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Literary Post-editing and the Question of Copyright

Abstract

Translation poses a challenge to copyright laws, which extend protection to works based on the originality of expression rather than the ideas expressed, because translations convey the ideas of the original in a different language and therefore also use different expressions. Technologization of translation has further increased this complexity, as tools such as translation memories and machine translation and post-editing practices are starting to also emerge in literary translation, calling for a more detailed investigation of the literary post-editor's role and ownership of the text. Post-editing of machine-translated output could give rise to copyright protection, but this depends on the level of intervention and whether the post-edited translation is deemed sufficiently original. This article aims to investigate questions of originality, creativity and textual ownership in literary post-editing. We examine two cases where a literary text was machine translated, post-edited and then published. Our research materials consist of the peritexts surrounding the published translations and three epitexts: one publisher's website, a research article written by one of the post-editors to describe the experience, and an interview with the other post-editor. Through a qualitative content analysis of these materials, we examine how they reflect the post-editors' approach to post-editing, personal input in the process and textual ownership of the post-edited target text. The findings suggest that the two post-editors have different approaches to post-editing, leading them to differing perceptions of their own creative input and relationship with the final text.

Keywords

copyright; literary translation; post-editing; originality in translation; creativity; textual ownership

Introduction

Copyright in literary translation is a thorny question. Judging from copyright conventions and laws,¹ the main criterion of copyright protection – originality – can be understood in two ways in the case of translation. As Nyqvist (2018, p. 10) points out:

If the originality of a work resides in its expression, as most copyright law commentaries maintain, translations arguably possess originality to a degree. Linguistic and cultural differences inevitably produce variation in expression and, moreover, two translations of the same work by different translators are usually quite distinct in their diction. Thus translations challenge not only the original vs. derivation divide, but also another fundamental distinction on which copyright laws are based — namely that between ideas and expressions. Only the latter merit protection in copyright laws. But if the expressions of a translation result from the creative effort of the translator, what is the role assigned to the original?

Technologization has further increased the complexity of copyright issues in translation because translation memories (TM) and machine translation (MT) recycle translated material that is, in principle, protected by copyright. Technologization also multiplies the collaborative aspect of translation (Malmkjær, 2020, p. 36; Koponen et al., 2022, p. 180) both from the textual and social point of view. First, the recycling of earlier translations through TM and MT make translated texts

¹ As an anonymous referee of our article pointed out, there are distinctions in the underlying understandings of copyright (for instance, France vs United Kingdom).

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more multivoiced, at least technically. Second, in non-literary translation, the translation process itself today often involves either translators interacting with technological systems or several individuals working together on the same project in a cloud-based environment (Jakobsen, 2017, p. 41; Corpas Pastor & Sánchez Rodas, 2021, p. 25). MT is also a part of translation workflows in the form of post-editing (PE) where the translator uses a machine-translated version as a raw draft to then be corrected and edited as necessary for the intended purpose (for a general discussion of PE practices, see e.g. Guerberof Arenas, 2020).

New forms of processing translations, including PE, have emerged in the field of literary translation as well. Even though at the moment, literary PE seems a rather marginal activity (see Moorkens et al., 2018, p. 241) and is openly used mainly by amateur translators, there is a need for a reflection on literary post-editors' rights and duties. For instance, even if raw MT is not protected by copyright, human PE could give rise to copyright protection if the post-editor has modified the MT output sufficiently, based on their personal interpretation of the source text (see Troussel & Debussche, 2014 p. 103; Koponen et al., 2022 p. 191). In such a case, the resulting work would pass a (notional) threshold of originality, which means that the post-edited literary translation would be "sufficiently original that no one else would make an identical work" (Tekijanoikeus.fi) when selecting and post-editing suggestions made by the same MT. However, it should be noted that 'sufficient originality' is not clearly defined and remains difficult to determine in practice.

The aim of this article is to discuss literary post-editors' rights from the perspective of copyright, focusing on their own perception of these rights. Our research questions are:

- What kind of an attitude do the literary post-editors, in the cases we investigated for this study, have toward the post-edited target text in terms of originality?
- How much personal input can be observed in their description of the PE task?
- Do they express a sense of textual ownership toward the target text?

Our article is based on an analysis of paratexts (Genette 1987), i.e., texts surrounding and supporting the core text (Pellatt 2013, p. 1)² of two post-edited literary translations: an Irish translation of Tim Armstrong's novel in Scottish Gaelic (*Air Cuan Dubh Drilseach*, 2013) by Eoin P. Ó Murchú (*Tinte na Farraige Duibhe*, Leabhar Breac 2020) and a Finnish translation of Ángel Ganivet y García's short story in Spanish (*Las ruinas de Granada: Ensueño*, 1899) by Jari Koponen ("Granadan rauniot: Uni", *Portti* magazine 2022). Genette (1987, pp. 10–11) divides paratexts into peritexts that are part of the text itself or of the same volume (cover, preface, chapter headings, illustrations, notes and so forth) and epitexts that are located at a distance from the text (interviews of the author, correspondences etc.). We have analyzed the paratexts of the studied post-edited texts through qualitative content analysis (see Saldanha & O'Brien, 2013, p. 190).

The remainder of this article is divided into three parts. In Section 2 we first discuss what earlier research has said about copyright in the contexts of literary translation and PE. Then we introduce the central notions of our research – originality and a related concept, creativity, in human translation, MT and PE – through a review of related research. We also discuss textual ownership in literary translation and PE. In Section 3 we present the results of our analysis. In the fourth, concluding section we reflect on these results and envisage future research.

² In Translation Studies the notion of paratext is broader than in Genette's original theory (see e.g. Batchelor 2018). Also in this study, we understand by paratext "any material additional to, appended to or external to the core text which has functions of explaining, defining, instructing, or supporting, adding background information, or the relevant opinions and attitudes of scholars, translators and reviewers." (Pellatt 2013, p. 1).

2. Related research

2.1. Copyright in the contexts of literary translation and PE

The notion of copyright originally arose in the 18th century based on needs to control the production and distribution of books, define the rights of authors, printers and booksellers, as well as to protect the rights of individual authors and foster their creativity (see Nyqvist, 2018; Koponen et al., 2022). Copyright gives the author of a work economic rights related to reproducing and distributing their work and to authorizing derivative works, as well as moral rights to claim authorship and prevent modifications of the work. Copyright laws are written to protect the manifestations of ideas, not ideas themselves, and the originality that is considered the basis for protecting copyright is seen in the expressions of the original work, literary or otherwise. Copyright is generally limited to a specific period, currently the author's lifetime plus 50 years. However, in some cases this may be extended. For example, Denmark, Finland, Norway and Sweden define additional protection for works considered classic literature, prohibiting transformation or public republishing in a format that somehow diminishes their cultural value, which has been deemed to apply to translations of inferior quality, for example (Koponen et al., 2022, p. 193; see also Fredriksson, 2019).

As Nyqvist (2018, p. 10), quoted at the beginning of this article, discusses, translations challenge the copyright framework's notion of authorship based on originality because they convey the ideas of the original work in a different language and therefore also through different expressions. The Berne Convention, originally drafted in the late 19th century and revised several times, aimed to also account for the status of translations in the copyright regime. Under the currently prevailing categorisation, translations are deemed derivative works, which means that the author of the original text retains rights to make and authorize translations while the translator's copyright to the translated work is acknowledged (Nyqvist, 2018; Koponen et al., 2022 p. 182). According to Cabanellas (2014, p. 54), the reason for this distinction of originals and derivative originals is economic, permitting the remuneration of translators while also protecting the market value of the original work.

The use of MT, as well as other computer-aided translation (CAT) tools like TM, complicates questions of authorship and copyright even further. With the current data-driven methods, training MT systems requires vast parallel corpora, which often consist of texts derived from many sources with multiple authors and translators (see e.g., Forcada, 2023; Moorkens & Lewis, 2020). Already the copyright status of such corpora is unclear (Troussel & Debussche, 2014; Eckart de Castilho et al., 2019; Forcada, 2023), and the authorship and copyright of translations created using the MT systems trained on these corpora are even more complex. According to a report on translation and intellectual property rights published by the European Commission (Troussel & Debussche, 2014, pp. 102–103), a raw, unedited machine translation is not protected by copyright because simply generating a translation with MT does not lead to a creative work (see also Lacruz Mantecón, 2023). However, when the MT output is post-edited, this may give the translator/post-editor a right to copyright if the PE can successfully “imprint [their] personality” on the translation, making it original (Troussel & Debussche, 2014, p. 103). A parallel can be drawn to computer-generated music, art, literature or dramatic works. In such cases, the solution has been “to recognize authorship in the person who has contributed in the use of the creative intelligent system by means of a significant activity” (Lacruz Mantecón, 2023, p. 74). According to Lacruz Mantecón (2023, pp. 75–77), the same solution should apply to the use of MT. He argues that the work of post-editing the MT output ensures the translator's ownership of the text, while also acknowledging that linking authorship to the level of intervention is not straightforward, especially as the quality of MT improves.

In the frameworks discussed above, authorship in the sense of copyright hinges on original, creative input and “personality” of the author, but it is far from clear how these notions can be determined or measured in the translation. To examine this question, we next investigate how the

concepts of originality, creativity and textual ownership have been addressed in the context of literary translation and PE.

2.2. Originality and creativity in translation

While originality tends not to be an evaluative notion regarding non-translated works in the context of copyright, its defining criteria seem slightly different for translations, hence the link we draw between originality and creativity in this study (see also Malmkjær, 2020, p. 23–24, 38–40). Whereas in the case of originals, the decisive criteria specify that the work – disregarding its quality or uniqueness – is the authors’ own original creation, reflects their personality and is the result of their free and creative choices, translations involve additional criteria that actually are evaluative. Firstly, the source text itself needs to be of a type that requires creative effort from the translator. As to the target text, the translator’s skill and level of interpretation of the source text are included in the parameters. In the current European copyright regime, some translation strategies, such as literal translation and especially word-for-word translation used throughout the text, are not considered creative enough to yield originality in translation (see Troussel & Debussche, 2014, pp. 99–101).

Also in Translation Studies, creativity in translation has often been opposed to literalism, as well as normalisation, and has rather been associated with the concept of non-standardizing translation shifts. Some scholars (e.g., Ballard, 1997, p. 86) see translation as an inherently creative activity, while others (e.g., Bayer-Hohenwarter, 2009, p. 40) regard creativity as an exceptional performance that exceeds translational routine. Researchers have also distinguished between source- and target-level creativity. For Kenny (2001, p. 111), source-text lexical creativity means “unconventional, or text-specific, lexical features in source-language texts” and target-language creativity means the translator’s capacity to avoid standardization (O’Sullivan, 2013). Rossi (2018a; 2018b), who discusses creativity in the context of literary translation and employs the concept of literary creativity, adds a further dimension to target-level creativity, that of reading. For Rossi, literary creativity is the “literary translator’s ability to find adequate solutions for the translation of a highly literary text” (Rossi, 2015 as cited in Rossi, 2018a, p. 50). This ability is also not limited to the process of rewording but essentially also to the process of reading:

As literary translator Daniel Hahn reminds us, “translation is two things: it’s very close and careful and thoughtful reading. Then, it’s precise and careful and thoughtful writing” (Hahn 2014, n.p). It is important to distinguish these two stages in translation process because creativity plays an important role in both: **the literary translator both reads and writes creatively.** (Rossi, 2018a, p. 50, emphasis added.)

It is perhaps here that we can differentiate between creativity in literary and non-literary translation.³ In the latter, creativity concerns mainly the rewording phase since translators of business translation, for instance, do not have a ‘license to fill’ when reading the source text. By ‘license to fill’, Rabinowitz means that the reader of fiction has some room for figuring out what happens in the gaps of the narrative. He points out that “[n]o work of literature can tell us everything that the characters do or think; instead, selected moments, thoughts and events are flashed on the page” (Rabinowitz, 1987, pp. 148–154).⁴ The capacity to imagine what happens in the gaps of the narrative is essential in literary translation, where the translator’s subjective reading experience is the very basis of a coherent and meaningful target text; “[i]t is the translator’s individual experience of the text that is translated” (Rossi, 2018b, p. 391). Furthermore, whereas in business translation, where time is

³ In addition to literary texts (novels, poems, plays, comics, essays, philosophical works etc.), the same probably concerns other types of creative texts (see Hadley et al., 2022, p. 6): for instance, songs, films, TV shows, computer games and advertisements.

⁴ Obviously, the way we fill in textual gaps is based on our personal history, knowledge of the world and previous readings.

money, close and careful (re)reading of the source text and making several drafts of the target text would be counterproductive, the process of literary translation needs to be a slow one, at least in the case of complex originals. As the prize-winning literary translator Peter Bush (2008, p. 25) puts it:

A translator's readings are not those of the casual reader, however well informed and engaged. They develop in the context of a rewriting of the text in another language and culture where it will be read as an original text: hovering between what is there on the published page and many drafts of the new writing. In the course of drafting and redrafting, the translator reads and rereads the words as written by the writer: the writing develops in close communication with those words.

Consequently, it seems that creativity in literary translation is very much dependent on the act of reading. It is doubtful whether the process of PE that offers the post-editor machine translated segments in the target language allows the literary post-editor to be “absorbed” (Rossi, 2018b, p. 389) by the source text. How does this affect creativity in literary PE? In the following section we review earlier research on this topic.

2.3. PE and Creativity

So far, few studies have addressed creativity in the context of PE. They are generally based on experiments where the source text to be translated was not a highly complex work and thus not exceptionally challenging for MT. Nevertheless, these studies show that MT and the process of PE limit literary post-editors' creativity even when they are professional literary translators. In the study by Moorkens et al. (2018), six professional translators who had experience in literary translation were asked to render a chapter from Brandon Sanderson's fantasy novel *Warbreaker* (2009) to Catalan in three different modalities: translation from scratch, post-editing neural MT output and post-editing statistical MT output. The study focused on the participants' perceptions of the different translation or PE tasks and contrasted them with technical and temporal measurements of their activity (Moorkens et al., 2018, pp. 242, 247–248). The findings showed that all participants preferred translating from scratch even though they were faster when post-editing neural MT output. One of the main reasons discussed by Moorkens et al. (2018, pp. 256–257) was that MT led them to overly literal translation solutions that prevented them from coming up with other solutions, whereas when translating from scratch they felt less constrained and hence more creative.

Guerberof-Arenas and Toral (2020) wanted to know how creativity manifests itself in different translation modalities – MT, PE and human translation – and how this impacts the end user's reading experience. In their experiment, Green and Brock's (2000) story “Murder in the Mall”⁵ was translated into Catalan in these three modalities. The MT was a system customized for literary texts in translation from English to Catalan (Toral et al. 2020), and the PE versions and translation from scratch were provided by two professional literary translators (Guerberof-Arenas & Toral, 2020, pp. 259–262). Based on the translators' comments cited by Guerberof-Arenas and Toral (2020, pp. 262, 269), both preferred translation from scratch to PE; one of the translators explicitly mentioned that their creativity as a post-editor had been constrained by the MT suggestions and discussed the difficulty of thinking “outside the box” in PE. Guerberof-Arenas and Toral (2020, pp. 263–264) measured creativity in the three modalities with the help of two criteria: acceptability (operationalized by counting different kinds of translation errors) and novelty (operationalized by counting and analyzing creative shifts in the target texts). In their study, human translation had a slightly higher creativity score than PE, while MT scored lowest, having more errors and fewer creative shifts (Guerberof-Arenas & Toral, 2020, p. 270). As to the reading experience, which was

⁵ Green and Brock's (2000, p. 703, 705) “Murder in the Mall”, adapted for a psychological experiment, is based on a true story in Sherwin B. Nuland's bestseller *How We Die: Reflections on Life's Final Chapter* (Nuland 1994, pp. 123–128)

investigated through a survey of 88 participants reading randomly selected texts produced with one of the three modalities, Guerberof-Arenas and Toral (2020, p. 266, 270-272, 276) note that human translation and PE showed quite similar reading experiences, but human translation ranked higher in the categories involving narrative engagement (narrative understanding, attentional focus, narrative presence and emotional engagement).

A later study by Guerberof-Arenas and Toral (2022) obtained even clearer results concerning the constraint that MT represents for literary translators when post-editing. In this study, the authors had slightly modified their methodology (more expert evaluators of texts, two target languages: Catalan and Dutch) and had also selected a more complex text to be translated, Kurt Vonnegut's short story "2BR02B" from 1962 (Vonnegut 1999). The participants were four professionals of literary translation with five to more than fifteen years of experience, who translated and post-edited the text, as well as five reviewers (professional literary translators with five to more than fifteen years of experience) who were asked to evaluate the version produced by the three different translation modalities – translation from scratch, PE and MT – in a blind format (Guerberof-Arenas & Toral, 2022, pp. 187–190). In addition to analyzing errors and creative shifts in the target texts and examining expert readers' evaluations of these translations, Guerberof-Arenas and Toral (2022, pp. 190–193) examined how MT affects the translation process. Also in this study, all participants preferred translating from scratch to PE (Guerberof-Arenas & Toral 2022, p. 204). Furthermore, the five reviewers were unanimous in their ranking of the translations: the human translations were ranked extremely good, the MT extremely bad and the PE as neither good nor bad, and human translation also showed the highest creativity scores in the analysis of creative shifts (Guerberof-Arenas & Toral 2022, pp. 196, 201). Guerberof-Arenas and Toral (2022, p. 207) conclude: "it appears that using MT (by means of PE) hinders the effectiveness of the translation process, because the translator becomes the evaluator and not the creator, and therefore the mechanisms and phases of creativity are not set into motion."

From the point of view of copyright, one finding in Guerberof-Arenas and Toral's (2022, p. 204) study is particularly interesting. They write that the reviewers had been surprised when they were told that both the human translations and the PE versions had been made by the same people – in spite of the fact that the translators themselves had expressed doubt whether the test readers would find any difference between their translations and PE versions. Consequently, even though this seems to have been unintentional, the translator's voice (see e.g., Hermans, 1996) must have differed to a great extent in these versions. This corresponds to observations made by Kenny and Winters (2020). In their experiment, the renowned German translator Hans-Christian Oeser post-edited an excerpt of a novel, F. Scott Fitzgerald's *The Beautiful and Damned* (1922), which had been machine-translated from English into German using DeepL. The same novel had previously been translated by Oeser himself. The goal of the study was to examine how Oeser's "textual voice" (cf. Alvstad et al., 2017) was affected by the MT. The experiment was initiated by the researchers, but Oeser selected the MT system to be used, and the data collection process was organized in a way that would correspond to Oeser's normal working methods as closely as possible, for example, by having the PE done in Microsoft Word (Kenny & Winters, 2020, pp. 131–133). Kenny and Winters (2020) discuss various changes where they see Oeser as inserting his own style and voice into the translation, which "speaks to the presence of Oeser's style and thus his textual voice in the post-edited text" (p. 136). Yet, Kenny and Winters (2020) note that Oeser's voice can be seen as diminished in some cases where he appears to be prompted by the MT to use, for example, a more stylistically neutral word, concluding that "the translator's voice is somewhat dampened in his post-editing work" (p. 145). Consequently, even though Oeser seems to have been able to "imprint his personality", to quote Troussel & Debussche (2014, p. 103), the PE version was less original than his earlier translation from scratch. If this kind of "damping" of the post-editor's voice occurs in texts made by highly competent literary translators who have a large repertoire of translation strategies and are conscious of their own translatorial style,

it can be hypothesized to be even more common in post-edited texts made by amateur translators with limited expertise in translation. In such a case, the level of editing may be minimal, which would weaken the claim for copyright (see Lacruz Mantecón, 2023, pp. 76–77).

2.4. Textual ownership in translation and PE

The studies discussed above suggest that the PE process hinders a macro-level interpretation of the source text, which is a precondition for creative micro-level target solutions (see Hewson, 2016, pp. 20, 22). The lack of a coherent macro-level interpretation, in turn, affects the post-editor's relationship with the source and target texts. Symptomatically, one of the participants in Guerberof-Arenas and Toral's (2020, p. 269) study commented on this relationship, stating that: "Rewriting is always perceived as being less creative than translating from scratch. The translator feels the text as not fully their own." This leads us to the question of textual ownership in translation.

Literary translators' reflections on authorship and textual ownership in translation have varied across centuries and cultures. Depending on the cultural context, they have variously seen themselves as authors, critics, faithful friends or humble servants of the source-text author, and their attitudes toward the source text and its author have influenced their translation strategies and consequently the make-up of the target text (Baer, 2018, pp. 60–63; Koponen et al., 2022, pp. 188–189). Contemporary literary translators are obviously governed by copyright laws as well as current norms of translation; their liberty when interpreting and rewording the source text has its limits. However, the rules are not entirely clear, and no consensus exists on the suitable amount of visibility translators may have. Venuti (1995) has famously argued for the translator's visibility, but average literary translators opt for less and usually do not claim authorship of the target text (Flynn, 2013; Jansen, 2019; Koponen et al., 2022, p. 189). Their relationship towards the target text is better characterized as textual ownership. Jansen (2019), who surveyed Scandinavian literary translators' attitudes towards the source author and text, makes a distinction between authorship and ownership. Jansen (2019, p. 684) writes that the participants of her study did not usually claim authorship for the target text in the sense of replacing the source-text author and rewriting the text according to their own agenda. Rather, their relationship to the target text was less symbolic. The target text was "theirs" because they had written it in the target language (that source text authors usually do not understand), because they wanted to have a final say on the text in the editing process and because they took responsibility for it, and awareness of their copyright to their translations also contributed to the feeling of textual ownership (Jansen, 2019, p. 684).

In PE, the post-editor's bond with the target text might be weaker at least for two reasons: first, the lack of a macro-textual, individual reading of the source text, and second, the post-editor's consciousness that they are not in charge of the translation process, and that the resulting make-up of the target text mainly comes from the MT. As Guerberof-Arenas and Toral (2022, p. 207) state: "the translator becomes the evaluator and not the creator". In the following analysis section, we investigate whether patterns revealing this kind of an attitude emerges in the two PE cases under study.

3. Analysis: searching for patterns of personal input and textual ownership in paratexts of literary PE

3.1. Research material and method

As indicated above, the research questions of our study are: What kind of an attitude do the two literary post-editors analyzed in this study have toward the post-edited target text in terms of originality? How much personal input can be observed in their description of the PE task? Do they have a sense of textual ownership toward the target text? In order to make our research as ecologically valid as possible, we conducted a multi-method study of two post-edited literary texts that have been

published. The first is Tim Armstrong's *Air Cuan Dubh Drilseach* (2013), a science fiction novel in Scottish Gaelic that was rendered into Irish with an MT engine named Intergaelic, post-edited by doctoral student Eoin P. Ó Murchú (2019), and subsequently published in 2020 (*Tinte na Farraige Duibhe*, publisher: Leabhar Breac). The second one is Ángel Ganivet y García's science fiction short story "Las ruinas de Granada: Ensueño" (1899) that was translated from Spanish into Finnish with Google Translate and post-edited by science journalist and non-fiction writer Jari Koponen, who published the translation in a Finnish science fiction magazine *Portti* (2022:2). Our research data consist of paratexts of these literary translations: a research article where Ó Murchú (2019) writes about his PE experience, the peritexts (e.g., covers, notes, introduction) of both published translations and two epitexts: Ó Murchú's publisher's website (Leabhar Breac) and an interview with Jari Koponen in March 2023. Owing to time constraints, we were not able to invite Eoin P. Ó Murchú for an interview. Our research method is qualitative content analysis (see Saldanha & O'Brien, 2013, p. 190), which means that we have gone through the research material by looking for patterns that would give us information on essential themes related to our research: the post-editors' personal input in the PE process (the theme of originality) and the post-editors' relationship with the post-edited target text (the theme of textual ownership).

3.2. Case Koponen

In the peritexts of the Ganivet translation, Jari Koponen appears as a visible figure though not as a translator. His name is given on the cover of the *Portti* magazine, but only the title of his introduction concerning Ganivet is mentioned: "Jari Koponen: Ángel Ganivet: Raunioiden runoilija" [Jari Koponen: Ángel Ganivet: Poet of the Ruins]. In the editorial of the magazine, Raimo Nikkonen (2022) presents Koponen as a journalist and the fact that Ganivet's text has been translated into Finnish is not explicitly stated, owing to the passive voice and absence of the word 'translation':

The subject of Jari Koponen's article is *Ángel Ganivet - The Poet of the Ruins*. The Spanish-born Ganivet (1865–1898) served as a consul in Finland from 1896 to 1898. Some of his work from the Helsinki period is now published [in this issue]: *The Ruins of Granada: a Dream*. (*Las ruinas de Granada. Ensueño*). Ganivet also wrote 22 articles on the conditions in Finland for a Granada newspaper, which were published as a book in 1898. (translated from Finnish by the authors)

Jari Koponen's (2022) introduction to Ganivet and his short story does not mention his own role as the translator or post-editor of the translation that starts on the following page, nor does he comment on the translation. The translation (Ganivet 1899/2022, p. 9) itself mentions Koponen's name only at the very end of the text in smaller font: "Original short story: *Las ruinas de Granada. Ensueño* (1899). Machine translation from Spanish, compared to the English translation. Jari Koponen." Here, the source-text author is mentioned first, then MT, and then an English translation, which has been used in the PE process. The last one mentioned is Koponen himself, using the verb *vertailla* 'compare' instead of 'translate' or 'edit'. All in all, the peritexts indicate that Koponen does not claim authorship, nor even textual ownership for his post-edited text.

To gain more insight, we conducted an interview with Jari Koponen. A semi-structured outline was created for the interview with questions addressing the practical process of how the translation was produced, the post-editor's experiences of the process and views on ownership and copyright of the piece. After obtaining informed consent from Jari Koponen, one of the authors conducted the interview on 13 March 2023 in Microsoft Teams using the recording and transcription option offered by the software. The same author checked and edited the transcript by comparing it to the video recording of the interview. Content analysis was then performed by the other author. Key themes identified in the analysis can be broadly divided into three areas: 1) Koponen's background and

motivations 2) Koponen's view of the PE and his role and input in the process and 3) Koponen's perception of authorship/ownership.

The first theme provides information concerning Koponen's former experience in translating and using MT, his professional identity and his motivation for translating the source text and using MT. Koponen states that he does not have extensive experience with neither translation nor MT, which he has priorly used for "approximately half a dozen times". He does not consider himself a translator, but rather a journalist who has had to do translation occasionally as part of his work, for example, translating old newspaper texts from Swedish into Finnish. Consequently, Koponen's profile could be qualified as that of a journalist translator. Regarding the motivation for using MT, Koponen says that he uses it for languages he would otherwise not be able to understand, giving Spanish – the source language of Ganivet's short story – as an example. He discusses having used an MT system (Google Translate, specifically) occasionally for translating and also as a dictionary. For the publication of this story as a machine-translated and then post-edited version, the initiative came from Koponen himself, as always. On the basis of his introduction to the translation, where he tells the readers about Ganivet's life, focusing on his years (1896–1898) in Finland (Koponen 2022, p. 4), it can be hypothesized that his motivation for selecting the source text was to introduce to the readers of *Portti* magazine an early science fiction writer who had a connection to Finland.

As to the PE process itself, Koponen describes it as generating the MT from Spanish to Finnish, and then checking it for possible errors. For this checking, he used an English translation of the short story, which is available online, as support for his corrections. He also mentions sporadically using machine-translated suggestions from Spanish to English or Swedish for some passages that caught his attention as "odd" or potentially inaccurate. When asked whether he had any pre-defined global strategy for the PE, Koponen describes his approach as very situation dependent. Consequently, he did not proceed with the PE from a macro-level perspective, but rather worked *ad hoc* from the microlevel. As regards Koponen's own role in the PE process, throughout the interview, he describes it as a corrector of relatively minor errors. He links this with the quality of the MT, stating that the output was already of good quality and there was not much left to do. To describe his process, Koponen uses the Finnish word *viilailua*, which could be translated as smoothing (with a file) some rough edges. Thus, given his micro-level approach and the fact that he does not master the source language, his role seems to have been that of an editor, in any case not that of a translator with creative effort. Regarding things that needed corrections, Koponen specifically references situations where the MT had selected the wrong option for polysemous words and other ambiguous expressions. Later he mentions features such as idioms, allusions and language from past centuries as being a challenge for the MT, although no specific examples occur in the discussion. Koponen also discusses his view of a successful translation, noting that the goal is to keep the translation as close to the source text as possible, and to make only small, mainly word-level changes. This emphasis on sameness appears to reflect a view of translation focused on formal equivalence (cf. Nida 1964). Owing to this unspoken global PE strategy, it could be hypothesized that the text might not pass the threshold of originality since another post-editor of the same MT output, with the formal equivalence as a goal, could have come up with quite a similar target text.

Regarding the theme of textual ownership, the views expressed by Koponen during the interview make it clear that he does not see himself as the author or owner of the published translation. When asked whose text he considers the target text to be, Koponen responds that it is a machine translation, and goes on to explicitly state that he does not consider it to be his own text in any way. Returning to the notion of equivalence, he again states that maintaining sameness with the source text means that he does not insert anything of his own into the translation. This also links with the question of copyright. Koponen notes that for this translation, he would find it exaggerated to file for copyright. He expresses that authorship and copyright would require more extensive creative input on the text than what he has done in this specific case. Therefore, copyright is not an issue for Koponen in the

case of the Ganivet translation. He does not seem to have a bond with the target text because his edits and personal input are minimal. In such a case, the question of whether the target text passes the threshold of originality makes no sense since the post-editor does not even claim textual ownership.

3.3. Case Ó Murchú

The article written by Eoin P. Ó Murchú (2019) describes his own experiment using the hybrid (statistical + rule-based) MT system Intergaelic (IG) to translate Tim Armstrong's novel *Air Cuan Dubh Drilseach* (2013) from Scottish Gaelic to Irish. Interestingly, the genre of this text is the same as in Koponen's case, a science fiction novel, and Ó Murchú calls his project a metatextual translation "whereby one of the central themes of the work [the increasingly central role of technology in society] is used to translate the work itself" (Ó Murchú, 2019, pp. 20, 21). Our analysis is based on Ó Murchú's descriptions of his own process. Given the aims of his article, it can give us only limited insights concerning his views on his textual ownership. Key themes examined in the analysis relate to 1) Ó Murchú's background and motivations, 2) His view of the PE and his role and input in the process and 3) His eventual perception of authorship/ownership.

In the article, Ó Murchú is identified as a PhD Student at NUI Maynooth, who has worked "as a tutor in translation in an Irish third level institution" (Ó Murchú, 2019, pp. 20, 24 footnote 11). Consequently, he is presented as a person who has some expertise in translation. As to his motivations for trying out MT and PE for a literary text, one of the reasons seemed to be his concern to develop translation technology for Irish that in terms of MT is an under-resourced language (Ó Murchú, 2019, pp. 20–21). Another goal stated in the article was to examine whether IG would be of sufficient quality to be useful for PE, examine how PE differs from translation from scratch and whether this process would reduce the overall translation time. Based on his experiment, Ó Murchú argues that MT combined with PE could perhaps help literary translators work faster, and in that way, improve their earnings, at least when translating popular fiction (Ó Murchú, 2019, pp. 20, 24).

IG is not a conventional online MT tool and this might have affected Ó Murchú's perception. He calls IG "a tool to aid the speed of translation" and refers to his process as using the MT system to "pre-translate" which was then followed by PE (Ó Murchú, 2019, p. 21). This speaks of a translatorial attitude and the role of IG in the process might be seen as more akin to that of a CAT tool. Throughout the article, Ó Murchú (2019) refers to IG as a tool that can be "used". Moreover, Ó Murchú (2019, p. 25) states that more than half of the tokens in the final text were provided by IG. Hence, his PE process with IG was a more (inter)active one than the one Koponen had with Google Translate. Furthermore, Ó Murchú (2019, pp. 21–22) makes some comparisons between the MT output, the post-edited version and his own from-scratch translation of selected passages. He states that the MT, and also the PE version, follow the source text closely, while translation from scratch tends to be "freer", with more varied sentence structures and some tendency for more explicitation and additions. Ó Murchú (2019, pp. 22–23) also makes several mentions of being primed by the MT output to use specific structures and wordings he might not have chosen otherwise. All these observations correspond to those mentioned by other studies on literary PE discussed in Section 2.

Ó Murchú's translatorial attitude is visible in other aspects as well. He mentions several drafts used in the process and shows that he has had a global strategy for the PE task. He describes his own approach during the PE as aiming to create what he terms a "solid first draft", a translation which does not contain errors and flows naturally (Ó Murchú, 2019, p. 21). The operations he carried out in this process involved re-ordering, deleting or adding the MT words. He also notes specific issues which needed human input, such as proper nouns, titles, regional accents, polysemy, neologisms, interjections and *faux amis* between the two closely related languages (Ó Murchú 2019, p. 23). This speaks of creative effort and input. He also discusses the importance of ensuring that the text flows, which points more to Nida's (1964) dynamic equivalence than to formal equivalence. Interestingly, Ó Murchú (2019, p. 22) observes that during PE, he felt pressure to be hypervigilant to ensure that

errors or defects in the MT did not end up in final translation, but that he did not feel similar hypervigilance when translating. This clearly indicates that he took responsibility for the target text, which is one of the criteria of textual ownership (see Jansen, 2019, p. 684).

The translation of the novel, which was made in this experiment, was offered to two publishers that Ó Murchú does not name. Both had accepted “the translation approach”. One of them decided to publish the book, after an editing round similar to that of any literary translation.⁶ According to Ó Murchú (2019, p. 24), this publisher and especially the source-text author responded positively to the idea of a machine-translated and post-edited text. Our research material indicates that Ó Murchú’s translation has indeed been published by Leabhar Breac in 2020. The peritexts (the cover and title page) of the published translation *Tinte na Farraiige Duibhe*, as well as an epitext (the publisher’s website) contain the notice “*Arna aistriú ag Eoin P. Ó Murchú*” / “Translated by Eoin P. Ó Murchú”, explicitly identifying Ó Murchú as the translator. The peritexts do not mention MT or PE.

No direct references to authorship or textual ownership of the final translation occur in Ó Murchú’s article, which is not surprising as this was not the focus of his discussion. Some of the observations made above, such as the references to IG as a tool to be used in translation, would seem to indicate that Ó Murchú sees himself as the owner or at least co-creator of the final target text. His discussion also hints at a feeling of responsibility and hence textual ownership. A further point for ownership may also be made based on Ó Murchú’s (2019, p. 24) note that at first the publisher expressed some hesitation about the use of MT in the process but accepted it because Ó Murchú would be the one doing the PE. Last but not least, the fact that Ó Murchú’s name appears on the cover of the published translation speaks of textual ownership and confirms his copyright for the text.

4. Conclusion

Our study of the two post-edited and subsequently published literary texts indicates that post-editors might have very differing attitudes and ways of proceeding with the PE task. Neither of the two literary post-editors we analyzed in this article were professional literary translators. However, their views of translation and their PE strategies differed to a great extent. Koponen seems to have had formal equivalence as a goal and he states in the interview that he made only minor changes in the MT. Ó Murchú, in contrast, seems to have aimed for some sort of dynamic equivalence and his use of IG can be likened to that of a CAT tool. When discussing the issues that needed changing in the MT output, both refer to relatively similar issues, such as correcting mistranslated polysemous expressions. Interestingly, however, their perception of the level of input these changes require seems to differ. Koponen explicitly describes his corrections as minor, while Ó Murchú appears to consider his role in the editing more extensive. Ó Murchú also discusses the effects of the MT output on his translation choices, which Koponen does not express.

As a result of their perceptions of the PE processes, the two post-editors’ views on textual ownership and copyright also seem to differ. Koponen explicitly does not consider the post-edited target text his own and claims no copyright, whereas Ó Murchú holds at least moral rights of his translation. Since some post-editors clearly make creative efforts when post-editing, it is important to continue discussing their rights in future research as well. The present study was limited by the fact that we did not have access to the MT outputs used by the post-editors nor their post-edited versions (that may not be the same as the published translations), which would have been required for a detailed analysis of the changes. Future studies employing approaches similar to Kenny and Winters (2020) or Guerberof-Arenas and Toral (2020, 2022) could provide valuable information regarding whether and how the post-editor’s creative input can be measured. Alongside such

⁶ The second publisher decided against publishing the book because their previous translation from Scottish Gaelic had sold poorly (Ó Murchú 2019, p. 24, note 13).

investigations, research is needed also on the post-editors' perspective. With this article, we hope also to contribute to the discussion of the impact of MT on literary translation.

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