Translating genres, creating transgenres: Textual *betweens* as situation-based systemic innovations

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Abstract. This paper works on the notion of *transgenre* (Monzó-Nebot 2001a, 2002a, b), its uses and possibilities in the study of translation as mediating intercultural cooperation. Transgenres are discursive patterns that develop in recurring intercultural situations and are recognized and used by a community. Based on the reiteration of communicative purposes and individuals' roles in translated situations, interactions are conventionalized to streamline cooperation between cultural and social groups, thereby engendering a distinctive set of taken-for-granted assumptions and meaning-making mechanisms and signs which are particular to a translated event. The paper will first argue how this concept takes a step beyond the existing proposals from cultural, social, and linguistic approaches, especially the third space, the models of norms and laws of translation, and universals and the language of translation (*translationese*), by focusing on the situatedness of textual, interactional, and cultural patterns and providing a means to model and measure the development of translation as a discursive practice, as such influenced by historical, cultural, social, cognitive, ideologic, and linguistic issues. Then existing applications of the concept and new possibilities will be identified and discussed. The results of existing studies show translations build a third space of intercultural discursive practices showing tensions with both source and target systems. The legal translator is at home in this third space, resulting from their own cultural practices, which are linked to translators' specific function in a broader multicultural system.
Key Words: transgenre, legal genres, legal translation, translation norms, translationese, third space.

[es] Traducir géneros, crear transgéneros: Los espacios intermedios textuales como innovaciones sistémicas enraizadas en las situaciones

Resumen. Este artículo trabaja la noción de transgénero (Monzó-Nebot 2001a, 2002a, b), sus usos y posibilidades en el estudio de la traducción como mediadora en la cooperación intercultural. Los transgéneros son patrones discursivos que se desarrollan en situaciones interculturales recurrentes y son reconocidos y utilizados por una comunidad. Sobre la base de la reiteración de los propósitos comunicativos y las funciones de los individuos en las situaciones traducidas, las interacciones se convencionalizan para racionalizar la cooperación entre los grupos culturales y sociales, lo que genera un conjunto distintivo de supuestos asumidos, signos y mecanismos de creación de significado que son particulares de una situación traducida. En el artículo se argumentará en primer lugar que este concepto va más allá de las propuestas existentes de los enfoques culturales, sociales y lingüísticos, especialmente el tercer espacio, los modelos de normas y leyes de la traducción, y los universales y el lenguaje de la traducción (*translationese*), al centrarse en el carácter arraigado en una situación de las pautas textuales, de interacción y culturales; por ello, proporciona un medio para modelar y medir el desarrollo de la traducción como práctica discursiva, influida por cuestiones históricas, culturales, sociales, cognitivas, ideológicas y lingüísticas. A continuación, se

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identifican y exponen las aplicaciones existentes del concepto y nuevas posibilidades. Los resultados de los estudios existentes muestran que las traducciones construyen un tercer espacio de prácticas discursivas interculturales que muestran las tensiones con los sistemas de origen y de destino. En ese tercer espacio, resultante de sus propias prácticas culturales vinculadas a la función específica de los traductores en un sistema multicultural más amplio, el traductor jurídico se siente en su propio medio.

Palabras clave: transgénero, géneros jurídicos, traducción jurídica, normas de traducción, lenguaje de la traducción, tercer espacio.

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1. Introduction

The profile of translation as a social activity has been undergoing an extensive meta-morphosis for the last decades. The changes that have taken place in the broader context of communicative practices, especially technological changes, since the second half of the 20th century, have brought about a profound transformation in the forms and means of communication at all levels. Partly as a response to those changes, but also facilitated by them, translators have organized and advanced an agenda for acknowledgement and visibility, which is developing at different rates in different territories (see Wadensjö, Englund Dimitrova & Nilsson 2007). Structures for collective management such as associations, chartered institutes, and federations have been pushing for initiatives of professionalization; voices of resistance have been raised in the academic field vindica-ting the centrality of translation in the development of cultures; and changes have been introduced in the way professionals access and develop their activity, especially in their opportunities for training, but also in their capacity and legitimacy to impact the con-ditions in which they work, and to make their own views on the issues that affect their roles prevail. The shift from considering translation as a reproductive practice to ack-nowledging its productive and transformative character (see Arrojo 1994, Chamberlain 1988, Gouanvic 2010) has reshaped our views on translation and the possibilities for Translation and Interpreting Studies. Understanding this character and taking a genre-based stance, this paper will explore the concept of *transgenre*, that is, genres that are exclusive to translated situations, and the possibilities of talking about translated situa-tions as recurrent sociocultural practices of intercultural cooperation and of translations as informing a discursive system of situated translation practices.

2. From reproduction to production in legal translation

Reviewing the methods historically used in legal translation, Šarčević (1997) offered valuable data attesting to the resistance put up by legal cultures to recognize their so-

cially negotiated origins. The myth of *authorlessness* (see Monzó-Nebot 2018: 466) sentries the integrity of the law much as Kafka's guard kept its door (Kafka 1952). The law as a system —a social system rooted in the history and culture of a community— demands their agents to hide their traces, also in their discourse (see Bourdieu 1986), which may explain why also agents in Translation and Interpreting Studies have been reluctant to acknowledge the active role of translators and interpreters in protecting and reproducing or disturbing and unveiling the operation of the legal field. The trend, however, is changing, and authors are voicing how translators and interpreters do make decisions and do impact the legal field, whether they decide to leave things unchanged or consciously opt for subversion (see Engberg 2017, Šarčević 2000).

Acknowledging that translators and interpreters introduce novelties in the systems where they operate, however, is far from new. Influential contributions have been made from linguistic, social, and cultural approaches. In the first group, Baker's *translationese* has been seminal. The author attempted to describe the particularities of translation at the linguistic level using corpus methods (see Baker 1997). *Translationese* has been conceptualized as part of translation *universals* and studied as the linguistic features found in translations into one same language from a range of different source languages, in an attempt to neutralize the influence of any particular source language and focusing on those features that are common to translation *per se* (see also Baker 1999, 2004). The notion of translation *norms* (Toury 1978, 1995b) is a contribution made from a social perspective, where the focus lies on the behavior of translation as a social system within more complex social organizations. The goal of norm-based studies is to find out how and why the behaviors of different agents coalesce and produce a shared understanding of how translations are and are supposed to be within any given social system. From a cultural perspective, the most influential proposal in Translation and Interpreting Studies has been that of Bhabha's *third space*. Bhabha observes the conflict between cultures and how the moments when they clash trigger the creation of a space 'in-between' —a new culture born from two different, pre-existent ones; new because it differs from both mother cultures but also related as it shares features with them.

The notion studied in this paper, that of transgenre, shares with these proposals the understanding of translation as a creative tool for reorganizing the relations between cultures. It differs in explicitly understanding the novelties created as rooted in a situation and responding to the translators' socialized understanding of how to enhance intercultural cooperation. Further, the concept focuses on translation as a discursive practice, dealing with and having an impact on intertwined linguistic, social, and cultural systems at the same time. The notion of transgenre was developed to cater to the subtleties and possible differences of particularized intercultural contacts (either virtual or physical) rooted in specific but also recurrent situations where translation/interpreting supports human cooperation. Based on the fact that intercultural legal situations add further differences and complexities to intrasystemic interactions in the legal field, the idea behind transgenre as a notion is that different conventionalisms will be required to ease intercultural legal interactions than those necessary in intrasystemic situations. Much as genres do in non-mediated communication, transgenres develop common codes that waive the need to make everything explicit, saving us time and energy in our common endeavors, reducing variability and the need for negotiating how interactions are supposed to take place, allowing other tasks to gain a more prominent role. What is left

implicit and what is made explicit, especially regarding the differences between the cultural (particularly legal cultures), social, and textual conventions at stake, signals the degree of cooperation already established between the systems and their agents. If the existence of transgenres can be diagnosed by resorting to the analysis of their discursive features (cultural, situational, and textual), proving they are actually developing across legal fields would give us a sign that particular intercultural contacts are recurrent discursive practices that are developing their own codes to increase and ease cooperation. Further, they can show us how translators understand the specific requirements of intercultural cooperation in particular situations.

The basic premise that needs to be accepted in order to work with transgenres brings us to the title of the paper, as transgenres can only be created by translators, by their own understanding of the encounter and their role in the interaction. The existence of legal transgenres necessarily stems from the idea of translation as a productive (and not merely reproductive) practice. Therefore, do translators create their own genres? Do translation commissions create situations which may be correlated with texts? Do analogous situations take place over time so that these texts and their components can be tested as for their communicative efficiency? Are there efficient utterances and discursive strategies that are actually used by different translators in different translations for analogous translation commissions? Can this recurrence be deemed a *genre*? Is this new genre exclusive to translation situations? These questions were first posed from mere intuition resulting from the professional practice of legal and official translation, but then molded a research project (Monzó-Nebot 2001a, 2002a, b). The results have subsequently been tested, validated, and used by different authors (Bestué 2008, 2015; Bestué & Orozco Jutorán 2011; Monzó-Nebot 2006, 2008; Moreno-Pérez 2020; Morón-Martín 2017; Navarro 2007; Santamaría 2003).

This paper is an attempt at assessing the actual contribution of the notion to our knowledge on translation in general and legal translation in particular. By reviewing its applications, I will highlight how the different situations may impact results and how the different levels of analysis may together contribute to our knowledge on the links between the micropractices of different translators, and whether their professional performance can be considered as derived from a shared interpretation of an intercultural situation and a shared corpus of knowledge guiding the solution that will ensure the success of the intercultural interaction. I will therefore search for unity in diversity to determine whether we can establish the existence of a discursive system determined by translators and their views. The paper will first offer a short overview of the contributions that influenced the very notion of transgenre (as developed in Monzó-Nebot 2002a). Then the method and the corpus of the review will be presented before discussing the results achieved in generating new knowledge and the possibilities identified.

2.1. *Genre: socially developed, historically and cognitively rooted*

Approaching translation from a genre-based perspective involves a particular understanding of communication. From the sociological turn in genre studies, Bakhtin's views of genre have prevailed, introducing complexity and the need to combine semantic (notional base), syntactic (relation between integrating parts), pragmatic (relations between participants), and verbal (sign-based) aspects. Under

this view, genre is no longer form but form linked to collective memory that conveys ways of conceptualizing the world historically developed within a particular community: "no living word relates to its object in a *singular* way: between the word and its object, between the word and the speaking subject, there exists an elastic environment of other, alien words about the same object, the same theme" (Bakhtin 1981: 276).

Also, Ben-Amos (1969), adopting an ethnographic method to the classification of genre, stressed that genres are the product of a culture, and that their origins and systemic interactions are to be foregrounded. This view rendered universal categories inadequate and invited culturally specific descriptions of genre systems. Under this perspective, the question arises whether translations are to be considered as part of the target genre system or if they are to be understood as culturally particular and therefore merit individualized descriptions and classifications.

Genre studies have been quite productive within the framework of translation studies. Reiß & Vermeer (1984), James (1989), Hatim & Mason (1990), Baker (1992), Chesterman (1997), Nord (1997), or Alcaraz & Hughes (2002), among others, have suggested that genre conventions of the target culture must be observed for a translation to be accepted by the intended audience. Other authors (Nida 1964, Nida & Taber 1969, Tymoczko 1990, Zlateva 1990) have seen genres as the platform from which novelty can be introduced in cultural repertoires. The advantages generally identified in studying translation and interpreting from a genre approach are manyfold and touch upon training, practice, and research aspects (often simultaneously). In understanding source texts, for instance, identifying genre conventions has been said to provide a framework for interpreting textual structure, conceptual issues, interactional purposes, specialized terminology, audience expectations, etc. Some authors have even suggested that specific genres may be assigned specific translation strategies for specific language pairs (Arntz 1988: 468), although no conclusive results have been produced in this sense (see Mayoral Asensio 2002 for a critique of this point). Substantial research efforts have been devoted to finding the key elements that distinguish one genre from another as a basis for classification (Emery 1991, Goźdź-Roszkowski 2020, House 1977, Reiß 1982, Sandig 1972, Schmidt 1993, Wilss & Thome 1984). Descriptions of genres relevant to translation have mainly focused on specialized domains and provided substantial data to increase our knowledge of discourse across languages and cultures (among many others, Moreno-Pérez 2020; Orts 2015; Pontrandolfo 2014).

The study of translation from a genre approach has nevertheless avoided to talk about translations themselves as embodying particular genres and genre systems with their own conventions. This may have a rather simple justification: Research in this genre approach has mostly taken as a default translation commission one that asked for a covert translation (in House's sense, see 1977) cast in existing conventions that would bestow upon translations the appearance of an original, and so expressly inhibited system innovations. The results have yielded descriptions of recurrent strategies, identification of linguistic regularities, and suggested solutions to translation problems. However, this descriptive approach to genres in Translation Studies has missed the particularities that make translations depart from the expectations demanded from non-mediated genres and even treated those as deviant exceptions or even mistakes, rather than observing them as conforming to their own demands. Would this mean that translations do not have features and relationships that may allow for

their study as a separate system from a genre perspective? Or are their characteristics not homogeneous enough or even too random to allow for the description of textual models? Are translators not considered a community that can develop their own models of communication? Different approaches have legitimized the study of translation as a system on its own. The following sections will summarize the basic views that have turned our gaze towards translations as an object of inquiry in order to scrutinize their own rules and features.

2.2. *Cultural perspectives on the third space: Translating in and between*

Living in the frontier has been widely used as a metaphor to talk about translators. The frontier's richness, heterogeneity, and uncertainty have appealed both to theoreticians and practitioners as encapsulating the complexities of mediation. Ideological clashes have been at the core of this perspective, and a claim for ethical translation has tried to bring minor voices to major ears mostly in the Western world. The frontier, the border, the third space, travelling, all have been used as images of conflict (not necessarily confrontation), and translation has been presented as the solution. Both in Translation and in Cultural Studies, the in-between has garnered interest. Lotman (see for instance 2001) and Bhabha (1994) stand out for their influence in building a rich basis for discussion. Lotman theoretically described the frontier as a space where rich communicative phenomena occur. His proposal takes into consideration the flow between two interacting semiotic spaces which together produce new information. This borderland is an autonomous space for permanent translation that is different from any of the systems involved. It is a space of autonomous creation where innovation and conservatism jostle, and translation becomes a cognitive tool: an "elementary act of thinking is translation" and an "elementary mechanism of translating is dialogue" (Lotman 2001: 143).

On the other hand, Bhabha observes from a postcolonial context the conflict between cultures and suggests that this may be considered as a third space, where conflict engenders creation –a new culture born from two different, pre-existent ones; new because it differs from both mother cultures even when sharing features with them. As Lotman did, Bhabha takes translation as a privileged tool for intercultural communication and, as Geertz (1977), he stresses how the fluidity and instability of the process open up possibilities: "it is that Third Space, though unrepresentable in itself, which constitutes the discursive conditions of enunciation that ensure that the meaning and symbols of culture have no primordial unity or fixity; that even the same signs can be appropriated, translated, rehistoricized, and read anew" (Bhabha 1995: 206). Bhabha's work has been seminal in translation studies in the field of literary translation and postcolonial and gendered theories. Maier (1996) or Godayol (2000) introduce in their research the spaces in-between and the frontier, where minority cultures, and also translational activity, meet.

Voices against the positioning of translation in this third space, or against the very existence of such space in culture contact, have focused on power differentials. Lane-Mercier (1997: 63) or Tymozcko (2003) argue that, in real practice, translators do position themselves at one side of the border in making their aesthetical, political, or ideological choices. Also Santamaria (2001: 60) points out that these third spaces lack any roots which may secure their existence, and this precariously perching in

the middle provides an open ground for cultural mobility where one of the cultures at work always takes advantage of the possibility of widening its scope and influence. In this sense, however, the lack of roots cannot be taken to support the idea that translation is a 'non-place' (Auge 1992), an environment where no frontiers, no identities, no symbols, no live at all are introduced by the individual who wanders passage ways, never as origins or destinations. Even if translation has traditionally been asked to remain invisible, its traces are very much felt, and needed.

2.3. *Norms in systems, translation as social practice*

The development of Descriptive Translation Studies was strongly influenced by Even-Zohar's Polysystem Theory, where the stress was placed on how a system may be shaped and transformed by its contacts with others. Rather than focusing on the very flow between cultures —as Lotman in particular did—, the target system was foregrounded. This focus served a very specific purpose, that of legitimizing the study of the target text and the target system as objects of inquiry on their own, avoiding comparisons that enshrined source texts and condemned any deviations from its features. DTS allowed us to see translations (especially literary translations) as systems with their own markets and demands, and shifted the focus to the relationships between translated texts, and between these and their receiving systems. This was accompanied by the introduction of the notion of *norms* of translation which are those conventions existing in the translation market which influence translators' behavior (Toury 1978, see also 1995a). The study of norms brought about a wealth of studies on how translations from the same sociohistorical context are related and provide clues to understand their social and historical context.

Even-Zohar's seminal work (1978) pointed out the existence of particular structures in literary translations which are not to be found in the repertoires of source and target systems. Accordingly, translated literature should be considered as a system with its own features and constraints. Translated literature thus engenders a different literary repertoire, a distinct product, a systemic process that is different from any other social practice of text production. Toury further claims that translations are systemic entities originating from a specific set of needs, functions, and constraints, that is, an entity regulated by its own norms.

The study of norms (Chesterman 1993, Hermans 1996, Nord 1991, Toury 1978) points out the special nature of translation vis-à-vis any other kind of communication. In Hermans' words, norms are rules of behavior that "govern those decisions in the translation process which are not dictated by the two language systems involved" (1995: 216). These norms are often seen as adherence to target or source systems (respectively performing acceptability or adequacy) but anyhow regulate a system that operates differently. Norms therefore engender regularities because they orchestrate and coordinate behavior across individuals. And they leave traces in the texts that allow us to understand how a system thinks of translation. "[T]he very need to 'communicate in translated utterances' (Toury 1980) imposes patterns of its own, a statement which certainly deserves some more consideration – and specification. In experimental methods too" (Toury 1991: 50).

Norms have been abundantly used as a theoretical framework to organize descriptions of translations within specific systems. However, norms are system- and

not situation-specific, which means that they force us to move from any particular intercultural encounter to the bigger picture in order to understand how a particular system understands intercultural encounters. In that sense, they differ from transgenres, which allow us to focus in on specific interactions across and between systems, to focus on how specific intercultural solutions become recurrent and develop translation-specific conventions aimed at enhancing mediated intercultural cooperation.

2.4. *Linguistic perspectives on the 'third space'*

The contributions I will briefly discuss in this section have been collectively termed as the 'translation as genre' strand in Translation Studies (Hatim 2001). However, the studies included in this strand consider 'translation' to collectively represent a genre in any cultural system, rather than approaching all mediated situations as able to engender specific genre*s* (emphasis on the plural). Indeed, in a paper dated in 1973 and published in 1975, Dressler specifically mentioned the genre 'translated text' ("Textsorte 'Übersetzungstext'"). This genre, a notion that Dressler traces back to the *Übersetzungsstil* ('translation style') as posited by Wills (1963: 43), shows linguistic regularities which can be found across translations. Dressler's intention is evaluative, and his point is to show the existence of different levels of equivalence (mainly pragmatic, thematic, and semantic). By conceptualizing translation as one genre, one counterpart to any number of original genres, his contribution seems to have borne influence on today's perspectives of translation as genre.

Another remarkable contribution is that of William Frawley (1984), whose idea of translation as a third code has been the basis for relevant studies in the field (Baker 2000). From a semiological view, Frawley sees a bilateral relationship between source and target codes born from the need of translations to simultaneously assess both of them in order to create a translation, which is conceptualized as a subcode of both source and target codes. Although this subservience renders translations as subproducts, the presence of information in the resulting code (168) implies a new reality was needed, as translations would otherwise be redundant.

Baker's studies fill in some of the gaps found in Frawley's model, especially the representativity of the corpus on which he based his views (some verses), by working with large computerized corpora in the search of patterns which may provide actual evidence for the existence of such a subcode. Baker's starting point is the social consideration of translated texts as "second-hand and distorted versions of 'real' texts". The argument is reversed in recognizing translations as distinct linguistic products with norms of their own. These norms arise from the translation's "own goals, pressures and context of production" (1997: 175).

James (1989), on his part, also sees translations as a genre which exists in the target system and which deserves special consideration. He draws on data provided by Toury about how target readers receive translations to sustain the claim that readers are aware of translation being something *different*, and how this very fact on its own shows they are an entity —one distinct from original texts. Even though other studies have disproved that readers are able to identify translations as such (Tirkkonen-Condit 2002), James' claims can be understood to refer to translation as a system, and not to specific textual realizations of the concept.

   From a prescriptive rather than a descriptive point of view, Hickey (1998) describes legal documents as texts deeply rooted in a cultural system and suggests a special translation technique, termed *marking*, that should be used to allow readers to identify translations as such, that is, to make legal translations *overtly* translations in the target system. What Hickey suggests is the introduction of key elements that secure the reader's consideration of the text as a translation. Thus, translating the 'Data Protection Act' would require to specify that the Act is coming from a different legal system (something like the 'British Data Protection Act'), in order to help readers understand that what is being said does not refer to the law in their own country. Thus, *marking* makes the distinction between originals and translations a practice which is required for originals and translations to occupy different niches but also a regular and recurrent practice that distinguishes translations as an entity.

3. Reviewing results: How telling are transgenres?

In order to test how valuable the notion of transgenre has proved to be, this section will review available results from its application in the field of legal translation studies. The papers analyzed were identified by resorting to the e-lectra database (Monzó-Nebot 2010). Both contributions dealing with its applicability and descriptions of actual transgenres were considered. The contributions reviewed showed different approaches to transgenre as a notion and to transgenres as models for mediated communication. Namely, these contributions include corpus-based descriptions, training applications, conceptual elaborations, and also endorsements of the concept and the particular comparative method it supports for research purposes. Indeed, Pozo Triviño (2009) suggests that transgenre may be a suitable framework for analyzing maritime legal documents and points out the hybridity that the notion emphasizes. Other authors, such as Corpas Pastor (2003) or García Izquierdo and Montalt (2002) and Borja, García Izquierdo and Montalt (2009) similarly endorse the applicability of the notion in systematizing translation conventions rather than using it empirically. Even though these contributions do help in advancing the use of the notion, this section will focus on actual applications of the concept. The discussion will first focus on empirical descriptions and then on training proposals. The different developments of the notion will be discussed in relation to these two approaches.

   After developing the concept (Monzó-Nebot 2001a), the first study on a particular transgenre that used such notion focused on the translation of conveyance agreements (Monzó-Nebot 2002a). In this instance, the method was comparative and translations conducted by different professional translators were compared with how the genre operates in both source and target cultures when no intercultural mediation is involved. The tensions between source and target conventions were used to illustrate how the linguistic functions, as posited by systemic functional linguistics (see Halliday 1985 and also Marco Borillo 2002), were performed in the systems involved (British, Spanish, and Catalan original texts, and translations into Spanish and Catalan). However, no coherent strategy was found across translations produced by the different translators participating in the study and it was concluded that the particular situation under study was underdeveloped. Based on these results and a survey among sworn translators in Spain, it was suggested that this lack of a shared understanding of the problems and solutions of the translation of British conveyan-

ces into the Spanish system (both into Spanish and into Catalan) may be a sign of the scant degree of cohesion among translators, that is, that the community of translators was lacking a well-developed professional culture based on a shared corpus of knowledge. However, a common feature in the transgenre was indeed identified, namely the marking (Hickey 1998) of the translated nature of the text even though other strategies may result in acceptable translations.

Another descriptive study analyzed the translation into European Spanish of police clearance certificates from India. Navarro (2007) focused on describing the legal process for which such translations were required and highly demanded at the time, namely the legalization of illegal migrants. In her paper, the author analyzed the original texts she gathered from her translation practice and then suggests translation solutions which are explicitly based on the notion of transgenre. From the level of analysis originally suggested for the analysis of transgenres (see Monzó-Nebot 2003c, 2008), she selected terminology referred to the agents involved, names of places, and macrotextual structure. In her suggestions, we can see her priorities as a translator are facilitating that readers understand the translated nature of the document while preserving cultural differences.

Bestué (2008) uses the notion to describe translations that have pervaded the target system and provide elements for the repertoire in both translated and also original texts. She focuses on phraseological and terminological units in legal contracts and contends that semantic equivalence may disregard and even infringe conventions resulting from intercultural contact and translation situations. Therefore, Bestué gives priority to transgenre-based conventions over original-text conventions, embracing the creative force of translation and its power to introduce innovations in the system, but most importantly the power of translators to set the rules operating in mediated communication. Furthering her work, Bestué and Orozco Jutorán (2011) similarly identify expressions that are unnatural in the target language (Spanish) but frequent in translations across their corpus. Their assumption is that those expressions are first the product of machine translation systems and then reproduced by human translators based on their frequency in readily available online sources. In a sense their argument refuses Bestué's original idea in that they adopt a prescriptive stance, rather than describing how translation changes everything. In this paper, their use of transgenre resembles that of the negatively charged use of *translationese*, most frequent out of the specialized translation studies community. Indeed, they argue: "we should be giving more importance to the language and idiomacity of the TT, because otherwise we are creating a parallel legal language of sorts, without that being the aim, and of course we are contributing to greatly impoverish the target language" (Bestué & Orozco Jutorán 2011: 195). They ask translators to approach each translation decision afresh, considering its particular requirements, to disregard conventions that destabilize the target linguistic system and to strive to preserve its idiomacity. Bestué (2015) elaborates on both contributions and finds a middle ground. She works on establishing the limits of innovation based on the results of a corpus of online available documents providing website legal information and argues that the tension between source and target conventions consistently favors source-system conventions endangering the target-system recipients' interest —or, as I would put it, intercultural cooperation.

In these last three contributions, a distinction must be made that may help us understand the apparent shifts in position in Bestué's work, from descriptive to evalua-

tive and prescriptive. In her last two works (including her cooperation with Orozco Jutorán), the corpus is made of online available texts which are —as Bestué and Orozco Jutorán themselves uphold— probably the product of machine translation. In her first work (Bestué 2008), the author empowered human translators by unveiling the impact of their work on the target system. As unsocialized unreflective 'agents', machines do not create a community (at least not yet) and their conventions are culturally meaningless. Such genres are at odds with the "cultural space in-between" created by the decisions taken by translators (Monzó-Nebot 2002b: 28). At best, the features engendered by the use of machine translation signal the existence of a culture that unroots communication at its production while preserving the roots of power differentials between agents, languages, and cultures.

Finally, as far as corpus-based descriptions are concerned, Moreno-Pérez (2020) focuses on the cohesive relationships created by demonstrative adjectives when acting as deictic devices in legal contracts with the aim to determine whether the transgenre created in this particular situation shows translation-specific patterns or fully embraces either target- or source-specific conventions at this level. To conduct her analyses, Moreno-Pérez used three different corpora, two corpora of original texts (British English and European Spanish) and one made of translations provided by 37 translators of one of 11 originals selected from her British English corpus. The results of her study show that the tension between source and target systems do not favor either one but produce a hybrid and also unstable solution that behaves as a third space.

In these corpus-based descriptions, a question of method must be highlighted. Two different approaches can be identified. On the one hand, some studies collect 'naturally occurring' translations (Bestué 2008, 2015; Bestué & Orozco Jutorán 2011) whereas others adopt a quasi-experimental approach and ask translators to conduct the translation of either one (Monzó-Nebot 2002a) or several (Moreno-Pérez 2020) source texts. Further, in one case, the researcher is also the author of the translations (Navarro 2007).

A second set of studies work on the training applications of the notion of transgenre. Supporting the application of the concept for training purposes, Santamaría (2003) advocates for the work with transgenres in the classroom in order to show students how legal translations are expected to be performed in particular situations in order to be accepted by their host system. She argues that usual dichotomies regarding translation method (sense- vs form-based, adequacy vs acceptability) are too limited and simplify the real needs of legal translation, whereas the transgenre approach allows conventions at any level to be systematized irrespective of their source-, target-orientedness, or novel character.

In Monzó-Nebot (2006), the study focuses on a learning experience and compares the results of two groups of students being trained in legal translation from English into Catalan. The genre in this case were different types of certificates (administrative, civil registry, and academic certificates). In the first group of students, original English and Catalan texts were used for different tasks (terminology extraction, linguistic correction, identification of macrostructural and superstructural conventions, syntactic features, etc.), comparisons were established and differences were discussed. No pre-established solution was offered as to how to solve the differences, but reflections as to how acceptable and adequate translations would impact the readers in the translation situation were guided. In the second group, these analyses were combined with a critical reading of real translations. This quasi-experiment showed

a decrease in variability in translation solutions given by experts and increased coherence as far as translation solutions are concerned. This study must be understood in the framework of previous work (Monzó-Nebot 2001b, 2002b, 2003a, b, c) elaborating on the idea of how professionals are socialized by being exposed to their peers' behavior, acquiring essential skills, most particularly their shared professional culture. Transgenres, in this framework, are a critical means to provide students with instances of their future peers' behavior.

As a final contribution in the area of training applications, Morón-Martín (2017) asserts the need to expose translation trainees to legal transgenres and adds an empirical assumption to the discussion. Namely, she mentions the case where new conventions are created for contracts to work in an international culture across boundaries, which she considers a genre created to foresee its translation, that is, created because translation exists, therefore being part of the notion of transgenre.

This review has identified the work conducted on the notion of transgenre, for both research and training purposes. In so doing, some conceptual nuances introduced by different authors have been highlighted, and relevant issues as to method have been stressed. The results of the studies in descriptive approaches have shown the relevance of adopting a convention approach to the analysis of legal documents rather than considering translations in dichotomous terms as choosing one translation method over another. Further, the studies scrutinized have shown interesting variations as to the approach adopted in studies working on human and machine translations, highlighting the cultural, social, and cognitive bases of the concept, showing how the collective memory pointed out by Bakhtin (1981) cannot be reproduced by the merely accumulation of texts but requires the understanding of intercultural cooperation.

4. Conclusion

This paper has reviewed the roots and the applications of the notion of transgenre. The notion has been traced back to influential ideas in Translation and Interpreting Studies, especially the third space, the models of norms and laws of translation, and universals and the language of translation (*translationese*). It has been claimed that transgenre takes a step beyond the existing proposals from cultural, social, and linguistic approaches in allowing to align conventions and situations that are exclusive to translated communication. The cultural roots of transgenres in the community of professional translators have been emphasized, together with the instability of this newly created third space and its discursive practices. Even though translations are recognizable entities in established social systems, ruled by their own system of hierarchies, priorities, and expectations, the particularities of intercultural cooperation lead to different degrees of recurrency of situations requiring translations, which provide different opportunities for legal translations to develop, to evolve, and to test their efficiency as discursive practices. By focusing on the situatedness of textual, interactional, and cultural patterns, the notion of transgenre has been pinpointed as a means to measure but also to model the development of translation as discursive practice.

Then existing applications of the concept and new conceptual developments have been identified and discussed. The results of existing descriptive studies show translations build an instable third space of intercultural discursive practices showing tensions with both source and target systems (Monzó-Nebot 2002a, Moreno-Pérez

2020). In these descriptions, the source of translated texts has proved crucial in the perception of the transgenre created as 'legal irritants' (Teubner 1998) of sorts, that is, elements of a foreign legal or linguistic system with no connection to the nodes of the target cultural fabric. Indeed, legal translations resulting from machine translation processes have been identified as introducing unwanted novelties in the system (Bestué & Orozco Jutorán 2011), whereas conventions produced by human translators have been signaled as a means of positive innovations for both translated and original texts in the target system (Bestué & Orozco Jutorán 2011). When studies have worked with human translations, both naturalistic (Monzó-Nebot 2003c) and quasi-experimental (Monzó-Nebot 2002a; Moreno-Pérez 2020) approaches have produced similar results, showing the instability of transgenre conventions, signaling a comparable instability of the cultural community of translators, that seems to share, however, some common principles as to how translators understand the aims of the intercultural encounters and the means they use to enhance the cooperation required to fulfill those aims.

As far as training applications, scholars seem to agree that exposing trainee translators to the example of experts is an aim we need to strive to achieve (Monzó-Nebot 2006, Morón-Martín 2017, Santamaría 2003). However, several drawbacks stand in the way, most particularly the difficulties in compiling bigger corpora of unpublished translations across transgenres, to use in both training and research activities. Only with those corpora can we learn how the understanding of cultural encounters is impacted by translation situations, and whether it can be generalized across translators and transgenres.

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