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Preface

This volume of *Comparative Legilinguistics* contains four articles and three book reviews. First two articles refer to translation practice and another two refer to vagueness in legal language.

The first article is written by Dariusz Kubacki and Jan Gościński (Poland) and it is titled *What are Sworn Translators punished for? 10 Years of Operation of the Commission for Professional Accountability of Sworn Translators at the Minister of Justice*. The paper presents diligently the operation of the Commission for Professional Accountability of Sworn Translators at the Minister of Justice during the last ten years. The authors touch upon some theoretical issues of the Commission's operation, including legal frames and penalties imposed on sworn translators. Next, in the practical part there are statistic data presented and one can find the quantitative and qualitative analysis of the cases heard at hearings conducted before the Commission. As a results of the data analysis, the authors distinguish different types of infringements committed by sworn translators.

Karolina WANG (Poland) is the author of the second article. She discusses issues referring to the translation of Chinese notarial certificates from the perspective of sworn translation. The author presents some challenges of legal and sworn translation adopting the recommendations of (i) the Sworn Translator's Code issued by the Polish Society of Sworn and Specialized Translators and (ii) the Adequacy Conditions proposed by Roberto Mayoral in the research when focusing on the formal requirements of sworn translation, stylistic adequacy and transliteration of Chinese proper names into Polish.

Vagueness in legal language, and especially vagueness in Polish and American criminal law language, are the main issues of the article written by Katarzyna STRĘBSKA (Poland). The aim of the author is to present and evaluate some theories of vagueness referring to the language of criminal law. She points out that definitions may be vague themselves and it is a phenomenon which jeopardizes the stability of law and order or makes law more flexible and compliant with the changing *status quo*. The paper includes a relevant analysis of Polish and American legal systems in the light of vagueness of legal language.

The article of Paulina NOWAK-KORCZ (Poland) has the objective to illustrate the phenomenon of polysemy in Polish and French legal languages. The author deals with the definition of polysemy and then focuses her attention on polysemy in legal translation. An important phenomenon which is a distinction between linguistic and legal polysemy (*polysémie linguistique*, *polysémie juridique*) is also presented in the paper.

Marcus GALDIA reviewed the book of Chan Ho Yan, 《两岸三地合约法主要词汇》*Liang An San Di. Heyuefa Zhongyao Cihui*. *Key Terms in Contract Law of Hong Kong, Mainland China and Taiwan* edited by the City University of Hong Kong Press in 2014. The reviewed book can be a terminological handbook as Galdia suggests. What is especially valuable about the book is the fact that it presents a juxtaposition of common law and Chinese contract law terminology used in Mainland China, Hong-Kong and Taiwan.

Karolina GORTYCH-MICHALAK reviewed the book of Eleni Panaretou "Legal Discourse" edited in Athens in 2009. The book is a result of synchronic research performed on Greek legal discourse. It is valuable for a few reasons. Firstly, in contrast to many up-to-date publications devoted to Greek legal language, it contains a synchronic approach to Modern Greek legal language. Secondly, the book presents various approaches to statutory texts (communicational, lexical, grammatical and textual ones). Finally, the author presents mutual relation of the law and the language which cannot be separated.

Finally, Aleksandra MATULEWSKA reviewed the book of Heikki E. S. Mattila titled "Comparative Legal Linguistics. Language of Law, Latin and Modern Lingua Francas" edited in Farnham by the Ashgate Publishing Company. Similarly as the first edition, the second one is also a very valuable contribution to legal linguistic. Matulewska points out that Mattila's approach to legal linguistic research is very meticulous and systematic which makes the book a required reading for all scholars dealing with this field of research.

The editors hope that this volume of our journal will be of interest to its readers.

WHAT ARE SWORN TRANSLATORS PUNISHED FOR? 10 YEARS OF OPERATION OF THE COMMISSION FOR PROFESSIONAL ACCOUNTABILITY OF SWORN TRANSLATORS AT THE MINISTER OF JUSTICE

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Abstract: The aim of the paper is to present the operation of the Commission for Professional Accountability of Sworn Translators at the Minister of Justice looking back on its almost ten-year history. In the theoretical part, we will discuss the legal framework within which it operates, the procedure it follows and the types of penalties it may impose. In the practical part, we will carry out a quantitative and qualitative analysis of the cases which have been heard so far at hearings conducted before the Commission. The analysis will allow us to distinguish different types of infringements committed by sworn translators. We will focus our attention on translation errors, especially those which had or might have had adverse legal consequences.
Key words: disciplinary commission, ethics, professional accountability, sworn translator.

**ZA CO KARANI SĄ TŁUMACZE PRZYSIĘGLI?
10 LAT DZIAŁALNOŚCI KOMISJI ODPOWIEDZIALNOŚCI ZAWODOWEJ
TŁUMACZY PRZYSIĘGŁYCH PRZY MINISTRZE SPRAWIEDLIWOŚCI**

Abstrakt: Celem artykułu jest przedstawienie działalności Komisji Odpowiedzialności Zawodowej Tłumaczy Przysięgłych w Ministerstwie Sprawiedliwości z perspektywy jej blisko dziesięcioletnich doświadczeń. W części teoretycznej omówimy ramy prawne, procedurę postępowania oraz rodzaje wydawanych przez KOZ kar. W części praktycznej przeprowadzimy analizę ilościową i jakościową przypadków, które były dotychczas rozpoznawane na rozprawach prowadzonych przed komisją. Analiza ta pozwoli na wyodrębnienie różnych typów błędów popełnianych przez tłumaczy przysięgłych. W centrum zainteresowania znajdą się błędy

merytoryczne tłumaczy przysięgłych, zwłaszcza te, które wywarły lub mogły wywołać negatywne skutki prawne.
Słowa kluczowe: komisja dyscyplinarna, etyka, odpowiedzialność zawodowa, tłumacz przysięgły

Status and tasks of the Commission for Professional Accountability of Sworn Translators

The Commission for Professional Accountability of Sworn Translators at the Minister of Justice was set up under the Act on the Profession of Sworn Translator of 25 November 2004 (Dz.U. *[Journal of Laws]*, 27 December 2004). Its role is to take decisions as to the professional accountability of sworn translators who do not perform their tasks and/or duties under article 21(1) of the above Act (hereinafter referred to as the APST or the Act) or who perform those tasks and/or duties improperly or in an unreliable manner.

Article 21(1) of the APST[1] obliges sworn translators to:

(i) perform the tasks with which they are entrusted with particular diligence and impartiality, in compliance with the rules arising from the provisions of law,
(ii) keep confidential the facts and circumstances which have become known to them in connection with their translation services,
(iii) improve their professional qualifications,
(iv) translate in proceedings conducted under a legislative act at the request of a court, public prosecutor, the police or public administration bodies unless they have especially important objections,
(v) keep a sworn translator's register to record their translation services,
(vi) on all certified translations and certified copies of letters in a foreign language, write down the number under which the document has been recorded in the sworn translator's register,
(vii) state on all translations and copies of letters in a foreign language whether they have been made on the basis of an original, translation or copy and whether the translation or copy has been certified and, if so, by whom.

As Dostatni remarks (2005, 110):

> *the sworn translator is held professionally accountable only for the actions listed in article 21(1) of the Act. It contains an exhaustive list of prohibited actions, which additionally, in accordance with the rules relating to duties and accountability, should be construed narrowly and cannot be extended by analogy to include other actions.*

However, the adjudication practice of the Commission for Professional Accountability is different since – as we will discuss later – sworn translators are also punished for non-compliance with requirements not explicitly listed in article 21(1). This is because the sworn translator's duty under article 21(1) to comply in their work with the rules arising from legal regulations allows the Commission to include as part of

[1] As at 31 December 2014.

professional accountability all duties imposed on sworn translators by law – for instance, the duty to report changes of particulars relating to a sworn translator and entered in the register of sworn translators within 30 days from the change.

If a sworn translator infringes a requirement or requirements imposed on them, this may result in the imposition of one of the following penalties: an admonition, a reprimand, a suspension of the right to practice the profession of sworn translator for a period from three months to one year or deprivation of the right to practice the profession of sworn translator with the possibility of returning to the profession only after passing the qualification examination, which can be taken not earlier than two years from the deprivation. The penalty imposed is recorded in the register of sworn translators, kept by the Minister of Justice. In the case of deprivation of the right to practice the profession, the Minister of Justice strikes off the translator from this register. Depending on the type of penalty, it is expunged after two or three years from the date when it became legally binding. Sworn translators are held professionally accountable basically for three years from the date of performing the prohibited actions.

The Commission for Professional Accountability of Sworn Translators is set up by order of the Minister of Justice. It is made up of nine members, out of whom four are appointed by the Minister of Justice, four by translators' associations and one by the Minister of Labour. Such composition of the Commission, which brings together lawyers and translators, "is a guarantee," as Kubacki puts it (2012, 299),

> *that cases are heard and decisions made by a very competent body because it incorporates legal and linguistic experts. Both legal and linguistic knowledge is necessary to decide whether a translation has been made with due diligence and whether its quality meets the requirements laid down for certified translations*.

Professional accountability proceedings are initiated and conducted by the Commission for Professional Accountability at the request of the Minister of Justice or a provincial governor. Moreover, clients who commissioned a translation service can ask them to file an application to the Commission to initiate such proceedings. The person to whom the proceedings relate takes part in them. This person's unjustified failure to appear does not stop the proceedings. She or he may appoint a sworn translator or lawyer to defend her or him.

Apart from imposing a penalty, the Commission for Professional Accountability may also acquit a sworn translator or discontinue the proceedings against her or him. The Commission's decisions take the form of resolutions adopted by an absolute majority of votes in the presence of at least half of its members. According to Cieślik, Laska and Rojewski (2010, 75), the Commission should have been given the possibility to find a translator guilty and resign from imposing a penalty. *There are situations*, state the authors mentioned above,

> *when such a decision would fulfil the task of individual prevention because the sheer necessity of appearing before the Commission for Professional Accountability is for some people a humbling enough experience and the degree of their guilt as well as the harmful effect of what they did are insignificant*.

Both a sworn translator and the Minister of Justice or a provincial governor have the right to appeal against the decision of the Commission to a court of appeal with territorial jurisdiction over the sworn translator's place of residence. The Minister of Justice may appeal against a decision to discontinue the proceedings even if she or he did not file an application to initiate them. A legally valid decision closing judicial proceedings cannot be appealed against.

Statistical data

The chairperson of the Commission for Professional Accountability is obliged by the provisions of the Regulation on the Commission for Professional Accountability of 24 January 2005 to submit a report on its operation to the Minister of Justice every year. By courtesy of the chairperson of the Commission, those reports have been publicly available since 2009 in *Biuletyn TEPIS [TEPIS Bulletin]* (cf. Zieliński, 2010–2014), published by Polskie Towarzystwo Tłumaczy Przysięgłych i Specjalistycznych TEPIS *[The Polish Society of Sworn and Specialized Translators TEPIS]*, and on the website of Stowarzyszenie Tłumaczy Polskich *[The Association of Polish Translators and Interpreters]* (cf. Zieliński, 2015). They contain statistical data relating to the number of applications received and examined by the Commission in a given reporting year, the type of charges made in those applications, the number and type of penalties imposed by the Commission and the number of appeals against the Commission's resolutions lodged by the accused to the competent court of appeal. Moreover, the reports comprise sociological statistical data, such as the languages represented by the accused sworn translators and their sex. As the reports have been publicly available since 2009, the statistical data for the years 2005–2008 have been taken from the book by Artur D. Kubacki, a member of the Commission for Professional Accountability, published in 2012.

An analysis of all the sources listed above allows us to build a statistical picture of the Commission's operation in the period from 1 October 2005 to 31 December 2014. The Commission for Professional Accountability received in total 412 applications, including 293 from the Minister of Justice and 119 from provincial governors. The Commission imposed 307 penalties and acquitted 63 people of the charges made against them. An admonition (151 people) and a reprimand (124 people) were the most common penalties. More severe penalties were imposed sporadically: 29 people were punished by a suspension of the right to practice the profession for various periods (12 people for three months, three people for six months, 11 people for one year, one person for four months, one person for seven months and one person for eight months) and three people by deprivation of the right to practice the profession of sworn translator. Furthermore, the Commission discontinued 16 proceedings due to various reasons: the prohibited act had been committed before the coming into force of the APST, the matter had already been adjudicated upon *(res iudicata)*,

the act had not been included in the statutory list of prohibited acts, the statute of limitations applied to the act, the sworn translator had died, she or he had already been struck off from the register of sworn translators or the application had been filed to the Commission by mistake. The Commission also had to suspend some proceedings because the accused had been arrested (one person), it had been unable to establish where the sworn translator lived and thus it was impossible to serve on her or him a summons for the hearing (ten people) or she or he had gone abroad (seven people). In total, 12 appeals were lodged against the Commission's decisions to courts of appeal with territorial jurisdiction over the sworn translator's place of residence. The courts of appeal – in most cases – commuted the penalties imposed by the Commission, acquitted the translator or discontinued the proceedings. Only in 3 cases were the penalties imposed by the Commission (in 2009 and 2010) upheld. The appeals lodged to courts of appeal in 2014 are pending.

The reports submitted by the chairperson of the Commission for the years from 2009 to 2014 also offer a sociological insight as to who the accused sworn translators are. Because of the feminization of this profession, women (207) are more frequently the accused than men (82). As for the languages represented by the sworn translators charged, they are usually popular languages. The dominant ones are as follows: German (90 translators), English (58 translators), French (51 translators), Russian (38 translators) and Italian (30 translators). Amongst the rarer languages, the leading ones are: Dutch (ten translators), Greek (seven translators), Swedish (eight translators) and Norwegian (six translators). In six cases, the accused were sworn translators of two or more languages. The statistical data might be sometimes surprising. For instance, disciplinary proceedings were instituted against seven sworn translators of Greek out of ten such translators in Poland.

The statistics also show the type of charges made in applications submitted to the Commission by the Minister of Justice or provincial governors. The most common ones are: infringement of article 14(1) of the APST, i.e. failure to perform the tasks with which sworn translators are entrusted with particular diligence and impartiality, in compliance with the rules resulting from the provisions of law (223 cases), and infringement of article 17 of the APST, i.e. recording translation services in the sworn translator's register contrary to the APST provisions (58 cases). The remaining charges include:

(i) infringement of article 15 of the APST, i.e. refusal to translate in proceedings conducted under a legislative act at the request of a court, public prosecutor, the police or public administration bodies – 21 cases,

(ii) infringement of article 18 of the APST, i.e. using a round seal non-compliant with the APST provisions, failure to write down the number on certified translations and certified copies of letters in a foreign language under which the document has been recorded in the sworn translator's register and/or using an inappropriate certification formula – 16 cases,

(iii) infringement of article 20 of the APST, i.e. a sworn translator's failure to appear before a provincial governor, who supervises sworn translators' services – 14 cases,

(iv) infringement of article 16(2) of the APST, i.e. failure to charge the remuneration rates specified by the Minister of Justice for the sworn translator's services provided at the request of a court, public prosecutor, the police or public administration bodies – ten cases,

(v) infringement of article 8(2) of the APST, i.e. failure to report changes of particulars relating to a sworn translator and entered in the register of sworn translators within 30 days from the change – four cases,

(vi) infringement of article 19 of the APST, i.e. failure by a sworn translator to submit her or his specimen signature and specimen seal impression to the Minister of Justice, the Minister of Foreign Affairs and the provincial governor competent with respect to the sworn translator's place of residence – two cases,

(vii) infringement of article 14(2) of the APST, i.e. failure by a sworn translator to keep confidential the facts and circumstances which have become known to her or him in connection with her or his translation services – one case.

Types of infringements of the APST

While discussing in detail the professional accountability of sworn translators in his book *Certified Translation*, Kubacki (2012, 309–312) divided the infringements of statutory provisions into **formal infringements**, **criminal infringements** and **factual infringements**, the last ones being infringements of the duty to perform the tasks with which sworn translators are entrusted with particular diligence and impartiality. The above statistical data show that the list of formal infringements presented in his book has not changed much. Only two cases have been added to it by now, namely a sworn translator's failure to appear before a provincial governor in order to allow the governor to inspect the sworn translator's services and failure to charge the fixed remuneration rates specified by the Minister of Justice for the sworn translator's services provided at the request of a court, public prosecutor, the police or public administration bodies. The list of criminal infringements presented in Kubacki's book referred to above and thoroughly discussed in it (2012, 312–313) has not changed at all.

In this paper, we would like to pay attention to the factual infringements. They are of different character and have varying degrees of significance. As a result, they may lead to more or less serious consequences for the sworn translator (cf. Biel 2011, 14). The most typical factual infringements are translation errors, sometimes even critical (fatal) ones (cf. Kubacki 2014, 52–55).

The gravest translation errors involve conveying in the target text a different item of information than the one contained in the source text. This is what happened in the case of a sworn translator of German who, instead of stating that a sentenced person is **not** in prison, stated that this person **is** there. Of course, losing the adverb **not**, if it had not been discovered in time, could have had very serious consequences because the translation was addressed to a judge who on its basis was to take decisions about the sentenced person. Another sworn translator of German was asked to translate a certificate attesting that its holder was doing a part-time university course. The translator, however, instead of the term *part-time university course* used the term *full-*

time university course, which in this case was a key piece of information and exposed the person who had commissioned the translation to negative financial consequences. A sworn translator of English rendered the term *overdraft limit* as *limit overdrawn*, which could have resulted in refusal of a loan by a bank. Another sworn translator of English translated *a credit note* as *an invoice*, the word *return* as *deliver* and the sentence *please confirm receipt of the goods* as *please confirm your arrival*. A sworn translator of German rendered the phrase *disclaiming the inheritance in its entirety* as *waiving inherited compensation claims*. A sworn translator of French translated the phrase *the parties are not subject to taxation* as *the parties are not acting under duress* whereas a sworn translator of Catalan translated the verb *doblar* as *to double-charge* (a credit card) and not – as was required by the context – *to copy* (it). This last case allowed the Commission for Professional Accountability to pay attention to the fact that while translating the translator should consider the context within which a given word is used and that she or he cannot just mechanically make use of the first meaning found in a dictionary.

The omission from the target text of information in the source text falls into the second category of translation errors. This can result either from an oversight (for instance of a line of the text) or from an adopted strategy of not translating those parts of a document which are considered irrelevant by the translator (for instance not translating boxes which have not been filled in). However, under the rules for doing certified translations, such a strategy is unacceptable. The translator is obliged to translate the whole document, omitting nothing from it. She or he has to render in the target text all the data contained in the source text. She or he is even expected to inform the reader about pictorial elements in the document being translated and to describe characteristic features of its appearance (such as watermarks or any damage to it). The idea of translating the whole document is based on an assumption that the only task of the translator is to convey the content and it is the recipient of the translation who decides the significance of the content components.

Mechanical errors, usually connected with copying numbers, fall into the third and last category of translation errors. In some cases, those errors do not lead to any legal consequences (for instance a telephone number copied incorrectly); however, no matter how minor, they are errors and they may sometimes produce negative effects. Thus, the translator is not allowed to copy incorrectly any letter or figure from the vehicle identification number shown on a registration certificate because this will result in an automatic refusal of the translation by an official. She or he is either not allowed to make an error while translating the date of birth or the expiry date of a document. The incorrect copying of figures in such a situation may have very serious repercussions. Furthermore, the translator should copy certificate, file or record numbers very carefully in order to allow the recipient of the translation to identify those documents if need be. Any errors in this respect will render the task more difficult if not impossible. In this context, it is no wonder that the Commission takes a critical look at even such small – one would think – errors as changing the number *3257* to *5257*. Of course, these types of errors do not lead to an automatic imposition of a penalty by the Commission because it takes into consideration other factors, such as the consequences of an error

and the number of errors. Even so, sworn translators should be aware that they are expected to have a system of work which eliminates the possibility of committing mechanical errors.

Sworn translators are also punished for infringement of the impartiality rule. A sworn translator, as a person who enjoys the confidence of the public, must follow the rules for doing certified translations and can take into account nothing else. This lies at the heart of the profession of sworn translator and is a source of trust in the translations she or he does. Their recipients must be convinced that the translation has been done impartially, which means that nothing has been added to it, nothing has been omitted from it and nothing has been twisted in it either to the advantage or to the disadvantage of the client. Failure to observe the above rule resulted in the imposition of a penalty on a sworn translator of Hebrew. He transliterated from the Hebrew alphabet into the Roman alphabet an identical form of the surname appearing twice in the same vital record in two ways – in one place in a different manner than in the other. Such a solution was advantageous to the client and the translator adopted it on the basis of the client's explanations without referring to the appropriate documentation which would justify the change in the transliteration of the same Hebrew surname. Although the rules for transliteration from the Hebrew alphabet into the Roman alphabet allow for the use of different letters from the Roman alphabet for the same signs of the Hebrew alphabet, taking the liberty of doing this in the above case was malpractice because the translator did not have enough data to make the change. The Commission for Professional Accountability arrived at just this conclusion, clearly stating the translator's guilt and administering an admonition to the translator. As Cieślik, Laska and Rojewski (2010, 48) write, *the translator should maintain impartiality in the face of sometimes conflicting interests of the recipients of the translation*. Kaczocha and Mazuryk (LEX/el. 2011) add that *if a text is ambiguous, the translator should not at all costs force through those of its meanings which are advantageous to the person commissioning the translation*. It is necessary to strongly emphasize that the sworn translator does not represent the person who commissioned the translation – she or he is an impartial expert whose task is to render the meaning of the source text as faithfully as possible and without any omissions or additions.

Sworn translators often translate the same types of documents: for instance, birth certificates, registration certificates or diplomas. It comes as no surprise then that, when they receive a standard document, they make use of a similar translation they have made before and only substitute the new data. Obviously such practice is not reprehensible as long as the new translation is done with due diligence. This means that the translator has to remove all the old data and substitute in their place the new ones. If she or he does not do that carefully enough, he will expose herself or himself to the charge of being insufficiently diligent. This error was made by the sworn translator of Ukrainian. He made use of his previous translation of a standard document (stored on his computer database), but changed nothing in it because – as he explained – *something diverted his attention from translating*. As a result, the client was given the translation of a different document, not the one, which she had submitted to be translated. Such practices, which evidently infringe the due diligence rule, are perceived by the Commission for Professional Accountability as unjustifiable.

Finally, it is necessary to pay attention to the fact that sworn translators are obliged to take care of the linguistic correctness of their translations and to use the appropriate register. Exemplary translations do not contain any linguistic errors and are adjusted in terms of their style to the genre of the text being translated. Of course, the Commission for Professional Accountability does not punish for minor linguistic or stylistic flaws because they are practically unavoidable. Sworn translators usually work alone, very often under the pressure of time and – if translations are the only source of their income – they have to translate a lot. Market and statutory rates for translations make it impossible for them to hire a proofreader as then translating would become unprofitable. Such working conditions must result in various linguistic and/or stylistic slips in translations because there is no time to put the finishing touches on them. The Commission, aware of the realities, does not hold unreasonable expectations; however, it is of the opinion that a certain level of linguistic and stylistic correctness must be achieved. If, therefore, a translation contains a great number of linguistic and/or stylistic errors indicating that the sworn translator has a poor command of a foreign language or her or his mother tongue, then this fact alone might be and has been the reason for imposing a penalty on the translator. It is widely assumed that sworn translators must be real experts on their mother tongue and this foreign language for which they have been appointed and that they are obliged to improve – in accordance with the provisions of the APST – their professional qualifications.

Conclusion

The establishment of the Commission for Professional Accountability of Sworn Translators confirms the significance of the role they play in social life. The translations made by them-influence to a lesser or greater degree the lives of the people to whom the translations relate or who have commissioned the translations. Incorrect translations may have very serious negative consequences; for instance, they may make it impossible for somebody to enter into matrimony, may cause somebody to be imprisoned or may expose somebody to huge financial losses. As certified translations play a major role, it is the task of the Commission for Professional Accountability to take utmost care in all respects relating to them. By punishing unreliable sworn translators, the Commission sets standards of professional conduct and draws the line between acceptable and unacceptable behaviour. It also fulfils a preventive function because its presence alone causes sworn translators to ensure a decent quality of their work if they do not want to be summoned before it.

How, then, can this be avoided? The translators' errors described above, which resulted in the imposition of disciplinary penalties, allow for the formulation of a set of rules sworn translators should obey. The most important of them are as follows: rendering in the target text the meaning of the source text as faithfully as possible, ensuring the accuracy of the translation, which manifests itself in not omitting from the translation any elements of the source text and in not adding to the translation any elements absent in the source text, taking care of linguistic and stylistic correctness, maintaining impartiality and exercising diligence in all matters connected with the translation process. The prescriptive and disciplinary function of the Commission for

Professional Accountability, which ultimately results in increased self-discipline of all sworn translators, is the decisive factor justifying its existence.

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SWORN TRANSLATION OF CHINESE NOTARIAL CERTIFICATES

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Abstract: This article discusses the translation of Chinese notarial certificates from the perspective of sworn translation. Given the challenges of legal translation in general and sworn translation in particular, the issue in question calls for clearly established translation criteria. The author decided to adopt the recommendations included in The Sworn Translator's Code, issued by The Polish Society of Sworn and Specialized Translators, and Adequacy Conditions proposed by Roberto Mayoral (2000, 9-11). The analysis of Chinese notarial certificates focuses on the formal requirements of sworn translation, stylistic adequacy and the transliteration rules for Chinese personal names and addresses.
Key words: sworn translation, notarial certificates, Chinese, transliteration, Pinyin

TŁUMACZENIE POŚWIADCZONE CHIŃSKICH AKTÓW I POŚWIADCZEŃ NOTARIALNYCH

Abstrakt: Tematem pracy jest tłumaczenie chińskich aktów i poświadczeń notarialnych z perspektywy tłumaczenia przysięgłego. Dla uściślenia kryteriów tłumaczenia, autorka zdecydowała się obrać jako punkt odniesienia zalecenia zawarte w Kodeksie Tłumacza Przysięgłego, wydanym przez Polskie Towarzystwo Tłumaczy Przysięgłych i Specjalistycznych, oraz warunki adekwatności zaproponowane przez Roberto Mayorala (2000, 9-11). Analiza chińskich aktów i poświadczeń notarialnych skupia się zasadniczo na formalnych wymogach tłumaczenia przysięgłego, odpowiedniości stylistycznej oraz zasadach transliteracji chińskich nazwisk i adresów.
Słowa kluczowe: tłumaczenie poświadczone, poświadczenia notarialne, jezyk chiński, transliteracja, Pinyin

中国公证公正翻译

提要：
本文主要从宣誓翻译的角度介绍中国公证书的翻译。为精确公证翻译准则，作者采用由波兰公证及专业翻译协会出版社（Polskie Towarzystwo Tłumaczy Przysięgłych i Specjalistycznych）出版的《公正翻译规则》（Kodeks Tłumacza Przysięgłego）中的建议以及由Roberto Mayorala（2000, 9 11）提出的适足条件。本文的中国公证书的分析关涉公正翻译正式要求、体例对应性及中文姓名及地址的译音规格。
关键词：法律翻译、公证书、中文、译音、拼音的等同语

Introduction

The aim of this paper is to examine Chinese notarial certificates in the light of requirements of sworn translation. In the first section, the challenges of legal translation in general are discussed, followed by a presentation of formal regulations regarding the translation of official documents in EU countries and a short introduction concerning the status of sworn translation in Poland. The second section focuses on Chinese notarial certificates, first outlining the criteria for a successful translation and then proceeding into text analysis. A separate paragraph is devoted to the problem of transliteration of Chinese names and addresses, which continues to be a source of inconsistencies and therefore should be given special attention. The article purports to provide some practical guidelines for sworn translation of Chinese notarial certificates, addressing mistakes decisive for the translation's success or failure (cf. Li Changjiang 2005, 1).

1. Translation of official documents

Due to fast economic development and political opening of China to the world, as well as thriving educational and cultural exchange with Western countries, there is a growing need for translation of official documents (in the general meaning of the term, as in Mayoral 2003) from Chinese. Such an endeavour poses challenges of a twofold nature. First, there are issues common to legal translation in all language pairs that result from the unique qualities of legal discourse. The second category of problems results from Chinese using a non-alphabetic writing system, which necessitates the application of a standardized transliteration scheme. The latter shall be treated with more detail in the final paragraph.

1.1 Challenges of legal translation

There are several aspects of legal discourse that make legal translation especially challenging. First, legal terms cannot be confined to short dictionary definitions, but are rather embedded in complex knowledge structures, being condensed representations of legal rules (Biel 2008, 23). This fact entails the need for a translator to be well-acquainted with the legal systems involved in the process of translation. Secondly, due to the differences between legal systems in different countries, the translator is faced with inevitable incongruity of legal concepts (cf. Biel 2008, Goddard 2009). To make matters worse, the meaning of legal concepts is never fixed, but is being constantly redefined by lawmakers, judges and scholars (Goddard 2009, 178). Moreover, the language of law is bound by strict stylistic conventions, it is full of rigid collocations, often archaic, complex and obscure (Garzone 2000, 3). Finally, the translator needs to take into consideration the performative function of legal texts, especially in case where the target text is to be legally binding.

1.2 Formal regulations concerning the translation of official documents in the EU

Given all the difficulties inherent in legal translation, the translation of official documents is commonly considered to be a field that requires some kind of formal regulation. In European Union countries, this regulation usually takes one of the following three forms (cf. Pym et al. 2012, 25-26):

(i) *Certified translations*: in this system no special qualifications are required of a translator, since the translations of official documents need to be certified by a notary or similarly qualified legal professional.

(ii) *State authorised sworn translators*: in some countries translations of official documents are legally binding without the mediation of a notary, provided that they are produced by a "sworn" or "state authorised" translator. A sworn translator needs to pass a state examination, usually organised by the Ministry of Justice or the Ministry of Foreign Affairs. These state administrative institutions should maintain an official register of sworn translators, as required by Directive 2010/64/EU.

(iii) *Academically authorised sworn translators*: another form of authorisation is based on educational qualifications. In this system translators are not required to sit a special examination in order to become "sworn", but they normally need to have a degree in translation, which covers courses in legal translation and/or legal systems.

Fig. 1. Geographic distribution of systems for certified translations, state authorised sworn translators and academically authorised sworn translators (Pym et al. 2012, 29).

1.3 Status of Sworn Translation in Poland

Poland belongs to countries which embraced the system of state authorised sworn translators. Polish sworn translators are accredited by the Ministry of Justice, after having taken a state examination, as specified in the 2004 Act on the Profession of Sworn Translator. Their translations are legally binding and each document contains a formula certifying its fidelity to the source text. Some formal requirements that sworn translators are expected to abide by can be found in 'The Sworn Translator's Code' (hereinafter referred to as STC), a set of recommendations issued by The Polish Society of Sworn and Specialized Translators. The Code includes rules of ethics and good practice.

2. Sworn Translation of Chinese Notarial Certificates

In order to illustrate some of the difficulties sworn translators face when translating Chinese legal documents, the translation of notarial certificates will be discussed. The analysis is based on a sample of ten Chinese notarial certificates, investigated in the light of recommendations provided in the STC and Adequacy Conditions proposed by Mayoral (2000, 9-11), who combined relevant contributions made by Austin (1962), Grice (1991) and Ferrara (1980). Notarial certificates are issued for the purpose of authentication of commercial and personal documents and are often required for the documents to have legal effect in other countries. Therefore, the purpose of translation is also to make the document acceptable to the final recipient.

The conditions that need to be met for the translation to be acceptable can be summarized as follows (cf. Mayoral 2000, 10):

(i) the information transmitted has to be relevant, comprehensible and complete
(ii) the translation has to comply with the stylistic conventions practiced in the target culture
(iii) the target text should enable clear identification of the party/parties
(iv) there should be no grammatical or spelling mistakes.

Apart from these success conditions, there are also some requirements that ought to be met in order to ensure high quality of sworn translation. Mayoral discusses them under the term of Effectiveness Conditions. They are also listed in the STC. Below are several examples (Mayoral 2000, 11):

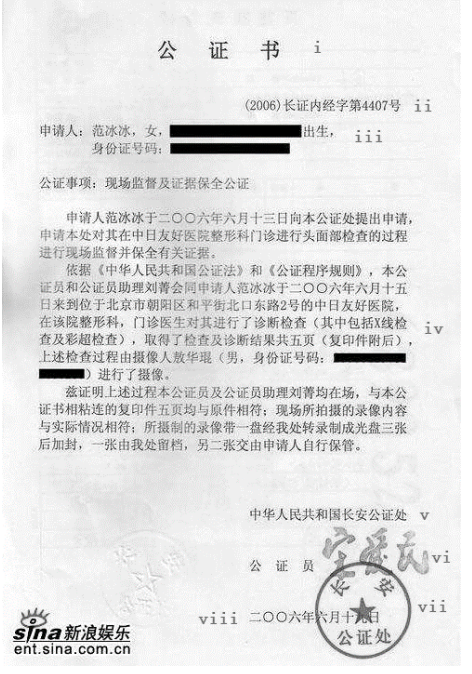
(i) The translator's exegesis must be clearly differentiated from the information given in the source document, within square brackets (cf. STC §25).
(ii) In addition to the text, other informative elements present in the source text must be included, such as illustrations or signatures (within square brackets, cf. STC §27, 29-31).
(iii) All the incidents of the source text must be indicated, such as any changes that may have been made, information that has been rubbed out or added, tears, illegible words, or incomplete text (within square brackets, cf. STC §28, 32).
(iv) Any elements of the source text that may be due to an attempt to falsify the original document must also be noted (within square brackets).
(v) The official translation must offer the client the most economical solutions in

relation to the translation rates. This means that the translated text should be as brief as requirements allow.

2.1 Text analysis

The term for notarial certificates in Chinese (公证书 *gōngzhèngshū*) encompasses both notarial deeds (Polish *akty notarialne*) and notarizations (*poświadczenia*), which should be taken into consideration when translating the heading (cf. Bu Yanli 2010:275). In Poland a notarized copy of a document is made by placing the name and address of the Notary Office, reference number, certifying clause, information about notary fees, date and place of issue, signature and stamp of the Notary on the copy itself, while Chinese notarial certificates are drafted on separate pieces of paper and include the following basic elements (see Fig. 2):

(i) Heading
(ii) Reference number
(iii) Basic personal information identifying the party/parties (found in Polish notarial deeds, but not in notarized copies of documents)
(iv) Content of the certificate
(v) Name of the Notary Office
(vi) Signature and/or stamp of the Notary
(vii) Stamp of the Notary Office
(viii) Date of issue.


公 证 书 i

(2006)长证内经字第4407号 ii

申请人：范冰冰，女，[redacted]出生，
身份证号码：[redacted] iii

公证事项：现场监督及证据保全公证

申请人范冰冰于二〇〇六年六月十三日向本公证处提出申请，申请本处对其在中日友好医院整形科门诊进行头面部检查的过程进行现场监督并保全有关证据。

依据《中华人民共和国公证法》和《公证程序规则》，本公证员和公证员助理刘菁会同申请人范冰冰于二〇〇六年六月十五日来到位于北京市朝阳区和平街北口东路2号的中日友好医院，在该院整形科，门诊医生对其进行了诊断检查（其中包括X线检查及彩超检查），取得了检查及诊断结果共五页（复印件附后），上述检查过程由摄像人敖华琨（男，身份证号码：[redacted]）进行了摄像。 iv

兹证明上述过程本公证员及公证员助理刘菁均在场，与本公证书相粘连的复印件五页均与原件相符；现场所拍摄的录像内容与实际情况相符；所摄制的录像带一盘经我处转录制成光盘三张后加封，一张由我处留档，另二张交由申请人自行保管。

中华人民共和国长安公证处 v

公 证 员 [redacted] vi

viii 二〇〇六年六月十三日 vii

公证处

Fig. 2. Example of a Chinese notarial certificate.

The reference number consists of the year of issue, placed in brackets, followed by several characters referring to the place of issue and type of document, and a serial number. The characters are not full words but abbreviations and serve as an internal reference, therefore it is common practice to substitute each character with its initial in translation (cf. Huang Ningxia 2004). In this way, the principle of economy can be sustained.

Table 1. Translation of reference number.

Source text	（2006）长证内经字第4407号
Transliteration	(2006) chang zheng nei jing zi di 4407 hao
Target text	(2006) CZNJ Zi, No. 4407

In the example above 长 refers to the city of Chang'an, 证 stands for Notary Office (公证处 *gōngzhèngchù*), while 内经 specifies the type of notarial certificate. There are four main types of notarial certificates in China (cf. East Law):

(i) Certificates for domestic use concerning civil affairs 国内民事 (内民)
(ii) Certificates for domestic use concerning economic affairs 国内经济 (内经)
(iii) Certificates for foreign use concerning civil affairs 涉外民事 (外民)
(iv) Certificates for foreign use concerning economic affairs 涉外经济 (外经).

As can be seen, example 1 shows a reference number of a notarial certificate for domestic use, concerning economic affairs, and issued by a Notary Office in the city of Chang'an.

The signature and stamps should all be mentioned in the target text and described in square brackets. According to 'The Sworn Translator's Code' (§29), the translator should state the shape of the stamp, content of the inscription and the colour of ink, without describing graphic elements, unless it is a country's emblem or a company's logo. As for the dates, in order to avoid ambiguities resulting from different conventions, 'The Sworn Translator's Code' suggests to write the name of the month in words (§50).

The register of Chinese notarial certificates is formal, which is most evident in the use of formal prepositions, such as 与 *yǔ* and 于 *yú*, and pronouns, e.g. 本 *běn*, 此 *cǐ* and 其 *qī*. The archaic use of 所 *suǒ* as a nominaliser is also very characteristic of formal style and commonly found in notarial certificates. The body usually opens with a fixed phrase 兹证明 *zī zhèngmíng*, which is an equivalent of: *This is to certify*. The first character in this phrase means *now*, and its use is generally restricted to legal texts. In order to achieve stylistic adequacy, it is necessary to maintain formal style in the TT.

2.2 Transliteration

In translation of Chinese notarial certificates, transliteration of proper names and addresses often causes much controversy (cf. Yu Chaoyong 2009, Lai Shaolian and Li Dankai 2005, Cao Yun 2009, Bu Yanli 2010, Chen Xinrong 2006).

According to 'The Sworn Translator's Code' (§ 36), transliteration needs to follow the rules adopted by the relevant institution in the target culture. In 1958, the People's Republic of China introduced Pinyin as the official phonetic system for transcribing the Mandarin pronunciations of Chinese characters into the Latin alphabet (Scheme of the Chinese Phonetic Alphabet). The ISO adopted Pinyin as the standard Romanization for modern Chinese in 1982 (ISO 7098:1982), and the United Nations followed suit in 1986. In 1990 the Notarization Department of the Ministry of Justice issued a letter advising all the Notarization Administrative Offices to use Pinyin in rendering Chinese personal and geographical names (Letter of the Notarization Department of the Ministry of Justice Concerning Spelling of Personal Names in Translations of Notarial Certificates).

Despite these clear instructions, there are still many inconsistencies in transliterations of Chinese names, resulting largely from ignorance of Pinyin spelling rules. Therefore, it is of great importance that translators get acquainted with the pertinent instructions. Below are some basic spelling rules, as specified in the Instructions for Implementing Spelling of Chinese Personal and Geographical Names in Pinyin (1978):

(i) The last name and first name should be written separately, without any punctuation marks;
(ii) The family name comes first, followed the given name;
(iii) Two-syllable surnames should be written jointly;
(iv) The initials of last name and first name should be capitalized;
(v) Tone marks can be omitted.

Separating the last name from the first name can be challenging at times, and consequently should be given special attention. It results from the fact that both family names and given names can be either one-syllable or two-syllable. E.g. in case of the name 公玉训, the translator needs to decide if it consists of a two-syllable family name and one-syllable first name, or of a one-syllable family name and two-syllable first name. Both options are plausible, since there is a two-syllable family name 公玉 Gongyu, but there also is a popular one-syllable family name 公 Gong (Yu Chaoyong 2009, 46). On the other hand, if a child bears a double family name, consisting of his father's surname and his mother's surname, it is treated as one-syllable surname (e.g. 公孙函 Gong Sunhan, where the father's surname is 公 Gong and the mother's surname is 孙Sun; Yu Chaoyong 2009, 46).

Another aspect of translating from Chinese which causes much confusion and is a source of many discrepancies is the translation of addresses. According to the Rules for Spelling Chinese Geographical Names with Pinyin (1974), geographical names

should be transliterated, with specific terms and generic terms written separately. E.g. 北京市 Beijing Shi. However, after modifications from 1978 (Instructions for Implementing Spelling of Chinese Personal and Geographical Names in Pinyin), it has been agreed that specific terms should be transliterated, while generic terms need to be translated. E.g. 北京市 ought to be written as Beijing City. It does make sense at higher levels of administrative division, but gets very complicated when it comes to translating specific addresses, especially names of streets. Let us take 东直门外大街 as an example (Lai Shaolian and Li Dankai 2005, 39). It is often translated as Outer Dongzhimen Street. But 大街 can be translated as Main Road, Main Street, Avenue or Boulevard. It gets even more complicated when we consider the fact that there are many terms describing 'street' in Chinese, including 路、道、街、巷、里、弄、胡同. If 路 is translated as road, and 街 is a street, then translation of 巷、里、弄 remains problematic, since all of these words convey the meaning of lane or alleyway.

Lai Shaolian and Li Dankai proposed a solution that seems very convenient and could lead to unification of translation practice. Namely, they suggest to translate names of administrative divisions from province, down to city district or township. The remaining part of the address should be transliterated (Lai Shaolian and Li Dankai 2005, 40):

广东省揭阳市榕城区东山10号街以东6号路以北工行住宅小区D幢604房

[604/D, Gonghai Zhuzhai Xiaoqu, Liuhaolou Yibei, Shihaojie Yidong, Dongshan Shihao, Rongcheng District, Jieyang City, Guangdong Province]

3. Conclusions

By way of conclusion, it should be emphasized that sworn translation demands adhering to formal requirements and stylistic conventions specific to a given target culture, in order to meet the expectations of the final recipient.

Moreover, one of the core conditions for a successful sworn translation of official documents is that it needs to enable clear identification of the parties, hence the importance of correct transliteration of Chinese personal names and a unified strategy for translating addresses. The former calls for training in Pinyin spelling rules, while the latter requires either discussion, followed by some kind of agreement in the translation circles, or guidelines issued by a relevant state institution.

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LES ASPECTS THÉORIQUES ET PRATIQUES DE LA POLYSÉMIE DANS LA TRADUCTION JURIDIQUE

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Résumé : Le présent article aborde la problématique de la polysémie dans le langage du droit polonais et français. La première partie de l'article présente les définitions concernant le phénomène de la polysémie. Dans la partie suivante de l'article, la polysémie est analysée du point de vue de la traduction juridique. L'auteur attire l'attention sur les deux types de polysémie, à savoir la polysémie linguistique et juridique (Sourioux, Lerat 1975, 93). Les deux types de polysémie mentionnés ci-dessus ont été illustrés par les exemples en langue polonaise et française. Les termes polysémiques ont été présentés dans les tableaux. L'auteur souligne aussi les diverses significations de termes polysémiques analysés, présentés dans des colonnes séparées pour mieux illustrer le phénomène de la polysémie.
Mots-clés : polysémie, langue du droit, traduction

TEORETYCZNE I PRAKTYCZNE ASPEKTY POLISEMII W PRZEKŁADZIE PRAWNICZYM

Abstrakt: Niniejszy artykuł porusza problematykę polisemii w polskim i francuskim języku prawa. W pierwszej części artykułu zdefiniowano zjawisko polisemii W kolejnej części podjęto analizę wieloznaczności polisemicznej z punktu widzenia przekładu prawniczego. Skoncentrowano się głównie na dwóch rodzajach polisemii, a mianowicie polisemii językowej oraz polisemii prawniczej (Sourioux, Lerat 1975, 95). Autorka zobrazowała wspomniane typy polisemii przykładami w języku polskim oraz francuskim. Terminy polisemiczne zostały zamieszczone w tabelach, a różne znaczenia danego terminu polisemicznego pogrupowano w oddzielnych kolumnach, aby lepiej zilustrować wielość znaczeń.
Słowa kluczowe: polisemia, język prawa, tłumaczenie

THEORETICAL AND PRACTICAL ASPECTS OF POLYSEMY IN LEGAL TRANSLATION

Abstract: The objective of this paper is to illustrate the phenomenon of polysemy in Polish and French legal language. The first part of the article deals with the definition of polysemy. In the second part, the author focuses her attention on polysemy in legal translation. The distinction between linguistic and legal polysemy (polysémie linguistique, polysémie juridique) is also presented (Sourioux, Lerat 1975). The examples of polysemic words with their multiple meanings have been indicated.
Keywords: polysemy, translation, legal translation

Introduction

La polysémie qui est l'une de principales caractéristiques du vocabulaire juridique constitue un réel danger pour les traducteurs. Il faut impérativement connaître les principaux termes polysémiques afin d'éviter de commettre des erreurs d'interprétation en traduction. L'objectif principal du présent article est de sensibiliser les traducteurs juridiques, les jurilinguistes ainsi que les juristes aux difficultés du langage du droit, et surtout aux difficultés résultant du phénomène de la polysémie. Comme le souligne Cornu (2005, 108) « dans le langage du droit, comme dans le langage courante, mais plus encore sans doute, le nombre des signifiés est incommensurablement plus élevé que celui de signifiants. Les notions juridiques sont beaucoup plus nombreuses que les mots pour les nommer ». En effet, dans le domaine de droit, il est facile d'imaginer les difficultés que peuvent provoquer les mots polysémiques tels que *acte*, *powód*, ou *dowód* dont de nombreuses significations au sein de droit et également dans la langue courante constituent une source d'ambiguïté.

Les études sur la polysémie qui sont présentées dans la première partie de l'article abordent la notion de la polysémie dans la langue courante et dans le langage du droit. En ce qui concerne la polysémie nous en pouvons distinguer deux types: polysémie linguistique et juridique. Dans la partie suivante de l'article, l'auteur cite les exemples de ces deux types de polysémie.

La méthode de recherches appliquée dans le présent article base sur l'analyse de la littérature ainsi que sur l'observation empirique des termes du langage du droit. Le corpus de termes analysés constitue les exemples des termes polysémiques polonais et français proposés par l'auteur de l'article. Les termes en question sont accompagnés des définitions pour mieux illustrer la multiplicité de leur sens.

1. Polysémie – definition

La communication postule théoriquement « un seul nom pour chaque sens et un seul sens pour chaque nom » (Guiraud 1972, 30) mais en réalité un nom peut avoir plusieurs significations. Bréal (1897, 154-155) explique le phénomène de polysémie de manière suivante : « Le sens nouveau, quel qu'il soit, ne met pas fin à l'ancien. Ils existent tous les deux l'un à côté de l'autre. Le même terme peut s'employer tout à tour, au sens abstrait ou au sens concret. A mesure qu'une signification nouvelle est donnée au mot, il a l'air de se multiplier et de produire des examplaires nouveaux, semblables de forme, mais différents de valeur. Nous appellerons ce phénomène de multiplication la *polysémie* ». La notion de polysémie peut alors être définie comme la proporiété d'un signe linguistique qui possède plusieurs sens (Dubois 1994, 369 ; Palmer 1981, 100).

Il faut préciser que dans les diverses théories et publications le concept de polysémie est souvent définit par le système d'oppositions, c'est-à-dire l'opposition entre polysémie et homonymie et l'opposition entre polysémie et monsémie. Polański (2003, 447) souligne l'opposition entre polysémie et homonymie en précisant que les

mots polysémiques sont les mots qui ont la même origine, par contre les mots homonymiques constituent les mots dont l'origine étymologique est différente. De plus, les mots homonymiques peuvent avoir la même apparence graphique ou phonique mais ils ne partagent aucun champ sémantique commun (Gizbert-Studnicki 1978, 46; Urbańczyk, Kucała 1999, 288; Zieliński 2010, 149)

Il faut mentionner que la notion du contexte lexical jeu dans le cas de la polysémie un rôle important. «Si un nom peut avoir plusieurs sens, ce sont des sens virtuels ; ce n'est jamais qu'un seul d'entre eux qui s'actualise dans un contexte donné» (Guiraud 1972, 30). C'est le contexte qui actualise le sens et dans chaque contexte le mot évoque un concept précis. Tous les mots sont liés à leurs contextes concrets dont ils puisent leurs sens. De même, Bréal (1897, 145) attire notre attention sur le fait qu'il faut «(...) prendre garde que les mots sont placés chaque fois dans un milieu qui en détermine d'avance la valeur».

2. Polysémie en traduction juridique

La notion de polysémie en traduction juridique est largement discutée par les théoriciens et practiciens de la traduction (Cornu 2005, 102 ; Houbert 2005, 82; Matulewska 2008, 57; Gortych-Michalak 2013, 175-183).

On admet que le législateur formule les normes juridiques de façon la plus précise et univoque possible. Pourtant la riche base lexicale dont il puise ne lui facilite pas toujours cette tâche (Zieliński 2010, 148). « La polysémie est considérée comme un obstacle majeur à la *clarté* du langage juridique. *Un mot pour chaque idée, une idée pour chaque chose*, telle était la devise de ceux qui ont voulu organiser le langage juridique comme une langue scientifique. Mais à la différence des sciences *exactes*, où les polysémies des termes spécifiques sont relativement réduites, le droit implique des univers de référence, des niveaux de langue et des sources d'énonciation trop variés pour que puisse être maîtrisée l'apparition des polysèmes » (Bourcier, Andreewsky 2008). Cette caractéristique du droit entraîne des grandes difficultés en ce qui concerne le processus de traduction des textes juridiques.

Dans la traduction juridique la polysémie est indésirable car elle peut conduire à une mauvaise utilisation ou interprétation incorrecte des termes du droit. De plus, même si le phénomène de polysémie est présent dans toutes les langues, malheureusement il n'y a pas « (...) d'équivalents de champs sémantiques entre les unités lexicaux dans les différentes langues (...). L'équivalence lexicale, même si elle existe, elle est presque toujours approximative et elle n'est presque jamais absolue » (Pisarska, Tomaszkiewicz 1996, 95, trad. Nowak-Korcz). La polysémie dans la langue de départ[1] correspond rarement à la monosémie dans la langue d'arrivée[2]. Pour désigner plusieurs notions différentes une

[1] Langue de départ est « langue à partir de laquelle se fait la traduction » (Delisle 1999, 49).
[2] Langue d'arrivée est « langue dans laquelle se fait la traduction » (Delisle 1999, 48).

langue donnée dispose qu'un seul terme, alors que dans une autre langue, à chacune de ces notions peut correspondre un terme distinct, ce qui constitue un problème de recherche des équivalences (Maillot 1970, 22).

Au sein de droit il y a des termes qui possèdent une signification mais il y a aussi d'autres termes qui en possèdent plusieurs. Les premiers Cornu (2005, 88) nomme les monosèmes juridiques, même s'ils ont un ou plusieurs autres sens dans le langage courant et les seconds des polysèmes juridiques, même s'ils n'ont aucun autre sens dans le langage courant. D'après Cornu (2005, 88) nous pouvons nommer la polysémie juridique ou interne « a possession par un même terme d'au moins deux sens juridiques potentiels. La polysémie, comme fait linguistique, est une application marquante du concept de potentialité lexicale». À côté de la polysémie interne existe la polysémie externe. Ce phénomène se produit dans le cas où un terme possedant plusieurs sens juridiques a aussi un sens extrajuridique.

Pour Sourioux et Lerat (1975, 34) qui analysent le vocabulaire juridique, la polysémie constitue « le fait pour un signifiant de correspondre à plusieurs définitions ayant une partie commune ». Ils soulignent qu'il y a beaucoup de termes de la langue commune qui dans le domaine du droit peuvent avoir un sens spécifique.

En décrivant le vocabulaire juridique Sourioux et Lerat (1975, 91-97) distinguent un ensemble de mots nommés « les termes de droit » qui sont constitués de « vocable soit exclusivement juridiques (signifiant et signifié) soit à signifiés à la fois juridiques et non juridiques ». Ce second groupe constitue les mots de la langue commune qui ont été « stockés » par le droit.

Parmi les mots polysémiques au sein des termes de droit, Sourioux et Lerat (1975, 93) différencient les mots dont la polysémie est successive et d'autres mots qui ont plusieurs sens concomitants. En ce qui concerne les mots à plusieurs sens concomitants, on parle de *la polysémie linguistique* et de *la polysémie juridique.* Quant à la polysémie linguistique « il s'agit ici des termes qui appartiennent à la langue commune ou à d'autres langues de specialité mais qui ont une acceptation spécifiquement juridique » (Sourioux, Lerat 1975, 94). Par contre, par polysémie juridique nous pouvons définir « le statut sémantique de mots qui ont plusieurs sens au sein même du droit » (ibidem 94).

Les exemples de ces deux types de polysémie sont présentés dans la partie suivante du présent article. Les exemples d'interference entre la langue commune et le langage du droit français sont les suivants:

Tab. 1. Polysémie linguistique en français

Polysémie linguistique	***Langue commune ou d'autres langues de spécialité***	***Acceptation spécifiquement juridique***
Arrêt	« Action d'arrêter ou de s'arrêter (dans sa marche, son mouvement; l'état de ce qui n'est plus en mouvement » (Le nouveau Petit Robert)	Dr. civ.: / Proc. civ. : « Décision de justice rendue, soit par une cour d'appel, soit par la Cour de cassation, soit par les juridictions administratives autres que les tribunaux administratifs » (Guillien, Vincent 2007, 54)
Compétence	« Capacité reconnue en telle ou telle matière, et qui donne le droit d'en juger » (Le petit Larousse)	Dr. privé : / Dr. public. : « Pour une autorité publique ou une juridiction, aptitude légale à accomplir un acte ou à instruire et juger un procès » (Guillien, Vincent 2007, 144)
Minute	« Division du temps, soixantième partie de l'heure » (Le nouveau Petit Robert)	Dr. civ.: « Nom donné à l'original d'un acte authentique dans le cas où l'autorité qui en est dépositaire (officier public, secrétariat de la juridiction), ne peut s'en dessaisir sauf à en remettre des copies (grosse ou expéditions), ou des extraits » (Cornu 2007, 591)

Les mots polysémiques français appartenant à la fois au langage juridique et à d'autres spécialités sont présentés ci-dessous :

Tab. 2. Polysémie linguistique en français

Polysémie linguistique	***Language juridique***	***Language d'autres spécialités***
Passif	Dr. com. : « Dans son acceptation comptable, il désigne la partie du bilan qui regroupe les dettes de l'entreprise envers les tiers, le capital investi par les entrepreneurs ainsi que les réserves et certaines provisions, et le résultat positif ou négatif de l'exercice) » (Guillien, Vincent 2007, 477)	Grammaire : « Se dit des formes verbales présentant l'action comme subie par le sujet. Forme, voix passif » (Le nouveau Petit Robert)

Parquet	Proc. civ. :/ Proc. pén. : « Magistrats composant le ministère public dans chaque tribunal de grande instance, placés sous l'autorité d'un procureur de la République » (Guillien, Vincent 2007, 473)	Bourse : « Lieu de la Bourse où est publiée la cote officielle » (Cornu 2007, 660)
Navette	Dr. const.: « Terme couramment employé pour désigner la succession de transmission d'un projet ou d'une proposition entre les deux assemblées du Parlement jusqu'à ce qu'elle se soient mises accord sur un texte » (Cornu 2007, 608)	Botanique: « Plante voisine du colza, cultivée comme fourrage et oléagineux » (Le nouveau Petit Robert)

D'autres exemples de polysémie juridique où les mots ont plusieurs sens au sein du droit :

Tab. 3. Polysémie juridique en français

Polysémie juridique	***sens 1***	***sens 2***
Ordonnance	Dr. const. : « Acte fait par le gouvernement, avec l'autorisation du Parlement, dans les matières qui sont du domaine de la loi (art. 38 de la Const. de 1958) (...) Avant sa ratification par le Parlement, l'ordonnance a valeur du règlement ; après sa ratification, elle prend valeur de la loi » (Guillien, Vincent 2007, 458)	Proc. civ. : / Proc. pén. : / Proc. admin. : « Décision rendue par le chef d'une juridiction (ainsi ordonnance sur requête ou en référé du président du tribunal de grande instance ou du premier président de la cour d'appel). La même qualification est donnée aux décisions rendues par les magistrats chargés de l'instruction (ainsi juge de la mise en état, juge d'instruction, juges des libertés et de la détention) et à certaines décisions du juge de l'application des peines » (Guillien, Vincent 2007, 458)
Fermage	Dr. rur. : « Bail à ferme » (Guillien, Vincent 2007, 305)	Dr. civ. : « Montant du loyer d'un bail à ferme » (Bissardon 2005, 250)

Réserve	Dr. civ. : « Part des biens et droits successoraux dont la loi assure la dévolution libre de charge à certains héritiers dits réservataires, s'ils sont appelés à la succession et s'ils l'acceptent » (Guillien, Vincent 2007, 574)	Dr. int. public: « Déclaration par laquelle un État partie à un traité multilatéral exclut de son engagement certaines dispositions de ce traité ou précise le sens qu'il leur attribue » (Guillien, Vincent 2007, 574)
Succession	Dr. civ.: « Transmission - légale ou testamentaire - à une ou plusieurs personnes vivantes, du patrimoine laissé par une personne décédée » (Cornu 2007, 893)	Dr. civ. : « Patrimoine ainsi transmis, le patrimoine successoral ou héréditaire » (Cornu 2007, 894)

La *polysémie linguistique* et *la polysémie juridique* existent également dans la langue du droit polonais, nous pouvons citer les exemples suivants :

Tab. 4. Polysémie linguistique en polonais

Polysémie linguistique	***Langue commune ou d'autres langues de spécialité***	***Acceptation spécifiquement juridique***
Powód	Powód [Cause / raison] « Przyczyna » (sjp)[3]	Proc. civ. : Powód (strona) [Demandeur /Plaignant] « Strona wszczynająca proces » (Dolecki 2006, 18).
Kasacja	Musique : Utwór muzyczny [Cassation] « Utwór wykonywany na wolnym powietrzu, rodzaj divertimenta lub serenady » (sjp)	Proc. civ. : / Proc. pén. : Kasacja [Cassation] « Środek, którym można zaskarżyć niektóre orzeczenia sądów. Kasacja występuje zarówno w postępowaniu karnym jak i cywilnym» (Pawlus 2004, 257)
Organ	Biologie : Organ [Organe] « Część organizmu człowieka o określonej budowie i funkcji; narząd » (sjp)	Dr. pub. : Organ [Organe / Service chargé de remplir d'une fonction p. ex. administrative] « Urząd, instytucja pełniąca określone funkcje w dziedzinie życia społecznego » (sjp)

[3] Internetowy Słownik Języka Polskiego: http://sjp.pl (15.04.2015).

Mots polysémiques appartenant à la fois au langage juridique et à d'autres spécialités en langue polonaise :

Tab. 5. Polysémie linguistique en polonais

Polysémie linguistique	***Language juridique***	***Language d'autres spécialités***
Strona	Dr. civ. : Strona [Partie] « Pojęcie strony odnoszone jest do prawa procesowego i określa podmiot prowadzący spór o prawo » (Dolecki 2006, 89)	Grammaire : Strona [Voix p.ex active, passive] « Jest kategorią gramatyczną czasownika, wyrażającą stosunek między podmiotem i dopełnieniem a orzeczeniem zdania. Tradycyjnie dla pol. wyróżnia się: s. czynną (myje), bierną (jest myty) i zwrotną (myje się) » (Urbańczyk, Kucała 1999, 378)
Kadencja	Dr. const. : Kadencja [Législature] « Określony ustawą czas urzędowania obieralnego urzędnika lub organu » (sjp)	Linguistique : Kadencja [Cadence] « (...) Obniżenie tonu ostatniej sylaby poakcentowej » (Polański 2003, 261)
Arbitraż	Proc. civ. : Arbitraż [Arbitrage] «Rozpoznawanie spraw przez sąd polubowny)» (Pawlus 2004, 43)	Finan. : Arbitraż [Arbitrage en bourse / Arbitrage sur valeurs] « Transakcja mająca na celu wykorzystanie różnicy w cenach tego samego dobra na dwóch różnych rynkach lub na tym samym rynku, lecz w dwóch różnych postaciach. Dokonując arbitrażu (wykonując transakcję arbitrażową) inwestor (arbitrażysta) dokonuje jednoczesnego zakupu i sprzedaży tego samego dobra po dwóch różnych cenach osiągając zysk wynikający z różnicy cen » (findict.)4

[4] Dictionnaire financier : http://www.findict.pl/slownik/arbitraz (15.04.2015).

Dans la langue polonaise nous pouvons trouver également les exemples de la *polysémie juridique*. Zedler (2010, 93-96) cite les termes polysémiques polonais comme : *kurator* et *dowód.*

Tab. 6. Polysémie juridique en polonais

Polysémie juridique	***Dowód***
Sens 1	Środek dowodowy [Moyen de preuve]
Sens 2	Czynność dowodowa (dowodzenie, udowodnienie) [Actes d'instruction]
Sens 3	Postępowanie dowodowe [Procédure de preuve]
Sens 4	Czynnik przekonujący sąd o istnieniu albo nie istnieniu określonego faktu [Facteur convaicant le tribunal de l'existence ou non-existence d'un fait]
Sens 5	Dokument, przedmiot oględzin i przedmiot utrwalający i przenoszący obrazy lub dźwięki [Document, objet de l'inspection et objet de fixation et de transfert des images ainsi que des sons]

Autres termes qui ont aussi beaucoup de significations dans le langage du droit polonais sont suivants :

Tab. 7. Polysémie juridique en polonais

Polysémie juridique	***sens 1***	***sens 2***
Mandat	Dr. const. : Mandat [Mandat parlementaire / Mandat de député] « Pełnomocnictwo do pełnienia jakiegoś urzędu publicznego, np. posła na sejm » (sjp)	Dr. pén. : Mandat karny [Amande] « Uproszczona forma nałożenia grzywny za wykroczenie » (Pawlus 2004, 337)
Pełnomocnictwo	Dr. civ. : Jednostronna czynność prawna [Mandat / Procuration au sens d'un acte juridique unilatéral] to oświadczenie woli, którym mocodawca udziela umocowania pełnomocnikowi do działania w jego imieniu.	Dr. civ. : Dokument zawierający pełnomonictwo [Document / Écrit constatant le mandat]
Przybicie	Proc. civ. : Postanowienie o przybiciu [Décision de justice attribuant un bien meuble ou immeuble à la personne offrant le meuilleur prix] to postanowienie wydawane przez sąd na posiedzeniu jawnym, na rzecz licytanta, który zaoferował najwyższą cenę.	Proc. civ. : Przybicie licytacyjne [Adjudication / Adjudication aux enchères] jest udzielane przez komornika podczas licytacji, osobie ofiarującej najwyższą cenę, jeżeli po

	Postanowienie o przybiciu ogłasza się niezwłocznie po ukończeniu przetargu (art. 987, 988 § 1 KPC) 5.	trzykrotnym wezwaniu do dalszych postąpień nikt więcej nie zaofiarował. Z chwilą przybicia dochodzi do skutku sprzedaż ruchomości na rzecz nabywcy (...) (art. 869 § 1, 2 KPC).

Les termes polysémiques polonais et français comme *powód*, *kasacja*, *organ*, *strona*, *pełnomocnict*wo, *przybicie, organ, arbitraż* ou *passif*, *minute*, *parquet*, *ordonnance*, *fermage*, *réserve, succession* etc. montrent que le langage du droit abonde en expressions imprécises et cela ne fait pas de doutes. C'est la polysémie juridique qui pose le plus de problèmes aux traducteurs car elle entraîne la nécessité de distinguer entre plusieurs significations d'un terme souvent au sein de diverses branches du droit. Ainsi, la multitude de significations empêche souvent l'interprétation correcte de termes. Le traducteur doit donc d'abord analyser minutieusement toutes les significations du terme et après trouver ses équivalents dans la langue d'arrivée.

3. Conclusion

Après avoir montré les significations des termes polysémiques en langue polonaise et française on peut constater que le phénomène de polysémie juridique peut créer un risque de confusion et antraîner beaucoup d'ambiguïté dans la traduction jurdique. Il faut ici mentionner que le recours aux dictionnaires ne constitue pas toujours la solution au problème. Les dictionnaires ne recensent pas tous les cas ni tous les contextes où un terme de droit peut apparaître et en conséquence tous les sens que ce terme peut avoir. Malheureusement, parfois même l'emploi d'un terme dans le contexte ne permet pas d'éviter la polysémie à cause de la richesse de concepts auxquels un terme donné renvoie.

Bref, la polysémie est « une qualité tout à fait naturelle et presque omniprésente dans le lexique juridique et que nul ne peut songer réellement à son élimination absolue par un moyen quelconque » (Petru 2014, 1)

[5] KPC – Code de la procédure civile polonais [*Ustawa z dnia 17.11.1964 r. Kodeks postępowania cywilnego*]

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VAGUENESS IN POLISH AND AMERICAN CRIMINAL LAW LANGUAGE AND DEFINITIONS (A STUDY OF POLISH AND US LEGAL SYSTEMS)

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Abstract: The paper below intends to present and evaluate the theories of vagueness in the language of criminal law as exemplified in legal definitions. In the theory aimed to facilitate the task of interpretation of laws and statutes, in practice legal definitions they may be vague themselves, a phenomenon which either jeopardizes the stability of law and order, or makes law more flexible and compliant with the changing status quo. How one approaches the matter would depend upon a variety of factors. Among them we will find the branch of law or the type of the legal system. As far as criminal law is concerned, vague expressions are to be avoided. However, some legal systems "stigmatize" them more than others. In the American legal system the "void-for-vagueness" doctrine best illustrates the negative attitude of law enforcement institutions towards vague and unclear language. In the Polish law, on the other hand, it is not so explicitly criticized. Leaving room for free interpretation, vague language may prove a useful tool if literal interpretation defies the so-called "common-sense" understanding (very often referred to in works dedicated to law interpretation). Once a review of both legal systems is made, the author tries to arrive at a definite conclusion whether we should treat vagueness in the language of criminal provisions as something sought-for or rather undesirable.
Key words: vagueness, language of criminal law, legal definitions, law interpretation, criminal provisions.

NIEOSTROŚĆ W JĘZYKU I DEFINICJACH PRAWA KARNEGO POLSKIEGO I AMERYKAŃSKIEGO (STUDIUM SYSTEMÓW PRAWNYCH POLSKIEGO I AMERYKAŃSKIEGO)

Abstrakt: Niniejszy artykuł ma na celu dokonanie przeglądu oraz ocenę teorii dotyczących zjawiska nieostrości w języku prawa karnego na przykładzie definicji legalnych. W teorii mając za zadanie ułatwienie interpretacji przepisów i ustaw, w praktyce definicje legalne często same posądzane są o nieostrość, zjawisko, które z jednej strony zagraża stabilności systemu prawnego, z drugiej zaś czynią prawo bardziej elastycznym i zaadaptowanym do zmieniających się warunków. W jaki sposób to zjawisko potraktujemy zależeć będzie od wielu czynników. Wśród nich można wymienić gałąź prawa, z która mamy do czynienia lub też typ systemu prawnego. W przypadku prawa karnego, wyrażenia nieostre powinny być unikane. Jednakowoż niektóre systemy prawne "piętnują" nieostrość bardziej niż inne. W amerykańskim systemie prawnym doktryna "void-for-vagueness" najlepiej ilustruje negatywny stosunek tamtejszych instytucji do nieostrego języka. Z kolei w polskim systemie prawnym wyrażenia te nie są tak otwarcie krytykowane. Pozostawiając luz interpretacyjny, język tego typu może ułatwić wyrokującym zadanie w przypadku, gdy zbyt

sztywne trzymanie się litery prawa doprowadzi do zaprzeczenia regułom zdrowego rozsądku. Po dokonaniu przeglądu obu systemów, autorka próbuje wysunąć definitywne wnioski, czy nieostrość w języku prawa karnego powinna być postrzegana jako cecha istotna czy też niepożądana.
Słowa klucze: nieostrość, język prawa karnego, definicje legalne, interpretacja prawa, przepisy prawa karnego.

1. Introductory remarks: legal language versus everyday language

Describing legal language is not an easy task, especially if one refers not to one particular area of law but rather to an entire scope of law branches (i.e. civil law, criminal law, contracts, torts, business and tax law, commercial law, private and public international law etc.). As Stanisław Goźdź-Roszkowski observes, 'legal discourse spans a continuum from legislation enacted at different levels (e.g. state, federal), judicial decisions (judgments, decrees or orders), law reports, briefs, various contractual instruments, wills, power of attorney, etc., academic writing (e.g. journals, textbooks), through oral genres such as, for example, witness examination, jury summation, judge's summing-up, etc. to various statements on law reproduced in the media and any fictional representation of the foregoing' (Roszkowski 2011, 11). It is for this reason that the author would like to restrict the research in question to one specific field, i.e. the criminal law and its terminology.

Referring to the structuralist nomenclature, we might define the language of criminal law as discrete and dichotomous in nature and as relying heavily on binary oppositions. The majority of criminal concepts are divided into two categories, one of which possesses a given feature and the other one which is devoid of it. The said feature is often a relation towards other entities, e.g. 'guilty' vs. 'innocent', 'prosecutor' vs. 'defendant', 'conviction' vs. 'acquittal'. In principle, therefore, there is no room for "in-between" concepts or phenomena that would not match the category. In his observations on legal matters, Bohuslav Havranek proposes to refer to this feature as 'intellectualization': 'This intellectualization culminates in scientific speech determined by the attempt to be as precise in expression as possible, to make statements which reflect the rigour of objective thinking in which the terms approximate concepts and the sentences approximate logical judgments' (Havranek 1964, 3-16).

1.1. 'Binary' code: an obstacle?

In legal definitions precision is of utmost importance since law should be clear and easily understood by the defendant, or those against whom a trial is taking place. Hence, the language of a legal statute should be relatively accessible and straightforward (cf: void for vagueness doctrine in the American legal system: requires criminal laws to be drafted in a language that is clear enough for the average person to comprehend).

However, the dichotomous character of legal discourse as opposed to the "continual" character of common everyday speech gives rise to a "conflict of interests".

It does not suffice to refer to someone as 'guilty'. In the course of history, the understanding of the term itself has evolved.

According to article 53 § 1. and 2. of the Polish Penal Code:

Example 1.

> Art. 53. § 1. Sąd wymierza karę według swojego uznania, w granicach przewidzianych przez ustawę, bacząc, by jej dolegliwość nie przekraczała **stopnia** winy, uwzględniając **stopień** społecznej szkodliwości czynu oraz biorąc pod uwagę cele zapobiegawcze i wychowawcze, które ma osiągnąć w stosunku do skazanego, a także potrzeby w zakresie kształtowania świadomości prawnej społeczeństwa.
>
> Art. 53. §1. The court shall impose the penalty according to its own discretion, within the limits prescribed by law bearing in mind that its harshness should not exceed the **degree** of guilt, considering the **level** of social consequences of the act committed, and taking into account the preventive and educational objectives (...).

Example 2.

> **§ 2.** Wymierzając karę, sąd uwzględnia w szczególności motywację i sposób zachowania się sprawcy, popełnienie przestępstwa wspólnie z nieletnim, **rodzaj** i **stopień** naruszenia ciążących na sprawcy obowiązków, **rodzaj** i **rozmiar** ujemnych następstw przestępstwa, właściwości i warunki osobiste sprawcy, sposób życia przed popełnieniem przestępstwa i zachowanie się po jego popełnieniu, a zwłaszcza staranie o naprawienie szkody lub zadośćuczynienie w innej formie społecznemu poczuciu sprawiedliwości, a także zachowanie się pokrzywdzonego.
>
> § 2. In imposing the penalty, the court shall above all take into account the motivation and the manner of conduct of the perpetrator, committing the offence together with a minor, the **type** and **degree** of transgression against obligations imposed on the perpetrator, the **type** and **dimension** of any adverse consequences of the offence, the characteristics and personal conditions of perpetrator, his way of life prior to the commission of the offence and his conduct thereafter, and particularly his efforts to redress the damage or to compensate the public perception of justice in another form.[1].

In the above particularization, one can see that the words "degree", "type" and "dimension" have been repeated in characterizing the circumstances in which the court inflicts a penalty upon the potential perpetrator.

Likewise, in the American legal system, the classification of various types of culpability suggests that it does not suffice to call a person 'guilty'. According to the 2.02 of the

[1] Polish Penal Code (Dz. U. 1997 no. 88 item 553, Ustawa z dnia 6 czerwca 1997 r. Kodeks karny).

American Law Institute's Model Penal Code (entitled "General Requirements of Culpability") we might distinguish between four types of guilt:
(i) acting purposefully (criminally),
(ii) acting knowingly (intent),
(iii) acting recklessly,
(iv) acting negligently [2].

As it turns out, therefore, 'binary' code is not enough to embrace all kinds of crimes and criminals. The 'structuralist' perspective had thus to be rebutted.

1.2. The cognitive "revolution": linguistic approaches to vagueness

The point of departure for the studies of vagueness in language (which subsequently laid foundation for the studies of vagueness in the legal language) would be the ideas introduced by the stream of cognitive semantics in the early 1970s, notably Rosch, Lakoff and Langacker (Rosch 1973, Lakoff 1987, Langacker 1987/91).

Lakoff claimed that "the structure of meaning" is based on a prototype. Prototypes, in his view, are objects which are considered by a given community as the most typical representatives of a semantic category (Lakoff 1987, 12). Here are some basic notions formulated by Lakoff in "Women, Fire and Dangerous things" which afterwards became of interest to law theorists (cf. H. Hart 1990):
(i) centrality: The idea that some members of a category may be "better examples" of that category than others;
(ii) centrality gradience: The idea that members (or subcategories) which are clearly within the category boundaries may still be more or less central;
(iii) membership gradience: The idea that at least some categories have degrees of membership and no clear boundaries (Lakoff 1987, 12).

With regard to the perception of reality, we should also evoke the theory of Hilary Putnam according to whom meaning and reference are dependent upon use in a particular context. He dismissed the notion that universal ideas are out there since they depend upon our versions of reality. Furthermore, he introduced the concept of a stereotype which he defines as the point of departure for a speaker of a given language when it comes to his/her knowledge about the external world. As such, this knowledge does not have to correspond to the scientific status quo (Putnam 1975, 249).

The above ideas concerning stereotypical and prototypical understanding of linguistic meaning have been transferred onto legal ground by the British legal philosopher, Herbert Hart who defines every legal term as consisting of a semantic core and penumbra (Hart 1990, 275).Whereas the core is a stable and unproblematic center

[2] American Model Penal Code – Selected Provisions, available online at: *http://www1.law.umkc.edu/suni/CrimLaw/MPC_Provisions/model_penal_code_default_rules.htm*

of the category and does not need to be interpreted, the penumbra are peripheral, more connotative areas of the category, the fringe areas.

The "core and penumbra" concept corresponds to roles which the legislator and the court are to fulfil in the process of law application: whilst the legislator establishes the core, the judge investigates the penumbra. The above view rendered legalese more compatible with the "the continual" and changing circumstances of the outside world. As we have already seen in the previous section, legal concepts are not that "fixed" and precise and thus might become problematic, especially when employed in the legislative acts aimed to serve the judges in determining the sentence.

2. Some linguistic approaches to vagueness, indeterminacy and hedging: a review

Authors who have hitherto contributed to the studies on the phenomenon of vagueness include among others: Lakoff, Bhatia, Channell, Charnock, Azar, Ullmann or Gizbert-Studnicki (cf: Lakoff 1972, 1987; Bhatia et al. 2005; Channell 1994; Charnock 2006; Azar 2006; Ullmann 1962; Gizbert-Studnicki 1978).

Language of law is considered to rely on the intention of the lawmaking body which is often given as the most important factor when deciding upon the verdict or sentence. The above approach would imply the stability of meaning which was once determined by the legislator and is subsequently enshrined in the legal act or statute. However, pursuant to paragraph 155 of Zasady Techniki Prawodawczej (Principles of Legislative Techniques):

Example 3.

> § 155. "If there is a need to ensure the flexibility of a text of a normative act, one might avail themselves of vague terms, general clauses or set the minimum and maximum limits of decisive freedom not to be exceeded".
>
> Jeżeli zachodzi potrzeba zapewnienia elastyczności tekstu aktu normatywnego, można posłużyć się określeniami nieostrymi, klauzulami generalnymi albo wyznaczyć nieprzekraczalne dolne lub górne granice swobody rozstrzygnięcia.[3]

Tomasz Gizbert-Studnicki, Polish jurist and professor at the Jagiellonian University, describes the notion of vagueness as the so-called "accidental polysemy" ("wieloznaczność z przypadku"). This, in his view, would include all words with vague meaning (Gizbert-Studnicki 1978, 54). The category of "vagueness" (in Polish "nieostrość") belongs to the more general category of polysemy. Such an approach requires a different understanding of polysemy: a polysemous word is not the one with

[3] Annex to the regulation of the Prime Minister as of 20th June 2002 on "Principles of Legislative Technique" (Journal of Laws, No 100, item 908, translation by the author).

numerous meanings but rather the one which is equivocal or ambiguous ("niejednoznaczny", "wątpliwy") (Gizbert-Studnicki 1978, 54).

Gizbert-Studnicki enumerates the following types of vagueness which presuppose the means in which doubts as to the meaning of a legal norm might be eradicated:

(i) scale vagueness: vagueness which arises with respect to one gradual feature of a predicate's connotation (e.g. small- big, narrow- wide, short- long);

(ii) multi-sided vagueness: vagueness is linked to so called semantic fields of the language (a set of words referring to more or less distinctly separated sphere of reality); vagueness arises not only with respect to the borderline between the extension of a given predicate and another one but also with respect to borderlines among more than two predicates;

(iii) multidirectional vagueness: occurs when a connotation of a vague predicate contains more than one gradual feature; each of the gradual features of the predicate's connotation determines one direction of its vagueness (e.g. "a catastrophe": a decision whether to classify a particular event as a catastrophe does not entail classification of other events and borderlines must be established with respect to each gradual feature of the predicate's connotation (Gizbert Studnicki 1978, 142-146).

The opposite of vague predicates would be predicates denoted as precise which, as he writes, imply the existence of a dichotomy: two categories that are mutually exclusive (Gizbert-Studnicki 1978, 54). If, on the contrary, a given term does not imply the existence of such complementary categories, the term is considered vague. However, this "faultiness" (=lack of two dichotomous terms complementing each other) is not the result of insufficient linguistic skills on the part of the speaker since the purported "vagueness" would need to be confirmed by the native. Instead, it is a consequence of intrinsic properties of a word (Gizbert-Studnicki 1978, 55). Naturally, native speakers may also resort to the so-called intuitive meaning (in Polish: *znaczenie intuicyjne*) or the meaning motivated by empiric experience (*znaczenie naoczne*) (Gizbert-Studnicki 1978, 55).

Another classification is the one proposed by Azar who distinguishes four types of semantic indeterminacy: homonymy, polysemy, generality, and vagueness. The conceptual category that has a fuzzy zone (=is vague) causes uncertainty as to whether or not an entity in the real world belongs to the category (Azar 2006, 125). Unlike ambiguity, vagueness is concerned with extra-linguistic factors and a vague term cannot be de-vaguefied by means of linguistic context (Azar 2006, 127). Vagueness therefore allows more room for interpretation when it comes to adjudication.

Due to this feature of vagueness, which has little to do with the text's wording, neither does the linguistic context provide sufficient clues for the clarification of vague words.

Azar concludes his deliberations by stating that "the only way for a user of language to give to a vague term a precise meaning is by providing a stipulative

definition" (Azar 2006, 127). The problems concerning legal definitions are elaborated on in section 5.

In order to have a broader perspective upon the phenomenon in question, let us also describe the notion of hedging which has received an equal interest among linguists.

Hedging is a concept related to uncertainty, indeterminacy and, as a consequence, it also concerns vagueness as such. As claimed by Hyland "expresses tentativeness and possibility in communication" and may ref ect "a lack of complete commitment to the truth value of, (...), a proposition, or a desire not to express that commitment categorically" or "a variety of other conventions" (Hyland 1997, 192).

To conclude our deliberations concerning uncertainty in language and the numerous theories hitherto elaborated on, let us state after Charnock that 'the content of a legal norm is established not by the intention of the legislator but by the consensus in the relevant community, hence, it requires constant updating' (Charnock 2007, 47).

Thus, depending on the prevailing ideology, the meaning of the letter of law would be adjusted to suit a particular conviction or premise.

3. Vague expressions versus general clauses:

Opinions vary as to the classification and nomenclature of vague words (or under-defined concepts, as they are referred to by Beata Kornelius) differ. We shall mention only a few of them. According to Jopek-Bosiacka, we can distinguish between two types of vague expressions:

(i) general clauses (mostly the domain of the civil law and contracts);
(ii) vague expressions (the domain of both: civil and criminal law) [in Polish: zwroty nieostre, szacunkowe] (Jopek-Bosiacka 2006, 32).

Beata Korenlius, on the other hand, distinguishes between three dimensions of vague, or under-defined concepts: those referring us to customary norms, to the estimated valuation or to the systemic valuation (the general clauses) (Kornelius 2009, 90). Examples of evaluative, or comparative phrases are, according to Kornelius: *strong reasons, appropriate benefits or striking loss* (Kornelius 2009, 90).

As explained in the subsequent paragraph, "their understanding depends on the valuation (estimation, to be more precise) and requires the application of a differential method which relies on the comparison of the factual state with the desired one" (Kornelius 2009, 90).

3.1. General clauses

General clauses are indeterminate terms which send the reader to extralegal phenomena, ethics, moral systems (good faith, good will, the best interests of the child) that increase the elasticity of a legal text. According to Panek, they may serve as safety-valves of law

since their semantic vagueness makes law flexible enough for unexpected situations (Panek, 2010, 45). Lawyers who are well-trained in their profession are able to make use of this feature of legal language while "juggling" with arguments during trials.

Being a branch of the private law, civil legislation abounds in general clauses. However, in the criminal law it is to be avoided for the reason which shall be elaborated later on. As observed by Beata Kornelius "some researchers define by this term any use of the expression generating a freedom of decision in the text of the legal act. Others claim that any situation where legal regulations establish the necessity to give evaluation to fix the content of the concept should be treated as general clauses. Yet, other researchers define a general clause as the expression of language which refers to a certain system of evaluation which is beyond the scope of law" (Kornelius 2009, 91). In the opinion of Hart, the open texture and the use of general concepts enable a legislator and the organ of law application to adopt legal regulations to actual needs (Hart 1990, 176).

3.2. Vague *expressions*

Vague expressions make the norm potentially applicable and relevant pragmatically. According to Jopek-Bosiacka, the legislator thus tries to render legal texts flexible and adequate vis-a-vis the changing social and political circumstances (Jopek-Bosiacka 2006, 33). Examples of this kind include: *adequate compensation, adequate remedy at law, due care, due process, extreme cruelty, reasonable time, as soon as possible, sufficient, under the influence of liquor (Polish ones: promptly/without undue delay, due diligence generally required in relations of a given kind, glaring loss, excessive difficulties, etc.)*.

According to Panek, "vagueness of single lexemes does not lie directly within the semantic scope of their category but has much more to do with pragmatics and context. Phrases such as 'sufficient,' 'as soon as possible,' or 'undue influence' mean very little when taken out of their context, it is in large measure pragmatic, contextual" (Panek 2010, 41).

Polish Penal Code operates with numerous vague expressions. Among them we may find: *considerable value* (art. 294), *particularly justfied cases* (art. 60 § 2), *permanent source of income* (art. 65), *accident of lesser importance*, *insignificant social consequences*, *dangerous item*, *particular cruelty*, *essential needs* (art. 209), *personal inviolability* (art.217), *malicious infringement* (art. 218), *guilt* (occurring in the provisions of both substantive and procedural criminal law).

In the Polish legal system the meaning of such terms is usually determined through the analysis of a body of rulings and the doctrine. This is to clarify the exact scope of a vague term.

4. Practical part: a review of means of avoiding vagueness in criminal law and their applicability in particular cases

Although legal definitions should in principle provide grounds for 'the only proper' interpretation, they might be vague and deliberately leave room for the judges and legislators. Likewise, semantic particularizations are not unproblematic since they contain general clauses and are dependable upon local conditions. As heretofore stated, general clauses are preferable in private law but undesirable in criminal law.

The analysis below shall take a closer look at legal definitions at work in criminal law in both Polish and the US legal systems.

Let us, first of all, refer to legal theorists who attempt to resolve problems arising out of vagueness. Afterwards, we will try to take a closer look at legal definitions. According to Tomasz Gizbert-Studnicki, depending on the fact-situation we deal with, an interpreter may decide to resort either to decisions that determine the qualification of a specific situation or decisions that formulate some general criteria of being included or not to the scope of the predicate. The possibility of limiting the scope of the predicate is dependent upon the type of vagueness we deal with (Gizbert-Studnicki 1978, 142).

Kaczmarek, in turn, enumerates certain strategies which, she claims, might help to reduce the degree of vagueness in criminal statutes. These, amongs other, include:

(ii) placing the terms in a particular context, (e.g: "including", "in particular," in Polish: "z uwzględnieniem", "biorąc pod uwagę");

(iii) establishing the border, e.g.: "from 2 to 6 years";

(iv) explicit reference to some other statute, inference "per analogiam" (e.g.: "if the provisions of this law concern…, they shall also apply to …");

(v) determining the conditions that restrict applying the law (the use of conditional clauses marked with the conjunctives such as: "if", "unless", "until", "exclusively" etc; the construction of the criminal sanction itself should be clear enough and should not leave doubt as to the exact scope);

(vi) legal definitions (e.g. "suspicious persons" defined as "any person who wanders about the streets or other public ways or who is found abroad at late or unusual hours in the night without any visible or lawful business and who does not give satisfactory account of himself");

(vii) semantic particularization which Kaczmarek defines as "adapting the implementation of the law to the local circumstances and socio-cultural conditions" (e.g.: *where it is necessary or desired, where it does not contradict the principles of social life*) (Kaczmarek: 2013, 58-64). The most notable example of the use of semantic particularization would be article 56 of the Polish Civil Code:

Example 4.

> Art.56. An act in law shall have not only the effects expressed in it but also those which follow from statutory law, the principles of community life, and the established customs[4].

5. Application of the aforementioned theories on vagueness on the example of legal definitions:

The strategies mentioned so far may not be used without restrictions with regard to every single term that poses interpretational doubts as to its reference in the real world.

In certain cases, i.e. where the connotative areas of the concept are not involved, legal definitions may be consulted without additional deliberations. In defining the scope of the term "vehicle", for instance, one would not have any doubts as to the inclusion of automobiles and cars.

However, we would have to deliberate whether our definiendum should include skateboards or wheelchairs. The judge would have to take into consideration the particulars of the case. In his remarks concerning interpretation of law statutes, Hart refers to the distinction outlined earlier: that between core and penumbra. The exemplary statute that forbids the use of vehicles in a park has a core and penumbral message: the latter would include such means of transport which the creators of this statute had not taken into account: like the aforementioned skateboards and wheelchairs. The definition is thus also subject to interpretation. Since law is sometimes at rears with the changing world, one has to account for such "penumbral" cases (Hart 1958, 593–629).

In his observations on the faultiness of legal definitions, Charnock states, 'Where the meaning of a statute has not been authoritatively decided, judges refer to the meanings clauses, which form an integral part of English statutes. However, these clauses do not usually supply detailed definitions. On the contrary, they tend to refer only to prototypical cases (…) thus permitting the elimination of certain improbable, peripheral interpretations. Furthermore, they are often hedged with phrases to the effect that the judge may supply a different definition if he sees fit. Typical examples of such phrases are: 'unless the contrary intention appears' or 'except insofar as the context otherwise requires'. In cases of linguistic indeterminacy, meanings clauses are rarely useful as an aid to adjudication' (Charnock 2006, 25).

[4] Polish Civil Code (Dz.U. 1964 no. 16 item 93, Ustawa z dnia 23 kwietnia 1964 r. Kodeks cywilny).

5.1. Basic legal definitions in the Polish criminal law on the example of the terms: crime, unlawfulness, guilt

As regards the classification of a crime, it is determined in art. 7 of the Polish Penal Code:

Example 5.

> Article 7. § 1. The offence is either a crime or a misdemeanor[5].

However, it is the doctrine that elaborates on the above distinction. The crime in the Polish legal system is thus based on three elements:

(ii) statutory features/ marks of a prohibited crime (statutory definition),

(iii) unlawfulness (*bezprawność*),

(iv) guilt (*wina*).

Statutory features/marks of a prohibited crime are characteristic features referring to the value protected by the law, the perpetrator, his/her act and the psychic attitude of the perpetrator to the committed act (4 elements: the object, the subject, the subjective element and the objective element).

Unlawfulness in turn, is the fact of there being a discrepancy between the actual behavior and the sphere of obligation; generally unlawfulness cannot be considered separately from human behavior; we rather look at unlawful behavior and unlawful acts not at an unlawfulness as such (Sójka-Zielińska 2011, 296-297*)*.

5.2. Guilt and its occurrence in the Polish legal context

In section 1.1 we have already enumerated various types of culpability distinguished in the American legal system. As far as the Polish criminal law is concerned, the term "guilt" might be encountered in both material and procedural law but it has various meanings. The legislator has not defined it leaving it to the doctrine and the judge to determine its significance:

In the historical perspective, "guilt" has evolved and has shifted on the objectivity-subjectivity continuum. Whereas it was formerly the objective liability (the visible marks of the crime) that constituted guilt, it is nowadays the subjective and personal liability that determines whether one is guilty or not.

In the penal code guilt is one of the elements of the crime: the inflicted punishment depends upon the grade of guilt and constitutes a premise for the conditional discontinuation of legal proceedings.

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[5] Polish Penal Code as amended (Dz. U. 1997 no. 88 item. 553, Ustawa z dnia 6 czerwca 1997 r. Kodeks karny (tekst jednolity)).

In the Polish Code of Criminal Procedure the term "guilt" is polysemous.

(i) It occurs as an evidence for determining the guilt of a perpetrator,
(ii) as an evidential statement of the defendant pleading guilty,
(iii) as an indicator of "borders" of persecution in case where the appellant challenges his/her guilt before courts of higher instances (Świecki 2009, 5-10).

6. American criminal law: clarity in definitions (the void-for-vagueness doctrine)

According to the definition from the textbook for the American law students "E-Study Guide for Contemporary Criminal Law: Concepts, Cases, and Controversies", a statute is void for vagueness and unenforceable if it is too vague for the average citizen to understand. There are several reasons a statute may be considered vague; in general, a statute might be called void for vagueness when an average citizen cannot generally determine what persons are regulated, what conduct is prohibited, or what punishment may be imposed. Criminal laws which do not state explicitly and definitely what conduct is punishable are void for vagueness[6]. The analysis below shall take account of the following terms as found unconstitutionally "vague":

(i) "suspicious persons"
(ii) "abominable and detestable crime against nature"
(iii) "gang", "gangster"
(iv) "vagrancy": being a common thief, common night walking)
(v) "humane and sanitary manner"
(vi) "legal adult pornography"

The above examples have all been taken from the American online database of legal information for lawyers and law students: *law.justia.com.*

(i) "Suspicious persons"
According to the defeated act, "suspicious person" is as "any person who wanders about the streets or other public ways or who is found abroad at late or unusual hours in the night without any visible or lawful business and who does not give satisfactory account of himself" was found void only as applied to a particular defendant.
(ii) "Abominable and detestable crime against nature"
The Florida Supreme Court, in Franklin v. State, ruled that the state's felony ban on sodomy was unconstitutionally vague because an "average person of common intelligence" could not reasonably know, without speculating, whether "abominable and detestable crime against nature" included oral sex or only anal sex.

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[6] *E-Study Guide for Contemporary Criminal Law: Concepts, Cases, and Controversies* (textbook edited by Matthew Ross Lippman).

(iii) "Gang", "gangster"
In the case of the above terms, the Court observed that neither common law nor the statute gave the words "gang" or "gangster" definite meaning, that the enforcing agencies and courts were free to construe the terms broadly or narrowly. In the same manner, the phrase "known to be a member" was considered ambiguous.

(iv) "Vagrancy"
Papachristou v. Jacksonville and Kolender v. Lawson were two Supreme Court cases where the court struck down laws against "vagrancy" for unconstitutional vagueness ("dissolute persons who go about begging,... common night walkers,... common railers and brawlers, persons wandering or strolling around from place to place without any lawful purpose or object, habitual loafers,... persons neglecting all lawful business and habitually spending their time by frequenting houses of ill fame, gaming houses, or places where alcoholic beverages are sold or served, persons able to work but habitually living upon the earnings of their wives or minor children"); The Supreme Court ruled that in restricting activities like "loafing", "strolling", or "wandering around from place to place", the law gave arbitrary power to the police and people could not reasonably know what sort of conduct is forbidden under the law and that could potentially criminalize innocent everyday activities;

(v) "Humane and sanitary manner"
In this case, the U.S. Supreme Court, in City of Akron v. Akron Center for Reproductive Health, struck down a provision of Akron's abortion law which required that physicians dispose of fetal remains in a "humane and sanitary manner". "Humane" was judged to be unconstitutionally vague as a "definition of conduct subject to criminal prosecution"; the physician could not be certain whether or not his conduct was legal;

(vi) "Legal adult pornography"
The United States Court of Appeals for the Third Circuit ruled that a supervised release condition prohibiting a defendant from possessing "all forms of pornography, including legal adult pornography" was unconstitutionally vague because it posed a real danger that the prohibition on pornography might ultimately translate to a prohibition on whatever the officer found personally titillating;

7. Additional remarks: should deliberate vagueness be allowed? (Grice's conversational maxims):

Among Grice's conversational maxims the most important in our case would be the maxim of relevance: make your contribution relevant to the conversation (Grice 1989, 28). Although legal discourse cannot be subject to the rules of conversational exchange, we might attempt to apply them in our cases.

The above examples, as too general to be called upon in particular situations, can be said to violate the principle of manner which boils down to an imperative: make your contribution clear enough so as it does not obscure the meaning of the utterance. However, as observed by Marmor: "The most familiar aspect of legislation is that it is

almost always a result of a compromise. Compromise often consists in what I would like to call tacitly acknowledged incomplete decisions – that is, decisions that deliberately leave certain issues undecided" (Marmor 2009, 15).

Nonetheless, a question arises whether this obscurity and ambiguity might threaten the stability of law and order. In principle, penal law should be a guarantee of law and order and should avoid ambiguity and be precise so as to "give adequate guidance to those who would be law-abiding, to advise defendants of the nature of the offense with which they are charged, or to guide courts in trying those who are accused".

As we have seen, views differ as to the role of vague expressions in the language of law, and in particular, the criminal law.

8. Concluding remarks

Vagueness may be a quality deliberately bestowed upon terminology by the legislator for the sake of convenience and mutual complementation of parliament and courts in the process of law establishment and enforcement. Should deliberate vagueness be therefore allowed? Does it not lead to the disruption in the domain of the criminal law which should be a guarantee of law and order?

In the author's view, it depends upon a case we deal with or the specificities of the legal system. In the U.S. system vagueness itself has been declared as dangerous insofar as it may fail to inform the citizens what sort of behavior will expose them to the statutory penalties.

On the other hand, the fact that law evolves over time, means that it takes account of emerging social needs and values and it shows that it is not fixed independently of the citizens, but is responsive to the changing ‚common sense' (what was hitherto considered as "abominable and detestable crime against nature", might now fit into the category of "common sense").

Therefore, vagueness is sometimes preferable as a guarantee of elasticity. However, it depends upon the branch of law as well as upon the particulars of the case whether vague expressions and general clauses turn helpful or whether, as in the case of many American criminal provisions, their "vagueness" violates the "common sense".

As expressed in an opinion of Mr. Chief Justice TAFT in a case CLINE, Dist. Atty. v. FRINK DAIRY CO. et al: "A statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law".

Example 1.
Polish contracts

> Strony **postanawiają** / **ustalają** co następuje:...
> Sprzedawca **sprzedaje**, a kupujący **nabywa**…
> Przedmiotem umowy **jest** świadczenie usług logistycznych przez Usługodawcę na rzecz Usługobiorcy.

Moreover, the following phrases are used to refer the reader to a statutory instrument: in *compliance with (provisions of)*, *in accordance with (provisions of)*, which are not direct exponents of deontic modality but due to the contextual meaning they express obligation to refer to some provisions of statutory instruments.

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LINGUISTIC HARMONIZATION AND LEGAL PLURALISM IN ENGLISH-CHINESE CONTRACTS DOCUMENTED IN A TERMINOLOGICAL COMPENDIUM

Review of Chan Ho Yan, 《两岸三地合约法主要词汇》Liang An San Di. Heyuefa Zhongyao Cihui. Key Terms in Contract Law of Hong Kong, Mainland China and Taiwan, City University of Hong Kong Press, 2014, pp. 282.

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Dr. Ho Yan Chan's Key Terms in Contract Law of Hong Kong, Mainland China and Taiwan appeared in 2014 in the series Falü Fanyi Xilie (法律翻译系列) edited by the City University of Hong Kong Press, which focuses on problems in legal translation. The book aims, as a first step in a more ambitious project that comprises the Chinese and the English legal languages in comparative perspective, to identify and to clarify the fundamental legal terms that are relevant to translation of contracts from English into Chinese.

The volume under scrutiny concerns basic terminology of contracts in a broader textual setting. It contrasts English common law terminology and its equivalents in the legal language of Hong Kong that is dominated by the common law tradition, and the varieties of legal Chinese of Mainland China and Taiwan that lean more towards legal languages of Continental Europe, yet also include elements of traditional Chinese law, as is the case in Taiwan. This is also the reason why every main English language entry in the first part of the handbook is contrasted with distinctively marked three terminological equivalents taken from Hong Kong, Mainland China and Taiwan legal terminology.

In its methodical approach, the work addresses one of the most important issues in legal Chinese studies: the normalization of legal terminology. Existing legal dictionaries of the Chinese language abound in multiple material samples and terms without reference to their actual use by professionals. Users of such works may in fact be writing Chinese, yet not necessarily legal Chinese that may be their point of concern. Dr. Chan's work provides the user with professionaly tested and modern legal Chinese

that reflects the development of legal English. This task is enormously complex, as Chinese legal terminology is multiple and develops today at least in a two-fold perspective between civil law and common law. As Chinese law embraces today three formally independent legal systems of Mainland China, Hong Kong and Taiwan, its language is as manifold as are these systems, yet also related legal systems like the one of Singapore (cf. Galdia 2014, 354). Work on the terminology of Chinese law is therefore a challenge, especially when it is undertaken in a contrastive perspective based on English legal terms (cf. Grzybek 2013, 17).

The work establishes the reference between the systems in that it approaches legal terms in two different parts. In the first part, a basic term in legal English is introduced and it is related to three Chinese equivalents in Hong Kong, Mainland China and Taiwan legal languages. For instance, *contract* is rendered in Hong Kong terminology as *heyue* (合约), then for Mainland China as *hetong* (合同) and for Taiwan as *qiyue* (契约). In addition, broad textual quotations and references to common law, case law, and legal literature provide information about the meaning of the English legal term in the Chinese language. This is an innovation particularly valuable to Chinese translators, as terminological databases frequently provide the relevant legal information in the source language and not in the target language. This method helps the translators understand the common law, yet it underestimates their needs for contextually well founded linguistic knowledge in the target language (cf. Mattila 2013, 23). The approach adopted in the handbook fits perfectly such needs of professionals who have to acquire knowledge about law and about its linguistic representation in the target language.

In the second part of the handbook, English legal terms, and occasionally also some Latin expressions used in the common law of contracts, are contrasted with the help of a list that comprises the entry English terms and their equivalents in the three Chinese legal languages of Hong Kong, Mainland China and Taiwan. While the first part introduces sixteen key terms of contract law with explanations coming from the respective legal systems, the second part is largely an English-Chinese glossary to aid actual translation work. The particularity of this second part of the handbook are the references to and the quotes from legal acts in which the Chinese terms are used. For instance, our initial example, the *contract* of the common law, is rendered in the part two with the Chinese terms whose textual origin is documented through references to the legislative acts and quotes from them. Thus, the *contract* as a term of the common law that has been explained in part one in the Chinese language is linguistically characterized in part two with the help of its linguistic mirror image in the Chinese legal texts. At this point, the legal term is exhaustively described both as an English and as a Chinese term. Meanwhile, one might ask whether the two parts could not be integrated. On the one hand, the English entries that structure the whole book differ only sporadically from each other in both parts. On the other side, the choice of Chinese equivalents in part one is in most cases fully understandable only when the corresponding entries in part two have been studied. Therefore, the impression may come up that a lexicological field that belongs together has been split in the book in two parts. Doubtless, it is also evident that the integration of both parts of the handbook

would make every entry less transparent, yet the undersigned as a user of the book would be ready to accept this inconvenience for the sake of preservation of intertextual reference. However, the structure proposed by the author is coherent and a system of references binds entries of part two to entries in part one. It greatly facilitates the comparative terminological work that might be undertaken for research purposes and is definitely also helpful for practical work of translators.

The work is called in Chinese *cihui* (词汇), a terminological handbook. Actually, it is much more. Seen in its entirety, it presents common law and Chinese contract law from a language perspective. This approach has been initiated in the Chinese legal linguistics by Deborah Cao (2004, 2006). The author also refers to this approach when discussing, although briefly, the methodological fundamentals of her work. Methodologically, the work is clearly a progress in Chinese terminological research as it goes beyond listing of legal terms out of context as is the case with most legal dictionaries. It introduces the English and the threefold Chinese legal terminology in their textual embeddedness in legal texts. These texts are identified for the common law basically as precedents and rendered in Chinese summary translations that include the most salient terms in English. This feature of the handbook is particularly helpful because it does not only refer the user to the legal and linguistic source of the English legal term. It also provides the Chinese text that the user – translator or student – badly needs in order to render the English text that is made understandable through textual explanation. Regularly, better understanding of legal texts can be achieved by reference to sources and it is done frequently in modern lexicographical on-line and off-line works. Meanwhile, the translation problem is not fully solved when comprehension is achieved because the translator needs next to his or her understanding of a concept also a term that represents language in law. Briefly put, the question is not only to understand what a legal notion such as *promissory estoppel* is about in the common law but also to express it with a Chinese term. The approach adopted in the book is very efficient in this respect. Additional references and quotes from the legal acts of the three Chinese-language jurisdictions facilitate the understanding and the contextualization of terms. The work establishes also an order in terminology that regularly tends to disappear in multilingual and multilegal complex textual contexts such as *contracts*. The work goes far in its attempt to set up the right context for the perception of legal English abroad and does not hesitate to go to the Latin legal-linguistic roots of many fundamental common law legal terms. As a work on the legal language it is both phraseological as it presents terms in their immediate context and textological because it provides the broader textual settings of terms in law, both in English and in Chinese languages. The methodology of the work is innovative and also practically helpful. When used in future similar works, it offers a prospect of uncovering the lexical fundamentals of the legal language that is central to English-Chinese translation.

The book, which is written in traditional Chinese characters, contributes essentially to the harmonization of the terminological use in the Chinese legal language, especially in the context of translations from and into English. It shows that harmonization of language use in multiple legal systems and legal traditions is possible and achievable when effort and inventiveness are not avoided. The book is also welcome as a contribution to comparative law as it shows the modern Chinese law bare

of unnecessary historical dress that should appeal to readers by apparent exoticism or legal particularism which disappeared from laws of East Asia more than a century ago. Clearly, explicitness and modernity are among the most characteristic features of the book. One may therefore hope that it would pave the way towards modernization in lexicographic undertakings, not only in the area of the Chinese and the English legal languages.

Users rarely read lexicographic works in their entirety as such books are construed for casual reference only. Meanwhile, Dr. Chan's terminological compendium is a book that should be read and studied from its first to its last page. The thorough study of the book bridges the space between two textual shores where also the three Chinese legal language areas have to be positioned as indicated in the Chinese title of the book. The book manifests that terminological work in the area of law does not need to be sterile and intellectually uninspiring. The book can therefore be unconditionally recommended to translators and scholars interested in the methodologically innovative portrayal of the Chinese and English legal languages and their critical linguistic analysis.

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GREEK LEGAL LANGUAGE. A DIFFERENT APPROACH

Review of Eleni Panaretou's "Legal Discourse". 2009. Athens: Papazisis. pp. 185

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The book of Professor Eleni Panaretou (2009) of the University of Athens is a very important contribution to research devoted to the Modern Greek legal language, and especially legal discourse in statutory acts. The book was published for the first time in Athens in 2009 and it was written in Greek (org. «Νομικός λόγος. Γλώσσα και δομή των νόμων»)

The author of the book clearly expresses its objective in the introduction to the book. The main purpose of the reviewed monograph is to examine linguistic phenomena, which exist in the legal language from the synchronic perspective. According to Panaretou this issue was omitted during the seventies' when the interest in Modern Greek legal language arose due to intra-linguistic translation from katharevousa into the demotic form of the Greek language. Thus Greek statutory acts and their texts are determined as the object of the study.

The first chapter of the book presents the methodological approaches of the author. It concentrates on various aspects of textual researches and among of them one may find the rhetorical approach, organising scheme of texts, style schemes and taxonomisation of various legal texts. The last part of the chapter presents some information on the legal genres. The classification of Professor Panaretou differs from typical, well ordered classifications presented in legal linguistic studies (Mattila 2006 and 2012, Galdia 2009 et al.) and it is not based on differences between language of the law and legal language (Kurzon 1989). Even so Panaretou takes into account the classification based on the method of expression of the text and she especially underlines the dichotomy between the oral and written forms of the text. Moreover it is proposed to consider the purpose of certain text when analysing it but no clear classification is proposed.

The next chapter is devoted to the connection between the language and the law. This particularly valuable part of the book presents on the one hand law-oriented researches of legal language and on the other language-oriented researches of legal language in a wider, global perspective. Then the role and place of forensic linguistics is described. Continuing the discourse on the connection between the law and the language, Panaretou gives some basic legal meaning in the third chapter. She emphasises that even if laws come from nature, which is abstractive, the legal application depends on the language of the law and its features what she considered to be a legal paradox.

When discussing legal discourse Panaretou describes the communication status of the laws and especially, in the fourth chapter, she concentrates on the communication objective. She discusses legal communication very aptly referring to the speech theory of Austin and then the pragmatic role of the legal text in certain situations is described. On the basis of the illocutionary acts' theory she underlines the performative character of the laws and their texts giving some classifications of legal rules.

The next chapter is devoted to grammatical and lexical aspects of the language of laws. Firstly general remarks are given and then the laws are analysed with regard to grammar including syntactic phenomena and morpho-syntactic phenomena (i.e. modality, verbal time and aspect), voice etc.). According to the title of the chapter also lexical phenomena are investigated. It is worth mentioning that legal definitions are included in this part even if they may be analysed on the syntactic and textual levels. This chapter is the richest and it may be especially interesting for the Modern Greek philologists as it provides interesting examples excerpted from original texts of laws.

Chapter six concentrates on textual patterns of the laws. The main issue, which is discussed, is the relation between the law and the legal rule (norm). Here some cognitive approaches are exploited to analyse the texts of the laws. The most valuable part of the book are tables on the pages 132, 136 and 138 where the texts are investigated considering different aspects (i.e. pragmatic, legal), and then the place and variety of determinants in the legal clauses are discussed. Thus the relations between organisational units and their morphological forms are given.

Finally in the seventh chapter editorial and organisational approaches to the texts of the laws and codices are included. The general view of these texts is given on the basis of cognitive approaches as well on the basis of structural approaches to the texts. Thus the Hoey scheme of details' description is applied (p. 153).

The conclusions are included in the last part of the book where the close relationship of the language and the law is underlined. The conclusions have a general nature thus they may be taken into account when performing similar investigations on the texts of laws of different states, cultures and languages.

As mentioned above the book might be considered almost unique as it is devoted to the synchronic approach to Greek legal language, while the majority of studies where the Greek legal language is analysed, have a diachronic (historical) character. According to the reviewer it is the greatest value of Panaretou's book as it opens the gates to new approaches to Modern Greek Language (Gortych-Michalak 2013), which has not yet been investigated deeply. This status could explain why Panaretou did not include any detail on the 'state of art' concerning Modern Greek legal language in her book. Besides the reader might feel somewhat dissatisfied when certain grammatical phenomena are discussed. For instance the analysis of deontic modality does not include any complex set of linguistic markers of modality even though the category of modality seems to be one of the most important in the language of the law. Moreover the author of the book did not clearly determine the classification of analysed texts and calls them "legal discourse" as she claimed in her biographical notices on the pages of the University of Athens, According to the reviewer the term "discourse" seems not to be fully matched as discourse has vast meaning and in the book no special, determined semantic field of the term is given, Thus the term language of the law" seems more adequate to the analysis, especially in the perspective of many legal linguistic researches, which were not considered by the author of the book.

It must be stressed that the book was not published properly from the editorial and technical point of view as many copies did not have all the pages well printed and many blank pages were also included in the book. Thus the reviewer personally experienced it and to fully read the book at least two differing items were needed where the blank pages in one book were printed in another book and vice versa. Nevertheless it is the reviewer's duty to consider that Panaretou's book, when compared to other Greek books devoted to Greek legal language, provides another linguistic and synchronic approach to Greek legal language and moreover the reviewer hopes it will be an encouragement for other legal linguists to take up more systematic and complex researches of the Modern Greek legal language.

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WHETTED APPETITE FOR MORE

Review of Heikki E. S. Mattila's Comparative Legal Linguistics. Language of Law, Latin and Modern Lingua Francas. 2nd edition. Farnham: Ashgate Publishing Company. pp. 485.

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The second edition of Mattila's Comparative Legilinguistics is an important contribution to the fast developing discipline of research. It is significantly broadened and verified in comparison with the first edition.

The first chapter is a general introduction presenting an overview of legal language and legal linguistics. The author accurately states that "the division of legal language into sub-genres is a relative matter" (Mattila 2013, 2) as this language is not homogenous in respect to terminology and syntax. There is one inaccuracy (Mattila 2013, 3) concerning the colour of gowns (called "togas") of lawyers in Poland, which I feel obliged to clarify. Now gowns are black. The distinguishing feature are the colours of jabots worn by lawyers representing various professions, e.g. judges of common courts wear purple jabots, judges of the Constitutional Tribunal – white and red ones (the colours of the Polish nation – the flag of the Republic of Poland is white and red), prosecutors – red ones, advocates – green ones, legal counsel – blue ones. In fact right now the official gown and the colours of jabots are symbolic (which is rightly stressed by Mattila) and regulated by a few Regulations of the Minister of Justice.

The author stresses that researchers have not agreed what the domain of legal linguistics is. In fact they have no one uniform name for the name of this field of research. What is obvious, though, is the fact that it is an interdisciplinary field, which separates and examines the language and the law, legal concepts and terms, which is the "appearance of the concept" (Mattila 2013, 18).

I would also stress that the term coined by Pieńkos *juryslingwistyka* (Mattila 2013, 7) is incorrect as far as word formation rules are concerned. If the name of the discipline was to be coined from two words Latin *ius* (or the adjective) and *linguistics* the name should be *jurilingwistyka*. We should use stems of the noun or adjective preceding the stem linguistics. There is no justification to use the form in the Dative *iuris* before linguistics. The ending –s seems to pervade the Polish language after

borrowing the term *jurysta* 'jurist'. Then the adjective *jurydyczny* has been gradually replaced with *jurystyczny* 'relating to jurists'. The ending *–sta* is typical for some *nomina atributiva* and *nomina agentis*. The French use the name jurilinguistique, and in the English version of Mattila's book one frequently finds the term *jurilinguistics* without the formant *-s-* between both stems. The analogous name should be used in Polish instead of repeating notoriously the improperly coined form of Pieńkos. Resisting the formant in the Polish playground seems futile, thus the Poznań school of legal linguistic studies uses the term *legilingwistyka* 'legilinguistics', which is a formed from the nouns *lex* and *linguistics*. There may be a distinction made between the scope of *ius* in contrast to *lex* of course. But it is a topic for a separate article. The comment, however, is rather a clarification why the term *juryslingwistyka* should not be used in Polish and does not constitute in any way a critical remark in respect to the reviewed book.

Legal linguistics is also taught (Mattila 2013, 24) at the Adam Mickiewicz University at the postgraduate Studies for Candidates for Certified Translators and Interpreters.

Reading the book, and other publications on legal communication and legal discourses I can only regret that the works of the Polish scholar Ludwik Zabrocki (1963) are unknown abroad as he formulated a theory of communicative communities, which are at present called discursive communities and Mattila's book is another example that Zabrocki's observations have lost nothing of their pertinence (cf. Mattila 2013, 28) for instance in respect of dominant languages.

The second chapter discusses legal language as a language for special purposes. Mattila indicates that legal language is used to disseminate information, influence the behaviour of citizens and create legal relations (performativity of legal communication). The chapter starts with discussing legal language in terms of the theory of speech acts and semiotic acts. The author illustrates his research with anecdotes, which make reading the book really fascinating. Let us take the error made during the inauguration of Barack Obama as President of the United States as a result of which, to be on the safe side, it has been decided that the oath should be re-administered. The next part of the second chapter is devoted to legal communication. It is a pity that the theory of communicative communities of Ludwik Zabrocki (1963) is unknown abroad and frequently forgotten in Poland, as it remains valid despite the passage of time. Zabrocki discusses the following features of communicative communities such as (i) active and passive, (ii) durable and non-durable, (iii) loose and compact, (iv) primary and secondary, and (v) superordinate and subordinate (Bańczerowski 2001: 38, Zabrocki 1963).Contemporary authors frequently refer to "discursive communities" by Sweynes, despite the fact that his concept is actually the reinvention of the wheel already described and elaborated on by Zabrocki (it should be stressed here, however, that Mattila does not refer to Sweynes). The features of communicative communities are discussed however on Mattila 2013, s 45 and 65 (hermetic language), 46 (the composition of the community and its willingness to communicate messages – activeness of the community members), 49 (passiveness of the message recipient), etc. The author also enumerates styles of rhetoric, which are very important in Central and

Western European languages of the law. What is stressed numerous times in chapter two and three is that everyday language and terminology should be used cautiously in legal language as using them may cause illusory comprehension and as a result lead to misunderstandings.

When talking about legal authority it is mentioned that legal Latin is still 'much-loved folklore', which is true. I would state that in Central and Eastern European countries it is still taught at the faculties of law at university level. Linguistic policies are also exemplified by presenting a Finnish case study where Finnish and Swedish are used. Additionally the author discusses the role of legal language in preserving the linguistic heritage of nations. He elaborates on legal Greek (the transition from Katherevusa to Demotic Greek) and two variants of legal Norwegian (*bokmal* and *nynorsk*). The problems encountered in countries where two variants of legal language co-exist are again illustrated with great and illustrative examples including mixing terms from *bokmal* and *nynorsk* in one piece of legislation (see footnote 118 on Mattila 2013, 81).

Mattila elaborates on the characteristics of legal language in the third chapter of his book. He focuses on precision (achieved by definitions and obscured by tautologies, political reasons and badly employed definitions). Secondly he turns his attention to information overload in legal texts. I cannot help but agree with Mattila, who claims that some laws should be drafted with citizens who are not lawyers in mind, as those law recipients are to observe such laws on an everyday basis (Mattila 2013, 95). Such laws include first and foremost tax laws. Unfortunately, on many occasions tax laws are extremely complicated, full of references to other legal acts. The length of sentences makes such pieces of legislation incomprehensible. Thirdly Mattila points out that legislation is hypothetical, timeless, impersonal, and intended to be objective. Therefore, there is a tendency to use rather inoffensive and neutral language. Consequently, in many legal languages one may discover metaphors. Another feature presented in the monograph is intertextuality. Showing his considerable knowledge in this respect, while not over-burdening the reader with it, Mattila discusses types (horizontal and vertical) and functions of intertextuality in legislation and judgments. Next, he elaborates on the structure of legislation and formalism of texts of various legal genres. The role of model forms and the reasons for the reluctance to abandon them are discussed. Apart from the already mentioned features also the following are referred to: abbreviations (their historical background, function and types), sentence complexity, archaisms and solemn character of legal language. Mattila also presents his point of view on the Plain Language Campaigns in sub-chapter 9, which is devoted to the proper use of legal language. As always, he is not biased and remains very reasonable and convincing in presenting arguments why the idea of creating some easily understandable legal language, in which law may be formulated, is in a way utopian. At the same time he does not deny the need to improve the quality of legal texts, accepting the reality that legal language due to its history, function and importance will remain hermetic to some extent. I would gladly read something more about language policies in respect of protecting legal languages of various countries in the future as Mattila is an expert in gathering detailed information about the development of legal languages and legal linguistics in numerous countries. The history of the Polish language in this respect is really interesting.

Chapter four is devoted to legal terminology. Mattila starts with distinguishing features of legal language and the fact that it differs from other languages for special purposes as "law only exists in human language" (Mattila 2013, 137) and that language creates the reality in which human beings function in differentiation from other languages, which only describe such reality more or less accurately. Next he proceeds to demonstrating the importance of legal families (common and civil law countries) and the unifying impact of the European Union legislation on national legal systems. However, it is rightly noted that at the same time the EU law is a separate legal order, which has been superimposed on Member States. At the same time, the reader's attention is turned to the fact that the legal system of the EU is affected by the common law system and via EU law civil law countries are subsequently influenced by the legal order of the UK. When discussing features of legal language he discusses in some detail polysemy (both orderly and disorderly) and synonymy providing examples from various languages. Some space is also devoted to the formation of legal terminology, especially by neologisms of national origin (usually coined in specific political circumstances, frequently as a tool of propaganda) and borrowings. When discussing loanwords the example of Indonesia is presented, where the historical background was especially favourable for borrowing terms from various legal systems and the fact that "Indonesian as a language of law was seriously underdeveloped because of the dominance of the Dutch during the colonial period". It is also stressed that the colonial power was desperate to superimpose its national language for legal communication in occupied territories in order to maintain its position and supremacy. Finally, he goes back to the EU legal language and accurately states what is observed in many countries in the course of analysis of translations of EU directives and regulations into national languages (by the so-called authentic versions), that "in this complex system, a clear danger arises that new terms may be introduced in a chance and disorderly fashion, occasioned by practical translation, under pressure of time, without terminological work properly so-called" not to mention the fact that "Union institutions can at times consciously resort to divergent terms for the same concepts" (Mattila, 152). He points out that as far as legal communication is concerned misleading terminology should be avoided at any cost. It is even better to resort to banal or complicated terms, which are unambiguous and guarantee clarity. One should also be aware of the fact that terms gradually change their meaning or gain new meanings over time in the course of usage. The in-depth analysis of various sources scrutinising numerous legal systems and legal languages of many countries (and belonging to differing legal families) made by Mattila is really impressive.

The fifth chapter is devoted to legal Latin and the impact of that language on the development of other legal languages. First of all, the importance of Roman Law and that it was a supranational legal system of the Roman Empire is presented. Next, the influence of Roman Law onto European legal systems in the Middle Ages is briefly discussed. The author provides some insight into how legal Latin penetrated European legal systems, mainly due to the clergy and the status of Latin as a *lingua franca*. The supremacy of Latin as a language of legislation lasted for centuries in Europe. As Mattila puts it "The Latin epoch, in legal practice, lasted particularly long in some non-German regions of the Austrian Empire, that is, Hungary and Galizia (Galicia, Southern

Poland and partly in Western Ukraine). In these regions, in the 19th century, Latin still formed an instrument of protection against the expansion of German." (Mattila 2013, 167). He proceeds to discussing in more detail the presence of legal Latin in Nordic countries and indicates that "in the Middle Ages, the legal and administrative language of the Catholic Church was by far the most advanced in the Western world." (Mattila 2013, 171). The third subchapter is devoted to the impact of Latin on modern languages, which is mostly visible in loan translations (calques) and other borrowings as well as the borrowed meanings of words. He discusses the presence of Latin terms, expressions and maxims in various languages and the fact that Latin is still found very handy due to its compactness on the one hand and vagueness, which helps achieve elasticity of the law on the other hand. There are three functions of Latin quotations, which are elaborated on, that is to say rhetorical function, display function and expressing legal concepts. At the same time users of Latin terms and expressions in interlingual legal communication are warned to be careful as there is a danger of mistakes and misunderstandings resulting from the fact that some terms are understood differently in various legal realities. What is more some legal maxims are invented nowadays, although some think that they stem from Roman Law. I feel somehow not fully satisfied with the fourth chapter where the results of research in divergence of meanings of Latin terms in various linguistics zones are presented. I simply crave more examples illustrating the problem. At the same time, I realise that elaborating on every interesting detail would require a book three or four times longer, which would also keep readership waiting for it to be published until sometime in the distant future. So taking into account the fact that the author managed to gather a large quantity of invaluable information about the development of legal languages, I prefer reading the book, which leaves me craving for more, rather than waiting. The fifth subchapter is little disappointing as it contains almost only (with the exception of the first two paragraphs) a juxtaposition of dictionaries published in English, French, German, Spanish and Portuguese, Italian, Russian and Greek linguistic zones, which without comments elaborating on their strengths and weaknesses should probably be transferred into the bibliography section of the book.

Chapter six is devoted to legal German. First the author presents the history of German Law starting with the so-called *leges barbarorum* (composed of *lex Salica*, *lex Ribuaria*), which were drafted in Latin but were much more casuistic and much less advanced than Roman Law. The fact that Latin and German co-existed in the Holy Roman Empire as official languages, with each of them trying to dominate the other with varying success led to significant linguistic consequences, which are still visible in contemporary legal German. The dominance of Old legal German was undermined by the acceptance of Roman Law. Not only was the legal system but also the language itself influenced by the acceptance of Roman laws "at the end of the Middle Ages and the beginning of the Modern Era." (Mattila 2013, 207). The linguistic consequences included loanwords and other types of borrowings from Latin. When discussing the influence of the German laws on other countries Mattila states that "in addition to the original Prussian Landrecht in German (1620), a Latin version was devised, since a Polish court in some cases examined disputes under appeal relating to it" (Mattila 2013, 208). It should also be remembered that German laws affected laws in

neighbouring countries as well in much more visible way. For instance it should be remembered that German town laws (borough laws in German called *Stadtrecht*), especially *ius municipale magdeburgense* were adopted by many Polish towns, with the town of Złotoryja being the first. When implementing *ius municipale magdeburgense* Polish authorities used the versions of the law in German rather than Latin. Next the author proceeds to mentioning the influence of French legal language on German especially in the sphere of foreign affairs and, having previously informed the reader that loanwords from Latin constituted about 80% of German legal terminology (Mattila 2013, 2008), claims that "a large number of loanwords from French found their way into legal German: in the mid 17th century, the number of French loanwords was already comparable to that of Latin loanwords" (Mattila 2013, 209). The development of legal German in the Enlightenment is discussed and the history of the end of the struggle of German and Latin for supremacy in legal communication is presented. Mattila remind the reader about the major German-language codifications that is to say the Prussian BGB and Austrian ABGB. He provides some insight into the unification of legal German and the diverging variants currently used in Germany, Austria, Switzerland, eastern parts of Belgium and the north of Italy. Again he reminds the reader that terminological unification is a risky task, as modernising terminology "is a slow affair: the lexical coherence of laws, the guarantee of uniformity of legal terms, should not be endangered. This means that each terminological reform has to cover all legislation (Thieme & al. 2010): 165)" (Mattila 2013, 222). The importance of co-operation between lawyers and linguists is also indicated with the example of a successful plain German campaign undertaken at the institutional level in the form of a two-year long experiment called *Verständliche Gesetze* ("Intelligible Law') and establishment of the agency *Redaktionsstab Rechtssprache* ('Legal Language Editorial Staff'). He touches upon the difficulties encountered at the level of EU legislation, where in the majority of cases the legal language of Germany is used despite terminological differences between various legal German variants used in Europe. Finally, the international importance of legal German is touched upon. I would like to make a short comment on the impact of the EU legislation drafting on legal German, though, as it seems more and more visible nowadays. For instance the term *Konkurs* (insolvency, bankruptcy) has recently been replaced with *Insolvenz* for some reason, which actually indicates that EU legal English is affecting even deeply-rooted terminology of various EU Member States.

The seventh chapter presents research into legal French. The chapter starts with the illustration of the struggle of legal French to gain supremacy over legal Latin. Secondly, the unification of legal French is presented in the context of discarding regional languages in the 15th-18th centuries. France is a country, which is paying attention to the quality of the French language and this is also visible in efforts undertaken to assure high quality of legal language. Next, the globalisation of legal French is touched upon with the impact of colonisation taken into account. Mattila reminds the readers that French enjoyed a status of lingua franca in Europe, thus replacing Latin. In the second subchapter Mattila presents characteristics of legal French and in the third one its international position.

Chapter eight is written in compliance with the schemata adopted for chapters 5-9 with the history of development of legal Spanish from the Middle Ages, through the Modern Era, 18th and 19th centuries and ending with the 20th century being discussed. Next, he proceeds to describing the features of legal Spanish. Finally, he indicates the international importance of legal Spanish.

The ninth chapter presents research into legal English, which has a status of lingua franca nowadays not only in scientific but also legal communication.

Chapter 10 is in fact a sort of conclusion for the book, where the author discusses changes in legal-linguistic dominance in respect to legal systems and legal languages with legal English now in the lead. The author, however, remarks that the growing importance of Asia in global markets may one day threaten the supremacy of legal English and have it dethroned by Chinese. Next, the author mentions the problems encountered in the process of legal translation and dangers involved in mistranslations of various sorts. Finally, he pinpoints the need to carry out juri-linguistic research into the comparison of legal institutions and concepts.

I cannot even criticise the editing as taking into account the length of the book there are almost no editing problems (the lack of spaces in the fourth line on Mattila 2013, 91 and twenty fourth line on Mattila 2013, 92, also in footnote 131. The first paragraph of sub-chapter 1.2 is not adjusted to left and right.

His style of writing is technical, minimalistic in a way (avoidance of verbosity is clearly seen) and at the same time absorbing if you are interested in the topic of course. This book is a real Mattila 2013, -turner due to anecdotes, curiosities and interesting pieces of information frequently placed in footnotes (do not ignore footnotes while reading the book as one may miss much more than one normally expects). The book is illustrated with meticulously gathered facts and rarely discussed pieces of information. The author rarely becomes opinionated himself at the same time presenting opinions of other researchers. His remarks are well-balanced and reasoned, and what is more his remarks are supported with results of research carried out by himself and other researchers from many linguistics zones. Overall, the book is really impressive and the author's command of so many languages simply makes him the perfect researcher in comparative legal linguistics. I impatiently await the third edition of the book.