Comparative Legilinguistics
vol. 2023/56
DOI: http://dx.doi.org/10.14746/cl.56.2023.3

The right to the environment? Article 4(1) of the Polish Environmental Protection Law Act from a combined comparative law and Polish-English legal translation perspective[1]

PRZEMYSŁAW KUSIK, mgr
Department of International Legal Communication
University of Warsaw, Poland
ul. Przyjazna 4, 41-706 Ruda Śląska, Poland
przemyslaw.kusik@englaw.pl
ORCID: https://orcid.org/0000-0002-7298-1245

Abstract: A human right to the environment is increasingly recognised in both domestic and international law. Also in Polish legal scholarship, there is a discussion over the possibility of deriving a right to the environment from the Constitution or ordinary statutes, including Article 4(1) of the Environmental Protection Law Act. The existing English translations of its opening words, and specifically the term *powszechne korzystanie ze środowiska*, appear to mirror the legal controversy. Compared to Poland, the major common law jurisdictions, i.e. England and the USA, show multiple differences in respect of the public's enjoyment of the environment. In addition to a distinct legal *mentalité*, grounded on a case-by-case approach, negative freedoms and

[1] Based on a paper presented at the conference 'Language, Culture and Law – Semiotic Perspectives on Forestry & Hunting "Cultural Value of Hunting"', Poznań 2023. The author would like to thank for the comments provided during the discussion.

remedies thinking, both jurisdictions are characterised by considerable private ownership of natural resources like rivers and forests. In view of this legal and translation problem, the present paper seeks to employ comparative law methodology to establish an acceptable English translation equivalent of the term *powszechne korzystanie ze środowiska*. The analysis is also an attempt to go beyond the ways in which the use of comparative law in legal translation is typically perceived, i.e., beyond functionalism, beyond microcomparison and beyond conceptual analysis.

Keywords: comparative law, legal translation, functional method, right to the environment in Poland, powszechne korzystanie ze środowiska

PRAWO DO ŚRODOWISKA? ARTYKUŁ 4 UST. 1 USTAWY – PRAWO OCHRONY ŚRODOWISKA Z PERSPEKTYWY ŁĄCZĄCEJ PRAWO PORÓWNAWCZE I POLSKO-ANGIELSKIE TŁUMACZENIE PRAWNICZE

Streszczenie: Prawo człowieka do środowiska zdobywa coraz szersze uznanie w krajowych i międzynarodowych systemach prawnych. Również w polskiej nauce prawa toczy się dyskusja na temat możliwości wyprowadzenia prawa do środowiska z Konstytucji bądź ustaw zwykłych, w tym z art. 4 ust. 1 Ustawy – Prawo ochrony środowiska. Wydaje się, że sposób przełożenia początkowych słów tego przepisu – w szczególności terminu „powszechne korzystanie ze środowiska" – w istniejących tłumaczeniach ustawy na język angielski odzwierciedla wspomniane kontrowersje prawne. W zakresie problematyki korzystania przez obywateli ze środowiska między Polską a Anglią i Stanami Zjednoczonymi, jako najważniejszymi systemami prawnymi *common law*, występuje wiele różnic. Oprócz odmiennej mentalności prawnej, zorientowanej na fakty konkretnych spraw, wolności negatywne i dostępne środki ochrony prawnej, systemy te charakteryzują się wysokim udziałem własności prywatnej zasobów naturalnych takich, jak rzeki i lasy. W kontekście powyższego problemu prawno-tłumaczeniowego niniejszy artykuł ma na celu wykorzystanie metod prawnoporównawczych do ustalenia akceptowalnego angielskiego ekwiwalentu tłumaczeniowego terminu „powszechne korzystanie ze środowiska". Przeprowadzona analiza stanowi również próbę wyjścia poza typowe sposoby zastosowania prawa porównawczego w tłumaczeniu prawniczym, tj. poza metodę funkcjonalną, mikrokomparatystykę i analizę pojęciową.

Słowa kluczowe: prawo porównawcze, komparatystyka prawnicza, tłumaczenie prawnicze, metoda funkcjonalna, prawo do środowiska w Polsce, powszechne korzystanie ze środowiska

1. Introduction

As exemplified by the 2021 Human Rights Council Resolution 48/13[2], a human right to the environment is increasingly recognised, although not without difficulties, in both domestic and international law (Cima 2022). Also in Polish legal scholarship, there is an ongoing discussion over the possibility of deriving some kind of right to the environment from the Constitution (Rakoczy 2013; Zaborniak 2017: 202–50) or ordinary statutes (Radecki 2011: 74–80), including Article 4(1) of the Polish Environmental Protection Law Act (hereinafter: the Act) (Trzewik 2016). Both constitutional (Działocha and Łukaszczuk 2016; Danecka and Radecki 2021: 253–54) and statutory (Mikosz 2019) grounds for such a right are, however, questionable.

This legal controversy is mirrored by the existing English translations of the opening words of Article 4(1) of the Act, presented in the table below.

[2] https://linkmn.gr/bg7J6b (accessed 28 March 2023).

Table 1. Existing translations of the opening words of Article 4(1) of the Act (emphasis added).

Source text	**Translation 1**	**Translation 2**
Art. 4. 1. *Powszechne korzystanie ze środowiska przysługuje z mocy ustawy każdemu* i obejmuje korzystanie ze środowiska, bez użycia instalacji, w celu zaspokojenia potrzeb osobistych oraz gospodarstwa domowego, w tym wypoczynku oraz uprawiania sportu […]	Article 4. 1. *Common use of the environment is permitted pursuant to this Act to anyone*, and extends to utilisation of the environment, without using an installation, with a view to satisfying personal and household needs, including rest and the practice of sports […]	Article 4 1. *By law, every person shall have the right of general use of the environment*, including the use of the environment, without availing of an installation, for the purpose of satisfying their personal and household needs, including rest and sports […]

Source: Wolters Kluwer's LEX database (Translation 1), European Commission's Joint Research Centre[3] (Translation 2).

As can be observed, not only did the translators use different translation equivalents to represent the legal term *powszechne korzystanie ze środowiska*, but apparently, they also had different ideas about what legal concept this term actually represents. In view of these conflicting translations, a question arises about how the term *powszechne korzystanie ze środowiska* should actually be translated into English. The present paper seeks to answer this question by taking advantage of comparative law methodology. To the author's knowledge, the English translation of this term has not been analysed in legal translation literature to date, and thus, such an analysis would be potentially useful for both legal translators and lawyers. The analysis will be partially guided by Šarčević's (1997: 235–62) method of establishing acceptable equivalents, but an attempt will be made to go beyond the ways in which comparative law is typically utilised in translation studies. An additional goal of this research is, therefore, to provide new insights into the practical use of comparative law for legal translation purposes.

[3] https://linkmn.gr/Oo623b (accessed 28 March 2023).

With these goals in mind, the following section provides a brief outline of the role of comparative law as perceived in legal translation literature and indicates some areas where legal translation could go beyond the traditional approaches. Section 3 contains an analysis focused on the main translation problem, which corresponds to the three levels of comparative law research (macro-, meso- and microcomparison). On the basis of this analysis, a proposal for a translation equivalent of the term *powszechne korzystanie ze środowiska* has been put forward in Section 4. The Conclusions section reflects on the translation procedure applied, focusing on the potential of using more varied comparative law methodology in legal translation.

2. The use of comparative law in legal translation

The confrontation of the laws and languages of different legal systems that occurs in the process of legal translation has naturally sparked interest in comparative law among translation scholars. However, it seems that the potential of comparative law has not yet been fully utilised in legal translation studies and practice.

2.1 The relationship between comparative law and legal translation

While simple definitions of comparative law are obviously incomplete (Samuel 2014: 10–13), it could generally be said that the term 'comparative law' denotes 'an academic field of legal knowledge that studies law comparatively as a normative phenomenon of organised human communities'. In other words, it is 'a shorthand for various ways to study and explain the differences and similarities between (broadly understood) legal systems' (Husa 2022: 1) or 'the hermeneutic explication and mediation of different forms of legal experience within a descriptive and critical metalanguage' (Legrand 1997: 122–23).

Legal translation is, in turn, broadly defined as 'the translation of texts used in law and legal settings' (Cao 2007: 12) or 'translation of texts for legal purposes and in legal settings' (Engberg 2002: 375). It

involves intercultural communication that is effected across different languages, cultures and legal systems (Biel and Goźdź-Roszkowski 2015: 250). There are a variety of genres subject to legal translation, and each of them may require specific knowledge and skills (Goźdź-Roszkowski 2016; Matulewska 2007: 158–59). Particularly rigorous demands and immense responsibility are associated with translations that have legal force equal to that of the source text (Cao 2007: 80)[4]. Notwithstanding the multiple factors of the communicative situation of legal translation, which obviously shape its outcome (Kierzkowska 2002: 72–85), a legal translator's general goal can arguably be described as an attempt to convey the legal sense of the source text (source term) by means of the target text (target term) (cf. Kielar 1977: 152; Šarčević 1997: 235). Achieving this goal should enable them to meet the duty of loyalty that a specialised translator owes to their communication partners (Nord 2006). This is also where comparative law is likely to prove useful.

The relationship between legal translation and comparative law has been recognised for decades, with some authors even saying that 'legal translation and comparative law are, and must be, the very same thing' (Schroth 1986: 53) or that 'translating legal texts is comparative law in practice' (de Groot 1987). Some crucial points of contact between these fields include the debate on legal transplants (Watson 1974; Kahn-Freund 1974) – which is due to the fact that the reception of law naturally entails translation efforts (Sacco 1991: 11–20; Graziadei 2019: 456–57) – as well as the use of comparative law for translation purposes (Jopek-Bosiacka 2019: 246–49; Soriano-Barabino 2016), the latter being the main focus of this paper. Nevertheless, as aptly noted by several authors (Doczekalska 2013: 70; Dullion 2015: 99; Pommer 2006: 154–55; Soriano-Barabino 2016: 19–20), the goals of comparative law and legal translation are different. Also the models of comparative law research (see e.g. de Cruz 1999: 235–39; Eberle 2011; Kischel 2019: 194–200; Legrand 2022: 389–419; Örücü 2006) clearly show that comparative law is not the same as legal translation. A legal translator is unlikely to carry out an analysis on a scale comparable to the scale of comparative law research for every problematic term in the source text (Kusik 2022: 19), and indeed the fact that comparative legal analyses may be too time-consuming for

[4] The present paper concerns a legislative text that, depending on the intended use, may be translated for merely informative purposes (e.g. the translations quoted in the introduction) or for official purposes, e.g. if needed in legal proceedings.

practical translation work has been pointed out by some scholars (Bestué 2019: 158; Biel 2008: 22; Šarčević 1997: 237). As Kischel (2019: 12) aptly notes, even if comparative law can be helpful in legal translation, solving translation problems 'remains the translator's task'. Therefore, while legal translation and comparative law have clear connections, they remain separate fields. It seems that a legal translator can benefit from comparative law by tapping into the knowledge base it offers (Dullion 2015) and/or by adapting some elements of comparative law methodology for translation purposes. An example of such borrowing is the concept of 'functional equivalent', as redefined by Šarčević (1997: 235–49) for legal translation purposes.

2.2 References to comparative law in legal translation literature

The translation of legal terminology is pointed out as the part of legal translation in which comparative law is particularly relevant (Engberg 2017: 7; de Groot and van Laer 2006: 66; Prieto Ramos 2021: 177). Accordingly, Šarčević's model of conceptual analysis, which directly refers to the functional method of comparative law, has become highly influential in legal translation studies (e.g. Chromá 2014: 286–87; Klabal 2020: 56–59; Kozanecka, Matulewska and Trzaskawka 2017: 87, 94, 104–5; Matulewska 2017: 20; Soriano-Barabino 2016: 159).

Three trends could be observed in the current legal translation literature referring to comparative law. Firstly, in methodological terms, legal translation literature seems to be dominated by the influence of the functional method of comparative law. This is illustrated by, for instance, the popularity of Šarčević's approach and references to the classic textbook by Zweigert and Kötz (1998), a basic lecture on the functional method (Gordley 2012: 107), in major publications on the interactions between legal translation and comparative law (Pommer 2006: 107–8; Soriano-Barabino 2016: 15–17). Secondly, as regards the levels of comparative analysis applicable to legal translation, a number of authors emphasise the relevance of microcomparison (Engberg 2020: 274; Jopek-Bosiacka 2013: 120; Kęsicka 2014; Klabal 2020: 55–56). Thirdly, another observation that could be made is that some authors assume that legal concepts are the

primary object of research in comparative law (Bajčić 2017: 113; Engberg 2017: 8, 2020: 279; Klabal 2020: 55–56). Such an assumption might result in the label of 'comparative law' being attached to linguistically oriented analyses that largely draw on dictionary definitions and bear little resemblance to actual comparative law practice (see e.g. Monjean-Decaudin and Popineau-Lauvray 2019). These 'traditional' approaches will be challenged in the following three subsections.

2.3 Beyond functional comparative law

The functional method dates back to the interwar period (Van Hoecke 2015: 9), and its well-known exposition by Zweigert and Kötz (1998) was originally published in 1971 (Gordley 2012: 107). Although this method has gained a hegemonic position in comparative law (Monateri 2021: 4), the field has not been at a standstill since the 1970s, and plenty of new literature on its goals, methodology and subject matter has been published in the last few decades (cf. Samuel 2014: 3, 16). This has been accompanied by a change in the field's focus, mentality and spirit (Husa 2015: 3). These developments seem to have gone largely unnoticed in legal translation studies.

Influential as it may be, the functional method is only one of a number of methods of comparative law. These include, in particular, the approaches that directly challenge functionalism, described as postmodern, critical (Husa 2015: 134–35; Kischel 2019: 97–101; Siems 2019: 115–46) or hermeneutical (Samuel 2014: 108–20), as well as the structural method (Samuel 2014: 96–107), socio-legal methods and numerical methods (Siems 2019: 147–228). Some elements of the alternative approaches have been mentioned by few translation scholars (Engberg 2017; Pommer 2008; Skytioti 2021).

2.4 Beyond microcomparison

The terms 'microcomparison' and 'macrocomparison' refer to the levels (Van Hoecke 2015: 21) or scales of comparative law research

(Zweigert and Kötz 1998: 4–5). A number of comparatists argue that there is no clear dichotomy or polarisation between them (Husa 2015: 103–4; Kischel 2019: 10; Samuel 2014: 50; Siems 2019: 48; Zweigert and Kötz 1998: 5). It is because in order to grasp the functioning of particular rules or institutions within the entire legal system, it may be necessary to learn something about the history and general legal doctrines of that system. Conversely, a macrocomparative project may require the study of particular norms or cases so as to understand how the general features of the legal system translate into practice (Husa 2015: 103–4). Unsurprisingly, an intermediate level of analysis – mesocomparison – has been distinguished by some authors (Örücü 2006: 31; Romano 2016; Siems 2019: 14).

In this connection, Bajčić (2017: 114, 135) might be right in saying that also legal translation requires analysis at both macrocomparative and microcomparative levels. One can go even further and suggest that the translator should proceed fluently from one level of analysis to another.

2.5 Beyond conceptual analysis

For a comparatist, concepts are only one of the possible objects of study. In other words, the objects of comparison in comparative law may or may not take the form of legal concepts and institutions (Doczekalska 2013: 70). It should also be noted that mere rules and concepts say very little about a given legal system, as they are only the surface manifestations of legal cultures, which fail to reveal the deep structures of a legal system (Legrand 1996: 55–56). As Dullion (2015: 96) aptly notes, it is the translator who enters the field of comparative law at the level of concepts and through the door of terminology. Notably, the world of law may look different through a comparatist's eyes.

Therefore, without ignoring the significance of conceptual analysis, it might be useful for the translator to realise that conceptual structures are only one of the possible perspectives of law. Contemporary comparative law may open translators' eyes to the wealth of law and its broader cognitive structure (legal *mentalité*). This is the way to 'explicate how a community thinks about the law and why it thinks about the law in the way it does' (Legrand 1996: 60).

3. *Powszechne korzystanie ze środowiska* in a comparative perspective

The analysis outlined below does not make a claim to being an exercise of/in comparative law (cf. Galli 2021: 5; Soriano-Barabino 2016: 19). It is rather intended to utilise certain elements of comparative law in order to gain an informed basis for translation decisions.

3.1 Macrocomparative analysis: Polish, English and American law and *mentalité*

The Polish legal system is considered to belong to the civil law tradition (Morawski 2014: 70), and except for the communist period, it has been strongly influenced by both French and German law (Gondek 2006: 548). It also has certain distinguishing features. For instance, when it comes to legal mentality, Poles have been described as being in a way closer to the British, as they intuitively find it easier to understand that legal rules stem from specific human actions and behaviour rather than the other way round – which is sometimes too easily labelled as lack of respect for law and its institutions (Cichocki 2010: 60). This attitude may be contrasted with hyperpositivism in legal thinking – a remnant of the socialist legal tradition (Mańko 2013).

The English legal system is the root system of the common law tradition, which has dominated the English-speaking world, including the United States (Mattila 2006: 221–40). However, apart from the English common law foundations, American law has been under other influences, such as the civil law in Louisiana and Puerto Rico, German law in the 19th century and continental philosophical ideas from the French and Scottish Enlightenment. The written Constitution and judicial review of legislation differ the United States from 'purer' common law systems, and it has therefore been even described as a mixed legal system *sui generis* (Michaels 2006: 73).

Common law and civil law are two very influential legal traditions (Merryman and Pérez-Perdono 2007: 1–5), which actually reflect two modes of experiencing the world (Legrand 1996). Despite mutual influences, there has been little convergence between them, and they are characterised by different epistemological attitudes to law. In

the common law mentality, law is rather a matter of argumentation, dialectics, reasonableness and practicality (Samuel 2013: 157). Common law jurists refrain from deriving a rule which goes beyond what is necessary to resolve a particular case. This is completely different from the approach instinctively taken by a civil lawyer – namely, to find a general rule to cover all future cases (Kischel 2019: 230). As opposed to the common law tradition, a fundamental assumption in civil law systems is the separation of law-making and application of law (Morawski 2014: 69–70). A crucial concept in the common law tradition – an alternative to the continental concept of subjective right – is that of rights as negative freedoms, which is related to the idea of non-intervention in the personal sphere of a legal subject (Hanev 2013: 29–30). As it was put in Kingdom of Spain v. Christie, Manson & Woods Ltd. [1986] 1 W.L.R. 1120:

> 'In the pragmatic way in which English law has developed, a man's legal rights are in fact those which are protected by a cause of action. It is not in accordance […] with the principles of English law to analyse rights as being something separate from the remedy given to the individual'.

3.2 Mesocomparative analysis: environmental law in Poland, England and the USA

The core of Polish environmental law was for the first time comprehensively regulated in the Act on the Protection and Shaping of the Environment of 1980, replaced in 2001 by the currently applicable Act. The foundations for environmental law have been laid in the constitutions. As amended in 1976, the Constitution of the Polish People's Republic contained two innovative provisions directly concerning environmental protection (Ciechanowicz McLean 2015: 36–37), including Article 71, which provided for the 'right to benefit from the natural environment' (*prawo do korzystania z wartości środowiska naturalnego*)[5]. This provision has no equivalent in the Constitution of the Republic of Poland of 1997, which, however, refers to the environment in as many as five Articles (5, 31, 68, 74 and 86).

[5] Full translation available at http://libr.sejm.gov.pl/tek01/txt/kpol/e1976.html (accessed 20 March 2023).

Działocha and Łukaszczuk (2016) emphasise that it was a conscious decision of the constitutional legislature not to provide for such a right, and Radecki (2011: 74–80) attributes its lack to liberal thinking, according to which the environment is not at the state's disposal, so the state cannot fully guarantee its quality. On the other hand, according to Ciechanowicz-McLean (2015: 37), this right is just not so unequivocally expressed, and Zaborniak (2017: 202–4) argues that the environment should be considered a public good, so it can be inferred that a citizen has a right to use environmental resources guaranteed by the Constitution.

The UK's environmental law (which, despite the significant impact of devolution, can still be considered a single model) is composed of a mixture of international, regional and national regulations (Bell 2019: 352, 356–58). Historically, the legislative regulation of environmental issues proceeded reactively by way of 'quick-fix' pragmatism rather than in line with any overarching environmental policy, giving rise to a complex environmental infrastructure (Bell 2019: 352–53) described as a 'fragmented accretion of common law, statutes, agencies, procedures and policies' (Carter and Lowe 1995, cited in Bell 2019: 353). These traditional pragmatic, flexible and decentralised approaches have been changed and reshaped under the influence of EU law. The UK has no basis for entrenched and legally enforceable substantive environmental norms or values which could shape national environmental infrastructure by means of clearly identifiable rights. While there is something that could be described as 'a weak constitutional basis for environmental rights', and it is worth noting the procedural rights under the Aarhus Convention, the transposed EU legislation and the impact of the 'greening' of human rights, it is still much more difficult to identify in the UK's system substantive environmental rights (Bell 2019: 354–56).

The approach to environmental law in the USA can be described as a system striving for balance in respect of the allocation of powers between the state and federal legislatures, between the constitutional rights of individuals and the need to limit them to protect the environment, and between trying to ensure the smooth operation of administrative agencies and the conflicting priorities and needs they are faced with. In enacting environmental legislation, Congress can invoke the constitutional Supremacy Clause, Commerce Power and Property Clause. It can also use its spending power to encourage states and private entities to adopt certain environmental measures. A critical

element of modern environmental regulation is the system of expert agencies, and federal environmental law usually takes the form of framework statutes that set out goals and processes to guide them (Salzman 2019: 375–77). The just compensation provisions of the U.S. Constitution, which prevent the federal and state governments from 'taking' private property without just compensation, act as a constraint on environmental regulation (Salzman 2019: 377).

3.3 Microcomparative analysis: the use of selected elements of the environment in Poland, England and the USA

Article 4 is located in Part 2 of the Act, entitled 'Definitions and general principles'. Paragraph (1), which is the primary focus of the present analysis, refers to such ways of using the environment that do not involve installations and are intended to satisfy individual and household needs. The other two paragraphs of this Article refer to the ways of using the environment that exceed the scope of *powszechne korzystanie ze środowiska*, including those for which a permit may be required.

It is controversial whether Article 4 actually lays down any general principles of environmental law. Górski (2009: 47) claims that this provision defines the legal forms of using the environment. According to Korzeniowski (2020: 166–69), Article 4(1) provides for a general principle of environmental law. While Mikosz (2019: 93–95) acknowledges that paragraph (1) might be read as expressing such a principle, he is highly critical of this provision, pointing to its defective taxonomy, poor drafting and inconsistency with the Water Law Act (Mikosz 2019: 86–90). In his opinion, the existence of Article 4 in the legal system is rather pointless, and it does not provide for any subjective right (2019: 100). A contrary view is taken by Trzewik (2016) and Zaborniak (2017), who argue that Article 4(1) embodies a right to *powszechne korzystanie ze środowiska*. Trzcińska (2018: 405–6) claims that *korzystanie ze środowiska* is a separate legal category peculiar to environmental law – a kind of ownership of the environment distinct from the Civil Code sense of ownership.

A search in the LEX database shows that there is little case law concerning Article 4(1)[6]. The most important ruling to date is probably that of the Supreme Administrative Court in II OSK 1747/15, where the Court examined a city council resolution restricting access to a park for people with dogs. In particular, the Court held that Article 4(1) could not be a source of legal interest based on which it would be possible to lodge a complaint with an administrative court. The Court also noted that *powszechne korzystanie ze środowiska* does not mean an unlimited right to use the environment in any place whatsoever. According to the Court, it is not superior to other rights and does not give one the right to enter either public or private areas.

According to the methodology proposed by Šarčević (1997: 236), an analysis of the source concept should be followed by an attempt at finding 'a concept or institution of the target legal system having the same function as a particular concept of the source legal system'. A challenge in the case of *powszechne korzystanie ze środowiska* is the unclear meaning and function of the source concept as well as conflicting views on it expressed in legal scholarship. However, for the purposes of further analysis, it may be provisionally assumed that at a general level, the concept of *powszechne korzystanie ze środowiska* concerns the general public's ability to use or access some environmental resources. Since the environment consists of multiple elements (see the definition in Article 3(39) of the Act), only two of them, namely rivers and forests, have been chosen for the present analysis in order to limit its scope. The choice of resources typically used for recreation (Article 4(1) refers to sport and rest) should be representative in showing whether citizens' access to the environment is somehow guaranteed or protected in the legal systems of England and the USA. As a supplementary context note, it might be worth adding that in Poland, pursuant to Article 211 of the Water Law Act, inland flowing waters belong to the State Treasury and are considered public waters[7]. Also, 80.7% of Polish forests are public, the country's forest cover being approx. 30% (Kubica 2022: 17–19).

In England, it is generally assumed that the owner of land adjacent to a watercourse (the so-called riparian landowner) owns the land up to the centre of the watercourse. If a watercourse runs through

[6] See e.g. judgments of the Provincial Administrative Courts in Kraków (II SA/Kr 490/14), Wrocław (II SA/Wr 405/14) and Gdańsk (II SA/Gd 601/19).

[7] In addition, landowners are prohibited from fencing their properties at a distance of less than 1.5 metres from the river bank (Article 232 of the Water Law Act).

a plot of land, it is assumed that the landowner owns the respective stretch of the watercourse (Environment Agency 2014: 4, 7). Riparian owners have certain duties to other riparian owners, the community and the environment, for instance not to obstruct the water flow and to maintain the bed, banks and greenery. Access to the watercourse must be provided to the risk management authority (Environment Agency 2014: 7–9, 19). The tidal reaches of many rivers have public rights of navigation, but there is no public right of navigation on the majority of non-tidal watercourses. The public can use some rivers and canals administered by navigation authorities, the Environmental Agency or private companies (Environment Agency 2014: 29). There is an ongoing dispute between paddlers, landowners and anglers concerning access to rivers (CanoeTrail), with the British Canoeing organisation campaigning for a 'public right of navigation' (British Canoeing). The government's current position is to increase access to rivers by establishing Voluntary Access Arrangements (Angling Trust).

There seems to be no general right protecting access to forests either – even though the forest cover in England is only 10%, and approx. 84% of forests belong to private owners (Forest Research 2022: 8–9). Following public agitation for greater access to countryside areas (Anderson 2007: 244), the Countryside and Rights of Way Act 2000 was adopted. Under Section 2(1) of the Act, 'Any person is entitled […] to enter and remain on any access land for the purposes of open-air recreation' subject to certain restrictions. In this way, the Act establishes a partial 'right to roam' over certain landscapes ('access land'), irrespective of their ownership status, without the risk of trespassing. It does not, however, extend to private forests (Right to Roam Campaign). It is actually the little freehold public forest estate, the majority of which is dedicated as access land, that represents over 40% of accessible woodland in England (Independent Panel on Forestry 2012: 8–9, 24).

In the United States, under the public trust doctrine defined by the U.S. Supreme Court in Illinois Central R.R. Co. v. Illinois, 146 U.S. 387 (1892), states hold navigable waters and underlying lands in trust for the public for the purposes of commerce, navigation and fisheries (Walston 2017). The doctrine has been extended by some courts to recreational uses[8] and environmental protection (Ausness 1986: 409–15). Beds of non-navigable rivers are generally owned by private owners (American Whitewater), who enjoy water rights under the

[8] See e.g. Bor. of Neptune City v. Bor. of Avon-By-The-Sea 61 N.J. 296 (1972).

riparian doctrine or the doctrine of prior appropriation, depending on the state (Smolen, Mittelstet and Harjo 2012: 1–3). Practical problems in the application of the public trust doctrine arise from the ownership of the land adjacent to rivers, as the laws in particular states vary in respect of access to river banks. For instance, under the Wisconsin Supreme Court case law, the public must meet the 'keep your feet wet' test, which means that a public river must be accessed via a public access point – unless the property owner permits otherwise (Conrad 2007).

With the forest cover of around 35%, which differs significantly across states (Goeking, Nelson and Meneguzzo 2019), 31% of forests in the USA belong to the federal government and 9% to states. 38% of forests are considered family forests, owned by individuals, families, trusts and estates (Forest Service U.S. Department of Agriculture). The United States has had a strong and long-established tradition of unrestricted access to public lands for recreational purposes (McCool and Stankey 2001: 392–93), and it is mainly these publicly owned lands that Americans rely on for recreational opportunities (Anderson 2007: 255). Numerous trails on public lands enable hikes through national parks, forests and wilderness areas, even though many are on remote lands accessible to serious hikers only. The United States takes a strict position on public access rights in private lands. The landowner's right to exclude is regarded as essential to property ownership and has been zealously protected. Therefore, there is generally little support in the U.S. common law for public access to private land, and legislative adjustments to property rights are very unlikely due to the constitutional 'takings clause' (Anderson 2007: 241–51).

The above analysis indicates that English and American legal systems do not seek to establish any overarching rights to the environment, and hence, there are no identifiable functional equivalents of the concept of *powszechne korzystanie ze środowiska*. A few factors can account for this. First of all, it turns out that at a more particular level, the three jurisdictions analysed face considerably different problems, which generally renders function-based comparison ineffective[9]. In both England and the United States, the debate is centred around permissible interference with private ownership of land, which

[9] An important assumption of the functional method of comparative law, on which, as stated before, Šarčević's approach is based, is the existence of the same problems in the legal systems compared (Gordley 2012: 118–19).

can be an obstacle to the public's access to environmental resources. Their legal systems take slightly different approaches in this respect, which is demonstrated by the perceptions of the 'right to roam'. In Poland, forests and rivers are publicly owned to a much greater extent, so the problem of access to private land to enjoy these resources is limited. The concept behind *powszechne korzystanie ze środowiska*, even if one acknowledges that it enshrines a certain right, does not extend to private property and is rather declaratory of the public's possibility of using various state-owned natural resources. Hence, it turns out to be a rather theoretical, abstract notion, which, on the one hand, is typical in its character of civil law thinking and, on the other hand, might, to some extent, be a legal survival of the former communist system (cf. Mańko 2013)[10].

4. Establishing a translation equivalent of *powszechne korzystanie ze środowiska*

Although the foregoing inquiry has not provided any potential natural (functional) equivalents to be juxtaposed with the Polish source term *powszechne korzystanie ze środowiska* as part of a conceptual analysis, its findings may provide guidelines for the creation of an alternative equivalent or a descriptive paraphrase (Šarčević 1997: 252–63). In particular, they highlight the deficiencies of the existing equivalents presented in Table 1 in the introductory section. It was definitely risky for one of the translators to use the noun 'right', as the legislature clearly avoided the corresponding Polish noun *prawo*, and it is controversial among Polish legal scholars whether Article 4(1) embodies any subjective right. Moreover, by common law standards, the word 'right' implies actionability, which is rather questionable in the case of this provision. Also, the use of the adjectives 'common' and 'general' might be problematic. The former does not necessarily refer to the general public and may, in addition, misleadingly denote frequency, whereas the latter, although in one of its meanings, it may refer to the general public, still seems to be too ambiguous.

[10] See the preamble to the Act on the Protection and Shaping of the Environment of 1980 and Article 71 of the Constitution of the Polish People's Republic, as amended in 1976.

Some hints for establishing a more acceptable translation equivalent might be provided by the English and American literature and materials reviewed in the course of the analysis. It has been observed that when the availability of natural resources to citizens is mentioned, the words 'use', 'access', 'public' and 'the public' are commonplace[11]. Based on these linguistic hints and the entire analysis, a proposal could be made to translate the term *powszechne korzystanie ze środowiska* as 'public use[12] of the environment', which seems to be a grammatically acceptable and semantically motivated source-language oriented equivalent (Šarčević 1997: 259). It could be classified as a phraseological neologism or a neutral term – an existing (yet very rare[13]) phrase from ordinary language on which a technical meaning is conferred by the translator (Šarčević 1997: 255). In the context of Article 4(1), it could be followed by the phrase '…is permitted to everyone' (in line with the LEX translation), which seems to be a grammatically acceptable solution (cf. Seggos 2019: 123)[14].

5. Conclusions

The above analysis, allowing for its limited extent, may serve as an example of how comparative law can be applied in legal translation and how legal translators may go beyond the traditional approaches to the use of comparative law in legal translation. The analysis began with a general overview of the respective legal systems and gradually focused in on their specific aspects related to the translation problem at hand,

[11] For example 'public access' (Independent Panel on Forestry 2012: 11, 22, 53, 64; Kenlan 2016), 'the public can use' (Environment Agency 2014: 29), 'allowing the public to have access' (Section 5(2) of the Crown Estate Act of 1961), 'public use', 'the public's use', 'the public is allowed to roam', 'the public's ability to use' (Anderson 2007: 241–48), 'public use and access' and 'public access to, and use of' (McCool and Stankey 2001: 393, 396)

[12] When it comes to the choice between the nouns 'access' and 'use', the whole structure of Article 4, which contains two other types of *korzystanie ze środowiska*, needs to be taken into account. Because these other types go beyond mere access, the noun 'use' will be more appropriate to ensure consistency.

[13] See e.g. a document of the City and Guilds of London Institute at https://linkmn.gr/OmM9JO (accessed 25 March 2023).

[14] Also see e.g. Missisquoi National Wildlife Refuge Laws and Regulations at https://linkmn.gr/bg7DZb and a document of the Surrey County Council at https://linkmn.gr/bj62Db (accessed 25 March 2023).

following a top-down approach – from macrocomparison to mesocomparison to microcomparison. There are actually no strict dividing lines between these levels, but starting from a bigger picture arguably gives the translator a better overview of the legal systems concerned. This can help one identify the relevant legal issues in the target legal system and enhances their contextual understanding of particular legal institutions in relation to other institutions, debates or themes. Furthermore, the analysis was not – at least initially – focused on legal concepts. Such an approach allows a translator to go beyond their language-oriented perspective and keep their eyes open to the real-world operation of law (law in action) and its facets as a social and cultural phenomenon. This is, of course, not to say that the translator should ignore the linguistic features of the analysed materials, as they are equally crucial in formulating translation equivalents, which is the translator's ultimate task.

The popular functional approach turned out to be of restricted use due to its inherent limitations. One of the other comparative law methods that proved helpful in the course of the analysis was the structural method, which shows that individual elements of the legal system, like norms or rights, make little sense in isolation from their systemic structure (Samuel 2014: 106). They are like individual playing cards, which gain their meaning only within the whole pack (Izorche 2001, cited by Samuel 2014: 106). While in Šarčević's (1997: 242–44) methodology, structural analysis is invoked when the acceptability of a functional equivalent is being determined, it could be argued that the structural method should be applied much earlier in the process of solving a translation problem. An important contribution to legal translation can also be made by the hermeneutical method (see Samuel 2014: 108–20), which promotes deep understanding of the underlying legal cultures and highlights differences between legal systems. Furthermore, a useful notion that legal translators can borrow from Kischel's (2019: 188) 'contextual comparative law' is the need to consider not only 'law in action' and 'law in books' but also 'law in debate', which refers to the diversity of opinions among legal scholars on particular legal issues – a phenomenon well illustrated by the debate over *powszechne korzystanie ze środowiska* in Polish legal scholarship.

Finally, it needs to be emphasised that a legal translator is free to take advantage of various comparative law approaches and can be eclectic in their methodological choices (Engberg 2020: 276). This is actually in line with the contemporary developments in comparative law, where it has been said that a comparative lawyer has a 'pluralist toolbox' of methods at their disposal (Van Hoecke 2015: 28–29).

Although comparative law is not a substitute for legal translation's own methodology, it seems that legal translators should become more familiar with the comparative law toolbox and perhaps experiment with new tools borrowed from there by adapting them for legal translation purposes.

Bibliography

American Whitewater. Navigability Primer. https://linkmn.gr/X7dzpb (accessed 24 March 2023).

Anderson, Jerry L. 2007. Countryside Access and Environmental Protection: An American View of Britain's Right to Roam. *Environmental Law Review* 9(4): 241–59.

Angling Trust. Access. https://linkmn.gr/XnYax1 (accessed 24 March 2023).

Ausness, Richard C. 1986. Water Rights, the Public Trust Doctrine, and the Protection of Instream Uses. *University of Illinois Law Review* 2: 407–37.

Bajčić, Martina. 2017. *New Insights into the Semantics of Legal Concepts and the Legal Dictionary*. Amsterdam: John Benjamins Publishing Company.

Bell, Stuart. 2019. United Kingdom. In *The Oxford Handbook of Comparative Environmental Law*, eds. Emma Lees and Jorge E. Viñuales, 352–73. Oxford: Oxford University Press.

Bestué, Carmen. 2019. A Matter of Justice: Integrating Comparative Law Methods into the Decision-making Process in Legal Translation. In *Research Methods in Legal Translation and Interpreting*, eds. Łucja Biel, Jan Engberg, María R. Martin Ruano and Vilelmini Sosoni, 143–69. London, New York: Routledge.

Biel, Łucja. 2008. Legal Terminology in Translation Practice: Dictionaries, Googling or Discussion Forums? *SKASE Journal of Translation and Interpretation* 3(1): 22–38.

Biel, Łucja, and Stanisław Goźdź-Roszkowski. 2015. Legal Translation. In *Ways to Translation*, eds. Łukasz Bogucki, Stanisław Goźdź-Roszkowski and Piotr Stalmaszczyk, 249–73. Łódź, Kraków: Wydawnictwo Uniwersytetu Łódzkiego.

British Canoeing. Access on Water. https://linkmn.gr/OEe5BO (accessed 24 March 2023).

CanoeTrail. River Access, Who Owns the UK Rivers? https://linkmn.gr/b5KdN1 (accessed 24 March 2023).

Cao, Deborah. 2007. *Translating Law*. Clevedon, Buffalo, Toronto: Multilingual Matters Ltd.

Chromá, Marta. 2014. The New Czech Civil Code – Lessons from Legal Translation – A Case-Study Analysis. In *The Ashgate Handbook of Legal Translation*, eds. Le Cheng, King Kui Sin and Anne Wagner, 263–97. Farnham, Burlington: Ashgate.

Cichocki, Marek A. 2010. Szkice z polskiej podmiotowości. *Teologia Polityczna* 5/2009-2010. https://linkmn.gr/b9W9n1.

Ciechanowicz McLean, Janina. 2015. *Prawo ochrony i zarządzania środowiskiem*. Warszawa: Difin.

Cima, Elena. 2022. The Right to a Healthy Environment: Reconceptualizing Human Rights in the Face of Climate Change. *Review of European, Comparative & International Environmental Law* 31(1): 38–49. DOI: 10.1111/reel.12430.

Conrad, Debbie. 2007. The Ordinary High Water Mark. *Legal Update*, February 2007: 12–13.

de Cruz, Peter. 1999. *Comparative Law in a Changing World*. London, Sydney: Cavendish Publishing Limited.

Doczekalska, Agnieszka. 2013. Comparative Law and Legal Translation in the Search for Functional Equivalents – Intertwined or Separate Domains. *Comparative Legilinguistics* 16: 63–76. DOI: 10.14746/cl.2013.16.5.

Dullion, Valérie. 2015. Droit Comparé Pour Traducteurs: De La Théorie à La Didactique de La Traduction Juridique. *International Journal for the Semiotics of Law – Revue Internationale de Sémiotique Juridique* 28(1): 91–106. DOI: 10.1007/s11196-014-9360-2.

Działocha, Kazimierz, and Agnieszka Łukaszczuk. 2016. Art. 86. In *Konstytucja Rzeczypospolitej Polskiej. Komentarz. Tom II*, eds. Leszek Garlicki and Marek Zubik. Warszawa: Wydawnictwo Sejmowe.

Eberle, Edward J. 2011. The Methodology of Comparative Law. *Roger Williams University Law Review* 16(1): 51–72.

Engberg, Jan. 2002. Legal Meaning Assumptions – What Are the Consequences for Legal Interpretation and Legal Translation? *International Journal for the Semiotics of Law – Revue*

Internationale de Sémiotique Juridique 15(4): 375–88. DOI: 10.1023/A:1021255513221.

Engberg, Jan. 2017. Developing an Integrative Approach for Accessing Comparative Legal Knowledge for Translation. *Revista de Llengua i Dret, Journal of Language and Law* 68: 5–18.

Engberg, Jan. 2020. Comparative Law for Legal Translation: Through Multiple Perspectives to Multidimensional Knowledge. *International Journal for the Semiotics of Law – Revue Internationale de Sémiotique Juridique* 33(2): 263–82. DOI: 10.1007/s11196-020-09706-9.

Environment Agency. 2014. *Living on the Edge. A Guide to Your Rights and Responsibilities of Riverside Ownership*. Bristol: Environment Agency. https://linkmn.gr/bAK9P1.

Forest Research. 2022. *Provisional Woodland Statistics 2022*. Roslin: Forest Research. https://linkmn.gr/XKzn71.

Forest Service. U.S. Department of Agriculture. Private Land. https://linkmn.gr/XRmg81 (accessed 24 March 2023).

Galli, Alessandro. 2021. Introduction: Legal Translation as Cross-Cultural Communication. In *US Law for Civil Lawyers*, ed. Kirk W. Junker, 1–8. Baden-Baden: Bloomsbury.

Goeking, Sara, Mark Nelson, and Dacia Meneguzzo. 2019. Land Cover and Land Use. In *Forest Resources of the United States, 2017*, eds. Sonja. N. Oswalt, W. Brad Smith, Patrick D. Miles and Scott A. Pugh, 5–7. Forest Service. U.S. Department of Agriculture. https://linkmn.gr/bkDEKO.

Gondek, Michał. 2006. Poland. In *Elgar Encyclopedia of Comparative Law*, ed. Jan M. Smits, 548–53. Cheltenham, Northampton: Edward Elgar.

Gordley, James. 2012. The Functional Method. In *Methods of Comparative Law*, ed. Pierre G. Monateri, 107–19. Cheltenham, Northampton: Edward Elgar Publishing.

Goźdź-Roszkowski, Stanisław. 2016. The Role of Generic Competence and Professional Expertise in Legal Translation. The Case of English and Polish Probate Documents. *Studies in Logic, Grammar and Rhetoric* 45(1): 51–67. DOI: 10.1515/slgr-2016-0015.

Górski, Marek. 2009. Zagadnienia wprowadzające. In *Prawo ochrony środowiska*, ed. Marek Górski, 25–52. Warszawa: Wolters Kluwer.

Graziadei, Michele. 2019. Comparative Law, Transplants, and Receptions. In *The Oxford Handbook of Comparative Law*, eds. Mathias Reimann and Reinhard Zimmermann, 441–73. Oxford: Oxford University Press.

de Groot, Gerard-René. 1987. Problems of Legal Translation from the Point of View of a Comparative Lawyer: Seven Theses for the XIth World Conference of Federation Internationale Des Traducteurs. *Van Taal Tot Taal* 31(4): 189–189.

de Groot, Gerard-René, and Conrad J. P. van Laer. 2006. The Dubious Quality of Legal Dictionaries. *International Journal of Legal Information* 34(1): 65–86.

Hanev, Dimitar. 2013. Philosophical Origins of the Concept of Subjective Right. *Studia Prawnicze. Rozprawy i Materiały* 1(2): 19–34.

Van Hoecke, Mark. 2015. Methodology of Comparative Legal Research. *Law and Method* 1–35. DOI: 10.5553/REM/.000010.

Husa, Jaakko. 2015. *A New Introduction to Comparative Law*. Oxford, London, New York, New Delhi, Sydney: Hart Publishing.

Husa, Jaakko. 2022. *Interdisciplinary Comparative Law: Rubbing Shoulders with the Neighbours or Standing Alone in a Crowd*. Cheltenham, Northampton: Edward Elgar Publishing.

Independent Panel on Forestry. 2012. *Final Report*. https://linkmn.gr/OGeg2X.

Jopek-Bosiacka, Anna. 2013. Comparative Law and Equivalence Assessment of System-Bound Terms in EU Legal Translation. *Linguistica Antverpiensia, New Series – Themes in Translation Studies* 12: 110–46. DOI: 10.52034/lanstts.v12i.237.

Jopek-Bosiacka, Anna. 2019. *Teoretycznoprawne i logiczne uwarunkowania przekładu prawnego*. Warszawa: Wolters Kluwer.

Kahn-Freund, Otto. 1974. On Uses and Misuses of Comparative Law. *Modern Law Review* 37(1): 1–27.

Kenlan, Peter H. 2016. Maine's Open Lands: Public Use of Private Land, the Right to Roam and the Right to Exclude. *Maine Law Review* 68(1): 186–215.

Kęsicka, Karolina. 2014. Między precyzją a nieostrością – o problematyce przekładu niemieckich i polskich terminów nieokreślonych. *Comparative Legilinguistics* 17: 77–94. DOI: 10.14746/cl.2014.17.5.

Kielar, Barbara. 1977. *Language of the Law in the Aspect of Translation*. Warszawa: Wydawnictwo Uniwersytetu Warszawskiego.

Kierzkowska, Danuta. 2002. *Tłumaczenie prawnicze*. Warszawa: Wydawnictwo TEPIS.

Kischel, Uwe. 2019. *Comparative Law*. Oxford: Oxford University Press.

Klabal, Ondřej. 2020. *Developing Legal Translation Competence: A Step-by-Step Approach*. PhD diss., Univerzita Palackého v Olomouci.

Kubica, Józef. 2022. *Raport o stanie lasów w Polsce 2021*. Państwowe Gospodarstwo Leśne Lasy Państwowe. https://linkmn.gr/Ov0AxX.

Korzeniowski, Piotr. 2020. *Pozwolenie emisyjne w prawie ochrony środowiska*. Warszawa: Wolters Kluwer.

Kozanecka, Paulina, Aleksandra Matulewska, and Paula Trzaskawka. 2017. *Methodology for Interlingual Comparison of Legal Terminology. Towards General Legilinguistic Translatology*. Poznań: Wydawnictwo Naukowe CONTACT.

Kusik, Przemysław. 2022. English Translation Equivalents of Selected Polish Partnership Types Revisited from the Perspective of Comparative Law. *Lingua Legis* 30: 7–21. https://linkmn.gr/O4dJ5O.

Legrand, Pierre. 1996. European Legal Systems Are Not Converging. *The International and Comparative Law Quarterly* 45(1): 52–81.

Legrand, Pierre. 1997. The Impossibility of "Legal Transplants". *Maastricht Journal of European and Comparative Law* 4: 111–24.

Legrand, Pierre. 2022. *Negative Comparative Law*. Cambridge: Cambridge University Press.

Mańko, Rafał. 2013. Weeds in the Gardens of Justice? The Survival of Hyperpositivism in Polish Legal Culture as a Symptom/Sinthome. *Pólemos* 7(2): 207-233. DOI: 10.1515/pol-2013-0011.

Mattila, Heikki. 2006. *Comparative Legal Linguistics*. Aldershot, Burlington: Ashgate.

Matulewska, Aleksandra. 2007. *Lingua Legis in Translation: English-Polish and Polish-English Translation of Legal Texts*. Frankfurt a. M.: Peter Lang.

Matulewska, Aleksandra. 2017. *Contrastive Parametric Study of Legal Terminology in Polish and English*. Poznań: Wydawnictwo Naukowe CONTACT.

McCool, Stephen F., and George H. Stankey. 2001. Managing Access to Wildlands for Recreation in the USA: Background and Issues Relevant to Sustaining Tourism. *Journal of Sustainable Tourism* 9(5): 389–99. DOI: 10.1080/09669580108667410.

Merryman, John H., and Rogelio Pérez-Perdono. 2007. *The Civil Law Tradition. An Introduction to the Legal Systems of Europe and Latin America*. Stanford: Stanford University Press.

Michaels, Ralf. 2006. American Law (United States). In *Elgar Encyclopedia of Comparative Law*, ed. Jan M. Smits, 66–77. Cheltenham, Northampton: Edward Elgar.

Mikosz, Ryszard. 2019. Korzystanie ze środowiska (kilka uwag na tle art. 4 ustawy z 27 kwietnia 2001 r. – Prawo ochrony środowiska). *Prawne Problemy Górnictwa i Ochrony Środowiska* 1/2019: 85–102.

Monateri, Pier G. 2021. *Comparative Legal Methods*. Cheltenham, Northampton: Edward Elgar Publishing.

Monjean-Decaudin, Sylvie, and Joëlle Popineau-Lauvray. 2019. How to Apply Comparative Law to Legal Translation. A New Juritraductological Approach to the Translation of Legal Texts. In *Research Methods in Legal Translation and Interpreting*, eds. Łucja Biel, Jan Engberg, María R. Martin Ruano and Vilelmini Sosoni, 127–42. London, New York: Routledge.

Morawski, Lech. 2014. *Wstęp do prawoznawstwa*. Toruń: Dom Organizatora.

Nord, Christiane. 2006. Loyalty and Fidelity in Specialized Translation. *Confluências. Revista de Tradução Científica e Técnica* 4: 29–41.

Örücü, Esin. 2006. Methodological Aspects of Comparative Law. *European Journal of Law Reform* 8(1): 29–42.

Pommer, Sieglinde. 2006. *Rechtsübersetzung und Rechtsvergleichung. Translatologische Fragen zur Interdisziplinarität*. Frankfurt a. M.: Peter Lang.

Pommer, Sieglinde. 2008. Translation as Intercultural Transfer: The Case of Law. *SKASE Journal of Translation and Interpretation* 3(1): 17–21.

Prieto Ramos, Fernando. 2021. Translating Legal Terminology and Phraseology: Between Inter-Systemic Incongruity and

Multilingual Harmonization. *Perspectives* 29(2): 175–83. DOI: 10.1080/0907676X.2021.1849940.

Radecki, Wojciech. 2011. *Ochrona walorów turystycznych w prawie polskim*. Warszawa: Wolters Kluwer.

Rakoczy, Bartosz. 2013. Art. 4. In *Prawo ochrony środowiska. Komentarz*, eds. Zbigniew Bukowski, Ewa Czech, Karolina Karpus and Bartosz Rakoczy. Warszawa: Lexis Nexis.

Right to Roam Campaign. The Right to Roam Is the Right to Reconnect. https://linkmn.gr/bBeJEX (accessed 24 March 2023).

Romano, Alessandro. 2016. Micro-Meso-Macro Comparative Law: An Essay on the Methodology of Comparative Law. *Chicago-Kent Journal of International and Comparative Law* 17(1): 1–17.

Sacco, Rodolfo. 1991. Legal Formants: A Dynamic Approach to Comparative Law (Installment I of II). *The American Journal of Comparative Law* 39(1): 1–34. DOI: 10.2307/840669.

Salzman, James. 2019. United States of America. In *The Oxford Handbook of Comparative Environmental Law*, eds. Emma Lees and Jorge E. Viñuales, 388–94. Oxford: Oxford University Press.

Samuel, Geoffrey. 2013. *A Short Introduction to the Common Law*. Cheltenham, Northampton: Edward Elgar.

Samuel, Geoffrey. 2014. *An Introduction to Comparative Law Theory and Method*. Oxford, Portland: Hart Publishing.

Šarčević, Susan. 1997. *New Approach to Legal Translation*. The Hague, London, Boston: Kluwer Law International.

Schroth, Peter. 1986. Legal Translation. *The American Journal of Comparative Law* 34: 47–65.

Seggos, Basil. 2019. *Sundown Wild Forest and Vernooy Kill State Forest Unit Management Plan*. New York: New York State Department of Environmental Conservation. https://linkmn.gr/XWnBB1.

Siems, Mathias. 2019. *Comparative Law*. Cambridge: Cambridge University Press.

Skytioti, Sotiria. 2021. Comparative Law and Language with Reference to Case Law. *Studies in Logic, Grammar and Rhetoric* 66(1): 105–14. DOI: 10.2478/slgr-2021-0007.

Smolen, M. D., Aaron Mittelstet, and Bekki Harjo. 2012. *Whose Water Is It Anyway? Comparing the Water Rights Frameworks of*

Arkansas, Oklahoma, Texas, New Mexico, Georgia, Alabama, and Florida. Oklahoma. https://linkmn.gr/OL6BMX.

Soriano-Barabino, Guadalupe. 2016. *Comparative Law for Legal Translators*. Oxford, Bern: Peter Lang.

Trzcińska, Diana. 2018. *Prawo planowania i zagospodarowania przestrzennego z perspektywy środowiska i jego ochrony*. Warszawa: Wolters Kluwer.

Trzewik, Jacek. 2016. *Publiczne prawa podmiotowe jednostki w systemie prawa ochrony środowiska*. Warszawa: LEX/el.

Walston, Roderick. 2017. Public Trust Doctrine & Water Rights. https://linkmn.gr/bajNrO (accessed 24 March 2023).

Watson, Alan. 1993. *Legal Transplants. An Approach to Comparative Law*. Athens, London: University of Georgia Press.

Zaborniak, Paweł. 2017. *Prawo dostępu do dóbr publicznych*. Warszawa: C.H.Beck.

Zweigert, Konrad, and Hein Kötz. 1998. *An Introduction to Comparative Law*. Oxford: Oxford University Press.