

**THE LONG-FELT NEED OF A LEGAL TRANSLATION  
TEXTBOOK: REVIEW OF *PRZEKŁAD PRAWNY I  
SĄDOWY* BY ANNA JOPEK-BOSIACKA**

**Lucja BIEL**

Department of Translation Studies and Intercultural Communication  
Institute of English  
University of Gdańsk, Poland  
ul. Wita Stwosza 55  
80-952 Gdańsk, Poland  
anglb@univ.gda.pl

***Przekład prawny i sądowy.***

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Neglected for years by researchers, legal translation has recently observed a revival within Translation Studies all over the world. It is closely connected with the intensive development of research on specialised (LSP) translation and the growth of translator-training institutions, fuelled by the increased demand on the translation market related to globalisation and the European Union. In the last decade three notable books, i.e. Šarčević (1997), Alcaraz and Hughes (2002) and Cao (2007), were published; however, none of them is well-suited for training Polish legal translators. Šarčević is theoretically oriented and focuses mainly on translation of legislation in multilingual countries (e.g. Canada) while practically-oriented Alcaraz & Hughes and Cao do not use Slavonic languages as their point of reference. Likewise, the Polish publication by Kierzkowska (2002) is not intended to be a textbook.

*Przekład. Mity i Rzeczywistość* [Translation/Interpreting. Myths and Reality], a new series by the PWN publishing house, fills the market niche with its accessible books on audiovisual translation, community interpreting, conference interpreting, and, last but not least, legal translation. In particular, Jopek-Bosiacka's *Przekład prawny i sądowy* [Legal and Court Translation], published in Polish and dedicated specifically to Polish and English translation, meets the long-felt need. It is the first book, both comprehensive and succinct in its treatment of the subject, which surveys various branches of legal translation and is a convenient compilation and synthesis of knowledge scattered in various Polish and English sources. It is worth noting that the author is both a linguist and a lawyer and manages to integrate both perspectives in her writing.

The book may be divided into two parts. The first discusses properties of English and Polish legal language within the discourse analysis methodology, while the second follows the genre-based approach to translation (cf. Alcaraz & Hughes 2002: 101) and surveys major legal genres. These include: contracts, company law documents, national

legislation, European Union legislation and court translation. Given English>Polish translation practice, the selection of the genres seems to be well founded.

The internal organisational structure of chapters is not always clear, which is especially noticeable in the first two chapters. Chapter 1 selectively depicts sometimes isolated theoretical concepts. It starts with a brief history of research into Polish legal discourse but also contains, more importantly, a short history of foreign influences on Polish legal language and borrowings. The author also discusses classifications of legal language, comprehensibility, syntactic schemata of legal norms, modality, and basic properties of legal terms. What is lacking is a more systematic discussion of the syntactic and semantic features of Polish legal discourse as in Chapter 2, which surveys the properties of the English legal genre in full detail.

Chapter 3, which focuses on translation of commercial contracts, has high practical relevance to students. It contains a thorough contrastive analysis of major types of contractual clauses, such as recitals, definitions, representations, obligations, boiler-plate clauses, arbitration, force majeure, applicable law, etc. The discussion is amply illustrated with examples and translation tips.

Chapter 4 on translation of documents related to company law focuses on articles of association and shareholder resolutions. Its major merit is an insightful contrastive analysis of basic company law terms, such as *spółka*, *firm*, *partnership*, *company*, *corporation*, *Board of Directors* and *articles of association*, which reveals the complexity and incongruity of legal terms between systems. The chapter is however asymmetrical in its treatment of Polish and English terms. It provides English equivalents of Polish terms, derived mainly from three translations of the Polish Code of Commercial Partnerships and Companies (*Kodeks spółek handlowych*). Yet it fails to do so *vice versa*: there are no Polish equivalents of incongruous and problematic English terms, such as *memorandum of association* or *Board of Directors*. The author also presents a detailed structure of Polish partnerships and companies (p. 116) with their English equivalents but similar charts of US and UK entities are missing, not to mention their Polish equivalents. It is a pity because, as a future textbook, the book could have contributed to establishing equivalents of some problematic terms, including company types. However, these minor flaws do not diminish the overall value of the otherwise excellent chapter.

Discussing the Polish *spółka partnerska*, Jopek-Bosiacka assesses its established equivalent, *professional partnership*, as ‘very well chosen’. She notes further that this concept may require additional explanation for the UK audience in contrast to US audiences, which are familiar with *professional corporations* and *limited-liability partnerships* (2006: 116). This is an inaccuracy: a very similar entity, a limited liability partnership, has been introduced in the UK under the Limited Liability Partnership Act 2000. This type of business structure is elected mainly by professionals (Lowry and Dignam 2006: 5). For this reason, the best functional equivalent of *spółka partnerska* would be *limited liability partnership* as it is comprehensible both in the UK and in the US (cf. Krześniak 2003).

Throughout the book the author generally advocates the functional approach to translation (e.g. pp. 112, 134, 136), emphasising the need to strike a delicate balance between fidelity to the source text and compliance with target-language conventions of the genre. This approach is in line with both Šarčević’s and Alcaraz and Hughes’

recommendations. As Jopek-Bosiacka rightly argues, ‘in respect of terminology, despite frequent substantial incongruity between the Anglo-Saxon system and the Polish system, translators should use corresponding target legal concepts wherever possible (...), otherwise they may be accused of unprofessionalism’ (2006: 134, translation—L.B.). She further adds that the target text should appear natural to a lawyer (2006: 136).

Some inconsistencies in her approach may be noted though. Referring rather cryptically to § 10 of the Legislative Technique Rules [i.e. two distinct concepts should not be named with the same term in Polish legislation], Jopek-Bosiacka praises distinct equivalents for *zgromadzenie wspólników* and *walne zgromadzenie* in the three translations of the Code (2006: 117). No comment is made about the *general meeting* being an equivalent of *zgromadzenie wspólników* in Beck’s translation and, simultaneously, of *walne zgromadzenie* in Zakamycze’s and Tepis’s translation. Yet, in contrast to *Rada Nadzorcza* (Supervisory Board) and *Zarząd* (Management Board), *zgromadzenie wspólników* and *walne zgromadzenie* are synonymous concepts operating within different frames (sp. z o.o. and S.A.). The natural equivalent for a UK lawyer would be *general meeting* in both cases since, unlike Polish, English does not have a separate terminology for private and public companies. Similarly, Polish makes a distinction between *udziały* and *akcje*, both of which are translated into UK English as *shares*. The same applies to *wspólnik* and *akcjonariusz*, both of which become *shareholders* (or *members*) in UK English. This semantic problem could have been explored in more detail.

Chapter 5 on translation of legislation discusses the internal structure of legislative acts in different legal systems by comparing the macrostructure of Canadian and Swiss acts (after Šarčević), and of EU and Polish acts. Yet from a Polish perspective references to the UK or US legal system would be more useful. In the next part the author is selective in her choice of issues, focusing on translation of titles of legislative acts, systematisation, definitions and English names of Polish administrative units (English administrative units are not examined though).

Chapter 6 on translation of EU legislation is a convenient compilation of materials for translators prepared by UKIE and OPOCE and available on the DGT website.

Given the dearth of practical training materials on court translation, except for the technically-oriented *Kodeks tłumacza przysięgłego* [Sworn Translator Code] edited by Kierzkowska, Chapter 7 on court translation seems to be rather disappointing in its one-sidedness. It contains an informative typology of the Polish civil procedure and briefly mentions the criminal procedure. Unfortunately, the UK and US procedures are discussed perfunctorily and little attention is paid to terminological differences between the two common law systems, a good illustration being no mention of the US equivalent of *claim—complaint*. Next the author presents the Polish court structure with useful English equivalents. However, there is no comparison to the UK or US structures with their Polish equivalents, which could be very interesting, but only references to rather dated and inaccessible publications.

On balance, the major advantage of the book is that, as already noted, it integrates a number of sources in one publication. It also contains an extensive bibliography embracing 367 entries, which is an excellent record of resources on legal translation available in English and Polish. The book may be a good introductory textbook to

practical courses on legal, certified or EU translation, as well as to more theoretically oriented courses on legal translation at the BA or MA level. It may also be used by experienced translators as a refresher or a 'gap-filler'.

*Przekład prawny i sądowy* is not a typical textbook; however, it could easily be turned into one in further editions. First of all, exercises at the end of each chapter, preferably with a key, would definitely add to its value. These could be terminological quizzes, and stylistic or translation exercises for self-study. Secondly, self-assessment questions and a glossary with major definitions would be an asset. Thirdly, the book will have even more practical relevance if it is extended by additional parallel texts as in the company law chapter; this need is especially felt in the contract chapter. Nevertheless, it should be emphasised that the book is lavishly illustrated with a plethora of examples and frequent references to problems encountered by translators in practice, as well as in-depth contrastive analyses of terms.

As already emphasised, the book is both wide ranging and succinct, but there is a price to pay. Some issues are discussed perfunctorily only (e.g. court translation/interpreting) or are omitted altogether (other types of sworn translation). This is however unavoidable to a certain extent.

To sum up, the book offers a neat synthetic survey of various legal genres with reference to Polish and English and consolidates knowledge on legal translation scattered in numerous resources. Undoubtedly, it will prove useful to many students.

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