

Maksymilian Bartoszewski, MA in Applied Linguistics  
The University of Warsaw  
e-mail: [maksymilian.bartoszewski@europejskauczelnia.edu.pl](mailto:maksymilian.bartoszewski@europejskauczelnia.edu.pl)

**Book review: Leszek Berezowski, Piotr Kładoczny, *Jak redagować przekłady angielskich dokumentów prawniczych i gospodarczych? Poprawna polszczyzna dla tłumaczy*, Warsaw, C.H. Beck Sp. z o.o. 2022, 235 pages (ebook), ISBN 978-83-8235-943-5**

**Abstract**

The review discusses key difficulties in the translation of legal English documents into Polish (or the other way around) as identified by Berezowski and Kładoczny in their book *Jak redagować przekłady angielskich dokumentów prawniczych i gospodarczych? Poprawna polszczyzna dla tłumaczy*. The authors argue that, despite fluency in two or more languages, professional translators often take their mother tongue for granted. This in turn leads to proliferation of semantic (and syntactic) calques from English and, as a result, greater homogenisation of the Polish language. Moreover, they point out that the lack of naturalness in legal translation may be misleading to the recipient, thus recommending adopting, to some extent, the domestication strategy along with the functional approach.

**Keywords:** legal translation, domestication, formulaic expressions, habitual collocations, declension, binomials, punctuation, deverbalisation

The saying the shoemaker's children go barefoot aptly describes the situation of many translators into Polish. Throughout their careers, professional translators develop a number of skills such as fluency in one or more foreign languages, expertise in (often dissimilar) foreign and domestic legal systems and familiarity with the use of computer-assisted translation tools. Beyond a shadow of a doubt, these competences take years of practice

and hands-on experience to acquire, since even seemingly restricted and fixed in form legal documents, with formulaic expressions and habitual collocations, actually constitute a virtually endless collection of cases initiated by different individuals. Consequently, the translator of legal documents is expected to be knowledgeable about forms such as addenda, affidavits, employment contracts, eviction notices, lease addenda, loan agreements, wills, both in the source language (L1) and in the target language (L2). Yet compared to these, it seems that fluency and accuracy in their native language is somewhat taken for granted. In their book, *Jak redagować przekłady angielskich dokumentów prawniczych i gospodarczych? Poprawna polszczyzna dla tłumaczy* [How to edit translations of English legal and economic documents? Correct Polish language for translators], prof. dr hab. Leszek Berezowski, Piotr Kładoczny PhD focus on this salient component. The book comprises five chapters drawing on multiple real-life examples of translations from English (both American and British) into Polish. Each chapter provides in-depth analyses of possible errors or inconsistencies and offers exhaustive comments on how to avoid mistakes and, at the same time, preserve the naturalness of the Polish language in legal discourse. The book will be of invaluable help for graduates of applied linguistics, specialised translation and language studies. Professionally active translators into Polish will definitely have a better understanding of localisation strategies, such as domestication, coinage, functional equivalence.

In the first chapter, the authors note the uniqueness of all mother tongues because not only do native speakers think and construct sentences using them, but also describe events typical of a given culture, such as public holidays, traditional observances, units of measure and even abstract notions, including values, virtues and beliefs. All languages are intrinsically linked to their cultures. This proves particularly relevant in the case of legal terminology and formulaic language used in legal texts: '[...] Languages are not nomenclatures, the concepts of one language may differ radically from those of another. Each language articulates or organises the world differently' (Baker, 1995: 10). However, in the case of English, particularly used by law practitioners, a substantial part of documents is written by speakers whose mother tongue is not English:

[...] The key reason for the hybridity and distinctness of EU English is that it is chosen as a preferred language of professional communication within the EU not only by native speakers of English, who constitute a small minority of the EU staff, but, largely, by non-native speakers (Biel, Biernacka, Jopek-Bosiacka, 2018: 252).

Importantly, the authors point out the importance of avoiding literal translation, as examples of clumsily translated texts may be observed in TV commercials, on the internet or in TV series. Hence, the translator should bear in mind the idiomaticity (or even idiosyncrasies) of his mother tongue. The difficulty lies in recreating a text written in L1 (English) using thinking patterns typical of L2 (Polish), without succumbing to fads or newspeak. This seems particularly relevant in the case of the Polish language, which not only demonstrates a rich and diversified lexicon, but also complex grammatical patterns, which may be exemplified by its declension.

Referencing *Master Polikarp's Dialogue with Death* (Polish: *Rozmowa Mistrza Polikarpa ze Śmiercią*, Latin: *De morte prologus, Dialogus inter Mortem et Magistrum*

*Polikarpum*) as the forerunner of all translated documents into Polish, the authors argue that the more field-specific a given text is (especially in the case of legal and economic translation), the more inaccessible it is to the general readership (pointing out this inaccessibility as *hermetyczność* in the Polish language).

To begin with, the first chapter includes an example of inconsistent, or even inaccurate, translation of a will from English into Polish. The authors analyse numerous mistakes and misunderstandings and suggest several corrections, thus arriving at one, final version. They clearly indicate that translation of a formal, legal text is a long, complex process itself, requiring rereading and rectifications, rather than a straightforward translation done all at once. The difficulties arise from idiosyncrasies of legal English: *the last will and testament* exemplifies doublets which abound in the English legal language (cf. *cease and desist, give and bequeath, high crimes and misdemeanours, law and order, null and void, part and parcel, sole and exclusive, terms and conditions, ways and means, will and testament*). Jopek-Bosiacka lists the following binomials as the most commonly used in legal English:

Acknowledge and confirm, act and deed, act or omission (practice), advice and consent (US Constitution, Art. II Sec. 2: “by and with the advice and consent of the Senate”), aid and abet, alter and change, by or on behalf of, cease and desist (e.g. the order of the administrative agency), consist of or include, fair and equitable, false and untrue, final and conclusive, (in) force and effect, full, true, and correct, goods and chattels, known and distinguished as, (of sound) mind and memory, new and novel, rest, residue and remainder, request and require, signed and delivered, sole and exclusive, under or in accordance with, wholly and exclusively, without let or hindrance (Jopek-Bosiacka, 2009: 62).

These etymological twins and binomials do not have direct equivalents in the Polish language. Moreover, doublets clearly demonstrate the formality of legal English:

[...] the degree of formulaicity and prefabrication is much higher in legal language, which is often referred to as ‘frozen’ and ‘fossilized’. [...] The degree of collocational fixedness is even higher in legal language (Biel, Biernacka, Jopek-Bosiacka, 2018: 254).

According to Jopek-Bosiacka,

[...] zestawienia (binomials) choć przyczyniają się do złożoności tekstów prawnych, to z drugiej strony są bardzo efektywnym środkiem językowym służącym precyzji i objęciu możliwie wielu sytuacji faktycznych. (Although binomials contribute to greater language complexity, they are a very effective means of communication, assuring precision and demonstrating a possibly large scope of factual situations) (Jopek-Bosiacka, 2009: 67).

The novelty of Berezowski and Kładoczný’s book lies in highlighting the structures which are used dissimilarly in English and Polish, such as passive voice and gerund forms.

Kolejną istotną cechą dyskursu prawnego, wpływającą na jego złożoność, jest stosowanie konstrukcji biernych (passivization). [...] Sales i in. zauważa, że w stronie biernej podmiot gramatyczny stanowi w rzeczywistości podmiot psychologiczny, a więc temat nie pokrywa się z podmiotem. (Another important feature of legal discourse,

contributing to its complexity, is the use of passive structures [passivization]. [...] Sales et al. observes that in the passive voice the grammatical subject actually constitutes a psychological subject and, as a result, the subject matter does not correspond to the grammatical subject) (Jopek-Bosiacka, 2009: 64).

English gerund forms (participles with *-ing*) may be conveyed in a number of ways in Polish: present participles are not always the most natural, smooth translation of an English equivalent. Therefore, it is recommended to translate [*Grace H. Wilczynski*], *having given bond and duly qualified as executrix* [...] as [*Grace H. Wilczyński*], *po uprzednim złożeniu oświadczenia* [...] *jest należycie upoważniona, aby* [...], instead of \*[*Grace H. Wilczynski*] *poręczona oraz należycie kwalifikująca się do bycia wykonawczynią* [...]. The following fragment: [...] *empowered to take upon herself the administration of said estate* was initially translated as \*[...] *jest należycie upoważniona do przejęcia zarządzania wspomnianym spadkiem*, whereas the authors suggest a smoother, more idiomatic translation into Polish: [...] *jest należycie upoważniona, aby sprawować zarząd ww. spadkiem* (Kładoczny, Berezowski, 2022: 5). The chapter is concluded with five general reflections about the correct use of Polish syntax and spelling. Bearing in mind increasing globalisation and overreliance on technology, there is a steady increase in the influx of foreign words (not necessarily English, even in translation from the English language) and it is often the sole responsibility of the translator to customise a certain expression or even coin a native equivalent.

Firstly, coinage should be done following the rules of common usage, including native syntax, grammar and long-standing, natural speech patterns. Secondly, the authors accentuate the salience of respecting the rules of Polish grammar, including its declension, word formation, syntax and text coherence. They point out the linguistic phenomenon of topic and comment (or else theme and rheme, in Polish “*temat-remat*”). Polish, as one of the free word order languages, demonstrates a multiplicity of possible combinations (unlike English, where the SVO order prevails). In addition, the diversity and the richness of Polish verbs should be borne in mind. Thirdly, the translator should be able to aptly select correct equivalents with regard to lexis. As previously set forth, legal and economic texts may prove difficult to grasp, particularly for laymen. It is therefore of paramount importance to use precise and accurate terminology in translation. Readers are not supposed to realise that what they are reading is actually a translated text. Fourthly, the translator should take into consideration good style. Accordingly, redundancy and any ambiguities present in the original text should be clarified in translation. This means that complex sentences may be rendered as two separate ones instead; excessive genitive case structures, gerunds and deverbal nouns are not recommended in the Polish language. Additionally, participles in their negative forms are always written as one lexeme: *niebędący, niepalący, niethumaczony, nieużyty*. Doing so is an example of legitimate and understandable intervention of the translator.

Last but not least, the worldview of the original text should be preserved; for example, several collocations and idioms may have misleading connotations in L2 compared to L1. The authors give examples of the English lexeme *hardworking*, which is quite appreciative in English, while the Polish equivalent *\*ciężko pracujący* may be regarded

as pejorative; *pracowity* (literally *industrious*) should be used instead. Mistakes in such nuances may be fraught with consequences in legal discourse, for example in descriptions of defendants' behaviour.

The following chapters include examples of legal and economic translations and suggestions as to how to improve overall text coherence.

The second chapter explains the intricacies of correct spelling and writing norms. While the translator has access both to L1 and L2, the reader is not necessarily fluent in the source language or does not speak the language at all. As has been mentioned before, legal and economic texts abound with field-specific terminology, often inaccessible to the general readership; the reader's understanding of a given text should not be taken for granted. Thus not only should the translator focus on how to convey the meaning, but also it is advisable to pay attention to correct spelling and, importantly, punctuation so as to avoid undue strain on the reader. In particular, the rules of capitalisation of many words differ considerably between English and Polish; capital letters are used more often in English than in Polish (days, months, nationalities, official names, official documents), which should not permeate to the Polish language, as doing so is likely to generate misunderstandings. The authors remind the readers that redundant capitalisation (for instance, in names of legal documents) is one of the most frequent mistakes made even by professional translators. For example, [...] *the Family Home Protection Act 1976 / Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* should be translated as [...] *Ustawa z 1976 r. o ochronie miejsc wspólnego zamieszkania rodziny oraz Ustawa z 2010 r. o związkach partnerskich i niektórych prawach i obowiązkach wspólnie zamieszkujących osób [...]*, without excessive capitalisation of the subsequent elements (Kładocznny, Berezowski, 2022: 37). Likewise, it is advisable to translate the following fragment:

Section 3 of the Family Home Protection Act 1976 / Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 as [...] art. 3 Ustawy z 1976 r. o ochronie miejsc wspólnego zamieszkania rodziny oraz Ustawy z 2010 r. o związkach partnerskich i niektórych prawach i obowiązkach wspólnie zamieszkujących osób [...]  
(Kładocznny, Berezowski, 2022: 37).

However, the authors agree that, while referring to the parties such as plenipotentiaries or pledgors, the use of capital letters is justified, as it underlines the individual character of the said parties, as in:

This power of attorney is granted by ING Bank N.V., Warsaw Branch ("Proxy") pursuant to § 9 of the Registered Pledge on Shares Agreement dated May 28 2003 (hereinafter referred to as the "Pledge Agreement") concluded between the Pledgor and the Proxy,

translated upon proofreading as

Niniejsze pełnomocnictwo nadaje się ING Bank N.V., Oddziałowi w Warszawie („Pełnomocnik”), zgodnie z § 9 Umowy zastawu rejestrowego na udziałach z dnia 28 maja 2003 r. (dalej zwanej „Umową zastawu”), zawartej pomiędzy Zastawcą i Pełnomocnikiem (Kładocznny, Berezowski, 2022: 38).

Accordingly, while in English words such as Act, Law, Agreement and their subsequent elements are capitalised, there is no need to use capital letters in their Polish counterparts. Therefore, only the first word (e.g. Act, Law, Agreement on...) should be capitalised and the following components should be written in lower case. Sometimes titles or headlines in legal documents are fully written in capital letters (e.g. *CERTIFIED COPY OF AN ENTRY OF DEATH pursuant to the Births and Deaths Registration Act 1953*). In this case, the authors recommend standard punctuation and spelling norms in Polish (*Odpis aktu zgonu na podstawie Ustawy o rejestracji narodzin i zgonów z roku 1953*) (Kładooczny, Berezowski, 2022: 39). Nouns designating public and political functions may be capitalised (e.g. *dyrektor, kierownik, minister, premier, ratownik, trener, wojewoda*), only if the title is quoted in its full, official version, e.g. *Wojewoda Dolnośląski, Prezes Rady Ministrów, Minister Sprawiedliwości* (Kładooczny, Berezowski, 2022: 42).

Apart from contextual difficulties arising from capitalisation, the authors remind the readers about the correct use of ordinal numbers (the first..., the second... etc.). A full stop should be used to signify an ordinal number (the first – 1., the second – 2.) and no other punctuation options, especially in declension are accepted (i.e. *second floor* – *drugie piętro* or just *2. piętro* in all other Polish grammatical cases; in terms of floors and units of measure, the translator should take into account cultural differences, e.g. in the USA the first floor designates the ground floor in the UK).

By and large, writing norms related to street addresses, titles, centuries and succession differ significantly if we compare rules in English and in Polish. The authors recommend respecting the rules of the Polish language: *section 5(3) or 5(4) of the Children Act 1989* should be translated as *art. 5 ust. 3* or *art. 5 ust. 4 Ustawy o dzieciach z 1989 r.* instead of *\*art. 5 ust. 3* or *art. 5 ust. 4 Ustawy z 1989 r. o dzieciach*; *James C. Carlson 3<sup>rd</sup>* corresponds to the Polish *James S. Carlson III* (and the rules of declension apply accordingly: for instance, the genitive case would be *Jamesa S. Carlsona III*) (Kładooczny, Berezowski, 2022: 47). Moreover, due attention should be given to the use of commas before subordinate conjunctions (e.g. *aby, bowiem, choć, czy, jeżeli, ponieważ, że*). Some conjunctions require only one comma (e.g. *chyba że, ... mimo że, ... zwłaszcza że, ...*), and some may replace others in order to simplify the sentence structure: *jeśli* instead of *pod warunkiem że, [...]*. Commas should not be overused in the Polish version either. Let us compare two translations of the following fragment: *[...] and requested us and each of us, to sign our names.* The first one *\*zwrócił się do nas obu i do każdego z nas osobno, o złożenie [...]* and the second one: *zwrócił się do nas obu i do każdego z nas osobno o złożenie [...]* (Kładooczny, Berezowski, 2022: 26). It is clear that the comma used in the first translation is redundant and exemplifies a punctuation calque from English. Other examples: *In witness whereof, I hereunto subscribed [...]* unlike in English, the sentence should be translated without the comma: *Na dowód powyższego złożyłem poniżej [...]*. On the whole, the authors draw readers' attention to the use of adverbials and, in particular, adverbials of place and time, frequently used in legal documents. As can be seen, in the Polish language there is no need to use a comma in the case of adverbials when the meaning is clearly and unequivocally conveyed in translation.

As previously explained in the example of gerunds (or else, present and past participles), according to the authors, a translated document should not hinder communication, as the ultimate goal of a translated document is for the reader to be able to understand and grasp the meaning naturally. If we compare the authors' viewpoint with that of Lawrence Venuti (1995), it is clear that they privilege domestication over foreignisation, in contrast to the American scholar. The authors explain their standpoint by the complexity of the Polish language; its free order sentence structure and abundance of synonyms and poecilonyms. Contrarily to Venuti, who sees domestication (referring mainly to literary translation, but also, to some extent, legal translation, which he considers technical translation) as a violent erasure of source language culture, they highlight the need to preserve the clarity and correctness of the Polish language.

The third chapter addresses the complexity of the Polish lexicon. Again, the authors highlight the individuality and uniqueness of all languages and the necessity of using nuanced, diversified lexemes appropriate in L2. As heretofore discussed, correct spelling and punctuation guarantee overall text coherence. Moreover, it is incumbent upon the translator to make ample use of the richness and diversity of target language vocabulary. Several examples demonstrate that word for word translation is virtually impossible, not only due to linguistic but, to a large extent, cultural reasons. For instance, the Polish word *przyjaciel* connotes affection much more than its direct English equivalent *friend*. In a similar vein, official titles and state functions do not always overlap between two legal and political systems: *prezydent*, *premier*, *naczelnik* are just a few examples of these constraints. Units of measurement are yet another example of how different cultures construct their linguistic representations (*morgen*, *mark*, *mile* – *morga*, *marka*, *mila* and so on). Rather than providing clear-cut answers, the authors emphasise that no single rule determines all the translator's decisions. What should be borne in mind, however, is the clarity of the meaning and its explicitness in the target language. This seems to be in contrast to Venuti's tenets of domestication and foreignisation. In his seminal work, *The Translator's Invisibility*, the American scholar speaks in favour of (moderate) foreignisation while criticising the tradition of Anglo-American culture to domesticate:

An illusionism produced by fluent translating, the translator's invisibility at once enacts and masks an insidious domestication of foreign texts, rewriting them in the transparent discourse that prevails in English and that selects precisely those foreign texts amenable to fluent translating (Venuti, 1995: 17).

On the other hand, Hejwowski goes so far as to suggest that

certain types of documents (business correspondence, CV's, letters of credit etc.) are codified in both cultures to such an extent that translation resembles replacing Text A with Text B [...], where the equivalence can only be seen in specific data like names, dates, figures etc. (Hejwowski, 2004: 58).

Hence the importance of lexical correctness in the Polish language: the translator should not use the words which are just a fad or have only recently entered the lexicon, oftentimes being a calque from English. The Authors give the following examples:

adekwatny, aktualnie, alternatywa, anulować, beka, ciężko, dokładnie, dysponować, dywagować, edycja, facet, hajs, hejt, kondycja, masakra, mega, opcja, prawidłowy, rozkminić, spektrum, standard, szlagier (from German), trend, wiodący;

it goes without saying that words such as aktualnie, dokładnie, hajs, hejt, opcja, standard, trend stem from English; there is an ongoing debate around the term *wiodący*, which, according to some linguists, is a calque from Russian (as opposed to *czołowy*, *główny*, *przodujący*), but it is quite noteworthy that it also reflects the structure of the English word *leading*. Calques such as *\*okres czasu (a period of time)* are to be avoided.

Similarly, certain English-Polish equivalents are actually false friends, i.e. words which out of the context may actually have the same signifiers both in L1 and L2, but otherwise do not fit the context: *In the past decade the Internet has already produced three proven advertising categories* translated before proofreading as *\*w ostatniej dekadzie Internet zdążył już wyprodukować trzy udowodnione kategorie reklamowania* versus *w ostatniej dekadzie w Internecie ukształtowały się już trzy sprawdzone typy reklam* after proofreading (Kładoczny, Berezowski, 2022: 55). The above excerpt exemplifies the importance of understanding formulaic language, which determines overall fluency or text coherence. Hence, the translator should take into account that some collocations may share similar patterns in L1 and L2, whereas some may be constructed dissimilarly. Baker admits that

[...] some collocations are in fact a direct reflection of the material, social, or moral environment in which they occur. This explains why bread collocates with butter in English but not in Arabic. Buy a house is a frequent collocation in English, but in German it is very rare because the practice of house-buying is very different in the two cultures (Alexander, 1987). Law and order is a common collocation in English; in Arabic a more typical collocation would be *al-qanuun wa altaqaalid* ('law and convention/tradition'). The English collocation reflects the high value that English speakers place on order and the Arabic collocation reflects the high respect accorded by Arabs to the concept of tradition (Baker, 1995: 49).

It is therefore advisable to consult not only dictionaries such as <https://sjp.pwn.pl/poradnia>, <https://sjp.pwn.pl/>, but also the corpus of the Polish language: <http://www.nkjp.uni.lodz.pl/> which provides real-life, contextualised examples of collocations. *Language units are considered collocations mainly due to their frequency; a word sequence needs to be sufficiently frequent to be regarded as a collocation* (Biel, Biernacka, Jopek-Bościacka, 2018: 254).

Although the analysed examples demonstrate the procedures applied to the field of written translation, a parallel may be drawn with the Interpretive Theory of Translation, formulated by the French interpreter Danica Seleskovic in the 1970s. The basic tenets of the theory stipulate that the translator should first deverbilise the meaning, taking into account that sense is the consequence of comprehension, and only then can s/he convey the meaning in the target language. Therefore, the three stages, namely, comprehension, deverbilisation, and reformulation should also be taken into consideration in written translation.

The authors highlight the importance of accurate terminology in translation of legal documents and economic texts. In doing so, they point out the translator's responsibility

and the need to avoid misunderstandings. Let us now consider the following examples: *The last Will and Testament was proved [...]; the Administration of all the estate; the personal representative of the said deceased*. These terms should be translated, respectively, as follows: *Testament został uznany za ważny [...]; zarząd spadkiem; wykonawca testamentu* and not *\*Testament został udowodniony [...]; \*Administracja spadku, osoba osobiście reprezentująca zmarłego* (Kładocznny, Berezowski, 2009: 62). Although the meaning of the latter is to a large extent the same, these equivalents are not actually used in standard legal documents in Polish. Moreover, the translator should be knowledgeable about cultural realities: *I, Edward Gardiner, of the City of London NOTARY PUBLIC* corresponds to *Ja, Edward Gardiner, notariusz anglosaski praktykujący w the City of London*; cf. *The Registrar of Companies for England and Wales* designates *Kierownik Urzędu ds. Rejestracji Spółek dla Anglii i Walii* (Kładocznny, Berezowski, 2022: 64). By and large, names of institutions require utmost terminological precision, e.g. *The Principal Registry of the Family Division* corresponds to *Siedziba Główna Wydziału do spraw Rodziny i Spadkowych*. Other examples include *registered owner – ujawniony w rejestrze właściciel; implied trust – zarząd powierniczy; trustee – powiernik; settlor – fundator zarządu powierniczego; joint tenants – współwłaściciele z prawem przyrostu; to transfer – sprzedać; credit score – zdolność kredytowa; revoke all previous proxies – odwołać wszystkie dotychczasowe pełnomocnictwa; perform in said capacity – wykonywanie obowiązków; I bequeath all the estate and effects whatsoever; both real and personal – przekazuję cały majątek spadkowy zarówno nieruchomości, jak i ruchomy; to sell and convey, lease or mortgage real estate – sprzedaż, wynajem, dzierżawa lub obciążenie nieruchomości hipoteką; full power of substitution – pełne prawo do substytucji* (Kładocznny, Berezowski, 2022: 67).

The following fragment demonstrates several practices discussed before: *I hereby endorse my said consent pursuant to Section 3 of the Family Home Protection Act 1976 [...]. I hereby endorse* should be translated as *niniejszym potwierdzam* (and not, for instance, *\*wspieram*); *endorse my said consent*, contextualised, is simply *potwierdzam swoją zgodę* (which not only is correct, but, importantly, sounds natural in the target language; contrarily, *\*wspomniany*, *\*rzeczony* or *\*powiedziany* would sound archaic) (Kładocznny, Berezowski, 2022: 179). Lastly, as we have seen, titles of legal documents do not require full capitalisation in the Polish language.

Interestingly, social media platforms, especially when it comes to their terms and conditions, provide fertile ground for translation studies. [...] *Content that is simply conspiratorial* should be translated as *treści ewidentnie szkalujące*; *those videos may be considered “borderline content” and subjected to suppression* means simply that *takie filmy będą uważane za „treści graniczne” i będą usuwane*. *Konspiracyjny* is yet another example of too strong a term which is quite negatively charged, especially in Polish culture. Again, the authors argue that reformulations are an inherent part of the translator’s job (Kładocznny, Berezowski, 2022: 95).

Semantic nuances are also exemplified by poecilonyms which, according to the authors, should not be used interchangeably in the target language. *Have* can be translated both as *mieć* and *posiadać*; the latter is likely to be overused in legal discourse because it is seemingly more formal.

Precyzja na poziomie semantycznym osiągnięta jest poprzez odpowiedni dobór słów i wyrażeń. Aby prawo mogło spełniać swoje funkcje, niezbędne jest zachowanie wierności semantycznej lub też spójności językowej. (Precision on the semantic level can be achieved thanks to the right selection of words and expressions. In order to make law effective, semantic faithfulness and text coherence are essential) (Jopek-Bosiacka, 2009: 49).

Yet not all terms have equivalents in L1 and L2: [...] *without having paid the distance-related toll* can be translated as *bez uiszczenia obowiązkowej opłaty za przejechaną odległość*; likewise, [...] *with portfolios and funds that maintain a structural bias towards innovation* – *w portfelach i funduszach, które utrzymują strukturalne nastawienie na innowacje* (Kładoczny, Berezowski, 2022: 101).

Importantly, repetitions in L2 should be avoided, especially in the case of the Polish language, whose stylistics differs considerably from English. A *toll* can be translated both as *opłata* or *należność*; a *matter* has multiple equivalents: *kwestia*, *sprawa*, *zagadnienie*.

Last but not least, the authors address phraseology and idiomaticity. Legal texts are quite formal and as such do not make ample use of idioms, such as e.g. *the straw that broke the camel's back*, *the shoemaker's children go barefoot*, *constant dropping wears away a stone*, which are the feature of a journalistic style, colloquial or spoken language. However, a number of law-related texts can be found in press articles. The authors quote the expression *to crack the whip* and its likely translations: *trzymać dyscyplinę*, *potraktować kogoś ostro*, *przykręcić komu śrubę*, *trzymać kogoś w ryzach* and *szarpnąć cuglami* and, given the context, opt for the last one. Also, it is worth considering which version of *to keep pace with the times* fits better the context: *być na czasie* or *dotrzymywać kroku*. The translator should undoubtedly bear in mind the degree of formality of a given text; *at risk of future stranding* does not actually mean *utknąć na mieliźnie* (Kładoczny, Berezowski, 2022: 117).

The fourth chapter sheds new light on practical uses of Polish grammar: neologisms, feminine nominal forms, semantic shifts, verb forms. Although grammar errors are rare among linguists, the translator should always consider the accuracy of a certain term, given the diversity of Polish verbs: *to run* means *biegać*, *biec*, *biegnąć*; perfectives are also possible (*przebiec*, *przebiegnąć*). Moreover, the Authors give several examples of problematic inflection, which nevertheless does not seem particularly challenging for present-day translators. It is worth considering, however, how to correctly inflect foreign names and surnames. *I give and bequeath to Norman and Hedda Rosten* [...] should be translated as *Przekazuję w spadku Normanowi i Heddzie Rostenom* [...], following the rules of the Polish inflection even in translation of foreign surnames; in the same vein, *the marriage between Paul Andrew Key, the Petitioner, and Anna Krystyna Key, the Respondent* [...] – *małżeństwo zawarte pomiędzy Paulem Andrew Keyem, powodem, a Anną Krystyną Key, pozwana* [...]. Other examples include: [...] *hereby appoints James C. Carlson 3<sup>rd</sup> and Gerald McCloskey* [...] – *udzielam pełnomocnictwa Jamesowi C. Carlsonowi III i Geraldowi McCloskeyowi*; it is worth comparing with [...] *transfers* [...] *to Marta Joanna Bielicka Stacy and Brendan Lewis Stacy as joint tenants* [...] – *sprzedaje Marcie Joannie Bielickiej-Stacy oraz Brendanowi Lewisowi Stacy'emu*. Interestingly, *Smith Barney's net profit*, rather than *zysk firmy Smith Barney's*, should be translated as

*zysk netto spółki Smith Barney's*, because it simply takes its name from its founder (Kładoczny, Berezowski, 2022: 139).

Syntax is another vital aspect of text coherence. *For any of the different financial needs it is essential to take into account* means simply [...] *dla każdej z tych różnych potrzeb finansowych kluczowe jest* [...] and not *\*kluczowym jest; application must be made to the Court for rescission of this decree before it is made absolute – należy koniecznie złożyć wniosek do tutejszego Sądu o uchylenie niniejszego postanowienia zanim stanie się ostateczne* (and not *\*ostatecznym*). When it comes to syntax, the authors recommend consulting the following source: [walenty.ipipan.waw.pl](http://walenty.ipipan.waw.pl) (Kładoczny, Berezowski, 2022: 165).

Also, the book investigates frequent syntactic errors stemming from deficiencies in L2, such as *odnośnie czegoś* (instead of *\*odnośnie do czegoś*); *travel to and from work* corresponds to *podróżowanie do pracy i z pracy* (Kładoczny, Berezowski, 2022: 175). Notably, in legal texts, the future form *shall* should predominantly be translated into Polish using the present tense:

[...] any property which, or an interest which is devised or bequeathed to the former spouse shall pass as if the former spouse had died on the date on which the marriage is dissolved – wszelki majątek lub wszelkie udziały w nim, które przekazane zostały w testamentie byłemu małżonkowi, są dziedziczone tak, jak gdyby były małżonek zmarł w dniu rozwiązania małżeństwa (Kładoczny, Berezowski, 2022: 156).

Again, similarly to gerunds, deverbal and deadjectival nouns (in Polish: *rzeczowniki odczasownikowe i odprzymiotnikowe*) should not be amply used (*nakazała, by zaproponowali* vs. *\*nakazała zaproponowanie; tendencja* vs. *\*tendencyjność*). Importantly, clusters of deverbal nouns should be avoided: [...] *new anti-tax avoidance measures to tackle the abusive use* [...] should not be translated as *\*[...] nowe środki zwalczania unikania opodatkowania*; the following structure provides a more practical solution: *środki, by przeciwdziałać optymalizacji opodatkowania* [...] (Kładoczny, Berezowski, 2022: 192). The chapter provides multiple case-by-case examples, focussing especially on gerunds and deverbal nouns in the Polish language. Jopek-Bosiacka admits that gerunds tend to be overused in legal discourse:

Nagromadzenie rzeczowników odczasownikowych (gerundiów) zakończonych na -ing lub -tion i odprzymiotnikowych zauważa wielu badaczy [...]. Preferowane są w związku z tym również konstrukcje analityczne, a więc z czasownika nazywającego ogólnie czynność oraz rzeczownika wskazującego jej obiekt. (Deverbal and deadjectival noun clusters ending in -ing or -ed are remarked upon by many scholars [...]. Consequently, analytical constructions, comprising a general descriptive verb and a noun indicating the object, are preferred as well (Jopek-Bosiacka, 2009: 67).

Although Berezowski and Kładoczny focus primarily on originally English and American documents, stressing their respective cultural contexts and differences stemming from these, it is worth emphasising that nowadays a substantial number of documents drawn up originally in English are actually written by non-native English speakers. This in turn entails greater neutralisation of this kind of language, but also its grammatical idiosyncrasies, especially in syntactic terms:

Another collocational trend is a frequent use of deverbal nouns, the so-called ‘buried’ verbs which are derived from verbs with suffixes -ment, -tion, -ance, etc. This trend is not unique to EU English but is in general typical of formal registers and administrative language (Biel, Biernacka, Jopek-Bosiacka, 2018: 254).

The phenomenon was analysed by Biel, Biernacka and Jopek-Bosiacka (2018). In a way, the translator cannot rely on the accuracy of the original text, let alone translate it following the original syntactic structures. Thus the innovativeness of Berezowski and Kładoczny’s book lies in underscoring the problem of inapparent calques from English.

In the fifth chapter, the authors examine how to convey long, complex sentences. Jopek-Bosiacka admits that legal documents abound with long sentences:

Złożoność na poziomie zdania, szczególnie jeśli chodzi o długość zdania to czwarta cecha, wyróżniająca dyskurs prawny. W analizie brytyjskiego odpowiednika ustawy o ustroju sądów powszechnych British Courts Act 1971 Marita Gustaffson stwierdziła, że długość zdań zawierała od 10 do 179 wyrazów, zaś średnia długość zdania w ustawie wyniosła 48 wyrazów. Dla porównania w angielskich tekstach naukowych średnia długość zdania jest prawie dwa razy mniejsza i wynosi 28 wyrazów, zaś w utworach scenicznych – 7 wyrazów, czyli prawie osiem razy mniej. (Complexity on the sentence level, particularly in terms of sentence length, is the fourth [of many] distinctive feature of legal discourse. In her analysis of British Courts Act 1971, Marita Gustaffson admitted that sentences comprised between 10 and 179 words, whereas the average sentence length was 48 words. Sentences in English scientific texts contain approximately half the number of that, namely, 28 words, and theatre plays – 7 words, which is nearly 8 times less compared to legal texts (Jopek-Bosiacka, 2009: 63).

As we have seen, the translator’s intervention is acceptable as long as a given utterance preserves its naturalness in the target language.

The phrase “naturalness of expression” signals the importance of a fluent strategy to this theory of translation [domestication], and in Nida’s work it is obvious that fluency involves domestication (Venuti, 1995: 21).

Therefore, translators may split complex sentences in two or more, bearing in mind the importance of correct verbal syntax.

Overall, the book examines hitherto unaddressed problems of English – Polish legal translation. Thanks to a plethora of real-life examples, the authors draw readers’ attention to the most common types of mistakes made even by professional translators. These include semantic and syntactic calques from English as well as problems related to correct declension, toponyms and punctuation in the target language. These problems may arise from overreliance on one’s intuition (i.e. the assumption that one has an excellent command of the mother tongue). The innovativeness of the book lies in its thorough analysis of syntactic structures in L2 (Polish). At the same time, due attention must be given to the importance of semantics and cultural implications (titles, names of acts, institutions, units of measurement).

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## Streszczenie

### **Recenzja książki: L. Berezowski, P. Kładocznny, *Jak redagować przekłady angielskich dokumentów prawnych i gospodarczych? Poprawna polszczyzna dla tłumaczy***

Niniejszy artykuł wskazuje kluczowe trudności w tłumaczeniu angielskich dokumentów prawnych na język polski (lub odwrotnie) omówione przez prof. dr. hab. Leszka Berezowskiego i dr. Piotra Kładocznego w książce *Jak redagować przekłady angielskich dokumentów prawnych i gospodarczych? Poprawna polszczyzna dla tłumaczy*. Autorzy argumentują, że pomimo biegłej znajomości dwóch lub więcej języków zawodowi tłumacze często traktują swój język ojczysty jako coś oczywistego. To z kolei prowadzi do mnożenia semantycznych (i składniowych) kalk z języka angielskiego, a w rezultacie do większej homogenizacji języka polskiego. Co więcej, wskazują oni, że brak naturalności w tłumaczeniu prawniczym może być mylący dla odbiorcy. Zalecają tym samym przyjęcie, do pewnego stopnia, strategii udomowienia wraz z podejściem funkcjonalnym.

**Słowa kluczowe:** tłumaczenie prawnicze, udomowienie, utarte zwroty, kolokacje, deklinacja, binominalna nomenklatura, interpunkcja, dewerbalizacja