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Leszek Berezowski, Piotr Kładoczny: *How to edit translations of English legal and economic documents? Correct Polish language for translators. (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 ebook 978-83-8235-943-5

The saying *the shoemaker's children go barefoot* aptly describes the situation of many translators into Polish. In particular, legal translators develop a number of skills that go hand in hand with the increasingly growing demand. Fluency in one or more foreign languages, expertise in dissimilar foreign and domestic legal systems, computer-assisted translation tools, to name but a few. These competencies take years of practice and hands-on experience to acquire, given that even seemingly restricted and formulaic legal documents are, in reality, 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 and in the target language. Yet few have investigated fluency and accuracy in their native language, which, like all languages, is constantly evolving. Declension of proper names, new feminine nominal forms, fewer deverbal nouns in the Polish language have yet to be examined. 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 and dr Piotr Kładoczny focus on this hitherto unaddressed aspect. The

book comprises five chapters drawing on multiple real-life examples of translations from English (both American and British) into Polish. The handbook will be of invaluable help for graduates of applied linguistics, specialised translation and language studies as well as active translators. It is broadly acknowledged among scholars that literal translation should be avoided and Berezowski and Kładoczny concur with this widely recognized assertion. Hence, the translator should bear in mind the idiomaticity and 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 in the increasingly globalised world.

The first chapter includes examples 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. The difficulties arise from idiosyncrasies of legal English: *the last will and testament* exemplifies binomials 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*)<sup>1</sup>. The novelty of Berezowski and Kładoczny's book lies in highlighting the structures which are used differently in English and Polish, such as passive voice and gerund forms. As observed by Jopek-Bosiacka (2009: 64), passive voice tends to be amply used in English in comparison to the Polish language, where active voice is simply more natural. Likewise, English gerund forms may be conveyed in a number of ways in Polish. For example, it is recommendable 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*. The proliferation of calques from English may be attributed to overreliance on digital aids. It is therefore the sole responsibility of the translator to cus-

<sup>1</sup> Binomials have been investigated by Jopek-Bosiacka (2009: 62).

tomise a certain expression or even coin a native equivalent. The authors convincingly argue that coinage should be done following the rules of common usage, including Polish syntax, grammar and long-standing, natural speech patterns. 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). Moreover, the translator should take into consideration good style. Accordingly, redundancy and any ambiguities present in the original text should be clarified in translation. Doing so is an example of legitimate and understandable intervention of the translator. This means that complex sentences may be rendered as two separate ones instead; excessive genitive case structures, gerunds and deverbal nouns are not recommendable in the Polish language. Notably, participles in their negative forms are always written as one lexeme: *niebędący, niepalący, nietłumaczony, nieużyty*. Furthermore, in their insightful analysis, Berezowski and Kładoczny demonstrate that the world view of the original text should be preserved; for example, several collocations and idioms may have misleading connotations in L2 compared to L1. Idiomaticity in translation was closely examined by Hejwowski (2004). The authors give examples of the English lexeme *hard-working*, 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 second chapter explains the intricacies of correct spelling and writing norms. While the translator has access both to L1 and L2, the recipient is not necessarily fluent in the source language or does not speak the language at all. 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, as Berezowski and Kładoczny appropriately point out, it is advisable to pay attention to correct spelling and punctuation so as to avoid undue strain on the reader. In particular, the rules of capitalisation 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. Redundant capitalisation (for instance, in names of legal documents) is one of the most frequent mistakes made even by professional translators and has been proven to hinder the reader's understanding. 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. Likewise, it is advisable to translate the following fragment: *Section 3 of the Family Home Protection Act (...)* as *Art. 3 Ustawy z 1976 r. o ochronie miejsc wspólnego zamieszkania rodziny (...)*. However, the authors agree that, while referring to the parties such as plenipotentiaries or pledgeors, 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*. 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. 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*). 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*).

The third chapter addresses the complexity of the Polish lexicon. It is incumbent upon the translator to make ample use of the richness and diversity of target language vocabulary. Concurring with the existing findings, the authors provide several examples demonstrating that word for word translation is virtually impossible. Units of measurement, among many other cases, are yet another example of how different cultures construct their linguistic representations (*morgen, mark, mile - morga, marka, mila* and so on). Consequently, certain English-Polish equivalents are actually false friends, e.g.: *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. The above excerpt exemplifies the importance of understanding formulaic language, which determines overall 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* (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-Bosiacka, 2018: 254). Finally and importantly, the authors address phraseology and idiomaticity. Legal texts are quite formal and, as such, do not make ample use of idioms such as *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 komuś śrubę*, *trzymać kogoś w ryzach* and *szarpnąć cugłami* and, given the context, opt for the last one. Also, it is worth considering which version of *to keep pace with the times* fits 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*.

The fourth chapter sheds light on practical uses of Polish grammar: neologisms, feminine nominal forms, semantic shifts, verb forms. Although the authors admit that 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. It is worth considering 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; similarly, *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, pozwaną (...)*. The handbook provides numerous examples of this overlooked phenomenon.

Syntax is yet 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 wzięcie pod uwagę* 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*). Regarding syntactic norms, the authors recommend consulting the following source: [walenty.ipipan.waw.pl](http://walenty.ipipan.waw.pl). Additionally, the chapter 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*. Notably, in legal texts, the future form *shall* should predominantly be translated into Polish using the present tense.

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*. *tak w cytacie po angielsku (przed i po)*; the following structure provides a more practical solution: *środki, by przeciwdziałać optymalizacji opodatkowania (...)*, żeby było tak jak w cytacie po angielsku *przed i po*.

In the fifth chapter, the authors examine how to convey long, complex sentences typical of legal documents. The translator's intervention is acceptable as long as a given utterance preserves its naturalness in the target language. Therefore, translators may split complex sentences in two or more, bearing in mind the importance of correct verbal syntax. Berezowski and Kładoczny recommend consulting the corpus tool PELCRA (Kolokator) and the dictionary [wsjp.pl](http://wsjp.pl).

Overall, the book examines hitherto overlooked 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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