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## LEGAL TRANSLATION IN THE FACE OF (DE-) GLOBALISATION. THE IMPACT OF HUMAN DEVELOPMENT, POLYCRISES AND TECHNOLOGICAL DISRUPTION IN LANGUAGE SERVICE PROVISION

## LA TRADUCCIÓN JURÍDICA ANTE EL FENÓMENO DE LA (DES-) GLOBALIZACIÓN. EL IMPACTO DEL DESARROLLO HUMANO, LAS POLICRISIS Y LA DISRUPCIÓN TECNOLÓGICA EN LA PROVISIÓN DE SERVICIOS LINGÜÍSTICOS

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#### Abstract

This paper explores the relationship between globalisation and legal translation with the aim of establishing future fields of research for the professional practice of the latter. The paper begins with a reflection on current debates on (de)globalisation as a multidimensional set of social processes that create, multiply, unfold and intensify



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social exchanges and interdependencies on a global scale, with its lights and shadows. A key element in these processes is legal translation, which is framed at the intersection between language and law. After a reflection on the concept of polycrisis in the current world order, our focus is on the impact of globalisation on languages and translation at a time of disruptive technological transformations. Finally, we describe the impact that globalisation and the technological changes of recent years have had on law and legal translation, and we draw a number of conclusions, including the need to train legal translators with new profiles that respond to the communication needs of law as a globalised phenomenon.

Keywords: Deglobalisation. Polycrisis. Legal Translation. Technology. Translation industry.

#### Resumen

El presente trabajo explora la relación entre la globalización y la traducción jurídica, con el propósito de establecer futuros campos de investigación para la práctica profesional de esta especialidad de traducción y su docencia. Se inicia con una reflexión sobre los debates actuales sobre la (des)globalización como conjunto multidimensional de procesos sociales que crea, multiplica, despliega e intensifica intercambios e interdependencias sociales a escala mundial, con sus luces y sus sombras. Un elemento clave en estos procesos es la traducción jurídica, que se encuadra en la intersección entre la lengua y el derecho. Tras una reflexión sobre el concepto de policrisis en el nuevo orden mundial, nuestros siguientes focos de atención serán el impacto de la globalización sobre las lenguas y la traducción en un momento de profunda transformación tecnológica. Finalmente, se describirá el impacto que la globalización y los cambios tecnológicos de los últimos años han tenido para el derecho y para la traducción jurídica y se apuntarán algunas conclusiones, entre las que destaca la necesidad de formar traductores jurídicos con nuevos perfiles, que respondan a las necesidades de comunicación del derecho como fenómeno globalizado.

**Palabras clave:** Desglobalización. Policrisis. Traducción jurídica. Tecnología. Industria de la traducción.

## 1. Introduction: the concept of polycrisis in the new world order

Since 2020, and especially in the aftermath of the public health crisis brought on by COVID-19, the term "deglobalisation", understood as the gradual breakdown or reversal of interdependencies and interrelations between countries, institutions, organisations and enterprises (Farndale *et* 

*al.* 2021), has re-emerged in the press to describe the contraction or slowdown in international trade. In fact, in 2020, *The Economist* ran a front-page article entitled "Goodbye Globalisation", which, provocative though it was, merely emphasised how the public health crisis had further exacerbated the decline of a system already in its death throes not only due to the 2008 financial crisis, but also to the US-China trade war (Swenson & Woo 2019). The Global Economic Policy Uncertainty Index<sup>1</sup> paints a similar picture: the extremely high degree of political and economic uncertainty has had detrimental effects on global macroeconomic performance, reflected in weak growth in goods and capital flows (Pronato 2021), which has come to be known as *slowbalisation* (Gupta & Kumar 2021).

We have identified the unresolved crisis of 2008 as a turning point in contemporary debates on (de)globalisation. Throughout the 20th century, the impetus of powers such as the United States and the United Kingdom underpinned greater economic integration based on neoliberal principles and the opening up of the global economy which led to the signing of major international free trade agreements<sup>2</sup>. However, it is impossible to fully understand the current scenario without considering one key player: China. Although China initially stood on the sidelines of the global economy, in the 1970s (and especially after joining the World Trade Organization in 2001), alongside the other Asian tigers, it started offering the world a large-scale, low-cost labour market, which would then help to accelerate globalisation with lower production costs and the establishment of global supply chains (Podrecca *et al.* 2021; Pronato 2021).

Relocating business operations to China (and other similar countries) and internationalising companies only served to increase interdependencies between states; hence the domino effect that such interdependencies may be causing today, at an economic and financial level, as well as in

<sup>1.</sup> The Global Economic Policy Uncertainty Index aims to quantify the level of economic policy uncertainty at a global level by collecting and analysing data from various sources, such as the media, analysts' assessments and fiscal and monetary policy data.

<sup>2.</sup> For example, the North America Free Trade Agreement (now the Mexico-United States-Canada Agreement), the ASEAN–China Free Trade Area, or the European Economic Area.

political, cultural, social, technological and legal spheres. Balsa-Barreiro *et al.* (2020) point out that, despite the growth opportunities that global interdependence has provided in recent decades, it has also drawn attention to unresolved conflicts and design errors. This has progressively translated into social discontent in the face of the inequalities of globalisation as well as the promise of protectionist measures against the concentration and centralisation of capital in the form of transnational monopolies and oligopolies (Márquez Covarrubias 2010).

Does all this mean that we are approaching a change in the world order? According to Márquez Covarrubias (2010), behind the global economic downturn lies a multidimensional crisis of great depth, breadth and duration, "exposing the limits [...] of the super-exploitation of labour, environmental devastation and the financing of the global economy". However, despite evident geo-economic tensions relating to rising inequality, wage stagnation, job insecurity, our relationship with the environment, and the subordination of countries of the Global South as suppliers of cheap raw materials, many see globalisation as an unavoidable phenomenon, with no alternative (Baldwin *et al.* 2023), before which we can only address the challenge of competitiveness.

It is beyond doubt that factors such as the progressive automation of services and processes, the inequality of wealth, the questionable distribution of the benefits of globalisation, the rise of nationalism, and the decline of global hegemony have enabled a process of deglobalisation (Gordon 2022), the consequences of which have a systemic, structural and social impact.

## 1.1. A systemic, structural, social crisis

The most recent Global Risks Report by the World Economic Forum (WEF 2023) uses the term "polycrisis" to understand the combination of shocks, interconnected socioeconomic risks and eroding resilience, in a context where the concurrence of disparate environmental, geopolitical, socioeconomic conflicts will have a greater global impact than the sum of their parts. Márquez Covarrubias (2010), in turn, speaks of the consequences of globalisation as a complex crisis affecting the system in its entirety

(systemic), expressed on multiple dimensions and levels (structural), with a direct impact on communities, societies and the natural environment (social).

## 1.1.1. Labour crisis and technological intensification

The loss of national labour sovereignty, in other words, the capacity of states to create jobs, is partly due to the offshoring of factories and production systems to low-cost markets (Hernández López 2022). This strategy, on one hand, allows for maximum efficiency and cost reductions. Yet, on the other hand, it leads directly to the destruction of jobs and, therefore, increased unemployment rates, social inequalities, and wage stagnation (Murakami 2021).

In addition to the labour crisis, it is essential to consider the impact of automation, the replacement of human labour, and digitalisation (the internet of things, artificial intelligence, blockchain technology, big data etc.), especially in the area of service provision. Technology has considerably reduced the commercial cost of countless activities (Oh *et al.* 2020) and has facilitated the creation of new forms of work, such as remote migration or "telemigration" (Baldwin 2019), as a business strategy to reduce labour costs for all activities that can be outsourced.

## 1.1.2. Migration and subsistence crisis

As a consequence of the above, the number of migrant workers who emigrate from the Global South to the Global North continues to grow (Montiel Martínez & Dabat Latrubesse 2022). However, we also understand forced migration as a response to environmental problems, natural disasters, food insecurity, poverty, oppression and violence. In fact, for Leblang & Peters (2022), globalisation cannot be understood without closely observing the phenomenon of migration. Paradoxically, with the increased offshoring of production, the machinery of globalisation no longer requires migrant labour on the ground and, as a result, the migration crisis is now met with greater restrictions and harsher migration policies in the Global North (Peters 2017).

## 1.1.3. Environmental, energy and food security crisis

Veiga (2022) speaks of the global agro-industry, the use of monocultures and the exploitation of macro-farms as central to the crisis, in light of the requirement to meet the profitability levels demanded by markets. This clearly has a direct impact on the intensive use of water resources and agrochemicals and in the exhaustion of natural resources, which, in turn, results in "greater pollution of the air, soil and groundwater, leading to the transmission of pathogens and the mutation of viruses with a high possibility of generating zoonotic epidemics and pandemics". In addition to this, states have lost food sovereignty, while the energy market has come under an oligopolistic control "that penalises underdeveloped countries in particular [...], either because they specialise in its production and exportation or because [...] they depend on its importation" (Márquez Covarrubias 2010).

## 1.1.4. Political and identity crisis

Gordon (2022) reflects on the relationship between discourses promoting deglobalisation and the rise of nationalist and populist movements in the political sphere. Issues such as Brexit (2016), and the entrenchment of political leaders promising to reclaim national sovereignty and return their country to its "former glory" (Trump, Bolsonaro, Orbán, Meloni and, more recently, Milei), are nothing more than a reflection of social discontent, polarisation and the clash between ordinary people and the establishment (Inglehart & Norris, 2016). For Gordon (2022), this growing discontent has served to prove that, despite what it promised, globalisation has been beneficial for some, but detrimental to others. Thus, drawing on Lamp (2019), the author asserts that "the losers from globalisation" are gradually growing in number, alongside a loss of faith in both the international order and national governments, explaining the rise in protectionist policies and nationalistic governments.

## 1.2. The service sector: the new messiah

The fourth industrial revolution (Schwab 2016), which is characterised by the integration of advanced digital technologies into manufacturing and

production processes, has an important asset when it comes to counteracting the (circumstantial?) downturn in global trade and investment in the aftermath of the COVID-19 pandemic: service provision, which seems to be progressively displacing manufacturing in the web of Industry 4.0 business relations (Pronato 2021: Montiel Martínez & Dabat Latrubesse 2022). In an effort to create more efficient, flexible and customisable production environments, large companies have run into an irrefutable reality: it is considerably less problematic, when setting up companies, establishing factories or penetrating overseas markets, to depend on service provision (Baldwin et al. 2023). Protected by "outdated and inefficient legislative frameworks for digital competition and antitrust regulation" (Veiga 2022), transnational corporations and large technology companies emerge, which, under the effects of unprecedented digital disruption, "direct and articulate the most important production and value chains of the global economy [...], shape the geo-economy, [...] and inevitably form a political map of investments in the world" (Veiga 2022), leaving their "territorial, material and symbolic imprint" (Ceceña 2017) and influencing institutional decisions as well as societal customs, preferences and lifestyles. It is within this catalogue of services that are easily outsourced, precarious and subject to highly disruptive technological intensification, that some find both the provision of translation services and inter-linguistic communication.

# 2. The impact of globalisation and disruptive technologies on the language and translation industries

The UNESCO World Atlas of Languages (2021) estimates that, by the end of the 21st century, between 50% and 90% of the almost 7000 languages spoken in the world today will have disappeared. However, alongside this catastrophic data, the report also provides ground-breaking data illustrating the profound changes generated by technology in the cyberspace. First, the prevalence of language use on the internet has changed significantly. English appears to be losing its dominant position on the internet (having declined almost to 30%), while French, German, Spanish and Mandarin Chinese have grown to enter the top ten most-used languages online. Secondly, there has been a remarkable increase in the use of certain languages, such as Mandarin, which grew by more than 1200% from 2000 to 2010. Finally, to get a complete picture of general linguistic prevalence, the world's most spoken languages in 2021 were English, Chinese, Hindi and Spanish, and that data remains the same in 2023 in terms of the total number of speakers and native speakers (Fernández 2023).



Figure 1. Number of speakers and native speakers of the world's most spoken languages in 2023 (based on Fernández 2023)

In response to the disruptive transformations outlined in the previous section, Jacquemet (2005) proposes re-imagining the very concept of "communicative environment", in the sense that, today, communication can no longer be reduced to traditional parameters ("focused, monolingual, faceto-face"). In this context, the multilingualism of speakers who often do not use their mother tongue when communicating by electronic means plays a significant role: The experience of cultural globalization, and the sociolinguistic disorder it entails, cannot be understood solely through a dystopic vision of linguistic catastrophe, but demand that we also take into account the recombinant qualities of language mixing, hybridization, and creolization. (Jacquemet 2005: 1)

In contrast to the common thought that cyberspace operates with an English-speaking architecture that acts as an "invisible hand" and thus forces users to stop using their own languages, Dor (2004) stresses the strong multilingualism that the internet fosters, which, in his opinion, is due to two fundamental reasons: 1) the fact that economic agents understand that they can only be competitive if they adapt to local languages and cultures; and 2) the rise of language industries and the commodification of language-related materials. In any case, the author underlines the need for negotiated multilingualism to defend the right of speakers to use, maintain and develop their own languages, even though the evolution of the prevalence of languages will depend not so much on the speakers as on the needs of the markets.

Indeed, the combined effect of the dynamics of economic globalization and the decline of the nation-state as the major linguistic agent of the modern era will be neither global Englishization nor multilingual freedom. Most probably, it will result in a state of market-based, imposed multilingualism. In this system, speakers may still speak their languages, but these languages may no longer be "theirs" in the agentive sense: speakers (and their communities) will have much less influence on the dynamics of linguistic change, identity, maintenance, and standardization. (Dor 2004: 116)

In an era of intense exchanges, the gap between different groups and communities due to the language divide is a determinant factor of exclusion in a globalised world. The reduction of language barriers is considered crucial in moving towards a more equitable form of globalisation, less marked by the cultural hegemony of countries with stronger languages and the difficulty of accessing information due to a lack of translation or resources. Difficulties in understanding and making oneself understood hinder social integration, access to education, and ultimately, access to employment and social inclusion. Technology has only accentuated this gap, and today, the differences between digital languages and non-digital languages (Vassilakopoulou & Hustad 2023) is an area of growing interest and concern for academics, for businesses and for millions of citizens who do not have full access to information and are obliged to access it in a language other than their own. In the past, the survival of a language depended on whether it was spoken, read or written; however, with increasing technological dependence, the determinant factor will be the existence of electronic language resources in that language.

Full access to digital language resources depends on the availability of large sets of linguistic data of all kinds, but also on the existence of resources for its manipulation and generation, as well as for interaction with the language and communication through technological tools: keyboards, fonts or character sets, word-processing software, machine translation, spellcheckers, voice-based assistants that respond to voice commands to carry out tasks or control devices using AI (Siri, Google Assistant, Alexa), etc. Statistical data show that in 2021 only 33 of the world's languages (less than 0.5%) were considered fully developed in terms of their digital potential (Ethnologue 2022; Simons *et al.* 2022).

In terms of machine translation and the creation of multilingual materials, this gap is evident in the amount of linguistic resources available to power neural machine translation engines (Google Translate, Bing Translator, DeepL, etc.) and large language models (ChatGPT, Google BARD, etc.) Used in a wide range of applications where the comprehension and generation of natural language is required, they transform the way in which we interact with technology and how we process multilingual textual information. Moreover, these models are scalable and thus the amount of available data is key to improving their performance and comprehension of human language.

While massive language models are trained using huge data sets in a single language, the development of neural machine translation engines and the automatic generation of multilingual texts also rely on the existence of bilingual corpora. At first instance, machine translation was fed mainly by parallel corpora from institutions such as the United Nations (UN) or the European Union (EU), limiting the linguistic scope to official languages of these organizations and to the administrative and judicial register. In contrast, there are now an infinite number of multilingual

resources available on the web, from national and international institutions as well as from private sources (publishing houses, all kinds of multilingual commercial websites, specialised portals, etc.). With the development of neural machine translation, the use of monolingual data is becoming an increasingly relevant resource. Tan et al. (2020) point out that combining monolingual and bilingual corpora to train translation engines is an option that has not yet been fully explored, although evidently it has the potential to improve their capacity for comprehension and for generating more precise and natural translations in the target language. The use of monolingual corpora would allow the system to learn the structure, style and vocabulary of the source and target languages separately. On the other hand, bilingual corpora provide concrete examples of how the same ideas or expressions are translated between two different languages (Karakanta et al. 2018). On the CLARIN website, a research consortium created in 2009 by the European Commission with the purpose of centralising resources for the study of language, we find, among many other linguistic resources, monolingual and bilingual corpora with different structures, belonging to different fields of expertise. Such collections of monolingual and bilingual corpora of legal texts are of particular importance for translation resources development<sup>3</sup>.

Specialisation is another factor that determines the strength and impact of a language in the digital age, and the field of specialisation also influences the language combinations of large bilingual corpora. According to Intento/Taus reports<sup>4</sup>, today, the main bilingual corpora are found in combinations of English/Spanish, English/Russian and English/Chinese, while many (Asian and African, for example) languages do not have large and freely accessible parallel corpora. In short, the language combinations in which we have identified the greatest abundance of resources, of both general and specialist language, are those with the greatest number of speakers and the greatest number of digitalised language resources.

<sup>3.</sup> See https://www.clarin.eu/resource-families/legal-corpora

<sup>4.</sup> See https://multilingual.com/taus-provides-test-datasets-for-intentos-state-of-mt-2021-report/ and https://www.taus.net/resources/reports/

This data gives us an idea of the growing importance of the linguistic resources we have mentioned for future processes of globalisation and regionalisation, as well as in the preservation and consolidation of local linguistic heritage. In this paradigm of change at the international level, it is evident that language, translation and localisation are of fundamental importance. There is a need for significant reflection in order to address this new era of artificial intelligence from an ethical and responsible perspective that incorporates public policies to reduce the digital divide in the area of natural language processing and thus preserve and promote linguistic diversity.

## 2.1. Can we still speak of a "translation industry"?

Amidst all the geopolitical uncertainty, subject to polycrises and marked by technological disruptions, the market for (inter)linguistic services continues to grow (ATC 2023; ELIS 2023). It does so in the midst of a technological revolution (the "era of singularity", in the words of Van der Meer (2021), and by introducing changes in the "physical and digital working environment, roles, responsibilities, status, types of employment, and daily activity of translators" (Sánchez Castany 2023: 48).

The current geopolitical situation can be appreciated in the latest edition of the European Language Industry Survey (ATC 2023; ELIS 2023), which mentions the war in Ukraine, alongside inflation, the economic downturn, and recent political events. In addition to these elements and the introduction of the now ever-present artificial intelligence, the report asks about the changes that the industry will undergo.

The ELIS (2023) report finds great disparities between countries and between different segments of the market, with significantly worse results among freelance translators and smaller companies<sup>5</sup>. The debate around market concentration<sup>6</sup>, the precarious nature of work, outsourcing<sup>7</sup>, and

<sup>5.</sup> In the British context, the latest report of The Association of Translation Companies (ATC 2023) also notes the different growth rates among SMEs and micro-SMEs in the sector compared to large language service providers.

<sup>6.</sup> According to data from Nimdzi (2023), 42.7% of respondents are actively seeking to acquire language service companies as a strategy for expansion and growth

<sup>7.</sup> ELIS (2023) reports a 15% increase in the number of companies who have plans for growth involving further outsourcing all (inter)linguistic communication.

the platform economy seems to be taking its toll on the final link of the language service provision chain (the translator), against the backdrop of technology. In fact, although human translation continued to be the primary service in the industry throughout 2022, its weight in global terms saw a reduction by 10% compared to data from 2021, and machine translation remains the dominant trend in all segments of the industry.

According to the Nimzdi ranking of the world's one hundred largest language service providers (2023), the trump card of the industry is in its very nature. Ultimately, the language service industry propels the growth of all other industries and a business opportunity presents itself wherever there are communication needs. Nimdzi affirms that the key to its resilience does not depend on what is happening in one single sector, and in contrast to other industries, the language industry does not grow only in volume, but also according to the number of language pairs in which translation takes place, and in the proliferation of digital labour platforms, formats, and content that requires translation and localisation.

With or without this trump card, Nimdzi (2023) states that the industry's volume currently stands at 69.3 billion USD, with forecasts to reach 90.9 billion USD by 2027. There has been continual growth since the public health crisis of 2020, and although it surprised those inside and outside the industry by exceeding all forecasts in 2021, it has been more moderate in 2022 and 2023. Regarding this growth, the data points to one major player: machine translation, and the promise of generative artificial intelligence.

## 2.1.1. Context and challenges in the face of globalisation and hyper-technologisation

When asked how global events were affecting their turnover, two out of every five larger companies in the sector affirmed that they had already felt the impact of global uncertainty (Nimdzi 2023). Another 30% should be added, who, although they have not suffered to date, have put preventive measures in place in their business strategy. These measures include investment in technology (68.2% of respondents) and the introduction of new services (43.2%), in part motivated by this technological investment. According to the data from Nimdzi (*ibid.*), in order to combat inflation and mitigate economic pressure, 60% of larger companies will rely even more

on machine translation in the future. In fact, in 44.4% of cases companies state that they do so at the express request of the client, to reduce costs<sup>8</sup>. As a result, 23.3% of larger companies are considering asking their vendors to reduce their rates.

As mentioned above, in terms of technology, machine translation has been the star of the sector over 2023. The ATC report (2023), for example, puts the increase in its growth at 25% compared to 2020 data, and affirms that 70% of companies already offer machine translation as part of their regular service portfolio. Of these companies, 33% use machine translation for over half their projects. According to the report, this shows that there is no longer room to question the application and viability of MT, as it has become an indispensable factor for company growth.

Alongside MT, a positive attitude prevails around the introduction of artificial intelligence as a way to introduce new services, increase the volume of existing services, and become more cost-competitive. However, according to the most recent reports (TAUS 2020, 2023; ATC 2023; ELIS 2023; Nimdzi 2023), the explosion of services based on generative AI and large language models (LLM) in the industry will not take place until well into 2024. This is primarily due to two factors. The first is that, at present, most companies are still in the process of exploring market opportunities and working to resolve questions around security, confidentiality and ethics arising from the use of AI. After all, in June 2023, even the European Parliament announced that it is working on a regulatory framework for the use and risks of AI<sup>9</sup>. The second factor is that only larger companies currently have access to the economic, technological and human resources required to offer hyper-customised AI-based service packages. In fact, translation and localisation giants such as RWS (2023) plan, among their short-term goals, to establish a position of leadership in the use of AI in the industry and thereby strengthen their competitive position as one of

<sup>8.</sup> The ATC report (2023), likewise, speaks of the difficult position of translation companies. On one hand, there is the need to increase rates for clients in line with the impact of inflation. On the other hand, there is pressure from clients to reduce costs due to expectations resulting from AI-based technology.

<sup>9.</sup> Seehttps://www.europarl.europa.eu/news/en/headlines/society/20230601STO93804/ eu-ai-act-first-regulation-on-artificial-intelligence

its key disruptors. In line with growth forecasts derived from the reports mentioned above, this will mean different speeds and capacities for growth for different actors, ranging from larger companies to freelance translators.

In this respect, TAUS (2023) draws attention to the possibilities and the boom in research around large language models for learning, evaluating, and annotating bilingual content, especially when it comes to innovation in data collection and synthetic data generation for the customisation of translation engines. Moreover, as TAUS indicates in its report on the use of linguistic data for the development of AI-based products (2020), the extraction, generation and management of linguistic data is becoming a line of business on its own, especially considering that 90% of data available to the industry has been generated in the last two years alone (RWS 2023), and that, overall, artificial intelligence is expected to reach 300 billion dollars globally by 2026 (Appen 2022).

The linguistic data revolution leads TAUS (2020) to speak of a complete paradigm shift, in which the preparation, annotation and management of large volumes of data will become a source of innovation and diversification in the industry (obtaining better data means configuring better algorithms with which to train translation engines more efficiently). In this paradigm shift, TAUS indicates two catalysts. The first is data annotation as one of the key drivers of industry conversion and specialisation, i.e. the introduction of metadata (sentiment, intent, gender, age, etc.) to refine the quality of translation engines. The second catalyst is the large-scale increase in user-generated content, allowing new AI-based systems to be fed and tested.

According to TAUS (*ibid.*), this will lead to the diversification of activities for language service providers to include data annotation, correction and validation, to the extent that some companies will decide to sell language data as their main source of revenue rather than translation per se. The consequence of this seems to be the evolution of the role of the translator into a kind of "intercultural agent", working on high-profile projects related to transcreation and cultural adaptation, or dealing with language pairs for which there is a shortage of data.

Nimdzi (2023), in the same vein, speaks of a total rebranding of the industry, seeking to become an indispensable partner in the operations of

its customers and not remain, as it has been until now, a mere vendor. To this end, the industry is diversifying its services as much as possible and promoting solutions tailored exactly to each client, even going so far as to dedicate entire teams to work on the client's premises. The rebranding even involves a change of name and positioning: linguistic service providers no longer want to be identified as such but prefer the names "localisation success partner" or "language operations", banishing the concept of localisation, which they now believe to be outdated. Some are even turning directly into "tech companies". In any case, at this time of change, TAUS (2020: 20) makes an interesting point for reflection: "If this scenario goes real, there will be two problems to solve: acceptable working conditions and pay for data workers."

## 2.2.2. The translator (cultural agent?) in a climate of change

In the previous section, we outlined how the political, technological and economic context is affecting the translation industry as a whole, but we have not spoken about how it is affecting individual translators in terms of their daily tasks, future prospects, and sense of job satisfaction. The handbook edited by Bielsa & Kapsaskis (2021) is enlightening in this respect, with issues that connect translation and globalisation, ranging from rising inequality and activism to climate change, non-professional translation and multilingualism. One chapter, by Moorkens (2021), is clear in the debate on translation, globalisation, and the economy: such a promising context, in which macro perspectives are positive and the volume of translation continues to grow globally, should be favourable to translators. However, the reality seems to be quite the opposite, and translation, in the age of globalisation, finds itself exposed to higher levels of casual employment at the cost of permanent employment. More frequent outsourcing of services means more subcontracting and greater fragmentation of employment (Alonso & Vieira 2021) in a "vendor model" which has, in the words of Moorkens (ibid.), done little to empower the profession, with rates that have not only not increased, but have also suffered the onslaught of inflation.

ELIS (2023) reflects on how translation companies and freelance translators seem to be at odds in terms of their perception of the market, with (Vieira 2020)<sup>10</sup>.

more negative feelings on the part of freelance translators, because of what they consider insufficient renumeration that does not permit a healthy work-life balance. The most recent survey by CSA Research (2020), distributed via various professional associations, ProZ.com and Translators Without Borders, accounts for this. 30% of respondents speak of greater competition, with a reduction in turnaround times and deadlines (32% of respondents) as well as reductions in rates (37%). With 72% of respondents affirming that, in the near future, it will be more difficult to find well-paid work, the negative perception collected by ELIS and CSA Research aligns with studies in our discipline which conclude that job stability and social recognition positively influence the sense of job satisfaction for translators (Katan 2011), that there is a direct correlation between job satisfaction and social status (Ruokonen & Mäkisalo 2018), and that, when we talk about the impact of technology in a profession, we cannot ignore the economic aspects that go hand in hand with its introduction and democratisation

In the case of Spain, Martínez-Carrasco (2023) and Cerezo Merchán (2023)<sup>11</sup> paint a similar picture. The translators surveyed generally believe that the explosion in machine translation detracts value from the figure of the professional translator and they admit to generating less income since the introduction of neural machine translation. Meanwhile, the companies surveyed within the same project do not report such a decrease in revenue. This may be linked to the question by CSA Research (2020) on translators' preference of activity in their day-to-day work. Although translators admit that technology is allowing them to increase their productivity, they still prefer translation over post-editing, by a huge margin (89% compared to 3%). Alonso & Vieira (2021), drawing from sociology, describe these dynamics of resistance and accommodation experienced by humans in their interaction with technology as the "dance of agency" and in the debate around translators' control or resistance to adopting technology,

<sup>10.</sup> Almost half of those surveyed (49%) by CSA Research (2020) stated that they earned less than 20,000 dollars per year.

<sup>11.</sup> Results from the DITAPE project, reported in González Pastor (2023).

they refer us back to the feelings of the profession upon the arrival of SDL Trados Studio onto the market.

Nonetheless, we believe that the data from CSA Research (2020) on the percentage of language professionals considering leaving the profession over the next five years is highly significant. Although the percentage is low (around 9%), interviewers then asked how likely the respondents were to recommend the profession to a relative or friend. Here, the results were less unanimous, with 34% of those surveyed preferring not to do so. For the pollsters, the conclusion would be as follows: while present-day translators work to maintain a career which they have trained for and invested in, frustrations related to wages and work conditions, together with fear around the impact of artificial intelligence, hold them back from passing on the baton to the next generation of linguists.

## 3. The effects of globalisation on law and legal translation

The process of interconnection and globalisation in communication, finance, and culture has also brought about important changes in the field of law, transforming the way in which legal norms are understood and applied around the world. However, globalisation is not a new phenomenon for this discipline. The transnational circulation of legal ideas and legal transplants - frequently effected via translation - was connected with power (colonisation), prestige and legal reforms (Doczekalska & Biel 2022: 101-103). Roman law, in its glory days, spread to a significant part of the world, and later expanded its sphere of influence with the colonisation of vast overseas territories by the Spanish, French, Dutch and Portuguese empires, leaving the imprint of their law on the territories of South America, Africa and Madagascar, Asia and Indonesia. The British Empire brought Common Law to the North American territories and to countries of the Commonwealth (India, New Zealand, Australia and large parts of Africa and Southeast Asia). As an early example of the globalisation of law, it is imperative to mention Lex Mercatoria, a set of rules, principles, usages, practices and customs that regulated international trade, with roots in the Middle Ages. Today, what has come to be known as the New Lex Mercatoria carries great weight in the world of international law.

It represents a renaissance and evolution of *Lex Mercatoria*, with the aim of overcoming differences between national legal systems, erasing the particularisms introduced by codifications. As Borja Albi (2016: 24) points out:

Historically, this transnational legal order on global markets has proven to be the most successful example of an independent global law, beyond the international political framework.

Following on from this brief historical overview, in order to define the functions of the legal translator today, in addition to considering the context of globalisation, technological advances and their impact on multilingual communication, it is also necessary to review the intellectual and political debate on the creation of a global law. The globalisation of the law can be understood as the process of transnationalisation or a departure from the traditional national scope of the application of legal norms, concepts or trends, due to external factors. While it may be thought that globalisation fundamentally affects international commerce and legal issues pertaining to international law, it is in fact proving to have an impact on all sectors of the legal system. In recent times, there has even been talk of a common criminal law, universal human rights and a supranational constitutional law (Carbonell & Vázquez 2009: 21). Hypothetically speaking, a common criminal law would provide significant advantages in terms of international cooperation, cross-border justice and the fight against crime on a global scale. Despite the abundant literature on the topic, the unification of these important areas of law is still considered utopian due to anthropological, cultural and ethical differences, as well as economic and political interests and the huge difficulties of harmonisation and implementation that are evident in the current system of public international law.

The fact is that, today, legal relations and jurisdiction go beyond the borders of the nation-state. Legal systems are becoming increasingly interconnected, and legal relations of all types are multiplying, between individuals (marriage, adoption or inheritance processes), companies (contracts of all kinds, mergers and acquisitions, stock market transactions) and institutions and states with distinct legal systems. This demands the strengthening of transnational dialogue in order to make the norms converge, adapt legal institutions and create new forms of international cooperation in which translation will consistently be a key component. In the words of Turégano Mansilla (2017):

The coexistence, in the same societal space, of official legal norms and norms that are not directly related to any official national or international legal system, but that have effective mechanisms of control and execution [show] a pluralistic and complex picture of legal reality.

The author, in fact, uses the expression "transnational law" to raise the issue of the interrelationship between different normative orders coexisting in a transnational legal space supported by formal and informal agreements endorsed by banks, conglomerates, consortiums and multinational companies.

Ziccardi (2015), in the same vein, appeals for a "redefinition of state sovereignty given the developments in the field of human and environmental rights and international commerce". The author concludes that globalisation is also altering the very concept of law, the processes of decision making and the interrelationship between normative and sub-normative systems. As a consequence of the appearance of new centres of power and the creation of decision-making bodies, supranational regulatory regimes and global regulatory orders have emerged (especially in the financial sphere). With regard to conflict resolution, international courts have multiplied in number and there has been a significant rise in international arbitration.

However, as Carbonell (2009: 21) indicates, paradoxically "globalisation not only generates supranationalising practices, but also disintegrating effects within each national State. Therefore, the era of transnational companies such as Disney or Microsoft is also the time of minorities." This double effect of globalisation, supranationalisation and a return to localism has been noted by many legal scholars who believe that this phenomenon will mean a blurring of political and legal boundaries between countries, often accompanied by the fragmentation of states, secessionist movements, in addition to greater demands for regional political autonomy and multiculturalist policies and demands (Jiménez 2011; Zicardi 2015).

In summary, we can conclude that the intense and complex process of globalisation in the second half of the 20th century has caused an exponential increase in the number of international treaties and multilateral agreements (in both Public and Private International law) but at the same time, has generated new environments of regional governance (such as the European Union) and strengthened the influence of *soft law*, understood as the law generated by institutions, associations and large companies.

## 3.1. Challenges for legal translation

Given the scenario we have just described, there is a need to broaden the focus of study of legal translation to incorporate new areas that go beyond the classic scheme of translation in international organisations and consider other areas of activity and other ways of working for legal translators in this new globalised context. In order to approach this analysis, we will look at the contexts and conditions in which legal translation takes place today.

On the one hand, and as a consequence of globalisation, legislation, doctrine and, more recently, the case law of each State "circulate" more frequently and are consulted by legal scholars from other legal systems in an "unstable and conflictual" process (Megale 2015) that is specific for Private International Law. This may entail an exponential increase in the volume of translation between states and legal institutions of a diverse nature, outside the domain of Public International Law, and, thus, also outside the sphere of the translation services for international organisations.

Therefore, despite the long tradition of legislative and case law translation in international organisations, the need for expert communication between distinct legal systems and jurisdictions in the International Private Law arena increasingly poses the need to translate concepts that are specific to different jurisdictions and to create sanctioned translations of domestic law. This is demonstrated, for example, in the websites of the Ministry of Justice of a growing number of states, where we find their legislation and case law translated into different languages. The issue, however, is to what extent the training, tools and strategies of institutional translation (Svoboda *et al.* 2023) can be applied in such new, hybridised contexts, that are not necessarily institutional in nature.

Another factor influencing the increased demand for the translation of domestic law is the need to address the new linguistic rights of foreign communities that have the nationality of the host state, in addition to the linguistic rights of migrants. Accordingly, the phenomenon of intralinguistic translation is becoming increasingly important, whereby the law should be rewritten in the same language, but in plain language that makes it accessible to the linguistic needs of specific social groups (Doczekalska & Biel 2022; Prieto Ramos 2024).

Another important aspect, which is a direct consequence of the importance of soft law in the transnational landscape, is the translation of provisions and regulations that arise from the economic activity of large corporations. This work is not conducted by the translation services of international organisations, but instead, by large translation agencies or by the translation services of large law firms specialising in global law, who could establish a "prescriptive" role for themselves through their translations.

On another note, the implementation of neural machine translation is already a reality in both institutional and *outstitutional* translation contexts (Scott & O'Shea 2021; Biel et al. 2024). In the first case, the intrasystemic nature of translation and the existence of style guides and standardised glossaries have greatly contributed to the automation of translations tasks and workflows, created through a systematic and conscious effort for each of the different international organisations. In terms of outstitutional translation, the situation is very different, as the design of neural machine translation engines, for instance, in large law firms is not based on common criteria, and yet, it must meet the challenges and requirements of intersystemic translation while respecting compliance rules in terms of confidentiality, data protection, consistency, etc. The role of translators in this process of disruptive technological change needs to evolve, moving towards profiles with transversal training, to include training in both translation technologies and natural language processing, in order to promote interaction between the translator and technology as well as access to digital work platforms (Briva-Iglesias 2022: 6; Svoboda et al. 2023).

In addition to all these factors, it is important to mention the requirements of immediacy and the increased volume of multilingual content generated (particularly in the private sector), which could result in a relaxation of the quality requirements for legal translations. A good example of this is the increase in the number of requests for "summary/digest" translations (Megale 2015). This type of translation poses added difficulties and forces the translator to make decisions on the relative importance of the aspects to be included in the summary, which undoubtedly requires training in particular areas of practice and comparative law. Moreover, the overabundance of information has increased the need for new multilingual monitoring and editing services that require other skills complementary to translation, such as research, evaluation, selection, analysis and synthesis. In this regard, the relaxation of the requirements for official and sworn translations in the EU and Spain should be noted. Regulation (EU) No. 1191/2016 establishes the obligation for authorities (local and central) of EU countries to issue certificates in multilingual format, which exempts the applicant from the submission of a legalised sworn translation.

Finally, we cannot fail to point out the effects of globalisation on legal English, the lingua franca of legal translation, which, with its adaptive capacity, will for sure generate different types of English according to the (legal) communicative situation. We can already observe, worldwide, the expansion of *neutral* English, also known as *hybrid* English (Megale 2015; Cabrita & Mealha 2018), to which translators will have to pay special attention due to the variations in the semantic load of legal terms, especially in the environments of intersystemic, *outstitutional* and soft law legal translation.

## 5. Conclusions

The growing demand for specialised translation in emerging legal environments and discourse modalities, the increasingly powerful nature of conglomerates of language service companies, the risks that global languages and global law pose for less powerful (legal) languages and cultures, and the advance of neural machine translation are already triggering new challenges and, with them, new socio-professional, technological and training demands for legal translators. In this field, the translator also faces significant challenges regarding their perceived position and status. A lack of understanding of the difficulties posed by legal translation contributes to this. In order to address the asymmetries that limit current practices and processes in the private sector, it is of vital importance to engage in proactive dialogue between translators and companies. Client education and close collaboration between lawyers and translators will become some of the new goals of our profession, demanding the addition of new skills and abilities to those which are currently being developed in the institutions where legal translators are trained. In this regard, another impact that will have to be taken into account for the future of legal translation is the digital transformation that is affecting the legal professions by modifying their workflows with the implementation of LegalTech solutions such as Document Management Systems (DMC), Customer Relationship Systems (CRM), Contract Lifecycle Management (CLM), Cyber Security solutions and Smart Drafting, among others<sup>12</sup>.

Another emerging field will be the translation of multilingual corporate websites for international law firms. Without doubt, this is an extremely interesting field of analysis and reflection in which legal translation, transcreation, terminology management, localisation and multilingual digital marketing converge, thus offering new professional opportunities for technology-savvy translators.

Looking to the future, we cannot ignore the role and impact that globalisation, process automation, AI and deep learning will have on lawyers and translators. This may be a turning point for renegotiating the terms governing the relationship between lawyers and translators. In this highly technological landscape, the processes of creating and translating multilingual legal content will require adopting comprehensive translation and localisation strategies, establishing standards for translation and terminology management (in a collaborative manner between translators and legal experts) and providing the necessary resources to ensure quality control.

In this scenario, legal translators will need to engage in human-computer interaction with neural machine translation systems, virtual assistants and all kind of intelligent devices which are already central working tools for translators in international organisations as well as in private practice. Active participation in the generation and exploitation of resources

<sup>12.</sup> https://www.fusionmanageit.co.uk/node/legal-tech-trends-2023/

based on artificial intelligence seems to be the only way to respond to the demands of technology and broaden their scope of activity by integrating the advances in computer science and the new skills imposed by the language industry. In this regard, we can foresee the emergence of hybrid profiles of legal translators with training in natural language processing (NLP) and linguistic engineering.

As a final reflection, we believe in the integrating power of legal translation and its capacity to contribute to an ethos of solidarity, which is essential for social harmony in the interconnectivity era. Legal translation, with the particularities we have highlighted in this paper, can contribute to placing the human being dignity as the central purpose of law, promoting respect for legal and cultural diversity and thus promoting and protecting human rights in this new context of globalised law.

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#### **BIONOTES / NOTAS BIOGRÁFICAS**

ROBERT MARTÍNEZ-CARRASCO holds a PhD in Applied Languages, Literature and Translation from Universitat Jaume I (Spain), an MA in Legal Translation from City University (UK) and a BA in Translation and Interpreting from Universitat Jaume I (Spain), where he teaches Catalan into English translation and English linguistics. He is also a lecturer at master's degrees at Universitat Oberta de Catalunya and Universidad Rey Juan Carlos (Spain). His research focuses on the intersection between translation education, the professionalisation of translation students and legal translation.

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ANABEL BORJA ALBI, Full Professor in Legal Translation at Universitat Jaume, originally trained as a linguist, gained her PhD in Translation and holds a Master's Degree in Business Law, a Postgraduate Degree in University Training and a Diploma in International Commerce. Her research interests include the comparative analysis of legal texts using electronic corpora; genre conventions analysis; contrastive textology and comparative law for legal translation research and teaching. Owing to the multidisciplinary nature of her training, and her professional experience as a sworn-official translator, Dr Borja has approached research into specialised languages and translation from a broad perspective that incorporates research interests of a linguistic, translatological and legal nature, with the support of innovative methodologies and technological tools. Both the projects she is currently working on as well as her recent publications are committed to the integration and collaborative work between linguists, translators, lawyers and experts in computational linguistics and computer science applied to translation.

ANABEL BORJA ALBI, Catedrática de Traducción Jurídica de la Universitat Jaume, es Licenciada en Filología Anglogermánica, Doctora en Traducción, Máster en Derecho Empresarial, Postgraduada en Formación Universitaria y Diplomada en Comercio Internacional. Sus intereses de investigación incluyen el análisis y clasificación de textos jurídicos utilizando corpus electrónicos basados en el concepto de género textual; análisis de convenciones genológicas; textología contrastiva; derecho comparado para la investigación y didáctica de la traducción jurídica. Debido al carácter multidisciplinar de su formación y su experiencia como traductora jurada profesional, la doctora Borja ha abordado la investigación sobre lenguas especializadas y traducción especializada desde una perspectiva amplia que incorpora intereses de investigación de carácter lingüístico, traductológico y jurídico, con el apoyo de metodologías y herramientas tecnológicas innovadoras. Tanto los proyectos en los que trabaja actualmente como sus recientes publicaciones apuestan por la integración y el trabajo colaborativo entre lingüístas, traductores, juristas y expertos en lingüística computacional.

ŁUCJA BIEL is a Professor of Linguistics and Translation Studies and Head of EUMultiLingua research group in the Institute of Applied Linguistics, University of Warsaw, Poland. She is the editor-in-chief of the *Journal of Specialised Translation*. She has published extensively on EU/legal translation, translator training and corpus linguistics and co-edited a number of volumes: *Handbook of Terminology*, vol. 3. Legal Terminology (with H. Kockaert, 2023), *Institutional Translator Training* (with T. Svoboda, V. Sosoni; Routledge, 2022); *Research Methods in Legal Translation and Interpreting*. *Crossing Methodological Boundaries* (with J. Engberg, M. R. Martin Ruano, V. Sosoni, 2019). She has participated in a number of research projects, including *The Polish Eurolekt* and MHEALTH4ALL: Development and implementation of a digital platform for the promotion of access to mental healthcare for low language proficient third-country nationals in Europe. She is also a sworn translator with over 25 years of professional experience.

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