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ABSTRACT OF DOCTORAL DISSERTATION
INSTITUTION OF LEGAL TRANSLATION AND INTERPRETING
IN THE FUNCTIONING OF PUBLIC ADMINISTRATION

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The subject of the doctoral dissertation are legal translations and interpreting in the functioning of public administration and their legal nature. Translation and interpreting were examined from the perspective of the legal conditions determining various translation models in public administration and from the perspective their forms and functions.

The root assumption behind the research was the distinction between the language(s) of public administration, language(s) of administrative law and the actual multilingualism of its environment. Translation enables the formation of language relations directly between the administration and administered entities and incorporation of documents drawn up in a foreign language into the national legal order. The creation of language relations has also become an indispensable element of the law-making process (in particular, the supranational law of the European Union) and its application. In the latter case, they are increasingly diverse and complicated. Today, national public administration authorities and administrative courts are expected to be prepared to conduct a multilingual interpretation of law, to formulate linguistically precise questions for a preliminary ruling to the Court of Justice of the European Union, to be able to conduct a comparative law analysis of conflicting public law norms, to be ready to cooperate with foreign public administration authorities and to issue and accept extraterritorial administrative acts. This picture is complemented by the gradual emancipation of linguistic human rights. More and more linguistic minorities other than national and ethnic minorities expect to be able to communicate with public institutions in their own language.

The overarching goal of dissertation was to create a multi-faceted characterization of translations that are used in various spheres of public administration, based on the

analysis of legal acts and the determination of the purpose and function of translation in each of them. The detailed considerations were based on the research thesis according to which translation is a legal institution necessary for the functioning of public administration in the European legal space.

The dissertation consists of seven chapters, introduction, and conclusion.

The **introduction** presents the genesis and justification of the overarching goal of the work and systematizes six complementary operational goals. The extensiveness of the research material required a precise selection and justification of research methods so as not to exceed the framework appropriate for the area of administrative law. The formal-dogmatic method was used as the basic method, and complementary, the historical and method of legal comparative studies based on contextual approach. Accepting the postulates of the leading legal scholars regarding the need for external integration of legal sciences as justified, I decided to include subsidiary methods and concepts (only to the extent necessary and in order to describe extra-legal phenomena) derived from translation studies and sociolinguistics.

The **first chapter** titled *Translation and the language of functioning of public administration* serves to delineate the research field of the dissertation. It discusses in detail the relationship between language and public administration. It opens with a review of the literature on the role of language in administration and administrative law. Then, the relationship between the language, the nation and the state is presented in historical terms, followed by description of the most important assumptions of the state's language policy and the functions that the language fulfills for public administration. Chapter includes considerations on the gradual development of norms regarding linguistic human rights in instruments of international law of universal scope, in regional international law (with particular emphasis on the acquis of the Council of Europe) and in European Union law. The conclusions resulting from the preliminary analysis of the role of official languages and linguistic human rights were later presented in the context of the model of ethnolinguistic democracy, which is based on the assumption that people and entire nations are not treated equally and with due respect in democratic discourse, unless they are free to use their own language. Translation is considered to be the *modus operandi* of ethnolinguistic democracy and a guarantee of discourse equality. This assumption is ideologically close to the concept of multilingual EU administration and the principle of a democratic state ruled by law. This model is language-oriented, therefore it was supplemented with the concepts of *language spaces of public administration* and their *legal determinants*.

The basic legal determinants include the principle of multilingualism of the EU administration, linguistic autonomy of EU institutions, the principle of the Polish official language, the principle of non-discrimination on the grounds of language and linguistic

rights of minorities (national, ethnic, foreigners and people experiencing permanent or temporary difficulties in communicating in the official language). Based on the above assumptions, an original model of language dependencies in multi-level and multicentric administration was constructed. Lastly, the first chapter characterizes the basic legal determinant, which is the principle of the Polish official language and its relationship with translation, including the issue of translating acts of international law and the institution of an auxiliary language of national and ethnic minorities.

The **second chapter** titled *Translation and multilingualism in the administration of the European Union*, discusses how the multilingualism of the European Union affects public administration. The chapter discusses issues such as, the origins and features of the multilingualism of the European Union, the multilingualism of the sources of European Union law, the multilingual interpretation of EU law, the language systems of the institutions, bodies and agencies of the European Union, the scope of protection of the linguistic rights of citizens and linguistic minorities in the European Union and the role of translation in European administrative cooperation.

The **third chapter** titled *Translation for administrative and legal purposes* systematizes legal terminology related to translation and interpreting in administrative law, and defines various types of translation and interpreting in domestic administrative law. These findings were compared with the characteristics of translations for legal purposes in the field of translation studies. Particular attention was paid to the concept of the translation system and the equivalence relationship between linguistic phrases expressed in languages related to the law. The considerations include the issue of specific methods interpreting and the way they are used in the functioning of public administration. A significant part of the third chapter is devoted to the problems of transcription and transliteration of names and surnames and its impact on the correct transposition of documents into the national legal order.

The **fourth chapter** titled *Entities authorized to prepare translations* contains a discussion of the legal and professional status of sworn translators, notaries and consuls, as well as characterization of the legal nature of the translations prepared by them.

The **fifth chapter** is titled *Translation in administrative proceedings*, court-administrative proceedings and enforcement proceedings in administration. The preparation of this chapter was preceded by an extensive case law query, which served as a basis to identify the main lines of case law regarding the translation of applications, the use of translations in technical and procedural activities in the course of proceedings and measures to discipline the course of proceedings, the use of translations in explanatory proceedings, the admissibility of translating administrative decisions and the so-called burden of translation in administrative proceedings which is related with

problem of incurring translation costs. Issues relating to general administrative proceedings are each time juxtaposed with the case law issued on the basis of the Tax Ordinance. As part of the issues related to translation in administrative court proceedings, reference was made to i.a. admissibility of translation as supplementary evidence in administrative court proceedings and the right to free assistance of an interpreter in administrative court proceedings in the context of the grounds for invalidity of these proceedings. The chapter closes with a discussion of issues related to the translation of documents as part of mutual assistance in the recovery of taxes, duties and other pecuniary liabilities.

Chapter six is focused on *Translation in Immigration and Asylum Law*. It covers a wide spectrum of problems related to translation in the context of border management, including the issue of access to an interpreter and the use of translation in procedures related to the entry into the territory of the Republic of Poland of citizens of the European Union Member States, the prohibition of discrimination of European Union citizens enjoying the freedom of movement based on language. Translations in individual proceedings related to foreigners applying for international protection are discussed separately.

Chapter 7 deals with *Translations for persons experiencing permanent or temporary difficulties in communicating in Polish*. It presents the issues of communication accessibility of public administration and individual guarantees related to access to translation into Polish Sign Language, Polish Sign Language System and Communication System for the Deaf-Blind Persons. The foundation of this chapter is the supporting thesis according to which the study of the administrative and legal situation of people experiencing permanent or temporary difficulties in communicating in Polish, it is necessary to change the paradigm and focus research efforts on language rights and communication accessibility of public institutions, instead of the disability-based perspective. A comprehensive study of these issues required an in-depth literature review and involved conducting a comparative legal analysis of the status of sign languages (natural languages) and other means of communication in various legal systems.

In **conclusion**, the research thesis was verified, a summary of the implementation of research goals was made, and *de lege ferenda* conclusions and postulates formulated in individual chapters were collected. At the end, the desired directions of further detailed research on translations in public administration were indicated, for which the prepared dissertation can be a useful source of reference due to the proposed theoretical concepts, systematization of legal terms and conclusions resulting from an extensive case law query.

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