting remark to this concern in the Education field is that of Halász and Michel (2011:289), who argue that traditionally it was the field of vocational education the one where competences were mostly and almost exclusively applied. The reason may be found in the fact that vocational education has more direct links with the labour market and the socio-professional reality of future graduates, making it easier to formulate the learning outcome of the respective study programmes in terms of competences, skills, and abilities. It was during the 1990s, they continue, when basic, general, and higher education institutions started to

incorporate competences in their curricula, going a step beyond the traditional “knowledge attainment” criteria that had been used until that very moment.

The concept of competences was further reinforced during the 1980s following a subtle change in the social expectations on the nature and characteristics of employees and the understanding of their role in a company. From the assumption that a successful employee is that who acts in relation to the orders provided by their corresponding supervisor, and therefore their IQ is their most important asset (Goleman, 1998:11) to that of a problem-solver employee who is expected to contribute in a pro-active fashion in whatever exceptional circumstance, where emotional intelligence plays a major role (Goleman, 1998:7). In her research, working on these grounds, Domínguez-Milanés (2015:19) resorts to Bunk’s contribution regarding the inter-relation of abilities, qualifications, and professional competences (1994) to explain how his vision enriched the very concept and nature of competences and fostered the spread of the former towards different areas of expertise studies.

As the scholar argues (Domínguez Milanés, 2015:20) it was during the 1990s, coinciding with constructivist epistemologies becoming mainstream in the practice of the education professions, that competences, remarkably professional competence, took over the education and training fields in terms of pro-activeness and initiative in the workplace, understanding a company’s workforce as a well-stocked network of capable individuals whose contributions are of the essence for the future of the company itself. Competences started to be considered a clear competitive strength among recruiters and company owners and a guarantee of success regarding quality assurance and work performance, and so they were deemed an interesting breeding ground for curriculum development. Consequently, the ability to identify opportunities, for instance, to understand market forces and social challenges and have the appropriate skills to advocate them became some of the most relevant skills and aptitudes to look for among prospective employees.

3.1.1.2 Conceptual and terminological diversity

Probably one of the most recurring criticism competences have been branded with is that of the vast conceptual diversity they represent. Even if there seems to be general consensus about applying the competence construct to diverse fields and situations, a parallel on-going discussion about the very concept of ‘competences’

permeates the debate. Indeed, despite the current success of the competence tool, it seems that in many cases a number of up-to-a-point similar definitions are being used, which conveys the image of the competence construct as an umbrella concept embracing terms such as attributes, attitudes, aptitudes, knowledge transferable skills, soft skills, core skills, key skills, generic skills, basic skills, etc. Scholars such as Edwards-Schachter (2015:29) or Halász and Michel (2011) recognise that this terminological range is currently used interchangeably and defined in different ways in several knowledge fields such as Pedagogy, Linguistics, Cognitive Psychology, Business Organisation, and HR.

Dominguez-Milanés (2015:27) argues that 'competence' has traditionally been used in two distinct scenarios. The first one refers to the ensemble of knowledge, skills, and attitudes that a professional sets in motion whenever they need to make a decision in a given situation. The second one refers to the different areas of responsibility within one's professional practice, the tasks and obligations employees are expected to carry out successfully. It is within the first understanding of competences that this work is oriented.

Another interesting point the scholar makes to this concern (*ibid*:27) is that, unlike other traditional concepts emerging from Psychology that have later on been applied to other fields, competences stand as a rather abstract notion, combining several dimensions that traditional constructs tend to compartmentalise. Thus, competences are generally believed to stand as a combination of cognitive elements (knowledge and skills), affective elements (motivation, personality traits, attitudes), psychomotor and behaviour elements (habits) and psychophysiological elements (visual and aural memory, for instance). As the scholar explains, while traditional Psychology aims at generating one-dimensional variables guaranteeing conceptual and metric homogeneity, competences are naturally multidimensional, complex, situated constructs, hence the difficulties to classify them and provide a holistic approach to the matter.

Along similar lines, Edwards-Schachter (2015:29) speaks of the 'babelisation' of the competence construct and the impact it has had on its subsequent implementation in educational settings, a topic explored also by Blömeke (2013). Regarding the conceptual diversity I am referring to in this section, the scholars address the terminological pair 'competences-competencies', acknowledging that literature review renders a complicated, blurry picture of the extension and definition of both terms. Competences, building on Winterton *et al.* (2005), are

believed to “identify broad capacities and the ‘ability to act’ in the learner’s situational context, including motivation and self-perceptions of the own efficacy”. By contrast, competencies, taking up the definition provided by Morris *et al.* (2013) reflect a narrower conceptualisation of reality, standing as “specific criterions and standards such as effective and/or superior performance in a job”. Elaborating on that concern, Mulder *et al.* (2009) claim that competencies are no other than the different situated elements (behaviour-oriented or task-oriented) that make up competences.

It seems an arduous task, then, to settle on a concrete definition of competences given the range of instances and purposes where they are applied. The more ‘competences’ are used, Le Boterf argues (1996, 2001), the more complex it becomes to define their nature and characteristics, partially due to the polyhedral nature of the competence construct I have discussed in this section.

3.1.2 Professional competences revisited

3.1.2.1 A propos of competences — a definition to represent them all

Many a definition has been put forward regarding the nature of competences and the application of competences in different disciplines. Given the conceptual and terminological diversity discussed above it may come as no surprise that any attempt to present a comprehensive revision of all the different approaches to ‘competences’ may result in a rather incomplete, frustrating series of academic contributions from very different disciplines. Still, for the sake of clarity and in order to provide some context to the study of (specialised) translation competence, some rough outlines are presented below regarding the interdisciplinary study of competences, based, among others, on the comprehensive work of Dominguez-Milanés (2015:21-26) from the Psychology field, and the contributions of Mérida (2006, 2011), from the field of Education.

- Contributions before the 1990s

In his research applied to linguistics and language acquisition, Chomsky refers to both ‘performance’ and ‘competence’. The latter is defined (1965) as **the ensemble of abilities and attitudes** that enable (linguistic) performance to take place. Chomsky’s ideas on competences refer, thus, to the ability to know a language, as opposed to doing something with that particular language, that is, the

performance one does with their linguistic competence. The difficulty of this construct stems from the fact that competences, understood this way, could hardly be assessed but through the evaluation of one's performance.

Another author whose contributions on competencies are considered remarkably relevant is McClelland, who spoke about competencies (1973:9) and asserted that rather than IQ tests, the assessment of the emerging competencies, understood as **the ensemble of skills and personality variables** (communication skills, ego development, patience, etc.) was better suited to predict later success of graduates in their careers. Competencies, he claimed, could be easily grouped in clusters of competencies or occupational/social life outcomes that could help assess the performance and the mastery of particular socio-professional profile traits.

A decade later, in the 1980s, Boyatzis (1982) defined 'competency' as an underlying characteristic of individuals that could be a **motive, trait, skill, an aspect of their self-image or social role**, distinguishing between functions, tasks and relevant competencies. At the time the scholar detected the following competencies: efficiency orientation, concern with impact, proactivity, self-confidence, oral presentation skills, conceptualisation, diagnostic use of concepts, use of socialised power, and managing group processes.

- Contributions during the 1990s

In 1991, competences were defined by the International Labour Organisation as the **ability** of a worker to carry out the inherent tasks of a particular position.

A couple of years later, Spencer and Spencer (1993) spoke about competences as the underlying **ability** within an individual linked to effectiveness standards⁶¹ and/or superior performance in a given situation. Domínguez-Milanés (2015:21) elaborates on this definition, adding that competences, as understood by Spencer and Spencer, stand as a deep part of one's personality, and therefore may predict their behaviour in a wide range of situations.

On the very same year, Gonzi *et al.* (1993:5), coinciding up to a point with Chomsky's ideas about competence and performance, noted that competences

⁶¹ The effectiveness standards refer to the fact that competences provide information about the level of accuracy or correctness of one's actions according to particular standards (Domínguez Milanés, 2015:21)

cannot be observed or assessed directly, but are rather inferred from the evaluation of a given performance

In 1994, Bunk (*ibid*:50) noted that professional competence refers to the possession of **knowledge, skills and abilities** required to engage in a profession, resolve professional problems autonomously and flexibly, and the **capacity** to collaborate in the professional environment and in the organisation of work.

Similarly, Gonzci and Athanasou's (1996:12) contribution renders competences as a "**complex structure** of the attributes required to perform in specific situations". This approach, Mérida *et al.* (2011) reflect, integrates the concept of attributes and tasks holistically, taking into account the context and culture of the place of work. Another interesting point the scholars raise is the fact that it allows its users to keep in mind, and within the competence construct, issues such as ethics and values as elements of competence performance.

From Organisational Psychology, Lévy-Leboyer (1997) reflects on the increasing importance that competences had at the end of the 20th century regarding job descriptions and vacancies and how they were linked to particular professional tasks and activities. The author understands competences **as repertoires of behavioural patterns** that members of a particular socio-professional domain display in the course of their professional activities. Competences are therefore believed to be formed by an ensemble **of knowledge, abilities, and attitudes** that set aside the best-qualified individuals for a position.

Gallart (1997:24), on the same year, speaks of an ever-changing **set of properties** that are activated whenever specific complex problems arise in work scenarios.

From the Sociology field, Perrenoud (1999) understands 'competences' as the **ability** to set in motion several cognitive resources with the ultimate aim to face particular situations. According to him, those resources are not merely shaped in terms of knowledge, even if they do rely heavily on it. In later works (Perrenoud, 2007:11) the author claims that professional competences are fostered during one's education process and are gradually developed hand in hand with students' personal and academic growth. Muñoz Miquel (2014:70) elaborates on the importance Perrenoud has had in the education field and adds that, according to the scholar, competences are context-dependent constructs, stressing their complex nature.

- The 2000s explosion of competences

One of the major modern contributions on competences emerging from the field of Education is probably that of François Lasnier (2000, 2001), which has influenced a number of translation scholars in their own understanding of translation competence and translation competence acquisition⁶². Lasnier looks back to the implementation process of the competence paradigm in his educational surroundings during the ten years prior to his 2000 publication and evaluates the role competences have played in the education process of such big number of students. Lasnier's conception of 'competences', then, is based not only in theoretical contributions but also in his personal experience implementing the competence approach to his teaching practice. In short, he believes competences to be **complex forms of know-how** resulting from the integration, mobilisation, and adaptation of different **skills**, made up, in turn, throughout the interaction of certain **abilities** (be it cognitive, affective, psychomotor or social) and **declarative knowledge** (Lasnier, 2001:30). An illustrative figure of Lasnier's model is shown below:

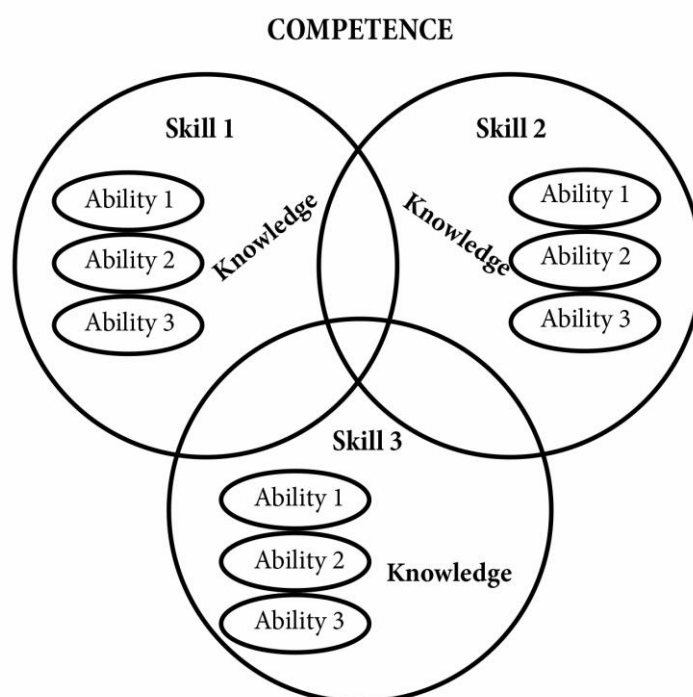


Figure 7 Lasnier's (2001) model of competence integration

⁶² Amparo Hurtado, founding member and main researcher of UAB's PACTE research group has repeatedly acknowledged Lasnier's contributions as one of the motors of PACTE's own translation competence model.

A year later, Le Boterf (2001:32) places the individual at the very centre of the competence paradigm, believing that competences stand as complex constructs based on a combination of personal resources (**knowledge, know-how, qualities or aptitudes**), as well as resources from one's surroundings (relations, documents, information, tools, etc.) which are mobilised in order to achieve a given performance. Le Boterf's contribution seems innovative, Muñoz Miquel argues (2014:70), since it highlights the fact that competences are not made up as the mere combination of diverse elements but rather built within the particular range of resources that an individual may have access to. The individual is deemed responsible for creating/building/making up their own competences, and thus a competent person is that who knows how to build, on time, the relevant competences required to manage increasingly complex professional situations.

Pereda *et al.* (2002:46-47) reflect on the epistemological change that the world of HR has witnessed in the last thirty years and acknowledge the fact that competences, even if they are not a new concept, do play a major role in the business and HR field these days as opposed to former approaches to personnel selection based on set characteristics. The authors understand competences as an **ensemble of observable behaviour patterns** that lead individuals to carry out a particular task within a framework of given, situated conditions, in an effective and efficient fashion.

Roe (2002), on the very same year, claims that competences are the different **skills, attitudes and knowledge** individuals learn in order to perform a particular task or a role successfully. He believes that only a highly competent individual can guarantee a successful performance.

García Saiz (2003, in Dominguez Milanés, 2015:23-24), whose works are ascribed to the Psychology field, highlights the observable and measurable nature of competences (inadequate, mediocre, acceptable, good, excellent) and asserts that competences are the result of the interaction of a number of particular elements, namely:

- 1) The specific **knowledge** of a field
- 2) The **ability** to apply that specific knowledge to practical situations
- 3) The ensemble of **attitudes and beliefs** that may enhance or hinder one's performance in a given context

- 4) The extrinsic and intrinsic **motivational factors** influencing one's performance
- 5) The combination of **personal factors and external resources** of one's surrounding environment

In 2003, the Tuning Project⁶³ that I have referred to above was launched. Since then, the project has broadened its original scope and continues to provide relevant background information and suggestions on employability and the skills European graduates are expected to display upon graduation. On the matter in question, the Tuning Project makes the distinction between learning outcomes and competences according to the different roles of lecturers and students. In their view, competences represent a dynamic combination of **knowledge, understanding, skills, and abilities**. Two kinds of competences emerge: specific competences of particular study programmes and generic, transversal competences that, in their opinion, are to play a more relevant role in a near future regarding the employability of graduates. The Tuning Project identifies three types of generic competences: instrumental competences (cognitive abilities, methodological abilities, technological abilities, linguistic abilities, etc.), interpersonal competences (social interaction and co-operation) and systemic competences (combination of understanding, sensibility and knowledge)⁶⁴.

The Catalan Agency for Quality Assessment (AQU) (2004:43) understands competences as the **combination of technical, methodological, social, and participatory items of knowledge** that are mobilised in a given situation. Hand in hand with the Tuning Project, AQU contemplates the role of both specific, discipline-related competences and transversal, generic competences. It is interesting to note, though, that the word in English AQU uses for the Catalan *competència* is that of 'skill' and not 'competence' (*ibid*:20).

The National Agency for Quality Assessment and Accreditation of Spain, ANECA (2004:87) refers to competences as **the ensemble of knowledge, skills, and abilities** related to the socio-professional profile of the prospective graduates of a given study programme.

⁶³ See Chapter 2, section 2.2.3 above

⁶⁴ See Chapter 3, section 3.1.2.3 below for further elaboration on the components and classification of competences the Tuning Project puts forward.

Tejada and Navío (2005:2), a year later, suggest that competences are the result of the **coordinated, integrated interaction of knowledge, methods, and attitudes**. Competences, they argue, are not related *stricto sensu* to abilities themselves but to the mobilisation of the said abilities.

The European Commission (2005:3), basing their findings on international standards and the development of the information and communication society, understands competences as a combination of **knowledge, abilities, and attitudes** needed for a particular situation. The 'key competences', they assert, are those that scaffold personal realisation, social inclusion, active citizenship, and employability, that is, a set of increasingly demanded competences in personal, public, and professional settings. In the ever-changing knowledge society where we live, the knowledge, abilities, and attitudes society requires are in constant flux, hence the versatile, adaptable nature of competences.

Zabalza (2006:19) believes competences are the individual **capacity** to learn under circumstances that require planning, execution, and autonomous control. During the course of their education process, students are able to develop the relevant competences that allow them to manage problems within their socio-professional context.

Yániz and Villardón (2006:23), from the Education field, believe that competences are **the combination of knowledge, skills, and attitudes** required for a specific purpose, together with **the ability** to mobilise and apply those resources to particular contexts.

Dej (2007) refers to competencies as “**a repertoire of skills**, especially as it is applied to a task or set of tasks”. The author compares the concept of competency to that of a personality trait, claiming that the latter is a relatively stable, consistent, and enduring internal characteristic inferred from a pattern of behaviours, attitudes, feelings, and habits in the individual.

Alles (2008) stresses the fact the competences are the **intrinsic features of one's personality** that eventually become part of an individual's behaviour and guarantee the successful performance of their professional activity. She distinguishes between cardinal competences, applicable to all members of an organisation, and specific competences, applicable to particular groups of

individuals within an organisation according to their tasks, obligations, and job descriptions.

Boyatzis (2008:7), working on his early 1982 definition above, asserts that since McClelland's contributions there seems to be consensus within the academia about three basic clusters of competencies that guarantee an outstanding performance:

- (1) Expertise and experience on a particular field⁶⁵
- (2) Knowledge (i.e. declarative, procedural, functional and metacognitive)
- (3) An assortment of basic cognitive competencies, such as memory and deductive reasoning

The European Centre for the Development of Vocational Training (CEDEFOP) published in 2008 a glossary defining a selection of the one hundred most used terms within the education and training fields. In the said document (Cedefop, 2008:48), 'competence' is defined as "the **ability to apply learning outcomes adequately in a defined context** (education, work, personal or professional development)". Competences, the document asserts, are not limited to **cognitive elements** (theoretical concepts, etc.) but also **functional aspects** (technical skills), **interpersonal attributes** (social and organisational skills), and **ethical values**.

The Chartered Institute of Personnel and Development (2009:1) distinguishes between 'competences' and 'competencies'. For them, the latter refers to "the **behaviours** that employees must have, or must acquire, to input into a situation in order to achieve high levels of performance"; while 'competences' relate to a **system of minimum standards** that one must expect from their employees.

Mulder *et al* (2009:3), at the beginning of their study, introduce their very notion of 'competence' claiming that competence is conceived as the set of "integrated abilities consisting of **clusters of knowledge, skills, and attitudes** necessarily conditional for task performance and problem solving and for being able to function effectively in a certain profession, organization, job, role and situation".

⁶⁵ According to the most state-of-the-art definitions on competences 'expertise' or 'experience' would not be considered a competence.

One of the latest definitions of competence is that of Danneels (2015:2) who uses the terms ‘competence’ and ‘**capability**’ interchangeably. For the scholar, whose definition stems from the Business field, a competence is the “**capacity** to potentially perform an activity that may lay dormant for much of the time, only deployed on occasion”. In his works, the scholar distinguishes first-order competences and second-order competences.

Another one is that of Edwards Schachter *et al.* (2015:30), who consider that “the concept of competence identifies both **the combination of related traits, knowledge, values, attitudes, skills, and abilities embedded in a determined context and the development of them** as an integrative personal construct”. The scholars believe that the acquisition and development of competences starts with a number of potential and ‘masked’ capacities within the individual, involving interrelated traits, knowledge, abilities, and attitudes. During the learning process, those capacities are integrated in particular contexts (professional, educational) forming meta-competences, clusters of competences applied in complex and unforeseeable situations. The process of development and empowerment of meta-competences, they argue, “includes self-reflection on how to plan, execute, monitor, and evaluate one’s own learning, holding a pivotal role in the joint development of other competences” (*ibid*:30).

In her remarkable analysis of competences applied to Psychology graduates that has provided the most illuminating insight for this section, Domínguez Milanés (2015:29) sums up her approach to competences as the **ensemble of knowledge, skills, personal traits, emotions, motivation, abilities, values, and attitudes** that allow an individual to perform successfully not only in a given, situated activity but also in a number of unexpected scenarios in the current, deeply unstable market conditions.

3.1.2.2 United in diversity — common grounds on competence

If there is one thing that can be noted from the brief set of definitions above is that the notion of competence falls within one of those blurred domains of the human experience. Indeed, one could argue that the constructivist boom has increased exponentially the references to competences and competence-based approaches to the most varied tasks, but, at the same time, it has deprived the very notion of a common meaning. It seems that the need to incorporate this construct has been such that there hasn’t been enough theoretical, ontological, and epistemological

discussion on the matter, hence the multi-faceted nature of the definitions provided.

This was already noticed by Lasnier (2001:30) more than a decade ago, and his reflections on the topic seem indeed to be pretty much valid these days. In his works, the author finds some common aspects of the at the time glowing competence ideas. All approaches to competences, he argues, are related to a kind of know-how, a *savoir-faire* that integrates complex abilities and knowledge referred to cognitive, affective, social, and psychomotor aptitudes that are intrinsic to a particular situated context and therefore cannot be generalised. Later authors have elaborated on the topic along the same lines (Tobón, 2006; Cano, 2008), advocating the understanding of 'competence' as a complex, articulated concept integrating similar ideas to those stated by Lasnier. In the Education field, and especially in higher education settings, a competence-based approach has been praised for its ability to bring together conceptual, procedural, and behavioural knowledge towards the situated development of the relevant skills, attitudes, and knowledge future members of communities of practice will in all likelihood be exposed to during the course of their careers.

The definitions listed above resort to different labels in order to provide an accurate portrait of the competence construct. Literature, indeed, talks about 'competences' in terms of competencies, traits, values, knowledge, attitudes, skills, abilities, variables, behavioural patterns, qualities, beliefs, motivational factors, external resources, capacities, ethical values, cognitive elements, etc., and all those features/constructs/labels have been used simultaneously in order to define and outline what society considers that 'competences' are made of. Domínguez Milanés (2015:27-28) finds some common traits of all the different approaches to the competence issue. Competences, she asserts, are personal characteristics of individuals that may be applied to more than a particular task. They are linked, she continues, to situated work conditions, and integrate a number of forming features, including knowledge, skills, and attitudes.

Mérida *et al.* (2011:39) also reflect on the common features and fundamental characteristics of the different approaches to the competence construct. In their opinion competences:

- Must integrate knowledge, skills or abilities, and attitudes or values.
- Entail an interrelation of capacities and are manifested at the level of behaviour.
- Possess a practical dimension, regarding execution.
- Are developed in a specific context, normally complex and changing.
- Are global in nature, in order to respond to problematic situations.

All in all, it seems that some common patterns may be extracted out of the whole linguistic maelstrom above. Following Lasnier, but also the more recent reflections of Domínguez Milanés and Merida *et al.*, competences will be understood in this work as **a polyhedral, complex construct composed of a dynamic cluster of forming elements that apply to specific, situated work conditions. Knowledge, skills, behaviour, and attitudes, whose weight in the overall competence construct may vary according to the particular task to be performed, play the most relevant role** in the said cluster. Note that the definition provided is not intended to claim universal validity of any kind, nor does it represent any further step in the resolution of the competence epistemological maelstrom I have referred to above. The definition provided, though, is valid as a working, operational concept for the pages that follow, in order to provide the backbone of my own personal approach to the issue:

- **Competences are a polyhedral, complex construct.** Competences are applied to a high number of situations, contexts, and fields, hence the multi-faceted nature of the construct (Zabalza & Arnau, 2007; Jornet *et al.*, 2011). Following the recent emergentist epistemological turn brought by complexity thinking, among others, in educational settings⁶⁶, I am of the opinion that competences may be revisited as complex constructs given the emergent applicable properties of the ensemble of knowledge, skills, behaviours, and attitudes that form them (Tobón, 2007).

- **Competences apply to specific, situated work conditions, and yet they play a role in** the way an individual deals with **related unexpected scenarios** in the course of their professional careers. Competences are developed for particular contexts under practical premises. Still, an individual may encounter situations for which the competences they have developed may be insufficient. The extent of

⁶⁶ See Chapter 1 above, section 1.2.3 on Emergentism and its epistemological applications in the contemporary classroom

those competences together with the degree of relatedness of this unexpected event with the original task for which the individual developed a particular competence may predict the outcome of the whole process, and certainly influence the individual's performance.

- **Competences are formed by a dynamic cluster of forming elements, namely knowledge, skills, attitudes, and behaviours.** Competences are a broad construct applicable to a rich number of situations. Thus, some particular forming elements of competences may play a more important role in the performance and execution of a given activity. In some stances, thematic knowledge may be crucial to carry out a particular action. In some others it could be a particular skill or an attitude. In this way, competences are understood as internally fluid, or dynamic, since particular situations trigger or activate particular sub-components of the overall competence. An interesting contribution to this concern is that of Le Boterf (1996) when he asserts that there is no single 'competent' way to solve a problem. The relevant activation of specific sub-components of a competence goes hand in hand with different strategies and professional behaviours individuals resort to.

3.1.2.3 The Competence Reader — Components and Classification

It may come as no surprise that the multiplicity of definitions regarding professional competences is reflected in the subsequent suggestions of classifications and models of competence components present in the academic literature. In an attempt to classify competences according to professional standards, several models have been put forward, gathering together a number of competences forming macro-clusters of competences applicable to particular work contexts. Without neglecting other comprehensive, thorough studies on the classification of competences (Coll, 2007; Gairín, 2011; Sánchez Santamaría, 2012) Martínez Clares *et al.* (2008:11-13) provide a very interesting insight in of the most relevant models of classification of competences, which are summarised below:

Alex (1991) suggests two types of competences: **technical competences and social competences.** For the scholar, the former are measurable and include both knowledge and skills. The latter, however, are composed of attitudes and behaviours and can only be assessed through the use of particular indicators applied to concrete settings. Other authors, like Le Boterf (1996), agree with Alex and further elaborate on the double notion of social and technical competences, emphasising the differences between those competences related to the interaction

of the individual with their environment and the competences related to the individual's use of resources, materials, etc.

Spencer and Spencer (1993), whose definition of 'competency' has been introduced above, speak of five groups of generic competences in professional settings and classify them in an iceberg model where some of the competencies are deemed 'superficial', easy to access and assess, and some others stand as deeper intrinsic characteristics of the individual. The scholars provide a thorough classification of the different competences including motives, traits, self-perception, knowledge and skills. Poorkiani *et al.* (2010:508) describe the forming elements of Spencer and Spencer's iceberg competence model, showing in a fairly illustrative way both the superficial and central competences the scholars suggest:

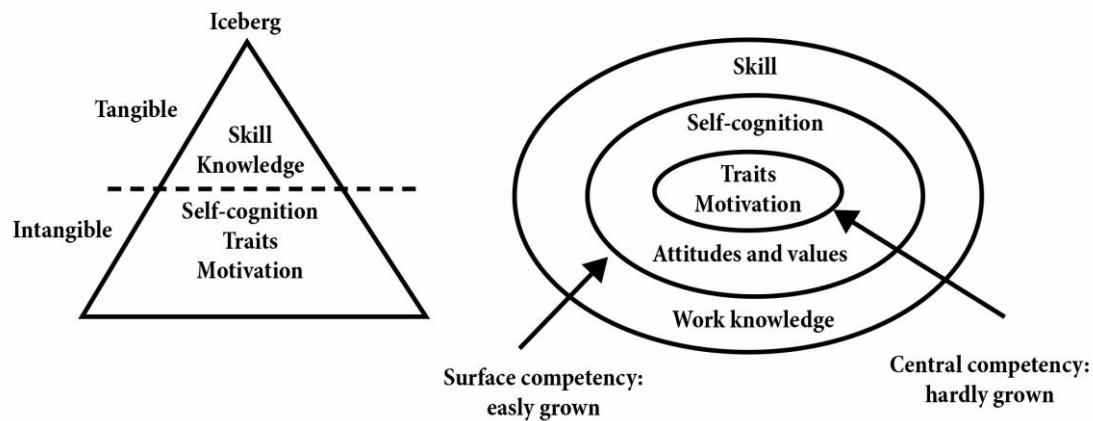


Figure 8 Spencer and Spencer's (1996) model of competencies in Poorkiani *et al.* (2010:508)

Bunk (1994) puts forward four different groups of competences: technical competence, methodological competence, social competence, and participatory competence. The integration of the said competences brings about what the scholar calls 'professional action competence', which is indivisible and is reflected in the successful completion, execution or performance of a particular task:

The **technical competence** refers to the expert mastery of the specialised skills and knowledge of a particular activity within a professional setting.

The **methodological competence** refers to the ability of the individual to react and resolve unexpected issues while finding, if necessary, new solutions for specific situations in an autonomous way.

The **social competence** refers to the proactive collaboration and communication of the individual with their environment.

The **participatory competence** refers to the successful organisational skills, decision-making process abilities and pro-activeness towards new responsibilities of the individual that allow them to progress in their careers.

Some years later Echeverría (2001, 2002), working on Bunk's model, suggested that Bunk's 'social competence' was replaced by what he referred to as '**personal competence**'. For Echeverría, the 'personal competence' refers to the characteristics and personal attitudes towards oneself, the rest of people, and the profession in general that lead to a successful performance in one's professional activity. For Echeverría, following Bunk's train of thought, professional action and performance stands as the indivisible interaction of the different interrelated competences presented above.

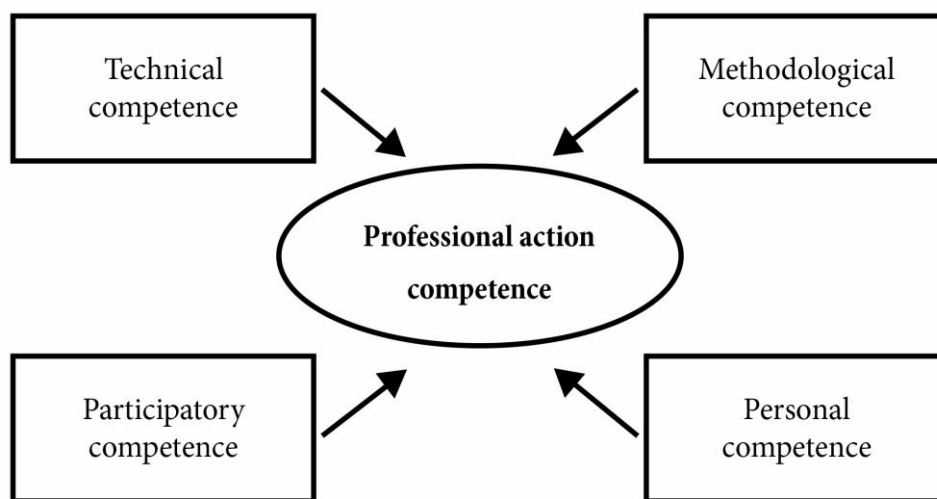


Figure 9 Echeverría's (2001) model of Professional Action

Miller's Pyramid (1990), as Martínez Clares *et al.* suggest (2008:13-14), is indeed very closely linked to Echevarria's model, showing professional competences divided by stages ranging from the first steps towards the socialisation of an individual in their respective community of practice, that is, the acquisition of knowledge of a profession, to full professional performance.

At the very bottom of the pyramid one may find the knowledge, skills, abilities, etc. that an individual needs in order to carry out their professional activity successfully. The second level refers to the understanding and application of the knowledge and skills acquired on a theoretical level, where the individual is able to

understand the processes of their everyday activities given the theoretical framework they have been given. The third level refers to the practical application of those skills, abilities, etc., until the individual reaches full professional status, level four, and is able to apply the relevant strategies, given their set of competences, to a full range of professional tasks and unexpected situations.

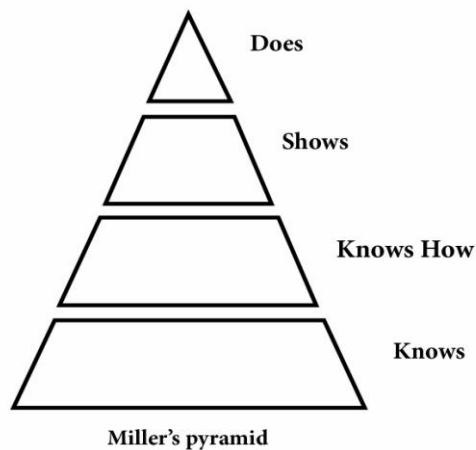


Figure 10 Miller's pyramid (1990)

In 2001 Perreda and Berrocal, among many other scholars at the time, suggested a classification of competences that has permeated the Education field and has become a cornerstone in the current competence-based post-positivist education scenario (Perreda & Berrocal, 2001). The disjunctive element they use in order to classify competences is the either central or peripheral role competences play in the overall performance of an individual. They argue that some competences are shared by all the workers of a particular company, regardless of their position or the particular tasks they are expected to perform. Some other competences, though, are exclusive to a particular socio-professional profile of the workers, and not everybody can be expected to prove full command of them. For the first set of competences the scholars applied the term 'strategic' or 'generic competences', while the second were deemed 'specific' for particular contexts and activities. This distinction has led to further elaboration and advancement in what curriculum development is concerned, since it provides an extremely useful distinction when it comes to course planning and assessment criteria. Indeed, all graduates, regardless of their field of study, can be expected to display a set of generic competences applicable to all working conditions and situations (critical thinking, attention to detail, ability to work in groups, etc.), while, at the same time, they develop their very own specific competences inherent to their areas of expertise.

The Tuning Project⁶⁷ (2003) also classifies competences in terms of generic and specific. Similarly, the report highlights the different components of competences, including the ability to understand and analyse (theoretical knowledge of a particular academic field), the practical and operational application of knowledge in relevant situations, and the values inherent to the social working context of the individual.

This time applied to educational settings, the Tuning Project understands generic competences as those competences shared by all fields of knowledge and degree modules. They recognise, though, that not all study programmes and fields may resort to those generic competences with the same degree of incidence⁶⁸, but still they represent the core competences that all graduates may be expected to display during the course of their careers. Within generic competences, distinction is made between **instrumental competences** (cognitive abilities, methodological skills, technological and linguistic skills, etc.), **personal competences** (social abilities) and **systemic competences** (the combination of sensibility, knowledge, and understanding), suggesting a number of 30 generic competences that the table below shows. Specific competences, also called subject-specific competences, are understood by the Tuning Project as those competences related to particular disciplines aiming at a specific socio-professional profile.

| |
|---|
| 1. Capacity for analysis and synthesis |
| 2. Capacity for applying knowledge in practice |
| 3. Planning and time management |
| 4. General knowledge in the field of study |
| 5. Knowledge of the profession in practice |
| 6. Oral and written communication in the national language(s) |
| 7. Knowledge of other languages |
| 8. Use of information and communications technology |

⁶⁷ See Chapter 2, section 2.2.3 above on the consequences of the pedagogical implementation of EHEA in Spain.

⁶⁸ In fact, the TI degrees in Spain, for instance, even if they adopt the Tuning classification, they do so granting extra specific academic weight to a number of the competences displayed in Table 7.

| |
|--|
| 9. Research skills |
| 10. Capacity to learn |
| 11. Information management skills (ability to retrieve and analyse information from different sources) |
| 12. Critical and self-critical abilities |
| 13. Capacity to adapt to new situations |
| 14. Capacity for generating new ideas |
| 15. Problem solving |
| 16. Decision making |
| 17. Teamwork |
| 18. Interpersonal skills |
| 19. Leadership |
| 20. Ability to work in an interdisciplinary team |
| 21. Ability to communicate effectively with non-experts in the field |
| 22. Appreciation of diversity and multiculturalism |
| 23. Ability to work in an international context |
| 24. Knowledge of cultures and customs from other countries |
| 25. Ability to work on their own |
| 26. Project design and management |
| 27. Entrepreneurial spirit |
| 28. Commitment to work-related ethics |
| 29. Concern for quality |
| 30. Results focus |

Table 7 Generic competences in the Tuning Project (González & Wagenaar, 2003)

Again, working on generic competences, the DeSeCo Project⁶⁷, taking the relevant PISA study into account, defines three major clusters of competences, which could be summarised as follows:

| |
|--|
| 1. Use of Interactive Tools (language, technologies, etc.) |
| 1.1. Interactive use of languages, symbols and texts |
| 1.2. Interactive use of knowledge and information |
| 1.3. Interactive use of technologies |
| 2. Interaction in heterogeneous groups |
| 2.1. Appropriate interaction with others |
| 2.2. Cooperation |
| 2.3. Conflict management and resolution |
| 3. Autonomous action |
| 3.1. Understanding of the sociocultural and natural world |
| 3.2. Planning personal projects |
| 3.3. Knowledge and support of rights, needs, limitations and interests |

Table 8 DeSeCo's (2005) key competences in Mérida et al. (2011:39)

In December 2006, the European Parliament and the Council of the European Union adopted the European Framework of Key Competences for Lifelong Learning, defining eight key, generic competences contributing, in their opinion, to a successful life in the current knowledge society we live in. Halász and Michel (2011:291), though, note that the set of competences put forward only represents a consensus at a given moment in time, and many other basic qualities could have been mentioned (“the ability to realise what is essential and what is unimportant, the capacity to set priorities, to respect time-schedules and deadlines, to be aware of one’s limits or ignorance, to have a sense of foresight, etc.”).

| |
|--|
| 1. Communication in the mother tongue |
| 2. Communication in a foreign language |
| 3. Mathematical competence and basic competences in science and technology |
| 4. Digital competence |
| 5. Learning to learn |

| |
|---|
| 6. Social and civic competence |
| 7. Sense of initiative and entrepreneurship |
| 8. Cultural awareness and expression |

Table 9 *The European Framework of Key Competences*

- Generic and transversal competences in the TI domain

Born in the constructivist-driven EHEA scenario, the white paper of the TI degrees in Spain⁶⁹ (Muñoz Raya, 2004:83-85) is adamant about the implementation of the abovementioned distinction between generic (transversal) and specific competences in the design and development of TI curricula. Following a number of questionnaires and interviews with the main stakeholders of the TI context (graduates, lecturers, and employers), the paper adopts the Tuning Project’s classification of competences above and presents the following instrumental, systemic, and personal transversal competences for all its graduates⁷⁰:

| |
|---|
| Personal Generic Competences |
| 1. Ethical commitment |
| 2. Critical thinking |
| 3. Appreciation of diversity and multiculturality |
| 4. Interpersonal skills |
| 5. Teamwork |
| 6. Ability to work in an international context |
| 7. Ability to work in an interdisciplinary team |
| Systemic Generic Competences |
| 1. Concern for quality |
| 2. Capacity to learn autonomously |

⁶⁹ See Chapter 2 above, section 2.3.3 “The Spanish undergraduate degrees in TI”.

⁷⁰ Competences are listed in decreasing order of importance, the most relevant competences being listed first on the table. The order follows the average result the said competence had in the questionnaires distributed among the relevant stakeholders.

| |
|---|
| 3. Capacity to adapt to new situations |
| 4. Knowledge of cultures and customs from other countries |
| 5. Creativity |
| 6. Sense of initiative and entrepreneurship |
| 7. Leadership |
| 8. Sensibility towards environmental topics |
| Instrumental Generic Competences |
| 1. Oral and written communication in the national language(s) |
| 2. Knowledge of other languages |
| 3. Planning and time management |
| 4. Problem solving |
| 5. Capacity for analysis and synthesis |
| 6. Use of information and communications technology |
| 7. Information management skills |
| 8. Decision making |
| Other Generic Competences |
| 1. Capacity for applying knowledge in practice |
| 2. Ability to work on their own |
| 3. Project design and management |

Table 10 Transversal competences in the TI degrees in Spain (Muñoz Raya, 2004:83-85)

So as to the specific competences included in the white paper (*ibid*:87-90), the authors highlight, again, the role of employers, lecturers, and graduates of the Spanish TI degrees in the elaboration process of the document, and include a classification based on discipline-related specific competences, professional specific competences, and academic specific competences. Since the object of this section is to provide an overview of the most significant specific competences, I will only include the executive summary that the white paper puts forward as the most relevant specific competences of the degree, combining the most mentioned items of the three abovementioned sub-components.

As one may appreciate in the table provided below, some of the specific competences listed have been included as both generic and specific competences of the translators' socio-professional profile. The list of specific competences may seem slightly arbitrary to some (Calvo Encinas, 2009; Cerezo Merchán, 2012), who argue that such different profiles as those of the translator and the interpreter, to begin with, deserve separate specific competence lists. Another argument employed is that the resulting list of competences is still too vague and does not cover successfully the reality of the translation profession(s).

| Specific Competences |
|---|
| 1. Command of foreign languages |
| 2. Knowledge of foreign cultures and civilisations |
| 3. Command of the mother tongue(s), in both written and oral forms |
| 4. Command of techniques and terminology applied to specialised translation |
| 5. Use of ICT resources |
| 6. Command of CAT tools/localisation |
| 7. Use of information and communication technology |
| 8. Knowledge of the socio-economic aspects of the profession |
| 9. Teamwork |
| 10. Project design and management |
| 11. Display of a broad general culture |

Table 11 Specific competences of the TI degrees in Spain (Muñoz Raya, 2004:87)

3.1.3 An epistemological approach to professional competences

The —however concise— conceptual evolution of the competence construct that I have presented above could indeed be argued from an epistemological perspective, since inevitably, during the fifty-year period analysed, different epistemological approaches have dominated the academic arena and the mainstream spaces shared in society, constraining the very concept of learning and the nature of

knowledge and thus conditioning the very way we may understand what a competence is and its role in the different disciplines that have, at some point, resorted to the competence construct in order to explain their idiosyncratic phenomenology.

While analysing each and every competence construct included above from an epistemological standpoint three questions arise:

- At the time, what did it mean 'to know'?
- At the time, what counted as 'knowledge'?
- At the time, what made knowledge true?

Keeping in mind that the competence construct was born in order to give an answer to successful work performance prediction as opposed to traditional personality traits and IQ tests, the three questions become relevant since they contextualise the at the time business and education practices. Therefore, the epistemological constraint can be rightfully applied as a tool towards the analysis of competences, giving way to the different theoretical approaches the competence construct has been subject to since the mid 20th century. Mertens (1996:69-84) finds four big epistemological clusters to which the competence construct has traditionally been ascribed to.

-Behaviourist approaches to the competence construct

Even if it wasn't after McClelland's repertoire of professional behaviours in the 1970s that the competence construct became a mainstream research interest, the first approaches to 'competences' date back to the 1920s (Adams, 1996). The behaviourist standpoint, as a late form of positivism, understands competences as the **qualities the best workers of a company have** according to particular expected results. It is the **conduct of an individual**, then, what shows a given competence, competences standing as those characteristics that set individuals apart in terms of a **superior performance** (Mertens, 1996:70). Following that train of thought, consensus is that competences may be **generalised, measured**, and are regarded as an underlying characteristic of superior performance in particular work settings (Guerrero & De Los Ríos, 2012:1292). Spencer and Spencer (1993), for instance, describe competences as in iceberg where abilities and knowledge stand as visible elements of one's competence (and therefore can be measured and generalised) while other elements such as self-image, personality

traits, and motives stand in a second position, allowing the first two to float. Behaviourist models are often criticised for describing a static, never-changing competence scenario, in the sense that they analyse the role and competences of individuals following a company's past experiences in a given activity, so are regarded as less suitable for changing, flexible, modern organisations (Domínguez Milanés, 2015:41; Mertens, 1996:71).

-Functionalist approaches to the competence construct

While behaviourism identifies personal characteristics of the individuals as the motor for successful performance, functionalism shifts its attention towards **results**, and designs competences **according to the objectives** a company has by describing in full detail the relevant tasks to be performed and breaking down those tasks in the relevant competence elements. Competences permit the efforts of the company to be directed according to their interests, requiring **specific abilities** from its employees (Guerrero & De Los Ríos, 2012:1292). As particular actions to develop, or results to seek, competences reflect **what employees should do**, so minimum competence criteria are traditionally set in order for an employee to be successful. Therefore, functionalist approaches **combine personal features and external, context-emerging input** as both elements of a competent performance (Rychen & Tiana, 2004) and allows for competence to grown within the company, as employees acquire different levels of competence in the course of their careers. The main criticism these approaches have had, despite acknowledging the situated nature of the competence construct, is the fact that functional competence analysis focuses on the result of how individuals achieved a particular goal and not the process they underwent in order to do so, thus rendering the process of competence development and acquisition rather unclear.

-Constructivist approaches to the competence construct

Constructivist approaches, Guerrero and De Los Ríos assert (2012:1293), have traditionally been the way education has dealt with professional competences. This approach stresses aspects such as the **reflection in the work place, internal motives, culture, values, and ethics** when discussing competences and competence development (*ibid*:1292). Rather than establishing the degree of professional competence employees are expected to display, constructivist approaches understand that companies are in charge of presenting their employees with the relevant scenarios **leading to the development** of a particular

competence. That will be translated in **better performance** among their employees which, accordingly, will cause the company to introduce new competence-triggering scenarios (Mertens, 1996:82). Competences, then, are understood as the combination of **knowledge and previous experience** as the only source qualifying individuals towards better performance. Far from being existing, pre-determined elements, competences are constructed through the analysis and problem-solving processes of individuals within an organisation. The fact that competences are predominantly understood as the combination of knowledge and experience is deemed one of the biggest limitations of these approaches, since they tend to neglect contextual issues and personal resources (Guerrero & De Los Ríos, 2012:1293) and fail to recognise the multifaceted, complex nature of the construct.

-Eclectic approaches to the competence construct

Some scholars (Domínguez Milanés, 2015; Mertens, 1996; Sánchez *et al.*, 2004, etc.) argue that the traditional approaches to professional competences fall short in the current changing business scenarios. They advocate eclectic models **combining features from all of them**, stressing competences **not only as personal characteristics** towards successful performance, **but also** competences standing as **situated constructs** within a particular professional and organisational setting, leading to the co-existence of cognitive/constructive, functional, and behavioural elements within professional competences. By considering the individual as the starting point and subsequently deepening into more complex levels, eclectic approaches take into account the **complex nature** of the competence construct as the integration, among others, of knowledge, abilities, skills and reflective practices and values.

The epistemological may prove to be, one more time, the fulcrum upon which professional competences, a socially constructed lever, shape, describe, and move the world in terms of knowledge acquisition and socialisation of professionals-to-be, and may answer to the conceptual and terminological variety of the competence construct I have discussed above. In the current post-positivist scenario, I have argued that competences seem to be an increasingly popular concept around which to characterise and describe professional performance, hence the pedagogical application of the construct as a means to educating future members of communities of practice. In the revision of the concept, very much in harmony with sections 1.4 and 1.5 above, I have characterised professional

competences as a complex construct with emerging properties embedded in situated contexts. The definition fits the emergentist scenario discussed in the first chapter of this work and the call for an eclectic, dynamic epistemological approach to education that recognises the intersectional properties of the education field and the construed nature of knowledge. The professional competences paradigm as discussed above seems fit for purpose.

3.1.4 Competences vs. Expert knowledge

Muñoz Miquel (2014:75-77) makes a remarkable point when bringing to the table the on-going debate about expertise and competences, and the relation, imbrication, or lack thereof between both concepts. Stemming from cognitive Psychology (Sirén & Hakkarainen, 2002)⁷¹, the ‘expert performance’ concept, that is, the measurable manifestation of expertise in an individual, has received the attention of a number of relevant scholars who have attempted to analyse the development of expertise as a process within an individual.

An interesting definition of expertise is provided by Ericsson and Charness (1997:6), who understand the role of an expert as the one that displays “consistently superior performance on a specified set of representative tasks”. Shreve, elaborating on that definition (2002:150), points out that mostly all other related attempts to define ‘expertise’ “echo” to some extent the definition suggested by Ericsson and Charness, stressing at the same time both the practical nature of the expertise construct (“experts are made, not born”) and the fact that literature (Bloom, 1985; Hayes, 1981, etc.) speaks of 10 years or 10000 hours of solid professional practice of a discipline as what qualifies an individual as an ‘expert’ in a particular field.

Sirén and Hakkarainen (*ibid*:74) refer to the significance of expertise as an object of research and speak of two main trends on expertise studies research. On the one hand, they argue, efforts have traditionally been made towards the contrastive distinction of novice and expert performance (in terms of self-monitoring skills,

⁷¹ The authors (*ibid*:71) also stress the differences between ‘expertise’ and ‘professionalism’. Besides both referring to considerable training, work, and experience, the former “implies that a person has acquired very high-level knowledge and skills” while the latter “refers to a professional status but does not necessarily imply expert-level skills”.

speed, analysis of difficulties, etc.), while a second approach has rather focused on the process of acquiring and developing the said expertise⁷².

Among those studies, one of the most renowned works is the model presenting the different stages of expertise suggested by Dreyfus and Dreyfus (1980), which has influenced the works of Kiraly (2000, and later contributions focusing on post-positivist approaches to translation education), Chesterman (1997:147) in the Translation Studies field, or the works of Berliner (1989) in the Pedagogy and Education area. The Dreyfus and Dreyfus model distinguishes five sequential stages between a novice and an expert, together with the corresponding distinctive features and characteristics (automation of processes, the role of intuition, etc.) that identify the specific levels of expertise the scholars detect: novice, advanced beginner, competent, proficient, and expert.

In the particular field of Translation Studies, the object of this dissertation, Muñoz Martín⁷³ (2009:25) reflects on Ericsson's (1996) and Ericsson and Smith's (1991) definition of 'expertise' and applies the very concept to his area of study. The expertise concept analysed above, applied this time to translation settings, is therefore defined as "the capabilities which underlie the performance of human expert translators, including extensive domain knowledge, but crucially also heuristic rules that simplify and improve approaches to problem solving, meta-knowledge and meta-cognition, and compiled forms of behaviour which afford great economy in skilled performance".

As the scholar notices (*ibid*:25) the definition provided differs greatly from "the compartmentalized (...) conceptions of competence, which are deemed to be too static and focused on declarative knowledge". Indeed many scholars in Cognitive Translation Studies deem the concepts of 'competence' and 'expertise' at frontal opposition with each other (Muñoz Miquel, 2014:75). Conde (2014:172-173), for instance, asserts that the competence construct refers exclusively to declarative knowledge; while expertise, which can be improved through conscious practice, deals with the mechanisms experts resort to in order to solve practice-related problems, thus standing as a continuum where different levels of expertise may be

⁷² Bereiter and Scardamaglia (1993), for instance.

⁷³ Muñoz Martín coordinates PETRA research group, whose main aim is the study of translation expertise and the cognitive aspects of the professional translation process. See <http://cogtrans.net/> [Last accessed: 12th October 2016].

established following the ability of experts to solve increasingly complicated problems in the course of their professional practice.

The disagreement that seems to stand between the defenders of competences and those who would rather refer to education in terms of expertise responds, in my opinion, to a narrow definition of competence that restricts the meaning of the latter by limiting the construct to a static, unchanging element formed by declarative knowledge. Indeed, the conceptual and terminological variety of the competence construct does lead to confusing, overlapping, and even contradicting notions of competence, hence the understandable reservations of some scholars to incorporate the very notion in their research as a complementing concept to that of expertise. However, once we acknowledge a wider, situated definition of competence, very few objections seem to stand between both concepts, which could benefit each other significantly.

As Muñoz Miquel (2014:75) or Shreve (2002:154) point out, parallel research on both lines could be beneficial and mutually enriching in the education of future translators, understanding expertise as an extension of the competence construct. As Shreve notes (*ibid*:154) expertise requires practice and therefore is related to what happens once translation undergraduate students finish their study programmes. Translation graduates, he rightfully asserts to that concern, “may exhibit varying levels of translation competence but not translation expertise”.

The lines above apply the apparent ‘competence-expertise’ theoretical dichotomy to translation education settings, the object of this very dissertation, but the reflections could be perfectly applied to any other educational context. At the end of the day, Muñoz Miquel asserts (*ibid*:77), curricula need to be structured around the knowledge, skills, and attitudes (that is to say, competences) future members of a given community of practice are meant to master. The role of expertise, in my opinion, is to validate those claims once graduates enter the profession and help re-focus and re-shape the competence construct whenever necessary.

3.2 Translation Competence. Translator Competence. Competence in Translation.

Translation studies, the field this work is ascribed to, has been resorting to the competence construct for decades and has a solid tradition in the discussion and classroom application of competences. In fact, one could even wonder whether the field of translation education can be understood at all without the ‘competence’ construct, given the pivotal role it has been bestowed in the last sixty years⁷⁴. It is undeniable that ‘competences’ are a point of reference for translation scholars and educationalists, especially when it comes to describe, outline, and argue the rationale behind their teaching methodology and teaching practices. Reflections on competences, competence models, analysis, and educational applications are common practice these days, and they have been reflected accordingly in recent works such as those of Massana (2016), Klimkowski (2015), Muñoz Miquel (2014), Morón (2009), and Kearns (2006) among many others, where the scholars gather a very interesting overview of the central ideas and on-going discussions about the competence construct.

A very interesting remark to this concern is that of Klimkowski (*ibid*:19) when he identifies the mid-late 1990s as the explosion of the competence construct in our field of studies. For the scholar, the publication of Schäffner and Adab’s *Developing Translation Competence* (2000) marked a milestone in our discipline regarding the use, description, and application of competences, since research on the matter started to spread rapidly and the competence construct flowed smoothly among a significant number of translation scholars and on-going research projects at the time. Personally, when analysed from an epistemological standpoint, one could draw the relevant links between this ‘competence boom’ and the publication, on the very same year, of Kiraly’s *A social constructivist approach to translator education* (2000). As I have argued above, the shift in epistemological paradigm that became mainstream during the 1990s fostered and indeed encouraged the

⁷⁴ Lörcher (2005), for instance, represents one of the few examples of a scholar who rather focuses on translation **performance, strategies, and process** regarding translation education, and not in the role of competences. According to the scholar, the goal of translation education, far from the competence construct, is that students are able to manage cognitively their translation **process**, that is, develop the right **strategies** so that they can display an effective **performance** of their professional activity.

competence construct in order to articulate the new politics of learning, that is, student-centred, situated education⁷⁵.

Stemming from empirical experience, or from the direct observation of years of teaching practice and professional performance, the list of scholars who have devoted some of their research efforts towards the competence construct is vast and brings together a number of related fields within the Translation Studies domain (cognitive studies, linguistic studies, socio-professional approaches, etc.). Among those who have contributed to the competence debate one may find the following scholars — Wilss (1976), Delisle (1980), Lowe (1987), Bell (1991), Pym (1991, 2003, 2013), Vienne (1994), Dollerup and Lindegaard (1994), Gile (1995/2009), Kiraly (1995, 2000, 2005, 2009, 2012, 2013, 2016), Dollerup and Appel (1996), Klaudy (1996), Nord (1996), Beeby (1996), Hurtado Albir (1996, 1999, 2007), Hansen (1997, 2006), Hatim and Mason (1997), Campbell (1998), Risku (1998), Zabalbeascoa (1999), Schäffner and Adab (2000), Neubert (2000), Orozco and Hurtado Albir (2002), PACTE (2001, 2003, 2005), Kelly (2002, 2005, 2008), and Göpferich (2008, 2009, 2013). Note that the list above is not intended to be comprehensive. It stands, though, as an illustrative stance of the increasing role of competences in translation education especially during, and after, the 1990s, following Klimkowski's assertion above.

- A definition for the translation competence construct, or the lack thereof

An interesting point made by several scholars (Morón, 2009; Muñoz Miquel, 2014, among others) is that there seems to be a lack of consistency and consensus at the very core of the competence concept in terms not only of conceptualisation but also characterisation⁷⁶. Indeed, it seems that most translation scholars have rather focused on the description of the several components of the so-called translation competence, the particular skills needed, whether the translation competence should be analysed from a multi-componential standpoint or not, etc., without any prior reflection on the very nature of the concept, that is, what they mean by

⁷⁵ See Section 2.2.3 on the pedagogical implementation of EHEA in Spain, Section 2.4, on the epistemological input of EHEA's political agenda and Section 3.1.1. on the nature of professional competences.

⁷⁶ The non-univocal nature of professional competences analysed in 3.1.2.1 and 3.1.2.2. above seems to apply fully to the translation competence construct.

'translation competence'. Contributions to that concern provide somewhat vague approaches to the translation competence and speak of it in the following terms:

"The **knowledge** and **skills** required by the translator" (Bell, 1991:35)

"The underlying system of **knowledge** and **abilities** that translators need in order to translate" (Hurtado Albir, 1999:43)

"The **skills, expertise** and **judgement** that a professional translator develops from a combination of theoretical training and practical experience" (Fraser, 2000:53)

"The system of underlying kinds of **knowledge**, whether declarative or operative, which are needed for translation" (Presas, 2000:28)

"The combination of **abilities, skills, knowledge** and even **attitudes** that professional translators display" (Kelly, 2002:14)

"The underlying **system of knowledge** required to translate, [which]: (a) pertains to a field of expert knowledge since it is not possessed by all bilinguals; (b) is predominantly procedural knowledge; (c) comprises different inter-related sub-competences; and (d) includes a strategic component which is of particular importance" (PACTE, 2011:4).

Even the name 'translation competence' has been contested and analysed, suggesting a number of different labels to describe the apparently same inter-linguistic phenomenon: *translation skill* (Lowe, 1987:57), *translation ability* (Lowe, 1987:57; Stansfield, Scott, & Kenyon, 1992), *translation performance* (Wilss, 1989:129), *transfer competence* (Nord, 1991:161), *translational competence* (Pym, 1991; Toury, 1995:250-51; Chesterman, 1997:147; Hansen, 1997:205; Li, 2001), *translator competence* (Bell, 1991; Kiraly, 1995:108), and the term that has been used so far in this work: *translation competence* (Kelly, 2002; Neubert, 2000; PACTE, 2003, among others).

Even if most terms above may be used interchangeably, an interesting distinction is made between *translation competence* and *translator competence*. The difference, mentioned by Kiraly (2000:13-14 and all later publications dealing with the competence construct), Kearns (2008:194), Morón (2009:171), Calvo Encinas (2011:13), and Muñoz Miquel (2014:74), among others, stems from an academic conception of the competence construct as opposed to a more socio-professional role of competences. Under this viewpoint, *translation competence* is understood exclusively as the particular skills, abilities, attitudes, etc., regarding a successful rendition of a text in another language, while *translator competence* includes not

only the inter-linguistic aspects of translation, but also all socio-professional features, knowledge, etc., that translators, as members of a particular community of practice, need to unfold in order to carry out their professional activity⁷⁷.

3.2.1 Models of translation competence

This section revisits some of the competence models put forward by translation scholars, research groups, and institutional initiatives that either through empirical methods and/or personal/professional observation have attempted to define and further elaborate on the characteristics and components of translation competence, especially for educational purposes. There are, indeed, many works that have provided a really useful insight on the matter. In fact, some of the authors mentioned below begin their studies and the subsequent introduction of their competence models by reviewing the state of the affairs and comparing, analysing, and confronting other translation competence models that precede them. The outcome of those reviews is particularly interesting from an epistemological standpoint, since it reflects the ever-changing nature of the competence construct and the weight the different components of the translation competence have been given in the last twenty years, remarkably the situated, multi-faceted nature of the construct and the importance, for instance, of the intersection between the academia and the socio-professional reality of the translation profession(s).

Among the comprehensive revisions of the notion of translation competence stand those by Hurtado Albir (1999), Orozco (2000), Kelly (2002), Orozco and Hurtado Albir (2002), Pym (2003), Marco (2004), Kearns (2006), etc. For this work, the contributions of Morón (2009:136-168), and especially Muñoz Miquel (2014:81-130), have proved to be of substantial value, providing illuminating grounds to the translation competence construct under several viewpoints and research assumptions.

⁷⁷ In this work, the socio-professional aspects of the translation profession are argued to be a basic, intrinsic characteristic of post-positivist third level education and the new 'politics of learning'. Therefore, the competence construct cannot be understood here without its corresponding socio-professional input. The definition of professional competence provided in Section 3.1.2.2 above may be applied fully to the way translation competence is understood throughout the dissertation. The choice of term, that is, the fact that *translation competence* is preferred, responds exclusively to the fact that it is the most widespread option within the academia (Kelly, 2007:131), even if the understanding of the concept itself goes beyond the traditional academic vs. socio-professional dichotomy and merges both under the same constructed premises.

Morón (2009:136-168), in her comprehensive study regarding mobility programmes and their impact on translation education, divides the different translation competence models in three different groups: those emerging from academic-research scenarios, those that belong to academic-institutional settings, and those where the professional aspects of the translation profession serve as basis for translation competence design.

Five years later, Muñoz Miquel (2014:81-130), working on the competences and the socio-professional profile of medical translators, elaborates on Morón's analysis and distinguishes two main groups of contributions regarding the study and characterisation of translation competence: those that belong to a rather academic/research context and those of a more institutional/professional nature. In both groups the scholar makes the rightful distinction between empirical and observational contributions, rendering a rich, comprehensive portrait of translation competence.

The revision presented below stems from Morón's and Muñoz Miquel's findings and conclusions. It analyses the translation competence construct in chronological progression regarding the publication date of different contributions, namely those with direct pedagogical implications. The rationale behind this decision lies on the assumption that, once put in chronological order, the progressive shift of educational paradigm argued in previous chapters will be better portrayed. The revision below is not intended to be a comprehensive study of all competence models put forward in our discipline, but rather a selection of contributions that may help understand the different educational and methodological approaches that will be further discussed later on in this work. As one may appreciate, in complete accordance with previous comments on this work, it is after the year 2000 that the translation competence construct started gaining unprecedented attention, which translated in an exponential increase in the number of models put forward.

3.2.1.1 Contributions before 2000

- The 1979 Koller model

It may come as no surprise that the first reflections on translation competence were heavily rooted in linguistic grounds. Indeed, the early contributions on the subject were all fostered, on the one hand, by the positivist climate within the academia during the second half of the 20th century and, on the other, by the

nature of our discipline at the time, giving its first steps as a field emerging from applied linguistics, discourse analysis, modern foreign languages, etc.

Probably one of the earliest contributions to the translation competence debate is that of Koller (1979:40), who describes translation competence as the result of the integration of the linguistic competences of a translator, that is, the combination of their linguistic skills both in their source and target languages. To that the scholar adds 'creativity', necessary, in his opinion, to establish proper translation equivalences.

Koller's intention when reflecting on the skills and abilities translators need in the course of their career is to introduce an emerging discipline to the world. Later models will focus on translation competence not as a means to legitimise the discipline, but following pedagogical reasons, hence the more comprehensive contributions and models.

- **The 1980 Delisle model**

Delisle (1980:235-236) does tackle the competence issue from a pedagogical standpoint. His work, thought as an introduction course regarding the translation of pragmatic texts from English into French, includes the following competences:

- **Linguistic competence** in both working languages, that is, the relevant linguistic input matching the "bilingual nature" of translators.
- **Encyclopaedic competence**, that is, the translator's general knowledge, own experiences in life, etc., which are indispensable for the comprehension and re-expression processes of translation.
- **Comprehension competence**, that is, the mechanisms that allow extracting all the information included in a text. This competence is scaffolded by the previous two competences and integrates pivotal questions regarding the translator's approach to their text such as the authorship, the intended audience, the function of the text, etc.

- **Re-expression competence**, that is, the ability to re-phrase a given idea in one's target language. For translators this competence means an extra "unique sensibility" towards their text, since they are re-phrasing somebody else's ideas and words.

The model put forward by Delisle represents a (however minor) step away from the at the time purely linguistic grounds of translation competence, presenting a slightly more detailed account of the translation activity, understood as the procedural knowledge that results from the interaction of two types of skills: linguistic and encyclopaedic. The integration of the extra-linguistic component is defended vigorously throughout the text, asserting that the theoretical models of translation rooted exclusively on general or descriptive linguistics fail to provide a satisfactory explanation of the dynamic and complex nature of the translation activity (*ibid*:235).

- The 1984 Roberts model

Four years later Roberts deepens on the componential nature of translation competence and suggests the following competence model (Roberts, 1984:172 in Vienne, 1998:1):

- **Linguistic competence**, that is, the ability to understand one's ST and express the relevant content in one's TL.
- **Translation competence**, that is, the ability to articulate meaning throughout the TT without interferences from one's SL.
- **Methodological competence**, that is, the ability to find and access the relevant sources of information and terminology from the field in question.
- **Inter-disciplinary translation competence**, that is, the ability to translate texts corresponding to particular, basic domains (the economy, IT, the law).

- **Technical competence**, that is, the ability to use certain techniques helping the overall translation tasks (text processing, terminology banks, dictation machines, etc.).

- The 1990 Bachman model

Bachman studies the communicative language ability and identifies the following three broad components (1990):

- **Organisational competence**, including grammatical and text competence.
- **Pragmatic competence**, including both illocutionary and sociolinguistic competence.
- **Strategic competence**, that is, decision-making, efficiency and effectiveness, relevance, psycho-physiological mechanisms, etc.

An interesting feature of Bachman’s contribution is that it includes psycho-physiological and cognitive components within the overall strategic competence, something the previous models, given their purely linguistically oriented nature, did not take into account. In this work, Bachman’s translation model marks the beginning of a series of contributions that address, all of them, the role of the cognitive disposition and resources of the translator on the overall translation process.

- The 1997 Hatim and Mason model

Working on Bachman’s work on the communicative language ability Hatim and Mason (1997:205) speak of “translator abilities” from a discursive standpoint and divide the translation process in the relevant processing skills, transfer skills, and processing skills, including the role and the specific sub-components they cover:

| Source text processing skills | Transfer skills | Target text processing skills |
|--|---|--------------------------------|
| - Recognising intertextuality (genre/discourse/text) | - Strategic re-negotiation by adjusting: effectiveness, | - Establishing intertextuality |

| | | |
|--|---|--|
| | efficiency, and relevance | (genre/discourse/text) |
| - Locating situationality (register) | - to: audience design task (brief, initiator, etc.) | - Establishing situationality (register) |
| - Inferring intentionality | - in fulfilment of a: rhetorical purpose (plan, goal) | - Creating intentionality |
| - Organising texture (lexical choice, syntactic arrangement, cohesion) and structure | | - Organising texture (lexical choice, syntactic arrangement, cohesion) and structure |
| - Judging informativity (static/dynamic) in terms of estimated impact on: source text readership | | - Balancing informativity (static/dynamic) in terms of estimated impact on: target text readership |

Table 12 Hatim and Mason's (1997) translation abilities

- The 1998 Campbell model

In his work *Translation into the Second Language* (1998) Campbell analyses translation competence in pedagogical settings, emphasising the role of translation competence in reverse translation. His interest in the topic stems from pure pedagogical concerns, since he argues that a clear translation competence model may render assessment and curriculum design easier (evaluation —and self-evaluation— criteria, tasks, content, etc.).

His 1998 model is underpinned by a previous empirical study (Campbell, 1991), where the author analysed 40 Arabic into English translation solutions to a particular sentence, dividing the said sentence into lexical items and, at the same time, arranging those units in increasing order of difficulty. The study, which was predominantly error based, was supported by a measuring tool the scholar developed (Mean Lean Agreement) that helped assess the weight of the errors and the degree of correctness of the different translation solutions put forward.

As the figure below shows, Campbell's model understands translation competence as a three-component construct formed by the following sub-competences: the command of the lexical and grammatical structures of the foreign language (*target language textual competence*), the decision-making and strategic ability of translators related to assuming risks regarding a particular translation solution or adopting a rather conservative approach in their translation (*disposition*), and the

ability to assess and evaluate the accurateness and quality of the rendition of a given text in a different language (*monitoring competence*):

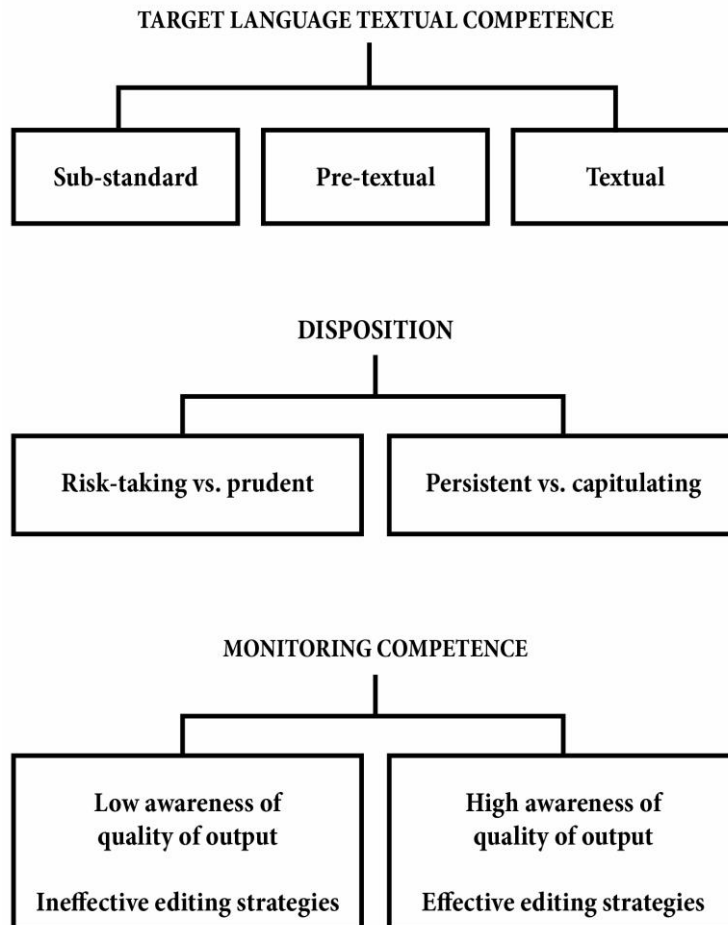


Figure 11 Campbell's (1998) model of translation competence

Campbell's model is interesting insofar it combines, in an eclectic fashion, both linguistic aspects of the translation process (his target language textual competence) and a number of psycholinguistic and cognitive features related to the very idiosyncratic nature, beliefs, and self-concept of the translator (the disposition and monitoring competence). Concerning the latter, the author does not elaborate on the different factors or attributes that may influence a translator in their 'disposition' towards a given text, but the scholar acknowledges this very topic as an interesting research area where further research could be applied.

Ideally, according to Campbell's model, a translator should be able to display a broad command of lexical and grammatical structures in their foreign language while, simultaneously, possess the ability to assume risks in their translations, be

persistent in their choices, and display the right editing and quality control mechanisms once the translation is finished (Campbell, 1998:156).

Morón (2009:138), even if she acknowledges the relevance of Campbell's model, points out the main limitations of the contribution, since it offers a rather narrow understanding of the textual competence (limited to grammatical and lexis input), and, in methodological terms, the empirical study is grounded on a small sample lacking, among other criteria, different language combinations to validate its outcome. Campbell, though, is aware of the limitations of his findings (1998:160), and speaks of the need to carry out further research regarding the role of textual cohesion and coherence, encyclopaedic knowledge, interferences with the translator's mother tongue, etc. in the configuration of translation competence.

From an epistemological standpoint, Campbell's translation competence model represents a dynamic construct rooted, partially, on functionalist approaches to translation⁷⁸ together with both psycholinguistic and psychophysiological features, as discussed above. The former implies the situated nature of languages, and therefore translation, while the latter acknowledges the active role of the translator's self-concept, attitudes, and believes in the translation process; translation emerging, then, as a complex construct whose outcome, both as a process and as a product, goes beyond the sum of its forming parts⁷⁹.

- The 1999 Hurtado Albir model

Professor Hurtado Albir, both as a researcher herself and as the main researcher and director of the PACTE research group, has a long tradition in the study of translation competence, its acquisition, and the educational applications that follow. In this work, three different lines concerning Hurtado Albir's work will be

⁷⁸ In the sense that Campbell's textual competence explores the use that translators make of their foreign language so that they can produce a successful rendition of a text keeping their audience in mind

⁷⁹ As noted in Chapter 1.2.2 above, on Constructivism, it was during the late 1990s that post-positivist epistemologies, namely constructivist, truly took over mainstream pedagogical debates. It has also been argued on this dissertation (Chapter 2.1.2.4, 2.1.3, and 2.1.4) that competences have been the perfect tool to change on epistemological paradigm in education settings. Therefore, it is understandable that all contributions related to translation competence in this work, covering the 1998-2016 period, share post-positivist features. Differences will lie in minor aspects, for instance, such as the increasing interest of translation competence models in combining both academic and socio-professional aspects of translation, etc.

analysed: her initial research on translation competence, based on observation and years of academic research and teaching practice; PACTE's original translation competence model, very much influenced by Hurtado Albir's original ideas on translation competence; and PACTE's translation competence model in the final stage of their empirical research, amidst new research lines on competence acquisition. Hurtado's and PACTE's models will be treated separately given the different researchers involved in the project (Hurtado Albir, as opposed to the whole PACTE group) and the observational nature of the first model as opposed to the empirical work PACTE has carried out on the nature and characteristics of translation competence and its acquisition.

Hurtado Albir (1999:43-44), working on previous studies (1996:34), suggests a multi-componential model of translation competence formed by the following sub-competences:

- **Communicative competence** in both SL and TL, that is, the relevant grammatical, discursive, and socio-linguistic knowledge and skills in both working languages.
- **Extra-linguistic competence**, that is, the relevant cultural, encyclopaedic and thematic knowledge.
- **Transfer competence**, that is, the ability to transfer the content included in the ST to the TT.
- **Professional competence**, that is, the knowledge and skills related to the translation profession (labour market, ICT, etc.).
- **Psycho-physiological competence**, that is, resources and skills such as memory, creativity, reflexes, logical reasoning, etc.
- **Strategic competence**, that is, the ability to apply the relevant translation mechanisms aimed at solving particular deficiencies in any of the other sub-competences or resolving any problem related to the translation process.

Hurtado Albir makes two clarifications concerning her translation competence model. The first one refers to both the communicative and extra-linguistic

competences, since they should not be considered intrinsic to the translation profession, the scholar argues. Indeed, an individual who masters more than one language could also acquire the said competences throughout the course of their lives, and that would not qualify them as a translator. The second clarification has to do with the strategic competence, which is deemed to be the very core of the model, a competence integrating the rest of components.

The model presented above served, as one may see below, as the basis for the first translation competence model put forward by the PACTE research group.

3.2.1.2 Contributions between 2000 and 2010

- The 2000 Neubert model

Neubert (2000:5-10) also opts for a multi-componential model, what he calls ‘a **complex** translational competence’ (*ibid*:10). Acknowledging that the construct needs to be apprehended from a functional standpoint, the author describes the set of competences he deems necessary for a correct translation performance. An interesting point the scholar raises refers to the features and the characteristics the construct presents. Indeed, he mentions seven features, including **complexity**, heterogeneity, approximation, **open-endedness**, creativity, **situationality**, and **historicity**, arguing that the seven of them are “intricately bound up with each other”.

Questions regarding the complex, situated nature of translation have been addressed in previous chapters and constitute a cornerstone in the current conceptualisations and understanding of translation not only as a process but also as a product⁸⁰. In his 2000 contribution, Neubert mentions situationality and historicity to that concern, elaborating on how translation is both context-dependent (‘situationality’) and refers to a particular place and time (‘historicity’), that is, the vertical and horizontal axis of the situated nature of translation mentioned above. Another interesting feature is that of ‘open-endedness’, referring to the constant need of translators to learn. This, as seen before, seems very much linked to the life-long learning policies EHEA has shifted its attention to⁸¹.

⁸⁰ See 1.2.2.4, 1.2.3.1, 1.2.4.1 and 1.5 above on the pedagogical implications of post-positivist epistemologies in the classroom.

⁸¹ See 2.1.2.4 above on the new learning focuses fostered by EHEA.

After examining the intrinsic features of translation competence, the scholar suggests the different components, “parameters”, of the construct:

- **Linguistic competence**, that is, the expert knowledge of the grammatical and lexical structures of the pair of languages involved, a “*sine qua non* of translation”, as the scholar puts it. Besides the near-perfect linguistic knowledge, Neubert also refers to the awareness of the changing nature of languages translators need to develop (*ibid*:7).
- **Textual competence**, that is, the ability to recognise and detect textual and genre-related features and patterns of texts (*ibid*:8).
- **Subject competence**, that is, the specialist and encyclopaedic knowledge a translator needs in the course of their professional career. In the opinion of the scholar, subject competence does not necessarily involve active knowledge, but the relevant resources and means to access that knowledge whenever needed (*ibid*:9).
- **Cultural competence**, that is, the acknowledgement that translators work under particular cultural systems and therefore should strive to delve into the underlying cultural strata their texts are rooted in (*ibid*:10).
- **Transfer competence**, that is, the tactics and strategies translators apply to render their source text into a different language (*ibid*:10).

In complete accord with the Hurtado model above, Neubert believes it is this very last parameter what makes translation competence stand from other types of linguistic or communication-related competence models. Still, despite bestowing transfer competence an essential role in the overall translation competence — arguing that it integrates the other parameters— the author warns that, without the interaction and outcome of the other components, transfer competence could not really operate successfully.

- The contributions by Fraser (2000)

Muñoz Miquel (2014:96) makes a legitimate assertion when she claims that Fraser (2000) brings to the table very interesting remarks about the nature of translation competence, even if the scholar does not present any translation competence model herself. The empirical study upon which Fraser builds her argument is based on previous research projects by the scholar (Fraser, 1993, 1994, 1996) and employs a number of questionnaires and TAPs applied to both professional translators and translation agencies about the nature and characteristics of the translation profession(s). The aim of the project is to define the roles and competences translators are expected to perform⁸², namely “what translators do, the strategies they use, and the issues to which they pay attention in producing a translation” (*ibid*:52).

Reflecting on “today's competitive and demanding graduate job market”, she argues, may become an interesting tool in order to shape the competences translation students are currently believed to be equipped with following a more practice-oriented syllabus content. In her opinion, the aspects stemming from professional practice that competence models should incorporate are:

- The identification and significance, in translational decision-making, of the **translation brief**, in terms of style, register, how to deal with cultural concepts, etc⁸³.
- The way **dictionaries and other reference books** are used, since, the scholar argues, there should be greater efforts by translation lecturers to make their students familiar with the existing resources and how to use them properly.
- How professional translators develop **self-confidence** and a successful **translator personality**, working on aspects such as the ability to deal with clients, their self-concept, etc.

The idea Fraser puts forward about the need to integrate socio-professional features in translation competence models responds to an attempt to bring the

⁸² 296 professional translators and 84 translation agencies were involved in the study.

⁸³ As the scholar points out, her data matches previous observational assertions on the matter (Vermeer, 1989; Nord, 1995, in Fraser, 2000:55).

competence concept out of an academic ivory tower and make it relevant to the socio-professional reality of translation, beyond mere academic reflections. This idea is included in later proposals and suggestions on translation competence in a way or another, predominantly integrated in a macro-competence construct. This is highlighted by Klimkowski (2015:38), who asserts that the socio-professional references in the translation competence construct skyrocketed after 2000. In any case, epistemologically, Fraser's contribution represents some of the first steps towards the increasing interest in employability and the marketisation of education argued above⁸⁴.

- The 2000/2003 PACTE model

PACTE research group was formed in 1997 with the aim of studying the nature of translation competence and the way it is acquired/developed. The project was designed in two phases working on previous exploratory tests and a pilot study (PACTE, 2000). During the first stage of the project the group designed and executed an empirical research study on translation competence by comparing and confronting the translation performance of both professional translators and foreign language teachers with no experience in translation⁸⁵. The results of the first phase of the project have already been published (PACTE, 2005, 2011), validating the model PACTE puts forward and closing the first stage of their ambitious research project. The second phase was started in 2010 and consists of a longitudinal study of the acquisition of translation competence among translation students.

The model of translation competence PACTE put forward in 2000 was replaced, following the first results of their study, in 2003. The former competence model highlighted, as one may appreciate in the figure below, the role of both the strategic component and the transfer competence, the former in its capacity as regulator of the whole process in terms of problem resolution and compensation of deficiencies in other competences and the latter given its central position in the figure, emerging as the result of the interaction of the rest of competences. All in all, the different components of translation competence the scholars suggested in 2000 are the following:

⁸⁴ See Section 2.1.3 above on the pedagogical and epistemological implications of EHEA.

⁸⁵ The experiment included 35 professional translators and 24 foreign language teachers. Data was collected on reverse and direct translations involving six language combinations: English-Spanish/Catalan, French-Spanish/Catalan, German- Spanish/Catalan.

- **Communicative sub-competence in two languages**, that is, the knowledge of the grammatical and lexical structures of the pair of languages involved, with special attention to the comprehension and production of texts.
- **Extra-linguistic sub-competence**, that is, the relevant encyclopaedic knowledge of the world and also that of the domain a particular translation is ascribed to.
- **Psycho-physiological sub-competence**, that is, the ability to apply the relevant cognitive, psycho-motor, and attitude-related resources.
- **Instrumental/professional sub-competence**, that is, the knowledge of the translation profession
- **Strategic sub-competence**, that is, the personal resources related to problem-solving processes.
- **Transfer competence**, that is, the ability to render a text in a different language, from a given source text to its corresponding target text.

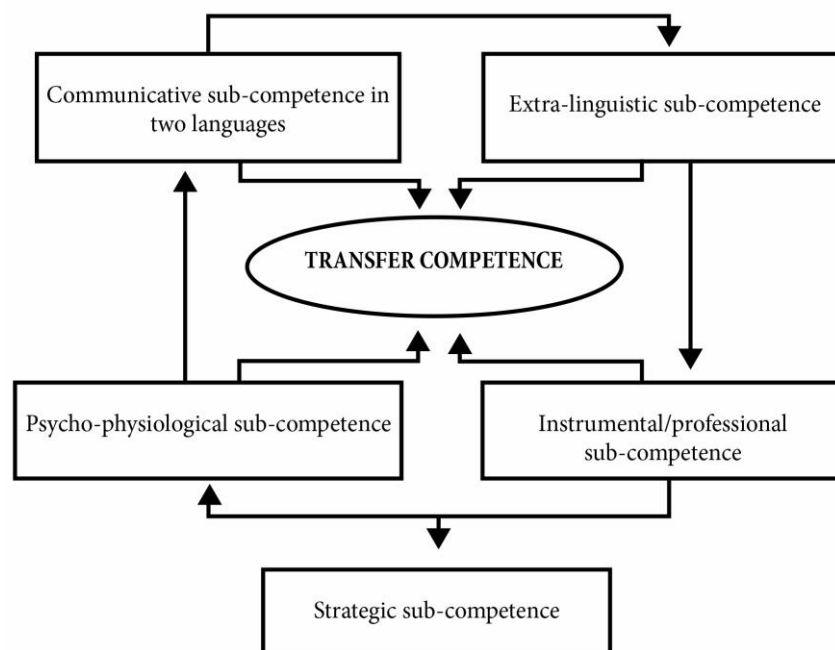


Figure 12 PACTE's (2000:101) model of translation competence

The 2003 model makes some adjustments to the original translation competence model suggested and understands translation competence as a multi-componential construct formed by the following five sub-competences (PACTE, 2011:4-5):

- **Bilingual sub-competence**, that is, “the (predominantly) procedural knowledge required to communicate in two languages, comprising the relevant pragmatic, socio-linguistic, textual, grammatical, and lexical knowledge”.
- **Extra-linguistic sub-competence**, that is, “the (predominantly) declarative knowledge related to general world knowledge, domain-specific knowledge, bicultural, and encyclopaedic knowledge”.
- **Instrumental sub-competence**, that is, “the (predominantly) procedural knowledge related to the use of documentation resources and information and communication technologies applied to translation (dictionaries of all kinds, encyclopaedias, grammars, style books, parallel texts, electronic corpora, search engines, etc.)”.
- **Knowledge about translation**, that is, “the (predominantly) declarative knowledge translators need about translation itself and the characteristic of their profession”.
- **Strategic sub-competence**, that is, “the procedural knowledge to guarantee the efficiency of the translation process and solve problems encountered”, controlling the overall translation process by evaluating the process as a whole and every partial result obtained, activating the relevant sub-competences, identifying translation problems, etc.
- **Psycho-physiological components**, that is, the “different types of cognitive and attitudinal components and psycho-motor mechanisms, including cognitive components such as memory, perception, attention and emotion; attitudinal aspects such as intellectual curiosity, perseverance, rigour, the ability to think

critically, etc.; abilities such as creativity, logical reasoning, analysis and synthesis, etc.”.

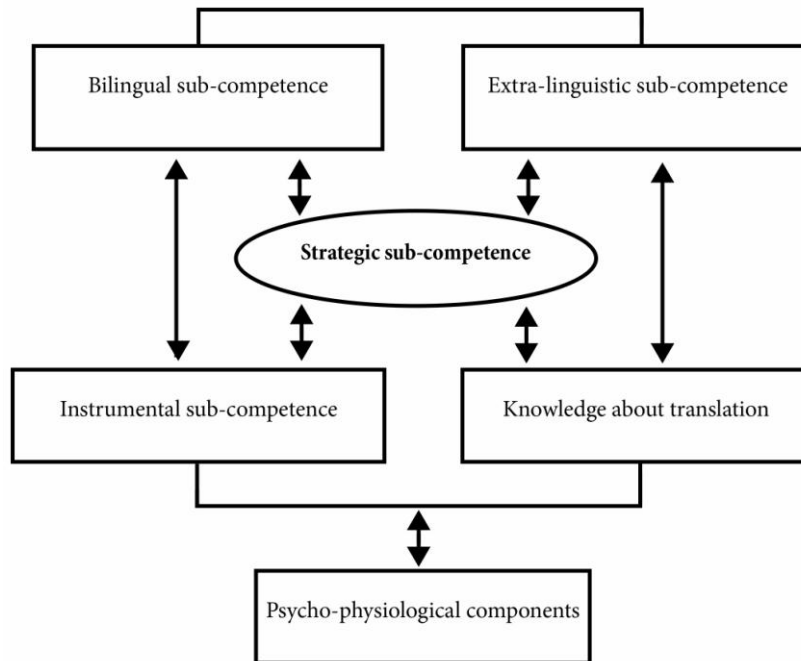


Figure 13 PACTE's (2003, 2005, 2007) model of translation competence

The 2003 PACTE model is defined, then, by the holistic combination and integration of five sub-competences and a number of psycho-physiological components. Morón (2009:142), to this concern, speaks of the dynamism of the model regarding the inter-relation of its different sub-components. That dynamism is reflected in the weight every sub-competence presents in the overall translation process, and it may depend, consequently, on factors such as the language pair, the directionality of the translation process, the degree of specialisation of a text, the level of expertise of the translator, etc. Elaborating on the characteristics of their model, the PACTE researchers assert that the strategic, the instrumental, and the knowledge about translation sub-competences are exclusive to the translation process, which is the reason why they focus their research interests on those particular components.

Concerning the main differences between both models suggested by PACTE, three main changes may be argued:

- 1) The weight of the socio-professional features and input of the translation profession. Indeed, the former model combines the instrumental components of

translation competence together with what the PACTE researchers refer to as “knowledge of the translation profession”. The 2003 contribution bestows greater weight to the socio-professional input, granting a whole sub-competence to the matter, in accordance, or at least aligned with, the European third level educational and pedagogical trends at the time⁸⁶.

2) The psycho-physiological sub-competence is tackled in a rather transversal fashion, affecting the whole process and the rest of sub-competences.

3) The 2000 transfer competence becomes the overall translation competence PACTE is after and disappears from the model. The very notion, that is, “the ability to render a text in a different language, from a given source text to its corresponding target text” is what the other sub-competences scaffold, it is translation competence itself. The central role of the transfer competence is occupied by the strategic sub-competence in the 2003 model.

- The 2002/2005 Kelly model

Kelly’s primary concern (2002) has to do with translation education. Her research on translation competence is pedagogically grounded since, she argues, curriculum design and development can only take place once the starting point and the expected outcome of her students’ education process is defined, hence her use of the competence construct.

The scholar builds her translation competence model on a careful revision of prior models and contributions to the competence debate within the academia, and then compares the outcome of that research with a number of socio-professional stances, namely that of the Language Professionals Lead Body in the UK. Indeed, by comparing and analysing both academic and professional views on the competence construct through her experience as a translation lecturer, Kelly is able to provide a competence model bringing together a number of cognitive and socio-professional characteristics to be applied in translation learning contexts (*ibid*:14).

Her model, which is also multi-componential, is shaped as an hexagonal pyramid, since, according to Kelly, the strategic component of translation competence

⁸⁶ In 2001 the Prague Communiqué introduced the first steps of a socio-professional turn within EHEA on employability matters, strengthened by all later communiqués (See Chapter 2.1.2 on the objectives of EHEA above).

directs the performance of the rest of components in the realisation of a particular task (*ibid*:15). The model comprises the following sub-competences:

- **Communicative and textual sub-competence**, that is, the active and passive stages of a given communicative act together with the relevant text conventions in the translator's working languages.
- **Instrumental and professional sub-competence**, that is, the relevant research on terminology, glossaries, databases, ICT-related activities, and the knowledge regarding the translator's profession.
- **Interpersonal sub-competence**, that is, the ability to establish and maintain the relevant relations with both their clients and other translation and translation-related professionals (editors, project managers, etc.).
- **Psycho-physiological sub-competence**, that is, the translator's self-concept, together with other features such as memory, attention, confidence, etc.
- **Thematic sub-competence**, that is, a minimum level of knowledge regarding the field the text to be translated ascribes to in order to be able to understand and carry out the relevant thematic research.
- **Cultural sub-competence**, that is, the relevant encyclopaedic knowledge, values, myths, perceptions, beliefs, and behaviours, together with their corresponding textual representations.
- **Strategic sub-competence**, that is, all features related to the translation process, the identification and resolution of problems, revision, self-evaluation, etc.

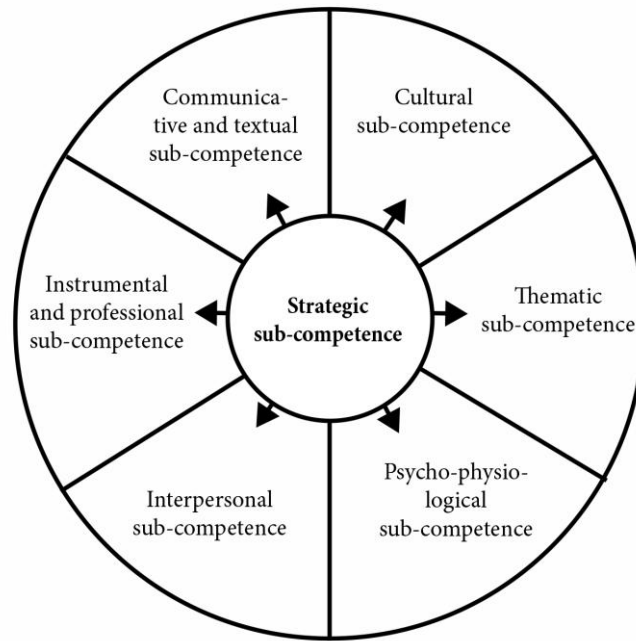


Figure 14 Kelly's (2002) model of translation competence

Kelly's model is interesting insofar it includes pertinent ideas about the psycho-physiological and inter-personal features involved in the translation process. Indeed, the introduction of the translator's self-concept represents a pivotal contribution in our discipline, and serves Kiraly (2000), for instance, to build his social-constructivist pedagogical suggestions. Kelly's model is dynamic, flexible, and is designed for teaching purposes, so the different forming components are not developed at the same pace, but during the educational and professional life of a translator; and they are not applied to all translation problems encountered: it is up to the translator, their knowledge and skills, to mobilise the relevant aspects of their professional competence⁸⁷.

In 2005 the scholar, elaborating on curriculum development, emphasises her competence-based approach and introduces minor changes to her 2002 competence model. The changes, though, are minimal, and have to do with the characterisation of the different sub-components of her translation competence model (Kelly, 2005:32):

- 1) The previous 'sub-competences', the label the scholar had opted for in 2002, become 'areas of competence'.

⁸⁷ Göpferich' current research and standpoints (2013) share very similar grounds. See 3.2.1.3 below.

- 2) Her 'cultural sub-competence' becomes 'cultural and intercultural competence'.
- 3) Her 'psycho-physiological sub-competence' is referred to as 'attitudinal or psycho-physiological competence'.
- 4) New characteristics are included in the inter-personal sub-competence, namely leadership and negotiation skills.

- The 2003 Pym model

An interesting contribution in the translation competence debate is Pym's 2003 proposal, since it deliberately steps aside from the multi-componential models presented above and advocates a rather simplistic, minimalist approach. Indeed, multi-componential models may be prevalent in the literature of the subject, but the epistemological and methodological grounds of those models is everything but uncontroversial (Klimkowski, 2015:26). Pym (2003:487) speaks of the three methodological weaknesses of multi-componential models found by Waddington (2000:15), even if he does not fully agree with the third one:

- 1) The fact that multi-componential models may include or discard any sub-competence at any time. That dynamism renders the whole construct difficult to study, analyse, and characterise.
- 2) The definitions tend to concern an ideal competence, and are thus incomplete without a model of the learning process.
- 3) There is no empirical evidence backing the validity of multi-componential models.

Before introducing and arguing the rationale behind a minimalistic notion of translation competence, Pym, similar to Kelly above, makes a revision of prior attempts to define and characterise translation competence and divides the relevant contributions in four main groups: those works that understand competences as the combination of linguistic skills in two languages (Ballard, 1984; Koller, 1979; Wilss, 1976), those works that avoid the competence construct and prefer to speak about strategies, or planning skills (Lörscher, 1991; Shreve, 1997), the multi-componential models (Bell, 1991; Nord, 1991; Beeby, 1996;

Fraser, 2000; Hewson, 1995; Hurtado Albir, 1996; Kautz, 2000; Mayoral Asensio, 2001), and those works that understand translation competence as a 'mega-competence' in relation to other components (linguistic, textual, etc.).

Pym's model lies on two components, getting rid of every other element that does not deal with the translation act directly. He refers to his contribution as a "two-fold functional competence" (Pym, 1991):

- *The ability to generate a series of more than one viable target text (TT1, TT2 ... TTn) for a pertinent source text (ST)*
- *The ability to select only one viable TT from this series, quickly and with justified confidence*

In his words (Pym, 2003:489):

We propose that, together, these two skills form a specifically translational competence; their union concerns translation and nothing but translation. There can be no doubt that translators need to know a fair amount of grammar, rhetoric, terminology, computer skills, Internet savvy, world knowledge, teamwork cooperation, strategies for getting paid correctly, and the rest, but the specifically translational part of their practice is strictly neither linguistic nor solely commercial. It is a process of generation and selection, a problem-solving process that often occurs with apparent automatism.

Commenting on the contribution above, Klimkowski (2015:30) finds two main advantages: the fact that translation and translation education is conceived as a text-based and task-based activity, something that the other models may not render directly, and the fact that, indirectly⁸⁸, one may infer from Pym's definition that translation education "needs to rest on teacher-learner interaction in the context of the text-based translation task they pursue together".

Way (2008:90) does not share Klimkowski's optimism and indeed speaks of the difficulties Pym's model entail for classroom application. That characterisation of

⁸⁸ Through Pym's assertion (2003) that translation education stands as an "interpersonal activity working on texts".

the competence construct, she asserts, “leaves students with the uncertainty of knowing exactly what a viable target text is and the translator trainer with the dilemma of facing the difficult task of how to train their students to do what Pym suggests”. Morón (2009:152), along the same lines, argues that Pym’s model does not make the understanding of the objectives and the learning outcome of translation education any easier. In fact, it calls for subjective interpretation, in frontal opposition with the transparency criteria of the new education models within EHEA.

Contrary to those assertions, Pym considers (2003:490) that his model leads to better and deeper theoretical research beyond the identification and description of the declarative and procedural knowledge multi-componential models mean, and claims his model is grounded in the current experiential and interaction-based pedagogy scenario (*ibid*:492). In fact, Pym’s proposal includes, broadly speaking, very similar features to the ones highlighted by multi-componential models (grammar, terminology, computer skills, world knowledge, teamwork cooperation, etc.) but does it from the assumption that those are not intrinsic to the translation activity, and thus he excludes them from his model, assuming that those skills stand at the intersection of the translation profession(s) as inter-cultural agents:

It [his translation competence model] does not assume that no other major competencies will ever mix with this one. On the contrary, we would be more than comfortable with the assumption that such mixes are increasingly the norm, and that translation competence may often be a minor component in the range of skills required of intercultural professionals. (Pym, 2003:490).

- Further contributions by Kelly (2007)

The European frenzy on competences within EHEA⁸⁹ has also permeated the translation competence debate. In fact, Perreda and Berrocal’s (2001) specific and transversal classification of professional competences, highlighted by initiatives such as the European Framework of Key Competences for Lifelong Learning (2006) or the Tuning Project (2003), has proved to be remarkably influential in our field of study. As seen above, this classification of competences was, back in

⁸⁹ See Chapters 2.2.3 and 3.1.2.3 above on the competence debate within EHEA and the generic and transversal classification of professional competences put forwards by the Tuning project.

2004, one of the starting points in the creation of the white paper of the Translation and Interpreting degrees in Spain, which triggered further discussions on the socio-professional role(s) translation graduates present, for instance.

Kelly (2007) acknowledges the validity of the Tuning proposal given the number of sources, authorities, and references consulted and included in their contribution to the competence debate. Its solid background, she claims, serves to endorse and round this cross-disciplinary initiative. Working on the generic competences Tuning puts forward, the scholar is able to draw the relevant parallelisms and connexions to her competence model presented above, which stands, in her opinion, as irrefutable proof that translation graduates in Spain stand uniquely as “qualified, flexible, adaptable, and highly employable citizens” (*ibid*:135):

| Major areas of translation competence | Generic competences |
|--|--|
| Communicative and textual | Oral and written communication in the native language Knowledge of a second language Capacity for analysis and synthesis |
| Cultural and/or intercultural | Appreciation of diversity and multiculturality Ability to work in an international context Understanding of cultures and customs of other countries |
| Subject area or thematic | Basic general knowledge |
| Professional and/or instrumental | Grounding in basic knowledge of the profession Elementary computing skills Ethical commitment Research skills Concern for quality |
| Attitudinal and/or psycho-physiological | Capacity to learn Capacity to adapt to new situations Capacity for generating new ideas (creativity) Leadership Ability to work autonomously Initiative and entrepreneurial spirit Will to succeed |
| Interpersonal or social | Teamwork Interpersonal skills |

| | |
|------------------------------------|---|
| | Ability to work in an interdisciplinary team Ability to communicate with experts in other fields Appreciation of diversity and multiculturality Ability to work in an international context Ethical commitment |
| Strategic or organizational | Capacity for organisation and planning Problem solving Decision making Critical and self-critical abilities Capacity for applying knowledge in practice Project design and management Concern for quality |

Table 13 Bridges between Tuning's generic competences and Kelly's translation competence model (Kelly, 2007:136 in Muñoz Miquel, 2014:115)

- The contributions by Gouadec (2007)

Gouadec (2007) tackles the issue of translation competence from a rather pragmatic, professionally-oriented standpoint. After breaking down the tasks that make up the translation process (*ibid*:21-25)⁹⁰, the scholar addresses translation education arguing, in his view, what the main competences all translators should be able to display are, regardless of their academic background. Contrary to the models presented above, the scholar does not include any comprehensive model of translation competence, but rather offers a list of the desired skills, knowledge, and attitudes to be developed. There is no reflection in terms of imbrication among the competences suggested, hierarchy, or importance of some of the competences regarding the rest (*ibid*:327-336). In his opinion, all translators must (*ibid*:328):

- Master their working languages perfectly, that is, to be able to understand the slightest detail and subtle shade of meaning of the material for translation and be able to write clearly and fluently in the target language(s).
- Be perfectly familiar with every kind of information retrieval, mining and data research techniques.

⁹⁰ The scholar describes the translation activity around the following concepts: pre-translation, information retrieval and management, terminography, phraseography, transfer, quality control, and post-translation.

- Be at home with terminology and phraseology mining and management.
- Have at least a layman's knowledge of a wide range of subjects in the fields of science, technology, economics, etc.
- Master all the translation-localisation (and revision) techniques, methods and procedures.
- Be totally proficient in the use of all the equipment and software they are likely to come across in their professional environments.
- Be familiar with best professional practice and professional ethics.
- Have some knowledge of commercial and financial management.
- Have some experience of project management.
- Be able to communicate and interact efficiently and amiably with a variety of people.

Another source the scholar refers to, this time from a socio-professional stance, is a survey of job advertisements in the field of translation carried out in 2005 on the expectations employers had when hiring a translator. Among the results, Gouadec highlights the following criteria, to be taken into account, he follows, in the set of competences translation educators should aim to develop among their students (ibid:329-330):

- Language skills in the relevant working languages
- Knowledge of translation tools
- Relevant qualifications, be it a degree in translation or a degree awarded by a recognised training institution
- Knowledge of quality control procedures
- Particular competences regarding the job offer (technical writing, revision, etc.)
- Project management-related experience
- Ability to handle non-standard translations (text formats, etc.)
- Experience in the field of translation

Elaborating on his personal observation of the skills and abilities translation students need to develop throughout the course of their degrees and the employer's requirements included above, the scholar suggests the following list of

(again unprioritised) subject fields of study and learning outcomes to be implemented in the relevant translation curricula (*ibid*:332-333):

| Subject field | Outcome |
|---|---|
| One or more source languages/cultures | Ability to understand and analyse materials in the slightest detail, whatever the language, the code, and the medium |
| One or more target languages/cultures | Perfect mastery of expression and writing (including proofreading) |
| Translation and transfer skills and, more generally, intercultural management | Deliverable quality translations of relevant types of materials (with good abilities for stylistic fluency and writing efficiency in the target language) |
| General-purpose technical knowledge | A foundation of technical knowledge applicable across the board |
| Specific technical fields that are deemed relevant | Specific knowledge as a basis for translation and technical writing |
| Information mining, retrieval and management | Ability to spot relevant resources plus ability to get hold of any information required, by whatever means and in various media |
| Interview and negotiation techniques | Ability to obtain relevant information; ability to interact efficiently with all kinds of partners, colleagues, information providers, assistants, etc. |
| IT (as a subject in itself) | Mastery of formats, languages, platforms; good knowledge of software development; ability to develop macros and applications |
| IT (as an ever-growing set of tools) | Mastery of all technology available in a state-of-the-art translator's work station; ability to analyse and appraise any software package; ability to train |

| | |
|--|--|
| | colleagues and others in the use of such tools |
| IT (applied to translation at large, including translation project management) | Ability to choose the right IT for any task and/or to develop or customize it, then to implement and use it or have it used properly by others |
| Terminology and terminography | Ability to find the required terminology; ability to create and maintain relevant terminological resources; ability to choose/develop/customize and implement relevant terminographic aids and tools |
| Phraseology and phraseography | Ability to find the required phraseology; ability to create and maintain relevant phraseological resources; ability to choose/develop/customize and implement relevant phraseographic aids and tools |
| Proof-reading and revision | Ability to upgrade (human and assisted) translations and/or any material with linguistic components to required quality levels ability to choose/develop/modify and implement relevant aids and tools |
| Commercial (client portfolio) management | Ability to produce viable estimated and commercial offers and to generally manage all commercial interaction with prospects and clients |
| Commercial and financial management | Good knowledge and perception of the financial implications of jobs, contracts, projects; ability to calculate, obtain, and manage budgets (notably, costs) |
| Project planning and management | Ability to plan and manage projects (specifications, schedules and deadlines, costs, human resources, equipment, reviews, etc.); ability to constantly update and upgrade skills and competences; ability to manage quality throughout the material's lifecycle and translation workflow |

Table 14 Gouadec's (2007:332-333) suggested subject fields of study and learning outcomes regarding translation education

In his view, stressing the abovementioned aspects throughout the curriculum would guarantee a comprehensive, successful approach towards the education of translators-to-be, who would develop a strong sensibility and professional competence as general translators while setting the solid, relevant foundations of any future, further specialisation:

Anyone graduating with the skills and knowledge listed above would actually qualify as a proficient and professional all - round 'general translator' and be ready to rapidly specialise in one or several of the fields, techniques or types of materials explored during the course, without having to catch up on any heavy deficiencies (ibid: 338).

- The 2009 Göpferich model

Göpferich (2009) is interested in the development of translation competence, how competence acquisition has traditionally been depicted in the relevant literature and the impact the application of those findings may have in (translation) educational settings. Working on those grounds, TransComp, the research project on translation competence acquisition led by Göpferich, carries out a longitudinal study exploring the development of translation competence in 12 translation students over a period of three years, comparing the outcome of their findings to that of 10 professional translators.

Prior to her empirical research project on competence acquisition, the scholar revises previous translation competence models (Pym's, PACTE's, Höning's) and suggests her very model (*ibid:21-23*) upon which the relevant hypothesis for TransComp are built as a framework of reference for her longitudinal study. Her model, also multi-componential, is included below

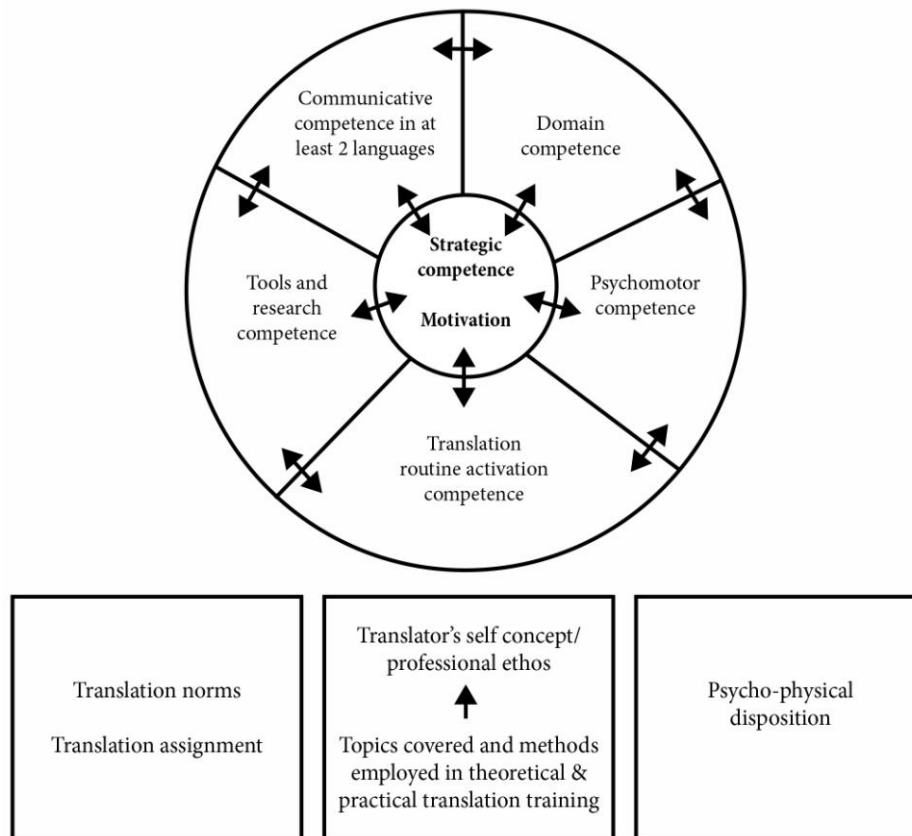


Figure 15 Göpferich's (2009) translation competence model

- **Communicative competence** in at least two languages, that is, the relevant lexical, grammatical and pragmatic knowledge (including genre and situation-specific conventions in the respective cultures) in the working languages of a translator.
- **Domain competence**, that is, the general and domain-specific knowledge deemed necessary in order to understand a ST and formulate the relevant TT, or at least the ability to acknowledge the additional knowledge needed in order to fill particular knowledge gaps.
- **Tools and research competence**, that is, the ability to use translation-specific tools (reference works such as dictionaries and encyclopaedias, term banks and other databases, parallel texts, search engines, corpora, word processors, terminology and translation management systems, machine translation systems, etc.).

- **Translation routine activation competence**, that is, the knowledge and abilities to recall and apply particular (mostly language-pair-specific) micro-strategic transfer operations leading frequently to acceptable target language equivalents.
- **Psychomotor competence**, that is, the abilities required in order to read and write (also regarding electronic tools). The more developed these competences are, the scholar argues, the less cognitive capacity is required.
- **Strategic competence**, that is, the meta-cognitive competence that controls the other components of translation competence. Its role is to set priorities and hierarchies between the relevant sub-competences, develop a particular translation macro-strategy, etc.

As the scholar points out following her translation competence model (*ibid*:23), the activation of the relevant sub-competences during the translation process depends on three factors: the translation brief itself and the relevant translation norms, the translator's self-concept and professional ethos, which are directly linked to the input (content, methodology) they were exposed to during their education process; and the translator's very own psychophysical disposition (intelligence, ambition, perseverance, self-confidence, etc.).

- **The 2009 EMT model**

Chodkiewicz (2012:37-38) reflects on the European institutions as major employers of translators and interpreters in the European context, being home to thousands of full-time professionals and a high number of free-lancers in the translation industry. It goes without saying that concerns about the quality of the said inter-linguistic activity is of uttermost importance for those European institutions, especially given the increasing number of translation programmes across the continent and the range of languages they need to provide translation services for. The need to have uniform standards regarding translation quality and recruitment processes led the EU to launch, back in 2007, an initiative to address the inter-linguistic nature of the European affairs through a master's degree programme — the European Master's in Translation (EMT).

Behind the EMT initiative stood an expert group made of specialists in the translation domain from universities across the different Member States, whose task was to further develop a translation post-graduate curriculum. With that aim in mind, conferences were organised where the voices of international organisations and employers' associations were incorporated in the design and later implementation of the EMT standards (*ibid*:38), namely a list of competences that students of EMT programmes should be able to display at the end of their studies, and the selection criteria in order to accept a master's degree programme in the EMT network⁹¹.

The model of translation competence presented (EMT Expert Group, 2009) tackles the translation competence debate from a multi-componential perspective, bestowing the translation service provision sub-competence a central role in translation competence. An interesting remark is that of Klimkowski (2015:39) comparing the EMT's translation service provision sub-competence with PACTE's strategic competence. In his view, the only difference between both concepts is that the EMT model, unlike PACTE's, "addresses the issues of professional performance in a situated (sensitive to real context), non-idealized way":

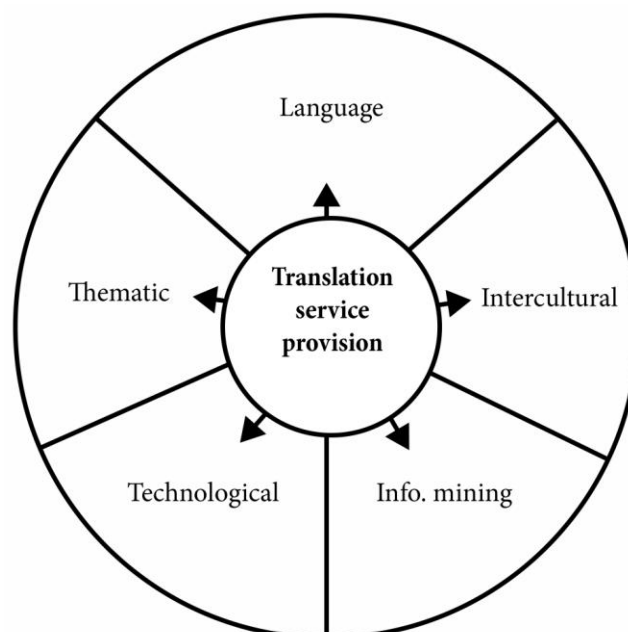


Figure 16 EMT's (2009) translation competence model

⁹¹ The list of participating programmes and universities was renewed in June 2014. Selection takes place every five years. At present there are 35 master's degree programmes within the EMT network [See: https://ec.europa.eu/info/european-masters-translation-emt/universities-and-programmes-emt-network_en, Last accessed: 12th November 2016].

Together with the diagram above, the EMT expert group puts forward a detailed description of each and every component of their translation competence model in an exhaustive, comprehensive fashion. Given the pre-eminently practical nature of their study regarding the creation of the EMT quality standards, it comes as no surprise that the EMT researches have left little or no room for interpretation of their model. In their own words (EMT Expert Group, 2009:3):

The expert group has sought to be as explicit and clear as possible to prevent differences of interpretation (from trainers with different backgrounds, experiences and constraints), in order to facilitate the implementation of these competences and the evaluation of their application and to speed up the networking of programmes complying with the framework thus defined.

Muñoz Miquel (2014:112) mentions that the different sub-components listed in the EMT competence model may also be found in prior contributions, even if the way they have been arranged and presented differs and seems to follow different criteria. The scholar also notes that not as much attention has been paid to the linguistic sub-component if compared to other translation competence models. The reason, she argues, may be found in the fact that the EMT model was envisaged with the purpose of covering the needs of translation post-graduate education, so the linguistic issue may have been deemed addressed already. The same reason could be argued for the extremely detailed analysis of the socio-professional aspects of translation, the role of new technologies, and the relationship with clients: the model put forward responds to a market-inspired, professional approach to translation.

| TYPE OF COMPETENCE | DEFINITIONS / COMPONENTS |
|--|--|
| <p>TRANSLATION SERVICE PROVISION COMPETENCE</p> | <p>INTERPERSONAL dimension</p> <ul style="list-style-type: none"> - Being aware of the social role of the translator. - Knowing how to follow market requirements and job profiles (knowing how to remain aware of developments in demand). - Knowing how to organise approaches to clients/potential clients (marketing). |

| | |
|--|--|
| | <ul style="list-style-type: none"> - Knowing how to negotiate with the client (to define deadlines, tariffs/invoicing, working conditions, access to information, contract, rights, responsibilities, translation specifications, tender specifications, etc.). - Knowing how to clarify the requirements, objectives and purposes of the client, recipients of the translation and other stakeholders. - Knowing how to plan and manage one's time, stress, work, budget and ongoing training (upgrading various competences). - Knowing how to specify and calculate the services offered and their added value. - Knowing how to comply with instructions, deadlines, commitments, interpersonal competences, team organisation. - Knowing the standards applicable to the provision of a translation service. - Knowing how to comply with professional ethics <ul style="list-style-type: none"> - Knowing how to work under pressure and with other experts, with a project head (capabilities for making contacts, for cooperation and collaboration), including in a multilingual situation. - Knowing how to work in a team, including a virtual team. - Knowing how to self-evaluate (questioning one's habits; being open to innovations; being concerned with quality; being ready to adapt to new situations/conditions) and take responsibility. <p>PRODUCTION dimension</p> <ul style="list-style-type: none"> - Knowing how to create and offer a translation appropriate to the client's request, i.e. to the aim/skopos and to the translation situation. - Knowing how to define stages and strategies for the translation of a document. |
|--|--|

| | |
|--|---|
| | <ul style="list-style-type: none"> - Knowing how to define and evaluate translation problems and find appropriate solutions. - Knowing how to justify one's translation choices and decisions. - Mastering the appropriate metalanguage (to talk about one's work, strategies and decisions). - Knowing how to proofread and revise a translation (mastering techniques and strategies for proofreading and revision). - Knowing how to establish and monitor quality standards. |
| <p>LANGUAGE COMPETENCE</p> | <ul style="list-style-type: none"> - Knowing how to understand grammatical, lexical and idiomatic structures as well as the graphic and typographic conventions of language A and one's other working languages (B, C). - Knowing how to use these same structures and conventions in A and B. - Developing sensitivity to changes in language and developments in languages (useful for exercising creativity). |
| <p>INTERCULTURAL COMPETENCE</p> <p>(the dual perspective – sociolinguistic and textual – is in the comparison of and contrast between discursive practices in A, B and C)</p> | <p>SOCIOLINGUISTIC dimension</p> <ul style="list-style-type: none"> - Knowing how to recognise function and meaning in language variations (social, geographical, historical, stylistic). - Knowing how to identify the rules for interaction relating to a specific community, including non-verbal elements (useful knowledge for negotiation). - Knowing how to produce a register appropriate to a given situation, for a particular document (written) or speech (oral). <p>TEXTUAL dimension</p> <ul style="list-style-type: none"> - Knowing how to understand and analyse the macrostructure of a document and its overall coherence (including visual and sound elements). |

| | |
|---|---|
| | <ul style="list-style-type: none"> - Knowing how to grasp the presuppositions, the implicit, allusions, stereotypes and intertextual nature of a document. - Knowing how to describe and evaluate one's problems with comprehension and define strategies for resolving those problems. - Knowing how to extract and summarise the essential information in a document (ability to summarise). - Knowing how to recognise and identify elements, values and references proper to the cultures represented. - Knowing how to bring together and compare cultural elements and methods of composition. - Knowing how to compose a document in accordance with the conventions of the genre and rhetorical standards. - Knowing how to draft, rephrase, restructure, condense, and post-edit rapidly and well (in languages A and B). |
| <p>INFORMATION MINING COMPETENCE</p> | <ul style="list-style-type: none"> - Knowing how to identify one's information and documentation requirements. - Developing strategies for documentary and terminological research (including approaching experts). - Knowing how to extract and process relevant information for a given task (documentary, terminological, phraseological information). - Developing criteria for evaluation vis-à-vis documents accessible on the internet or any other medium, i.e. knowing how to evaluate the reliability of documentary sources (critical mind). - Knowing how to use tools and search engines effectively (e.g. terminology software, electronic corpora, electronic dictionaries). - Mastering the archiving of one's own documents. |
| <p>THEMATIC COMPETENCE</p> | <ul style="list-style-type: none"> - Knowing how to search for appropriate information to gain a better grasp of the thematic aspects of a document |

| | |
|--|--|
| | <p>(cf. Information mining competence).</p> <ul style="list-style-type: none"> - Learning to develop one's knowledge in specialist fields and applications (mastering systems of concepts, methods of reasoning, presentation, controlled language, terminology, etc.) (learning to learn). - Developing a spirit of curiosity, analysis and summary. |
| <p>TECHNOLOGICAL COMPETENCE (mastery of tools)</p> | <ul style="list-style-type: none"> - Knowing how to use effectively and rapidly and to integrate a range of software to assist in correction, translation, terminology, layout, documentary research (for example text processing, spell and grammar check, the internet, translation memory, terminology database, voice recognition software). - Knowing how to create and manage a database and files. - Knowing how to adapt to and familiarise oneself with new tools, particularly for the translation of multimedia and audiovisual material. - Knowing how to prepare and produce a translation in different formats and for different technical media. - Knowing the possibilities and limits of MT. |

Table 15 EMT's (2009:4-7) breakdown of translation competence sub-components

3.2.1.3 Contributions after 2010

- The contributions by Li (2012)

Li (2012) argues that society has changed more than significantly in the last years, especially regarding translation market(s) and technology being omnipresent in the translation profession (*ibid*:100). For that reason, the scholar argues the need to re-consider the very basics of current translation pedagogy, that is, to carry out an analysis of the needs and requirements the market and the profession acknowledge these days. After discussing some fundamental concerns on translation teaching and curriculum design, stressing the importance of empirical research as opposed to the personal/professional experience of curriculum makers and educators, the scholar presents the results of three surveys on the

abovementioned needs carried out by students of translation and interpreting programmes, professional translators, and employers⁹².

Concerning the answers of professional translators (*ibid*:129-148), some of the features that they valued the most during their undergraduate education were the modules related to their working languages, both SL and TL, and the specialised translation courses; while linguistics and translation theory were believed to be some of the least important courses within the curriculum. Still, an interesting point to highlight is that almost half of the translators in the survey believed that the education they had received was just “somewhat” similar to the socio-professional reality they had encountered once they started translating, which should trigger the relevant discussions on whether the different curricula put forward represent the socio-professional reality of the translation professions.

When it comes to the employers and recruiters, the most relevant characteristics and features they were after when hiring a professional translator (*ibid*:154) were translation skills, translation experience, a strong foreign language competence, common sense, education, the ability to work under stress and relevant knowledge of the subject of study. When asked about the biggest problems they spotted among recent graduates (*ibid*:156), the lack of field knowledge, specialised terminology, translation skills, speed, and professional confidence were commonly mentioned.

Even if Li’s contribution says little about translation competence, it provides some interesting insight about the reality of the translation profession(s). Very much aligned with Bologna’s core aim to incorporate the profession in curriculum making processes, Li’s results speak of particular skills and abilities that for the most part do appear in the translation competence models discussed above, this time from an empirical field-study perspective (the relevant linguistic skills, encyclopaedic knowledge, knowledge about the translation profession, etc.). Bringing the professional to the classroom seems to be one of the current objectives in higher education settings, and so these results legitimise in a way,

⁹² For this dissertation only the latter two will be addressed. Incorporating the students’ perception is indeed a very interesting move that, in my opinion, requires a separate work in order to provide a comprehensive, in-depth analysis. The same approach has been adopted in the empirical part of the dissertation (Chapters 5 and 6), where only the perception of lecturers on their classroom methodology has been gathered, leaving the student perspective, equally valid, for later works.

through an empirical study, many of the observations, conclusions, and suggestions on translation competence analysed in these pages.

- The contributions by Optimale (2012)

Toudic (2012:13) shares Li's concerns about the inclusion of the socio-professional input from the relevant communities of practice in the education process of translators-to-be, bestowing a shared principle of responsibility between both actors regarding the said education process. Universities, he claims, should not be intended to follow the market's needs blindly, but they do have the responsibility to build the relevant bridges ensuring a smooth path from academic settings to the socio-professional arena:

Universities are not in the business of slavishly following market trends and requirements. They do however have a growing responsibility to ensure that students who do intend to work in the translation industry are aware of the current and future requirements of potential employers, and that they are given the opportunity to acquire the wide range of competences, from advanced linguistic skills, translation skills and IT skills to project management and quality assurance, which will enable them to occupy various positions within the industry.

The growing concern regarding the analysis and implementation of the relevant socio-professional requirements in the education of translators gave rise to the creation of Optimale, an academic network funded by the EU Directorate-General for Education and Culture (October 2010 – September 2013), including 65 EU partners and five “third countries” in 32 different European countries (Valero Garcés & Toudic, 2015:184). Envisaged as a platform aiming to address issues related to the visibility and relevance of professional translator education and training in Europe, Optimale tackled a number of initiatives and projects regarding (*ibid*:184):

- The design and implementation of a comprehensive map of university level translator training in Europe.
- The monitoring of market needs and professional requirements and standards relevant to translator education and training.

- The reinforcement of the economic and societal relevance of on-going or future translator training programmes through the identification, description, and dissemination of good practice in a number of key areas.
- The enhancement of quality translator trainer training through a series of workshops on the implementation of best educational and training practice and a resource platform for future or practising teachers in the field of translation.

One of the objectives of the project was to draw an insightful picture of the needs of the translation industry in terms of competences, an objective they tackled through both an on-line survey on professional competence requirements among employers, remarkably those belonging to EUATC, and a number of workshops discussing the gap between academic education and industry requirements (*ibid*:185). The survey was active during April-October 2011, and some 738 employers responded and provided significant information in terms of experience and knowledge they deemed necessary among graduates, competences they expected, degree of specialisation, use of tools and translation-related technology, and project management and customer relations. The specific items they were asked to comment on⁹³, divided in five groups regarding qualifications and experience, translation competence, technological competence, project management, and marketing competence, were as follows:

| Qualifications and experience |
|---|
| Experience in the field of professional translation |
| A university degree in translation or related fields |
| A university degree in a subject other than languages or translation |
| Experience or knowledge in other professional fields than translation |
| A good knowledge of the language industry and professions |
| Awareness of professional ethics and standards |
| Other (please specify) |

⁹³ An interesting remark is the fact that linguistic skills were left out of the survey, since they were deemed essential and a pre-requisite for any inter-linguistic activity.

| Translation competence |
|--|
| Ability to translate quickly through quality not 100% |
| Ability to produce 100% quality |
| Ability to translate into the translator's second language |
| Ability to translate into the translator's third language |
| Ability to proof-read in the translator's second language |
| Ability to proof-read in the translator's third language |
| Ability to translate materials in one or more highly specialised domains |
| Ability to use translation memory systems |
| Ability to use speech recognition systems (dictated translation) |
| Ability to pre-edit texts for machine translation |
| Ability to post-edit machine translation |
| Ability to extract and manage terminology |
| Other (please specify) |
| Technological competence |
| Ability to process files in and convert files to different formats |
| Ability to understand and use markup languages (html, xml...) |
| Ability to program and/or modify simple macro-commands |
| Ability to use and parameter desktop publishing tools |
| Ability to localise multimedia websites |
| Ability to understand software/video game localisation processes |
| Ability to understand mobile technologies |
| Ability to parameter machine translation systems |
| Other (please specify) |
| Project management |
| Ability to identify client requirements |
| Ability to produce estimates |
| Ability to define resources required |

| |
|---|
| Ability to lead complex projects |
| Ability to define and/or apply quality control procedures |
| Other (please specify) |
| Marketing competence |
| Ability to negotiate contracts with clients or suppliers |
| Ability to find new clients |
| Ability to consolidate client relationships |
| Other (please specify) |

Table 16 *Optimale's breakdown of competences [adapted from Valero Garcés & Toudic (2015:189-196)]*

The outcome of the survey rendered the following as top priorities for employers regarding the competences they expected among their employees:

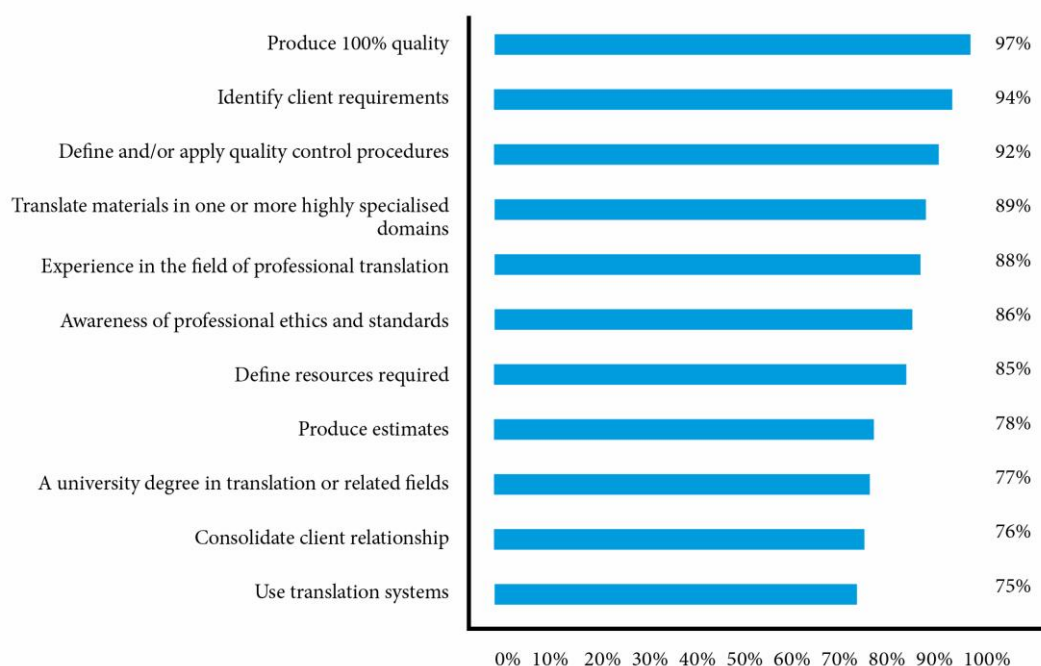


Figure 17 *Optimale's top competences among employers (in Toudic, 2012:12)*

Muñoz Miquel (2014:125) makes a relevant point when she asserts the need to highlight the least valued competences among employers, since that information adds equally valid information to the results included above regarding curriculum design and content selection processes. Among the least valued competences within the Optimale project employers mentioned the use of speech recognition

systems, translating and proof-reading in the translator's third language, and pre- and post-editing in machine translation contexts. This kind of surveys does indeed lead to interesting discussions among curriculum makers and other stakeholders in third level education scenarios since, given the fact that universities seem to depend increasingly on market needs in order to shape their curricula and syllabi these days, the least valued competences can offer a significant insight of the fields our profession is progressively leaving behind, focusing instead on other activities, and therefore other competences.

- Further contributions by Göpferich (2013)

Göpferich (2013), in what could be regarded as an epistemological turn towards complexity thinking in her translation competence research, further elaborates on her 2009 competence model and asserts that competences may indeed be regarded as dynamic systems, that is, "sets of variables that are interconnected and thus interact over time" (*ibid*:62). The scholar, building on the Dynamic Systems Theory (DST)⁹⁴, claims that sub-competences may not develop equally as many competence models assume they do. Indeed, the stagnation in the development of a particular sub-competence may trigger the development of a different one, in the same way that, occasionally, a sub-competence may need to achieve a particular level for another sub-competence, or cluster of sub-competences, to start developing. Sub-competences, then, are understood as complex constructs nested in larger systems of communicative competence that are developed in a situated, non-linear fashion with unique emerging properties.

Translation problem solving, she follows, may be regarded as the application of both particular recurrent routine skills, which professional translators automatise in the course of their careers, and the activation of the overall strategic competence⁹⁵, which is a creative activity insofar its outcome applies to a particular translation problem. Following that train of thought, the difference between novices and experts when it comes to solving a translation problem could reside in the cognitive resources needed for those recurrent routine skills as opposed to those needed for the application of their strategic competence: the more cognitive resources are allocated for the application of recurrent skills, the

⁹⁴ See Chapter 1.2.3.2 on the epistemological implications of DST.

⁹⁵ Göpferich's 2009 translation competence model bestows strategic competence a central role in the overall translation competence (See "The 2009 Göpferich model" above).

fewer resources may be applied for cognitively-demanding strategic measures, stagnating the development of the said competence. In her own words (*ibid*:65):

As long as a critical mass of recurrent aspects of the translation process has not become automatized, such as typical language-pair specific transpositions, the execution of the respective tasks takes up so much working memory capacity that innovative (creative) strategic behaviour is not possible, or possible only to a limited extent. If creative behaviour nevertheless occurs, its results can be expected to be suboptimal because of the lack of cognitive resources for their critical evaluation.

Understanding competences as dynamic systems would mean to acknowledge the fact that competences are an ever-changing complex construct insofar a number of intrinsic characteristics and properties would emerge through interaction. That interaction of competences occurs at two different levels: on the one hand, the interaction with the environment in which they are embedded; and on the other hand, the interaction that follows their very self-organisation (De Bot *et al.*, 2007:8). This, the scholar argues, would lead to the inclusion of social-constructivist (emergentist?) and cultural aspects of translation into her translation competence model, since the interaction of both social and cognitive aspects of competences would be taken into account (Göpferich, 2013:64).

- The 2016 Kiraly model

Kiraly and Hoffmann (2016:72), when discussing translation competence and more particularly the PACTE, EMT, and Göpferich models included above, assert that virtually all existing translation competence models depict translation competence as something static, a “two-dimensional image of a meta-competence” divided into a number sub-competences, which fails to represent, in their opinion, the current post-positivist educational climate and the rather dynamic, organic nature learning is believed to have these days.

Argued the necessity to provide a translation competence model that truly takes into account the current post-positivist trends in education, Kiraly (2016) puts forward his very own suggestion on the competence debate building on the following aspects in an attempt to provide a framework for scaffolding the education process of translators-to-be through all stages of the process:

- His previous social constructivist approach to translator education (2000).
- Emergentism, as the epistemological backbone of his contribution⁹⁶.
- The Dreyfus and Dreyfus (1980) model of skill acquisition.
- Kelly's (2002, 2005) works on translation competence.
- Cognitive aspects of translation competence and translation competence development.

The model the scholar suggests is as follows:

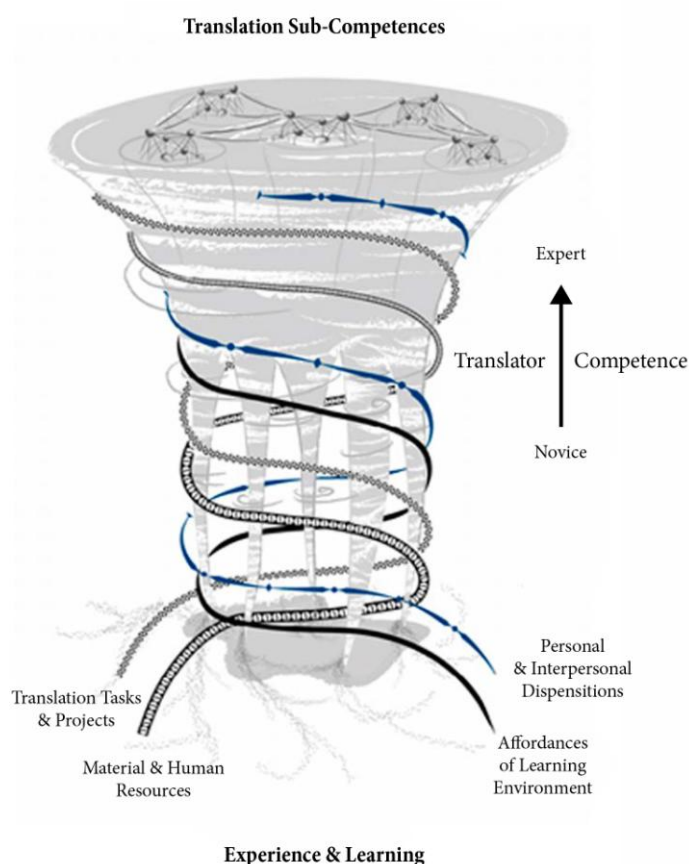


Figure 18 Kiraly's (2016) translation competence model

⁹⁶ 'Emergentism' as a step beyond social constructivist epistemologies, that is, as a form of complex (neo-Vygotskian) constructivism. See Section 1.2.3 on Emergentism above.

As can be seen in the figure above, this model does not represent a major breakthrough in terms of characterisation of translation competence (in fact, it builds on Kelly's model and indeed uses the very same translation sub-components and terminology⁹⁷). What it is, though, is an epistemologically based re-conceptualisation of the very construct, intended "to reflect the notion of perpetual dynamic change and growth over time" (*ibid*:71) that the scholar deems essential in all attempts to describe such a complex notion as competence.

The different sub-components of translation competence are understood as different vortices swirling up from the bottom and evolving into a single super-competence as translation students evolve from novices to experts. This, the scholar argues, adds a number of innovations to the way translation competence is conceptualised: the dimension of time, a dynamic quality that reflects the model's underlying emergentist epistemology, and "the features of the learning environment that can lead to the development of competence".

Kiraly's model stresses, that way, the importance of collaborative work, authentic project-based tasks and student-centred approaches in the education of future translators, what he understands as some of the "sources of affordances" that help shape and scaffold the said education process. Those affordances (more knowledgeable others —peers, lecturers—, learning resources, activities, team members, interpersonal disposition, cultural resources, linguistic resources, etc.) support, in his view, expertise development as an autopoietic process, that is, the self-perpetuating, self-regulating —complex— process of education (*ibid*:83), where students are empowered to address their education as main stakeholders.

3.2.2 Translation competence: an overview

The revision above is not meant to be a thorough compilation of all contributions put forward regarding the competence construct in our discipline. Quite on the contrary, it has been envisaged as a *fil conducteur* of the different trends and suggestions that have helped articulate the use of competences in translation education settings, providing the relevant insight on how our discipline understands competences and what exactly is that we deem essential in the education of future translators from a horizontal perspective in both epistemological and conceptual terms. This section aims precisely at refining the

⁹⁷ Except for Kelly's strategic competence, which Kiraly refers to as 'strategic workplace competence'.

ideas displayed above as a whole and grasp the ‘common grounds’ of the translation competence construct.

3.2.2.1 The conceptual evolution of the translation competence construct

All translation competence models through time understand competences as complex ensembles of skills, attitudes, procedural and declarative knowledge, judgement, etc., very much in tune with the competence models stemming from Human Resources and Differential Psychology. The terminological havoc I have referred to above seems, indeed, to apply in our discipline. This, as far as my opinion goes, makes the whole competence debate rather abstract, blurry, and it makes the whole process of articulating any educational approach through competences a rather complicated task, since the backdrop of those approaches, that is, the very notion of competence, lies on unsteady conceptual grounds.

An overwhelming majority of the said translation competence models, with the exception of Pym’s minimalist contribution, present a multi-componential view of the competence construct, and thus they understand translation competence as the emerging result of the activation and application of different forming sub-components. The first models of translation competence analysed, the contributions before 2000, understand the competence construct in linguistic terms almost exclusively and include comprehension, re-expression, pragmatic or processing skills as basic features of translation competence. Later models include broader, related aspects of translation. The most common sub-competences analysed cover the following aspects:

- **The (inter)linguistic reality of translation**, comprising communicative, textual, grammatical, lexis, and genre-related features, among others.
- **The extra-linguistic input**, referred to as the different cultural, encyclopaedic, thematic, subject domain, etc., knowledge that translators need to display in order to perform their tasks successfully.
- **The role of ICT and other sources of information**, frequently referred to as instrumental, or tools and research sub-competence. This component covers deficiencies on the former

two and provides the basic grounds of modern market needs (CAT tools, use of corpora, etc.).

- **The inter-personal and professional**, that is, the service provision element given the pre-eminently practical nature of our discipline. It covers aspects such as the declarative and procedural knowledge of the market and the profession, and dealing with neighbouring professionals (terminologists, editors, etc.), among others.
- **The psycho-physiological frame**, and sometimes also the psycho-motor frame, comprising elements such as the personality of the translator, memory, attention, motivation, self-concept, self-confidence, etc.
- **The strategic component**, that is, being able to step back from the text and apply the relevant mechanisms to render an accurate version of a text on a different language.
- **The transfer ability**, which is sometimes referred to as the overall translation competence and some other times included in the general component list with labels such as ‘translation routine activation competence’, etc.

3.2.2.2 The epistemological rationale

From an epistemological standpoint, with the exception of the two very last contributions in this work (those by Göpferich and Kiraly), all models seem to depict a rather static conceptualisation of translation competence where the different sub-components are identified, classified and measured. All sub-components seem to have the same weight in the model — and presumably the same importance— not only during the performance of a particular translation task, but also during its acquisition and in the later cognitive articulation of the said translation competence within the individual. This, Kiraly and Hofmann argue (2016:72) represents a clear positivist approach to the competence construct and seems to lead to a scenario where translation competence is expected to be acquired “in a step-by-step, cumulative and essentially linear manner”.

As we have seen above, both Göpferich' and Kiraly's latest contributions represent a step away from those positivist premises, analysing the competence issue as a complex, dynamic construct. The former does so through the Dynamic Systems Theory and acknowledges that sub-competences may not develop equally through the translators' education. In fact, as reflected above, they may evolve at different paths, the stagnation of some particular competences giving rise to the development of others. In her contribution, based on an efforts model that assumes limited working memory capacity, sub-competences stand as dynamic systems, that is, "sets of variables that are interconnected and thus interact over time", having a direct effect on the rest of variables. The more cognitive resources are allocated for a particular non-automatised task, the scholar argues, "the fewer resources may be applied for cognitively-demanding strategic measures, stagnating the development of a particular sub-competence" (Göpferich, 2013:62).

Similarly, Kiraly applies complexity thinking to his research on translation education through an emergentist perspective, refining his previous social constructivist views on the matter. The dynamism and the interdependence/imbrication of the different sub-components he puts forward are evident, and so they are successfully depicted in his whirlwind translation model above. The scholar (2016:71), quoting Kelly (2007:137), warns against a rigid modularisation of translation education following positivist approaches and translation competence models, since they may render a complicated picture for students to grasp and establish the relevant relations between the different components of translation competence. Kiraly's emergentist competence model calls, this way, for particular post-positivist educational approaches and implications regarding curriculum development and classroom methodology, namely the use of authentic materials in the classroom, the very concept and application of a negotiated curriculum and syllabus design (Jeffs & Smith, 1990), and student-centred, scaffolded education where the whole learning process stands as an enactive, emancipatory, empowering act for the student.

3.3 On the explosion of competences and its application in translation educational settings

In this chapter I have presented a multi-faceted approach to the competence construct, providing a thorough contextual framework based on a vertical analysis of competences regarding the major fields that have contributed to the competence debate: Human Resources, Psychology, Pedagogy, Education Studies,

etc. The different conceptualisations and characterisations have been presented in a longitudinal fashion, in an attempt to see the evolution of the construct together with its epistemological underlying rationale.

Throughout these pages, the competence construct has been argued to be a complex, reductionist tool, where different features seem to overlap, complement, and even contradict each other at times according to the myriad of definitions and applications put forward. For the sake of clarity and coherence, a working definition of the construct has been provided, understanding competences as “a polyhedral, complex construct composed of a dynamic cluster of forming elements that apply to specific, situated work conditions. Knowledge, skills, behaviour, and attitudes, whose weight in the overall competence construct may vary according to the particular task to be performed, play the most relevant role in the said cluster”.

Next, the imbrications of competences and expert knowledge, understood as the measurable manifestation of expertise in an individual, have been examined. It has been argued, in tune with other relevant contributions, that relevant research on both areas could be particularly enriching since they cover different aspects in the ever-going education process of individuals, given the role of expertise as an extension of the competence construct.

The same approach has been adopted in our discipline, and the major contributions to the competence debate in Translation Studies have been examined, paying special attention to the features and characteristics the different models of translation competence have deemed essential in the education process of future translators. Intentionally, the models analysed have not been divided according to the empirical basis of the suggestions, or lack thereof. Indeed, in tune with Kiraly (2016:74), I believe competences comprise no other than socially constructed knowledge. Competences are what we as a whole decide that competences are, and therefore the intuitive, observational contributions of trustworthy scholars and other relevant stakeholders have been given the same value as empirical research projects, focusing on the evolution of the concept rather than the nature of the suggestions.

All in all, the three first chapters of this dissertation have been intended to present and argue why competences, despite being a reductionist tool with blurry boundaries and unsteady grounds, have become an indispensable mechanism to arrange, execute, and evaluate the performance of an individual and the different

stages of their education process. Indeed, one could trace back the epistemological rationale underlying the boom of competences, heavily rooted in post-positivist discourses becoming mainstream in educational settings in the 1990s and progressively permeating all aspects of reality. Similarly, the institutional framework higher education is ascribed to, EHEA, has adopted these premises and has built a whole institutional structure fostering and promoting competences in an attempt to standardise the European higher education scenario. It seems, then, that competences have legitimately become the norm and tool to shape education, hence the need of this very chapter.

The following chapter covers the specific nature and characteristics of specialised translation, namely legal translation, and how the education of legal translators is currently articulated and presented. After conceptualising legal translation itself, the different specific competence-related contributions will be examined, aiming at drawing an accurate picture of legal translation education and pedagogy in Spain.

CHAPTER 4 - LAW. TRANSLATION. AND PEDAGOGY.

Our current global(ised), trans-national scenario requires, more than ever, specialised, multilingual knowledge and communication management systems in order to answer an ever-growing demand of internationalisation. The social, economic, financial, and legal matters have become shared concerns beyond domestic policies and regulations; and thus the need for expert, effective communication has enjoyed unprecedented momentum for the last couple of decades. This, many would argue, has led to increasing research interest in professional, specialised communication and the role that specialised languages play in the whole process (Alcaraz, 1994, 2007; Mayoral Asensio, 2004, Borja, 2000, 2005; Gunnarson, 2009, García Izquierdo, 2012, Borja & García Izquierdo, 2014; Engberg, 2014, 2015).

Following that rationale, this chapter will analyse legal translation and legal translation education in the current EHEA-embedded context. Indeed, legal translation is commonly believed to represent one of the finest, most complex forms of translation (Cao, 2007:3), an ability that requires “special skills, knowledge and experience” of those who dare to embark such journey, “combining the inventiveness of literary translation with the terminological precision of technical translation”. Hand in hand with those beliefs, the first part of the chapter will explore the legal discourse and the nature and characteristics of specialised (legal) language within its overall general language framework, in an attempt to set apart its features, particularities, and implications in the translation activity. Similarly, legal translation will be characterised and looked into, emphasising aspects such as the features that render a particular text a ‘specialised’ piece of writing and how legal translation differs from other types of specialised translation given its culture-bound, legal system-bound nature.

Indeed, the Law, one of the fields legal translation stems from, determines the special nature of legal translation. As will be argued below, legal systems are rooted in political, social, historical, and cultural bases and so they conceptualise universal concepts, generally thought to be independent, static, and unique to all things living, in a rather diverse fashion. The importance of the subject matter in legal translation is therefore of uttermost importance, entailing a number of consequences not only in the way legal translation is performed, but also in the very way legal translation is taught and learned. Therefore, the implications of the legal input legal translators require and the impact of the field in legal translation

competence development will be highlighted, paying special attention to the way it differs from the translation competence models included above.

Without over-simplifying its nature and characteristics, this chapter aims to conceptualise and provide an informed picture of legal translation that allows for post-positivist education approaches to take place, keeping in mind the methodological and pedagogically grounded challenges it (re)presents in the education process of legal translators-to-be.

It may be safe to point out that this dissertation focuses mainly on legal translation and legal translation education from a European perspective. Other legal systems using the same linguistic codes as the ones analysed below (Latin American countries, the US, Australia, etc.) have been omitted —but not ignored— along this work. The reason for doing so stems partially from two beliefs. On the one hand, research on legal translation and legal translation education is not as fertile as in the countries involved below, and including such new perspective would alter the narratives and the dimensions of this dissertation, addressing new idiosyncratic modes of legal thinking, legal institutions, sources of the law, etc. On the other hand, questions related to legal anisomorphism even between countries sharing a language would arise, complicating the characterisation of the subject of study. At the end of the day, this dissertation has argued the situated nature of knowledge and education, so it follows that situating legal translation in our particular circumstance may be the right decision to make, even acknowledging that all this work is able to offer is a segmented aspect of reality.

Similarly, questions related to other influential legal families (Islamic, Chinese, Socialist, mixed jurisdictions, etc.) have also been saved for later research. Hong Kong, for instance, which is the only common law jurisdiction operating in Chinese, would in itself offer endless opportunities for research exploring what many have qualified as “an uncharted domain in legal discourse” (Cheng & He, 2016:59). The same could be said about Québec or Louisiana, where two legal systems, and in the former, two languages, co-exist. It is only through framing this work and setting the relevant boundaries that this chapter can be addressed.

4.1 Legal Translation

Language is central to the Law. It articulates legal thought, it shapes legal concepts and it serves law practitioners to bury sensitive information in their texts, to omit, shrewdly, particular elements, and even to do the very opposite: to overwhelm readers with countless specifications for the most varied scenarios. Legal language allows its users to protect the *status quo* of their profession, and thus it is revered accordingly and used solemnly, creating a gap between the mundane, layperson's language, and the language of the Law.

The terminological and syntactical complexity of legal language is indeed one of its most straightforward characteristics, one of the first obstacles translators-to-be face throughout their respective legal translation modules. Groucho Marx' eternal lines (1935) on the *party of the first part*, which *shall be known in this contract as the party of the first part*, reflect the common belief that legal language, as a form of specialised language, seems to have little in common with the features and characteristics of general language. As argued below, this very concern, that is, whether specialised language belongs to general language as an applied, specialised use or, by contrast, it stands as a unique kind of discursive practice with idiosyncratic characteristics, has been referred to extensively by many, presenting a far-reaching number of contributions and suggestions to that concern.

In the field of legal translation education, it goes without saying that transferring particular specialised knowledge from a linguistic system to another requires a relevant insight on how language is used by the members of the discursive community where a particular text is embedded, making legal language, or the specialised use of the translator's working language, the very first step for the categorisation and any possible reflection on legal translation pedagogy together with its current practices and underlying epistemological beliefs.

4.1.1 Framing specialisation

Setting the boundaries between general language and specialised languages may prove to be more complex than the layperson would acknowledge at first sight. Indeed, traditional conceptualisations of specialised languages as sub-languages seem to be challenged these days, following, among others, "the inclusion of cognitive aspects like the necessary individuality of knowledge and the on-going process of knowledge construction" (Engberg, 2010). As Juste (2016:20) points

out, the different approaches to the matter have been extensively discussed in the literature, in most cases resulting in two main trends: on the one hand, those who see a clear, categorical difference telling them apart (Sager *et al.*, 1980; Kretzenbacher & Weinrich, 1994); and on the other, those who acknowledge a discursive continuum constructed through particular uses of the language (Gläser, 1982; Varantola, 1986; Jacobi, 1987; Ciapuscio, 2003; García Izquierdo, 2007).

Among the first group, the contribution of Sager *et al.* (1980:69), providing a definition of what they call 'special languages', reflects a rather restrictive conceptualisation of the matter, since they limit the spectrum of specialised languages to the use of the language that specialists make in the course of their 'specialised communication'. In their words, specialised languages are meant to be the "semi-autonomous, complex semiotic systems based on and derived from general language: their use presupposes special education and is restricted to communication among specialists in the same or closely related fields". Based on such conceptualisation, communication acts between a specialist and a layperson, for instance, may not be considered 'specialised' since the receiving end would lack the 'special education' the authors deem necessary for specialised language to unfold. Similarly, this conceptualisation would also pose ontological questions regarding the translation activity itself, again regarding the 'special education' and the status of speakers as specialists. Translators are broadly believed by their field domain specialists not to be full members of the professional community to which, or from which, they translate. Building on those grounds, one could argue whether the translator, in their capacity as an inter-linguistic agent, should be able to produce a specialised text at all, using a specialised language that belongs to a field they have not received the canonical education the other specialists have. This, despite not being the goal of this work, would be an interesting train of thought for the eternal debate on the suitability of the best specialised translators, either specialists trained in languages or linguists trained in the particular subject matter.

Other scholars, like García Izquierdo (2007:120), argue that specialised languages share most of their features with general language, and indeed it would be impossible to know and use a specialised language without mastering its common, everyday uses. Following her thought, a specialised text cannot be drafted without the use and support of the syntactic, terminological, grammatical, morphological, lexical, and phraseological features of general language, since general language articulates specialised language and becomes the reference framework under which specialised languages can exist. Specialised languages are therefore

perceived as sub-systems within general language. As sub-systems, they are related to a particular, specific field, and respond to pragmatic situations marked not only by the speakers, but also by the communicative act in question and the purpose, function and intentions of the specialised communication taking place (Marimón Llorca & Santamaría Pérez, 2007, quoted in Albarrán Martín, 2012:107).

Elaborating on that idea, Pérez Hernández (2002) works on Lehrberger (1986:22) and speaks of the different features characterising specialised languages as opposed to general language:

- Specificity of the topic
- Lexical, syntactic, and semantic restriction
- Specific 'uncommon' grammar rules
- High frequency of particular linguistic constructions
- Text macro-structure
- Use of specific symbols

The scholar, from a pragmatic standpoint, adds to that list the specific language uses involved and the communicative context around the text, framing and contextualising the specialised communication act.

The two approaches to the nature of specialised language reflected above, be it a component of general language or a rather independent system, are rightfully addressed by Juste (2016:20), who believes that the former, and so I agree with her view, represents a more functionalist, open conceptualisation of specialised languages, a characterisation that suits the nature of this dissertation. Thus, for the purpose of this work, specialised language is to be understood as a continuum regarding the different uses of general language, where several degrees of specialisation occur. Therefore, specialised communication acts will be understood to be not only those that take place in the course of specialised communication between specialists, but also those between a specialist and a layperson, widening the scope of some of the contributions above and rendering a richer, more complex picture in what specialised communication is concerned.

Under this latter perspective, Cabré has studied extensively the relationship between general and specific language, namely the use that specialised translators

make of terminology (1993, 2002, 2004). In her view, specialised communication is characterised by the specificity of the field, which is reflected in the terminology a particular text displays. Specialised knowledge, she argues (2000:2) is condensed in the number of terms appearing on a text, which is proportional to the cognitive density of the text in question. On a different work (2002:14) the scholar elaborates on a scale aimed at determining the degree of specialisation of a text according to a number of variables: the field it is ascribed to, the main function of the text, the expected audience, the communicative strategy, etc. The more specialised a text is, she concludes, the higher the terminological load, together with higher precision, concision, systematicity, monosemy, and univocality. On the opposite side, the lower the specialisation of a text, the more ambiguity, redundancy, synonymy and use of paraphrases will be found along its lines.

Regarding their very nature, the scholar (1993:128) speaks of specialised languages as the ensemble of linguistic sub-codes marked by both the field where the specialised communication act is ascribed and a number of pragmatic parameters related to the speakers and the communication act in question, including the amount of information shared by the speakers, their intention, the purpose of the text, the context involving the communication act, and the type of communication, among others. The definition Cabré works with is sensitive, as one may appreciate in her words, to any communicative act taking place outside the orthodox 'between specialists' communication.

Closely linked to the abovementioned complex definitions of specialised language, Juste (2016:20) shifts her attention to specialised texts and speaks of their underlying linguistic, pragmatic and functional characteristics. The linguistic aspects, she argues, include the relevant grammar, semantics, terminology, and lexis; pragmatic aspects refer to the specialised field in question and the speakers involved, who share varying degrees of specialised knowledge and a mutual intention; and the functional aspects are related to the different communicative situations where those texts, in a clear, objective, precise fashion, are embedded.

Among the many existing specialised languages and technical dialects, in an attempt to narrow down the scope of this reflection and focus on the main aim of this dissertation, Castelló (2000:15) speaks of the different 'languages of power' that are simultaneously used in public institutions: legislative language, used to draft the relevant legislation; legal language, used in order to apply and set in motion the said legislation; and administrative language, used in the everyday

relations between the institutions and the citizens. To that, one could argue that the influence of international relations and globalisation has rendered a unique picture where commercial, economic, and financial language, and especially their intersection with legal language, is also worth of study, especially given the impact it may have in the education process of future translators. Indeed, the overview of the different syllabi of the legal translation-related modules in the Spanish universities above⁹⁸ seems to reaffirm this assertion, since legal translation is constantly paired with commercial, economic and administrative content.

4.1.1.1 Legal language(s)

- Characterising legal language

Legal language, insofar it reflects a situated, socially embedded reality, does not fully share all the features and characteristics that other specialised languages stemming from the world of exact sciences or natural sciences display in their texts. Indeed, legal language, and the same applies to legal language users, is adamant about the role that rhetoric, among other stylistic resources, plays in its characterisation. The way concepts are explained, the wording, and the thematic progression of a given legal text is a clear reflection of a particular view of the world, far from the very much sought objectivity of other specialised languages. This has led a number of scholars, Gandouin (1986:84), among others, to doubt about the specialised nature of legal language, since the abstraction legal texts present may not be aligned with other (more?) scientific counterparts representing more static, unchanging realities. To that, scholars like Borja (2000:11) argue that the legitimation of legal language stems from the high degree of specificity its texts display, even if it does share a number of features of both specialised and general language. At the end of the day, legal language represents a socially mediated system that adjusts to changing social requirements.

An early, but still relevant definition of legal language may indeed be found in Borja (2000:11), when she refers to legal language as the language used both in the relations between the public power (in all its legislative, executive, and judicial branches) and its citizens, and, similarly, the language used when settling legally-bound relations between individuals (contracts, wills, etc.). Also, regarding the way legal language has traditionally been conceptualised, Way (2003:227) presents a very rich overview of how the concept has evolved and has been characterised in

⁹⁸ See 2.3.3.1 above on legal translation in the Spanish undergraduate TI degrees.

time, speaking of the importance of Mellinkoff (1963) as one of the very first scholars addressing legal language and its implications. The scholar, who understands the Law as 'a profession of words', was indeed one of the first authors to offer a remarkably accurate portrayal and analysis of the features of legal language.

Other important contributions are those from Danet (1980), about the language of legal processes; Gustafson (1984), on binomial expressions in legal English; Bhatia (1984, 1993, 1994, 1997), on legislative provisions and the role of genres shaping the legal discourse; Goodrich (1990), on the rhetoric of the legal discourse; Maley (1994), on the language of the law; Gibbons (1994) or Tiersma (1999), on the very same grounds; Haigh (2009), on a detailed depiction of the stylistics, pragmatic and linguistic features of legal English; or Williams (2004, 2011), on the nature of legal English and the different Plain English campaigns.

Regarding the studies linking translation, the Law, and legal language, one may find, among others, those from Hickey (1993, 1996, 2005), on equivalence in legal translation and its application in the legal translation classroom; Mayoral (1999a, 1999b, 1999c) on sworn translation, Tomaszczyk (1999), on the features of legal language and legal translation; Mayoral (2003), on the translation of official documents; Alcaraz (1994, 2001) on English legal languages, especially legal terms; Borja (1998, 2000, 2007b, 2013) on linguistic and genre-related aspects of legal translation and the legal discourse; Alcaraz and Hughes (2002), on legal Spanish, or Garner (2002), on the style and legibility of normative and administrative texts.

As both Way (2003:227) and Juste (2016:24) acknowledge, and very much in line with Castellón (2000:15) above, different labels have been used in order to define the different sub-divisions and scenarios where legal language may be used. This phenomenon answers the very different communicative purposes legal language serves, which translates to a relevant number of legal, or legal related contexts where the tag 'legal language' is applicable. Besides the abovementioned languages of power, Zunzuegui (1992), for instance, puts forward a different classification and speaks of the following sub-divisions: *legal language*, that is, the language used in legislation and written legal texts; *judicial language*, that is, the one used by judges while applying and administering the law; and *legal meta-language*, that is, the one that articulates legal science.

In fact, Juste (*ibid*) also echoes that very same multivocality, this time applied to the intersection between administrative and legal language. While scholars like Borja (2000:11) speak of legal language and administrative language as two distinct sub-systems in an attempt to provide a better characterisation of specialised languages, Juste prefers to use the 'legal-administrative' label since, she argues, the differences that one may appreciate in both sub-systems do not affect the linguistic mechanisms shaping the documents in either field. Indeed, the characterisation and boundaries of legal language are vital, since they have a direct impact in what we understand as legal translation. If legal translation is understood as the translation of legal texts, then it follows that the use of such combined, hybrid labels (legal-administrative, legal-financial, etc.) broadens the scope of the study and the discipline itself, even if that takes place at the expense of a resulting potential confusion regarding the delimitation and characterisation of the discipline.

Be what it may, and working partially on Bourdieu (2001:173), a number of general features of legal texts may be drawn, prior to the brief characterisation of legal English and legal Spanish that is presented below:

Specificity. Legal language needs to be specific in its aim to regulate social affairs. Univocality stands as one of the mechanisms used, which, at the end of the day, relates to the nature of specialised terms, as seen above. Specificity is achieved, then, through legal terminology and complex grammatical features, sometimes even in frontal opposition to general language use.

Universalisation. Legal language aims, rather ambitiously, at eternal validity. As long as no other later legal text elaborates on its premises, amends its content, or declares the text in question without any value, effect, consequence, or significance, legal texts are deemed universal, since they reflect a legally-bound, consensus-reaching agreement between the parties involved.

Neutralisation. The most important aspects of legal texts are the different facts and data they display. The law is rational, unbiased, and thus legal institutions objectify individuals and turn them into abstract behaviours within the structure of society.

Defamiliarisation. The universalisation goal above results in a subsequent lack of interest in the person(s) drafting a particular legal text. The author is deemed

irrelevant as long as the resulting legal text has the effect sought. Defamiliarisation allows the author to distance themselves from their text and thus it becomes an objective, specific, universal, neutral portrayal of the state of the affairs.

- The Spanish legal language

The idiosyncratic features of legal Spanish, and the same could be applied to legal English below, respond to a myriad of factors. One could indeed analyse it from historical perspectives, but also geographical, functional and of course linguistic standpoints, among many others. From a linguistic approach, legal language conveys the transmission and the expression of specific law-related areas of knowledge, hence the weight of the conceptual input legal texts display, together with their particular terminology, lexical restrictions, and specialised grammatical features. Scholars like Lobato (2007), Gutiérrez Álvarez (2010), or Juste (2016) provide a very interesting insight on the linguistic features of legal Spanish. The contributions of the said authors, after a careful analysis and comparison, have been grouped and displayed in the tables below, gathering the main ideas and providing a rounded vision of the main features of legal Spanish.

| Lexis, semantic and phraseology level | |
|---|---|
| - Lexical restrictions (complex, ritualistic, archaic language) | |
| - Nominalisations | <i>en la tramitación del presente documento</i> |
| - Specialised terminology | <i>diligencia, providencia</i> |
| - Redundancy and use of doublets | <i>cálculo y valoración de los locales</i> |
| - Use of abbreviations and acronyms | |
| - Use of Latinisms | <i>in fraganti, ab initio, iuris tantum</i> |
| - Use of learned words | <i>dolo</i> |
| - Use of set phrases | <i>y para que así conste, por esta mi sentencia</i> |
| - Use of technical terms | <i>fehaciente, diligencia, elevar un escrito, incoar un expediente, librar un certificado</i> |
| - Use of Delfic terminology, that is, legal terms with a different general language meaning | <i>Justo, correcto, garantías</i> |
| - Co-existence between mainstream | <i>contrato, hipoteca vs. cohecho, litisconsorcio</i> |

| | |
|---|--|
| legal language and specialised legal language | |
|---|--|

Table 17 Lexis, semantic and phraseology features of legal Spanish [adapted from Lobato (2007), Gutiérrez Álvarez (2010), and Juste (2016)]

| Grammatical and syntactic level | |
|--|---|
| - Dense, 'disorganised' syntax | |
| - Impersonal constructions through the use of infinitives, participles, etc. | <i>se procede a incoar Diligencias Previas por tratarse de hechos susceptibles, tal y como vienen expresados, de integrar una infracción legal</i> |
| - Set, fixed, repetitive structures | <i>por la presente se autoriza</i> |
| - Lack of articles | <i>contra el auto resolutorio de la declinatoria procede recurso de apelación</i> |
| - Emphasis through demonstrative adjectives | <i>por ésta nuestra resolución</i> |
| - Use of the passive voice | <i>el Demandante fue posteriormente interrogado</i> |
| - Abundance of (parenthetical) remarks, and specifying aside comments | |
| - Abundance of anaphoric elements | <i>dicho, mencionado, citado, expresado</i> |
| - Abuse of subordinate phrases | |
| - Use of indicative mode | <i>no ha lugar la adopción de las medidas cautelares</i> |
| - Use of present simple expressing timeless actions | |
| - Legal future expressing obligation | <i>entrará en vigor</i> |
| - Use of future imperfect tense, in the subjunctive mode | <i>Si una Comunidad Autónoma no CUMPLIERE las obligaciones que la Constitución u otras leyes le impongan, o ACTUARE de forma que atente gravemente al interés general de España</i> |
| - Frequent use of the imperative mode | <i>particípese, notifíquese</i> |

| | |
|---|---|
| and periphrasis implying the imperative mode | |
| - Use of the third person | <i>declara, solicita</i> |
| - Use of the ablative absolute clause | <i>Finalizado el plazo de presentación de solicitudes, el tribunal ordenó...</i> |
| - Use of evaluative adjectives in long noun phrases | <i>La Constitución se fundamenta en la INDISOLUBLE unidad de la Nación española...</i> |
| - Extensive use of the gerund | <i>1º AUXILIANDO a los autores o cómplices para que se beneficien del provecho, producto o precio del delito, sin ánimo de lucro propio.</i> <i>2º OCULTANDO, ALTERANDO o INUTILIZANDO el cuerpo, los efectos o los instrumentos de un delito, para impedir su descubrimiento.</i> |

Table 18 Grammatical and syntactic features of legal Spanish [adapted from Lobato (2007), Gutiérrez Álvarez (2010), and Juste (2016)]

To the lexical and grammatical features above, an ensemble of stylistic traits have also been put forward, rounding the formal depiction of the Spanish legal language and providing the rationale for particular lexical and syntactical choice above. That is the case of Alcaraz (2001:23), summarising the idiosyncratic stylistic features of legal Spanish as follows:

| Overall stylistic features | |
|---|--|
| - Marked preference for highbrow, archaic, grandiloquent language | <i>No existiendo costas en la apelación de la presente causa, resulta OCIOSO pronunciarse sobre las mismas</i> |
| - Marked preference for stereotyped, fixed phraseology | <i>Líbreanse certificaciones de la presente resolución para unir al rollo de su razón y remisión al Juzgado de procedencia junto con las actuaciones originales, quien cuidará del cumplimiento de lo acordado</i> |
| - Neologisms | <i>Precisamente el recurrente sostiene que por</i> |

| | |
|---------------------------------|--|
| | <i>hacer una cosa no pudo hacer la otra, lo que le supuso la INASISTENCIA al acto del plenario....</i> |
| - Expressive lexical redundancy | <i>Sentencia Nº 1.105/1993 “SEGUNDO.- Por PRESENTADA, TURNADA Y REPARTIDA la anterior demanda es este Juzgado...</i> |
| - Nominalisation | <i>Carece, pues, de consistencia el argumento de que la no FIJEZA en la contratación suponga un plus retributivo...</i> |

Table 19 Overall stylistic features of legal Spanish [adapted from Alcaraz (2001:23)]

Similarly Morales Pastor (2004) suggests, from a similar standpoint, another set of stylistic features of legal Spanish:

| Overall stylistic features |
|--|
| - Aspiration towards objectivity and neutrality, bringing along impersonalisations and the use of learned words and rhetoric constructions |
| - Functionality, aiming at effective communication |
| - Precision and coherence, supressing connotative meanings, which imply ambiguity, and focusing on denotative terms |
| - Clarity, sought through definitions and the extensive use of details and exceptions |
| - Normativity, where the conative function of language prevails through the use of the imperative mode and present subjunctive |
| - Use of abbreviations, and phraseological/terminological set phrases |

Table 20 Overall stylistic features of legal Spanish [adapted from Morales Pastor (2004)]

All the features included in the tables above contribute to the halo of occultism and esotericism the law is frequently associated with, as Marx’ illustrating —and laughter provoking— quote in the introduction of this section reminded us. The key to humour, in that particular case, was based in the authenticity upon which the gag was built. Indeed, as many would argue (Rodriguez Aguilera, 1969; Hernando de Larramendi, 2001; Alcaraz & Hughes, 2002; Morales Pastor, 2004; Gutiérrez Álvarez, 2010, among others) the opacity and liturgical nature of Spanish legal language stands as one its main characteristics, around which the rest of

traits unfold. This prominent, idiosyncratic feature of legal language may respond to two particular parameters:

On the one hand, Juste (2016:27) speaks of the aspirations of the law and legal language as something unchanging, unbiased, clear and impersonal; something from which concepts such as security, safety, and order emerge. Similarly, Páez (2001:1) recalls the duty of the law to provide legal security to the citizens, and Jenkins (1980:98) mentions that the law “embodies the ideals and standards people have and seek to realise in such concepts as equity, justice, rights, liberty, equal protection and the general welfare that enter the body of Law”. Hence, one could say that legal language resorts to those particular features in an attempt to universalise its aspirations and realise its ontological significance.

On the other hand, though, abandoning all ontological discussions and reflecting on more mundane matters, legal language is conservative *per se* since it acts, as already stated above, as a shield protecting the legal professions. All campaigns aimed at facilitating, or narrowing down the bridge between legal language and general language are generally doomed to fail, since the legal profession uses their ritualistic language as a communication tool, for sure, but also as a legitimation element shaping their profession.

- The English legal language

Legal English shares many of the defining characteristics of legal Spanish inasmuch as they both stand as a parallel manifestation of a similar normative, performative, technical, and indeterminate nature. It is in that capacity, given the characteristics and functions of the law, that they have both developed, hand in hand, their respective lexical, phraseological, semantic and syntactic features; accommodating, that way, the idiosyncrasies of the legal system they represent (Cao, 2007:20).

Haigh (2009:2) reflects on the very origins of English and legal English in order to trace the particularities of the said specialised language. Indeed, the scholar reflects on the mixture of languages contributing to contemporary English, and highlights the role of French and Latin in shaping the legal English discourse (*ibid*:2). The Norman invasion of England in 1066, he asserts, led to a period of 300 years where French was indeed the language of all legal proceedings, hence the sheer number of French-related legal words these days having their roots on that very period (‘estate’, ‘executor’, ‘tenant’). In parallel, Latin was kept as a highbrow,

learned language used almost exclusively in formal records and statutes. It follows, since only a minority was fluent in Latin at the time, that Latin “never became the language of legal pleading or debate” despite its overall weight in the process.

Overall, regarding the sources of difficulty of legal English, Haigh (2009:3) speaks of a number of particular writing conventions: peculiar structures, insufficient punctuation, foreign set terms and phrases (‘inter alia’ for ‘among others’), unusual pronouns (‘the said’, ‘the aforesaid’), together with the conceptual/terminological inherent difficulty of the legal discourse. After a brief depiction of the sources of difficulty, the scholar provides an exhaustive, linguistically oriented insight of legal English before putting forward a number of recommendations and guidelines regarding the very elements of legal writing, punctuation, basic standards and style. Indeed, scholars like Williams (2004), who advises that not all legal texts necessarily contain all the features outlined but most of them do (*ibid*:115), Cao (2007), regarding legal translation, or the very Haigh (2009) provide a very interesting insight on the linguistic features of legal English, which are summarised below.

| Lexis, semantic and phraseology level | |
|---|--|
| - Use of rarely used, archaic words and expressions | <ul style="list-style-type: none"> - verbs: <i>darraign</i> (to clear a legal account or settle an accusation or controversy) - nouns: <i>surrejoinder</i> (the answer by the plaintiff to a rejoinder by the defendant) - multiword expressions: <i>malice aforethought</i> or <i>residuary devisee</i> |
| - Use of foreign words and expressions | <ul style="list-style-type: none"> - from Latin: <i>mutatis mutandis</i> (changing whatever needs to be changed), <i>bona fide</i> (good faith), <i>mens rea</i> (guilty mind), <i>ex parte</i> (on behalf of), <i>ratio legis</i> (the principle behind a law) - from French: <i>profits à prendre</i> (right of common), <i>acquis communautaire</i> (the entire body of EU law) |
| - Use of legal terms of art | <ul style="list-style-type: none"> - those familiar to the layperson: <i>patent, share, royalty</i> - those unfamiliar to the layperson: |

| | |
|--|---|
| | <i>bailment, abatement</i> |
| - Use of legal jargon ⁹⁹ | - verbs: <i>to annul</i> (to declare that something is no longer legally valid); <i>to bequest</i> (to hand down as an inheritance property other than land) - nouns: <i>emoluments</i> (a person's earnings, including salaries, fees, wages, profits and benefits in kind); <i>provenance</i> (the origin or early history of something) |
| - Lexis whose legal meaning differs from its ordinary meaning | - <i>consideration (legal): act, forbearance, or promise by one party to a contract that constitutes the price for which the promise of the other party is bought</i> - <i>consideration (ordinary): (1) careful thought, (2) a fact taken into account when making a decision, (3) thoughtfulness towards others</i> |
| - Use of doublets and triplets | <i>null and void, fit and proper, agree and covenant, hold, possess, and enjoy; pay, satisfy, and discharge</i> |
| - Words like hereof, thereof, and whereof (and further derivatives ending in -at, -in, -after, -before, -with, -by, -above, -on, -upon | <i>the parties hereto, the provisions contained hereinafter</i> |

Table 21 Lexis, semantic and phraseology features of legal English [adapted from Williams (2004), Cao (2007), and Haigh (2009)]

| Grammatical and syntactic level | |
|---|---|
| - Extensive use of conditions, qualifications and exceptions to express complex contingencies, often creating linguistic barriers | |
| - Multiple negations | <i>a decision vacating an injunction prohibiting the state from requiring a sex offender to</i> |

⁹⁹ Legal jargon comprises words used by lawyers, which are difficult for non-lawyers to understand. Jargon words range from near-slang to almost technically precise words Haigh (2009:4).

| | |
|--|--|
| | <i>register</i> |
| - Abundant use of prepositional phrases | <i>in respect of, in accordance with, pursuant to</i> |
| - Frequent repetition of words, expressions and syntactic structures instead of pronoun references or other types of anaphora in an attempt to reduce any possible ambiguity | <i>Powers of vice-chair 11. Where - (a) a member of a Board is appointed to be vice-chair either by the Assembly or under regulation 10, and (b) the chair of the Board has died or has ceased to hold office, or is unable to perform the duties of chair owing to illness, absence from England and Wales or any other cause, the vice-chair shall act as chair until a new chair is appointed or the existing chair resumes the duties of chair, as the case may be; and references to the chair in Schedule 3 shall, so long as there is no chair able to perform the duties of chair, be taken to include references to the vice-chair</i> |
| - Use of long, complex sentences, with intricate patterns of coordination and subordination ¹⁰⁰ | <i>(2) If, after informing the supervisory authority concerned under subsection (3), any measures taken by the supervisory authority against the insurance undertaking concerned are, in the opinion of the regulatory authority, not adequate and the undertaking continues to contravene this Act, the regulatory authority may, after informing the supervisory authority of its intention, apply to the High Court for such order as the Court may seem fit, in order to prevent further infringements of this Act, including, insofar as is necessary and in accordance with the Insurance Acts 1909 to 2000, regulations made under those Acts and regulations relating to insurance made under the European Communities Act 1972,</i> |

¹⁰⁰ Legal drafting tends to insert qualifications right next to the word they are meant to qualify, even at the cost of making their legislative sentence inelegant, awkward or tortuous but never ambiguous (Bhatia, 1993:111).

| | |
|--|---|
| | <i>the prevention of that insurance undertaking from continuing to conclude new insurance contracts within the State</i> |
| - Frequent use of passive constructions ¹⁰¹ | <i>The acronym EURES shall be used exclusively for activities within EURES. It shall be illustrated by a standard logo, defined by a graphic design scheme. The logo shall be registered as a Community trademark at the Office for Harmonization in the Internal Market (OHIM). It may be used by the EURES members and partners</i> |
| - Tendency towards nominalisation | <i>An amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized</i> |
| - Use of performative markers | - modal verbs: <i>shall, may</i> - verbs: <i>declare, announce, undertake, enact, confer</i> |

Table 22 Grammatical and syntactic features of legal English [adapted from Williams (2004), Cao (2007), and Haigh (2009)]

| Overall stylistic features |
|---|
| - Spare punctuation |
| - Impersonal style: use of the passive voice, use of the third person (impartiality and authoritativeness), use of impersonal expressions (every person, everyone, no person, no one) |
| - Aspirations towards clarity, sought through definitions and the extensive use of details and exceptions, effectiveness, and consistency |
| - Use of abbreviations, and phraseological/terminological set phrases |

Table 23 Overall stylistic features of legal English [adapted from Williams (2004), Cao (2007), and Haigh (2009)]

¹⁰¹ Approximately one quarter of all finite verbal constructions in prescriptive legal English take the passive form (Williams, 2004b:228).

4.1.1.2 Legal texts

Legal language, either Spanish, English, or any other, is arranged and organised through socio-linguistically agreed, conventionalised patterns in order to address particular communicative situations. Legal texts are indeed the instrument through which the legal function of a text is shaped and articulated, and it is the legal text, and not legal language itself, the element setting the boundaries and constraints regarding the legal translator's task. Texts, inasmuch as they represent a whole, compartmentalised, communicative and semiotic unit, have significant idiosyncratic value for the translator, who may address questions such as the function of the text, the expected audience, or the main communicative purpose of the text in question prior to the translation process. At the end of the day, legal texts cannot be extracted from the context where they are embedded and thus they situate the legal discourse in a network of related inter-textual cross-references and relations, a valid starting point from which to tackle the translation of a text.

Still, as argued above, legal language is used as a tool for countless legal-related activities with a number of performative and otherwise purposes. The language of the law is far from homogeneous, especially when hybrid labels are introduced (legal-financial, legal-administrative, etc.), giving rise to a number of legal discourses with their own characteristics and features. Indeed, as Borja (2001:29) points out, despite presenting many similar linguistic characteristics, every branch of the law does have their very idiosyncratic nature, leading to comparability problems not only among the different branches of a legal system, but also when one tries to confront different legal systems embedded in different legal cultures. A positive note, she argues, may be found in the use of text genres as a platform combining the communicative, cognitive and formal aspects of legal texts. Given the tendency of legal drafting towards conservatism and the perpetuation of rigid, stereotyped text forms, the scholar advocates the use of text genres not only when it comes to classifying legal texts but also as a platform around which to structure the legal translation activity.

In any case, as we can observe below, building on Way (2003), Lobato (2007) and Cao (2007), among other contributions, many a model has been put forward regarding the very different conceptualisations and classifications of legal texts, according to various parameters and criteria. As part of her doctoral dissertation, for instance, Valderrey (2004:345-355) offers a detailed depiction of the many classifications put forward, finding that most contributions are ascribed to one of the following categories:

- 1) Thematic classifications, based on the different branches of the Law
- 2) Classifications based on different discursive categories
- 3) Classifications based on the communicative situation
- 4) Classifications based on the function of legal texts
- 5) Classifications based on legal text genres

Within those classifications, the following contributions may be highlighted:

Zunzunegui (1992) uses a classification based on the respective discursive situation, thus speaking of 'legal language', 'judicial language', and 'legal meta-language'.

Similarly, Maley (1994:16), working on the communicative situation giving rise to the different legal discourses, speaks of 'pre-trial discourse situations', 'originating points of legal processes', 'trial processes', and 'recording and law-making discourses'.

Gémar (1995:116-122) finds six sub-divisions within legal language: the 'language of the legislator', that of 'judges', of the 'administration', 'commerce', 'private law', and 'scholarly writing' (legal doctrine).

Šarčević (1997:11), on a rather functionalist approach, divides legal documents into 'prescriptive texts', 'descriptive texts' and 'hybrid texts' containing both functions simultaneously (judicial decisions, for instance). She omits, though, any possible text with a primarily expressive function.

Borja (1998), as reflected above, advocates the use of the concept of text genres in her classification of legal documents. Legal text genres tend to present rather rigid characteristics, she argues, which makes them a perfect candidate to establish parallelisms, whenever possible, with the equivalent text genre in both the source and target languages at all lexical, syntactic, phraseological, macro-structural and discursive level (2000:85). In legal translation educational settings, the scholar claims (*ibid*:80), working with text genres may become a significantly interesting tool insofar it allows students to work with real documents and real assignments within the curriculum, thus offering the students a whole, rounded vision of the uses and application of legal language. The other reasons leading the scholar to

adopt such perspective in the legal translation arena are the increasing adequacy that follows (in terms of genre conventions, legal discourse, and text type), the higher terminological precision, and the possibility to work with corpus-based tools and other computer assisted translation tools in a more systematic fashion. Her genre-based approach renders the following classification:

- 1) Rules and regulations, that is, all legislative provisions (statute laws, decrees, regulations, constitutions, etc.).
- 2) Judicial texts, that is, the texts used in the relationships between individuals or the government and the relevant judicial bodies (sentences, judgments, writs, formal requests, lawsuits, etc.).
- 3) Case Law, that is, the ensemble of judgments passed by the relevant courts together with the doctrine they contain.
- 4) Reference works, that is, all materials that those learned in the Law, also translators, resort to when clarifying doubts (dictionaries, glossaries, databases, encyclopaedias, etc.).
- 5) Legal doctrine, that is, law manuals, specialised articles and publications, dissertations, works regarding philosophy of law or history of law, etc.
- 6) Texts resulting from the application of the Law, that is, the ensemble of texts that fail to ascribe to any of the abovementioned categories, be it private or public documents (contracts, wills, insurance policies, deeds, etc.).

Cao (2007:10) distinguishes four major varieties of legal texts:

- 1) Legislative texts (domestic statutes, international treaties, etc.).
- 2) Judicial texts, that is, those drafted throughout the judicial process.
- 3) Legal scholarly texts, that is, those drafted by academic lawyers or legal scholars
- 4) Private legal texts, including texts written by lawyers (contracts, leases, wills, litigation documents) and also texts written by non-lawyers (private agreements, witness statements).

Finally, the Gantt research group, in the course of their research on text genres in legal settings, finds the following classification (Juste Vidal, 2016):

- 1) Rules and regulations, including genres such as international agreements and conventions, treaties, decisions, conventions, directives, acts of Parliament, decrees, etc.
- 2) Judicial texts, including summons, lawsuits, claims, counter-claims, notices, court rulings, requests, notifications, judgments, appeals, motions, etc.
- 3) Reference texts, including law reports, dictionaries and law forms.
- 4) Explanatory texts, including law reports, guides, handbooks, essays, case law comments, etc.
- 5) Private and notarised texts, including agreements, articles of associations, mortgages, mandates, assignments, deposits, deeds, powers of attorney, wills, marriage certificates, affidavits, legal letters, etc.
- 6) Administrative (non judicial) texts, including minutes, acts of incorporations, academic reports, attendance certificates, certificates of amendment of articles of incorporation, receipts, motions, letters of request, appointments, orders, etc.

4.1.2 Framing specialised translation

Specialised translation is the translation of specialised texts. The apparent tautology hides a rich debate on the very conceptualisation of what constitutes a specialised text and a specialised language, as the pages above reflect. Indeed, the distinction between what could be considered ‘specialised translation’ and ‘general translation’ is all but clear, since the boundaries have been constantly relocated in an on-going negotiation process where neighbouring disciplines (terminology, lexicology, lexicography, etc.) have played a crucial role. Even the very term ‘specialised translation’ has been contested a number of times within the academia (Hurtado, 2001:59-62), arguing, in most cases, that all translation act is intrinsically a specialised performance, since it calls for specialised knowledge and abilities within the translator. Instead, these voices have argued, other similar labels such as that of ‘translation of specialised texts’ should be introduced.

On the characterisation of specialised translation, Borja *et al.* (2009:58) claim that

Specialized translation can be defined as the translation of texts that are produced for practical rather than aesthetic purposes and which are situated somewhere on a continuum (Borja 1998, Montalt 2005, García Izquierdo 2007) that ranges from the most highly specialized texts (which

employ specialized terminology, appear as very stereotyped genres, have a restricted socio-professional group as their target audience and are almost impossible to understand unless the reader has some previous knowledge of the subject matter) to popularized versions of them, which would come close to what we could call 'general' texts.

Cabré (2004:101) agrees with the words above, speaking of the difficulty, or even impossibility, to draw a clear line between that what we deem general and that what we deem specialised, remarkably in any field related to language or knowledge. Indeed, as Borja *et al.* acknowledge (*ibid*:58), all texts can be said to have a certain degree of specialisation, and indeed the scholars, in their work, echo those who actually even wonder that such separation may even exist.

From a different perspective, Šarčević and Gotti (2006:9) speak of specialised translation, in broad terms, as all translation activity that falls beyond the domains of literary translation. It is indeed a broad definition, since it embraces fields that may not be considered, *stricto sensu*, specialised fields (journalism, for instance). Despite their claim, the scholars acknowledge that the most common fields that 'specialised translation' is associated with are science and technology, economics, marketing, law, politics, medicine, and mass media.

Without diverting the main scope of this section, it is indeed interesting how literary translation has traditionally been conceptualised as a non-specialised form of translation, when, from a given perspective, one could state that literary language differs from general language in many aspects. Its very function, for instance. The density of terminological units, or indeed the lack thereof, seems to be the criterion to blame for such distinction¹⁰².

Further elaborating on that point, from a different perspective, it is true that literary translation has traditionally been the main object of study of Translation Studies. Indeed, non-literary, specialised translation was regarded back in the 1970s, even by the at-the-time emergent translation scholars, as a part of Applied Linguistics, that is, a matter of terminological transposition where no pragmatic, rhetoric, cultural transfer, or creativity parameters were taken into account. Under those circumstances, it is understandable that the role of the specialised translator

¹⁰² See Rogers (2015) for an insightful, comprehensive revision of the evolution of specialised language and her defence of it as "a complex and multi-layered phenomenon" beyond the "standard negative binary definition as 'non-literary'".

could in no way have been similar to the one in charge of literary texts, hence the distinction these days. This traditional classification may have played a major role in the conceptualisation of LSP translation, commonly referred to these days as specialised translation.

Among the different conceptualisations of specialised translation, as happened with specialised language, one can find a number of proposals ranging from those that simply understand specialised translation as the one that requires specialised knowledge on behalf of the translator (Gamero, 1998:79) to those definitions that understand specialised translation only as the one that addresses specialists though the use of specialised languages (Šarčević, 1997:9; Hurtado, 2001:59). Again, as Albarrán points out (2012:123), the degree of specialisation of a text plays a major role in its conceptualisation since, in some cases, those 'specialised' texts aiming at a broader audience are deemed outside the borders of specialised translation. Such is the case of tourist brochures, for instance.

4.1.2.1 Characterising legal translation

The study and characterisation of legal translation has been extensively addressed in the academia in the last years, in an attempt to outline its features and its very idiosyncrasy as a form of specialised translation. Among the latest monographs and books, one may find those by Šarčević (1997), and her new approaches to legal translation; San Ginés y Ortega Arjonilla (1997), on legal and sworn translation; Borja (2000, 2007a), on legal texts and legal translation strategies and resources; Poon (2002), on the notion of equivalence in legal translation; Mayoral (2003), on the translation of official documents; Valderrey (2004), with a descriptive analysis of legal translation French/Spanish; Monzó and Borja (2005), on the translation and interpreting in international legal relations; Cao (2007), on a number of general aspects of legal translation; Bocquet (2008), on the grounds and methodology of sworn translation; Ortega Arjonilla (2008), on legal translation and interpreting in the EU; Thirty (2009) on Law and Terminology; or Borja and Prieto (2013), on professional aspects and future prospects of legal translation.

Besides, other important articles and contributions have arisen. That is the case of Gémard (1979, 1982), on legal language, legal translation, and jurilinguistics; Weston (1983), on the principles and problems of legal translation; Revell (1987), on authoring bilingual laws; Hickey (1993, 1996), on legal translation equivalence and legal translation education, respectively; Franzoni (1996), on cultural

equivalence in legal translation; Tomaszczyk (1999), on legal translation and legal language; Mayoral (1999a, 1999b, 1999c), on sworn translation; Hjort-Pedersen and Faber (2001), on lexical ambiguity in legal translation; Alcaraz (1994, 2001), on legal English, or (2002), on legal translation; Alcaraz and Hughes (2002), on legal Spanish; Monzó (2002), on legal translation through text genres and trans-genres; Harvey (2002) and Lavoie (2003), both on general issues in legal translation; Correira (2003), on the translation of EU texts; Wagner (2003), on the translation of Common Law documents into French; McAuliffe (2008), on legal translation in the European Court of Justice; Biel (2009), on background knowledge structures in legal translation, or (2011a, 2011b), on legal translation education; Prieto (2009), on interdisciplinarity and macro-textual features; Bestué (2009), on the translation of damages, or (2009a), on the legal effect of legal translations; Bestué and Orozco (2011), on natural wording in legal translation and automation processes; Vázquez del Árbol (2013), on comparative law for translators, or (2014), on comparative macro-structural features of notarised documents; Cao (2014), on legal translation education; Monzó (2015), on a number of critical aspects among legal translators and interpreters; Prieto (2015), on quality assurance in legal translation, or Borja (1999, 2002, 2005, 2007b, 2013), among other works by the scholar, on a wide range on topics varying from genre-based approaches to legal translation, legal translation education and knowledge management systems and their application to the legal translation activity.

An interesting point in the debate on the characterisation of legal translation is the extent of the very prescriptive nature of legal texts and the subsequent influence in the legal drafting process, giving rise to particular legal effects (Gémar, 1995:144-145). Unlike other sorts of specialised translation, where the translated version of a given text may fit the niche of the original, legal translation has two very distinct functions, either it creates rights, and thus stands as an enforceable document, or it serves as a communication tool with informative purposes. This, Cao argues (2007:9) may indeed cause particular frictions and give rise to a number of translation strategies aimed at dealing with the normative, performative, and technical character of legal translation in a context of legal certainty and linguistic indeterminacy. As the scholar notes, the way a legal text is translated has much to do with the legal status and communicative purposes of the text.

Legal translation is marked by the field it is ascribed to (Borja, 2001), and therefore the Law has, up to a point, its very implicit or explicit conceptualisation of the role legal translation plays in the administration of justice. In its quest

towards the regulation of social and individual behaviours, the Law understands that legal translation, by definition, has certain legal relevance, be it direct or indirect. Indeed, legal translation takes place within a context of legal effectiveness, marking its very nature before a single word has been translated (Ferran, 2004:25). As Terral (2002:13) notes on the legal purposes of legal translation (translation mine):

(...) Les traductions dont la finalité est de créer des droits et les traductions dont la finalité est d'informer sur le contenu du texte original. Dans le premier cas (créer de droits) la finalité de la traduction sera d'obtenir un texte ayant une valeur normative identique à celle du texte de départ; dans le deuxième cas (informer), la finalité de la traduction sera d'informer sur le contenu du texte original sans que le texte traduit ne devienne partie intégrante de la langue et la culture d'arrivée.

(...) The translations whose aim is to create rights and the translation whose aim is to inform about the content of the original text. In the first case (translations creating rights) the aim of translation will be that of obtaining a text with identical legal effects to the source text; in the second case (informative translations), the aim of translations will be that of informing about the content of the source text without the translated text becoming an integrating part of the target language and culture.

As Ferran follows (2004:28-29), the Law explains, drafts, and articulates the legal text, and that poses inevitably a number of constraints to the legal translator. Indeed, the Law seeks legal effectiveness, and so it understands that in all cases Terral mentions above legal translation is closely related to the effectiveness of a document, be it through its status as an original, therefore an effective text in itself, or be it through the impact that the informative nature of a translated text may have in its readers, that is, informing of an effective text on a different language. For the Law, legal translation serves to reinforce and spread its scope, hence every text that falls beyond the legal effectiveness criterion being considered of lesser use.

Another perspective from which to address the legal translation debate in these pages is the question related to the translation of legal concepts. Following the

very nature of legal language, which at the end of the day represents an arbitrary conceptualisation of reality, the situated, context and culture-bound nature of legal systems poses interesting constraints to legal translators, who are faced at times with situations where a particular legal concept does not exist, or has been addressed differently in their source or target legal system (Engberg, 2013). Answering this, scholars like Hickey (2005:31) argue that legal translation is an impossible affair, at least a complex one, since the idiosyncratic legal culture is embedded not just in the legal terminology used, but at the core of legal systems.

Amid this debate on impossibility, Terral (2002) suggests the use of comparative law as a tool for the legal translator, since, he argues, it can shed light on the heavy extralinguistic input legal translators are expected to have, or at least to be able to access. At the end of the day, the problems and behaviours that a legal system aims at regulating and addressing are virtually the same, even if their means to do so differ. Borja (1999a:48, 2005) also tackles the extralinguistic knowledge and thematic competence of legal translators, claiming the exact degree of legal knowledge translators need to display is closely linked to the degree of specificity of the text in question. And similarly, Juste (2016:231) asserts that, in any case, the thematic, field-related knowledge legal translators are expected to have is not comparable to that of lawyers, to the, in her words, “descriptive and strictly technical and legal” declarative knowledge of lawyers. Instead, the extralinguistic knowledge of legal translators has to do with “equivalence, similarities and divergences, looking for causes, consequences and effects among the different parameters of both legal systems”. Through comparative law (*ibid*:233), “the declarative knowledge (what), procedural knowledge (how) and inter-professional knowledge (with whom) of text genres” is addressed in a more efficient fashion.

Indeed, the scholar agrees with Terral (2003) in pointing out the similarities between legal translators and comparativists insofar they both face legal concepts of little equivalence in the legal systems involved. At the end of the day, the functionality criterion that comparativists are after when comparing legal concepts, Terral (*ibid*) points out, resembles closely the idea of functional equivalence used in Translation Studies. Further elaborating on the topic, Juste (2016:225) is vocal about the links and the advantages that a close collaboration could bring about. In fact, in her doctoral dissertation the scholar provides an extensive list of contributions on the matter, acknowledging the scarce literature covering the said intersection until relatively recently. Among the latest contributions, the scholar finds the works of Cayron (2015), on notary deeds

(Spanish/French); Elena, Holl and Roiss (2014), on how to teach the translation of notary deeds; Ferran (2014), on the universal jurilinguistic functions; Vázquez del Árbol (2013, 2014), again on notary deeds and succession law, respectively; Carmona (2012), on the translation of accounting-related texts; Gil (2012), on property law; Holl (2012), evaluating a number of translation techniques applicable to legal translation; or Bestué and Orozco (2011), on the importance of natural re-formulation in legal translation.

4.1.2.2 Difficulties in legal translation

The most obvious, straightforward sources of difficulty in legal translation have already been outlined briefly along the pages above, while going through the characteristics of legal language and the legal discourse. At the end of the day, legal translation is nothing but a continuous inter-linguistic juggling taking place in the middle of two legal systems that frame the translation activity. Indeed, complexity in legal translation stems, partly, from the grammatical and syntactic features in legal texts; but, mainly, and one cannot neglect that, from the pragmatic features that contextualise its coming-into-being. The *apparent* complexity it displays, Borja (2001:40) asserts, cannot be attributed solely to its linguistic features but to the combination of those with a complex conceptual structure demanding sophisticated, elegant phrasing and wording.

Ferran (2013), when talking about the special features of legal translation as a unique form of specialised translation, speaks of the intermediate step in the legal translator's cognitive processes that takes place during the translation of a given legal text. The scholar asserts that besides the well-known comprehension and re-expression phases in translation, legal translators undergo a 'bridge phase' during the de-verbalisation or mental representation process. This bridge phase aims at comparing the different legal systems that the text to translate is ascribed to; not from a comparative law standpoint, but rather a comparison of the institutions involved in relation to the general and specialised knowledge the legal translator has regarding their domestic legal system (Bocquet, 2008:13). As Macías points out (2015:51), this comparative activity is one of the main complexities of legal translation, which aims at bringing together two very different understandings of the world and its social relations, all of them captured and reflected in the legal text to translate.

Overall, Macías (2015:59) speaks of three main circumstances affecting the decision making process of legal translators: the purpose of the translation commission itself, the particular genre of the text, and the degree of specificity and specialisation of the text. Those three, she claims, condition not only the strategies to apply and the translation method to adopt, but also the adequacy of the terminology to be used in regard to the function, the text type, and the characteristics of its intended audience.

- The legal system gap, and its terminological implications

The intersection between the languages and the legal systems involved in legal translation is the root of most of the constraints, difficulties and remarks included above. Legal systems, as cultural phenomena, constitute a source of difficulty in themselves (Ferran, 2009:296), since not only do they present nationally and culturally different conceptualisations of reality, but also they frame and shape the narratives that give rise to the different forms of legal discourse and legal language, with the subsequent difficulty they add to the translation activity. Along that very same line, Cao (2007:24) insists on how peculiar legal systems are to the societies where they have been formulated and how institutions, politics, people, and time have all had an important role in shaping and addressing the different legal concerns arisen. And yet those domestic legal systems they have an international dimension not to be neglected. In her words, quoting Šarčević (1997:13):

The law is a national phenomenon with international repercussions. Each national law constitutes an independent legal system with its own terminological apparatus, underlying conceptual structure, rules of classification, sources of the law, methodological approaches and socio-economic principles.

Besides, following Zweigert and Kötz (1992:68-73), the scholar further elaborates on the matter in question, reflecting on the two most influential legal families in the world (Civil Law and Common Law) and their role in the historical development of the different legal systems, their idiosyncratic mode of legal thinking, their respective legal institutions and sources of the law, etc. (*ibid*:24-25). The scholar also refers to other influential legal families, namely Hindu, Islamic, African, Socialist, Far East, and mixed jurisdictions (Louisiana, China, and the EU).

The abovementioned gap between legal systems results in a number of restrictions concerning the level of correspondence of legal terminology: the more culturally-bound a term is the harder it is to find a specific lexical or phraseological unit reflecting its idiosyncratic nature. Indeed, Macías (2015:52) reflects on the conceptual and socio-cultural problems of legal translation, referring to the inherent difficulty they pose to the comprehension of the ideas displayed on the legal text. Among the problems found, the scholar highlights the lack of definitions and glossaries of terms in the Spanish and other continental legal texts, unlike Common Law systems. As she argues, including those definitions would help enormously the understanding of many conceptual problems that arise from the remarkable weight of the Law in legal translation.

Similarly, Juste (2016:237) refers to the constraints legal translators are exposed to arising from the said anisomorphism. Those restrictions, also mentioned by Zabalbeascoa (1999:3), stand as the unavoidable obstacles that prevent a translation from being bestowed full identity status regarding the original text. In fact, the said culturally bound restrictions reflect deeply rooted social concerns and practices that inevitably appear in the texts to translate through conceptual voids or asymmetries, which are also addressed by Borja (2000) when referring to the different legal concepts and legal, social, and cultural institutions from the different branches of the law.

Cao (2007:31) remarks that the legal system gap varies regarding the affinity of the pair of languages and the pair of legal systems involved, and she presents a number of cases where both legal systems and languages are similar (Spain and France); cases where legal systems are similar, but languages are not (Spain and the Netherlands); cases where legal systems are different, but the languages are similar (Germany and the Netherlands); and finally cases where both the legal systems and languages are far apart from each other (England/Wales and China). This classification, she argues, is necessary to draw a better picture of the different degrees of complexity in legal translation resulting from the language/legal system intersection.

From the legal systems and their idiosyncratic structure, regulations, and functioning the different legal concepts emerge, standing as “authoritative categories to which types or classes of transactions, cases or situations are referred, in consequences of which a series of principles, rules and standards become applicable” (Cao, 2007:55). Building on such definition, the scholar

suggests that legal concepts be understood as polyhedral notions formed by a linguistic, a referential, and a conceptual dimension. The interaction of those dimensions, it follows, shapes the legal concept itself and thus the legal translator needs to analyse those three aspects before being able to determine the degree of translatability of a particular concept and the strategies to be applied in order to assume the expectations and unstated conventions that the socio-professional community allocates to the course of legal communication and legal contexts.

- Fidelity and equivalence in legal translation

Fidelity and equivalence are two notions that Translation Studies has looked into extensively, at first in an attempt to find logical, positivist, one-to-one co-relations of translation units; and later, from rather post-positivist, functional standpoints, as a dynamic, situated notion. Indeed, one could argue that they both belong in the same ontological spectrum insofar fidelity needs to be framed in terms of 'equivalence' in order to come into being.

The particular characteristics of legal concepts stated above leave translators in a rather complicated crossroads. Redundant as it may sound, legal concepts are worded *in words* in order to exist, and those words represent at the same time a plethora of social, institutional, historical and legal inter-connexions that are compartmentalised into a single term, which, in turn, has been conceptualised in a different way on the legal culture of the target language. This apparent lack of equivalence requires a deeper insight on legal systems in question. Indeed, legal translators, as opposed to other specialised translation fields, do need to go beyond their specialised terminology and enter the domains of their respective legal systems as a contextual framework to their work (Borja, 2001:42).

Ferran (2004:29), reflecting on these very grounds, states that the notion of 'fidelity' in translation does not even appear on the Spanish legislation. A few remarks shape sworn translation as 'faithful and complete' renditions of its respective source text, but little is said about the nature of that fidelity. Had it been up to the Law, the scholar concludes, to regulate fidelity in legal translation, legal efficiency would have been, in all likelihood, the goal sought.

Šarčević (1997:229) feels comfortable in the functional equivalence debate. For her, a functional equivalent stands as an *ad hoc* term designating a concept or an institution in the target language legal system that has the same legal effects that

the concept is meant to have in the source language legal system. The scholar claims that a particular functional equivalent is valid insofar it works in the context where it was envisaged, emphasising the ephemeral, fluid nature of current conceptualisations of equivalence within the academia.

Seeking that functional equivalence requires an in-depth analysis of the legal term in question and its surrounding context: how the source language legal system addresses a particular aspect, how the target legal system does so, whether there is any concept in the target legal system covering all aspects included in the source concept, and the network of inter-relations that the particular concept establishes regarding other legal concepts within its legal system, something explored extensively by Bestué (2009b), for instance, in her in-depth analysis of the translation of *damages* into Spanish.

Šarčević (1997) believes that the functional equivalent is a good starting point in order to reflect on legal translation and fidelity in legal translation, and indeed she speaks of the necessity to set the essential and accidental features of legal terms in both languages and legal systems.

Elaborating on those essential and accidental characteristics, Cabré (1993:198) describes the essential features of terms as those describing the essence of the term, that is, those that are necessary in order to provide a valid definition. Following, the accidental, or non-essential characteristics are believed to be those that add irrelevant information to the definition of the term.

Šarčević's classification (1997:236-239) works on these two concepts and builds a whole approach towards finding the right equivalent for a given term. In her view, only after detecting the essential and the accidental features of a particular term in both systems can a translator assess the degree of equivalence a text has, finding the following options (*ibid*:238):

- *Near-equivalence*, when all essential characteristics are met, together with most of the accidental characteristics.
- *Partial equivalence*, when the majority of essential characteristics and some of the accidental ones are met.
- *Non equivalence*, when just some of the characteristics, be it essential or accidental, are met.

Given the historical, social, and cultural aspects impregnating and shaping legal systems, near equivalence is unfortunately scarce in legal translation, which leads to the incongruence of legal systems the author refers to (*ibid*:13).

Regarding the acceptability of functional equivalents, Šarčević puts forward a number of criteria (*ibid*:241-250):

- Structure, that is, the conceptual and hierarchical organisation of two terms in both legal systems. If both concepts belong to the same branch of the law, 'structural acceptability' has been found.
- Range of application of the terms, which should be the same in both languages.
- Legal effectiveness of the term in both languages.

Besides the classification suggested by Šarčević, Juste (2016:249) puts forward that of Gómez (2005), classifying equivalence in the following terms:

- *Total, one-to-one equivalence*, where the semantic identity is full.
- *Functional equivalence*, for concepts designating the same function in both languages in different communicative situations.
- *Pseudoequivalence*, where the conceptual identity is partial (structure, function, application range or legal effectiveness).
- *Explained equivalence*, where a paraphrasis is included, giving some contextual information about the term in question.

Regarding the problems that establishing a functional equivalence relation between concepts may cause among legal translators, Macías (2015:59) speaks of four different resources within their reach. The first one is to resort to comparative law, that is, comparing both legal concepts within the translation. The second one is to opt for the addition of some contextual, background information that explains the concept, or in case one is positive that the audience understands the concept, to include it without any extra information. The third one suggests developing a deeper insight on the functions of the particular legal institutions involved in order to find the relevant functional equivalent. And the last one, regarding the name of

institutions, state bodies, etc., to opt for the use of the name in the original language followed by an explanation or even a literal translation.

Those, broadly speaking, constitute the defining characteristics of legal translation as opposed to other branches of the translation profession(s); and it is on those particular grounds that the education of legal translators-to-be must be envisaged and programmed accordingly, in the situated conditions reflected on the chapters above. The question, now, is whether the components of translation competence included in Chapter 3 match the specifications of legal translation, or if, otherwise, new models of translation competence must be sought in order to reflect the idiosyncratic nature and complexity of legal translation as a specialised sort of translation with unique characteristics.

4.2 Legal Translation Competence

4.2.1 General remarks

Chapter 3 above has stressed the importance that the 2003 Framework Paper towards Spain's integration in EHEA, together with RD 1393/2007, bestow to the implementation of the competence construct in third level education settings, highlighting the several adjustments needed in the everyday classroom teaching and learning methodology. Hand in hand with that reflection, a multi-faceted approach to competences has been put forward, presenting a longitudinal evolution of the construct together with its epistemological underlying rationale. Given the major asymmetries detected among the different characterisations and conceptualisations of all things 'competences', a working definition was introduced in an attempt to unify criteria and reflect the common grounds of the different approaches reviewed¹⁰³.

Despite the universal calling of those reflections, Cao (2014:107) is fair to point out that while it is true that a competent legal translator needs to be, prior to anything, a competent general translator, it might not be the case the other way round, especially when that translator lacks the relevant training, either formal, non-formal, or informal. Following her assertion, one could wonder, indeed, to which extent the reflections on the competence construct above represent the needs in the specialised translation classroom, namely the legal translation one. At the end

¹⁰³ See 3.1.2.2 above on the common grounds of the competence construct.

of the day, as argued in this chapter, specialised translation responds to a number of idiosyncratic features that shape and constraint the everyday tasks of the translators who are faced with such texts, and thus Cao (*ibid*) refers to the nature of the Law, legal language, and the systemic differences between different legal families and legal languages in order to illustrate her point. Seen from that perspective, the competence models in Chapter 3 may be understood as somehow reductionist tools representing a given reality that may correspond only partially to the requirements of legal translation, hence the need, then, to explore and revise, once legal translation has been characterised, the different approaches, models, and underlying rationale that follow the particularities of legal translation.

Muñoz Miquel (2015:335), in the specialised translation debate, argues that each and every translation field requires the development of particular, intrinsic competences. In highly specialised texts, she follows, the development of a strong thematic competence is of uttermost importance, since a comprehensive display of the thematic and conceptual knowledge of the field that a particular translation is ascribed to enhances not only the understanding of the given source text, but also the phrasing stages of translation, mimicking the phraseology, terminology, and idiosyncratic aspects of the corresponding community of practice.

Ordóñez López (2015:113-114), along the very same lines, is categorical about the thematic input in legal translation¹⁰⁴: “if translators are to make legal as well as linguistic decisions, they must be competent in both translation and law”. However vague that reference to being ‘competent’ may prove to be (How much legal knowledge is enough in order to be ‘competent’? Is it the same legal knowledge the one translators need and the one lawyers display? How can one measure competence?) the impact and the role of the thematic field in legal translation is rightfully pointed out to be the first and foremost barrier the legal competence construct needs to provide an answer for. As the scholar notes (*ibid*):

Legal competence presupposes not only in-depth knowledge of legal terminology but also a thorough understanding of legal reasoning and the ability to solve legal problems, to analyze legal texts, and to foresee how a text will be interpreted and applied by the courts. In addition to these basic legal skills, translators should also possess extensive knowledge of the target legal system and preferably the source legal system as well.

¹⁰⁴ Mayoral (2005) provides a similar reflection to that of Ordóñez López above.

In her insightful work on the concept of 'basic legal knowledge' and its implementation in the Spanish universities offering legal translation modules, the scholar (*ibid*:167) finds a lack of consensus on the underlying theoretical and conceptual approaches and assumptions, suggesting, as the scholar concludes, that lecturers structure their legal translation modules "according to their own training, professional experience, or research interest; in other words, 'to the best of their knowledge'". The introduction of the competence construct seems not to have put an end to the 'common sense epistemology' in third level education scenarios referred to in Chapter 1.

- Legal (translation) competence: the importance of the field

In broad terms, all legal translation competence models below reflect the importance of both the legal knowledge and thematic competence required, what Ordóñez López (2015:156) refers to as 'subject knowledge' in legal translation. In fact, the insufficient knowledge of the relevant specialised fields, together with its terminology, is consistently mentioned as one of the major constraints translation graduates are exposed to upon graduation (Li, 2007), something understandable according to Northcott and Brown (2006:374) given the fact that legal translators need to "learn to 'think like lawyers' in order to understand legal texts". This debate has also been addressed by scholars like Cao (2007:46), who claims that, while legal translators need "a considerably high degree of surface knowledge structures in different fields", lawyers tend to develop "deep knowledge structures in a particular field", rendering two separate sets of needs and special features. As Biel points out (2011:170): "Translators need to know the conceptual content and boundaries of terms and their place in the network, but their schemata do not have to be filled with so many details".

Monzó (2008), working on Borja (2005), elaborates on the different sub-competences that lawyers need to develop in the course of their education, in an attempt to contrast the said abilities, knowledge, and attitudes with what legal translators are meant to master:

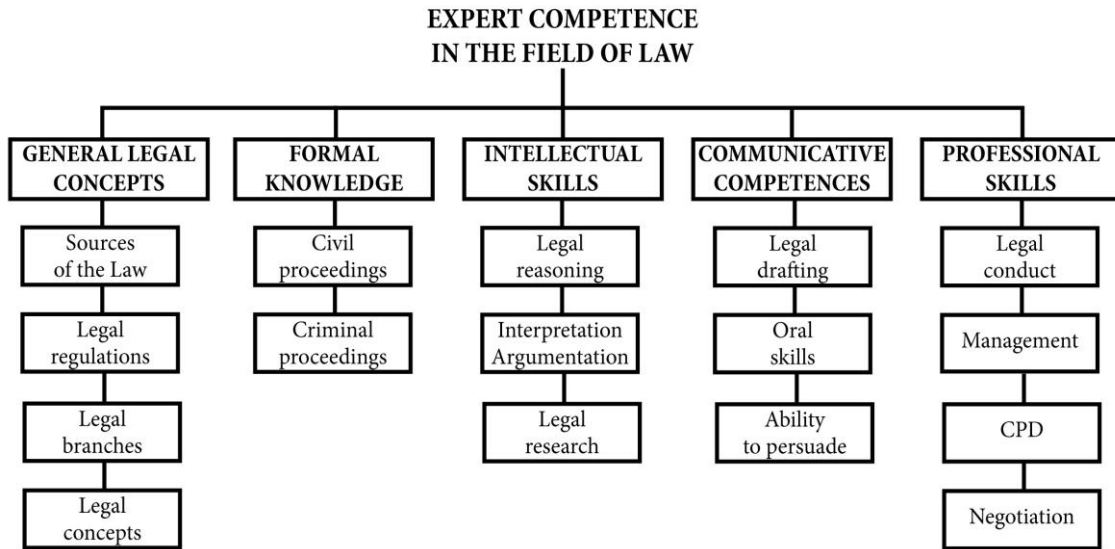


Figure 19 Borja's (2005) breakdown of competences for legal practitioners

As the scholar claims, the abovementioned set of competences does not match the needs of legal translators (Valderrey Reñones, 2002), and thus applying those models to the education of translators-to-be seems to make little sense. Quite on the contrary, Monzó highlights the idiosyncratic nature of the translation profession activity and suggests the following needs as the backdrop to further elaborate on the legal translation competence debate and its applications in curriculum development.

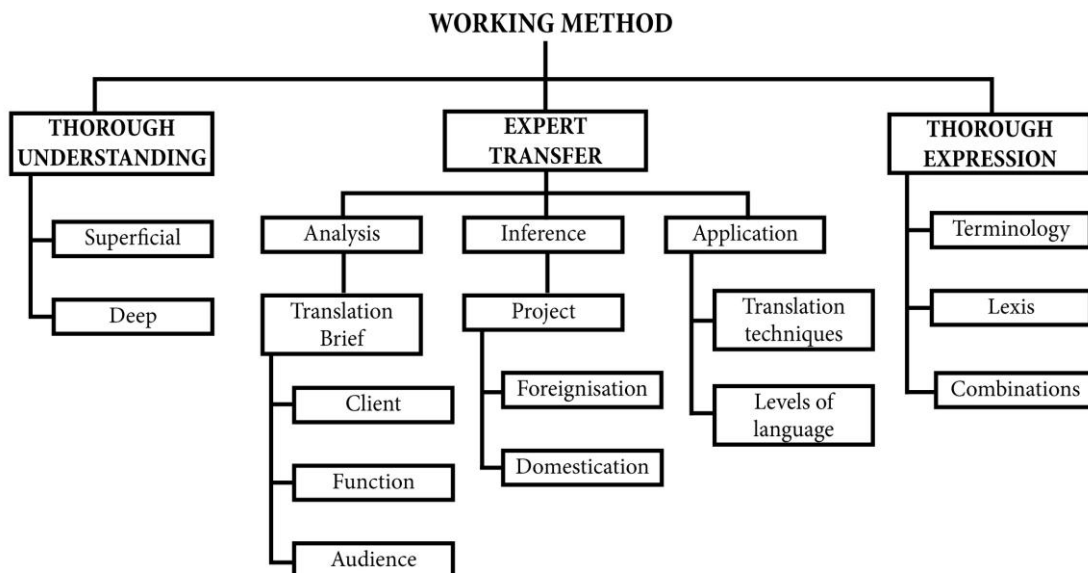


Figure 20 Monzó's (2008) breakdown of the translation activity from a professional standpoint

For the scholar (*ibid*), the models of legal translation competence below, besides providing the relevant input in terms techniques, methodologies, and strategies, should strive to include a number of aspects related to the social structure where legal translation is embedded, what ‘translation’ means in a particular culture, the room for manoeuvre translators are granted, the expectations of clients, the social impact of the translation activity, etc. This turn towards the inclusion of a number of aspects of critical pedagogy in the legal translation classroom¹⁰⁵ is particularly interesting, since, as has been consistently pointed out along these pages, the neo-liberal shift in third level education framed by the latest EHEA reforms, among a number of other agents, seems to have been calling for the opposite conceptualisation of Education, conceived purely as a form of training¹⁰⁶.

4.2.2 Models of legal translation competence

This section revisits a number of translation competence models envisaged specifically for the legal translation activity. As in Chapter 3 above, the models are presented in chronological order and are based on a number of both empirical studies and personal observation/intuition of the scholars involved. In most cases, the models work on already existing general translation competence models¹⁰⁷ and further elaborate on the importance of the field in legal translation, adjusting the said models accordingly.

- The 1997 Šarčević model

Šarčević (1997:113-114), rather briefly, speaks of the ‘ideal’ list of competences legal translators should be equipped with, even if she gives little advice on how to develop those competences and the implications that would have in lesson planning and curriculum development. Similarly, and contrary to other models presented above and below, the scholar does not include any comprehensive set model of translation competence, but rather offers a list of the desired skills, knowledge, and attitudes to be developed, in line with Gouadec’s (2007)

¹⁰⁵ See 1.2.4 above on the implications of Critical theory in Pedagogy and Education.

¹⁰⁶ See 2.1.3 above on the pedagogical (and epistemological) implications of EHEA.

¹⁰⁷ See Section 3.2.1 above on the different models of general translation competence models put forward.

contribution above¹⁰⁸. Also, adopting the very standpoint of the Optimale project (2012), Šarčević' model leaves linguistic skills out of her reflection, assuming that those are just a pre-requisite for any inter-linguistic ability to take place. For the scholar the list in question stands as follows:

- Knowledge and understanding of legal terminology
- Knowledge and understanding of logical principles
- Ability and aptitudes for legal reasoning
- Ability to solve legal problems
- Ability to analyse legal text and foresee text construal mechanisms
- Legal drafting skills
- Basic knowledge of comparative law and comparative law methodology
- Knowledge of the TL legal system and the SL legal system

- The 1998 Mata Pastor model

As part of her doctoral research, Mata Pastor (1998) applies a multi-componential model of translation competence to the legal translation activity. The model, included below, seems to follow Šarčević' approach insofar it only mentions those abilities and knowledge that are particular to the legal translation activity. However, a close look at the model complicates this narrative since, while it is true that the sub-components of the linguistic competence that Mata Pastor detects refer exclusively to legal translation, those detected in other areas —the psycho-physiological component, for instance— do include general aspects that affect all translation professionals in the course of their professional activity (short and medium-term memory, the ability to establish equivalences, etc.). Similarly, the model includes a number of features that may be up for clarification —'some psychology' (?)— and leaves room for questioning the nature of the adaptation and the professional competences, since the former, understood as the ability of the translator to adapt to the other agents involved in the course of a given multilingual act of communication, could be ascribed to the professional competence the scholar also refers to.

¹⁰⁸ See Chapter 3.2.1.2 above on Gouadec's contribution to the general translation competence debate.

Be what it may, her findings, summarised in Lobato (2007:45) are as follows:

| | |
|--|--|
| Linguistic competence | <ul style="list-style-type: none"> - Some knowledge of Latin and the Latinisms used in both working languages - Broad knowledge of the rhetoric used in the legal language of both working languages - Intuitive graphology - Ability to recognise, interpret and reproduce archaisms |
| Text competence | <ul style="list-style-type: none"> - Ability to locate the text genre in question in the relevant branch of the Law |
| Extra-linguistic competence | <ul style="list-style-type: none"> - Basic knowledge of the legal systems involved and topics covered in the communicative act - Ability to re-create the communicative act in one's TL |
| Psycho-physiological competence | <ul style="list-style-type: none"> - Short-term and medium-term memory (interpretation); intuition, aimed at detecting pressures; rigour (stamps, etc.); lack of hesitation in the performance of one's functions - Decision-making skills (coining new term, establishing equivalences, intervening in the TT, etc.). Some 'psychology' |
| Adaptation competence | <ul style="list-style-type: none"> - Ability to subdue before a higher authority (a judge, a notary), combined with professional confidence, independence, and resistance to external pressures. |
| Professional competence | <ul style="list-style-type: none"> - Knowledge of specific resources (including people), especially catalogues of text genres in every branch of the Law - Independence, honesty and responsibility towards clients - Acknowledgement of the social function of |

| | |
|-----------------------------|--|
| | translation |
| Strategic competence | - Ability to measure the impact of one's decisions when drafting a legal document, especially when the text is to have legal validity. |

Table 24 Mata Pastor's (1998) model of legal translation competence

- The contributions by Borja (2005)

Borja (2005) works on Hurtado's (1999) general translation competence model¹⁰⁹ and elaborates on both its extra-linguistic and transfer sub-competences, since, according to the scholar, (*ibid*:12) those are the main elements that tell apart general and specialised translation.

On the extra-linguistic input legal translators should be equipped with, Borja emphasises the relation between specific and encyclopaedic knowledge in such highly specialised scenarios. In her opinion, especially in contemporary translation settings, accessing particular stances of information outweighs the ability itself to store the said information. Legal translators, especially during their education process and their first steps on the profession, lack the very-much-needed familiarity with the legal culture of both countries involved. Similarly, they stand at the periphery of the respective legal communities of practice, so it is harder for them to belong to any of those communities where legal-related experiences and ideas are shared (*ibid*:14). Thus, in order to satisfy the particular extra-linguistic challenges legal translation poses, the scholar advocates a system of knowledge acquisition and retrieval based on a cognitive framework rooted in the Law where specialised knowledge may be accessed, together with the progressive socialisation of legal translators in meaningful, fruitful relations with the legal communities of practice (*ibid*:15). On the particular extra-linguistic skills and sub-competences the scholar identifies one may find the following:

¹⁰⁹ See Chapter 3.2.1 above on the different general translation competence models, remarkably 3.2.1.1 for the models before 2000.

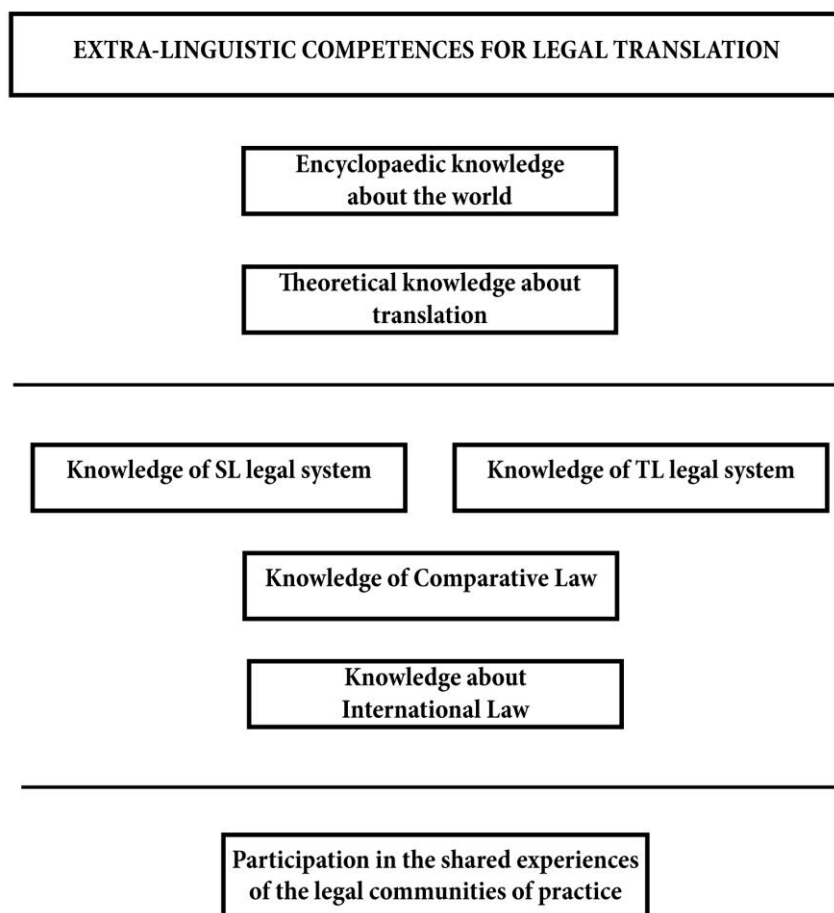


Figure 21 Extra-linguistic competences for legal translation (Borja, 2005)

Concerning the transfer competence, the scholar (*ibid*:16) asserts that an overwhelming number of legal translations share the very same function as their source text, hence the paramount necessity in legal translation to know not only the legal and communicative function but also the legal effectiveness of a given legal text. Being familiar with the diversity of legal texts is therefore the first step towards the development of a solid transfer competence¹¹⁰. The knowledge of the taxonomy of legal texts allows translators to acquire a global, comprehensive vision of the discipline in question and its structure, enhancing the decision-making processes of translators and the different strategies to apply (*ibid*:17). The breakdown of the different transfer sub-competences put forward by Borja is as follows:

¹¹⁰ See 4.3.2.1 below on the genre-based pedagogical approach Gantt research group advocates in specialised translation education, together with its links to translation competence and translation competence acquisition.

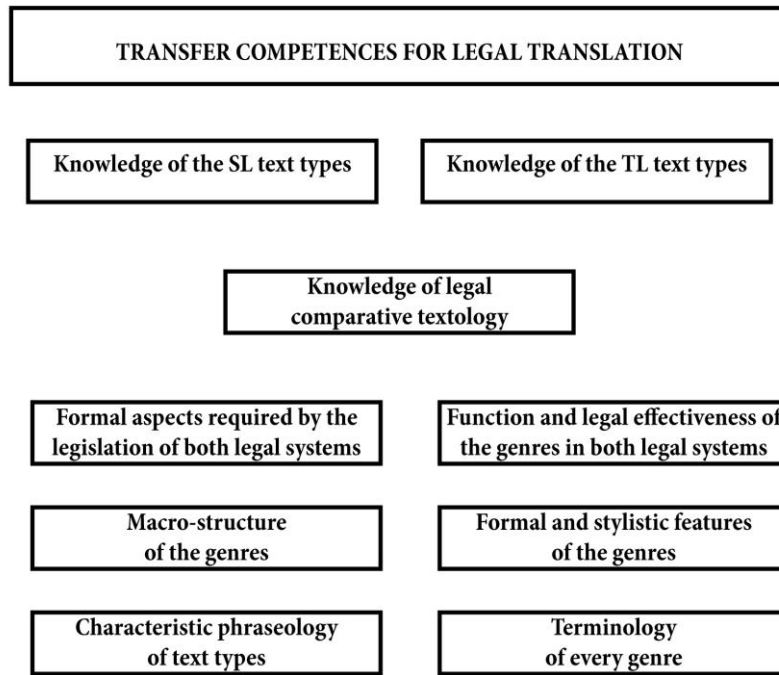


Figure 22 Transfer competences for legal translation (Borja, 2005)

- The 2007 Cao model

Cao (2007:41) also provides a very limited depiction of legal translation competence, despite the long established research interest the scholar has traditionally had in legal translation. Her model, further elaborating on early contributions on general translation competence by the scholar (Cao, 1996), works under the assumption that translation is divided into general, specialist, and literary translation following Snell-Hornby's 1998 typology. Her model, then, aims at bringing together all three branches of translation in a multi-componential, intra-interactive competence conceptualisation consisting of the following three major sub-competences:

- Translational language competence
- Translational strategic competence
- Translational knowledge structures

Concerning the particular knowledge structures necessary for legal translation, the scholar speaks of "the knowledge of propositions of law in a narrow sense and the knowledge of legal culture in a broad sense, including legal systems, legal order, legal institutions, history and practices and practitioners" (*ibid*:44).

- The 2011 Prieto Ramos model

Prieto Ramos (2011) presents a holistic legal translation competence model informed by a number of contributions on general translation, most notably those from PACTE Research Group, Kelly, and the EMT Expert Group (*ibid*:20). Acknowledging the benefits of multi-componential models, the scholar integrates the characteristic legal thematic elements of the legal translation specialisation in a process-oriented construct where the strategic sub-competence coordinates the whole legal translation competence (*ibid*:18). The model resorts to declarative and operative knowledge in order to shape translation competence under five distinct sub-competences (*ibid*:11-12):

- **Strategic or methodological competence**, that is, the component controlling the performance of the rest of sub-competences. This sub-competence deals with aspects such as the analysis of translation briefs, macro-contextualisation and general work planning, identification of problems and implementation of transfer strategies, decision-making argumentation, self-assessment, and quality control.
- **Communicative and textual competence**, that is, the relevant linguistic, sociolinguistic, and pragmatic knowledge, including knowledge of the different linguistic variants, registers, specialised legal linguistic uses, and legal genre conventions.
- **Thematic and cultural competence**, that is, the relevant knowledge of legal systems, hierarchy of legal sources, branches of the Law and main legal concepts; awareness of asymmetry between legal notions and structures in different legal traditions, etc.
- **Instrumental competence**, that is, the relevant knowledge related to specialised sources, information and terminology management use of parallel documents, application of computer tools to translation, etc.
- **Interpersonal and professional management competence**, that is, aspects such as teamwork, interaction with clients and other professionals, knowledge of the legal framework for

professional practice and fiscal obligations, deontological aspects, etc.

Burukina (2013:814) speaks of the meta-reflection continuum this model represents regarding competence acquisition and reinforcement. Indeed, the scholar praises the model, especially the way it addresses the gap between translation education and professional practice. In her view, Prieto Ramos' model proves to be effective in the systematisation processes related to problem identification, problem categorisation and application of problem-solving patterns.

In any case, Prieto Ramos advises that the components above only serve to reflect the interdisciplinarity of the construct, as well as "the interplay between the law and translation in the case of legal translation". As mentioned many a times above in this very chapter, the thematic sub-component stands probably as the most identifying feature in any attempt to describe legal translation competence. Indeed the scholar asserts that this sub-component is closely linked to "the practical principles of comparative law (contrastive analysis of concepts in different legal systems)", even if there is a number of neighbouring concepts from legal science and legal linguistic knowledge that also impregnate and influence his translation competence model (*ibid*:12):

- Scope of specialisation: classification of legal genres (textual competence)
- Comparative legal linguistics: features of legal discourse in the source and target languages and jurisdictions (communicative and textual competence)
- Information mining and research: specialised legal sources (instrumental competence)
- Professional practice: market conditions, associations and deontology issues in legal translation (interpersonal and professional management competence)

As the very scholar notes (2015:20), his legal translation competence model, one of the very few comprehensive approaches to the matter, has been adopted as a central reference material for the European Commission-funded QUALETRA

project, aimed at producing relevant training materials in regard to the application of the quality requirements included in the Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings. Indeed his model has served as the starting point from which QUALETRA has envisaged its very own legal translation competence model included below.

- The 2013 Piecychna model

Piecychna (2013:155), presents an interesting model based on Bukowski (2012:131–136) that diverges slightly from the traditional general and legal translation competence models revisited so far in this dissertation, a model based on Hermeneutics. Thus, the scholar asserts that current conceptualisations of competence focus almost exclusively on the final product of the translation activity and neglect the first and foremost stage at any translation process, that is, the moment the translator faces their source text.

In the model the scholar suggests each sub-competence is represented as a concentric circle with equal status in the overall model. The said sub-competences are interrelated in a dynamic, circular structure where, at the same time, each and every sub-competence is determined by the rest, complementing and helping shape each other. In her model, the translator, together with their interpretative skills, is placed at the very centre. The sub-competences highlighted are as follows (*ibid*:153-154):

- **Psychological sub-competence**, that is, the “self-reflection upon one’s own skills and knowledge; reflection upon one’s own cultural and social position as a legal translator; acceptance of one’s own limitations and possible lack of skills or knowledge; acceptance of the subjective nature of the translational process; self-criticism; self-motivation; willingness to develop one’s own knowledge; willingness to pursue a career as a legal translator; attitude towards translation work; being a responsible, curious, patient, creative, hard-working, diligent, methodical, devoted, and imaginative person; the ability to identify and solve problems with appropriate strategies and techniques; the ability to analyse and interpret texts”.

- **Thematic sub-competence**, that is, the “understanding and knowledge of the differences between various legal systems and legal cultures; the ability to compare various foreign legal systems with reference to the specificity of the translation task; understanding and knowledge of different sub-fields of law, such as civil law, criminal law, family law, international law, trade law, etc.; the ability to interpret and analyse a legal text”.
- **Textual sub-competence**, that is, the relevant “knowledge of the typology of legal texts, legal genre conventions, legal terminology conceptualization, legal text register, legal text predicative mode and form; knowledge of formatting conventions; knowledge of legal text function in specialist communication; the ability to interpret and analyse a legal text”.
- **Linguistic sub-competence**, that is the “knowledge of source and target languages in terms of grammar, lexis, stylistics, punctuation, spelling; knowledge of source and target legal language for specific purposes”.

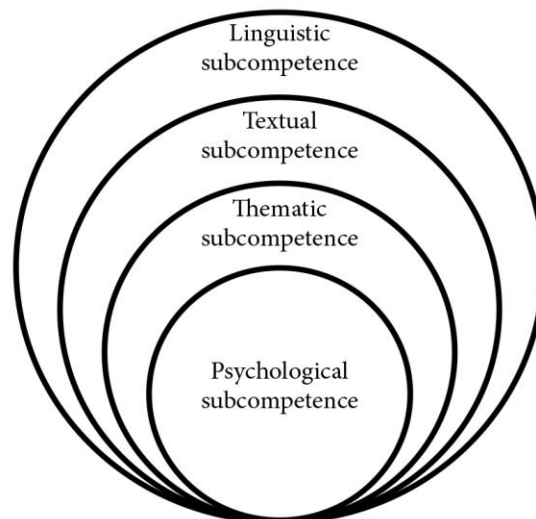


Figure 23 Piecychna's (2013) hermeneutical model of legal translation competence

The most controversial point this model advocates lies in the fact that the legal translator, “be it a linguist with a specialisation in legal translation or a foreign-language-proficient lawyer, must, first of all, understand a given text and be able to position it within the particular situational context with reference to the source

and target legal systems” (*ibid*:154). This assertion serves Piecychna to highlight the importance of comparative law in legal translation, but, at the same time, poses very serious implications concerning the very nature of legal translation and the most widespread beliefs on the field. Indeed, as Scarpa and Orlando (2017:25) point out, Piecychna's assumption “not only goes some way against Prieto Ramos (2011:19) advocating for legal translators ‘comprehensive tailor-made training [...] rather than presuming expert performance only from a double parallel qualification in translation and law’, but is a downright contradiction of Šarčević's (1997:91) assumption that, ‘while it is essential for legal translators to be familiar with the methods of interpretation used by judges participating in the communication process, they themselves should refrain from interpreting the text in the legal sense”.

- Further contributions by Cao (2014)

Following later contributions in the academia where a distinction is made between translator competence and translation competence¹¹¹, Cao (2014) revisits her 2007 model and speaks of four basic areas of competence regarding the activity of legal translators, what she calls “the basic competence and skill base a legal translator would need to function as a professional translator” (*ibid*:113). In this later work, this time through a more professionalising perspective, the scholar uses the 2009 EMT general translation competence model as a reference to which she compares her very own suggestions. Specifically, the scholar argues, “legal translator competence consists of four sets of variables interacting in a legal situational context” (*ibid*:112-113):

- **Translational Language Competence**, which may be divided in its two main components: the Organisational Competence in SL and TL (consisting, at the same time, of Grammatical Competence and Textual Competence), and the Pragmatic Competence in SL and TL (consisting, at the same time, of Illocutionary Competence and Sociolinguistic Competence). For the particular case of legal translation, this set of competences implies a high degree of proficiency in legal language of both the SL and TL.

¹¹¹ See Chapter 3.2 above, about the debate on the different names, and implications, that translation competence has been given.

- **Translational Knowledge Structures**, that is, the basic knowledge that is deemed essential for the translator in order to achieve inter-linguistic and intercultural communication. Those structures include general, specialist, and literary knowledge¹¹². General knowledge refers “to knowledge about the world. It includes knowledge about ecology, material culture, social organisation, and other areas of both the SL and TL communities”. In the particular case of legal translation, the specialist knowledge refers to “the knowledge of propositions of law in a narrow sense and the knowledge of legal culture in a broad sense, including legal systems, legal order, legal institutions, history, and practices and practitioners”. To round her definition, the scholar adds that the said translational knowledge structures are “flexible, recurring, developmental, and networking”.

- **Translational Strategic Competence**, that is, the strategic and psycho-physiological mechanisms related to the translator’s processing and synthesising ability. The Translational Strategic Competence mobilises “the mental capacity for implementing the components of Translational Language Competence and Knowledge Structures in contextualised translational activities”, relating and coordinating both sub-components.

- **Professional and Technological Competence**, that is, the appropriate understanding and application of professional ethical rules and ethical and legal obligations as a translator working in a legal environment together with competence in using electronic tools for translator purposes”.

An interesting remark the scholar makes is the fact that Knowledge structures are available in both working languages of the translator regardless of the language in which those structures became available for them. Referring to the fact that there is no evidence pointing at the way knowledge is *stored*, with the epistemological

¹¹² Cao’s 2014 model aims, as did her 2007 model, at providing a comprehensive translation competence model applicable to both general and specialised translation. In the scholar’s opinion, given the fact that specialisation implies a gradual continuum from general to specialised language, a comprehensive model should serve all purposes, and it is in the application and execution of the different sub-components of translation competence where one may appreciate the differences between general, literary and specialised translation.

implications that statements has, Cao claims that knowledge structures can be *acquired* in an *accumulative* fashion, be it through education or experience.

- **The 2016 Kordić model**

Another interesting, somewhat problematic, contribution is that of Kordić (2016) regarding the life-long learning education programmes of legal translators in Croatia. Their programme, aimed at addressing the introduction of Croatia in the EU and the multi-lingual challenges it represents, reflects the following competences (*ibid*:108-109):

- **Psychological competence**, that is, the ability to analyse and interpret legal texts.
- **Thematic competence**, that is, the knowledge of the differences between legal systems and cultures and how legal texts are intrinsically embedded in the former.
- **Textual competence**, that is, “the ability to interpret and analyse a legal text, to recognize its type and to interpret information from the SL into the TL”.
- **Linguistic competence**, that is, the knowledge of the SL and the TL, including the awareness of legal concepts and the differences emerging from the systems involved (asymmetry of legal terms; relative equivalence of legal terms), the knowledge of the linguistic resources and features of the pair of languages involved in terms of lexicology, morphology, syntax, and style, external and internal polysemy, synonymy, redundancy, nominal style, elliptical expressions, frequent grammar structures, etc.; and the knowledge about metaphors, alliterations, personifications, doublets, triplets, collocations and other stylistic devices.
- **Pragmatic competence**, pointing out the purpose of the translation, the target language and the final user of translation.

Kordić’ contribution may prove to be problematic for two particular reasons. On the one hand, for the hermeneutical perspective it represents, influenced by the

works of Stolze (2011), together with the implications the said standpoint has in legal translation, as seen in Piecychna's model above. On the other hand, her work is somewhat vague insofar it refers to legal translators and lawyer linguists almost interchangeably, conveying at times that both terms refer to the very same inter-linguistic reality [*legal translators ("lawyer-linguists")*], what leaves the readers in a rather confusing state. If by 'legal translator' Kordić meant 'lawyer linguist' then it would make much more sense to envisage their legal translation study programme from hermeneutical stances, since the latter, as lawyers, do possess the ability to interpret texts in the legal sense.

- The 2017 Scarpa and Orlando model

As introduced by Prieto Ramos (2011) above, the QUALETRA project (JUST/2011/JPEN/AG/2975) was envisaged as a follow-up implementation of the Directive 2010/64/EU of the European Parliament and of the Council of 20th of October 2010 on the right to interpretation and translation in criminal proceedings (Scarpa & Orlando, 2017:22). The project, in its quest to provide a relevant framework regarding the education and the accreditation process of highly qualified legal translators specialising in criminal proceedings, presents an insightful conceptualisation of legal translation competence, included below. This, the authors acknowledge, is to be the very first step in order to address the abovementioned goal comprehensively, a later stage in the overall QUALETRA project.

Prior to disclosing the relevant findings, the scholars present a number of studies and projects addressing similar matters, namely the EU Grotius project *Aequitas: Access to Justice across Language and Culture in the EU* (98/GR/13) (Hertog, 2001, 2003) and the Building Mutual Trust project (JLS /2007/219). The former, linked to the socio-professional profile of legal translators and interpreters together with their education process, lacks, according to the scholars, the specific intrinsic application needed in legal translation scenarios. Indeed, besides a number of competences that could be equally articulated in general translation competence models (written and spoken competence in both languages; transfer skills; code of conduct and guides to good professional practice; continuous professional and personal development; professional practice and practical requirements), the scholars note that 'knowledge of the criminal and civil legal systems' is the only specific legal translation-related competence this project puts forward.

Similarly, the scholars point out that the Building Mutual Trust project also seems to provide an over-lapping depiction of legal translation competence, combining the competences identified in the Aequitas project together with the ones listed in the Final Report of the Reflection Forum on Multilingualism and Interpreter Training (Hertog, 2009). The model the scholars present within QUALETRA, though, works on previous contributions regarding translation competence, translation competence acquisition and current practices in legal translator education (Chodkiewicz, 2012; OPTIMALE, 2013; Orlando & Scarpa, 2014) and presents a comprehensive breakdown of the knowledge, abilities and skills that legal translators are meant to be equipped with in the course of their professional activity. In order to do so, the project adapts the EMT framework of competences above, around which the specific competences of legal translation are integrated in a dynamic fashion (*ibid*:26-31).

In any case, it is fair to point that these translation competence models are heavily influenced by European law and European legal systems and languages. Indeed, it would be interesting to compare and analyse whether the construct presented below, envisaged for European purposes, fulfils the needs of distant languages and other legal families.

| TYPE OF COMPETENCE | DEFINITIONS / COMPONENTS |
|--|---|
| <p>TRANSLATION SERVICE PROVISION COMPETENCE</p> | <p>INTERPERSONAL dimension</p> <ul style="list-style-type: none"> - Being aware of the professional role of the legal translator - Being aware of the relevant national and international professional associations for legal translators - Being aware of the need to be briefed and obtain access to relevant documentation - Being aware of personal safety and documentary security issues resulting from provision of translation services - Being aware of the legal obligations and responsibilities resulting from provision of translation services, with special reference to issues of confidentiality |

| | |
|--|---|
| | <ul style="list-style-type: none"> - Being aware of the need to comply with professional ethics <p>PRODUCTION dimension</p> <ul style="list-style-type: none"> - Mastering translation of legal documents - Delivering a translation appropriate to the specific context and by reference to source and target legal systems - Identifying translation problems due to differences between the relevant legal systems and finding appropriate solutions - Identifying and dealing appropriately with errors of factual content in the source text - Mastering sight translation |
| <p>LANGUAGE COMPETENCE</p> | <ul style="list-style-type: none"> - Mastering legal language, including specific writing conventions at the levels of e.g. grammar, syntax, phraseology, terminology, punctuation, abbreviations - Recognising stylistic inconsistencies between legal documents and within the same document |
| <p>INTERCULTURAL COMPETENCE</p> | <p>SOCIOLINGUISTIC dimension</p> <ul style="list-style-type: none"> - Knowing how to recognise function and meaning in varieties of legal language usage (e.g. levels of jurisdiction; international, EU and national law and proceedings) - Mastering the rules for interaction between the specific parties involved, such as legal professionals and clients <p>TEXTUAL dimension</p> <ul style="list-style-type: none"> - Mastering the genre conventions and rhetorical standards of different types of legal documents (e.g. doctrine, normative texts, forms, certificates, contracts, wills, insurance policies, patents, trust documents, affidavits, directives, power of attorney) - Relating a given legal text to its specific legal context (e.g. stage of proceedings in source and target legal systems, level of jurisdiction) - Analysing the overall structure of legal documents (e.g. EAW template, judgments) and recognising potential inconsistencies - Identifying the essential information in and purpose of legal |

| | |
|--------------------------------------|--|
| | <p>documents</p> <ul style="list-style-type: none"> - Identifying and transferring intentional and unintentional ambiguities in legal documents - Preserving the intertextual nature of a legal document (e.g. references to acts, laws, directives) |
| INFORMATION MINING COMPETENCE | <ul style="list-style-type: none"> - Identifying specific legal sources (e.g. dictionaries, term bases, glossaries, corpora, experts) and evaluating their reliability - Being able to differentiate between legal sources with reference to national, international and EU systems and jurisdictions - Extracting relevant information (documentary, terminological, phraseological) from parallel and comparable documents - Extracting terminology from relevant documents - Consulting legal experts so as to better understand and foresee how legal documents may be interpreted by the parties involved or the competent court or both |
| THEMATIC COMPETENCE | <ul style="list-style-type: none"> - Being familiar with the main domains and sub-domains of law - Knowing different procedures in the legal systems involved (e.g. levels of jurisdiction, legal structures, institutions, settings) - Having a general awareness of current legal issues and their development in the relevant countries - Knowing the EU directives relating to legal translation - Mastering legal concepts and terms in the translation at hand - Being aware of asymmetries between legal concepts in different legal systems and being able to address them |
| TECHNOLOGICAL COMPETENCE | <ul style="list-style-type: none"> - Knowing how to effectively and rapidly integrate all available tools in a legal translation (e.g. European Arrest Warrant, judgments) |

Table 25 Scarpa and Orlando's (2017) model of legal translation competence

Overall, the models presented along these pages have highlighted the weight of the thematic input in legal translation, telling it apart from other kinds of translation and stressing the role that legal anisomorphism plays in the field. In fact, being aware of the asymmetries between legal concepts in different legal systems, and being able to address them, as Scarpa and Orlando acknowledge in their model above, seems essential for the future of legal translation education. In the age of systematisation and global access to a plethora of resources and legal input, being able to present solid decision-making skills is to stand, or so I believe, as a crucial element in legal translation competence acquisition, explored in the section below.

4.3 Legal Translation Competence Acquisition

Legal translation education and pedagogy, understood in a situated, EHEA-framed fashion, goes hand in hand with legal translation competence acquisition. Indeed, the current mainstream conceptualisations in third level education settings leave little room for those educational approaches that differ in the slightest from a competence-based approach (knowledge attainment criteria, or learning outcome, for instance). The many implications this general perception involves, explored from different perspectives and angles along this dissertation¹¹³, render a picture where (legal) translation competence is believed to stem exclusively from practice (Monzó, 2015:132). Indeed, the outcome of what Biesta calls *the politics of learning* in higher education, particularly in our discipline, may prove problematic in the way we understand education itself since, as Monzó points out (*ibid*) the dominant learn-by-doing pedagogy, “when not supported by conceptual learning” may result in significant skill loss. The conceptual ingredient, the scholar follows “must be kept very much in the picture to develop the high skills that trainees need to adapt to a changing context and bridge the skill gap”.

Monzó’s point, far from rejecting approaches to education based on meaningful learning or the integration of real-life scenarios, underlines the weak cognitive and conceptual base students develop when exposed exclusively to learn-by-doing methodologies. Despite being provided with the relevant tools in order to develop a particular task, students lacking the relevant conceptual input may struggle, to a greater extent, to manage their very own internal re-organisation process of the external stimuli apprehended, therefore failing to trigger the relevant cognitive

¹¹³ See 2.1.3, 2.2.3, 2.4 and 3.2.2 above on EHEA’s pedagogical (and epistemological) implications concerning the conceptualisation and the different applications of the competence construct in translation education.

development mechanisms, or wasting the opportunity to further develop their mental structures. The marketisation of higher education is again to blame for this shift (*ibid*:134), where the increasing emphasis on employability has had a particular impact on the theory-based content of modules, “on the premise that practice-oriented training gives students better employability skills”.

- A lack of academic reflection?

Literature on legal translation pedagogy is scarce, which is not surprising given the corresponding deficit on literature regarding general translation education. Authors like Biel (2011:165), Cao (2014:103) or Monzó (2015:132) utter a similar reflection regarding the modest number of publications covering the education of legal translators-to-be.

Monzó (*ibid*:129) argues that even if the Bologna-driven reforms have shifted the socially agreed expectations on the role of both lecturers and students, curricula seem to have been left behind and have not been exposed to the relevant adjustments. Following the widespread neglect to legal translation education in terms of research and publications, it goes without saying that a number of “mismatches and inadequacies regarding societal and market needs” may be detected in the everyday classroom pedagogy. Indeed, the contributions within the academia on legal translation education and pedagogy refer either to rather isolated studies or to exchanges of best practices at most (Biel, 2011:165), probably as a consequence of legal translation training programmes still being “few and far between in the world” (Cao, 2014:105).

Cao (*ibid*:115), for instance, looking at the major contributions in the field and reflecting on her very experience regarding the education of legal translators, is adamant about the content legal translation modules should include, and indeed presents a *must-have* account of essential criteria for legal translation education:

- General knowledge of legal translation theories and principles and general and legal specific translation skills.
- Area specific knowledge, e.g., general introduction to the legal systems and legal processes, and specific areas of law, e.g., contract law, international law.

- Translation practice in different areas of the law, e.g., contract law, litigation, family law.
- Professional ethics and laws specific to translation and interpreting and the legal obligations of translators and the rights of the clients who use such translation.
- New media and technological tools for translation.

However, the scholar fails to reflect on what, in her opinion, constitutes the best way to cover all those aspects in the legal translation classroom. In fact, Cao is not alone in this apparent lack of interest in the methodological and pedagogical input of legal translation education, probably as a consequence of the *swim or sink* pedagogical deficit higher education educators have traditionally endured (Kelly, 2008:102). As highlighted below, such observations seem not to have become a mainstream research interest within the academia until somewhat recently.

Among the contributions, in chronological order, covering legal translation education one may find the following studies, handbooks, and exchanges of best practices: Roberts (1987), on the education of legal translators in Canada; Rayar (1988), on legal translator education in the Netherlands; de Groot (1988), on legal translation from a comparative law standpoint; Šarčević (1994), on several aspects of legal translation and the use of authentic legal instruments and parallel texts; Marks (1997), and her case studies with German native speakers; Alcaraz (1994, 2001), on legal English; Aitsiselmi and Trouille (2000), also presenting case study-based evidence; Harvey (2000), on the use of culture-bound items in the beginner legal translation classroom; Way (2000), on the introduction of legal content in the specialised translation modules; Borja (2000), on several aspects of legal translation education; Borja (2002), on the role of new technologies; Alcaraz (2002), on a number of aspects of legal translation; Alcaraz and Hughes (2002), on legal Spanish; Monzó (2002), on the use of a text genre approach; Monzó (2003), on the use of parallel corpora; Mayoral (2003), on the translation of official documents; Gubby (2004), providing a theoretical overview of the major branches of the Law; Northcott and Brown (2006), on the combination of English language teachers and lawyers in the education of legal translators; Burukina (2007), on the use of de-verbalisation processes in the legal translation classroom (beginners); Borja (2007a), providing a handbook with a number of strategies, resources and materials for legal translation education; Monzó (2008), on the role of thematic input; Brufau (2008), on the use of non-sexist language; Olsen *et al.* (2009) on the

different translation issues regarding the intersection between the Law and language; Prieto Ramos (2011), on the introduction of process-oriented aspects in legal translation competence development; Galán Mañas (2011), on the use of authentic texts; Gómez González-Jover (2011), on lesson planning and course design; Biel (2011), on professional realism in the legal translation classroom; Andújar and Cañada (2011), on task-based education of legal translators; Monzó (2015), on the implications of the Bologna reforms in the education of legal translators; Rodríguez-Castro and Sullivan (2015), on the application of task-based learning; Way (2016) on discourse analysis in legal translation education, etc.

In broad terms, one may identify three major trends regarding the increasing academic interest in legal translation education. Indeed, publications before the 2000s tend to present particular case studies and describe how legal translation is being taught at given institutions/countries. Publications tend to show little reflection on the pedagogical and methodological grounds of education, and traces of 'common-sense epistemology' may be sensed. After the 2000s publications tend to turn to innovation, to the introduction of new technologies in the legal translation classroom, both through the introduction of moodles and other on-line platforms (on-line education, etc.), and through the application of electronic translation tools aimed at systematising and processing legal texts (use of corpora, etc.). Finally, after the 2010s there is a significant increase in the number of publications regarding the methodological and pedagogical bases of legal translation education. Publications tend to revisit the procedural aspect of education: lesson planning (project-based/task-based methodology), curricula, competence development, use of authentic texts, employability, etc. shifting the emphasis from the teaching to the learning, that is, from the transmission of knowledge to the re-contextualisation and re-conceptualisation of the self that current post-positivist grounds advocate. The alleged lack of academic reflection may have been a hindering element in our field at some point, but the publications and increasing interest in the academia reflected above on education-related aspects of translation prove that our discipline has been able to integrate the pedagogical in our inter-linguistic reality.

4.3.1 Towards a pedagogy of legal translation: classroom methodology

4.3.1.1 Preliminary remarks: what syllabi need to say, or fail to convey

Monzó's (2015:129) warns about the possible "mismatches and inadequacies" curricula tend to display in higher education settings. Still, however vague, one could argue that the particular syllabi of the legal translation modules offered in Spain should be able to offer first-hand information on the current pedagogical practices in the legal translation classroom. From a broader perspective, indeed, even the said mismatches would provide relevant food for thought regarding the pedagogy of legal translation, since they would reflect the deficiencies and inconsistencies to be addressed. At the end of the day, syllabi are meant to reflect the overall features of a particular module in terms of, among others, competences, content, methodology, assessment, and bibliography; and so they are—or they should be—the graphic reflection of the very essence of a module. Through the analysis of the methodological approach that the different lecturers apply in their modules, and the compulsory readings and bibliography they feel necessary for their students to go through, one could start to envisage a rough outline of how legal translation is learned and taught—or taught and learned—in Spain.

However, from a post-positive standpoint, the very existence of syllabi, at least as they are currently implemented, is in itself somewhat problematic, since it places the lecturer at the very centre of a transmission-based education process. Indeed, syllabi render a static, pre-defined characterisation of any given module that enters in full contradiction with any attempt to build on a negotiated curriculum reflecting the situated nature of knowledge, cognition, and education itself. Contemporary curricula, and by extension contemporary syllabi, are based on a number of standardising mechanisms fostered by curriculum theorists like Bobbit (1918) or Tyler (1949), whose models aimed at shaping, in a linear way, the educational experience of students¹¹⁴. Monzó (*ibid*), one could argue, proves to be right in her assertions, since current curricula have been inevitably influenced by instructional models rooted in objectivist philosophies as well as behaviourist learning theories, which lie far away from the Bologna objectives.

Leaving aside the epistemological discussions on the suitability of syllabi as an educational tool, and in an attempt to provide some basic grounds before

¹¹⁴ See 1.2.1.4 above on the pedagogical implications of the different positivist approaches to Education.

presenting a deeper study on the current epistemological and pedagogical approaches and practices to legal translation education, the latest information related to the materials students are supposed to read for their legal translation modules together with the methodology used has been gathered and analysed in a preliminary study prior to the empirical part of this dissertation. The underlying rationale of this exploratory analysis of the latest legal translation syllabi in all Spanish universities offering undergraduate degrees in Translation, as stated above, is that a number of the particular stances and viewpoints of lecturers about their role and their methodology may be deduced from the information they display on their syllabus, which will help define and refine later stages of this dissertation. 94 syllabi corresponding to legal translation modules in Spain —or specialised translation modules where legal translation was a fundamental block— were explored, portraying an interesting depiction of what students are meant to read and how students are meant to approach these modules. This previous analysis has been vital in order to detect a number of inconsistencies and information gaps leading to the design of Part II. After a careful empirical analysis of all 94 syllabi, basic questions on classroom pedagogy emerge, which syllabi fail to cover. Hence the need for the deeper empirical approach to the matter included in Part II.

- Reading materials

Out of all the syllabi explored, 5 legal translation modules in 3 different universities lacked a bibliography section. The relevant bibliography and reading materials were “meant to be given to the students at the beginning of the course in question” (Universidad Europea de Madrid, Universidad San Jorge, Universidad de Málaga). The rest of syllabi did include such section.

Concerning the materials, there was an overwhelming number of works included in each syllabus, showing little consensus among the different lecturers and universities. More than 250 different bibliographical entries were noted in total, suggesting a lack of common minimum criteria among the apparently similar modules. Most of the reference materials (76%) were listed only once.

Besides, most institutions did not distinguish their basic, essential reference materials and their suggested, complementary readings, rendering rather confusing bibliography sections difficult to process for the average student who is not used to working with specialised bibliography. Besides, the majority of

reference materials listed did not distinguish the nature of the works put forward, mixing an ensemble of dictionaries and resources, handbooks, and academic papers and publications, which hindered, in a way, the access to the information required.

The 15 most quoted materials (listed in decreasing order) were the following:

- ALCARAZ VARÓ, E. (2000). *El inglés jurídico*. Barcelona: Ariel
- ALCARAZ VARÓ, E. and B. Hughes (2002). *El español jurídico*. Barcelona: Ariel
- BORJA ALBI, A. (2000) *El texto jurídico inglés y su traducción al español*: Barcelona : Ariel
- BORJA ALBI, A. (2007/2016). *Estrategias, materiales y recursos para la traducción jurídica (inglés-español)*. Madrid: Edelsa
- ALCARAZ VARÓ, E. (1993) *Diccionario de términos jurídicos* Barcelona: Ariel
- ALCARAZ VARÓ, E., M. Campos Pardillos and C. Miguélez (2001). *El inglés jurídico norteamericano*. Barcelona: Ariel
- ALCARAZ VARÓ, E. (2004) *Diccionario de términos económicos, financieros y comerciales*: Barcelona: Ariel
- ALCARAZ, E. (2002). *Legal Translation Explained*. Manchester: St. Jerome
- GARNER, B. *Black's Law Dictionary*
- SAN GINÉS AGUILAR, P. y E. Ortega Arjonilla (eds.) (1996). *Introducción a la traducción jurídica y jurada (inglés español)*. Granada: Comares
- MAYORAL ASENSIO, R. (2003) *Translating Official Documents*. Manchester: St. Jerome
- BORJA ALBI, A. and F. Prieto Ramos (2013) *Legal Translation in Context. Professional Issues and Prospects* Bern: Peter Lang
- CAO, D. (2009) *Translating Law*. London: Multilingual Matters
- FERIA GARCÍA, M. (1999): *Traducir para la justicia*, Interlingua, 9, Granada: Comares
- ŠARČEVIĆ, S. (2000) *New Approach to Legal Translation*. The Hague: Kluwer Law International

The list above may prove problematic from a number of different perspectives. First of all, because some syllabi may not include dictionaries and other reference works in their bibliography sections, providing exclusively a list of academic works that students may want to resort to in order to deepen their knowledge about a particular subject. There are no common criteria on what exactly qualifies as 'reference/bibliography/recommended readings', so most syllabi may be considered incomplete in a way. Secondly, because being listed frequently does not imply being used extensively. Indeed, the long bibliographic suggestions that many universities put forward —keeping in mind that these modules are being taught at undergraduate level— makes it rather complicated for students to access the relevant information satisfying their needs. Thirdly, because while all universities in Spain offer legal translation modules with Spanish and English as working languages, only a few do so with other language combinations (Catalan, French, German, etc.). The representation of the essential materials for these other language combinations is inevitably watered down on the list. Finally, the long compilations of reading materials may lead to the question whether these works, or even the whole bibliography sections, are of any use for students at all, since it gives the impression that the extensive lists of works suggested have not been tailored for the students' needs in their learning process but rather to satisfy the need to submit a comprehensive syllabus.

- Classroom methodology

Similarly, syllabi were felt not to be the best tool in order to enquire about the classroom methodology applied in the legal translation modules offered. In a significant number of stances the methodology in the classroom was not included in the syllabus, the section was left blank, or the information was included on a different section —most likely under 'content' or 'assessment'—. Another concerning aspect was the fact that in most universities the 'methodology' section was not unique to each and every syllabus: all legal translation modules, regardless of the lecturer, regardless of the number of expected students, regardless of the position in the curriculum, had identical methodology sections, raising legitimate questions so as to the validity of the information displayed. While it is true that identical methodology sections may respond to titanic coordination efforts on behalf of the lecturers involved in every department, the coincidence gives cause to other possibilities: from syllabi being drafted using a pre-determined template where lecturers click on the items they feel they represent their modules, to a

scenario where syllabi are bestowed lesser relevance and lecturers may feel inclined to reproduce a pre-determined, generic set of methodological approaches.

The overview of the different syllabi suggests that positivist criteria are heavily rooted in the contemporary classroom practices. The wording of syllabi alludes to lecturers and their pre-eminent role thoroughly and consistently, either referring to them directly (“the lecturer shall present the theoretical concepts to be taught in class; the lecturers will present the theoretical framework in relation to the contents of the study programme”) or through the use of the reflexive passive voice in Spanish (“students are meant to retain the relevant knowledge; students are to revise the lecture materials taught in class; students will be provided with a selection of readings and topics”). The transmissionist *performance magistrale* (Kiraly, 2005) appears in every syllabus analysed (Universidad de Alicante, Universidad de Córdoba, etc.), often referred to as ‘collaborative performance magistrale’ (Universidad de Alicante, Universitat Jaume I), where lecturers foster the participation of students along their explanations¹¹⁵. The *performance magistrale* is generally justified in regard to the weight of the field in legal translation.

On the other hand, cooperative learning and other post-positivist elements is often resorted to in order to complement the theoretical input of legal translation lectures, either with direct reference to cooperative learning in the classroom (Universidad Europea, Universidad de Las Palmas, Universidad de Valladolid, Universidad de Granada, Universidad de Sevilla, etc.), through the different constructivist pedagogical approaches adopted, be it group work, the use of portfolios, debates, student-led presentations and so on (Universidad Alfonso X el Sabio, Universidad Complutense de Madrid, Universidad de Alcalá, etc.), or through other post-positivist approaches to the learning activity and its evaluation, be it peer to peer or reasoned self-evaluation (Universidad de Valladolid, Universidad de Murcia, etc.).

Translation practice in the classroom seems to outweigh any other methodological approach. In fact, all syllabi stress the importance of translation practice, theory being *taught* through seminars arranged around the said translation practice. In broad terms, texts to be translated (on a weekly basis, or through longer

¹¹⁵ This resembles the ‘transactional classroom model’ put forward by González-Davies and Enríquez-Raído (2016:7), based on cooperative learning and a communicative approach. See 1.3 above on the different educational models in the classroom.

translation projects throughout the academic year) are generally translated at home. The correction of the said texts, done as individual assignments or group translations, is carried out in the classroom, where lecturers and students comment on the different aspects, difficulties and challenges encountered. The so-called “folk pedagogical approach” (Kiraly, 2014) seems to stand as *the* legal translation methodology *par excellence*, explored extensively by many translation scholars (Nord, 1996). When it comes to the nature of the texts to be translated, though, only a few universities mention the authenticity of texts and its implications in the education of students (Universitat Jaume I, Universidad de Las Palmas, Universidad de Murcia, Universidad de Sevilla), a feature heavily stressed by the latest contributions in the fields of Education and Translation Studies.

Besides the translation of texts, other complementary pre-translation activities and tasks are put forward: the identification of translation problems in given texts, the suggestion of possible translation solutions for context-less translation issues, exercises aimed at the comprehension of legal texts and the legal discourse, search of parallel texts, correction of translations, critical evaluation of existing translations, reasoned translation activities, case studies, creation of glossaries, presentations of theory-related aspects of legal translation, etc.

Finally, only a few syllabi reflect another of the recurring elements along this dissertation: employability and the role of the profession in shaping curricula. Universitat Pompeu Fabra, for instance, speaks of “the reflection on the different professional aspects associated to the translation profession”. Universitat Jaume I presents their students with “translation commissions reproducing the working conditions of professional translators”, highlighting aspects such as invoicing or rates; while Universidad Alfonso X el Sabio speaks of the viability of business plans for translators and translation project management.

All in all, the syllabi analysed portray roughly a pedagogical scenario where positivist and post-positivist elements in the curriculum are combined. The average image conveyed is that of a lecturer who is in charge of selecting the materials, texts, goals, objectives and methodology before the beginning of their course, who places practice at the very centre of their lectures but who, at the same time, remains the source of the theoretical input (that related to the Law) in their classes. While legal input needs the lecturer to access students, the translation-related skills seem to be fostered following closer ideals to those of constructivism and other post-positivist epistemological trends. Keeping in mind

the scenario presented above, the following section aims at contrasting the said depiction with the latest contributions in legal translation education methodology, that is, the classroom elements that are currently thought to be essential for legal translation education, which may, or may not, be in line with the syllabi analysed.

4.3.1.2 Remarks from the academia: sharing best practices

Following the constructivist shift in higher education argued through these pages, it comes as no surprise that the progressivist ideals stated in Chapter 1¹¹⁶ above are represented predominantly in the different contributions on legal translation teaching methodology, namely those ascribed to socio-constructivist standards. At the same time, EHEA's quest towards employability has also meant an overwhelming turn in how the education of legal translators-to-be is supposed to be, rendering, as a whole, competence-based approaches whose pedagogical conception and progression, educational reach, learning objectives and content and evaluation methods are generally learner-centred, professionally oriented, and grounded on the repeated practice of translation. The most recurring tenets of this methodological 'innovation'¹¹⁷ within the academia may be found below.

- Project-based and task-based education

Task-based education, and later on the integration of tasks into larger projects, has been advocated extensively in regard to the education legal translators (Borja, 2002; Li, 2007; Andújar Moreno & Cañada Pujols, 2011; Biel, 2011; Galán-Mañas, 2011; Li, 2013; Macías, 2016), especially as the legal translation profession has grown in complexity (Biel, 2011:173). Indeed, projects are seen as “multi-competence assignments” (González-Davies & Scott-Tennet, 2005:170) where students are able to practice the “neighbouring skills” to those of legal translators, enriching their whole educational experience. Borja (2007a), for instance, articulates her legal translation handbook about this methodology.

¹¹⁶ See 1.2.2.4 above on the methodological contributions Progressivism put forward in the constructivist epistemological spectrum.

¹¹⁷ 'Innovation' is to be understood in this extract as *innovation in higher education settings*. The different methodological aspects put forward are neither new, nor innovative. Indeed, as seen in previous parts of this dissertation, most of them have been used consistently either on earlier stages of education, namely primary and secondary (significant learning, project-based education, etc.) or in vocational training (competence-based learning).

A task-based curriculum, Li (2007:69) argues, focuses in the process of translation itself, and inevitably (*ibid*, 2013:16) “foregrounds learning, placing the responsibility for successful learning on [both] teachers and students themselves”. Working through translation projects, the scholar follows, makes students “develop an enhanced sense of ownership for their achievements, which research has shown to be highly motivating”, facilitating “the development of medium and long-term interdisciplinary learning activities” (Galán-Mañas, 2011:110).

This approach, Galán-Mañas argues (2007:32), links and interweaves all components in curriculum development: the objectives, the classroom dynamics, the materials used, the different tasks within the project and the ever changing roles of lecturers and students in the different phases of the project. Project-based methodology, Li (*ibid*) continues, allows students to “manage the entire process of the translation project” and thus “simulate” real-life scenarios where legal translators, beyond their inter-linguistic role, are expected to revise, edit, proofread, publish, invoice, etc., requiring students “to set aside some time to look back on their translating and managing experience, learn from the experience and build upon it”, turning those translators-to-be into “reflective practitioners of legal translation” through projects that may even go beyond the very classroom and incorporate aspects of blended learning, as Andújar Moreno and Cañada Pujols suggest (2011:187).

Thus, in broad terms, project-based methodology may be said to allow for most of the other post-positivist approaches included below, giving rise to the relevant justification of the former in educational terms. Confronted with the syllabi above, project-based methodology seems to be the norm in legal translation education in Spain, since all syllabi analysed articulated their classroom methodology, to a greater or lesser extent, through translation tasks and projects.

- Authenticity

Borja (2002:41) speaks of the suitability of authentic texts in the legal translation classroom as part of an “active methodological approach” rooted in meaningful learning practices. Indeed, working on authentic legal texts may serve, as Galán Mañas asserts (2011:109), not only to develop legal translation, module-specific competences, but also a number of generic competences within the curriculum (individual and group work, the role of ICT, etc.). Indeed, Galán Mañas (*ibid*:110)

identifies four main goals and objectives underlying the use of authentic legal texts, even if, at the same time, the scholar reflects on the “enormous workload” it means for lecturers:

- 1) To actively involve the students in their own learning process by requiring them to reflect on the translation process, the resources they have to use, the time they need to invest, and the results they have achieved.
- 2) To familiarise students with working autonomously, as well as working in a team in which they have to develop communication, organisation and team-decision skills.
- 3) To acquaint students with methods used by professional translators, and use the class to work on the kind of situations that crop up in the real work market.
- 4) To establish correlations with the other areas they study in the undergraduate programme: translation studies, language acquisition, computing, information science and terminology.

Li (2007:69, 2013:16) shares the scholar’s opinion, speaking of the necessity to use authentic training materials and methods based on “unedited, up-to-date” texts “selected because they present real-life translation problems”; while Biel (2011:173), even if she acknowledges the role of authentic texts in the legal translation classroom, alerts that the legal nature of legal texts may bring along confidentiality issues so as to the incorporation of real texts to everyday classroom practices. In those cases, she follows, simulation may be necessary.

Andújar Moreno and Cañada Pujols (2011:192), on the one hand; and Gómez González Jover (2011:268), on the other, speak of the criteria to select authentic materials, which may be summarised as follows:

- 1) **Authenticity**, that is, “displaying real language, i.e. the linguistic and extra-linguistic elements of commonly used written legal discourses”.
- 2) **Frequency**, that is, selecting texts that are likely to be found along the later professional practice of students, in order to socialise them more appropriately.

- 3) **Representativeness**, that is, selecting representative samples of a given legal genre displaying translation problems that appear normally in every text belonging to the same genre. That way, the students learn how to activate the relevant strategies when facing the same problems on different texts.
- 4) **Specialisation**, that is, selecting texts that display increasing difficulty and extension, both regarding the source text (style, lack of equivalence between legal concepts, etc.) and the communicative situation (texts that require higher levels of interventionism) The degree of specialisation is to increase hand in hand with the evolution of students

Authenticity, while being generally praised on the different academic contributions, is not prominently featured along the course syllabi analysed, probably as a consequence of the difficulties it brings regarding the classroom methodology, as Biel and Galán Mañas acknowledge above.

- Collaboration

Unlike other fields of translation, the contributions on the impact of collaboration in the legal translation classroom are scarce. Macías (2016:140-145), indeed, is one of the few examples advocating the incorporation of such collaborative practices. For the scholar (*ibid*:140), a collaborative approach is a valid resource insofar it integrates a series of methods aiming consistently at the development of the students' autonomy through, among others, personal and group experience, problem resolution, self-discovery, case studies, etc. In her contribution, where the scholar analyses a pedagogical experience regarding the translation of legal terminology and phraseology, Macías praises collaborative work and argues that collaborative approaches foster the student's working skills, allowing them to face complex translation tasks.

Working on previous classroom experiences addressing the impact of collaboration in the classroom, namely that of Cánovas and Marimon (2013), the scholar argues that collaboration has a direct impact on the student's confidence and other emotional factors, since people who feel part of a group display a more than relevant set of skills to be applied in any translation scenario: collaboration in order to reach joint results, dialogue, fair and proportionate participation among the group members, interest in sharing the information and resulting knowledge,

constructive criticism and feedback, revision of the different suggestions put forward, use of electronic means of communication, low potential for conflict, etc.

It is interesting to note, despite the fairly common mentions to collaborative work in the syllabi analysed, how rare the amount of legal translation classroom experiences seem to be within the academia where collaboration plays a relevant role.

- Employability and professionalisation

Andújar Moreno and Cañada Pujols (2011:187) resort to González Davies' communities of practice to call for the progressive socialisation of legal translation students into legal translation professionals, acknowledging the relevance of the introduction of socio-professional aspects in the legal translation classroom. A similar concern is quoted by Li (2012, 2013), claiming that, along the course of his research, he has continuously come across complaints from translation students, professional translators, and administrators of translation agencies that current translation programmes do not reflect market needs appropriately, spotting a gap between the former and translation curricula.

Biel (2011b:72), acknowledging the same deficit, suggests that professionalisation may be achieved through simulations of professional practice based on a number of measures: relating the relevant teaching to professional environments, roleplaying, practising technical aspects of the profession, visiting translation agencies, undergoing work placements, carrying out real life projects in the legal translation classroom, etc. Another interesting resource, the scholar adds, is the use of project-based methodology in the classroom, as seen above, since it enables the coordination and integration of translation, technical and business skills (project planning and management, quoting, invoicing, taxes, documentation, customer relation management, etc.).

In her view (*ibid*:70) first cycle and second cycle legal translation programmes should stress the different professional activities legal translators may be exposed to in the course of their professional careers, and *trainers* should therefore “aim at developing the professional competences and cover all phases of translation service provision, that is, not only those included in the translation process itself (translation, checking, revision, review), but also those related to translation

project management (project registration and documentation, pre-translation processing, ST analysis, consistency monitoring, financial settlements, etc.”.

- A critical perspective

Vidal Claramonte (2013:182) speaks of how the Law and legal texts have traditionally been conceptualised as repositories of Truth, regarded as universal, neutral, ahistorical, objective, eternal. The “crisis of representation” in the human and social sciences taking place in the 20th century, she follows, has contributed to “questioning the modern view of law and its principles, and [is] instead re-discovering laws as *texts*, or ultimately, as language”, heavily influenced by theorists such as Foucault, Rorty or Lyotard, who argue for “a socially constructed reason, always situated within existing practices and discourses and, therefore, biased in favour of existing power relations” (*ibid*:183).

This enters in full opposition with a number of studies (Beaton, 2007; Koskinen, 2000a, 2000b, 2008) pointing out how the language many institutions demand of translators reinforces “dominating identities and ideologies and minimises the traffic of heteroglossic voices and identities” (*ibid*:185). From a position where translators are understood “to participate in the powerful acts that create knowledge and shape culture” (Tymozcko & Gentzler, 2002:xxi), Vidal Claramonte advocates the inclusion of this very ideas stemming from Critical Legal Studies to the everyday practice of legal translation and legal translation education.

One such critical perspective related to legal translation and the language of the Law is that of feminist legal studies, a field that, as Brufau acknowledges (2008:15) seems not to be able to find a peaceful meeting point with “the classic commands of legal translation”. In her contribution, the scholar encourages legal translation students and legal translation lecturers to adopt a gender perspective in the legal translation classroom, going beyond the classic belief that one may not manipulate a text when working in a rather ‘aseptic’ way. In many cases, she argues, adopting a gender perspective in legal language and legal translation has been reduced to following a number of recommendations, especially when it comes to the use of doublets or forward slashes regarding non-sexist language. Focusing exclusively on this reductionist, micro-linguistic aspect does not allow processing comprehensively all macro and micro translation problems students may find in their texts. In order to do that, the scholar concludes (*ibid*:18), the education of legal translators should include the understanding of what adopting a gender

perspective is, the ability to detect androcentric elements, to come to terms with doubt and doubting, and the ability to resort to strategies and tools, or even to create them, that escape sexism in legal texts. Otherwise, it is understandable that students may feel particular aversion to a gender perspective in legal translation, especially if they know that in some contexts their non-sexist translations may not be particularly welcomed.

4.3.2 Pedagogical methods for legal translation

While the previous section discusses a number of post-positivist methodological strategies to be applied in the legal translation classroom, this section reflects on the different contributions put forward regarding the way the abovementioned strategies could be implemented in any given legal translation module. The difference between ‘method’ and ‘methodology’ becomes essential for this section, especially given the contemporary tendency to use ‘methodology’ as a highbrow, pretentious synonym of ‘method’.

Here, ‘methodology’ is to be understood as the ensemble of strategies, rules, and postulates of a given discipline, while ‘method’ refers to the ensemble of techniques and strategies that allow a lecturer to achieve their educational purpose. Different methods resort to a number of methodological strategies that may coincide or not, even if they share a common goal, namely the development of a solid legal translation competence. Methods stem from the particular personal, professional and pedagogical experiences and stances of the lecturer, and are rooted (consciously or unconsciously) in the methodological *acquis* of their discipline.

4.3.2.1 Genre-based approaches

Text genres, traditionally used in literary studies, have been successfully introduced in neighbouring fields such as linguistics and language teaching (Bhatia, 1993; Swales, 1990, among others), and also translation (Hatim & Mason, 1990; Bhatia, 1997; Del Pozo, 2007; Marimón Llorca & Santamaría Pérez, 2007; Garofalo, 2009, etc.). The Gentt research group¹¹⁸, indeed, carries out extensive research on the communicative and formal aspects of text genres in specialised

¹¹⁸ *Gèneres textuals per a la traducció* (Text Genres for Translation). Universitat Jaume I (Spain).

translation settings, advocating, in educational scenarios, the use of legal text genres in order to articulate the education of legal translators-to-be and thus shape the corresponding translation syllabus (García Izquierdo, 2002, 2005, 2007; Borja, 2005, 2013; Borja & García Izquierdo, 2014; Borja *et al.*, 2009; Montalt, 2005, 2003; Ezpeleta, 2005; Montalt *et al.*, 2008; Monzó, 2001, 2002, etc.). Text genres are understood as a perfect vehicle for the translation activity where one may analyse both the formal, purely linguistic features of a text together with its surrounding socio-cultural elements, that is, the culture a particular genre is ascribed to (Ordóñez-López, 2015), and that way socialise the students into their respective communities of practice (Monzó, 2001:82). Genres relate to the different ways languages conceptualise reality, so working on text genres, Montalt *et al.* assert (*ibid*), “makes it possible to identify a series of elements, such as the agents playing the roles of sender and receiver, the relationship that is established between them in terms of power or authority, the degree of specialisation they offer and the situational context in which the genre in question occurs”, all of them essential aspects translators-to-be would benefit from, especially in earlier stages of their education process.

Similarly, working through legal text genres allows students to grasp the —at times unstated— conventions and style patterns that have been professionally sanctioned by the relevant community of practice, and thus find *the* solution among a range of linguistically valid translation strategies and proposals in terms of macro-structural characteristics (structure, sections, moves) and intra-textual aspects (degree of formality, modality, connectors, lexical items, degree of terminological density, phraseology, utilisation of non-verbal graphic elements, etc.) (Montalt *et al.*, 2008).

Linking the genre construct in its communicative, formal and cognitive dimensions to the translation competence models explored in Chapter 3, namely those from PACTE and Kelly¹¹⁹, the scholars suggest (*ibid*) that the application of text genres in specialised (legal) translation course planning may scaffold the development of the following translation skills and abilities:

| Communicative dimension |
|--|
| Establish the status of the participants and their degree of authority |

¹¹⁹ See 3.2.1 above on the different translation competence models put forward, especially 3.2.1.2, where the contributions between 2000 and 2010 are presented (PACTE’s and Kelly’s).

| |
|--|
| Infer and create the purpose of the interaction |
| Recognise and establish the situationality of the source and target texts |
| Infer and create the intentionality of the source text |
| Have a thorough understanding of the sociolinguistic context |
| Acquire bicultural knowledge |
| Acquire thematic knowledge which refers to the attitude of the receivers |
| Recognise cultural and intercultural values, perceptions, behaviours, etc. and thus further the processes of comprehending and reformulating the communicative conventions that are typical of certain cultures or social groups |
| Formal dimension |
| Recognise and establish the structure of the source and target texts |
| Recognise the texture of the source text and organise that of the target text (selection of lexical items, syntactic organisation, cohesion) |
| Understand the text forms of particular genres |
| Develop reformulation strategies: paraphrasing, summarising, avoiding calques, etc. |
| Produce appropriate texts in the target language |
| Become aware of the textual and discursive conventions in the cultures involved |
| Cognitive dimension |
| Identify the type of information depending on the section or subsection in which it appears |
| Understand the implicit information of the genre in question, depending on the type of reader |
| Understand the degree to which information is made explicit according to the reader's needs |
| Automate the process of understanding the key concepts that are routinely repeated in the genre |
| Grasp genre as a conceptual, argumentative pattern (or template) that only makes sense when viewed as a whole |

| |
|---|
| Distinguish between the main and secondary ideas |
| Establish conceptual relations |
| Evaluate the nature of the information given in the source text and balancing it with that in the target text |
| Identify the illocutionary force of the source text and transferring it to the target text |
| Develop the cognitive faculties of memory and attention |
| Understand different types of texts from different fields and subject areas |
| Acquire a basic knowledge of the disciplines that the genres belong to |
| Automate translation tasks |

Table 26 Skills and abilities covered in a genre-based approach to translation education [adapted from Montalt et al (2008)]

4.3.2.2 Gradual approximations

Garzone (2007:211-216), and so does Pontrandolfo (2016), work on Widdowson's (1978:91) gradual approximation in language teaching and apply it to legal texts and legal translation education. As the authors point out, the gradual approximation method explores the vertical diversification of the legal discourse, and so it introduces legal texts with lower levels of specialisation at earlier stages of the education process of students so that, gradually, hand in hand with their evolution, more specialised texts may be put forward.

Even if Widdowson suggests the use of both simplified versions, that is, authentic texts where the semantic and lexical units have been substituted; and simple accounts of specialised texts, that is, the re-organisation of text fragments from real sources rendering a new 'accessible' text, Portrandolfo (*ibid*:53) points out that the specificity and vertical diversification of the legal discourse may allow for the use of authentic materials in the classroom from the very beginning of the education process, applying a careful selection of the materials to be used: from legal-informational texts to more complex technical legal discourses. In his opinion (*ibid*:54), this method allows lecturers to focus, at least during early stages, on the basic problems of legal translation, examining at first the basic linguistic, pragmatic and communicative aspects of legal texts without dealing with other, law-related, cultural and comparative aspects.

4.3.2.3 Process-oriented approaches

Prieto (2011:14) presents a pedagogical model oriented towards both competence acquisition and competence reinforcement, stemming from professional as well as educational settings. In his opinion, the systematisation of methods and problem-solving strategies he puts forwards “can later prove essential for coherent decision-making in professional practice, and it is in professional scenarios (whether real or simulated) that our methodology has been tested with very positive results” (*ibid*). His model, based on four sequential steps, comprises the following elements:

Analysis of skopos and macro-contextualisation, where “an adequate framework for overall strategy design at macrotextual level” is provided. Through this stage students develop the relevant awareness that will allow them to detect, categorise and solve translation problems at microtextual level. The analysis of the translation brief, including the type of translation and both the purpose and communicative situation of ST and TT, activates the thematic, textual and instrumental competences of students.

This contextualisation, the scholar argues, is to be carried out according to three parameters, ranging from the most general to the most specific: the legal system, that is, the linguistic and geographical coordinates of the jurisdictions involved; the branch of the law, that is, thematic and statutory coordinates; and the legal text typology in question, derived from the discursive situation (legislative, judicial, administrative, etc.) and the particular text genre (*ibid*:14).

Source text analysis, where translators-to-be are required to understand the legal function of the text and identify any difficulty they may have in terms of comprehension. Besides the analysis of the semantic nuances of the text as well as its coherence, cohesion and style patterns, students are encouraged to be familiar and rely on legal sources, legal reasoning, and principles of legal hermeneutics (*ibid*:15) in order to address any problem related to ambiguity.

Transfer and target text production, where students are exposed to the terminological, procedural, and discursive difficulties of their text. The different levels of anisomorphism encountered are addressed through comparative law, which allows students to establish the degree of equivalence between a number of legal concepts in order to apply the relevant translation techniques. As Prieto

points out (*ibid*:16) the first step above allows students to have a clearer idea of the procedures and the overall translation strategy to apply in their text.

When drafting their TT, students are encouraged to explore parallel texts and other related sources in order to measure the level of correspondence between the discursive conventions of the text type and the legal genre in question in both legal systems. Special attention, the scholar follows (*ibid*), must be paid to microtextual markers of legal enforceability, such as modal verbs in English.

Revision, where “the overall adequacy of the target text to its skopos must be carefully verified”. As the scholar asserts, “quality control in legal translation requires particular emphasis on accuracy and effectiveness of legal communication when assuring the macrotextual coherence of solutions to the semantic, procedural and reformulation problems encountered” (*ibid*:17).

As final notes, Prieto suggests “global simulations of translation jobs with real legal texts in real professional conditions” (*ibid*:18), especially at advanced levels, and concludes that this approach exposes students to a solid variety of legal text types and translation practice, which, at the end of the day, triggers the development of the cognitive frames that “allow the translator to situate legal texts, and identify, categorize and solve translation problems more efficiently”.

4.3.2.4 Discourse analysis and decision-making frameworks

Way (2016:1019) suggests integrating a critical discourse analysis approach (*ibid*, 2012) in a decision-making framework (*ibid*, 2014) in order to activate all sub-competences involved in the education process of legal translators-to-be. This combined approach, she argues, follows student-centred, project management-based methodology, monitoring, that way, the students’ individual competence development. As the scholar points out (2014:148), her suggestion is in line with the latest emergentist post-modern approaches to translator education¹²⁰. Indeed, the decision-making framework put forward reflects some of the core ideas of complexity thinking (Snowden & Boone, 2007) and her contribution, in a way, seems to draw some relevant links to the complexity perspective put forward by Marais (2014), explored extensively in Translation Studies by scholars like Kiraly (2016), among others.

¹²⁰ See Chapter 1.2.3 above on the influence of complexity theory and dynamic systems theory in the emergentist epistemological approaches to Education.

The advantage of this method, she argues (2014:148), is that it emphasises the process rather than the product, and therefore it can help students to assess their own difficulties and ensure that, once in their respective communities of practice, they will be able to apply the relevant knowledge to a number of varied contexts and problems, enabling students “to develop self-confidence in their decision making ability” (*ibid*:143). In order to do this, she follows, “we require a participatory learning environment which promotes active learning (learning to learn) through problem-based activities”, where the different translation solutions, “reinforcing the possibility of more than one solution based on valid criteria”, are shared in the classroom following the translation brief students are equipped with at the beginning of the project.

In her model (2016:1021), “students are guided through a step-by step procedure that first situates the text within social processes and social events. By locating the text within the discursive practice (production, distribution, consumption), students become familiar with the internalised social structures and conventions governing the text”. Once this analysis has been carried out and its outcome has been confronted to the social practices in which the text participates, it is much easier for the students to access the apparently complicated features of their text. The process is later on applied to their target language and culture, identifying, if any, the parallel discursive and social practices between the cultures involved that may resort to somewhat similar texts, which is the starting point for the whole translation activity.

This activity, Way follows, is to be carried out around decision making as a pillar of the overall translation process (*ibid*:1022), which, in her opinion, constitutes one of the greatest difficulties among the students: to go beyond the “specific decision-making processes for individual translation problems” towards a comprehensive “overarching framework for decision making” drawing upon the different sub-competences and hence “providing strategies central to the translation process”. Stressing the decision making process among the students implies assessing, at given times, the process itself rather than the product, how the students reach a particular solution rather than the solution to the difficulty itself; even if, at the end of the day, both “decision making and problem solving are obviously intertwined, bringing into play both declarative and operative knowledge”.

4.4 Concluding remarks

This chapter has attempted to place legal translation, and more specifically legal translation education, at the very core of this work. The rationale motivating these pages has followed the *fil conducteur* of logical thinking — in order to understand why legal translation education responds to particular elements, methodology, and characterisations one needs to resort to the very source, that is, the essence of what legal translation is and the surrounding narratives giving rise to the current conceptualisations and coming-into-being of legal translation.

The first part of the chapter has explored the legal discourse and the nature and characteristics of specialised (legal) language. Re-visiting the eternal debate whether specialised language belongs to an applied use of general language or, by contrast, it stands as a unique kind of discursive practice with idiosyncratic characteristics, a number of syntactic, terminological, grammatical, morphological, lexical, and phraseological characterising elements have been analysed, advocating the legitimisation of legal language as a form of specialised language given its high degree of specificity and its universalisation, neutralisation, and defamiliarisation processes.

The nature of the Law and the importance of the subject matter have been argued to be the most crucial characterising element of legal translation. Indeed, legal systems, being rooted in political, social, historical, and cultural bases, conceptualise reality in the most diverse fashions. Therefore, despite the apparent claims of independence, objectivity and universality legal texts are commonly bestowed, the resulting asymmetries and legal anisomorphism have been acknowledged as one of the greatest difficulties in legal translation, conditioning the translation strategies and techniques related to equivalence, fidelity and so on.

Next, the question whether general models of translation competence represent satisfactorily the complexity and constraints of legal translation has been explored, emphasising the idiosyncratic nature and complexity of legal translation. Argued to be somewhat reductionist and failing to represent the requirements of legal translation, the general competence construct has been abandoned towards specific models of legal translation competence reflecting the importance of both the legal knowledge and thematic competence.

Finally, regarding the educational nature of this work, a modest —but increasing— research interest on legal translation education has been detected, even if a significant number of publications regarding the education of legal translators-to-be still seems to show little reflection on the pedagogical and methodological grounds of the education phenomenon, resorting to *common sense epistemologies* and focusing instead on the content of syllabi or the development of particular abilities and skills. Nevertheless, contemporary publications seem to have adopted post-positivist educational stances aimed at the re-contextualisation and re-conceptualisation of the self as the most integral part of the education of future graduates. With that premise in mind, the latest contributions on classroom pedagogy and methodological strategies have been analysed.

In parallel, assuming that the idealised, air-brushed reality these publications depict may respond exclusively to the interest of a few and not to the everyday classroom reality, an exploratory study has been carried out regarding the syllabi of all legal translation modules offered at undergraduate level in Spain, in an attempt to confront the abovementioned findings to the expectations and reflections lecturers provide in their syllabi. The results, far from conclusive, offer a blurry scenario where at times contradicting and over-lapping approaches co-exist, highlighting the need to implement different techniques in order to describe the classroom methodology and the epistemological grounds of the average contemporary legal translation module in Spain.

So far, this dissertation has attempted to present the legal translation classroom as a “site for the construction of knowledge and also of professional identities” (Monzó, 2015:131), where, under situated premises, students develop the relevant tools to “see the big picture and map the underlying structure”, recognising “concepts in the occurrences, autonomously establishing the connections needed to see patterns, requirements, alternatives and consequences” (*ibid*:133), a pedagogical model rooted in the epistemological shift argued consistently along this dissertation which is indeed reflected in a significant number of the latest contributions on the matter stemming from both general and specialised translation scholars. The main concern of this work is not, therefore, to raise awareness on the need for a pedagogical approach to legal translation. The concern is the way these epistemological and methodological reflections, if any, are translated in everyday classroom practices, and the subsequent impact in the education of (legal) translators-to-be.

PART II - EMPIRICAL RESEARCH

Preliminary remarks

Part I has presented a complex, eclectic scenario in legal translation education and pedagogy, revealing a number of signs and indications that may lead to a number of generalisations in the overall bigger picture of translation education. The praiseworthy political attempts of the European institutions to launch and promote a large-scale educational reform aimed at easier comparability, mobility, and recognition criteria along the continent have met the need to be rooted in particular educational tenets. These tenets, at the same time, follow given epistemological preconceptions that are reflected in the way education is conceptualised and later on performed. However, in most cases, the performers of education have not received the relevant training on how to ‘perform’ education, shaking the very grounds of the overall project. EHEA has relied on the *savoir faire* and *savoir être* of its lecturers, but has failed to offer the very much needed adaptation bridges for the new educational scenarios it envisages. At the same time, it has left many a lecturer in a rather difficult position, juggling between a plethora of competences, learning outcomes, methodological strategies and pedagogical approaches, far away from their specialisation field.

Under these premises, it comes as no surprise that the results of Chapter 4’s exploratory study on the syllabi of the legal translation undergraduate courses in Spain were deemed inconclusive, incomplete, and unable to provide comprehensive information on the methodological resources legal translation lecturers resort to in their classroom, together with the underlying rationale and pedagogical beliefs. On the one hand, questions on the very appropriateness of syllabi as trustworthy sources of information arise. At the end of the day, from a pragmatic standpoint, trusting the validity of the information included in the different syllabi stands, to a great extent, as a well-intentioned act of faith. In my personal view, the rough conclusions in Chapter 4 should be corroborated and strengthened, or either discarded or contextualised by means of a different method.

For that reason, **Part II** presents two empirical studies aimed at contrasting the information gathered in the exploratory analysis above. Working under the premise that the average contemporary legal translation classroom in Spain combines both traditional, positivist elements —especially related to the thematic input legal translation demands— with other post-positivist features —in terms of

translation-related skills— Chapter 5 and Chapter 6 present two sets of additional data contextualising and providing a deeper insight on the matter.

Regarding the structure of this part of the dissertation, the composing chapters are shaped as independent, empirical studies whose findings enrich the overall picture from a number of perspectives. As such, each of the studies presents their own objectives, hypotheses, research tool and conclusions, which, it goes without saying, are narrowly linked to the main objectives and hypothesis of the dissertation. In my opinion, structuring the empirical research in two self-existing, independent studies, as other more experimental fields do (Psychology, for instance) makes it easier for readers to see how the analysis of data helps understand the multifaceted nature of education and how the triangulation of methods helps articulate the overall research, providing insightful, complementary information.

On the one hand, **Chapter 5** presents the results of a questionnaire distributed among all legal translation lecturers in Spain regarding their beliefs on both the role of lecturers and students in education as well as the relevant teaching skills lecturers unfold in their classroom. The questionnaire, designed and validated by the Department of Education Theory and the Department of Research and Diagnosis Methods in Education of Universitat de València (Spain), consists of a list of 51 items divided in three different scales. On the other hand, **Chapter 6** provides further first-hand insight following a number of semi-structured interviews carried out between March and June 2017 involving legal translation scholars with an out-standing academic career in their field. The respondents, who all count with at least ten years of third level education experience, were asked to reflect on their role, the way translation education has changed in the last years and their own methodological approach to the teaching of legal translation.

Ultimately, these chapters are intended to round the provisional results in the first part of the dissertation and confront the resulting depiction to the different pedagogical trends and educational theories underpinning the education of future translators. In that capacity, it explores how given epistemological standpoints and subsequent pedagogical practices may enhance the education process of undergraduate students, allowing them to become emancipated *competent* language professionals.

Methodological remarks on the empirical research

Chapter 5 and **Chapter 6**, together with the quantitative exploratory study in **Chapter 4**, represent the empirical input of this dissertation. Each of the final two chapters is envisaged as a whole, round study covering the relevant theoretical, methodological, analytical, and interpretative levels of empirical research explored by Arnau *et al.* (1990:12).

The overall objective of this dissertation, that is, describing methodology in the legal translation classroom and contextualising legal translation education and pedagogy in contemporary settings under particular epistemological assumptions, is consequently broken into several partial research objectives in the pages below shaping and justifying the relevant methodological choices.

The research paradigm I have resorted to throughout this piece of research is based on a mixed-methods approach. Indeed, as Muñoz Miquel claims (2014:156), mixed methods seem to have become the standard in our field of research, together with other related, neighbouring disciplines (Hernández, Baptista, & Fernández, 2006:546; Creswell & Plano Clark, 2011:50). Far from the eternal quantitative-qualitative dichotomies, mixed methods advocate the validity of both research approaches put forward. At the end of the day, many argue, they both belong to the very same ontological conceptualisation of reality, hence their claim. Similarly, Cerezo (2012:160), praising mixed methods, speaks of a continuum where research leans towards more or less quantitative or qualitative stances according to the objectives of the researchers and the objectives of the study itself, since the application of both approaches provide useful, complementary data of any given phenomenon. This, she follows, proves the traditional debate on the superiority and validity of one approach over the other a rather sterile one.

Mixed-methods research may be designed, planned and executed following a number of research premises (Creswell & Plano Clark, 2011) that articulate the overall empirical study and reflect, in a way, the ideas and assumptions that researchers have about their own work. In this case, in order to obtain diverse, comprehensive, reliable information and data, a sequential explanatory design has been adopted. Sequential exploratory designs divide the overall research in two phases. The first one, a quantitative approach, is bestowed greater overall importance, providing the backdrop of the work and standing as the main driving force of the empirical study. On a second phase, qualitative methods are applied,

building on the results of the first study. In this dissertation, the qualitative data in **Chapter 6** is indeed used in order to explain, contextualise and provide deeper insight on particular aspects highlighted by the preliminary quantitative results, thus rounding the findings explored in **Chapter 5**.

Finally, for this particular dissertation two different data collection strategies have been adopted, applied in both cases to the same population: a questionnaire and an interview. The data extracted from both tools has led to a process of data triangulation, providing a “comprehensive, reflexive execution of the different phases and techniques in the study applied to social and communicative phenomena” (Mariño, 2006). Besides the method triangulation (quantitative research through questionnaires and qualitative research through interviews) this work is based, similarly, on a theoretical triangulation, that is, the combination of different sources of theoretical input: Translation Studies, Education and Epistemology (Denzin, 1970).

CHAPTER 5 – EXPLORING THE LEGAL TRANSLATION FACULTY: THE TAMUFQ QUESTIONNAIRE

5.1 Research problem

The study presented below is located in the intersection between Translation Studies and Pedagogy, namely legal translation education. Following Bologna's implementation and its subsequent shift in the epistemological orientation of higher education, this study aims at presenting objective, current data on the classroom methodology of legal translation undergraduate modules in Spain, together with the epistemological underlying assumptions of lecturers. The main concerns arising prior to the empirical research below were the following:

- What is the teaching profile of the legal translation lecturers in Spain? What position do they have within their own departments? Do they have any specific, law-related education?
- What makes a good legal translation lecturer, according to their own beliefs? What is their position and role in the education process of their students? What is the role they understand their students should have in the process?
- What is their classroom methodology and their teaching skills? Is there any link between their teaching practice and the socio-professional reality of legal translation? How do they assess the progress of their students?

Building on these research questions, the first empirical study was designed in order to gather the relevant data that would lead to particular findings not only on the lecturers' conceptualisation of knowledge but also on the learning activity itself and their teaching practices, the latter being presumably in line with the former two (Gargallo, *et al.*, 2011:11; Martín, 2009; Zhang, 2009).

5.1.1 Framing the scope of the study

In order to measure the methodological and pedagogical performance of lecturers, as well as their epistemological assumptions, a number of existing questionnaires

was analysed, following previous explorations by Gargallo *et al.* (2011). All these questionnaires, described below, covered the main concerns of the study to a greater or lesser extent.

The SEEQ¹²¹ questionnaire (Marsh, 1982, 1987), for instance, addressed teaching quality and the different competences of lecturers through nine different dimensions (learning, enthusiasm, organisation, group interaction, individual rapport, breadth, examinations, assignments, overall features), allowing faculty to detect and analyse specific areas of teaching quality. The SEEQ instrument has been consistently applied in tertiary education —with responses from around one million students in a wide range of disciplines at both undergraduate and graduate levels—, proving the research tool valid and reliable. However, the instrument was designed to be distributed among students, and reflects their perception of a given module, so it was discarded for the purposes of this very study, whose main aim is to analyse the perception of university lecturers.

The same excluding criteria were applied to the CEDA¹²² questionnaire (García Ramos, 1997a, 1997b, 1998). The questionnaire addresses six dimensions in teaching methodology (programming and organisation of the module, command of content and clarity in the explanations provided, motivation towards education and increase in student interest, interaction with the classroom, individual attention to students, assessment exams) grouped in three modules (module assessment, analytic assessment of the lecturer and global assessment of the lecturer).

Other questionnaires analysed were that of Gow and Kember (1993) and Prieto (2005), which in both cases were deemed insufficient in regard to the assessment of not only the epistemological assumptions of lecturers but also the articulation of the former around particular methodological approaches in their classroom. Gow and Kember's, while providing a comprehensive tool (84 items around 14 scales) in order to measure teaching pre-conceptions and assumptions, failed to include the methodological input, vital in this study; and Prieto's Scale of Teaching Self-efficacy for University Lecturers (44 items), while assessing a number of teaching

¹²¹ Students Evaluation of Educational Quality.

¹²² Cuestionario de Evaluación Docente para el Alumnado [*Student Assessment of Teaching Practices Questionnaire*].

strategies (planning, active participation of students), failed to provide the overall, round depiction this study was after.

Gargallo *et al.*'s contribution (2011), the TAMUFQ¹²³ questionnaire, was genuinely believed to suit the particularities of this study, and was subsequently adopted as one of the research tools in this dissertation. The questionnaire, as explained below, addresses both the methodological and epistemological assumptions of university lecturers and even includes a third complementary tenet, that of evaluation and assessment of students, closely related to the other two.

5.1.2 Research paradigm

This study relies on critical pragmatist grounds, conceiving reality as something in constant re-negotiation, debate, and interpretation in new, unpredictable situations, influenced at all times by power relations within society. Ontologically, the study avoids the debate whether reality is self-existing or a rather comforting, stable representation of a shared cognition within a given Bronfenbrennian macrosystem. Reality is addressed *as is*, since the mixed research paradigm presented below is not limited to any particular ontological stance.

Grotjahn (1987:59-60) combines three research variables (research method, type of data and type of data analysis) and identifies two pure research paradigms and six mixed research paradigms. According to his classification, this study may be ascribed to a mixed research paradigm based on non-experimental, quantitative, statistical premises:

The study is **non-experimental** since the participants have not been subject to any control, manipulation, or alteration process in order to determine what their stances and their praxis is like. Instead, the study focuses on the analysis and the interpretation the participants' standpoints and beliefs in order to draw the relevant conclusions on their epistemological assumptions and their everyday praxis. The aim of this study, therefore, is to gain a deeper, situated insight on a given social and educational scenario in order to identify trends and common practices valid in the particular context where the study is ascribed. Working on two distinct classroom models and a number of methodological skills, the study

¹²³ Teaching and Assessment Methodology of University Faculty Questionnaire.

attempts to describe and interpret current classroom practices in the education of legal translators-to-be.

Data recollection follows **quantitative** premises. The rationale behind such decision lies on the following reasons: on the one hand, the quantitative approach allows researchers to reach a wider cohort of responses and participants, bestowing greater relevance and representativeness to the findings. Furthermore, the subjectivity of the researcher is less present, since the whole study takes place in highly controlled, rigid circumstances whose outcome allows researchers to analyse, comprehensively, a number of variables in a systematic, structured fashion.

Similarly, data analysis is carried out through **statistical** methods aimed at exploring and describing the data obtained. Statistics allows researchers to frame and reduce complex situations to manageable formats in order to describe, explain or model them, examining a particular question as a whole as well as broken down into individual aspects, thus filling the gap between rough information and knowledge. Same as the data recollection strategy, analysing the results statistically waters down the presence of the researcher in the process, thus decreasing the possibility of any given bias.

5.2 Objectives of the study

The study is articulated around a main, general objective from which a number of partial, specific objectives stem. The overall objective of this the study may be summarised as follows:

To analyse the underlying epistemological standpoint of legal translation lecturers in TI undergraduate degrees in Spain through the pedagogical and methodological approaches in their legal translation classroom.

In order to provide a wider picture able to answer the main objective included above the following specific objectives were adopted:

- To describe the legal translation lecturing staff in Spain, taking into account questions related to their sex, age, teaching

experience, number of students, academic position and legal education.

- To describe the elements and features that constitute their classroom praxis, together with their pre-conceptions on knowledge, knowledge 'acquisition' and the different methodological means to achieve them.
- To describe the different pedagogical approaches related to lesson planning, assessment, and performance inside and outside the classroom.
- To compare the results to previous findings using the same instrument on a different, broader sample (that of university lecturers in Spain, regardless of the discipline), analysing whether our particular field affects the epistemological and methodological assumptions of its lecturers.

5.3 Hypotheses of the study

Taking into consideration the objectives above, the following working hypotheses were adopted:

- Heavily influenced by EHEA, legal translation lecturers in Spain share a post-positivist theoretical conceptualisation of knowledge and knowledge acquisition that, to some extent, does not translate into their respective classroom methodology, resulting in eclectic combinations.
- Despite acknowledging the incorporation of student-centred, constructivist models and features, a number of positivist, teacher-centred classroom characteristics persist, namely those referred to the conceptual content of their modules.
- Lecturers are committed to bringing theory and practice together in their classroom, often through simulations combining theory and practice or through real problems and tasks.

- While formative assessment is preferred in a 'learn by doing' approach, lecturers rely on exams as their primary source of information in order to measure the progress of their students.
- Legal translation lecturers, given the practice-oriented, younger tradition of the discipline, have been able to adapt their content and methodology to EHEA's demands rather successfully, especially when compared to the average Spanish university lecturer.

5.4 Population and Census

As mentioned consistently throughout this dissertation, the situated nature of education gives rise to few valid generalisations. Indeed, from an ecological point of view based on complex premises, neighbouring systems may share a number of characteristics and may even lead to clusters of systems presenting common interacting variables. However close those systems may be, though, they will never be fully comparable given the non-linear behaviour and unpredictable outcome of complex systems, which inevitably reinforces situatedness.

Still, in an attempt to freeze the ephemeral nature of reality and extract pedagogical conclusions from the here and now, the instrument described below was applied to a number of translation lecturers dealing with legal translation in their modules at undergraduate level in Spain. In this particular piece of research the whole population of legal translation lecturers was adopted as study subjects. Acknowledging that the population in question was countable, finite and well-defined at least for a given academic year —at the end of the day, faculty fluctuates and is subject to a myriad of changes on a yearly basis— a census had to be created where all study subjects were to be represented accurately. Under those sampling criteria the different course syllabi analysed in the exploratory study included in Chapter 4 above were re-examined and a census of the target population was built.

5.4.1 Designing the census

Two main concerns arose when establishing the inclusion criteria for the census: the first one related to the nature of the legal translation modules; the second one, on the particular characteristics of the study subjects.

Regarding the legal translation modules, prior to the creation of the census a decision was to be taken so as to what qualifies as a legal translation module. Indeed, as explored in Chapter 4, very few were the cases where the modules at stake were labelled as “legal translation” exclusively. Instead, following a broader, intersectional notion of the discipline, virtually all modules addressed legal translation together with other related, neighbouring content: economic translation, administrative translation, institutional translation, sworn translation, financial translation, etc. For the sake of this study, all those ‘mixed’ modules were taken into consideration and included in the census, since the underlying belief was that they all constitute different faces of a complex polyhedral reality.

Deeper thought and analysis was placed in cases such as Universidad de Granada, Universitat de València, Universidad Pablo Olavide or Universidad de Málaga, where apparently there were no legal translation modules *per se* but a number of specialised translation modules where legal translation content was combined with technical or scientific translation. For those universities, a deeper study on the content of each syllabus and the overall curriculum had to be carried out, and all responsible lecturers were tentatively included in the census, since syllabi failed to express which lecturer was in charge of each part of the module —in the cases, obviously, where there was more than one lecturer for the said specialised translation module—.

Finally, regarding the languages involved in the study, the decision to include all A, B and C languages in all possible language combinations, as long as that they offered legal translation content, reinforced the accurateness of the overall picture and provided a more comprehensive approach to legal translation classroom methodology.

When it comes to the lecturers to be included in the census, the inclusion criteria were equally broad: all university lecturers in charge of legal translation modules lecturing at undergraduate level in Spain during the 2016/2017 academic year. Indeed, the more heterogeneous the population, the better, since differences in age, academic position and education would provide a richer depiction and a more faithful approach to legal translation education.

Working on those two variables, and building on the information the different course syllabi and the websites of the universities involved offered, the census on which the questionnaire was to be implemented was progressively designed. The

information gathered on each and every legal translation module was the following: name of the undergraduate programme, name of the university, name of the module, number of credits, name(s) of the lecturer(s), academic position of the lecturer(s), e-mail address of the lecturer(s). A partial version of the census is attached to this dissertation as Annex 1¹²⁴.

Overall, 112 legal translation modules were observed, out of which 104 course syllabi were analysed¹²⁵. The total number of lecturers included in the early stages of the study was that of 118, out of which 11 lecturers were later on discarded for the following reasons:

- In one case, the syllabus did not mention who the lecturer was. The information could not be obtained in any other way, even after contacting the department and a number of lecturers in the department.
- In two cases the lecturer had just retired, which contradicted the inclusion criteria specified above.
- In seven cases the lecturers, while being in charge of a 'specialised translation module', did not cover the legal content of the module, and referred to their respective colleague, also included in the syllabus and the census.
- In one case the lecturer had not been appointed yet.

Thus, the total number of lecturers who were approached for this study was that of 96, out of which 80 did answer the questionnaire and had an active role in the data gathering process below.

Lecturers were contacted through their official, academic e-mail address, where the objectives of the study were put forward and a hyperlink was provided for them to access the questionnaire below. The questionnaire was hosted on

¹²⁴ The sensible information —the contact details of the lecturers involved— has been omitted in the document attached.

¹²⁵ Eight legal translation modules had not been implemented yet —Universitat Oberta de Catalunya, Valencia International University and Universidad Rey Juan Carlos—. All of them are meant to be set in motion in the 2017/2018 and the 2018/2019 academic years.

Typeform, a highly visual, intuitive platform that allows its users to access questionnaires in a number of devices and formats.

5.5 Research tool

As argued above, the TAMFUQ¹²⁶ questionnaire was considered to be a valid instrument in order to measure the epistemological standpoint of lecturers together with their classroom methodology. The different design, validation and application stages of TAMFUQ, which, summarised below, constitute the basis of this study, follow the specifications on tests and standardised testing theory explored by Croker and Algina (1986) as well as Jornet and Suárez (1996). They are, similarly, in line with Popham's (1990) models of educational measurement.

5.5.1 The TAMFUQ questionnaire

TAMFUQ is arranged in three complementary scales. The first two were designed regarding the main classroom models that have been consistently resorted to along this dissertation: traditional, transmissionist, teacher-centred models, and *constructivist*¹²⁷, student-centred models¹²⁸. The corresponding scales, as the tables below show, explore questions related to the epistemological grounds of knowledge acquisition/construction, the role of teaching and learning in the educational process of students, assessment criteria and techniques, the role of lecturers in the models, classroom methodology, materials used in the classroom, etc.:

¹²⁶ A sample of the TAMFUQ questionnaire is included in Annex 2 of this dissertation.

¹²⁷ This dissertation has consistently advocated the term 'post-positivist' in order to refer to those epistemological stances where knowledge is deemed to be construed/constructed within the individual through active cognitive engagement in a given, situated context. While constructivism is indeed the main trend within post-positivist epistemologies, the umbrella term 'post-positivist' is preferred since it conveys successfully the rich plethora of approaches it is believed to represent.

¹²⁸ Chapter 1.2 and 1.3 above provide the relevant epistemological background and justification of the models.

| Teacher-centred models (Scale 1) | |
|---|--|
| Knowledge | External, self-existing. The teacher is in possession of the relevant body of scientific knowledge and is in charge of transmitting it accordingly. |
| Learning activity | Learning is understood as the acquisition of knowledge. |
| Teaching and teachers | Teaching is understood as the transmission of knowledge. A good teacher is an expert in the field and knows how to explain in order to facilitate comprehension. |
| Methodology | Tends to be unidirectional, the teacher explaining the relevant content through examples, etc. Bidirectional methodology aims at keeping students' attention and facilitating comprehension (answering questions from students). There is little or no feedback from the students on their comprehension process or the difficulties they may encounter. |
| Materials | Handbook, lecture notes. |
| Assessment | Exam where students are expected to show their mastery on the content and reproduce the knowledge apprehended. |
| Attention hours/tutoring | Upon the students' request. Teachers await in their office for the students who request it. |

Table 27 Teacher-centred classroom models [Adapted from Gargallo et al, 2011:14]

| Student-centred models (Scale 2) | |
|---|---|
| Knowledge | Social, negotiated construction. Both students and teacher participate in the education process and are responsible of organising and creating knowledge. |
| Learning activity | Individual process shared and negotiated among individuals. Knowledge allows students to interpret reality beyond their learning environment. |
| Teaching and teachers | Education is an interactive process fostering knowledge construction, where teachers facilitate the |

| | |
|---------------------------------|--|
| | overall process. Teachers master their field but are aware of the methods to design effective learning environments. |
| Methodology | According to the context and the objectives. The teacher seeks involvement and motivation in order to achieve comprehension, fostering autonomy and self-assessment (learning how to learn). Interaction is bidirectional, negotiating meaning and acknowledging students' previous cognitive schemas and beliefs. Use of expositive and interactive methods (dialogue, cooperative learning, discussions, etc.). Use of seminars, research projects, case studies, etc. |
| Materials | Solid number of sources (handbooks, notes, articles, audiovisual platforms) in order to elaborate and synthesise information, fostering critical thinking. ICT is used as a means to enhance interaction and collaborative learning. |
| Assessment | Formative assessment (problem resolution, case studies, exams, simulations, portfolios, self-evaluation etc.) allowing teachers to assess whether students are progressing in the construal and construction of knowledge. Feedback is deemed essential. |
| Attention hours/tutoring | Active and systematic use of the attention hours, planning the sessions beforehand as a tool to complement the learning activity. |

Table 28 Student-centred classroom models [Adapted from Gargallo et al., 2011:15]

To those educational models, and in order to round their research, the scholars add a third element in their study, what they refer to as 'teaching skills'. Those teaching skills leading to a *competent* teaching performance, which are indeed closely related to classroom methodology, were grouped in three overall sets of competences: lesson planning, performance and interaction both inside and outside the classroom, and assessment methods. Questions related to the research activity of university lecturers, their management roles within their department or the coordination with other lecturers were left outside the scope of their research, since the scholars' intention was to stress solely the role of lecturers in their classroom. The characteristics explored by Gargallo *et al.*, which were gathered

after a careful literature revision on teaching competences at university level in Spain (García Ramos, 1997a, 1997b, 1998; Ibáñez Martín, 2001; P. T. Knight, 2005; Monereo & Pozo, 2003; Prieto, 2005; Villar Angulo & Alegre de la Rosa, 2004; Zabalza, 2006; Zabalza & Arnau, 2007), were the following (*ibid*, 2011:16-17):

| Lesson Planning (Scale 3) |
|---|
| The lecturer allocates enough time for lesson planning and revises prior syllabi (if any) |
| The lecturer sets clear objectives for their lessons |
| The lecturer selects the relevant content according to certain criteria (relevance, usefulness, interest of students, etc.) |
| The lecturer adopts a particular method according to the objectives, content and group |
| The lecturer assesses the amount of time needed for the different topics and activities in their classroom |
| The lecturer assesses the time and workload that students need in order to prepare for their module |
| The lecturer prepares the activities that students are to engage with throughout the year |
| The lecturer has in mind all the resources available to them |
| The lecturer sets the assessment criteria and techniques according to the specifications of the module (objectives, content, group, number of students, etc.) |
| The lecturer prepares their lectures |
| The lecturer drafts a mentoring/attention hour scheme for their students |
| Performance and interaction both inside and outside the classroom |
| The lecturer informs students about the overall module planning (objectives, content, activities, methods, assessment criteria and techniques, bibliography, attention hours, etc.) |
| The lecturer is an expert in their field |
| The lecturer applies a number of mixed, complementary methods according to the content, objectives and group |
| The lecturer explains the content, methods, characteristics of their module successfully |
| The lecturer shares the objectives of the different sessions |
| The lecturer summarises what was done on previous sessions |

| |
|--|
| The lecturer presents the sessions in an interesting way |
| The lecturer is able to motivate their students |
| The lecturer is able to link the contents with the students' previous experiences |
| The lecturer emphasises the most important pieces of content |
| The lecturer uses examples to illustrate their point |
| The lecturer shows the real life application of the content covered in the classroom |
| The lecturer asks students to take an active role in the classroom through questions and comments |
| The lecturer uses audiovisual platforms and resources in order to facilitate the presentation of new content |
| The lecturer makes sure that their students understand the content |
| The lecturer adapts the content (amount, difficulty) according to the group |
| The lecturer goes through the relevant bibliography for each content block |
| The lecturer includes activities to be done in the classroom |
| The lecturer summarises what has been covered in the classroom |
| The lecturer follows their planning |
| The lecturer takes into account the interests and prior knowledge of students |
| The lecturer takes into account the suggestions by the students |
| The lecturer fosters a good work environment among the students |
| The lecturer is able to convey their interest in the module they are in charge of |
| The lecturer encourages students to attend their attention hours |
| Assessment |
| The lecturer assesses learning according to the objectives in the syllabi |
| The lecturer is clear in their assessment criteria and informs their students |
| The lecturer uses a number of assessment techniques (exams, essays, etc.) |
| The lecturer informs their students of the different assessment techniques |
| The lecturer performs an early assessment in order to verify the previous knowledge of their students |
| The lecturer assesses continuously throughout the year |

| |
|--|
| The assessment criteria correspond to the level of the module |
| The lecturer comments with their students the results of their assessment |
| The lecturer provides the relevant feedback to the students in order for them to improve their results |
| The lecturer incorporates the results of their assessment into their future teaching performance and syllabi |

Table 29 Teaching skills in competent lecturers [Adapted from Gargallo et al, 2011:16-17]

Initially, when the questionnaire was first drafted, it included 82 items articulated around the three scales mentioned above (20 items, 34 items, and 28 items, respectively), which were submitted for analysis and assessment before a panel of ten expert evaluators as customary in test design processes (Crocker & Algina, 1986; Jornet & Suárez, 1996; Roid & Haladyna, 1982). The external evaluators were asked to evaluate the validity and intelligibility of the construct, rating the items through a 1-to-5 acceptance scale. Items below 4 points were discarded, together with those items presenting major discrepancy among the evaluators (Kendall's tau coefficient).

The resulting 71-item questionnaire was used in an exploratory, pilot phase, which is described in the section below. The analysis of the data obtained in the pilot phase together with the validation stages of the questionnaire were used in order to narrow down the number of items to 58. The decision was based on the analysis of the technical quality of the items (intelligibility, homogeneity coefficient, coefficient of variation) and the analysis of its reliability, internal consistence, and overall validity of the construct. After that, a second, bigger-sized sample was administered the test, whose data analysis and validation process discarded seven more items, resulting in the 51-item questionnaire used in the course of this study. The items, structured in Likert-like terms, present five levels of response, ranging from (1) strongly disagree, (2) disagree, (3) neither agree nor disagree, (4) agree, (5) strongly agree.

5.5.2 Pilot testing and distribution of the questionnaire

The pilot phase involved 233 university lecturers working at the two public universities in Valencia (Spain): Universitat de València Estudi General (UVEG) and Universidad Politécnica de Valencia (UPV). The questionnaire was administered through e-mail or regular post according to the preferences stated by the lecturers.

Prior to the distribution of the questionnaire, a representative sampling process was carried out in order to bestow higher representativeness to the pilot phase (95% confidence, 5% maximum error). Out of the eligible 357 lecturers, 233 took part in the study (38.2% women, 61.8% men). The sample of the population analysed, selected through a stratified random sampling process, consisted of lecturers who belonged to one of the major areas of knowledge of both universities (Experimental Sciences, Education, Humanities, Social Sciences, Health Sciences, Engineering, Fine Arts, and Architecture) with, at the same time, different professional and academic status within their university (senior lecturers, PhD holding assistant lecturers, part-time lecturers, etc.).

For the second distribution of the questionnaire, after the pilot study, a third university was added to the former two: Universidad Católica de Valencia (UCV). 315 lecturers took part (41.3% women, 58.7% men). The representativeness criteria above (professional and employment status and area of knowledge) were equally applied to the sample.

5.5.3 Validation of the construct

In order to validate the instrument, Gargallo *et al.* continue (*ibid*:21), exploratory factor analyses were applied with the help of PRELIS, a programme for multivariate data screening and data summarisation. Later on, the models were tested through confirmatory factor analyses on LISREL 8.80. The models put forward follow the outcome of the previous exploratory factor analyses and are based on the most parsimonious solution, with a root mean square error of approximation (RMSEA) ≤ 0.05 . The estimates on the confirmatory models followed the application of the robust maximum likelihood (RML). Regarding model control, the combination of a number of indicators was applied —root mean square error of approximation (RMSEA) for 90% confidence interval, comparative fit index (CFI) and standardized root mean square residual (SRMR).

The results of the different factor analyses for the three scales are summarised below (Gargallo *et al.*, *ibid*:21-27):

Figure 24 and Table 30 below present the results of the confirmatory factor analyses for the three factors making up **the first scale** of the questionnaire, that is, the teacher-centred educational model. As the authors conclude, all parameters in the model reach very high levels of significance:

| χ^2 (df) | p (CI) | RMSEA | SRMS | CFI |
|---------------|---------------------|-------|-------|------|
| 115.68 (62) | .001 (0.037; 0.067) | 0.052 | 0.073 | 0.98 |

Table 30 Confirmatory Factor Analysis for Scale 1

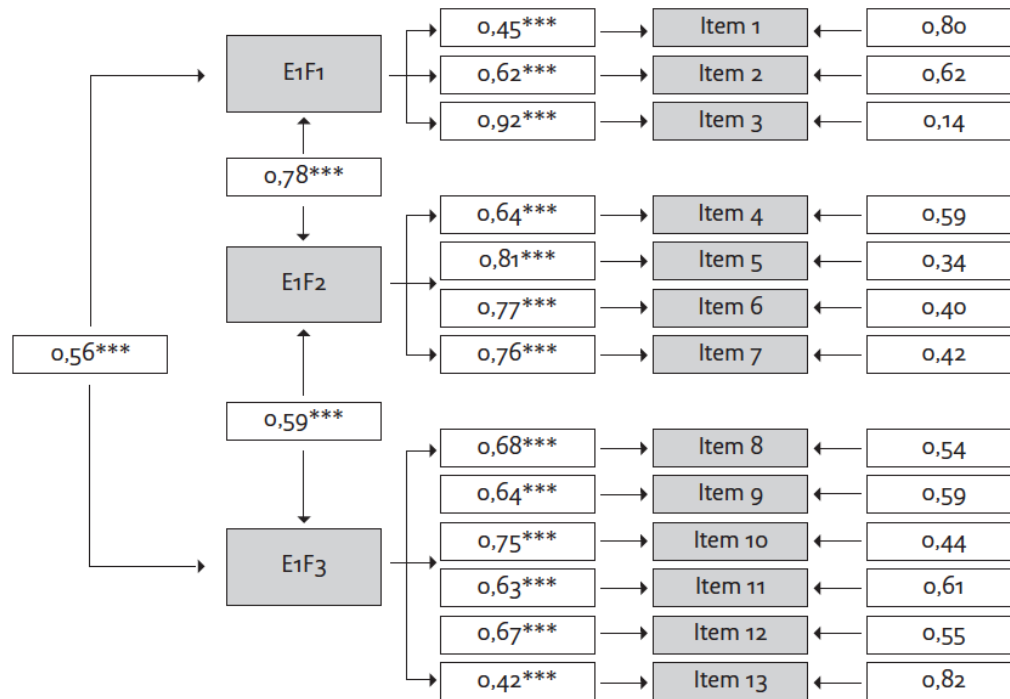


Figure 24 Confirmatory Factor Analysis Model for Scale 1 (**p < .001 for the parameters in the model), in Gargallo et al (ibid:22)

The results confirm the validity of the construct, structured around the following three factors: the traditional understanding of knowledge and learning, the traditional understanding of teaching and the transmission-based role of lecturers, and the implementation of traditional assessment and methodology-related criteria (*performance magistrale* and the role of the exam as the only assessment method).

Similarly, Figure 25 and Table 31 below present the results of the confirmatory factor analyses for the four factors making up **the second scale** of the questionnaire. Again, as data below confirms, all parameters in the model reach very high levels of significance.

| χ^2 (df) | p (CI) | RMSEA | SRMS | CFI |
|---------------|---------------------|-------|-------|------|
| 198.57 (129) | .001 (0.030; 0.052) | 0.031 | 0.067 | 0.99 |

Table 31 Confirmatory Factor Analysis for Scale 2

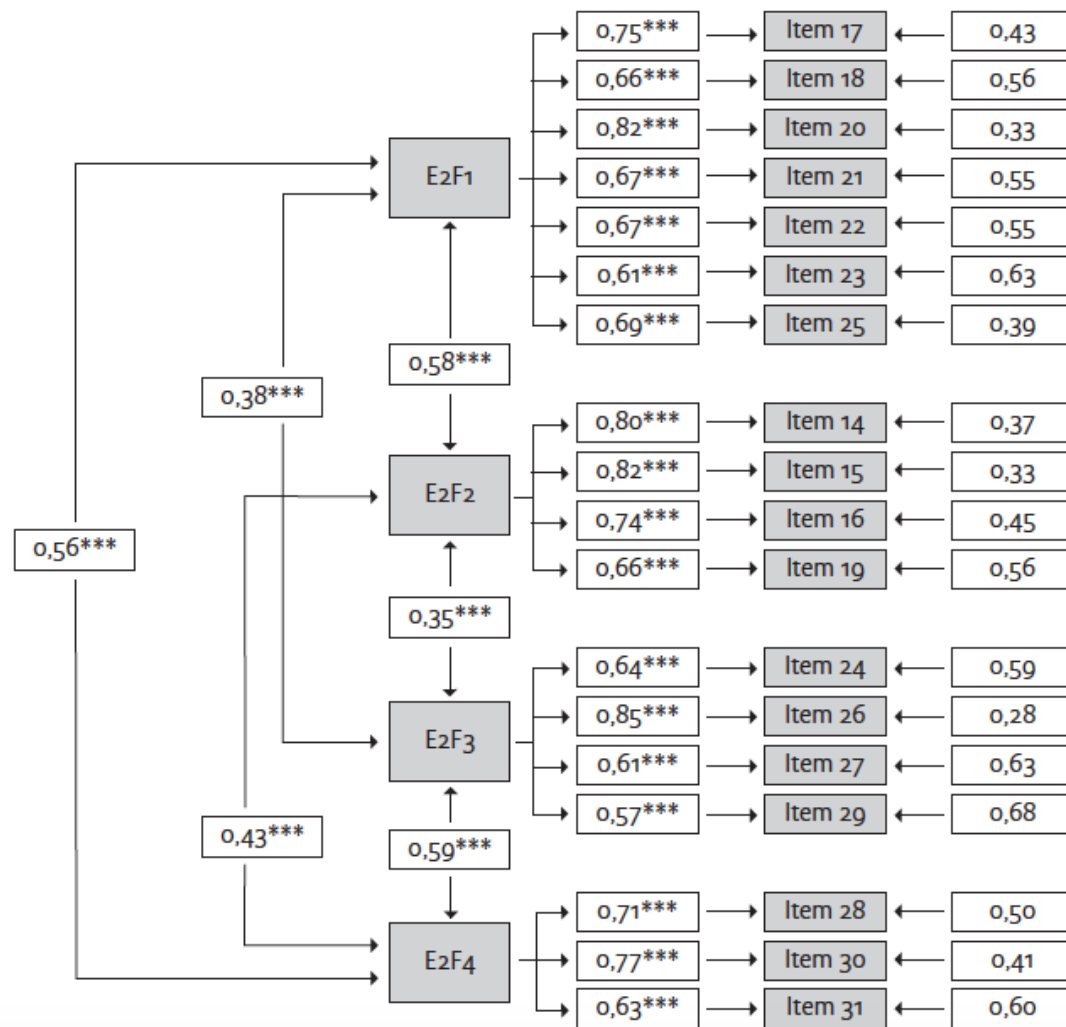


Figure 25 Confirmatory Factor Analysis Model for Scale 2 (***) $p < .001$ for the parameters in the model), in Gargallo et al (ibid:24)

The results confirm the validity of the construct, structured around the following four factors: an active understanding of learning and the role of lecturers as scaffolding agents in constructive environments, a constructivist understanding of knowledge and learning, effective interaction with the students, and the use of formative assessment methodologies.

Finally, Table 32 and Figure 26 below present the results of the confirmatory factor analyses for the five factors making up **the third scale** of the questionnaire.

| χ^2 (df) | p (CI) | RMSEA | SRMS | CFI |
|---------------|---------------------|-------|-------|------|
| 287.48 (168) | .001 (0.041; 0.060) | 0.050 | 0.080 | 0.99 |

Table 32 Confirmatory Factor Analysis for Scale 3

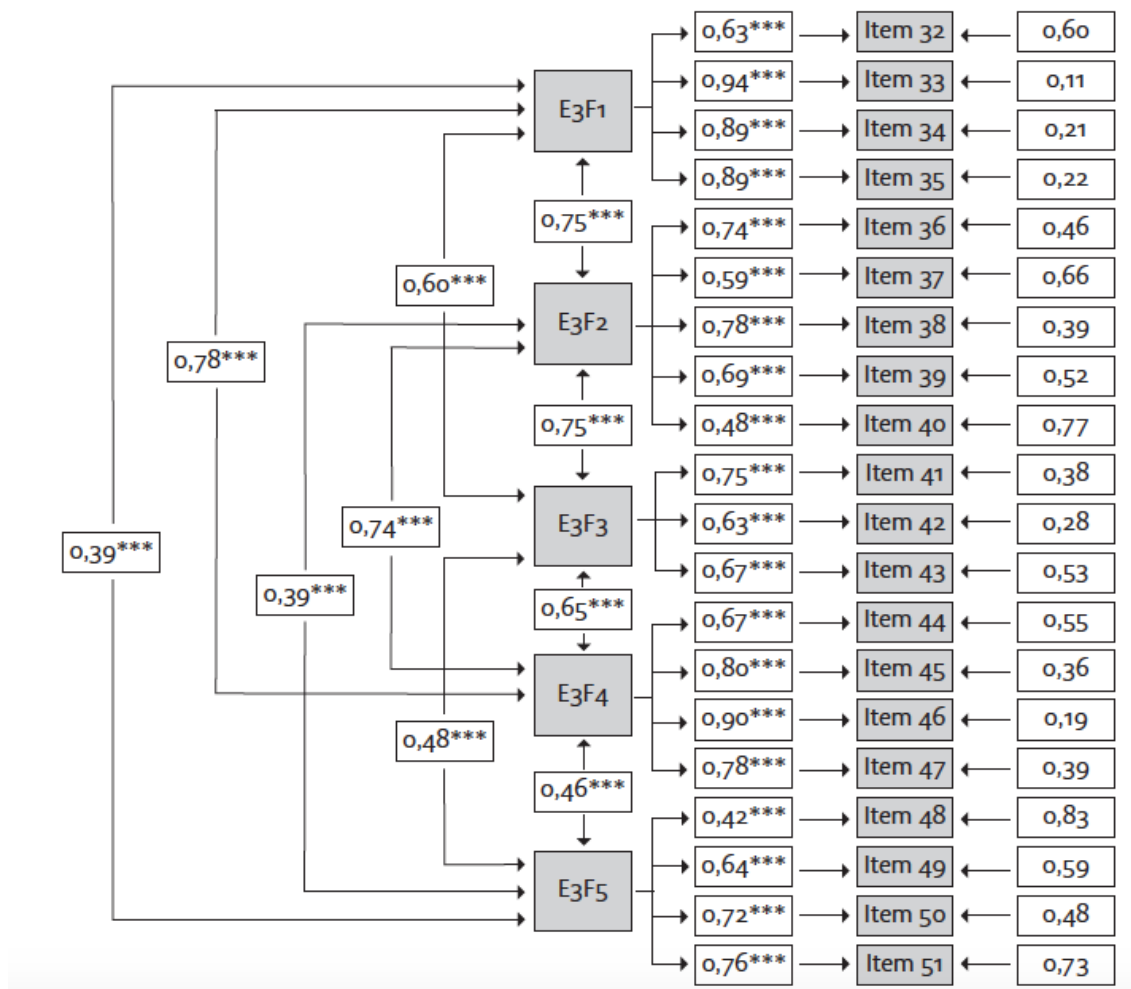


Figure 26 Confirmatory Factor Analysis Model for Scale 3 (***) $p < .001$ for the parameters in the model), in Gargallo et al (ibid:26)

The results confirm the validity of the construct, structured around the following five factors: planning skills, instructional skills, interactional skills and interest in the educational relation established, assessment skills related to well-defined, objective-based assessment, and use of initial, formative and continuous assessment.

Following the validation of the three scales, the reliability of the whole questionnaire was determined through Cronbach's alpha. The overall reliability was that of $\alpha = .830$. The different individual results concerning each of the scales and factors are summarised in the table below:

| SCALES | FACTORS |
|---------------------------------------|--------------------------------------|
| Scale 1 (13 items) $\alpha = .830$ | Factor I (3 items) $\alpha = .647$ |
| | Factor II (4 items) $\alpha = .784$ |
| | Factor III (6 items) $\alpha = .744$ |
| Scale 2 (18 items) $\alpha = .849$ | Factor I (7 items) $\alpha = .811$ |
| | Factor II (4 items) $\alpha = .780$ |
| | Factor III (4 items) $\alpha = .715$ |
| | Factor IV (3 items) $\alpha = .693$ |
| Scale 3 (20 items) $\alpha = .862$ | Factor I (4 items) $\alpha = .819$ |
| | Factor II (5 items) $\alpha = .697$ |
| | Factor III (3 items) $\alpha = .710$ |
| | Factor IV (4 items) $\alpha = .801$ |
| | Factor V (4 items) $\alpha = .661$ |

Table 33 *Internal consistency of the questionnaire [adapted from Gargallo et al (ibid:28)]*

Working on the results of the project, the relevant scales were introduced as a follow-up, allowing whoever takes the questionnaire to compare their results to the general findings put forward by the researchers, that is, the centile scores regarding the original cohort included in the study. The scales in question are an interesting ground for this particular doctoral research, since, after discussing the current epistemological and methodological scenario regarding legal translation education in Spain, one may use the scales in order to compare said depiction to the rest of disciplines, adding depth to the study. This way, not only is legal translation education analysed as a whole, but it may also be compared, in a horizontal fashion, with other disciplines and study programmes.

5.6 Analysis of data

All statistical tests along this section have been performed using SPSS v.18.0 (IBM Corp., Armonk, NY, USA). In order to address the statistical analysis rigorously and in a comprehensive fashion, different tests were performed according to the

variables under analysis at each and every moment. The tests in question are introduced at both the descriptive and differential stages of the overall analysis.

First of all, in order to draw a general depiction of the population, a descriptive approach to the demographic data was adopted, providing the relevant information about the sex, age, teaching years of service, academic position and legal background of the legal translation faculty in Spain. This was followed by a descriptive analysis, based on means and standard deviation, of the different items, factors and scales making up the TAMFUQ questionnaire, that is, the different answers provided by those members in the census who had an active role in the study.

Besides, in order to offer a richer insight on the epistemological and methodological stance of legal translation lecturers, a number of differential tests were also performed. In order to do so, the different respondents were divided into groups, or sub-samples, according to the demographic data described above. The general aim was to explore, if any, the statistical significance that may occur between the groups. In the case of sex, since there were two sets of data to analyse, Student's t-test was performed. Concerning the other variables (age, teaching years of service, academic position and legal background), given the fact that there were three groups of data to be compared, the ANOVA test was performed. The aim, as in the t-tests, was to analyse the differences and variation among group means, searching for statistical significance between the groups. Whenever the ANOVAS showed statistically significant results the Scheffé test was performed in order to find out the precise groups where the statistical significance occurred.

Finally, in order to establish the relation between the different quantitative variables, a bivariate analysis (Pearson's correlation coefficient) was performed among the different factors and scales making up the questionnaire.

5.6.1 Descriptive analysis

The results of the descriptive analysis of the study are presented in three main sets of data. First of all, the socio-demographic profile of respondents is displayed, focusing on questions related to sex, age, teaching years of service, academic position and legal background. This will provide an overall depiction of the average respondent, that is, the average legal translation lecturer in Spain in the 2016/2017 academic year. The next two sections describe the answers given to

the questionnaire; both the epistemological beliefs and the methodological input the respondents seem to adopt in their classroom.

Table 44 below shows the first set of results of the study, those describing the social and academic profile of respondents. As may be noted, legal translation faculty is composed predominantly by women (67.5%), compared to the national average in Spain of 40.5% female lecturers in higher education (39.9% public universities; 43.9% private universities) (INE, 2017).

Concerning the age of those lecturers, the average respondent was 44.26 years old (SD=9.6). Indeed, around 84% of those who answered the questionnaire were located in the 36+ age bracket, out of which most of them were older than 45 years of age (42.4%). Similarly, the respondents claim to have spent an average of 15 years (SD=9.43) lecturing at university.

Regarding the academic position they hold at the moment at their respective universities, the most common position is that of *profesor asociado* (28%), followed by *profesor titular* and *profesor contratado doctor* (26% and 19%, respectively). An interesting aspect could be the fact that 31% of the legal translation faculty in the country holds a senior lecturing position, either that of *profesor titular*, or that of *profesor catedrático de Universidad*, outnumbering altogether, even if not by far, the number of *profesores asociados* in charge of the legal translation modules.

Finally, concerning the legal translation education those lecturers have received, 24% of the respondents acknowledged the lack of any kind of legal background whatsoever; while, at the other end of the spectrum, 10% of lecturers claimed to hold an undergraduate degree in the Law. The most common option was that of complementary, specific, law-related courses and seminars, coupled with other non-formal education initiatives (69% in total, altogether)¹²⁹:

¹²⁹ An interesting remark that may indeed be linked to the current scenario regarding specialised translation education in Spain may be found in Chapter 6, where one of the interviewees shares an insightful reflection/personal memory regarding the implementation of the degrees in Translation and Interpreting in Spain and how the resulting model favoured the education of professional translators to be trained in the respective fields of specialisation and not the education of specialists of the different domains trained as translators, unlike other widespread university programmes in Europe at the time.

| | |
|---|-----------------------------|
| Sex | |
| Women | 67.5% (n=54) |
| Men | 30% (n=24) |
| Age | |
| | $\bar{X}=44.26$; $SD=9.64$ |
| <35 | 16.3% (n=13) |
| 36-44 | 41.3% (n=33) |
| >45 | 42.5% (n=34) |
| Academic position | |
| Profesor asociado ¹³⁰ | 28% (n=22) |
| Profesor titular ¹³¹ | 26% (n=21) |
| Profesor contratado doctor ¹³² | 19% (n=15) |
| Profesor colaborador ¹³³ | 9% (n=7) |
| Catedrático ¹³⁴ | 5% (n=4) |
| Profesor agregado ¹³⁵ | 5% (n=4) |
| Profesor ayudante doctor ¹³⁶ | 4% (n=3) |
| Profesor de universidad privada ¹³⁷ | 4% (n=3) |
| Becario FPI/FPU/otras becas doctorales ¹³⁸ | 1% (n=1) |
| Legal background | |
| Courses and seminars | 48% (n=38) |
| No | 24% (n=19) |
| Non-formal education | 21% (n=17) |
| Master | 13% (n=10) |
| Bachelor's degree | 10% (n=8) |
| Post-graduate degree | 8% (n=6) |
| Teaching years of service | |
| | $\bar{X}=15.05$; $SD=9.43$ |

Table 34 Socio-demographic profile of the legal translation faculty in Spain (2016/2017)

¹³⁰ Part-time professionals, PhD not required.

¹³¹ Tenured, full time, civil servant, PhD required, accreditation required.

¹³² Tenured, full time, not a civil servant, PhD required, accreditation required.

¹³³ Tenured, PhD not required, accreditation required.

¹³⁴ Tenured, full time, civil servant, PhD required, accreditation required.

¹³⁵ Permanent position equivalent to that of *Profesor Titular* (Catalan universities only).

¹³⁶ Non-Tenured, full time, not a civil servant, PhD required, accreditation required.

¹³⁷ Only for private universities, PhD required, accreditation required.

¹³⁸ PhD students.

5.6.1.1 Epistemological beliefs and classroom practices

The first two scales of the questionnaire deal with the epistemological stance of lecturers, which is shaped and defined around two different classrooms models: those educational approaches that place the lecturer at the very centre of the education process of their students, and the more recent, student-centred educational approaches. Tables 45 and 46 below reflect the results of the different items, factors and scales involved, providing a deeper insight on questions such as the nature of knowledge, the learning activity, lecturing, classroom methodology, materials, and assessment practices:

| | n | Min | Max | Mean | SD | 1 | 2 | 3 | 4 | 5 |
|----------------|----|------|------|------|------|-----|-----|-----|-----|-----|
| Item 1 | 80 | 1 | 5 | 1.61 | .93 | 60% | 26% | 9% | 3% | 3% |
| Item 2 | 80 | 1 | 5 | 3.19 | 1.21 | 9% | 23% | 26% | 26% | 16% |
| Item 3 | 80 | 1 | 5 | 2.60 | 1.14 | 16% | 38% | 23% | 18% | 6% |
| Item 4 | 80 | 1 | 5 | 3.11 | 1.07 | 4% | 30% | 28% | 29% | 10% |
| Item 5 | 80 | 1 | 5 | 3.69 | 1.06 | 4% | 10% | 24% | 39% | 24% |
| Item 6 | 80 | 1 | 5 | 3.69 | .99 | 1% | 14% | 20% | 45% | 20% |
| Item 7 | 80 | 1 | 5 | 3.43 | 1.15 | 6% | 16% | 24% | 36% | 18% |
| Item 8 | 80 | 1 | 5 | 2.26 | 1.10 | 31% | 28% | 28% | 11% | 3% |
| Item 9 | 80 | 1 | 5 | 1.84 | .91 | 45% | 30% | 23% | 1% | 1% |
| Item 10 | 80 | 1 | 4 | 2.00 | .89 | 34% | 38% | 24% | 5% | - |
| Item 11 | 80 | 1 | 5 | 1.48 | .75 | 64% | 28% | 8% | 1% | - |
| Item 12 | 80 | 1 | 5 | 1.96 | .92 | 34% | 44% | 18% | 3% | 3% |
| Item 13 | 80 | 1 | 5 | 2.41 | 1.12 | 25% | 29% | 31% | 10% | 5% |
| S1F1 | 80 | 1 | 5 | 2.47 | .86 | - | - | - | - | - |
| S1F2 | 80 | 1.25 | 5.00 | 3.48 | .86 | - | - | - | - | - |
| S1F3 | 80 | 1 | 4 | 1.99 | .71 | - | - | - | - | - |
| S1 | 80 | 1.15 | 4.31 | 2.56 | .67 | - | - | - | - | - |

Table 35 Scale 1: Teacher-centred educational model

Overall, the legal translation faculty in Spain seems to distance themselves from the traditional classroom practices and the teacher-centred classroom models that have been explored in previous chapters. Indeed, the overall mean of the scale is that of 2.56 (SD=.67), a relatively low figure representing what may be understood as a cautious, general disagreement among the respondents.

When analysing the different factors involved, S1F1 (\bar{x} =2.47; SD=.86) displays the item with the lowest agreement in the overall scale. Indeed, Item 1 (\bar{x} =1.61; SD=.93), exploring the nature of third level education, reports how 86% of respondents show their (strong) disagreement with the idea that higher education implies exclusively learning the contents of a given discipline, while 54% of them seem not to be comfortable with transmissionist views of tertiary education (Item 3: \bar{x} =2.60; SD=1.14).

Concerning S1F2, the respondents feel generally indecisive (\bar{x} =3.48; SD=.86) even if they lean slightly towards somewhat accepting standpoints. Item 4 (\bar{x} =3.11; SD=3.11), for instance, covering the self-concept of university lecturers, finds a 30% 'disagree' result, a 29% 'agree' result, and a 28% 'neither agree nor disagree' result when asking whether the most important feature of a lecturer is to master their discipline, something to be highlighted in a field such as legal translation, where the conceptual charge is more than significant. While disagreeing with transmissionist perspectives in education, respondents do feature some teacher-centred characteristics, both when it comes to the understanding of their traditional lecturing role, as a gate for students to access knowledge (Item 5: 39% 'agree', 24% 'strongly agree'), and their role in breaking down knowledge in different units of increasing complexity which are later on presented and transmitted to students, leading and managing the overall education process (Item 6: 45% 'agree', 20% 'strongly agree').

The last factor of the scale, S1F3, presents globally the lowest acceptance rate among the respondents (\bar{x} =1.99; SD=.71). It covers questions related to the role of students in the classroom and assessment methods. Regarding the former, respondents are adamant about the active role they seek among their students (Item 9: \bar{x} =1.84; SD=1.84), whereas, concerning assessment, respondents acknowledge that, given the fact that assessment should cover aspects beyond knowledge and content acquisition (Item 12: \bar{x} =1.96; SD=1.96), exams may not be the best tool in order to assess progress in the education of the students (Item 10: \bar{x} =2.00; SD=2.00); so therefore they use a variety of methods and tools besides exams (Item 11: \bar{x} =1.48; SD=1.48).

Scale 2, on the other hand, complements the results of Scale 1 from the opposite perspective, that is, the so-called student-centred classroom approaches. Virtually all items in the scale show high levels of acceptance among the respondents. Indeed, the overall result of the scale (\bar{x} =4.17; SD=.45) seems to indicate that legal

translation lecturers feel comfortable in student-centred, post-positivist learning scenarios, and the same is applied to all four factors making up the scale. A quick look to Table 36 below shows the very few answers given to the negative scales as opposed to the 'agree' and 'strongly agree' options, which are in most cases the preferred option:

| | n | Min | Max | Mean | SD | 1 | 2 | 3 | 4 | 5 |
|----------------|----|------|------|------|------|-----|-----|-----|-----|-----|
| Item 14 | 80 | 1 | 5 | 3.98 | .90 | 1% | 4% | 23% | 31% | 41% |
| Item 15 | 80 | 1 | 5 | 4.09 | .89 | 3% | 1% | 16% | 45% | 35% |
| Item 16 | 80 | 2 | 5 | 3.96 | .85 | - | 5% | 23% | 44% | 29% |
| Item 17 | 80 | 2 | 5 | 4.43 | .65 | - | 1% | 5% | 44% | 50% |
| Item 18 | 80 | 3 | 5 | 4.54 | .64 | - | - | 8% | 31% | 61% |
| Item 19 | 80 | 3 | 5 | 4.66 | .55 | - | - | 4% | 26% | 70v |
| Item 20 | 80 | 3 | 5 | 4.69 | .52 | - | - | 3% | 26% | 71% |
| Item 21 | 80 | 2 | 5 | 4.39 | .72 | - | 1% | 10% | 38% | 51% |
| Item 22 | 80 | 3 | 5 | 4.48 | .66 | - | - | 9% | 35% | 56% |
| Item 23 | 80 | 2 | 5 | 4.53 | .69 | - | 1% | 8% | 29% | 63% |
| Item 24 | 80 | 1 | 5 | 3.41 | 1.29 | 9% | 18% | 24% | 24% | 26% |
| Item 25 | 80 | 2 | 5 | 4.44 | .74 | - | 1% | 11% | 30% | 58% |
| Item 26 | 80 | 1 | 5 | 3.03 | 1.32 | 15% | 23% | 25% | 20% | 18% |
| Item 27 | 80 | 1 | 5 | 3.65 | 1.28 | 6% | 18% | 15% | 22% | 27% |
| Item 28 | 80 | 1 | 5 | 4.61 | .80 | 1% | 4% | 1% | 20% | 74% |
| Item 29 | 80 | 1 | 5 | 3.19 | 1.49 | 21% | 13% | 19% | 21% | 26% |
| Item 30 | 80 | 2 | 5 | 4.50 | .75 | - | 3% | 8% | 28% | 63% |
| Item 31 | 80 | 2 | 5 | 4.50 | .71 | - | 1% | 9% | 29% | 61% |
| S2F1 | 80 | 3.43 | 5 | 4.50 | .47 | - | - | - | - | - |
| S2F2 | 80 | 2.50 | 5 | 4.17 | .58 | - | - | - | - | - |
| S2F3 | 80 | 1 | 5 | 3.32 | .91 | - | - | - | - | - |
| S2F4 | 80 | 3 | 5 | 4.54 | .59 | - | - | - | - | - |
| S2 | 80 | 2.94 | 4.89 | 4.17 | .45 | - | - | - | - | - |

Table 36 Scale 2: Student-centred educational model (results)

S2F1 (\bar{x} =4.5; SD=.47) deals with the respondents' constructivist view of knowledge and knowledge 'acquisition'; together with the implications those epistemological assumptions bring to the legal translation classroom (role and active participation of students, understanding and real-life applicability of content, etc.). The results of Items 14 (\bar{x} =3.98; SD=.90), 15 (\bar{x} =4.09; SD=.89) and 19 (\bar{x} =4.66; SD=.55) shed light on the post-positivist approaches the legal translation faculty assumes in their

classroom. Indeed, only 1% of respondents opposed strongly a constructed/construed vision of knowledge (Item 14). The same conceptualisation is applied to the learning activity itself (Item 16), where none of the respondents disagreed with the statement provided, which referred to learning as “the personal construction of meaning”. Building on those grounds, it comes as no surprise that lecturers understand their role in scaffolding terms (Item 15) in educational settings where the content and knowledge is presented as something subject to personal interpretation and contextualisation (Item 19: 96% ‘agrees’ or ‘strongly agrees’). Finally, regarding their overall approach to their classroom, respondents bestow students a central, pro-active role in their education process (Item 17; $\bar{x}=4.43$; $SD=.65$; 94% ‘agrees’ or ‘strongly agrees’), making the relevant connexion between the content of their module(s) and reality (Item 18: $\bar{x}=4.54$; $SD=.64$ and Item 20: $\bar{x}=4.69$; $SD=.52$).

S2F2 ($\bar{x}=4.17$; $SD=.58$) comprises four items dealing with classroom practices. Similarly, all items show high levels of acceptance among the respondents. When asked about the nature of their classroom methodology, 89% of respondents claim to adopt a particular methodology depending on their group and their students (Item 21: $\bar{x}=4.39$; $SD=.72$). Thus, lectures tend to be varied, display a number of resources, simulations and case studies aimed at bridging the gap between theory and practice (Item 23: $\bar{x}=4.53$; $SD=.69$) where the students and the lecturer are in constant debate and negotiation (Item 22: $\bar{x}=4.48$; $SD=.66$). Along the same lines S2F3 ($\bar{x}=3.32$; $SD=.91$) delves into other post-positivist classroom practices, such as the use of new technologies in order to foster cooperation and interaction (Item 27: $\bar{x}=3.65$; $SD=1.28$) or the necessity to implement other assessment methods that complement the end-of-the-module exam, such as essays, portfolios, etc. (Item 28: $\bar{x}=4.61$; $SD=.80$; where 94% ‘agrees’ or ‘strongly agrees’ with the statement). A controversial item in this factor was Item 26, on the need to make it compulsory for students to attend their lecturer’s attention hours/tutorials in order to receive personal guidance and academic attention. To the said statement (Item 26: $\bar{x}=3.03$; $SD=1.32$) respondents showed a mixed-feelings approach: 25% of respondents, the most popular option for the item, could neither agree nor disagree with the statement, with a 23% ‘disagree’ and a 20% ‘agree’ result as second and third popular options.

Finally, S2F4 ($\bar{x}=4.54$; $SD=.59$) mentions aspects such as the possibility to negotiate the course content, tasks, and assessment methods with the students (Item 29: $\bar{x}=3.19$; $SD=3.19$). In this particular case there was a clear lack of

agreement among the respondents: while 21% strongly opposed the idea, 26% were strongly in favour of it. Other aspects in the factor include the willingness to mark and provide feedback to the students (Item 30: \bar{x} =4.5; SD=.75) and the belief that assessment, beyond measuring the results of students, provides lecturers the possibility to reflect on the learning process itself and introduce, if any, the relevant changes in their classroom (Item 31: \bar{x} =3.5; SD=.71).

5.6.1.2 Lecturing skills

The last scale of the questionnaire, S3 (\bar{x} =4.5; SD=.39) covers aspects related to teaching skills, course management and course implementation methodology: lesson planning, assessment methods, performance and interaction inside and outside the classroom.

| | n | Min | Max | Mean | SD | 1 | 2 | 3 | 4 | 5 |
|---------|----|------|-----|------|------|-----|-----|-----|-----|-----|
| Item 32 | 80 | 3 | 5 | 4.60 | .54 | - | - | 3% | 35% | 63% |
| Item 33 | 80 | 4 | 5 | 4.84 | .37 | - | - | - | 16% | 85% |
| Item 34 | 80 | 4 | 5 | 4.89 | .32 | - | - | - | 11% | 89% |
| Item 35 | 80 | 1 | 5 | 4.63 | .79 | 3% | - | 4% | 20% | 74% |
| Item 36 | 80 | 3 | 5 | 4.68 | .50 | - | - | 1% | 30% | 69% |
| Item 37 | 80 | 2 | 5 | 4.40 | .85 | - | 4% | 13% | 24% | 60% |
| Item 38 | 80 | 1 | 5 | 4.40 | .87 | 1% | 3% | 10% | 28% | 59% |
| Item 39 | 80 | 1 | 5 | 4.38 | .91 | 1% | 4% | 10% | 26% | 59% |
| Item 40 | 80 | 1 | 5 | 3.86 | 1.06 | 1% | 11% | 33% | 30% | 35% |
| Item 41 | 80 | 1 | 5 | 4.75 | .59 | 1% | - | - | 20% | 79% |
| Item 42 | 80 | 3 | 5 | 4.81 | .42 | - | - | 1% | 16% | 83% |
| Item 43 | 80 | 3 | 5 | 4.64 | .60 | - | - | 6% | 24% | 70% |
| Item 44 | 80 | 3 | 5 | 4.54 | .64 | - | - | 8% | 31% | 61% |
| Item 45 | 80 | 3 | 5 | 4.70 | .58 | - | - | 6% | 18% | 76% |
| Item 46 | 80 | 3 | 5 | 4.81 | .42 | - | - | 1% | 16% | 83% |
| Item 47 | 80 | 3 | 5 | 4.69 | .59 | - | - | 6% | 19% | 75% |
| Item 48 | 80 | 1 | 5 | 3.04 | 1.47 | 23% | 15% | 21% | 19% | 23% |
| Item 49 | 80 | 1 | 5 | 4.33 | .99 | 4% | 1% | 11% | 26% | 58% |
| Item 50 | 80 | 1 | 5 | 4.29 | .96 | 3% | 3% | 13% | 29% | 54% |
| Item 51 | 80 | 3 | 5 | 4.73 | .48 | - | - | 1% | 25% | 74% |
| S3F1 | 80 | 3.50 | 5 | 4.74 | .37 | - | - | - | - | - |
| S3F2 | 80 | 2.40 | 5 | 4.34 | .64 | - | - | - | - | - |
| S3F3 | 80 | 3.67 | 5 | 4.73 | .41 | - | - | - | - | - |

| | | | | | | | | | | |
|-------------|----|------|---|------|-----|---|---|---|---|---|
| S3F4 | 80 | 3.50 | 5 | 4.68 | .43 | - | - | - | - | - |
| S3F5 | 80 | 2.25 | 5 | 4.09 | .71 | - | - | - | - | - |
| S3 | 80 | 3.40 | 5 | 4.50 | .39 | - | - | - | - | - |

Table 37 Scale 3: Lecturing skills (results)

Presenting an overall result of $\bar{x}=4.50$ ($SD=.39$), Scale 3 shows the highest levels of acceptance within the legal translation faculty in Spain. In fact, most of its items have not received any negative response from the lecturers involved, who have systematically and consistently opted for the other end of the spectrum, the 'agree' and 'strongly agree' answers.

S3F1 covers lesson planning and course design. The majority of respondents claim that they adjust their syllabi according to the group's needs on a yearly basis (Item 32: $\bar{x}=4.60$; $SD=.54$), setting clear, reasonable objectives for each of those courses (Item 34: $\bar{x}=4.89$; $SD=.32$). Similarly, at the beginning of the module they go through the syllabus with their respective students in the classroom, explaining and clarifying questions related to the content, methodology, assessment methods and bibliography of the module (Item 33: $\bar{x}=4.84$; $SD=.37$ and Item 35: $\bar{x}=4.63$; $SD=.79$).

In S3F2 lecturers confirm that, when it comes to set the relevant content of a module, they do it according to the objectives that were previously established at the beginning of the academic year, attending to relevance, applicability and student interest criteria (Item 36: $\bar{x}=4.68$; $SD=.50$). The students, who according to the respondents are aware of the objectives of each and every session during the term (Item 38: $\bar{x}=4.40$; $SD=.87$), are systematically reminded of the content of previous lessons, thus creating a unified *fil conducteur* along the term (Item 39: $\bar{x}=4.38$; $SD=.91$). At times, even if this item has been given the lowest score in the factor, students are also given a brief summary of the lesson at the end of each session (Item 40: $\bar{x}=3.86$; $SD=1.06$).

S3F3 shows the highest score in the scale ($\bar{x}=4.73$; $SD=.41$). It focuses on personal commitment towards students and involvement in their personal development as human beings. Indeed, 99% of respondents agree or strongly agree when asked about their explicit willingness to create a good climate for inter-personal relations in their classroom (Item 42: $\bar{x}=4.81$; $SD=.42$), conveying their interest in their module to their students (Item 41: $\bar{x}=4.75$; $SD=.59$). Along similar lines, 94% of

respondents reflect the fact that they care about their students beyond their very role as a student, that is, as a person (Item 43: $\bar{x}=4.64$; $SD=.60$).

Questions related to assessment are addressed in S3F4 ($\bar{x}=4.68$; $SD=.43$) and S3F5 ($\bar{x}=4.09$; $SD=.71$), both of them with high scores in the overall questionnaire. In general, lecturers acknowledge that their students are familiar not only with their marking criteria (Item 47: $\bar{x}=4.69$; $SD=.57$) but also with the overall assessment criteria of the module (Item 45: $\bar{x}=4.70$; $SD=.58$), both of them in line with the objectives (Item 44: $\bar{x}=4.54$; $SD=.64$). Assessment is said to be distributed along the term (Item 49: $\bar{x}=4.33$; $SD=.99$), and its outcome, besides providing a result to the students, is also generally used in order to change the lecturers' lesson planning and methodology in the short or medium term (Item 50: $\bar{x}=4.29$; $SD=.96$). Regarding initial assessment, as included in Table 37 above, respondents do not show a clear answer pattern (Item 48: $\bar{x}=3.04$; $SD=1.47$): while 23% of the lectures claim to never have one in their module, another 23% show a strong support to the initial assessment activity (yet another 21% does not take a stance on the matter).

5.6.2 Differential analysis

In order to explore the possible differences between different groups of individuals within the legal translation faculty in Spain, complementary differential tests were carried out in an attempt to analyse, if any, the statistically significant differences regarding the respondents' epistemological and methodological stance in their legal translation modules. For that, a number of variables were introduced according to the socio-demographic data described in the section above: sex, age, academic position, legal background and teaching years of service. Once the variables were set, the differential tests mentioned above that suited the particularities of the variables were performed.

In order to set the variables, a number of criteria were applied. Concerning sex, two distinct groups were set: men and women. For the rest of variables, three options were envisaged to cover the possible range of answers:

| | Group 1 | Group 2 | Group 3 |
|--------------------------|---|---|--|
| Age | ≤ 35 | 36-44 | ≥ 45 |
| Academic position | <i>Catedrático</i> <i>Profesor titular</i> <i>Profesor de</i> <i>universidad</i> <i>privada</i> | <i>Profesor asociado</i> <i>Profesor colaborador</i> | <i>Profesor Contratado</i> <i>doctor</i> <i>Profesor ayudante</i> <i>doctor</i> <i>Profesor agregado</i> |
| Legal background | No | Non-formal education | Formal education |
| Teaching years | 0-10 | 11-20 | +20 |

Table 38 Population sub-groups for differential tests

5.6.2.1 Differences according to sex

Regarding the differences studied through Student's t-test on the age variable, Table 39 below shows overall statistical significance on women's answers for Scale 2 ($t=-3.79$; $p\leq 0.001$). This statistical significance is shared by all factors making up the scale and bestows women greater proximity to post-positivist understandings of the nature of knowledge, knowledge construal, and the subsequent classroom application in student-centred environments. Particularly significant, in statistical terms, is S2F4 ($t=-3.37$; $p\leq 0.001$), where women stand out for being more prone to negotiating with their students the very syllabus of their module (and therefore its content, methodology and assessment criteria), empowering their students in much more emancipating scenarios. The factor also covers the need to provide students with the relevant feedback on the activities and tasks performed, together with the understanding of assessment as an activity that, besides measuring the students' results, is essential for the very performance of lecturers, since it allows them to introduce the relevant changes in their syllabi, adjusting their module progressively along the course.

S2F1 is also worth mentioning, not only for its statistical significance ($t=-2.29$; $p=.007$), but also for the fact that it provides the epistemological rationale behind the other factors in the scale. Indeed, S2F1, where women excel significantly ($\bar{x}=4.60$; $SD=.45$), deals with a 'constructivist' view of knowledge and knowledge construction/construal, which translates to the very perception lecturers have as scaffolding agents in the education process of their students. Building on such

epistemological premises, the fact that women present systematically higher scores in the scale may be understood as a coherent pedagogical application of their very conceptualisation of the world.

The other two significant factors on the scale, S2F2 and S2F3, in line with the former two, display methodological strategies and approaches regarding the use of new technologies in order to foster collaboration in the classroom, and the use of essays and portfolios that complement end-of-the-module exams, among others.

| | Men | | Women | | t(fd) | p value (CI) |
|--------------|------|-----|-------|-----|------------|------------------------|
| | Mean | SD | Mean | SD | | |
| S1F1 | 2.65 | .97 | 2.38 | .79 | 1.32 (76) | .190 (-.14;.69) |
| S1F2 | 3.55 | .84 | 3.46 | .87 | .42 (76) | .675 (-.33; .51) |
| S1F3 | 2.16 | .73 | 1.94 | .71 | 1.29 (76) | .203 (-.12; .57) |
| S2F1 | 4.30 | .40 | 4.60 | .45 | -2.77 (76) | .007* (-.51; -.08) |
| S2F2 | 3.97 | .67 | 4.25 | .52 | -2.04 (76) | .045* (-.57; -.01) |
| S2F3 | 2.94 | .66 | 3.49 | .97 | -2.54 (76) | .013* (-.99; -.12) |
| S2F4 | 4.22 | .57 | 4.68 | .55 | -3.37 (76) | .001** (-.73; -.19) |
| S3F1 | 4.59 | .40 | 4.80 | .34 | -2.29 (76) | .025* (-.38; -.03) |
| S3F2 | 4.18 | .55 | 4.43 | .61 | -1.69 (76) | .096 (-.56; .05) |
| S3F3 | 4.63 | .42 | 4.77 | .40 | -1.48 (76) | .144 (-.35; .05) |
| S3F4 | 4.60 | .45 | 4.71 | .43 | -1.03 (76) | .308 (-.32; .10) |
| S3F5 | 3.99 | .69 | 4.15 | .72 | -.93 (76) | .354 (-.51; .19) |
| S1 | 2.70 | .70 | 2.51 | .66 | 1.19 (76) | .239 (-.13; .52) |
| S2 | 3.91 | .35 | 4.29 | .43 | -3.79 (76) | ≤ 0.001** (-.58; -.18) |
| S3 | 4.38 | .34 | 4.56 | .41 | -1.90 (76) | .062 (-.37; .01) |
| Total | 3.78 | .26 | 3.94 | .37 | -1.86 (76) | .067 (-.32; .01) |

Table 39 Differential analysis according to sex (Student's t-test)

* Level of significance $p \leq 0.05$

** Level of significance $p \leq 0.001$

While the results of Scale 1 are not statistically significant ($t=1.19$; $p=.239$) it may be worth commenting how, systematically, in all factors within the scale, men score higher than women, highlighting their closeness to more traditional classroom models, together with the corresponding pedagogical implications.

Concerning Scale 3, women out-score men in all factors making up the scale. While in most cases the difference is not statistically significant, S3F1 does present such level of significance ($t=-2.29$; $p=.025$). The factor deals with module content and course syllabi, speaking of female lecturers ($\bar{x}=4.80$; $SD=.34$) as significantly more prone than their male counterparts ($\bar{x}=4.59$; $SD=.40$) to be concerned about the need to set clear objectives and make sure that their students are aware of all content-related, methodological, and assessment criteria, together with the bibliographical references included in their syllabus.

On the whole, while both women and men share a number of positivist and post-positivist features in both their perception of knowledge and pedagogical approach to the learning activity, women present statistically significant differences on Scale 2 that make them closer to constructivist stances than men. This is reflected in their pedagogical activity insofar they are believed to implement a greater number of student-centred, post-positivist actions, tasks and initiatives in the way they approach their module.

5.6.2.2 Differences according to age

The one-way analysis of variance (ANOVA) performed upon the age variable rendered the following results, gathered in Table 40 below:

| | Group 1 | | | Group 2 | | | Group 3 | | | F(fd) | p value |
|--------------|---------|-----|--------------|---------|-----|--------------|---------|------|--------------|----------|---------|
| | Mean | SD | CI | Mean | SD | CI | Mean | SD | CI | | |
| S1F1 | 2.25 | .70 | (1.81; 2.69) | 2.38 | .62 | (2.15; 2.60) | 2.62 | 1.07 | (2.25; 2.99) | 1.10 (2) | .338 |
| S1F2 | 3.04 | .75 | (2.56; 3.52) | 3.35 | .72 | (3.09; 3.61) | 3.78 | .93 | (3.46; 4.10) | 4.34 (2) | .017* |
| S1F3 | 1.71 | .77 | (1.22; 2.20) | 1.90 | .71 | (1.64; 2.16) | 2.21 | .66 | (1.98; 2.44) | 2.84 (2) | .065 |
| S2F1 | 4.54 | .50 | (4.22; 4.86) | 4.44 | .48 | (4.27; 4.61) | 4.56 | .42 | (4.41; 4.70) | .57 (2) | .567 |
| S2F2 | 4.48 | .46 | (4.19; 4.77) | 4.12 | .62 | (3.90; 4.34) | 4.10 | .57 | (3.91; 4.30) | 2.12 (2) | .129 |
| S2F3 | 3.31 | .76 | (2.83; 3.80) | 3.30 | .91 | (2.97; 3.62) | 3.35 | 1.00 | (3.00; 3.70) | .02 (2) | .977 |
| S2F4 | 4.44 | .69 | (4.01; 4.88) | 4.48 | .67 | (4.24; 4.72) | 4.63 | .47 | (4.46; 4.79) | .70 (2) | .501 |
| S3F1 | 4.79 | .26 | (4.63; 4.96) | 4.71 | .41 | (4.56; 4.86) | 4.74 | .37 | (4.61; 4.86) | .20 (2) | .816 |
| S3F2 | 4.37 | .57 | (4.00; 4.73) | 4.22 | .74 | (3.95; 4.49) | 4.48 | .52 | (4.29; 4.66) | 1.39 (2) | .256 |
| S3F3 | 4.81 | .26 | (4.64; 4.97) | 4.66 | .49 | (4.48; 4.83) | 4.77 | .36 | (4.64; 4.89) | .84 (2) | .434 |
| S3F4 | 4.69 | .47 | (4.39; 4.98) | 4.59 | .47 | (4.42; 4.77) | 4.76 | .37 | (4.63; 4.89) | 1.20 (2) | .310 |
| S3F5 | 4.13 | .54 | (3.78; 4.47) | 3.97 | .79 | (3.68; 4.25) | 4.22 | .69 | (3.98; 4.46) | 1.04 (2) | .360 |
| S1 | 2.24 | .59 | (1.87; 2.62) | 2.46 | .59 | (2.25; 2.67) | 2.79 | .72 | (2.54; 3.04) | 3.90 (2) | .025* |
| S2 | 4.24 | .45 | (3.95; 4.52) | 4.12 | .48 | (3.95; 4.29) | 4.20 | .40 | (4.06; 4.34) | .40 (2) | .670 |
| S3 | 4.53 | .32 | (4.33; 4.74) | 4.41 | .46 | (4.24; 4.57) | 4.58 | .35 | (4.46; 4.70) | 1.56 (2) | .217 |
| Total | 3.84 | .34 | (3.63; 4.06) | 3.81 | .33 | (3.69; 3.93) | 3.99 | .35 | (3.87; 4.11) | | |

Table 40 Differential analysis according to age (ANOVA)

* Level of significance $p \leq 0.05$

Statistical significance may indeed be appreciated in both Scale 1 as a whole ($F=3.90$; $p=.025$) and in S1F2 ($F=4.34$; $p=.017$). Upon performing the relevant Scheffé tests, the statistical significance was attributed in both cases to Group 1 and Group 3, the youngest and oldest groups of lecturers. Indeed, Group 3 lecturers (≥ 45 years of age) are depicted as feeling closer to positivist, transmissionist views on higher education, together with an empirico-rationalist understanding of knowledge and knowledge acquisition. Even if the three groups in question seem to distance themselves from such practices ($\bar{x}=2.56$; $SD=.67$), Group 1 respondents (≤ 35 years of age) show greater disagreement with the implications of a teacher-centred educational praxis in their legal translation module(s) ($\bar{x}=2.24$; $SD=.59$). The trend, considering the three groups involved, is gradually upward in all factors making up Scale 1, which, even if not in statistical terms, should be taken into account as a state indicator within the most widespread teaching practice.

The other significant factor to take into account, S1F2 ($F=4.34$; $p=.017$), covers content presentation and structure together with the relevant reflections the respondents make on the most important characteristics legal translation lecturers should display in their classroom. While Group 1 (≤ 35 years of age) does not generally show any strong attachment to teacher-centred classroom practices based on careful supervision and compartmentalisation of knowledge into 'digestible' units ($\bar{x}=3.04$; $SD=.75$), the oldest group of respondents seem to contemplate a rather cautious agreement with the overall factor ($\bar{x}=3.78$; $SD=.93$), highlighting the importance of lecturing skills (in the traditional, *performance magistrale* sense).

No significant variations were found neither regarding the post-positivist approaches to the legal translation classroom nor the methodological and teaching skills of lecturers. All age group seem to have embraced rather enthusiastically the current pedagogical practices in the academia.

5.6.2.3 Differences according to teaching experience

The one-way analysis of variance (ANOVA) performed upon the years of teaching experience variable did not render many statistically significant results except for S3F1, as Table 41 below shows. The subsequent Scheffé tests attributed the said statistical significance, once again, to Group 3, that is, those lecturers who had more than 18 years of teaching experience.

| | Group 1 (0-7) | | | Group (8-17) | | | Group 3 (+ 18) | | | F(fd) | p value |
|--------------|---------------|-----|--------------|--------------|-----|--------------|----------------|-----|--------------|----------|---------|
| | Mean | SD | CI | Mean | SD | CI | Mean | SD | CI | | |
| S1F1 | 2.18 | .80 | (1.79; 2.56) | 2.47 | .75 | (2.19; 2.75) | 2.64 | .96 | (2.28; 3.01) | 1.76 (2) | .180 |
| S1F2 | 3.34 | .78 | (2.56; 3.72) | 3.43 | .83 | (3.13; 3.74) | 3.65 | .94 | (3.29; 4.01) | .83 (2) | .441 |
| S1F3 | 2.03 | .67 | (1.71; 2.35) | 1.94 | .75 | (1.66; 2.22) | 2.06 | .73 | (1.78; 2.34) | .21 (2) | .811 |
| S2F1 | 4.52 | .46 | (4.30; 4.74) | 4.50 | .46 | (4.32; 4.67) | 4.50 | .47 | (4.33; 4.68) | .02 (2) | .985 |
| S2F2 | 4.24 | .52 | (3.99; 4.49) | 4.16 | .58 | (3.94; 4.38) | 4.13 | .63 | (3.89; 4.37) | .20 (2) | .822 |
| S2F3 | 3.12 | .85 | (2.71; 3.53) | 3.49 | .93 | (3.15; 3.84) | 3.28 | .95 | (2.91; 3.64) | 1.02 (2) | .367 |
| S2F4 | 4.39 | .73 | (4.03; 4.74) | 4.64 | .55 | (4.44; 4.85) | 4.53 | .52 | (4.33; 4.73) | 1.13 (2) | .328 |
| S3F1 | 4.70 | .40 | (4.51; 4.89) | 4.87 | .21 | (4.79; 4.94) | 4.62 | .45 | (4.45; 4.79) | 3.61 (2) | .032* |
| S3F2 | 4.21 | .69 | (3.88; 4.54) | 4.31 | .72 | (4.04; 4.58) | 4.49 | .46 | (4.31; 4.67) | 1.23 (2) | .299 |
| S3F3 | 4.79 | .39 | (4.60; 4.98) | 4.77 | .41 | (4.61; 4.92) | 4.64 | .42 | (4.49; 4.80) | .97 (2) | .385 |
| S3F4 | 4.62 | .42 | (4.42; 4.82) | 4.73 | .44 | (4.56; 4.89) | 4.67 | .44 | (4.50; 4.84) | .35 (2) | .703 |
| S3F5 | 3.87 | .59 | (3.59; 4.15) | 4.24 | .78 | (3.95; 4.53) | 4.11 | .70 | (3.84; 4.38) | 1.62 (2) | .204 |
| S1 | 2.47 | .60 | (2.18; 2.75) | 2.52 | .64 | (2.28; 2.76) | 2.68 | .75 | (2.40; 2.97) | .71 (2) | .496 |
| S2 | 4.12 | .40 | (3.93; 4.32) | 4.22 | .44 | (4.06; 4.39) | 4.15 | .48 | (3.97; 4.33) | .34 (2) | .713 |
| S3 | 4.41 | .40 | (4.22; 4.60) | 4.56 | .41 | (4.41; 4.71) | 4.50 | .38 | (4.35; 4.65) | .85 (2) | .431 |
| Total | 3.81 | .30 | (3.67; 3.96) | 3.92 | .38 | (3.78; 4.06) | 3.91 | .35 | (3.78; 4.05) | .66 (2) | .519 |

Table 41 Differential analysis according to teaching experience (ANOVA)

* Level of significance $p \leq 0.05$

S3F1 ($F=3.61$; $p=.032$) is related to course planning and syllabus design. While, in general terms, legal translation lecturers with greater teaching experience have a favourable disposition to the factor ($\bar{x}=4.62$; $SD=.45$), statistically they are depicted as more likely to have slightly more rigid syllabi in their modules, with less yearly update following not only the results obtained, but also the development of the module in question and the assessment carried out by the students involved.

As in the previous differential analyses, an overall trend may be appreciated regarding Scale 1 and its composing factors: the greater the teaching experience, that is, the older legal translation lecturers are —presumably—, the higher they score in the teacher-centred education acceptance model, even if those differences seem not to be backed significantly by statistic data.

5.6.2.4 Differences according to academic position

The one-way analysis of variance (ANOVA) performed upon the academic position variable did not render any statistically significant result to enrich the picture of the legal translation faculty in Spain, as Table 42 shows:

| | Group 1 | | | Group 2 | | | Group 3 | | | F(fd) | p value |
|--------------|---------|-----|--------------|---------|------|--------------|---------|------|--------------|----------|---------|
| | Mean | SD | CI | Mean | SD | CI | Mean | SD | CI | | |
| S1F1 | 2.62 | .77 | (2.32; 2.92) | 2.23 | .78 | (1.93; 2.53) | 2.57 | 1.02 | (2.11; 3.04) | 1.7 (2) | .181 |
| S1F2 | 3.50 | .87 | (3.16; 3.84) | 3.49 | .84 | (3.17; 3.81) | 3.48 | .91 | (3.06; 3.89) | .01 (2) | .995 |
| S1F3 | 1.88 | .63 | (1.64; 2.13) | 2.15 | .76 | (1.86; 2.44) | 1.97 | .76 | (1.62; 2.32) | 1.04 (2) | .358 |
| S2F1 | 4.57 | .43 | (4.40; 4.73) | 4.54 | .47 | (4.36; 4.72) | 4.37 | .47 | (4.16; 4.59) | 1.19 (2) | .309 |
| S2F2 | 4.27 | .47 | (4.09; 4.45) | 4.04 | .68 | (3.79; 4.30) | 4.20 | .57 | (3.94; 4.46) | 1.12 (2) | .332 |
| S2F3 | 3.61 | .93 | (3.25; 3.97) | 3.10 | .86 | (2.77; 3.42) | 3.25 | .92 | (2.83; 3.67) | 2.38 (2) | .099 |
| S2F4 | 4.69 | .42 | (4.53; 4.85) | 4.43 | .71 | (4.15; 4.70) | 4.49 | .58 | (4.23; 4.76) | 1.56 (2) | .218 |
| S3F1 | 4.78 | .31 | (4.66; 4.90) | 4.71 | .38 | (4.56; 4.85) | 4.71 | .44 | (4.51; 4.92) | .29 (2) | .750 |
| S3F2 | 4.59 | .54 | (4.38; 4.79) | 4.23 | .66 | (3.98; 4.48) | 4.22 | .65 | (3.92; 4.51) | 3.11 (2) | .051 |
| S3F3 | 4.79 | .33 | (4.66; 4.91) | 4.71 | .46 | (4.54; 4.89) | 4.67 | .44 | (4.47; 4.87) | .53 (2) | .591 |
| S3F4 | 4.77 | .41 | (4.61; 4.93) | 4.64 | .45 | (4.47; 4.81) | 4.62 | .44 | (4.42; 4.82) | .92 (2) | .401 |
| S3F5 | 4.30 | .57 | (4.08; 4.52) | 3.93 | .69 | (3.67; 4.19) | 4.07 | .87 | (3.68; 4.47) | 2.02 (2) | .139 |
| S1 | 2.55 | .65 | (2.30; 2.80) | 2.58 | .64 | (2.34; 2.82) | 2.57 | .77 | (2.22; 2.92) | .016 (2) | .984 |
| S2 | 4.31 | .42 | (4.15; 4.47) | 4.09 | .46 | (3.91; 4.26) | 4.11 | .42 | (3.91; 4.30) | 2.15 (2) | .124 |
| S3 | 4.63 | .32 | (4.51; 4.76) | 4.42 | .43 | (4.26; 4.58) | 4.44 | .41 | (4.25; 4.62) | 2.58 (2) | .083 |
| Total | 3.99 | .32 | (3.86; 4.11) | 3.83 | .346 | (3.70; 3.97) | 3.84 | .37 | (3.68; 4.01) | 1.71 (2) | .187 |

Table 42 Differential analysis according to academic position (ANOVA)

All groups displayed similar results for all factors and scales. No significant trend may be appreciated among the respondents; not even in Group 2 lecturers, that is, the part-time professionals without an academic background who, presumably, should not have been exposed to the same academic and pedagogical stimuli as their full-time academic colleagues.

5.6.2.5 Differences according to legal background

The one-way analysis of variance (ANOVA) performed upon the legal background variable did not render any statistically significant result to enrich the picture of the legal translation faculty in Spain, as Table 43 shows:

| | Group 1 | | | Group 2 | | | Group 3 | | | F(fd) | p value |
|--------------|---------|------|--------------|---------|-----|--------------|---------|------|--------------|----------|---------|
| | Mean | SD | CI | Mean | SD | CI | Mean | SD | CI | | |
| S1F1 | 2.51 | .97 | (2.01; 3.01) | 2.38 | .70 | (2.16; 2.61) | 2.57 | 1.03 | (2.10; 3.04) | .36 (2) | .698 |
| S1F2 | 3.50 | 1.03 | (2.97; 4.03) | 3.34 | .78 | (3.08; 3.59) | 3.77 | .82 | (3.40; 4.14) | 1.82 (2) | .169 |
| S1F3 | 2.13 | .76 | (1.74; 2.52) | 1.86 | .62 | (1.66; 2.06) | 2.18 | .82 | (1.81; 2.55) | 1.77 (2) | .177 |
| S2F1 | 4.37 | .44 | (4.15; 4.59) | 4.53 | .47 | (4.38; 4.68) | 4.57 | .46 | (4.36; 4.77) | .98 (2) | .381 |
| S2F2 | 4.18 | .36 | (3.99; 4.36) | 4.21 | .57 | (4.03; 4.40) | 4.07 | .74 | (3.73; 4.41) | .40 (2) | .671 |
| S2F3 | 3.27 | .90 | (2.80; 3.73) | 3.41 | .86 | (3.14; 3.69) | 3.19 | 1.06 | (2.71; 3.67) | .44 (2) | .648 |
| S2F4 | 4.39 | .59 | (4.09; 4.70) | 4.56 | .62 | (4.36; 4.76) | 4.62 | .53 | (4.38; 4.86) | .74 (2) | .481 |
| S3F1 | 4.75 | .35 | (4.57; 4.93) | 4.75 | .35 | (4.64; 4.86) | 4.69 | .43 | (4.49; 4.89) | .19 (2) | .824 |
| S3F2 | 4.19 | .67 | (3.84; 4.53) | 4.37 | .64 | (4.16; 4.58) | 4.47 | .58 | (4.20; 4.73) | .92 (2) | .401 |
| S3F3 | 4.67 | .47 | (4.42; 4.91) | 4.77 | .36 | (4.66; 4.89) | 4.70 | .46 | (4.49; 4.91) | .42 (2) | .659 |
| S3F4 | 4.66 | .48 | (4.42; 4.91) | 4.71 | .40 | (4.58; 4.84) | 4.63 | .47 | (4.42; 4.84) | .26 (2) | .773 |
| S3F5 | 3.88 | .64 | (3.55; 4.21) | 4.09 | .73 | (3.86; 4.32) | 4.31 | .72 | (3.98; 4.64) | 1.74 (2) | .183 |
| S1 | 2.64 | .77 | (2.24; 3.04) | 2.44 | .55 | (2.26; 2.61) | 2.76 | .77 | (2.41; 3.11) | 1.80 (2) | .173 |
| S2 | 4.09 | .37 | (3.89; 4.28) | 4.22 | .44 | (4.07; 4.36) | 4.16 | .50 | (3.93; 4.39) | .53 (2) | .592 |
| S3 | 4.41 | .43 | (4.18; 4.63) | 4.52 | .38 | (4.40; 4.64) | 4.55 | .41 | (4.36; 4.74) | .66 (2) | .521 |
| Total | 3.84 | .39 | (3.64; 4.04) | 3.88 | .32 | (3.78; 3.99) | 3.96 | .36 | (3.79; 4.12) | .55 (2) | .580 |

Table 43 Differential analysis according to legal background (ANOVA)

5.6.2.6 Relation between the variables involved

This section explores the relations between the different areas covered in the questionnaire, that is, whether having a particular score in a given factor or scale is related, significantly, to a result in the other parts. The results, displayed in Table 44 below, have been obtained through a bivariate analysis (Pearson's correlation coefficient) performed among the different factors and scales making up the questionnaire.

The first observation to make is the narrow relation between Scale 2 and Scale 3, both in global terms and in each and every composing factor. Consistently, throughout the questionnaire, lecturers who show closer positions to student-centred classroom environments also seem to display higher teaching skills, implementing a richer number of activities, tasks and methods. The strong statistical relation between Scale 2 and Scale 3 ($r=.66$; $p \leq 0.001$) is transposed to all factors involved, highlighting, for instance, the solid relation between post-positivist views of knowledge acquisition and education and the necessity to adapt syllabi on a yearly basis according to the students needs, interests and feedback ($r=.41$; $p \leq 0.001$). The same could be applied to assessment practices. As Chapter 1 in this dissertation emphasises, post-positivist epistemological beliefs advocate particular views on assessment and assessment criteria; and these are reflected in the way lecturers, either following their very own conviction or externally-imposed Bologna premises, apply in their legal translation modules: setting clear objectives and assessment methods in coherent, updated syllabi ($r=.45$; $p \leq 0.001$); contemplating initial assessment and formative assessment in their module ($r=.77$; $p \leq 0.001$); and understanding assessment as a way to improve a module on subsequent academic years ($r=.51$; $p \leq 0.001$). Similarly, the 'constructivist lecturers' seem to be more willing to share their interest among their students regarding the module in question, establishing a good climate for inter-personal relations in their classroom and showing greater interest in the personal development of students ($r=.45$; $p \leq 0.001$).

In S1F2, regarding the role of lecturers and the conceptual weight of the Law in legal translation education, the respondents show a clear, increasing response pattern in Scale 2 ($r=.23$; $p=.037$) and Scale 3 ($r=.28$; $p=.013$), especially the latter. Regarding their relation to epistemological beliefs and methodological classroom approaches, lecturers who acknowledge rather teacher-centred positions regarding the conceptual weight in their module confirm their willingness to

incorporate in their classrooms the use of new technologies in order to involve their students, trying to link the theoretical input with its practical application in legal translation education ($r=.25$; $p=.024$).

| | | S1F1 | S1F2 | S1F3 | S2F1 | S2F2 | S2F3 | S2F4 | S3F1 | S3F2 | S3F3 | S3F4 | S3F5 | S1 | S2 | S3 | Total |
|--------------|----------|------|-----------------|-----------------|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| S1F1 | r (p) | 1 | .54** (.000) | .51** (.000) | .062 (.582) | .02 (.882) | .12 (.296) | -.12 (.306) | -.12 (.281) | -.06 (.617) | .075 (.508) | .021 (.852) | .05 (.680) | .76** (.000) | .06 (.606) | -.01 (.912) | .39** (.000) |
| S1F2 | r (p) | | 1 | .62** (.000) | .23* (.044) | .03 (.794) | .25* (.024) | .08 (.457) | .01 (.953) | .22 (.053) | .18 (.104) | .14 (.215) | .36** (.001) | .86** (.000) | .23* (.037) | .28* (.013) | .65** (.000) |
| S1F3 | r (p) | | | 1 | .01 (.963) | -.07 (.521) | -.03 (.825) | -.13 (.242) | -.12 (.306) | .10 (.402) | .11 (.334) | .03 (.808) | .13 (.248) | .89** (.000) | -.06 (.603) | .09 (.445) | .44** (.000) |
| S2F1 | r (p) | | | | 1 | .31** (.005) | .40** (.000) | .62** (.000) | .41** (.000) | .58** (.000) | .39** (.000) | .42** (.000) | .36** (.001) | .11 (.330) | .81** (.000) | .59** (.000) | .68** (.000) |
| S2F2 | r (p) | | | | | 1 | .15 (.191) | .23* (.041) | .091 (.420) | .21 (.057) | .29* (.010) | .21 (.057) | .17 (.138) | -.02 (.867) | .53** (.000) | .25* (.023) | .34** (.002) |
| S2F3 | r (p) | | | | | | 1 | .51** (.000) | .21 (.067) | .39** (.000) | .30** (.006) | .23* (.038) | .47** (.000) | .12 (.278) | .77** (.000) | .46** (.000) | .61** (.000) |
| S2F4 | r (p) | | | | | | | 1 | .43** (.000) | .54** (.000) | .38** (.001) | .53** (.000) | .48** (.000) | -.07 (.560) | .77** (.000) | .64** (.000) | .60** (.000) |
| S3F1 | r (p) | | | | | | | | 1 | .32** (.004) | .42** (.000) | .56** (.000) | .33** (.003) | -.09 (.425) | .38** (.000) | .62** (.000) | .40** (.000) |
| S3F2 | r (p) | | | | | | | | | 1 | .43** (.000) | .52** (.000) | .50** (.000) | .12 (.307) | .59** (.000) | .82** (.000) | .34** (.002) |
| S3F3 | r (p) | | | | | | | | | | 1 | .46** (.000) | .42** (.000) | .15 (.189) | .46** (.000) | .66** (.000) | .57** (.000) |
| S3F4 | r (p) | | | | | | | | | | | 1 | .47** (.000) | .08 (.507) | .45** (.000) | .77** (.000) | .58** (.000) |
| S3F5 | r (p) | | | | | | | | | | | | 1 | .22 (.052) | .51** (.000) | .79** (.000) | .69** (.000) |
| S1 | r (p) | | | | | | | | | | | | | 1 | .08 (.477) | .15 (.191) | .59** (.000) |
| S2 | r (p) | | | | | | | | | | | | | | 1 | .66** (.000) | .78** (.000) |
| S3 | r (p) | | | | | | | | | | | | | | | 1 | .81** (.000) |
| Total | r (p) | | | | | | | | | | | | | | | | 1 |

Table 44 Bivariate analysis of variables (Pearson's correlation coefficient)

5.7 Discussion

5.7.1 Limitations of the study

While all efforts have been placed regarding the accuracy and reliability of the study, a number of limitations may have constrained partially the scope, reach and representativeness of the portrait depicted below on the current legal translation faculty in Spain. Indeed, acknowledging said limitations may contribute to developing future research lines concerning legal translation education, analysed in epistemological terms.

The first limitation to be acknowledged has to do with the population and sampling criteria. First of all, regarding the overall size of the set of respondents, even if it represented around 83% of the total number of legal translation lecturers in the country, it was felt to be rather limiting when establishing significant relations. Narrowing down the scope of the study to such level of specificity makes it complicated to make generalisations, even if presumably similar results might be obtained in other areas of specialised translation and general translation courses set in Spain in the 2016/2017 academic year.

Another limitation concerned the overall representativeness of the cohort in terms of males and females involved. While quantitative studies tend to present two sets of equal-sized male and female respondents, this study was performed on 70%-30% grounds (female to male). However, the percentage shows the characteristics of our discipline and indeed the overall census displays a similar proportion between male and female lecturers. The fact that both groups were not made up by a similar number of lecturers responds, at the end of the day, to the very nature of our discipline and the way it is articulated, a scenario where the female lecturing ratio excels that of men.

Regarding the reliability of data, self-reported data through questionnaires always entails potential sources of bias, both in terms of attribution, that is, lecturers attributing positive events and outcomes to their very agency exclusively; exaggeration, that is, lecturers representing outcomes and embellishing events as more significant; or even false statement, that is, lecturers anticipating the research intentions and therefore modifying their answers in order to try to fit in what they believe the expected outcome of the researcher is.

Finally, the lack of prior empirical results regarding the methodological and epistemological approaches of legal translation lecturers limits the study in the sense that there cannot be any deeper observational analysis on how the former have evolved in time, especially how the said approaches have changed, or not, after the introduction of the Bologna reforms.

5.7.2 The profile of the legal translation faculty in Spain: a quantitative approach

As the previous pages have referred to extensively, the legal translation faculty in Spain in the 2016/2017 academic year is predominantly formed by women who are around 44 years of age and whose legal background consists in complementary courses and seminars on the Law that support and strengthen their legal translation education. While these lecturers tend to have full-time, senior, civil-servant academic positions, a significant number of part-time professional lecturers also help articulate how legal translation is being taught at the moment.

An interesting aspect to mention at this point is how this study has failed to establish any difference in teaching styles or epistemological stances between those lecturers who are, in fact, full-time academics committed to education and research, and those professionals who lecture at university on a part-time basis in order to bring the professional world's *savoir faire* to the legal translation classroom. Indeed, Table 42 above shows no difference whatsoever between both groups, which might be eyebrow-raising, at least initially. However, giving a deeper thought, a number of claims may be argued for this lack of statistical significance. First of all, some of these part-time professional lecturers may have had their academic position for years, adopting, through exposure and interaction, the mainstream pedagogical approaches in the academia. Besides, it could be claimed that, unfortunately, a significant number of these part-time lecturers may not be actual professionals who combine their job outside university with part-time lecturing but rather qualified academic candidates who may have not been able to access a full-time position yet, thus betraying the essence of the academic position, which was originally envisaged as a means to bring together both the professional world and higher education institutions.

Overall, respondents embraced strong post-positivist pedagogical stances, especially related to the construction/construal of knowledge. The epistemological narratives within EHEA have indeed permeated successfully the legal translation

classroom and, in broad terms, lecturers understand their role as scaffolding agents in the education of their students, making the relevant connexions not only between theory and practice but also between their classroom and the outside reality. Indeed, legal translation lecturers understand education as something beyond knowledge acquisition and claim that their module helps provide an all-round education to their students. Lecturers, who are willing to share their interest in their module with their students, are concerned about establishing a good climate for inter-personal relations in their classroom in a rather comprehensive stance on education comprising the personal growth of students.

While in the rather philosophical, abstract questions of the questionnaire lecturers felt really close to post-positivist premises, their answers in the methodology-related items did not convey such strong attachment. Indeed, lecturers demand an active role of their students and they claim they provide their students with sufficient stimuli in order for them to be active (lectures as dialogic exchanges of information and ideas, new technologies that foster interaction and collaboration, etc.) but at the same time they feel suspicious and do not particularly feel comfortable when giving their students a voice in terms of content selection or the way content is presented in the classroom, not to speak about assessment practices. Negotiating the syllabus seems not to be an option, even if they are open to introducing the relevant modifications in the syllabus on a yearly basis following the results obtained and the characteristics of the new incoming group of students in a given legal translation module. This relation is clearly reflected in the overall positions adopted in Scale 1 and Scale 2: while Scale 2 (student-centred approaches to education) shows strong, consistent levels of acceptance; Scale 1, which represents teacher-centred, rather traditional approaches to education, only depicts a 'cautious' disagreement that results in an eclectic pedagogical scenario combining both beliefs, even if leaning predominantly towards 'constructivist' views.

Finally, given the statistically significant relation between Scale 2 and Scale 3, analysed through Pearson's correlation coefficient, it comes as no surprise that the legal translation faculty displays a wide range of teaching and pedagogical skills included in Table 29 above, not only when it comes to planning, but also their performance and interaction inside and outside the legal translation classroom, together with their assessment practices.

Regarding the several differential analyses performed on the data, the most outstanding result is the significant role of female lecturers in their legal translation classroom, as opposed to that of men. Building on the statistical significance obtained, women are consistently closer to post-positivist premises at all levels and aspects of the education of their students (planning, performance, assessment, methodology, etc.) opting persistently for predominantly student-centred classroom environments and scoring lower in the teacher-centred items making up the questionnaire. While their male counterparts feel closer to teacher-centred scenarios, as may be observed in Table 39, the trend in question is not backed by statistically significant data, which leaves their position in the legal translation classroom as an eclectic approach where more aspects and features from both models are incorporated, especially compared to the epistemological and pedagogic approach of women, more influenced by post-positivist ideas.

Concerning the age of respondents, a shy trend was also observed among the older generations of legal translation lecturers. While of little overall statistical significance, the older the lecturers, the closer they feel to empirico-rationalist epistemological stances and teacher-centred educational approaches. The upward trend is felt almost consistently along the questionnaire and may respond to the education that these lecturers were given, making them slightly more reluctant to adapt their modules to the current teaching practices. No significant relations were established regarding the legal background of lecturers, despite the heavy conceptual charge legal translation modules display.

If one compares roughly the epistemological and methodological depiction presented here with the general findings the original researchers put forward in their study of the average lecturer in Spain¹³⁹, legal translation lecturers may be said to stand closer to 'constructivist' pedagogical premises than the average lecturer in all factors making up Scale 2. Similarly, they all show higher results in Scale 3, referred to the skills and attitudes that competent lecturers display in their classrooms. Concerning Scale 1, the average results of the legal translation lecturers are below those of the overall university faculty, rendering a picture where legal translation lecturers present more student-centred elements in their pedagogical approach to their module and fewer teacher-centred aspects, that is, their teaching practice may be said to stand closer to the Bologna premises and the contemporary epistemological approaches to education.

¹³⁹ See Annex 3 for the original scales following the distribution of the TAMFUQ questionnaire among a broader sample of university lecturers of all disciplines.

5.7.3 Conclusions

So far a depiction of the legal translation faculty in Spain has been drawn, based on the questionnaire introduced at earlier stages of this study. Yet, quantitative research, despite the accuracy of statistical data, may fail at times to convey the complex stances of a polyhedral, construed reality that a rigid, close questionnaire cannot apprehend. The possibility that an important variable may have escaped the overall parameters of the questionnaire, or the fact that some of the items may limit or condition in any way the respondents' conceptualisation of their teaching activity makes it important to compare the results to other sources of data. Being able to adopt a meta-stance where the universal and the contingent, consistency and change, are regarded as constituent factors of reality should be a key aim and a priority in this type of social, educational research.

Applied to the discussion above on the characterisation of the legal translation faculty, one could wonder how the Bologna scenario has influenced current data. Similarly, it would be interesting to find out what the opinion of legal translation lecturers is regarding not only the average profile drawn in this study, but also its main conclusions, together with the reasons that underpin particular decisions and viewpoints on the preferred assessment methods, how theory and practice are articulated in their modules, the role of syllabi, the introduction of the competence construct, etc. Not to speak about the importance of education and pedagogy in an academic context where the perks of research and scientific contributions seem to outweigh the educational aspects of the higher education teaching positions. How much importance do they bestow to their teaching practice? How much pedagogy and educational theory do lecturers need to have in order to perform their job successfully? These questions can rarely be answered using a questionnaire, and yet they should be put forward if a clear depiction of any given topic is sought. For that reason, a second study is proposed, based on qualitative grounds. This second study, adopting the quantitative findings above as a starting point, may complement the first study while helping draw a more accurate picture of the situation.

CHAPTER 6 – EXPLORING THE LEGAL TRANSLATION FACULTY: PERCEPTIONS OF THE LECTURING STAFF

6.1 Research problem

The study in Chapter 5 presents a static depiction of the current methodological and epistemological climate in the education process of legal translation students in Spain. The study in question presents relevant data about the characteristics of the lecturing staff together with their conceptualisation of knowledge, knowledge construction, and their pedagogical standpoint regarding the education of their students. However, concerning the reliability of data, the chapter has explored the possibility that a quantitative-driven initiative might have neglected certain contextual aspects referred to the complex nature of higher education that may be considered to be vital in order to draw a rich, comprehensive depiction of the issue at hand. Indeed, as mentioned in the previous chapter, the possibility that an important variable may have escaped the overall parameters of the questionnaire, or the fact that respondents may have felt constraint or conditioned in any way to offer particular responses, highlights the necessity to compare the results to a different set of data.

In order to do that, a second corroborating exploratory study was designed, building on the partial results obtained along the previous exploratory phases. This sequential approach was intended to contextualise the quantitative results obtained in the main study, the backdrop and driving force of the overall empirical input of this dissertation. This way, the sequential research strategy adopted ensured gathering the relevant information in order to find out, describe and understand all significant subjective aspects that give rise to and shape given social phenomena (Denzin & Lincoln, 2005:3). In order to offer a solid method triangulation for this piece of research able to provide those contextual features, qualitative approaches, as seen below, were applied. The main concerns motivating this piece of empirical research were the following:

- When lecturers describe their teaching experience and their classroom methodology, what underlying epistemological characteristics may be deduced? How do they justify the particular methodological and pedagogical choices in their

classroom? What limitations do they perceive in the existing models?

- How is theory and practice articulated in their module? What are their thoughts on the increasing role of employability in curriculum design? What relations do they believe universities and markets should establish?
- Do they perceive a change before and after the introduction of EHEA and its subsequent reforms in the Spanish third level education system? If so, how has the scenario changed? What assessment do they make of the situation?
- In the Bologna context, how do they assess the introduction of the competence construct as a tool to articulate higher education? What are the competences, in their opinion, that should guide legal translation education?
- How do they assess their teaching performance, and how much importance do they bestow to their teaching practice as opposed to research activities and academic management? How did they acquire the relevant educational background in order to lecture effectively? As far as they are concerned, does EHEA demand further pedagogical and methodological command to lecturers?

6.1.1 Research paradigm

Similar to Chapter 5, the following study is set on critical pragmatist grounds, highlighting the situatedness of reality, believed to be highly influenced by social negotiation and interaction, power relations and individual/social construal. From a methodological perspective, the study builds on grounded theory premises, extracting generalisations from the experiences of the participating lecturers. Finally, following Grotjahn's dimensions of empirical research (1987:59-60), the study may be ascribed to a pure research paradigm based on non-experimental, qualitative, interpretive premises:

Indeed, respondents were not exposed to any control, manipulation, or alteration process during the data gathering process. Therefore, since the study focuses

exclusively on the interpretation of the respondents' standpoints and beliefs in order to draw the relevant conclusions, the study may be said to be **non-experimental**.

Data collection followed **qualitative premises**. Indeed, a qualitative approach complements the findings in Chapter 5 insofar it provides a flexible, iterative way to categorise the different responses obtained. At the same time, exploring a given phenomenon qualitatively through open-ended means allows the researcher to describe any possible variation regarding general group norms —be it hidden or explicit— while they explain relationships and describe the individual, personal experience of participants.

Finally, results were analysed through **interpretive methods** aimed at exploring and describing the data obtained. This way, the study does not start with pre-established or pre-determined concepts and ideas, but rather seeks to allow these to emerge, placing the meaning-making practices of the respondents at the centre of the research.

6.2 Objectives of the study

The study below was designed around a main, general objective, which may be summarised as follows:

- To contextualise the quantitative findings in Chapter 5 regarding the nature and characteristics of knowledge, education, learning, and classroom pedagogical and methodological practices among the legal translation faculty in Spain during the 2016/2017 academic year at undergraduate level.

At the same time, this broad, general objective may be broken down into a number of partial, specific objectives, listed below:

- To delve into the epistemological rationale that underlies the methodological and pedagogical choices of lecturers in their legal translation classroom, analysing what they perceive to be the limiting factors in their pedagogical approach and the reasons that make them adopt particular methods.

- To ascertain, in the academic and personal experience of lecturers, whether there has been any significant change regarding the conditions and characteristics of the study programmes in Translation and Interpreting in Spain after the country joined EHEA.
- To gather the perceptions of lecturers regarding the role of employability in curriculum design, together with neighbouring, related concepts such as the marketisation of higher education, the role of experiential learning or the introduction of socio-professional elements in the legal translation classroom.
- To evaluate the lecturers' thoughts on the competence construct, its validity in higher education scenarios and the competences they believe their legal translation students should develop during their modules.
- To gather the perceptions of lecturers regarding the educational component of their professional activity— whether they consider it to be vital in order to teach, how to develop successful teaching skills, the level of recognition and promotion their universities and the different quality assurance agencies grant, etc.

6.3 Hypotheses of the study

Taking into consideration the objectives above, the following working hypotheses were adopted:

- The legal translation faculty in Spain ascribes essentially to post-positivist classroom practices. While in a modest number of cases that approach is pedagogically grounded and backed by solid educational knowledge, in most cases it stems either from intuition and/or perpetuation/implementation of pedagogical practices fostered by their institutions, departments or exchanges of best practices between peers. Among the limiting factors lectures may mention the number of students, or the time constraints that result from combining their other professional responsibilities— academic management and research.

- Lecturers may feel that the overall number of ECTS credits of current degree programmes lacks the academic depth of former *licenciaturas*, pushing them to cover particular content in their legal translation modules that was previously covered by other instrumental modules (Introduction to the Law, Legal English, etc.). The rapid introduction of technologies may have also played a role in the development of modules.
- Lecturers notice increasing pressure for programmes to balance the academic input of curricula and a number of employability initiatives and standards. While they ascertain the need to bring universities and markets closer, they see the potential problems in being too market-dependent when drafting curricula. Similarly, lecturers perceive the need and perks to introduce socio-professional elements in their classroom in an attempt to socialise their students in their respective discursive communities.
- While in general lecturers seem to embrace the competence construct, they do not show any strong opinion or defence about it regarding knowledge attainment or measuring their students' progress and academic development. Among the essential competences quoted, those related to the conceptual charge of the discipline and the introduction of ICT may be mentioned.
- Lecturers have learned the ropes of their profession rather intuitively, probably following a remarkable role model they may have had when they were students, a trial-and-error approach in the classroom or their own intuition based on their lecturing experience. While they may claim to be aware of the positive impact of continuing education and refresher courses, they don't show too much commitment, presumably due to time constraints.

6.4 Population and sampling

The population included in Chapter 5, that is, a census formed by 96 practising legal translation lecturers in Spain, was the basis for the sampling process in the exploratory study below. Given the reduced cohort of individuals making up the

population subject of study, the sampling process did not follow probability sampling techniques. In fact, selective, non-probability sampling methods were considered to be more suitable regarding the aims of the study, especially when taking into account the limited number of primary data sources that could contribute significantly to the depth and representativeness of the study.

The criteria adopted for the sampling selection followed expert selective methods under specific exclusion parameters. This way, a panel of lecturers with acknowledged or proven experience and expertise in legal translation education was selected. The decision was deemed to be the best way to elicit the views and perceptions of experts who may provide a detailed personal account of the educational scenario under study. Besides, the particular choice of experts ensured a certain dimension in the overall research process, since selecting senior lecturers for the study ensured that all the testimonies obtained would be able to provide an experience-based, longitudinal depiction of legal translation education, basing their findings on the way legal translation has traditionally been taught and learnt in the country and how it has evolved in time, especially in the pre- and post-Bologna scenario.

The inclusion criteria in order to qualify for the study were the following:

| Sampling the population: inclusion criteria |
|---|
| Only lecturers in the census designed in Chapter 5 qualified for the study, thus meeting all previous inclusion criteria so as to what constitutes a legal translation lecturer. |
| Lecturers were required to hold a full time academic position at their home institution in order for their legal translation education expertise to be ensured. |
| Lecturers were required to have been involved in higher education for at least 15 years, ensuring their ability to analyse change and evolution in translation education. |
| In order to ensure further multivocality in the study, the final panel of lecturers should cover as many different universities as possible, thus every participating lecturer should belong to a different Spanish university. |

Table 45 *Inclusion criteria for population sampling in Chapter 6*

Upon applying the exclusion criteria above, a number of lecturers was contacted through their official, academic e-mail address, both thanking them for their

support in the data gathering process of the quantitative study and asking them, if possible, to take part in the second exploratory phase. Lecturers were explained the nature and content of the interview and were given the possibility to arrange a synchronous meeting either in person or via an on-line video conference call provider. Other asynchronous ways of communication were discarded for two reasons— on the one hand, all interviews were designed to take place in similar settings. Allowing participants to write down and submit their answers would pose a number of questions regarding the data obtained. Indeed, asynchronous written communication allows the respondent to take all the time they need in order to reflect on their answers and the way to frame and convey their thoughts, thus increasing the chances of embellishment and the number of poetic licenses in their answers. Besides, written communication would imply a lack of interaction, and therefore a more rigid approach to the interview where no new line of discussion could be introduced following the experience and ideas brought up by the participants.

In total, taking into account the inclusion criteria and the self-imposed methodological constraints above, seven interviews were carried out for the purpose of this study, comprising lecturers in seven different universities located in five different regions in Spain. The particular details of the lecturers who took part in the study have been purposely omitted due to privacy reasons, in order for the participants to keep their anonymity and therefore to approach the questions of the interview confident that their views on higher education, current teaching practices both in their classroom and around them, etc., would not entail any consequence whatsoever. The female/male ratio followed in the selection of respondents for the interviews was intended to reflect the representation levels found both in the census and the quantitative study above: five female lecturers and two male lecturers.

6.5 Research tool

A semi-structured interview was designed in order to explore the perceptions of the participating legal translation lecturers on the academic and methodological aspects that define this study. Indeed, the main reason to approach the study through a semi-structured interview was related to the wide range of possibilities that the broad, open-ended nature of semi-structured interview questions offered, allowing both the researcher and the respondents to discuss the relevant topics in much more detail compared to other more structured options. This way, each and

every interview, while addressing the same points and covering the same overall aspects, unfolded in a different way, focusing, at each time, on the different experiences, ideas, preferences and areas of expertise that emerged from the interaction and the exchange of ideas between the researcher and the respondents. Semi-structured questions and prompts facilitated the introduction of new lines of inquiry, elaborating on the aspects that were deemed interesting, able to contribute to the overall findings of the study.

The interview was arranged around the three main scales in Chapter 5, covering the following thematic areas:

1. Classroom methodology. Lecturers were asked about the classroom methodology in their legal translation modules, both from their experience and point of view. Depending on their answers the following topics were addressed: use of authentic materials, experiential learning, task-based and project-based education, constraints and limits for pedagogical innovation, assessment practices, self-evaluation, portfolios, etc.

2. Student-centred vs. teacher-centred education. Lecturers were asked about their very role in the learning process of their students, whether they see themselves as a “sage on the stage”, a “guide at the side” or even a “peer at the rear”. Depending on their answers the following topics were addressed: the suitability of eclectic models, the expectations of students, fostering active learning and the involvement of the students, etc.

3. The socio-professional reality. Lecturers were asked about the importance and the ways to introduce socio-professional elements both in the course syllabus and in the overall curriculum. Depending on their answers the following topics were addressed: the socialisation of students, the introduction and mobilisation of generic competences (critical thinking, etc.).

4. Employability. In line with the question above, lecturers were asked about the importance bestowed to employability in curriculum development and how that relation has evolved in time. Depending on their answers the following topics were addressed: how EHEA has influenced the current higher education scenario, the perceptions and opinions they have about an alleged increasing marketisation of higher education, etc.

5. Competences. Lecturers were asked about the suitability of the competence construct in higher education settings. Depending on their answers the following topics were addressed: basic and vital competences to be developed in the legal translation classroom, etc.

6. Being a lecturer. Lecturers were asked about their very self-concept as university lecturers: how their role and the expectations about their role have changed in the last 15/20 years, what they consider to be the most important aspect/feature in their profession, etc. Depending on their answers the following topics were addressed: lecturers' satisfaction about their teaching activity as opposed to other professional requirements (research, academic management), recognition, the way they became university lecturers, the role of refreshing courses, the impact they believe they have on their students, etc.

The interviews, which took place either in Spanish or Catalan, were recorded between October 2016 and May 2017, and were subsequently transcribed and analysed according to the criteria and parameters above. On average, they lasted around 55 minutes, the longest one taking up to 80 minutes and the shortest one slightly over 40 minutes. The overall recording time stood at around seven hours of interviews that addressed the exchange of teaching practices and pedagogical standpoints between the respondents and the researcher. Due to the sensitive material in all interviews, the transcriptions have not been attached to this dissertation. In all cases, lecturers shared their personal views on their teaching methodology, their modules, the curriculum, and their students; but also that of their colleagues, together with the way their department has implemented the relevant EHEA reforms and the way their universities and, in general, the higher education institutions in Spain have understood the teaching practice of their lecturers. In order to ensure that this delicate information was kept safe, and in order to foster a warm dialogic climate with no pressure for lecturers to speak their mind freely, the decision was made. The other option, that is, editing the transcriptions so that the sensitive information was removed, was discarded at early stages of the analysis. Indeed, one of the main reasons to adopt such perspective was the volume of overall sensitive information reflected (names of lecturers, departments, universities, A/B languages offered, etc.), rendering, when omitted, disjointed, incomplete accounts that were deemed of little value in the overall study.

6.6 Analysis of data

This section presents the analysis of the perceptions, opinions and beliefs that the seven respondents argued during their interviews. It is structured in six different blocks according to the thematic areas that the interviews covered: pedagogy, methodology and epistemology; EHEA and the evolution of the translation study programmes; employability and socio-professional elements in the curriculum; competences; the profile and perceptions of students; and the role of lecturers in the overall education process. In order to preserve the anonymity of the respondents two measures have been adopted in this particular section: on the one hand, as applied consistently throughout this dissertation, the pronouns used in order to refer to the respondents have been ‘they/them’, even when addressing one sole person. This way the gender of respondents has been taken out of the picture. Besides, in order to refer to them, respondents were assigned a code (R1, R2, etc.).

6.6.1 The legal translation classroom: pedagogic, methodological and epistemological aspects

6.6.1.1 Classroom methodology, general remarks

All the respondents speak of their module as the intersection where theory and practice meet, particularly R1, R3 and R5, who acknowledge that no legal translation module can take place if there is no balance between those two. However, most of them —due to management and economic factors affecting the way the module is arranged— do not integrate both aspects in the same sessions. Indeed, the most common approach is having them split between theoretical sessions, on the one side —higher number of students, usually the whole group— and then a number of seminars, arranged for fewer students (around 12) to focus on practical aspects of translation. In these sessions students are expected to have a more active role. Only R2 and R5 escape this methodological approach, arguing that their module is not split between theory-based, big-group sessions and practice-based, small-group seminars. Instead, they claim that their module is arranged in medium-sized groups where both theory and practice are combined consistently throughout the semester.

While the need to incorporate both aspects is highlighted, the way practice is understood varies among the respondents. While for R3 and R6 translating needs to be done at home so that the session can focus on commenting and revising —

indeed R3 highlights the very little face-to-face interaction between the lecturer and the students otherwise— R2 and R5 see a number of flaws in this argument, claiming that it is only when students are translating that they can scaffold the whole process, intervening when necessary at the very moment a difficulty is encountered and their help is needed. To this concern R1 speaks of the lack, at times, of the necessary equipment in order to carry out such sessions, since some lecturers do not have access to computer labs in all their sessions. The same applies to the end-of-the-module exam for R1 and R2— students need to bring their dictionaries to the classroom because their university cannot ensure that the lecturers will have the relevant resources at their disposal to do otherwise. In return, R1 acknowledges, the main focus of these modules shifts slightly compared to other legal translation classrooms where the students do have internet access. In their case, translation solutions are not as relevant as they way students have arrived at a particular solution or have adopted a given strategy. The decision-making framework of the students, R1 asserts, is strengthened this way.

R6 believes that the legal translation classroom may adopt two different patterns. The first one consists in picking a topic or an area of the Law and have the students translate —and reflect about— a number of text genres related to that particular area, ordered according to complexity and increasing specialisation criteria. The other is to adopt a textual and thematic diversity in the classroom, reaching a wider range of legal texts. R6 claims that throughout their career they have adopted both perspectives and, if applied properly, both may work in the legal translation classroom. At the end of the day, R6 asserts, “what you are after is not your students being legal translation experts after one or two modules, but for them to be able to make the right translation decisions. Texts are a *pretext* for that, for students to learn how to systematise translation processes”.

R2 prepares a number of readings for the students in order to cover the thematic load of the module. This way, students are able to work simultaneously on two aspects— the content of the texts itself and also the terminology and phraseology that appears on the texts, which they need to study “if they want to do well in the module”. In their exams, R2 tries to include that very terminology in order to ensure that their students have been through the compulsory readings. In order to do that, R2 asserts, the best way is to have a legal translation exam where students are asked to translate a number of fragments with the help of a dictionary and some others without it, relying on their own skills. On later modules, R2 continues, students work almost exclusively with complex judgments from senior courts.

This, in their opinion, may not be in tune directly with the legal translation market once students finish their degree, but working with such complex texts — grammatically and syntactically— means an in-depth training for students in terms of complex language and reading and comprehension skills, which may be applied to any other translation commission later on in their career.

Regarding the ‘practical input’ of the module, R5 notes that the activities need to be “progressive in terms of difficulty, incorporating greater levels of complexity as the module progresses, ranging from the analysis and characterisation of texts or text genres to complex translation commissions in specific contexts”. Among the most recurring activities, lecturers resort to the translation of text fragments, questions related to theory, revision and correction of translations, analysis of translations, or activities aimed at solving isolated translation problems regarding, among others, a lack of direct equivalence. These in-class activities are normally complemented with a number of assignments that students need to face progressively during the term.

Among those assignments, R1 finds it very enriching for students to attend court hearings and keep a diary with the relevant findings students make, be it linguistic, thematic or otherwise. This way, R1 argues, students can contrast what they are studying in the classroom about the English legal system to what they see in a Spanish court.

R6 asks their students to keep a translation glossary where they reflect on the difficulties seen in the classroom, together with the terms, expressions and collocations that they have struggled with when translating. These glossaries, which are different for every student since they all have different commands both of the language and the conceptual load of the module, help students systematise their legal translation education, reflect on what they are doing in the classroom, and translate faster whenever they encounter these problems again.

Regarding the thematic input in the classroom, R7 considers that the best way to make students learn is to make them do oral presentations in groups. This way, the groups of students pick a topic out of a list R7 prepares beforehand, they are given a list of elements they need to research on and prepare for their classmates and once R7 approves the content and structure of the work students present it in the classroom. R7 believes that this approach has both positive and negative aspects. Indeed, while groups delve into a particular topic deeply, the only chance they

have to learn about the other ones is through their classmates' presentation, which may be a good one, or not, depending on the oral skills and level of preparation of the students.

Finally, R3 believes that all out-of-the-classroom projects need to address both the interlinguistic task of translators and their ability to reflect on what they do comprehensively. For that reason, R3 asks their students to pick a text, locate their text in a broader text typology and classification, select a fragment of the overall text, identify the main translation problems, argue the reasons why those may be considered translation problems, solve them—that is, translate the fragment in question—and present and argue the reasons why they have resorted to those specific resources and tools and why they may be said to fit the project. On the role of R3 in this project, they assert:

So, what do I do? Explain to the students the different phases of the project. "First of all, select a text." Them. Not me. What I do is discuss with them how to pick the text, explain what a legal text is and how to classify them— texts that explain the Law, texts that apply the Law, and texts that create the Law. I give the students a global vision through an ensemble of materials that I create whose goal is to introduce the topics and inform students about the ways to access the information they want. Then it's all up to them. Because it's them who, on a later meeting, need to argue why the text they have selected is a legal text. Is it because of the people involved? The audience? The content of the text? The next step is to identify translation units. What is a translation unit? Divide your text into segments. What are you going to use for your translation? Any CAT tool? Machine translation? Why? What resources and tools do you have to do that? Are they reliable¹⁴⁰?

6.6.1.2 Addressing the theoretical/thematic input of the module

Probably it is R6 the one who defends more passionately the thematic, theoretical input of the legal translation modules. In their opinion, shared by R1, it seems that these days no one wants to do theory in their classroom, it is all "about doing things", not about "knowing things", even if "it is theory what gives you the key to

¹⁴⁰ All quotations and citations have been translated by the researcher.

many aspects of professional practice”. Some things, R6 argues, “need to be studied, and no project-based, task-based approach can compensate for that”. To that, R1 refers to the limited exposure their students have to theory, which hinders the whole process:

I have an hour a week for the theoretical content of the module. And I need to choose whether to cover aspects related to legal translation theory or questions related to the Law and the thematic weight legal translation has. I cannot do both in just one hour.

Another constraint encountered in order to have effective theoretical input in the classroom is that of the language level of students. Their command of their source language is limited, R6 argues, and their writing and expression skills in their very mother tongue lack the degree of specificity and style legal language requires. Building on those grounds, R6 asserts, complicates the whole picture, since a significant amount of time needs to be allocated to those urgent needs that should have been addressed in previous stages of their education.

R2 and R7 state that this situation is partially the result of the way the curriculum has been designed following the Bologna implementations explored below. Indeed, students used to have compulsory modules in the curriculum that served as an introduction to the Law, which made legal translation lecturers build on those already existing grounds at the beginning of their module. Once gone, the legal translation education becomes a more complicated affair. R5 shares this opinion, and indeed the curriculum at the university where R5 works has kept these modules, complementing and enriching, in their opinion, the way legal translation is taught.

R3 speaks of the thematic input of the legal translation modules as “just a taste” in the overall legal translation module, which, in their opinion, is not enough for the education of legal translators-to-be:

It is not satisfactory. Not at all. One of these days indeed we will have to discuss whether legal translation education, even at an undergraduate level, is an activity that requires a more solid approach on legal education. Because I do think so. I am adamant when my students ask me whether they need to study a degree in Law in order to be legal translators— “No. You don’t need a degree in

Law, but it is evident that you need legal theory, you need to know about the Law. And there are many ways to do that, it doesn't need to be formal education”.

R1, R2 and R7 mention the widespread perception of most of the students, as seen below, that they can compensate their lack of theoretical and thematic ground with parallel texts, the use of technologies and the application of their research skills in the course of their professional activity. However, as the lecturers involved recognise, finding those parallel texts may not be an easy task, especially in legal translation; and their research skills and use of the internet may not be as polished as they think it is in order to discriminate information and resources without solid thematic grounds.

- Translators learned in the Law v. lawyers trained in Translation

The eternal debate on who should translate legal texts cannot escape any discussion on the amount of law translation graduates should know in order to be competent legal translators, however “sterile” this debate may have proved to be, according to R5. To this concern, R3 mentions how the Spanish programmes come from a tradition where specialised translation is performed by translators with a solid thematic specialisation, and so the Spanish universities opted for that model when designing their study programmes. While this approach did not particularly follow the mainstream practices in Europe at the time, R3 continues, it did copy the Geneva model, since the forefathers of the first translation curricula in Spain were all disciples of the School of Geneva.

The fierce debates in the 1990s about this very topic, R5 adds, only served to reaffirm the position that there are several ways to access the profession, together with a number of integral competences to develop and many different paths to do so. While it is true that legal translators need a strong thematic competence, this competence does not display the same active level of specialisation as the one of lawyers; and in any case, R5 concludes, the thematic competence legal translators need may be underpinned by a number of factors, including a solid research, strategic and instrumental competence. To that, R4 highlights the role that mastering the languages involved plays in the process, since reaching specialised knowledge when mastering one’s working languages makes the whole process easier, and allows the translator to detect the difficulties in their text and adopt the relevant strategies. At the end of the day, R4 concludes, “even for lawyers

accessing specialised knowledge may be tricky given the number and idiosyncratic characteristics of the different branches of the Law”.

6.6.1.3 Using authentic materials in the legal translation classroom

All respondents acknowledged the perks of working with authentic texts in the legal translation classroom, approaching legal translation as a comprehensive, communicative act. R2 was the only one to show some degree of concern about it, claiming that the use of authentic materials may not always be the best option. In R2's opinion, especially at the beginning of the students' legal translation education, adapting texts would be more advisable, since students may not be ready to work with such complex texts. Indeed, while R2 tries to work with authentic materials stemming from their own legal translation professional practice, at times adapting the texts suits R2's teaching praxis best. Those slightly more complex texts, R2 follows, may be used in the legal translation classroom for other purposes, namely fostering the reading and comprehension skills of the students. At the end of the day, R2 concludes, 6 ECTS modules constrain lecturers insofar there is a bigger need to select very carefully the texts and fragments to be translated if one wants to cover all aspects included in the syllabus.

R3, on the other hand, while acknowledging the complexity of texts expressed by R2 above, emphasises the fact that rather than adapting complex texts for the less experienced learners one may opt to choose texts displaying a lower degree of specialisation and still use authentic materials in the legal translation classroom. In their opinion, the use of authentic materials is imperative and the positive outcome regarding the socialisation of students when using authentic materials is more than evident.

Finally, an interesting remark for this section is that of R6, who claims that even if the idea of working with authentic materials seems to be innovative or follow contemporary narratives in translation education it has always been present, to some extent, in the legal translation classroom. The only difference, R6 asserts, is that obtaining those texts was much more complicated in the past, and indeed one needed to find their own means and connexions to reach those texts —turning to notaries, law firms or courts— and then edit the sensitive information before bringing the text to the legal translation classroom.

6.6.1.4 The number of students as a limiting factor

Except for R3, the number of students enrolled in the legal translation modules was noted to be the main limiting factor constraining their classroom practices and pedagogical approach to legal translation education. R1, indeed, confesses that, in the past, their module was not divided in groups, since their department, attending to economic criteria, could not afford to split the group:

There was no way we could teach like that. So right from the start we demanded that the module was split. How can you do anything in your class if you have the whole group at the same time? There is no way you can teach such big number of students unless, of course, the only thing you do is adopt the traditional 'performance magistrale'.

R2, in full agreement with the statement above, believes that the number of students makes it difficult to follow, on a regular basis, the evolution of students. This, R2 continues, is one of the main differences between public and private universities, whose lecturers can afford to check and revise all tasks that students are meant to do in the module:

Look, I know this is bad for me to say, but I don't check the daily/weekly tasks I ask my students to do. I can't. I won't. What I do is a thorough revision in class so that students can check whether their answers are correct or not. I assess that they have handed in the task. Indeed, for all I know, they could be uploading blank documents in our on-line platform.

As stated above, R3 did show the opposite perspective on the matter, arguing that the number of students is not a problem. Instead, the problem is the self-imposed ideas and norms that lecturers apply in their modules:

Is the number of students a limiting factor in my teaching? It depends. If you want to revise the 500-word translations my 120 students do every week, then it is a limiting factor. But who says I have to do that? That is self-imposed. What I need to make sure at the end of the module is that my students are able to identify translation problems, solve them, find the relevant tools and resources and assess the quality of a translation. That's it.

6.6.1.5 Epistemological underpinnings

When analysing the epistemological standpoints that arise from the pedagogical approach lecturers have in their legal translation module two distinct trends are observed. On the one hand, R1, R2, R3, R5 and R7 showed a predominantly post-positivist approach to legal translation education. This is reflected, among others, in the way they perceive the role of lecturers and students both inside the classroom and in the overall education process of students. R1, for instance, stressed the situated nature of education, arguing that it is not until the second or third week of the module that you can start thinking of the way to approach the term. Early observation, R1 asserts, is essential for the module, since the very course changes on a yearly basis according to the characteristics and the internal dynamics of each and every group, which also conditions the relation R1 has with them.

Building on the same grounds, R2 speaks about the rigid nature of syllabi, and claims that probably syllabi should not be shaped the way they are in contemporary higher education settings. As far as R2 sees it, universities make lecturers decide in April, when they still don't know their future students, about the content, methodology and assessment methods to be applied six months after the decision is made; which opposes current trends in education. There is a number of factors, R2 concludes, that cannot be assessed beforehand— in-coming and out-going international students, size of groups, current affairs that may make lecturers want to implement changes in the syllabus, etc.

R3 resorts consistently to the role of lecturers and students, comparing the current educational scenario to the way education was *performed* before. As R3 claims, lecturers are no longer the mono-referential source in their classroom, but rather supervisors and managing agents of the learning process of their students. This requires greater educational responsibility on behalf of lecturers, R3 asserts, especially when you compare it to traditional transmissionist higher education classrooms, where a barrier between the lecturer and the students made it easy for the former to escape the educational and pedagogical implications in their teaching. The fact that students are currently believed to have the leading role in their own education process does but define, from a different perspective, the role of the legal translation lecturer, transforming them into a guide of the overall learning process who advises their students on the path they should take, individually, to reach their goals.

R4's approach to the matter is slightly more cautious, especially when compared to the rest of respondents. Indeed, R4 believes that all things educational should be taken "with a pinch of salt", claiming that traditional transmissionist lectures do still represent a valid way to channel the education of students in many cases:

All approaches are equally valid. All of them. It is true that before you had these lecturers who couldn't even speak in public and used outdated materials. And that hinders the education process of students. But look at TED talks. What is a TED talk but a 'performance magistrale'? And some of them are incredibly good. We shouldn't neglect our ability as learners to receive.

R6 agrees with this approach, claiming that some parts of the education of students need to be based on guided instruction, with lecturers selecting the information to be apprehended by students— what to say and how to say it. Otherwise, when you ask a student to take full responsibility, "they are left in the dark" and most probably "they will accept, blindfolded, the first thing that comes up on Google". As R6 concludes, "there is always some level of instruction, especially when students are new to the module or the module, just like legal translation, has a heavy conceptual charge".

6.6.2 The influence of EHEA on classroom methodology

When analysing the impact that the EHEA reforms have had in the Translation degrees in Spain, R7 makes an interesting overall remark, claiming that EHEA has attempted, rather unsuccessfully, to foster a shift in the mainstream higher education paradigm based on contemporary epistemological and educational beliefs. This shift, R7 continues, has meant a number of structural and institutional reforms, but has failed to address a fundamental, core aspect in higher education— preparing and forming its faculty to adopt such perspective in their philosophical, pedagogic and methodological approach. At times, R7 follows, lecturers are immersed in a bureaucratic chaos and simply don't know how to handle the situation. In the specific case of course syllabi, R7 concludes, "we need to fill in a number of sections that are really similar, all of them, because we don't really know the difference between competences, objectives and many of those things".

To this concern, R4, who used to work in a different Spanish university and therefore is able to compare how both degrees were adapted to the EHEA

requirements, speaks of the way curricula were re-configured as one of the main causes for this bureaucratic and methodological havoc:

On my first university, a small commission composed by a few senior lecturers drafted the new curriculum, adapting the degree to Bologna as they thought was best. Instead, what we did here was 100% team work involving all lecturers in the design of the new curriculum, having them draft group proposals for modules, sending questionnaires, articulating the competences we wanted our students to develop, thinking on how to translate those competences to the every day classroom practices, etc. You didn't have to be a senior lecturer to do that. If you had an opinion, then you could contribute. We decided to believe in the project and we worked as a team. We learned together what EHEA wanted from us. And we did it.

On their behalf, R1 and R3 mention the several constraints EHEA and its degree programmes have meant for the education of future translators. R1 highlights the fact that the new programmes lack 60 ECTS credits when you compare them with the former Spanish *licenciaturas*. This, R1 concludes, makes it more difficult for translation departments to provide a round education to translators-to-be since, at the end of the day, “there is a whole year missing in the curriculum that we used to have”. R3 speaks of the subsequent lack of specialisation this means in the education of legal translators, and emphasises that probably “departments should be making greater efforts so as to provide the relevant non-formal and informal learning opportunities for students to compensate for that missing year”, especially regarding the thematic load of legal translation.

Similarly, R1 and R3, when asked about the changes brought by EHEA, resort to the shift in the role of lecturers under the Bologna umbrella, something already explored above. While R1 remembers their time as a translation student with never-ending transmissionist lectures that meant little in their education as a competent legal translator, R3 emphasises that the role of lecturers is much more important in this new scenario. Indeed, while a *performance magistrale* may be said to be easy for the lecturer insofar they control the information flow and the whole learning environment with little or no interaction, the lecturer EHEA requires needs to have a much more committed approach to their module, with new obligations and competences “that most of us may not have developed yet”. As R3 points: “You could *kind of* improvise before; you can't now: there are too many

factors involved that you need to keep in mind". In R3's opinion, their experience as a lecturer in an on-line higher education programme and managing a MOOC course with thousands of students has helped them systematise and incorporate the classroom requirements that current university lecturers have:

It is not about the number of students. Or about students being present or having a given number of tasks. It is about being aware of what we want our students both to know and to be able to do at the end of the process, and then envisage the tools to measure that, acknowledging the limitations we have.

R2 is positive that one of the main objectives of EHEA, that is, making higher education flexible, has failed to be achieved in Spain. Quite on the contrary, R2 is convinced that the Spanish implementation of the European project has done the very opposite, speaking of the highly detailed, compulsory timeline R2's university requires their lecturers to attach to their course syllabi, which is contrary to the very essence of contemporary notions of situated learning. Another contradictory example mentioned is the ECTS credit system, which, when compared to the UK's implementation strategy, renders a completely different scenario in terms of teaching hours, for instance:

When EHEA entered our universities there was a bunch of things that we didn't know if they were to be compulsory, or highly recommended, or whatnot. I remember being asked to take the register and check that my students complied with the compulsory attendance EHEA supposedly demanded. And that was ridiculous, because I saw students who would come to class and do nothing to pass the module, while others had to juggle their courses and a job, or a family. I'm happy that those things have been mostly forgotten these days. Now it's all about handing in the tasks. That's it.

While R1 and R3 complain about programmes being a year shorter, R4 and R6 seem not to like another of the changes EHEA is believed to have brought to the Spanish third level educational scenario— shorter, semester-long modules aimed at making mobility and comparability easier. Indeed, R4 and R6 believe that shorter modules make progression harder, since lecturers need to include translation practice, reflective practice and theory in just ten weeks. "Long-term projection and planning are gone", R4 claims, "and so is the pre-EHEA scenario

where, in September, lecturers would provide their students with a comprehensive list of readings and bibliographic references for students to plan the next ten month of their education in legal translation”.

Slightly less of an alarmist, R5 points out that the terms ‘pre’ and ‘post’ EHEA may not be the best way to frame and characterise the evolution of higher education in Spain. Rather than a revolution, the scholar believes that EHEA has meant nothing but an excuse in order for a number of learning methods and educational approaches to become mainstream practice. But those approaches were already being implemented and broadly used in higher education, especially in disciplines such as Translation and Interpreting, where, given the younger, practice-oriented nature of the discipline, the debates on student-centred education and experiential learning had already taken place long before EHEA came into being.

- EHEA and legal translation education

When asked about the implications these changes have had on their module and on legal translation education in general, all respondents are quick to mention the inherent difficulty to articulate the thematic and the procedural knowledge of their module, since the shorter degrees Spain opted for when implementing the EHEA guidelines have reduced specialisation drastically.

R3 wonders whether the decisions made by the university representatives in charge of drafting the White Paper of the degrees in Translation and Interpreting in Spain were right when envisaging a four-year-long degree with two introductory, instrumental years lacking more in-depth thematic content. In their opinion, these first two years “may be too general” and, indeed, the specialised translation modules would benefit from some introductory courses paving the way towards later specialised translation modules. R7 echoes the same concerns, declaring that EHEA has limited the possibilities of students to receive some “decent” degree of specialisation at undergraduate level, which, at the end of the day, is what students want.

Both R1 and R3 highlight that the Bologna degrees are to blame for the little thematic input students can receive during their degree. On the one hand, they assert, most introductory courses have disappeared from study programmes (Introduction to the Law, Legal language, etc.). These courses were essential in the specialisation of students, they claim, since they bestowed greater dimension to

the overall education process and allowed them to familiarise themselves with the field of specialisation at a more adequate path and from a number of complementing perspectives. On the other hand, this loss of foundation courses, which served as a solid starting point for legal translation lecturers to articulate their course, has also constrained the design and implementation of legal translation modules— both through reducing the thematic content students are exposed to—to insufficient levels, R3 claims— and through the very approach lecturers can adopt in their sessions, since they are forced to introduce translation practice later on in their module compared to the former *licenciaturas*, and, similarly, to reduce remarkably the amount of reverse legal translation they can cover during the term, R1 adds.

6.6.3 Shaping the future professionals: universities, employability and discursive communities

6.6.3.1 Integrating socio-professional elements in the course syllabus

Even if the exploratory analysis in Chapter 2 above¹⁴¹ depicts particular modules in the Spanish translation curricula that cover and address exclusively a number of socio-professional elements of the translation profession(s) —presumably in an attempt to boost the employability of the translation degree—, none of the respondents seems particularly in favour of having such specific modules in the curriculum, and neither do their universities offer such courses¹⁴². Instead, the most common approach argued by all respondents is that these socio-professional elements should be introduced progressively throughout the four-year-long programme in the different modules, especially during the last two years. The only exception in this pattern is R2's department, which, despite R2 coinciding with the rest of participating lecturers that such module does not enrich the curriculum significantly, their department plans to introduce the module in the mid-term.

To this concern, R3 asserts that probably not all modules in the curriculum should have this socio-professional component, at least as a significant part of the module. In fact, most aspects may be covered cross-wise in the curriculum, R2 adds, such as drafting an invoice or being aware of market rates. “Is it useful to show my

¹⁴¹ See Chapter 2.3.3 above on the general characteristics of the undergraduate degrees in Translation and Interpreting in Spain.

¹⁴² Unlike public universities, these modules were much more common in the translation curricula of private universities.

students every single year what invoicing is like?”, R2 wonders, and follows: “it may be interesting to refer to the translation profession in the classroom, but not all of us, not all the time”. Besides, both R2 and R3 coincide that there is already a number of non-formal initiatives (workshops, extra-curricular seminars, courses, etc.) that address these issues successfully, given the institutional market-oriented approach universities seem to be adopting.

R5 highlights that the role of legal translation lecturers is to educate students on how to address the translation of a legal text. And this, R5 follows, is always a situated, contextualised practice. Introducing socio-professional elements in the syllabus, this way, may not be read as the application of certain employability standards, but as fostering, among the students, the key to understand such contextualised practice and act accordingly, reminding them that ‘professional translation’ changes in every context, and so does professional behaviour. Equally linked to it, R5 concludes, is the fact that students are in need to be reminded that ‘the norm’ is never to be followed blindly, since in many cases it may be flawed. Therefore, introducing solid critical thinking skills, as seen below, stands as the very first socio-professional aspect the legal translation classroom should cover.

In order to do that, R5 resorts to the sociology of professions, telling students how society does not deal with the newcomers in any profession the way it does with professionals, putting much more pressure on the former in order for them to behave according to the norm. As they consolidate their position in their profession, more and more room is granted to professionals to take risks in their everyday tasks. If students are aware of this from the beginning, R5 concludes, they may act as professionals from the very start of their education process. Regarding legal concepts in two distinct cultures, for instance, students may feel more empowered to run away from rather conservative, literal translations and opt for solutions that display bigger explicitation room, as professionals seem to adopt in their translations. The idea behind this, R5 asserts, is to emphasise the essential role of the contextual factors in legal translation, allowing students to act critically against a norm whenever necessary.

Other socio-professionally oriented activities and initiatives mentioned by the respondents —besides the abovementioned workshops on invoicing and translation rates— include informing the students about the role and importance of professional associations, applying a project-based methodology that mimics the translator/client relations, or even having students create their own company as a

project taking place throughout the whole module, where students need to resort to the Law and draft a number of legal documents referring to the professional activity the company would engage with, the most suitable type of company, registering and incorporating the company, etc.

R3 puts forward one of the most important socio-professionally related aspects R3 wants their students to reflect on in depth— to be aware of the implications and consequences that dealing with two different legal systems entail in their text while adopting “an ethical, professional attitude towards professional legal translation”. In order to do that, during one of their first sessions, R3 suggests the following activity:

It is absurd to translate something that has already been translated, especially if there is an official version of a text in a different language. In order to work on those aspects I give my students the following translation brief— “Maria, your client, is a Catalan woman who is about to have hip surgery and, since she is afraid, she’d rather have a living will. Manuel, a friend from Seville, had a similar surgery a year ago and happens to have a living will she can use. Working on those grounds, please translate your text.” All my students translate it. And I ask them: have you even wondered that this living will may not be valid in Catalonia? Because the legislation on advance directives in Andalusia and Catalonia is not the same. And it is not comparable. You all think you are translating a text from Spanish into Catalan, and that’s not true— you are translating a text between two different legal systems. Have you checked whether there is an official version in Catalan of this document? And one more thing: once you are aware that this translation you have made will have no validity whatsoever, what will you do? What will you tell your client? Will you translate her text? Think of the deontological implications. Will you ask her to find a lawyer? As a translator, do you need to know that Andalusia and Catalonia have different regulations on this matter? Do you need to have such legal command so as to know that?

6.6.3.2 Employability and the curriculum

R5, on the role of employability in curriculum design, is quick to assert that every lecturer these days supports the idea that degrees need to prepare their graduates to join 'the market', a statement backed by all participating lecturers in the study. However, while for R6 this is an easy task particularly for the degrees in Translation and Interpreting given the characteristics of the discipline, the rest of participants seem to be rather sceptical about it. Indeed, R5 wonders what 'market' means, since there is a number of neighbouring markets that translation graduates can resort to, both national and internationally. While there is no question about the need to draw the relevant links between employability and curricula, R3 adds, "the employability factor also leads to the eternal debate about the degree of specialisation we expect our graduates to have". Indeed, as R1, R2 and R5 point out, the market demands hybrid, flexible, changing specialisations in a world where new professional needs emerge every day, complicating the narrative that curricula must integrate blindly the employability factor.

Besides, as R2 mentions, translation graduates may follow a plethora of different, future career paths, "not just translation". This way, implementing the relevant strategies and initiatives in order to boost exclusively the employability of translators may narrow, and therefore hinder, the future possibilities of graduates. Indeed, R1 comments that whenever this debate arises in their classroom just a very reduced percentage of students share their intention to become professional translators upon graduation, partly because other options may sound more appealing (international trade, education), partly due to the fact that their students can no longer be granted the automatic 'sworn translator' qualification as they could before, and partly due to the uncertainty of the translation markets, a scenario complicated not only by "the legal and economic vulnerability" students perceive in the translation profession but also by the "hordes of graduates" universities in Spain 'produce' every year, R2 adds.

In any case, an interesting point addressed by R2 and R6 is how this employability boom may not be but the latest fashion in higher education, something imported from the Anglo-Saxon universities and later on fostered by current educational narratives. These educational narratives, R3 and R4 point out, are based on neo-liberal premises that may push for a progressive marketisation of universities. This

is the case of R4's university, whose governing council seems to have assumed lately the role of students as clients, in a clear understanding of universities as service providers. R4's impression is that the neo-liberal discourse is permeating the debate rather successfully. In their opinion, while employability is to be taken into account, when taken to the extreme it can put in jeopardy the whole mission of higher education institutions.

R3 quotes similar concerns, mentioning how society as a whole is progressively turning faculties into factories of future professionals. This is dangerous, R3 adds, insofar most of the academics in charge of the process do not belong to the professional world and therefore "have not been trained to produce workers". Seen from a different perspective, R3 believes that all employability prospects and initiatives in higher education, however necessary and well-intentioned, will inevitably meet that very obstacle, related to the essence and the role universities have traditionally had. Indeed, R3 notes that the fact that currently there are two distinct types of lecturers —those with an academic background and those with a professional background— already reflects the commitment of universities to leave their "ivory tower" and bridge the transition of their students towards their target socio-professional communities.

All in all, respondents agree that students need to be provided with all the necessary tools in order to become competent professionals. However, at the same time, they believe that focusing too much on employability betrays in a way the role of higher education institutions, which should serve as a platform for their students to grow personally as much as professionally. And this is a task, R3 concludes, that should be planned and executed between universities and employers, being aware of the distinct role each of them has and seeking ways to complement each other:

Institutions need to engage in constant dialogue. That is basic. What we can't afford to do is transfer that pressure to the students because, that way, they receive a double slap: first from universities and then from the employers.

6.6.3.3 Socialising critical agents in their respective discursive communities

The discussion on the role of employability in curriculum design triggered a number of reactions among the respondents, which, while acknowledging the role

of universities in the socialisation of graduates in their respective communities of practice, referred constantly to other more classic, holistic approaches to the education of higher education students, and the balance between those two.

R5, in section 6.6.3.1 above, shared how they felt that it was extremely necessary to inform their students about the behaviour and expectations of newcomers in any profession, seeking a reagent in order for them to assume a professional behaviour in their legal translation work. Indeed, R5 asserts, when one joins a discursive community they need to build their own trust relationships with the other members of the community, and, similarly, the latter shall examine the performance and behaviour of the newcomers, assessing whether they follow the norm. This is even more the case in the legal professions, R5 continues, and even more so in the particular case of legal translation, whose agents are examined even more carefully by the members of the legal community, concerned that they may lack the conceptual charge in order to translate successfully. In this particular case, legal translation is constrained by different professional narratives: on the one hand, the equivalence narrative, making legal translators serve professional discourses. On the other hand, translators are exposed to the narratives of mediation and communication, that is, the needs of their readers and the final product—their translation—which is to be inserted in a different cultural context. Depending on the professional narrative translators activate, they will serve either the professional discourses that create a distance between texts and contexts or the communicative discourses that serve the interests of all members of the communicative act. As R5 sees it, in order to deal with particular discursive communities, recognise and apply professional behaviour in the course of their career and stand as emancipated legal translators, students need to be exposed, particularly in legal translation education, to solid critical thinking skills and attitudes.

R3 and R4 also emphasise the importance of fostering solid critical thinking skills among legal translators-to-be. Indeed, R4 complains that in translation education, and especially legal translation education, students seem to seek the easy recipe for interlinguistic success, the constant mechanisation and systematisation of processes, neglecting along the way vital elements in their education such as reflective thinking. The fact that legal translation is such a broad concept covering so many sub-fields and scenarios makes it impossible for students to be exposed to all the text types they may encounter in their future career, R3 points out. That is precisely the reason, R3 follows, that justifies the need to be able to reflect on

translation practices and make relevant decisions, fostering a strong, critical decision-making framework.

R4, similarly, speaks of the social commitment and ethical obligation of universities to promote the cultural education, reflection and critical thinking skills of their students in order to complement the current employability turn they seem to have adopted, even if that means assuming certain financial loss. Higher education, R4 asserts, needs to keep at all times its human, emancipating dimension, while incorporating the relevant employability criteria, something to transfer to the everyday legal translation classroom practice.

Finally, to this concern, R5 narrates how the OPTIMALE project established a working group in order to explore the tenets of specialisation, and how critical thinking was a vital element in those discussions. Besides understanding specialisation as preparation for market needs, the main reflection of the working group was articulated around the idea that higher education institutions are educational spaces that must contribute to the education of critical agents able to revert to society. Many current legal translation lecturers, R5 asserts, understand legal translation as a form of intercultural mediation, and that implies being able to assess the norm critically and intervene whenever necessary. In the classroom, that entails educating students on the norm and, at the same time, on their ability to actively transform the norm in order to attend the needs of a changing, diverse society, shaped by an abyss of cultural intelligibility.

The way to achieve that level of critical consciousness among students, R5 concludes, is, on the one hand, to build on a contextualised legal translation practice that uses authentic materials and foster constructive, critical discussions among the students:

The key is to teach them how to learn for them to have the tools to apply in any context, helping them to build and negotiate the norms in their forever-changing professional communities. And learning means also the ability to un-learn, to question everything they have learned so far. And legal translation offers the best breeding ground for that. We need to teach students that, on the one hand, the different social agents may have an idea of the characteristics of legal translation, but, at the same time, to make them aware that those

expectations about legal translation may not be correct, and be able to act accordingly.

6.6.4 The role of competences

6.6.4.1 Validity and application of the construct

R1 declares not to find the competence construct extraordinarily useful, asserting that it does not really affect the way R1 plans or develops their legal translation courses. Indeed, in order to illustrate their point, R1 refers to the number of overlapping definitions and approaches to both competences and its components (skills, abilities, etc.) that “complicate the whole picture unnecessarily”. Similarly, while sharing R1’s opinion up to a point, R2 notes the fact that university lecturers tend to lack solid educational grounds, and this may be to blame for the terminological havoc concerning the definition, characterisation and application of competences. In secondary education, R2 continues, competences may have been applied more successfully than in higher education, since secondary education teachers have received the relevant training in educational philosophy and classroom methodology.

In fact, R2 stresses how syllabi these days display an overwhelming number of competences and related items “that are potentially confusing, to say the least” for all stakeholders involved in higher education. In the competence debate at university level, R2 asserts, it seems that “everything is changing so that everything remains the same”, something echoed by R4 below. At the end of the day, R2 concludes, especially in the translation field, competences are related significantly to the course objectives, which is what has traditionally been done in higher education.

R6, along the same lines, claims that Spain has not had, traditionally, a strong culture of competences; but this, along with many other things, “is the price one needs to pay to be a member of EHEA”. Yet, every lecturer and every department has implemented their very own idea of what a competence is and how to adapt higher education accordingly, R6 adds. Likewise, R5 confirms that all paradigms have their competitive advantages and their blind spots allowing us to approach phenomena from a number of perspectives. In R5’s opinion, however problematic in certain aspects, the competence framework has enabled universities and departments to systematise education, giving rise to sequenced, increasingly

complex activities and projects scaffolding students in order for them to reach the relevant milestones leading to professional behaviour.

Finally, R4 defends profusely the validity of the construct, adding that she has always worked from a competence perspective, even if intuitively. Besides, R4's university has traditionally combined declarative and procedural knowledge when designing their curricula, focusing both on what students need to know and, equally important, on what they want their students to be able to do. This, at the end of the day, is "what the competence paradigm introduces in EHEA". The competence paradigm suits R4's teaching style perfectly, R4 confirms, since R4 is not a "traditional academic", but rather a professional translator who, halfway through their life, decided to change careers. This professional approach R4 has in their teaching philosophy is the main reason why they have always built on competences when planning for their courses.

Still, R4 is aware that most Spanish universities have failed to incorporate the competence construct successfully, and have just added a list of competences in every syllabus, with no reflection whatsoever on the classroom challenges and methodological implications the application of those competence entailed. R4's department, however, was not satisfied to add a list of competences in their syllabi. Instead, they set up working groups for every competence they wanted their students to develop, and those working groups helped re-define every area and every module, making sure not only that those competences were included, but also what the subsequent objectives should be, the relevant learning outcome, together with a number of activities, tasks and classroom initiatives that lectures could resort to in order to work on those competences and later on assess them:

We divided competences among the different modules taking into account the workload of courses and the nature of modules (foundation, compulsory and electives). Besides, every module was in charge of assessing a number of competences even if not exclusively, that is, they could cover other related competences assessed compulsorily in other modules. That way we made sure that all competences had been included in the curriculum, where, when and how.

As a follow-up project, R4's department is currently developing a common framework based on shared definitions for competence-based assessment rubrics,

to be applied in all modules in the curriculum. In R4's opinion, rubrics may help students understand what lecturers expect from them, the different competences that their courses develop and how they are assessed. While this project has meant a heavy extra workload for the department, R4 is confident that it will also help lecturers reflect on what and how students are supposed to learn in their module, especially those modules whose lecturers may not be too pedagogically-oriented. The other lecturers, those who were committed to their pedagogical work, may not need those competence-based rubrics, because they may have been assessing that way intuitively, but this initiative may be an overall milestone for the department in pedagogical and methodological terms, R4 concludes.

6.6.4.2 Competences for legal translation

When asked about the basic competences they try to achieve in their legal translation modules, respondents resorted to a rich number of different skills and abilities that indeed complement the different definitions gathered in Chapter 4 above.

For R1, the thematic competence is essential, the one that the other translation modules cannot develop in any cross-curricular fashion, hence the need for legal translation lecturers to address that competence more significantly than others that may indeed be developed and assessed throughout the curriculum. In R1's opinion, elaborating on the thematic competence exhaustively is unavoidable for any legal translation module, "there is no other way for students to approach the module". Besides, the strategic competence, in R1's opinion, plays a fundamental role, especially given the nature and characteristics of legal language.

R2 resorts to the mother tongue of the students, their A language. In their opinion, and especially for legal translation, it is vital that students learn to adapt to the specificity and register of legal language, its features, style, and the non-written norms that the legal discursive communities have agreed upon regarding legal drafting. Besides, it would be interesting for students to develop a text genre competence allowing them to locate a legal text within its larger context regarding the weight this has when adopting given translation strategies, while, at the same time, acknowledging the role of the changing, culture-specific elements in legal texts, unlike other types of specialised translation.

R3 is adamant about the essential competences they seek their students to develop: “in this order, comprehension of the source text, comprehension of the source text, again, and a global vision of the translation brief”. Being able to understand legal texts stands as the main problem legal translators encounter, a problem that stems from not being Law graduates. The other competences, R3 follows, may be developed in a cross-curricular way in other modules. If the student is able to understand the text and its implications then they will be able to find the way to convey the message in their target language, “because they have been trained as linguists, and they are good at that”. Educating students so as to be aware of whether they have understood a legal text is not an easy task. Indeed, R3 resorts to intra-linguistic translation to that concern, making their students reformulate legal texts for a greater audience. Comprehension skills are extremely difficult to develop, R3 concludes, “since they require certain maturity, age, initiative and sensibility from the students”.

R4, similarly, speaks of the importance of the target language. While the source language is relevant, R4 acknowledges, the degree of command it demands is not as active. An active understanding of the source language is enough. So as to the target language, on the contrary, translators-to-be need to be able “to juggle with words in order to convey the right message”, since a faithful translation is not necessarily a literal one, especially in legal translation. Concerning the conceptual load of legal texts, when one masters their mother language one is able to access the relevant tools and sources of information that may help them underpin their informed decisions. To this “linguistic sensitivity”, R4 adds an inquisitive mind and the ability to question one’s own understanding of a text, as R3 pointed out above.

R5 resorts to the translation competence models put forward by PACTE and, more specifically in the case of legal translation, by Prieto Ramos¹⁴³. Besides the different sub-components explored by those models, R5 highlights the professional competence, which emerges holistically, and the strategic competence, which coordinates the rest and helps translators attend both the context and textual factors when making decisions and adopting strategies. These competences may be complemented by a number of discourses that emphasise how social agents (translators in this case) need to be critical regarding their professional behaviour within an overall reference framework, which changes in time.

¹⁴³ See Chapters 3.2.1.2 and 4.2.2, respectively, for the nature and characteristics of the translation competence models put forward by PACTE and Prieto Ramos.

Finally, R6 resorts to two sets of competences. On the one hand, a thematic competence linked to strong research skills in order to compensate for the lack of thematic input. That thematic competence and the research skills are intrinsic to the legal translation profession, R6 asserts, and, therefore, are different from those of Law graduates. Besides, R6 speaks of a solid linguistic/terminological competence so legal translators-to-be are able to locate different text genres together with their identifying features, terminological difficulties, legal style, etc.

6.6.5 Legal translation students: profile and perceptions

According to the majority of respondents, the first thing to note about the students who decide to enrol legal translation courses is the abyss standing between the Law and the vital experiences of students. As R1, R3 and R7 acknowledge, the closest experience they have had to anything legal is a friend who may be studying a degree in Law or a relative who works as a lawyer. As R7 points out, the legal translation undergraduate students have never signed a contract, they have never been fired, they have never signed a mortgage and no close relative has died, at least having them as the sole responsible individual to deal with all the formalities. The connexion between them and the Law is non-existent, which makes developing a thematic competence an arduous job. Legal texts, legal jargon and legal style are completely alien to them. This, R1 adds, makes them be somewhat afraid at the beginning of the module, because they have no expectations, they don't know what legal translation is going to be like. In order for them to start to be acquainted with the Law, R1 recommends their students to read the legal notice of a DVD, something slightly closer to their experience.

Yet, R1 continues, legal translation students tend to be the most motivated students after a while, and their results at the end of the year witness those levels of commitment and motivation. There is something that empowers them, R1 concludes, "probably the visits they make to court, or the fact that they see they can 'write like a lawyer'". This, according to R1, makes legal translation students be more pro-active than the average translation student.

R7, an opinion quoted also by R1 and R2, perceives certain *attitude* among legal translation students these days, especially concerning the thematic input and their exposure to the Law. Indeed, in many cases, the lecturers acknowledge that students resort systematically to their research and information-mining skills when confronted with the fact that they might need to further deepen their legal

knowledge. To that, R7 and R2 point out that they may have those skills, but undoubtedly the skills students boast about are not polished enough, especially for legal translation. In fact, students may have easier access to information because they have been born in the age of computing, but they don't know how to discriminate information, locate it, or even understand its context in order to make an informed decision or adopt a given translation strategy.

Besides the legal input, R1 adds, there is an alarming lack of general culture and knowledge of the world that students lack, basic things that secondary school students did know before and current students don't. To that concern, R2 feels that their students are more immature now, and so lecturers need to simplify, *easify* the tasks and content of the course for students to be able to follow, providing all complementary materials and resources for tasks and projects. When asked why this is, R2 is hesitant whether this is something students are to blame for, because they do need to be taught like that now following prior flaws in their education process, or whether this is a self-imposed obligation by the very lecturers.

Similarly, R2 finds that their students are not able to make links and draw the relevant relations between the concepts and competences addressed in other modules, that is, to apply the skills developed in a different course to their legal translation classroom. It is irrelevant how many coordination meetings lecturers have in order to plan together how to engage students that way, R2 asserts, "you always have the feeling that your students cannot make that connexion, especially regarding their research and information-mining skills".

6.6.6 Legal translation faculty: profile and perceptions

6.6.6.1 Self-concept, expectations and career paths

R3 summarises the predominant, systemic lack of pedagogical and methodological grounds upon which lecturers normally build their educational philosophy and approach. As R3 asserts, the way lecturers have traditionally learned the ropes of their profession, and become competent at it, may be reflected in three different paths: that of a trial-and-error approach based on intuition and improvisation — which R3 comments to be the most widespread option these days—; that of having a mentor, a senior colleague who guides newcomers and is responsible of their pedagogical education; and, finally, undergoing a formal education programme prior or during the lecturers' teaching activity, either through a postgraduate

degree in education or through the further education, complementary courses that universities offer their faculty on questions related to group management, conflict resolution, planning, assessing, etc. In R3's opinion, the mentorship system would be the most advisable, even if it increases substantially the workload of lecturers and departments and demands the complicity of the whole institution in order for it to work properly.

What all lecturers involved in the study agree on is the fact that one learns to become a university lecturer when being a university lecturer, whatever their background is.

In the case of R1 and R3, for instance, a mentor guided them in their journey to become a competent lecturer. In fact, R1 claims that although lecturers in higher education seem to be losing their central position in the education process of their students, R1 still has this idealised role of a lecturer who is able to "make students feel things about their course", just like their mentor did for R1 when he was first of all R1's lecturer at undergraduate level, then R1's PhD supervisor and then R1's colleague. In fact, to this concern, R2 speaks about R1's department and says that R1's mentor influenced the whole legal translation area within their department, having a deep impact in their current classroom methodology and educational philosophy. R1 speaks of the gradual adjustment to being a lecturer, the initial insecurity, and how R1 still repeats, these days, things that R1's mentor would say or do in class, things that had an impact on R1.

R3 has a similar story with a senior colleague who would act as a mentor of a group of younger newcomers:

It was a different scenario. We were all young. We had all started our PhDs at the same time, together. We all wanted to do a good job. And there was no competition for positions. No fights. That was not really our concern as it is now. On Fridays we would all go for lunch with him and we would prepare our sessions, materials and courses. Together. We were lucky, lecturers in my generation. We knew little, we were aware that we knew little, and there was a person who was willing to go with us along the way. You won't get that now. Competition is fierce. Now it's a race.

From a different perspective, R5 had a progressive, academically oriented introduction to the teaching profession. Being a translation undergraduate student, R5 witnessed what their lecturers did in the classroom; and R5 noted, in their opinion, what had worked in their legal translation courses in pedagogical terms. After graduation, R5 obtained a PhD scholarship and started combining research and teaching practice, as much as the scholarship allowed them to, so they started replicating the practices they considered had worked during their undergraduate degree. Progressively, as their academic career developed, R5 complemented that intuitive, experience-based approach with further education courses and *train the trainers* seminars, both focusing on translation education and other classroom management and education fields. Besides, R5 speaks of international working groups and projects —such as OPTIMALE— where R5 had “very fruitful exchanges of best practices with colleagues in different parts of the world”, enriching their overall approach to their legal translation modules.

For R2, R4 and R7 their first steps as lecturers stemmed from their professional practice of translation; and this stands, in all three cases, as their pedagogical and methodological cornerstone both shaping and underpinning their approach to legal translation education. While acknowledging the role that previous lecturers had had in their education, the three of them note how they used their experience to shape their module, offering students real situations, authentic materials, and working on what they wanted their students to be able to do, the procedural side of translation education. That is why, R4 points out, adapting to competences has been an easy task for lecturers with this profile, since they have always had practice in mind, and therefore, rather intuitively, they have always worked under competence premises.

Concerning other general reflections the lecturers make on their very role, education, and, in broad terms, the legal translation faculty, R3 claims that, as far as R3 sees it, the legal translation faculty, unlike the practising, professional legal translator, should have a solid legal background¹⁴⁴. In R3’s opinion, it would be more than advisable that legal translation lecturers had a double education, especially after the introduction of the EHEA reforms where lecturers are no longer mono-referential sources who engage in a monologic *performance magistrale*. Now that the pedagogic requirements seem to have changed, R3 concludes, legal translation lecturers need to be able to answer to the student’s concerns and educational demands from a number of perspectives and

¹⁴⁴ R3 is the only respondent in the study who is actually a law graduate.

standpoints, and one can only do that when they have the relevant background in the Law.

R4, on their behalf, comments on how this atypical way of entering a profession requires a deeper sense of responsibility and a strong self-concept among those who start lecturing at university with no educational background whatsoever, since, “if you are really concerned about the implications your teaching may have in your students, then you need to face the inevitable feeling of not being good enough, lacking both classroom skills and the relevant knowledge on planning, performing and assessing”. In that sense, R4 believes a mentor would have improved their experience when they started teaching. R7, similarly, speaks of those components that “nobody teaches you”, which, in their opinion, are the most important aspects related to classroom methodology: how to convey passion, emotion, being proud of your profession. If you are able to convey that in your classroom, R7 concludes, “students learn more, and learn faster, even if it is legal translation, which is supposed to be harder for them”.

6.6.6.2 EHEA, lifelong learning and the legal translation faculty

Respondents were asked about how their teaching methodology had changed, if at all, after the introduction of the EHEA reforms, and whether they had enrolled in any refresher course in order to keep up with the current educational trends and innovative approaches to higher education.

R1, on their behalf, claimed to have been really active at the beginning of their academic career regarding the refresher courses offered by their university, even if they all seemed “too alien, too abstract”, far from their teaching experience and the reality R1 met in their classroom. This reflection is shared by R2, who claims that the approach those courses universities offer may not be what lecturers need, since they tend to focus too much on the philosophical and epistemological aspects of education, “when lecturers need practical guidance on how to shape what they have in mind and how to plan around it”.

R2, who claims not to have changed their own classroom methodology in the slightest ever since they started teaching at university, finds it odd, and potentially problematic, how universities have this strategic interest in their permanent, academic faculty attending refresher courses when, at the same time, they allow professionals, who have no exposure whatsoever to educational practices, to

lecture. This is just one of the educational contradictions Spanish universities have, R2 continues. Indeed, the very way universities work is partially to blame for this “educational deficit” in their departments, since full-time academic lecturers are expected to have a triple work dimension based on teaching, researching, and managing. As R2 points out, not all lecturers can be good at those three aspects, and in fact some of them would be glad to combine two of them, or just one, “even if that means having to teach more credits”:

Maybe, now that quality in higher education is on everyone’s mouth, it would be high time we implemented several lecturing profiles with different roles in the department: some of them focusing primarily on teaching, and some of them focusing primarily on research. Let’s be honest— some people can balance both of them, but some others cannot. And for those who can’t, the punishment for not doing enough research is to have more teaching hours on the next academic year. See? Universities understand teaching as a punishment for lecturers, but at the same time they arrange these refresher courses and expect us to attend them. How? I wonder. We are too busy doing research.

R3 gives a number of interesting concluding remarks about the role of higher education lecturers these days, and how the overall expectations have changed. Indeed, R3 speaks of new obligations lecturers have in terms of classroom pedagogy and how scaffolding someone else’s education process means a deeper level of commitment by the lecturer, as opposed to traditional educational approaches where the lecturer controlled the context and the information flow. The relation between a successful lecturer and their students, R3 continues, needs to be closer now, almost personalised, based on constant interaction and combining critical reflection with the declarative and procedural knowledge reflected in the course syllabus. And this is where lecturers face what they believe to be their first limitation— the number of students. And they do that, R3 concludes, because they are still thinking of their classroom “in paternalistic terms”. The student-centred education EHEA promotes goes beyond the pedagogical and methodological premises we normally discuss. It is about emancipation and empowerment. And while accepting some of the changes EHEA has brought, most lecturers still resist to make the final step student-centred education demands— let the students be in charge of their education. That is why they find that the number of students and the current pedagogical demands are somewhat contradicting. They still want to manage every single aspect of the

education process of their students, which opposes the philosophical foundations of the common European project on higher education.

6.7 Discussion

6.7.1 Limitations of the study

Similar to Chapter 5 above, all efforts have been directed towards obtaining accurate, reliable data in the overall study. Yet, a number of limitations may have hindered, potentially, the results and the methodological approach adopted for the study; which, on the other hand, may serve for future research lines on the matter.

Some of the methodological limitations explored have to do with the sampling criteria, sample selection and sample size. Indeed, this study has relied on selective, non-probability sampling methods following specific exclusion parameters, which may pose a number of questions regarding the statistical significance of data. Traditionally, non-probability sampling methods have been scorned by positivist researchers insofar they cannot guarantee the overall representativeness of the population explored. Expert sampling, as in this case, relies on the researcher to establish the parameters on what constitutes an expert in the discipline, and therefore presents a higher degree of intervention by the researcher in the study, leading to possible stances of bias. However, the limited number of primary data sources —the census in Chapter 5 gathered an overall number of legal translation lecturers in Spain of 96 individuals in the 2016/2017 academic year— makes non-probability sampling a better option, not to speak of the pragmatist grounds upon which this study was envisaged, which strengthen the decision.

Regarding the nature and characteristics of the sample, again quoting Chapter 5 above, the number of males and females interviewed in the study was uneven (5 females, 2 males). Yet, the number represents the male/female ratio in the profession, as one may conclude when having a deeper look at the census. It is the researcher's opinion that an even distribution of the sample, while more accurate from a statistical perspective, would have distorted, in a way, how current teaching practices regarding legal translation education are, which made this study adopt this uneven distribution. Similarly, a wider cohort of lecturers would have provided the results presented along these pages with a higher degree of representativeness, but the degree of specificity and exegesis that the analysis carried out required would have hindered the overall vision of the study,

rendering redundant, unrelated or inconsequential personal accounts and sets of data that would have complicated both the analysis and subsequent conclusions.

Another limitation has to do with the academic position of lecturers and the exclusion criteria applied in Section 6.4 above. Indeed, one of the main aims of the study was to analyse change and evolution, and so a firm decision was made regarding the academic position and teaching experience of lecturers. It would be advisable to widen, in future research lines, the scope of the study in this particular aspect, integrating professional lecturers and junior lecturers. In both cases, and combined with the findings of this study, the resulting data would provide a rich, comprehensive depiction of the classroom practices of the legal translation faculty.

Finally, as in all stances of self-reported data, one needs to resort to the different strategies that, either consciously or unconsciously, respondents may resort to in order to alter or give a biased account of their beliefs or classroom practices—from exaggeration and attribution of facts, ideas, experiences and beliefs to stances of selective memory and false statement aimed at projecting a particular self-image influenced by the way individuals see themselves and the way individuals perceive others to see them.

6.7.2 The profile of the legal translation faculty in Spain: a qualitative approach

As the pages above have witnessed, the data gathered qualitatively on this chapter complements the findings in Chapter 5, providing a more accurate framework underpinned by a rich number of standpoints, experiences and classroom anecdotes that help contextualise the overall empirical study of this dissertation.

As respondents have argued consistently during their respective interviews, their approach to the education of their legal translation students is predominantly based on post-positivist premises, understanding education in situated terms where, far from rigid syllabi, early observation is vital for the course to be successful. Similar statements have reflected the role of lectures and students under these premises, highlighting the evolution of the role of lecturers from mono-referential sources of information towards scaffolding agents of the education process of their students. While, in this regard, a number of concerns arise when discussing the conceptual load of legal translation education—which at times is seen somewhat incompatible with the current post-positivist

demands— in the overall picture the lecturers involved seem to have adjusted their classroom practices to the current educational trends.

This epistemological orientation is reflected in the methodological and pedagogical approach lecturers have in their modules, based on the combination of theory and practice through real texts and authentic materials. The most common option observed in order to cover both components, presumably constrained by the economic resources of departments and universities, is having them split between theory sessions where the whole group is present and applied seminars with fewer students, intended to focus on practical aspects of translation.

Two methodological approaches have been broadly observed— lecturers and modules focusing on one particular area of the Law and its composing text genres, ordered according to complexity and increasing specialisation criteria; and adopting a textual and thematic diversity in the legal translation classroom. Both approaches seek the progressive socialisation of legal translators-to-be, working on a strong decision-making framework that allows students to systematise translation processes and face a variety of texts and briefs upon graduation.

In order to cover the conceptual load of the modules, lecturers resort predominantly to readings and lectures, sometimes underpinned by a number of in-class oral presentations by the students. So as to the practical input, activities are designed to be of increasing difficulty, incorporating greater levels of complexity as the module progresses —translation tasks, translation analysis and revision, spotting translation mistakes, suggesting possible solutions for given translation problems, analysis of legal text genres, etc.—. At times, those activities are complemented by a number of deeper projects that take place throughout the module, namely glossaries, visits to court, in-depth translation assignments followed by reflective comments both on the text, its features and the translation strategy adopted, etc.

The number of students enrolled in the modules was noted to be one the most important constraints regarding classroom methodology, since it makes it rather complicated, unlike private universities, to follow the progression of the students as much as EHEA demands. This widespread notion, though, was challenged by one of the respondents, who claimed that these complaints respond to the fact that lecturers are still adjusting to their new role as scaffolding agents who, indeed, cannot control everything their students are meant to do.

EHEA was a central piece in the interviews, especially how it has contributed to the current methodological and pedagogical scenario. To that concern, lecturers claimed that the shorter degrees resulting from the structural reforms and the term-long modules envisaged to foster mobility have constrained, up to a point, the way they approach their legal translation modules. On the one hand, shorter degrees have entailed the elimination from the curriculum of a number of instrumental, thematic modules that prepared students for legal translation. On the other hand, shorter modules complicate planning, since reflective practice and progression tend to take more time than the average 6 ECT-credit length of current legal translation modules.

Still, as argued by one of the respondents, the methodological and pedagogical reforms and adjustments gathered along these pages may not respond exclusively to the institutional and academic aims fostered by the European Higher Education Area. Instead, EHEA may have served as a vehicle channelling a number of already existing learning methods and educational approaches in order for them to become mainstream practice in higher education settings. Remarkably in disciplines such as Translation and Interpreting, indeed, the more practice-oriented, younger nature of the discipline may have allowed the different stakeholders involved to engage in such debates before the actual introduction of EHEA, making it easier for curriculum designers and lecturers to adjust accordingly once the reforms were introduced.

Regarding employability and the introduction of socio-professional elements in the legal translation classroom, lecturers had an overall cautious approach. Concerning the latter, the overall impression is that socio-professional elements should be introduced progressively during the degree, especially during the last two years of the translation study programme, and not all modules should be professionally oriented, especially given that universities do already have a number of specific services and courses that address this particular aspect in the socialisation of students. Among the initiatives that legal translation lecturers apply in their classroom related to the legal translation profession, lecturers mentioned invoicing, rates, professional associations, mimicking translator/client relations in a project-based approach or even having students create their own company. To those, aspects related to the ethics and deontological aspects in legal translation were consistently mentioned, framing the way students approach their text as a situated, contextualised practice.

Regarding employability and curriculum design, however, lecturers were slightly more sceptical, acknowledging the need to prepare students to join the translation market but, at the same time, realising that there is not such thing as ‘a market’ awaiting translation graduates. Instead, what they find is an ensemble of related neighbouring markets both nationally and internationally for graduates to join, besides a number of other professions that may benefit from the skills and competences of translation graduates even if they are not, at first sight, related to translation. Focusing too much on employability was deemed to betray, in a way, the essence and role of higher education institutions, which should serve as a platform for their students to grow personally as much as professionally.

Very much in line with these two aspects, the emancipating dimension of higher education institutions, and the social commitment and ethical obligation to promote cultural education and critical consciousness among undergraduate students was similarly addressed by the lecturers involved. The importance of fostering solid critical thinking skills was argued to be a cornerstone of higher education contributing to the education of critical agents able to revert to society, assessing the norm critically and intervening whenever necessary in order to attend the needs of a changing, diverse society.

Concerning the role of competences in the education process of legal translators-to-be, the general understanding was that, as a construct, competences present certain competitive advantages —namely those related to experiential learning and procedural knowledge— and a number of flaws and blind spots, probably stemming from the fact that the average university lecturer has not received any methodological or pedagogical education— hence the myriad of overlapping definitions and characterisations of competences. While it is true that Spain has not had, traditionally, a strong culture of competences, the competence framework has allowed universities and lecturers to systematise education and re-conceptualise it in scaffolding, experiential terms, combining declarative and procedural knowledge. This, at the end of the day, is linked to the increasing marketisation of universities in terms of employability, and may provide the underlying rationale for the adoption of the construct as a means to channelling the education process of students.

When asked about the most vital competence they seek to develop in their module, the participating respondents resorted to a wide range of competences linked to the legal translation activity— the weight of the thematic component —which no

other module can address in any cross-curricular fashion—; the importance of an active, rich command of the translator’s mother tongue that adapts to the specificity and register of legal language; a text genre competence able to contextualise legal texts; the essential skills in the relevant foreign language regarding comprehension; or the professional and strategic competence both coordinating the translation process and helping translators adopt the right strategy. Even if respondents were never aware of the answers given by their peers, it seems that, altogether, they addressed comprehensively the different aspects covered in the legal translation competence models explored in Chapter 4.

The last two points covered in the interviews involved the perceptions and expectations of both the students who decide to enrol legal translation modules at undergraduate level and the legal translation faculty itself, that is, how they perceive their very role in the current educational settings. On the former, lecturers spoke of an inherent difficulty in legal translation— the lack of vital experiences of students related to the Law, complicating the development of the relevant thematic and conceptual grounds. This was generally thought to make students somewhat afraid at the beginning of the module, even if the steep learning curve legal translation students have in their education process makes them display remarkably high levels of motivation as the module progresses, making them, in general, rather committed, pro-active students compared to the average translation student.

Furthermore, lecturers warned about legal translation students being somewhat over-confident that their research and information-mining skills can compensate for their lack of legal knowledge. The general comment, to that concern, was that even if students do have the relevant IT skills, they are not as polished as they believe they are, and therefore students struggle when assessing the validity and the appropriateness of their findings in order to make informed decisions. Likewise, the fact that students seem not to be able to draw the relevant links and connexions between aspects learned in other instrumental modules was said to complicate their overall experience when learning legal translation.

Finally, concerning the legal translation faculty, the lecturers reflected on the three ways to become competent regarding their teaching obligations— the trial-and-error approach based on intuition and improvisation, having a mentor who guides the early steps of novice lecturers, and undergoing formal education programmes (postgraduate degrees, refresher courses, etc.). In any case, all lecturers confirmed

that practice and experience is what made them become competent at their job, since in many cases the refresher courses offered by universities focus too much on the philosophical and epistemological aspects of education and forget the practical, applied aspects of classroom methodology, which is what novice lecturers are more in need of.

Other questions related to the legal translation faculty covered aspects such as the amount of legal background legal translation lecturers should have —as opposed to practising legal translators and translation students—. This is especially remarkable under the EHEA umbrella, which seems to demand not only significantly polished, scaffolding teaching skills, but also more active, closer interaction between lecturers and students. This strategic institutional approach towards pedagogic excellence seems to contrast with the policy of universities to hire part-time professionals, since, while the former are not required to prove they can effectively manage the education process of a number of students, full-time, academic faculty are expected to excel not only in their teaching practice, but also in research and management activities —or risk having their teaching hours increased—.

6.7.3 Conclusions

The findings in Chapter 6, when analysed comprehensively combined with those in Chapter 5, only serve to emphasise, altogether, the situatedness of educational practices. At the same time, they witness a progressive paradigm shift in higher education that is conveyed in classroom practices and pedagogical approaches in the legal translation classroom. The European Higher Education Area has indeed channelled the shift, and has contributed transnationally to the way higher education is characterised these days, providing a reference framework in which higher education is contextualised and performed. In that sense, the *performers* of higher education, whose opinion has been gathered in this study, seem to have embraced the institutionally framed demands, living up to the expectations and adjusting themselves accordingly.

Yet, the legal translation faculty has had a double competitive advantage to that concern— the fact that translation is, intrinsically, a practice-oriented affair, and the fact that it is a more recent discipline, therefore able to introduce changes more easily. According to the qualitative data in Chapter 6, from an epistemological perspective, legal translation education in Spain seems to be

articulated under post-positivist premises, and so the methodological and pedagogical practices reflected above seem to be in line with current educational conceptualisations of knowledge and knowledge construal. Indeed, the different accounts on classroom practices seem to back the idea that knowledge construction has to do with the re-conceptualisation of the self that cognitive development demands whenever a learner is presented with given stances of reality that contradict their existing mental structures. From that perception, and relying —rather unconsciously— on developmental grounds, lecturers seem to have assumed their position as agents in charge of pushing the zone of potential development of their students, incorporating in their teaching the relevant tools that may help them assist that process— interaction, experiential, meaningful learning, etc., which, in the legal translation classroom, translates to stances of collaborative learning, use of authentic materials and the remaining number of strategies the respondents above have shared during the interviews.

Likewise, the procedural dimension of current educational scenarios has been commented, and at times contested, both in terms of introducing socio-professional elements in the legal translation classroom, and thus link experiential learning to professional practices, and from a curricular perspective, attending to employability criteria and the progressive marketisation of universities. Given this thriving dimension in higher education, the introduction of competences in the way we contextualise and frame education seems logical, almost unavoidable; and at the same time, from a different perspective, it may pose questions related to the space and role, among others, of agency, emancipation and enaction in contemporary undergraduate education, all of them —and this is a key factor we cannot neglect— in a field where one may find educators galore, but educationalists tend to be left conspicuously voiceless.

CONCLUDING REMARKS

Looking back on the goals and objectives of the study

The pages above were initially pictured as a way to reflect on the current, state-of-the-art pedagogic and methodological practices in the legal translation classroom, understood as the actual representation of given epistemological approaches to the education of legal translators-to-be. Overall, one premise has framed the study— that of the situatedness of educational practices, of one’s own experience being embedded in a culture-specific context, and consequently the situatedness of knowledge, knowledge construal and the learning activity. Building on those grounds, the dissertation has voiced many a stance on the matter, addressing legal translation education from a number of complementing angles, disciplines and intersectional approaches aimed to provide a rich, polyhedral depiction of the subject matter of study.

Situating educational practices works on two levels: on the one hand, one needs to resort to the philosophical assumptions and underpinnings of education —back to Epistemology— and, on the other, a much more mundane affair, one needs to contextualise higher education in the relevant domestic and transnational institutions that allow study programmes in translation and interpreting to exist, shaping degrees and fostering given educational viewpoints and practices. Yet, to this, one needs to add a third factor: the lecturing faculty and the very students, who, while influenced by the institutional and epistemological dimensions above, do present their particular views on the matter, interact with each other on different levels and, as a result, have varying motivations, expectations and conceptualisations of legal translation education. Indeed, the human factor cannot be neglected in this debate, since it contributes significantly, far from the abstract debates on ‘what should be done’, to the emergent, unforeseen characteristics of education, adding complexity and reinforcing situatedness in the debate.

The dissertation above has attempted to channel those concerns, both along its theoretical component (Chapters 1 to 4) and the subsequent empirical studies (Chapters 5 and 6) aimed at strengthening and complementing previous findings and contributions. On this final section, the objectives stated on the introduction of this work are revisited, assessing how the dissertation has addressed them and, at the same time, reflecting on the outcome of this on-going debate and constant negotiation of the pedagogical and methodological practices that suit the contemporary legal translation classroom:

- Objective 1. To reflect on the different epistemological assumptions leading to current conceptualisations of the education activity.

In an attempt to understand what it means to know —so *learning* can follow— the dissertation has undergone the analysis of how apprehending reality (be it acquiring, constructing or construing knowledge, to put it in simplified terms) has traditionally shaped the educational and socio-behavioural debate for centuries. At times applied inconsistently or inaccurately through over-lapping or loose conceptualisations in the history of philosophy, the shifts and adjustments in the boundaries of all things epistemological reflect the need to categorise, understand and explain contemporary research processes and educational aims.

To this concern, Chapter 1 has explored three main educational dimensions that stem directly from epistemological beliefs, concerning the role of students and lecturers in their classroom and the nature and characteristics of knowledge itself, as objectives 1 and 2 reflect.

Empirico-rationalist approaches to knowledge acquisition have been traditionally characterised for their teacher-centred methodology, understanding learning as a change in the behaviour and/or the cognition of the students. From that standpoint, it follows that instruction is the method to apply in the classroom in order to channel and transfer an objective, self-existing reality presented by the instructor as they deem relevant, or most suitable, for their students. Thus, lecturers become the central piece of their classroom while their students, under this paradigm, are depicted as empty vessels to be filled, agents whose primary task is to retrieve, cognitively, the information filtered by the expert lecturer in a linear, sequential fashion.

As opposed to this, constructivist approaches to education speak of the internal inter/intra-personal construction of knowledge, a valid construct while it complies with the cognitive context of the cognising agents. Learning, that is, cognitive development, is triggered by existing mental representations not matching outside stimuli, pushing the cognising agent to find alternative viable solutions. This continuous, dynamic process of refining and re-shaping our understanding of context is clearly reflected on Vygotski's zone of proximal development, requiring lecturers to push for greater zone of potential development among their students in every learning situation, strengthening, as a result, their zone of actual

development. Progressivism, as reflected above, summarises the pedagogical demands of this approach, speaking of lecturers in scaffolding terms and stressing current features in contemporary education that have been further explored by Emergentism— collaborative work, experiential learning, self-direction and the role of students as main agents in their education process, constituting a substantial difference when compared to the empirico-rationalist models above.

Finally, while still on the post-positivist spectrum, critical theorists situate learning further on and frame it in the complex network of power relations characterising society. Under this angle, lecturers are perceived to be cultural agents in a given socio-cultural context, able to both perpetuate established mindsets and practices or, quite on the contrary, to understand their classroom practices as a form of ideological production reflecting on power-knowledge relations, in an attempt for their students to challenge the norm and become aware of the links between the social and the political.

Working on those grounds, four different classroom models have been put forward: transmissionist, transactional, transformationist and transgressionist classroom models, together with the possibility to incorporate eclectic positions that reflect the rich diversity of epistemological stances and nuances that one may adopt, rather consciously or unconsciously, in their classroom.

- Objective 2. To revisit the said assumptions and approaches, dissecting the elements that, throughout history, have permeated current practices.

To this concern, the major epistemological trends that have given rise to classroom tenets over the years have been revisited. While not exhaustive, but rather contextualising, the analysis in Chapter 1 has witnessed an exploratory depiction of the main ways knowledge has been characterised in time, in an attempt to frame and characterise the impact this has had in the way we understand education together with the corresponding classroom methodologies able to convey those underlying beliefs successfully.

Two main trends have been characterised according to their understanding of the nature of knowledge. On the one hand, the 'positivist' philosophies have emphasised the nature of reality as a self-existing, highly complicated machine. Under that epistemological umbrella knowledge is understood as something predefined, apprehensible, identifiable, objective, independent of the human mind

and external to the knower. Within the positivist umbrella three main approaches have been presented— the empiricists, who claim that knowledge derives from experience and therefore empirical observation allows them, in a bottom-up approach, to reduce scientific controversies to simple claims; the rationalists, who claim that in order to ‘sense’ one needs a conceptual framework as a precondition, therefore a top-bottom approach is needed in order to reduce complicated aspects to minor evident statements; and the logical positivists, who combine aspects of the other two and give rise to what we currently understand as the formal and the empirical components of science —analytic and synthetic truths—.

Opposed to this, an incipient post-modern turn in the mid-20th century allowed for a different paradigmatic conceptualisation of knowledge, that of Constructivism. Under the new paradigm, knowledge is no longer self-existing and universal but rather construed, interpreted, subject to given socially and culturally mediated circumstances. In short: there can be very little, if any, claim to objectivity. Knowledge acquisition is regarded as a matter of re-contextualisation of one’s perspective of the world, highlighting situatedness. Under the constructivist umbrella, a number of comparable trends emerge according to the *locus cognitio* of the learning event, that is, the particular location where learning occurs— trivial constructivism, for instance, speaks of an internal re-construction of a self-existing external reality; the Piagetian radical constructivism believes learning to take place within the individual, when the individual is exposed to external experiences; and social constructivism emphasises the interaction of individuals in the process of meaning construction and negotiation.

Slightly later in time, the post-modern world further emphasised the partial discourses that shape the reality, claiming that knowledge acquisition cannot be abstracted from the context where it occurs and therefore from the existing socio-economic power relations that *make the world go around*. Critical theory gave rise, as the other paradigms above, to a number of trends and particular conceptualisations of the world— phenomenology, ethno-methodology, structuralism, feminism, queer studies, post-colonial studies, etc.

Finally, the dissertation has addressed the introduction of complexity thinking and emergentist premises in the epistemological debate, arguing that in order to make sense of the world one must simultaneously analyse its internal features and the outcome that emerges from the interaction of its composing parts. Emergentism accepts that a number of phenomena might be stable, and in fact it studies

phenomena at their levels of emergence. The Dynamic System Theory has been used in order to illustrate the emergentist point, together with the possibility that cognition may be shared and stored socially, removing it from the individual—one of the main criticisms to the constructivist beliefs—.

- Objective 3. To situate legal translation education under the EHEA framework and the Spanish institutional regulations, reflecting on the consequences for the education of translators-to-be.

Chapter 2 has addressed this objective substantially, referring to both the domestic and transnational regulations shaping current educational practices in Spain. Indeed, the Bologna Declaration was initially aimed at strengthening the European higher education scenario and foster student mobility, working from a number of angles and perspectives: “a system of comparable, accessible programmes, the social dimension of the education, lifelong learning, the ECTS European system of credits, quality assurance, the development of Europe as an attractive knowledge region”, etc. Yet, the 2015 Bologna Implementation Report shows worrying differences and asymmetries regarding the uneven level of implementation of the Bologna tools or the lack of consensus on the length of degree programmes, not to speak about post-graduate education. These concerns have influenced all ministerial decisions and meetings since the Bucharest Communiqué (2012), coinciding with the global financial crisis and an overall decrease of political interest in the common project.

This is the scenario that welcomed the Yerevan Communiqué (2015), introducing for the first time a number of socially and pedagogically oriented goals for EHEA, among which stand several aspects related to the quality and relevance of learning and teaching, lifelong learning, employability, and entrepreneurship. This major shift in the content and aims of the European project has raised criticisms insofar it is believed to respond to a socio-economic rationale subject to a particular political context of neo-liberalism and the erosion of the welfare state. However relevant in the debate, it may be useful to keep this factor in mind when discussing curriculum models, competence models and legal translation education in general.

Within this larger European context, the Spanish institutions have equally contributed to the Spanish third level education scenario these days. Tracing the Spanish domestic regulations back to the 1943 Spanish University Law—further amended in 1965—the Spanish 1983 University Reform Law meant the first steps

toward modern standpoints on third level education regarding the introduction of contemporary social and labour market needs, the democratisation and further autonomy of the Spanish universities, and the modernisation of their scientific and teaching practices.

Paving the way towards EHEA, the 2001 Organic Law on University Education, strengthened by the 2003 Framework Paper towards the Integration of the Spanish University System in EHEA, aimed at further elaborating on the transparency of curricula and programmes, the implementation of an EHEA-based cycle system, the introduction of the diploma supplement, and the creation of strong links with foreign universities so as to promote mobility among the students. The European dimension of the Spanish education system was further deepened in 2007, introducing more structural reforms in the cycle-based structure of the Spanish degree programmes and fostering decentralisation, providing more flexibility and decision-making autonomy to regions and universities and strengthening the role of ANECA.

Since 2007, the regulations on third level education have been amended three times —RD 1393/2007, RD 99/2011 and RD 43/2015—. The latest reforms, those in 2015, have proved to be tricky to implement, and have raised not only a number of concerns and ideological questions —an alleged neo-liberal turn in favour of private universities—, but also financial issues —regarding the price of credits in post-graduate studies— and the organisational/competition consequences if universities were allowed to offer, within the same country, shorter and longer degrees with the same validity.

- Objective 4. To describe the undergraduate translation education offer in Spain, analysing the role and weight of legal translation within the overall curriculum.

Chapter 2 has provided an overview of the origin and evolution of the degrees in Translation and Interpreting in Spain ever since the first 3-year-long undergraduate programmes appeared in the country. The shorter, professionalising nature of the initial programmes proved to be unsuccessful, since it hindered the academic and professional development of graduates. Indeed, graduates, in most cases, lacked a solid command of their working languages — especially their second language—, which prevented them from applying to a number of positions in international organisations.

Similarly, the White Paper of the Spanish Undergraduate Degrees in Translation and Interpreting was introduced in 2004, following ANECA's premises on the evaluation of degree programmes and the creation of new undergraduate degrees. However flawed, the white paper stands as the first joint approach of translation departments and faculties in Spain to adapt to the Bologna demands, even if the authors did not reach any solid conclusion on the length of the degree programmes that should be implemented, among a number of concerns. One of the conclusions it reaches, though, is the need for further flexibility when it comes to curriculum design, claiming that more dynamic curricula, along the lines of other similar translation degrees in Europe, would entail further employability and bespoke education for students, enriching both the profession and the degrees.

Chapter 2 also provides a breakdown of all translation degrees in Spain, including the traditional, most common 'Translation and Interpreting' but also other neighbouring options following the flexibility granted by RD 1393/2007 above, such as applied languages, modern languages or intercultural communication, all of them offered with translation.

The length of the studies, an aspect that both the White Paper and CRUE have failed to address, has a direct impact on the level of specialisation degrees can offer. Yet, even if the general consensus seems to be that of offering general translation education —so specialisation may be introduced on post-graduate education programmes— all universities offer at least an introduction to different fields of translation education, especially legal translation and legal translation-related compulsory modules. Most typically, the length of the legal translation modules is that of 6 ECTS credits per module, covering a range of legal translation topics and some other related areas such as economic translation, financial translation, administrative translation or sworn translation.

- Objective 5. To reflect on the role of competences as a tool to conceptualise the learning activity

Chapter 3 has reflected on the nature and characteristics of the professional competence construct, arguing that the use of competences is neither new nor innovative. Quite on the contrary, competences have been applied consistently in the academia for over 40 years since the 1960s and 1970s, especially in the Human Resources field. Traditionally a concept applied in vocational training given its

more direct links with the labour market and the socio-professional reality of future graduates, competences present a rich, complex number of overlapping, virtually similar definitions and conceptualisations that complicate in a way a clear, categorical approach to the matter. Yet the competence paradigm has served to channel the needs of a market-oriented, results-oriented understanding of professions and communities of practice, hence the momentum it has gained in higher education.

In general, along this dissertation competences have been said to combine a number of cognitive elements (knowledge and skills), affective elements (motivation, personality traits, attitudes), psychomotor and behaviour elements (habits) and psychophysiological elements (visual and aural memory, among others), rendering a rich depiction of the construct that has been complemented with an exhaustive breakdown of the different definitions, categorisations, components and classifications of competences in the academia since 1965 until these days. In order to top that definition, and given the overwhelming number of approaches to competences encountered, a working definition has been put forward, gathering the researcher's approach to the competence debate. This dissertation has understood competences as a polyhedral, complex construct composed of a dynamic cluster of forming elements that apply to specific, situated work conditions. Knowledge, skills, behaviour, and attitudes, whose weight in the overall competence construct may vary according to the particular task to be performed, play the most relevant role in the said cluster.

Similarly, among the many classifications explored, the differences between generic and specific competences has been highlighted, since it has been argued that such classification —adopted by the Tuning Project, among others— has become a cornerstone in the current competence-based post-positivist education scenario, dividing competences in the either central or peripheral role they play in the overall performance of an individual. Applied to the Translation domain, the different specific and generic (instrumental, personal and systemic) competences have been analysed and assessed within the overall framework of the European Framework of Key Competences for Lifelong Learning.

Another equally important aspect covered in the chapter, very much related to the competence construct, is the on-going debate on the differences and overall validity of expert knowledge versus competences, together with the relation, imbrication —or lack thereof— between both of them. After comparing and

contrasting both approaches, the disagreement seems to respond to a narrow understanding of competences that restricts the overall meaning of competences by limiting the construct to a static, unchanging element formed by declarative knowledge. When a broader, situated definition of competences is introduced, the irreconcilable differences seem to decrease, and both concepts could be said to benefit from each other significantly. At the end of the day, curricula may be articulated around the competence construct —and therefore the knowledge, skills, and attitudes needed in a given community of practice— while expertise and expert knowledge may serve, on a later stage, to validate the educational aims covered through a competence-based approach and consequently help re-focus and re-shape curricula.

- Objective 6. To revisit general and legal translation competence models and the different sub-components put forward

Chapters 3 and 4 have addressed, rather comprehensively, the characterisation and analysis of the different competence models put forward for both general and legal translation, highlighting the similarities and differences between them. As reflected above, Translation Studies, given its younger, more professionally oriented nature, has been resorting to the competence construct for decades and has a long tradition in the use of competences for educational purposes.

The competence models presented along the pages of this dissertation respond to a number of complementing approaches based on experimental grounds, observation or the intuition and experience of researchers and lecturers, who have defined, refined and delved into the characteristics and components of translation competence. In both cases, the competence models have been presented chronologically, in an attempt to breakdown and analyse the evolution of the construct from a horizontal perspective in both epistemological and conceptual terms. In general, all (legal) translation competence models analysed understand competences as a complex ensemble of skills, attitudes, and procedural and declarative knowledge in tune with the insights on professional competences stemming from Differential Psychology. Similarly, an overwhelming majority of the models revisited are shaped in multi-componential terms, understanding (legal) translation competence as the emerging result of the activation and application of different forming sub-components.

Regarding the general translation competence models revisited (1979 to 2016), the most recurring characteristics of the models highlight the following features: the (inter)linguistic reality of translation —communicative, textual, grammatical, lexis, and genre-related features—; the extra-linguistic input —cultural, encyclopaedic, thematic, subject domain elements, etc. —; the role of ICT and other information mining resources —CAT tools, use of corpora, etc.—, the inter-personal and professional element —knowledge of the market and the profession—; the psycho-physiological frame —personality, memory, attention, motivation, self-concept, self-confidence, etc.—; the strategic component; and the transfer ability —sometimes referred to as the overall translation competence—.

Out of all general translation competence models revisited, with the exception of Göpferich' and Kiraly's models, all general —and legal— translation competence models depict a static conceptualisation of the construct where all sub-components are bestowed the same overall weight in the model —and presumably the same importance— both in the translator's performance in a given translation task and in the process of competence acquisition. There is no reference so as how the different sub-components evolve as the education of students progresses. The two scholars above, though, analyse the competence issue as a complex, dynamic construct and speak of how the different sub-components play different roles along the process, at times peaking when compared to the rest, at times stagnating so that other sub-components may be developed. Sub-components are treated as interconnected variables that interact in time, having a direct effect on the development of the rest of variables.

When it comes to characterising legal translation competence, Chapter 4 argues that, ultimately, the different approaches to legal translation competence stem from the nature and characteristics of legal texts and legal language, and so it presents an exploratory portrait of the former. All the models revisited, ranging from 1997 to 2017, reflect the role and importance of legal knowledge and the thematic competence required. Thus, legal translation competence models stress the role that legal anisomorphism plays in the field, bestowing greater importance to the thematic sub-component. Being aware of the asymmetries between legal concepts in different legal systems, and being able to address them successfully, seems essential for the future of legal translation education.

- Objective 7. To question whether those models are of any use for the legal translation activity, contrasting its particular characteristics to the needs legal translation poses

In order to further elaborate on the differences between the legal and general translation competence models that may shed light on the validity of the latter to conceptualise legal translation, one needs to resort to the idiosyncratic features of legal translation itself and how they tell them apart from other types of translation. To that concern, Chapter 4 has explored the legal discourse and the nature and characteristics of legal language and legal texts, working on the particular features and implications they have in the legal translation activity.

The first difficulty arose when attempting to establish what specialised language is, since the boundaries between general and specialised language are not as clear as one may think. In general terms, this dissertation has advocated that specialised languages stand as “sub-codes marked by both the field where the specialised communication act is ascribed and a number of pragmatic parameters related to the speakers and the communication act in question, including the amount of information shared by the speakers, their intention, the purpose of the text, the context involving the communication act, and the type of communication”. Similarly, legal language has been said to protect the *status quo* of the professions it represents, hence the underlying interest to preserve its identifying characteristics. Indeed, besides articulating legal thought, legal language reflects given power relations, hence the terminological and syntactical complexity those learned in the Law are keen to preserve.

Further elaborating on the thematic sub-component of legal translation competence, whose weight the models above emphasise significantly, the chapter has addressed the translation of legal concepts, the impact of anisomorphism, and how it shapes and articulates not only legal translation but also the whole legal translation competence debate, constraining remarkably the legal translation activity in situated, context and culture-bound terms. Similarly, fidelity and equivalence have been brought to the debate, enriching the position from which the validity of general translation competence models applied to legal translation scenarios is assessed.

Overall, given the fact that specialised translation presents a number of particular, idiosyncratic features that constrain and shape the legal translation activity, the

general translation competence models may not be the best way to conceptualise legal translation, even if they may constitute an ideal breeding ground and starting point for the relevant studies on legal translation competence to unfold. Given the specificity of legal translation in terms of the very nature of the Law, that of legal language, and the systemic differences between different legal families, the general translation competence models explored in Chapter 3 may be said to be slightly reductionist in the sense that they can only give an answer to the some of the requirements, specificities and challenges that legal texts pose to legal translators. In the context of highly specialised texts, the development of a strong thematic competence stands as the cornerstone in the debate on translation competence acquisition, since a solid command of the thematic and conceptual knowledge of the fields in question is directly related to better understanding of one's source text, and a more comprehensive, informed approach in the decision-making and written expression stages of the translation process, following the norms of the particular discursive community the text is ascribed to.

- Objective 8. To characterise legal translation education, analysing the different methodological and pedagogical practices in the legal translation classroom

Chapter 4, together with the empirical part of the dissertation —Chapters 5 and 6— delves into legal translation education. On the one hand, from a purely educational perspective, there seems to be an increasing academic interest in legal translation education, resulting in growing research and richer educational debates. Three trends have been spotted regarding the evolution of academic research on legal translation education— before the 2000s, where publications seem to present case studies and personal projects in the legal translation classroom, with little theoretical and educational reflection; after the 2000s, where publications resort to technological innovation and the introduction of technologies and electronic tools in the legal translation classroom; and after the 2010s, where the boom of educational publications takes place and the methodological and pedagogical bases of legal translation education are discussed and analysed from a number of perspectives, emphasising and revisiting procedural aspects of legal translation education.

Following, a number of the most salient classroom strategies referred to in the literature is analysed, still in theoretical terms, reflecting on the use, application and role of, among others, project-based and task-based methodology, use of

authentic materials, collaboration, professionalisation, and inclusion of critical aspects in legal translation education. Similarly, in an attempt to broaden the picture, several methods that combine the strategies discussed above are presented. Among the methods analysed, one may find classroom approaches based on text genres, where the communicative, formal and cognitive aspects of genres serve to seek, among a number of linguistically valid translation strategies and suggestions, the relevant macro-structural and intra-textual solutions able to render a successful translation. Other methods include gradual approximations to legal translation education that explore the vertical diversification of the legal discourses; process-oriented approaches oriented towards both competence acquisition and competence reinforcement; and discourse analysis and decision-making frameworks strengthening the decision-making process and the role of agency in the translation activity.

Building on those grounds, in order to determine whether the approaches and strategies that the relevant literature on legal translation education boasts about were being resorted to in the everyday classroom practices, an exploratory study on the different syllabi of the legal translation courses in the Spanish universities was carried out. In total, 94 syllabi were analysed, suggesting a mixed scenario where positivist elements outweigh by far the post-positivist classroom features. The results of the exploratory study were deemed unsuccessful, incomplete and overall inconclusive, since in most cases syllabi failed to convey the relevant methodological and pedagogic information the study was after. Indeed, it seemed that a significant number of syllabi had not been designed as a tool gathering the relevant information of a given translation module, but rather as a formality legal translation courses had to comply with. Besides, most course syllabi seemed to reproduce a pre-determined, generic set of features in all legal translation modules offered at the same university, which raised legitimate questions so as to the validity of the information displayed and the overall findings of the exploratory study. The fact that a remarkable number of syllabi omitted the methodology section, and also the fact that the *rather incomplete* information on classroom methodology was spread across the different sections of the syllabus, served to sketch, initially, the methodological scenario this dissertation was after; but at the same time it demanded that a more in-depth analysis was carried out, giving rise to the empirical part of the dissertation.

- Objective 9. To evaluate the extent and nature of the underlying epistemological paradigm in regard to legal translation education

Building on the unsuccessful attempts to draw relevant conclusions regarding the exploratory study above, a census of the legal translation faculty in Spain in the 2016/2017 academic year was drafted. In total, 112 legal translation modules were observed, out of which 104 course syllabi were analysed. Out of the 96 legal translation lecturers approached for the purpose of this study 80 showed an active role and contributed to the data gathering process in Chapter 5. Later on, the results were confronted in Chapter 6 with a number of semi-structured, in-depth interviews to 7 legal translation lecturers, providing a rounded, informed depiction of legal translation education in the country.

Chapter 5, from a quantitative perspective, shows how the majority of respondents embrace post-positivist pedagogical stances, understanding their role as active scaffolding agents in the education of their students. More specifically, female lecturers show statistically significant differences regarding their male counterparts at all levels and aspects of the education of their students (planning, performance, assessment, methodology, etc.), opting for predominantly student-centred classroom environments and scoring lower in the teacher-centred items that make up the questionnaire. Still, eclectic pedagogical scenarios may be traced when analysing, on the one hand, the solid acceptance levels in Scale 2 of the questionnaire (student-centred approaches to education), and, on the other, the overall timid disagreement in Scale 1 (teacher-centred, traditional approaches). Regarding the age of respondents and how their education may have influenced the way they perform education, a shy trend was observed among the older generations, leaning closer to positivist stances—even if of little overall statistical significance—. Presumably, the everyday contact with younger colleagues and the constant exposure to educational practices may have acted as an unconscious refresher course for lecturers, at least in the Translation and Interpreting discipline, consistently referred to in this dissertation as younger and more professionally oriented than many other academic fields. The same reflection may be applied to the academic position and years of teaching experience of the lecturers involved.

Chapter 6 elaborates on those results, offering insightful, first-hand qualitative information from 7 legal translation lecturers. The findings in Chapter 6 complement those in Chapter 5, rendering a similar scenario and providing, at the

same time, a more accurate depiction of the context surrounding the legal translation faculty and legal translation education. The findings in Chapter 6 emphasise, altogether, the situatedness of educational practices, witnessing a progressive paradigm shift in higher education that is conveyed in classroom practices and pedagogical approaches in the legal translation classroom. Through questions related to the pedagogical, methodological and epistemological approach of legal translation lecturers, the influence of EHEA on their classroom methodology, the role of employability in curriculum design, the validity and application of the competence construct and their perceptions of legal translation students and the legal translation faculty, Chapter 6 provides a reference framework in which higher education is contextualised and performed attending to epistemological and methodological criteria.

As seen in the pages above, the first concluding remark these pages offer is related to the objectives of this dissertation and how they have been approached, addressed and achieved in the different parts of the overall study. This entails revisiting the hypotheses of the dissertation in order to find out whether the initial thoughts and pre-existing ideas on the topic subject of study may be validated or if, contrary to that, the findings and reflections along these pages have served to shed light on a new, nuanced depiction of legal translation education in Spain. The three complementing hypotheses this dissertation has contemplated consistently along its pages are the following—

- Legal translation presents unique features and characteristics as a result mostly of the high levels of anisomorphism between the legal systems involved it presents, hence the need for specific methodological strategies covering the intrinsic, particular components of legal translation competence.
- Despite the overwhelming post-positivist educational input promoted by the relevant European and domestic institutions, eclectic practices, that is, an attempt to achieve a 'best-of-both-worlds epistemology', are deeply rooted in the Spanish education system.
- Along with this education-related paradigm shift within EHEA, particular neo-liberal policies have permeated current

educational discourses and practices, placing the emphasis in market needs and employability as tenets in curriculum design

As may be appreciated, the working hypothesis stated above match the breakdown and the outline of the different objectives covered along the dissertation. At the same time, they are in line with the findings explored both from a theoretical and empirical standpoint in the different chapters above. The working hypotheses of the dissertation may be considered valid, corroborating the initial approach envisaged in this doctoral dissertation.

This dissertation, remarkably the findings presented in Chapter 3, Chapter 4 and Chapter 6, highlights how the culturally embedded nature of legal language, legal texts and legal translation, reflected in the levels of anisomorphism between legal systems and legal families, does require extra efforts on behalf of the legal translators-to-be who are not experts in the Law. This conditions the way legal translation competence is characterised and later on approached in classroom settings. At the same time, Chapter 1, Chapter 2, Chapter 5 and Chapter 6 witness, from a number of angles, how the performers of higher education resort to a number of eclectic pedagogical positions— partly in order to respond to both the procedural and the conceptual load of their module, and partly following a systemic lack of educational grounds upon which to build their own method, resulting in an overall post-positivist approach to higher education. Finally, Chapter 1, Chapter 2 and Chapter 6 address the increasing role of employability and the progressive marketisation of higher education, both emphasising the underlying rationale giving rise to such phenomenon and introducing a critical perspective from which to study, understand and contextualise its implications in the overall education process of students.

Future research lines and Applicability— looking ahead

There is no end to the process of inquiry, and arguably every piece of research could have been approached differently— modifying slightly, or substantially, the very scope of the study, introducing new variables, conceptualising the research problem from a different perspective or in different terms, etc. Not to speak about the conditions under which the research is made —time constraints, access constraints— or the situated validity of the findings and conclusions of any kind of dissertation. Unsurprisingly, this work is no exception, and indeed there is a

number of research lines that have inevitably been left open for further research, or complementing research, or parallel research.

Despite the respective limitations the two studies above present, this dissertation contributes, to the extent possible, to filling a number of voids regarding several methodological and pedagogical aspects of legal translation education at undergraduate level. As such, it may serve legal translation lecturers to reflect on the way they approach the module(s) they are in charge of, analysing their position as lecturers within the rich methodological spectrum revisited in the pages above. At the same time, it may serve legal translation lecturers to reflect on the role syllabi have in their module, and understand syllabi as what they are— a tool that allows students to have an insightful, concise gate to a module, providing all relevant information for them to succeed in educational terms.

Widening the scope slightly, the dissertation may serve to further frame and shape educational initiatives taking place under the EHEA umbrella, meeting the objectives and criteria that the different transnational educational bodies establish and promote. At the same time, the epistemologically oriented nature of the dissertation may serve as an educational guide for novice lecturers lacking the relevant educational background. Understood as such, the dissertation could shed light on the educational philosophy that underpins classroom practices and bridge a rather intuitive approach to third level education based on a common sense epistemology towards more solid, informed stances. Admittedly, the —rather unintentional— obscure phrasing and syntax of this dissertation could be simplified slightly for a more pleasant reading, and also overall experience, regarding the epistemological bases of education.

Finally, among a number of several other options, the findings and conclusions of this work could help refine, if needed, the parameters and indicators regarding the evaluation and quality control of modules, courses and curricula, be it through institutional approaches to quality control —the AUDIT programme, for instance— or other internal assessment and quality control initiatives in Spain. The same could be applied to the assessment and quality control of teaching practices both internally and institutionally —the DOCENTIA¹⁴⁵ programme, for instance—.

¹⁴⁵ AUDIT and DOCENTIA are two of the programmes introduced by the Spanish National Quality and Accreditation Agency (ANECA). Chapter 2.2.2.2 above elaborates on the role of ANECA and its evaluation programmes.

Regarding the research lines that could stem from this dissertation and complement its findings, the characterisation of both legal language and legal translation in Chapter 4 has only considered Spanish from Spain —and consequently the Spanish legal system— and English from the United Kingdom —the England and Wales legal system—. The decision to omit other stances of Spanish or English and their respective legal systems stems from the fact that this work has tried to situate legal translation education from a European, EHEA-framed consideration. It would be interesting to widen the spectrum and incorporate, on the one hand, other varieties of the languages and legal systems involved; and, on the other, neighbouring languages subject to the same geographical parameters.

The results obtained through empirical studies could also be enriched and complemented with parallel research lines. Further qualitative data on the opinions, beliefs and experience of professional lecturers could be gathered. The results, valid on their own, could also be contrasted to the general findings in Chapter 6, analysing, if any, the differences that academic lecturers and professional lectures present in their characterisation of legal translation education.

The opinions and perceptions of students could also provide valuable information about the current reality of legal translation education. At the end of the day, only lecturers were contacted for the two studies above, and the findings of this dissertation rely exclusively on their perceptions of learning phenomena. Exploring the perceptions and profile of students through a similar research approach —quantitatively and qualitatively— would provide a richer depiction of legal translation education in Spain and could shed light on the expectations that students have about legal translation, the way it is presented and articulated in the curriculum, the outcome they expect of their legal translation modules, the pedagogical and methodological approach they deem most suitable in the legal translation classroom, and the underlying epistemological assumptions that stem from such conceptualisation.

Similarly, the empirical studies above could be extended to the different post-graduate programmes in the country that offer legal translation modules, in an attempt to widen the representativeness of the overall characterisation offered along these pages. Or even, alternatively, they could be exported to other countries within EHEA that offer legal translation education at undergraduate —or post-

graduate— level. It would be interesting to compare how the Spanish lecturers approach their modules as opposed to other legal translation lecturers still in the European context, working under different premises and conditions and following different academic traditions.

Finally, from an epistemological perspective, it would have been extremely interesting to have carried out a study like the one presented in this dissertation some 20 years ago in order to see the evolution of classroom practices and the epistemological assumptions of the legal translation lecturers at the time. Since retrospective research lines are everything but possible, it would still be advisable to re-create the studies at given moments in the mid and long term, tracing the evolution of legal translation education and paying extra attention to both the stakeholders involved and the institutional, regulatory and social contextual factors.

Final remarks

As one of the last members of the Frankfurt School during the first half of the 20th century, Habermas advocated both contemporary rationality and semiosis to be discursive, based on intersubjectivity and intercommunication. Indeed, assertions like these paved the way for critical pedagogy to gain momentum in educational scenarios, rejecting pedagogy as a *technology* that neglects the values, the goals and the means of pedagogic action. Quite on the contrary, still under these premises, education and pedagogy were understood in solid emancipatory terms based on a socio-critical paradigm that involved both the personal and the academic growth of individuals, together with the responsibility of those in charge of performing education to achieve both for their students. Today, though, the post-modern mind seems to be concerned about the viability of the overall modern endeavour, and thus the debate about the possibility and viability of education is tabled, questioning the possibility to achieve such emancipation.

Still, as this dissertation has attempted to stress, current educational scenarios fostered by neo-liberal politics of learning (Biesta, 2013a) seem to demand, more than ever, that newly-graduate social agents apply a critical mind and a critical heart in their respective discursive fields and socio-professional communities. Very linked to these reflections, employability has been argued along these pages to be, in all likelihood, the *bête noire* in this educational debate, the place where a number of transnational institutional agendas meet. Arguably, while I do not see

eye to eye with the progressive marketisation of higher education, whose roots seem to trace as far back as the 1980s Reaganomics, I acknowledge, and I coincide with Schnell & Rodríguez (2017) that two parallel multi-layered approaches to employability seem to have complicated and polarised the debate— on the one hand, the definitions of employability that advocate curriculum design as a process that guarantees graduates to obtain an employment upon graduation, together with the *competences* that will allow them to keep that job. This approach, stemming from behaviourist views on competences, not only omits behaviours that are not directly observable —critical thinking— but also systematises education by listing the competences needed for employment. At the other side of the spectrum, one may find the approaches to employability as a means to unfold the potential of the individual, as they are provided with the relevant *attitudes, skills and knowledge* that will allow them to perform competently in their future occupation, whatever that is. Way's (2009) structured model of professional practices in the translation classroom would be a suitable example, indeed. Working on those two levels, and Chapter 6 in this dissertation is a clear example of it, this dissertation has been consistently suspicious of the former, while fully supportive of the latter.

A similar reflection may be applied to the competence construct, explored extensively in Chapter 3. Competences, as Chapter 2 has introduced, seem to have become the cornerstone underpinning the pedagogical shift in higher education, however flawed the construct may be said to be following the over-lapping, at times contradicting, number of definitions put forward. It is in that intersection of a multi-layered, nuanced approach to competences that an epistemological rationale may explain both the passions and the rejection to competences, which respond to restricted conceptualisations stemming from different epistemological assumptions. Indeed, and in full agreement with Plaza (2016), competences may be understood in behaviourist, functionalist and constructivist ways, emphasising different sides of a polyhedral reality. While it is true that a behaviourist approach to competences fragments complex behaviour into micro-competences to be internalised in a linear fashion so that layers and layers of micro-competential component give rise to macro levels of competent behaviour, other approaches, namely the constructivist, highlight the role of cognitive components, individual characteristics, and the social and working environment in the process of competence development. The constructivist competences, understood in emergent, complex terms, speak of the activation and mobilisation of skills, attitudes and knowledge in a specific, situated context. Again, while this

dissertation has been consistently suspicious of the former, it has been fully supportive of the latter, praising the rich combination of declarative and procedural knowledge they introduce in the debate while rejecting the models that seek to establish behaviourist lists of competences.

The works of Göpferich (2013) and Kiraly (2013, 2016), as seen both in Chapter 1 and Chapter 3, seem the perfect breeding ground for an informed debate on translation competence, understood in emergent terms, to take place; a scenario where translation competence emerges from the inter-connexion and interaction over the time of the different variables —translation sub-components— that make up the translation competence.

Working on those grounds, an ecological approach to legal translation education, based on Van Lier's works (2004, 2010) seems to fit the model that the epistemological assumptions presented in this dissertations is after, complemented by the insightful remarks on self-directed learning put forward by scholars like Washbourne (2014).

Indeed, an ecological perspective strives for the creation of meaningful environments —understood in Ausubel's terms— in order to generate the relevant affordances that enhance the pedagogical and methodological input of the module, looking “at the learning process, the actions and activities of teachers and learners [and] the multi-layered nature of interaction and language use [both] in all their complexity and as a network of interdependencies among all the elements in the setting, not only at the social level, but also at the physical and symbolic level”.

Arguing that passive learners may hardly learn, and compliant learners may learn up to a point —insofar they are able to employ instructed agency in their education— Van Lier asserts, and so I believe, that in order for significant, enduring educational progress to take place, agency needs to be applied in self-directed ways, examining the whole landscape that lies before translators when approaching their task —a scenario where the perceiver becomes an active explorer of information, and the information picked up is mostly “driven by the purposes of the perceiver”—. Following this train of thought, while incidental learning may occur —the TED talks mentioned in Chapter 6, for instance— awareness and intentionality stand as the two key variables in the education of translators-to-be. Understood this way, perception stands as a bi-directional

concept, since perceiving something under these premises requires perceiving oneself, which is what this dissertation has advocated along its pages.

Washbourne (*ibid*) is able to link this perspective with what she refers to as the “unbounded learning communities” that have displaced, in a way, the traditional spaces of learning in educational sites (work-based learning, distance learning, e-learning, etc.), thus helping re-shape and redefine what we understand education to be these days. In her work about self-directed learning, the scholar refers to a number of models, practices, and tools that foster self-direction specifically. Some of those suggestions may be applied, or at least be taken into account, in current conceptualisations of the legal translation classroom. Among them, the scholar highlights the use of learning logs, written protocols and wikispaces in order to unfold the potential of students regarding critical reflection and communal learning; e-learning collaboration as a way to emphasise instructor-learner and learner-learner interactions; the co-design of the learning environment according to the students’ needs —very much in line with the curriculum negotiation explored above—; self-defined learning goals in participatory contexts; inquiry learning, including project-oriented and project-based learning; action research and learning; discovery-based learning —borrowed from Bruner’s educational theory—, etc.

Similarly, the scholar presents a number of attitudes and orientations that contemporary educational institutions should strive for among their students and curricula, namely challenge-seeking behaviour and self-evaluation, both of them traits that characterise expertise; learning how to learn; critical reflection through collective and individual introspective methods; empowerment, challenging the relevant vertical power structures and promoting both collaborative learning and skills transferability; creativity in problem-solving skills, very much in line with R5’s beliefs in Chapter 6 about literalism in legal translation and how experts and students approach legal translation problems; self-management —self-motivation, autonomous work, collaboration, etc.—; and ethical commitment, “framed in terms of the co-constructedness of judgment”.

The contributions by Biesta, Plaza, Schnell & Rodríguez, Van Lier, and Washbourne quoted and referred to along this final passage of the dissertation summarise the motivation and the tenets around which this dissertation has been built. Of course self-direction, understood in the framing post-positivist characteristics above, does present a number of problems. In most cases, students are the most conservative

elements in the educational equation and resist any emancipatory approach in higher education on the grounds that it is not what they perceive education should be. Similarly, educational practices are generally slow to permeate the aims and motives of institutions, policy-makers and later on curriculum design processes, rendering eclectic positions not just in terms of methodology or pedagogy in the legal translation classroom, as this dissertation has argued, not even in the epistemological underlying assumptions guiding them, argued to lean mostly towards constructivist stances, but on the very core values of higher education, hence the myriad of approaches, theories and initiatives.

All in all, and following the lines explored in the empirical part of this dissertation, I believe that current educational settings are in the middle of a re-conceptualisation at many different levels, and thus we are attempting to adjust our degree programmes to the social, institutional and academic expectations we are exposed to. However, I also believe that we are neglecting in a way the fact that in a post-positivist scenario it is the students who should resort to the lecturing staff in order to shape a round, bespoke set of competences according to their interests and needs. However, are students ready to make that emancipatory step? And, similarly, is the lecturing faculty ready to let go part of their traditional idiosyncratic features at the expense of student self-direction? Besides, purely in formative terms, educational reforms and innovation seem to be neglecting that education, understood under these contemporary premises, requires non-formal and informal learning opportunities for the students to unfold their full potential. In their recently bestowed scaffolding capacity, are lecturers offering or facilitating such opportunities to compensate for the thematic load they claim that their students lack when undergoing legal translation modules? Similarly, after embracing competences as a tool to characterise and organise higher education, are we reflecting enough on how to assess those competences? Are we trying to apply traditional assessment criteria to a competence-based approach? Would we be willing to collaborate in developing a common framework based on shared definitions for competence-based assessment rubrics, for instance? And regarding the increasing role of quality assurance agencies in higher education, are we aware of the criteria that guarantee the quality of degree programmes and institutions? Should quality be measured almost exclusively through quantitative indicators, for instance?

The answer to these questions would give rise to a different PhD dissertation. Besides, in any case, the situated, context-bound nature of reality this dissertation

has advocated would only allow us to speculate about the bits and bolts of the educational enterprise, discussing here and now the most suitable ways to channel and plan future curricula, for future students, covering future needs. All that from a present, already dated perspective. By analysing the extensively referred paradigm change in higher education from an epistemological perspective, this dissertation has attempted to go back to basics regarding classroom practices, and find out why things are done in a particular way, the reasons that make us assume that education comes from within, as a transformation of the self, and the implications this claim has in our understanding of education, as Dewey would point out, not as preparation for life, but rather as life itself.

It is commonly acknowledged that a PhD dissertation is the beginning, and not the end, of scientific research. Doing so from an epistemological perspective, starting research from the most basic assumptions about reality and knowledge construal, or acquisition, or whatnot, seems almost a poetic gateway towards further research to come.

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Summary of the dissertation (Catalan)

La tesi doctoral que ací es presenta planteja una visió en conjunt de la didàctica de la traducció jurídica en Espanya, amb èmfasi en la pedagogia de l'aula i la metodologia emprada pel cos docent universitari. Partint de la conceptualització del coneixement mateix i l'adquisició de coneixement per part dels aprenents, el treball que presentem considera les bases epistemològiques que apunten l'educació superior en Espanya i les emmarca en un context institucional determinat (l'Espai Europeu d'Educació Superior, l'EEES), i un context normatiu concret (la Llei orgànica de 2007 per què es modifica la Llei Orgànica 6/2001, d'Universitats, LOMLOU, esmenada pel Reial Decret 43/2015).

El treball està dividit en dos parts complementàries. La **Part I**, formada per quatre capítols, revisa des d'una perspectiva teòrica els conceptes clau del treball doctoral, i acaba amb un estudi empíric de caràcter exploratori que justifica i dona peu a la segona part del projecte, de caire empíric no experimental. Així, el **Capítol 1** repassa, des de l'Epistemologia, com la nostra conceptualització d'allò que entenem per coneixement i la seua adquisició implica una sèrie de postures respecte a com s'entén i com es practica l'educació superior (models d'aula, relació docents-alumnat, etc.). Per tal de donar una base ferma al treball doctoral, es revisen els diferents enfocaments epistemològics que al llarg del temps han ajudat a configurar processos educatius diversos: l'empírico-racionalisme, el positivisme, el constructivisme, els estudis crítics i, de forma més actual, diverses postures emergentistes relacionades amb el pensament complex.

El **Capítol 2**, per la seua part, aborda la situació cronològica del marc institucional i legislatiu en què s'insereix el treball doctoral, contemplant l'evolució de l'EEES des de la Declaració de la Sorbona (1998) fins al Comunicat d'Erevan (2015), posant de manifest com els criteris estructurals, de comparabilitat i mobilitat de les primeres declaracions ministerials han donat pas a qüestions centrades en la metodologia de l'aula i de caràcter més ideològic, com ara qüestions relacionades amb l'ocupabilitat (i el paper de les universitats). De la mateixa manera, es traça un recorregut per la normativa de les universitats espanyoles de 1938 a 2015 per tal d'entendre, de forma horitzontal, l'evolució de l'educació de tercer nivell en Espanya. El mateix criteri s'aplica a els estudis de Traducció i Interpretació, des del seu naixement en la dècada de 1970 fins a les reformes impulsades per Bolonya respecte, entre altres, el número de crèdits del grau, nivell d'especialització en traducció jurídica, inclusió d'elements socio-professionals en el aula, etc.

El **Capítol 3** examina una de les innovacions que introdueix l'EEES, el constructe competència. Tradicionalment emprades en estudis professionalitzants, s'argumenta que les competències, tot i la seua multivocalitat respecte a definicions i aplicacions diverses, han esdevingut el vehicle mitjançant el qual s'ha canalitzat un canvi de paradigma educatiu a l'EEES. El present treball repassa l'evolució cronològica del concepte (1968-2017) i el contrasta amb altres maneres de sistematitzar el coneixement en educació superior (objectius d'aprenentatge, coneixement expert, etc.). De forma similar, s'analitza el constructe competència dins l'àmbit particular de la traducció (1979 a 2016) i s'extrauen els elements comuns a les definicions i els enfocaments educatius basats en competències.

El **Capítol 4** aborda la traducció jurídica des d'una perspectiva lingüística i comunicativa, remetent-se a l'especificitat i les característiques dels llenguatges d'especialitat com a base des de la qual s'articula la traducció jurídica en tant que disciplina acadèmica. Partint de l'anisomorfisme entre sistemes jurídics, arrelats en el marcs culturals (i per tant situats) de les comunitats a què pertanyen, s'argumenta que la traducció jurídica està sotmesa a les restriccions que es dedueixen de la naturalesa mateixa del Dret, conceptualitzat de diferents maneres atesos criteris polítics, socials, històrics i culturals. Tot i l'aparent independència, objectivitat i universalitat que s'atorga als textos jurídics, és precisament la asimetria entre ordenaments jurídics el criteri predominant en la caracterització de la traducció jurídica, a partir del qual sorgeixen els debats sobre estratègies i tècniques de traducció, fidelitat, etc. A més a més, el capítol treballa els aspectes metodològics de l'aula de traducció que es dedueixen de les reflexions al voltant de la naturalesa de la traducció jurídica, i termina amb un estudi empíric de caràcter exploratori sobre el contingut de les guies docents de les assignatures de traducció jurídica en Espanya, en el curs 2016/2017. L'estudi en qüestió, que aprofundeix en la metodologia en l'aula de traducció jurídica i les bases epistemològiques que la sustenten, no presenta resultats fermes i sistematitzables (fiabilitat de la informació recollida en les guies docents, guies incompletes, etc.) de manera que planteja la Part II del treball doctoral.

La **Part II** del treball intenta donar resposta, des d'una perspectiva empírica, a totes les qüestions plantejades al llarg de la Part I que, per raons diverses, l'estudi exploratori no pot resoldre (paper dels docents i els alumnes, perspectiva metodològica, planificació de tasques, metodologia de l'aula, avaluació, etc.). Per tal raó es plantegen dos estudis empírics de caire seqüencial que aborden totes estes qüestions. El primer estudi (**Capítol 5**) es basa en una anàlisi quantitativa de la

percepció del professorat de traducció jurídica en Espanya, als qual, després de crear un cens, se'ls va enviar un qüestionari sobre la seua percepció docent. Els resultats del primer estudi van donar peu a un segon estudi (**Capítol 6**) en el qual, mitjançant entrevistes semi-estructurades a professorat de traducció jurídica en Espanya, els docents van poder comentar els resultats del primer estudi, contrastar-los amb la seua pràctica docent i afegir-hi tots aquells elements que, al seu parer, ajuden a entendre millor la didàctica de la traducció jurídica en Espanya.

Tal com es veu reflectit en el cos del text, el principal objectiu del treball doctoral que presentem és descriure i analitzar la metodologia contemporània de l'aula de traducció jurídica, situant-la en el marc de l'EEES i, per tant, sota uns criteris epistemològics concrets que han estat impulsat de forma institucional amb la introducció dels nous plans d'estudis. Partint de teories educatives i postulats epistemològics, i alhora contextualitzant l'educació en traducció jurídica al voltant del constructe competència (coneixement declaratiu, procedimental i actitudinal), s'analitzen les pressuposicions epistemològiques dels docents de traducció jurídica en Espanya deduïdes a partir de les seues estratègies metodològiques i pedagògiques i el seu *savoir faire* en l'aula.

Els objectius específics del treball doctoral són els següents:

- Reflexionar sobre les pressuposicions epistemològiques que donen peu a caracteritzacions diferents de l'educació, en especial aquella de tercer nivell.
- Analitzar eixes pressuposicions i enfocaments, discernint els elements que, al llarg de la història, han esdevingut pràctiques educatives comunes.
- Situar l'educació en traducció jurídica en el marc de l'EEES i les normes i lleis de l'estat espanyol, analitzant les conseqüències per a l'educació de futurs traductors i traductores.
- Descriure l'oferta d'estudis de traducció en Espanya, analitzant el paper i el pes de la traducció jurídica en el currículum.
- Reflexionar sobre el paper de les competències com a ferramenta per a conceptualitzar els processos d'aprenentatge.
- Analitzar els models de competència traducció (generals i de traducció jurídica) conjuntament amb els components i sub-competències que hi introdueixen.

- Qüestionar si els models de competència de traducció general són aplicables a les característiques particulars de la traducció jurídica, contrastant les seues especificitats amb les necessitats que esta última presenta.
- Caracteritzar l'educació en traducció jurídica, analitzant les pràctiques pedagògiques i metodològiques en l'aula.
- Avaluar la naturalesa del paradigma epistemològic respecte a l'educació en traducció jurídica.

Pel que fa a la metodologia emprada, com pot concloure's a partir de l'estructura de la tesi doctoral, el treball que presentem es troba en la intersecció entre els Estudis de Traducció, d'una banda, i l'Educació i les Ciències de l'Aprenentatge, de l'altra. En tant que treball de recerca en l'àmbit de l'educació en traducció jurídica, el treball doctoral està articulat com a estudi empírico-descriptiu basat en l'observació i l'anàlisi de dades empíriques obtingudes de fonts diverses, tant qualitatives com quantitatives, en les diferents fases del projecte. El treball empíric, que complementa el debat teòric-filosòfic, està basat en la triangulació de les dades obtingudes en l'estudi exploratori del Capítol 4 (quantitatiu i qualitatiu) i els dos estudis seqüencials de la Part II, tots tres descrits dalt.

Si atenem a la classificació de Grotjahn de paradigmes de recerca, el treball que presentem s'adscriu a un paradigma de caire pragmàtic, atesa la seua orientació filosòfica implícita basada en la conjunció de mètodes de recerca diferents. De fet, una metodologia mixta de treball com la que presentem assegura poder descriure de forma més satisfactòria una realitat polièdrica com la que descrivim, donant cabuda a un número rellevant de perspectives, valors i punts de vista que les pàgines de la tesi advoquen, des d'una perspectiva situada.

Respecte a les conclusions principals del treball doctoral, la situacionalitat de l'educació, un aspecte clau del treball que presentem, s'entén com a projecció de les pressuposicions de caire post-positivista (en general constructivistes) que impregnen l'EEES. Tot i el seu caràcter predominantment (i benintencionadament) constructivista, s'aprecia que tots grans corrents epistemològics es veuen reflectits, d'una manera o d'una altra i de forma eclèctica, en la metodologia diària dels docents de tercer nivell. Açò es tradueix, entre altres, en el paper que els docents adopten en la seua aula, les expectatives que tenen respecte als seus alumnes, la planificació de l'assignatura, l'execució, etc. Per la mateixa raó, a pesar d'iniciatives respecte a treball col·laboratiu, treball experimental, o la coneguda metodologia per projectes enfocada a que els alumnes esdevinguen agents

principals del seu procés d'aprenentatge, avui dia ens trobem amb classes de caràcter magistral, processos d'avaluació sumativa i altres iniciatives que, *stricto sensu*, no podrien considerar-se en línia amb els corrents pedagògics del moment.

Respecte al marc institucional i normatiu, el treball doctoral que presentem incideix en els vincles nacionals i europeus en la configuració dels graus en Traducció i Interpretació i en la possibilitat d'especialització en traducció jurídica que les universitats espanyoles ofereixen respecte a anteriors plans d'estudis. D'un marc transnacional encaminat a enfortir l'educació europea mitjançant la mobilitat d'estudiants, la comparabilitat de graus i estudis, estructures de plans d'estudis similars o la introducció del sistema europeu de crèdits ECTS, l'Informe d'Implementació dels Objectius de Bolonya de 2015 presenta diferències i asimetries importants no ja respecte a l'ús efectiu de les ferramentes de Bolonya, sinó a aspectes clau com ara la manca d'acord respecte a la durada mateixa dels graus, entre altres. A més a més, el Comunicat d'Erevan (2015) emfasitza qüestions com ara l'ocupabilitat, l'emprenedoria o l'aprenentatge al llarg de la vida que han complicat encara més el panorama europeu de tercer nivell.

De les diplomatures en Traducció i Interpretació, d'una durada de tres anys, als actuals graus de quatre, passant per les llicenciatures de cinc, la naturalesa professionalitzant de la traducció i l'origen més jove i dinàmic de la disciplina han fet que la seua adaptació als requisits de Bolonya haja estat més fluïda que en altres àrees de coneixement. Tot i encara, la decisió sobre la durada dels estudis, encara sobre la taula, afecta necessàriament al nivell d'especialització que els graus en Traducció poden oferir. A pesar que el Llibre Blanc de les Titulacions en Traducció i Interpretació aposta per graus molt generalistes complementats per màsters d'especialitat (cosa que faria perillar la traducció jurídica a nivell de grau) totes les universitats espanyoles n'ofereixen un tast com a mínim, de vegades conjuntament amb traducció financera, econòmica, etc. S'aprecia, i així semblen indicar tant el Llibre Blanc com la CCDUTI, una major necessitat de flexibilitzar el currículum tal com ho fan altres universitats i departaments de traducció europeus, de cara a potenciar l'ocupabilitat dels futurs egressats mitjançant programes dinàmics fets a mida respecte als interessos dels involucrats.

Pel que fa al constructe competència, s'ha evidenciat el fet que el seu ús no és nou, ni gaire innovador. Tradicionalment aplicades a la formació professional atès el seu caràcter professionalitzant, hem caracteritzat les competències com un ens polièdric que mobilitza tota una sèrie d'elements cognitius (coneixement i

habilitats), afectius (motivació, actitud), psicomotors i psicofisiològics; i és precisament la seua vocació orientada als resultats (més que al procés) allò que ha fet a les competències guanyar-se un espai propi als debats en educació terciària. Complementant la definició presentada en estes línies, hem aportat dos elements diferenciadors que enriqueixen, al nostre parer, el debat: d'una banda, el fet que les competències activen els seus components de forma específica i situada segons les condicions de treball; d'altra, que són eixes mateixes condicions específiques les que atorguen un pes preponderant al coneixement, habilitats, comportament i actituds dins el constructe.

En el àmbit de la traducció, i específicament en la traducció jurídica, hem comparat diversos models de competència basats tant en enfocaments experimentals com en la intuïció o reflexió personal extreta de la praxi de docents de traducció, revisant les característiques i components del constructe. Especial atenció ha tingut el sub-component temàtic en el models de competència de traducció jurídica a causa del pes conceptual que representa. En la gran majoria dels casos s'ha constatat que el model escollit tendeix a ser estàtic pel que fa tant a l'activació dels diferents sub-components com el seu pes en l'execució global de la competència. Al mateix temps, s'ha posat de relleu que els models de competència tendeixen a ometre qüestions clau com ara la interacció entre els diferents sub-components, o com estos es desenvolupen durant el procés d'aprenentatge dels alumnes. Únicament dos models de traducció general (i cap d'especialitzada) apliquen postulats de pensament complex o teoria dels esforços per tal d'explicar la interacció entre els diferents sub-components i variables que conformen la competència, de vegades desenvolupant-se de forma més ràpida que la resta, de vegades detenint eixe creixement per tal que un altre sub-component pugua començar a desenvolupar-se.

La diferència dels models de competència general respecte als de la traducció jurídica s'ha justificat en relació a l'especificitat dels llenguatges i textos d'especialitat. Així doncs, a banda de representar el pes i la solemnitat de la llei, s'ha argumentat que el llenguatge jurídic serveix a protegir l'*status quo* de les professions que representa, per això l'estaticitat i el caràcter obscur que l'identifiquen respecte a la seua complexitat terminològica i sintàctica. Incidint en el component temàtic, s'ha procedit a fer una anàlisi dels procediments i estratègies de traducció de les figures jurídiques, base de l'anisomorfisme entre ordenaments jurídics i limitació principal pel que fa a l'equivalència i la fidelitat en traducció jurídica. Esta limitació conceptual fa que els plantejaments generals de competència traductora siguin lleugerament reduccionistes en tant que sols poden

donar resposta a un número limitat de reptes, especificitats i necessitats dels traductors jurídics. En un context de discursos altament especialitzats, el desenvolupament d'una competència temàtica forta es converteix en la base del debat educatiu, ja que un domini estable dels continguts conceptuals i temàtics en el camp en qüestió està directament relacionat amb la millor comprensió del text origen i una millor redacció del text meta.

S'hi constata, a més a més, un major interès del cos docent de traducció jurídica respecte a la millora educativa i l'aprofundiment en qüestions didàctiques i les seues implicacions en l'educació de l'alumnat, posant de relleu aproximacions metodològiques diverses entre les quals destaquen els mètodes basats en els gèneres textuais (en la seua vessant formal, comunicativa i cognitiva), les aproximacions graduals que exploren la diversificació gradual dels discursos jurídics, els enfocaments metodològics referits al procés de traducció i adquisició de competències, i els procediments d'anàlisi del discursius enfocats a enfortir el procés de presa de decisions i l'acció conscient dels estudiants en el seu procés educatiu. Tots els models analitzats mobilitzen estratègies relacionades amb l'enfocament per tasques o projectes, l'ús de materials autèntics, la col·laboració, la professionalització o el foment d'un esperit crític en traducció jurídica. A aquesta reflexió teòrica s'hi afegeix l'estudi exploratori encaminat a esbrinar la metodologia de l'aula de traducció jurídica i els aspectes epistemològics que se'n dedueixen. L'estudi, basat en l'anàlisi de 94 guies docents, proporciona resultats inconclusius i incomplets ja que, en la major part dels casos, les guies docents no proporcionen la informació desitjada, la informació no està definida de forma clara en la guia docent o, de forma sospitosa, totes les guies docents dels mòduls de traducció jurídica d'un mateix departament proporcionen informació idèntica. Es conclou que en la major part dels casos les guies docents no han estat dissenyades com a ferramenta educativa sinó com a pur formalisme i es projecta, conseqüentment, un estudi empíric que pugui satisfer les necessitats de la investigació.

Així doncs, basant-nos en els dos estudis empírics complementaris de naturalesa qualitativa i quantitativa es determina que la major part dels docents de traducció jurídica presenta un enfocament i una metodologia de classe de caire eclèctic però de vocació post-positivista, emfasitzant el caràcter situat de l'educació. S'hi constaten, això si, diferència entre els sexes: les dones, de forma consistent, s'acosten a postures més constructivistes que els homes en totes les etapes de l'ensenyament (planificació docent, execució, avaluació, metodologia, etc.) i

tendeixen a entendre la seua aula com a un entorn centrat en l'alumnat on el seu paper passa per l'andamiatge i la dinamització del procés d'aprenentatge dels seus alumnes. Respecte a l'edat del cos docent, es constata una tendència tímida, entre les generacions majors, vers idees de naturalesa positivista, tot i que aquesta tendència no és estadísticament significativa. Es conclou que la interacció amb els seus col·legues i la seua exposició constant a la pràctica educativa actua de forma inconscient com a curs d'innovació i reciclatge.

Per últim, pel que fa a l'aplicabilitat dels resultats i les possibles línies de recerca que se'n dedueixen, el treball doctoral que presentem pot ajudar al cos docent de traducció especialitzada (i igualment de traducció general) a reflectir sobre la seua tasca docent, analitzant el seu paper en el aula i com la seua orientació dins de l'espectre epistemològic té una sèrie de conseqüències en la seua praxi docent. Al mateix temps, el treball pot servir de guia als docents novells que s'acosten per primera vegada a la didàctica de la traducció sense coneixements previs sobre educació, ajudant a traçar els ponts i els vincles necessaris entre els enfocaments basats en la intuïció i aquells basats en teories i postulats educatius. Donant una passa enrere, el treball pot ajudar a re-enfocar, cas que fóra necessari, els paràmetres i els indicadors que guien els processos d'avaluació i control de la qualitat dels mòduls, programes i currículums (el programa AUDIT de l'ANECA n'és un exemple) o del mateix cos docent (el programa DOCENTIA).

El treball podria veure's millorat de forma substancial si, en futures iniciatives de recerca, s'amplia el número de llengües involucrades (europees i globals) i els ordenaments jurídics que, tot i compartint llengua (espanyol, anglès) s'han deixat de banda per qüestions d'extensió i de coherència interna del treball, influenciat sòlidament per l'EEES i el punt de vista europeu. Igualment, els estudis empírics, centrats en la figura del docent, s'enriquieren enormement si foren contrastats amb estudis paral·lels respecte a les opinions, creences, experiències i expectatives dels alumnes de traducció jurídica, l'altre gran eix que defineix l'educació de tercer nivell; i, posats a ampliar, seria interessant observar si els programes de postgrau en traducció jurídica comparteixen, des d'una perspectiva més aplicada i específica, les característiques i tendències observades en els estudis que presentem. Per últim, podrien fer-se comparatives de com els diferents Estats Membres i països que conformen l'EEES conceptualitzen la traducció jurídica i, conseqüentment, planifiquen l'educació dels seus futurs traductors jurídics dins el context europeu.

Des d'una perspectiva epistemològica, haguera estat interessant comparar els nostres resultats amb estudis anteriors en el temps a l'EEES i, igualment, a les primeres generacions de programes de Traducció i Interpretació en España, fa quaranta anys. Desafortunadament, no pot haver-hi línies de recerca retrospectives, però seria aconsellable recrear este mateix estudi a mitjan i llarg termini de forma que es poguera traçar l'evolució dels estudis en traducció jurídica i la seua didàctica des de paràmetres epistemològics, parant atenció tant a les parts involucrades com als factors institucionals, regulatoris i socials que configuren l'educació superior.

Annex 1 Legal Translation Faculty in Spain 2016/2017 (partial census)¹⁴⁶

| Undergraduate Programme | University | Lecturer | Module | E C T S | Position |
|----------------------------------|--------------------------------|------------------------------|--|------------------------|------------------------------|
| Modern Languages and Translation | Universidad de Alcalá | Carmen Valero Garcés | Traducción Institucional | 8 | Catedrática |
| | | David Fernández Vítóres | Traducción especializada (jurídico-económica) | 8 | Profesor Ayudante Doctor |
| | | Patricia González Díaz | | | Profesora asociada |
| Translation and Interpreting | Universidad Alfonso X El Sabio | | Traducción jurídica, económica y jurada A-B | 3 | Profesor Universidad privada |
| | | Rosa María Bautista Cordero | Traducción jurídica, económica y jurada B-A | 4 | |
| Translation and Interpreting | Universidad de Alicante | Adelina Gómez González-Jover | Traducción Jurídico-administrativa B-A/A-B I | 6 | Profesora titular |
| | | José Mateo Martínez | Traducción económica, comercial y financiera B-A/A-B I | 6 | Catedrático |
| | | Eva Llorens Simón | Traducción económica comercial y financiera B-A/A-B II | 6 | Profesora asociada |
| | | Pablo Pérez Contreras | Traducción Jurídico-administrativa avanzada B-A/A-B: | 6 | Profesor asociado |
| | | | Traducción Jurídico-administrativa B- | 6 | |
| | Raquel Martínez | | | Profesora colaboradora | |

¹⁴⁶ Data was gathered during November/December 2016. The information gathered may have been adjusted slightly at the beginning of Term II (lecturers in charge of modules, academic position of lecturers, etc.).

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|------------------------------|---------------------------------|-----------------------------------|---|---|------------------------------|
| | | Motos | A/A-B II | | |
| | | David Pérez Blázquez | Traducción Jurídico-administrativa B-A/A-B I | 6 | Profesor asociado |
| | | | Traducción Jurídico-administrativa B-A/A-B II | 6 | |
| | | | Traducción Jurídico-administrativa avanzada B-A/A-B: | 6 | |
| | | Yago Carlos Martínez Quintanilla | Traducción económica, comercial y financiera B-A/A-B I | 6 | Profesor asociado |
| | | Claudia Peter | Traducción económica, comercial y financiera B-A/A-B II | 6 | Profesora asociada |
| | | Paola Candelaria Carrión González | Traducción Jurídico-administrativa B-A/A-B I | 6 | Profesora asociada |
| | | Irene Carratalá Puertas | Traducción Jurídico-administrativa B-A/A-B II | 6 | Profesora asociada |
| | | | Traducción Jurídico-administrativa avanzada B-A/A-B: | 6 | |
| | | Daniel Emilio Gallego Hernández | Traducción económica, comercial y financiera B-A/A-B I | 6 | Profesor contratado doctor |
| | | Iván Martínez Blasco | Traducción económica, comercial y financiera B-A/A-B II | 6 | Profesor asociado |
| Translation and Interpreting | Universidad Pontificia Comillas | Ingrid Gil | Traducción jurídica B-A | 6 | Profesor Universidad privada |
| | | Alfredo Gutiérrez Kavanagh | | | |
| | | Juan José Isar Pérez | | | |
| | | Montserrat Sardá Esporrín | Traducción jurídica C-A | 6 | |

| | | | | | |
|------------------------------|---|----------------------------------|------------------------------------|---|------------------------------|
| | | Antonio Tortosa López | Traducción Institucional C-A | 3 | |
| | | Isabel Escribano Bourgoïn | Traducción Institucional B-A | 3 | |
| | | Amelia María Ros García | Traducción jurídica C-A | 3 | |
| | | Rocío Martínez Ranedo | Traducción Institucional C-A | 3 | |
| Translation and Interpreting | Universidad de Las Palmas de Gran Canaria | Nadia Konstantini di | Traducción económico-jurídica B | 6 | Profesora asociada |
| | | Víctor M. González Ruiz | | | Profesor titular |
| | | María de Carmen Falzoi Alcántara | | | Profesora contratada doctora |
| | | Marta González Quevedo | | | Profesora asociada |
| Translation and Interpreting | Universitat Autònoma de Barcelona | Anna Nin Aranda | Traducció jurídica i financera B-A | 6 | Profesora asociada |
| | | Carmen Bestué Salinas | Traducció jurídica i financera B-A | 6 | Profesora agregada interina |
| | | Jordi Mas López | Traducció jurídica i financera A-A | 6 | Professor agregado laboral |
| | | Montserrat Franquesa Godia | Traducció jurídica i financera B-A | 6 | Profesora asociada |
| | | | Traducció jurídica i financera B-A | 6 | |
| | | Ramón Lladó Soler | Traducció jurídica i financera B-A | 6 | Profesor titular numerario |
| | | | Traducció jurídica i financera B-A | 6 | |
| Translation and Interpreting | Universidad Autónoma de Madrid | Arlette Veglia Andrea | Traducción jurídica y judicial | 6 | Catedrática |
| | | | Traducción jurídica lengua B | 6 | |
| | | Verónica Román Mínguez | Traducción jurídica y judicial | 6 | Profesora contratada doctora |
| | | Francisco Godoy Vega | | | Profesor asociado |
| | | Esther Vázquez y | Traducción jurídica lengua B | 6 | Profesora titular |

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|------------------------------|-----------------------------------|-------------------------------------|--|---|------------------------------|
| | | del Árbol | | | |
| Translation and Interpreting | Universidad Complutense de Madrid | Itziar Olga Hernández Rodilla | Legal, commercial and financial translation B1-A | 6 | Profesora asociada |
| | | Amelia María Ros García | Legal, commercial and financial translation B1-A | 6 | Profesor asociada |
| Translation and Interpreting | Universidad de Córdoba | María Luisa Rodríguez Muñoz | Traducción jurídica y económica de la lengua B | 6 | Profesora sustituta interina |
| | | Ángeles García Calderón | Traducción de textos jurídicos y económicos lengua B | 6 | Profesora titular |
| | | Ingrid López Cobos | Traducción jurídica y económica de la lengua C | 6 | Profesora ayudante doctora |
| | | José Ramírez del Río | Traducción jurídica y económica de la lengua C | 6 | Profesor titular |
| | | Rafael Pinilla Melguizo | | | Profesor titular |
| | | Giorgia Marangón Bacciolo | Traducción jurídica y económica de la lengua C | 6 | Profesora contratada doctora |
| | | María del Carmen Arnedo Villaescusa | Traducción de textos jurídicos y económicos lengua B | 6 | Profesora asociada |
| Translation and Interpreting | Universidad de Granada | | | | |
| | | Larosi Haidar Atik | Traducción Especializada B-A | 6 | Profesor contratado doctor |
| | | Abdellatif Aguessim Elghazouani | Traducción Especializada A-B | 6 | Profesor contratado doctor |
| | | Juncal Gutiérrez Artacho | Traducción Especializada B-A | 6 | Profesora sustituta interina |
| | | Silvia Parra Galiano | | | Profesora contratada doctora |
| | | Guadalupe Soriano Barabino | | | Profesora titular |
| | | Marie-Evelyne Le Poder | Traducción Especializada A-B | 6 | Profesora contratada doctora |

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|------------------------------|-----------------------|----------------------------------|--|---|------------------------------|
| | | María Lucas | | | Profesora colaboradora |
| | | María del Carmen Acuyo Verdejo | Traducción Especializada B-A | 6 | Profesora titulada |
| | | George Julian Bourne | | | Profesor contratado doctor |
| | | Carlos Jaime Guerrero Ramos | | | Profesor colaborador |
| | | Maria del Mar Haro Soler | | | FPU |
| | | Arianne Reimerink | | | Profesora contratada doctora |
| | | María Isabel Tercedor Sánchez | | | Catedrática |
| | | George Julian Bourne | | | Traducción Especializada A-B |
| | | Arianne Reimerink | Profesora contratada doctora | | |
| | | Bryan John Robinson Fryer | Profesor titular | | |
| | | Catherine Louise Way | Profesora titular | | |
| | | Marie Louise Nobs Federer | Traducción Especializada A-B | 6 | Profesora titular |
| | | Claudia Seibel | | | Profesora titular |
| | | Esperanza Macarena Pradas Macías | Traducción Especializada B-A | 6 | Profesora titular |
| | | Rafael Adolfo Zambrana Kuhn | | | Profesor colaborador |
| Translation and Interpreting | Universidad de Málaga | María Carmen Amaya Galván | Traducción jurídica y socioeconómica "BA-AB" (I) | 6 | Profesora contratada doctora |
| | | Adela Martínez | Traducción jurídica y socioeconómica | 6 | Profesora titular |

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|------------------------------|---------------------------|----------------------------|--|---|------------------------------|
| | | García | "BA-AB" (II) | | |
| | | | Traducción especializada "CA-AC" (II) | 6 | |
| Translation and Interpreting | Universidad de Murcia | Paula Cifuentes Férez | Introducción a la traducción especializada B-A, A-B ¹⁴⁷ | 6 | Profesora contratada doctora |
| | | Laura Vegara Fabregta | Traducción para el comercio internacional B-A, A-B | 6 | Profesora asociada |
| | | | | 6 | |
| | | María Ángeles Orts Llopis | Traducción especializada jurídica B-A, A-B | 6 | Profesora titular |
| | | María Nieves Fluet Sánchez | Introducción a la traducción especializada B-A, A-B ¹⁴⁷ | 6 | Profesora asociada |
| | | Javier Nassih Ait Bourryal | Traducción para el comercio internacional B-A, A-B | 6 | Profesor asociado |
| | | Elena Macías Otón | Traducción especializada jurídica B-A, A-B | 6 | Profesora asociada |
| Translation and Interpreting | Universidad de Salamanca | M. Rosario Martín Ruano | Traducción jurídica y/o económica | 6 | Profesora titular |
| | | Ángela Flores García | Traducción jurídica y/o económica | 6 | Profesora titular |
| | | Pilar Elena García | Traducción jurídica y/o económica | 6 | Catedrática |
| Translation and Interpreting | Universidad de Valladolid | | Traducción jurídica lengua B ¹⁴⁸ | 3 | |
| | | Miguel Ibáñez Rodríguez | Traducción jurídica lengua B | 3 | |
| Translation and Interpreting | Universidad de Vic | Pilar Godayol Nogué | Traducción Jurídica y Económica B-A I | 6 | Profesor Universidad privada |
| | | | Traducción Jurídica y Económica B-A I | 6 | |
| | | | Traducción Jurídica y | 6 | |

¹⁴⁷ The "Introduction to specialised translation" modules have a legal translation component.

¹⁴⁸ Lecturer to be appointed at the time the census was made.

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|------------------------------|-----------------------------------|--------------------------------|---|---|------------------------------|
| | | | Económica B-A II | | |
| | | Núria Camps Casals | Traducción Jurídica y Económica B-A II | 6 | |
| | | | Traducción Jurídica y Económica B-A III | 6 | |
| | | | Traducción Jurídica y Económica B-A III | 6 | |
| | | Gemma Delgar Farrés | Traducción C-A III ¹⁴⁹ | 6 | |
| | | | Traducción C-A III ¹⁴⁹ | 6 | |
| | | Marta Company Borràs | Traducción Jurídica i Econòmica A-A I | 6 | |
| | | Caterina Riba | Traducción Jurídica i Econòmica A-A II | 6 | |
| | | Laura Vilardell Domènech | Traducción Jurídica i Econòmica A-A III | 6 | |
| Translation and Interpreting | Universidad de Vigo | Rebeca Cristina López González | Traducción jurídico-administrativa idioma 1 | 6 | |
| | | | Traducción jurídica-administrativa idioma | 6 | |
| | | Xoán Manuel Garrido Vilariño, | Traducción jurídica-administrativa idioma | 6 | Profesor asociado |
| | | José Yuste Frías | Traducción jurídica-administrativa idioma | 6 | Profesor titular |
| | | Marta García | Traducción administrativa y económica Traducción económica | | Profesora contratada doctora |
| Translation and Interpreting | Universidad Europea del Atlántico | Melisa Keller | Traducción Jurídico-Financiera | 6 | Profesor Universidad privada |
| Translation and Interpreting | Universitat Jaume I | María del Pilar Ordóñez López | Traducción Jurídica y Económica B | 6 | Profesora contratada doctora |
| | | Natividad Juste Vidal | | | Profesora asociada |
| | | Daniel | | | Profesor asociado |

¹⁴⁹ Legal translation + Scientific translation.

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|------------------------------|------------------------------|--------------------------------|---|-----|------------------------------|
| | | Pérez Grau | Traducció Jurídica i Econòmica B | 6 | |
| | | Anabel Borja Albi | Traducción Jurídica y Económica para el comercio exterior | 4,5 | Profesora titular |
| | | | Traducció Jurídica i Econòmica per al Comerç Exterior | 4,5 | |
| | | Esther Monzó Nebot | Traducción Jurídica y Económica para los Organismos Internacionales | 4,5 | Profesora titular |
| | | | Traducció Jurídica i Econòmica per als Organismes Internacionals | 4,5 | |
| Translation and Interpreting | Universidad Pablo de Olavide | Marián Morón Martín | Traducción especializada B (II) | 6 | Profesora contratada doctora |
| | | Juan Jiménez Salcedo | Traducción Especializada de la Lengua B (II) ¹⁴⁹ | 6 | Profesor contratado doctor |
| | | Nuria Ponce Márquez | Traducción Especializada de la Lengua B (II) ¹⁴⁹ | 6 | Profesora ayudante doctora |
| | | Julia Lobato Patricio | Traducción Especializada de la Lengua C II ¹⁴⁹ | 6 | Profesora contratada doctora |
| | | Francisco Javier Vigier Moreno | Traducción Especializada de la Lengua C II ¹⁴⁹ | 6 | Profesor ayudante doctor |
| | | Estefanía Flores Acuña | Traducción especializada de la Lengua C II ¹⁴⁹ | 6 | Profesora contratada doctora |
| | | Saad Mohamed Saad-Helal | Traducción Especializada de la Lengua C II ¹⁴⁹ | 6 | Profesor titular |
| Translation and Interpreting | Universidad Pompeu Fabra | Montserrat Cunillera Domènech | Traducció Juridicoeconòmica 3 | 4 | Professora agregada |
| | | Gemma Andújar | | | Professora agregada interina |
| | | Rolf-Michael Gaser | Traducció Juridicoeconòmica 3 | 4 | Profesor asociado |
| | | | Traducció Juridicoeconòmica 3 | 4 | |
| | | | Traducció de | 4 | |

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|---|---|-----------------------------|--|---|-------------------------------|
| | | Anna Arnall Duch | Textos Especialitzats II-jurídics i econòmics | | Profesora associada |
| | | | Textos Juridicoeconoòmics i la seva Terminologia | 4 | |
| | | Madeleine Cases Silverstone | Traducció Juridicoeconòmica 1 | 4 | Profesora associada |
| | | Lisa Gilbert Odell | Traducció Juridicoeconòmica 2 | 4 | Profesora colaboradora |
| Translation and Interpreting | Universidad Rey Juan Carlos ¹⁵⁰ | | Traducción jurídico-económica (Inglés-Español) | 6 | Profesor Universidad privada |
| | | | Traducción jurídico-económica | 6 | |
| | | | Traducción jurada | 6 | |
| Translation and Interpreting | Universitat Internacional Valenciana ¹⁵⁰ | | Traducción jurídico-económica 1 | 6 | Profesor Universidad privada |
| | | | Traducción jurídico-económica 2 | 6 | |
| Translation and Intercultural Communication | Universidad Europea de Madrid | Ester Saiz | Traducción económica y jurídica-Lengua B | 6 | Profesora Universidad privada |
| | | | Traducción Jurada-Lengua B | 6 | |
| Translation and Intercultural Communication | Universidad Europea de Valencia | Eivor Jordà-Mathiasen | Traducción Jurada Lengua B | 6 | Profesora Universidad privada |
| | | | Traducción económica y jurídica Lengua B | 6 | |
| Translation and Interlinguistic Mediation | Universitat de València | José Santaemilia Ruiz | Traducció especialitzada ¹⁴⁹ | 6 | Profesor titular |
| | | Elena Moltó Hernández | Traducció especialitzada ¹⁴⁹ | 6 | Profesora titular |
| | | José Antonio Calañas | Traducció especialitzada ¹⁴⁹ | 6 | Profesor titular |
| Translation and Intercultural | Universidad | Kenneth Jordan | Traducción económica y | 6 | Profesor Universidad |

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|--|---|-------|--|---|------------------------------|
| Communication | San Jorge | Núñez | jurídica B-A | | privada |
| | | | Traducción institucional B-A | 6 | |
| Translation, Interpreting, and Applied Languages | Universitat Oberta de Catalunya ¹⁵⁰ | | Traducció jurídica i econòmica B-A I | 6 | Profesor Universidad privada |
| | | | Traducció jurídica i econòmica B-A II | | |
| | | | Traducció jurídica i econòmica B-A III | | |

¹⁵⁰ Modules to be implemented during the 2017/2018 academic year.

Annex 2 TAMFUQ Questionnaire

CUESTIONARIO SOBRE METODOLOGÍA DOCENTE Y ORIENTACIÓN EPISTEMOLÓGICA EN TRADUCCIÓN ESPECIALIZADA JURÍDICA

Lea atentamente las cuestiones que se presentan bajo y seleccione la opción de respuesta que le resulte más próxima o que mejor se ajuste a su situación. Las cuestiones son cerradas y admiten una sola respuesta:

- 1 estrella: Muy en desacuerdo;
- 2 estrellas: En desacuerdo;
- 3 estrellas: Indecisa/o;
- 4 estrellas: De acuerdo;
- 5 estrellas: Muy de acuerdo.

Le rogamos que conteste con total sinceridad. Los datos obtenidos son confidenciales; no se utilizará el nombre de ninguna de las personas participantes en la investigación. Los resultados obtenidos se presentarán siempre con la debida cautela.

- 1- ¿Cuál es su dirección de correo electrónico?
- 2- ¿En qué universidad trabaja?
- 3- Sexo
- 4- ¿Qué edad tiene?
- 5- ¿Cuántos años lleva dando clase en la universidad?
- 6- ¿Qué figura docente tiene en su universidad?
- 7- ¿Tiene alguna formación en derecho que complemente su formación en traducción?
- 8- ¿Cuántos alumnos tiene de media?

El cuestionario empieza aquí. En caso de tener más de una asignatura de traducción jurídica, responda teniendo en mente la asignatura más representativa o significativa para usted y su labor docente

- 1 Basta con que los alumnos aprendan y comprendan los contenidos científicos fundamentales de la disciplina; no necesitan ir más allá en su formación universitaria.
- 2 Aprender es incrementar los conocimientos disponibles.
- 3 El trabajo esencial del profesor universitario es transmitir los conocimientos a sus alumnos.
- 4 Lo más importante para ser buen profesor es dominar la materia que se imparte.
- 5 Un buen profesor es el que explica bien su asignatura.

- 6 Mi responsabilidad fundamental es organizar bien los conocimientos que deben aprender los alumnos y presentarlos de modo comprensible.
- 7 El tiempo de las clases teóricas debe usarse para explicar bien los contenidos de la asignatura.
- 8 En mis clases teóricas la lección magistral es la metodología fundamental.
- 9 El papel básico de los alumnos en clase es estar atentos y tomar bien los apuntes.
- 10 El mejor método para evaluar a los alumnos es el examen.
- 11 Utilizo como método de evaluación únicamente los exámenes.
- 12 La evaluación debe limitarse a la valoración de los conocimientos adquiridos.
- 13 Para evaluar a mis alumnos utilizo, como método, exámenes con formato de prueba objetiva.
- 14 El conocimiento no es algo establecido en las disciplinas y recogido en los manuales y otros documentos, sino algo a construir entre estudiantes y profesores.
- 15 El conocimiento debe ser construido por los estudiantes con ayuda del profesor.
- 16 Aprender es construir personalmente significados.
- 17 Doy a los estudiantes oportunidad de realizar aportaciones personales; por ejemplo, les pido que predigan resultados, que propongan hipótesis y las comprueben, etc.
- 18 Los conocimientos que mis estudiantes adquieren les sirven ya para interpretar la realidad en que están inmersos, no sólo para aprobar la materia.
- 19 Un buen profesor no presenta los conocimientos como algo cerrado, sino como algo abierto a la reconstrucción y elaboración personal del alumno.
- 20 Dispongo mi clase como un entorno de aprendizaje que moviliza el aprendizaje activo del alumno (a través del planteamiento y resolución de problemas, del fomento de la participación del estudiante, del establecimiento de conexiones con la realidad, etc.).
- 21 Adopto una metodología de enseñanza variada y complementaria que adapto a las características del grupo de alumnos.
- 22 Hago uso de la pregunta en mi clase de manera sistemática para ayudar a pensar a los estudiantes.
- 23 Hago uso de estudio de casos y/o simulaciones en clase para potenciar la integración de la teoría y la práctica.
- 24 Realizo seminarios con los estudiantes de mi asignatura.
- 25 Muestro aplicaciones de la teoría a los problemas reales.
- 26 Utilizo la tutoría con un plan de trabajo establecido para asesorar a los alumnos y no me limito a esperar a que acudan los que lo deseen.
- 27 El uso que hago de las nuevas tecnologías fomenta la participación de

los alumnos, la interactividad, la cooperación, etc. mediante la tutoría telemática, foros de discusión, etc.

28 Complemento el examen como método de evaluación con otros métodos de orientación formativa/continua (p.ej. trabajos, ensayos, informes, portafolios, etc.).

29 Utilizo como método de evaluación el contrato pedagógico, negociado con los estudiantes, fijando las tareas, los productos que se deben elaborar, el tipo de examen que se va a utilizar en la evaluación, etc.

30 Uso procedimientos de evaluación formativa/continua (p.ej. preguntas de clase, trabajos, informes, pruebas, ensayos, etc.) revisando y devolviendo corregidos a los alumnos los trabajos escritos con instrucciones para la mejora...

31 Evalúo no sólo para valorar los resultados del alumno sino para obtener información del procesos de aprendizaje e introducir las mejoras necesarias.

32 Planifico mi asignatura todos los cursos dedicando tiempo a esta tarea.

33 Facilito a mis alumnos el programa de la asignatura y les informo sobre el mismo.

34 Establezco claramente los objetivos de mi asignatura.

35 Mis alumnos saben cuáles son las referencias bibliográficas esenciales para la materia.

36 Selecciono los contenidos que voy a impartir utilizando criterios adecuados (objetivos, relevancia, utilidad, interés del alumno, etc.).

37 Utilizo variedad de recursos en clase (audiovisuales, transparencias, vídeo, pizarra, documentos, etc.) que faciliten la presentación de los contenidos.

38 Comunico a mis alumnos los objetivos de la sesión o del tema que estamos tratando en clase.

39 Recuerdo brevemente lo tratado en la clase anterior.

40 Al terminar la clase, hago una breve síntesis de lo tratado en ella.

41 Procuro transmitir a los alumnos mi interés por la materia que imparto.

42 Procuro que en clase exista un clima de buenas relaciones interpersonales.

43 Me intereso por los estudiantes como personas

44 Evalúo los aprendizajes de acuerdo con los objetivos establecidos en la planificación.

45 Establezco con claridad los criterios de evaluación de los aprendizajes de los alumnos y éstos los conocen.

46 Informo a mis alumnos de los métodos de evaluación que voy a utilizar.

47 Mis alumnos conocen los criterios de corrección de las pruebas que utilizo.

48 Realizo una evaluación inicial para precisar los conocimientos previos de los alumnos.

49 Evalúo en diferentes momentos del curso para llevar un seguimiento del aprendizaje de los alumnos.

50 Tengo en cuenta los resultados de la evaluación para modificar mi planificación, metodología y actividad docente a corto o medio plazo.

51 Oriento a mis alumnos para que mejoren sus resultados.

Annex 3 TAMFUQ Original Scales

| Centiles | Escala I | | | Escala II | | | | Escala III | | | | | Centiles |
|-----------|----------|-----------|------------|-----------|-----------|------------|-----------|------------|-----------|------------|-----------|----------|-----------|
| | Factor I | Factor II | Factor III | Factor I | Factor II | Factor III | Factor IV | Factor I | Factor II | Factor III | Factor IV | Factor V | |
| 1 | 1,0000 | 1,5355 | 1,0000 | 2,3957 | 2,0697 | 1,0000 | 1,3333 | 2,7925 | 3,0000 | 3,3333 | 2,8350 | 1,7500 | 1 |
| 5 | 1,3333 | 2,0000 | 1,3333 | 3,1429 | 2,7500 | 1,4500 | 2,0000 | 3,7500 | 3,4000 | 3,6667 | 3,5000 | 2,2500 | 5 |
| 10 | 1,6667 | 2,2500 | 1,6667 | 3,4286 | 3,0951 | 1,7500 | 2,6667 | 4,0000 | 3,6000 | 4,0000 | 3,7500 | 2,5000 | 10 |
| 15 | 1,6667 | 2,5000 | 1,8333 | 3,5714 | 3,2777 | 1,7500 | 3,0000 | 4,0000 | 3,6488 | 4,0000 | 4,0000 | 2,7500 | 15 |
| 20 | 2,0000 | 2,8500 | 2,0000 | 3,7143 | 3,5000 | 2,0000 | 3,0000 | 4,0000 | 3,8000 | 4,0000 | 4,0000 | 2,7500 | 20 |
| 25 | 2,0000 | 3,0000 | 2,0000 | 3,7143 | 3,5000 | 2,0000 | 3,3333 | 4,0000 | 3,8000 | 4,0000 | 4,0000 | 3,0000 | 25 |
| 30 | 2,3333 | 3,2500 | 2,1667 | 3,8571 | 3,7500 | 2,2500 | 3,3333 | 4,2500 | 4,0000 | 4,0000 | 4,0000 | 3,0000 | 30 |
| 35 | 2,3333 | 3,2500 | 2,1667 | 4,0000 | 3,8671 | 2,5000 | 3,6667 | 4,2500 | 4,0000 | 4,3333 | 4,0000 | 3,0000 | 35 |
| 40 | 2,3333 | 3,5000 | 2,3333 | 4,0000 | 4,0000 | 2,5000 | 3,6667 | 4,5000 | 4,0000 | 4,3333 | 4,0269 | 3,2500 | 40 |
| 45 | 2,6667 | 3,5000 | 2,5000 | 4,0000 | 4,0000 | 2,5000 | 4,0000 | 4,5000 | 4,2000 | 4,6667 | 4,2500 | 3,4715 | 45 |
| 50 | 2,6667 | 3,5000 | 2,5000 | 4,1429 | 4,0000 | 2,7500 | 4,0000 | 4,7500 | 4,2000 | 4,6667 | 4,5000 | 3,5000 | 50 |
| 55 | 3,0000 | 3,7500 | 2,6667 | 4,1429 | 4,0000 | 3,0000 | 4,0000 | 4,7500 | 4,2000 | 4,6667 | 4,5000 | 3,5000 | 55 |
| 60 | 3,0000 | 3,7500 | 2,6667 | 4,2857 | 4,2500 | 3,0000 | 4,0000 | 4,7500 | 4,4000 | 4,6667 | 4,5000 | 3,5000 | 60 |
| 65 | 3,0101 | 3,7500 | 2,8333 | 4,2857 | 4,2500 | 3,0000 | 4,0000 | 4,7500 | 4,4000 | 5,0000 | 4,7500 | 3,7500 | 65 |
| 70 | 3,3333 | 4,0000 | 3,0000 | 4,4286 | 4,5000 | 3,2500 | 4,3333 | 4,6000 | 5,0000 | 5,0000 | 4,7500 | 3,7500 | 70 |
| 75 | 3,3333 | 4,0000 | 3,1667 | 4,5714 | 4,5000 | 3,5000 | 4,3333 | 4,6000 | 5,0000 | 5,0000 | 4,7500 | 4,0000 | 75 |
| 80 | 3,3333 | 4,0000 | 3,1667 | 4,7143 | 4,7500 | 3,5000 | 4,3333 | 5,0000 | 5,0000 | 5,0000 | 5,0000 | 4,0000 | 80 |
| 85 | 3,6667 | 4,1888 | 3,3333 | 4,7143 | 4,7500 | 3,7500 | 5,000 | 5,0000 | 5,0000 | 5,0000 | 5,0000 | 4,2500 | 85 |
| 90 | 3,6667 | 4,2500 | 3,5000 | 4,8571 | 5,0000 | 4,0000 | 5,000 | 5,0000 | 5,0000 | 5,0000 | 5,0000 | 4,5000 | 90 |
| 95 | 4,0000 | 4,5375 | 3,8333 | 5,0000 | 5,0000 | 4,2500 | 5,000 | 5,0000 | 5,0000 | 5,0000 | 5,0000 | 4,7500 | 95 |
| 99 | 4,3333 | 5,0000 | 4,1667 | 5,0000 | 5,0000 | 4,7500 | 5,000 | 5,0000 | 5,0000 | 5,0000 | 5,0000 | 5,0000 | 99 |
| N | 315 | 315 | 315 | 315 | 315 | 315 | 315 | 315 | 315 | 315 | 315 | 315 | N |
| M | 2,7175 | 3,4569 | 2,5606 | 4,1190 | 4,0258 | 2,7678 | 3,7478 | 4,4965 | 4,2151 | 4,4988 | 4,3562 | 3,4593 | M |
| DT | ,80572 | ,74538 | ,70979 | ,54756 | ,66682 | ,87033 | ,84726 | ,52553 | ,51884 | ,49605 | ,53177 | ,74392 | DT |
| | Factor I | Factor II | Factor III | Factor I | Factor II | Factor III | Factor IV | Factor I | Factor II | Factor III | Factor IV | Factor V | |