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The plain English movement in legal writing and its (dis)advantages for non-native speakers of English. Theoretical background and survey results

Summary: The objective of this paper is to discuss the theoretical background behind the simplification of legal English, and to present current tendencies based on the conducted survey.
Section 2 provides a brief overview of the plain English movement in general, including the analysis of the views of prominent English writers and linguists, such as G. Orwell and E. Gowers. Then, Section 3 offers a more specialist approach to the movement within the field of professional legal writing. A special focus is placed on the limitations of plain English when it is applied within communication involving L2 speakers of English. Finally, Section 4 discusses the results of the survey conducted on persons with a legal background and laypersons. The work ends with conclusions on the use of simplified legal English in professional contexts (including, in particular, specialised translation).
Plain English may be a valid alternative for formalised jargon wherever it is possible to apply it without a loss of precision. In many cases, the use of formal legal English is caused rather by aesthetical or historical reasons, not by a real necessity. Therefore, it would be feasible to replace it in communication with clients and citizens for the sake of clarity. However, several reservations have to be made. Firstly, certain elements of "plain" English are not, in fact, plain for those who are not native speakers. A good example of that are phrasal verbs, which constitute a difficult part of the language for foreigners (as shown in the survey results). Secondly, certain elements of legal English are already so widely recognised, that it may be not particularly reasonable to replace them. Therefore, the plain English movement should incorporate a broader linguistic context and look for solutions that are useful not only to L1 speakers of English but also to L2 speakers.

Keywords: plain English movement, legal English, legal writing, legal translation

1. Introduction

> POLONIUS: (…)
> *Therefore, since* ***brevity is the soul of wit****,*
> *And tediousness the limbs and outward flourishes,*
> *I will be brief. Your noble son is mad*
> [emphasis added]
> (William Shakespeare, Hamlet, Act 2, Scene 2, lines 86–88)

Polonius used the above words while attempting to convince the royal couple about Hamlet's madness. Ironically, his long passages spoken throughout the play are certainly far from being brief, neither are they formidably witty. Nevertheless, "brevity is the soul of wit" became another Shakespearean phrase widely used by speakers of English as an idiom. However, a widespread tendency to use jargon, words of foreign origin, passive voice or unbearably long sentences is often hard to resist; otherwise, the speaker may be considered unprofessional or incapable in the professional context.

The objective of this paper is to discuss the theoretical background behind the movement towards the simplification of legal English and to present the perspective of language users based on the conducted survey. Section 2 provides a brief overview of the plain English movement in general, including the analysis of the views of prominent English writers and linguists, such as G. Orwell and E. Gowers. Then, Section 3 offers a more specialist approach to the movement within the field of professional legal writing. A special focus is placed on the limitations of plain English when it is applied within communication involving L2 speakers of English. Finally, Section 4 discusses the results of the survey conducted on respondents with a legal background and laypersons. The work ends with conclusions on the use of simplified legal English in professional contexts (including legal drafting and specialised translation).

2. The plain English movement – its origins and aims

2.1. The King's English and Fowler's rules of good writing

The topic of simplifying English has been explored by many scholars and practitioners. H. Fowler, a well-known English grammarian and lexicog-

rapher, formed the following general rules in his iconic "The King's English" (Fowler 1908: 11):[1]

1. *Prefer the familiar word to the far-fetched.*
2. *Prefer the concrete word to the abstract.*
3. *Prefer the single word to the circumlocution.*
4. *Prefer the short word to the long.*
5. *Prefer the Saxon word to the Romance.*

Fowler's rules do not form any kind of binding linguistic commandments. As Fowler himself rightly pointed out: "[…] what is suitable for one sort of composition may be unsuitable for another" (Fowler 1908: 16). Later Sir Ernest Gowers, the author of "The Complete Plain Words", referred to Fowler's rules, albeit with caution. He pointed out that they cannot be applied rigidly, especially the preference of the short word to the longer and the Saxon one to the Romance (Gowers 1987: 47). The context and target audience matter.

The line may be drawn between distinctive styles of writing and target audiences, as it is the case with academic writing. Fowler noticed, however, one intriguing phenomenon: it is often easier to write a lot and unclearly than shortly, simply and concretely (Fowler 1908: 16). In other words, it is not necessarily a sole influence of a particular style which forces journalists, scholars, or lawyers to write obscurely, but also a lack of time to thoughtfully reduce the message. The second reason might be that using more abstract and complicated words tends to be seen as a "sign of a superior mind" (Fowler 1908: 16) – a notion that is visibly present in several answers to the survey I conducted.

2.2. George Orwell and plain English

The concern with which George Orwell treated the use of language is easy to notice, starting with the world-famous dystopian novel "1984" and ending with his shorter works. In "Politics and the English Language", Orwell argues that not only do we change the language, but also the language profoundly influences our abilities to think (Orwell 1968: 127-128). He identifies several bad writing habits that, in his view, spoil English.

[1] I use the version distributed by Bartleby in 1999. The King's English comprised of a commentary with examples on a variety of topics chosen by the author, including vocabulary, syntax and style. Even though partially outdated, especially in parts relating to Americanisms and usage of certain vocabulary, it may be still considered as valuable guidelines for proper writing. Another Fowler's book, "A Dictionary of Modern English Usage", has gained even more popularity and in revised versions continues to be a widely used set of recommendations on the use of English.

Firstly, using worn-out metaphors and word patterns which already lost their original meaning and vividness, such as "to stand shoulder to shoulder with" or "the hammer and the anvil" (Orwell 1968: 130). Secondly, over-using nominalisation, the passive voice and lengthy phrasal verbs ("brought to a satisfactory conclusion") (1968: 130-131). Thirdly, overusing words of foreign origin, especially Latinisms ("*mutatis mutandis*") (1968: 131-132). At last, over-using abstract and meaningless words and phrases ("the immediately striking thing about Mr. X's work is its peculiar deadness") (Orwell 1968: 132-133).

In his answer to those issues, Orwell proposes the following set of golden rules (Orwell 1968: 139):

1. *Never use a metaphor, simile, or other figure of speech which you are used to seeing in print.*
2. *Never use a long word where a short one will do.*
3. *If it is possible to cut a word out, always cut it out.*
4. *Never use the passive where you can use the active.*
5. *Never use a foreign phrase, a scientific word, or a jargon word if you can think of an everyday English equivalent.*
6. *Break any of these rules sooner than say anything outright barbarous.*

Fowler and Orwell's rules overlap strongly, suggesting that Orwell might have been inspired by his predecessor. While such recommendations are not a remedy to all possible issues related to bad writing and they should not be followed unreservedly (as recognised already by Orwell's rule no. 6), following them can increase the readability of the content.

2.3. Sir Ernest Gowers: teaching the officials to write clearly

Having seen the need to teach British officials how to address the Queen's subjects clearly, Sir Ernest Gowers wrote "The Complete Plain Words", guidelines for good writing.[2] Similarly to Orwell and Fowler, Gowers recognised that there is a linguistic disease spreading among English speakers which makes them write in a too complicated way (Gowers 1987: 38).

Gowers noticed that there had been a tendency within the British establishment to cling to archaisms as a matter of tradition. That, in turn, led to the use of outworn and over-formalistic phrases in official correspondence (Gowers

[2] Originally published in 1954, it has been revised many times by several other scholars and civil servants, including Sir Bruce Fraser and Sidney Greenbaum, hence it is impossible now to attribute particular thoughts to a single person. However, for the sake of clarity, I will refer to Sir Ernest Gowers as he was the main contributor.

1987: 40). Furthermore, he criticised an unreasonable love of long words and lack of precision (Gowers 1987: 40-41).

Vagueness tends to go along with "cautionary clichés" (Gowers 1987: 42).[3] Cautionary clichés are used automatically and do not transfer much relevant information. This may happen when the speaker decides to avoid precision to stay polite, leading to the use of euphemisms (Gowers 1987: 42). Both Gowers and Orwell heavily criticised the overuse of the "not un-" device, as in this example: "I think the officer's attitude was *not unduly unreasonable*" [emphasis added] (Gowers 1987: 43). Orwell's rule no. 6 acknowledged that in some instances the speaker may be forced to avoid precision; however, that does not excuse the constant use of troubling understatements (Orwell 1968: 139).

Gowers slightly modified Fowler's rules. Firstly, the author should not use more words than necessary to convey the meaning, since the overflow may render the message unclear and tire the reader (Gowers 1987: 48). Here Gowers focuses on superfluous constructions similar to Orwell's ready-made phrases: "*Do not use roundabout phrases where single words would serve*" (Gowers 1987: 48). Secondly, Gowers duplicates Fowler's rule of preferring familiar words to far-fetched ones but adds a practical condition: "*if they express your meaning equally well*" (Gowers 1987: 48). Thirdly, the author should prefer concrete words to abstract ones to convey the message clearly (Gowers 1987: 48). Gowers skipped Fowler's fifth rule of the preference towards the Saxon word, but in many cases choosing a shorter word will indeed satisfy this criterion. Perhaps what Fowler wanted to achieve by that rule is better outlined by Orwell's rule no. 5: "*never use a foreign phrase, a scientific word, or a jargon word if you can think of an everyday English equivalent*" (Orwell 1968: 139).

3. Plain English in legal writing

3.1. "Legalese" as the language of law

Legal writing is frequently a subject of plain English postulates in modern times. This is because, firstly, legal English tends to involve a highly specialised register and structure which are not familiar to lay-persons. Secondly, it is rather difficult to escape its reach. We are surrounded by law as its subjects no matter how well we are educated in terms of legal knowledge. We enter into contracts every day while buying and selling items, using transportation serv-

[3] Gowers provides a baffling example from a letter drafted by one of the British officials: "[…] he is inclined to think that, in existing circumstances, there is, prima facie, a case for...".

ices or working for our employers. Death, which inevitably surrounds our daily fortunes, is not only a tragic fact but also a legal event resulting in a loss of legal capacity and opening of succession. Wills, lawsuits, tenancy agreements, regulations, and administrative decisions – all those documents are written in a language that is, in fact, a foreign language to everyday people, and which is traditionally taught in law schools. It is not surprising that the public is willing to fight for the simplicity and clarity of what they pejoratively call "legalese". After all, it is not possible to actively participate in public life if one does not understand the language of its proceedings.

That fight against legalese has a surprisingly long tradition on the British Isles. There was a time when the language of the law was literally a foreign language for English subjects. The victory of William the Conqueror in the bloody battle of Hastings (1066) opened the English language to Norman influences. At first, Latin remained the language of law, but when England started to remove it, what came as a replacement was not English, but French, which retained this privileged character for hundreds of years (Gillies 2011: 170). Interestingly, Law French, which was a technical dialect used by the legal profession in England, remained the language of law even long after French was abandoned in everyday life (Gillies 2011: 169). There were even several statutes adopted to force the legal profession to use English but to little avail at least until the 18th century (Gillies 2011: 168).

Eventually, in the 1970s, the modern plain English movement launched its fierce campaign against the unreadability of legal language in two English-speaking countries: the United States and the United Kingdom. The following sections are intended to depict characteristic features of legal English and then to synthesise the answer of the plain English movement to the alleged overcomplexity of that language.

3.2. The main characteristics of legal English

The distinctiveness and peculiarity of legal English collapse to several linguistic features which have been well described by practitioners and scholars. This section aims to outline the most important ones.

What perhaps usually baffles an unprepared reader is the register composed of words which are often either archaic or long and odd-sounding. This is, however, not only due to the often-criticised pompous style of legal writing. The very practical reason for such distinctiveness is the need for precision. Words that are in use in everyday English may have blurry definitions whereas the language of law prefers to use specific terms; these are often obsolete, out of

use and of foreign origin but at the same time well-defined. Typical examples of the legal register include adverbials such as "hereinafter", "thereto", "whereas", "whereby"; noun phrases such as "promissory estoppel", "conveyance", "gross negligence", "servitude", "collateral", "consideration"; verbs such as "to accrue", "to discharge", "to default", "to render", foreign expressions such as "*ratio legis*", "*ex nunc*", "*acquis communautaire*", "*ex parte*".

Several of those phrases have acquired a special legal meaning apart from what a lay-person could reasonably expect. For example, "whereas" is a subordinator that is in use in contexts other than legal writing; in legal English, however, that word serves as a special introduction in recitals, which have a function of a preamble depicting the purpose of a document and intentions of the parties (Fotaine 2006: 62). Similarly, "consideration" within English common contract law stands for a doctrine of a reciprocal exchange of promises between parties, not for a plain "careful thought" (McKendrick 2017: 5.2). As it may be expected, such phrases and constructions impose a problem for lay-persons, as their meaning and purpose in legal English is counter-intuitive and does not reflect plain everyday English.

Concerning syntax, legal writing often manifests itself in long sentences with key terms repeated multiple times (Williams 2004: 113-114). That may help to avoid ambiguity but at the same time renders reading more difficult. Legal writing is also full of so-called "doublets" and "triplets" consisting of irreversible binomials – they are fixed expressions made of two or several words, often synonyms, connected by a preposition, as in: "null and void", "due and payable", "to perform and discharge", "power and authority" (Espenschied 2010: 164-165; Gustafsson 1984: 123-124). Usually, the added synonym does not convey any special meaning and is in fact superfluous but adds the "flavour of the law" and reflects the long tradition of using such fixed phrases. Lawyers also tend to overuse the passive voice – "approximately one-quarter of all finite verbal constructions in prescriptive legal English take the passive form" (Williams 2004: 114). Along with the preference for passive and impersonal forms comes often applied nominalisation.

The following excerpt is taken from a contract clause published by the UK Plain English Campaign as an example of an unreasonably long sentence. I shortened it – originally it contained 516 words:

> *In the event that* the Purchaser *defaults* in the payment of any instalment of purchase price, taxes, insurance, interest, or the annual charge described elsewhere *herein*, or *shall default* in the performance of any other *obligations set forth in* this Contract, the Seller may: at his option: (a) Declare immediately *due and payable* the entire unpaid *balance* of purchase price, with *accrued interest*, taxes,

> and annual charge, and demand full payment *thereof*, and enforce *conveyance* of the land by *termination* of the contract or according to the terms *hereof*, in which case the Purchaser shall also be liable to the Seller for *reasonable* attorney's fees for services *rendered* by any attorney *on behalf of* the Seller […] [emphasis added]. (Plain English Campaign Website)

I underlined the repeated expressions and italicised the phrases characteristic of legal writing. That excerpt illustrates most of the features mentioned above – specific register (e.g. "defaults", "conveyance"), adverbials ("thereof", "hereof"), repetitions ("the Seller", "the Purchaser"), doublets ("due and payable"). The sentence is excessively long and consists of dimly conjugated clauses. The question is: would it be possible to rewrite such clauses so that they become more readable for non-lawyers but at the same time not lose the precision required by the profession? Should lawyers change the way of formulating their thoughts or maybe legal language is inevitably difficult to comprehend and not much can be done?

3.3. The development of the plain English movement in legal writing

Although the fight against the complexity of legal language has a long tradition in English-speaking countries, it has gained special momentum only in the last decades. Scholars such as David Mellinkoff initiated a thorough analysis of the inadequacy of legal English and, at the same time, the public started to display its impatience with what they called a legal "gobbledygook" (Williams 2004: 116). Stunts such as the public shredding of government documents before Westminster became part of the wide movement for which unreadable legalese is still the main foe (Williams 2004: 116).

The change in views on the role of legal English was immense. Sir Ernest Gowers, whose achievements are outlined in Section 2, still held a rather conservative view that legal English was outside of the scope of his recommendations on good writing. "Legal drafting must […] be unambiguous, precise, comprehensive and largely conventional. […] Legal draftsmen cannot afford to give much attention, if any, to euphony or literary elegance," he wrote (Gowers 1987: 6). The public and more progressive scholars, however, asked themselves: is there truly a good reason not to apply common standards to legal English? Out of this question, recommendations were formed, and several of them were successfully implemented at the governmental level.

The plain English movement is mostly directed towards governments but also practising lawyers. It has achieved substantial results mainly with the first target group. For example, the UK Unfair Terms in Consumer Contracts

Regulations of 1999 set out a requirement of using "plain, intelligible language" in consumer contracts to protect customers (Regulation 7). That rule was later upheld in the UK Consumer Rights Act 2015 (see e.g. Section 64.3). Additionally, the UK Civil Procedure Rules of 1998 introduced changes to legal terminology in England and Wales, e.g. exchanging "plaintiff" for "claimant" (see e.g. Section 2.3).

In the US, legislative efforts were broad and first resulted in the Paperwork Reduction Act of 1976 and then in the Plain Writing Act of 2010 which requires all federal executive agencies to issue documents written in plain English (Section 4[b]). Plain writing was defined there as "writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience" (Section 3[3]). The US Government prepared several guidelines to train federal employees to comply with that requirement.[4]

Over the recent decades, thanks to such initiatives, the formal language of legislature has become more accessible in many Anglophone countries. The tendency gained momentum first in Australia and New Zealand, then moved to the UK, and finally (and more reluctantly) to the US (Williams 2011: 140). As can be seen in the above examples, in many instances governments' efforts are mostly focused on facilitating communication between governmental agencies and citizens; they also attempt to force parties seen as stronger to implement plain English in relations with consumers, most notably in services such as banking. At the same time, governments are rather hesitant to change traditional legal settings such as statutes. For example, after extensive debates and reports, the use of "shall" eventually dropped significantly in the UK legislature, as confirmed by empirical research (Williams 2011: 143), but nevertheless that highly controversial modal has not been eradicated from the Acts of Parliament and is still persistent, as the reader may easily see in the recently published UK Public General Acts.[5] As to the US, Williams rightly noticed that despite the visible progress, especially in court procedure, "[…] the ethos of modernizing the legislative drafting style has still not penetrated the US Establishment […]" (Williams 2011: 145).

As regards the language used by lawyers outside of consumer contracts, it is more about convincing professionals to use plain English than about imposing any binding restrictions. Bar associations, such as the American Bar As-

[4] See e.g.: *A Plain English Handbook. How to create clear SEC disclosure documents* issued by the Office of Investor Education and Assistance, U.S. Securities and Exchange Commission, Washington DC 1998.

[5] See the "legislation.gov.uk" website maintained by the UK National Archives (consulted 28 October 2023).

sociation, are actively promoting plain English within the legal profession and similar efforts are made by scholars teaching legal writing at American universities.[6]

3.4. The postulates of the plain English movement

The postulates of the movement are usually formulated in a similar vein. Primarily, they advise eliminating particular features of legal English described above in Section 3.2. For example, the Plain English Campaign proposes in its guidelines to shorten the sentences, opt for the active voice instead of the passive, use pronouns "you" and "we" instead of the third person, and to avoid nominalisation. When it comes to the register, the Campaign recommends adjusting the used words to the reader, which is essential in direct communication between lawyers and clients. They also propose "the A-Z of alternative words" offering plain substitutes to "the pompous words and phrases that litter official writing" (Plain English Campaign Website). Williams suggested similar measures, including replacing archaic and foreign terms with plain English equivalents, removing superfluity, shortening sentences, and reducing the use of the passive voice and nominalisation (Williams 2004: 117-123).

Richard Wydick, a well-known American professor of law, drafted one of the most comprehensive practical guidelines for clear legal writing. His "Plain English for Lawyers" is still widely in use in reviewed editions. Wydick's recommendations are specific to legal writing; he advises, among others, avoiding compound constructions and "it is [...]" sentences, avoiding wide gaps between classic S-V-O elements[7] of the sentence, and putting modifiers close to what they modify (Wydick 2019: 22, 27, 50, 55). The last chapters of his work are devoted to careful punctuation and matters of the graphic style of documents, such as margins, space between lines, fonts, and appropriate headings serving as "visual clues" (Wydick 2019: Chapters 8 and 9). One of the particularly useful exercises proposed by Wydick is to underline all "glue words" in a sentence, or as a grammarian would call them: function words. A surplus of function words in contrast with lexical words may suggest a badly written piece (Wydick 2019, 18-21). Let us see again the contract clause cited before:

> In the event that the Purchaser defaults in the payment of any instalment of purchase price, taxes, insurance, interest, or the annual charge described else-

[6] See e.g.: the Resolution of 9th-10th August 1999 adopted by the House of Delegates of the American Bar Association.

[7] I.e., subject – verb – object word order.

> where herein, or shall default in the performance of any other obligations set forth in this Contract, the Seller may: at his option: (a) Declare immediately due and payable the entire unpaid balance of purchase price, with accrued interest, taxes, and annual charge, and demand full payment thereof, and enforce conveyance of the land by termination of the contract or according to the terms hereof, in which case the Purchaser shall also be liable to the Seller for reasonable attorney's fees for services rendered by any attorney on behalf of the Seller […] [emphasis added]. (Plain English Campaign Website)

After underlining all function words, it becomes evident that the clause could be rewritten to be clearer. Wydick proposes to avoid compound phrases such as "in the event that" and to substitute them with simple "if", "by" "since" etc., depending on the context (Wydick 2019: 23). He also recommends avoiding the passive voice, nominalisation, and superfluity (Wydick 2019: 30-43). A good example of such superfluity is a typically legal doublet "due and payable" which could be easily replaced by one word. Similarly, it was rather abundant in the above clause to repeat what "the unpaid balance" would consist of since it is clearly stated one line before. Such tricks are, according to Wydick, "word-wasting expressions" (Wydick 2019: 24-25). As to the length of sentences, Wydick recommended that one sentence should usually convey only one main thought with an average length below 25 words – the cited excerpt has 116 and originally contained 516 words (Wydick 2019: 47).

3.5. The limits of applying plain English in legal writing

Although plain English postulates are convincing, they should not be applied universally without appropriate reflection. They are also not a remedy for a lack of legal knowledge. As E. Assy points out, the plain English movement will not itself let untrained persons effectively represent themselves in courts (Assy 2011: 11). Neither will simplifying the terminology make lay-persons understand legal concepts behind those terms as this is part of comprehensive legal education. Plain English may, however, facilitate communication between clients and members of the legal profession, as well as between citizens and governments. Moreover, overcomplicated legal English may be as bad for lawyers as it is for lay-persons, befogging the meaning and making regulations and contracts unreadable even for trained professionals.

Some of the widely criticised features of legal English are, in fact, particularly useful in technical communication between professionals. For example, adverbials such as "hereinafter" or "thereto" are highly logical in their morphological construction and they allow lawyers to avoid constant repetitions,

precisely pointing out the scope of reference for lexical words. However, they would perhaps not be appropriate in correspondence with a client and are not necessary for simple contracts concluded between two individuals without any legal background or for GDPR notices.[8]

Similarly with foreign expressions – Latin phrases such as "*ratio legis*" or "*ex parte*" form an international language of law and may be useful in communication between lawyers from various parts of the world since they automatically convey a specific meaning within legal knowledge. Some of them are still crucial for describing certain legal events. For example, there is no English or Polish short equivalent to Latin *"ex nunc"* and "*ex tunc*", which describe whether the effects of nullification are applied from now on or from the outset. Using those terms, however, would not make it easier for a lay-person to understand a piece of writing.

Therefore, legal drafting (and translation) requires a careful, case-to-case deliberation on style and register. The applied linguistic variant should be adjusted to the audience and particular circumstances. While the plain English movement may considerably help us in achieving that equilibrium, there are noticeable limits to its claims.

3.6. Suitability of plain English for non-native speakers

As underlined above, the modern plain English movement started in the United Kingdom and developed in countries such as the United States and Australia, mostly as a remedy for incomprehensible "officialese", the language of officials.[9] Therefore, it was created by native speakers to facilitate communication between L1 speakers of English, especially in the context of law and state-citizen relations. That raises the question of whether plain English is indeed suitable for non-native speakers of English, namely if the same recommendations remain valid if one wants to simplify communication with L2 speakers of English[10].

Such a question gains in importance in the context of a rising number of non-native speakers who already greatly outnumber native speakers (British Council: 3).[11] English is no longer a language of particular nations but has be-

[8] GDPR stands for General Data Protection Regulation, i.e. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (EU Official Journal L 119/1). GDPR notices are given on everyday basis to data subjects whose data are processed by data controllers (such as companies).

[9] See for example the US Plain Writing Act of 2010.

[10] L1 stands for a speaker's first language and L2 is their second language.

[11] The report can be found on-line: https://www.britishcouncil.org/sites/default/files/english-effect-report-v2.pdf (consulted 5 May 2023).

come a true *lingua franca,* a bridge language of the world, used internationally for a variety of purposes and in diverse places, including work environment, academia and customer service. Without a doubt, it poses a significant challenge both for L2 users and for those native speakers who are concerned with the intelligibility of their language. It is no longer sufficient to verify whether a message is clear for typical L1 speakers of English since one has to also analyse it within a broader linguistic and cultural context.

E. Thrush conducted a study particularly germane to this issue. Thrush starts with a tragic history of Chinese pilots who had to navigate in thick fog (Thrush 2001: 289). A moment before the crash the pilots asked each other what "pull up" meant. As it occurs, they were trained in a standardised version of English for aviation in which the term used for the upward movement of a plane is "climbing". A seemingly easier command to "pull up", which was displayed by the plane's system, was not properly understood by the pilots. As E. Thrush points out, phrasal verbs, though intuitively well understood by native speakers of English, pose a significant challenge even for advanced L2 speakers (Thrush 2001: 289). That is because they have idiomatic meanings and are often learned only after a speaker has already mastered other vocabulary (Thrush 2001: 289).

As may be expected, most plain English guidelines promote the use of phrasal verbs instead of single words perceived as more difficult, e.g. the US Security Exchange Commission recommended the use of "cross out" instead of "delete" or "get round" instead of "circumvent" (Thrush 2001: 293). In her study, E. Thrush revealed that comprehension of phrasal verbs among L2 speakers of English is much lower than among native speakers. The participants had to match the Latinate terms with phrasal verbs. While L1 speakers averaged 26.5 correct answers out of 27, German and French students could only match the meaning of circa one-third of them (Thrush 2001: 294). That may be surprising taking into consideration that they were all advanced speakers of English, and they did well on the general reading proficiency test (Thrush 2001: 294). It indicates that phrasal verbs are indeed one of the most difficult aspects of English as a second language. Therefore, guidelines which set out a preference towards phrasal verbs in plain English may at the same time unintentionally render the message incomprehensible for non-native speakers.

The second part of Thrush's study explored what are the preferences of French and German students when they are faced with the choice between English words of either Latinate or Germanic (Saxon) origin. All the participants showed a general inclination towards Latinate terms (Thrush 2001: 294). While Saxon-derived words may seem simpler to native speakers of English, excluding

Latinate terms in an international setting may paradoxically negatively influence the reading comprehension of L2 speakers of English.

Rules proposed by plain English guidelines in many cases prove to be successful in rendering the language more comprehensible. However, the authors should take into consideration the societal and cultural background of their audience. What is more comprehensible for native speakers, does not necessarily have to improve communication with L2 speakers of English. Section 4 presents the results of the survey that reinforce this notion.

4. The analysis of the results of the legal English survey

4.1. The structure of the survey and background information

The survey was conducted online via Google Forms and was open to respondents both with and without a legal background. Its goal was mainly to verify linguistic preferences among the respondents regarding legal English and to check their knowledge of the professional register. The survey was advertised on social media such as Facebook and LinkedIn, which included also closed groups for legal professionals. 76 persons participated in total. 72.4% of the respondents had experience within the legal profession. 11.8% were native speakers, and the rest – speakers of English as a second language (predominantly native speakers of Polish). The survey was composed of questions divided into parts – their full list and collected data are available in the data repository linked in the data statement. The examples used in the survey exercises were mainly based on professional legal manuals (Mason & Canham 2021) and plain English guidelines (Plain English Campaign).

It is important to note that the survey was not pre-designed to be representative and hence I do not extrapolate the results on the general population. However, the survey may serve as a valuable source for qualitative reflection on the use of legal English and its plain version, both in professional and everyday contexts, especially when the answers to the close-ended questions are contrasted with the open-ended questions.

In Part 1 of the survey, the respondents were asked to tick the words whose meaning they understood as "known" words – those were legal terms of varying levels of difficulty. In Part 2, two sentences were given, one in the passive and the second one in the active voice. The respondents were asked to decide whether those sentences conveyed a similar meaning. Then, they had to choose which option was easier to understand and which one was, in their opinion, more suitable for legal documents.

Next, after answering a question about their experience with law, the respondents were divided into two groups. For the purpose of this study, by persons with a "legal background", I broadly understand both legal professionals with full professional rights (attorneys-at-law, public notaries, judges etc.) and undergraduate students of law, as well as legal and sworn translators. In contrast to lay-persons, all those groups are significantly exposed to the legal register and use it in their everyday activities.

The respondents with a legal background were asked to choose one word out of a given pair which was, according to them, more suitable for legal documents; those without legal experience had to pick an easier one from the same list of pairs (Part 3). Part 4 was designed to investigate linguistic preferences among all respondents. They had to choose one word or phrase out of the two given options to fill the gaps in the proposed sentences. One of the options was always more typical for plain English and the second one for a more formal, specialised variant of the language. Finally, Part 5 was meant to check the knowledge of phrasal verbs. The respondents had to link single words, mostly of Latin origin, with phrasal verbs proposed in the list.

4.2. The results: an analysis of the answers to the closed-ended questions

Part 1 shows which legal words are generally well-known by the respondents and which ones are not familiar. For example, 97% of the respondents knew the meaning of "to appeal", 94% – "defendant", and 93% – "mortgage". "Hereby" and "whereas" are similarly well known and the legal background was not necessary to recognise those. Slightly worse with "plaintiff" – 75%. At the other end of the scale is "recitals", a word unknown to most of the respondents, regardless of their legal knowledge. Only 44% knew "conveyancing" and 53% – "in lieu of". The last two are, of course, phrases of French origin. "Extinguishment", "tangible" and "to convene" appear also not to be well known.

Part 2 provides intriguing results on the linguistic perception of the passive voice. The respondents had to compare two sentences: "the court decided the case" (Option A) and "the case was decided by the court" (Option B). 82% of the participants agreed that both sentences – in the passive and active voice – convey a similar meaning. However, while most respondents decided that the active is easier to understand, 72% of them still chose the passive as more appropriate for a legal document. It seems that the respondents deliberately chose a less clear option only for stylistic reasons. Although the passive voice can be particularly useful for certain purposes (e.g. if there is a need to omit the subject), the literature points out its overuse in legal writing (Williams 2004: 114).

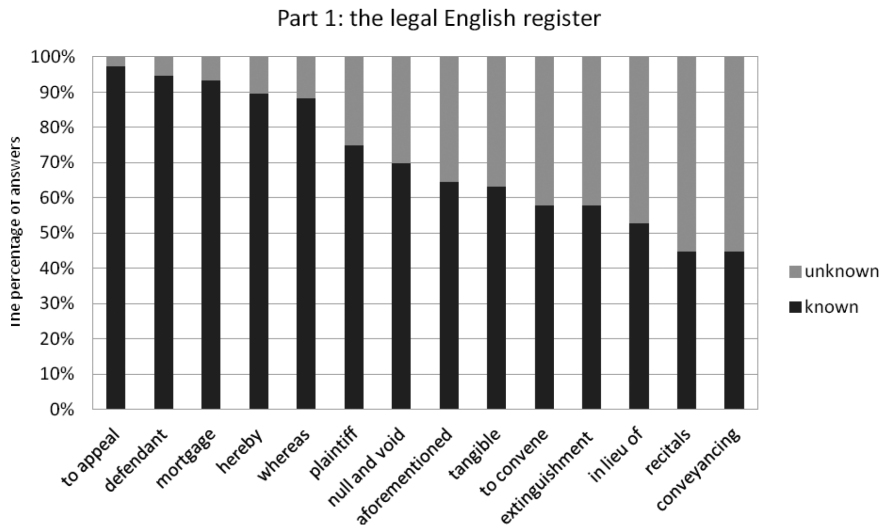

Figure 1

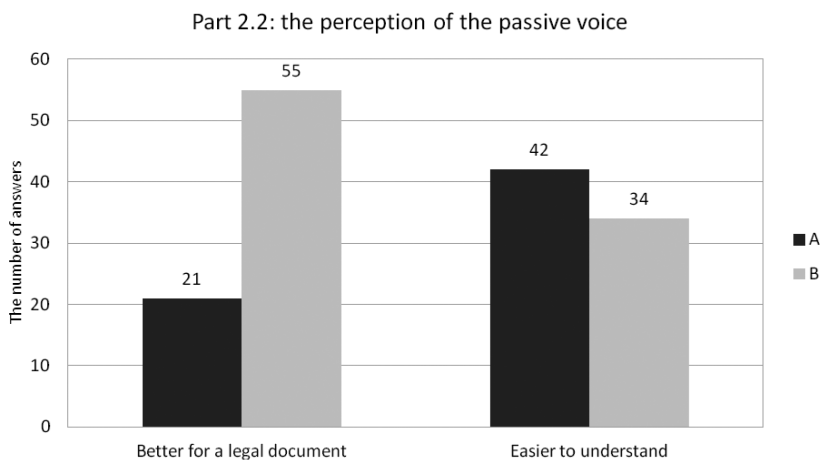

Figure 2
A – the active voice; B – the passive voice.

Most plain English guidelines advise omitting the passive voice where it is unnecessary (Plain English Campaign).

Part 3 displays differences in linguistic preferences between respondents with and without legal experience. The former were asked to choose one word out of a given pair which was, according to them, more suitable for legal documents. The latter were asked to pick an easier one. The results were almost

a mirror image: identical in reverse. One example is particularly interesting. As stated above, only around 53% of all the respondents knew the phrase "in lieu of". Given the alternative between "in lieu of" and "instead of", striking 100% of the respondents without legal experience chose "instead of" as easier to understand. At the same time, 87% of those with a legal background decided on "in lieu of" as more suitable for legal documents. Surprisingly, some respondents with a legal background who had previously admitted that they did not know the meaning of "in lieu of" still chose it as a better option than "instead of". The answers in percentages are displayed in the tables below.

Part 3.1: the perception of legal register v. plain equivalents

	1A	**1B**	**2A**	**2B**	**3A**	**3B**	**4A**	**4B**	**5A**	**5B**
words	in lieu of	instead of	material	tangible	abundance	enough	to commence	to begin	because of	due to
lawyers	87%	13%	25%	75%	71%	29%	89%	11%	2%	98%
non-lawyers	0%	100%	81%	19%	5%	95%	14%	86%	57%	43%

Table 1

Part 3.2: the perception of legal register v. plain equivalents

	6A	**6B**	**7A**	**7B**	**8A**	**8B**	**9A**	**9B**	**10A**	**10B**
words	ended	termi-nated	remunera-tion	pay-ment	to repay	to reimburse	to obtain	to receive	to give	to grant
lawyers	7%	93%	78%	22%	5%	95%	80%	20%	7%	93%
non-lawyers	67%	33%	10%	90%	81%	19%	33%	67%	76%	24%

Table 2

Description: the respondents had to choose between options "A" and "B". The results in two neighbouring columns of the same number always sum to 100%. "Lawyers" stands for respondents with a legal background, including law students and legal translators, as defined above. "Non-lawyers" are those without any legal background.

Part 4 was meant to check linguistic preferences among all the respondents. The participants were asked to fill blank spots in sentences with one chosen option from a given pair – the full list of sentences is available in the data repository. In some cases, the results were split. For example, fairly the same number of respondents preferred plain "set up" (a company) as legal "establish". Interestingly, 91% preferred legal "comply with" (the rules) to plain "keep to", although the UK "Plain English Campaign" recommends "keep to" as a plain alternative to "comply with" (Plain English Campaign Website). Similarly with more formal "purchased" and plainer "bought" – the majority preferred "purchased". Most respondents preferred also seemingly more difficult "circumvent" to plain "get

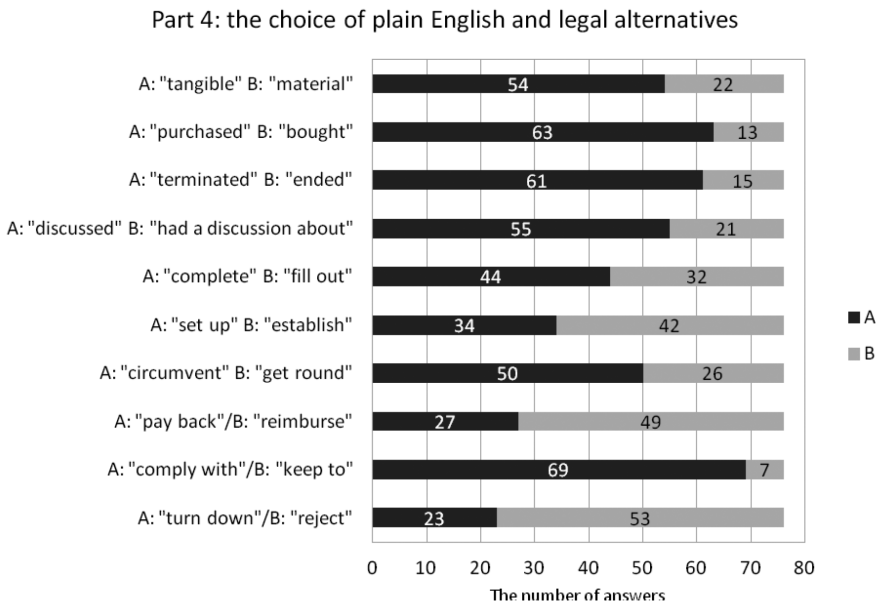

Figure 3

round" and "reimburse" to "pay back". Those results suggest that certain legal phrases are so well recognised that it is not particularly reasonable to forcefully replace them. Nevertheless, in many cases, a legal term may not be more precise than its plain version. If plain alternatives are recognised by the majority and legal ones are not, it would be advisable to use the former in correspondence with non-lawyers.

Finally, Part 5 was designed to check the knowledge of phrasal verbs. The participants had to attach single words to phrasal verbs provided to them in a list. Some of those verbs were well recognised, e.g. 88% of the respondents rightly connected "insert" with "put in". On the other hand, only 49% knew that "ascertain" means "find out". As expected, the native speakers did not have much problem with matching phrasal verbs with their seemingly more difficult one-word counterparts. E.g. for 89% of the native speakers "deduct" means "take off", but only 27% of L2 respondents recognised it as such. Most associate "deduct" with "find out". I presume that it is because "deduct" is close to the Polish "*dedukcja*" meaning the process of reaching a decision by thinking about the known facts. However, the verb would then be "to deduce" (in Polish "*wnioskować*"). To deduct means to take off or to count out, like in the sentence "the company deducts $60.00 each week from my salary for health insurance."

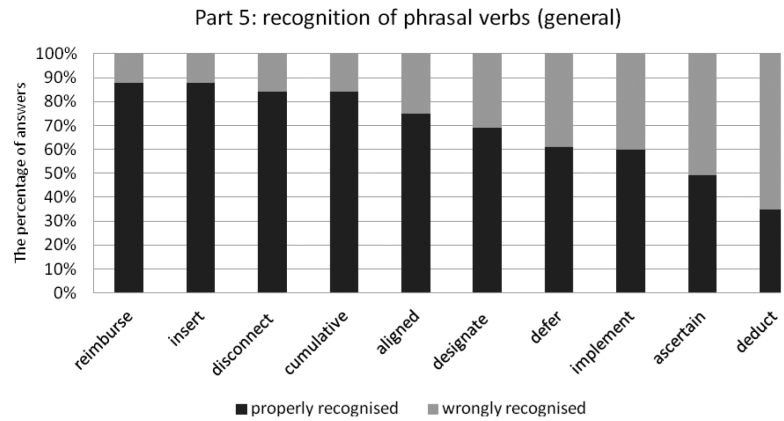

Figure 4

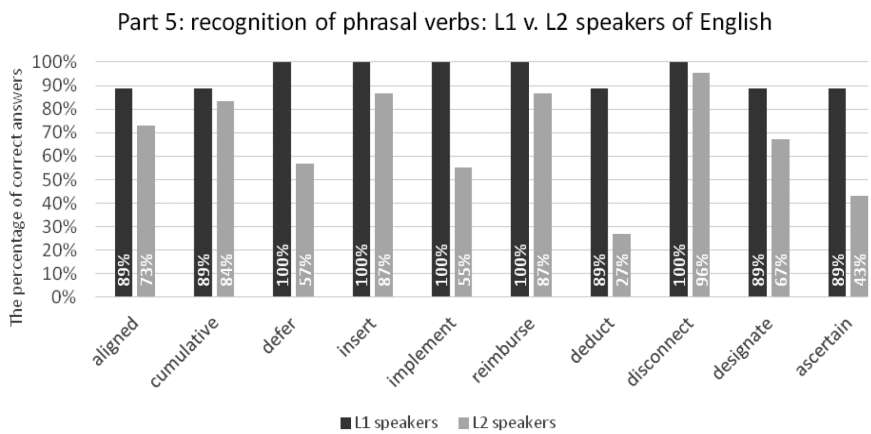

Figure 5

What is intuitive for native speakers may be particularly challenging for those learning English as a second language (see Ellis 1999: 57-58, 185, 307; Thrush 2001: 289). Many respondents commented that they had understood the meaning of seemingly more difficult words of Latin origin (like "reimburse" derived from Middle French *embourser*, from Medieval Latin *bursa*), but they struggled to find an appropriate phrasal verb.[12] And yet, most guidelines of plain English suggest replacing Latin-based English vocabulary with phrasal verbs. Phrasal verbs are, however, one of the most difficult aspects of English for foreigners (Dagut & Laufer 1985: 77-78).

[12] For the etymology of "reimburse" see: Online Etymology Dictionary, https://www.etymonline.com/word/reimburse (consulted 5 May 2023).

The survey reinforces the results of E. Thrush's study cited above, suggesting that non-native speakers have significant difficulties with properly recognising phrasal verbs. Furthermore, they often show an inclination towards Latin-based English vocabulary. However, it would be useful to make a distinction between generally well-understood, often-used phrasal verbs, such as "put in", and those not very well known, like "take off" with the meaning of "deduct". As can be seen in the chart below, the results varied from 88% to only 35% of good answers.

There seems to be a need for a partial revaluation of what is truly "plain" in our world language. Since most people speaking English are currently no longer native speakers (British Council: 3), it should lead, in turn, to changes to a paradigm of what is easily understandable in English and what is not. The plain English movement would benefit from incorporating the cultural and linguistic background of non-native speakers to retain its effectiveness.

4.3. The results: an analysis of the answers to the open-ended question

The last question was optional, formulated as follows: *"Do you see a tendency towards simplification of legal English in your work? Would you rather use plain English or professional legal English when drafting a document? Why? Please share your opinion. You can comment on any issues related to the use of plain and legal English in legal-related work."* Out of 76 respondents, 33 decided to answer those questions. The answers varied from simple and short to elaborate ones. Since the survey was anonymous, the answers were labelled with pseudonyms, starting with R1 and ending with R32. I did not introduce any corrections to the answers, and they are cited "as is", besides additions that are marked with the square brackets. The full list of the answers is provided in the data repository.

11 respondents indicated that they noticed a tendency towards the simplification of legal English in their work, although the scope of this trend varies in their reception. For example, R1 is sure of the tendency itself, but then they add that they would use legal English anyway due to its perceived professionalism. A remark that *"people reading the document would probably treat me more serious and competent"* is particularly interesting, suggesting that, indeed, a formalised version of legal English may be often used not necessarily because of its usefulness but because of the "legal flavour" which adds seriousness and elevates lawyers' competences in the eyes of clients. Similarly, R5: *"[…] I feel there should be a degree of formality - reading a document from the courts with the use of plain English would not meet expectations or be as creditable. I think it*

also upholds tradition." That opinion introduces an additional factor of tradition. Tradition, indeed, plays a significant role in developing rituals related to professional legal jargon (see e.g. the history of Law French: Section 3.1 above). Legal English still draws abundantly from sources of foreign origin, including French terminology; it also promotes the use of archaisms.

The respondents pointed out that, by and large, plain English is more suitable for non-lawyer clients since it is easier to understand (R7, R10, R24, R27). Some of the respondents believe that plain English should be used also in communication between lawyers, e.g.: *"[Plain English] conveys the message to clients and peers much easier, reduces historical barriers within the profession created through language and is much more pleasant to read and understand, particularly when reviewing large contracts"* (R10). Many shared the opinion that legal English is most suitable for formal documents and communication between lawyers. The most common argument to back this view is that of precision (e.g. R4, R19, R23, R31).

However, in most cases, legal terms acquired their specificity through methods that, by definition, render them more difficult to comprehend by laypersons. To maintain its clear meaning, legal English either incorporates words which are not used in everyday language or strictly defines those which are in use. However, in the perception of some non-lawyers, such legal English terminology *"only obstructs the understanding of meaning for people not familiar with legal profession"* (R16).

Interestingly, a considerable number of the respondents expressed a negative or cautious opinion about the possibility of using plain English in legal-related work. As R12 puts it, *"I dont* [sic] *see any excuses from learning the right way of communicating in official language"*. R25 points out that legal English, despite its high degree of difficulty, serves well in legal, formal situations, especially in the context of courtrooms and legal drafting. R30 observes that legal English sounds more professional in a business environment, which is another argument of a rather aesthetic value. R33 is of a similar opinion, although they observe that a transition into plain English could be beneficial for citizens.

When it comes to the arguments in favour of traditional legal English, R31 points out that there are pragmatic reasons for the use of a more formalised language. Ambiguity, so the reasoning goes, leads to unnecessary negotiations and possible legal conflicts. Legal English ensures clarity and coherence. That respondent proposes a valuable distinction between distinct types of legal documentation depending on their recipients. Namely, a typical mortgage loan could be written in simple English due to a reduced ability of a party to such a

contract to understand legal jargon (mortgage loans are taken by numerous citizens on an everyday basis). However, a lender, which is usually a bank, will most probably insist on legal English *"to be legally covered in court"*. Quite straightforwardly, R31 indicates that *"a company will often cover it's own interests, even if this means deliberately complicating terms and conditions for less well versed signee's"*. That is why in many jurisdictions a plain language notice is required as part of the legal relationship between businesses, especially banks, on the one side, and natural persons on the second side, as a way of counteracting unfair competition and preventing misrepresentation.

Remarkably, plain English may be perceived by some users as equally or even more professional than legal English. For example, R6 expresses an inclination towards the simplification of legal English. However, while arguing for it, they do not only refer to the accessibility of plain English but also notice that it is more authentic and professional. As they note, *"it is a common belief that the more complex your language is, the smarter and more professional you seem to be"* – that belief, according to R6, does not necessarily reflect the truth. R6 also recognises problems related to legal translation in the example of Polish-English linguistic pairs. As they observe, Polish lawyers often attempt to make a word-for-word, literal translation from Polish into English, which leads to over-complicated structures. R6 reflects also on the untranslatability of legal language: *"many dictionaries and legal English workbooks use "polonized" terms instead of finding appropriate respective institutions in common law"*. That is, indeed, a common challenge for lawyers and translators originating from different legal systems, such as common law and civil law.

R11 provides the opinion from a translator's perspective. As they observe, legal matters could be simplified by easier language. However, *"when it comes to corporate issues, agreements between big enterprises, dealings with the government"* formal, legal English is more appropriate. As R11 states, *"if I were to translate some documents into plain English instead of official legal I would have had great problems in conveying the exact meaning of words I were to translate"*. That may be partially due to a lack of training of both lawyers and translators to use plain English to express legal concepts. Especially if a translator does not have expertise in law, but deals with legal translation, seemingly proven and safe terminology may be more appealing. At last, there is also an aesthetic argument: *"I just love how proper legal English sounds, it just makes me feel good"* (R11). While it is widely subjective, indeed many respondents indicated attraction to legal English due to its professional or formal flavour.

5. Conclusions

The objective of this paper was to discuss the theoretical background behind the simplification of legal English and to present current tendencies based on the conducted survey. Plain English may be a valid alternative for formalised jargon wherever it is possible to apply it without a detrimental loss of precision. In many cases, the use of legal English is caused rather by aesthetic or historical reasons, not by a professional necessity. Therefore, it would be feasible to replace certain parts of "legalese" in communication with clients and citizens for the sake of clarity. That was also an inclination expressed by many respondents to the survey who did not have a legal background.

Needless to say that the discussion on the plain English movement is relevant not only for lawyers drafting documents in English but also for specialised translators translating legal documents and technical writers. For example, a translator who translates a GDPR notice or a contract from Polish into English, has a variety of translation choices at their disposal and may render the document either plainer or more strictly formal without distorting the original meaning.

However, several reservations should be made. Firstly, certain elements of "plain" English are not, in fact, plain for those who are not native speakers of that language. A good example of that are phrasal verbs, which constitute a difficult part of the language for foreigners, that being confirmed both by E. Thrush's study and my survey. Secondly, certain elements of legal English are already so widely recognised, that it may be not particularly reasonable to replace them, with examples such as "comply with" and "to purchase".

Therefore, the plain English movement should incorporate a broader linguistic context and look for solutions that are useful not only to L1 speakers of English but also to L2 speakers within a given context, taking into account the needs of a diverse target audience (which, in many instances, may be effectively surveyed and tested beforehand). This, in particular, means recognising the linguistic patterns used by non-native speakers of English in their native language if such users form a significant part of a given society or tend to predominantly use certain public services. Even where it is not possible to find one general pattern among L2 speakers of English in each context, at least proper consideration should be given to reconcile the expectations of recipients coming from different countries and (legal) cultures. This is immensely important in the world in which English has become a language of international relations, contracts, customer service, and academia.

Data availability statement

Survey data are available at:
https://osf.io/ufpx7/?view_only=5a61a9d0de4b4b228d77b085f7a72c8a

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Tying the knot between interlingual and intralingual translation: reconceptualising Islamic law in translation studies

Summary: In the contemporary Muslim and Western world, Islamic law finds a niche in family law and the financial domain. At least forty-seven countries worldwide implement Islamic law as a primary or secondary source in their legal system (Hellman 2016). Most research on Islamic law derives from legal philosophy and historical studies; however, there are relatively few commentaries within linguistics and translation studies. This article aims to advance the understanding of Islamic law by tapping into two fundamental approaches within translation studies: 'interlingual' and 'intralingual translation' (Jakobson 2000). It contributes to this under-researched area by offering a new model for reconceptualising the discourse of Islamic law in English as an intralingual form of mediation, which involves an act of 'cultural translation' that regards cross-cultural discourse as a 'translation without translation' (Wolf 2007; Pym 2014). The study identifies further gaps in current approaches while suggesting a comprehensive model for more systematic investigations drawing on the state-of-the-art research agendas in empirical and legal translation studies.

Key words: Islamic law, interlingual translation, intralingual translation, legal translation, research methodologies, empirical approaches

1. Introduction

This article sets out to offer a framework for exploring Islamic law within translation studies by drawing on Jakobson's (2000/1959) distinction between interlingual and intralingual translation. Recently, there has been renewed interest in the applicability of Jakobson's (2000) ideas to legal translation studies. In this regard, Doczekalska and Biel (2022) focus on the case of international law which involves multilingual legal systems (interlingual translation), law-

making processes that translate policies into law and decode legal rules from legal provisions (intralingual translation), and legal verbal signs being transmitted into visual or spatial signs, particularly in legal design and sign interpreting (intersemiotic translation). Doczekalska and Biel's study (2022: 100) is the 'first' to employ Jakobson's typology to legal translation studies.

In the past two decades, a number of researchers have sought to understand the genesis of Islamic jurisprudence, its historical development, and fundamentals from the perspective of legal theory (Hallaq 2004; 2009; Coulson 1964; Schacht 1964; Rohe 2014), focusing particularly on family law matters (El-Alami and Hinchcliffe 1996; Giunchi 2014) and commercial law and finance (Saleem 2013; Jamaldeen 2012; Kettell 2011). These studies have established the importance of Islamic law as a subject matter; here, Hallaq (2004:1) argues that "Islamic law is today a significant cornerstone in the reaffirmation of Islamic identity, not only as a matter of positive law but also, and more importantly, as the foundation of a cultural uniqueness". Hallaq (1997: vii) also demonstrates how Islamic jurisprudence is premised on the key concept of *uṣūl al-fiqh*, which is defined as "the theoretical and philosophical foundation of Islamic law".

Meanwhile, Islamic law is of interest to translation studies because it is born from the fusion of Islamic scriptures and Arabic culture; therefore, it provides an ample room for accommodating a distinctive legal diction that is not only culture-bound but also system-bound.

The lexicon of Islamic jurisprudence is also deemed to bear witness to the concept of *iʿjāz al-Qurʾan* (inimitability of the Qurʾān in form and content), which represents a significant tool in linguistic or stylistic interpretations of religious terminology. Thus, considered a divine legal system, the expression of shariʿa law in English would fall under the paradigm of intersystemic translation, which occurs upon the mediation of two legal systems and poses the challenge of incongruity of legal terminology (Šarčević 1997: 13-232; Biel 2022a: 384). Such terminological incongruity arises because English legal language draws its conceptual frameworks from the common law system, which is applicable in the UK and US and uses legal precedents instead of codified statutes that inform the civil law system (Tetley 2000: 701). Legal systems, as Biel (2017: 78) contends, have distinctive features including "their own history, developments, principles, axiology" and as a result "they shape their concept systems and term boundaries to respond to their own needs". The central question of this article thus asks what methodological and conceptual approaches are used to study Islamic law within linguistic and translation studies and what are the key objects of query?

Despite being an important area that is worthy of investigation, current expositions of Islamic law within legal translation studies (LTS) show a restricted range of methodological approaches. There is a notable paucity of empirical research specifically relating to the translation of Islamic law. An implication of this is the possibility to implement the state-of-the-art research agendas put forward in the work of Biel (2017) and De Sutter and Lefer (2020), which show close affinity with the research methodologies identified by Saldanha and O'Brien (2014). Broadly speaking, these new research agendas make methodological recommendations for advancing translation studies in general and LTS in particular, based on five overriding criteria for research, which aspires to be: interdisciplinary, multi-dimensional, bi-relational, multi-methodological, multifactorial. The article begins by providing background information on Islamic law in the contemporary world and the sources of Islamic jurisprudence. It then moves to give a brief review of previous studies that have engaged with Islamic law within the scope of linguistic and translation studies, before proceeding to offer a broader framework for exploring Islamic law with an increased conceptual and methodological rigour.

2. Setting the scene of Islamic law

Islamic or shariʿa law refers to the body of principles, rules, and laws "which govern the lives of Muslims" in all aspects of their lives, including personal matters, religion, morality, family, economics, and the legal domain. (Coulson 1964: 3; Akgunduz 2010: 19). Although shariʿa in Arabic originally meant a path prescribed by God, the term now covers both the word of God and human legal interpretations (Akgunduz 2010: 19-20). This is attributed to the fact that, in essence, Islamic jurisprudence was formed based on the amalgamation of two key pillars. Firstly, divine revelation through the Qurʾan (the sacred scripture of Islam) and the Sunna (i.e., the practices and sayings of Prophet Muhammad, the Messenger of Islam). Secondly, human reason and interpretive judgment (*ijtihād)* (Hallaq 2009: 27).

The employment of reasoning, however, is based on a systematic number of analytic methods that are termed *ijmāʿ* (consensus), *qiyās* (analogy), *istiḥsān* (preference), and *istislaḥ* (public interest) (Coulson 1964: 59-61; Hallaq 2009: 22-27). *Ijmāʿ* (consensus) is conceived as the case where the distinguished theologians of a particular society or time period reach a majority agreement concerning a given religious matter. Such *ijmāʿ* does not draw upon opinions or viewpoints; rather, it has to be informed by interpretive analysis of the Qurʾan and/or the Sunna (Hallaq 2009: 21). Q*iyās* (analogy)

is a form of analogical legal reasoning as it employs human reason to reflect upon and derive new legal rules from existing principles (Coulson 1964: 59). Like *qiyās*, *istiḥsān* (juristic preference) falls within the remit of legal reasoning and takes the sources of divine revelation as a starting point; nevertheless, it leads to a different judgment than the one extracted through *qiyās* (Hallaq 2009: 22-25). The difference between *qiyās* and *istiḥsān* is that the former seeks legal norms from primary revealed sources, and enforces such norms without providing room for exceptions, while the latter approaches the sources with an eye to finding exceptions through carefully selected references (ibid: 26; Alwazna 2016: 253). Finally, *istislaḥ* (public interest) differs from the previous interpretive methods in that its inference does not directly show close affinity with the revealed texts. Rather, the mainstay of this method is that reasoning should cater to the five universal principles that shariʿa establishes as the pillars for ensuring public interest, namely the "protection of life, mind, religion, property and offspring" (Hallaq 2009: 26). Here, a legal judgment is made based on suitability to public interest. Taken collectively, these diverse types of reasoning lend Islamic law flexibility, adaptability, and mutability. Furthermore, the Qurʾanic and prophetic texts that bear clear-cut norms are not numerous, and the majority of Islamic jurisprudence is attributed to the contribution of *ijtihād* (ibid: 27). Islamic norms can thus travel and adapt to versatile geographies, while continuing to evolve through the novel rulings that emerge from legal reasoning to meet the requirements of the status quo.

The significance of Islamic law nowadays is reinforced by developments in the socio-political and economic arena in Western as well as Muslim countries. In the current globalised world, shariʿa is becoming increasingly applied in non-Islamic countries, typically to resolve civil or family disputes or to promote Islamic financial investments; thus, making understanding of Islamic law a crucial tool for intercultural communication. The UK, for instance, has 85 official shariʿa/Islamic councils, and shariʿa law was incorporated into the legal system in 2014 (MacEoin and Green 2009; MacGregor 2014). Islamic courts are also found in other European countries, including Germany, Belgium, Sweden, Denmark, Netherlands, and Greece (Warner 2015). A key factor to be considered is the ever-increasing flow of Muslim migrants and refugees across the world. Accordingly, shariʿa is emerging as a channel for boosting foreign policy and diplomatic relations with the increasing presence of the law in Europe across family law and financial domains.

3. Islamic law and the synergy between interlingual and intralingual translation

There are two distinct scenarios for investigating Islamic law within LTS. The first scenario involves studying translated materials; for instance, texts translated from Arabic (which is the original language of Islamic law) into other languages. This case is known in Jakobson's (2000: 114) model as 'interlingual translation' or 'translation proper' involving "an interpretation of verbal signs by means of some other language". This is the traditional conception of translation as a target text that has a corresponding source text as its point of departure. The second scenario investigates non-translated materials, i.e., texts originally written in English on Islamic law as translations of another culture (an Arabic Islamic culture). Employing translation as a metaphor, this scenario counts intercultural writing as translation; this is a situation involving crossing cultural borders whereby language A translates a culture originated in language B by merely expressing it in language A. Hence, this scenario aligns with Jakobson's idea of 'intralingual translation', which is a process of 'rewording' or "an interpretation of verbal signs by means of other signs of the same language" (ibid: 114).

Thus, it can be argued that Islamic law opens the door for non-canonical forms of translation. Typically engaging with culturally loaded contexts, Islamic legal discourse in English manifests a technical discourse that aims to 'translate' a culture. Both English writing and translations about this topic can be considered a translated discourse of another culture. This is because the English content on Islamic law, translated or non-translated, offers a mediation of an Arabic-origin culture; therefore, it resonates with the evolving paradigm of 'cultural translation'.

4. Cultural translation

Despite the fairly "new" status of cultural translation as a reflective paradigm in translation studies, there are different dimensions to the understanding of its concept (Pym 2014: 156). Pym (2014: 138) sees 'cultural translation' as "a process in which there is no start text and usually no fixed target text. The focus is on cultural *processes* rather than products". Thus, for Pym, cultural translation signifies the transfer of concepts or ideas from one language or culture into another. A key objective of cultural translation is to create a hybrid space for the heritage of less dominant cultures to be expressed and represented in the dominant languages (ibid: 148). Exhibiting translation as a radical force of

resistance, cultural translation thus allows minority cultures to gain representation by writing about and translating their cultural phenomena in hegemonic languages such as English.

This transmission of cultural messages in specialised language shines new light on the metaphorical use of translation (what metaphorically counts as a translation). Asad (1986) argues that anthropologists view a culture as a text waiting to be translated. The ethnographer in his account of producing descriptions about foreign cultures is in fact conducting a cultural translation (ibid:160). Meanwhile, Bhabha (1994: 163) reflects on 'cultural translation' as a language that travels across cultures and creates "hybrid sites of meaning". Bhabha's handling of the concept validates the claim that "a certain kind of cross-cultural writing can be translational" (Pym 2014: 140). Bhabha's (1994: 231) main concern is, however, "the border problem" facing the various kinds of minority groups and how the discourse of minorities travels across boundaries.

This emerging translatory discourse is likely to contribute towards broader interdisciplinarity for translation studies drawing on the principle of "translation without translation" (Wolf 2007: 27) carried out by a 'figurative' translator (Pym 2014: 142) within an imaginary setting called an "in-between reality" or "in-between space" where languages and cultures interact through processes of translation (Bhabha 1994: 13-38). Thus, it proceeds from the contention that "Language is a translation of thought" (Pym 2014: 153). Since the emergence of an Islamic legal discourse in English involves border crossing both in the conventional and metaphorical acts of translation, it is thus considered an act of cultural translation.

5. Islamic law within linguistic and translation studies

The growing importance of shariʿa law outside of Arabic-speaking areas has been accompanied by increasing interest in the translation of shariʿa law into other languages, most importantly, English. Within the disciplines of linguistics and translation studies, previous research has engaged with the Islamic legal discourse either through looking at its lexicon from linguistic perspectives or investigating aspects related to its translation. Islamic law has hitherto solely been studied as interlingual translation and analysed based on two methodological approaches: prescriptive and descriptive. Generally, research that has a descriptive orientation aims to "describe what translations actually are", while prescriptive studies "just prescribe what they should be like" (Pym 2014: 63).

5.1. Prescriptive approach

Current scholarship has mostly sought to understand the culture-bound nature of Islamic legal terms in general and to provide useful insights into the different translation strategies that could be used in handling such terms. The main object of query, thus, seems to be terminological and phraseological patterns. Legal terminology, as Biel (2022b: 70) suggests, are considered 'fundamental' components of legal discourse' as they require a level of "surgical precision in information transfer".

Most literature on Islamic legal lexis has tended to be prescriptive, telling translators what to do and which path to follow. Scholars also apply their own intuition to examine terms that are selected arbitrarily or subjectively, i.e., without extracting them from particular texts. Another prescriptive method is evaluating translations to judge quality. This category of research employs qualitative methods of analysis through its focus on "discursive examples" (Pontrandolfo 2019: 16).

Discussing terminological challenges emerging from "conceptual incongruence" (Šarčević 2000: 7), Alwazna's (2016: 215-216) study concentrates on one problematic Islamic term *māl*, often rendered into English using the ready-made equivalent "property". Alwazna concludes that the terms *māl* and "property" have different meanings in their respective systems: the former means the act of ownership or the right itself, whereas the latter refers to any item that people have benefit from or have possession of. In another article, Alwazna (2013: 904) discusses eight culture-bound commercial terms that are sourced from Islamic law, seeking to suggest translations that would make clear the legal effect. Here, Alwazna makes a remark about the lack of established and approved translations for Islamic legal terms, which is attributed to the emerging nature of the Islamic lexicon in content generated in/translated into English. Overall, Alwazna (2016; 2013) suggests a hybrid translation strategy that combines elements from the source and target cultures, through transliterating the source term and situating the loanword in the new context by the means of paraphrase or definition.

The phraseological and terminological units pertinent to Islamic family law have received scholarly attention. Islamic lexical elements related to marriage were part of El-Farahaty's (2016) study which discusses two categories of the shariʿa-based lexical elements while prescribing different methods for dealing with them in translation. The first set comprises Islamic phrasemes (i.e., idiomatic phrases) that do not have a technical legal function, albeit they represent religious expressions that are used in legal documents such as marriage

and divorce contracts. Omission of such religious formulas is a common strategy in translating official documents at international organisations such as the UN. The second category addresses eight legal terms that are peculiar to Islamic jurisprudence and hence have no existing equivalents in English. El-Farahaty advocates supplementing English equivalents with Arabic transliterated forms, which is recommended to indicate that this concept is established elsewhere in another legal system (ibid: 483-485). It is thus implied that this kind of concepts may merit further investigation, where legal implications are involved.

The prescriptive approach has certain limitations because it overlooks the importance of actual texts and also because individual Islamic terms and/or phrasemes are put under scrutiny, often to suggest possible translations rather than showing what translators actually do. Consequently, the terms were examined out of context, without a thorough investigation of how they appear in representative specialised legal materials.

5.2. Descriptive approach

A number of studies implement the descriptive approach, aiming to describe and interpret the translation of Islamic lexis as evidenced in textual material. In general, the use of corpus methods facilitates parting with the prescriptive approach in favour of the descriptive approach, in line with current trends in translation studies (Pontrandolfo 2019: 15). Nevertheless, despite its growing popularity in descriptive and legal translation studies, corpus methods have not yet been usefully utilised to study Islamic law. Some studies also resorted to a semi-automatic corpus analysis, which results in methodological limitations, given that nowadays corpora are generally analysed using text processing software which allows for rigorous investigation. In the meantime, the participant-based approach is so far applied on a small-scale (through questionnaires) to corroborate textual evidence.

Although not focusing on Islamic law, Simbuka *et al.* (2019) compiled a corpus from which generic Islamic terms were extracted. Comprising textbooks related to Islamic studies at an Indonesian Islamic State Institute (IISI), this corpus constituted 305,701 tokens (running words) and 18,058 word types (different words) covering religious topics about the holy book of Islam, the Qurʾan, and the prophetic hadith, law and jurisprudence, as well as texts focusing on Islamic theology and philosophy. From a purely religious angle, Kargozari and Akrami (2016) also present a corpus-based study of selected proper names sourced from the Qurʾan, and the diverse strategies used to render them from Arabic into English, investigating the impact of the translator's background

on their linguistic choices. Kargozari and Akrami (2016: 202-203) concluded that the translators of the Sunni denomination foreground English equivalents, whereas the translators of the Shiite denomination opt for borrowing either in the form of transliteration or transcription. Another finding was that the translator's cultural background weighs significantly on their linguistic choices, bearing in mind that the two translators, Pickthall and Ali, who showed a preference for using the English substitute, might have been influenced by their understanding of Western audiences. Such tendency to avoid alienating the English reader is commended by the authors as it prevents confusion between the Arabic and English forms of the same proper noun.

Thus, the scope of existing literature tends to be generic since the concepts inspired by shariʿa are often treated as a collective whole. The differences between specialised Islamic terms, whether religious, legal, or financial, etc., remain blurred, overlooking the fine line between the use of shariʿa-based terms in religious contexts versus the technical domains. Therefore, further empirical investigations are needed to explore the contribution of shariʿa to technical disciplines of knowledge and the means by which such concepts become integrated and translated in pragmatic contexts.

El-Farahaty (2015) has used corpora to examine Islamic lexicon through semi-automatic statistical methods, i.e., without using a text processing software. El-Farahaty's study presents a quantitative analysis of Islamic religious and legal lexis related to marriage and divorce. Drawing on Vinay and Darbelnet's (1958/1995) model, El-Farahaty examines how such lexical items are translated from Arabic into English in a corpus inclusive of three legislative documents (The Arab Charter of Human Rights (AChHR), The Universal Islamic Declaration of Human Rights (UIDHR), and The Decree of the Establishment of the National Council of Women), as well as excerpts (involving legal contracts) from three textbooks. The analysis indicated that adaptation, i.e., using a near equivalent expressing a similar reality, was the most frequently used technique in translating culture-specific and system-based terms and phrases. Borrowing, however, was the least used technique, preceded by the techniques of expansion, literal translation, and transposition (El-Farahaty 2015: 79). The study also found that omission was particularly predominant (77 instances) in handling the Qur'anic verses and hadiths in Arabic-English translations in international legislative settings (ibid: 88). The empirical evidence in this study is, however, limited to two genres, translation textbooks and the above-mentioned international legislation.

Al-Saleem (2013) touches upon the under-researched area of Islamic finance as part of a doctoral dissertation that focuses on financial translation

between English and Arabic. Al-Saleem discusses Islamic finance in his analysis of fatwas that appear in a seminal volume *A Compendium of Legal Opinions on the Operation of Islamic Banks*, a book translated and edited by Talal DeLorenzo (Al-Saleem 2013: xli-5). This research falls within the scope of descriptive translation studies, seeking to identify translation strategies, while delving into quantitative aspects by empirically exploring the frequency of such strategies and the extent of their acceptability as gauged by the means of a small-scale questionnaire involving students and professional translators (ibid: p.xli). The strategies of hyponyms, hypernyms, and synonymy are found to be the most acceptable. The least recommended techniques are calque/literal translation, paraphrase, and transliteration (ibid: 47-48). Nevertheless, transliteration is tolerated where the Islamic term has gained popularity or where it is well defined by its context of use (ibid: 413-415). Overall, the Islamic financial terminology discussed as part of Al-Saleem's work is examined across a small set of texts, therefore providing limited empirical evidence about the norms of translating such concepts. Moreover, the recipient-oriented investigation in this study is only concerned with aspects of acceptability and comprehensibility without taking account of wider ideological consequences of particular translations. Thus far, Islamic finance has received scant attention as there is still little empirical investigation of Islamic financial concepts and their translation.

The descriptive approach also focused on describing the translation strategies solely used within a single historical instrument. Alwazna (2014) presents a detailed linguistic analysis of the Ottoman *Majalla*, as translated into English by Charles Arthur Hooper. In fact, the Ottoman *Majalla* represents the first attempt to codify shariʿa in a civil code applied by courts in the Ottoman Empire (Alwazna 2014: 245). Alwazna's key finding is that a single text can interweave a multifarious set of translation strategies, including literal translation and free transposition, noting that the latter captures the sub-methods of translation by addition, omission, substitution, and paraphrase (ibid: 249-252).
Perhaps the major drawback of the current descriptive approach is that it has relied on examples of contracts appearing in textbooks rather than collecting a large sample of real documents from stakeholders. Furthermore, existing research is mostly oriented towards seminal books and institutional instruments, while it overlooked the other contemporary genres in which Islamic law is currently represented (e.g., national laws, codes, media reports). Hence, the current gap or the current state of knowledge arouses concerns about contextual considerations in terminological analyses.

6. Limitations, gaps, and future work

Current scholarship has sought to understand the nature of Islamic terms in general and to provide useful insights into the different translation strategies that could be used in handling such terms. Nevertheless, the approaches to the translation of Islamic concepts have been overtly prescriptive, or provided limited empirical evidence without shedding light on the ideological implications of the individual decisions that make up the available set of translation strategies. There are also debates about the contentious issue of cultural-specific legal matters, particularly regarding whether such terms should be rendered using the strategies of borrowing or adaptation or a hybrid combination of both strategies. While Alwazna (2016; 2013) and El-Farahaty (2016) recommend combining the Arabic loanword with an English equivalent or paraphrase, Al-Saleem's study has indicated that paraphrase and transliteration are among the least used techniques. So far, very limited research has been carried out on actual private-law instruments that contain Islamic culture-specific concepts and on how these concepts are actually conveyed in various ways in another language, if not in another legal system; such interlingual and inter-system differences also raise challenges regarding "uniform interpretation and application" (Šarčević 2000: 5)

Research on the translation of Islamic law can thus benefit from the following: 1) Biel's (2017: 79-84) 'multi-perspective research framework for legal translation', which builds on the translation research typology described by Saldanha and O'Brien (2014); 2) De Sutter and Lefer's (2020: 2-6) 'new, updated specific research agenda' for empirical translation studies. Such frameworks aim for research that is interdisciplinary, multi-dimensional, bi-relational, multifactorial, and multi-methodological.

Interdisciplinary research builds upon the interconnection between various related fields (Biel 2017: 79). Islamic law can benefit from the synthesis of theoretical frameworks and ideas from (comparative) law, legal philosophy, linguistics, legal translation, translation theory, and emancipatory theories. Emancipatory theories typically focus on underrepresented or marginalised groups such as feminist theories, postcolonial and indigenous theories, racial or ethnic theories, etc. (Creswell and Plano Clark 2018: 99); thus, such theories can be useful to examine the representation of cultural groups and gender-related issues (e.g., signature culture-specific elements, gender-neutral language) within Islamic law.

Translation studies open avenues for *multi-dimensionality* by classifying translation research into product-oriented, process-oriented, participant-oriented, and context-oriented (Saldanha and O'Brien 2014). A variety of *product-*

oriented methods (text-oriented) can be used including but not limited to genre analysis, discourse analysis, and corpus analysis. Corpus methodologies provide a boon as they enable empirical investigation with "an increased methodological awareness and rigour" (Pontrandolfo 2019: 15). The analysis of large samples and interpretation of numerical data helps to "reduce idiosyncratic variation", as opposed to the small samples that inform genre and discourse studies (Biel 2022b: 65). Product-oriented research in legal translation can, as Biel (2017: 80) points out, be *bi-relational*, accounting for two pivotal intertextual relations embedded in translations: 1) equivalence (i.e., the relation between source and target texts) and 2) textual fit (i.e., the relation between translated target texts to non-translated target texts in the same language. The textual fit relation can be particularly useful to explore how culture-specific concepts appear in translated versus non-translated materials on Islamic law in English.

Process-oriented research looks at "cognitive processes" and investigates "the relations between cognition and the translated or interpreted product" and uses research methods such as keystroke logging, Think Aloud Protocols, screen recording and eye tracking (Saldanha and O'Brien 2014: 109-135). Process research may study how translators and content writers on Islamic law choose their reference resources such as dictionaries, online legal corpora, in-house guidelines, and term bases while questioning the availability of such resources. In this regard, Biel (2017: 81) notes that "So far experimental and observational methods… were hardly used in the context of professional legal translation".

Participant-oriented research focuses on the agents involved in the translation process including translators, translation commissioners, text producers and users as well as translation students and trainers. It has a sociological nature and can involve both quantitative methods such as surveys and questionnaires and qualitative methods including ethnographic research, participant observation, in-depth interviews, and focus groups (Saldanha and O'Brien, 2014: 150-184). For instance, a participant-based study could recruit professionals who actively work in the Islamic legal industry to investigate the translator's attitudes and beliefs regarding translation behaviour, and the legal effects of lexical choices from the perspective of law studies. Another important object of query can be recipients' response to lexical variation.

Context-oriented research into translation focus on the context of production and reception, and aim to reveal external factors (socio-political, economic, ideological) which influence the translator's decision-making, the translation behaviour, and the reader's expectations (Saldanha and O'Brien 2014: 206). Context-oriented research lends itself to *multifactorial* analysis which examines the communicative context and its influence on linguistic choices

or preferences. Within LTS, contextual factors are mostly associated with the purpose (normative, informative, general legal/judicial) (Cao 2007: 10-11); the type of translational situation as in intersystemic between legal systems, interasystemic within a single legal system, or hybrid/supranational translation; and the status of the target text (authentic or non-authentic) (Biel 2017: 81; Šarčević 1997: 21). Within Islamic law, a multitude of contextual factors or variables shaping the linguistic make-up of texts can be studied across comparable genres or subject fields (e.g., financial, criminal, family law). It is also important to explore how the context would influence the lexical variation and translation choices as a step towards identifying and interpreting the translation norms governing each context.

Multi-dimensionality requires *multi-methodological* designs which rely on "The cross-fertilization of different methodological approaches in the context of one research project" (De Sutter and Lefer 2020: 6). Mixed methods design that combines quantitative and qualitative approaches to the data, analysis, and/or inference of conclusions opens the door to the much-needed methodological eclecticism in digital humanities (Johnson *et al*. 2007: 123; Pontrandolfo 2019: 16). Thus, Herrmann (2017: 2) recommends that digital humanities should move toward 'scaling' whereby one method can be completed with another to tap into the strengths and compensate for the weaknesses of each method. Research into digital humanities, particularly digital text analysis, can benefit from the combination of numerical findings derived from a quantitative analysis of aggregations of texts as well as non-numerical findings obtained through a qualitative interpretation of meaningful textual configuration (ibid: 2).

7. Conclusion

Overall, although Islamic law is the focus of many technical studies in the legal and financial domain, it has received little attention in studies within the area of linguistics and translation.

Existing accounts on Islamic law and translation has exclusively focused on examples of interlingual translation. This article, however, contributes to broadening our understanding of the intersection between Islamic law and translation firstly by highlighting the intralingual dimension of Islamic law and secondly by capitalising on the non-canonical cultural translation paradigm to reveal how intralingual translation can be mobilised to create resistant cultural expressions. Here, interlingual transfer carries culturally loaded content to another language, while intralingual content conveys extensive cultural images from another cultural background in the same language. It also provides a basis

for further research by suggesting a systematic agenda and multitude of contextual factors that affect translation decisions and raise questions about translation norms and ideological and ethical implications.

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Katarzyna Czarnocka-Gołębiewska
Uniwersytet Warszawski

Sprawozdanie z konferencji *3rd International Conference on Community Translation*, 2023

W dniach 6-8 lipca 2023 r. w Instytucie Lingwistyki Stosowanej (ILS) Uniwersytetu Warszawskiego odbyła się 3rd International Conference on Community Translation (ICCT 3). W skład komitetu organizacyjnego weszły dwie członkinie kadry naukowo-dydaktycznej ILS i jednocześnie główne organizatorki wydarzenia: dr Aleksandra Kalata-Zawłocka i dr Katarzyna Czarnocka-Gołębiewska[1]. Konferencja ta była częścią cyklu wydarzeń naukowych organizowanych przez międzynarodową grupę badawczą International Community Translation Research Group (ICTRG), do której należy dr Katarzyna Czarnocka-Gołębiewska. Pierwsza konferencja z tego cyklu, 1st International Conference on Community Translation, odbyła się na Uniwersytecie Western Sydney we wrześniu 2014 r., a druga, współorganizowana przez dr Katarzynę Czarnocką-Gołębiewską na Uniwersytecie RMIT w Melbourne. Kolejna, czwarta edycja konferencji, planowana jest na rok 2026 i odbędzie się na Université de Moncton w Kanadzie (główna organizatorka: dr Anne Beinchet).

Tłumaczenie środowiskowe odnosi się do przekładu między dwoma językami (zarówno fonicznymi, jak i migowymi) i może mieć formę pisemną lub ustną. Umożliwia ono osobom lub grupom, które nie posługują się biegle językiem danego kraju czy regionu, zrozumienie informacji niezbędnych do pełnego dostępu do usług publicznych, zawartych np. w oficjalnych dokumentach czy komunikatach wydawanych przez instytucje związane z mieszkalnictwem, zatrudnieniem, edukacją czy zdrowiem. Prawo do tłumaczenia środowiskowego powinno przysługiwać obywatelom, imigrantom, odwiedzającym i uchodźcom na poziomie lokalnym lub krajowym, jednak w wielu krajach kwestie te pozostają nieuregulowane i zależą od indywidualnej świadomości, dobrej woli,

[1] dawniej: Stachowiak

a nawet działalności charytatywnej w danej społeczności. Badania nad przekładem środowiskowym istnieją, choć wciąż brakuje doniesień, materiałów badawczych i szkoleniowych, wytycznych itp. pomimo stosunkowo szybkiego wzrostu zapotrzebowania na tłumaczenia środowiskowe.

Trzecia edycja konferencji miała na celu omówienie zagadnień związanych z najnowszymi wydarzeniami i zmianami w zastosowaniu tłumaczenia środowiskowego w różnych dziedzinach, w tym w środowisku prawniczym, opiece zdrowotnej czy usługach dla migrantów i uchodźców. Celem konferencji było znalezienie powiązań między tłumaczeniem środowiskowym a innymi dyscyplinami. Wykłady plenarne wygłosili dr Mustapha Taibi z i dr Patrick Cadwell. 33 wystąpienia konferencyjne, wygłoszone przez indywidualnych naukowców i zespoły badawcze z czterech kontynentów, dotyczyło tłumaczenia środowiskowego w różnych krajach, w medycynie, naukach społecznych, migracji, polityce, itd. Konferencja obejmowała również warsztaty na temat edukacji i podwyższania kompetencji tłumaczy, które drugiego dnia konferencji przeprowadziła dr Anne Beinchet,.

Pierwszy dzień otworzył wykład dra Mustaphy Taibi z Western Sydney University, na temat obecnych przekonań dotyczących tłumaczenia środowiskowego, dobrych praktyk, zmian w postrzeganiu prawa do komunikowania się w języku ojczystymi, a także roli tłumaczenia środowiskowego na świecie. Następnie odbyły się sesje na temat tłumaczenia środowiskowego w różnych krajach, etyki zawodowej oraz kształcenia tłumaczy i zapewniania dobrych standardów przekładu.

Dzień drugi rozpoczął się wykładem dra Patricka Cadwella z Dublin City University, który nakreślił obraz i schematy postępowania oraz zapewniania tłumaczenia w przypadku kryzysu, takiego jak wojna i innych kryzysów humanitarnych, pandemii, itp. Dr Cadwell omówił również rolę lokalnych społeczności w postępowaniu kryzysowym, a także znaczenie współpracy i przywództwa w ramach społeczności. Następujące po wykładzie sesje skupiały się na tłumaczeniu środowiskowym prawniczym oraz w organach ścigania i instytucjach wymiaru sprawiedliwości, społecznym oraz medycznym i w opiece zdrowotnej. Tłumaczenie w opiece zdrowotnej stanowiły również temat przewodni trzeciego dnia.

Konferencję uświetnił program kulturalny w postaci zwiedzania Warszawy, w tym Muzeum Fryderyka Chopina i Łazienek Królewskich.

Konferencja ICCT 3 była wydarzeniem o randze międzynarodowej i znaczeniu kluczowym dla rozwoju tłumaczenia środowiskowego w Polsce i na świecie. Stanowiła również platformę wymiany doświadczeń i nawiązywania współpracy pomiędzy członkami ICTRG oraz pozostałymi naukowcami, a tak-

że przyczyniła się do umacniania więzi zawodowych w ramach samej grupy. Po konferencji zostaną wydane dwa tomy poświęcone tłumaczeniu środowiskowemu na świecie oraz tłumaczeniu w środowisku prawniczym oraz medycznym. Obecnie organizatorzy ICCT 3 są na etapie finalizowania rozmów z wydawnictwami naukowymi. Zachęcamy do przesyłania pytań i zgłoszeń na adres: km.stachowiak@uw.edu.pl lub icct3warsaw@gmail.com.

Dr Katarzyna Czarnocka-Gołębiewska *pracuje jako adiunkt na Uniwersytecie Warszawskim. Jej zainteresowania badawcze dotyczą poznawczych aspektów tłumaczenia ustnego oraz standardów w pracy tłumacza konferencyjnego i środowiskowego. Specjalizuje się w tłumaczeniu medycznym i technicznym oraz uczy przekładu konferencyjnego, a także technik badawczych stosowanych w psycholingwistyce i badaniach nad przekładem. Jest praktykującym tłumaczem pisemnym i ustnym– oraz współzałożycielką Polskiego Stowarzyszenia Tłumaczy Konferencyjnych i członkinią kilku polskich i międzynarodowych komitetów badawczych.*

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Agnieszka Pietrzak: *Übersetzungen des polnischen Strafgesetzbuches ins Deutsche. Rechtsterminologie und Übersetzungsstrategien*. Göttingen: Vandenhoeck & Ruprecht Verlage. 2023. 324 strony. ISBN 978-3-8471-1531-1

Wydana w języku niemieckim w roku 2023 książka autorstwa Agnieszki Pietrzak *Übersetzungen des polnischen Strafgesetzbuches ins Deutsche. Rechtsterminologie und Übersetzungsstrategie* (tłum. *Tłumaczenia polskiego Kodeksu karnego na język niemiecki. Terminologia prawnicza i strategie przekładu)*[1] wychodzi naprzeciw zapotrzebowaniu adeptów sztuki przekładu oraz tłumaczy przysięgłych w zakresie niemieckiego języka prawa karnego.

Zgodnie z tym, co autorka podkreśla we wstępie swojej książki, prawo karne odgrywa zarówno w polskim, jak i niemieckim porządku prawnym szczególną rolę. Ze względu na swoje funkcje oraz stosowane środki ma ono charakter subsydiarny, tzn. pomocniczy, dla innych dyscyplin, takich jak np. prawo cywilne, oraz charakter uniwersalny, co oznacza, że dotyczy ono wszystkich dziedzin życia i wszystkich obywateli. W tym miejscu należy wymienić dodatkowo proces globalizacji, internacjonalizacji prawa oraz powstania nowych zagrożeń (takich jak terroryzm, cyberprzestępczość), co oznacza w praktyce zwiększenie komunikacji międzynarodowej w dziedzinie prawa karnego. Również wzrost wzajemnych zależności między państwami europejskimi oraz między tymi państwami i organizacjami międzynarodowymi lub ponadnarodowymi w Europie prowadzi do zwiększenia zapotrzebowania na tłumaczenia prawnicze.

Polski i niemiecki system prawa karnego opiera się na regulacjach zawartych w kodyfikacji karnej, a jego filarami są: Kodeks karny (prawo karne materialne), Kodeks postępowania karnego (prawo karne procesowe), Kodeks karny wykonawczy (pra-

[1] Wszystkie tłumaczenia pochodzą od autorki recenzji.

wo karne wykonawcze) oraz Kodeks postępowania w sprawach o wykroczenie (prawo wykroczeń). Kodeksy są ze sobą na tyle powiązane, że granice między nimi są czasami płynne. Znajomość kodyfikacji jest niezmiernie ważna dla tłumacza, ponieważ sprawne poruszanie się po kodeksach prawnych jako źródłach np. terminologii w znaczny sposób ułatwi proces tłumaczenia. W związku z tym autorka postawiła sobie za cel przedstawienie problematyki przekładu prawniczego[2] zarówno ze strony naukowej, jak i praktycznej, co byłoby przydatne dla studentów, początkujących tłumaczy i osób przygotowujących się do egzaminu na tłumacza przysięgłego. Autorka zdecydowała się na wypełnienie luki w badaniach nad przekładem prawniczym w zakresie prawa karnego polskiego i niemieckiego w ujęciu tłumaczeniowym. W tym zakresie tłumacze języka niemieckiego w porównaniu z tłumaczami języka angielskiego (por. Gościński: 2018) mają do dyspozycji o wiele mniej publikacji. Do wyjątku należą prace A.D. Kubackiego (2010) oraz Ł. Iluka (2016), w których autorzy koncentrują się na konkretnych aspektach porównania polskiej i niemieckiej terminologii prawa karnego, np. na ekwiwalentach nazw władzy sądowniczej czy nazwach środków zaskarżenia.

W swojej pracy autorka szuka odpowiedzi na następujące pytania badawcze:

1. Czy terminologia zastosowana w tłumaczeniach polskiego Kodeksu karnego ma niezbędny poziom ekwiwalencji oraz czy tłumacz może bezkrytycznie polegać na tych materiałach?
2. Czy zastosowana terminologia jest jednolita?
3. Czy dwujęzyczne słowniki prawnicze są przydatne podczas dokonywania tłumaczeń?
4. Jakie strategie tłumaczeniowe zastosowali autorzy słowników?
5. Czy okres, w którym powstały tłumaczenia polskiego Kodeksu karnego i słowniki prawnicze, ma wpływ na wybrane strategie tłumaczeniowe?

Odpowiedź na te pytania autorka przedstawia w sześciu rozdziałach, z których pierwsze cztery mają charakter empiryczny, a dwa ostatnie – praktyczny.

W rozdziale 1 *Podstawy terminologii* (oryg. *Grundlagen der Terminologie*) autorka zapoznaje czytelnika z dwuwymiarowym pojęciem terminologii. Pierwsze znaczenie (por. Tomasiewicz 2006: 99–100) oznacza całość terminów należących do nomenklatury danej dziedziny aktywności ludzkiej, danej grupy zawodowej lub danej nauki, natomiast drugi wymiar pojęcia terminologii obejmuje dyscyplinę naukową zajmującą się opisem znaczeń pojęć z perspektywy ich komunikacyjnej funkcji społecznej. Autorka przedstawia również krytyczne podejścia do tej klasyfikacji, powołując się na F. Gruczę, który

[2] Pojęcie *przekład prawniczy* oznacza za Kierzkowską (2002:18) *przekład tekstów prawnych* (prawodawczych) i *prawniczych* (2002:18). Natomiast A. Jopek Bosiacka (2006:11) używa terminu *przekład prawny, czyli przekład tekstów władzy*. W recenzowanej książce autorka omawia tłumaczenia tekstu prawnego (pol. Kodeks karny) i ich wykorzystanie w tłumaczeniach prawniczych.

jako zasadne uznaje pojęcie terminologii wyłącznie za dyscyplinę naukową. W niniejszym rozdziale autorka porównuje również pojęcia *Begriff*, *Bennenung*, *Terminus* oraz *Fachwort*, których znaczenie i granice semantyczne dla początkującego tłumacza nie zawsze są jasne.

Rozdział 2 *Język prawniczy jako język specjalistyczny* (oryg. *Rechssprache als Fachsprache*) poświęcony jest specyfice języka prawniczego. Z perspektywy prowadzonych badań w Niemczech oraz Polsce autorka opisuje zarys teorii języka specjalistycznego, porównując go z językiem ogólnym. Do kryteriów tej analizy porównawczej zalicza autorka za S. Szadyko (2012: 196): samodzielność funkcjonowania, stosunek do innych języków, znaczenie, formę pisemną, funkcjonalność oraz czas obowiązywania. Następnie autorka przedstawia klasyczne teorie na temat języka prawniczego jako języka specjalistycznego nie tylko z perspektywy podobieństw, lecz także różnic w podejściach do języka prawniczego w Polsce i Niemczech. Różnice polegają między innymi na wprowadzonym przez J. Wróblewskiego (1948) wyraźnym podziale na język prawa i język prawniczy.

W rozdziale 3 *Tłumaczenie prawnicze* (oryg. *Rechtsübersetzung*) autorka koncentruje się na charakterystyce tłumaczenia prawniczego, przedstawiając w pierwszej kolejności jego klasyczne definicje i ich rozwój od lat pięćdziesiątych. Autorka wskazuje z jednej strony na brak jednolitej i ogólnie obowiązującej definicji, z drugiej zaś na pewne analogie podczas sporządzania tłumaczenia prawniczego, takie jak konieczność zastosowania porównań prawniczych oraz posiadanie przez tłumacza kompetencji merytorycznych. W tym rozdziale przedstawiono również opis podstawowych problemów, na jakie napotykają tłumacze, mając do czynienia z tekstami prawniczymi. Należą do nich:

- różnice w systemach prawniczych, co oznacza trudności ze znalezieniem ekwiwalentów,
- język niemiecki jako język pluricentryczny,
- wpływ oraz zastosowanie języka łacińskiego w tekstach prawniczych,
- występowanie skrótów i skrótowców,
- fałszywi przyjaciele tłumacza.

Znacznym ułatwieniem dla czytelnika w zrozumieniu tych problemów są praktyczne przykłady oraz odniesienia do dalszej literatury.

W rozdziale 4 *Ekwiwalencja i strategie przekładu* (oryg. *Aquivalenz und Übersetzungsstrategien*) autorka zapoznaje czytelnika z pojęciem ekwiwalencji – fenomenem językowym, który towarzyszy tłumaczom praktycznie od początku do końca ich kariery. Podobnie jak w rozdziale trzecim autorka najpierw w ujęciu teoretycznym opisuje pojęcie nieprzetłumaczalności oraz zapoznaje czytelnika z najpopularniejszymi teoriami ekwiwalencji w przekładoznawstwie (Nida, Venuti, Koller, Newmark). Na końcu rozdziału autorka prezentuje szereg strategii przekładu, co służy zwiększeniu u początkującego tłumacza i ugruntowaniu u doświadczonego tłumacza kompetencji technik translatorskich.

Po zapoznaniu czytelnika z teorią sztuki przekładu specjalistycznego w rozdziale 5 *Analiza terminologii* (org. *Analyse der Terminologie),* stanowiącym główną część omawianej pozycji, autorka dokonuje analizy porównawczej w zakresie kodeksu karnego. W oparciu o trójfazowy model wypracowany przez Constantinesco analiza prawnoporównawcza odbywa się w trzech etapach: pierwszy etap to zdefiniowanie terminów, które będą przedmiotem analizy, drugi to właściwe zrozumienie porównywanych terminów poprzez ich powiązanie z kontekstem prawnym, a trzeci to właściwe porównanie, czyli przedstawienie relacji porównywanych terminów z obu systemów prawnych. Znalezione w ten sposób podobieństwa i różnice pozwalają ocenić jakość i użyteczność potencjalnych ekwiwalentów. Korpusem badawczym jest polski Kodeks karny oraz jego trzy tłumaczenia na język niemiecki:

- tłumaczenie E. Weigend z roku 1998,
- tłumaczenie zbiorowe J. Chuzik, M. Jakowczyka, K. Kowalskiej, A. Krajewskiego i K. Matthies z roku 2012,
- tłumaczenie E. Schwierskott-Matheson z roku 2019.

W zakresie porównywanej terminologii autorka dokonała wyboru 30 terminów i podzieliła je na pięć grup tematycznych obejmujących: główne pojęcia (np. odpowiedzialność karna), osoby (np. nieletni, młodociany), czyny zabronione (np. ciężki uszczerbek na zdrowiu), kary (np. kara ograniczenia wolności) oraz instytucje (np. miejsce stałego pobytu). Dokonując analizy porównawczej, autorka posłużyła się słownikami prawniczymi następujących autorów:

- A. Kilian/A. Kilian (2011),
- A. Kozieja-Dachterska (2010),
- B. Banaszak (2008),
- I. Kienzler (2006),
- J. Pieńkos (2002).

Pierwszy etap analizy polega na zestawieniu tłumaczeń danego terminu w tłumaczeniach Kodeksu karnego oraz w wymienionych źródłach. Przykładem może być już sam termin *polski Kodeks karny,* który autorzy tłumaczą jako *polnisches Strafgesetzbuch, Strafgesetzbuch* i *das polnische Strafgesetzbuch*. W przypadku rozbieżności autorka analizuje ich możliwe przyczyny i poszukuje najlepszych ekwiwalentów, uwzględniając również niemieckie prawo karne.

W rozdziale 6 *Wnioski (*oryg. *Schlussfolgerungen)* autorka podsumowuje wyniki swojej analizy. Wykazała ona, że w tłumaczeniach z zakresu prawa karnego stosowane są zarówno ekwiwalenty funkcjonalne (np. *zakład karny – Justizvollzugsanstalt*), jak i formalne (np. *czyn zabroniony – rechtswidrige* lub *verbotene Tat*) oraz tzw. ekwiwalenty aproksymatywne (np. *Mord*). Autorka wskazała również na błędy, które niestety pojawiają się w tych źródłach. Przykładem tego jest tłumaczenie terminu *oskarżony* jako *Beklagter.* Doszło tutaj do klasycznego błędu polegającego na braku rozróżnienia między

terminologią z zakresu prawa karnego i cywilnego (por. Kubacki 2018: 3–6). Pracę zamyka podrozdział, w którym autorka opisuje zastosowane przez autorów przekładów Kodeksu karnego oraz słowników prawniczych techniki przekładowe i sprawdza, czy okres, w którym te pozycje powstały, mają wpływ na wybór tych technik. W tej kwestii autorka przedstawia analizę statystyczną, z której wynika, że dominującą strategią, niezależnie od okresu powstania przekładu, jest tłumaczenie opierające się na języku docelowym.

Reasumując, recenzowana publikacja jest niezwykle wartościową pozycją w zakresie tłumaczeń prawniczych, której odbiorcą może być zarówno adept sztuki przekładu, jak i doświadczony tłumacz języka niemieckiego. Książka charakteryzuje się przystępnością, tzn. rozdziały o empirycznym charakterze np. na temat istoty języka i przekładu prawniczego oraz ekwiwalencji i technik przekładu zachęcają czytelnika do uważnej lektury i pogłębienia swojej wiedzy. Publikacja jest precyzyjnym i szczegółowym opisem etapów i metodologii przeprowadzonych badań, które świadczą o tym, że autorka podeszła do postawionych sobie celów z dużą pasją i zaangażowaniem. Choć nie jest ona prawnikiem, a wiedzę prawniczą czerpie przede wszystkim z kursów oraz szkoleń specjalistycznych, to wykazała się obszerną wiedzą w dziedzinie prawa, co powinno zmotywować każdego tłumacza do ciągłego poszerzania wiedzy**.**

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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 that literal translation should be avoided and Berezowski and Kladoczny 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*)[1]. 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-

[1] 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 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 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. 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 cytcie 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.

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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