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WORKING BY THE LIGHT OF THE MOON: THE TRANSLATION OF 'MOONLIGHTING' IN MULTILINGUAL OFFICIAL DOCUMENTS. A REVIEW.

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Abstract: This paper examines the notion of 'moonlighting', which in industrial relations discourse refers to secondary employment performed in addition to the employee's main job. As this concept might lend itself to different interpretations in English, the aim of this paper is to consider whether the ambiguous nature of this wording in source texts is also reflected in target texts, exploring how translators deal with it when rendering this concept in other languages. To this end, documents published by international institutions in English and their translations in French, Italian and Spanish were compared and contrasted, investigating the strategies put in place by translators to convey the meaning of "moonlighting" in other languages.

Key words: moonlighting; translation; terminology; English; industrial relations; metaphor.

PRACUJĄC W ŚWIETLE KSIĘŻYCA: TŁUMACZENIE TERMINU „MOONLIGHTING" W DOKUMENTACH WIELOJĘZYCZNYCH. PRZEGLĄD.

Abstrakt: Artykuł analizuje pojęcie „moonlighting", które w dyskursie o stosunkach pomiędzy pracodawcą i pracownikami odnosi się do dodatkowego zatrudnienia wykonywanego poza główną pracą pracownika. Ponieważ koncepcja ta może podlegać różnym interpretacjom w języku angielskim, celem tego artykułu jest rozważenie, czy dwuznaczny charakter tego sformułowania w tekstach źródłowych znajduje również odzwierciedlenie w tekstach docelowych, badając, w jaki sposób tłumacze radzą sobie z tym przekładając to pojęcie na inne języki. W tym celu dokumenty opublikowane przez instytucje międzynarodowe w języku angielskim oraz ich tłumaczenia na francuski, włoski i hiszpański zostały porównane i skontrastowane, badając przy tym strategie stosowane przez tłumaczy tak, aby oddać znaczenie „moonlighting" w innych językach.

Słowa klucze: moonlighting; tłumaczenie; terminologia; język angielski; stosunki pomiędzy pracodawcą i pracownikami; metafora.

1. Introductory Remarks

The need for higher remuneration, the willingness to develop skills and the desire to take on more enjoyable tasks are only some of the reasons employees hold side jobs (Employers Association Forum 2018). Taking up secondary employment is often referred to as 'moonlighting', a term that has been used to denote the practice of working one or more jobs outside normal working hours. Workers engaged in moonlighting have been the focus of extensive research in the field of employee relations, which has placed emphasis on aspects like employee health and safety and the compatibility of second jobs with the one constituting the main source of income. Arguably, the intense competition for securing stable employment – coupled with salary stagnation resulting from the economic recession – has caused the number of moonlighters to escalate, especially in some sectors (UpWork 2016).

In addition to the foregoing issues, the notion of 'moonlighting' also poses interpretative challenges, for it can designate different forms of employment. This ambiguity is due to the fact that in English-speaking countries, this terminology is loosely employed to refer to any kind of second job. In some cases, taking up a side job means engaging in illicit work; in other cases, moonlighting is simply used to indicate an additional, if legal, job (Beliveau Law Group 2018).

Consequently, the lack of clarity when using this terminology may give rise to issues resulting from the different interpretations attributed to its meaning. Problems are further compounded in translation, specifically when attempts are made to render this concept in other languages.

In view of the above, this paper examines the ambivalent nature of this wording in English and the consequences of this equivocation when 'moonlighting' is translated into other languages. The focus will be on the translation issues resulting from the ambiguous nature of this expression, considering to what extent the texts translated into the languages surveyed – namely French, Italian and Spanish – are affected by the twofold meaning taken on by moonlighting. To pursue this objective, an analysis will be carried out on a dataset consisting of documents translated into the languages referred to above, to cast light on the way 'moonlighting' has been rendered. After a review of the literature (Section 2), some definitions will be provided helping us to frame the research properly (Section 3). This will be followed by a reference to the methodology used (Section 4) and a discussion of the dataset created (Section 5). A concluding section will summarise the findings of this paper, putting forward some recommendations for future research (Section 6).

2. Theoretical Background

The concept of 'moonlighting' and its definitions in a number of languages have been the subject of extensive research in the field of employee relations and labour law. In particular, Renooy, Ivarson, Wusten-Gritsay and Meijer point out that:

> a wide array of colourful names has been used to describe the phenomenon […] informal economy, hidden economy, cash economy, moonlight, twilight, dual, subterranean, parallel, underground, second, unofficial and shadow economy. Similar names are found in different languages. Unfortunately, nearly as many varying descriptions of the phenomenon can be found in the literature (Renooy, Ivarson, Wusten-Gritsay and Meijer 2004: 24).

Moreover, Russo, Fronteira, Silva Jesus and Buchan, referring to moonlighting to denote legal forms of employment, have pointed out that in documents in English, French, Portuguese, Italian, and Spanish: "alternative labels for dual practice included 'moonlighting', 'public-private work', 'multiple profit-generating activities', 'dual/multiple job-holding', and 'second jobs'" (Russo, Fronteira, Silva Jesus and Buchan 2018, online version).

Attention has also been paid to the problems posed by the translation of this term into and from English. Manzella (2015) has examined the use of this expression in EU documents, comparing the English and the Italian version of the same documents. It was found that moonlighting does not always take on a negative connotation in English, nor does it necessarily indicate undeclared work. At times, moonlighters are just multiple jobholders, so this terminology should be used carefully, for example when translating the Italian *lavoro nero* (undeclared work) into English (Manzella 2015). In addition, the case of moonlighting is illustrative of how opting for one word or another may affect the target audience's perception, conveying a different idea than the original one (Manzella 2019). Jamison (2018) has analysed the Spanish terminology used to denote this practice, in an attempt to explore its literal and metaphorical meaning (Jamison 2018). Lorenzo (1996) has investigated the frequency of a number of Spanish terms to translate the notion of 'moonlighting' and the usage of the latter in the Spanish language through borrowing (Lorenzo 1996).

The French translation of 'moonlighting' has also been discussed by Selva, Issac, Chanier, Fouqueré, whose research has focused above all on lexical variations and collocations (Selva, Issac, Chanier, and Fouqueré 1997). Breheret (2001) too has considered this terminology, looking at the notion of 'moonlighting' as described by the International Labour Organisation (ILO) and comparing it with the French translation in the ILO Thesaurus. As for other languages – which go beyond the scope of this paper but are likewise useful to take cognizance of the ongoing debate on this topic – it has been

argued that the word employed in Japanese to refer to this concept is *arubaito*, which in turn comes from the German *Arbeit*, meaning work. This word means part-time or temporary work or moonlighting, but it can also denote employees working regular, full hours (Mitsubishi 2013), further confirming the ambiguity of this term. In a similar vein, Molony has maintained that in some languages, e.g. Tagalog, the words used to translate the notion of moonlighting mean both 'extra job' and 'extramarital affair' thus hinting at the secretive nature of this form of employment (Molony 1978). Research has also examined the notion of 'moonlighting' and its metaphorical meaning, assessing whether this can be conveyed in other languages. In this sense, De Mooij (2014) has considered metaphors associated with the light of the moon, pointing out a number of culture-specific differences between languages. Comparing Egyptian and English cultural norms, he makes the following point:

> Expressions of culture are particularly recognizable in the use of metaphors […] In Egypt the sun is perceived as cruel, so a girl will never be described as 'my sunshine' but may be compared with moonlight. 'Moonlight' in English means having a second job in the evening (De Mooij 2014: 46).

Silaški has also looked into this topic, stressing that in order for the metaphorical meaning of 'moonlighting' to be understandable in the target language, the metaphor has to be 'culturally determined' (Silaški 2013: 10). Finally, speaking of the Chinese market in the 1990s, Jin and Cortazzi (2011) have shown how metaphors at the time reflected a sluggish economy, so that the Chinese word employed to refer to the practice of 'moonlighting' meant both 'night' and 'a dish of food' in Chinese (Jin and Cortazzi 2011).

3. Definition, Origins of the Term, and Methodology

As noted above, 'moonlighting' refers to holding more than one job. The online version of the Oxford Dictionary defines it as follows: "to have a second job, typically secretly and at night, in addition to one's regular employment" (Oxford Dictionary 2019, online version). As one might infer, this terminology is metaphorical in that it denotes

work "conducted 'under the light of the moon', meaning that it is performed at night with or without the knowledge of one's primary employment" (Collins 2018: 432). The origins and evolution of the term are also fascinating, because they are illustrative of how it retained certain ambiguity in relation to its usage. At first, it was a slang term for the activity of burglars, who benefitted from the moonlight to engage in their criminal activities, while in the twentieth century it was also used in connection with herding cattle and hunting deer by moonlight (Metcalf 2002).

Significantly "whether it was illegal work that in 1957 caused the transmutation of moonlight into a standard term for legal work, or whether this new meaning was independently derived from the original moonlight, nobody knows" (Metcalf 2002: 4). What is certain is that today this expression lends itself to different interpretations. At times, moonlighting is used in English to refer to undeclared work. For instance, referring to the shadow economy, Enste (2005) argues that "one has to distinguish between goods and services produced and consumed within the household, soft forms of illicit work (moonlighting), illegal employment and social fraud" (Enste 2005: 114). In other cases, moonlighting does not entail engaging in illegal activities. Discussing the case of the US, Guerin has argued that "some states have passed off-duty conduct laws protecting employees from discrimination based on what they do on their own time" (Guerin 2011: 207). The ambiguous nature of moonlighting is also evident at the institutional level. By way of example, the ILO's definition seems to brook no argument, defining 'moonlighting' as the situation in which "a person, in addition to his or her regular employment, carries out work for payment illegally or undeclared for tax purposes" (ILO 2003). Conversely, the Glossary of the US Department of Labor considers the term to denote "working more than one job" (US Department of Labor 2019, online version).

In relation to methodology, this paper sets out to assess how this term is used when employed in translations from English into other languages. The aim was to evaluate whether using this term results in ambiguity and a lack of equivalence between the source and the target text. In order to investigate this question, a dataset was created consisting of 90 documents discussing the practice of holding multiple jobs. This dataset included original texts, i.e. produced in a source language, and their translation into the languages surveyed (Neubert 2010). The dataset was made up as follows: 30 texts

produced in English and then translated into French; 30 documents written in English and then rendered in Italian; 30 texts drafted in English and then translated into Spanish. These languages were chosen on the basis of the proficiency of the author in the three languages.

The documentation under examination were informative materials (Cao 2007) published by international institutions operating in different languages, namely the ILO, the European Foundation for the Improvement of Living and Working Conditions (EUROFOUND), and the OECD, manually identifying those discussing the issue of multiple jobholding. The texts drafted in English were then contrasted with their translations, comparing the strings where reference was made in both texts to the notion of moonlighting. When selecting the documents, the date of publication was not considered, as this criterion seems of no consequence for the purpose of this paper. In the next section, a description will be provided of the meaning assigned to 'moonlighting' in each article and in each language, discussing whether or not there was a move away from source-text meaning.

4. Data Analysis and Discussion

a) Moonlighting in French

Table 1 outlines the terminology used in French to refer to 'moonlighting' in the translated texts:

Table 1. Words used in French documents to translate 'moonlighting' (by frequency)

French Terminology	**Frequency**
Travail au noir	11
Cumul d'emplois	8
Travail clandestine	6
Double casquette	5

Source: Own elaboration on the dataset created by the author (2019).

Most documents translated into French refer to the notion of 'moonlighting' using the expression *travail au noir* ('working in the black economy' in English). It might be interesting to note that the use of this expression constitutes an attempt to convey the metaphorical meaning of the expression used in the source text. As we have seen, 'moonlighting' in English implies that work is performed secretly – i.e. at night, surreptitiously – and is well established in Anglo-Saxon discourse.

Conversely, doubts may be cast as to whether *travail au noir* performs the same function in French (but the same question can be raised in relation to Spanish and Italian, as will be explained further on in this paper). On close inspection, this expression may simply refer to working night shifts, without this working arrangement necessarily being related to having two jobs or being engaged in illegal work. Consequently, the metaphorical meaning of 'moonlighting' seems to be lost in translation. This brings to mind the work of Dunn when examining the difficulties resulting from dealing with metaphor in industrial relations discourse, in that "metaphor, though useful, is dangerous" (Dunn 1990: 2). Alternatively, *cumul d'emplois* has been employed to translate the expression into French. This refers to the concept of multiple job holding and does not take on a negative connotation, so target-text readers may be led to believe that the work is carried out above board. On balance, specifying the contours of the work taken up would make this aspect clearer.

In a number of cases, *travail clandestin* was also employed, which means 'undeclared work' in English. In this context *clandestin* does not correspond exactly to the English 'clandestine', which might also mean 'secretly' and thus could also refer to work performed not necessarily illicitly. In French, *clandestin* carries a connotation of illegality, thus leading readers of French texts to assume that the work referred to in the documents translated violates the law. In this sense, the Cambridge French-English Dictionary defines this adjective as follows: "*qui se fait de manière secrète et contraire à la loi*" (Cambridge 2019, our translation: "done secretly and against the law").

A passing reference should also be made to an idiomatic expression, which at times has been used to translate moonlighting into French, namely *avoir une double casquette*. While employed in a limited number of documents, this wording is worth a mention for it constitutes an attempt to convey the meaning of the source text by

means of a metaphor that can be fully understood by the source-text audience. *Avoir une double casquette* literally means 'to wear two hats' but, when used figuratively, it has the same meaning as 'moonlighting'. Arguably, different metaphors can be used in different languages to express the same concept, a point investigated in Lakoff and Johnson's seminal work (Lakoff and Johnson 1980).

b) Moonlighting in Italian

Table 2 shows the Italian terminology used to refer to 'moonlighting':

Table 2. Words used in Italian documents to translate 'moonlighting' (by frequency)

Italian Terminology	Frequency
Doppio lavoro	15
Secondo lavoro	10
Lavoro nero	5

Source: Own elaboration on the dataset created by the author (2019).

Examining the texts drafted in English and subsequently translated into Italian, moonlighting has been mostly rendered with the expression *doppio lavoro* ('having two jobs' in English). This wording generally refers to taking on two jobs simultaneously, although it does not hint at one of them being illegal. Nevertheless, there is one point that should be stressed when considering this expression, for "words, especially when they undergo translation, are not always what they seem" (Hyman 2001: 38).

Though *doppio lavoro* does not immediately bring to mind undeclared work, most texts investigated where this expression was used discuss the issue of holding multiple jobs in the public sector, which is prohibited in Italy in most cases. In consequence, when dealing with public-sector employment, *doppio lavoro* clearly takes on a negative connotation. In this set of documents, the translator should have stressed this aspect more clearly, in order to highlight the illicit character of this form of employment. However, the context makes it clear that 'moonlighting' denotes undeclared work.

It is evident that the contextual dimension plays a key role in translation. Echoing Newman (1991) and more recent research (Saldanha and O'Brien 2013; Schoonjans 2015; Bassnett 2013), there

is overwhelming agreement that words only "acquire their full semantic and pragmatic meaning when they are used in a particular context" (Schoonjans 2015: 3). Yet a periphrasis (e.g. 'illegal or undeclared work') would have been provided a better picture of the concept at issue, underlining the fact that this way of working is against the rules.

Secondo lavoro ('second job' in English) is the other locution that is frequently adopted to translate moonlighting into Italian. The meaning is similar to that of *doppio lavoro,* although perhaps *secondo* in Italian conveys the idea that this employment is of less importance than the one regarded as the 'first' or 'primary'. It seems as though the job providing the main source of income and the second job were not placed on an equal footing. This nuanced meaning appears to be nicely expressed by 'moonlighting' which, by definition, is work performed in addition to the day job. As far as the legal/illegal dichotomy is concerned, *secondo lavoro* is as neutral as *doppio lavoro,* although in the data examined *secondo lavoro* is used more often to refer to legal activities. It is important to point out that nuances of meaning should not be lost in translation, in an awareness that "there comes a point when words leap out of their conventional boundaries and embrace different shades of meaning" (Kothari 2003: 1).

Finally, albeit to a lesser extent, *lavoro nero* ('undeclared work') is also used to translate 'moonlighting' into Italian. Evidently, this expression in Italian allows for no ambiguity whatsoever, in that it clearly denotes work performed illegally. The wording in the target text plainly defines the nature of employment, leaving little room for interpretation.

c) Moonlighting in Spanish

Table 3 shows the Spanish terminology employed to refer to 'moonlighting'.

Table 3. Words used in Spanish documents to translate 'moonlighting' (by frequency)

Spanish terminology	Frequency
Pluriempleo	17
Segundo empleo	13

Source: Own elaboration on the dataset created by the author (2019).

The texts produced in Spanish that were surveyed for this research contain two expressions for 'moonlighting', namely *pluriempleo* and *segundo empleo*. Apparently, it seems that neither of these terms denotes the illegal nature of this form of employment, giving the impression that people engaged in *pluriempleo* or a *segundo empleo* do not infringe the rules. *Pluriempleo* can be translated into English as 'multiple job holding', thus this expression does not appear to have a negative connotation nor to make any reference to undeclared work. In principle, this is true. However, *pluriempleo* is not as innocent as it seems, as it can also refer to illegal work. In this sense, the ILO defines *pluriempleo* as follows: "*Situación en que una persona realiza, además de su trabajo regular, otro ilegal o no declarado*" (ILO, 2003, Our translation: "a situation in which a person engages in illegal or undeclared employment, in addition to his/her regular job"). Consequently, although widely employed to refer to legal forms of work, one should be aware that in some specialised settings this terminology can also take on a negative connotation. This is further confirmation of the difficulties arising from translating words when engaging in comparative research. As recalled by Schregle:

> Concepts, expressed in words, are laden with values, emotions, past experiences, and future expectations. Extracting such words from their national context and translating them into what appears to be the equivalent in another language, i.e. another society, is a difficult exercise indeed (Schregle 1981: 25)

This is true considering that the ILO provides a number of synonyms for *pluriempleo*, namely *empleo doble* ('dual employment' in English), but above all *empleo informal* and *empleo oculto* ('informal work' and 'undeclared work' in English, respectively), supporting the argument that *pluriempleo* can define both illegal and legal forms of employment.

As for *segundo empleo*, it simply refers to the practice of having another job besides the one that provides an individual's main source of income. As argued in the case of the Italian *secondo lavoro*, the meaning of which is similar to *segundo empleo*, in Spanish this terms constitutes neutral terminology and is not associated with illegal work. Accordingly, 'moonlighting' might be problematic for target

text readers, as they might be left wondering whether reference is made to licit or illicit work.

Specifying the nature of the side job taken up by workers might help to dispel doubts and make sense of the type of work discussed.

It should be pointed out that not once was the Spanish *pulpear* used in the texts under examination, the correspondence of which with 'moonlighting' would have been interesting to examine. *Pulpear* literally means 'to move like an octopus' (*pulpo* is the Spanish for octopus) but, figuratively, it also refers to "working extra odd jobs or to moonlight to make a living" (Jamison 2018: 30). The fact that none of the documents examined contained the word in question might be due to the fact that this expression is mainly used in Panama (Jamison 2018).

5. Conclusions

The present paper examined the notion of 'moonlighting' and the ways it was rendered in French, Italian and Spanish in documents published by international institutions for informative purposes. The issue bears relevance in that in Anglo-American employment relations discourse, this terminology retains some degree of ambiguity, i.e. it could refer to illegal or legal forms of employment. The analysis of the documents produced different outcomes, depending on the language under consideration. Starting with French, translators resorted to several strategies to translate the concept, resulting in distinct outcomes as far as the source-text meaning is concerned. In some cases, the terminology adopted appears to be too generic, due to a lack of equivalence with the source text. One reason for this is that the language used in the target texts failed to convey one or more meanings associated with the terms in the original. Such is the case of *travail au noir*, which can simply be used to refer to working at night, without indicating whether the work performed is legal or not. In other cases, translators chose to take a clearer stance and to convey one meaning (e.g. the fact of working multiple jobs, with *cumul d'emplois*) or the other (e.g. the illicit nature of work, with *travail clandestin*). Interestingly enough, in only a limited number of cases

did the translator seek to find the equivalent metaphor in the target text that could adequately convey the figurative meaning of the source text (that is the case of *la double casquette*). Taking into account all the languages examined, this is the only attempt to render a metaphor through another metaphor. In all other instances, translators sought to express the meaning without resorting to metaphor. The Italian *doppio lavoro* and *secondo lavoro* are illustrative in this sense, as the stress is placed on the numerical dimension rather than on the legal/illegal dichotomy, although this emphasises that less importance is given to this form of employment relative to the primary one. The alternative in a number of texts, *lavoro nero*, has a clear-cut meaning and implies that the work is carried out illicitly. Finally, Spanish translators made recourse to just two expressions to render moonlighting, namely *pluriempleo* and *segundo empleo*, which both denote 'moonlighting' as an extra activity.

Three conclusions can be drawn from the above. First, as noted above, different strategies were put in place to render 'moonlighting' in the languages examined. This might appear as an obvious statement, yet what is striking is the fact that only French translators attempted to find a metaphor conveying the same meaning as in the source language. It would have been interesting to determine whether this state of affairs was the result of the ambiguity of 'moonlighting' in the source language, or simply of a lack of a metaphor carrying the same meaning in the target languages where this figurative device was not used. Secondly, the documents examined, although official in character, were produced for information purposes. This partly explains the presence of 'moonlighting', which is often referred to as informal terminology (Oxford Dictionary 2019). Most translations resorted to formal expressions to render the expression, thus marking a clear difference in register between the source and the target text. Future research on this issue could address this issue, namely whether this divergence in terms of degree of formality was intentional or due to a lack of equivalent terminology in the target language.

Finally, and related to the previous points, research could also be extended to other types of text, e.g. normative texts, to examine alternative approaches to rendering the concept analysed in this paper.

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THE BOLC FOR LEGAL TRANSLATIONS: A TRIAL LESSON

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Abstract: This article will explore how consulting the BoLC (Bononia Legal Corpus; Rossini Favretti, Tamburini and Martelli 2007) can be helpful and advantageous when tackling legal translations. To this aim, a 4-hour trial lesson with experienced translators was organized. Before the workshop, the participants translated a 300-word legal document issued within a civil case. Their translations (from English to Italian) were revised during the trial lesson, where the attendants learned how to consult the BoLC. They also used supplementary online resources, such as dictionaries and/or experts' blogs or fora. The article findings will remark that despite some drawbacks, such as the absence of POS tagging and lemmatization, and a quite complex search syntax, the BoLC helps dispel doubts and deliver outstanding translation work. Its main usefulness lies in the possibility of finding formulaic expressions and collocational use, which can be rather intricate in legal discourse.

Key words: corpus-based legal translations; online corpora; legal translations; corpus consultation; corpus linguistics; the BoLC (Bononia Legal Corpus)

TRADUZIONI GIURIDICHE E BOLC: UN CASO DI STUDIO

Riassunto: Il presente articolo verte sull'uso e consultazione del BoLC (Bononia Legal Corpus; Rossini Favretti, Tamburini e Martelli 2007) nelle traduzioni giuridiche. A tal scopo, si presenta una lezione di 4 ore tenuta con traduttori professionisti. Prima della lezione, i traduttori sono stati invitati a svolgere e consegnare una traduzione di un testo di 300 parole inerente ad una causa civile. Le loro traduzioni (dall'Inglese all'Italiano) sono state poi riviste e corrette durante la lezione, nella quale i partecipanti hanno appreso le tecniche e la sintassi di ricerca del BoLC. I traduttori hanno anche consultato altre risorse linguistiche reperibili online, quali dizionari, blog di esperti e forum. Questo articolo mostra come, nonostante la complessità della sintassi di ricerca, il BoLC può essere un utile strumento nelle traduzioni giuridiche, soprattutto perché permette di trovare espressioni formulaiche e collocazioni, che caratterizzano fortemente il linguaggio giuridico.

Parole chiave: traduzioni giuridiche; corpora per traduzioni giuridiche; consultazione di corpora; linguistica dei corpora; il BoLC (Bononia Legal Corpus)

BOLC DO TŁUMACZEŃ PRAWNYCH I PRAWNICZYCH: LEKCJA PRÓBNA

Abstrakt: W artykule dowiemy się, w jaki sposób BoLC (Bononia Legal Corpus; Rossini Favretti, Tamburini i Martelli 2007) może być pomocnym i korzystnym źródłem w tłumaczeniu prawnym i prawniczym. W tym celu zorganizowano 4-godzinną lekcję próbną z doświadczonymi tłumaczami. Przed warsztatami uczestnicy przetłumaczyli 300-wyrazowy dokument wydany w sprawie cywilnej. Ich tłumaczenia (z języka angielskiego na włoski) zostały poprawione podczas lekcji próbnej, w której uczestnicy nauczyli się konsultować swoje wyniki z BoLC. Korzystali również z dodatkowych zasobów internetowych, takich jak słowniki i/lub blogi eksperckie lub fora. Ustalenia w niniejszym artykule dowodzą, że pomimo pewnych wad, takich jak brak tagowania POS i lematyzacji oraz dość złożona składnia wyszukiwania, BoLC pomaga rozwiać wątpliwości i zapewnić zdumiewające wyniki w pracy przy tłumaczeniu. Jego główna użyteczność polega na możliwości znalezienia wyrażeń konwencjonalnych i użycia kolokacyjnego, co może być dość skomplikowane w dyskursie prawnym.

Słowa klucze: badania korpusowe tłumaczeń prawnych i prawniczych; korpusy online; tłumaczenia prawne i prawnicze; konsultacja z korpusem; językoznawstwo korpusowe; BoLC (Bononia Legal Corpus)

1. Introduction

English legal discourse is notoriously pedantic and archaic, mostly for reasons of "all-inclusiveness" (Bhatia 1993: 102; Coulthard and Johnson 2007: 38), but also on historical grounds (Tiersma and Solan 2012). It is rich in formulaic expressions (Bhatia, Langton and Lung 2004: 207) which present a "very rigid structure" (Tiersma and Solan 2012: 63). Many phrases are also composed of binomial expressions and complex prepositional phrases (Coulthard and Alison 2010: 10), as well as adverbial constructs with anaphoric or cataphoric values (Abate 1998: 14-16). Furthermore, legal documents written in English are hallmarked by very long sentences (Williams 2004), used to avoid ambiguity and misunderstandings (Tiersma and Solan 2012: 53), or to show solidarity between the members of the legal fraternity (Bhatia 1993: 102; Tiersma 1999: 69).

In light of the above, tackling English legal discourse can be challenging, particularly in view of the system-specificity of legal terms (De Groot and Van Laer 2008). This implies that each term should not only be rendered from a source into a target language, but it should also be adapted to the target legal system (provided that this is possible). As claimed by the literature, in fact, translators always struggle for the best translation candidates to use in a context; whereas lawyers are generally more interested in how comparable different legal systems are (Biel and Engberg 2013: 2).

It is self-evident that choosing the most adequate and reliable language tool is crucial. As far as dictionary consultation is concerned, many scholars often lament the inadequacy of some legal bilingual dictionaries which generally list de-contextualized terms (De Groot and Van Laer 2008). Others criticize some online language resources, as they tend to be inaccurate or imprecise (Genette 2016; Giampieri 2016).

What is generally preferable, is a combination of translation tools (Zanettin 2009; Giampieri 2018b), where corpora are consulted to corroborate or confute translation candidates, and are useful to show recurrent language patterns. Corpus consultation can also be very effective in order to tackle formulaic expressions (Vigier Moreno 2016: 105; Giampieri 2018a). Corpora help dispel linguistic doubts because they allow to choose the best translation candidates on the basis, for example, of collocational patterns (ibid.). Collocations represent the frequent co-occurrence of words (McEnery, Xiao and Tono 2006: 345). Corpora also show colligations (Sinclair 1991), which refer to the co-occurrence of a word with a particular grammatical class of words (McEnery, Xiao and Tono 2006: 345). Among the various types of corpora, comparable corpora are claimed to be very insightful (Giampieri 2018a), because they can "confirm translation hypotheses" (Zanettin 1998: 6) and provide reliable solutions to translation problems (Makowska 2016: 62). Comparable corpora are generally composed of source and target documents addressing the same topics (Laviosa 2002: 36; Zanettin 2012: 11). For this reason, they are considered an endless resource of equivalent terms (Makowska 2016: 62). They allow to discover the linguistic context of similar words (Biel 2008: 31) and help raise awareness on language conventions (Biel 2010: 13). Therefore, they are argued to be very useful for both translation training and practice (Zanettin 1998; Laursen and Pellón 2012).

Among the legal corpora available online, the Bononia Legal Corpus (Rossini Favretti, Tamburini and Martelli 2007) (henceforth the BoLC) is one of the most representative of its genre (Pontrandolfo 2012: 128). The BoLC is composed of two comparable sub-corpora (one Italian, one British) dealing with judiciary, parliamentary and statutory documents. The BoLC is advocated by linguists as it is a reliable tool for legal translations which helps dispel doubts (Rossini Favretti, Tamburini and Martelli 2007; Giampieri 2018a), especially if used jointly with other language resources (Giampieri 2018a).

In light of the challenges of legal discourse and of the claimed usefulness of comparable corpora for legal translations (Giampieri 2018a), this article will present a trial lesson with 10 experienced translators (9 Italian native speakers, one Polish), who participated in a 4-hour workshop. The translators had between 9 to 30 years' experience in technical translations.

Before taking part in the workshop, the participants submitted a translation of a 300-word text dealing with a court case. The translation (from English to Italian) focused on a defense document issued by a defendant (an American company) in civil proceedings. During the workshop, the translators were explained the search syntax of the BoLC and they had the possibility to revise their translations in light of corpus evidence. Therefore, the approach followed by this case study was the following: submission of participants' draft translations and evaluation by the trainer; corpus search training, self-revision of the translations by participants and second evaluation by the trainer.

2. The case study

The next pages will be dedicated to a thorough description of the case study. In particular, the following aspects will be tackled: the legal document which the participants translated; their background and experience in legal translations; the language resources used to translate the legal document; the challenges posed by the legal text and the way the translators addressed them before and after consulting the corpus.

Appendix 1 reports a quality questionnaire which the participants filled in after completing the translation task at home. The questionnaire focused on the translators' background and experience in technical and legal translations; the language resources they used to tackle the translation assignment; any difficult terms encountered during the translation process; the time taken to complete the task; the translators' native language(s) and their working language(s).

3. Scope: participants and language resources

The translators who participated in the workshop had an average of 10-15 years' work experience in technical translations. One had 9 years' experience; three over 20 (see Appendix 1, letter "A"). Their experience with legal translations varied from 0 (no experience) to 20

years (Appendix 1, letter "B"). Many of them (especially those with not experience in legal translations) were trained in legal discourse and/or legal translations either at academic level or on a private basis. Those who received training privately participated in workshops or webinars dedicated to legal discourse and legal translations. All participants had Italian as their first language (only one was Polish) and translated from or into English (see Appendix 1, letter "H").

As anticipated above, the participants firstly submitted a translation of a defense document. In order to complete the first translation task, the participants used the following language resources: Proz translators' forum (5 participants out of 10); multilingual platforms such as Reverso.net or Linguee.it (4 participants); legal online dictionaries such as legal-dictionary.thefreedictionary.com or thelawdictionary.org; Wordreference online dictionary; the Eur-lex EU legal platform, and the IATE online dictionary (3 each). Table 1 reports these details.

Table 1: The language resources used to translate the legal text before the workshop

Language Resource	Number of translators using it
Proz translators' forum	5
Multilingual platforms (Reverso.net, Linguee.it, Glosbe My Memory)	4
Eur-Lex EU legal platform	3
Legal dictionaries (online): legal-dictionary.thefreedictionary.com; thelawdictionary.org	3
Wordreference	3
IATE online dictionary	3
Dissertations on legal matters, law journals, books on legal matters	2
Generic online dictionaries	2
Legal paper dictionaries	2
Sample contracts or sites dedicated to international contracts	2

Wikipedia	2
Personal or online glossaries	1
The Italian civil code	1
Legal encyclopedia	1

As can be noticed, most of the participants heavily relied on past translators' choices (for example, they consulted the Proz forum or multilingual parallel platforms). It was, hence, evident that the majority followed peers' advice, rather than consulting technical dictionaries, legal documents, or scholars' research in legal matters. It would be interesting to investigate further and verify whether, on a larger scale, translators tend to rely more on the work of their peers than on field experts' knowledge and published materials.

The translations suggested by the participants were evaluated by the trainer before the workshop. The next paragraph will deal with the challenges posed by the legal document and how the participants tackled them.

4. The legal document

The attendants translated a legal document issued by an American company in its defense in a civil dispute. They translated the text from English to Italian; 9 participants out of 10 were Italian native speakers. The translation task had to be completed before attending the workshop and the participants were asked to indicate the language tools used to complete the task. In this way, it was possible to assess the translations before the trial lesson, and understand the language resources consulted.

The challenges posed by the legal document were undoubtedly related to formulaic expressions, collocations and the very precise terminology, which could not always be found on the web. Table 2 below summarizes the most difficult constructs on the basis of the translators' opinions (see Appendix 1, letter "E"). Furthermore, it highlights and comments on some challenging words or constructs.

Table 2 Challenges posed by the source text

No.	Source text	Translations proposed by the participants	Challenges
1	Answer and affirmative defense	-*Risposta e difesa affermativa* (literal translation) -*Comparsa di risposta e difesa per cause esimenti* (back-translation: "answer appearance and defense for justifications")	Being a genre-specific American-English term, it was not easy to find it on the web.
2	Breach of contract	-*Inadempimento contrattuale* -*Inadempienza contrattuale* (back-translation of both: "non-fulfilment of contract") -*Violazione del contratto* (back-translation: "violation of contract")	One might ask whether the three translation proposals are equivalents.
3	Plaintiff	-*Attore* -*Ricorrente* -*Querelante* (all translate "Plaintiff")	Dictionaries tend to provide all three translations. According to the Italian legal system, however, they should not be used interchangeably (see lawyer's online dictionary Brocardi).
4	Has failed to perform its obligation	-*Non ha adempiuto* -*Non ha ottemperato* (back-translations of both: "[s/he] has not fulfilled"; "[s/he] has not complied with")	It would be interesting to verify which term is more accurate and recurrent in Italian legal discourse.

		-*….ai propri obblighi* -*….alle proprie obbligazioni* (back-translation of both: "his/her own obligations")	
5	Agreement, Paragraph 3	-*Accordo, paragrafo* (literal translation)	Dictionaries tend to propose a literal translation of "agreement" and "paragraph". It would be interesting to verify whether this is acceptable, or whether there are other, more suitable candidates.
6	Investment in cash and in kind	-*Investimento in denaro e in natura* (back-translation: "investment in cash and in nature")	Is *investimento in natura* (back-translated "investment in nature") frequent in Italian? Do the words "*investimento*" (back-translated "investment") and "*natura*" (back-translated "nature") collocate?
7	Want of consideration	-*Difetto di considerazione* (back-translation: "defect of consideration") -*Mancata considerazione* -*Mancata considerazione* (back-translation: "lack of consideration") -*Mancata controprestazione* (back-translation: "lack of counter-performance")	The term "consideration" is contract-specific and not all dictionaries or language resources might provide an acceptable translation candidate. It refers to the reciprocal performance in a contractual obligation.

8	Termination for breach of contract	-*Cessazione del contratto* (back-translation: "cessation of the contract") -*Scioglimento del contratto* (back-translation: "dissolution of contract") -*Risoluzione del contratto* (back-translation: "cancellation of contract")	Are all translation proposals synonyms in the Italian legal language?
9	Unlawful penalty	-*Sanzione illegittima* (back-translated: "illegitimate sanction") -*Penale illecita* -*Penale illegittima* -*Penale illegale*	The terms *illegittima* (back-translated "illegitimate"), *illecita* (back-translated "illicit") and *illegale* (back-translated "illegal") have different legal meanings (Acquaviva 2018).
10	Not recoverable as liquidated damages	-*Non recuperabile come liquidazione dei danni* (literal translation) -*Non prevede la possibilità di rimborso* (back-translated: "does not foresee the possibility of reimbursement")	The challenge lies in "liquidated damages" and in the adjective or verb which collocate with it ("recoverable" and "foresee").
11	And such other relief as is just and proper	-*Qualsiasi altro rilievo che sia giusto e corretto* -*Qualsiasi altro rimedio equo e appropriato* -*Misura di ristoro considerata equa e*	Could there be a fixed formulaic expression?

		adeguata (various literal translations using synonyms)	

As can be seen, the challenges posed by the source text were manifold, especially because of formulaic expressions, collocations, and/or system-specific terminology.

The majority of the translators took nearly an hour or a full hour to complete the task (5 out of 10); many took between 1 hour and a half and 2 hours (4); one took 4 hours (see Appendix 1, letter "F").

The participants' translations were submitted one week prior to the trial lesson.

5. The trial lesson

After evaluating the participants' translations, a workshop took place, where the challenges of the legal text and the shortcomings of the proposed translations were analyzed. In order to do so, the participants were trained in corpus consultation. In particular, they became acquainted with the BoLC, its search syntax and query symbols.

Querying the BoLC is not straightforward (see Giampieri 2018a). For example, it is not equipped with POS tagging (i.e., there is no linguistic annotation and it is not tagged with part of speech information). This makes the search syntax quite complex when investigating equivalence. For instance, if one wishes to look for lemmas, the Boolean operator OR (represented by the symbol "|") should be used together with a wide selection of verb forms.

After being explained the search syntax, the participants interrogated the Italian sub-corpus of the BoLC in order to corroborate or confute the translation candidates they had initially proposed. In this way, they could revise their translations in view of corpus evidence.

6. Approach

After being trained in the use of the BoLC, the participants self-revised their translations and verified the adequacy of their translation candidates in light of corpus evidence. The corpus analysis carried out by the participants was supervised by the trainer, who performed another evaluation of the translation proposals.

This paragraph will, hence, highlight how the participants interrogated the BoLC in order to retrieve sensible information. Furthermore, it will explore how corpus consultation helped refine translation work and confute or corroborate the translation candidates proposed by other language resources. Appendix 2 reports the BoLC query syntax and the results (or corpus evidence) obtained during the workshop. In practice, Appendix 2 draws on the challenging words or constructs of the legal documents (Table 2), and it shows how to dispel doubts by consulting the BoLC. The content of Appendix 2 will be discussed here below. The relevant search syntax will be explained and the results obtained from corpus evidence will be outlined.

As for the first term "Answer and affirmative defense" (Appendix 2, [1]), the participants were shown that the Hoepli online dictionary proposed "*comparsa di costituzione*" as a translation candidate of "answer". By searching for "*comparsa di costituzione*" in the Italian sub-corpus of the BoLC, it was possible to note it together with "*con domanda riconvenzionale*". This phrase translates "and affirmative defense". It goes without saying that further research on the web (for example on lawyers' web pages, or fora) would corroborate that an "Answer and affirmative defense" is the parallel of a *Comparsa di costituzione con domanda (o eccezione) riconvenzionale*. It is self-evident that sound knowledge of comparative law is necessary before engaging in legal translations, otherwise system-specific terminology might not be understood and/or rendered properly (De Groot and Van Laer 2008; Vigier Moreno and Sánchez Ramos 2017).

The term "breach of contract" (Appendix 2, [2]) was looked up in dictionaries. The Hoepli online dictionary suggested "*inadempimento di contratto*". In their home translations, the participants had proposed "*inadempimento contrattuale*", "*inadempienza contrattuale*" (both back-translated "non-fulfillment of contract") and "*violazione contrattuale*" (back-translated "violation of

contract"). Therefore, the BoLC search string was the following: ("*inadempimento*" "*contrattuale*")|("*inadempienza*" "*contrattuale*") (back-translated: "non-fulfillment of contract" written with two different synonyms separated by the OR Boolean operator). In this way, it was possible to notice that "*inadempimento*" was more frequent. The same results were obtained by searching for "*violazione contrattuale*" ("violation of contract") and then "*inadempimento contrattuale*" (another way of saying "non-fulfilment of contract"). It was evident that the collocation "*inadempimento contrattuale*" was more frequent in the BoLC and its meaning in context was more adequate.

As far as "plaintiff" (Appendix 2, [3]) is concerned, the participants were invited to consult the Hoepli online dictionary, which suggested both "*attore*" and "*ricorrente*". These two terms are synonyms, but cannot be used interchangeably as the second one is used in particular cases envisaged by law (Giampieri 2017: 52). The differences could be grasped only by reading the literature in this field and/or lawyers' blogs or web pages addressing these terms (see Brocardi lawyers' online dictionary for an example). The translators had also found "*querelante*" in their home assignment. By searching for this term in the BoLC, however, it was possible to note that it was paired with criminal law terminology, such as "*procedimento penale*" or "*processo penale*" (criminal proceedings); "*pubblico ministero*" (public prosecutor or state's attorney), etc. Therefore, "*querelante*" was ruled out.

Regarding the formulaic expression "has failed to perform" (Appendix 2, [4]), the participants had proposed either "*non ha adempiuto*" (back-translated "[s/he] has not fulfilled") or "*non ha ottemperato*" ("[s/he] has not complied with"). The translators were invited to investigate which one was more frequent in the BoLC by writing the following search string: ("*ottemperare*"|"*ottemperato*"|"*adempiere*"|"*adempiuto*")("*obblighi*"|"*obbligazioni*") (back-translated: "comply with OR complied with OR fulfill OR fulfilled" AND "obligations"). This phrase considers the verbs "*ottemperare*" ("comply with") and "*adempiere*" ("fulfill") in their infinitive and past participle forms. As the BoLC is not lemmatized, the infinitive and past participle forms of "*ottemperare*" ("comply with") and "*adempiere*" ("fulfill") had to be written in the search string, together with the two translations of "obligations" ("*obbligazioni*" and "*obblighi*"). The results were straightforward as

"*adempiere*" was the only solution proposed, together with either "*obbligazioni*" or "*obblighi*" (both rendering "obligations").

As far as "agreement, paragraph" is concerned (Appendix 2, [5]), it can be argued that when searching for "agreement" in a dictionary, the translation candidates "*accordo*" and "*contratto*" came to the fore. When looking for "paragraph", instead, the translations "*paragrafo*" and "*comma*" were suggested. However, by writing ("*del*" "*contratto*")|("*dell*" [] "*accord*") (back-translated "of the contract" OR "of the agreement"), it was possible to note that "*contratto*" (back-translated "contract") was by far more frequent than "*accordo*" (back-translated "agreement"), and "*articolo*" ("article") or "*clausola*" ("clause") appeared quite often before "*del contratto*" ("of the contract"). Hence, the correct translation of "paragraph" was neither "*paragrafo*" nor "*comma*" in a contract or an agreement, but "*clausola*" ("clause") or "*articolo*" ("article"). In order to dispel doubts, the following search string was suggested: ("*articolo*"|"*clausola*") []{0,3} "*contratto*" (back-translated: "article OR clause … contract"). The []{0,3} command instructed the system to search from 0 to 3 characters between the two word groups. It was evident that "*clausola*" ("clause") prevailed over "*articolo*" ("article").

Regarding the formula "investment in cash and in kind" (Appendix 2, [6]), the Hoepli online dictionary clearly specified that "in kind" means "*in natura*". By searching for ("*investimento*"|"*investimenti*") "*in*" "*natura*" ("investment OR investments in nature") in the BoLC, no hits could be found. This suggested that there must have been another formulaic expression. By simply writing *"in" "natura"* ("in nature"), it was possible to notice the word "*conferimenti*" (back-translated "contributions") which preceded it. Therefore, the formula "*conferimenti in denaro e in natura*" ("contributions in cash and in kind") was the correct solution.

As for "want of consideration" (Appendix 2, [7]), the majority of the translators had proposed literal rendering, such as "*mancata considerazione*" ("lack of consideration"), or "*difetto di considerazione*" ("defect of consideration"). Some others had suggested "*mancata controprestazione*" ("lack of counter-performace"). In order to either confute or corroborate these translation candidates, the string ("*difetto*"|"*mancata*"|"*mancanza*") []{0,4} ("*controprestazione*"|"*considerazione*") was written (back-translated: "defect OR lack" … "consideration OR counter-

performance"). The concordances obtained showed many "*considerazione*" ("consideration"). However, the meanings in context of this word were "attention" or "thoughtfulness", which were far from the original "want of consideration". The latter, in fact, referred to the lack of reciprocal performance in a contractual obligation. By taking out "*considerazione*" from the search string, it was possible to notice a few concordance lines with "*mancata controprestazione*" or "*mancanza di una controprestazione*" (back-translated: "lack of (a) counter-performance"). Therefore, the most appropriate term was "*controprestazione*" (back-translated: "counter-performance").

The meaning and use of the term "termination" in a contract (Appendix 2, [8]) is fully addressed by the American law (see, for example, the UCC 1972). The same can be said of its translation candidates (Giampieri 2016). Nonetheless, not all dictionaries propose a consistent rendering, especially because its translations depend on the reference legal system. However, as the subject matter in question was a breach of contract, the search query was the following: *"contratto" []{0,5} "inadempimento"* (back-translated: "contract... breach"). In this way, it was possible to search for translation equivalents of "termination for breach of contract". Concordance lines with "*risoluzione del contratto per inadempimento*" (back-translated: "termination/cancellation of contract for breach") came to the fore. Hence, in this context, the translation of "termination" was "*risoluzione*".

As far as "unlawful penalty" is concerned (Appendix 2, [9]), unfortunately the BoLC provided too many hits with "*penale*", "*clausola penale*" or "*sanzione penale*" (all translating "penalty"). The suggested search syntax was then the following: ("*clausola*"|"*penale*") ("*illegittima*"|"*illecita*"|"*illegal*") (back-translated: "clause OR penalty" AND "illegitimate OR illicit OR illegal"). However, the corpus proposed both *"clausola illegittima"* and *"clausola illecita"*. Therefore, other language resources had to be consulted in order to dispel doubts. In this case, the Garzanti Italian dictionary and the Italian Treccani encyclopedia provided satisfactory explanations of the differences between "*illegittimo*" (back-translated "illegitimate"), "*illecito*" (back-translated "illicit"), and "*illegale*" (back-translated "illegal"). After reading the explanations, the participants found that "*illegittima*" was an acceptable translation candidate of "unlawful", as it related to something which does not comply with the law owing to flaws.

In the phrase "not recoverable as liquidated damages" (Appendix 2, [10]), the participants were confronted with both the translation of the term "liquidated damages" and the adjective or verb which collocate with it. "Liquidated damages" was not listed in many online dictionaries. However, accurate web research could provide sound explanations and a translation. For instance, Italian lawyers' blogs (see Bianchi 2012) or publishing houses' web articles (see De Palma 2010) clearly stated that a liquidated damages clause concern the damages which a party claims from the other party in case of a breach of contract. Therefore, the term "damages" was a synonym of "liquidated damages" and was translated "*risarcimento del danno*" in most dictionaries. The BoLC search string was then the following: *"non" []{0,5} "risarcimento" "Danni"* (back-translated: "not... liquidated damages") or *"non"* []{0,2} *"come"* []{0,5} *"risarcimento"* (back-translated: "not... as... liquidated damages"). In both cases, the verb "*si configura*" (back-translated "is classified/considered") came to the fore.

Regarding the closing phrase "and such other relief as is just and proper" (Appendix 2, [11]), the participants had proposed several translation candidates. By consulting the Garzanti online dictionary, it was possible to note that the translation of "relief" was "*riparazione*" (back-translated "repair"). Therefore, the BoLC search string was as follows: ("*riparazione*") []{0,5} ("*equa*"|"*corretta*"|"*adeguata*"|"*giusta*"). ("repair …. fair OR right OR adequate OR just"). The participants noted that some of the adjectives which followed "*riparazione*" were the ones they had suggested. For example, the BoLC showed a concordance line with "*ogni altra riparazione adeguata*" (back-translated: "any other adequate repair").

The new translation candidates were evaluated by the trainer and they were found satisfactory. It goes without saying that, in order to obtain sensible results from the BoLC, users needed to know how to navigate through its data. To some extent, they also needed to "play with words" in order to formulate search queries which could lead to meaningful results. In this sense, the BoLC search syntax was not particularly straightforward. However, once mastered, it led to very insightful findings.

7. Findings: advantages and shortcomings of the BoLC

On the basis of the participants' suggested translations, of their search for the best candidates and of the results obtained, it can be argued that the BoLC was a reliable source of legal language which helped dispel doubts. Despite its complex search query, the results obtained were very satisfactory. As could be noticed during the trial lesson, in fact, the BoLC helped increase the user's confidence (Frankenberg-Garcia 2015: 353) and translate more accurately (Giampieri 2018a). Albeit consulting multilingual platforms and online multilingual dictionaries, it was apparent that the participants' translation candidates were sometimes inaccurate or imprecise (see [3], [6] and [9] in Appendix 2). This, however, could have been due to the fact that some translators had little or no experience in legal texts and for some translators (namely 5), English was not the only working language.

Nonetheless, in some cases the BoLC did not provide satisfactory answers. For example, the term "answer and affirmative defense" (in [1]) belongs to American civil proceedings and it was probably too specific and out of the BoLC remit."Plaintiff" (in [3]), instead, was perhaps too generic. In [9], the search for the translation candidates of "unlawful penalty" was not successful. Therefore, knowledge of comparative law and/or the consultation of legal documentation was an unquestionable prerequisite, as the corpus alone could not provide sufficient evidence.

Furthermore, it goes without saying that translation candidates had firstly to be searched either online or in dictionaries, before being entered in the BoLC search string. Translators' intuition was probably not developed enough to suggest the terms to search in the corpus (Bowker and Pearson 2002: 14). This, however, should not be considered a drawback. The literature, in fact, reports that corpora are language tools which can, or should, be used in conjunction with other language resources such as dictionaries (Zanettin 2009; Biel 2010; Giampieri 2018b).

In light of the above, it can be speculated that knowledge of comparative law regarding the subject matter is essential, in order to deliver accurate legal translation work. Moreover, a joint use of several language resources would be advisable (Giampieri 2018b),

together with the consultation of a legal corpus, of field-specific documents and of the literature.

8. Conclusions

The trial lesson with 10 experienced translators showed that sometimes legal discourse cannot be tackled only by relying on dictionary entries, past translators' choices, or by consulting online multilingual platforms. Dictionary suggestions and multilingual platforms can, in fact, be biased due to lack of consideration of the system-specificity of the searched terms.

The workshop findings remarked the importance of using a variety of language resources in order to deliver accurate translation work. Therefore, several sector-specific documents (such as lawyers' draft documents, lawyers' blogs, acts or contracts) should be consulted, in order to find reliable technical words. In addition, querying a corpus can be useful, as it helps dispel doubts as far as collocations, colligations and formulaic expressions are concerned. For example, in cases where the translators' intuition could not help find acceptable candidates, dictionaries proved to be of great help. Dictionary entries, however, should be corroborated or confuted by corpus evidence.

Despite the many advantages of the BoLC, the trial lesson also brought to the fore some of its drawbacks. For example, the BoLC is not lemmatized and the search syntax is rather complex, especially if one wishes to carry out accurate research. Therefore, terms whose meaning is too broad or complex may be hard to find, due to the impossibility of narrowing down the search. A good way of tackling the complexity of the BoLC search syntax is to "play with words" and write search queries by using Boolean operators to find meaningful results. For these reasons, once its syntax is mastered, the BoLC is a reliable legal language tool which helps deliver accurate translation work, especially if used in combination with other language resources.

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Hoepli dictionary: www.dizionari.repubblica.it

Treccani encyclopedia: http://www.treccani.it/enciclopedia/

Appendix 1: Questionnaire

Questions	Translator 1	Translator 2	Translator 3	Translator 4	Translator 5	Translator 6	Translator 7	Translator 8	Translator 9	Translator 10
A	15	20	30	11	24	10	15	15	9	10
B	-	20	20	11	-	3	15	3	9	5
C	Enrolled in a master's course in law	Exams at university; various workshops	-	On the job training (in international firms)	Workshops on legal texts and translations	-	Workshops on legal texts and translations	-	Workshops and webinars on legal translations	-
D	1,2,4,6,13	3,5,6,8,9	1,10,11	6,7,10,12	5,6,11	7,15	5,11,12,14	8,13,14	1,3,7,10,11,15	6
E	consideration, termination	affirmative defense, on or about, termination	-	want of consideration, affirmative defense	an entire paragraph	affirmative defense, want of consideration, factual basis, relief	wherefore, for all the foregoing reasons, just and proper, other relief, penalty, liquidated damages	want of consideration, penalty	want of consideration	termination, liquidated damages

F	50 mins.	1 hr.	2 hrs.	1 hr	4 hrs.	1,5 hr.	45 mins.	1 hr 45 mins.	2 hrs.	40 mins.
G	Yes	Yes	No (Polish)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
H	Yes	I also translate from/to Russian	I also translate from/to Polish	I also translate from/to German	Yes	Yes	I also translate from/to German	Yes	I also translate from/to Czech and Slovak)	Yes

Question list:

A: Years of experience as a translator.

B: Do you have experience in legal translations? If yes, how many years?

C: Did you undertake any training in legal discourse/translations?

D: Language tools and resources you used for your translation.

1.IATE

2.Personal glossaries

3.Online glossaries

4.The Italian civil code

5.Wordreference

6.Proz translator's forum

7.Legal dictionaries (online): legal-dictionary.thefreedictionary.com; thelawdictionary.org

8.Legal dictionaries (paper)

9.Legal encyclopedia

10.Eur-Lex

11.Glosbe My Memory, Reverso.net, Linguee.it

12.Wikipedia

13.Generic online dictionaries

14.Sample contracts or sites dedicated to international contracts

15.Dissertations, law journals, books on legal matters

E: Did you find any difficult terms? If yes, which ones?

F: Time to deliver the translation.

G: Is Italian your mother tongue?

H: Is English mostly your source or target language?

Appendix 2: Investigating the Italian sub-corpus of the BoLC

No.	Source text	BoLC search syntax	Results/corpus evidence
1	Answer and affirmative defense	*"comparsa" "di" "costituzione"*	In some concordance lines it is possible to note "*con domanda riconvenzionale*" which follows "*comparsa di costituzione*".
2	Breach of contract	*-("inadempimento" "contrattuale")|("inadempienza" "contrattuale")* *-("inadempimento" "contrattuale")|("violazione" "contrattuale")* *-("inadempienza" "contrattuale")|("violazione" "contrattuale")*	The phrase "*inadempimento contrattuale*" is more frequent.
3	Plaintiff	*"querelante"*	If "*querelante*" is searched, it can be noticed that this term is used in criminal cases. As for "*ricorrente*" and "*attore*", only accurate search in the literature or in lawyers' blogs/web pages can dispel doubts about their legal differences.
4	Has failed to perform its obligation	*("ottemperare"|"ottemperato"|"adempiere"|"adempiuto")("obblighi"|"obbligazioni")*	The verb "*adempiere*" is the only one found. The nouns "*obblighi*" and "*obbligazioni*" are both present.
5	Agreement, Paragraph 3	*("del" "contratto")|("dell" [] "accord")*	"*Clausola*" frequently precedes "*contratto*".
6	Investment in cash and in kind	*"in" "natura"*	By searching for "*in natura*", it is possible to notice the word "*conferimenti*" (back-translated "contributions")

			which precedes it.
7	Want of consideration	*(“difetto”|”mancata”|”mancanza”) []{0,4} (“controprestazione”|”consiederazione”)*	By reading the concordances, it is evident that “*considerazione*” means “thoughtfulness” and is not consistent with the legal subject matter. “*Controprestazione*” is more appropriate. “*Mancanza*” and “*mancata*” prevail over “*difetto*”.
8	Termination for breach of contract	*“contratto” []{0,5} “inadempimento”*	It is possible to notice the collocate “*risoluzione*” which precedes “*contratto... inadempimento*” (back-translated “contract... breach”). Hence, “*risoluzione*” translates “termination”.
9	Unlawful penalty	*(“clausola”|”penale”) (“illegittima”|”illecita”|”illegal”)*	Corpus evidence shows both “*clausola illegittima*” and “*clausola illecita*”. In this case only an Italian dictionary or encyclopedia can help understand the differences between the various translation candidates.
10	Not recoverable as liquidated damages	-*“non” []{0,5} “risarcimento” “danni”* -*“non” []{0,2} “come” []{0,5} “risarcimento”*	The English term “liquidated damages” is explained and translated “*risarcimento (danni)*” in many lawyers’ blogs and posts. The search string helps find the collocates of “*risarcimento*”. In both cases, the verb “*si configura*” (back-translated “(is) classified”) is found.

11	And such other relief as is just and proper	*(“riparazione”) []{0,5} (“equa”|”corretta”|”adeguata”|”giusta”)*	The term “*riparazione*” (“repair”) is listed in the Garzanti online dictionary. The adjectives which follow are those suggested by the participants. Both “*equa*” and “*adeguata*” are found in the BoLC.

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JUDICIAL COMPLEX STRATEGIES IN HUNGARIAN COURTROOM INTERROGATION[1]

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Abstract: Taking into consideration the characteristics of the Hungarian culture, language and legal system, this paper aims to study complex interrogation strategies used by Hungarian judges. This research is based on my corpus consisting of 10 Hungarian criminal trials recorded by a voice recorder, and written notes from direct observations. The analysis has a complex nature, since it relies on the results of different scientific disciplines: (1) linguistics – the main goal is to present effective interrogation strategies (2) law – it is crucial to start the research with understanding the function of the discourse type being analysed: the question strategies are

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intrinsically connected to the institutional role and the legal system by nature, and (3) psychology has also a great role in the investigation of interrogation in two main aspects: the testimony is based on memories and interrogation has an interpersonal part which should not be omitted in discovering the effective question strategies. This research offers rare data related to courtroom interrogation strategies and the results may also have a significant role in legal practice.

Key words: interrogation strategies; courtroom discourses; pragmatics

KOMPLEKSOWE STRATEGIE SĄDOWE W WĘGIERSKIM PRZESŁUCHANIU SĄDOWYM

Abstrakt: Biorąc pod uwagę cechy węgierskiej kultury, języka i systemu prawnego, niniejszy artykuł ma na celu zbadanie złożonych strategii przesłuchań stosowanych przez węgierskich sędziów. Badania oparte są na korpusie składającym się z 10 węgierskich procesów karnych zarejestrowanych przez dyktafon oraz pisemnych notatek z bezpośrednich obserwacji. Analiza ma złożony charakter, ponieważ opiera się na wynikach różnych dyscyplin naukowych: (1) językoznawstwa – głównym celem jest przedstawienie skutecznych strategii przesłuchań (2) prawa – ważne jest, aby rozpocząć badania od zrozumienia funkcji analizowanego typu dyskursu, ponieważ strategie pytań są z natury nierozerwalnie związane z rolą instytucjonalną i systemem prawnym, (3) psychologii, która odgrywa również wielką rolę w badaniu przesłuchań w dwóch głównych aspektach, ponieważ zeznania oparte są na wspomnieniach i przesłuchaniach, które cechują się interpersonalnością, której nie należy pomijać w odkrywaniu skutecznych strategii pytań. Badanie to oferuje rzadkie dane związane ze strategiami przesłuchań w sądzie, a wyniki mogą również odgrywać znaczącą rolę w praktyce prawnej.

Słowa klucze: strategie przesłuchań; dyskursy na sali sądowej; pragmatyka

1. Introduction

The present paper aims to show the functions and types of questions used by Hungarian judges in criminal courtroom proceedings. This work also presents linguistic tools and strategies applied when asking these questions. The presented research therefore has a complex nature. It pertains to linguistics, because it aims to discover effective

linguistic strategies of courtroom communication, but at the same time the topic is closely related to law and psychology, too. The interrogation strategies depend on the given legal system, therefore the strategies should be explored in that context. In the literature there is a considerable interest in interrogation strategies, but most of this research analysed the Anglo-Saxon cross-examination method, and focuses on the opposite parties' strategies, how lawyers control and handle the testimonies (Stone 1995, Eichelbaum 1989, Walton 2008b, Archer 2011, Henderson, Hefel and Kebbel 2016, Catoto 2017). In the continental legal system, such as Hungarian, the judges' institutional role is to interrogate the witnesses in a thorough and unbiased way. Therefore, the functions of these questions absolutely differ from the Anglo-Saxon method. Apart from this, interrogation is an interpersonal activity, and the questions are mostly oriented to memories of the interrogated persons, therefore psychology also has an essential role in mapping the interrogation strategies. In what follows Section 2 presents the current state of affairs in relation to continental courtroom interrogation. Section 3 explains the Hungarian legal system and the functions of judges' questions, because it is crucial to start the research with understanding the function of the discourse type being analysed. Section 4 discusses the theoretical background, Section 5 introduces the analysed legal corpus, Section 6 shows the interrogation strategies and Section 7 summarizes the results.

2. State of the art

Although the spotlight is on the cross-examination method, there are researchers which study direct questioning. Opaibi (2008) investigates Nigerian civil law interrogations and he determines three types of questions which based on Schiffrin's (1994) categorization, such as:
(1) information-seeking questions: In regard to Searle's felicity conditions in the relation of questions in which the speaker lacks knowledge of a particular state of affairs (preparatory rule) and they try to gain that knowledge (sincerity rule) in the way of eliciting information from the person being interrogated (essential rule). (e.g. Do you know the defendant? or Was there any letter to that effect?)

(2) information-checking/confirmation-seeking questions: These questions fulfil the sincerity, preparatory and essential conditions of information-seeking questions, and they can appear in several forms: interrogative sentences, tag questions, rising intonation on a declarative statement or part of a statement (e.g. Answer: He wrote an agreement between his mother and himself and they were about to enter the agreement but it was not signed because she passed away. Question: She did not sign?)
(3) action-elicitation questions: These provide information leading to immediate actions in the context of the discourse (e.g. Any objections?)

Haijuan (2019) investigates Chinese criminal trials and she also determines three types of questions:
(1) keyword questions: These questions focus on the most significant information with elliptical forms. Most of these questions appear at the beginning of the interrogation, such as identity verification. These questions are short and have a relatively fixed verbal routine (e.g. What is the name of the defendant?)
(2) confirmation questions: The questioner's aim is to warrant that the interrogated person fully understands what is said and what is implied in order to avoid misunderstanding and to enhance the mutual knowledge (e.g. Defendant Chen Junfu, are you clear with the testimony presented by the Prosecutor?)
(3) consultative questions: These questions are seeking possible responses from the person being interrogated in a way in which the questioner could avoid being subjective and biased (e.g. Defender, do you have any other opinions? or Defender, do you have any question?).

Bednarek (2014) investigates the types of questions in reconstruction of objective reality in Polish criminal trials. She emphasizes the question which enables the interrogated person to give an unrestricted free answer about the case, involving all the necessary information about the crime (e.g. What do you know in connection with the committed crime?) After this free speech, detailed questions take place in order to elucidate ambiguities and inconsistencies (e.g. You testified at the police station that the theft of your son's mobile telephone was to your detriment. Why did you say so?) These questions formally are yes-no questions and wh-questions, both types are used almost on equal terms during the interrogation. With regards to the data, Bednarek argues there are no special techniques in which

certain types of questions appear to be preferable over others during the examination of the defendant and witnesses (2014: 147).

These above mentioned works focus not only to questioning the witnesses, defendants and experts, but also include questions for the prosecutor and the attorney. In this article I will investigate the functions of judges' questions specifically intended for the interrogated person and I will start the analysis with the consideration of the goals of the judges' questioning to be able to get a more detailed analysis.

3. Hungarian legal system and the functions of judges' questions

Firstly, the most important characteristics of Hungarian legal system are necessary to determine the functions of judges' questions. In the Hungarian legal system, the judges' role is to interrogate the defendants and interview the witnesses in an unbiased way, therefore the Hungarian question strategies significantly differ from the adversarial war-like cross-examinational method. Before the court procedure, in the discovery and pre-trial stage the main question is to find out What happened? Contrary to this, in the criminal trial the judge already knows the facts of the case from the indictment and other attached documents, therefore, in the court procedures the judge focuses on the question Whether the details of the indictment really happened or not? (Farkas and Róth 2004, Bócz and Finszter 2008, Orosz 2016). Within the courtroom procedure the question strategies are intrinsically determined by the professionals' role. While the prosecutor and the defence attorney try to influence the witnesses to confirm their statements, the judges consciously attempt to minimize the influencing characteristics of their own questions in order to give an equitable judgement and also to preserve the honour and credibility of the court. The other main attempt is to induce the interrogated person's cooperativity when it is necessary. In regards to this information, 3 main types of questions can be determined by their functions in the interrogation. These are:

I. Non-substantive part (or initiative part) of the interrogation

(1) Rule-governed questions: these questions are mostly present in the first part of the interrogation (Farkas and Róth 2004, Bócz and Finszter 2008, Orosz 2016, Vinnai 2018). These questions could be asked even if the defendant or the witness denies answering the questions of the substantive part of the interrogation, where the testimony and the confession took place. These questions include identification, personal circumstances such as marital status, public debt, financial circumstances, the relationship between the defendant and the witness, etc. The judges have to warn the defendants and witnesses about their rights and duties, and the judge has to ascertain that the person understood what they just said. These questions are crucial, because if the judge leaves it out, the testimony cannot be used as evidence. This question type is similar to key-word questions, but it involves all the necessary questions which should be asked in this initiative part and it is important from the aspect of criminal proceeding (cf. Haijuan 2019). These questions also have an essential role from a psychological aspect. Since these questions have no connection whatsoever to the matter under investigation, these do not present a real threat to the interrogated person, but they are at a heightened emotional state already, therefore they give the opportunity to the judge to observe the interrogated person's normal behaviour in this heightened emotional situation (Bócz and Finszter 2008, Gordon and Fleisher 2011, Orosz 2016).

II. Substantive part of the interrogation

(2) Information-seeking questions: the judge's focus is to complete the gaps in the story of the case and specify the details. These questions comply with Schiffrin's (1994) and Opaibi's (2008) description, namely when the speaker lacks knowledge of a particular state of affairs and they try to gain that knowledge by asking it from the hearer. This type of question is not comparable with Haijuan's (2019) consultative question, because the former is not necessarily unbiased, whereas consultative questions are unbiased.
(3) Controlling questions: these questions do not simply check the information (cf. Opaibi's confirmation seeking question 2008) and not only check the understanding (cf. Haijuan's confirmation questions 2019). This type of question's aim is (a) to check the information

written in the indictment, (b) to try to find out if the interrogated person says facts or only their own opinions about the facts, (c) to ascertain there is no misunderstanding (d) to try to ascertain their credibility, in other words, if they are saying the truth or if they are distorting the truth (e) to find out whether the witness recalls a true experience or only a false memory.

These are the main functions of the questions asked by judges, in order to make their decision. In the next Section, I will present the linguistic framework of the research.

4. Theoretical background

Verschueren's (1999) approach using language is nothing else than continuously making linguistic choices in a conscious or unconscious manner. These choices are made at any level of linguistic form and choices are also made concerning linguistic strategies. Strategies of language use are ways of exploiting the interplay between explicitness and implicitness in the generation of meaning.[2] The choices between alternatives of linguistic forms and strategies have message value, independently from the speaker's intention. For this reason, using linguistic strategies does not mean intentionally manipulating or disorienting the hearer, because the speakers have a wide range of possibilities to express themselves, therefore they need to choose between the alternatives. Every utterance directs the hearer's attention and comprehension to some degree, so every utterance has some kind of effect on the hearer (Nemesi 2011, Tátrai 2011). In this sense I use the term verbal influence as a broad category, in which it is not necessarily an intentional and conscious action, rather a necessary characteristic of verbal communication, because every utterance has an effect on the hearer to a certain extent. I use the term as follows (cf. Árvay 2003, Nemesi 2011):

[2] I use the term implicitness broader than its general use in the pragmatic literature. I refer not only to implicatures, but also information from sentence construction, information from the usage of functional elements and inflections.

> When influenced by verbal language use, the communicator's expression in the hearers develops a particular opinion and strengthens or alters their existing knowledge, opinions, and attitudes.

The next issue is how a question influences the answer. The influential nature of questions depends on how they shape the answer and which conclusions a hearer draws (Semin and De Poot 1997). Consequently, in the examination of questions it is essential to investigate question-answer pairs and we have to consider the classical semantic question types besides the pragmatic functions, because as it is well known, the semantic categorisation differentiates the questions by the answers provided to it (Kiefer 1983, Groenendijk and Stockhof 1989, Maleczki 2007, Gyuris 2016):

(1) Yes-no questions (p,~ p)

a) A testvérével volt a helyszínen?
'Were you with your sibling on the spot?'
b) A testvérével volt-e a helyszínen?
'Were-E you with your sibling on the spot?'
c) Nem a testvérével volt a helyszínen?
'Weren't you with your sibling on the spot?'

(2) Alternative questions (p, q)

A testvérével, vagy a barátnőjével volt a helyszínen?
'Were you with your sibling or your girlfriend on the spot?'

(3) Wh-questions $(x_1,x_2...x_n)_{Gi}$[3]

Kikkel volt a helyszínen?
'Who were you with on the spot?'

(4) Open questions $(P_1,P_2…P_m)$

Miért mondta, hogy hárman voltak, ha nem volt ott a testvére?
'Why did you say, three of you were there, if your sibling was not there?'

The set of answers of a yes-no question has two elements, both of them a proposition, where either of them is the negation of the other

[3] Where Gi is the grammatical category – which is determined by the interrogative or the noun after the interrogative.

one. In Hungarian, these questions can be formulated negatively (1c) and positively in two different ways (1a-b) (Kenesei, Vago and Fenyvesi 1998, Gyuris 2016). In example (1) b an *-e* question particle is attached to the verb. The usage of *-e* question particle in yes-no questions is highly characteristic of the judges' speech style in Hungarian courtroom discourses (Varga 2015: 101). The possible explanation for this phenomenon is that *-e* particle is able to ease the positive interpretation of the question and eliminate the speaker's own preference or bias (Schirm 2011), therefore this particle is also referred to as *anti-bias* particle (Gyuris 2016). Alternative questions differ from yes-no questions, because the two propositions do not exclude one another, in other words p and q could be both true at the same time. In some cases the yes-no questions can be formulated as a structure of alternative question. The set of answers of wh-questions is potentially infinite, but in the concrete speech situation the number of the possibly given answers is determined pragmatically. The interrogative or the noun after the interrogative restricts the answers. The set of answers of the open questions are also potentially infinite, although it is generally determined pragmatically. The crucial difference is that the set of answers of open questions is not determined pragmatically at all (Kiefer 1983).

Beside the question's form Olge et al. (1980: 43) and Walton (2008b: 322) determine some other factors which are able to suggest a desired answer. These are: emphasis on certain words, the questioner's tone, the questioner's nonverbal conduct, the questioner's inclusion of facts still in controversy. I will refer to these question types and aspects in the analysis and the determination of interrogation strategies. But before the analysis, I will introduce the legal corpus in the next Section.

5. Legal corpus

The analysed corpus involves recordings and written notes about non-verbal communication of 6 Hungarian criminal trials from 2017. Due the Secrecy Obligation, I publish the summarized data: the corpus includes money laundering, manslaughter and criminal attempt to homicide. I recorded these trials with a voice recorder and

I anonymized and transcribed the texts using the method of Conversation Analysis (Jefferson 1984).[4] This research is based on:

(1) Interrogations of eight defendants: The defendants are not obliged to make deposition during the courtroom trial. In case a defendant refuses deposition, the judge reads out that deposition which they already made in the discovery and pre-trial stage. In general, defendants uphold their earlier deposition, and refuse to do it again at the trial. From these eight persons six refused it, but all of them cooperatively answered the questions about their personal circumstances (e.g. marital status, public due, financial circumstances, etc.). The refusal has no consequences on their right to questioning and making observations. The other two defendants have answered the substantial questions, too.

(2) Testimonies of nine witnesses: A witness may be able to refuse a deposition but only in certain circumstances. From these witnesses all of them had to answer the questions.

(3) Two presiding judges in criminal proceedings control how hearings and trials unfold in the courtrooms.

In what follows, I turn to the analysis and demonstrate the question strategies in connection with the functions of the questions.

6. Analysis

In the substantive part of the interrogation information-seeking and controlling questions are dominant. In the first example the judge checks a piece of information written in the indictment. The judge tries to find out if the interrogated person states facts or opinions. In this example the judge knows from her earlier testimony that the witness could not visit one of her relatives. The judge checks it at the trial, and when the witness expresses epistemic modality with the verb *feel*, the judge asks evidence for this statement.

[4] The relevant transcription nominations are detailed in the Appendix.

(1) Judge: Állítása szerint a személyes látogatásnak valami akadálya van?
‘You claim there is an obstacle to a personal visit?’
Witness: Úgy érzem meg se tudnám közelíteni.
‘I feel I cannot even approach him. ‘
Judge: Próbálta már és akkor elküldték?
‘Have you already tried and were sent away?’
Witness: Nem.
‘No.’
Judge: Akkor ez csak feltételezés?
‘So this is only an assumption?’
Witness: Yes.
‘Igen.’

In this excerpt all of the four questions are positive yes-no questions which include the judge’s presuppositions, because questions always contain the speaker’s presuppositions in some way, although it could be harmless (Levinson 1983, Walton 2008a, 2008b, Hayano 2013). Presuppositions are pieces of information which the questioner considers as a given. Presuppositions appear implicitly in the utterances, their recognition happens by linguistic conventions (Tátrai 2011). Consequently, a question could be influential by its presupposition, especially if the presupposition is false. The reason is that the person being interrogated has two goals at this time: (1) s/he responses directly to the question and so s/he accepts the presupposition, or (2) s/he makes the presupposition explicit with plus interactional power and denies it, but this could characterise a person who does not want to answer specifically to the question (Walton 2008; Hayano 2012).

A presupposition in a yes-no question is that the speaker thinks one of the answer out of the two possibly given answers as true (Walton 2008). It means in excerpt (1) that the judge thinks it is true that there is an obstacle to personal visit, the witness already tried and was sent away, but at least it will be clear that these are only assumptions. Contrary to this, it is really important to see here that the judge does not want to influence the witness intentionally, the judge’s goal is to control a statement she just read in the witness’ earlier testimony and she asks evidence for it. The judge tries to discover the

evidence in order to dive in the given case, but if this question would have been asked from a prosecutor as an example, it could be really influential in the judge's eyes, because this type of question bears the possibility of influencing. If we turn to the example (2), we can see judges usually attempt to avoid presuppositions, and keep the order of questions. He starts to ask how much alcohol the witness drank, but he suddenly corrects it, and at first he asks whether he drinks alcohol, or not at all. It is really important that the judge knows from the defendant's earlier interrogation, since the defendant said it himself he had drank a lot and had committed the crime as a consequence of that.

(2) Judge: Addig mennyi, fogyasztott-e szeszes italt?
'How much, did you drink-E any alcohol?'
Defendant: Fogyasztottam.
'Yes, I did.'
Judge: Emlékszik-e arra, mennyi szeszes italt fogyasztott?'
'Could you remember how much alcohol did you drink?'
Defendant: Hát addig körülbelül egy üveg bort,
'Well, till that time about a glass of wine,'
Judge: Egyedül?
'Alone?'
Defendant: Nem, a barátommal.
'No, with my friend.'
Judge: Arra vagyok kíváncsi, Ön mennyit fogyasztott.
'I am curious about how much alcohol you drank.'

What we see here is that the judge eliminates the presupposition (that the witness drank any alcohol) and then asks a yes-no question with an *-e* question particle, which eliminates his preference (that the defendant did drink alcohol). When the defendant says he did drink alcohol, it becomes a mutual knowledge in the context, and then the judge asks about the amount of alcohol. Then the defendant starts to give details about it, but the judge interrupts it, and asks if the defendant drank the amount by himself. It is interesting because it is a positively formed as a yes-no question, but the judge knows from the documents that the defendant was with their friends. Therefore he wants to clear up the information, and so the defendant can claim he was not alone. It could be a possible reason for the positive yes-no question, that in the context there is the evidence, that the defendant lists the alcohols he drank alone, because that was the question. So

here the contextual bias appeared, not the epistemic bias, that the judge's prior knowledge is that he drank this bottle of wine with his friends.[5] Example (3) shows the importance of eliminating prior knowledge. The judge knows the witness' earlier testimony, but she does not automatically enrich *the manager* noun phrase with the given information, she is interested in this information before she asks the content of the letter. In this case the judge realises a contradiction which she has to resolve. This is really common in courtroom interrogations, judges try to circumstantially interrogate the witnesses without previous knowledge and any presuppositions they might have, so they generally try to express the least of what they already know.

(3) Judge: Ki volt akkor a cég vezetője akinek kiküldésre került ez a levél?
'Who was the manager to whom the letter was sent?'
Witness: Nagy Zoltán ügyvezetőnek küldtünk levelet illetőleg utána a bíróság is Nagy Zoltán ügyvezetőt hívta fel arra hogy ezeknek a kötelességeknek tegyen eleget.
'We sent the letter to manager Zoltán Nagy and then the court also called on Zoltán Nagy, to fulfill these duties.'
Judge: Nagy Zoltán? Nem Kiss Aladár?
'Zoltán Nagy? Not Aladár Kiss?'
Witness: Parancsol?
'Excuse me?'
Judge: Nem a Kiss Aladár?
'Not the Aladár Kiss?'
Witness: Nem. A Nagy Zoltán.
'No. Zoltán Nagy.'
Judge: Korábbi vallomásában azt mondta, hogy a Kiss Aladár. Azért kérdezek rá.
'In your earlier testimony you said, that it was Aladár Kiss. That's why I asked.'

In the next excerpt the judge attempts to ascertain there is no misunderstanding. The prosecutor asks the witness:

(4) Prosecutor: Ezt ki csi (0.5) ezt ki tette volna meg? Ugyanaz aki az autót is?

[5] For the types of bias see e. g. Ladd (1981) Sudo (2013), Gyuris (2016).

'Who would (0.5) Who would have done this? Was it the same person who did it with the car, too?'

Witness: >Igen< a hölgy aki azt hiszem
'>Yes< the woman who I think'

Judge: Bocsánat még Molnár Lillát mondja?
'Sorry, are you still talking about Lilla Molnár?'

Witness: Igen.
'Yes.'

Before the prosecutor's question, the judge interrogated the witness who was talking about Lilla Molnár. Despite this, the judge does not automatically accept this inference, she checks if they are really referring to the same person. Here the judge uses positive yes-no question because of the contextual bias caused by talking about Lilla Molnár prior to the trial.

In example (5) the judge tries to ascertain the witness' credibility. In several cases these questions try to explore if the witness could clearly observe the actions, or the witness may be biased. In this example the judge is interviewing a woman who was sitting in a pub with her new boyfriend, when her ex-boyfriend arrived to the same place and the two men got into a fight and one of them stabbed the other with a knife. The judge asks about the amount of alcohol she drank to try and find out the state she was in. The first question does not involve presupposition, because the witness told him earlier they went to the pub to drink and talk. Contrary to this, the second question involves presupposition (two pints of beer). Bócz and Finszter (2008) argues it is influential to ask in this way the amount of alcohol, the first question should be an alternative question: Did you drink draught beer or beer from a bottle?

(5) Judge: Mennyi alkoholt fogyasztott ön a presszóban?
'How much alcohol did you drink in the pub?'

Witness: Két sört ittam.
'I drank two beers.'

Judge: Két korsó sört?
'Two pints of beer?'

Witness: Nem, két kis pohárral.
'No, two little glasses of beer.'

Judges also use strategies to find out whether the witness recalls a true experience or only a false memory. They try to clear up the source of the witness memory, and find out if they really saw or heard the part of the crime or they just heard about it from someone else. Therefore they use source-monitoring questions (Reyna et al. 2016) such as:

(6) a) Na most ezt ott a helyszínen mondta ő önnek? (1.0) vagy utólag?
'So, he told you on the spot? (1.0) Or later?'
b) Később beszélt ön a Péterrel?
'Did you speak with Péter later?'
c) A nagynénje. Amikor ön odaért. Akkor elmondta-e. Ő maga. Hogy mi történt.
'Your aunt. When you arrived. Then she said it to you. She herself. About what happened?'

As we could see, information checking questions have a really important role in courtroom interrogation, but information-seeking questions which aim to complete the gaps in the story of the case and specify the details are also important. There is another possibility to eliminate the speaker's bias in the question. Instead of a yes-no question the judge gives alternatives and uses an alternative question form. Giving alternatives could be an influential strategy, if the questioner gives alternatives which are false, do not exist, or are simply impossible (Walton 2008b). Therefore, it is really important that the judge gives alternatives only if the possible alternatives can be determined exactly such as example (7)-(8), where the judge seeks information. In excerpt (7) the judge combines alternatives with *-e* question particle in order to eliminate his bias.

(7) Judge: melyik (0.5) ö mozgás indult el hamarabb, illetőleg a kettő között mérhető-e valamifajta idő, hogy előbb indult el a sértett neki balra és utána indult el az autó ugyanabba az irányba. az autó a menetirány szerinti jobb oldalba, vagy egy időbe, vagy egyik, hát különbség, ki volt előbb, mennyivel volt előbb, ezt meg lehet-e állapítani?
'which (0.5) movement started earlier, i.e. is there any time measured between the two, who started pacing towards the other, and then the car went in the same direction. Can it be determined who initiated it?'

Expert: álláspontom szerint meg lehet állapítani ( )
‘my standpoint can be determined ( )’

(8) Judge: A verekedés előtt vagy után vette a kést?
‘Did he buy the knife before or after the fight?’

In the following example (9) the judge does not know the correct medical term for the phenomenon, therefore he indicates with rising intonation he is waiting for the expert answer to pronounce the correct term. He does not give alternatives in order to avoid the influential effect.

(9) Judge: Egy kérdésem van még. Azok a tünetek, amiket a vádlott maga mond el, ezek milyen tünet, milyen (1.0) súlyosságú tüneteknek számítanak ezek >ezek< enyhe tünetek, ezek, (2.0)
‘I only have one more question. The symptoms that the defendant says, what kind of, sym, how severe symptoms are these, these are, slight symptoms, these, (2.0)’
Expert: Ö én ezt nem is így értékelném, hogy enyhe, hanem hanem részleges tün[eteknek]=
‘Hm. I would rather say these are partial symptoms than severe’
Judge: [részleges]
‘[partial] ‘

As we could see in example (9) the word selection should be carefully made in the questions. In criminal trials it is so important to discover the defendant's intentions. In excerpt (10) the judge asks first the change in the state of the pilot wheel with the verb *start* (*elindul*). He does not speak in the first line about who started to make these changes. This division gives the opportunity to speak separately about the event and the will and intention of the defendant.

(10) Judge: tehát ha jól értem, a sértett balra történő mozgását megelőzően 0.3 másodperccel indul el az autó kormány(.)nyában a a tehát a kormányzásának a változása
‘so if I am correct, before the victim started to go to their left, the steering wheel of the auto, i.e. the direction changed’
Expert: igen

'yes'

Judge: ezt megelőzően van nyilván a vezetőnek a vádlottnak a szándék kialakulása

'the driver's, the defendant's statement developed prior to this'

In word selection it is also important to choose precisely between the words which are connected to the same semantic schema. Gordon and Fleisher (2011: 90-91) argues questions must not include emotionally charged words (rape, steal, kill) where the language itself might cause psychophysiological responses. It is also not favoured to use intimidating legal words because those could be ambiguous and also allow the guilty interviewee to hide behind a rationalization (*I did not take a bribe; I accepted pay for a special job*). Beside these I found that judges try to not confuse the words used for the same event, they always choose the way to speak about an event in the manner the interviewed person used earlier. For example, in a case the event where an animal and an old woman had an accident the witnesses described in the following ways: crash, bump into, run into, hit, stumble, tumble, ram, knock over, push, push over, sweep away, etc. See also excerpt (11)-(12).

(11) Judge: A vallomásában azt mondta ön, hogy „a Péter azt mondta hogy csak megijedtek a 0.5 **megijedt az állattól nagynéném** de nagynéném mérgesen mondta is hogy nem igaz. Mert kerékpárostól **fellökte** ( )" Tehát ő vitatkozott ezzel, hogy csak megijedt volna már ott a helyszínen is? Az ön nagynénje vitatkozott ezzel? Hogy **fel is lökte** őt ez az állat?

'In your statement you said „Péter said they were just scared from 0.5 **my aunt was afraid of the animal** but my aunt said angrily it was not true. Because he bumped into her on her bike ( )" So she does not agree that she was only scared of the sport? Your aunt disagreed with this? That he bumped into her?'

Witness: (1.0) igen

'(1.0) yes'

(12) Judge: Mit tapasztalt a helyszínen? Önben összeállt-e a kép akkor ott a helyszínen hogy mi történhetett?

'What did you experience on the spot? Did you have a clear picture there on the spot what could have happened?'

Witness: Nem, utólag derültek ki dolgok hogy mi is történt. A Tanú2 ott volt akkor tehát ő úgy mondta hogy Beáta néni **elesett**, később derültek ki a dolgok ( ) mondta hogy **elesett** biciklivel. Később derült ki hogy (.) **nekirontott** egy állat és **lelökte** őt a kerékpárról.

'No, it was clear only later what happened. Witness2 was there then and they said that aunt Beáta fell, it turned out later that she fell from her bike. And it turned out even later that an animal bumped into her and she fell of her bike.'

This strategy is really important in order to gain accurate answers from the participants. If the judge confused the words, it could cause false memory retrieval (Loftus & Miller & Burns 1978, Lindsay and Johnson 1989, Loftus 2003, Brainerd & Reyna 2005, Laney & Loftus 2016) and the interrogated person may confirm a description which actually was not the most correct description about the event. Those strategies which heighten the cooperativity are also essential in information seeking. In example (13) the witness is 20 years old and a bit shy and does not really want to answer the questions.

(13) Judge: *Ki volt még a háznál ekkor? Tomi, maga, Balla, Robi.* ***Idáig biztosak vagyunk, ugye?***

'Who else was at the house at this time? Tomi, you, Balla, Robi. **This much we are sure about, aren't we?**'

Witness: Bence és Bálint.

'Bence and Bálint.'

The judge uses the expression "this much *we* are sure about, *aren't we*?" meaning himself and the witness with the *we* inclusive person deixis which expresses a sense of unity and belonging to the hearer. She expresses mutually collected information in an understanding way and uses emotional identification with the attitude of the witness. With this strategy the judge expresses her cooperation and mitigates the threat of the obligation to answering. The question is a positively formed tag question, and asks for confirmation, but it does not involve any new information, only names listed by the witness.

Now I turn to the rule-governed questions which are usually simple wh-questions or yes-no questions. In example (14) we can see

the judge keeps the order of the questions. She asks in the first line with a yes-no question and *-e* question particle if the defendant has any debt, and only in the second line does she try to discover the amount of the debt.

(14) Judge: Van-e köztartozása?
'Do you have-E any debt?'
Defendant: Igen.
'Yes, I have.'
Judge: Mennyi köztartozása van?
'What is the amount of your debt?'
Defendant: Körülbelül 3 millió forint.
About 3 million forints.

In example (15) the judge asks if the defendant understands the warnings or not. In this example it is a positive yes-no question, but it also rarely occurs with *-e* question particle. A possible reason could be that the confession could not be evidence if this question is not confirmed. If the defendant says they do not understand the warnings, the judge must explain it and reformulate it.

(15) Judge: Megértette a figyelmeztetéseket?
'Do you understand the warnings?'

In my last example I would like to show a difference between rule-governed questions vs. information-seeking and controlling questions. The judge also keeps a strict order of questions and uses the *-e* particle in yes-no questions, because it characterises the judges' speech style. But here they express their preference and inferences (e.g. So do you have a kid?) more times. A possible reason could be that this initiative part of the interrogation does not contribute to the substantive part of the interrogation in where the judges try to gain the evidence, these questions do not have any connection to the committed crime.

(16) Judge: Van-e valami más jövedelme?
'Do you have any other form of income?'
Defendant: Nekem nincs, az élettársamnak van.
'I do not, but my partner does.'
Judge: Jó, azt mindjárt megbeszéljük akkor. Ön nem nős, ugye?

'Ok, we will discuss this then. You are not married, right?
Defendant: Hát nem vettem el feleségül, de rendesen a feleségemmel van egy egyéves kislányunk.
'I did not marry her, but we have a one-year old daughter.'
Judge: Tehát nőtlen, de élettársi kapcsolatban él.
'So you are married, but you live in a domestic partnership.'
Defendant: Igen.
'Yes.'
Judge: Hogy hívják az élettársát?
'What is your partner's name?'
Defendant: Nagy Virág.
Judge: Mivel foglalkozik?
'What does she do?'
Defendant: Főállású anya.
'She is a full-time mother.'
Judge: Mennyi a segély, amit ezért kap?
'How much is the benefit she gets for this?'
Defendant: Negyvenezer forint.
'Forty thousand forints.'
Judge: Kiskorú gyermeke akkor van önnek?
'So do you have a minor child?'
Defendant: Igen.
'Yes.'

7. Conclusion

Three types of questions can be determined by the function of the judges' questionings. These questions are: rule-governed questions, information-seeking questions and controlling questions. During the interrogation, judges in the Hungarian legal system have two general goals, (1) they try to heighten the cooperativity of the witnesses when it is necessary and (2) they try to minimize the influential properties of the questions, in other words, they try to give only a question frame with the minimal information for the sake of an uninfluenced answer. This attempt is mirrored in word selection, elimination of presuppositions, keeping the order of the questions, avoiding directed questions by providing alternatives when the possibilities can be

exactly determined and using the *-e* question particle as an anti-bias particle. The judges make an attempt to avoid the influential properties of questions is crucial in information-seeking questions. Presuppositions and speaker's preference occur mostly in rule-governed questions and in controlling questions in order to ask for confirmation. This article aims to present the complex nature of the judicial questioning strategies in the criminal courtroom proceedings. These strategies do not form a taxative, closed group by nature, but the results may have a significant impact in legal practice and law education.

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BADANIA POLONISTYCZNE W ZAKRESIE LEGILINGWISTYKI

Recenzja książki pod tytułem *Polszczyzna. O większą poprawność językową tekstów prawniczych i nie tylko*.
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W 2018 roku pojawiła się na rynku wydawniczym monografia naukowa dra Macieja Malinowskiego, polonisty z Uniwersytetu Pedagogicznego im. Komisji Edukacji Narodowej w Krakowie, która została przedstawiona do awansu zawodowego. Recenzentami wydawniczymi książki byli prof. Radosław Pawelec z Uniwersytetu Warszawskiego oraz prof. Mirosława Mycawka z Uniwersytetu Jagiellońskiego w Krakowie.

Z notki biograficznej zamieszczonej na końcu książki wynika, że Maciej Malinowski uchodzi w środowisku naukowym za specjalistę w zakresie ortografii i interpunkcji, a także poprawności i kultury języka polskiego. Jest mistrzem ortografii polskiej z 1990 r. (zwycięzca konkursu pod nazwą „Ogólnopolskie Dyktando" w Katowicach), a jego rozprawa doktorska była poświęcona zagadnieniom ortografii polskiej w ujęciu historycznym i na jej kanwie powstała w 2018 r. książka pt. *Ortografia polska. Kodyfikacja, reformy i zmiany pisowni (1830–2010) oraz jej recepcja*. Ponadto Maciej Malinowski jest ekspertem w Poradni Językowej PWN, a także doświadczonym redaktorem językowym i korektorem współpracującym z czasopismami zarówno o charakterze ogólnym („Angora"), jak i specjalistycznym (kwartalnik Krajowej Reprezentacji Samorządowych Kolegiów Odwoławczych *Casus*). Z jego opiniami w zakresie poprawności języka polskiego zetknąłem się, korzystając z Poradni Językowej PWN oraz czytając porady na jego blogu o poprawnej polszczyźnie *Obcy język polski* (prowadzi go od 2002 roku), ponieważ szukałem tam informacji, których nie mogłem znaleźć w słownikach poprawnościowych, gdy przygotowywałem się do wykładów z kultury języka polskiego lub gdy sprawdzałem teksty tłumaczeń na język polski kandydatów na tłumaczy przysięgłych.

Książka Macieja Malinowskiego stanowi ciekawe studium na temat jakości języka w tekstach prawnych i prawniczych. Skierowana jest przede wszystkim do środowiska prawników i urzędników, którzy najczęściej są autorami tekstów oficjalnych, a jej celem jest uświadomienie im, jakie błędy popełniają i jak można im zapobiec. Recenzowana pozycja ma przede wszystkim charakter aplikatywny, choćby z tego względu, że czytelnik znajdzie tu gotowe wzorce rozwiązań wielu różnorodnych problemów językowych, poparte gruntownym uzasadnieniem, począwszy od zagadnień fonetycznych, poprzez ortograficzne, interpunkcyjne i stylistyczne, a skończywszy na gramatyce i leksyce.

Dzieło Macieja Malinowskiego wpisuje się wyraźnie w nurt eksploracji legilingwistycznych, tj. nauki zajmującej się badaniem języka prawnego i prawniczego z wykorzystaniem wiedzy i metodologii językoznawczej. Nauka ta określana jest przez Jerzego Pieńkosa (1999: 3) mianem jurylingwistyki, a termin francuski *jurilinguistique* wprowadził do nauki Jean-Claude Gémar (1982) w latach 70. XX wieku w Kanadzie. Wśród polonistów badania legilingwistyczne prowadzili między innymi tacy badacze, jak Bożena Hałas (1995), Hanna

Jadacka (2006), Radosław Pawelec (2007), Halina Kurek (2015) oraz Maria Teresa Lizisowa (2016), natomiast badania legilingwistyczne w aspekcie przekładoznawczym są przedmiotem zainteresowania wielu neofilologów[1], którzy od 2006 roku spotykają się corocznie na konferencjach o charakterze międzynarodowym, organizowanych przez Pracownię Legilingiwstyki, a obecnie – po zmianie nazwy – przez Zakład Legilingwistyki i Języków Specjalistycznych Wydziału Neofilologii Uniwersytetu im. Adama Mickiewicza w Poznaniu.

Mimo wprowadzenia teoretycznego do zagadnień legilingwistyki książka Macieja Malinowskiego stanowi przede wszystkim – podobnie jak opracowanie prof. Hanny Jadackiej (2006) – znakomity poradnik językowy dla prawników i urzędników. Oprócz wymienionych tu dwóch zawodów książka skierowana jest także do wszystkich osób zainteresowanych poprawnością językową w mowie i piśmie. We *Wstępie* znajdujemy zapowiedź, że książka zawiera:

> wskazówki i podpowiedzi, jak poprawić polszczyznę, by odnieść w zawodzie prawnika sukces, by być mistrzem oracji na sali sądowej czy autorem tekstów bardzo dobrze napisanych pod względem językowym, a przez to wzbudzających uznanie odbiorców, którzy do nich chętnie wtedy sięgają (Malinowski, 2018: 30).

Będące przedmiotem omówienia opracowanie liczy 312 stron i obejmuje wstęp, siedem rozdziałów, podsumowanie, indeks form wyrazowych, zwrotów i nazwisk, a także wykaz literatury, streszczenie w języku angielskim, aneks oraz informacje o autorze. Na początku książki Autor zdecydował się zamieścić przedmowy dwóch wyżej wymienionych recenzentów wydawniczych, co dość rzadko spotyka się w tego typu publikacjach.

Część teoretyczną stanowi jedynie wstęp, w którym Autor przedstawia zarys jurylingwistyki. Jest to w zasadzie wprowadzenie do lingwistyki prawa, w którym Autor na zaledwie dziewiętnastu stronach stara się najpierw przedstawić definicje dotyczące legilingwistyki i wielość terminów w polszczyźnie do niej się odnoszących, a następnie omówić stań badań tejże nauki z punktu widzenia kilku prawników i językoznawców. Szkoda, że polskie badania legilingwi-

[1] Zob. np. opracowania dotyczące poprawności językowej w procesie kształcenia tłumaczy Emilii Kubickiej, Lecha Zielińskiego i Sebastiana Żurowskiego (2013, 2019) oraz Dariusza Kali i Emilii Kubickiej (2014).

styczne zostały tak wyrywkowo zreferowane. W rozdziale teoretycznym zabrakło – moim zdaniem – między innymi przywołania badań języka prawa prowadzonych przez neofilologów w zakresie translatorycznym, ale także rozważań uznanych naukowców polonistów, jak choćby niedawno zmarłej prof. Marii Teresy Lizisowej, która już od wielu lat zajmowała się lingwistyką prawa zarówno w ujęciu diachronicznym, jak i synchronicznym[2]. Zabrakło również szerszego przedstawienia badań prowadzonych przez samych jurylingwistów[3], jak na przykład przez prof. Jerzego Pieńkosa (1999), który uchodzi za prekursora tych badań w Polsce[4].

Zasadniczą część książki, podzieloną na siedem rozdziałów, które mają charakter bardziej praktyczny, oceniam zdecydowanie pozytywnie. Rozważania na temat języka prawa Autor rozpoczyna od warstwy leksykalnej. Analizie poddaje nazwy wykonywanych przez mężczyznę i kobietę zawodów prawniczych, które w polszczyźnie sprawiają kłopot w zakresie ich deklinacji. Są to takie wyrazy, jak *sędzia/sędzina* i *radca prawny/radczyni prawna*. Następnie Autor skupia się na błędnym użyciu takich wyrazów, jak *administratywista*, *reasumpcja*, *dywagacje*, *dokładnie* (jako odpowiedź twierdzącą na pytanie) oraz *reasumować*, *dywagować* i wyjaśnia istotę błędu. Z zainteresowaniem przeczytamy w dalszej kolejności opis niewłaściwego użycia brukselizmów, czyli zapożyczeń z unijnego żargonu (np. *mapa drogowa*, *destynacja*), które – jak stwierdza Malinowski – dotarły do Polski na fali fascynacji językiem angielskim. Rozdział pierwszy kończy się ciekawą analizą słowotwórczą rzeczowników męskoosobowych zakończonych na *-at*, *-ant* i *-ent*, które nierzadko sprawiają prawnikom (i nie tylko im) problemy z poprawnym użyciem. Chodzi tu o takie pary wyrazów, jak na przykład *nominat – nominant*, *mandat*

[2] Zob. wykaz literatury w ostatniej monografii naukowej Marii Teresy Lizisowej pt. *Komunikacyjna teoria języka prawnego* (2016), zawierający 23 teksty jej autorstwa.

[3] Tak określa się osoby, które często posiadają zarówno wykształcenie prawnicze, jak i lingwistyczne i prowadzą badania naukowe w zakresie języka prawa. Należą do nich m.in. prof. Jerzy Pieńkos (1999), prof. Aleksandra Matulewska (2007, 2013), prof. Agnieszka Choduń (2013) i dr Anna Jopek-Bosiacka (2006).

[4] Termin *juryslingwistyka* w błędnej formie językowej wprowadził do obiegu naukowego Jerzy Pieńkos (1999). Na błędne użycie członu określającego terminu *juryslingwistyka* w wymienionym złożeniu zwraca konsekwentnie uwagę Aleksandra Matulewska, redaktorka naczelna czasopisma *Comparative Legilinguistics. International Journal for Legal Communication*. Jej zdaniem prawidłowa pod względem językowym forma to *jurylingwistyka*, co notabene potwierdza także strukturalnie termin francuski *jurilinguistique*.

– *mandant* lub *beneficjant* – *beneficjent*. Do wyrazów sprawiających Polakom trudności w użyciu należą także – jak konstatuje Autor – rzeczowniki *gwarant, ignorant* i *abnegat*.

Przedmiotem rozdziału drugiego są nazwiska i imiona, a w szczególności ich – czasami skomplikowana – forma, odmiana i pisownia. Prawnicy zazwyczaj nie chcą odmieniać nazwiska, ponieważ uważają, że – jak pisze Malinowski (2018: 85) – ma ono zostać zachowane zawsze w postaci mianownikowej ze względu na jednoznaczność identyfikacyjną danej osoby. Jako tłumacz przysięgły języka niemieckiego z wieloletnim doświadczeniem mogę jedynie potwierdzić powyższą konstatację Autora, ponieważ w przekładanych z języka polskiego na język niemiecki wyrokach i postanowieniach prawie zawsze napotykam na brak deklinacji nazwisk osób biorących udział w postępowaniu (chodzi zarówno o nazwiska stron postępowania, jak i nazwiska świadków lub osób wysłuchiwanych przez sąd). Malinowski w klarowny i zrozumiały sposób prezentuje i objaśnia meandry wzorców deklinacyjnych nazwisk męskich i żeńskich.

Rozdział trzeci poświęcony jest uchybieniom z zakresu fonetyki. Chodzi w nim głównie o błędy w artykulacji wyrazów i wyrażeń spowodowane ich niepoprawną akcentuacją. Malinowski (2018: 114) zwraca przy okazji uwagę na maniery w wymowie, które – jak określa – „świadczą o niewielkich kompetencjach w sprawach poprawnej polszczyzny osób tak mówiących". Rozdział ten powinni przeczytać w szczególności wszyscy ci prawnicy, którzy wypowiadają się na forum publicznym (np. sędziowie ogłaszający i uzasadniający wyroki), aby nie popełniać błędów fonetycznych.

W rozdziale czwartym Autor poświęca sporo uwagi ortografii, która – niestety – jest źródłem wielu uchybień w tekstach prawnych i prawniczych. Przedmiotem analizy stają się najpierw skróty i skrótowce, które to wyrazy nawet przez niektórych wytrawnych językoznawców są błędnie traktowane jako synonimy. Autor definiuje skróty i skrótowce, wyróżnia ich rodzaje, a następnie prezentuje sposoby ich deklinacji, a także zwraca uwagę na ich poprawną wymowę. Spośród analizowanych form na uwagę zasługują w szczególności problematyczny skrótowiec *Dz.U.* (od nazwy *Dziennik Ustaw*) oraz jego warianty, a także skróty nazw ustaw zwanych kodeksami. W odniesieniu do uchybień ortograficznych Autor wskazuje na dość często występujące błędy w zapisie przymiotników złożonych o członach równorzędnych i nierównorzędnych znaczeniowo, tj. mających strukturę podrzędną lub współrzędną (np. *sądowoadministracyjny* versus *sądo-*

wo-administracyjny). Malinowski słusznie stwierdza, że prawnicy mają spory kłopot z zapisem wspominanych przymiotników złożonych, ale także tych z cząstką *prawno-* (np. *prawnoetyczny* od etyki prawa versus *prawno-etyczny*, czyli zarówno prawny, jak i etyczny). Podobnie ma się rzecz z poprawnym zapisem przymiotnika *rzymsko-katolicki* przez administrację kościelną, która na drukach, pieczątkach oraz szyldach błędnie zapisuje ów przymiotnik z dywizem. Błąd ten powielają tłumacze języka niemieckiego, stosując kalkę strukturalną w przekładzie na język polski konfesji podawanej w dokumentach kościelnych (*römisch-katholisch* = **rzymsko-katolicki*). Sporo miejsca Autor poświęca łącznej pisowni cząstki *-by* ze spójnikami i partykułami, która okazuje się dość skomplikowana w polszczyźnie. Odnosząc się do form zapisu tej cząstki, Malinowski odwołuje się nie tylko do słowników poprawnościowych, lecz także do historycznych ustaleń Komitetu Ortograficznego PAU z 1936 r. oraz kolejnych komisji kodyfikacyjnych rozstrzygających kwestie poprawnościowe w zakresie ortografii polskiej. Następny problem ortograficzny poruszony w książce to błędny zapis cząstki *nie* z rzeczownikami odczasownikowymi (np. *niedotrzymanie, nieprzestrzeganie*). Okazuje się, że nawet urzędnicy z Kuratorium Oświaty w Krakowie mają problem z poprawnym zapisem rzeczowników odsłownych z cząstką *nie*, co potwierdza przytaczany przez Malinowskiego (2018: 154) przykład. Cytuje on pismo pracowników Kuratorium do dyrektorów szkół podstawowych, w którym przypomina się o **nie przynoszeniu* telefonów komórkowych przez uczniów na rejonowy etap konkursu humanistycznego. Przedmiotem zainteresowania Malinowskiego na koniec jego rozważań dotyczących ortografii polskiej stają się poprawne formy zapisywania dwuwyrazowych nazw miejscowości, które stanowią nie lada wyzwanie dla prawników. Autor dokonuje najpierw ciekawego przeglądu rozstrzygnięć normatywnych i ustaleń różnych komisji kodyfikacyjnych, z których wynika, że zapis dwuczłonowych nazw miast sprawiał nawet autorom słowników ogromny problem, a obowiązująca w tym zakresie praktyka była różnorodna. I tak na przykład miasto *Busko-Zdrój*, jak stwierdza Malinowski (2018: 170–171), było zapisywane raz z dywizem, a raz bez dywizu. Z ustaleń Autora wynika, że w 2004 r. Rada Języka Polskiego wydała uchwałę, zgodnie z którą powyższy problem został rozwiązany definitywnie w ten sposób, że wszystkie dwu- lub wieloczłonowe nazwy miejscowości lub ich części identyfikujące wspólnie jednostkę administracyjną bądź geograficzną należy pisać z dywizem.

Rozdział piąty traktuje o usterkach interpunkcyjnych. Jak stwierdza Malinowski (2018: 179), źródłem najczęstszych błędów interpunkcyjnych jest przecinek, stawiany w miejscach do tego nieprzeznaczonych bądź pomijany w konstrukcjach zdaniowych, które go wymagają. Autor przytacza ciekawe przykłady błędów w zakresie przestankowania, które można spotkać zarówno w aktach prawnych (np. *Kodeks karny*), jak i dokumentach wagi państwowej (np. na kartach do głosowania Państwowej Komisji Wyborczej z 10 maja 2015 roku). Co więcej, okazuje się, że nawet pozytywnie zrecenzowane artykuły naukowe pisane przez prawników do czasopism specjalistycznych (np. kwartalnika Krajowej Reprezentacji Samorządowych Kolegiów Odwoławczych *Casus*) są dalekie od poprawności interpunkcyjnej, zwłaszcza w kontekście użycia przecinka.

Rozdział szósty poświęcony jest zagadnieniu stylu tekstów prawnych i prawniczych. Autor stwierdza, że prawnicy mają spory problem z zachowaniem kryterium poprawności stylistycznej w tworzonych przez siebie tekstach. Jak wylicza Malinowski (2018: 212), uchybienia w tym zakresie dotyczą niewłaściwego doboru środków językowych w stosunku do typu wypowiedzi, powtarzania tych samych treści w obrębie zdania, niepotrzebnego nasycania tekstów konstrukcjami analitycznymi oraz wyrazami pochodzenia obcego, np. latynizmami, a także zbędnego komplikowania wypowiedzi ustnej lub pisemnej tylko po to, aby tekst brzmiał bardziej naukowo.

W ostatnim rozdziale przedstawiono analizę językową dwóch tekstów prawniczych, tj. decyzji samorządowego kolegium odwoławczego oraz pisma procesowego pewnej kancelarii adwokackiej w Krakowie. Autor dokonuje sumiennej i drobiazgowej analizy decyzji SKO pod względem gramatycznym, składniowym, ortograficznym, interpunkcyjnym oraz edytorskim. Wszystkie błędy językowe zostały sklasyfikowane i opatrzone obszernym komentarzem. Po szczegółowym omówieniu uchybień językowych i niedociągnięć edytorskich poprawny językowo tekst decyzji zamieszczono w całości. Szkoda, że tej samej procedury, tj. umieszczenia całego tekstu po dokonaniu poprawek, Autor nie zastosował w stosunku do drugiego analizowanego tekstu, tj. pisma procesowego, w przypadku którego omówiono jedynie niektóre błędy językowe i usterki literowe. Część usterek, o których wcześniej była mowa w książce, w tym tekście pominięto, jak np. kwestię unikania spójnika *iż* w tekście pisanym, gdy mamy do czynienia z prostą konstrukcją podrzędną (Malinowski,

2018: 231). Za przykład niech posłuży niefortunne użycie spójnika *iż* w następujących zdaniach rzeczonego pisma:
(1) *W pierwszej kolejności należy zaznaczyć,* ***iż*** *odpowiedź na pozew praktycznie nie odnosi się ...*
(2) *Powódka wskazuje,* ***iż*** *wszelkie poważne konflikty, jakie w domu stron .....*

Ponadto w analizowanym piśmie procesowym można odnaleźć znacznie więcej literówek niż te wymienione przez Autora: **zablokowac* zamiast *zablokować*, **wykorzystac* zamiast *wykorzystać*, **chocby* zamiast *choćby*, **przesądzac* zamiast *przesądzać*, **okoliczność* zamiast *okoliczność*.

Co więcej, można by wytknąć autorowi pisma procesowego jeszcze błąd ortograficzny w zapisie *sygnatury akt* na początku wiersza. Niepotrzebny jest także dywiz w nazwie XI Wydziału Cywilnego Rodzinnego Sądu Okręgowego w Krakowie. Również pod względem stylistycznym niefortunnie brzmi sformułowanie *wykazany w aktach pełnomocnik* zamiast *wskazany/wymieniony w aktach pełnomocnik*.

Reasumując, monografia Macieja Malinowskiego to ważny wkład w dyskusję nad problemem poprawności językowej polskich tekstów prawnych i prawniczych i jako taka winna stanowić obowiązkową lekturę dla wszystkich, którzy na co dzień zajmują się redagowaniem takich tekstów, a także tłumaczeniem obcojęzycznych tekstów prawnych i prawniczych na język polski. Na koniec warto zaznaczyć, że książkę napisano przystępną i bardzo poprawną polszczyzną, co w dobie powszechnego obniżania się standardów jakości słowa drukowanego stanowi jej dodatkową zaletę.

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