

## Reviews

**Artur Dariusz KUBACKI**, *Tłumaczenie poświadczone. Status, kształcenie, warsztat i odpowiedzialność tłumacza przysięgłego* [*Certified translation. The status, education and training, fields of activity and liability of sworn translators*]. Warszawa: Wolters Kluwer Business, 2012, ISBN 978-83-264-3820-2, 369 pages.

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The book is composed of six chapters in which the author focuses on aspects of the profession of sworn translators and interpreters (the latter also called in pertinent literature court interpreters), which will be referred to as sworn translators in this review for the purpose of convenience. It should be stressed, however, that in Poland sworn translators are rendering translations of written texts and interpret oral texts in legal settings as the Polish legislator has not enabled to choose whether one wants to be a translator or interpreter.

The first chapter is devoted to the historical development of the profession of sworn translators. In Poland the history of the profession starts in 1920 with the Act of 16 July 1920 amending the Act on Penal Procedure for the Austrian Annexation (Polish Journal of Laws no. 67, item 453) and the Regulation of the Minister of Justice in consultation with the Minister of Treasury of 7 August 1920 on compensation for witnesses, experts and translators in criminal proceedings (Polish Journal of Laws no. 75, item 515 as amended). The first laws on the subject-matter regulated mainly the financial aspects of the profession. In 1928, however, the Regulation of the Minister of Justice of 24 December 1928 on sworn translators (Polish Journal of laws no. 104, item 943) was enacted which specified the appointment of sworn translators, their qualifications, education, the oath and practical aspects of practising the profession. The first list of sworn translators was published in Poland in 1930. Till 1968 the Minister of Justice appointed sworn translators. Later on the President of the provincial court had the authority to appoint them. The Regulation of 19 August 1968 (Polish Journal of Laws no. 35, item 244) specified for the first time how the graduates of non-philological studies could become translators (an examination). The next milestone was the Regulation of the Minister of Justice of 8 June 1987 on expert witnesses and sworn translators (Polish Journal of Laws no. 18, item 112 as amended) which was in force till 2004. The

Regulation allowed only graduates of philological studies to become sworn translators. They had to be Polish citizens and at least 25 years old. The examination was no longer required. It should be stressed, however, that some courts organized an internal exam to check the competences of candidates, whereas in some other court districts there were no mechanisms of verifying applicants' abilities and skills at all. The situation changed almost two decades later when the Act of 25 November 2004 on the profession of sworn translators was enacted (Polish Journal of Laws no. 273, item 2702 as amended). The centralized national examination has been introduced and the National Examination Commission has been established. From now on the Commission is the organ authorized to confer upon translators who passed the examination the status of sworn translators. Since 1 July 2011, it is no longer required to be a graduate of philological studies which means that the title of *magister* of any studies suffices to take the examination. According to the list of sworn translators of 9 August 2011 there were 9294 sworn translators in Poland for 42 languages. The analysis of the historical development of the profession in Poland is very detailed and allows for the observance of main trends and changes introduced within almost a century in the wake of evolving political, economic and social spheres in Poland and Europe and the growing awareness of the importance and impact of the job on the situation of foreign participants of communication in legal settings.

The second chapter deals with the legal status of certified and sworn translators and their counterparts in Europe. The author conducts his analysis of the institution in question comparing ten aspects of the profession, that is to say: (i) the title held by the translator/interpreter, (ii) the division into translators and interpreters, if applicable, (iii) the institution granting the license, (iv) legal status, (v) entry into a list of sworn translators and court interpreters, (vi) ethics and qualification codes binding them, (vii) compensation, (ix) professional organizations for sworn translators and court interpreters, and finally (x) other aspects of the profession. As far as Nordic countries are concerned, the author has carried out research into the profession of sworn translators and court interpreters in Denmark, Finland, Iceland, Norway and Sweden. In all those countries, similarly as in Poland, candidates must pass an examination in order to work as sworn translators and court interpreters. The situation looks differently in Baltic countries (Estonia, Latvia and Lithuania). In Estonia there are three categories of translators: (i) trusted translators, (ii) independent translators and (iii) permanent court interpreters. They need to take an examination, in contrast to Lithuanian and Latvian translators. The next group includes other North European countries such as: (i) Ireland, where there is no national examination but in order to become a member of the Irish Translators' and Interpreters' Association one needs to take an internal examination, (ii) Great Britain and Northern Ireland where one may encounter court, and community police translators and interpreters. Similarly as in Ireland, there are no national standards for appointing them, but in order to belong to a professional organization, one needs to have his/her qualifications and skills verified which ensures a high standard of provided services. Next, the author describes the profession in Belgium, the Netherlands, Luxemburg, Austria, France, Liechtenstein and Germany. It should be born in mind that the situation in Germany is very complicated due to the autonomy of Lands in that respect. Finally, the status of sworn translators and court interpreters in Switzerland, Albania, Belarus,

Bulgaria, the Czech Republic, Russia, Romania, Slovakia, Slovenia, Hungary, Greece, Cyprus, Spain, Malta, Portugal, Italy and Poland is presented. The information on the status of the profession in 34 countries is very well organized and the ten distinguished core-areas enable the reader to compare the situation in this respect in different territories. It also helps distinguish the countries with the most rigid norms and standards achieved by the examination process or verification of the quality of rendered translations by various bodies such as professional organizations.

The author focuses on practical aspects of the sworn translator's work in the third chapter of his monograph. The definition of the term is suggested on the basis of approaches present in pertinent literature and the legal status. The author turns attention to the fact that onomasiological difficulties connected with finding a name for the profession stem from a wide variety of settings in which the translator's/interpreter's services are called for, e.g. in the notarial office we may talk about notarial translation/interpretation, in the court – court interpreting, etc. There is also community interpreting which is a very fast developing sub-type of interpreting. Apart from that, as already mentioned at least in Poland the profession encompasses both translation and interpreting. Next, the features of certified translations are discussed. In the absence of an official regulation on executing certified translations, the author suggests twenty rules, out of which 15 regulate formal aspects of producing such translations and 5 are pertaining to the content. The first group focuses on elements of certified translations, information about the translation direction, numbering translation pages, joining translations with source texts, sealing and signing translations, types of seals which may be used, methods of certification, dealing with graphical elements of source texts, translator's notes, the entirety of translation and possibilities of translating just a fragment of the source text, description of the features of the source text, and finally archiving registers of certified translations and translations. The second group of rules specifies the principles of translating proper names, school certificates, diplomas and alike documents, abbreviations and acronyms, dates and numbers, and dealing with errors and mistakes spotted in the source text. The author illustrates the application of the rules by presenting a model of certified translation and takes a stance on translation orientation strategies in the case of translating into languages spoken in more than one country where terminological equivalents may diverge depending of the legal culture of territories in question. Furthermore, the deontology of the sworn translator's profession is touched upon including the importance of the Code of Sworn Translators prepared by the Polish Society of Sworn and Specialized Translators TEPIS as well as the Charter of the Polish Association of Translators and Interpreters (STP). A separate sub-chapter has been devoted to court interpreting. Moreover, the problem of providing terminological equivalence is mentioned not only from historical perspective but also 10 typical techniques of providing equivalents in legal translation are listed and illustrated with Polish, German and English examples. Finally, Kubacki focuses his attention on the importance of the organization of the translator's place of work and activities starting from technical aspects and ending with methodological ones.

The fourth chapter elaborates on the national examination for candidates for sworn translators in the Republic of Poland. First, the National Examination Commission is presented. The Commission works in the panel of 11 specialists out of which 4 are

academics employed at philological studies at Universities who are delegated by the minister of education, 3 persons are appointed by two already mentioned organizations for translators and interpreters, 3 persons are appointed by the minister of justice, and one person is delegated by the minister of employment. It is stressed here that the Commission acts independently and autonomously and therefore is not bound by decisions of the minister of justice. The President of the Commission may appoint one or two consultants for the purpose of organizing an examination. The term of office lasts four years. The examinations are conducted by 3-5 examiners. The examination is composed of two parts. The first one is written translation of two documents into a foreign language and two into Polish. This part lasts 4 hours. The oral exam, in turn includes consecutive interpreting of two texts from Polish into a foreign language, and two written texts from a foreign language into Polish (a *vista* or at sight interpreting). The author elaborates on the criteria of assessment of the examination papers and recordings and provides a list of most typical texts from different branches of law which may be prepared for the examination. After presenting different classifications of translation problems, the author also provides a comprehensive analysis of typical errors and mistakes made by candidates taking the exam. They are divided into those made in the written and in the oral part of the examination. The first group includes: (i) substantial ones, (ii) terminological ones, (iii) language-related ones, (iv) stylistic ones, and finally (v) formal ones. The second group includes: (i) change of the meaning and informative content of the message, (ii) terminological and phraseological (collocation) problems resulting from the nature of the sub-LSP, (iii) language-related problems, (iv) stylistic problems, (v) problems with phonetics and intonation, and (vi) articulation and fluency-related problems. The conclusions concerning the number of failing candidates are drawn and recommendations on the introduction of some changes in the examination format and assessment criteria are proposed as well. The author carried out a survey (composed of 9 questions) among candidates taking the examination and on the basis of the results obtained in it prepared a profile of a typical candidate. Having obtained the access to data of sworn translators, he also prepared a profile of a sworn translator. The chapter is illustrated with tables with (i) statistical data presenting the activities of the National Examination Commission and (ii) selected problems spotted in examination works of candidates wanting to become Polish-German sworn translators. The information on the examination and typical problems of candidates taking it, definitely make the book unique on the Polish market. The other publications, which have been published so far, usually focus on the presentation of previous examination texts as well as presentation of the structure of the examination and general assessment criteria. They also include commentaries concerning the failure rate and underlying causes, but do not include examples of errors and mistakes. Apart from that the book by Kubacki, is the first one which presents the results of well-documented research carried out by the author, rather than generalizations and speculations presented by some other authors.

In the fifth chapter the qualifications of sworn translators are elaborated on. The first sub-chapter is devoted to the profiles of training and educating translators described in pertinent literature. Next, the problem of training and educating candidates for sworn translators in Poland and abroad and curricula of selected Polish centers providing such

trainings are presented and compared. The author suggests a curriculum developed on the basis of his experience as a sworn translator and a member of the National Examination Commission. In the last sub-chapter the issue of re-fresher courses and in-service training is touched upon. It is worth remembering that the Polish Code of Sworn Translators provides a paragraph on the obligation in this respect.

Finally, in the last chapter the liability of sworn translators in Poland is discussed. In Poland there is the Commission of Professional Liability (Komisja Odpowiedzialności Zawodowej) established to settle disputes between sworn translators and their clients concerning the quality of rendered translations as well ethical aspects of practising the profession. The liability of sworn translators is regulated among others by the already mentioned Act of 25 November 2004 on the profession of sworn translators as well as the Polish Civil Code and other laws. The typical transgressions and offences heard by the Commission are referred to and a juxtaposition of the number of cases, the complaining parties, penalties and appeals from 2005 till 2010 is provided.

The author also draws conclusions concerning the status, training, education and liability of sworn translators in Poland.

The book is well-structured and very readable. However, the size of print is too small and eye-tiring. The title properly reflects the content of the monograph. It is illustrated with numerous examples and tables. The data presented in it is of practical character. It should be stressed here that the meticulously gathered data on the profession in European countries as well as the operation of the National Examination Commission and the Commission of Professional Liability definitely prove that the in-depth and thorough research was carried out by the author. The publication fills in the gap on the Polish market and will be of great help to candidates for sworn translators and institutions organizing training as well as offering university education in the field of translation, and especially legal translation. Finally, the comments and suggestions on the modification of the exam and assessment criteria should be carefully considered by the competent authorities. Moreover, at the end of the book there is an extensive bibliography of books and articles on translation and legal translation. Overall, the book is highly recommended reading.

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