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In Search of Equivalents in Legal Translation: A Parametric Approach to the Comparison of Legal Terminology in Polish and Greek

Karolina Gortych-Michalak

Wydawnictwo Naukowe CONTACT
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Finally, I apologise for any potential mistakes and inaccuracies in this book owing to its having been drafted in a referential language in relation to Polish and Greek. Moreover, the volume of the study outgrew my initial expectations and, unfortunately, the timeline could not be extended. Despite this, we believe that the book will provide crucial knowledge on Polish-Greek legal translation theory and practice, a matter which has not been investigated comprehensively so far.

Foreword

The present book is part of a wider scientific project in legilinguistic translatology, performed by scholars of the Institute of Linguistics, Faculty of Modern Languages and Literature of Adam Mickiewicz University in Poznań, Poland. The financial support granted by the National Science Centre of the Republic of Poland (Sonata Bis program — research grant no. DEC-2012/07/E/HS2/00678, entitled: *Parametrisation of legilinguistic translatology in the scope of civil law and civil procedure*) enabled us to fund research into the following language pairs listed in the alphabetic order: Polish-Chinese (Grzybek and Fu 2017), Polish-English (Matulewska 2017), Polish-Hungarian (Kaczmarek 2017), Polish-Greek (Modern), Polish-Spanish (Nowak-Michalska 2017), and Polish-Swedish (Hadryan 2017).

Volumes 5 to 11 of the present series *Dissertationes legilinguisticae (Legilinguistic Studies)* reflect investigation and calculation of the distance between Polish civil law terms and the terms of other language systems and languages using a parametric approach. This book is devoted particularly to the parametric approach in comparing legal terminology in Polish and Greek. However, it needs to be noted that Greek terminology was investigated against the backdrop of the legal system of the Hellenic Republic only.

As the book is the first such comprehensive comparative study on Polish and Greek legal terminology, we are aware of the possibility of inevitable mistakes. Despite this, we believe that the book is a point of departure for further discussion and analysis aimed at providing more insight into Polish and Greek legal terminology.

1. Introduction

1.1. Legilinguistic translatology in general

The growing intensity of international business and political relations, as well as huge waves of migration worldwide have resulted in greater demand for translation and interpreting services. Bilateral or multilateral economic, political and civic international relations in particular are the fields in which this demand are most clearly noticed. Consequently, legal translation and interpreting has become the object of linguistic research within the framework of comparative legal linguistic and legal translation and interpreting theories and practices, where the goal is to provide legal linguists, translators and interpreters with suitable tools of their trade.

Among the various approaches to legal translation an inclination toward systematic and precise description of the translation process has been observed. Thus, let us now adopt the concept of legal translation as an intentional act of interlingual and interlegal communication occurring between certain subjects, in certain circumstances and conditions, with a certain object. These elements of the act have the parameters (Sandrini 2009) *within the mechanism of law* (Sarčevič 1997: 3, 55) which determine legal translation.

Legal translation seen as communication in legal reality, according to Matulewska (2013), is the object of legilinguistic translatology. In this particular research legilinguistic translatology is recognised as a subdiscipline of translatology and, consequently, as a subdiscipline of applied linguistics and legal linguistics. Investigations belonging to the framework of legilinguistic translatology concentrate on translational legal reality which consists of: (i) translandive and translative texts, (ii) translators of legal texts, (iii) authors of translandive texts, and (iv) recipients of translative texts. By virtue of our basic presumption they are all consequently the elements of legal communication in which: the translandive text is the source text to be translated, the translantive text is the target text, *i.e.* the translation,

and the translator of legal text is a kind of 'mediator'[1] between the subjects of legal communications, who are the author(s) of the legal text and the recipient(s) of the translation (translantive text).

Since the terminology employed in this book is strictly connected with a specific quite recent approach to legal translation, let us introduce a brief clarification of the terms.

Legilinguistics should be understood as a legal linguistics, and, according to Mattila (2006: 11):

> 'Legal linguistics examines the development, characteristics, and usage of legal language. Studies in this discipline may equally concern vocabulary (notably terminology), syntax (relationships between words), or semantics (the meaning of words) of the language.'

This volume deals with comparative legal linguistics whose object is the comparison of various national legal languages. On the other hand, it also refers to comparative law because: 'legal linguistics requires support from legal science,' (Mattila 2006: 15). Moreover, if one sees legal language as a language for specific purposes, then:

> 'comparative law studies produce information that helps the legal linguist to understand the interactive links between the various languages used for a legal purposes,' (Mattila 2066: 15).

In general, legilinguistic translatology is the science of translation theory and practice relating to legal texts. It can be subdivided, the same as general translatology, into (i) theoretical, and (ii) practical legilinguistic translatology (Matulewska 2013). Consequently, theoretical legilinguistic translatology may be conceived of as the class of theories about the legilinguistic translational reality. Practical legilinguistic translatology comprises 'directives' that determine how to proceed in a specific translational situation and whether a translational action leads to achieving the intended goals.

The present research refers to theoretical legilinguistic translatology, *i.e.* terminology, recommendations - postulates[2] and

[1] See also van Tieghem's scheme (1931) or Grucza's scheme (1981).
[2] See List of Postulates.

explanation scheme.[3] It also includes practical legilinguistic translatology, *i.e.* directives.[4] Finally, the research can be recognised as inductive, since it provides some theoretical components, *i.e.* recommendations concerning Polish-Greek legilinguistics translatology co-existent with recommendations for general legilinguistic translatology[5] based on the analysis performed. Consequently, it resembles the concept of 'art'– *techne* — coined by Aristotle, who said:

> 'the function of an 'art' is not to theorise about particular instances but about general principles, principles the skilled practitioner can then apply creatively and differently in different circumstances.' (Walker 2000: 39).

1.2. A parametric approach to the comparison of legal terminology

Terminology plays a crucial role in every language for specific purposes, for instance medical or legal language, since it conveys certain ideas, concepts and meanings of the science. Legal terminology comprises both technical terms specific to the science of law and terms of general language that have a certain lexical meaning in legal contexts. The study of legal terminology:

> '(…) calls for an independent research field to deal with both translational and terminological problems because of [the] complexity of legal terminology,' (Goźdź-Roszkowski and Witczak-Plisiecka 2011: 5).

Following the explanation of key issues relating to the research methodology,[6] it should now be highlighted that the major role of parametrisation is to describe certain parts of reality in a systematic way. In this specific research the defined parameters are tools to describe objects in the legal reality, where we assume that the

[3] See Chapter 10.5.
[4] See List of Directives of Polish-Greek legilinguistic translatology.
[5] See List of Postulates.
[6] See Chapter II.

objects consist in the investigated legal terms. After the application of the inductive method of analysing facts established in the course of the observation of translational reality, the aforementioned parameters, or 'dimensions' as they are called here, can be recognised as relevant to the research. A dimension is a collection of homogenous properties of a certain object, and these properties describe the object (legal term) in the legal reality. The list of properties is finite, as they characterise systemic, genre-related and semantic relations of the object in that reality (Matulewska 2013, 2016).

Moreover, on the basis of communicative approaches to legal translation, the dimensions can be assigned to (i) the author of the source text, (ii) the source text itself (translandive to translandive text), (iii) the communicative community to which the author of the text belongs, (iv) the commissioner who commissions the translation, (v) the translator who renders the translation, (vi) the translator's communicative community, (vii) the target text (the *translatum* or translative text) and (viii) the communicative community of target-text recipients (Matulewska 2013: 60).

Since the present book focuses on the comparison of civil law terminology in Polish and Greek for the purposes of legal translation, the analysis concentrates on the dimensions of terminology. The terms of the source text are translandive text units, while the terms of comparable texts or the terms established (sometimes coined by the translator) as translation equivalents, are translantive units.

The comparative analysis of terminology is performed in a certain legal reality, *i.e.* the paradigm in which the dimensions of all elements of the legal translation act (*i.e.* (i)–(viii) *supra*) are constant. We establish them in relation to the legal-communication acts where Polish civil law legislative instruments and terminology are the object of translation into Greek. Consequently, we presume that:

(i) the source-text author is the Polish lawmaker,
(ii) the source text (translative or translandive text) is the Polish civil law legislation,
(iii) the communicative community to which the author of the text belongs is the Polish legal professional community,

(iv) the commissioner who commissions the translation is a member of the Greek-speaking community who is aware of the differences between the two legal systems,[7]

the translator who renders the translation is a professional Polish-Greek legal translator,

(v) the translator's communicative community is the professional community of legal translators,

(vi) the target text (the *translatum* or translative text) is a Greek legal text,[8] and

(vii) the communicative community of target-text recipients is the Greek-speaking legal professional community.

The dimensions of (i) the source text (translative or translandive text) and (vii) the target text (the *translatum* or translative text) play a crucial role in the present research, considering how the aim of this book is to test the application of legilinguistic translatology theory to the process of establishing equivalents for non-equivalent terminology, partially equivalent terminology and equivalent terminology. It must be emphasised that, 'absolute equivalence is not possible with concepts coming from different legal systems,' (Sandrini 1999: 102). Thus the object of our discussion is equivalence itself and its various types.

It is possible to establish other parameters and properties of the components of the legal-translation process, (i)–(viii), by analogy to a certain legal reality. These are analysed in other volumes of the series.[9]

For methodological purposes, the parameters of particular Polish-Greek legilinguistic translatology concerning terminology are presented precisely in Chapter III. Particularistic Polish-Greek legilinguistic translatology sometimes requires more specific explanation, thus it may also happen that in some instances some parameters need to be added.[10] In turn, the most relevant dimensions

[7] The so called "close recipient" was introduced by Kierzkowska (2008) and adopted into the legilinguistic translatology by Matulewska (2013).

[8] Legal text, according to the typology of legal languages (Galdia 2009: 91), is also text used by lawyers in professional applications, such as discussion and pleadings, and in legal doctrine.

[9] Volumes 5 to 11 in the series *Dissertationes legilinguisticae (Legilinguistic Studies)*.

[10] See Chapter 3.2.5.

for Polish-Greek legilinguistic translatology in relation to civil law are presented hierarchically. They are also accompanied by relevant translatological recommendations and directives, which are then verified during the application of the translational algorithm (Chapter X).

1.3. Structure of this book

The book includes introductory remarks on the parametric approach to comparison of legal terminology in Chapter I, after which methodological remarks are introduced in Chapter II. Consequently, the research itself follows in Chapters III-IX.

The relevant dimensions are first presented in hierarchical order (Chapter III) and then applied to calculate the distance between Polish and Greek civil law terms. They are investigated from the perspective of the relations of: convergence (Chapter IV), polysemy (Chapter V), complementarity (Chapter VI), cognate words and potential false friends (Chapter VII), imprecise or flexible meaning (Chapter VIII), and euphemisms and metaphors (Chapter IX). Then the translational algorithm based on parametric calculation of the distance between compared legal terms is applied and the explanation scheme is given (Chapter X). Concluding the discussion on the research, the presentation of results and their possible utility and application follows (Chapter XI). All of the investigated legislative instruments and publications are listed in references and in the source text. To assist the reader to quickly find the recommendations and directives mentioned above, these are listed at the end of the book, along with an index of tables and graphs.

This structure has as its object a systematic presentation of the practical material based on the comparison of Polish and Greek legal terms and the theoretical material based on the theoretical presumptions of the *Parametrisation of legilinguistic translatology in the scope of civil law and civil procedure* project, as well as the idea of parametrisation in legal translation theory and practice presented in Matulewska's *Legilinguistic Translatology: A Parametric Approach to Legal Translation* (2013).

2. Methodological remarks

2.1. Basic presumptions

This book is devoted particularly to Polish-Greek legilinguistic translatology, which traces the method of parametrised calculation of the distance between a textual unit in the source and its potential translation equivalent, as introduced by Matulewska (2013). Firstly, one should consider the meaning of term 'Greek legal language', strictly connected with the research. In this particular study it means the language of Greek normative acts (laws, codes etc.) of the Hellenic Republic and, simultaneously, it is not the language of Cypriot sources of law. This point is crucial for further discussion because it determines the collection of the source texts whose terminology is to be parametrised and analysed in the light of legilinguistic translatology including recommendations and directives. Thus the Greek legal language is narrowed to the legal language of only one national legal system, *i.e.* the legal system of Greece.

2.2. Research model

The point of departure in the analysis of legal terms is always the Polish term taken from the Polish Civil Code or from the Polish Code of Civil Procedure. They are also called textual units or translandive text units. The set of Polish civil law terms was established on the basis of Polish theoretical studies and practical commentaries on the Civil Code and the Code of Civil Procedure. Subsequently, the intralingual relations between these terms are discussed. First, the Polish civil law terms are analysed in reference to Polish legislation, and then the Greek civil law terms are analysed on the basis of Greek civil law legislation. When interlingual relations are discussed (convergence, polysemy and complementarity), the comparative

analysis begins with the analysis of Polish terms, and then the Greek terms are investigated. The compared Greek terms are called target-text units, compared-text units, translative-text units or equivalent.

The sequence of the textual units is not accidental, as the research is performed in the direction, put simply, from Polish into Greek. This fact generates the later steps of the research conducted from the Polish legal and linguistic perspective. The unified (restated) publications of the acts mentioned above were valid as at the beginning of the research, *i.e.* August 2013. All of the texts (translandive and translative) are analysed using a comparative method in line with the methodology adopted for the research (*cf.* Neubert 1996, Delisle *et al.* 1999, Biel 2009, Roald and Whittaker 2010). It should be mentioned that among scholars the comparable texts are also referred to as parallel texts when tracing the concept of parallel text by Delisle (1999: 166), which is:

> '(…) a text that represents the same text type as the source text or text that treats the same or closely related topic in the same subject field and that serves as source for *mots justes* and terms that should ideally be incorporated into target text to ensure collocation cohesion.'

All compared texts are listed in the final parts of the book.

Every analysed term is presented in its pragmatic context in a certain legal act, for which reason the relevant Polish and Greek provisions of statutes are cited in the footnotes. They are accompanied by their English translation. The English translations of Polish legislation come from the professional database *Lex* by Wolters and Kluwer (2013-2017). The English translation of the Greek Civil Code and Code of Civil Procedure is rendered by the author of this book and intended strictly for illustrative purposes.[11] Other English translations come from other sources listed beside the analysed terms.

When presenting the relevant interlingual relations, some investigations are limited because of the nature of a certain legal language (see Chapter VII). In turn, some investigations do not include a parametric approach, as it would be pointless (see Chapter

[11] For professional Greek-English translation use it is recommended to refer to *Greek Civil Code, Translation by Constantin Taliadoros*, published by Ant. N. Sakkoulas Publishers, 2000 and to *Civil procedure in Hellas*, Pelayia Yessiou-Faltsi, Kluwer Law International/Sakkoulas 1997.

IX). At least partial conclusions from the research are included in every chapter, but general conclusions and discussion are presented in the last two chapters of the book.

The very first step of comparative analysis is focused on the meaning of the terms in the legal context. Then the analysis of the source-text unit compared with translandive text unit is performed regarding the relevant dimensions of the terms. The set of minimal dimensions used to calculate the similarities and differences between the compared terms are: genre, lect, branch of law, sub-branch of law as well as various optional dimensions.[12] These dimensions can take on certain properties discussed in Chapter III and as far as the analysis concerns optional dimensions, their properties are presented in Chapters IV–VI. The parametric calculation of the distance between the compared terms is presented in tabulated form, where the symbols: '+' meaning 'yes', '–' meaning 'no', '0' meaning 'not determined', and the phrase 'not applicable' are used. The calculation is followed by certain translation directives of Polish-Greek legilinguistic translatology that reflect the recommendations of general legilinguistic translatology or particularistic Polish-Greek translatology. The results of the analysis are applied practically in the translational algorithm and in the explanation scheme[13] at the end of the book, which is confirmatory in nature in relation to theoretical legilinguistic translatology.

2.3. Research hypothesis

The parametrisation of the legilinguistic reality should be performed with regard to the relevant dimensions. As outlined in Chapter III, the dimensions are pragmatic and linguistic in nature and arise from the specific character of legal text, *i.e.* legislation. These dimensions can have a general character, and they can apply to any pair out of a set of legal systems and languages, whereas, according to the study, the Polish term used in legislation is a *comparans* (a term to which another term is compared — the *comparandum*). From this point of view parameters play the role of so-called *tertium comparationis*.

[12] See Chapter 3.2.5.
[13] See Chapter X.

Certain specific dimensions could be taken into account in particular cases such as Polish-Greek legilinguistic translatology.

The determination of homogenous properties within the framework of certain parameters is fundamental when constructing a common platform of comparison. The Polish legal system and the analysed legislative text in this system define the essential dimensions of a certain legal term, along with their properties. Meticulous analysis of compared Greek legal terms from the perspective of the dimensions provides some of the types of distance between Polish and Greek terms: 1) lack of distance, where compared terms can be recognised as synonyms; 2) short distance, where compared terms can be recognised as translational equivalents; 3) significant distance, where compared terms cannot be recognised as translational equivalents and there is a need to counterbalance the lack of common dimensions; 4) lack of possible calculation, because there is no term that could be compared on the basis of the aforementioned dimensions and their properties. These conclusions occur when comparing Polish and Greek legal terms used in legislation, and they provide a foundation for the subsequent actions of the legal translator whose objective is to render the required translation.

The various types of distance calculated between Polish and Greek legal terms reflect the semantic relations between them. This is described and analysed below, as are the possible actions of the translator, which are listed in the translational algorithm. It is worth mentioning that the ability to provide a vital translational equivalent requires proficiency not only in the language of the relevant legislative instruments but also in other legal genres, as in some cases (see the 'genre' dimension and the relations described below) it can be necessary to use a term taken from other legal genres or the various lects (legislation, vernacular, other LSP lects) to coin a new term as the most pertinent solution.

To sum up, the main research hypothesis of this study says that parametrisation of the legilinguistic reality facilitates the calculation of the distance which exists between semantic-pragmatic fields of legal terms and enables the determination of convergent and complementary translational equivalents. The object of this study is to examine whether this statement is true or false, based as it may be on an introductory observation and tests preliminarily confirming the above statement.

2.4. Research material

In light of what was said above, the source text constituting the object of this particular study includes the unified (restated) publication of the following legislative instruments:

(i) Polish Act of 23 April 1964 — Civil Code (*Ustawa Kodeks Cywilny z dnia 23 kwietnia 1964 r.*),

(ii) Polish Act of 17 November 1964 — Code of Civil Procedure (*Ustawa Kodeks postępowania cywilnego z dnia 17 listopada 1964 r.*),

(iii) Greek Civil Code of 23 February 1946 (*Αστικός Κώδικας/Astikos Kodikas*),[14]

(iv) Greek Code of Civil Procedure of 16 September 1968 (*Κώδικας Πολιτικής Δικονομίας/Kodikas Politikis Dikonomias*),

(v) other Polish and Greek legislative instruments listed beside particular examples and quotations,

(vi) other Polish and Greek legal acts (decisions, ordinances, judgments etc.) listed beside particular examples and quotations.

[14] Transcription of Greek terms into Latin characters is performed according to the ISO 843:2000 Standard, derived from ELOT 743 (1982), a Greek transliteration system based on Modern Greek pronunciation rules.

3. Relevant Dimensions for Polish-Greek Translatology

3.1. Introductory remarks

The objective of the present chapter is to present the most relevant dimensions with which to calculate the distance between the Polish source-text term and its potential Greek equivalent. As a point of departure, the meaning of a certain legal term is recognised (decoded) as the very first step in the calculation. Then, the most relevant dimensions, common for all of the terms analysed in this research, are laid out in hierarchical order.

As far as the study pertains to legal terms, retrieving the meaning of a certain term used in legislation precedes the parameterisation of that term in order to enable comparison with potential equivalents in the target language to choose the most equivalent term for the purpose of interlingual translation. The meaning of a term may be established in two ways. First of all, it may be established within a specific branch of law when studying legislation; the ideal situation occurs when the author of the text (the abstract lawmaker) ordains the meaning in a legal definition, for instance in Polish Civil Code there is a legal definition of the term *pełnoletni* — 'major', 'of age' — in Article 10(1). 'A person shall attain majority upon reaching eighteen years of age.'[15] Similarly, in the Greek Civil Code there is a legal definition of the analogous term *ενήλικος* (*enilikos*) — 'major' as well: Article 127. 'Major. A person

[15] The English version of Polish Civil Code and Polish Code of Civil Procedure is based on translations provided by Lex Omega by Wolters Kluwer, and the English versions of other Polish or Greek legislation and legal acts or documents are rendered by the author of this chapter, if not specified otherwise.
Art. 10(1): Pełnoletnim jest, kto ukończył lat osiemnaście.

upon reaching eighteen years of age (major) acquires capacity for every juridical act.'[16]

In most cases, however, no legal definitions are provided in Polish or Greek civil acts. If so, the meaning can be derived from other sources known to legal science, such as commentaries, interpretations, legal acts, judicial decisions etc. For instance, the Polish term *orzeczenie* — 'decision', 'ruling' — which is present in Polish Civil Code and Code of Civil Procedure, has no legal definition in the Codes and can be reconstructed on the basis of other sources. Consequently, *orzeczenie* is a juridical act of a court of law that can affect the merits of the case at bar (court decision that goes to the subject-matter of the dispute) or the course of the case or some issues which arise in the proceedings (court decision concerning supplementary, procedural issues) (Kalina-Prasznic 2007: 509). According to other studies (Zieliński 2002: 148-149) court decisions are divided into *wyroki*: 'judgments' and *postanowienia*: 'orders'. A judgment normally terminates the proceedings, whereas an order need not do so. Another definition is given by Matys (2011), who says that a court disposes of cases in the order form only where the Code of Civil Procedure does not require a judgment. In conclusion, a court decision is an act, and concurrently it is a procedural document that usually has one of the two most common basic forms: a judgement or an order; an order can be a conclusive sentence or not. Of course, this knowledge is very helpful for novice researchers and translators and from this point of view it highlights a specific meaning of the relevant term in legal lects. Simultaneously, it can further enrich the knowledge of professional and experienced researchers and translators in those cases in which it relates to terms that are very specific or have been introduced only recently.

As mentioned above, the meaning of the term can have two functions. The second function is to construct a field of sub-meanings or a set of information that comes out of the parameterisation of a certain legal term. In order to determine the meaning of such a legal term one needs to take into account the impact of the location of the term and its potential definition within the relevant part of the statute

[16] Άρθρο 127. Ενήλικος. Όποιος έχει συμπληρώσει το δέκατο όγδοο έτος της ηλικίας του (ενήλικος) είναι ικανός για κάθε δικαιοπραξία.
Article 127. Majority. A person who has completed eighteen years of age shall be legally capable of carrying out any transaction.

in which it is found (the significance of macrostructure), as that could either narrow down or broaden the potential meaning of the analysed term. The dimensions that account for such potential modifications of meaning include the sub-branch of law; this, in civil procedure, could include the type of proceedings to which the term refers. For instance, the Polish term *wnioskodawca* 'petitioner/applicant', even if examined from the perspective of the Code of Civil Procedure, or more specifically Articles 311 and 312,[17] means a person who wants to secure evidence in civil proceedings that include a contentious trial, whereas in non-contentious proceedings it means a participant to proceedings (who is not a party precisely because of the nominal lack of contention in the proceedings), which is examined in the Table 11[18]. In dealing with this, the method of parameterisation potentially narrows down the most adequate meaning of the term and eliminates unnecessary information, noise as it were; for example, the dimension 'type of procedure' can narrow meaning of the term *wnioskodawca* 'petitioner/applicant' to a person who takes the initiative to trigger extrajudicial proceedings, without, however, being an interested party or a party in the proper sense. This fact can be crucial when determining the distance between the Polish term and its potential Greek equivalent, because in the Greek Code of Civil Proceedings, in Article 753, concerning parties to extrajudicial proceedings, the term *διάδικος [diadikos]* 'party' exists and it can be a potential translational equivalent for the analysed Polish term *wnioskodawca*. Particular study of this type of case is further analysed with the assistance of the translational algorithm presented in Chapter X.

[17] Art. 311. Wniosek o zabezpieczenie dowodu składa się w sądzie właściwym do rozpoznania sprawy, a w wypadkach nie cierpiących zwłoki lub gdy postępowanie nie zostało jeszcze wszczęte, w sądzie rejonowym, w którego okręgu dowód ma być przeprowadzony.
Article 311. A petition to secure evidence shall be filed with the court of competent jurisdiction to hear the case concerned, and in urgent cases or where proceedings have not yet been instituted, in a district court in the region where evidence is to be taken.
Art. 312. Wniosek powinien zawierać: 1) oznaczenie **wnioskodawcy** i przeciwnika oraz innych osób zainteresowanych, jeżeli są znane; (…)
Article 312. A petition should specify: 1) particulars of the **petitioner** and his adverse party, and other interested parties as may be known; (…)
[18] See chapter 3.3.

3.2. Hierarchy of dimensions

The relevant dimensions for the examined terminology excerpted from the Polish Civil Code and the Polish Code of Civil Proceedings provide the means to calculate the distance between such terms and their potential Greek equivalents. In other words, they enable the detection of similarities and differences between the compared terms in as few steps as possible. The list is not exhaustive, and it can be extended incidentally depending on the situation. However, the dimensions below are formulated on the basis of the analysis of more than 1,300 terms from Polish substantive civil law and more than 1,100 terms from Polish procedural law. Finally, the relevant minimal dimensions are as follows:

1. genre,
2. lect,
3. branch of law,
4. sub-branch of civil law,
5. optional dimensions exploited *ad hoc*.

3.2.1. Genre

In this specific study *genre* is considered to be language for a legal purpose (LLP) in all its varieties, that may be categorised on the basis of either the author or the type of the text.[19] There are several important concepts relating to the issue of LLP and its classification. Both lawyers (Mellinkoff 1963, Tiersma 1999 *et al.*) and linguists (Mattila 2006, Galdia 2009 *et al.*) have observed the synthetic nature of this legal lect. The very early typology of LLP was proposed by Polish jurist Wróblewski, who wrote (1948) about *język prawny* (language of the law), used to express legal rules and provisions, and about *język prawniczy* (legal language), used in utterances about legal rules and provisions included in the laws. Also Kurzon (1986), in line with this, proposed the distinction between *language of the law* and *legal language*.[20] A different approach to LLP typology was suggested

[19] Term coined in reference to the widely considered term Language for Specific/Special Purposes (LSP).

[20] Terminology after Cao (2007). Kurzon (1986) based his distinction on the theory of speech acts of Austin and Searle, and in his book the term *legal*

by Mattila (2006: 4-5) who claims that within the framework of *legal language* the division of legal language into sub-genres can be applied as follows:

- 'language of legal authors,
- language of the lawmakers (laws and regulations),
- language of judges,
- language of administrators,
- language of advocates;' (Mattila 2006, 4).

Galdia (2009) proposes a different division of legal language types, as he claims it should be connected with the text genre, so he distinguishes the following:

- 'language of statutes (language of legislation),
- language of legal decisions including fact description,
- language of the legal doctrine,
- language used by lawyers in professional discussion and pleadings,
- language used by laypersons in a legal context (testimony, comments on legal decisions),
- language used by administrative clerks.' (Galdia 2009, 91).

These well-known and widely recognised typologies always include the distinction between the language of legislation (called also the language of the lawmakers or language of the law according to the typologies presented) and the other legal genres. Consequently, it is possible to state that, for the purpose of parameterisation of the analysed terms excerpted from the Polish statutes (codes), the dimension of genre can include the following two properties: 1) the language of legislation and 2) other legal lect.

The dimension of genre refers to the genre of the analysed source text (Polish statute) in Polish legal system. For instance, the Polish term *kodeks* 'code' is a basic (core) and complex statute (Stec 2015), which is confirmed by the text of the code itself.[21]

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speech acts concerns normative acts and means *language of the law*. More detailed typology of legal speech acts and legal languages was published by Kurzon (1989).

[21] Polish Civil Code. Artykuł 1. Kodeks niniejszy reguluje stosunki cywilno-prawne między osobami fizycznymi i osobami prawnymi.

Simultaneously, this term is included in the title of the act, for instance: *Ustawa z dnia 25 lutego 1964 r. — **Kodeks** rodzinny i opiekuńczy* 'Law of 25th of February 1964 — **Code** of Family and Guardianship Law'.

Concurrently, the Greek term *κώδικας [kodikas]* 'code' is a complex statute (Vavouskos 1995, 37-45), which is also confirmed by the text of the code itself:

> 'Even after [the] entering into force of the Civil **Code**, Article 956 of the **Code** of Civil Procedure and Article 373 of the Civil Procedure of Crete of 1880 are still in force, unless they are contrary to Article 1294 and 1295 of the **Code**.'[22]

Simultaneously, the analysed term is included in the title of the statute, for instance: *Νόμος υπ' αριθ. 2696 Κύρωση του **Κώδικα** Οδικής Κυκλοφορίας [nomos yp' arith. 2696 kirosi tou kodika odikis kykloforias]* 'Law No. 2696. Ratification of the Highway **Code** '.

After all, it is worth analysing the referral clauses in Polish and Greek statutes, because in Polish Civil Code internal reference clauses include the following syntagm: *niniejszy kodeks* 'the present code'[23] or **kodeks niniejszy** 'the present code',[24] while in Greek Civil Code the reference clauses comprising the parallel syntagm do not occur. Instead of a clause of such type, the following syntagm: *αστικός*

Article 1. The present Code governs civil-law relations between natural persons and legal persons.

[22] Εξακολουθεί να ισχύει και μετά την εισαγωγή του Αστικού Κώδικα το άρθρο 956 της Πολιτικής Δικονομίας και το άρθρο 373 της Κρητικής Πολιτικής Δικονομίας του 1880, εφόσον δεν αντιβαίνουν στα άρθρα 1294 και 1295 του Κώδικα. Εισαγωγικός νόμος του Αστικού Κώδικα. Άρθρο 69.
Article 956 of the Code of Civil Procedure and Article 373 of the Cretan Code of Civil Procedure of 1880 remain in effect even after the introduction of the Civil Code, provided they are not contrary to Articles 1294 and 1295 of the Code. Article 69 of the Law introducing the Civil Code.

[23] For example: Art. 45. Rzeczami w rozumieniu niniejszego kodeksu są tylko przedmioty materialne.
Article 45. Only tangible objects shall be considered things within the meaning of the present Code

[24] For example: Art. 805. § 3. Do renty z umowy ubezpieczenia nie stosuje się przepisów kodeksu niniejszego o rencie.
§ 3. The provisions of the present Code on pension shall not apply to a pension arising under the contract of insurance.

κώδικας [astikos kodikas] 'civil code'[25] occurs when referring to other provisions of the same act. Consequently, when analysing other internal reference clauses, the following term occurs *ο νόμος [o nomos]* 'the law',[26] referring to the Greek Civil Code categorised according to the typology of the Greek statutes. This situation can be illustrated in the tables below. In turn, in Polish and Greek other legal genres, for instance commentaries to the codes, a similar situation is observed. However, it must be stressed that since the source text is the Polish Civil Code, further analysis of other legal genres needs further investigation, relevant to the other paradigms of legal interlingual communication. Simultaneously the compared Greek term is present in the Greek Civil Code and, consequently, for the purposes of the present analysis, there is no need to investigate all the other legal Polish and Greek genres.

Table 1. *Kodeks* vs *κώδικας [kodikas]* or/and *νόμος [nomos]* as a type of statute.

Dimension	Property of dimension	Terms		
		Polish	Greek	
		kodeks	κώδικας [kodikas]	νόμος [nomos]
Genre	Legislation	+	+	+
	Other genre	+	+	+

[25] Literally there is only one reference clause in the Greek Civil Code (excluding its introductory law) and it is as follows: Άρθρο 13 — Γάμος. 2. Όταν τα πρόσωπα που πρόκειται να παντρευτούν ή το ένα απ' αυτά είναι Έλληνες και ο γάμος τελείται στο εξωτερικό, η δήλωση του άρθρου 1367 **του αστικού κώδικα** μπορεί να γίνει και στην ελληνική προξενική αρχή.
Article 13. Marriage. 2. When the persons who are to be married or one of them is Greek and the marriage is celebrated abroad, the declaration provided for in Article 1367 **of the Civil Code** may also be made before the Greek consular authority.

[26] For example: Άρθρο 133. Δικαιοπραξίες του περιορισμένα ικανού. Πρόσωπα με περιορισμένη ικανότητα είναι ικανά να επιχειρήσουν δικαιοπραξία μόνο στις περιπτώσεις που ορίζει **ο νόμος** ή μόνο με τους όρους που τάσσει **ο νόμος**.
Article 133. Transactions made by persons with limited legal capacity. Persons with limited legal capacity shall have the capacity to enter into transactions solely in the cases specified by **the law** or only under the conditions laid down by **the law**.

Table 2. *Kodeks* vs *κώδικας [kodikas]* as a title of statute.

Dimension	Property of dimension	Terms	
		Polish	Greek
		kodeks	κώδικας [kodikas]
Genre	Legislation	+	+
	Other genre	+	+

Our deliberations lead to some directives for particularistic Polish-Greek legilinguistic translatology, which can be formulated as follows:

Directive 1$_{PL\text{-}EL}$: If in a Polish statute the term 'kodeks' means a type of statute, then it is translatable into Greek as 'κώδικας [kodikas]' or 'νόμος [nomos]'.

Directive 2$_{PL\text{-}EL}$: If in a Polish statute the term 'kodeks' is used as the title of the statute, then it is translatable into Greek as 'κώδικας [kodikas]'.

These directives result from the postulate of general legilinguistic translatology *Po 21 — Postulate of near equivalence (intersection).*

A similar situation is observed when taking into consideration another legal-text genre, which is the text of the law. The most eminent example may be observed in the texts of laws amending other laws, mentioning the titles of the laws whose old wordings lose their binding force as a result of the amendment (or the entire act is repealed), which include the term *ustawa* twice — the title of the amending or repealing act includes the entire title of the act being amended or repealed, also with the word 'ustawa'. For instance, in the Polish law ***Ustawa** z dnia 21 listopada 1996 r. o muzeach* 'Law on Museums of 21 November 1996', in Article 35 one can find the title of the act being repealed[27] (***Ustawa z dnia 15 lutego 1962 o ochronie dóbr kultury i o muzeach*** 'Law on Museums of 21 November 1996') and the type of the amending act (in the phrase *w tytule **ustaw**y* 'in the title of the law'), denoted with the same term *ustawa* 'law'. A similar situation occurs in the Greek legal system with titles of acts no-longer-to-be-binding being mentioned in the binding statute which repeals

[27] Art. 35. W **ustawie z dnia 15 lutego 1962 o ochronie dóbr kultury i o muzeach** (…) wprowadza się następujące zmiany: 1) w tytule **ustawy** skreśla się wyrazy „i o muzeach".
Article 35. In the Law of 15th of February 1962 on protection on cultural goods and on museums (…) 1) the words 'and on museums' are being deleted'.

them; for example Article 70 of the *Εισαγωγικός* ***νόμος*** *του Αστικού Κώδικα* 'The Introductory Law of the Civil Code' includes the following provisions: *Καταργείται με την εισαγωγή του Αστικού Κώδικα ο* ***Νόμος της 1/6 Δεκεμβρίου 1836 «περί ενεχύρου»****, όπως τροποποιήθηκε*. 'Upon introduction of the Civil Code the **Law of 1/6th of December 1836 "on pledge"** as amended is repeated'. Consequently, the term *νόμος [nomos]* 'law' is used in this text as (1) the title of the statute and (2) type of statute.

The above observation concerns the Polish statutory term *ustawa* 'law' which is, like in the case of the term *kodeks* 'code' both the type of statute and the title of a certain statute. The parametric comparison of these terms is presented in the tables below.

Table 3. *Ustawa* vs *νόμος [nomos]* as a type of statute.

Dimension	Property of dimension	Terms	
		Polish	Greek
		ustawa	νόμος [nomos]
Genre	Legislation	+	+
	Other genre	+	+

Table 4. *Ustawa* vs *νόμος [nomos]* as a title of a statute.

Dimension	Property of dimension	Terms	
		Polish	Greek
		ustawa	νόμος [nomos]
Genre	Legislation	+	+
	Other genre	+	+

Thus directives 1 and 2 are relevant in the calculation of the terms *ustawa* 'law' and *νόμος [nomos]* 'law' and can be formulated as follows:

Directive 3$_{PL\text{-}EL}$: If in a Polish statute the term 'ustawa' means statute, then it is translatable into Greek as 'νόμος [nomos]'.

Directive 4$_{PL\text{-}EL}$: If in a Polish statute the term 'ustawa' is used as a title of a statute, then it is translatable into Greek as 'νόμος [nomos]'.

These directives are under the same *Po 21 — Postulate of near equivalence (intersection)* taken from general legilinguistic translatology.

In the discussion of the aforementioned Polish statutory terms *kodeks* 'code' and *ustawa* 'law' their principal role as sources of law was mentioned. Concurrently, in either the Polish or in the Greek legal system statutes can be accompanied by implementing executive

legislation and, to be precise, in Poland these are: *rozporządzenie* 'ordinance/regulation' and in some circumstances *zarządzenie* 'ordinance' (Purc-Kurowicka and Szwed 2016) and in Greece they are: *διάταγμα [diatagma]* 'decree', *υπουργική απόφαση [ypourgiki apofasi]* 'ministerial decision', *προεδρικό διάταγμα [proedriko diatagma]* 'presidential decree' and other administrative acts (Kentriki Epitropi Kodikopoisis 2010). Their function is different to the function of codes and laws passed by the legislature. It must be mentioned that statutory terms are also present in other legal genres, such as: decisions, doctrine, jurisprudence, professional discussions etc., which can be of assistance in searching for sufficiently close translational Greek equivalents of certain Polish terms.

These observations lead to the conclusion that the meanings of the source and target language terms, although considered as equivalent, are rarely identical; for instance, where the source text — Polish statute —includes terms which are compared for the purposes of the comparable text — Greek statute or administrative act — and thus the dimensions determine the distance between the examined Polish and Greek terms. For instance, the Polish term *sygnatura akt* 'court-file reference number' (more literally: court-record reference; not a number strictly speaking, as it includes letters) from the Polish Code of Civil Procedure (Article $126(2)^1$) does not have an equivalent in the Greek Code of Civil Procedure, but it is always mentioned in pleadings, for instance *αριθμός πρωτοκόλλου [arithmos protokollou]* (abbreviation *αριθ. πρωτ. [arith. prot.]* 'court ref. no.') 'court-reference number'.

Table 5. *Sygnatura akt* vs *αριθμός πρωτοκόλλου [arithmos protokollou]*.

Dimension	Property of dimension	Terms	
		Polish	Greek
		sygnatura akt	αριθμός πρωτοκόλλου
Genre	Legislation	+	-
	Pleadings	+	+

Thus under the following postulate of general legilinguistic translatology:

Po 6 — Postulate of the absence of complete homosignification

which presumes that no two heterolingual texts bound by the relation of translatability are completely homosignificative, the following

directive of Polish-Greek legilinguistic translatology can be formulated:

Directive $5_{PL\text{-}EL}$: If there is no equivalent for the Polish legislative term in the language of the Greek lawmaker, the translator should look for potential equivalents in texts belonging to other legal genres.

In this light, the source-text unit, in this case a Polish civil law term, takes on the property of the legislation genre in the dimension of genre, while the Greek term, whose distance to the Polish term is being calculated, can take on the property of legislation genre or other genre. The other genres comprise text genres of the Greek legal reality, *i.e.* various legal acts (such as statutes, regulations, decrees, decisions, pledges, decisions. etc.) and in this study they are called sub-genres. In the example discussed above the Greek term takes on the property of 'other genre', and, moreover, in the dimension of sub-genre it takes on the property of pleadings.

3.2.2. Lect

Additionally, one may also deal with the dimension of lect, which is to take into account whether the term belongs to the legal lect or to the vernacular lect or some other LSP lect. As far as this study concerns Polish civil law terminology, understood as units of source text, the dimension of translandive unit takes on the property of legal lect.

Due to the similarities between the Polish and the Greek legal system, most of the Polish Civil Code and Polish Code of Civil Procedure terms examined have an equivalent in the Greek Civil Code and the Greek Code of Civil Procedure. In these circumstances the very first step taken by the Polish-Greek legal translator should be pertinent exploration of comparable Greek text, *i.e.* the text of the same genre which thus has the same function. For instance, the Polish term *zdolność do czynności prawnych* 'capacity to perform legal acts' from the Polish Civil Code is convergent with the Greek term *ικανότητα για δικαιοπραξία [ikanotita gia dikaiopraxia]* 'capacity to perform legal acts' contained in the Greek Civil Code, based on the parametric calculation shown in the table below.

Table 6. *Zdolność do czynności prawnych* vs *ικανότητα για δικαιοπραξία [ikanotita gia dikaiopraxia]*.

Dimension	Property of dimension	Terms	
		Polish	Greek
		zdolność do czynności prawnych	ικανότητα για δικαιοπραξία [ikanotita gia dikaiopraxia]
Genre	Legislation	+	-
	Other genre	+	+
Lect	Legal lect	+	+
	Vernacular lect	-	-
	Other LSP lect	-	-

To sum up, a Polish statutory term can have a close equivalent in a Greek text of the same legal genre, and, on the basis of the above discussion, the following directive can be formulated:

Directive 6$_{PL\text{-}EL}$: If the Polish statutory term is sufficiently convergent in respect to the relevant dimensions with the term from the Greek statute, then it is translatable into Greek,

which is formulated under the postulate of convergence and homosignification: *Po 11 — Postulate of translational convergence and homosignification.*

In so far as the Polish and the Greek legal systems are not the same, there are numerous terms that do not take the same property in the dimension of lect. One of the examples is the Polish term *ograniczone prawa rzeczowe* 'limited proprietary rights'[28] excerpted from the Polish Civil Code. It takes on the property of legislation in the dimension of lect, but as far as it does not have any potential equivalent term either in the Greek Civil Code or the Greek Code of Civil Procedure, the proposed Greek convergent term *περιορισμένα εμπράγματα δικαιώματα [periorismena empragmata dikaiomata]* or *δικαιώματα επί αλλοτρίου πράγματος [dikaiomata epi allotriou pragmatos]* takes on the property of other LSP lect. The terms

[28] Art. 244. § 1. Ograniczonymi prawami rzeczowymi są: użytkowanie, służebność, zastaw, spółdzielcze własnościowe prawo do lokalu oraz hipoteka.
Article 244. § 1. Usufruct, servitude, pledge, the right to premises of a cooperative member and mortgage shall be limited proprietary rights.

proposed come from scholarly investigations of comparative law and history of law (Georgiadis 2010: 58), and the calculation between the source and compared term is presented in the table below.

Table 7. *Ograniczone prawa rzeczowe* vs *περιορισμένα εμπράγματα δικαιώματα [periorismena empragmata dikaiomata]* or *δικαιώματα επί αλλοτρίου πράγματος [dikaiomata epi allotriou pragmatos]*.

Dimension	Property of dimension	Terms		
		Polish	Greek	
		ograniczone prawa rzeczowe	περιορισμένα εμπράγματα δικαιώματα	δικαιώματα επί αλλοτρίου πράγματος
Genre	Legislation	+	-	-
	Other genre	+	+	+
Lect	Legal lect	+	-	-
	Vernacular lect	0	0	0
	Other LSP lect	+	+	+

In this case, under the postulate *Po 27 — Postulate of non-equivalence (intersection)* found in general legilinguistic translatology, the following particular directive concerning Polish-Greek legilinguistic translatology can be formulated:
Directive $7_{PL\text{-}EL}$: If the Polish statute term is sufficiently convergent with respect to the relevant dimensions with the term from the Greek LSP lect (other than legal lect), then it is translatable into Greek.

3.2.3. Branch of law

Both in the Polish and in the Greek legal system there are numerous branches of law, for instance civil law, criminal law, constitutional law, etc. As this study concerns terminology directly excerpted from the sources of Polish civil law, this dimension always takes on the property of civil law. Potential Greek equivalents, on the contrary, can take on a different property in this dimension. For example, the term *tajemnica korespondencji* 'confidentiality of correspondence' is a term found in the Polish Civil Code.[29] As one of the protected personal interests ('personal goods'), the confidentiality of correspondence is recognised as an immaterial value attached to the personality of a human being and is widely recognised in society (Radwański 1999: 161 et al). Moreover, since this interest is of normative nature, it is afforded legal protection (Pyziak-Szafnicka 2009). In other words, it is the innate right of a person to enjoy free communication exchanged in confidence. Yet, in the Greek Civil Code there is no potential equivalent, but confidentiality of correspondence — *το απόρρητο των επιστολών και της ελεύθερης ανταπόκρισης [to aporrito ton epostolon kai tis eleftheris antapokrisis]* 'secrecy of letters and of free correspondence' exists in

[29] Art. 23. Dobra osobiste człowieka, jak w szczególności zdrowie, wolność, cześć, swoboda sumienia, nazwisko lub pseudonim, wizerunek, **tajemnica korespondencji**, nietykalność mieszkania, twórczość naukowa, artystyczna, wynalazcza i racjonalizatorska, pozostają pod ochroną prawa cywilnego niezależnie od ochrony przewidzianej w innych przepisach.
Article 23. Personal interests of a human being, such as in particular health, freedom, dignity, freedom of conscience, surname or pseudonym, image, **confidentiality of correspondence**, inviolability of home as well as scientific, artistic, inventive and reasoning activities shall be protected by the civil law regardless of the protection provided for by other provisions.

the Greek Constitution.[30] Therefore, when calculating the distance between the Polish source-text term *tajemnica korespondencji* 'confidentiality of correspondence' and the Greek potential equivalent *το απόρρητο των επιστολών και της ελεύθερης ανταπόκρισης [to aporrito ton apostolon kai tis eleftheris antapokrisis]* 'secrecy of letters and of free correspondence', they take on respectively the property of civil law and constitutional law. However, it should be mentioned that the Polish institution of *tajemnica korespondencji* is also protected under the Polish Constitution as a result of the construction of its hypernym *tajemnica komunikowania się* 'confidentiality of communication'. However, for the purposes of this specific research the Polish term takes on the property of civil law because it comes from the Civil Code, not constitutional law. The parametric calculation of the distance between the two compared terms is presented in the following table.

Table 8. *Tajemnica korespondencji* vs *το απόρρητο των επιστολών και της ελεύθερης ανταπόκρισης [to aporrito ton epostolon kai tis eleftheris antapokrisis]*.

Dimension	Property of dimension	Terms	
		Polish	Greek
		tajemnica korespondencji	το απόρρητο των επιστολών και της ελεύθερης ανταπόκρισης
Genre	Legislation	+	-
	Other genre	+	+
Lect	Legal lect	+	+
	Vernacular lect	-	-
	Other LSP lect	-	-
Branch of law	Civil law	+	-
	Constitutional law	-	+

[30] Άρθρο 19. 1. **Το απόρρητο των επιστολών και της ελεύθερης ανταπόκρισης** ή επικοινωνίας με οποιονδήποτε άλλο τρόπο είναι απόλυτα απαραβίαστο.
Article 19 1. **Secrecy of letters** and **of free correspondence** or communication shall be absolutely inviolable (Translation based on Mavrias 2004: 36).

On the basis of the terms discussed it is possible to formulate the following directive of Polish-Greek legilinguistic translatology:
Directive $8_{PL\text{-}EL}$: If the Polish statutory term is sufficiently convergent with respect to the relevant dimensions with the term from a Greek statute from a different branch of law, then it is translatable into Greek.
The directive is formulated under the postulate *Po 23 — Postulate of near equivalence (inclusion of a translandive unit in a translative unit)* taken from general legilinguistic translatology.

3.2.4. Sub-branch of law

This dimension determines the vital classification of the examined term into the sub-branch of either substantive law or procedural civil law. For each sub-branch the properties that can be taken on by the terms are as follows: 1) belongs to substantive civil law, 2) does not belong to substantive civil law, or 3) assumes the property of indeterminacy, and, analogously, 1) belongs to procedural civil law, 2) does not belong to procedural civil law, or 3) assumes the property of indeterminacy respectively. Certain source terms can take either property 1 or property 2, and, consequently, further dimensions of the examined term depend on the positive property of the dimension discussed here.

Civil substantive law determines the legal relationships of autonomous subjects on the basis of certain facts which give rise to, modify or terminate these relationships (Radwański 1999: 7). The legal rules which regulate certain permissions, obligations and prohibitions, as well as the sanctions for not observing them, are also covered by substantive civil law. Substantive civil law coexists with procedural law, which enables the enforcement of substantive civil law. Procedural civil law determines the rules and standards observed and applied by the courts when enforcing substantive civil rules (Zieliński 2002: 2). It also sets out the rules for participants in certain procedures, pleadings, the formal course of cases and lawsuits, etc.

In spite of how substantive and procedural law are strictly connected, there are terms existing both in the Polish Civil Code and the Code of Civil Procedure whose meaning and function seen in the perspective of the dimension of sub-branch of law take on different

properties. For instance, the term *strona* 'party'[31] in substantive civil law denotes the subject of a certain obligation under the law of obligations (Radwański 1999: 84). By contrast, the term *strona* 'party to civil proceedings'[32] in procedural civil law denotes a natural or legal person that has the capacity to be a party to court proceedings (Zieliński 2002: 52-56). In Greek civil law there are different equivalent terms, respectively, depending on the property taken on by the two meanings of Polish source term *strona* 'party'. The Greek term for the subject of obligations is *μέρος [meros]* 'party',[33] and it is a term excerpted from the Greek Civil Code. For the purposes of analysis we should also find the equivalent Greek term for a subject of procedural civil law capable of being a party to court proceedings. Here the Greek term is *διάδικος [diadikos]* 'party',[34] which has convergent meaning and occurs in the Greek Civil Code, and is a

[31] Art. 18. § 3. **Strona**, która zawarła umowę z osobę ograniczoną w zdolności do czynności prawnych, nie może powoływać się na brak zgody jej przedstawiciela ustawowego.
Article 18. § 3. **A party** who has entered into a contract with a person limited in his capacity for juridical acts may not invoke a lack of consent of the latter's statutory representative.

[32] For example: Art. 69. Dla **strony** nie mającej zdolności procesowej, która nie ma przedstawiciela ustawowego, jak również dla **strony** nie mającej organu powołanego do jej reprezentowania, sąd na wniosek **strony** przeciwnej ustanowi kuratora, jeżeli strona ta podejmuje przeciwko drugiej **stronie** czynność procesową nie cierpiącą zwłoki.
Article 69. Where a **party** does not have the capacity to conduct court proceedings or does not have a legal representative as well as where a **party** does not have an authority appointed to represent that party, the court shall, upon a petition from the adverse **party**, appoint a guardian *ad litem* for such party, if such party takes an urgent procedural action against such other **party**.

[33] For example: Άρθρο 306. Επιλογή. Η επιλογή γίνεται με δήλωση προς το άλλο **μέρος**˙ η δήλωση είναι αμετάβλητη και δεν επιδέχεται αίρεση ή προθεσμία.
Article 306. Option. The option shall be exercised by means of a declaration addressed to the other **party**; the declaration cannot be withdrawn and is not subject to any condition or deadline.

[34] For example: Άρθρο 62. Όποιος έχει την ικανότητα να είναι υποκείμενο δικαιωμάτων και υποχρεώσεων έχει και την ικανότητα να είναι διάδικος.
Article 62. Anyone who is capable of being the object of rights and obligations, has capacity to be a litigant.

sufficient equivalent of the Polish source term. It is also confirmed by the parametric calculation presented below.

Table 9. *Strona* vs *μέρος [meros]* and/or *διάδικος [diadikos]*.

Dimension	Property of dimension	Terms		
		Polish	Greek	
		strona	μέρος	διάδικος
Genre	Legislation	+	+	+
	Other Genre	+	+	+
Lect	Legal lect	+	+	+
	Vernacular lect	-	-	-
	Other LSP lect	-	-	-
Branch of law	Civil law	+	+	+
	Other	-	-	-
Sub-branch of law	Substantive	+	+	-
	Procedure	+	-	+

With respect to the dimension of sub-branch of civil law, the following directives of particular Polish-Greek legilinguistic translatology can be formulated:

Directive 9$_{PL\text{-}EL:}$ If the Polish term 'strona' in the dimension of sub-branch of law takes on the property of substantive law, then it is translatable into Greek as 'μέρος [meros]'.

Directive 10 14$_{PL\text{-}EL:}$ If the Polish term 'strona' in the dimension of sub-branch of law takes on the property of procedural law, then it is translatable into Greek as 'διάδικος [diadikos]'.

These directives are covered under the postulate *Po 11 — Postulate of translational convergence and homosignification* taken from general legilinguistic translatology.

3.2.5. Optional dimensions

Finally, it is worth mentioning that the analysis of key terms excerpted from the Polish Civil Code and the Polish Code of Civil Procedure can incidentally involve other dimensions. cases These optional dimensions reflect the legal or linguistic nature of the analysed terms, and certain cases are presented in the following chapters of this book.

The first group of optional dimensions exploited *ad hoc* depends on the relevant dimensions which were mentioned above:[35]

- sub-division of substantive civil law (applied if the sub-branch of law takes on the property of substantive law), which can take on the property of the law of persons, or proprietary rights, or law of obligations, or law of succession, and
- type of civil procedure (applied if the sub-branch of law takes on the property of procedural law) which can take on the property of either contentious proceedings (referred to as 'procedure' in Polish parlance) or contrasting non-contentious proceedings (referred to, contrastingly, as 'non-procedure' in Polish parlance).

Another group of dimensions is independent from the dimensions presented in sections 3.2.1–3.2.4. Since they are adequately discussed in later parts of the book, let us simply list them. These are:

- text validity, which can take on the property of being either binding or non-binding (Chapter 4.2.4.);
- function of the term, which can take on the property of the title of the act or area of law (Chapter 4.3.2.);
- the executor of the act, which can take on the property of either the court or some other institution (Chapter 5.2.1.);
- an element of syntagm, which can take on the property of either dominant or subordinate element (Chapter 5.2.1.);
- syntagm, which can take on the property of syntagm with abstract noun or syntagm with concrete noun (Chapter 5.2.2.);
- jurisdiction, which can take on the property of common-court jurisdiction or special-court jurisdiction (Chapter 6.2.1.1.);
- appeal, which can take on the property of either supervisory or non-supervisory function in proceedings on appeal (Chapter 6.2.1.1.);
- instance, which can take on the property of either first or second instance (Chapters 6.2.1.2., 6.2.2.2. and 6.3.);
- numerical composition of the court, which can take on the property of either single-member or multi-member court (Chapter 6.2.1.2.);

[35] Chapters 3.2.1. – 3.2.4.

- qualitative composition of the court, which can take on the property of court composed of either a single professional judge or multiple professional judges (Chapter 6.2.1.2.);
- source of binding decision, which can take on the property of either Greek or foreign law (Chapter 6.2.2.1.).

3.2.5.1. Diglossy

As far as the present study concerns Polish-Greek translatology, it is worth mentioning that Polish-Greek and Greek-Polish legal translators should be acquainted with the phenomenon of diglosssy in Greek legal language, although the general trend in Modern Greek legal language is metaglottisation (Gortych-Michalak 2013) understood as intralingual translation from *katharevousa* (purist Greek) into Modern Greek. Even though there are still many laws and other statutes in force which were primarily drafted in *katharevousian* legal language, with time they can be derogated or modified with the use of Modern Greek. Thus there are some laws that are partially in *katharevousa* and partially in Modern Greek. The trend towards a katharevousian style appears more significantly in legal practice, for instance, in contracts, but since it is not the subject of the present book, let us refrain from discussing it at the moment. In these circumstances diglossy can be recognised as a dimension that can take on the property of either *katharevousa* or Modern Greek.

Since diglossy still exists in binding Greek statutes (Gortych 2008, 2009), let us discuss a hypothetical situation that could occur when translating a Polish statute into Greek. As mentioned above, there are some Greek statutes drafted partially in *katharevousa* and partially in Modern Greek — for instance *Νόμος 2190/1920 Περί Ανώνυμων Εταιρειών* 'Law No. 2190/1920 on Public Limited Companies[36]'. Acts fall within the scope of the present study are comparable texts with the potential to be of assistance in establishing the proper translation equivalent for certain Polish civil law terms; consequently, awareness of diglossy in Greek legal language plays a crucial role in the determination of the proper potential equivalent.

One of the acts that include text in *katharevousa* and are binding is Νόμος 2190/1920 Περί Ανώνυμων Εταιρειών 'Law No.

[36] FR: Société Anonyme.

2190/1920 on Public Limited Companies)'. There is a textual unit: *Κεφάλαιον 6ον Διάλυσις και εκκαθάρισις* (Chapter 6th. Company dissolution and liquidation'), which includes the katharevousian term *διάλυσις [dialysis]* 'dissolution' which co-occurs in the same statute with the term *λύση [lysi]* 'dissolution', for instance *Άρθρο 48. Λύση της εταιρείας με δικαστική απόφαση μετά από αίτηση των μετόχων*./Chapter 48. Company dissolution on the basis of judicial decision upon the petition of shareholders. The term *λύση [lysi]* 'dissolution' is the Modern Greek version of the older term *διάλυσις [dialysis]* 'dissolution', and the difference lies in morphological structure, as shown in the table below:

Table 10. *Διάλυσις [dialysis]* vs *λύση [lysi]*.

διάλυσις	λύση
noun, female	noun, female
Structure: prefix + stem	Structure: stem
Noun ending '-σις [-sis]'	Noun ending '-ση [-si]'

The analysis enables us to formulate a general directive for Polish-Greek legilinguistic translatology: *if a certain Polish term has no equivalent term in the relevant Greek statutes, such an equivalent can exist in other Greek statutes or administrative instrument written in the standard Modern Greek language, i.e. decrees, other laws and codes or in legal texts of other genres, i.e. commentaries, interpretations, judgments, handbooks etc*. Consequently, the Polish-Greek legal translator should establish a Modern Greek translation equivalent for any Polish term.

3.3. Dimensions in practical parametrisation

Having examined the two approaches, textual and functional, which concern the most relevant dimensions, the analysis should end with the application of all dimensions when calculating the distance between Polish and Greek legal terms. Let us now assume a specific hypothetical situation a legal translator may encounter: Polish judicial summons accompanied by instructions addressed to an applicant in

the procedure of pronouncing a person dead, partially quoting from the Code of Civil Procedure.[37] For the purposes of this study the distance between the Polish term *wnioskodawca* 'applicant'[38] and the Greek term *αιτών [aiton]* 'applicant'[39] is to be calculated.

Table 11. *Wnioskodawca* vs *αιτών [aiton]*.

Dimension	Property of dimension	Terms	
		Polish	Greek
		wnioskodawca	αιτών[40]
Genre	Legislation	+	+
	Other Genre	+	+
Lect	Legal lect	+	+
	Vernacular lect	-	-
	Other LSP lect	-	-
Branch of law	Civil law	+	+
	Other	-	-
Sub-branch of law	Substantive	-	-
	Procedure	+	+
Type of civil procedure	Contentious	-	-
	Non-contentious proceedings	+	+

[37] Polish: Wezwanie wnioskodawcy na posiedzenie w sprawie o uznanie za zmarłego wraz z pouczeniem, gdzie cytowane są fragmenty polskiego Kodeksu postępowania cywilnego.

[38] For example: Polish Code of Civil Procedure. Artykuł 139. § 4. Sąd rejestrowy przy ogłoszeniu lub doręczeniu postanowienia o pierwszym wpisie poucza wnioskodawcę o skutkach zaniedbania ujawnienia w rejestrze zmian określonych w § 3.
Article 139. § 4. The register court, upon announcing or serving a notice of the first entry, shall advise the applicant of the consequences of not reporting the changes specified in § 3 in the register.

[39] For example: Greek Code of Civil Procedure: Άρθρο 754. 2. Αν κατά την ορισμένη για τη συζήτηση της αίτησης δικάσιμο εμφανιστεί ο αιτών και λάβει κανονικά μέρος στη συζήτηση, ενώ δεν εμφανίζεται ή εμφανίζεται αλλά δεν μετέχει κανονικά στη συζήτηση ο τρίτος που έχει κλητευθεί ή έχει παρέμβει, η συζήτηση προχωρεί σαν αυτός να είχε εμφανιστεί.
Article 754. 2. If the petitioner is present at the hearing devoted to discussion of the petition and he participates normally in the discussion while the third party, who has been summoned or has intervened, is not present or is present but does not participate normally in the discussion, the discussion is continued as if he were present.

[40] Article 761 of Greek Code of Civil Procedure.

The parametric calculation of the distance between the compared terms indicates their relation of translational convergence and homosignification. Consequently, the following directive of Polish-Greek legilinguistic translatology, under *Po 11 — Postulate of translational convergence and homosignification*, can be formulated:
Directive 11$_{PL\text{-}EL}$: If the Polish statutory term 'wnioskodawca' is sufficiently convergent with respect to the relevant dimensions with the Greek statutory term 'αιτών [aiton]', then it is translatable into Greek.

3.4. Concluding remarks

The relevant dimensions of the Polish source term, without any doubt, are helpful in calculating the distance between a Polish source term (translandive term) and its potential Greek equivalent excerpted from comparable Greek texts (translantive term). The above dimensions are sufficient to determine if the equivalent Greek term has:
i) the same dimensions as the Polish source term;
ii) partially the same dimensions as the Polish source term, and, if yes, what those are;
iii) no dimensions in common with the Polish source term.

These cases are discussed on the basis of the research hypothesis and method in the following chapters of this book, where various types of relations between Polish and Greek terms are analysed. Methodological solutions to more or less critical lack of equivalence between Polish and potential Greek terms are given. The solutions are adequate to the types of distances listed in points i)–iii) above.

4. Relation of convergence (synonymy)

4.1. Introductory remarks

Convergence, in general, is a relation between objects that get along with each other and is a concept exploited in numerous different sciences. As far as legal translation is concerned, within the scope of the present study, the relation of convergence is understood as the concurrence of certain legal terms in scope, meaning and function in certain legal systems. From the semantic point of view, the relation of convergence resembles the relation of synonymy between two objects whose meaning is identical — *i.e.* so-called absolute synonymy — or similar, *i.e.* so-called near synonymy (Cruse 2000: 157 *et al.*). The statutory legal terms concerned in this study have similar meanings from the semantic and the pragmatic point of view if they are convergent.

The relation of synonymy between legal terms can be characterised from various perspectives. The first of these perspectives is ethnic language, and here one can define intralingual and interlingual synonymy. The present study presupposes that certain dimensions are of assistance in determining the distance between legal terms, so they can be applicable either to the legal terms of one language or to the legal terms of many languages. Consequently, some eminent examples of Polish and Greek legal terms are discussed below with regard to previously defined dimensions. Intralingual synonyms make up the first part of this section, followed by the presentation of interlingual synonymy in the next part.

4.2. Relation of intralingual synonymy

Let us propose that intralingual synonymy in legal language can be discussed from two perspectives, *i.e.* synchronic and diachronic. The

synchronic approach to the synonymy of legal terms of statutes is understood as the relation of two or more terms whose meaning is the same or nearly the same at the same point in time. More precisely, in the present study, it is presumed that such terms are synonymous in the same statute, *i.e.* the civil code or code of civil procedure, or in the same branch of law, *i.e.* civil law. Consequently, one can find synonymous terms (words, phrases, other structures) both in Polish and Greek statutes. Diachronic synonymy in legal language, on the other hand, denotes the relation of two or more terms from the perspective of time. It means that certain terms have the same or nearly the same meaning in two or more statutes over various periods of time. The diachronic approach to synonymy discussed in the present study must be taken into consideration because legal acts can comprise terms relating to legal institutions currently in force on the basis of previous acts, which are non-binding at the moment, but according the general legal rule of *lex retro non agit* rights established for a person in the past are not changed or invalidated by newer laws. Such old rights can be the subject of more modern legal procedures and acts. For instance, sometimes the legislation under which a person obtained ownership or some other proprietary right in the past has already been derogated, but simultaneously that person continues to hold the already acquired right. Therefore, there is a need to discuss the relation of synonymy from the aforementioned two perspectives.

The synonymy can be calculated on the basis of certain parameters. In this chapter the dimensions listed and discussed previously are taken as fundamental, but in some cases there is a strong need to extend this list to include a more particular dimension relevant to the situation. Therefore, the list of dimensions can be extended accordingly. In consequence of the presumptions of the study and particularly with regard to synonymy, synonymous Polish legal terms are presented 1) from the synchronic point of view and 2) from the diachronic point of view.

4.2.1. Intralingual Polish synchronic synonyms

Among many synonyms in the Polish Code of Civil Procedure there are three terms recognizable as synonymous: *proces* ‘procedure/proceedings’ — *postępowanie* ‘procedure’ — *sprawa* ‘case/suit/procedure’

Meaning

The first term, *proces* 'procedure', means the fundamental type of exploratory proceedings in which the court rules on the merits of a dispute between two parties and the resulting subjective rights and obligations (Jakubecki 2010: 346). Furthermore, Zieliński (2012: 61) says that *proces* 'procedure/proceedings' is only the litigation that is subject to the civil jurisdiction of a court of law. The term *postępowanie* 'procedure', according to the Polish Civil Code,[41] means the execution of substantive civil law rules using the method of compulsory enforcement; in other words, civil *postępowanie* 'procedure' is a legally regulated set of acts aimed at the determination and compulsory implementation of legal rules in civil cases in the form prescribed by law. Finally, the term *sprawa* 'case/suit/procedure', in accordance with Article 45 of the Polish Constitution,[42] includes litigation resulting from civil law and administrative law relations, as well as decisions about the legitimacy

[41] Art. 1.[1)] Kodeks postępowania cywilnego normuje postępowanie sądowe w sprawach ze stosunków z zakresu prawa cywilnego, rodzinnego i opiekuńczego oraz prawa pracy, jak również w sprawach z zakresu ubezpieczeń społecznych oraz w innych sprawach, do których przepisy tego kodeksu stosuje się z mocy ustaw szczególnych (sprawy cywilne).
Article 1. The Code of Civil Procedure governs court proceedings in matters falling under the subject-matter and scope of civil, family and custodial law as well as labour law and in matters falling under the subject-matter and scope of social insurance, and other matters to which the provisions of this Code apply by operation of special acts of law (civil cases).

[42] Art. 45. 1. Każdy ma prawo do sprawiedliwego i jawnego rozpatrzenia sprawy bez nieuzasadnionej zwłoki przez właściwy, niezależny, bezstronny i niezawisły sąd.
2. Wyłączenie jawności rozprawy może nastąpić ze względu na moralność, bezpieczeństwo państwa i porządek publiczny oraz ze względu na ochronę życia prywatnego stron lub inny ważny interes prywatny. Wyrok ogłaszany jest publicznie.
Article 45 1. Everyone shall have the right to a fair and public hearing of his case, without undue delay, before a competent, impartial and independent court.
2. Exceptions to the public nature of hearings may be made for reasons of morality, State security, public order or protection of the private life of a party, or other important private interest. Judgments shall be announced publicly.

of criminal pleas, but, in general, the objective of a case is to decide about the rights of a certain subject.[43]

From the perspective of the meaning, all of these three terms relate to the act of adjudication and decision by the court and the set of conventional acts regulated by certain codes and specific laws. Among them the term *proces* 'procedure/proceeding' seems to have the most general and extensive meaning, while *postępowanie* 'procedure' and *sprawa* 'case/suit/procedure' have a more specific meaning; moreover, the term *sprawa* 'case/suit/procedure' has also, let us say, the separate meaning of case, resulting from its polysemous nature. Further analysis of the text of the Polish Civil Code confirms the similarity in meaning of the discussed terms, especially as regards certain acts of the court.

The terms: *proces* 'procedure/proceedings)' — *postępowanie* 'procedure' — *sprawa* 'case/suit/procedure' are elements of syntactic, morphological and lexical accommodation (Żmigrodzki 2007) of semantic structures having the same or nearly the same meaning, *i.e.* the Polish lawmaker in the Code of Civil Procedure says:
toczący się proces 'pending case/proceedings',[44]

[43] See Judicial Decision of Polish Constitutional Tribunal in the case with ref. no P 3/17 *Wyrok z 10 lipca 2000 r., SK 12/99 POJĘCIE SPRAWY CYWILNEJ* "Decision of 10th of July 2000 SK 12/99 MEANING OF CIVIL CASE".

[44]For example: Art. 195 § 2. Sąd wezwie osoby nie zapozwane do wzięcia udziału w sprawie w charakterze pozwanych. Osoby, których udział w sprawie w charakterze powodów jest konieczny, sąd zawiadomi **o toczącym się procesie**.

Article 195. § 2. The court shall summon persons who were not originally called to join a case as defendants.

The court shall notify of pending proceedings persons whose participation in a case as plaintiffs is necessary. Those persons may, within two weeks of being served a notice, join the **case** as plaintiffs.

Art. 196 § 1. Jeżeli okaże się, że powództwo zostało wniesione nie przez osobę, która powinna występować w sprawie w charakterze powoda, sąd na wniosek powoda zawiadomi o **toczącym się procesie** osobę przez niego wskazaną.

Article 196. § 1. If it is determined that an action was not brought by the person who should act as plaintiff in the case concerned, the court shall, at the request of the original plaintiff, notify the person proposed by them of the pending proceedings. Such person may, within two weeks of being served such notice, join the **case** as plaintiff.

toczy się postępowanie ‘proceedings are conducted/continue’;[45]
toczy się sprawa ‘case/action/trial is pending/tried’;[46]

Art. 215. Rozprawa ulega odroczeniu, jeżeli sąd postanowi wezwać do wzięcia udziału w sprawie lub zawiadomić o **toczącym się procesie** osoby, które dotychczas w postępowaniu nie występowały w charakterze powodów lub pozwanych.
Article 215. A trial shall be adjourned if the court decides to summon to or notify of **pending proceedings** persons who are not yet acting as defendants or plaintiffs.

[45] For example: Art. 546 § 2. **Postępowanie toczy się** z udziałem prokuratora.
Article 546. § 2. **Proceedings shall be conducted** in the presence of a prosecutor.
Art. 598[2)] § 3. W przypadku innym niż określony w § 1, jeżeli do rozstrzygnięcia wniosku o odebranie osoby podlegającej władzy rodzicielskiej lub pozostającej pod opieką niezbędne jest jego łączne rozpoznanie ze sprawą dotyczącą władzy rodzicielskiej**, postępowanie toczy się** z zachowaniem przepisu art. 579.
§ 3. In cases other than specified in § 1, if an application to remove a person from parental authority or custody needs to be heard jointly with a case concerning parental authority, **proceedings shall continue** in accordance with Article 579.
Art. 734 (…) Wniosek o udzielenie zabezpieczenia zgłoszony w toku postępowania rozpoznaje sąd tej instancji, w której **toczy się postępowanie**, z wyjątkiem przypadku, gdy sądem tym jest Sąd Najwyższy. (…)
A petition to award security filed in the **course of proceedings** shall be heard by the court of trial, unless the court of trial is the Supreme Court.

[46] For example: Art. 379. Nieważność postępowania zachodzi: (…) 3) jeżeli o to samo roszczenie między tymi samymi stronami **toczy się sprawa** wcześniej wszczęta albo jeżeli sprawa taka została już prawomocnie osądzona;
Article 379. Proceedings shall be null and void: (…) 3) if an **action** concerning the same claim between the same parties brought at an earlier date **is pending**, or if a non-appealable judgment has already been issued in such action,
Art. 50. § 1. Wniosek o wyłączenie sędziego strona zgłasza na piśmie lub ustnie do protokołu w sądzie, w którym **sprawa się toczy**, uprawdopodabniając przyczyny wyłączenia.
Article 50. § 1. A petition for the exclusion of a judge shall be submitted in writing or verbally for the record, at the court of **trial**, and such petition should substantiate the grounds for exclusion.
Art. 52. § 1. O wyłączeniu sędziego rozstrzyga sąd, w którym **sprawa się toczy**, a gdyby sąd ten nie mógł wydać postanowienia z powodu braku dostatecznej liczby sędziów – sąd nad nim przełożony.

The above phrases illustrate the convergent meaning of the three discussed terms in all of the acts. For the purposes of calculating the distance between the terms, they will be compared using the dimensions used before. To calculate the distance and assess the potential degree of distance, the three terms discussed here are parametrised on the basis of the dimensions given in Chapter 3.2.:

Genre

The Polish Code of Civil Procedure is the fundamental statute for Polish civil procedure; accordingly, it is the primary source of terminology for executive or executory instruments such us regulations and rulings. All three terms are excerpted directly from the text of the binding statute entitled 'the Polish Code of Civil Procedure', which means all of them take on the property of legislation in this dimension.

Lect

The Polish Code of Civil Procedure from which the terms are excerpted is a statute and thus drafted in the language of the law. Consequently, the discussed terms take on the property of legal language in this dimension because the language of the law is a type of legal language.

Branch of law

In the scope of the study as well as in the scope of the source text from which the analysed terms are excerpted, the relevant property of this dimension is civil law, as opposed to the other branches (criminal law, administrative law, etc.). This determination is based on the subject-matter of the branch, *i.e.* civil procedure, according to scholars (Zieliński 2012, Jakubecki 2010 *et al.*), where the objective of civil procedure is the implementation of substantive civil rules.

Sub-branch of law

In accordance with the previous statement, the relevant property of this dimension is procedural law and not substantive law, because the Polish Civil Code governs court proceedings for substantive civil cases. Moreover, Polish civil court proceedings cover both contentious and non-contentious proceedings, for both of which the general rules are in common (Zieliński 2002, Turek and Turek 2013). Since the function of the discussed terms is to name the conventional legal acts of courts, they have a general nature and thus there is no need to apply

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Article 52. § 1. A decision to exclude a judge shall be taken by the court in which the **case is tried**, or where said court cannot issue such decision due to there not being enough judges, by the court that is superior to that court.

further dimensions to calculate the distances between all three discussed terms, such as, for instance, the type of procedure.

All of the above dimensions are set out in the table below to present the distances between the meanings of the terms: *proces* 'procedure/proceedings' vs *postępowanie* 'procedure' vs *sprawa* 'case/suit/procedure'. The reference point for this parametric comparison is the set of syntagms including the verb *toczyć się* 'continue/be conducted/be pending', examples of use of which being given above.

Table 12. *Proces* vs *postępowanie* vs *sprawa*.

Dimension	Property of dimension	Terms		
		proces	postępowanie	sprawa
Genre	Legislation	+	+	+
	Other Genre	-	-	-
Lect	Legal lect	+	+	+
	Vernacular lect	-	-	-
	Other LSP lect	-	-	-
Branch of law	Civil law	+	+	+
	Other	-	-	-
Sub-branch of law	Substantive	-	-	-
	Procedure	+	+	+

The above analysis leads to the formulation of the following directive for Polish-Greek legilinguistic translatology in particular:
Directive $12_{PL\text{-}EL}$: If the Polish terms 'postępowanie, 'proces' and 'sprawa' are elements of a verbal syntagm including the verb 'toczyć się', then they are synonymous.

This directive is formulated under the general *postulate of synonymy in comparable texts*. In this case it concerns the synonymy of source text in the light of calculation of the distance between the parametrised Polish and Greek terms, and the postulate says that *if two or more homolingual terms of the same text T_i are sufficiently homosignificative with respect to the considered certain meaning M and to all dimensions, then they are synonymous.*

At this stage of the study *Directive $12_{PL\text{-}EL}$* has two aims: (1) to present the relation of synonymy between Polish synchronic synonymous civil law terms: *proces* 'procedure/proceedings', *postępowanie* 'procedure' and *sprawa* 'case/suit/procedure' and (2) to acquaint the Polish-Greek legal translator with this relation in order to

determine the meaning of a certain term when providing sufficient translational Greek equivalents for these terms. The question if there is a relation of synonymy between parallel Greek terms is discussed in the chapter 5.2.3.1.2.

Finally, it should be mentioned that all three terms discussed above are not absolute synonyms with respect to their meaning in the whole source text, *i.e.* 'the Polish Code of Civil Procedure', and this point is confirmed by other textual units of this text. The most eminent example of different meanings is the phrase *postępowanie w sprawie* 'proceedings in the case',[47] where the term *sprawa* 'case' has a different meaning than the meaning used when analysing the phrase with the verb *toczyć się* 'continue/be conducted/be pending'. Therefore, the synonymous terms should be seen in the whole range of usage and not only as terms cut off from the context when determining the lexical-semantic relations with other terms overall.

4.2.2. Intralingual Polish diachronic synonyms

Since acquired rights are not derogated by subsequent statutes, their names can occur in a situation in which legal terms from acts non-binding at the relevant moment must be compared with their binding versions. Thus, diachronic synonymous terms must be discussed as far as intralingual synonymy is analysed. Moreover, when discussing similar terms of both non-binding and binding statutes, there is a need to explore another dimension strictly connected with legal reality. In legislation, especially in amendments, one quite frequent phenomenon is a change of a term which is synonymous in relation to a term coming from transformation of a previous statute. It has happened in

[47] For example: Art. 332. § 2. Jednakże w razie cofnięcia pozwu przed uprawomocnieniem się wyroku i przed jego zaskarżeniem z jednoczesnym zrzeczeniem się dochodzonego roszczenia, a za zgodą pozwanego również bez takiego zrzeczenia się, sąd pierwszej instancji uchyli swój wyrok i **postępowanie w sprawie** umorzy, jeżeli uzna cofnięcie takie za dopuszczalne
Article 332. § 2. However, if a complaint is withdrawn before a judgment becomes non-appealable and before it is appealed, provided that the claims pursued are abandoned, or, subject to the defendant's consent, even if the claims are not abandoned, the court of the first instance shall set aside its judgment and terminate **proceedings in the case** concerned, where the court decides such withdrawal to be admissible.

the Polish Civil Code. Therefore let us present an example of that procedure. Exemplary terms illustrating these processes are as follows: *mienie ogólnonarodowe (państwowe)* 'national (state) property' vs *własność ogólnonarodowa (państwowa)* 'all nation property' vs *mienie państwowe* 'state-owned property'.

In the original text of the Polish Civil Code of 23 April 1964, in Article 44 there is the term *mienie ogólnonarodowe (państwowe)* 'national (state) property',[48] transformed by the amendment of 28 July 1990[49] into the term *mienie państwowe* 'state property',[50] but previously the term *mienie ogólnonarodowe (państwowe)* 'national (state) property' had been transformed by the amendment of 31 January 1989[51], where the primary term was turned into the term *własność ogólnonarodowa (państwowa)* 'national (state) ownership',[52] and on that basis the rule of uniform state property was terminated.[53]

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[48] Art. 44. Własność i inne prawa majątkowe są albo **mieniem ogólnonarodowym (państwowym)**, albo mieniem organizacji spółdzielczych lub innych organizacji społecznych ludu pracującego, albo mieniem indywidualnym osób fizycznych lub osób prawnych nie będących jednostkami gospodarki uspołecznionej, albo mieniem osobistym osób fizycznych.
Article 44. Ownership and other property rights are either ethnic (state) property or property of cooperative organisations of other social organizations of labour people or individual property of natural or legal persons who are not units of social economy or personal property of natural persons.

[49] Ustawa z dnia 28 lipca 1990 r. o zmianie ustawy – Kodeks cywilny. Amendment of 28 July 1990 to the Civil Code.

[50] Art. 44^1. § 1. Własność i inne prawa majątkowe, stanowiące **mienie państwowe**, przysługują Skarbowi Państwa albo innym państwowym osobom prawnym.
Article 44^1. § 1. Ownership and other property rights which constitute the **state property** shall belong to the State Treasury or to other state-owned legal persons.

[51] Ustawa z dnia 31 stycznia 1989 r. o zmianie ustawy — Kodeks cywilny. Amendment of 31 January 1990 to the Civil Code.

[52] Art. 1. 1) art. 128 otrzymuje brzmienie: „Art. 128. Własność ogólnonarodowa (państwowa) przysługuje Skarbowi Państwa albo innym osobom prawnym";
Article 1. 1) article 128 shall be as follows: 'Art. 128. national (state) property belongs to State Treasury or to other legal persons'.

[53] For example see Judicial Decision of District Court of Bielsko Podlaskie, 1st Civil Divison of 30th of December 2014 in the case of ref. no I C 1968/14.

Meaning

The discussed term and its meaning have evolved since 1964. The structure of the name has changed, although it has always included the following nouns: *mienie* 'property' or *własność* 'owned property' and adjectives *ogólnonarodowy* 'national' or *państwowy* 'state'. The term *mienie* 'property' can be recognised as a subjective property right (Radwański 1999: 133), while *własność* 'ownership' is one of proprietary rights which are included in *mienieć* 'property'.[54] Therefore, the term *własność* 'ownership' property' is partially synonymous with the term *mienie* 'property', since it is included in it, but sometimes they are recognised as absolute synonyms (Burian *et al.* 2006, Bednarek 1997). On the other hand, the adjective *ogólnonarodowy* 'national' means belonging to the whole nation,[55] and the adjective *państwowy* 'state' means belonging to the state.[56] Simultaneously, until 1990, the Polish lawmaker had held the two adjectives to be absolutely synonymous, since the whole terms: *mienie ogólnonarodowe (państwowe)* 'national (state) property)' and *własność ogólnonarodowa (państwowa)* 'all nation property' included both adjectives, where one was given in the bracket. By contrast, the currently binding term *mienie państwowe* 'state-owned property' includes only the adjective *państwowy* state', whose meaning is synonymous with the previous term (belonging to the state), and simultaneously the term does not include the adjective *ogólnonarodowy* 'all-nation' *i.e.* belonging to the nation, since according to the currently binding version of the Constitution of the Republic of Poland, the Polish Nation includes all citizens of the

[54] Article 44 of Polish Civil Code in force until 1990, see footnotes above. Polish Civil Code being in force since 1990: Art. 44. Mieniem jest własność i inne prawa majątkowe. Article 44. Property shall include ownership and other property rights.

[55] The adjective 'narodowy (national)' with similar meaning is used in the Constitution of the Republic of Poland in the following phrases (excluding proper names): Article 5: 'dziedzictwo narodowe [national heritage]'. Article 6(2) 'narodowe dziedzictwo kulturalne [national cultural heritage]'.

[56] See the adjective 'państwowy [state]' in the Constitution of the Republic of Poland, Article 203(3): 'majątek lub środki państwowe [State property or resources]'.

Republic of Poland.[57] The term *mienie ogólnonarodowe*, 'all-national property', if used in the currently binding Civil Code, could have the meaning of belonging to all Polish citizens. Furthermore, there is a binding statement in the jurisprudence that the direct subject of state property is the Treasury and state property can belong to the Treasury or to other state organisational units (Sokołowski 2016). To sum up, it must be emphasised that the adjective *państwowy* 'state' presented in all the discussed terms, both binding and non-binding, is the clue to the recognition of all of the three terms as synonymous, even though the Polish State, due to historical perturbations, has changed its structure and political and economic regime.

Let us now conduct, within the scope of this study, the calculation of the distance between all of the three terms discussed here, according to the dimensions presented in Chapter III.

Genre

The text of the Polish Civil Code in all its versions (the various subsequently amended wordings) since 1964, has remained the fundamental statute for Polish civil procedure and, respectively, it has been the primary source of terminology for executive and executory instruments such as regulations or rulings. The discussed terms are excerpted directly from the text of the Polish Civil Code as it changed over time, while always remaining the fundamental statute for civil law in Poland. Consequently, all parametrised terms take on the property of legislation in the dimension of genre.

Lect

The Polish Civil Code, regardless of the historical version from which the terms are excerpted, is a statute; thus, its legal lect has been always defined as the language of the law. Consequently, the discussed terms are terms of legal lect.

Text validity

Two terms: *mienie ogólnonarodowe (państwowe)* 'national (state) property)' and *własność ogólnonarodowa (państwowa)* 'all nation property' are excerpted from the text of the Polish Civil Code that had been binding until 1990.[58] The term *mienie państwowe* 'state-owned property' comes from the text of the Civil Code currently in force and

[57] Constitution of the Republic of Poland, preamble: 'Naród Polski — wszyscy obywatele Rzeczypospolitej [the Polish Nation — all citizens of the Republic]'.

[58] The last amendment concerning the discussed terms.

binding at the time of writing. However, it must be taken into consideration that rights acquired on the basis of the Civil Code in the wording binding before 1989 and 1990 are still in force; this is why non-binding terms are still in use in legal practice and can enter the comparison.

Branch of law

The relevant property of this dimension is civil law as opposed to other branches (criminal law, administrative law, etc.) within the scope of this study, as well as the scope of source text from which the analysed terms are excerpted. Moreover, as mentioned above, this determination is based on the subject-matter of the branch, *i.e.* civil law, the matter of which, among other things, is to regulate legal relationships of autonomous subjects, including legal relationships between autonomous subjects of the law and the State without the dominant position of state organs (Radwański 1999: 2).

Sub-branch of law

In keeping with the last statement, the relevant property of this dimension is substantive law and not procedural law, because substantive civil law determines the legal relationships of autonomous subjects on the basis of certain facts which give rise to, change and terminate such relationships (Radwański 1999: 7).

Subdivision of substantive law

The relevant property in this dimension is the subdivision of Polish civil law that refers *mienie* 'property', found in Book One. General Part, Title III. Property of the Civil Code.[59]

The table below presents the comparison of all three parametrised terms according to the dimensions explained above and thus the calculation of the distance between them can be clearer.

[59] In Polish source text: *Księga Pierwsza. Część ogólna Tytuł III. Mienie*.

Table 13. *Mienie ogólnonarodowe (państwowe)* vs *własność ogólnonarodowa (państwowa)* vs *mienie państwowe*.

Dimension	Property of dimension	Terms		
		mienie ogólnonarodowe (państwowe)	własność ogólnonarodowa (państwowa)	mienie państwowe
Genre	Legislation	+	+	+
	Other Genre	-	-	-
Lect	Legal lect	+	+	+
	Vernacular lect	-	-	-
	Other LSP lect	-	-	-
Text force	Biding	-	-	+
	Non-biding	+	+	-
Branch of law	Civil law	-	-	-
	Other	+	+	+
Sub-branch of law	Substantive	-	-	-
	Procedure	+	+	+
Subdivision of substantive law	Property law	+	+	+
	Other	-	-	-

Having discussed the diachronic synonyms from the Polish Civil Code, one can formulate the following directive for particularistic Polish-Greek legilinguistic translatology:
Directive $13_{PL\text{-}EL}$: If the Polish terms 'mienie ogólnonarodowe (państwowe)'or 'własność ogólnonarodowa (państwowa)' or 'mienie państwowe' are used within the framework of civil law practice, then they are synonymous.

This directive is formulated under the general *Po 58 — postulate of diachronic synonymy in comparable texts*, where the comparable texts are historical versions of the same statute. In this case it concerns the synonymy of the source text in light of the calculation of distance between the parametrised Polish and Greek terms, and the postulate says that if two or more homolingual terms of the same statute SA_i are sufficiently homosignificative with respect to the considered certain meaning M and share the most essential dimensions, then they are synonymous.

At this stage of the analysis where intralingual, not interlingual synonymy is discussed, *Directive $13_{PL\text{-}EL}$* has two objectives: (1) to present the relation of synonymy between Polish diachronic synonymous civil law terms: *mienie ogólnonarodowe (państwowe)* 'national (state) property)', *własność ogólnonarodowa (państwowa)* 'national (state) ownership)' and *mienie państwowe* 'state property' and (2) to acquaint the Polish-Greek legal translator with the relation of synonymy between diachronic synonyms, which is of assistance in determining the correct meaning of certain Polish source-text terms. Further research (in the next section) presents the parallel relation of synonymy between diachronic Greek terms that can be recognised as part of the similar nature of Polish and Greek legal languages.

4.2.3. Intralingual Greek synchronic synonyms

In line with the assumptions of the study, synonymous Greek legal terms are presented: (1) from the synchronic point of view and (2) from the diachronic point of view. These two perspectives explain the similarities between Polish and Greek legal languages that can be very helpful in the practice of translation.

Similarly to Polish synchronically synonymous legal terms, let us now discuss the following two Greek legal terms from the Greek

Code of Civil Procedure: *δίκη [diki]* 'procedure/proceedings/trial/lawsuit'[60] and *υπόθεση [ipothesi]* 'case/suit/procedure'.

Meaning

The Greek term *δίκη [diki]* 'procedure/proceedings/trial/lawsuit' has two meanings: substantive and formal. From substantive perspective *δίκη [diki]* 'procedure/proceedings/trial/lawsuit' is the legal relation of procedural law that connects the parties and the court in the context of examining the rights and obligations claimed by the counter-parties. In the formal perspective the term *δίκη [diki]* 'procedure/proceedings/trial/lawsuit' means the procedure aiming to provide the requested judicial protection (Beis, 2006). In other words the objective of civil procedure is: (1) examination of the legal relationship and 2) concretisation of legal relations between parties before the court (Beis 1981). Therefore the term *δίκη [diki]* 'procedure/proceedings/trial/lawsuit' within the framework of procedural civil law is a set of conventional judicial acts aimed at the examination of certain legal matter, *i.e.* the rights of the parties in a case.

The Greek term *υπόθεση [ipothesi]* 'case/suit/procedure' in the Greek Civil Code, according to Article 1,[61] refers either to litigation or to certain cases. In Greek civil procedure, 'the case is introduced to the court by the plaintiff filing an action with the competent court of first instance,' (Maravelaki 2014). Moreover, the parties fundamentally define the civil proceedings and not only the subject-matter, but also if and when the case is to be initiated and terminated, according to principle of the parties' control of the cause of action (Tsikrikas 2014). To sum up, the case is the object of

[60] English translation of the term according to Caratzas and Zombola (2003) and the author of the Chapter.

[61] Άρθρο 1. Στη δικαιοδοσία των τακτικών πολιτικών δικαστηρίων ανήκουν: α) οι διαφορές του ιδιωτικού δικαίου, εφόσον ο νόμος δεν τις έχει υπαγάγει σε άλλα δικαστήρια, β) οι υποθέσεις εκούσιας δικαιοδοσίας που ο νόμος έχει υπαγάγει σ' αυτά, γ) οι υποθέσεις δημόσιου δικαίου που ο νόμος έχει υπαγάγει σ' αυτά.

Article 1. The jurisdiction of ordinary civil courts covers: a) litigation under private law if the law does not refer them to other courts, b) cases of voluntary jurisdiction which are referred to these courts according to the law, c) cases under public law which are referred to these courts according to the law.

conventional court acts, initiated by the parties, and simultaneously it is the case matter, *i.e.* the legal situation to be examined and defined by the court.

Similarly to the Polish lawmaker, the Greek one also uses the two discussed terms: *δίκη [diki]* 'procedure/proceedings/trial/lawsuit)' and *υπόθεση [ipothesi]* 'case/suit/procedure' in the syntagm including the verb *εκκρεμώ [ekkremo]* 'continue/be conducted/be tried'. Therefore in the Greek Code of Civil Procedure one can find following phrases:
εκκρεμεί (η) δίκη 'proceedings are pending',[62]
εκκρεμεί η υπόθεση 'case/action/trial is pending'.[63]

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[62] Άρθρο 80. Αν σε **δίκη που εκκρεμεί** μεταξύ άλλων, τρίτος έχει έννομο συμφέρον να νικήσει κάποιος διάδικος, έχει δικαίωμα, ως την έκδοση αμετάκλητης απόφασης, να ασκήσει πρόσθετη παρέμβαση για να υποστηρίξει το διάδικο αυτόν.
Article 80. If in proceedings which are pending between other persons, a third party has a legal interest in a party in the proceedings winning, he/she has the right until the final court decision is issued, to file an additional intervention to support that party.
Άρθρο 125. 1. (…) Αν δεν **εκκρεμεί δίκη**, η άδεια δίνεται από τον ειρηνοδίκη, στην περιφέρεια του οποίου πρόκειται να γίνει η επίδοση.
Article 125. 1. (…) If **proceedings are not pending**, the permission is given by the court of the peace, in the district where the service will take place.
Άρθρο 154. Η επαναφορά ζητείται από το δικαστήριο στο οποίο **εκκρεμεί η κύρια δίκη** ή, αν δεν υπάρχει εκκρεμοδικία, ζητείται από το δικαστήριο που είναι αρμόδιο να αποφασίσει για το αν ασκήθηκε εμπρόθεσμα η πράξη για την ενέργεια της οποίας είχε ταχθεί η προθεσμία.
Article 154. The reinstatement is requested by the court before which the main **proceedings are pending**, or if there is no lis penens, it is requested by the court competent to judge whether the steps which is to performed within a certain deadline, was filed within the prescribed period.
[63] Άρθρο 80. 3. Κάθε μεταβολή της διεύθυνσης πρέπει να γνωστοποιείται με τα δικόγραφα που κοινοποιεί ο ένας διάδικος στον άλλο ή με τις προτάσεις ή με χωριστό δικόγραφο που κατατίθεται στη γραμματεία του δικαστηρίου, στο οποίο **εκκρεμεί η υπόθεση**, επισυνάπτεται στη δικογραφία και κοινοποιείται στον αντίδικο.
Article 80.3. Any change of address must be communicated by the case file with which one party informs the other or by the pleadings or by a separate document lodged at the registry of the court before which the case is pending, and they are attached to the case file and communicated to the other party.
Άρθρο 119. 3. Κάθε μεταβολή της διεύθυνσης πρέπει να γνωστοποιείται με τα δικόγραφα που κοινοποιεί ο ένας διάδικος στον άλλο ή με τις προτάσεις ή με χωριστό δικόγραφο που κατατίθεται στη γραμματεία του δικαστηρίου,

The phrases above have a convergent meaning in the textual units of the Civil Code. In keeping with the scope of the study, which is to calculate the distance between these terms, let us now compare them according to the generally used dimensions:

Genre

The Greek Code of Civil Procedure, just like its Polish counterpart, is the fundamental statute for civil procedure. Respectively, it is the primary source of terminology for executive and executory instruments such as regulations or rulings, thus having a dominant nature that should be taken into consideration in comparisons with other legal acts. Both terms come directly from the text of the statute entitled the 'Greek Civil Code', and this means all of them are of the civil law system, as the Republic of Greece is considered to belong to the civil law tradition. Consequently, the terms take on the property of legislation in this dimension.

Lect

Since the discussed terms are directly excerpted from the Greek Code of Civil Procedure, which is a statute, and it has been drawn up with use of the language of the law, this dimension takes on the property of legal lect.

Branch of law

According to the Greek scholars mentioned above, the objective of civil procedure as a branch of law is to examine and adjust legal relations between legal objects before the civil courts. Consequently, if these relations are under civil law (private law, Vavouskos 1995),

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στο οποίο **εκκρεμεί η υπόθεση**, επισυνάπτεται στη δικογραφία και κοινοποιείται στον αντίδικο.

Article 119.3. Any change of address must be communicated by the case file with which one party informs the other or by the pleadings or by a separate document lodged at the registry of the court before which the case is pending, and they are attached to the case file and communicated to the other party

Άρθρο 125. 1. Η επίδοση δεν επιτρέπεται να γίνει νύχτα ή Κυριακή ή άλλη εορτή που ορίζεται από το νόμο ως αργία, χωρίς να συναινεί ο παραλήπτης ή χωρίς άδεια του αρμόδιου δικαστή στον οποίο **εκκρεμεί η υπόθεση** και, αν πρόκειται για πολυμελή δικαστήρια, του προέδρου τους (…).

Article 125. 1. The service shall not be executed neither in the night, nor on Sunday, nor during other public holiday which is defined by the law as an official holiday unless the recipient accepts it or unless it is permitted by the court before which **the case is pending** and, as far as it concerns the courts consisting of many judges, it is permitted by the president of that court.

the procedure following them is of civil law too. Therefore, the relevant property of this dimension is civil law.

Sub-branch of law

As mentioned above, Greek civil procedure examines and concretizes legal relationships belonging to substantive civil law before the civil courts. The Greek Civil Code regulates the conventional acts of all entities taking part in the process; therefore, the relevant property of that dimension is procedural law.

The table below presents the synonymous meaning of the terms *δίκη [diki*] 'procedure/proceedings/trial/lawsuit' and *υπόθεση [ipothesi]* 'case/suit/procedure' as seen in thy syntagm including the verb *εκκρεμώ [ekkremo]* 'be pending', according to the examples given above.

Table 14. *Δίκη [diki]* vs *υπόθεση [ipothesi*].

Dimension	Property of dimension	Terms	
		δίκη	υπόθεση
Genre	Legislation	+	+
	Other Genre	-	-
Lect	Legal lect	+	+
	Vernacular lect	-	-
	Other LSP lect	-	-
Branch of law	Civil law	+	+
	Other	-	-
Sub-branch of law	Substantive	-	-
	Procedure	+	+

The above analysis leads to the formulation of the following directive for particularistic Polish-Greek legilinguistic translatology under the *Po 57 — postulate of synonymy in comparable text*:

Directive 14$_{PL\text{-}EL}$: If the Greek terms 'δίκη [diki]' and 'υπόθεση [ipothesi]' consist of a verbal syntagm including the verb 'εκκρεμώ [ekkremo]', then they are synonymous.

Yet let us notice that the term discussed above *υπόθεση [ipothesi]* 'case/suit/procedure' is in the relation of synonymy with the term *δίκη [diki]* 'procedure/proceedings/trial/lawsuit' in respect to their meaning in the syntagms including the verb *εκκρεμώ [ekkremo]* 'be pending'. Moreover, the term *υπόθεση [ipothesi]*

'case/suit/procedure' can be in the relation of synonymy with the term *διάφορα [diafora]* 'litigation/dispute' and simultaneously it can be a co-hyponym to itself since it also means 'procedure', which is clearly seen in Article 1 of the Greek Code of Civil Procedure.[64] These relations are noticed under the *Po 57 — postulate of synonymy in comparable texts* which state that if two or more homolingual terms of the same text Tj are sufficiently homosignificative with respect to the considered certain meaning M and to all dimensions, then they are synonymous.

The result of the above analysis can be seen from two perspectives: (1) the relation of synonymy between synchronic Greek civil law terms is observed similarly to the relation of synonymy between Polish civil law synchronic terms and (2) determination of Greek synchronic synonyms provides a set of potential Greek translational equivalents in Polish-Greek legal translation.

4.2.4. Intralingual Greek diachronic synonyms

The Polish and Greek legal systems have in common the principle that rights already acquired are not derogated by subsequent statutes, and this old Latin legal rule (*lex retro non agit*) is confirmed by the Greek Civil Code.[65] It means there are some rights acquired on the basis of a previous statute or on the basis of previous textual versions of the same statute. With the goal of illustrating the need for the legal

[64] Άρθρο 1. Στη δικαιοδοσία των τακτικών πολιτικών δικαστηρίων ανήκουν: α) οι **διαφορές** του ιδιωτικού δικαίου, εφόσον ο νόμος δεν τις έχει υπαγάγει σε άλλα δικαστήρια, β) **οι υποθέσεις** εκούσιας δικαιοδοσίας που ο νόμος έχει υπαγάγει σ' αυτά, γ) οι **υποθέσεις** δημόσιου δικαίου που ο νόμος έχει υπαγάγει σ' αυτά.
Article 1. Jurisdiction of ordinary civil courts covers: a) **litigation** under private law if the law does not refer them to other courts, b) **cases** of voluntary jurisdiction which are referred to these courts according to the law, c) **cases** under public law which are referred to these courts according to the law.

[65] Άρθρο 2. Αναδρομική δύναμη του νόμου. Ο νόμος ορίζει για το μέλλον, δεν έχει αναδρομική δύναμη και διατηρεί την ισχύ του εφόσον άλλος κανόνας δικαίου δεν τον καταργήσει ρητά ή σιωπηρά.
Article 2. Retroactive force of the law. The law regulates the future, does not have retroactive force and it is in force as long as another legal rule does not derogate it explicitly or implicitly.

translator to be acquainted with diachronic Greek synonyms, let us now begin discussion of the Greek terms: *προσωπικαί σχέσεις μεταξύ των συζύγων [prosopikai scheseis metaxy ton syzygon]* 'personal relations between spouses' and *περιουσιακαί σχέσεις των συζύγων [periousiakai scheseis ton syzygon]* property relations of spouses' vs *σχέσεις των συζύγων από το γάμο [scheseis ton syzygon apo to gamo]* 'relations of spouses under marriage'.

Meaning

The Civil Code until its amendment of 28 February 1983 included the terms *προσωπικαί σχέσεις μεταξύ των συζύγων [prosopikai scheseis metaxy ton syzygon]* 'personal relations between spouses' *and περιουσιακαί σχέσεις των συζύγων [periousiakai scheseis ton syzygon]* 'property relations of spouses'. Both of them come from the text of the Greek Civil Code of 1940, and they can be recognised as applications of the Greek family law 'based on the idea of nuclear, but also patriarchal family model,' (Andoulidakis-Dimitriadis 2010: 30). According to the Greek Civil Code before the amendment of 1983[66] the term *προσωπικαί σχέσεις μεταξύ των συζύγων [prosopikai scheseis metaxy ton syzygon]* 'personal relations between the spouses' meant relations between the spouses as persons in the marriage and included: obligation of mutual cohabitation, dominant role of the man — so called head of the family/breadwinner, mutual liability, financial maintenance obligation, termination of cohabitation and personal property On the other hand, the term *περιουσιακαί σχέσεις των συζύγων [periousiakai scheseis ton syzygon]* 'property relations of the spouses' meant property and economic relations between the spouses after the marriage *i.e.* during such time as the spouses are cohabiting, and it included inter alia: the property autonomy of spouses, costs of marriage, marriage settlement, dowry administration. The amendment of 1983 unified these two legal terms and the relevant chapters (fourth and fifth) into one term[67] *σχέσεις των συζύγων από το γάμο [scheseis*

[66] Article 15 of Law 1329/1983 of 28th of February 1983.

[67] Footnote from the chapter Four of the Greek Civil Code published by the Greek Ministry of Justice: *Σύμφωνα με το άρθρο 15 Ν. 1329/1983 (ΦΕΚ Α' 25), τα Κεφάλαια Τέταρτο και Πέμπτο του Τέταρτου Βιβλίου του Αστικού Κώδικα συγχωνεύονται σε ενιαίο Τέταρτο Κεφάλαιο με τίτλο: «Σχέσεις των συζύγων από τον γάμο»*. According to Article 15 of Law 1329/1983 (Government Gazette 25/A) Chapter Four and Chapter Five of Book Four of the Civil Code are combined into a single Chapter Four bearing the title 'Relations of spouses under marriage'.

ton syzygon apo to gamo] ‘relations of spouses under marriage’ covering, among others, the following marriage matters: obligation of mutual cohabitation, regulation of matrimonial life, surname of spouses, mutual participation in family needs, termination of cohabitation, regulation of use of the family home, distribution of movables, means of ensuring joint liability, autonomy of the property of spouses, administration of property of one spouse by the other spouse, security, etc. These elements which make up the meaning of the term introduced into the Greek Civil Code in 1983 mostly cover the fields of the aforementioned two terms existing in the Greek Civil Code up until 1983. Therefore, their consolidated meaning is included in it, and, respectively, the historical terms *προσωπικαί σχέσεις μεταξύ των συζύγων [prosopikai scheseis metaxy ton syzygon]* ‘personal relations between spouses’ and *περιουσιακαί σχέσεις των συζύγων [periousiakai scheseis ton syzygon]* ‘property relations of spouses’ seen cumulatively are synonymous with the presently binding term *σχέσεις των συζύγων από το γάμο [scheseis ton syzygon apo to gamo]* ‘relations of spouses under marriage’. Moreover, the historical terms, compared separately with the presently binding term, demonstrate partial synonymy, because their meaning is included in the meaning of that term. Although only the cumulative meaning of the historical terms is quite similar to the presently binding term, a parametric comparison of these terms is conducted below, where two historical terms before 1983 are recognised cumulatively as opposed to the presently binding term:

Genre

All Greek terms under discussion are from the civil law system, which is confirmed by scholars, for example: *The sources of Civil Law are (as per art. 1 of the Greek Civil Code) legislation (statutes adopted through the legislative process) and custom; the latter, nowadays, if not totally eliminated, enjoys extremely limited use* (Georgiades 2014). This statement concerns Greek civil law both before 1983 and after. The Greek Civil Code, as explained above by Georgiades (2014), has always been a source of law, as a legislative act. It has also been the primary legal source to define civil relations between subjects in legal reality, which is why the relevant property of the dimension is statute, because all three terms are excerpted from the Civil Code. Consequently all of the Greek terms discussed take on the property of legislation in this dimension.

Text validity

According to the explanatory notes provided by the Greek Ministry of Justice (2014, see 3rd references of the present section) the Greek Civil Code has been in force since 1940, but further reading elucidates that the present form of the text, seen for instance on the webpage of the Ministry, is binding. Consequently, it is clearly seen that the terms *προσωπικαί σχέσεις μεταξύ των συζύγων [prosopikoi sxeseis metaxy ton syzygon]* 'personal relations between spouses' and *περιουσιακαί σχέσεις των συζύγων [periousiakoi sheseis ton syzygon]* 'property relations of spouses' are not included in the main text; thus they are not binding. Concurrently, they occur in the explanation to chapter four, where the information on their cumulation and conversion into the presently binding term *σχέσεις των συζύγων από το γάμο [sheseis ton syzygon apo to gamo]* 'relations of spouses under marriage' is given. Therefore, the historical terms are non-binding, and the last term is binding. In reference to the previously discussed retroactive function of the code, the non-binding historical terms can be still in use in legal practice, but they take on the property of non-binding term, while the term *σχέσεις των συζύγων από το γάμο [sheseis ton syzygon apo to gamo]* 'relations of spouses under marriage' takes on the property of binding term in this dimension.

Lect

Regardless of historical version, the Greek Civil Code, from which the terms are excerpted, is a statute (legislation) and, consequently, it is drawn up in the language of the law; thus, the discussed terms come from language of the law. Consequently, all of the discussed terms take on the property of legal lect in this dimension.

Branch of law

As for the three terms discussed, they are excerpted from the fundamental source of civil law, *i.e.* the Greek Civil Code. Consequently, this dimension takes on the property of civil law.

Sub-branch of law

The subject matter of all discussed terms is marital relations between spouses seen as persons. The aim of Greek substantive civil law is to concretise legal relations between persons — objects of substantive civil law, thus all discussed terms take on the property of substantive civil law in this dimension.

Subdivision of substantive law

Family law is part of Greek civil (private) law, because it regulates the personal and property relations of citizens (Georgiades 2014), which is why the property taken on by this dimension is family law.

The parametric comparison of all of the terms, where the historical terms are aggregated, according to the instruction given by the Greek Ministry of Justice (2014), is presented below, and it illustrates the distance between them. The degree of distance is based on the dimension of legal force, since the terms before the amendment of 1983 take on the property of non-binding terms, while the term of 1983 takes on the property of binding term.

Table 15. *Προσωπικαί σχέσεις μεταξύ των συζύγων [prosopikai scheseis metaxy ton syzygon]* and *περιουσιακαί σχέσεις των συζύγων [periousiakai scheseis ton syzygon]* vs *σχέσεις των συζύγων από το γάμο [scheseis ton syzygon apo to gamo]* .

Dimension	Property of dimension	Terms	
		προσωπικαί σχέσεις μεταξύ των συζύγων and περιουσιακαί σχέσεις των συζύγων	σχέσεις των συζύγων από το γάμο
Genre	Legislation	+	+
	Other Genre	-	-
Lect	Legal lect	+	+
	Vernacular lect	-	-
	Other LSP lect	-	-
Text validity	Biding	-	+
	Non-biding	+	-
Branch of law	Civil law	+	+
	Other	-	-
Sub-branch of law	Substantive	+	+
	Procedure	-	-
Subdivision of substantive law	Family law	+	+
	Other	-	-

The analysis of diachronic Greek synonyms conducted leads to formulation of the following directive for particularistic Polish-Greek legilinguistic translatology:

Directive 15$_{PL\text{-}EL}$: If the Greek terms 'προσωπικαί σχέσεις μεταξύ των συζύγων' or 'περιουσιακαί σχέσεις των συζύγων' are used under the civil law, then they are synonymous with the term 'σχέσεις των συζύγων από το γάμο'.

This directive can be formulated under the general *postulate of diachronic synonymy in comparable texts*, which says that *if two or more homolingual terms of the same statute* SA_j *are sufficiently homosignificative with respect to the considered certain meaning M and share the most essential dimensions, then they are synonymous.*

At this point of the analysis, *Directive* $15_{PL\text{-}EL}$ aims to (1) demonstrate the synonymy between Greek diachronic synonymous civil law terms: *προσωπικαί σχέσεις μεταξύ των συζύγων [prosopoikai scheseis metaxy ton syzygon]* 'person relations between spouses' & *περιουσιακαί σχέσεις των συζύγων [periousiakai scheseis ton syzygon]* 'property relations of spouses' and *σχέσεις των συζύγων από το γάμο [scheseis ton syzygon apo to gamo]* 'relations of spouses under marriage' and (2) provide a set of potential Greek translational equivalents where the differences between them are highlighted relatively to a certain dimension.

As far as the practice of legal translation is taken into account, knowledge about parallel relations of synchronic and diachronic intralingual relations between Polish and, respectively, Greek terms acquaints the Polish-Greek legal translator with the nature of legal language. Consequently, it enhances the translator's preparedness to deal with legal heterolingual texts, and is affected by the following postulates of general legilinguistic translatology: *Po 38 — Postulate of translator and comprehension* and *Po 41 — Postulate of translator's experience and knowledge impact on translation*.

More precisely, detection of non-binding and binding synonyms in the source text ought to lead to the selection of currently binding legal terms, especially when providing potential Greek equivalents. That can happen if there is a potential equivalent in a comparable Greek text, *i.e.* the Civil Code or the Code of Civil Procedure. If there is no potential equivalent in a comparable text, then historical legal terms, which are non-binding at the moment, can be useful when coining sufficient translational equivalents, since they can be used as a model of lexical and grammar correctness. Moreover, some of non-binding synonyms can be still valid in judicial practice, for instance in cases which were initiated on the basis of the historical version of a specific legal act but come to an end after the amendment of this act entered into force. From this perspective, a legal translator should be acquainted with historical (diachronic) synonymous terms since he/she can sometimes encounter them in professional practice.

4.3. Relations between Polish and Greek synonyms

As far as relations of synonymy refer to legal terms, they can be defined as terms having the same meaning (absolute synonymy) or nearly the same meaning (near synonymy) from a semantic and pragmatic perspective. This paragraph illustrates how the parametric approach can be used to calculate the distance between Polish and Greek terms that, on the basis of the aforementioned calculation, can be recognised as synonymous. Moreover, the interlingual and interlegal study presents cross-referential relations of synonymy among the Polish and Greek legal terms analysed.

Aiming to demonstrate that the study of intralingual synonymy of legal terms contributes to parametric calculation of the distance between Polish and Greek term, the comparative analysis is partially based on the above-given examples of intralingual synonyms. The study of Polish and Greek synonyms, in the context of legal translation, must only be synchronic in nature because the calculated terms co-occur at the same moment in Polish and Greek statutory texts and their historical development is not taken into consideration in the present analysis. Moreover, legal texts in force during the research period (2013-2017) are the subject of the analysis of interlingual synonymy (convergent terms in comparable texts).

4.3.1. Relation of near synonymy

As mentioned above, Polish and Greek legal terms are synonymous if they have the same meaning (absolute synonymy) or nearly the same meaning (near synonymy) from a semantic and pragmatic perspective. According to the standard model which employs dimensions to analyse the relations between synonyms, the synonyms are examined from the perspective of meaning, using a parametric approach.

In light of the meaning of synchronic synonymy set out above, one can find synchronic intralingual Polish and Greek synonyms[68] in normative acts analysed. One example is the Polish and Greek terms meaning process or proceedings:
proces ‘procedure/proceedings’,
postępowanie ‘procedure’,

[68] See the analysis of synchronic intralingual synonyms (Chapter 4.2.).

sprawa ‘case/suit/procedure’,
δίκη [diki] ‘procedure/proceedings/trial/lawsuit’,
υπόθεση [ipothesi] ‘case/suit/procedure’,
if they are elements of the verbal syntagm including respectively the Polish verb *toczyć się* ‘continue/be conducted/be tried’ and the Greek verb *εκκρεμώ [ekkremo]* ‘be pending’.

Meaning

As far as the pendency of the proceedings is concerned, they can be recognised as intralingual synonyms and, moreover, as interlingual synonyms, their meaning is convergent. To confirm this presumption they are analysed on the basis of dimensions and their properties listed in chapter III:

Genre

All terms come directly from the text of the statutes, which are the Polish Civil Code and the Greek Civil Code respectively. Both the Greek Code of Civil Procedure and the Polish Code of Civil Procedure are fundamental statutes of civil procedure. They are recognised as sources of law and respectively as sources of terminology used, for example, in executive and executory instruments. Therefore, they have a dominant nature that should be taken into consideration in comparisons with other legal acts. Finally, all terms take on the property of legislation in this dimension.

Lect

The discussed terms are directly excerpted from the Greek Code of Civil Procedure. It is a statute, and it has been drawn up with use of the language of the law in the type of legal lect, as opposed to other lects. Thus the property taken on in this dimension is legal lect.

Branch of law

As far as the analysed terms concern Polish and Greek civil procedure, let us concentrate on the first articles of the Polish and Greek Codes of Civil Procedure respectively, where the legislators define the subjects of civil procedure,[69] which are cases under civil law. Therefore, from a

[69] Polish Code of Civil Procedure: Art. 1. Kodeks postępowania cywilnego normuje postępowanie sądowe w sprawach ze stosunków z zakresu prawa cywilnego, rodzinnego i opiekuńczego oraz prawa pracy, jak również w sprawach z zakresu ubezpieczeń społecznych oraz w innych sprawach, do których przepisy tego kodeksu stosuje się z mocy ustaw szczególnych (sprawy cywilne).
Article 1. The Code of Civil Procedure governs court proceedings in matters falling under the subject-matter and scope of civil, family and custodial law

substantive point of view, they are convergent, so the relevant property taken on in this dimension is civil law.

Sub-branch of law

The process of examining cases under civil law is regulated by either the Polish or Greek Codes of Civil Procedure. From the formal point of view, both the Polish and Greek lawmakers define legal procedures with the goal of determining certain civil substantive rights before courts (Zieliński 2002: 2, Beis 1981), and, consequently, all terms take on the same property of that dimension, which is procedural civil law.

The common properties of Polish and Greek synonymous terms (heterolingual synonyms) respective to the syntagms including the verb meaning 'continue/be conducted/be tried' (Polish *toczyć się*, Greek *εκκρεμώ [ekkremo]*), which were analysed above, are presented in the table below.

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as well as labour law and in matters falling under the subject-matter and scope of social insurance, and other matters to which the provisions of this Code apply by operation of special acts of law (civil cases).

The Greek Civil Code: Άρθρο 1. Στη δικαιοδοσία των τακτικών πολιτικών δικαστηρίων ανήκουν: α) οι διαφορές του ιδιωτικού δικαίου, εφόσον ο νόμος δεν τις έχει υπαγάγει σε άλλα δικαστήρια, β) οι υποθέσεις εκούσιας δικαιοδοσίας που ο νόμος έχει υπαγάγει σ' αυτά, γ) οι υποθέσεις δημόσιου δικαίου που ο νόμος έχει υπαγάγει σ' αυτά.

Article 1. Jurisdiction of the ordinary civil courts covers: a) litigation under private law if the law does not refer them to other courts, b) cases of voluntary jurisdiction which are referred to these courts according to the law, c) cases under public law which are referred to these courts according to the law.

Table 16. *Proces* and *postępowanie* and *sprawa* vs *δίκη [diki]* and *υπόθεση [ipothesi]*.

Dimension	Property of dimension	Polish synonymous terms			Greek synonymous terms	
		proces	postępowanie	sprawa	δίκη	υπόθεση
Legal system	Legislation	+	+	+	+	+
	Other Genre	-	-	-	-	-
Lect	Legal lect	+	+	+	+	+
	Vernacular lect	-	-	-	-	-
	Other LSP lect	-	-	-	-	-
Branch of law	Civil law	+	+	+	+	+
	Other	-	-	-	-	-
Sub-branch of law	Substantive	-	-	-	-	-
	Procedure	+	+	+	+	+

The parametric calculation of the distance between Polish and Greek synonymous words can be concluded in the form of the following directive for Polish-Greek legilinguistic translatology in particular:

Directive 16$_{PL\text{-}EL}$: If the Polish terms 'process', 'postępowanie' and 'sprawa' and the Greek terms: 'δίκη [diki'] and 'υπόθεση [ipothesi]' consist of a verbal syntagm including the verb 'toczyć się' or 'εκκρεμώ [ekkremo]'respectively, then they are synonymous.

This directive is covered by the following postulates of general legilinguistic translatology: *Po 8 — Postulate of translational equivalence and translatability*, *Po 9 — Postulate of translational equivalence*, *Po 10 — Postulate of translational convergence*, and *Po 11 — Postulate of translational convergence and homosignification.*

4.3.2. Relation of absolute synonymy

When discussing the relation of synonymy between intralingual synchronic synonyms, it was mentioned that all the above five terms are not absolute synonyms as far as the whole text of the Polish and Greek Codes of Civil Procedures are concerned. The most eminent example of that relation is the Polish term *postępowanie* 'procedure, proceedings, lawsuit' and the Greek terms *δικονομία [dikonomia]* 'procedure' and *διαδικασία [diadikasia]* 'procedure, proceedings'.[70] Let us present a more pertinent analysis of these terms on the basis of the universally adopted standard.

Meaning

According to scholars the Polish term *postępowanie cywilne* 'civil procedure' means the legally regulated set of acts aimed at the concretisation and compulsory execution of legal rules in cases under civil law, according to provisions prescribed by the law (Zieliński 2002: 7). Therefore, this term has a very general and fundamental meaning, which is confirmed by its existence in the title of the law *Kodeks postępowania cywilnego* 'Code of Civil Procedure'. Consequently, the term *postępowanie* 'procedure' in the field of civil law means the set of legal rules regulating procedure in civil law cases.

[70] These terms are intralingual legal Greek synonyms.

On the basis of the meaning of the Polish term *postępowanie cywilne* 'civil procedure', the Greek term *πολιτική δικονομία [politiki dikonomia]* 'civil procedure' seems to have the same meaning (homosignificant), but Greek scholars explain that civil procedure consists of all legal rules that regulate the institutions, terms and process aimed at provide legal protection to the persons whose rights or interests are affected (Beis 1981). Moreover, pertinent study of the Greek Civil Code demonstrates that the use of this term is limited only to the title of the statute *Κώδικας Πολιτικής Δικονομίας [kodikas politikis dikonomias]* 'Code of Civil Procedure' present in the heading of the act, as well as in the main part of the text (twice only). Even though the term *δικονομία [dikonomia]* 'procedure' is more frequent (4 times) in the text, it exists only in the phrases which are titles of certain statutes, *i.e. Κώδικας Πολιτικής Δικονομίας [kodikas politikis dikonomias]* 'Code of Civil Procedure' and *Κώδικας Ποινικής Δικονομίας [Kodikas Poinikis Dikonomias]* 'Code of Criminal Procedure'. Therefore, the Greek term can be recognised as homosignificant with the Polish term only in a limited scope.

The lack of other similarities between the Polish term *postępowanie* 'procedure' and the Greek term *δικονομία [dikonomia]* 'procedure' (apart from titles of the statutes) requires further research into the Greek Civil Code, where the term *διαδικασία [diadikasia]* 'proceedings/process' occurs. In jurisprudence this term is a connector between procedural acts that are started by the lodging of an application to provide legal protection and are terminated by the judicial or conciliatory admission of the application or by the rejection of the application or the petition or by the exclusion of the application or the petition (Beis 1981). Consequently, its meaning covers the set of conventional acts undertaken while the proceedings start, continue and terminate. The frequency of the term is incomparable with the frequency of the term *δικονομία [dikonomia]* 'procedure' in the text of the Greek Code of Civil Procedure. It consists of various syntagms[71] with a meaning very near to the Polish syntagms consisting of the term 'postępowanie (procedure)'.[72] Therefore, the

[71] For example: *οι πράξεις της διαδικασίας* 'acts of the procedure', *εκούσια διαδικασία* 'non-contentious proceedings', *δευτεροβάθμια διαδικασία* 'procedure of second instance' etc.

[72] For example: *czynności w postępowaniu* 'acts of the procedure', *postępowanie nieprocesowe* 'non-contentious proceedings', *postępowanie przed sądem drugiej instancji* 'procedure of second instance' etc.

term *διαδικασία [diadikasia]* ‘proceedings/process’ can be recognised as synonymous with the Polish term *postępowanie* ‘procedure’ when their function in a legal reality is taken into consideration and not only their textual function, *i.e.* the title of the act.

Since all of the terms discussed here were analysed with respect to following dimensions:
Genre,
Lect,
Branch of law, and
Sub-branch of law,
it should be said they take on the same properties; the analysis therefore requires us to explore another dimension aiming at detecting the distance between a source-text term and its potential equivalents in the comparable text, namely the *function of the term* in the text of statute. This dimension, in the context of the analysed terms, can take on two properties: *title*, if the term is an element of the title of the statute (proper name of a certain statute), and *name of subject of the law* if the term is an element of common phrases or is common noun.

Table 17. *Postępowanie* vs *δικονομία [dikonomia]* vs *διαδικασία [diadikasia]*.

Dimension	Property of dimension	Polish term	Greek terms	
		postępowanie	δικονομία	διαδικασία
Genre	Legislation	+	+	+
	Other Genre	-	-	-
Lect	Legal lect	+	+	+
	Vernacular lect	-	-	-
	Other LSP lect	-	-	-
Branch of law	Civil law	+	+	+
	Other	+	+	+
Sub-branch of law	Substantive	-	-	-
	Procedure	+	+	+
Function of the term	Title	+	+	-
	Name of subject of the law	+	-	+

Parametric calculation of the distances between the terms shows that all three terms are absolute synonyms when used in the proper names of statutes, *i.e.* in their titles. By contrast, on the basis of the legal function, the Polish term *postepowanie* 'procedure' is in a relation of heterolingual synonymy (homosignification) with only one Greek term *διαδικασία [diadikasia]* 'proceedings/process'. Therefore, the following two directives of particular Polish-Greek legilinguistic translatology can be formulated:

Directive 17$_{PL\text{-}EL}$: If the Polish term 'postepowanie' and the Greek terms: 'δικονομία [dikonomia]' and 'διαδικασία [diadikasia]' are used in the title of statutes, then they are interlingually synonymous (convergent).

Directive 18$_{PL\text{-}EL}$: If the Polish term 'postepowanie' and the Greek term 'διαδικασία [diadikasia]' are names of a set of legal acts in a civil case, then they are interlingually synonymous (convergent).

These directives result from the *Po 12 — Postulate of homosignification and non-divergence of the general legilinguistic translatology*.

4.4. Concluding remarks

The types of synonymy discussed (intralingual/interlingual, synchronic/diachronic) are issues concerning legal translation theory and practice. Firstly, they are useful when determining the meaning of a certain term in legal language in general, since they make the legal translator acquainted with the specific character of legal terms when conducting comparative analysis on the basis of certain dimensions. Thus they have, let us say, a kind of general didactic nature. Secondly, they can be useful in the practice of legal translation when (1) determining a set of potential translational equivalents and (2) preparing glossaries or dictionaries of legal languages, for example Polish and Greek, because types of synonymy help concretise the meaning of certain legal terms and provide an adequate translational equivalent (heterolingual synonym).

5. Relation of Polysemy

5.1. Introductory remarks

Insofar as the study concerns legal terminology, the relation of polysemy is discussed within the framework of LLP (Language for Legal Purposes) and, more precisely, within the framework of the objective of this chapter, which is to discuss polysemy on the basis of Polish and Greek civil law statutes. All three relations come from linguistics, and their utilisation in legal linguistics must be based on theoretical linguistic approaches. The study demonstrates that semantic relations between legal terms are similar to semantic relations in the general language, but likewise not only the general but also the legal meaning of the terms must be taken into consideration when investigating the relation between legal terms from the perspective of lexical semantics.

This paragraph explains how to understand and exploit the relation of polysemy, which will be discussed within the framework of Polish and Greek legal language, and more precisely, the language of civil law. Since the study refers to synchronic polysemes, the terms are not analysed from the historical (diachronic) perspective and in this perspective the analysis has a synchronic character.

The notion of polysemy has been discussed since 1897 (Bréal 1897) when Michel Bréal introduced the term *polysémie* into the field of linguistics (Nerlich and Clarke 2003: 4) and nowadays there are many concepts of polysemy which have been investigated in linguistic theory. The viewpoint of the present discussion on relations between meanings of certain legal terms reflects Lyon's (1977) statement saying that sense relations are not relations between independent senses, but it should be said rather that the sense is constructed out of sense relations. Therefore, the full meaning of a word is a *complex network of relations potentially encompassing the whole lexicon* (Cruse 2000: 100). Lyon's statement, when adopted for the purposes of legilinguistic translatology, demonstrates that the meaning of a certain legal term cannot be seen as the meaning of a term separated from the context, *i.e.* a certain statute, or even all of the legal system.

As far as Polish and Greek polysemous legal terms are concerned, since the notion of polysemy concerns many meanings of the same term, there is a possibility of saying, in a simple way, that legal polysemous terms are homophone and homograph terms that have many meanings, as their spelling and pronunciation are the same.

5.2. Relation of intralingual polysemy

Insofar as the relation of polysemy is discussed within the framework of legal linguistics, the approach of Sourioux/Lerat (1975: 94-96) is adopted, since it differentiates between linguistic polysemy and legal polysemy. Therefore, the relation of polysemy between any terms (word/syntagm) from the general language and legal terms (word/syntagm) is not taken into consideration, and instead only the relation of polysemy between legal terms is considered in the study.

Following the general presumptions of polysemy given above, let us say that intralingual Polish and Greek polysemous legal terms are homophone terms, *i.e.* having the same pronunciation and homograph legal terms, *i.e.* having the same spelling. Concurrently, the meaning of these homophones and homographs is different. The most frequent polysemous relation in legal language is observed between the terms of various legal branches,[73] but in the context of the present study only legal terms under civil law are discussed. The polysemous Polish and Greek legal terms analysed are excerpted directly from civil law statutes.

5.2.1. Polysemous Polish civil law terms

In this section polysemous legal terms, drawn respectively from Polish substantive civil law and Polish procedural civil law are discussed. Since the aim of the lawmaker is to express legal rules precisely, ideally there should not be any ambiguous legal terms in statutes (Wronkowska and Zieliński 2012: 38-39). However, legal rules are expressed with natural language used for a legal purpose, therefore,

[73] Further reading on Polish and Greek polysemous legal terms in Gortych and Grzybek (2013).

there are examples of legal terms with ambiguous meaning, which are the source of polysemous meaning of the same term.

The first of the polysemous Polish civil law terms analysed is the adjective *cywilny* 'civil, of private law, public, political'. The Polish Civil Code contains the adjective *cywilny* 'civil', which has numerous meanings, as demonstrated below. Although this term is fundamental for civil law, both for substantive and procedural law, it is not so frequent in the text of the Polish Civil Code — it appears only 13 times, including 3 times when it is contained in the title of a statute, *i.e.* once in *Kodeks cywilny* 'Civil Code' and twice in *Kodeks postępowania cywilnego* 'Code of Civil Procedure'. Even though there are not many phrases including this adjective, its meaning is polysemous. Following the standard method of investigation, let us demonstrate the polysemous meaning of this term on the basis of the parametric approach.

Meaning

The adjective *cywilny* 'civil, civic, civilian' under Polish civil law has a number of possible meanings. According to Lyon's conception of sense reconstructed from other senses, it is possible to determine numerous different senses of this adjective. The adjective *cywilny* 'civil' discussed here appears in various legal terms; therefore, its meaning is analysed on the basis of certain phrases existing in the Polish Civil Code.

Meaning 1.

The adjective *cywilny* 'civil' means 'of civil law, of private law, relating to or based on civil law'. This meaning is observed in the titles of Polish statutes: *Kodeks cywilny* 'Civil Code' and *Kodeks postępowania cywilnego* 'Code of Civil Procedure' as well as in following phrases:

prawo cywilne 'civil law',[74]

[74] For example: Art. 23. Dobra osobiste człowieka, jak w szczególności zdrowie, wolność, cześć, swoboda sumienia, nazwisko lub pseudonim, wizerunek, tajemnica korespondencji, nietykalność mieszkania, twórczość naukowa, artystyczna, wynalazcza i racjonalizatorska, pozostają pod ochroną **prawa cywilnego** niezależnie od ochrony przewidzianej w innych przepisach.

Article 23. Personal interests of a human being, such as in particular health, freedom, dignity, freedom of conscience, surname or pseudonym, image, confidentiality of correspondence, inviolability of home as well as scientific,

pożytek cywilny ‘civil profit’,[75]
odpowiedzialność cywilna ‘civil liability’[76].
Meaning 2.
The adjective *cywilny* ‘civil, civic’ means ‘relating to citizens, relating to private persons, official’ as far as it is present in the following phrase:
urząd stanu cywilnego ‘registrar’.[77]
Hence the term *urząd stanu cywilnego* ‘registrar’ belongs also to another branch of law, which is to say administrative law.

The parametric analysis of the civil law terms discussed above, which contain the adjective *cywilny* ‘civil’, demonstrates that the following dimensions of the discussed phrases take on the same properties of *Genre* and *Lect*, because the source text from which the term is excerpted is a statute, and, more precisely, a code, which is a legislative act. Consequently, since the code is a legislative act, its lect is legal lect.

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artistic, inventive and reasoning activities shall be protected by the **civil law** regardless of the protection provided for by other provisions.

[75] Art. 53. § 2. **Pożytkami cywilnymi** rzeczy są dochody, które rzecz przynosi na podstawie stosunku prawnego.
Article 53. § 2. Proceeds which the thing produces on the basis of a legal relation shall be **civil profits** from the thing.

[76] Art. 819. § 3. W wypadku ubezpieczenia **odpowiedzialności cywilnej** roszczenie poszkodowanego do ubezpieczyciela o odszkodowanie lub zadośćuczynienie przedawnia się z upływem terminu przewidzianego dla tego roszczenia w przepisach o odpowiedzialności za szkodę wyrządzoną czynem niedozwolonym lub wynikłą z niewykonania bądź nienależytego wykonania zobowiązania.
Article 819. § 3. In the case of **civil liability** insurance, the injured party's claim to the insurer for damages or compensation shall be subject to limitation upon the lapse of the time limit envisaged for such a claim in the provisions on liability for damage inflicted by way of tort or resulting from non-performance or improper performance of an obligation.

[77] Art. 951. § 1. Spadkodawca może sporządzić testament także w ten sposób, że w obecności dwóch świadków oświadczy swoją ostatnią wolę ustnie wobec wójta (burmistrza, prezydenta miasta), starosty, marszałka województwa, sekretarza powiatu albo gminy lub kierownika **urzędu stanu cywilnego**.
Article 951. § 1. The decedent may also draw up a testament by declaring, in the presence of two witnesses, his last will orally before the head of municipality (mayor, or president of a town), district chief executive, president of a province, secretary of a district or municipality or a **registrar**.

The dimension of branch *of law* has various properties, with respect to meaning of the adjective *cywilny* 'civil', resulting from the analysed legal terms given above. Since the distance between meanings of the same adjective is detected in the dimension of branch *of law*, there is no need to extend the list of dimensions, since those which are applied to the above analysis, are minimal and adequate. All parametric similarities and differences between meanings are demonstrated in the table below.

Table 18. Meaning 1 vs Meaning 2 of the term *cywilny*.

Dimension	Property of dimension	Meaning	
		Meaning 1[78]	Meaning 2[79]
Genre	Legislation	+	+
	Other Genre	-	-
Lect	Legal lect	+	+
	Vernacular lect	-	-
	Other LSP lect	-	-
Branch of law	Civil law	+	-
	Administrative law	-	+

The parametric analysis given in the above table confirms the various different meanings of the same term *i.e. cywilny* 'civil' based on the dimension of branch of law. However, to obtain a full spectrum of polysemous meaning the analysis should be accompanied with pertinent analysis of sense of many examples — phrases of the same text since the study concerns polysemy in a certain branch of law. The analysis leads to formulation of the postulate *Po 59 Postulate of polysemy in comparable texts* and consequently to formulation of the following directive of Polish-Greek legilinguistic translatology:
Directive 19$_{PL\text{-}EL}$: If the Polish term 'cywilny' is a part of various syntagms, including the syntagm 'urząd stanu cywilnego', which have different meanings with respect to the dimension of branch of law and as such it occurs in the same civil law statute, then it is a polysemous term.

Similarly to the postulates and directives concerning intralingual synonymy, the above postulate aims to present the relation of polysemy of certain terms of Polish civil law and to indicate a very

[78] 'of civil law, of private law, relating to or based on civil law'.
[79] 'relating to citizens, relating to private persons, official'.

basic step in translation procedure[80] which determines the correct meaning of the source term.

Let us discuss another Polish polysemous civil law term *dowód* 'evidence, confirmation, document, certificate.'

Meaning

The noun *dowód* 'evidence, confirmation, document, certificate' is very frequent in the Polish Code of Civil Procedure, and it has various meanings. The analysis is conducted on the basis of certain phrases combined with use of the noun *dowód* 'evidence, confirmation, document, certificate'.

Meaning 1.

The fundamental meaning of the noun *dowód* in the light of civil procedure is 'evidence'. According to Article 227 of the Polish Civil Code, evidence refers to *facts which are of vital importance for the adjudication of a case*[81]. In other words, evidence comprises facts which are important for a case (Zieliński 2012: 424). In the text of the Polish Civil Code this term exists separately, as for example in article 211 of the Polish Code of Civil Procedure[82] or in phrases like:

zabezpieczenie dowodu 'securing of evidence',[83]

przeprowadzenie dowodu 'taking of evidence',[84]

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[80] See steps of Translational Algorithm in Chapter X.

[81] Art. 227. Przedmiotem dowodu są fakty mające dla rozstrzygnięcia sprawy istotne znaczenie.

Article 227. The subject-matter of evidence are facts which are of vital importance for the adjudication of a case

[82] Art. 211. W razie nieobecności strony na rozprawie przewodniczący lub wyznaczony przez niego sędzia sprawozdawca przedstawia jej wnioski, twierdzenia i **dowody** znajdujące się w aktach sprawy.

Article 211. If a party is absent from a hearing, the presiding judge or the judge-rapporteur assigned by them shall present the petitions, allegations and **evidence** recorded in the case files to such party.

[83] Art. 179. § 3. Podczas zawieszenia sąd nie podejmuje żadnych czynności z wyjątkiem tych, które mają na celu podjęcie postępowania albo **zabezpieczenie** powództwa lub **dowodu**.

§ 3. When proceedings remain stayed, the court shall not perform any actions apart from actions aimed at the resumption of proceedings, securing of an action or **securing of evidence**.

[84] Art. 187 § 2. Pozew może zawierać wnioski o zabezpieczenie powództwa, nadanie wyrokowi rygoru natychmiastowej wykonalności i przeprowadzenie

zażądanie dowodów ‘request for evidence’.[85]
The above phrases refer to acts performed by the court and are a part of civil procedure. From this perspective the term *dowód* is understood as set of facts that are to be recognised during the evidentiary hearing conducted by the court in judicial proceedings.
Meaning 2.
The term *dowód* means also ‘confirmation, document, certificate’, and with this meaning it is a document which confirms a fact or a type of document. That sense is visible in the following phrases including the noun *dowód*:
dowód doręczenia ‘confirmation that a copy thereof has been served’,[86]
dowód wysłania ‘confirmation that a copy thereof has been sent by registered letter’,[87]
dowód należności ‘proof of debt’,[88]

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rozprawy w nieobecności powoda oraz wnioski służące do przygotowania rozprawy, a w szczególności wnioski o: (…)
3) polecenie pozwanemu dostarczenia na rozprawę dokumentu będącego w jego posiadaniu, a potrzebnego do **przeprowadzenia dowodu**, lub przedmiotu oględzin;
4) **zażądanie** na rozprawę **dowodów** znajdujących się w sądach, urzędach lub u osób trzecich.
§ 2. A complaint may contain a petition to secure an action, an immediately enforceable judgment or trial to be held in the plaintiff's absence, and petitions which serve the purpose of preparing a trial, in particular:
3) petition to order a defendant to bring to trial a document in his possession which is necessary for the **taking of evidence**, or an object to be inspected;
4) **request for evidence** in the possession of a court, agency or third party for the purposes of a trial.

[85] *Ibidem.*

[86] Art. 132. § 1. (…) Do pisma procesowego wniesionego do sądu dołącza się **dowód doręczenia** drugiej stronie odpisu albo **dowód jego wysłania** przesyłką poleconą. Pisma, do których nie dołączono **dowodu doręczenia** albo **dowodu wysłania** przesyłką poleconą, podlegają zwrotowi bez wzywania do usunięcia tego braku.
Article 132. § 1. (…) The content of a pleading filed with the court shall include a **confirmation that a copy** thereof **has been served** on the other party or **sent by registered letter**. Pleadings which do not contain the aforementioned **confirmatio**n shall be returned without request for correction thereof.

[87] *Ibidem.*

dowód wierzytelności ‘evidence of the debt’,[89]
dowód imienny lub na okaziciela ‘personal holder document’,[90]
dowód posiadania wkładu ‘proof of a savings deposit’,[91]

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[88] Art. 635. § 2. Wniosek może zgłosić każdy, kto uprawdopodobni, że jest spadkobiercą, uprawnionym do zachowku lub zapisobiercą, a ponadto wykonawca testamentu, współwłaściciel rzeczy, współuprawniony co do praw pozostałych po spadkodawcy, wierzyciel mający pisemny **dowód należności** przeciwko spadkodawcy oraz właściwy urząd skarbowy.
§ 2. A petition may be filed by any person who substantiates to be an heir, that they have a right to legitime or are a legatee, as well as by the executor of the will, joint owner of an object, joint holder of rights left by the testator, creditor holding a written **proof of debt** against the testator, as well as the State Treasury represented by the head of a relevant fiscal office.

[89] Art. 888. § 1. Na wniosek wierzyciela komornik odbierze dłużnikowi dokumenty stanowiące **dowód wierzytelności** i złoży je do depozytu sądowego.
Article 888. § 1. Upon the creditor's application, the enforcement officer shall remove from the debtor documents which are **evidence of the debt** and deposit them with the court.

[90] Art. 893[1]. § 1. Jeżeli egzekucja z rachunku bankowego obejmującego wkład oszczędnościowy, na który wystawiono **dowód imienny lub na okaziciela**, nie może być przeprowadzona w trybie art. 901 z powodu niemożności odebrania tego **dokumentu**, komornik stwierdza ten fakt protokołem i dokonuje zajęcia wkładu oszczędnościowego przez skierowanie do właściwego oddziału banku zawiadomienia o zajęciu.
Article 893[1]. § 1. If the execution against an account for which a **personal holder document** has been issued cannot be conducted in accordance with Article 901 due to the fact that it is impossible to collect the *document*, the enforcement officer records this fact in a report and attaches the bank account for which the personal holder document has been issued by sending a notice of attachment to the relevant bank.

[91] Artykuł 920[1]. § 1. Przepisy art. 913–917, 919 i 920 stosuje się odpowiednio do wyjawienia przez dłużnika stanu oszczędności na rachunkach bankowych w związku z żądaniem wydania książeczki oszczędnościowej lub innego **dowodu posiadania wkładu**. W wykazie majątku dłużnik jest obowiązany podać, czy i jakie oszczędności ma na rachunku bankowym, w jakim banku zostały zgromadzone, jeżeli zaś nie posiada **dowodu bankowego**, jest obowiązany wskazać osobę, u której znajduje się ten **dowód**.
Article 920[1]. § 1. The provisions of Article 913-917, 919 and 920 apply accordingly to the debtor's disclosure of his savings in bank accounts in connection with a request to surrender a savings passbook or another **proof of a savings deposit**. The debtor shall state on the list of his property whether and what types of savings he has in a bank account and the bank where he

dowód bankowy 'bank certificate'.[92]
The above terms can be elements of both contentious and non-contentious proceedings, especially the terms: *dowód doręczenia* 'proof of delivery', *dowód wysłania* 'proof of posting', which are a necessary element of every type of Polish civil procedure.

The most prominent difference between Meaning 1 (evidence) and Meaning 2 (confirmatory document) is the fact that evidence is governed and admitted (*dopuszczany*) or not by the court while a confirmatory document can exist without the court's actions and does not need to be recognised by the court to be valid; for instance *dowód bankowy* 'bank certificate'. Concurrently, in some cases, certain confirmatory documents (Meaning 2) can confirm evidence (Meaning 1).

When analysing both meanings of the term '*dowód*' of the Polish Code of Civil Procedure, the parameters of *genre* and *lect* can be recognised as common for the discussed terms, since they take on the same properties. The source text of these terms is the code, which is a legislative text, and therefore its lect is the language of the law. The term *dowód* occurs both in the Polish Civil Code and in the Polish Code of Civil Procedure, because it is under the common head of civil law and refers to civil procedure, even though it occurs in the civil code, because according to Meaning 1 it is governed and recognised by the court.[93] Therefore, the dimension of type of procedure does not need to be applied in the parametric comparison of the two meanings discussed, but another pragmatic dimension is needed aimed at detecting the differences between various meanings of the term *dowód*. This dimension is *executor of the act*, where the act means

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keeps his savings, and if he is not in the possession of a **bank certificate**, he should identify the person who keeps such **certificate**.

[92] *Ibidem.*

[93] Even according to the Polish Civil Code, for example: Art. 74. § 1. Zastrzeżenie formy pisemnej bez rygoru nieważności ma ten skutek, że w razie niezachowania zastrzeżonej formy nie jest w sporze dopuszczalny **dowód ze świadków** ani **dowód z przesłuchania** stron na fakt dokonania czynności.
Article 74. § 1. The reservation of the written form, document form or electronic form with no pain of invalidity shall have such a consequence that if the reserved form is not complied with, the **testimony from witnesses or parties** as to the fact of carrying out a juridical act shall not be admissible in the case of a dispute.

both 1) a set of facts recognised or not by the court and 2) a confirmatory document. For Meaning 1 the executor is a court, for Meaning 2 the executor is another institution.

On the other hand, from a strictly linguistic perspective, *i.e.* syntactic one, the term *dowód* with Meaning 1 is a complement (*significans*) of the gerundium (*significandum*) in the analysed syntagms and, on the contrary, when it has Meaning 2, the term *dowód* is the dominant element of the syntagm (*significandum*), where all the other elements are subordinate (*siginficanta*). Although it must be emphasised that the dominant or subordinate nature of the term *dowód* in various syntagms is hardly considered a fixed rule, there are other syntagms, *e.g.* in the Polish Code of Civil Procedure, where this term has Meaning 1 and simultaneously is the dominant element of the syntagm, for example in the syntagm: *dowód może być przeprowadzony* 'evidence shall be taken'.[94]

The parametric analysis of the two terms analysed included in the sense of the legal term *dowód* 'evidence, confirmation, certificate' is presented in the table below.

Table 19. Meaning 1 vs Meaning 2 of the term *dowód*.

Dimension	Property of dimension	Meaning	
		Meaning 1[95]	Meaning 2[96]
Genre	Legislation	+	+
	Other Genre	-	-
Lect	Legal lect	+	+
	Vernacular lect	-	-
	Other LSP lect	-	-
Branch of law	Civil law	+	-

[94] Art. 242. Jeżeli postępowanie dowodowe napotyka przeszkody o nie określonym czasie trwania, sąd może oznaczyć termin, po którego upływie **dowód może być przeprowadzony** tylko wówczas, gdy nie spowoduje to zwłoki w postępowaniu.
Article 242. Where evidentiary hearing is hindered by obstacles whose duration cannot be determined, the court may determine a time limit after the lapse of which **evidence shall be taken** only if this will not delay the proceedings.

[95] The term *dowód* is understood as a set of facts which are to be recognized during evidentiary hearing performed by the court in judicial procedure.

[96] The term *dowód* is understood as a document which confirms a fact or a type of document.

	Administrative law	-	+
Type of procedure	Procedure	+	-
	Non-contentious proceedings	+	+
Sub-branch of law	Substantive	+	+
	Procedure	+	+
Executor of the act	Court	+	-
	Other institution	-	+
Element of the syntagm	Dominative	-	+
	Subordinate	+	-

The parametric analysis of various meanings of the Polish term *dowód*, when conducted by applying the relevant dimensions, demonstrates not only the similarities of the term (*i.e.* dimensions that take on the same properties), but also the differences between these meanings (different properties taken on by the same dimension). Consequently, let us formulate another directive of Polish-Greek legilinguistic translatology as follows:

Directive 20$_{PL\text{-}EL}$: If the Polish term 'dowód' is a part of various syntagms, including the syntagms meaning a set of facts, which are to be recognised during an evidentiary hearing performed by the court in judicial proceedings, then it is a polysemous term.

The above postulate not only demonstrates the relation of intralingual polysemy in the source text but will also sensitise legal translators to the polysemous nature of legal terms, in the hope that it will aid them filter the correct meaning in a certain source-text unit.

5.2.2. Polysemous Greek civil law terms

The Greek polysemous legal terms from Greek substantive civil law and Greek procedural civil law are discussed below. Utilising the model outlined above when discussing polysemous Polish civil law terms, a point of departure is determination of certain meanings of the polysemous term analysed and then parametric analysis of its determined meanings.

The Greek term *πολιτικός [politikos]* 'civil, of private/civil law, public, political' is the first example of a polysemous legal term.

Meaning

Even though the Greek term *πολιτικός [politikos]* 'civil, of private law, public, political', similarly to the Polish term *cywilny* 'civil, of private law, public, political', seems to be essential for the branch of civil law, is not actually very frequent in the text of the Greek Civil Code. It appears literally 11 times, where once it is presented in the title of the statute *Κώδικας Πολιτικής Δικονομίας [Kodikas Politikis Dikonomias]* 'Code of Civil Procedure'. Despite the relatively small frequency, its presence in the text demonstrates its multiple meanings.

Meaning 1.

As mentioned above, the adjective *πολιτικός [politikos]* is a basic term for Greek civil law in general. It means 'civil, of civil/private law, under civil/private law'. Excluding the title of the statute, it appears in the following four phrases:

πολιτική δικονομία [politiki dikonomia] 'civil procedure',[97]
πολιτικός γάμος [politikos gamos] 'civil marriage',[98]
πολιτικός καρπός [politikos karpos] 'civil fruit',[99]
πολιτικό δικαστήριο [politiko dikastirio] 'civil court'.[100]

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[97] For example: Άρθρο 799. Αν δεν συμφωνούν για τη διανομή όλοι οι κοινωνοί, κάθε κοινωνός μπορεί να απαιτήσει δικαστική διανομή κατά τις διατάξεις της **πολιτικής δικονομίας**.
Article 799. If the coparcener do not agree on the dissolution, every coparcener may demand a judicial dissolution pursuant to the provisions of **civil procedure**.

[98] For example: Άρθρο 1367. Τέλεση του γάμου. "Ο γάμος τελείται είτε με τη σύγχρονη δήλωση των μελλονύμφων ότι συμφωνούν σ' αυτό (**πολιτικός γάμος**) είτε με ιερολογία από ιερέα της ανατολικής ορθόδοξης εκκλησίας ή από λειτουργό άλλου δόγματος ή θρησκεύματος γνωστού στην Ελλάδα.
Article 1367. Celebration of marriage. A marriage is celebrated either with a concurrent declaration of the future spouses that they agree to be married (**civil marriage**) or by means of a religious ceremony conducted by a priest of the Eastern Orthodox Church or of the priest of another dogma or religion known in Greece.

[99] For example: Άρθρο 961. Καρποί. Καρποί είναι επίσης και οι πρόσοδοι που παρέχει το πράγμα ή το δικαίωμα με βάση κάποια έννομη σχέση (**πολιτικοί καρποί**).
Article 961. Fruits. Fruits are also the proceeds which a thing or right yields by virtue of a legal relationship (**civil fruits**).

[100] Άρθρο 1263. Τίτλος από δικαστική απόφαση. Τίτλο για την απόκτηση υποθήκης παρέχουν, εφόσον επιδικάζουν χρηματική ή άλλη αποτιμητή σε χρήμα παροχή, οι τελεσίδικες αποφάσεις των **πολιτικών,** ποινικών και

Meaning 2.

A different meaning of the Greek term *πολιτικός [politikos]* is 'citizenly, public, political'. The analysed term having this meaning appears only twice in the text of the Greek Civil Code in the following phrases:

πολιτικά καθήκοντα [politika kathikonta] 'civic duties',[101]

πολιτικές πεποιθήσεις [politikes pepoithiseis] 'political beliefs'.[102]

These phrases or certain legal terms under the constitution refer to basic human rights adopted in the Constitution of Greece,[103] especially in Part Two entitled *Ατομικά και κοινωνικά δικαιώματα [Atomika kai koinonika dikaiomata]* 'Individual and Social Rights'.

The meanings of the Greek term *πολιτικός [politikos]* discussed can also be differentiated using the standard parametric approach applied in the study. Insofar as the relevant dimensions are

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διοικητικών ή άλλων ειδικών **δικαστηρίων**, καθώς και οι εκτελεστές αποφάσεις διαιτητών ή αλλοδαπών δικαστηρίων.

Article. 1263. Title conferred by judicial decision. Title to acquire a mortgage may be granted on the basis of final decisions of **civil**, criminal, administrative or other special **court**s, unless they order financial or other performance capable of being valued in money, as well as on the basis of enforceable decisions of arbitrators or of foreign courts.

[101] Άρθρο 663. Αν ο εργαζόμενος έχει προσληφθεί και ζει στην κατοικία του εργοδότη, αυτός έχει υποχρέωση να διαρρυθμίζει τα σχετικά με το χώρο της διαμονής και του ύπνου, καθώς και τα σχετικά με την περίθαλψη και με το χρόνο εργασίας και ανάπαυσης, έτσι ώστε να εξασφαλίζονται η υγεία και η ηθική, καθώς και η άσκηση των θρησκευτικών και **των πολιτικών καθηκόντων** του εργαζομένου.

Article 663. If the employee has been hired and lives in the employer's home, the employer is obliged to make such arrangements concerning the abode, sleeping quarters, care, and periods of work and rest in such a way as to ensure employee's health and morals as well as the exercise of the employee's religious and **civic duties**.

[102] Άρθρο 1511. Η απόφαση του δικαστηρίου πρέπει επίσης να σέβεται την ισότητα μεταξύ των γονέων και να μην κάνει διακρίσεις εξαιτίας του φύλου, της φυλής, της γλώσσας, της θρησκείας, των **πολιτικών** ή όποιων άλλων **πεποιθήσεων**, της ιθαγένειας, της εθνικής ή κοινωνικής προέλευσης ή της περιουσίας.

Article 1511. The decision of the court must also respect the equality between the parents and shall not make any distinction based on grounds of race, gender, language, religion, **political** or other **beliefs**, citizenship, national or social origin or property.

[103] Το Σύνταγμα της Ελλάδας [*To Syntagma tis Elladas*].

concerned, it should be said that the following dimensions take on the same properties regarding the two meanings of the term *πολιτικός [politikos]* discussed: genre and lect, because the polysemous term is excerpted from the source text which is a statute (civil code) and its lect is the legal lect, since the code is a legislative text.

The distinctive dimension of polysemy is branch of law, which has various properties with respect to the meaning of the adjective *πολιτικός [politikos]*. These properties are: 1) civil law and 2) constitutional law. Since the difference is detected in that dimension, the list of relevant dimensions does not need to be extended.

Table 20. Meaning 1 vs Meaning 2 of the term *πολιτικός [politikos]*.

Dimension	Property of dimension	Meaning	
		Meaning 1[104]	Meaning 2[105]
Genre	Legislation	+	+
	Other Genre	-	-
Lect	Legal lect	+	+
	Vernacular lect	-	-
	Other LSP lect	-	-
Branch of law	Civil law	+	-
	Constitutional law	-	+

According to the parametric analysis of the distance between the two meanings of the Greek term *πολιτικός [politikos],* there is a difference visible in the dimension of branch of law. All the terms including the adjective discussed demonstrate the polysemous meaning of the same word with respect to the phrase, and from this perspective a parametric approach to comparative analysis of polysemous nature of the word is confirmed.

Similarly to the analysis of the Polish term *cywilny*, the Greek term *πολιτικός [politikos]* is categorised as polysemous with respect to the dimension of branch of law. Consequently, it is possible to formulate the following directive of Polish-Greek legilinguistic translatology:

[104] 'civil, of civil/private law, under civil/private law'.
[105] 'civic, public, political'.

Directive 21$_{PL\text{-}EL}$: If the Greek term 'πολιτικός [politikos]' is part of various syntagms, including the syntagms: 'πολιτικά καθήκοντα [polityka kathikonta]' and 'πολιτικές πεποιθήσεις [politikes pepoithiseis]', which have a different meaning with respect to the dimension of branch of law, and as such it occurs in the same civil law statute, then it is a polysemous term.

Another polysemous term of Greek civil law is the term *φυσικός [fysikos]* 'real, genuine, actual, natural'.

Meaning

The Greek term *φυσικός [fysikos]* is analysed as a term of procedural civil law, since it is excerpted from the Greek Code of Civil Procedure. It is not a frequent term because it appears 11 times[106] in the whole text and it is contained in a limited number of phrases, but its polysemous nature is still manifest in these phrases.

Meaning 1.

The first sense of the Greek adjective *φυσικός [fysikos]* within the framework of the Greek Code of Civil Procedure is 'real, genuine, actual'. There are two phrases in the aforementioned statute that include this word and they are as follows:

φυσικός λόγος [fysikos logos] 'pragmatic, real, actual reason',[107]

φυσική αδυναμία [fisiki adynamia] 'real, genuine impossibility'.[108]

Meaning 2.

The second possible meaning of the term *φυσικός [fysikos]* observed in the text of the Greek Civil law is 'natural, inherent, in accordance with nature, physical'. The term with this the second meaning is contained in the following phrases:

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[106] Additionally it appears once in the phrase *μη φυσικά πρόσωπα [mi fisika prosopa]* "non natural persons" in Article 25(2): **Τα μη φυσικά πρόσωπα** που έχουν ικανότητα να είναι διάδικοι υπάγονται στην αρμοδιότητα του δικαστηρίου, στην περιφέρεια του οποίου έχουν την έδρα τους. The **non-natural persons** who are able to be parties, are subject to jurisdiction of the relevant court of the district of their residence.

[107] Άρθρο 254. 3. (…) Η υπόθεση εκδικάζεται από την ίδια σύνθεση του δικαστηρίου, εκτός αν τούτο είναι για **φυσικούς** ή νομικούς **λόγους** αδύνατο. Article 254. 3. (…) The case is adjudicated by the court of the same composition unless it is impossible for **actual** or legal **reasons**.

[108] Άρθρο 394. 1. Η απόδειξη με μάρτυρες επιτρέπεται σε κάθε περίπτωση β) αν υπήρχε **φυσική** ή ηθική **αδυναμία** να αποκτηθεί έγγραφο, (…).
Article 394. 1. The testimony from witnesses is permitted on a case by case basis b) where it is actually or morally impossible to obtain the document.

φυσικό πρόσωπο [fisiko prosopo] 'natural person',[109]
φυσικός γονέας [fysikos goneas] 'natural parent',[110]
φυσικός καρπός [fysikos karpos] 'natural fruit'.[111]

The syntagms given above (given in meaning 1 and in meaning 2) including the adjective discussed are all possible phrases existing in the text of the Greek Code of Civil Procedure, therefore the set of meanings resulting from certain phrases is completed. As is clear from the phrases above, the Greek adjective *φυσικός [fysikos]* can have at least two meanings under civil procedural law. Firstly, it refers to a real, pragmatic situation such as in Meaning 1, when it is confronted with a non-material concept, *e.g.* legal reason, moral incapacity. Secondly, it refers to phenomena found in nature, *e.g.* natural person (in opposition to legal person), natural parent and natural profit, which is demonstrated in meaning 2. Different meanings of the discussed term result from the syntagms in which it appears, *i.e.* in syntagms with an abstract noun, it has meaning 1. And, consequently, in syntagms with a concrete noun, it has meaning 2.

According to the standard procedure for calculating distance on the basis of the dimensions, the following dimensions are common for both meanings of the term *φυσικός [fysikos]*:
Genre,
Lect,

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[109] For example: Άρθρο 201. Το ευεργέτημα της πενίας παύει με το θάνατο του **φυσικού προσώπου** ή με τη διάλυση του νομικού προσώπου ή της εταιρίας ή άλλης ομάδας προσώπων.
Article 201. Legal aid terminates upon the death of a **natural person** or upon the dissolution of a legal person or of company or of other group of people.

[110] Άρθρο 800. 2. (…) Στην περίπτωση υιοθεσίας ανηλίκου που προστατεύεται από αρμόδια κοινωνική υπηρεσία ή αναγνωρισμένη κοινωνική οργάνωση, η συναίνεση των **φυσικών γονέων** για την τέλεση της υιοθεσίας μπορεί να δηλωθεί και ενώπιον δικαστηρίου ή δικαστή που έχουν λάβει σχετική εντολή.
Article 800. 2. (…) In the case of adoption of a minor who is under the protection of the competent social services or of a recognized social organization, the consent of the **natural parents** to completing the adoption can be declared either before a court or a judge who obtained relevant instruction.

[111] Άρθρο 996. 2. Το προϊόν της εκποίησης των **φυσικών καρπών** κατατίθεται δημόσια.
Article 996. 2. The product of sale of **natural fruits** shall be lodged to the public sector/treasury.

Branch of Law,
Sub-branch of Law.
As mentioned above, the Greek term *φυσικός [fysikos]* is directly excerpted from the text of the Greek Code of Civil Procedure currently in force, therefore the term is of the legislative genre, and, as the code is a statute, its lect is the legal lect. Moreover, the Greek Code of Civil Procedure is a source of law under Greek civil law and as it regulates execution of civil substantive rules, it is under civil procedural law. Since the dimensions hitherto described take on the same properties for both meanings, an additional parameter must be added. It is the linguistic parameter *syntagm*, which has two properties: *with abstract noun* and *with concrete noun*. The table below presents a comparison of two meanings of the term *φυσικός [fysikos]* in the parametric approach.

Table 21. Meaning 1 vs Meaning 2 of the term *φυσικός [fysikos]*.

Dimension	Property of dimension	Meaning	
		Meaning 1[112]	Meaning 2[113]
Genre	Legislation	+	+
	Other Genre	-	-
Lect	Legal lect	+	+
	Vernacular lect	-	-
	Other LSP lect	-	-
Branch of law	Civil law	+	-
	Administrative law	-	+
Type of procedure	Judicial	+	-
	Extrajudicial	+	+
Sub-branch of law	Substantive	+	+
	Procedure	+	+
Syntagm	With abstract noun	+	-
	With concrete noun	-	+

Parametric comparison of the two meanings resulting from all the phrases including the term *φυσικός [fysikos]* in the Greek Code of Civil Procedure demonstrates the difference between the two meanings of the term. It lies in the linguistic parameter referring to

[112] 'real, genuine, actual'.
[113] 'natural, inherent, in accordance with nature, physical'.

type of noun with which the discussed adjective constitutes a certain syntagm.

The presence of the differences lies in two dimensions. The first of them has a legal nature, that is branch of law, and the second one has a linguistic nature and concerns the structure of syntagm. Thus one can formulate the following directive concerning intralingual polysemy:[114]

Directive 22$_{PL\text{-}EL}$: If the Greek term 'φυσικός [fysikos]' is a part of various syntagms, including syntagms being terms of various branches of law, and these syntagms include abstract or concrete nouns, where abstract nouns are parts of civil law terminology and concrete nouns are parts of administrative law, then it is polysemous.

The discussion above confirms that analysis of any term separated from its context is useless. Legal terms exist in a specific legal environment, which is a legal text from the linguistic point of view, and only by seeing them as an element of that text can one be lead to proper understanding. Moreover, since the phenomenon of polysemy has been observed both in the source and in the compared text, it must be taken into consideration that the main task of the Polish-Greek legal translator is to determine the correct meaning of a textual unit in the source text and then to find out if there is a sufficient equivalent of the textual unit in the compared text.

5.3. Relation of interlingual polysemy

Polysemous terms occur both in Polish civil law statutes and in Greek civil law statutes. To determine the correct meaning, as discussed previously, is the main and primary task of the legal translator, and then to provide an adequate translation equivalent. According to methodology assumed in this research, the equivalent should be based on the dimensions taken into account when analysing the source term. Since the relation of polysemy concerns Polish and Greek terms occurring in statutes, let us discuss the most extreme situation where a legal translator investigates a polysemous Polish legal term which is also simultaneously a polysemous Greek legal term from the perspective of potential translation equivalence.

[114] Under the postulate *Po 59 Postulate of polysemy in comparable texts.*

Let us discuss the situation based on the analysed Polish term *cywilny* and the Greek term *πολιτικός [politikos]* or/and *αστικός [astikos]*.[115] Since they are both adjectives, they often occur in certain syntagms with nouns, and then they are determinant of the noun. By contrast, the nouns of those syntagms are primary and dominant since they can be independent terms as such. The most eminent examples to illustrate the situation discussed are the titles of the Polish and Greek civil law statutes which are:
(i) Polish acts: *Kodeks cywilny* 'Civil Code' and *Kodeks postępowania cywilnego* 'Code of Civil Procedure' and
(ii) Greek acts: *Αστικός κώδικας* 'Civil Code' and *Κώδικας πολιτικής δικονομίας* 'Code of Civil Procedure'.

To be more precise, let us firstly analyse the Polish term *cywilny* in the two titles of the acts listed above. In these situations this polysemous term can be narrowed down to a term having one certain meaning, which is 'of civil law, civil' since these two acts concern a certain branch of Polish law *i.e.* civil law, both substantive and procedural. From the legal point of view, this delimitation of the meaning does not make the term monosemous, because Polish civil law, insofar as it concerns substantive law, can be recognised as private law, since it regulates legal relations between private entities (Radwański 1999: 1-5) and, insofar as it concerns procedural law, can be recognised as public law, since it regulates legal relations between private entities in front of public organs, *i.e.* courts (Zieliński 2002: 5).

By contrast, in Greek legal language the term — an adjective having the same meaning — is *πολιτικός [politikos]*, which is polysemous,[116] and/or *αστικός [astikos]*. It must be emphasised that the Greek terms are not fully synonymous and thus they cannot be used interchangeably. Greek civil law comes from the Roman law tradition, but, simultaneously, it has inherited two linguistic legal traditions: Latin and Greek. Thus, the Latin term *ius civile* includes the adjective *civilis* as a derivate from the noun *civis, civis* meaning a 'citizen' of Rome or the *Imperium Romanum*, and from the noun *civitas, civitatis,* which means a 'city'. These two nouns as well as the adjective have the same core 'civ-' which determines their connection with the city, understood also as the state. On the other hand, in

[115] Meanings of these terms are given respectively in Chapter 5.2.1. and 5.2.2. above.
[116] See Chapter 5.2.2. above.

Greek, at least in the Ancient and Byzantine periods, there were two nouns which meant city: 1) *πόλη [poli]* understood also as a city-state [Liddell and Scott 1889] and 2) *άστυ [asty]* understood as a city/town [Liddell and Scott 1889]. To clear up the difference between the adjectives: *πολιτικός [politikos]* and *αστικός [astikos],* a reference to substantive and procedural civil law is highly recommended. As in Poland, in Greece substantive civil law regulates legal relations between private entities, and procedural civil law regulates legal relations between private entities in front of public organs, *i.e.* courts. Consequently, substantive law is private law and thus it is *αστικό δικαίο [astiko dikaio]*, and procedural law is public law, so it is *πολιτική δικονομία [politiki dikonomia]*. Traces of ambiguity between these two terms occur in the Ionian Civil Code of 1851 [*Πολιτικός κώδηξ του Ηνωμένου Κράτους των Ιονίων Νήσων* 1851], where the term of the present Greek Civil Code *αστικά δικαιώματα [astika dikaiomata]* civil rights[117] was *πολιτικά δικαιώματα [politika dikaiomata]* 'civil rights', in contrast to *πολιτευματικά δικαιώματα [politevmatika dikaiomata]* 'political rights'.[118] Moreover, the Ionian Civil Code was metaglottised to Modern Greek as *Αστικός Κόδικας [astikos kodikas]* 'Civil Code' by Balanos (2009).[119] Finally, it should be emphasised that these two terms are not synonymous and thus they cannot be simple alternative equivalents of the Polish term *cywilny* 'civil'. Then, the polysemous nature of the Greek term *πολιτικός [politikos]*, as mentioned above, should be taken into consideration too when performing legal translation.

Since the common criterion of precise meaning in both legal systems is the division into private and public law, connected analogously to substantive and procedural law, there is no need to expand the list of dimensions taken into account. Thus, the parametric analysis is based on the following dimensions:
Genre,

[117] For instance in: Άρθρο 4 - Κατάσταση αλλοδαπών. Ο αλλοδαπός απολαμβάνει τα αστικά δικαιώματα του ημεδαπού.
Article 4. Status of aliens. An alien shall enjoy the civil rights of a national.
[118] Άρθρο 15. Η χρήση των πολιτικών δικαιωμάτων είναι ανεξάρτητός της χρήσης των πολιτευματικών δικαιωμάτων, τα οποία αποκτώνται και διατηρούνται κατά το σύνταγμα.
Article 15. Use of civil rights is independent of the use of political rights which are acquired and preserved according to the constitution.
[119] First edition appeared in 1867.

Lect,
Branch of law and
Sub-branch of law.

Since all of the terms analysed are excerpted directly from legislative Polish and Greek acts, the dimension genre takes on the property of legislation. Similarly, the dimension lect takes on the property of legal lect, because the Polish and Greek codes are drafted with the use of legal lect. The investigated source texts for the terms analysed are statutes of civil law so the dimension of the branch of law takes on the property of civil law. The crucial role is played by the dimension of sub-branch of law, which takes on two properties respectively for the Polish term and one different property respectively for the Greek terms. Let us investigate the parametric contrastive analysis of the Polish term *cywilny* and the Greek terms: *πολιτικός [politikos]* and *αστικός [astikos]*, which is presented in the table below.

Table 22. Polish term *cywilny* vs the Greek terms: *πολιτικός [politikos]* and *αστικός [astikos]*.

Dimension	Property of dimension	Terms		
		cywilny	*πολιτικός*	*αστικός*
Genre	Legislation	+	+	+
	Other Genre	-	-	-
Lect	Legal lect	+	+	+
	Vernacular lect	-	-	-
	Other LSP lect	-	-	-
Branch of law	Civil law	+	+	+
	Other branch of law	-		-
Sub-branch of law	Substantive	+	-	+
	Procedure	+	+	-

As seen above, the Polish polysemous term *cywilny* is convergent with both Greek terms: *πολιτικός [politikos]* and *αστικός [astikos]* with respect to general meaning and to most of the dimensions but it does not mean that the Greek terms are its alternative translation equivalents. The delicacy of differences lies in the sub-branch of the law and thus it is possible to formulate the following directives for particularistic Polish-Greek translatology,

under the postulate *Po 12 — Postulate of homosignification and non-divergence of the general legilinguistic translatology* used in general legilinguistic translatology:
Directive 23$_{PL\text{-}EL}$: If in a Polish statute the term 'cywilny' concerns substantive civil law, then it is translatable into Greek as 'αστικός [astikos]'.
Directive 24$_{PL\text{-}EL}$: If in a Polish statute the term 'cywilny' concerns procedural civil law, then it is translatable into Greek as 'πολιτικός [politikos]'.

5.4. Concluding remarks

The study of polysemous terms in legal translation has two objectives: 1) to present the relation of intralingual polysemy of legal terms and 2) to indicate a very basic step to be taken in the translation procedure that determines the correct meaning of the source term and target term with the aim of providing a sufficient translation equivalent.

The polysemous nature of legal terms is a widely known issue in translation, but very often polysemy arose form the difference between general language and legal language. By contrast, the present study of polysemous legal terms goes deeper and illuminates the polysemous nature of legal terms themselves, not only in legal language, but even in the legal language of a certain branch of law.

Finally, the polysemous nature of legal terms should be investigated with delicate care and precision and should include intralegal comparative analysis in order to detect the correct meaning, which is an essential phase of the legal translation procedure.

6. Relation of Complementarity (hypernymy and hyponymy)

6.1. Introductory remarks

In legilinguistic translatology, complementarity is a bond between two textual units, *i.e.* legal terms, where the term in the target text is translationally complementary to the term in the source text with respect to the relevant dimensions, and, more precisely, if the term in the source text and the term in the target text take on different properties of a certain dimension but, simultaneously, *they take a more abstract but not too abstract hyperdimension, then they are permissibly complementary* (Matulewska 2013: 65). In other words, two terms are in a relation of complementarity if, with respect to essential dimensions other than the most essential ones, they are presupposed to be sufficient partial equivalents. The key here is sufficient partial equivalence of the terms which is based on semantic relations of hypernymy-hyponymy.

In Chapter V numerous and various meanings of the same term were discussed in relation to polysemy. As mentioned, meaning, according to Lyon's (1977) statement, is a set of relations which can encompass the whole lexicon, and, consequently, the meaning of a certain term. In the present chapter a linear approach to polysemy is adopted (Cruse 2000: 110, Klégr 2013: 9-10), where relations between a superordinate term (hypernym) and hyponyms are based on generalisation of the meaning (the superordinate term — hypernym — is more general than the hyponym).

This study analyses legal terms excerpted directly from Polish and Greek statutes, *i.e.* the Civil Codes and the Codes of Civil Procedure. The terms are analysed according to the widely adopted standard of parametrisation, *i.e.* calculation of the distance between terms on the basis of relevant dimensions. The parametric analysis is preceded by discussion of the meaning of a certain term. The relation of complementarity is discussed with respect to intralingual hypernyms-hyponyms and, consequently, with respect to interlingual

hypernyms and hyponyms. Crosslegal and crosslinguistic relations resulting from interlingual hypernymy-hyponymy relations are not discussed from the historical (diachronic) perspective, since certain phenomena are analysed on the basis of actual material originating from a specific time only.

In keeping with basic assumptions, the relation of hypernymy and the relation of hyponymy are based on analogous relations in lexical semantics. From an extensional point of view, this means that a class of superordinate terms, here named hypernyms, includes the class of *hyponyms as a subclass* (Cruse 2000: 150)[120]. By contrast, from the intensional point of view, the meaning of the hypernym is more exhaustive and contains the meaning of the hyponym. The study will attempt to determine whether the relations discussed between certain legal terms can be recognised as extensional or intensional and, consequently, to find out what kind of hypernymy applies to legal hypernym and hyponym terms.

In discussing the relations of hypernymy and hyponymy, the asymmetrical nature of these two relations must be observed. The superordinate term's meaning covers the hypernym's meaning, but the hypernym's meaning does not cover meaning of the superordinate term. Therefore, relations that have a direction from hypernym to hyponym (hyperonymy) is not equivalent with relations that have a direction from hyponym to hypernym (hyponymy).

6.2. Relation of intralingual hypernymy and hyponymy

In this section Polish and then Greek hypernyms and hyponyms are discussed. Since the aim of the study is to calculate the distance between certain legal terms, the analysis concentrates on the synonymous hypernym — Polish term *sąd* 'court' and the Greek term *δικαστήριο [dikastirio]* 'court'. The objective of this section is to illuminate the relation of hypernymy-hyponymy as an issue concerning both the source text and the target text in legal translation.

[120] See Cruse: *'from the extensional point of view, the class denoted by the superordinate term includes the class denoted by the hyponym as a subclass; thus, the class of fruit includes the class of apples as one of its subclasses'*.

Similarly to the relation of convergence between synonymous legal terms and the relation of polysemy between legal terms, awareness of intralingual hypernyms and hyponyms can enrich a legal translator's knowledge about a source textual unit which is to be translated and about a comparable target textual unit. Consequently, cognition of semantic relations concerning legal terms enables the legal translator to provide a sufficient translation equivalent and it is presented in another section where the relation of interlingual relation of hypernymy-hyponymy is discussed.

6.2.1. Intralingual Polish hypernym and hyponyms

The point of departure for this section is the Polish term *sąd* 'court' and its hyponyms because it is a fundamental term of Polish civil procedure. As far as it is recognised as a subject of civil law, the term means an organ of judicial power. This term is very frequent in the whole text of the Code of Civil Procedure and it appears in various phrases that demonstrate the various typology of Polish civil courts. The most widely recognised typologies are based on: 1) the source of a certain case and 2) other criteria, *i.e.* place, object and function (Zieliński 2002: 33 *et seq*.).

The typology of courts is based on how certain cases are allocated: 1) courts can be competent on the basis of a certain statute *i.e.* civil courts under the Polish Civil Code; 2) courts can be competent on the basis of their conventional jurisdiction, *i.e.* a court designed by parties that refers only to contentious proceedings; and 3) courts can be competent on the basis of delegation determined in the Code of Civil Procedure. For example, in some cases, if jurisdiction of a certain court according to venue cannot be determined, the Supreme Court determines the competent court before which the action will be heard.

On the other hand, the typology of the courts is based on other criteria, *i.e.*: 1) jurisdiction on the basis of venue, 2) subject matter jurisdiction (subjective) and 3) jurisdiction with respect to function (functional). Jurisdiction with respect to venue is a criterion which determines a relevant court from the point of view of the venue in first instance proceedings. Subject matter jurisdiction determines the competent court for certain cases in first instance proceedings, *i.e.* district court (*sąd rejonowy*) and regional court (*sąd okręgowy*).

Finally, jurisdiction with respect to function determines the competent court from the functional point of view, *i.e.* courts competent to perform certain acts at the first and second instance.

Taking into consideration the linguistic approaches to legal terminology assumed above, the first typology is relevant when discussing legal hypernyms and hyponyms intensively, while the second typology is relevant on the basis of a certain criterion, the so-called class, when discussing legal hypernyms and hyponyms extensively. Insofar as the term *sąd* 'court' is the superordinate term (hypernym) and its hyponyms are excerpted from the Polish Code of Civil Procedure, to make the discussion about them clearer, let us list the dimensions which are common both for the hypernym and for its hyponyms listed in detail below.

The dimensions that take on the same property of the term *sąd* 'court' and its hyponyms are:
Genre,
Lect,
Branch of Law,
Sub-branch of Law.

Since the Polish term *sąd* 'court' and its hyponyms, both seen intensively and extensively, are terms excerpted from the Polish statute which is in force, they take on the property of legislation in the dimension of genre and, consequently, in the dimension of lect they take on the property of legal lect. As they are excerpted from Polish civil law statutes, in the dimension of branch of law they take on the property of civil law. Since the analysis concentrates on the relation of hypernymy-hyponymy in the Polish Code of Civil Procedure, all terms take on the property of civil procedure law in the dimension of sub-branch of law and, consequently, in the dimension of type of procedure they take on both properties, *i.e.* contentious and non-contentious proceedings. Further analysis will explore other dimensions for the purpose of detecting potential differences between the superordinate term *sąd* 'court' and its hyponyms using the parametric approach.

6.2.1.1. Intensive hyponyms

As mentioned above, the court in Polish civil procedure is a fundamental element of civil law, because it enforces legal rules of

substantive law. In the text of the Polish Code of Civil Procedure law there are a few terms that can be recognised as hyponyms of this term. Taking into account the first typology and more particularly the criterion of jurisdiction of the court, the following terms can be recognised as intensive hyponyms of the term *sąd* 'court':[121]
sąd powszechny 'common court',
sąd specjalny 'special court', and
Sąd Najwyższy 'Supreme Court'.

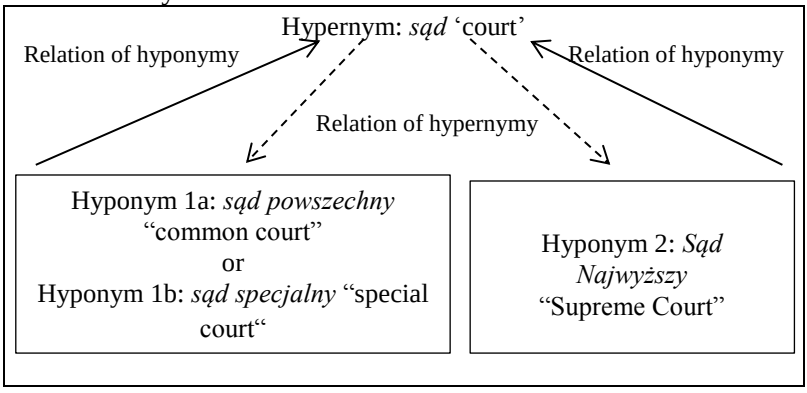
All of them are competent to hear civil cases, because they perform legitimate acts determined as acts of courts in the Polish Code of Civil Procedure. Moreover, the Polish lawmaker determining these acts uses the hypernym term *sąd* 'court', which is clearly seen in all the provisions of the Code of Civil Procedure referring to the general rules of examination of civil law cases.[122] Article 2[123] says that civil

[121] All of them are given in the Polish Code of Civil Procedure: Art. 2. § 1. Do rozpoznawania spraw cywilnych powołane są **sądy powszechne**, o ile sprawy te nie należą do właściwości **sądów szczególnych**, oraz **Sąd Najwyższy**.
Article 2. § 1. Common courts are appointed to hear civil cases, unless certain matters fall under the jurisdiction of competent **special courts**, and the **Supreme Court**.

[122] For example: Art. 5. W razie uzasadnionej potrzeby **sąd** może udzielić stronom i uczestnikom postępowania występującym w sprawie bez adwokata, radcy prawnego, rzecznika patentowego lub radcy Prokuratorii Generalnej Skarbu Państwa niezbędnych pouczeń co do czynności procesowych.
Article 5. Where reasonably required, **the court** may give essential advice on procedural actions to parties to and participants in proceedings who appear in the case without an attorney, legal advisor, patent attorney, or advisor of the State Treasury Solicitor's Office.
Art. 10. W sprawach, w których zawarcie ugody jest dopuszczalne, **sąd** powinien w każdym stanie postępowania dążyć do ich ugodowego załatwienia.
Article 10. In cases where an amicable settlement is admissible, **the court** should strive to reach an amicable settlement at any stage of the proceedings, in particular by encouraging the parties to engage in mediation.
Art. 13. § 1. **Sąd** rozpoznaje sprawy w procesie, chyba że ustawa stanowi inaczej.
Article 13. § 1. **The court** hears cases in proceedings, unless otherwise provided for in this Act.

law cases are heard before the *sąd powszechny* ‘common court’ and the *Sąd Najwyższy* ‘Supreme Court’ or, alternatively, in some special cases, before the *sąd specjalny* ‘special court’ and the *Sąd Najwyższy* ‘Supreme Court’. Therefore, the meaning of the term *sąd* ‘court’ contains the meanings of the hyponyms given above. Let us present this relation in the following diagram:

Diagram 1. Meaning of the hypernym *sąd* ‘court’ and its hyponyms seen intensively.



The hyponym 1a *sąd powszechny* ‘common court’, according to the official interpretation of the Polish Code of Civil Procedure (Dolecki 2013), comprises: *sądy rejonowe* ‘district courts’, *sądy okręgowe* ‘regional courts’ and *sądy apelacyjne* ‘courts of appeal’. The hyponym 1b, according to Article 184 of the Constitution of the

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Art. 15. § 1. **Sąd właściwy** w chwili wniesienia pozwu pozostaje właściwy aż do ukończenia postępowania, choćby podstawy właściwości zmieniły się w toku sprawy.
§ 2. **Sąd** nie może uznać, że jest niewłaściwy, jeżeli w toku postępowania stał się właściwy.
Article 15. § 1. Upon filing an action, **the cour**t of competent jurisdiction upon filing an action remains competent until completion of the procedure, even if there are grounds for a change in its jurisdiction in the course of the proceedings.
§ 2. **The court** may not decide it has no jurisdiction if it acquires jurisdiction in the course of proceedings.

[123] See the first footnote of this Chapter.

Republic of Poland[124] comprises *sądy administracyjne* 'administrative courts', and according to the Law of 21 August 1997 — Law on the Organisation of Military Courts[125] comprises *sądy wojskowe* 'military courts'. Hyponym 1a and Hyponym 1b are alternative hyponyms of the hypernym *sąd* 'court'. On the other hand, there is a hyponym 2, *i.e. Sąd Najwyższy* 'Supreme Court' that can play the role of a common court when adjudicating appeals against judgments issued by common courts and these proceedings basically have a supervisory nature (Dolecki 2013), which refers to civil common courts too. These relations between the hypernym *sąd* 'court' and its hyponyms 1a, 1b and 2 can be written in a more synthetic way: Hypernym_m = Hyponym $1a_m$ + Hyponym 2_m or Hypernym_i = Hyponym $1b_m$ + Hyponym 2_m, where Hypernym_m is the intensive superordinate with respect to the meaning, Hyponym $1a_m$ is the intensive subordinate of Hypernym_m with respect to the meaning, Hyponym $1b_m$ is the intensive subordinate of Hypernym_m with respect to the meaning and Hyponym 2_m is the intensive subordinate of Hypernym_m with respect to the meaning. Consequently, Hyponym 1a and Hyponym 2a or Hyponym 1b and Hyponym 2 are in a relation of legal intralingual complementarity with the Hypernym.

These relations can also be demonstrated using the parametric approach, according to the standard list of dimensions applied in this study. Since many essential dimensions take on the same property and thus there is no difference between hypernym and its hyponyms detected yet, other dimensions should be added. These dimensions are adopted from the statutory typology of civil courts, *i.e.* jurisdiction according to the statute being examined here (*i.e.* the Polish Code of Civil Procedure), which can take on the property of common court or

[124] Art. 184. Naczelny Sąd Administracyjny oraz inne sądy administracyjne sprawują, w zakresie określonym w ustawie, kontrolę działalności administracji publicznej. Kontrola ta obejmuje również orzekanie o zgodności z ustawami uchwał organów samorządu terytorialnego i aktów normatywnych terenowych organów administracji rządowej.
Article 184. The Supreme Administrative Court and other administrative courts shall exercise, to the extent specified by statute, control over the performance of public administration. Such control shall also extend to judgments on the conformity to statute of resolutions of organs of local government and normative acts of territorial organs of government administration.
[125] Ustawa z dnia 21 sierpnia 1997 r. — Prawo o ustroju sądów wojskowych.

special court. Moreover, taking into consideration the Supreme Court's role as a common court, the dimension of Appeal must be added to detect the distance between hyponym 1a and hyponym 2 and, consequently, this dimension can take on the property of supervisory function and non-supervisory function.

Table 23. Hypernym *sąd* 'court' and its intensive hyponyms.

Dimension	Property of dimension	Hypernym		
		Hyponym 1[126]		Hyponym 2
		Hyponym 1a	Hyponym 1b	
Genre	Legislation	+	+	+
	Other genre	-	-	-
Lect	Legal lect	+	+	+
	Vernacular lect	-	-	-
	Other LSP lect	-	-	-
Branch of law	Civil law	+	+	+
	Other	-	-	-
Sub-branch of law	Substantive	-	-	-
	Procedure	+	+	+
Jurisdiction	Common court	+	-	+
	Special Court	-	+	-
Appeal	Supervisory function	-	-	+
	Non-supervisory function	+	+	-

Parametric analysis calculation of the superordinate term *sąd* 'court' and its intensive hyponyms confirms the fact that the meanings of all of the following hyponyms: *sąd powszechny* 'common court', *sąd specjalny* 'special court' and *Sąd Najwyższy* 'Supreme Court' are fully covered by the meaning of the hypernym (in relation of hypernymy), and on the other hand, the meanings of all the hyponyms separately are contained in the meaning of the hypernym (relation of hyponymy). This leads to formulation of the following directives of particularistic Polish-Greek legilinguistic translatology:

[126] Understood as hyponym 1a + hyponym 1b.

Directive 25$_{PL\text{-}EL}$: If the Polish term 'sąd' is the intensive hypernym of the hyponyms: 'sąd powszechny' and 'sąd specjalny' with respect to meaning M and the essential dimensions, then they are complementary.
Directive 26$_{PL\text{-}EL}$: If the Polish term 'sąd' is the intensive hypernym of the hyponym 'Sąd Najwyższy' with respect to meaning M and the essential dimensions, then they are complementary.
This directive is formulated under the *Po 60 Postulate of complementarity (based on hypernymy-hyponymy relation) in comparable texts*. In this case it concerns synonymy of the source text in the light of distance calculation between parametrised Polish and Greek terms and the postulate says that if two or more homolingual terms T_{hypon} of the same text T_i are partially homosignificative with the term T_{hyper} with respect to the considered certain meaning M and to all dimensions as well, as they are covered by meaning of the term $T_{hyper,}$ they are in a relation of complementarity based on the semantic hypernymy-hyponymy relation.

The above analysis enables us to say that intensive Hypernyms 1a and 1b are not synonymous with Hyponym 2 with respect to one specific dimension, that is Appeal, since the term *Sąd Najwyższy* 'Supreme Court' takes on the property of supervisory function while the terms: *sąd powszechny* 'common court' and *sąd specjalny* 'special court' do not take on the property of non-supervisory function with respect to the same dimension. Insofar as the analysis concerns the relation of hypernymy-hyponymy, one can see that relations between the hyponyms of a certain hypernym can reflect relations of synonymy, polysemy and hypernymy-hyponymy too. This phenomenon is discussed in more detail when the relation of extensive hypernymy-hyponymy is analysed.

6.2.1.2. Extensive hyponyms

Following linguistic presumptions about relations between a superordinate term and its hyponyms seen extensionally, the term *sąd* 'court' is a hypernym (superordinate term) on the basis of class. In the context of this study a class is based on jurisprudence and it can, for example, be the criterion of Instance. Therefore, in the text of the Polish Code of Civil Procedure there are following hyponyms of the term *sąd* 'court' on the basis of Instance:

sąd pierwszej instancji 'court of first instance',[127]
sąd drugiej instancji 'court of second instance',[128]
sąd apelacyjny 'court of appeal',[129]
sąd rejonowy 'district court',[130]
sąd okręgowy 'regional court',[131]
sąd niższej instancji 'lower-instance court',[132]
sąd wyższej instancji 'court of higher instance'.[133]

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[127] Art. 27. § 1. Powództwo wytacza się przed **sąd pierwszej instancji**, w którego okręgu po-zwany ma miejsce zamieszkania.
Article 27. § 1. An action shall be brought before the **court of first instance** in whose region the defendant's place of residence is located.
[128] Art.. 108. § 2. **Sąd drugiej instancji**, uchylając zaskarżone orzeczenie i przekazując sprawę **sądowi pierwszej instancji** do rozpoznania, pozostawia temu sądowi rozstrzygnięcie o kosztach instancji odwoławczej
Aricle 108. § 2. The **court of second instance**, by setting aside a contested ruling and returning a case to the **court of first instance** for trial, entrusts the latter court to decide on the costs of the court of appeal.
[129] Art. 367. § 2. Apelację od wyroku **sądu rejonowego** rozpoznaje **sąd okręgowy**, a od wyroku **sądu okręgowego** jako pierwszej instancji – **sąd apelacyjny**.
Article 367. § 2. An appeal from the judgement of a **district court** shall be heard by a **regional court**, whereas from a judgment of a **regional court** as the court of first instance, by the **court of appeal**.
[130] *Ibidem.*
[131] *Ibidem.*
[132] Art. 87^1. § 1. W postępowaniu przed Sądem Najwyższym obowiązuje zastępstwo stron przez adwokatów lub radców prawnych. Zastępstwo to dotyczy także czynności procesowych związanych z postępowaniem przed Sądem Najwyższym, podejmowanych przed **sądem niższej instancji**.
Article 87^1. § 1. In proceedings before the Supreme Court, parties shall be represented by solicitors or legal counsels, and in cases concerning industrial property – also by patent attorneys. Such representation shall also apply to procedural actions related to proceedings before the Supreme Court, performed before a **lower instance court**.
[133] Art. 182. § 3. Umorzenie zawieszonego postępowania przez **sąd wyższej instancji** powoduje uprawomocnienie się zaskarżonego orzeczenia, z wyjątkiem spraw o unieważnienie małżeństwa lub o rozwód oraz o ustalenie nieistnienia małżeństwa, w których postępowanie umarza się wówczas w całości.
Article 182. § 3. Termination by the **court of a higher instance** of a case which was stayed shall result in validation of the ruling that was appealed, with the exception of cases for marriage annulment or divorce, or cases to

In the Polish legal system there are two instances of courts, and appeals can be heard before a court of higher instance. In keeping with that legal rule and Article 367 § 2 of the Polish Code of Civil Procedure, the following set of mutually synonymous hyponyms of the superordinate term *sąd* 'court' can be distinguished:
a) if a case is heard before a district court as the court of first instance:
i) *sąd pierwszej instancji* 'court of first instance' = *sąd rejonowy* 'district court' = sąd niższej instancji 'lower instance court';
ii) *sąd drugiej instancji* 'court of second instance' = *sąd okręgowy* 'regional court' = *sąd wyższej instancji* 'court of higher instance';
b) if a case is heard before a regional court as a court of first instance:
(i) *sąd pierwszej instancji* 'court of first instance' = *sąd okręgowy* 'regional court' = *sąd niższej instancji* 'lower instance court';
(ii) sąd drugiej instancji 'court of second instance' = *sąd apelacyjny* 'court of appeal' = *sąd wyższej instancji* 'court of higher instance'.
There the supervisory function of the *Sąd Najwyższy* 'Supreme Court' is not taken into consideration, since the typology is based on the canonical rule of two-instance civil procedure.

Since all essential parameters are common, the parametric calculation of the distance between hyponyms of the hypernym *sąd* 'court' is based on case a) and b) separately. Moreover, the dimension of instance is applied and it takes on the property of first instance or the property of second instance.

determine the non-existence of marriage, where proceedings are terminated as a whole.

Case a): district court as a court of first instance.
Table 24. Hypernym *sąd* ‘court’ and its extensive hyponyms in case a)

Dimension	Property of dimension	Hypernym sąd ‘court’					
		sąd pierwszej instancji	sąd rejonowy	sąd niższej instancji	sąd drugiej instancji	sąd okręgowy	sąd wyższej instancji
Genre	Legislation	+	+	+	+	+	+
	Other genre	-	-	-	-	-	-
Lect	Legal lect	+	+	+	+	+	+
	Vernacular lect	-	-	-	-	-	-
	Other LSP lect	-	-	-	-	-	-
Branch of law	Civil law	+	+	+	+	+	+
	Other	-	-	-	-	-	-
Sub-branch of law	Substantive	-	-	-	-	-	-
	Procedure	+	+	+	+	+	+
Instance	First instance	+	+	+	-	-	-
	Second instance	-	-	-	+	+	+

Case b): regional court as a court of first instance.
Table 25. Hypernym *sąd* ‘court’ and its extensive hyponyms in case b).

Dimension	Property of dimension	Hypernym sąd ‘court’					
		sąd pierwszej instancji	sąd okręgowy	sąd niższej instancji	sąd drugiej instancji	sąd apelacyjny	sąd wyższej instancji
Genre	Legislation	+	+	+	+	+	+
	Other genre	-	-	-	-	-	-
Lect	Legal lect	+	+	+	+	+	+
	Vernacular lect	-	-	-	-	-	-
	Other LSP lect	-	-	-	-	-	-
Branch of law	Civil law	+	+	+	+	+	+
	Other	-	-	-	-	-	-
Sub-branch of law	Substantive	-	-	-	-	-	-
	Procedure	+	+	+	+	+	+
Instance	First instance	+	+	+	-	-	-
	Second instance	-	-	-	+	+	+

The parametric approach, applied to two possible courts (two tables above), where the case is heard before a court of first instance, demonstrates the distance between numerous hyponyms of the superordinate term *sąd* 'court'. The distinction between hypernym and its hyponyms lies in the criterion of instance, which is recognised as a class of hypernyms since, consequently, the hyponyms are subclasses of that hypernym. The analysis seems to be fruitful from two points of view, firstly it demonstrates the relation of hypernymy and its hyponyms in various cases and, moreover, it enables us to distinguish a set of possible synonyms in a specific case, *i.e.* synonymous terms taking on either the property of first instance or the property of second instance. These results of analysis allow one to formulate the following directives of particularistic Polish-Greek legilinguistic translatology:

Directive 27$_{PL\text{-}EL}$: If the Polish term 'sąd' is an extensive hypernym of the hyponyms: 'sąd pierwszej instancji', 'sąd rejonowy', 'sąd niższej instancji', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous.

Directive 28$_{PL\text{-}EL}$: If the Polish term 'sąd' is an extensive hypernym of the hyponyms: 'sąd drugiej instancji', 'sąd okręgowy', '*sąd wyższej instancji*', *with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous.*

Directive 29$_{PL\text{-}EL}$: If the Polish term 'sąd' is an extensive hypernym of the hyponyms: 'sąd pierwszej instancji', 'sąd okręgowy', 'sąd niższej instancji', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous.

Directive 30$_{PL\text{-}EL}$: If the Polish term 'sąd' is an extensive hypernym of the hyponyms: 'sąd drugiej instancji', sąd apelacyjny', 'sąd wyższej instancji', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous.

These directives come from the postulate of complementarity based on the hypernymy-hyponymy relation in comparable texts formulated in Chapter 6.2.1.1 (*Po 60*).

Extensive relations between the superordinate term *sąd* 'court' and its synonyms are also noticed on the basis of another class, that is the criterion of the composition of a court. Therefore, there are the

following hypernyms of the hypernym *sąd* 'court' in the Polish Code of Civil Procedure:
sąd w składzie jednego sędziego 'single judge court',[134]
sąd w składzie jednego sędziego jako przewodniczącego i dwóch ławników 'court composed of one judge as the presiding judge and two lay judges',[135]
sąd w składzie trzech sędziów 'court composed of three professional judges'.[136]

In Polish civil law *sąd w składzie jednego sędziego* 'single judge court', is a typical court of first instance, but, according to Article 47 § 2 of the Polish Code of Civil Procedure[137], in some civil

[134] Art. 47. § 1. W pierwszej instancji **sąd** rozpoznaje sprawy **w składzie jednego sędziego**, chyba że przepis szczególny stanowi inaczej.
Article 47. § 1. **A single judge** hears cases in the court of the first instance, unless otherwise provided for in specific provisions.
[135] Art. 47 § 2. W pierwszej instancji **sąd w składzie jednego sędziego jako przewodniczącego i dwóch ławników** rozpoznaje sprawy: (…).
§ 2. The **court** of first instance **composed of one judge as the presiding judge and two lay judges hears** the following cases: (…).
[136] Art. 52. § 2. Postanowienie wydaje **sąd w składzie trzech sędziów** zawodowych po złożeniu wyjaśnienia przez sędziego, którego wniosek dotyczy. Postanowienie może być wydane na posiedzeniu niejawnym.
§ 2. A decision shall be issued by the court **composed of three professional judges** following explanations provided by the judge whom the petition concerns. A decision may be issued in camera.
[137] Art. 57. § 2. W pierwszej instancji sąd w składzie jednego sędziego jako przewodniczącego i dwóch ławników rozpoznaje sprawy:
1) z zakresu prawa pracy o:
a) ustalenie istnienia, nawiązanie lub wygaśnięcie stosunku pracy, o uznanie bezskuteczności wypowiedzenia stosunku pracy, o przywrócenie do pracy i przywrócenie poprzednich warunków pracy lub płacy oraz łącznie z nimi dochodzone roszczenia i o odszkodowanie w przypadku nieuzasadnionego lub naruszającego przepisy wypowiedzenia oraz rozwiązania stosunku pracy,
b) naruszenia zasady równego traktowania w zatrudnieniu i o roszczenia z tym związane,
c) odszkodowanie lub zadośćuczynienie w wyniku stosowania mobbingu;
2) ze stosunków rodzinnych o:
a) rozwód,
b) separację,
c) ustalenie bezskuteczności uznania ojcostwa,
d) rozwiązanie przysposobienia.
Article 47. § 2. The court of first instance composed of one judge as presiding judge and two lay judges hears the following cases:

cases within the subject-matter and scope of labour law as well as in the field of family relationships, the court of first instance is composed of one judge (*sędzia*) and two lay judges (*ławnicy*). Finally, the appeal is always heard by a court composed of three professional judges (Zieliński 2002). Therefore, the distance between the above hyponyms of the superordinate term *sąd* 'court' can be analysed parametrically on the basis of the set of standard essential dimensions as well as on the basis of two additional dimensions: 1. *Numerical composition* of a court and 2. *Qualitative composition* of a court. As the dimension of instance takes on the property of first instance or second instance, the dimension of numerical composition takes on the property of single member or multiple members and, finally, the dimension of qualitative composition takes on the property of one professional judge or multiple professional judges. The table below presents the synthetic parametric approach to calculation of the distance between the extensive hyponyms of the hypernym *sąd* 'court' analysed, seen as a subclass.

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1) within the subject-matter and scope of labour law:
a) determining the existence, establishment or expiry of employment relationship, recognizing the invalidity of termination of an employment relationship, re-employment and restoring previous work or salary conditions and jointly pursued claims and damages in the case of termination without just cause or illegal termination of employment relationship,
b) breach of the principles of equal treatment in employment and related claims,
c) damages or compensation for harassment;
2) in the field of family relationships:
a) divorce,
b) legal separation,
c) determining the ineffectiveness of the recognition of parentage,
d) dissolution of adoption.

Table 26. Hypernym *sąd* ‘court’ and its extensive hyponyms.

Dimension	Property of dimension	Hypernym sąd ‘court’		
		Hyponym 1[138]	Hyponym 2[139]	Hyponym 3[140]
Genre	Legislation	+	+	+
	Other Genre	-	-	-
Lect	Legal lect	+	+	+
	Vernacular lect	-	-	-
	Other LSP lect	-	-	-
Branch of law	Civil law	+	+	-
	Other	-	-	+
Sub-branch of law	Substantive	-	-	-
	Procedure	+	+	+
Numerical composition	Single member	+	-	-
	Multiple members	-	+	+
Qualitative composition	Single professional judge	+	+	-
	Multiple professional judges	-	-	+

The calculation of distance demonstrated in the table above shows the different properties of every hyponym. Therefore, it is impossible to distinguish a set of synonymous extensive hyponyms of the hypernym *sąd* ‘court’ if extensive hyponyms are determined simultaneously on the basis of the numerical and the qualitative composition of a court. Irrespective of the typology of the relations of hypernymy-hyponymy, all the Polish hyponyms can be recognised as complementary to the hypernym *sąd* ‘court’, since the most essential dimensions have the same properties and, likewise certain essential dimensions have the same properties.

[138] ‘sąd w składzie jednego sędziego (single judge court)’.
[139] ‘sąd w składzie jednego sędziego jako przewodniczącego i dwóch ławników (court composed of one judge and two lay judges)’.
[140] ‘sąd w składzie trzech sędziów (court composed of three professional judges)’.

Similarly to the previously discussed relation of extensive hypernymy-hyponymy, this analysis leads to formulation of the following directives of particularistic Polish-Greek legilinguistic translatology, under the postulate of complementarity based on hypernymy-hyponymy relations in comparable texts:[141]

Directive 31$_{PL\text{-}EL}$: If the Polish term 'sąd' is an extensive hypernym of the hyponyms: 'sąd w składzie jednego sędziego', 'sąd w składzie jednego sędziego jako przewodniczącego i dwóch ławników' and 'sąd w składzie trzech sędziów', with respect to meaning M and the essential dimensions, then they are complementary.

Since the extensive hyponyms of the term *sąd* 'court' analysed here take on different properties in last two dimensions assumed as a sub-class for the purpose of detecting differences between them, they cannot be recognised as mutually synonymous.

6.2.2. Intralingual Greek hypernym and hyponyms

Similarly to Polish civil procedure, the Greek term *δικαστήριο [dikastirio]* in Greek civil procedure means a court, and, more precisely, a civil court, as is clear from Article 1[142] of the Greek Code of Civil Procedure. In Greek jurisprudence the term means an organ that, depending on the legal system, has specific jurisdiction to adjudicate on legal relations and, consequently, to protect the affected rights and interests (Beis 1981). Simultaneously, *Greek procedural law guarantees, on the one hand, a fair trial and the independence of the judges and, on the other hand, provides remedies and proceedings* (Tsikrikas 2014). Therefore, Greek courts are independent and are meant to provide effective protection for private legal rights.

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[141] See Chapter 6.2.1.1. and postulate *Po 60*.

[142] Άρθρο 1. Στη δικαιοδοσία των τακτικών **πολιτικών δικαστηρίων** ανήκουν: α) οι διαφορές του ιδιωτικού δικαίου, εφόσον ο νόμος δεν τις έχει υπαγάγει σε άλλα δικαστήρια, β) οι υποθέσεις εκούσιας δικαιοδοσίας που ο νόμος έχει υπαγάγει σ' αυτά, γ) οι υποθέσεις δημόσιου δικαίου που ο νόμος έχει υπαγάγει σ' αυτά.

Article 1. The jurisdiction of the ordinary **civil courts** covers: a) litigation under private law unless the law allocates them to be heard by other courts, b) cases of voluntary jurisdiction which are to be heard by these courts according to the law, c) cases under public law which are to be heard by these courts according to the law.

The meaning of the term *δικαστήριο [dikastirio]* under the civil law is confirmed by the Greek Constitution in Article 20(1).[143] Moreover, the Greek Constitution states that[144] the jurisdiction of civil courts covers all private disputes, as well as cases of voluntary jurisdiction assigned to them by law. According to the provisions of Book One. General Provisions[145] of Greek procedural law, the typology of Greek courts is similar to the typology of Polish civil courts. Therefore, cases can be allocated as follows: 1) courts can be competent on the basis of certain statutes, *i.e.* Greek civil courts, 2) courts can be competent on the basis of their conventional property, *i.e.* a court designed by the parties that refers only to contentious proceedings and 3) courts can be competent on the basis of delegation determined in the Code of Civil Procedure. Concurrently, one can determine another typology of the Greek civil courts taking into consideration different typology criteria, *i.e.*: 1) jurisdiction on the basis of venue, 2) subject matter jurisdiction (subjective), 3) the value of the claim in the case and 4) jurisdiction with respect to function.

The subordinate Greek term *δικαστήριο [dikastirio]* is the subject of civil procedural provisions and it is seen in various textual units of the Greek Code of Civil Procedure when the abstract lawmaker imposes certain rights on the organ, for example: ***τα δικαστήρια έχουν τη δυνατότητα να ζητήσουν*** *να γίνουν (διακαστικές πράξεις) είτε από τις ελληνικές προξενικές αρχές του εξωτερικού* '**the courts may request** that they be performed by either the Greek consular authorities abroad',[146] *το δικαστήριο εξετάζει και*

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[143] Καθένας έχει δικαίωμα στην παροχή έννομης προστασίας από τα δικαστήρια και μπορεί να αναπτύξει σ' αυτά τις απόψεις του για τα δικαιώματα ή συμφέροντά του, όπως νόμος ορίζει.
Every person shall be entitled to receive legal protection from the courts and may present before them his views concerning his rights or interests, as specified by law.

[144] Άρθρο 94.2. Στα πολιτικά δικαστήρια υπάγονται οι ιδιωτικές διαφορές, καθώς και υποθέσεις εκούσιας δικαιοδοσίας, όπως νόμος ορίζει.
Article 94.2. Civil courts shall have jurisdiction over all private disputes, as well as over cases of voluntary jurisdiction assigned to them by law.

[145] Βιβλίο Πρώτο. Γενικές διατάξεις.

[146] Άρθρο 5. 1. Αν είναι ανάγκη να γίνουν διαδικαστικές πράξεις στο εξωτερικό, τα δικαστήρια έχουν τη δυνατότητα να ζητήσουν να γίνουν είτε από τις ελληνικές προξενικές αρχές του εξωτερικού, είτε από τις αρμόδιες αλλοδαπές αρχές.

αυτεπαγγέλτως 'the court adjudicates also ex officio',[147] etc. Since the provisions that regulate civil procedure determine the *δικαστήριο [dikastirio]* 'court' as the subject of legal rules in the context of the present study, this term is recognised as the superordinate term.

Since the object of the present analysis is the superordinate Greek term *δικαστήριο [dikastirio]* 'court', the essential dimensions that take on the same property of this term and its hyponyms are:
Genre,
Lect,
Branch of Law,
Sub-branch of Law.

The Greek term *δικαστήριο [dikastirio]* 'court' and its intensive and extensive hypernyms are terms excerpted from the Greek Code of Civil Procedure currently in force, and thus they take on the property of legislation in the dimension of genre and, consequently, the property of legal lect in the dimension of lect. As the term *δικαστήριο [dikastirio]* 'court' is a basic term for Greek civil procedural law, all the analysed terms with respect to the dimension of branch of law take on the property of procedure and, consequently, the property of procedural civil law in the dimension of sub-branch of law.

6.2.2.1. Intensive hyponyms

Following the presumptions presented while discussing the typology of the relations between the hypernym and its hyponyms, let us concentrate on Greek hyponyms of the hypernym *δικαστήριο [dikastirio]* 'court'. According to the linguistic distinction between intensive and extensive hyponymy-hypernymy relations, the meaning of a hyponym is simply contained in the meaning of the hypernym. From this perspective it is possible to determine the following hypernyms of the subordinate Greek term *δικαστήριο [dikastirio]* 'court':

Article 5. 1. If there is a need to perform procedural acts abroad, the courts may request that they be performed by either the Greek consular authorities abroad or by competent foreign authorities.

[147] Άρθρο 73. Το δικαστήριο εξετάζει και αυτεπαγγέλτως, σε κάθε στάση της δίκης, αν υπάρχουν οι προϋποθέσεις των άρθρων 62 έως 72.
Article 73. The court adjudicates also ex officio at every stage of the proceedings if the conditions in Articles 62 to 72 are fulfilled.

πολιτικό δικαστήριο [politiko dikastirio] 'civil court',[148]
ελληνικό δικαστήριο [elliniko dikastirio] 'Greek court'.[149]

Both terms above are hyponyms of the term *δικαστήριο [dikastirio]* 'court' because they are used in a specific context and have a certain function. For instance, the Greek *πολιτικό δικαστήριο [politiko dikastirio]* 'civil court' is not just a court as a subject of Greek civil procedural law, but according to the official interpretation it is also a court whose jurisdiction enables it to adjudicate in some administrative cases (Triantafyllidis and Balogianni 2013: 3). Since not all provisions of the Greek Code of Civil Procedure may apply to administrative cases, it is a hyponym of the term *δικαστήριο [dikastirio]* 'court' from the perspective of these cases. The second hyponym can be recognised as an intensive hyponym of the term *δικαστήριο [dikastirio]* 'court' because its meaning is contained in it when referring to decisions of foreign civil courts that are binding in Greece under civil procedural law[150] without further proceedings. In this light, Greek courts issue decisions binding under Greek civil law and foreign civil courts issue decisions binding under Greek civil procedural law. Therefore the term *ελληνικό δικαστήριο [elliniko dikastirio]* 'Greek court' is in a relation of hyponymy to the superordinate term *δικαστήριο [dikastirio]* 'court'.

The relation between the hypernym *δικαστήριο [dikastirio]* 'court' and its intensive hyponyms can be calculated on the basis of certain dimensions. The most essential dimensions must be accompanied by the dimension of organ issuing decisions binding in Greece which can take on the property of Greek organ and of foreign

[148] See footnote 142 above.

[149] Άρθρο 6. 1. Τα **ελληνικά δικαστήρια** οφείλουν να ενεργούν ορισμένες διαδικαστικές πράξεις της δικαιοδοσίας τους που τους ζητούν αλλοδαπές αρχές, εκτός αν διεθνείς συμβάσεις ορίζουν διαφορετικά ή η εκτέλεσή τους είναι αντίθετη στη δημόσια τάξη.
Article 6. 1. The **Greek courts** must perform certain judicial acts under their jurisdiction which are claimed by foreign authorities, unless otherwise indicated in international treaties or their performance is contrary to public policy.

[150] Άρθρο 323. Με την επιφύλαξη αυτών που ορίζουν διεθνείς συμβάσεις, απόφαση αλλοδαπού πολιτικού δικαστηρίου ισχύει και αποτελεί δεδικασμένο στην Ελλάδα χωρίς άλλη διαδικασία εφόσον (…).
Article 323. Without prejudice to the provisions of international treaties, a decision of a foreign civil court is binding and is res judicata in Greece without any other proceedings unless (…).

organ and, consequently, the dimension is named *Source of binding verdict* while the superordinate term *δικαστήριο [dikastirio]* 'court' takes on both of these properties, in provisions concerning execution of a court judgment, for instance.

Table 27. Hypernym *δικαστήριο [dikastirio]* 'court' and its intensive hyponyms.

Dimension	Property of dimension	Hypernym δικαστήριο [dikastirio]	
		Hyponym[151]	Hyponym 2[152]
Genre	Legislation	+	+
	Other Genre	-	-
Lect	Legal lect	+	+
	Vernacular lect	-	-
	Other LSP lect	-	-
Branch of law	Civil law	+	-
	Administrative law	-	+
Sub-branch of law	Substantive	-	-
	Procedure	+	+
Source of binding verdict	Greek	+	+
	Foreign	-	-

Co-hyponyms, even though they are intensive hyponyms, are not always synonymous, and the synthetic calculation of the distance between them is demonstrated on the basis of the parametric approach given above. In this case they cannot be recognised as synonymous terms. These conclusions may be obtained only on the basis of diligent intralingual contrastive analysis using the parametric approach, as given above. As mentioned before, determination of the correct meaning of a certain legal term also arises from its semantic relations with other legal terms, for instance, the relation of complementarity is based on hypernymy-hyponymy relations. The legal translator's awareness, when investigating comparable texts, as was seen in the case of Polish intensive hypernyms and hyponyms, plays a crucial role in determination of the correct meaning of a translandive textual unit before it is translated.

[151] *πολιτικό δικαστήριο [politiko dikastirio]* 'civil court'.
[152] *ελληνικό δικαστήριο [elliniko dikastirio]* 'Greek court'.

The above parametric contrastive analysis allows for the following directives of particularistic Polish-Greek legilinguistic translatology to be formulated:

Directive 32$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an intensive hypernym of the hyponym 'πολιτικό δικαστήριο [politiko dikastirio]', with respect to meaning M and the essential dimensions, then they are complementary.

Directive 33 $_{PL\text{-}EL}$: If the Polish term 'δικαστήριο [dikastirio]' is an intensive hypernym of the hyponym 'ελληνικό δικαστήριο [elliniko dikastirio]' with respect to meaning M and the essential dimensions, then they are complementary.

These directives result from the postulate *Po 60 Postulate of complementarity based on hypernymy-hyponymy relations in comparable texts*.

6.2.2.2. Extensive hyponyms

Extensive hyponyms are distinguished on the basis of a certain class. As mentioned above, with respect to legal terms the class is mainly a legal criterion. After the analysis of the Greek hyponyms of the superordinate term *δικαστήριο [dikastirio]* 'court', when compared to the Polish extensive hyponyms of the term *sąd* 'court', it seems that the criterion of instance is the most relevant, since the Greek names of certain courts include a prefix indicating their numerical composition. As Greek courts are classified according to instance, the two-instance judicial system must be taken into consideration as the basis for distinctions or differences between them[153].

In light of these presumptions there are the following hyponyms of the Greek term *δικαστήριο [dikastirio]* 'court' in the text of the Greek Code of Civil Procedure:

[153] Άρθρο 12. 1. Δύο μόνο βαθμοί δικαιοδοσίας των πολιτικών δικαστηρίων υπάρχουν, των οποίων την τήρηση το δικαστήριο εξετάζει και αυτεπαγγέλτως.
Article 12.1. There are only two instances of civil court jurisdiction and the court decides ex officio about the application of jurisdiction.

πρωτοβάθμιο δικαστήριο [protovathmio dikastirio] 'court of first instance',[154]
δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio] 'court of second instance',[155]
ειρηνοδικείο [irinodikeio] 'court of the peace',[156][157]
μονομελές πρωτοδικείο [monomeles protodikeio] 'single-member court of first instance'[158],
πολυμελές πρωτοδικείο [polymeles protodikeio] 'multi-member court of first instance',[159]
εφετείο [efetio] 'court of appeal'.[160]

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[154] Άρθρο 91. 1. Όποιος έχει έννομο συμφέρον δικαιούται να ανακοινώσει τη δίκη σε τρίτους, ώσπου να εκδοθεί από το **πρωτοβάθμιο δικαστήριο** οριστική απόφαση για την ουσία της υπόθεσης.
Article 91. 1. Anyone who has legal interest is entitled to notify the proceedings to a third party until a final decision on the merits of the case is issued by the court of first instance.
[155] Άρθρο 12. 2. Αυτοτελής αίτηση δεν επιτρέπεται να υποβληθεί απευθείας σε **δευτεροβάθμιο δικαστήριο**, εκτός αν ο νόμος ορίζει διαφορετικά.
Article 12. 2. An independent application may not be submitted directly to a court of appeal unless the law provides otherwise.
[156] The proposed term given after Maravelaki (2016). There is also a term proposed by Kerameus and Kozyris is 'justice of the peace'(2008: 344), but since it is the name of a court in Scotland, it seems an irrelevant translation equivalent.
[157] Άρθρο 13. Για την εκδίκαση των υποθέσεων που υπάγονται στα πολιτικά δικαστήρια είναι αρμόδια σε πρώτο βαθμό τα **ειρηνοδικεία**, τα **μονομελή πρωτοδικεία** και τα **πολυμελή πρωτοδικεία**. and Άρθρο 17. Στην αρμοδιότητα των **μονομελών πρωτοδικείων** υπάγονται και οι εφέσεις κατά των αποφάσεων των ειρηνοδικείων της περιφέρειάς τους.
Article 13. **Courts of the peace**, **courts of first instance** and **multi-member courts of first instance** are competent at first instance for the trial of cases before the civil courts. and Article 17. The **single-member court of first instance** also has jurisdiction over appeals against the judgments of **courts of the peace** in their region.
[158] *Ibidem.*
[159] *Ibidem.*
[160] Άρθρο 19. Στην αρμοδιότητα των μονομελών **εφετείων** υπάγονται οι εφέσεις κατά των αποφάσεων των **μονομελών πρωτοδικείων** και στην αρμοδιότητα των τριμελών **εφετείων** υπάγονται οι εφέσεις κατά των αποφάσεων των **πολυμελών πρωτοδικείων** της περιφέρειάς τους.
Article 19. Single member **courts of appeal** also have jurisdiction over appeals against the judgments of the **single-member courts of first instance**

The courts of first instance *πρωτοβάθμια δικαστήρια [protovathmia dikastiria]* in Greek civil procedure are as follows: *ειρηνοδικείο [irinodikeio]* 'court of the peace', '*μονομελές πρωτοδικείο [monomeles protodikeio]* 'single-member court of the first instance' *πολυμελές πρωτοδικείο [polymeles protodikeio]* 'multi-member court of the first instance'. Consequently, the courts of second instance are *δευτεροβάθμια δικαστήρια [devterovathmia dikastiria]* and they are: *μονομελές πρωτοδικείο [monolmeles protodikeio]* 'single-member court of first instance' and *εφετείο [efetio]* 'court of appeal'.

The Greek courts of first instance adjudicate in cases on the basis of various criteria, *i.e.* venue, claim value, subject-matter, etc. The Greek lawmaker lists them in Article 13 of the Code of Civil Procedure mainly on the basis of the criterion 'claim value' and, simultaneously, this list contains the hierarchy of the courts from the perspective of instance. Therefore, the extensive hyponyms of the Greek term *δικαστήριο [dikastirio]* 'court' given above should be seen on the basis of a certain court of first instance in a certain case:

a) if the case is heard before an *ειρηνοδικείο [irinodikeio]* 'court of the peace':

(i) *πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]* 'court of first instance' = *ειρηνοδικείο [irinodikeio]* 'court of the peace',

(ii) *δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]* 'court of second instance' = *μονομελές πρωτοδικείο [monomeles protodikeio]* 'single-member court of first instance',

b) if the case is heard before a *μονομελές πρωτοδικείο [monomeles protodikeio]* 'single-member court of first instance':

(i) *πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]* 'court of first instance' = *μονομελές πρωτοδικείο [monomeles protodikeio]* 'single-member court of first instance',

ii) *δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]* 'court of second instance' = *εφετείο [efetio]* 'court of appeal',

c) if a case is heard before a *πολυμελές πρωτοδικείο [polymeles protodikeio]* 'multi-member court of first instance':

(i) *πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]* 'court of first instance' = *πολυμελές πρωτοδικείο [polymeles protodikeio]* 'multi-member court of first instance',

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while three-member **courts of appeal** also have jurisdiction over appeals against the judgments of the **multi-member courts of first instance**.

(ii) *δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]* ‘court of second instance’ = *εφετείο [efetio]* ‘court of appeal’.

According to the jurisdiction of the courts, in light of their instance, the extensive hyponyms of the superordinate term *δικαστήριο [dikastirio]* ‘court’ can be distinguished on the basis of relevant dimensions. The synthetic analysis is given in three tables, relative to case a), b) and c) above.

Case a) *ειρηνοδικείο [irinodikeio]* ‘court of the peace’ as a court of first instance.

Table 28. Hypernym *δικαστήριο [dikastirio]* and its extensive hyponyms in case a).

Dimension	Property of dimension	δικαστήριο [dikastirio]			
		πρωτοβάθμιο δικαστήριο [161]	ειρηνοδικείο[162]	δευτεροβάθμιο δικαστήριο [163]	μονομελές πρωτοδικείο [164]
Genre	Legislation	+	+	+	+
	Other Genre	-	-	-	-
Lect	Legal lect	+	+	+	+
	Vernacular lect	-	-	-	-
	Other LSP lect	-	-	-	-
Branch of law	Civil law	+	+	+	+
	Other	-	-	-	-
Sub-branch of law	Substantive	-	-	-	-
	Procedure	+	+	+	+
Instance	First instance	+	+	-	-
	Second instance	-	-	+	+

[161] Court of first instance.
[162] Court of the peace.
[163] Court of second instance.
[164] Single-member court of first instance.

Case b) *μονομελές πρωτοδικείο [monomeles protodikeio]* 'single-member court of first instance' as a court of first instance.

Table 29. Hypernym *δικαστήριο [dikastirio]* and its extensive hyponyms in case b).

Dimension	Property of dimension	δικαστήριο [dikastirio]			
		πρωτοβάθμιο δικαστήριο [165]	μονομελές πρωτοδικείο [166]	δευτεροβάθμιο δικαστήριο [167]	εφετείο [168]
Genre	Legislation	+	+	+	+
	Other Genre	-	-	-	-
Lect	Legal lect	+	+	+	+
	Vernacular lect	-	-	-	-
	Other LSP lect	-	-	-	-
Branch of law	Civil law	+	+	+	+
	Other	-	-	-	-
Sub-branch of law	Substantive	-	-	-	-
	Procedure	+	+	+	+
Instance	First instance	+	+	-	-
	Second instance	-	-	+	+

[165] Court of first instance.
[166] Single member court of first instance.
[167] Court of second instance.
[168] Court of appeal.

Case c) *μονομελές πρωτοδικείο [monomeles protodikeio]* 'single-member court of first instance' as a court of first instance.

Table 30. Hypernym *δικαστήριο [dikastirio]* and its extensive hyponyms in case c).

Dimension	Property of dimension	δικαστήριο [dikastirio] (court)			
		πρωτοβάθμιο δικαστήριο[169]	πολυμελές πρωτοδικείο[170]	δευτεροβάθμιο δικαστήριο[171]	εφετείο[172]
Genre	Legislation	+	+	+	+
	Other Genre	-	-	-	-
Lect	Legal lect	+	+	+	+
	Vernacular lect	-	-	-	-
	Other LSP lect	-	-	-	-
Branch of law	Civil law	+	+	+	+
	Other	-	-	-	-
Sub-branch of law	Substantive	-	-	-	-
	Procedure	+	+	+	+
Instance	First instance	+	+	-	-
	Second instance	-	-	+	+

The calculation of the distance between co-hyponyms of the superordinate term *δικαστήριο [dikastirio]* 'court' is standardised according to the assumed relevant dimensions. Similarly to Polish extensive hyponyms of the term *sąd* 'court' distinguished based on instance, it is possible to isolate a set of synonymous co-hyponyms, for example, *δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]*[173] and *εφετείο [efetio]*.[174] The relation of synonymy between them is near

[169] Court of first instance.
[170] Multi-member court of first instance.
[171] Court of second instance.
[172] Court of appeal.
[173] Court of second instance.
[174] Court of appeal.

synonymy, and it is limited to a certain contextual situation, where a certain court of first or second instance is known, because with respect to cases a), b) and c) there are three possible courts before which a certain case is heard and it depends on a few criteria determined by the abstract Greek lawmaker. Therefore, translational equivalents must be analysed pertinently before they can be used by the legal translator.

These presumptions lead to the following directives of particularistic Polish-Greek legilinguistic translatology being formulated:

Directive 34$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an extensive hypernym of the hyponyms: 'πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]'and 'ειρηνοδικείο [irinodikeio]', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous.

Directive 35$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an extensive hypernym of the hyponyms: 'δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]'and 'μονομελές πρωτοδικείο [monomeles protodikeio]', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous.

Directive 36$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an extensive hypernym of the hyponyms: 'πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]' and 'μονομελές πρωτοδικείο [monomeles protodikeio]', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous.

Directive 37$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an extensive hypernym of the hyponyms: 'δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]'and 'εφετείο [efetio]', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous.

Directive 38$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an extensive hypernym of the hyponyms: 'πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]' and 'πολυμελές πρωτοδικείο [polymeles protodikeio]', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous.

Directive 39$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an extensive hypernym of the hyponyms: 'δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]'and 'εφετείο [efetio]', with respect to

meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous.

All the directives above are covered by the *Po 60 Postulate of complementarity based on hypernymy-hyponymy relations in comparable texts.*[175]

6.3. Relation of interlingual hypernymy and hyponymy

Within the context of this study, interlingual relations of hypernymy and hyponymy are conducted on the basis of extensive hyponyms because a common class of superordinate terms and its hyponyms is recognised as a common platform for comparison (the so-called *tertium comparationis*). This statement results from a two-instance judicial system which exists in both Poland and Greece. For the purpose of demonstrating the various distances between Polish and Greek hyponyms accompanied by their hyponyms, let us now explore the Polish hypernym 'sąd (court)' and the Greek hypernym 'δικαστήριο [dikastirio] (court)' with their relevant extensive hyponyms distinguished on the basis of the criterion of instance.

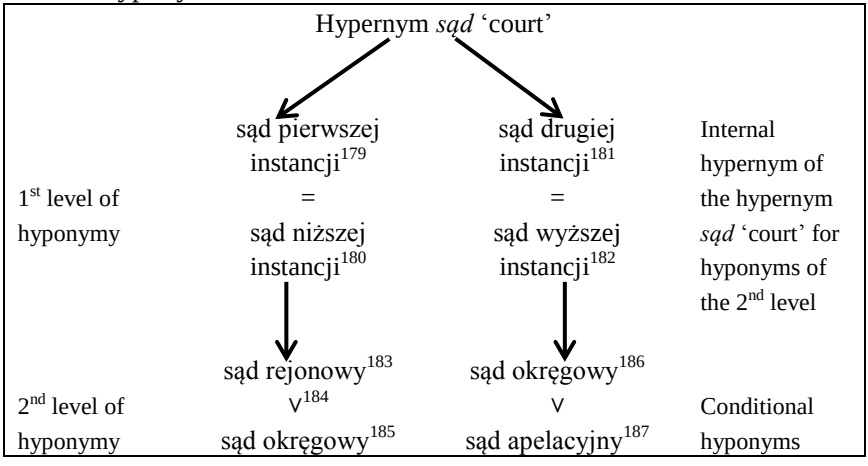
Insofar as the study concerns the Polish and the Greek legal term meaning 'court', according to definitions of the Polish term *sąd* 'court' and the Greek term *δικαστήριο [dikastirio]* 'court', the terms are convergent and, therefore, they are recognised as translational functional and formal equivalents.

The set of extensive hyponyms of the Polish term *sąd* 'court' based on the criterion of instance includes two sets of hyponyms: 1) '*sąd pierwszej instancji* (court of first instance)' being synonymous to the hyponym '*sąd niższej instancji* (lower instance court)', and 2) '*sąd drugiej instancji* (court of second instance)' being synonymous to the hyponym '*sąd wyższej instancji* (court of higher instance)'. From the hierarchical point of view they are hypernyms of other co-hyponyms of the superordinate term *sąd* 'court'[176]. They are hypernyms of certain types of specific Polish courts according to the condition of which court the case is heard before at first instance, (see the tables

[175] See Chapter 6.2.1.1.
[176] See hyponyms of the 2nd level in Diagram 2 below.

including Polish extensive hyponyms of the term *sąd* 'court' above). From this point of view the Polish terms:
sąd apelacyjny 'court of appeal',
sąd rejonowy 'district court',
sąd okręgowy 'regional court'
are conditionally[177] co-hyponyms of 1) the hypernym *sąd* 'court' and 2) of the hypernyms (i) *sąd pierwszej instancji* 'court of first instance' and ii) *sąd drugiej instancji* 'court of second instance' that are hyponyms of the hypernym *sąd* 'court' of the first level[178]. Let us illustrate these relations with the following diagram:

Diagram 2. Hierarchical relations: the superordinate term *sąd* 'court' and its hyponyms.



Similar relations between the Greek hypernym *δικαστήριο [dikastirio]* 'court)' and its extensive hyponyms must be taken into

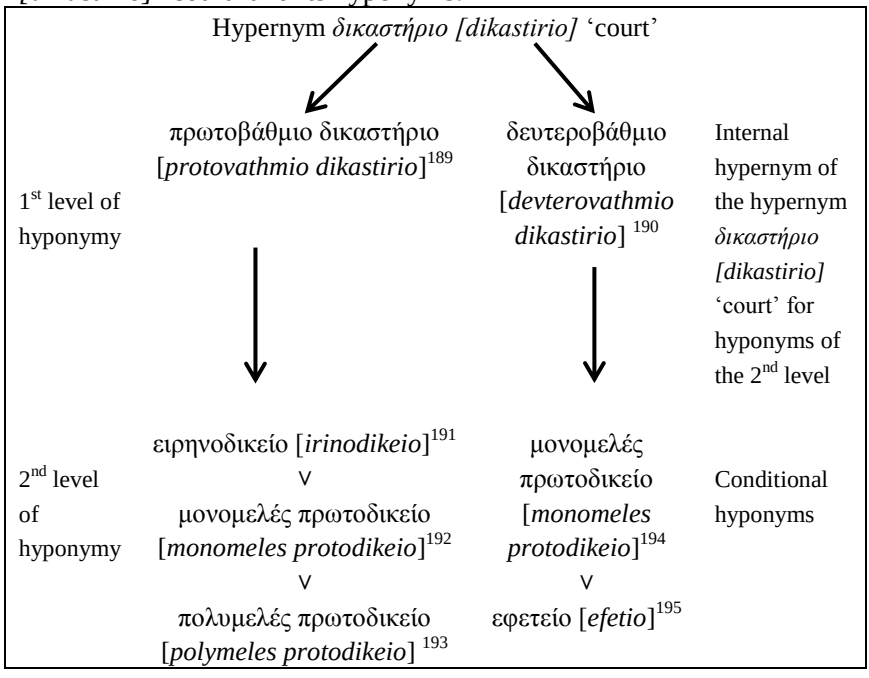
[177] Condition: before which court is the case heard at first instance.
[178] See Diagram 2 below.
[179] Court of first instance.
[180] Lower instance court.
[181] Court of second instance.
[182] Court of higher instance.
[183] District court.
[184] Symbol of logical disjunction.
[185] Regional court.
[186] District court.
[187] Court of appeal.

consideration (see the tables including Greek extensive hyponyms of the term *δικαστήριο [dikastirio]* 'court' above). The set of Greek hyponyms on the 1st level of the superordinate term '*δικαστήριο [dikastirio]* (court)' includes the terms: *πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]* 'court of first instance' and *δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]* 'court of second instance', and, consequently, according to the instance, in a certain case, the conditional hyponyms[188] of the court of first instance are:
ειρηνοδικείο [irinodikeio] 'court of the peace',
μονομελές πρωτοδικείο [monomeles protodikeio] 'single-member court of first instance',
πολυμελές πρωτοδικείο [polymeles protodikeio] 'multi-member court of first instance',
εφετείο [efetio] 'court of appeal'.

Concurrently, the above terms are 1) conditional hyponyms of the 2nd level of the superordinate term *δικαστήριο [dikastirio]* 'court' and 2) conditional hyponyms of the terms: *πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]* 'court of first instance' and *δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]* 'court of second instance', which are their hypernyms; let us call them internal hypernyms of the term *δικαστήριο [dikastirio]* 'court', analogously to the diagram containing the hierarchical relations of the Polish superordinate term *sąd* 'court' and its hyponyms which is presented above. These relations are demonstrated in the diagrams below.

[188] See Diagram 3 below.

Diagram 3. Hierarchical relations: the superordinate term *δικαστήριο [dikastirio]* ‘court’ and its hyponyms.



Insofar as the study concerns Polish and Greek civil procedural law, as mentioned above, the Polish term *sąd* and the Greek term *δικαστήριο [dikastirio]* mean ‘court’, which is why they are recognised as convergent. Their hyponyms extensively distinguished on the basis of the class of instance of the 1st level of hyponymy are respectively: (1) *sąd pierwszej instancji* and *πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]* which mean ‘court of first instance’ and (2) *sąd drugiej instancji* and *δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]* which mean ‘court of second instance’. Other co-hyponyms of both Polish and Greek superordinate terms are conditional and, consequently, they cannot be recognised as

189 Court of first instance.
190 Court of second instance.
191 Court of the peace.
192 Single-member court of first instance.
193 Multi-member court of first instance.
194 Single-member court of first instance.
195 Court of appeal.

convergent, because on the basis of certain criteria, for instance, claim value, they are crucially different.[196] Therefore, the Polish and Greek hyponyms on the 2nd level are not convergent. Finally, it must be said that as the interlingual hyponyms of all levels are complementary to their hypernym, they are not interlingually complementary. Thus the following parametric calculation of distance can be performed.

[196] For instance, in Polish regional courts as courts of first instance cases are heard if the claim value is higher than PLN 75,000.
See: Artykuł 17. Do właściwości sądów okręgowych należą sprawy: 4) o prawa majątkowe, w których wartość przedmiotu sporu przewyższa siedemdziesiąt pięć tysięcy złotych, (…)
Article 17. The jurisdiction of Regional Courts shall include cases: 4) concerning property rights where the claim value exceeds seventy-five thousand Polish zloty.
Cases whose claim value is not higher than € 20,000.00 (or in some cases € 10,000.00) but does not exceed the value of € 250,000.00.are heard before the Greek ειρηνοδικείο [irinodikeio] (court of the peace), as a court of first instance.
Άρθρο 14. Στην αρμοδιότητα των ειρηνοδικείων υπάγονται:
1. α) όλες οι διαφορές που μπορούν να αποτιμηθούν σε χρήματα και που η αξία του αντικειμένου τους δεν υπερβαίνει το ποσό των είκοσι χιλιάδων (20.000) ευρώ (…)
Article 14. The jurisdiction of courts of the peace shall include: a) all litigation which can be estimated in money where the value of the matter does not exceed twenty thousand (20,000.00) euro (…).

Table 31. Convergent hypernyms of the Polish term *sąd* and the Greek term *δικαστήριο [dikastirio]* and their interlingual hyponyms.

Dimension	Property of dimension	sąd = δικαστήριο [dikastirio] 'court'					
		sąd pierwszej instancji[197]	sąd niższej instancji[198]	πρωτοβάθμιο δικαστήριο[199]	sąd drugiej instancji[200]	sąd wyższej instancji[201]	εφετείο[202]
Genre	Legislation	+	+	+	+	+	+
	Other Genre	-	-	-	-	-	-
Lect	Legal lect	+	+	+	+	+	+
	Vernacular lect	-	-	-	-	-	-
	Other LSP lect	-	-	-	-	-	-
Branch of law	Civil law	+	+	+	+	+	+
	Other	-	-	-	-	-	-
Sub-branch of law	Substantive	-	-	-	-	-	-
	Procedure	+	+	+	+	+	+
Instance	First instance	+	+	+	-	-	-
	Second instance	-	-	-	+	+	+

[197] Court of first instance.
[198] Lower instance court.
[199] Court of first instance.
[200] Court of second instance.
[201] Court of higher instance.
[202] Court of appeal.

Seeing how essential parameters are taken into consideration when calculating the distance between Polish and Greek hypernyms *sąd* and *δικαστήριο [dikastirio]*, which mean 'court', one can notice a lack of distance between them (see the table above). Therefore, the relations of complementarity between the following Polish terms:
1) *sąd* 'court' and *sąd pierwszej instancji* 'court of first instance' or *sąd niższej instancji* 'court of lower instance' and
2) *sąd* 'court' and *sąd drugiej instancji* 'court of second instance' or *sąd wyższej instancji* 'court of higher instance'
are in parallel relations of complementarity with the following Greek terms:
3*) δικαστήριο [dikastirio]* 'court' and *πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]* 'court of first instance' and
4) *δικαστήριο [dikastirio] (court)* and *δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]* 'court of second instance'.

With respect to the results of the analysis, the following directives of particularistic Polish-Greek legilinguistic translatology can be formulated:
Directive 40$_{PL\text{-}EL}$: If interlingual subordinate terms (hypernyms) are convergent and their more general hyponyms[203] are complementary, then the interlingual hyponyms are convergent.

In addition, it is possible to formulate other directives of particularistic Polish-Greek legilinguistic translatology, which are as follows:
Directive 41$_{PL\text{-}EL}$: If the Polish terms: 'sąd pierwszej instancji' and 'sąd niższej instancji' are extensive synonyms of the Polish term 'sąd' with respect to the dimension of instance, then they are translatable into Greek as 'πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]' which is an extensive hypernym of the Greek term 'δικαστήριο'.
Directive 42$_{PL\text{-}EL}$: If the Polish terms: 'sąd drugiej instancji' and 'sąd wyższej instancji' are extensive synonyms of the Polish term 'sąd' with respect to the dimension of instance, then they are translatable into Greek as 'δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio] which is an extensive hypernym of the Greek term 'δικαστήριο'.

The directives are also covered by postulate *Po 22 — Postulate of near equivalence (inclusion of a translative unit in a translandive unit)* of general legilinguistic translatology.

[203] Hyponyms of the 1st level, if applicable.

6.4. Concluding remarks

Analysis of the relation of complementarity based on the semantic relation of hypernymy-hyponymy provides some results which are useful in the practice of legal translation. Firstly, it must be emphasised that the intensive Polish and Greek hyponyms analysed are not mutually synonymous. It should also be mentioned that Polish and Greek extensive hyponyms can be mutually synonymous.

Moreover, hierarchical relations between hypernyms and their hyponyms occur both in Polish and Greek comparable texts and this leads not only to better determination of a translandive textual unit but also to the provision of a more adequate translation equivalent which can reflect parallel semantic relations with its hypernyms or hyponyms.

7. Cognates and friends

7.1. Introductory remarks

According to linguistic definitions, for instance, according to Bickford et al (2002), cognates are:

> 'two words (or other structures) (…) if they come from the same original word (or other structure). Generally cognates will have similar, though often not identical, phonological and semantic structures (sounds and meanings). For instance, Latin 'tu', Spanish 'tú', Greek 'sú', German 'du', and English 'thou' are all cognates; all mean 'second person singular', but they differ in form and in whether they mean specifically 'familiar' (non-honorific)'

and they can be named *true cognates* (Nakov *et al.* 2007). In other words, they are synonyms or translations (or both); very often they are homophones and their spelling is similar with respect to individual patterns of writing systems. On the other hand, *false cognates* are a special case of *false friends*. They are at least two words, or other structures, of various languages, similar or equivalent graphically or phonetically, but they have different meanings although they are etymologically related (Chamizo-Dominguez 2006).

With respect to comparative legal linguistics *false cognates* are legal terms etymologically related and graphically or phonetically similar or equivalent, whose meaning is different. Consequently, for the purposes of the present study, they are Polish and Greek legal terms etymologically related and phonetically similar or equivalent.[204] Although both Polish and Greek are Indo-European languages, they differ vitally in the diachronic and the synchronic perspective; likewise, the Polish and Greek language of statutes and other legal lects are very distant. In contrast, the Polish and Greek legal systems have a deeply grounded common source, namely Roman law, which

[204] There is a need to state that Greek and Polish legal false cognates are phonetically similar, but due to various graphical systems they cannot be considered graphically equivalent (homographs).

influenced them, and from the pragmatic point of view they are similar.

The hypothetical objective of this chapter is to demonstrate potential false cognates accompanied by false or true friends which are an essential problem in translation. After all, they are not observed in comparable texts (the Polish Civil Code, the Polish Code of Civil Procedure, the Greek Civil Code, the Greek Code of Civil Procedure), thus the analysis concentrates on true cognates and false friends or/and true friends.

7.2. Polish and Greek false cognates

Greek legal language has a much longer history than its Polish counterpart. Its roots can be traced back to the ancient period *i.e.* Lycurgus of Sparta — legendary lawgiver (900-800 BC), Draco — first Athenian legislator (7th century BC) or Solon — Athenian lawmaker (638 — c. 558 BC). The further history and evolution of Greek legal language, strictly connected with Greek legal systems, has been continuous and lasts till the present day. Although the objective of the study concerns currently binding statutes, it must be mentioned that the present-day Greek legal system, especially civil law, is partially a successor of Roman and Byzantine law, which was confirmed by Kapodistrias, the first head of the independent Greek state, who promised to draw up the Civil Code on the basis of Byzantine law (Vavouskos 1995, 37). However, Byzantine law is a direct continuation of Roman law and in the period of Byzantine Empire legislation, legal practice and jurisprudence were based on Latin and Greek sources (Troianos 2000); for instance, in the early Byzantine period, in the 5th century Byzantine Emperors decided to issue laws in the Latin and in the Greek language (Troianos 2000: 17), despite the earlier possibility to issue specific laws in the category *rescripta*, which took place in the 2nd century BC (Papagianni *et al.* 2015: 125). Up until 1453 the Greek language was so dominant that emperor Leo VI the Wise (866-912) initiated codification of the law written in the Greek language. Thus the Greek legal language, together with Latin, are two equivalent languages of the Roman-Byzantine legal tradition. Byzantine law influenced not only the Greek legal system but also the systems of the Balkans or Besarabia

(Furmanek 2001: 49), although with time its once vigorous character ultimately collapsed (Rozwadowski 1992: 45). Despite the Byzantine legacy in the modern Greek state, there were attempts to modernise Byzantine-Greek law and, in the final analysis, the Greek Civil Code of 1940 can be recognised as also having been influenced by French, German and other Western European civil codes (Papagianni *et al.* 2015: 202), of which the distant source is Roman law. Simultaneously, Greek legal language exploited the Byzantine tradition to draw up modern laws, which is why it differs much from other legal languages in the systems founded on Roman law and Latin language.

On the other hand, the Polish civil law has been classified as influenced by Roman law (Kuryłowicz and Wiliński 2013:58, Kolańczyk 1978) even though Roman influence is not significantly strong (Furmanek 2001: 48). Moreover, the Polish language is much younger than the Latin and Greek languages, thus the Polish legal language has a very short history, which cannot be compared to the history of the Greek legal language. These are reasons why pertinent observation of Polish and Greek statutes does not include many false cognates even though there are many terms of ancient Greek origin in Polish scientific language.

Because Polish and Greek are related languages, there are many cognates noticed in the texts of Polish and Greek statutes. One of them is the adjective *fizyczny* 'physical/substantive' occurring in the term *wady* ***fizyczne*** 'physical/inherent defects',[205] for instance, in Article 559.[206] Etymologically the adjective has its root in the ancient Greek adjective ***φυσικός [fysikós]*** which in ancient Greek means 'natural, produced or caused by nature, inborn, native, of or concerning the order of external nature, natural, physical, belonging to occult laws of nature, magical' (Liddell-Scott-Jones), whereas in modern Greek there is the adjective *φυσικός [fysikos]* that means 'natural, scenic, normal, unaffected, physical' (Stavropoulos 2011)

[205] Meaning of the term under Polish civil law is given in Chapter 5.3.

[206] Art. 559. Sprzedawca nie jest odpowiedzialny z tytułu rękojmi za **wady fizyczne**, które po-wstały po przejściu niebezpieczeństwa na kupującego, chyba że wady wynikły z przyczyn tkwiącej już poprzednio w rzeczy sprzedanej.
Article 559. The seller shall be liable on account of warranty for **physical defects** which existed at the time when the peril passed to the buyer or resulted from a reason inherent in the thing sold at that time.

and seems to be the relevant translational equivalent. The false presumption that the Greek equivalent of the Polish adjective *fizyczny* 'physical/substantive' is the Greek adjective *φυσικός [fysikos]* 'natural, scenic, normal, unaffected, physical' is confirmed by Article 947 of the Greek Civil Code, where the syntagm *φυσικές δυνάμεις ή ενέργειες [fysikes dynameis i energeies]* 'natural forces or energies'[207] occurs and the meaning of the Greek adjective discussed in civil law statutes is confirmed. Moreover, the meaning of the Greek adjective *φυσικός [fysikos]* 'natural' used in the aforementioned syntagm of Article 947 (see above) is synonymous with the meaning of the Polish syntagm *siły przyrody* 'forces of nature'[208] found in Article 535 § 1 of the Polish Civil Code. Consequently, the very first equivalent of the term *wady fizyczne* 'physical/inherent defects' that naturally comes into the mind of a novice Polish-Greek legal translator can be the syntagm *φυσικά ελαττώματα [fysika elattomata]* 'physical defects'. This term does not exist in Greek civil law acts but is a term from other LSP lects adopted in legal acts.[209] This potential equivalent

[207] Άρθρο 947. Έννοια. Πράγματα, κατά την έννοια του νόμου, είναι μόνο ενσώματα αντικείμενα. Πράγματα λογίζονται και οι **φυσικές δυνάμεις ή ενέργειες**, ιδίως το ηλεκτρικό ρεύμα και η θερμότητα, εφόσον υπόκειται σε εξουσίαση, όταν περιορίζονται σε ορισμένο χώρο.
Article 947. Meaning. Only corporeal objects shall be considered things within the meaning of the law. *Natural forces or energies*, especially electrical current or heat insofar as such forces are subject to control when concentrated within a delimited space shall also be deemed to be things.

[208] Art. 435. § 1. Prowadzący na własny rachunek przedsiębiorstwo lub zakład wprawiany w ruch za pomocą **sił przyrody** (pary, gazu, elektryczności, paliw płynnych itp.) ponosi odpowiedzialność za szkodę na osobie lub mieniu, wyrządzoną komukolwiek przez ruch przedsiębiorstwa lub zakładu, chyba że szkoda nastąpiła wskutek siły wyższej albo wyłącznie z winy poszkodowanego lub osoby trzeciej, za którą nie ponosi odpowiedzialności.
Article 435. § 1. A person who on his own account runs an enterprise or an establishment powered by the **forces of nature** (steam, gas, electricity, liquid fuels etc.) shall be liable for an injury to a person or for damage to the property, inflicted to any party by the operation of the enterprise or establishment, unless the injury or damage came into being owing to force majeure or only due to the injured party's fault or the fault of the third party that he is not liable for.

[209] Concerning natural sciences, for example: 'physical defect' in: Judgment of the Court (Third Chamber) of 19 February 2009. Criminal proceedings against Karl Schwarz. Reference for a preliminary ruling: Landgericht

includes the adjective *φυσικός [fysikos]* ‘natural’. which is a true cognate, but simultaneously a false friend of the Polish adjective *fizyczny* ‘physical/substantive’ in the syntagm analysed.

Taking account the previously listed dimensions (see Chapter III), extended by the dimension *5a. Sub-division of substantive civil law* that takes on the property of *law of obligations*, the Polish term *wady* ***fizyczne*** ‘physical/inherent defects’ has its potential equivalent term in the Greek Civil Code ***πραγματικά*** *ελαττώματα [pragmatika elattomata]* ‘physical/inherent defects’. In this specific case the Polish adjective *fizyczny* and the Greek adjective ‘φυσικός [fysikos]’ are false friends. The table below presents the calculation of the distance between the source-text units and their potential Greek equivalents given above.

Table 32. *Wady* ***fizyczne*** ‘physical/inherent defects’ vs ***πραγματικά*** *ελαττώματα [pragmatika elattomata]* ‘physical/inherent defects’ vs ***φυσικά*** *ελαττώματα [fysika elattomata]* ‘physical defects’.

Dimension	Property of dimension	Terms		
		wady **fizyczne**	**πραγματικά** ελαττώματα	**φυσικά** ελαττώματα
Genre	Legislation	+	+	Not applicable[210].
	Other Genre	-	-	Not applicable.
Lect	Legal lect	+	+	-
	Vernacular lect	-	-	-
	Other LSP lect	-	-	+
Branch of	Civil law	+	+	Not applicable.

Mannheim — Germany. Directive 91/439/EEC — Holding of driving licences from different Member States — Validity of a driving licence issued before the accession of a State — Withdrawal of a second driving licence issued by the Member State of residence — Recognition of a driving licence issued before the issue of a second licence later withdrawn on the ground that the holder was unfit — Expiry of the period accompanying a measure withdrawing a driving licence during which no application may be made for the issue of a new driving licence. Case C-321/07; ‘disability’ in: European Parliament OJ C 95, 5.4.1993, p. 1–40.

[210] It means the parametrized term does not take on any property of certain dimensions because it is not a term found in Greek legal language and, moreover, it is not a Greek equivalent which has been coined.

law	Other	-	-	Not applicable.
Sub-branch of law	Substantive	+	+	Not applicable.
	Procedure	-	-	Not applicable
Sub-division of substantive civil law	Law of obligations	+	+	Not applicable.
	Other	-	-	Not applicable.

On the basis of the analysis, it is possible to formulate the following directives for particularistic Polish-Greek legilinguistic translatology:

Directive 43$_{PL\text{-}EL}$: If in a Polish statute the term 'fizyczny' is an element of the syntagm 'wady fizyczne', then it is translatable into Greek as 'πραγματικός [pragmatikos]'.

This directive is covered by the following postulate of general legilinguistic translatology *Po 21 — Postulate of near equivalence (intersection*.

On the contrary, the two adjectives analysed (respectively the Polish *fizyczny* 'physical/substantive' and the Greek *φυσικός [fysikos]* 'natural' are true cognates and true friends in the following syntagms: Polish *osoba fizyczna* 'natural person' and Greek *φυσικό πρόσωπο [fysiko prosospo]* 'natural person'. Both terms: (1) mean a human who is an object of civil law and a party to relations under civil law, (2) include adjectives with the same Ancient Greek etymology and (3) include adjectives which are pronounced similarly.

When taking into account the parametric calculation of the distance between them, it is worth expanding the list of dimensions to include another one, of a more particular nature, in order to confirm the potential distance or lack thereof. This supplementary dimension is *5a. Sub-division of civil substantive law*, which takes on the property of *natural person*. It regards the Polish term *osoba fizyczna* 'natural person' and the Greek term *φυσικό πρόσωπο [fysiko prosospo]* 'natural person' which are used in a very similar context and place in the Polish[211] and Greek[212] civil codes.

[211] Art. 1. Kodeks niniejszy reguluje stosunki cywilno-prawne między osobami fizycznymi i osobami prawnymi.
Article 1. The present Code governs civil law relations between natural persons and legal persons.

[212] Άρθρο 5. Ικανότητα δικαίου. Η ικανότητα δικαίου του φυσικού προσώπου ρυθμίζεται από το δίκαιο της ιθαγένειας.

Table 33. *Osoba fizyczna* ‘natural person’ vs *φυσικό πρόσωπο [fysiko prosospo]* ‘natural person’.

Dimension	Property of dimension	Terms	
		osoba fizyczna	φυσικό πρόσωπο
Genre	Legislation	+	+
	Other Genre	-	-
Lect	Legal lect	+	+
	Vernacular lect	-	-
	Other LSP lect	-	-
Branch of law	Civil law	+	+
	Other	-	-
Sub-branch of law	Substantive	+	+
	Procedure	-	-
Sub-division of substantive civil law	Natural person	+	+
	Other	-	-

In these circumstances the following directive for particularistic Polish-Greek legilinguistic translatology can be formulated:

Directive 44$_{PL\text{-}EL}$: If in a Polish statute the term ‘fizyczny’ is an element of the syntagm ‘osoba fizyczna’, then it is translatable into Greek as ‘φυσικός [fysikos]’.

and it is also covered by the postulate of near equivalence (*Po 21*).

7.3. Concluding remarks

The set of Polish and Greek cognates within the framework of civil law is very limited, as was seen above. This situation is caused by 1) the varied history of the legal systems and 2) a strong Greek legal tradition influenced by the Roman-Byzantine heritage. They are mostly true cognates, but they must be analysed in detail, because it may happen that in some cases they are false friends but in other cases

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Article 5. Legal capacity. The legal capacity of a natural person shall be regulated by the law of citizenship.

they are true friends and thus can be recognised as proper sufficient equivalents.

The study of false and true cognates accompanied by their analysis from the perspective of false and true friends plays an important role in translational practice. Avoiding that kind of analysis can lead to critical errors, which was demonstrated when discussing potential the Greek equivalent *φυσικά ελαττώματα [fysika elattomata]* 'physical defects'.

8. Relation of Imprecise/Flexible Meaning

8.1. Introductory remarks

Although legal language and, especially the language of legislation, is generally concerned to be precise, accurate and free of ambiguity, it includes some elements that are imprecise and have a flexible meaning. In other words, there is a general conviction and will of clarity in legal texts (Cacciaguidi-Fahy and Wagner 2006: 29). Layman (1980:75) says that uncertainty in legal language arises from uncertainty stemming from vagueness and generality. H.L.A. Hart goes on to say that it is a result of the fact that law is expressed in natural language (Kornelius 2009: 89), and ambiguity with vagueness is achieved 'with general terms with an open textured meaning' (Christie 1964: 886). Yet some of them are used by legislators purposively since the concept of positive law is based on the possibility of potential new situations which an object of law may present. Laws should be drafted in a way that enables us to apply law to potential new circumstances which the legislator does not know at the moment of the laws are being drafted (Zirk-Sadowki 2000: 195). In this light, the generality of legal language is a method, let us say, to cover potential facts not well known and regulated at the moment of specific laws are being drafted. General terms and general clauses are textual means applied by the lawmaker intentionally to enable flexible interpretation of existing legal norms aimed at synchronisation of the law, whose process of creation is not as fast as continuously changing reality (Bator 2008: 188), but, on the other hand, this changing reality is always the object of the law.

The objective of this chapter is to discuss purposively-used textual units of the law that are the source of imprecise flexible meaning. They are terms, mostly phrases, and the set of them analysed here includes general clauses and imprecise terms that should be seen separately (paragraph 155.1 of *Zasady techniki ustawodawczej* 'Rules

on legislation techniques'[213]). Since they can be found either in the Polish source text or in the Greek comparable texts, the general clauses and imprecise terms excerpted from these texts are the object of parametric comparison. Applying the main concept of the study, there is an attempt to calculate the distance between them to determine if they can be considered comparable on the basis of certain dimensions. Some comments on incomparable Polish and Greek general clauses and imprecise terms are given too. However, it should be clarified that the imprecise or flexible meaning of the texts of a normative act, shall we say, collectively, 'sources of ambiguity', does not emerge only in general clauses or in imprecise meaning, as one can also observe grammatical, syntactic and structural ambiguity (Cao 2008: 123). However, such patterns of legal language are not the object of the present research.

8.2. General clauses and imprecise terms

The concept of generalisation in law has been known ever since legal systems started to avoid casuistic drafting of laws, for example the Code of Hammurabi. Aristotle in his 'Nicomachean Ethics' wrote: 'The reason for this is that law is always a general statement, yet there are cases which cannot be covered in a general statement. In cases, while it is necessary to speak in general terms, it is not possible to do so correctly, the law takes into consideration the majority of cases, although it is not unaware of the error this involves. And this does not make it a wrong law; for the error is not in the law nor in the lawgiver, but in the nature of the case: the material of conduct is essentially

[213] Rozporządzenie Prezesa Rady Ministrów z dnia 20 czerwca 2002 r. w sprawie „Zasad techniki prawodawczej". Ordinance of Prime Minister of 20th of June 2002 on '*Rules on legislation techniques*':
§ 155. 1. Jeżeli zachodzi potrzeba zapewnienia elastyczności tekstu aktu normatywnego, można posłużyć się określeniami nieostrymi, klauzulami generalnymi albo wyznaczyć nieprzekraczalne dolne lub górne granice swobody rozstrzygnięcia.
Paragraph 155. 1. If there is a necessity to provide flexible text of a normative act, there is a possibility to employ imprecise terms, general clauses or to define impassable lowest or highest limits of free decisive process.

irregular'.[214] Thus, general terms, including general clauses and imprecise terms, are not any error on the lawmaker's part but purposive action in the legislation process, because only the general nature of the law makes it capable of application to potential cases, not yet foreseen by the law. In modern times the concept of generality and flexibility seen as the 'phenomenon of continuation' of civil law institutions can be noticed since the great works of codification in the 19th century (Sójka-Zielińska 2009: 13), and the most eminent example of that fact is the principle of equity (Fermus-Bobowiec and Szewczak-Daniel 2016). The legacy of Roman civil law is clearly seen in Polish civil law (Kuryłowicz and Wiliński 2013, Kolańczyk 1978 *et al.*) and, moreover, in Greek civil law through Byzantine Law (Troianos 2000). For this reason the assumption that textual significators of generality and flexibility in legislative texts (*i.e.* general clauses and imprecise terms) are present, is very reasonable.

From the point of view of legal theory, there is a need to distinguish between general clauses and imprecise terms (Radwański i Zieliński 2007: 333); in Polish legislation especially, one can easily find a distinction between them, which comes from the above mentioned paragraph 155.1 of *Zasady techniki ustawodawczej* 'Rules on legislation technique'. According to that regulation imprecise terms and general clauses are various techniques aiming at flexibility in legal texts (Wronkowska, Zieliński 2012). Generality and flexibility of normative acts can be obtained with the use of impassable lowest or highest limits, but it must be stressed here that the possible vagueness and ambiguity which emerges in these limits concerns legal interpretation and practice. Moreover, these limits are expressed in the legal texts examined in an explicit way, for example, in Article 859[215]

[214] «ἢ γὰρ τὸ δίκαιον οὐ σπουδαῖον, ἢ τὸ ἐπιεικὲς οὐ δίκαιον, εἰ ἄλλο: ἢ εἰ ἄμφω σπουδαῖα, ταὐτόν ἐστιν. ἡ μὲν οὖν ἀπορία σχεδὸν συμβαίνει διὰ ταῦτα περὶ τὸ ἐπιεικές, ἔχει δ' ἅπαντα τρόπον τινὰ ὀρθῶς καὶ οὐδὲν ὑπεναντίον ἑαυτοῖς: τό τε γὰρ ἐπιεικὲς δικαίου τινὸς ὂν βέλτιόν ἐστι δίκαιον, καὶ οὐχ ὡς ἄλλο τι γένος ὂν βέλτιόν ἐστι τοῦ δικαίου». Aristot. Nic. Eth. 1137b.1-5. Source text after Bywater (1994), English translation after Aristotle (1934).

[215] Art. 859[5]. Umowę składu zawartą na czas nieoznaczony przedsiębiorca składowy może wypowiedzieć listem poleconym, z zachowaniem terminu miesięcznego, jednakże **nie wcześniej niż po upływie 2 miesięcy od złożenia rzeczy**.

Article 859[5]**.** The storage warehouse entrepreneur may terminate the contract of storage concluded for an indefinite period of time by notice sent by a

of the Polish Civil Code there is a phrase *nie wcześniej niż po upływie 2 miesięcy od złożenia rzeczy* 'not earlier than after the lapse of 2 months from placing the thing in storage'. Similarly, in Article 41 of the Greek Civil Code[216] there is a phrase *πριν από την πάροδο ενός τουλάχιστον έτους από τη στιγμή του κινδύνου [prin apo tin parodo enos toulahiston etous apo ti stigmi tou kindynou]* 'after the lapse of at least one year from the moment of the disaster'. Since the objective of this phase of the research is to analyse the relation of imprecise or flexible meaning from the perspective of legal translation, the decision-making limits conceded by the lawmaker to the subjects of the law (for instance, courts) are not the source of uncertain meaning in the literal interpretation of legal texts. Consequently, they do not make for any specific problem in legal translation besides typical translational problems concerning the rendition of the target text in an adequate genre and lect adjusted to the client and recipient of the translation. Consequently, for the purposes of this study, the determination of the lowest or the highest limits in statute is not analysed here.

There are a number of approaches to definitions of general clauses. From the textual point of view, a general clause can be considered 'an editorial unit of a legal act or a legal regulation or its extract comprising the reference to the norms and values which are beyond the scope of the text and whose basic constructive element is expressed by the under-defined expression' (Kornelius 2009). Consequently, there is a need to distinguish between a regulation including a general clause and the general clause itself (Piaskowy 2012: 50) and, insofar as the study concerns civil law terminology, the object of analysis includes general clauses and not the whole regulation where they occur. In Polish legislation there is a typology of general clauses that distinguishes two types: (1) general clauses

registered letter while observing a monthly time limit, however, **not earlier than after the lapse of 2 months from placing the thing in storage**.

[216] Άρθρο 41. Η κήρυξη της αφάνειας δεν μπορεί να ζητηθεί **πριν από την πάροδο ενός τουλάχιστον έτους από τη στιγμή του κινδύνου**, και, αν ήταν παρατεταμένος, από την τελευταία στιγμή του, ή πέντε τουλάχιστον ετών από την τελευταία είδηση.

Article 41. A declaration that a person is missing may not be applied for before the passing of at least one year from the time of the occurrence of the danger and if the danger was prolonged from the last instance of such damage or before five years from the time when the last news was received.

which empower organs to make certain decisions in some cases according to an individual opinion in a certain case and (2) general clauses which are referral clauses which refer to rules of behaviour beyond the scope of law that are axiologically grounded in some general estimations (Wronkowska, Zieliński 2012). One can easily see that general clauses are not precise, since they can concern individual estimations or behaviour generally and commonly recognised by a certain society. They may differ in reference to an individual opinion of an organ, a subject of law, social and ethical life, etc. To sum up, the general clauses analysed here are textual units which have imprecise meanings which occur in the texts of normative acts which refer to individual opinions and estimations or general rules which are not within the scope of codified law.

In contrast, imprecise terms cannot be considered general clauses, since they do not concern opinions, estimations, beliefs, socially accepted behaviour, ethics, etc. In contrast, imprecise terms concern the content of a name and they rely on imprecise definition of the content (Choduń 2013: 17). Accordingly, the content is a set of features which provide the basis for using a term (name) with this certain content. Consequently, if the content includes all these features, the certain term (name) designates the content and analogously if the content does not include all the features, but only few of them, there is a possibility to recognise that the term (name) does not designate this deficient content. Although, the deficient content does not absolutely exclude the possibility of recognising the term (name) as its designator. The lack of complex features or uncertain features is the reason why a term is imprecise. Simultaneously, imprecise terms have wide content, since their limits are not perfectly clear, and thus it is source of ambiguity and vagueness. In the context of the present research, imprecise terms are legal terms whose meaning is not absolutely limited because: (1) in the same statute there is a lack of precise legal definition of the same term, (2) the lawmaker purposively applied a less than sharp limit of content for the term to allow it to be adjusted to changes in other statutory and normative acts in the same branch of law, and (3) they provide the possibility of flexible interpretation of certain terms in relation to the decision-making process or amendment of the law.

The relation of imprecise or flexible meaning between translandive and translantive textual units concerns both general clauses and imprecise terms. Since the Polish and Greek legal

systems, legislation, legislative genres and lects are similar, it is possible to expect that in Polish and Greek statutory acts there will be many common textual units which aim at imprecise or flexible meaning. Their nature is discussed on the basis of the examples given below.

8.2.1. Polish and Greek general clauses

According to theoretical typologies, two types of general clauses can be found in statutes (Wronkowska, Zieliński 2012, see above). Since the first type empowers certain organs in decision-making processes, let us call them 'empowering' general clauses. The second type refers to rules that are beyond the scope of law, and consequently, let us call them 'referral' general clauses. Since they are textual units which are parametrised in the context of particularistic Polish-Greek legilinguistic translatology, they are subjected to the method of analysis which was applied in the previous chapters.

Empowering general clauses

Firstly, let us concentrate on empowering general clauses. Recalling the definition of empowering clauses given for the purposes of the present analysis, we may state that general clauses are phrases included in legal regulations that concern the subjects of law, mostly organs, and provide them with a kind of free reign to interpret a certain term, since it is not defined or limited in the same statute where the empowering general clause occurs. Simultaneously, the same general clause, being a general concept of law –taken from civil law in the case analysed-, may occur both in statutes of substantive civil law and procedural civil law.

In the light of Polish-Greek legilinguistic translatology of civil law, a rather important example involves the general clause *dobro małoletniego* 'welfare of a minor', which occurs in the Polish Code of Civil Procedure in Article 575^1. [217] What is interesting, is that this

[217] Art. 575^1. W sprawach opiekuńczych osób małoletnich sąd z urzędu zarządza odbycie całego posiedzenia lub jego części przy drzwiach zamkniętych, jeżeli przeciwko publicznemu rozpoznaniu sprawy przemawia **dobro małoletniego**.

general clause does not occur in the Polish Civil Code. In legal theory *dobro* 'welfare' is considered to be a beneficial state (Jakubecki 2016), and here lies the core of the generality that arises from the clause analysed. The second element of the clause — *małoletni* 'minor' — can also be a source of ambiguity and vagueness since it is not defined explicitly either in the Polish Civil Code or in the Polish Code of Civil Procedure, but according to Polish jurisprudence, it is possible to attribute a range of meanings to that term on the basis of Articles 9–22 of Polish Civil Code and 430 and 568–570 of the Polish Code of Civil Procedure. *Małoletni* 'minor' is a natural person from birth till the age of 18, with the exception of a woman, where the figure is not 18 but 16 if she is married. Moreover, a *małoletni* 'minor' is not able to shape his or her legal status independently. From this point of view, a *małoletni* 'minor' can be considered a child, but since Polish civil law, both substantive and procedural, does not regulate Polish family law in a complex way, this general clause has a limited scope, and when it is in force under civil law, it concerns *małoletni* 'minor' as a subject of civil law, even though the term *dziecko* 'child' occurs in Polish civil law statutes with a different usage. Although it must be said that the term *małoletni* 'minor' in the general clause analysed occurs when regulating cases which involve custody over minors, which in most situations is under family law and, consequently, this general clause concerns children.

Greek civil law, especially Greek substantive law, also regulates family law, since it is considered private law. The Greek Civil Code includes Book Four entitled Family Law[218] and tracing the relations between substantive and procedural law, the Greek Code of Civil Procedure concerns cases of family law too, which are cases under private law (Triantafyllidis, and Balogianni 2013). Since the point of departure is Polish civil law, firstly let us search for similar general clauses in the Greek Code of Civil Procedure. In Article 681 C 2. there is the following general clause *το συμφέρον του τέκνου [to symferon toy teknou]* 'the (best) interests of the child'.[219] The

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Article 575[1]. In cases involving the custody of minors, the court shall order ex officio the whole or part of a hearing to be held behind closed doors if **the welfare of a minor** is an argument against public trial.

[218] *Βιβλίο τέταρτο. Οικογενειακό δίκαιο [Vivlio Tetarto. Oikogeneiako dikaio]*.

[219] Άρθρο 681 Γ 2. (…) Ο συμβιβασμός πρέπει να αποβλέπει **στο συμφέρον του τέκνου**, αλλιώς δεν δεσμεύει το δικαστήριο.

empowering nature of this general clause confirms the fact that a court issuing the decision whether the child is mature enough to participate personally in certain cases is not required to justify its decision (Triantafyllidis and Michailidis 2013). Simultaneously, in the Greek Civil Code in the article there is the following empowering general clause *το συμφέρον του ανηλίκου [to symferon tou anilikou]* 'the (best) interests of the minor'[220] and the clause *το συμφέρον του τέκνου [to symferon toy teknou]* 'the (best) interests of the child'.[221] As in the Polish statute, in Greek acts the main source of uncertainty is the term *συμφέρον [symferon]* 'interests'. As mentioned above, in Greek civil procedure a court is not obliged to justify its decision concerning the interests of the child and this is confirmed by interpretation of Article 1511 of the Greek Civil Code, although a decision of that nature may be appealed (Triantos 2010). Moreover, the term has been deemed by the Supreme Court of Greece (the *Άρειος Πάγος [Areios Pagos]* Areopagus) (Triantos 2010: 1860) an imprecise term, which once again confirms the general nature of that clause.

When it comes to comparison of the general clauses discussed above, it is possible to notice that these empowering general clauses enable courts to decide about the beneficial state of minors and children. As far as the meaning in concerned, the Polish term *dobro* 'welfare' talks about beneficial status while the Greek term *συμφέρον [symferon]* 'interests' concentrates on the situation aiming at beneficial status, but in both cases this so-called beneficial status is not defined and thus it constitutes a source of ambiguity and vagueness. It is also worth noticing that the subject of that status, *i.e.* Polish *małoletni* 'minor' and Greek *ανήλικος [anilikos]* 'minor' and/or

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Article 681 C 2. (…) The amicable settlement must observe **the interests of the child**, otherwise it is not binding for the court.

[220] Άρθρο 1594 - Κανόνας ο ένας επίτροπος. Το δικαστήριο διορίζει για τον ανήλικο έναν επίτροπο, εκτός αν ιδιαίτεροι λόγοι που αναφέρονται **στο συμφέρον του ανηλίκου** επιβάλλουν το διορισμό περισσοτέρων (συνεπίτροποι).

Article 1594. One guardian as a rule. The court shall appoint one guardian for the minor unless special reasons relating to **the minor's interests** require the appointment of several guardians (co-guardians).

[221] Άρθρο 511. Κάθε απόφαση των γονέων σχετικά με την άσκηση της γονικής μέριμνας πρέπει να αποβλέπει **στο συμφέρον του τέκνου**.

Article 511. Every parental decision concerning exercise of parental custody must be taken in **the interests of the child**.

τέκνο [tekno] ‘child’ are names of subjects of law for empowered courts, where Greek courts refer to this subject in two aforementioned ways and Polish courts use only one term. In both legal systems these general clauses concern family law, substantive or procedural, and even if the Polish general clause occurs only once in both analysed statutes, the Polish and Greek general clauses can be considered functionally equivalent with respect to family law.

Following the model for calculating the distance between Polish translative unit and its potential Greek translation equivalent, it should be stated that all main dimensions of the general clauses analysed (see chapter 5.2.1.) take on the same properties but to detect the distance between them, the list of dimensions must be extended and must include the following dimensions:

- sub-division of substantive civil law (applied if sub-branch of law takes on the property of substantive law),
- type of civil procedure (applied if sub-branch of law takes on the property of procedural law).

Thus the table below shows the parametric calculation of the distance between the Polish and Greek general clauses.

Table 34. Empowering general clauses: *dobro małoletniego* ‘welfare of a minor’ vs *το συμφέρον του τέκνου [to symferon toy teknou]* ‘the (best) interests of the child’ and *το συμφέρον του ανηλίκου [to symferon tou anilikou]* ‘the (best) interests of the minor’.

Dimension	Property of dimension	General clauses		
		dobro małoletniego	το συμφέρον του τέκνου	το συμφέρον του ανηλίκου
Genre	Legislation	+	+	+
	Other Genre	-	-	-
Lect	Legal lect	+	+	+
	Vernacular lect	-	-	-
	Other LSP lect	-	-	-
Branch of law	Civil law	+	+	+
	Other	-	-	-
Sub-branch of law	Substantive	-	+	+
	Procedure	+	+	

Sub-division of substantive civil law	Family law	Not applicable.	+	+
	Other	Not applicable.	-	-
Type of civil procedure	Contentious	-	+	-
	Non-contentious proceedings	+	-	-

Since there are many dimensions taking on the same property, it is possible to formulate the following directive for particularistic Polish-Greek legilinguistic translatology:

Directive 45$_{PL\text{-}EL}$: If the Polish empowering general clause GC$_{PL}$ is sufficiently equivalent to the Greek empowering general clause GC$_{EL,}$ then the Polish empowering general clause GC$_{PL}$ is translatable into the Greek empowering general clause GC$_{EL.}$

This is covered by the postulate *Po 8 — Postulate of translational equivalence and translatability*

Referral general clauses

Another type of general clauses are referral general clauses, which are references to regulations other than legal ones, *i.e.* moral, social, religious, etc. That type of general clause is addressed to all subjects of civil law, but certain organs like courts evaluate and estimate their meaning. Within the context of civil law legal systems this technique is applied by the lawmaker to communicate with the addressees of certain general clauses about them taking into consideration extra-legal criteria within the framework of applying or observing the law (Leszczyński and Maroń 2013).

Since the Polish legal system is the starting point, the referral general clauses are discussed on the basis of the Polish general clause *dobre obyczaje* 'good practices' in civil law. That general clause has been present in Polish law since its Napoleonic codification. Then it was present in the laws of the conquerors of Poland (Kingdom of Prussia, Imperial Russia and the Austrian Empire which was transformed in 1867 into the Austro-Hungarian Empire), and it came back into Polish Law in the period between World War I and II (1918-1939). The clause's career finished after World War II because of the promotion of the general clause *zasady współżycia społecznego* 'principles of community co-existence/rules of social co-existence'

which applied in socialist states (Żurawik 2009: 35). Since that clause is considered to have its origins in Soviet Russian law and there are negative connotations concerning its interpretation after 1989, it was deprived of its ideology (Piaskowy 2012:55) and again started to occur in statutes[222] (Laszczyk & Gajdus 2012: 23). Since then one can notice a tendency of the Polish lawmaker to apply the general clause *dobre obyczaje* 'good practices' or 'good morals' but, simultaneously, the critical decision to delete the general clause *zasady współżycia społecznego* 'principles of community coexistence/rules of social co-existence' has not been made and thus there is a kind of dualism (Piaskowy 2012: 55) in statutes were both of the above general clauses co-occur simultaneously, which is a result of the beneficial conception and universal use of the clause *zasady współżycia społecznego* 'principles of community co-existence/rules of social co-existence', confirmed by the Polish Constitutional Court (Trybunał Konstytucyjny).[223] Both of the general clauses occur in the Polish Civil Code, for example in Article 385^{1} [224] and in Article 58[225] as well as in the Polish Code of Civil Procedure, for example in Article 3,[226] 203[227] and 213.[228]

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[222] It occurred again after 1945 in legislation process in *Ustawa z dnia 16 kwietnia 1993 roku o zwalczaniu nieuczciwej konkurencji* — Act of 16 April 1993 on Combating Unfair Competition.

[223] Wyrok Trybunału Konstytucyjnego z dnia 17 października 2000 r. Sygn. SK 5/99. Decision of Constitutional Tribunal of 17th of October 2000. Ref, No. SK 5/99.

[224] Art. 385^{1}. § 1. Postanowienia umowy zawieranej z konsumentem nie uzgodnione indywidualnie nie wiążą go, jeżeli kształtują jego prawa i obowiązki w sposób sprzeczny **z dobrymi obyczajami**, rażąco naruszając jego interesy (niedozwolone postanowienia umowne).
Article 385^{1}. § 1. The terms of a contract concluded with a consumer which have not been individually negotiated shall not bind the consumer, if they shape his rights and duties in a manner contrary to **good practices** with gross violation of his interests (unfair contractual terms).

[225] Art. 58. § 2. Nieważna jest czynność prawna sprzeczna z zasadami współżycia społecznego.
Article 58. § 2. A juridical act that is contrary to **the principles of community coexistence** shall be invalid.

[226] Art. 3. Strony i uczestnicy postępowania obowiązani są dokonywać czynności procesowych **zgodnie z dobrymi obyczajami**, dawać wyjaśnienia co do okoliczności sprawy zgodnie z prawdą i bez zatajania czegokolwiek oraz przedstawiać dowody.

The general clause *dobre obyczaje* 'good morals' has many definitions, interpretations and conceptions in Polish jurisprudence, although the Supreme Court (Sąd Najwyższy) has determined a list of criteria that make it possible to estimate in a certain case whether the general rule was observed or not, but this list is not exhaustive.[229] This fact confirms the referral nature of the general clause discussed because subjects of law estimate whether a certain act which is an object of law was performed according to or contrary to undefined good morals (or practices), although the core of indeterminacy of this clause is not its referral function but the meaning of the clause.

In light of the many discussions that have emerged since the clause first occurred in Polish law, especially the law drafted in the Polish language[230], this clause can concern morality, ethics, principles of social life used and considered by society, honesty, estimation of law or finally fair practices in business (Żurawik 2009). Finally, since the clause includes the adjective *dobry* 'good', there is a grounded presumption stating that this clause concerns general concepts of the good and the evil (Fenichel 1934), which are ethical categories. Since

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Article 3. The parties to and participants in proceedings are obliged to provide explanations as to the circumstances of a case and to submit evidence **in accordance with good practice**, truthfully, and without concealing anything.

[227] Art. 203. § 4. Sąd może uznać za niedopuszczalne cofnięcie pozwu, zrzeczenie się lub ograniczenie roszczenia tylko wtedy, gdy okoliczności sprawy wskazują, że wy-mienione czynności są sprzeczne z prawem lub **zasadami współżycia społecznego** albo zmierzają do obejścia prawa.

Article 203. § 4. The court may consider the withdrawal, relinquishing or limiting of a claim to be inadmissible only if the circumstances of the case suggest that said actions would be against the law or **social norms**, or intended to circumvent the law.

[228] Art. 213. § 2. Sąd jest związany uznaniem powództwa, chyba że uznanie jest sprzeczne z prawem lub **zasadami współżycia społecznego** albo zmierza do obejścia prawa.

Article 213. § 2. The court shall be bound by the recognition of a complaint, unless such recognition is against the law or **rules of social co-existence**, or intended to circumvent the law.

[229] Wyrok Sądu Najwyższego z 26 września 2002. Sygn. III CKN 213/01; OSNC 2003/12/169. Decision of Supreme Court of 27th of September 2002. Ref. No III CKN 213/01; OSNC 2003/12/169.

[230] This concerns the codification of Polish law after the partition of Poland (1795–1918) and World War I.

this statement still seems to be very imprecise and does not determine the meaning of the general clause, there is a need to narrow down its meaning in jurisprudence. Consequently, Safjan (1990) noticed a need to apply in legislation and in legal practice fundamental and persistent values grounded in the culture and tradition of the relevant society. In the Polish legal system they are mostly the values of Christian civilisation, and those values are in fact specifically mentioned in the preamble to the Polish Constitution. In this manner, it is possible to determine at least a point of reference when the clause is applied by courts. Obviously, Christian ethics is not the only one ethical system existing in Polish society, but it may be considered as a primary step in deliberations on the meaning of the general clause *dobre obyczaje* — 'good morals'.

In the Greek legal system there is a similar general clause used in Greek civil law which raises questions about its meaning: *χρηστά ήθη [hrista ithi]* 'good morals/good usages'. It appears both in the Greek Civil Code, for example in Article 33[231] and in the Greek Code of Civil Procedure, for example in Article 178[232], in Article 323[233] or in Article 897.[234] According to interpretations of the Civil

[231] Άρθρο 33 — Επιφύλαξη δημόσιας τάξης. Διάταξη αλλοδαπού δικαίου δεν εφαρμόζεται, αν η εφαρμογή της προσκρούει στα **χρηστά ήθη** ή γενικά στη δημόσια τάξη.
Article 33 - Public policy proviso. The provisions of a foreign law shall not apply if its application is contrary to **good morals** or in general to public policy.
[232] Άρθρο 178 - Δικαιοπραξία αντίθετη προς τα **χρηστά ήθη**. Δικαιοπραξία που αντιβαίνει στα **χρηστά ήθη** είναι άκυρη.
Article 178. Juridical ac contrary to **good morals**. A juridical act that is contrary to **good morals** shall be invalid.
[233] Άρθρο 323. Με την επιφύλαξη αυτών που ορίζουν διεθνείς συμβάσεις, απόφαση αλλοδαπού πολιτικού δικαστηρίου ισχύει και αποτελεί δεδικασμένο στην Ελλάδα χωρίς άλλη διαδικασία εφόσον (…) 5) δεν είναι αντίθετη προς **τα χρηστά ήθη** ή προς τη δημόσια τάξη.
Article 323. Subject to the provisions regulated bylaid down by international conventions, a decision of a foreign civil court shall be valid and res judicata in Greece if (…) (5) is not contrary to **good morals** or to public orderpolicy
[234] Άρθρο 897. Η διαιτητική απόφαση μπορεί να ακυρωθεί ολικά η εν μέρει μόνο με δικαστική απόφαση για τους επόμενους λόγους (…)
6) αν είναι αντίθετη προς διατάξεις δημόσιας τάξης ή προς τα χρηστά ήθη,
Article 897. The arbitration award may be annulled in whole or in part only by the court decision for the following reasons (…)

Code, the phrase *χρηστά ήθη [christa ithi]* 'good morals' is considered to be an imprecise term and it is the object of estimation performed by a judge as the point of reference since *χρηστά ήθη [christa ithi]* 'good morals' refer to the dominant social morality and ethics. Simultaneously, juridical estimations of *χρηστά ήθη [christa ithi]* 'good morals', *i.e.* estimation of whether the object of law breached *χρηστά ήθη [christa ithi]* 'good morals' is reviewed by the Greek Supreme Court 'Areopagus' (Greek *Άρειος Πάγος [Areios Pagos]*) (Triantos 2010). A similar meaning of that general clause is found in Greek jurisprudence concerning Greek procedural civil law where *χρηστά ήθη [christa ithi]* 'good morals' are considered some generally adopted evaluative ethical principles (Balogianni 2013). Moreover, the same general clause occurs in the Constitution of Greece in Article 5[235] and 13[236] concerning individual and social rights. In all the legal provisions discussed, social ethics are connected with real circumstances, but the central point of estimation whether an object of law complies with or is in breach of *χρηστά ήθη [christa ithi]* 'good morals' is the right thinking of an average person in society and his or her beliefs (Balogianni 2013).

From the functional point of view, both the Polish and Greek general clauses discussed above have a referral nature, because they determine a point of reference when estimating an object of law for certain subjects of law. Insofar as the analysis concerns the meaning of the general clauses analysed, it is difficult to unequivocally declare

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6) if it is in contrary to principles of public policy or good morals. (…).

[235] Άρθρο 5. 1. Καθένας έχει δικαίωμα να αναπτύσσει ελεύθερα την προσωπικότητά του και να συμμετέχει στην κοινωνική, οικονομική και πολιτική ζωή της Χώρας, εφόσον δεν προσβάλλει τα δικαιώματα των άλλων και δεν παραβιάζει το Σύνταγμα ή **τα χρηστά ήθη**.

Article 5 1. All persons shall have the right to freely develop their personality and to participate in the social, economic and political life of the country, insofar as they do not infringe the rights of others or violate the Constitution and **good usages**.

[236] Άρθρο 13. 2. Κάθε γνωστή θρησκεία είναι ελεύθερη και τα σχετικά με τη λατρεία της τελούνται ανεμπόδιστα υπό την προστασία των νόμων. Η άσκηση της λατρείας δεν επιτρέπεται να προσβάλλει τη δημόσια τάξη ή **τα χρηστά ήθη**. Ο προσηλυτισμός απαγορεύεται.

Article 13. 2. All known religions shall be free and their rites of worship shall be performed in an unhindered way and under the protection of the law. The practice of rites of worship shall not offend public policy or **good usages**. Proselytism is prohibited.

that they have the same meaning, but they can be considered synonymous because they (1) are a point of reference when performing evaluation of whether an act is an object of civil law, (2) concern more or less ethical and moral principles generally adopted by society and (3) have universal application in legal practice since they occur in fundamental statutes in Poland and in Greece, namely the respective constitutions. Thus an attempt to calculate the distance between them seems to be justified especially given that all the general clauses discussed in this chapter under civil law occur in provisions together with phrases concerning estimation of whether a certain object of law is in accordance with (only in the Polish Code of Civil Procedure: *zgodnie z* 'in accordance with') or contrary to (Polish Civil Code: *w sposób sprzeczny z* 'in a manner that is contrary to', *sprzeczny z* 'contrary to', Greek Civil Code: *προσκρούει σε [proskrouei se]* 'contrary to', *αντίθετος προς [antithetos pros]* ' contrary to', Greek Code of Civil Procedure: *αντίθετος προς [antithetos pros]* ' contrary to', *αντιβαίνει σε [antivainei se]* 'to be contrary to') to a certain general clause. These phrases confirm similarities between the Polish and Greek referral clauses analysed, and thus their parametric comparison has been performed. All dimensions with the properties taken on are demonstrated in the table below.

Table 35. Referral general clauses: *dobre obyczaje* 'good morals' vs *χρηστά ήθη [christa ithi]* 'good morals'.

Dimension	Property of dimension	General clause	
		Polish	Greek
		dobre obyczaje	χρηστά ήθη
Genre	Legislation	+	+
	Other Genre	-	-
Lect	Legal lect	+	+
	Vernacular lect	-	-
	Other LSP lect	-	-
Branch of law	Civil law	+	+
	Constitutional law	0[237]	+

[237] The Polish general clause *dobre obyczaje* 'good practices' is not used literally in the Constitution of Poland and, moreover, its determination can be

Sub-branch of law	Substantive	+	+
	Procedure	+	+

In reference to the function, meaning and common dimensions which are shared by the Polish and Greek referral clauses, it is possible to formulate the following directive for particularistic Polish-Greek legilinguistic translatology:

Directive 46$_{PL\text{-}EL}$: If the Polish referral general clause GC$_{PL}$ is sufficiently equivalent to the Greek referral general clause GC$_{EL,}$ then the Polish referral general clause GC$_{PL}$ is translatable into the Greek referral general clause GC$_{EL,}$

This directive is covered by the *Postulate of translational equivalence and translatability* (Po 8) mentioned above.

8.2.2. Polish and Greek imprecise terms

In legislation the concept of an imprecise term is based on an imprecise definition of the content of the object of law (Choduń 2013: 17). Thus, imprecise terms have a wide content since their limits are not perfectly clear and thus they are a source of ambiguity and vagueness. Imprecise terms are difficult to define clearly and sharply; very often their meaning in vernacular lect is also not limited. Insofar as the discussion concerns terminology, let us determine the source of ambiguity as lexical ambiguity (Cruse 2006: 17).

In Polish civil law statutes there are numerous imprecise terms and they are a source of ambiguity either for lawyers, especially judges, or for legal translators. In the present study let us concentrate on imprecise meaning in relation to time and the phrase *bez zwłoki* 'without delay' found in Article 6 of the Polish Code of Civil Procedure.[238] Since the aim of civil procedure is to issue a judicial decision as soon as possible, even during the first hearing, the

performed on the basis of Preamble to the Constitution which is not a source of law.

[238] Art. 6 § 2. Strony i uczestnicy postępowania obowiązani są przytaczać wszystkie okoliczności faktyczne i dowody **bez zwłoki**, aby postępowanie mogło być przeprowadzone sprawnie i szybko.
Article 6. § 2. The parties to and participants in proceedings shall adduce all factual circumstances and evidence **without delay** so that the proceedings may be carried out quickly and efficiently.

imprecise term *bez zwłoki* 'without delay' enables the judge to determine the arrangements and the time for the parties to lodge all the required pleadings (Dolecki 2013). In this light the phrase *bez zwłoki* 'without delay' means without culpable delay (Dolecki 2013, Jakubecki 2016), aiming at a quick and effective procedure. Thus the delay concerns parties and their obligation is to not cause delays. Interpretation of legal provisions including the phrase *bez zwłoki* 'without delay' does not explain and determine the meaning of that term, thus the meaning of this term can be considered similar to its meaning in the vernacular lect (Zieliński 1998: 16).

A similar situation can be seen in the Greek civil law statutes where imprecise terms occur, for example in Article 215 of the Greek Code of Civil Procedure.[239] The phrase *χωρίς καθυστέρηση [choris kathysterisi]* 'without delay' is present in this act. In the most important commentaries on the Greek Code of Civil Procedure neither definitions, nor determinations, nor references to potentially existing usages of that term and their interpretation are given (Apalagaki 2013). Thus addressees of the code are forced to rely on the meaning of the term in the vernacular lect.

Since the meaning of the imprecise legal terms discussed is based on the meaning in the vernacular lect, *i.e.* general language, they seem to be synonymous. Calculation of the distance between them enables us to assure a Polish-Greek legal translator that they can be

[239] Άρθρο 215.1. Η αγωγή ασκείται με κατάθεση δικογράφου στη γραμματεία του δικαστηρίου στο οποίο απευθύνεται και με επίδοση αντιγράφου της στον εναγόμενο. Κάτω από το δικόγραφο που κατατέθηκε συντάσσεται έκθεση στην οποία αναφέρεται η ημέρα, ο μήνας και το έτος της κατάθεσης, καθώς και το ονοματεπώνυμο του καταθέτη. Αναφορά του δικογράφου της αγωγής που κατατέθηκε γίνεται **χωρίς καθυστέρηση** σε ειδικό βιβλίο με αλφαβητικό ευρετήριο. Στο βιβλίο αυτό αναγράφονται με αύξοντα αριθμό και χρονολογική σειρά οι αγωγές που κατατίθενται και αναφέρονται τα ονοματεπώνυμα των διαδίκων, η χρονολογία της κατάθεσης και το αντικείμενο της διαφοράς.
Article 215.1. The action is filed by lodging a written application to the Registry of the court to which it is addressed and by serving a copy thereof on the defendant. Below the lodged application, a report stating the day, month and year of filing and the name of the person filing it shall be drawn up. The filed application shall be listed **without delay** in a special register with an alphabetical index. In this register the reference number and chronological order of the actions filed and the names of the parties, the date of filing and the subject matter of the litigation shall be indicated.

recognised as translational equivalents. The calculation is based on the minimal list of dimensions.

Table 36. Imprecise terms: *bez zwłoki* 'without delay' vs *χωρίς καθυστέρηση [choris kathysterisi] 'without delay'*.

Dimension	Property of dimension	Imprecise term	
		Polish	Greek
		bez zwłoki	χωρίς καθυστέρηση
Genre	Legislation	+	+
	Other Genre	-	-
Lect	Legal lect	+	+
	Vernacular lect	-	-
	Other LSP lect	-	-
Branch of law	Civil law	+	+
	Other	-	-
Sub-branch of law	Substantive	-	-
	Procedure	+	+

On the basis of the analysis, formulation of the following directive for particularistic Polish-Greek legilinguistic translatology is reasonable:

Directive 47$_{PL\text{-}EL}$: If the Polish imprecise term IT$_{PL}$ and the Greek imprecise term IT$_{EL}$ are translationally convergent (sufficiently tr-convergent), then they are sufficiently homosignificative (hsgf) (that is, they coincide with respect to the relevant translational dimensions). Thus translational convergence presupposes hsgf.

This directive is covered by the following postulate *Po 11 — Postulate of translational convergence and homosignification.*

8.3. Concluding remarks

The analysis performed above shows it is to parametrise the relation of imprecise/flexible meaning. As a starting point, the typology of imprecise and flexible meanings based on the rules of Polish legislation was adopted. Since the impassable lowest or highest limits of a certain object of law do not lead to any specific difficulties in legal translation, they were excluded from the pertinent parametric

analysis. Vagueness and ambiguity of that kind of textual unit are difficult to interpret for lawyers in juridical practice, but, as far as legal translation is concerned, the impassable limits are relatively precise terms and, as such, are not a difficult element of translation practice.

The most difficult textual unit to analyse is general clauses, both empowering and referral. Empowering and referral general clauses, as mentioned above, are universal legal concepts and thus they occur in statutes, even in the same branch of law. Similarities and differences were determined on the basis of meaning and dimensions. Moreover, the function of empowering clauses (of both types) was analysed too. The pertinent calculation of distance relied on the study of contextual meaning and legislative function of certain general clauses. Although the meaning of the Polish and Greek general clauses analysed does not enable us to declare that they are interlingual absolute synonyms or near synonyms, a need to study their interpretation in jurisprudence emerged. Historical development of interpretation connected with synchronic approaches demonstrated that the general clauses analysed share more or less the same imprecise meaning. Then, parametric calculation of the distance between them confirmed the relation of convergence between them. Finally, they are considered sufficiently equivalent.

The last textual elements between which there is a relation of imprecise or flexible meaning are imprecise terms. Both with general clauses and with imprecise terms, the source of uncertain meaning lies in lack of legal definition in the act; moreover, jurisprudence very often does not provide any precise interpretation of such terms. Thus, the calculation of distance was based in the first place on comparative analysis of the meaning of certain terms. To sum up, their meaning is imprecise both in the legal lect and in the vernacular lect, from where they were adopted into the legislation genre, but, from the semantic point of view, the imprecise terms can be considered synonymous. Then the similarities between the imprecise Polish and Greek terms analysed were confirmed in parametric calculation of the distance between them. Although these terms are an important issue in legal interpretation and practice, it is impossible to determine the distance between them unequivocally with respect to jurisprudence; thus they can be recognised as close equivalents.

9. Euphemisms and metaphors

9.1. Introductory remarks

This chapter continues examination of the issue of legal terms which lack non-precise meanings; thus the object of the present discussion is euphemisms and metaphors. Since one can barely recognise statutes as literary texts in the context of their utilitarian function in societies, let us avoid the analysis of Polish and Greek metaphors based on the so-called classical theory of stylistic devices. However, this trend should not be neglected at all since legal texts are objects of literary criticism and theory (Papachristou *et al.* 2015, Delisle *et al.* 1999).

As the analysis of Polish and Greek euphemisms and metaphors is performed in the context of legilinguistic translatology, the source of investigation is as always Polish legal terms in civil law statutes, and then their potential equivalent Greek euphemisms and metaphors are provided. Since the determination of sufficient comparable equivalents of that kind is very ephemeral, the point of departure in the quest for a potential Greek equivalent can be the semantic category and not always the meaning of the source term. Using this method firstly euphemism and then metaphors are analysed. These steps are preceded by some theoretical aspects which are assumed in the analysis.

9.2. Euphemisms

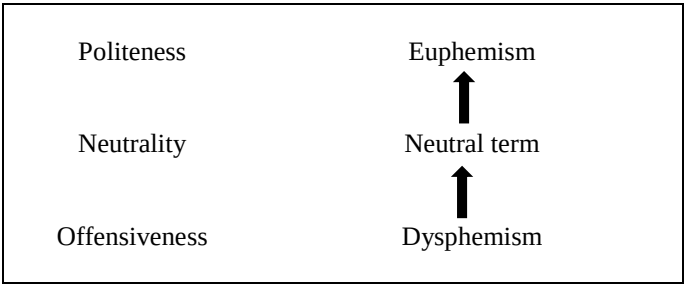
Euphemisms are generally viewed as synonymous terms (Cruse 2000, Dąbrowska 1993). Dąbrowska (1992) states that they are formal (phonological, morphological, syntactic) and semantic language means used to create substitutes — textual synonyms with relation to a proper name (*verbum proprium*). The presence of this *verbum proprium* has extralinguistic causes like psychological, social, ideological or political prohibitions that can be generally referred to as taboos. Moreover, its aim is to avoid, to conceal or to temper a direct name of a certain phenomenon (Dąbrowska 1993: 51) and, finally, a

euphemism can be recognised as 'a word or phrase that is considered a more polite manner of referring to a topic than its literal designation' (McGlone *et al.* 2006: 266). Euphemisms are present in the language of various communities, for instance business, science or simple everyday life situations and as such they are common (Fyke 2013). The basic aim of euphemistic terms is to avoid offensive expression or to express an issue in a more polite way. In other words:

> 'Euphemisms are alternatives to dispreferred expressions, and are used to avoid possible loss of face. The dispreferred expression may be taboo, fearsome, distasteful, or for some other reason have too many negative connotations to felicitously execute speaker's communicative intention on a given occasion' (Allan and Burridge 1991: 14).

A classification of substitute expressions can be made from the perspective of offensiveness/politeness; in other words, from euphemism to dysphemism (Cruse 2000: 158), which is presented in the graph below, where the point of the departure is dispreferred expression:

Diagram 4. Euphemistic — objective — offensive terms.



As mentioned before, legal texts are not recognised as literary texts, thus recognition of potential euphemisms which occur in legal texts as stylistic or rhetorical means seems to be inadequate. However, their presence can be seen in the Polish legal language, where they are mostly concentrated in criminal law statutes (Leśnik 2011), which can be caused by the discomforting nature of criminal law. Euphemisms, as well as other stylistic figures are present in Greek legal language too (Papachristou 2015). Although there is a general claim about the objectivity of law, (Stavropoulos 1996, Patterson 2002, Rodak 2012 *et*

al.) euphemisms occur in statutes along with objective (neutral) terms, although dysphemisms are not noticed there.

One of the most common forms of euphemism is periphrasis, which is 'talking around' and not directly about something. In most cases periphrastic expressions are synonymous to the term with which they are synonymous, but as noticed above, they are a more polite way of expression. Sometimes they are other synonyms, *i.e.* synonymous words that result from so-called lexical pluralism (Papachristou 2015). More pertinent analysis of specific examples of Polish and Greek euphemism aim to illustrate these points.

9.2.1. Polish and Greek euphemisms

Polish and Greek euphemisms will be discussed in parallel since the aim of the book is to present potential translation equivalents based on dimensions which can take on the same property, if they are applicable.

Euphemisms concerning death

Examining widely known definitions of euphemism[240], it should be recalled that euphemisms are used to avoid expressing disturbing or dispreferred phenomena such as taboos. Since the death of a person is recognised as a fact which universally provokes unpleasant feelings like, for example, fear (Moore and Williamson 2003), it is a kind of taboo that can be connected with religion. From the legal point of view, death is a fact that ends, modifies or starts one's legal status or relations and thus it is a subject which must be regulated by law, especially by civil law concerning private entities.

Both in the Polish and Greek Civil Codes there are many provisions concerning death. Obviously they are concentrated on these parts of acts where the law of succession is regulated, but not only there. A human — a natural person from the legal perspective — has his or her beginning and end and is a subject of law (having rights, powers and obligations). In spite of the unavoidable nature of death and general awareness of it, death is still a nasty phenomenon.

As far as death is concerned in Polish substantive civil law (the Civil Code), one can see various synonymous terms which mean

[240] Allan and Burridge 1991: 14 as cited above.

'to die'. They are: (1) *umrzeć* 'to die' and (2) *utracić życie* 'to lose life'.[241] Term (1) is neutral, but term (2) is euphemistic. It takes the form of a periphrastic expression — syntagm which includes the word *życie* 'life' which has the opposite meaning of śmierć 'death'. One may ask what causes term (2) to be euphemistic. There are two main causes. Firstly, the euphemistic term includes the antonym of *śmierć* 'death', which is *życie* 'life'. Obviously, it is accompanied by the verb *utracić* 'to lose' and all together they mean 'to die'. Secondly, aggregation of meaning in periphrastic expressions is dispersed and thus the recipient of the message which includes a periphrastic expression does not concentrate as intensively on periphrasis as on one word, thus its perception is moderated and, finally, the periphrastic term does not have as strong, and as intensive a message as a single word. Finally, if a specific term provokes unpleasant feelings, the degree of unpleasantness is higher when it takes the form of a single word than when it takes the form of a multiword expression.

In Greek substantive civil law (the Civil Code) there are synonyms of the verb 'to die': (1) *πεθαίνω [petheno]*[242], (2) *αποβιώνω [apoviono]*.[243] Verb (2) is recognised as belonging to the official register, while Verb (1) is not official in register. Thus Verb (2) can be recognised as more polite and formal — and more appropriate to the legal genre, but it is still barely recognised as a euphemism. On the other hand, Verb (1) comes from the informal register, but it is neither offensive nor unpleasant at all, so it cannot be recognised as a dysphemism. Moreover, it is worth noticing that in the Greek Civil

[241] Art. 32. Jeżeli kilka osób **utraciło życie** podczas grożącego im wspólnie niebezpieczeństwa, domniemywa się, że **zmarły** jednocześnie.
Article 32. If several persons **lost their lives** during a peril jeopardising all of them, it is presumed that they all **died** simultaneously.

[242] Άρθρο 38. Αν περισσότεροι έχουν **πεθάνει** και δεν μπορεί να αποδειχθεί ότι ο ένας επέζησε από κάποιον άλλο, τεκμαίρεται ότι όλοι πέθαναν ταυτόχρονα.
Article 38. If more than one person has **died** and it is impossible to prove that one outlived another, it is presumed that all of them died simultaneously.

[243] Άρθρο 612 - Θάνατος του μισθωτή. Όταν αποβιώσει ο μισθωτής, οι κληρονόμοι του έχουν δικαίωμα να καταγγείλουν τη μίσθωση (…).
Article 612 – Demise of lessee. Upon demise of a lessee, his heirs shall have a right to terminate the lease (…).

Code synonymous terms meaning ‘to die’ do not entail periphrasis, but employ single-word synonyms.

Since the point of departure for comparison of terms meaning ‘to die’ in Polish and in Greek substantive law is, as always, a Polish term, we must say that death seems to be taboo in Polish legal language of civil law. Greek legal terms denoting death are barely recognised as euphemisms, thus one can conclude that death is not taboo in the Greek language of civil law. Moreover, until now the Greek legal language seems to be more economical, since we have not noticed any periphrastic expression meaning ‘to die’ in the Greek Civil Code.

As the analysis of all terms in the book is based on the parametric approach, it must be stressed that although all essential dimensions (genre, lect, branch of law, sub-branch of law) take on the same properties when comparing the Polish and Greek terms analysed, and, moreover, their meaning can be recognised as interlingually synonymous, there is no possibility to calculate the distance between them. One of the Polish terms is a euphemism, but none of the Greek terms is euphemistic, and, consequently, the main issue which we discuss here, concerns only the source-text unit, thus there is no common point of departure for parametric calculation of the distance between source-text units and textual units in the compared text.

Euphemisms concerning parenthood

From the legal point of view parenthood is a fact which causes the appearance of new legal relations (between parents and a child) as well as marking the origin of a natural person (a child). From the social point of view, it is one of the most important facts in every human’s life. Family life is recognised as private life and relations between a child and its parents (parental responsibilities, children’s rights) are very often taboos in some communities, since there is a stereotype that the family’s life is limited to the home and should not be in the public eye. Moreover, the inviolability of family life is recognised as one of the greatest personal interests[244] even in civil law.[245]

[244] Art. 23. Dobra osobiste człowieka, jak w szczególności zdrowie, wolność, cześć, swoboda sumienia, nazwisko lub pseudonim, wizerunek, tajemnica korespondencji, nietykalność mieszkania, twórczość naukowa, artystyczna,

Parenthood plays an important role in social life. In the past, the question of whether one's parents were married to each other or whether one was an illegitimate child determined one's life forever, since one was classified as belonging to a certain social group. Thus, having a mother -and above all a father- as well as having the father's surname after recognition of a child by the father were patterns typical of a legitimate member of society in community life. Nowadays, the social exclusion of illegitimate children does not provoke so many unpleasant feelings as it used to, but parents' obligations, including economic ones, play an important role in contemporary social life. However, the moral nature of parents' obligations is still discussed, even if the parents of a child successfully live separately.

Finally, let us state that establishing or negating the descent of a child does not affect whether a child life in a community will be fortunate or not, as the child is not excluded from social life any more. However, establishing the descent of a child is necessary in order to provide proper maintenance for the child, as it should be raised and maintained by both parents. Thus the persons recognised as parents are obliged to maintain their child, both emotionally and financially.

In Polish procedural law (the Code of Civil Procedure) the following terms concerning the matter of recognition of a child by a parent can be found: (1) *ustalenie/zaprzeczenie pochodzenia dziecka* 'establishing/negating the descent of a child',[246] (2) *ustalenie macierzyństwa/ojcostwa* 'to establish maternity or paternity'.[247]

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wynalazcza i racjonalizatorska, pozostają pod ochroną prawa cywilnego niezależnie od ochrony przewidzianej w innych przepisach.
Article 23. Personal interests of a human being, such as in particular health, freedom, dignity, freedom of conscience, surname or pseudonym, image, confidentiality of correspondence, inviolability of home as well as scientific, artistic, inventive and reasoning activities shall be protected by the civil law regardless of the protection provided for by other provisions.

[245] Understood as freedom and its legal protection provided by Article 24 of the Polish Civil Code. Decision of Court of Appeal in Katowice, case Ref. No: Sygn. akt I ACa 906/12.

[246] Art. 453^1. W sprawach o **ustaleni**e lub **zaprzeczenie pochodzenia dziecka** oraz o ustalenie bezskuteczności uznania ojcostwa matka i ojciec dziecka mają zdolność procesową także wtedy, gdy są ograniczeni w zdolności do czynności prawnych, jeżeli ukończyli lat szesnaście.
Article 453^1. In cases for **establishing** or **negating the descent of a child** and for establishing the recognition of parentage to be ineffective, the mother and the father of a child shall have the capacity to conduct court proceedings,

All of them are euphemistic phrases when compared with everyday language, where the term used is *uznanie/nieuznanie dziecka* 'recognition/non-recognition of a child'. The euphemistic nature partially lies in an extended periphrastic structure, *i.e.* when comparing with the everyday phrase, phrase (1) includes more elements, while the other term (2) has the same number of elements included in the phrase. Thus, the periphrastic structure is not the main reason for the euphemistic nature of these phrases. Afterwards, the register and accurate meaning of each of these phrases separately should be analysed.

Let us investigate the term *ustalenie/zaprzeczenie pochodzenia dziecka* 'establishing/negating the descent of a child'. This term is synonymous and a substitute for the non-legal lect phrase *oficjalne*/*sądowe określenie rodzica/rodziców dziecka* 'official/judicial determination of parent/parents of a child' where the element of official or judicial determination concerning family or private law can provoke unpleasant feelings in the light of freedom of personal and family life, as mentioned before. Thus its substitute in term (1) does not include any word concerning either official or judicial method, but it results directly from all the provisions and the act where it is contained, i.e. it is a name of a legal institution. Moreover, the syntagm *pochodzenie dziecka* 'descent of a child' includes the hypernym (noun) *pochodzenie* 'descent' which concerns both parents and family without identifying any specific member of them. Thus, pointing out the person who is the object of that right and obligation is avoided and the potential responsibility of being a parent, a member of a child's family, is not determined *ad personam*. Consequently, term (1) has a general meaning and does not invoke unpleasant feeling for

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even despite possible limited capacity to perform acts in law, if they are over sixteen years of age.

[247] Art. 454. § 1. W sprawach o **ustalenie macierzyństwa albo ojcostwa** prokurator wytaczając powództwo wskazuje w pozwie dziecko, na którego rzecz wytacza powództwo, oraz pozywa odpowiednio matkę dziecka albo domniemanego ojca, a jeżeli osoby te nie żyją – kuratora ustanowionego na ich miejsce.

Article 454. § 1. The prosecutor, when bringing an action to **establish maternity** or **paternity**, shall identify in his petition the child on whose behalf the action is brought and shall summon the mother or the putative father, as the case might be or, if those persons are dead, the guardian ad litem established in their stead.

any person who could potentially feel responsibility or even guilt and, as such, it is euphemistic.

The colloquial phrase for term (2) is 'official/judicial determination of mother or father of a child'. The euphemistic term in the Polish Code of Civil Procedure does not indicate a person but the institution, *i.e.*: maternity instead of mother and paternity instead of father. Thus they do not relate to a specific person clearly. Moreover, term (2) includes the word *ustalenie* 'establishing' and, as discussed above, the element of official or judicial determination concerning family or private law is avoided in order not to provoke unpleasant feelings among the recipients.

Both terms concerning parenthood are euphemistic, as they are not addressed to any specific, single person and, generally, they have more a general than a precise meaning. Thus, they are perceived neither as unpleasant nor as offensive, excluding anyone from the community on the basis of the status of being a parent/father/mother. Consequently, the Polish lawmaker avoids detailed identification of the objects of the rights and obligations resulting from parenthood and uses euphemistic terms.

The Greek lawmaker regulates the descent of a child in the Code of Civil Procedure too. Since the general object of the book is to compare Polish and Greek legal terms, we always try to find in common as much as possible when analysing comparable textual units. Thus, let us concentrate on procedural civil law terms since their context in the Polish and in Greek legal reality is the same, although there also happen to be many provisions concerning the descent of a child in the Greek Civil Code. This code includes Book Four entitled 'Family Law', and thus the Greek Civil Code regulates family law understood as private law.

It is worth noticing that in the Greek Code of Civil Procedure the descent of a child is determined precisely based on paternity or maternity and there is no hyponym of these terms when regulating recognition/negation of parenthood. Let us discuss the following terms: (1) *προσβολή της πατρότητας/μητρότητας [prosvoli tis patrotitas/mitrotitas]* 'negating paternity/maternity',[248] (2)

[248] Άρθρο 614 1. Κατά την ειδική διαδικασία των άρθρων 615 έως 622, στην οποία εφαρμόζονται και τα άρθρα 598, 600, 601, 603, 605 και 606, δικάζονται οι διαφορές που αφορούν:
α) την **προσβολή της πατρότητας**,

αναγνώριση της πατρότητας [anagnorisi tis patrotitas] 'recognition of paternity'.[249] All these terms concentrate on recognition/negation of the central institution (paternity or maternity) and, as such, they are not *ad personam*. Thus, they cannot invoke unpleasant feeling in any person, which can potentially occur during judicial proceedings concerning identification of a child and its descent. Moreover, these terms avoid the term 'child' (Greek *τέκνο [tekno]*), and the purpose is probably to avoid involving a sensitive young human being in judicial proceedings. Consequently, they can be recognised as euphemisms since they do not invoke either unpleasant or offensive feelings and potential liability resulting from parenthood is not attributed to a specific, single person, at least in the text of the Code.

Since the nature of euphemism is not so obvious and its reception depends on the individual sensitivity of a specific person or community, it is scarcely usefully to perform any calculation of the distance between Polish and Greek euphemisms or between neutral terms and euphemistic terms. Thus in this part of the book let us avoid parametrising the compared terms. However, it is worth emphasising that the common aim of Polish and Greek euphemisms is to not provoke unpleasant or offensive feelings.

To sum up, let us say that in the Polish legal language of civil law euphemisms are more frequent than in the language of Greek civil law, and they can concern the same issues which may be connected with social, ideological or religious taboos, *i.e.* phenomena dependent on a community and its individual sensitivity. However, they are always synonymous with neutral terms which can occur in the same

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β) την **προσβολή της μητρότητας**,
γ) την αναγνώριση ότι υπάρχει ή ότι δεν υπάρχει σχέση γονέα και τέκνου ή γονική μέριμνα,
δ) την **αναγνώριση της πατρότητας** τέκνου που γεννήθηκε χωρίς γάμο των γονέων του (…)
Article 614. 1. Disputes pertaining to the following matters shall be tried under the special proceedings referred to in Articles 615 to 622, to which Articles 598, 600, 601, 603, 605 and 606 are also applicable:
a) negation of paternity,
b) negation of maternity,
c) recognition of existent or non-existent relations between a parent and a child or of parental responsibility,
d) recognition of paternity of a child who was born out of wedlock (…).

[249] *Ibidem.*

act too, which certainly takes place in case of Polish civil law statutes. Moreover, they very often have the structure of a periphrastic term whose aim is to disperse the main meaning into many elements of a certain phrase.

9.3. Metaphors

Since we presumed that the texts of statutes are not literary texts, let us say, after one of the most eminent legal theorists Jerzy Wróblewski (1959 and 1988) that the lexical meaning of words that have a certain scheme (S) in language (L) is a type of concept (C) that is sufficient for two people who communicate with each other in language (L) to understand the scheme (S) without any mistake and, moreover, this type of concept (T) is needed and sufficient for these people to associate with this meaning a psychological meaning, which is a concept of type (T). Thus language is an instrument of concepts and ideas and this statement is still valid even in discussions on the function of legal language which is not merely an instrument of communication, but also an instrument of cognition (Tomza 2010).

In this light, the analysis of metaphors from the perspective of their different meanings in relation to literary meanings appears useless. This presumption is confirmed by theorists of conceptual metaphors who follow the idea of metaphor as an element of everyday life (Lakoff and Johnson 1980). This theory of metaphors has been adopted by legal linguists too who claim that 'cognitive linguistics can contribute significantly not only to the study of law, but also to the development of legal systems' (Imamović 2013), and they think that 'metaphors of law are not concepts that are metaphorically stated for rhetorical reasons, but metaphorical concepts' (Finn 2011), because:

> 'In cognitive theory, metaphor is not only a way of seeing or saying; it is a way of thinking and knowing, the method by which we structure and reason, and it is fundamental, not ornamental' (Berger 2004).

Let us adopt this cognitive idea of metaphor and compare the lexical implementation of ideas which can be common in various legal systems, since the objective of the book is to provide methods of

comparative analysis of legal terminology. This starts with a detailed analysis of a general concept and then its lexical expression in Polish and in Greek legal language is investigated.

9.3.1. Polish and Greek metaphors

Concept: the proceedings evolve

Since the legal institution of procedure plays a crucial role in the procedural civil law of both Poland and Greece, let us analyse the concept 'evolving procedure' used lexically in the Polish and Greek Codes of Civil Procedure. The analysis takes as its point of departure phrases including terms meaning 'procedure/proceedings' whose meaning is presented in detail in Chapter IV.

The linguistic implementation of the aforementioned concept occurs in the following phrases of the Polish Code of Civil Procedure:

- *toczące się postepowanie* 'pending proceedings',[250]
- *każdy stan postępowania* 'every stage of the proceedings',[251]
- *tok postepowania* 'course of proceedings',[252]
- *dalszy tok postępowania* 'further course of proceedings',[253]

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[250] Art. 8. Organizacje pozarządowe, których zadanie statutowe nie polega na prowadzeniu działalności gospodarczej, mogą dla ochrony praw obywateli, w wypadkach przewidzianych w ustawie, wszcząć postępowanie oraz wziąć udział **w toczącym się postępowaniu**.

Article 8. Non-governmental organisations whose statutory duties do not involve economic

activities may, for the protection of citizens and in cases provided for by the law, bring an action and participate in **pending proceedings**.

[251] Art. 10. W sprawach, w których zawarcie ugody jest dopuszczalne, sąd powinien **w każdym stanie postępowania** dążyć do ich ugodowego załatwienia. W tych sprawach strony mogą także zawrzeć ugodę przed mediatorem.

Article 10. In cases where an amicable settlement is admissible, the court should strive to reach an amicable settlement at **any stage of the proceedings**, in particular by encouraging the parties to mediation.

[252] Art. 15. § 2. Sąd nie może uznać, że jest niewłaściwy, jeżeli **w toku postępowania** stał się właściwy.

Article 15. § 2. The court may not decide it has no jurisdiction if it acquires jurisdiction in the **course of**

proceedings.

- *bieg postepowania* ‘course of proceedings’,[254]

All of the phrases above suggest that the proceedings literally (in Polish) roll on, go on, run, or are in progress. The verb *toczyć się* (literally ‘roll’) and its derivative noun *tok* (literally ‘course’, ‘progress’) present in the syntagms with abstract nouns *i.e. postępowanie* ‘proceeding’, *sprawy* ‘matters’, *życie* ‘life’, etc. mean that something evolves, goes on and it does not stop. These phrases are present in everyday life and they are metaphors even though few Polish native speakers know it. Historically, the meaning of the verb analysed was narrowed to movement, for instance, slow movement of a vehicle, but it has been adopted to express the evolution of events, facts, etc. Consequently, the Polish lawmaker preserves this concept and even emphasizes evolution of the proceedings, since the phrase *bieg postepowania* literally means the ‘run of the proceedings’. ‘Running’ in comparison with ‘rolling’ is faster, but this phrase is not so frequent, thus we must say the proceedings evolve, but not run. The changeable nature of proceedings, which comes from their evolution, is underlined by the phrase *każdy stan postępowania* ‘every stage of the proceedings’. Finally, it must be stressed that the proceedings have a kind of life of their own because the parties may participate in proceedings, a court takes a decision in the course of proceedings, etc.[255] Therefore, the proceedings are expressed as a separate entity that evolves.

The text of the Greek Code of Civil Procedure includes the following phrases:

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[253] Art. 26. Po ustaleniu w myśl artykułu poprzedzającego, wartość przedmiotu sporu nie podlega ponownemu badaniu **w dalszym toku postępowania**.
Article 26. Having been determined according to the preceding article, the value of the matter at issue shall not be subject to re-examination **in the course of the proceedings**.

[254] Art. 130^3. § 2. (…) . W razie bezskutecznego upływu terminu, sąd prowadzi sprawę **bez wstrzymywania biegu postępowania**, a o obowiązku uiszczenia opłaty orzeka w orzeczeniu kończącym sprawę w instancji, stosując odpowiednio zasady obowiązujące przy zwrocie kosztów procesu.
Article 130^3. § 2. (…) Failing that, the court shall continue trying the case **without suspending the course of the proceedings**, and the obligation to make said payment shall be determined in the final ruling, whereupon the terms and conditions of the reimbursement of the costs of proceedings apply accordingly.

[255] See provisions cited in footnotes above.

- *διαδικασία συνεχίζεται [diadikasia synechizetai]* 'proceedings continue',[256]
- *διαδικασία προχωρεί [diadikasia prochorei]* 'proceedings go on',[257]
- *σε οποιοδήποτε στάδιο της διαδικασίας [se opoiodipote stadio tis diadikasias]* 'in any stage of the proceedings'.[258]

The Greek lawmaker expresses the evolution of the proceedings using verbs meaning movement forwards *i.e. προχωρεί [prochorei]* or continuation *i.e. συνεχίζεται [synechizetai]*. It even seems that in the Greek legal system the proceedings are personalised when the phrase *διαδικασία προχωρεί [diadikasia prochorei]* is used, since literally it means 'proceedings move forward/go on'. Evolution and movement are typical of a changeable nature, thus the Greek proceedings have various phases. This concept is expressed in the phrase *σε οποιοδήποτε στάδιο της διαδικασίας [se opoiodipote stadio tis diadikasias]* which means 'at any stage of the proceedings'. The phrases analysed express the variable and continuous nature of the proceedings with the use of verbs which concern movement or with

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[256] Άρθρο 255. Αν για να τηρηθεί η τάξη διατάχθηκε η απομάκρυνση προσώπου που μετέχει στη συζήτηση ή τη διαδικαστική πράξη από τον τόπο όπου διεξάγεται, **η διαδικασία συνεχίζεται** σαν να ήταν η αποχώρηση εκούσια.
Article 255. If in order to maintain order the removal was ordered of a person who participates in the hearing or judicial act from the place where they are being conducted, **the proceedings shall continue** as if the removal took place voluntarily.

[257] Άρθρο 672. Αν κατά τη συζήτηση στο ακροατήριο δεν εμφανιστεί ή εμφανιστεί και δεν λάβει νόμιμα μέρος κάποιος από τους διαδίκους, η **διαδικασία προχωρεί** σαν να ήταν παρόντες όλοι οι διάδικοι.
Article 672. If during the hearing in open court any of the parties does not appear or appears but does not participate lawfully in the hearing, the proceedings shall continue as if all the parties were present.

[258] Άρθρο 781. 1. Το δικαστήριο που δικάζει την αίτηση μπορεί σε **οποιοδήποτε στάδιο της διαδικασίας**, ύστερα από σχετικό αίτημα ή και αυτεπαγγέλτως, να εκδώσει προσωρινή διαταγή που καταχωρίζεται στα πρακτικά, με την οποία διατάζει τα αναγκαία ασφαλιστικά μέτρα έως την έκδοση της απόφασής του, για να εξασφαλιστεί ή να διατηρηθεί δικαίωμα ή να ρυθμιστεί κατάσταση.
Article 781. 1. The court which examines a motion in any stage of the proceedings, following a relevant request or ex officio, may issue a provisional order, which shall be recorded in the case transcript, which orders injunctive relief until its judgment is handed, in order to safeguard or preserve the right or to regulate the situation.

the noun *στάδιο [stadio*] which means a phase/stage of a process. These words exists in everyday life Greek language too and, insofar as the verbs are concerned, they are very frequently used to express the actions of a living entity *i.e.* human, but, obviously, the proceedings are not a living object in the real world and we can barely say that an abstract noun moves forward.

As in Polish, so too in the Greek legal language the abstract noun 'proceedings' is an object of metaphoric expression. This is linguistic implementation of the common concept in Polish and Greek law where the proceedings are neither stative nor a state. Moreover, the proceedings have a continuously variable nature and thus consist of various stages. Insofar as the metaphor analysed concerns both languages, we can barely say they are rhetoric or stylistic means used purposively as a decorative element of the text. We believe they are the most adequate means of expression of certain concepts that are both legal terms and textual units understandable to the participants in legal communication.

Concept: exposition of objections/assertions[259]
Objections (defences) are a fundamental element of Polish and Greek procedure. They are the object of judicial acts and proceedings, since they justify proceedings and judicial decisions. In the course of the proceedings the objections must be evaluated by the court and thus they must be presented to the court.

The Polish lawmaker uses the following phrases to express the act of presentation of objections:
- *podnieść zarzut*y 'raise objections',[260]

[259] Alternatively 'pleas'. It should be noted, however, that both the Polish and Greek terms are successors of the Roman Law term 'excepiones'.

[260] Art. 82. Interwenient uboczny nie może w stosunku do strony, do której przystąpił, **podnieść zarzutu**, że sprawa została rozstrzygnięta błędnie albo że strona ta prowadziła proces wadliwie, chyba że stan sprawy w chwili przystąpienia interwenienta uniemożliwił mu korzystanie ze środków obrony albo że strona umyślnie lub przez niedbalstwo nie skorzystała ze środków, które nie były interwenientowi znane.
Article 82. An indirect intervenor may not **bring an objection** against the party whom he has joined on the grounds that a case was erroneously settled or that the party misconducted the proceedings, unless where the status of the case upon his intervention prevented them from using defence measures or

- *przytoczyć zarzuty* ‘specify objections’,[261]
- *podnosić zarzut* ‘bring an objection’.[262]

They are verbal syntagms where the verbs create the metaphoric nature of the expressions. The verb *przytoczyć* literally means ‘to roll sth to a certain place’. This verb in everyday life occurs very frequently with a concrete noun, for example ‘to roll a ball’ (Polish *toczyć piłkę*), but simultaneously it occurs with an abstract noun, for example ‘to cite facts’ (Polish *przytaczać fakty*). Other verbs, used respectively in perfect and continuous grammatical forms, *podnieść* and *podnosić* means literally ‘to lift up’, and in everyday life language they are mostly reserved for phrases with concrete nouns, for example ‘to lift a pen’ (Polish *podnieść długopis*) or to ‘stand up’ (Polish *podnieść się*). Thus, the Polish lawmaker uses the verb typical of concrete nouns accompanied with an abstract noun ‘objection(s)’. This metaphor is characteristic of legal language, but it has been accepted as such, since it is similar to another metaphor of Polish everyday language, which means ‘to raise an issue’ (or problem or matter) (Polish *podnosić problem/kwestię*), which also means to exhibit/to demonstrate something. Thus the verb from everyday language was exploited to coin a legal term and they created a metaphoric expression aiming to properly name of a certain judicial act.

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where the party, by wilful act or negligence, did not use measures that were not known to the intervenor.

[261] Art. 344. § 2. W piśmie zawierającym sprzeciw pozwany powinien **przytoczyć zarzuty**, które pod rygorem ich utraty należy zgłosić przed wdaniem się w spór co do istoty sprawy, oraz okoliczności faktyczne i dowody. (…)

Article 344. § 2. In a motion to set aside a default judgment, the defendant shall **specify his objections** as well as facts and evidence, which shall be reported before defending on the merits of the case or else be forfeited. (…)

[262] Art. 840^1. Jeżeli dłużnik albo jego małżonek, przeciwko któremu sąd nadał klauzulę wykonalności na podstawie art. 787 lub art. 787^1, **podnosi** wynikający z umowy majątkowej małżeńskiej **zarzut** wyłączenia lub ograniczenia jego odpowiedzialności całością lub częścią majątku, przepis art. 840 § 1 i § 2 stosuje się odpowiednio

Article 840^1. If a debtor or his or her spouse against whom the court issued a writ of execution pursuant to Article 787 or Article 787^1 **brings an objection**, on the basis of a marriage settlement, of excluded liability or liability limited by the whole or part of the estate, the provisions of Article 840 § 1 and § 2 apply accordingly.

The Greek lawmaker uses similar linguistic means in the following expressions:

- *προτείνω ισχυρισμούς [proteino ischyrismous]* 'plead assertions/claims,[263]
- *προβάλλω ισχυρισμούς [provallo ischyrimsous]* 'raises assertions,[264]
- *ισχυρισμοί υποβάλλονται [ischyrismoi ypovallontai]* 'assertions are submitted'.[265]

The verbs: *προτείνω [proteino]* and *προτείνω* and *προβάλλω [provallo]* are *composita* and they include the prefix *pro-* which means 'before/out before', and, historically, they literally mean respectively: 'stretch out before, hold before' and 'throw or lay before'. From ancient times they have occurred in syntagms with abstract and concrete nouns, and their metaphorical meanings 'to bring/to expose/to propose' have been adopted to everyday language. Thus they are the metaphors from natural language. A similar process has taken place concerning the verb *υποβάλλω [ypovallo]* which originally meant 'to throw under/to put under/to lay under', but over the course of time its metaphorical meaning 'to submit' has been

[263] Άρθρο 77. Στις περιπτώσεις του άρθρου 76, αν οι ομόδικοι **προτείνουν** αντιφατικούς **ισχυρισμούς**, το δικαστήριο εκτιμά ελεύθερα την επιρροή τους στη διαδικασία και στην απόφαση, και μπορεί να καθορίσει τα αποτελέσματά τους χωριστά για κάθε ομόδικο.
Article 77. In the cases referred to in Article 76, if the joined parties plead contradictory assertions, the court shall freely assess their impact on the proceedings and on the judgment, and may determine their impact separately for each joined party.

[264] Άρθρο 463. Όποιος **προβάλλει ισχυρισμούς** για την πλαστότητα εγγράφου είναι ταυτόχρονα υποχρεωμένος να προσκομίσει τα έγγραφα που αποδεικνύουν την πλαστότητα και να αναφέρει ονομαστικά τους μάρτυρες και τα άλλα αποδεικτικά μέσα, αλλιώς οι ισχυρισμοί του είναι απαράδεκτοι.
Article 463. Whoever **files assertions** concerning the forgery of a document, is also required to provide documents proving the forgery and to name witnesses and other means of evidence, otherwise his assertions shall be inadmissible.

[265] Άρθρο 570. 2. Νέοι **ισχυρισμοί** των διαδίκων και νέα αποδεικτικά μέσα για την ουσιαστική εκδίκαση της υπόθεσης από τον Άρειο Πάγο μετά την αναίρεση **υποβάλλονται** σύμφωνα με τις διατάξεις που ισχύουν για τα δικαστήρια της ουσίας.
Article 570. 2. New **assertions** of the parties and new means of evidence to enable the Greek Supreme Court to try the merits of the case after cassation, **shall be submitted** in accordance with the provisions applicable to the courts with jurisdiction to try the merits of the case.

adopted into natural language. Thus, all the Greek terms, just as their Polish opposing numbers, are recognised as a metaphor but, simultaneously, they are the most suitable and precise legal terms rooted in everyday language.

To recapitulate, we must say that there are common concepts in Polish and in Greek civil law which are expressed metaphorically. The metaphors are very often the result of the historical development of natural language. They have been adopted into everyday language and even though they are recognised as metaphors on the basis of their literary meanings, they exist successfully in language as phrases of everyday language. Thus when drafting statutes, legislators exploit natural language to express legal concepts and they modify it or they give specific meaning to "metaphors which we live by"[266]. Consequently, it is barely reasonable to consider metaphors as rhetoric or stylistic devices whose objective is to 'adorn' the text and transform it into a piece of literature.

9.3. Concluding remarks

Polish and Greek euphemisms are not so frequent in legislative language and thus they cannot be recognised as alternative stylistic means. Thus, where possible, the Polish and the Greek lawmakers avoid them and prefer neutral synonymous expressions. The Greek statutes of civil law seem to be more devoid of euphemisms, but this thesis requires some statistical substantiation, and we believe it deserves its own detailed investigation.

Metaphors understood as textual units conveying a certain concept turned out to be a smart tool for performing contrastive analysis. As a point of departure that can concern any legal institution and thus a plethora of metaphorical phrases can be compared. Consequently, as a result of the analysis, a set of potential translation equivalents can be provided.

Euphemisms and metaphors or products of language are not only a communication tool but also a tool to express feelings, ideas, beliefs, national culture and civilisation. At the same time, language influences the lexical perception, mentality and mind-set of its

[266] See Lakoff and Johnson 1980, 'Metaphors we live by'.

speakers according to the theory of linguistic relativity known as the Sapir-Whorf hypothesis (Hoijer 1954). From this point of view the same facts can be expressed with different linguistic means in various languages. Thus calculation of the potential distance between them based on a parametric approach seems to be inadequate and without any objective sense. .

It is worth pointing out that conceptual metaphors have been the subject of legal linguistic studies for a relatively short time (Bosmajian 1992, Winter 2001, Larsson 2011). This is probably due to positivist doctrine which is the dominant paradigm in legal interpretation, however conceptual metaphors can nonetheless be an effective and fruitful tool for comprehending and comparing law (Wojtczak *et al.* 2017)

10. Application of the translational algorithm

10.1. Introductory remarks

The objective of this section is to describe the sequence of steps undertaken by a legal translator when choosing equivalents of source-text terms[267] to be used in target text.[268] This process is described on the basis of an exemplary term taken from Polish substantive civil law and respectively on the basis of an exemplary term taken from Polish procedural civil law.

Insofar as the selection of the equivalent is based on the previously presented parametric method for calculating distance between potential translational equivalents, it is performed with the application of certain dimensions that enable us to detect relevant similarities and differences. Moreover, it must be stated that in the context of the study on particularistic Polish-Greek translatology, the commissioner of the translation — target text, is presumed to be a member of 1) the international communicative community, 2) the civil law communicative community and 3) the legal or business relations-bound communicative community. Therefore, let us assume that the recipient of the translation is acquainted with various legal cultures, knows the principles of civil law systems and needs precise and diligent information concerning binding legislation in a specific state.[269]

Finally, it should be explained that the term *algorithm*, even though taken from mathematics means a sequence of acts aimed at a certain result, from a more general perspective, which here are called steps.

[267] In the study it is also named a *translandive text* (Matulewska 2013).
[268] In the study it is also named a *translantive text* (Matulewska 2013).
[269] See the paradigm adopted for the study. Chapter 1.2.

10.2. Greek equivalents for Polish terms of substantive civil law

Polish term *wada fizyczna* 'physical/inherent defect'

Step 1. Determining the potential source text unit meaning
Insofar as the study concerns civil law, determination of the meaning of the legal term *wada fizyczna* 'physical/inherent defect' is limited to substantive civil law based on the Polish Civil Code. According to Polish civil law as currently in force as at 25 December 2014, *wada fizyczna*[270] exists if the sold thing is inconsistent with the contract, and more precisely if it: 1) does not have an attribute it should have in light of the intended use of a thing of that kind that is specified in the contract or arises from the circumstances of its use; 2) it does not have an attribute that its seller assured the buyer it would have, including presentation of a model or sample thereof; 3) it is unfit for a use which the seller informed the buyer it would have when he was concluding the contract, and, simultaneously the seller did not make any

[270] Art. 5561. § 1. **Wada fizyczna** polega na niezgodności rzeczy sprzedanej z umową. W szczególności rzecz sprzedana jest niezgodna z umową, jeżeli:
1) nie ma właściwości, które rzecz tego rodzaju powinna mieć ze względu na cel w umowie oznaczony albo wynikający z okoliczności lub przeznaczenia;
2) nie ma właściwości, o których istnieniu sprzedawca zapewnił kupującego, w tym przedstawiając próbkę lub wzór;
3) nie nadaje się do celu, o którym kupujący poinformował sprzedawcę przy zawarciu umowy, a sprzedawca nie zgłosił zastrzeżenia co do takiego jej przeznaczenia;
4) została kupującemu wydana w stanie niezupełnym.
Article 556[1]. § 1. A **physical defect** involves inconsistency of the thing sold with the contract. In particular, the thing sold is inconsistent with the contract if:
1) it fails to have a property, which a thing of that kind should have regarding the purpose stipulated in the contract or arising from the circumstances or its intended use;
2) it fails to have a property, about which the seller has assured the buyer, specifically by presenting to the buyer a sample or a model;
3) it fails to lend itself to the purpose, which the buyer indicated to the seller at the conclusion of the contract, and the seller failed to make a reservation to such an intended use;
4) it was released to the buyer incomplete.

objections about that use; or 4) the sold thing delivered to the buyer was incomplete.

Step 2. The source-text translative unit meaning, interpretation or calculation
In the list of relevant dimensions of particularistic Polish-Greek translatology, the following dimensions should be considered. They are accompanied by the properties which are taken on:

Table 37. Relevant dimensions of the term *wada fizyczna* 'physical/inherent defect'.

Dimension	**Property of dimension**
Genre	Legislation
Lect	Legal lect
Branch of law	Civil law
Sub-branch of law	Civil substantive law

The potential equivalent should have the same dimensions and properties, therefore a Polish-Greek legal translator should search for a sufficient translational equivalent firstly in the Greek Civil Code.

Step 3. Establishing the set of all potential target text equivalents
Since the Polish term *wada fizyczna* 'physical/inherent defect' means inconsistency of the thing with the contract as well as its incompleteness[271], in the Greek civil code there are two potential significators of the Polish term 'wada fizyczna':
πραγματικό ελάττωμα [pragmatiko elattoma] 'physical defect'[272] and

[271] See Step 1.
[272] For example: Άρθρο 534. **Πραγματικά ελαττώματα** και έλλειψη συνομολογημένων ιδιοτήτων. Ο πωλητής υποχρεούται να παραδώσει το πράγμα με τις συνομολογημένες ιδιότητες και χωρίς **πραγματικά ελαττώματα**.
Article 534. A **physical defect** and lack of agreed properties. The seller is obliged to hand over the thing with the properties agreed and without **physical defects**.
and
Άρθρο 535. Ο πωλητής δεν εκπληρώνει την κατά το προηγούμενο άρθρο υποχρέωσή του, αν το πράγμα που παραδίδει στον αγοραστή δεν ανταποκρίνεται στη σύμβαση και ιδίως:

έλλειψη [elleipsi] ‘shortcoming’[273].

Step 5. Determining of filters eliminating incorrect meanings
The meaning of the two Greek significators can be contained in the meaning of the Polish term *wada fizyczna* ‘physical/inherent defect’

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1. δεν ανταποκρίνεται στην περιγραφή που έχει γίνει από τον πωλητή ή στο δείγμα ή υπόδειγμα που ο πωλητής είχε παρουσιάσει στον αγοραστή.
2. δεν είναι κατάλληλο για το σκοπό της συγκεκριμένης σύμβασης και ιδιαίτερα για τη σύμφωνη με το σκοπό
αυτόν ειδική χρήση.
3. δεν είναι κατάλληλο για τη χρήση για την οποία προορίζονται συνήθως πράγματα της ίδιας κατηγορίας.
4. δεν έχει την ποιότητα ή την απόδοση που ο αγοραστής ευλόγως προσδοκά από πράγματα της ίδιας κατηγορίας, λαμβάνοντας υπόψη και τις δημόσιες δηλώσεις του πωλητή, του παραγωγού ή τουαντιπροσώπου του, στο πλαίσιο ιδίως της σχετικής διαφήμισης ή της επισήμανσης, εκτός αν ο πωλητής δεν γνώριζε ούτε όφειλε να γνωρίζει τη σχετική δήλωση.
Article 535. A seller will not have performed his obligation pursuant to the foregoing article if the thing delivered to the buyer does not correspond to the contract and in particular:
1. Does not correspond to the description given by the seller or the sample or model which the seller presented to the buyer
2. Is not fit for the purpose of the specific contract, and in particular for specific use in accordance with that purpose.
3. Is not fit for the purpose for which things in that category are normally intended.
4. Does not have the quality or performance which the buyer reasonable expects from things in that same category, having regard to the public statements made by the seller, producer or his agent, in the context in particular of relevant advertisements or labelling, unless the seller did not know and was not obliged to know of such declaration.

[273] Άρθρο 537 - Ευθύνη για **ελλείψεις**. Ο πωλητής ευθύνεται ανεξάρτητα από υπαιτιότητά του αν το πράγμα, κατά το χρόνο που ο κίνδυνος μεταβαίνει στον αγοραστή, έχει πραγματικά ελαττώματα ή **στερείται τις συνομολογημένες ιδιότητες**, εκτός αν ο αγοραστής κατά τη σύναψη της σύμβασης γνώριζε ότι το πράγμα δεν ανταποκρίνεται στη σύμβαση ή η μη ανταπόκριση οφείλεται σε υλικά που χορήγησε ο αγοραστής.
Article 537 – Liability for **shortcomings**. The Vendor shall be liable irrespective of his fault if the thing, at the time when risk was transferred to the buyer, has actual defects or **lacks the agreed properties**, unless the buyer at the time the contract was concluded knew that the thing did not correspond to the contract or such lack of correspondence was due to materials supplied by the buyer.

and, consequently, it is possible to use them cumulatively, *i.e.* as the following phrase: *πραγματικό ελάττωμα και έλλειψη [pragmatiko elattoma kai elleipsi]* 'physical defect and shortcoming'.

However, pertinent research of the Greek Civil Code, especially the content of Article 534, which provides for an obligation of the seller to sell the thing with the properties stipulated in the contract and without physical defects, collectively with Article 537, where the liability of the seller is defined, leads us to the conclusion that the Greek significator *πραγματικό ελάττωμα [pragmatiko elattoma]* 'physical defect' can be recognised as a subordinate term of the term *έλλειψη [elleipsi]* 'shortcoming'.

In the example analysed, the filter which is intended to eliminate incorrect meanings consists in the pertinent comparison of legal definitions in order to calculate the distance between terms on the basis of given dimensions. Then, the legal definition provide meanings to be compared and, moreover, is the object of parametric comparison of the term since it reflects the properties taken on by the terms in certain dimensions.[274]

Step 6. Choosing the optimal equivalent or coining one

The pertinent analysis of legal definitions performed in step 5 leads to the conclusion that the Polish-Greek legal translator's choice when providing a translational equivalent of the Polish term *wada fizyczna* 'physical/inherent defect' should be *πραγματικό ελάττωμα [pragmatiko elattoma]* 'physical defect'.

Step 7. The monitoring stage

Diligent comparison of legal definitions of the Polish term *wada fizyczna* 'physical defect' and the Greek terms *πραγματικό ελάττωμα [pragmatiko elattoma]* 'physical defect' and *έλλειψη [elleipsi]* 'shortcoming' enables the Polish-Greek translator to recognise the Greek term 'πραγματικό ελάττωμα [pragmatiko elattoma] (physical defect)' as the optimal translation equivalent of the Polish term '*wada fizyczna* (physical defect)'. Moreover, the Greek equivalent term has the same properties for the essential and secondary dimensions as the Polish translantive unit.

[274] They come from the presence of the terms in certain statutes.

Under the postulate of general legilinguistic translatology which relates to the need to provide translation equivalence *Po 23 — Postulate of near equivalence (inclusion of a translandive unit in a translative unit),* the following directive referring to providing translantive equivalence for particularistic Polish-Greek legilinguistic translatology can be formulated:
Directive 48$_{PL\text{-}EL}$: If the Greek translantive term 'πραγματικό ελάττωμα [pragmatiko elattoma]', is convergent with respect to all of the properties of the Polish translandive unit and the Polish translandive unit 'wada fuzyczna' is convergent with respect to all of the essential and most of the secondary properties of the Greek translantive unit, then they are sufficiently equivalent in respect to the relevant dimensions.

Polish term *ograniczone prawa rzeczowe* 'limited proprietary rights'

Step 1. Determining the potential meaning of the source-text unit
The meaning of this term is presented in chapter 3.2.2. and, consequently, it is not given here in order to avoid unnecessary repetition.

Step 2. The source-text translative unit's meaning, interpretation or calculation
Following the list of relevant dimensions for particularistic Polish-Greek translatology, the following dimensions should be considered. They are accompanied by the properties which are taken on:

Table 38. Relevant dimensions of the term *ograniczone prawa rzeczowe* 'limited proprietary rights'.

Dimension	**Property of dimension**
Genre	Legislation
Lect	Legal lect
Branch of law	Civil law
Sub-branch of law	Civil substantive law

Potential equivalents should have the same dimensions and properties, therefore a Polish-Greek legal translator should search for sufficient translational equivalent firstly in the Greek Civil Code.

Step 3. Establishing the set of all potential target text equivalents
If the term *ograniczone prawa rzeczowe* 'limited proprietary rights' does not occur in Greek Civil law, it is necessary to search for it in other statutes *i.e.* codes[275] and laws,[276] and, if it is still absent, it should be looked up in executory acts.[277] Since the Polish term analysed does not a Greek equivalent in statutes or in executive or executory acts,[278] it is recommended to search for it in the case law, as well as theoretical/academic studies. In this case, the Polish term *ograniczone prawa rzeczowe* 'limited proprietary rights' has potential translational equivalents in case law: *περιορισμένα εμπράγματα δικαιώματα [periorosmena empragmata dikaiomata]* or *δικαιώματα επί αλλοτρίου πράγματος [dikaiomata epi allotriou pragmatos]* (Georgiadis 2010: 58). These terms, especially the term *δικαιώματα επί αλλοτρίου πράγματος [dikaiomata epi allotriou pragmatos]*, which is the Greek translation of Latin term *iura in re aliena*, have a historical background (Georgiadis 2010, Perakis 2012, Petropoulos 1963 *et al.*) founded in Roman law and as such they are used in Greek jurisprudence.

Step 5. Determining filters to eliminate incorrect meanings
All of the standard dimensions[279] of the Polish term analysed can be recognised as filters intended to eliminate incorrect meanings. Other than the dimension of lect, they are not applicable to the potential Greek equivalents, even though the meaning of the Polish term is convergent with the meaning of its both of the potential Greek equivalents (Georgiadis 2010: 58). Therefore, all elements of parametric calculation of the distance, i.e. dimensions, between the compared texts are applicable. Even though it is not possible to calculate the distance between all analysed terms[280], their meanings as well as common roots of the Polish and Greek legal systems (Roman law) are the filters which enable one to provide a sufficient translation equivalent, according to the dimensions and the properties taken on

[275] Code in Greek is *κώδικας [kodikas]*.
[276] Law in Greek is νόμος [nomos].
[277] For instance in decrees *διατάγματα [diatagmata]*, or ministerial decisions *αποφάσεις υπουργού /υπουργείου [apofaseis ypourgou/ypourgeiou]*.
[278] See Chapter 3.2.2.
[279] See Chapter III.
[280] See Table 39 below: non-applicable dimensions.

simultaneously by the source textual unit and its potential equivalents. These assumptions are illustrated by the table below.

Table 39. *Ograniczone prawa rzeczowe* vs *περιορισμένα εμπράγματα δικαιώματα [periorosmena empragmata dikaiomata]* and *δικαιώματα επί αλλοτρίου πράγματος [dikaiomata epi allotriou pragmatos]*.

Dimension	Property of dimension	Terms		
		Polish	Greek	
		ograniczone prawa rzeczowe	περιορισμένα εμπράγματα δικαιώματα	δικαιώματα επί αλλοτρίου πράγματος
Genre	Legislation	+	Not applicable.	Not applicable.
	Other Genre	+	Not applicable.	Not applicable.
Lect	Legal lect	+	-	-
	Vernacular lect	-	-	-
	Other LSP lect	-	+	+
Branch of law	Civil law	+	Not applicable.	Not applicable.
	Other		Not applicable.	Not applicable.
Sub-branch of law	Substantive	+	Not applicable.	Not applicable.
	Procedure	-	Not applicable.	Not applicable.

Step 6. Choosing an optimal equivalent or coining such an equivalent
Investigation of Greek monographs and handbooks on civil law, concerning rights in things demonstrates a more frequent use of the term *δικαιώματα επί αλλοτρίου πράγματος [dikaiomata epi allotriou pragmatos]* 'limited property rights'. Consequently, this term should be recognised as an optimal translation equivalent.

Step 7. The monitoring stage
As far as theoretical legal elaborations are taken into account as comparable texts, the Greek term *δικαιώματα επί αλλοτρίου πράγματος [dikaiomata epi allotriou pragmatos]* 'limited property rights' has the same meaning as the Polish term *ograniczone prawa rzeczowe*

'limited property rights'. It exists both in the Polish and the Greek legal system. Even though the Greek optimal equivalent does not occur either in statute, or in executive or executory acts, as a legal institution it exists in Greek civil law, where certain limited property rights are named and included in the Greek Civil Code.[281] Consequently, if elements of the legal institution of limited property occur in statute and are in force and their aggregative name (*δικαιώματα επί αλλοτρίου πράγματος [dikaiomata epi allotriou pragmatos]* 'limited property rights') is not enumerated in any statute, the name of this legal institution is recognised as an optimal translation equivalent of the Polish term (*ograniczone prawa rzeczowe*).

Postulate *Po 10* from general legilinguistic translatology which refers to translational convergence enables the following directive of particularistic Polish-Greek legilinguistic translatology to be formulated:

Directive 49$_{PL-EL}$: If the Greek translantive term 'δικαιώματα επί αλλοτρίου πράγματος, is sufficiently translationally convergent (tr-convergent) with the Polish translandive term 'ograniczone parwa rzeczowe', then it is an optimal translation equivalent.

10.3. Greek equivalents for Polish terms of procedural civil law

Polish term: *sąd* 'court' and its derivative terms

Since the Polish term *sąd* 'court' has a general meaning and refers to numerous types of Polish courts, the correct meaning depends on 1) the content of the specific provision in which the term is used and 2) the place in the macrostructure[282] of the statutory text, *i.e.* the Polish Civil Code, where it is given, For instance, the part entitled *Tytuł*

[281] Άρθρο 973 . Εμπράγματα δικαιώματα. Δικαιώματα που παρέχουν εξουσία άμεση και εναντίον όλων πάνω στο πράγμα (εμπράγματα δικαιώματα) είναι η κυριότητα, οι δουλείες, το ενέχυρο και η υποθήκη.
Article 973. Real rights. Rights securing over a thing direct power that can be invoked against all persons (real rights) are ownership, easements, pledge and mortgage.

[282] '*(...) the unifying property of the respective meaning of a sequence of propositions of discourse'* (van Dijk 1977: 7-8).

wstępny ‘Preliminary Title’ contains general provisions and respectively in *Księga pierwsza. Proces* ‘Book one. Procedure’ there are particular provisions referring to the procedure and finally in *Księga druga. Postępowanie nieprocesowe* ‘Book two. Non-contentious proceedings’ there are particular provisions referring to non-contentious proceedings. Therefore, providing sufficient translational equivalents should be analysed with respect to three potential types of distance between translantive and translandive unit.

The algorithm is determined with reference to two more particular terms of Polish civil procedure: *sąd pierwszej instancji* ‘first instance court’ and *sąd rejonowy* ‘district court’.

Polish term *sąd pierwszej instancji* ‘first instance court’

Step 1. Determining the potential source text unit meaning
As far as the meaning of this term is presented in the Chapter VI,[283] it is not given here redundantly.

Step 2. The source text translative unit meaning, interpretation or/and calculation
According to the list of relevant dimensions of particularistic Polish-Greek translatology, the following dimensions and their properties should be taken into consideration. The list includes the most essential dimensions required to calculate the distance between source-text term and its potential equivalent.

Table 40. Relevant dimensions for the term *sąd pierwszej instancji* ‘first instance court’.

Dimension	**Property of dimension**
Genre	Legislation
Lect	Legal lect
Branch of law	Civil law
Sub-branch of law	Civil procedural law

Since a potential Greek equivalent should have the same dimensions or the same most essential dimensions, the primary source of translational equivalent is the Greek Code of Civil Procedure.
Step 3. Establishing the set of all potential target text equivalents

[283] See Chapter 6.2.1 and 6.2.2.

Having compared the Polish term *sąd pierwszej instancji* 'first-instance court' with its Greek potential equivalent *πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]* 'court of first instance' in Chapter 5.2.5. (both on the basis of the meaning and on the basis of given dimensions), it is possible to establish the only one and proper target text equivalent.

Step 4. Calculation of the meaning of potential target text equivalents
Since, just as the judicial system of Poland does, its Greek counterpart recognizes the principle of two-instance procedure, and the Greek Code of Civil Procedure contains one potential significator of the Polish term *sąd pierwszej instancji* 'first instance court' which is *πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]* 'court of first instance'

Step 5. Determining of filters eliminating incorrect meanings
As the previous steps have led to one correct meaning of the term in civil law, there is no need to determine other filters which are aimed at eliminating incorrect meanings since they do not exist. Moreover, the parametric calculation of the distance between compared terms presents sufficient similarities which lead us to recognise the compared terms as mutual translation equivalents.[284]

Step 6. Choosing an optimal target text significator
The Greek significator has the same meaning as the Polish source-text term, because both of them are denotations of certain category of courts on the basis of their instance. In other words both terms denote all courts of first instance. Moreover, the Polish term's and the Greek term's dimensions take on the same properties.

Step 7. The monitoring stage
Comparison of the meaning of the source text unit with the meaning of target text unit, as well as comparison of their dimensions and their acquired properties, leads to the conclusion that there is no distance between the Polish term *sąd pierwszej instancji* 'first-instance court' and its Greek significator *πρωτοβάθμιο δικαστήριο* 'first-instance court'. Thus, they can be recognised as sufficient translational equivalents.

[284] See Chapter 6.3. and Table 31.

The postulate *Po 21 — Postulate of near equivalence (intersection)* covers the following directive of particularistic Polish-Greek legilinguistic translatology:
Directive $50_{PL\text{-}EL}$: If a translandive lingual unit — the Polish term 'sąd pierwszej instancji' and its potential functional equivalent in the target language — the Greek term 'πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]' are sufficiently convergent with respect to all essential dimensions and the most secondary dimensions, then they are sufficiently equivalent with respect to a set of relevant dimensions.

Polish term *sąd rejonowy* 'district court'

Step 1. Determining the potential meaning of the source-text unit
The meaning of this term is partially presented in Chapter VI[285], but in the context of the study it should be explained that the Polish term *sąd rejonowy* 'district court', as far as it concerns civil procedure, means a court of first instance which hears all cases,[286] with the exception of those cases which fall within the jurisdiction of *sąd okręgowy* 'regional court'.[287] Thus, it is the fundamental court of first instance in the Polish civil judicial system and denotes all Polish district courts.

[285] See Chapter 6.2.1 and 6.2.2.
[286] Art. 16. Sądy rejonowe rozpoznają wszystkie sprawy z wyjątkiem spraw, dla których zastrzeżona jest właściwość sądów okręgowych.
Article 16. District Courts shall hear all cases with the exception of cases over which jurisdiction is reserved for Regional Courts.
[287] Art. 17. Do właściwości sądów okręgowych należą sprawy:
1) o prawa niemajątkowe i łącznie z nimi dochodzone roszczenia majątkowe oprócz spraw o ustalenie lub zaprzeczenie pochodzenia dziecka, o ustalenie bezskuteczności uznania ojcostwa oraz o rozwiązanie przysposobienia;
2) o ochronę praw autorskich i pokrewnych, jak również dotyczących wynalazków, wzorów użytkowych, wzorów przemysłowych, znaków towarowych, oznaczeń geograficznych i topografii układów scalonych oraz o ochronę innych praw na dobrach niematerialnych;
3) o roszczenia wynikające z prawa prasowego;
4) o prawa majątkowe, w których wartość przedmiotu sporu przewyższa siedemdziesiąt pięć tysięcy złotych, oprócz spraw o alimenty, o naruszenie po-siadania, o ustanowienie rozdzielności majątkowej między małżonkami, o uzgodnienie treści księgi wieczystej z rzeczywistym stanem prawnym oraz spraw rozpoznawanych w elektronicznym postępowaniu upominawczym,
$4^{1)}$ o wydanie orzeczenia zastępującego uchwałę o podziale spółdzielni;

Step 2. Interpretation or calculation of the meaning of the source-text translative unit

For the purpose of calculating and interpreting the relevant meaning of the translandive unit, the following dimensions should be considered in the calculation of the meaning of the source-text translative unit.

$4^{2)}$ o uchylenie, stwierdzenie nieważności albo o ustalenie nieistnienia uchwał organów osób prawnych lub jednostek organizacyjnych niebędących osobami prawnymi, którym ustawa przyznaje zdolność prawną;
$4^{3)}$ o zapobieganie i zwalczanie nieuczciwej konkurencji;
$4^{4)}$ o odszkodowanie z tytułu szkody wyrządzonej przez wydanie prawomocnego orzeczenia niezgodnego z prawem;
Article 17. The jurisdiction of Regional Courts shall include cases:
1) Concerning non-property rights and property claims pursued jointly, with the exception of cases to establish or negate the descent of a child, to determine the ineffectiveness of the recognition of parentage and dissolution of adoption,
2) Concerning protection of copyright and related rights, as well as rights related to inventions, utility models, industrial models, trademarks, the geographical status and topography of integrated regions as well as protection of other intangible property rights,
3) Concerning claims under the Press Law,
4) Concerning property rights, where the value of the matter at issue exceeds seventy-five thousand Polish zlotys, except cases involving maintenance, trespass, establishment of separate property between spouses, reconciliation of the content of a Land and Mortgage Register with the actual legal status and cases reviewed in electronic proceedings by writ of payment,
$4^{1)}$ to issue a ruling replacing a resolution on the demerger of a cooperative society,
$4^{2)}$ to repeal, declare the nullity or determine the non-existence of resolutions by the authorities of legal persons or organisational units other than corporate persons with legal capacity granted by this Act,
$4^{3)}$ to prevent and combat unfair competition,
$4^{4)}$ for compensation on the grounds of damage caused by an unlawfully issued non-appealable ruling.

Table 41. Relevant dimensions of the term *sąd rejonowy* 'district court'.

Dimension	Property of dimension
Genre	Legislation
Lect	Legal lect
Branch of law	Civil law
Sub-branch of law	Civil procedural law

The table above presents a list of dimensions which enables us to detect potential similarities and differences between the source-text term and the target-text term.

Step 3. Establishing the set of all potential target text equivalents
Potential Greek significators of the translandive unit are:
πρωτοβάθμιο δικαστήριο [protovathmio dikastirio] 'court of first instance',
ειρηνοδικείο [irinodikeio] 'court of the peace ',
μονομελές πρωτοδικείο [monomeles protodikeio] 'single-member court of first instance',
πολυμελές πρωτοδικείο [polymeles protodikeio] 'multi-member court of first instance'.[288]

Step 4. Calculation of the meaning of potential target-text equivalents
The Greek significator *πρωτοβάθμιο δικαστήριο [protovathmio dikastirio] 'court of first instance'* denotes all Greek civil courts of first instance, and, simultaneously, is a superordinate term for certain types of Greek civil courts, which are: '*ειρηνοδικείο [irinodikeio]* 'court of the peace', *μονομελές πρωτοδικείο [monomeles protodikeio]* 'single-member court of first instance', *πολυμελές πρωτοδικείο [polymeles protodikeio]* 'multi-member court of first instance'. Therefore, it is a subordinate term for the terms meaning a certain type of courts of first instance including the term '*πολυμελές πρωτοδικείο* [polymeles protodikeio] (multi-member court of first instance)', which denotes the court of second instance if the case is heard before the *ειρηνοδικείο [irinodikeio]* 'court of the peace' as a court of first instance.

Concurrently, there is a distinction between these courts on the basis of many criteria, for instance, if the value of the claim is 0–€

[288] See Chapter 6.2.1 and 6.2.2.

20,000.00, then the competent court of first instance is the *ειρηνοδικείο [irinodikeio]* 'court of the peace' and if the value of the claim exceeds the sum of € 20,000.00 but is not higher than € 120,000.00, then the competent court is *μονομελές πρωτοδικείο [monomeles protodikeio]* 'single-member court of first instance'.[289]

Based on the subject-matter of the case, the court of first instance *πολυμελές πρωτοδικείο [polymeles protodikeio]* 'multi-member court of first instance' hears all cases which are excluded from the jurisdiction of other two courts of first instance.[290]

The composition of three courts varies, *i.e.* the *ειρηνοδικείο [irinodikeio]* 'court of the peace' only consists of one judge called the 'justice of the peace' — *ειρηνοδίκης [irinodikis]* who does not have powers to adjudicate in other courts of first instance, as he is hierarchically in a lower position; the *μονομελές πρωτοδικείο [monomeles protodikeio]* 'single-member court of first instance' consists of a first instance judge, and finally the *πολυμελές πρωτοδικείο [polymeles protodikeio]* 'multi-member court of first instance' consists of a presiding judge and two judges.

Step 5. Determining filters the eliminate incorrect meanings

In this light of Step 4 none of the Greek terms which denote three type of courts of first instance has the property of *all cases with the exception of cases included in the jurisdiction of 'sąd rejonowy (Regional Court)'* taken on by the dimension *instance*. Moreover, the Polish translandive unit does not denote any number of judges, as opposed to the following potential Greek terms: *μονομελές*

[289] Άρθρο 14. 2. Στην αρμοδιότητα των μονομελών πρωτοδικείων υπάγονται όλες οι διαφορές που μπορούν να αποτιμηθούν σε χρήματα και που η αξία του αντικειμένου τους είναι πάνω από είκοσι χιλιάδες (20.000) ευρώ, δεν υπερβαίνει όμως τις εκατόν είκοσι χιλιάδες (120.000) ευρώ.
Article 14. 2. The jurisdiction of single member courts of first instance shall include: all litigation which can be estimated in money where the value of the claim is higher than twenty thousands (20,000.00) euros but does not exceed one hundred twenty thousand (120,000.00) euros.

[290] Άρθρο 18. Στην αρμοδιότητα των πολυμελών πρωτοδικείων υπάγονται όλες οι διαφορές, για τις οποίες δεν είναι αρμόδια τα ειρηνοδικεία ή τα μονομελή πρωτοδικεία.
Article 18. The jurisdiction of the multi-member court of first instance shall include all disputes which are not included in the jurisdiction of courts of the peace or single-member courts of first instance.

πρωτοδικείο [monomeles protodikeio] ‘single-member court of first instance’ and ‘*πολυμελές πρωτοδικείο [polymeles protodikeio]* ‘multi-member court of first instance’. Thus, there are not any objective legal filters intended to help choose the sufficient Greek equivalent and moreover, since the target text does not provide any sufficient translational equivalent, no linguistic filter cannot be taken into consideration.

Finally the system of Polish and Greek civil courts, which is a legal issue, is the most relevant filter for the purpose of establishing a sufficient translation equivalent. This fact confirms the postulate *Po 41 — Postulate of translator’s experience and knowledge impact on translation* of general legilinguistic translatology.

Step 6. Choosing the optimal equivalent or coining such an equivalent
The highlighted differences between the translandive unit and potential equivalents leads to the conclusion that none of the proposed terms in the Greek Code of Civil Procedure are sufficiently equivalent to the translandive unit, *i.e. sąd rejonowy* ‘district court’.

Step 7. The monitoring stage
As the translandive unit shares all of the properties of the translative unit and, on the contrary, the translative unit shares only a few of the essential properties of the translandive unit, they are not sufficiently equivalent with respect to the relevant dimensions. Consequently, the translational unit is a result of application the postulate *Po 29 — Postulate of non-equivalence (inclusion of a translative unit in a translandive unit)* of general legilinguistic translatology. Then the following directive of particularistic Polish-Greek legilinguistic translatology can be formulated:
Directive 51$_{PL\text{-}EL}$: If Polish term ‘sąd rejonowy’ shares all of the properties of Greek translative units: ‘ειρηνοδικείο’, ‘μονομελές πρωτοδικεί’ and ‘πολυμελές πρωτοδικείο’ and the translative units share only a few of the essential properties of the translandive unit, then they are not sufficiently equivalent in respect to the relevant dimensions.

Therefore, the proposed translantive unit is the term *πρωτοδικείο [protodikeio]* but that term does not exist in the Greek Code of Civil Procedure, because it is always a part of syntagms. However, it is present in the general language and it means a court of

first instance which also adjudicates in criminal cases.[291] Moreover, it exists in specialist multilingual lexicographical sources such as Karatzas and Zombola (2003: 316) which contains the following definition: *court of first instance, district court*.

As far as Greek civil procedure is concerned, the translantive unit does not share all properties of the translandive unit, namely the dimensions of branch of law and sub-branch of law. In contrast, taking into consideration the fact that the term exists in the Greek Code of Criminal Procedure,[292] the following dimensions of the translantive unit share the following dimensions of translandive unit: genre, lect, and instance. A synthetic comparison of the translandive and translantive unit is presented in the table below.

Table 42. Translandive unit *sąd rejonowy* 'district court' vs translantive unit *πρωτοδικείο [protodikeio]* 'court of first instance'.

Term / Dimension	sąd rejonowy	πρωτοδικείο
Genre	Legislation	Legislation
Lect	Legal lect	Legal lect
Branch of law	Civil law	Criminal law
Sub-branch of law	Civil procedure	Criminal procedure
Instance	First instance	First instance

Finally, under the following postulate of general legilinguistic translatology *Po 24 — Postulate of partial equivalence (intersection)* the following directive of particularistic Polish-Greek legilinguistic translatology can be formulated:
Directive 52$_{PL\text{-}EL}$: If a translandive lingual unit — 'sąd rejonowy' and its potential functional equivalent in the target language — 'πρωτοδικείο [protodikeio]'are sufficiently convergent or permissibly complementary with respect to all essential properties from the relevant dimensions and some secondary properties, then they are not sufficiently equivalent with respect to a set of relevant dimensions unless the translative unit is modified to diminish the distance between the units.

[291] Lexiko tis koinis neoellinikis 2008.
[292] Κώδικας Ποινικής Δικονομίας [Kodikas Poinikis Dikonomias]

10.4. Explanation scheme

The explanation scheme not only recapitulates and applies the results of the investigation, but it also demonstrates the course of decision-making process in the light of the theoretical and practical findings of the present study. In presents the translation process in a synoptic method.

The choices which legal translators must make depend on many factors. The most important question is how to translate a certain legal term from the source language into the target language. If the answer is given, another question arises and it is what the mode of translation of a certain source-text term into target language is.

The scheme which is presented below is based on the classical explanation scheme (Bogusławski 1986, Matulewska 2013) implemented in linguistics. Moreover, this scheme is modified in the scope of its adaptation to legilinguistic translatology which concerns legal and linguistic reality simultaneously. In our case it takes into account two types of recipients of translation: 1) the recipient determined as a basic presumption of the present study,[293] here called the 'close recipient' and 2) the recipient of translation of a different type who differs from the close recipient with respect to his/her awareness about legal realities and with respect to the aim of the translation. This method enables us to highlight the issue of potential relativisation of translation. The scheme includes the following elements:

(i) the question to be answered,
(ii) the *explanans* (at least one general statement and at least one singular statement), and
(iii) the *explanandum*.

The application of the scheme in the context of Polish-Greek legal translation may have the following shape when discussing translation of the Polish term *wady fizyczne* 'physical/inherent defect':

(i) Question

Why does the Polish term *wady fizyczne*[294] in the provision P^{295} of text T_i of genre G translate as the Greek term *πραγματικά ελαττώματα*

[293] See Chapter 1.2.
[294] For the meaning see Chapter 7.2.

[pragmatika elattomata][296] in the corresponding text T_j of genre G for the recipients of communicative community C_j?
Where:

G	–	is a statute of civil law
T_i	–	is the source text in Polish
T_j	–	is the target text to be rendered in Greek
C_j	–	is the communicative community operating in Greek legal reality
C_{j1} and C_{j2}	–	are two different communicative communities operating in Greek legal reality

When answering this question we should refer to the following postulates of general legilinguistic translatology: *Po 9* (on translational equivalence), and consequently also *Po 3* (on preservation of the genre), *Po 10* (on translational convergence) and *Po 21* [on near equivalence (intersection)].

(ii) *Explanans*
General statement: If significator X, conveying meaning M in translandive text T_i of genre G in language L_i, and intended for recipients in community $C_{i,}$ is bound by the relation of sufficient equivalence with significator P with respect to M for translative text T_j of genre G in language L_j, and intended for recipients of community C_j, then X translates as P in T_j.
Singular statement 1: The Polish term *wady fizyczne* signifies meaning Min in text T_i of genre G for recipient community C_i.
Singular statement 2: The closest homosignificators of the Polish term *wady fizyczne* in translandive text T_i with respect to M, for the corresponding translative text T_j of genre G are Y_1 (*ελαττώματα [elattomata]*) for recipient community C_{j1} (communicative community of distant recipients who are to use the translative text in general communication, *e.g.* in their private and social life when talking about shopping abroad[297]) and Y2 (*πραγματικά ελαττώματα [pragmatika*

[295] Provisions are basic semantic units of statutes.
[296] For the meaning see Chapter 7.2.
[297] The term 'distant recipient' was introduced by Kierzkowska (2008) and adopted into legilinguistic translatology by Matulewska (2013). In legal translation it is a recipient who is not the object of the translated legal text, for example he or she is not the recipient of the legal rule expressed in the provisions of a specific law or code. In other words, the distant recipient

elattomata]) for recipient community C_{j2} (communicative community of close recipients who are to use the translative text in legal communication, *e.g.* before courts in Greece for the purpose of lodging a claim for compensation). [298]

(iii) *Explanandum*
The Polish term *wady fizyczne* in provision P of text T_i of genre G translates as the Greek *πραγματικά ελαττώματα [pragmatika elattomata]* in the corresponding text T_j of genre G for the recipients of communicative community C_{j1}.

Let us present the application of the scheme in translation of the Polish term *sąd pierwszej instancji* 'first instance court'. In the context of Polish-Greek legal translation the scheme may have the following shape:
(i) Question
Why does the Polish term *sąd pierwszej instancji*[299] in the provision P[300] of text T_i of genre G translate as the Greek *πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]*[301] in the corresponding text T_j of genre G for the recipients of communicative community C_j?
Where:

G	–	is a statute of civil law
T_i	–	is the source text in Polish
T_j	–	is the target text to be rendered in Greek
C_j	–	is the communicative community operating in Greek legal reality
C_{j1} and C_{j2}	–	are two different communicative communities operating in Greek legal reality

takes the translation as a piece of information, not as a directival speech act (Searle 1975, Gortych-Michalak 2014)

[298] The term 'close recipient' was introduced by Kierzkowska (2008) and adopted into legilinguistic translatology by Matulewska (2013).). In legal translation it is a recipient who is the object of the translated legal text, for example he or she is not the recipient of the legal rule expressed in the provisions of the specific law or code. These cases are quite frequent in civil proceedings conducted under the European Mutual Assistance Convention and the Mutual Assistance Protocol.

[299] For the meaning see Chapter 6.2.1.2.

[300] Provisions are basic semantic units of statutes.

[301] For the meaning see Chapter 6.2.2.2.

When answering this question we should refer to the following postulates of general legilinguistic translatology: *Po 9* (on translational equivalence), and consequently also *Po 3* (on preservation of the genre), *Po 11* (on translational convergence and homosignification) and *Po 21* [on near equivalence (intersection)].

(ii) *Explanans*
General statement: If significator X, conveying meaning M in translandive text T_i of genre G in language L_i, and intended for recipients of community $C_{i,}$ is bound by the relation of sufficient equivalence with significator P with respect to M for translative text T_j of genre G in language L_j, and intended for recipients of community C_j, then X translates as P in T_j.
Singular statement 1: The Polish term *sąd pierwszej instancji* signifies meaning Min in text T_i of genre G for recipient community C_i.
Singular statement 2: The closest homosignificators of Polish term *sąd pierwszej instancji* in translandive text T_i with respect to M, for the corresponding translative text T_j of genre G are Y_1 (*πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]*) for recipient community C_{j1} (communicative community of distant recipients who are to use the translative text in general communication, *e.g.* in their private and social life when talking about succession from abroad[302]) and Y2 (*πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]*) for recipient community C_{j2} (communicative community of close recipients which are to use the translative text in legal communication, *e.g.* before courts in Greece for the purpose of lodging a petition to determine heirs).[303]

[302] The term 'distant recipient' was introduced by Kierzkowska (2008) and adopted into legilinguistic translatology by Matulewska (2013). In legal translation it is a recipient who is not the object of the translated legal text, for example he or she is not the recipient of the legal rule expressed in the provisions of a specific law or code. In other words, the distant recipient takes the translation as a piece of information, not as a directival speech act (Searle 1975, Gortych-Michalak 2014)
[303] The term 'close recipient' was introduced by Kierzkowska (2008) and adopted into legilinguistic translatology by Matulewska (2013).). In legal translation it is a recipient who is the object of the translated legal text, for example he or she is not the recipient of the legal rule expressed in the provisions of the specific law or code. These cases are quite frequent in civil

(iii) *Explanandum*
The Polish term *wady fizyczne* in provision P of text T_i of genre G translates as the Greek *πραγματικά ελαττώματα [pragmatika elattomata]* in the corresponding text T_j of genre G for the recipients of communicative community C_{j1}.

10.5. Concluding remarks

The algorithms presented illustrate very frequent situations when providing Greek equivalents of certain Polish source-text terms:
i) the equivalent Greek term shares all dimensions with the Polish source term (see *sąd pierwszej instancji* 'first-instance court' and its Greek significator *πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]* 'first-instance court',) and thus they are convergent with respect to their meaning and to their dimensions,
ii) the equivalent Greek term shares all dimensions with the Polish source term (see *wada fizyczna* 'physical/inherent defect' and its Greek significator *πραγματικό ελάττωμα [pragmatiko elattoma]* 'physical defect'), but they are permissibly complementary with respect to their meaning,
iii) the equivalent Greek term only shares some dimensions with the Polish source term (see *sąd rejonowy* 'district court' and its Greek significator *πρωτοδικείο [protodikeio]* 'court of first instance'), and thus they are convergent with respect to their meaning and the essential dimensions they share in common; and
iv) the equivalent Greek term shares only one dimension with the Polish source term (see *ograniczone parwa rzeczowe* 'limited property rights' and its Greek significator *δικαιώματα επί αλλοτρίου πράγματος [dikaiomata epi allotriou pragmatos]* 'limited property rights'), and consequently they are translationally equivalent with respect to their meaning.

The algorithms are essential tools which seek to provide a sufficient translational equivalent. Determination of filters and the monitoring stage, in particular, are effective steps which do not allow

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proceedings conducted under the European Mutual Assistance Convention and the Mutual Assistance Protocol.

for the provision of an insufficient translational equivalent, since they require reference to objective meaning of the source and target term's meaning and dimensions.

The explanation scheme demonstrates the results of the foregoing investigation of compared terminology and algorithms, taking account of the relevant directives. It can be applied to various types of recipients of translation, as demonstrated above. However, it must be stressed here that determination of the recipient of the translation is quite essential when establishing sufficient translation equivalents in the context of effective interlingual communications.

The so-called distant recipient very often is not familiarised with legal issues and consequently needs to receive the translation rendered in language which he/she can understand. Therefore, the clue is not an ethnic language, but its sociolect (Trudgill 2003) that is comprehensible to certain recipients of the translation. However, translation practice demonstrates that the text of statutes is translated for legal needs, *i.e.* for courts and legal professionals, who are competent interpreters [of the law], and is done in order to apply[304] foreign law. Consequently, an impartial legal translator's duty is not to interpret but to translate the text of a statute; after all, the boundary between legal translation and legal interpretation is very fine, and very often a distant recipient of translation is not acquainted with these constraints.

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[304] For example: Polish Code of Civil Procedure: Tytuł VIII. Stwierdzenie obcego prawa i wzajemności. Art. 1143. § 1. Sąd z urzędu ustala i stosuje właściwe prawo obce. Sąd może zwrócić się do Ministra Sprawiedliwości o udzielenie tekstu tego prawa oraz o wyjaśnienie obcej praktyki sądowej.
§ 2. Sąd może zwrócić się do Ministra Sprawiedliwości również o udzielenie informacji co do istnienia wzajemności w stosunkach z państwem obcym.
§ 3. Celem ustalenia treści prawa obcego lub obcej praktyki sądowej albo istnienia wzajemności sąd może zastosować także inne środki, w tym zasięgnąć opinii biegłych.
Title VIII. Confirming the application of foreign law and reciprocity. Article 1143. §1. The court shall determine and apply relevant foreign law ex officio. The court may also request the Minister of Justice to provide the text of a law and to explain foreign judicial practice.
§ 2. The court may also request the Minister of Justice to provide information regarding the existence of reciprocity in relations with a foreign state.
§ 3. The court may also use other means, such as consulting an expert, in order to determine the content of a foreign law or foreign judicial practice, or the existence of reciprocity.

11. Conclusions

In this part of the book we will concentrate on two essential matters. They are: i) recapitulating the results of the comparative analysis performed thus far and ii) discussing the present investigation.

11.1. Results of comparative analysis

The comparative analysis has taken, as a point of departure, Polish terms of the Civil Code and the Code of Civil Procedure, which have been compared with their potential Greek translation equivalents. Comparative analysis has been performed according to hierarchically specified dimensions. Since the investigation is based on the assumption that that primary source of potential translation equivalents is a text of the same genre, the most essential dimensions used to calculate the distance between the source terms and the comparable terms are: genre, lect, branch of law, sub-branch of civil law. They are recognised as the minimum[305] dimensions needed to detect potential similarities (lack of distance, small distance) and differences (significant distance, lack of possible calculation) between the compared terms. Calculation of the distance is possible when the Polish and Greek terms are homosignificant or at least interlingually synonymous.

In the parametric approach distance has been calculated in light of basic semantic-lexical relations, *i.e.* synonymy (convergence), polysemy and hypernymy/hyponymy (complementarity) as well as in the context of relations between imprecise or flexible meanings, relations between false friends and finally the relations between euphemisms and metaphors. The semantic-lexical relations have been investigated from an intralingual and interlingual point of view within the framework of the language of Polish and Greek civil law.

[305] The set of minimum dimensions used to calculate the similarities and differences between the compared terms are genre, lect, branch of law, sub-branch of law, as well as various optional dimensions. See Chapter 2.2.

The investigations of intralingual synonyms have generated two kinds of results, and they are: (1) expansion of the terminology lexicon of source and target legal language (Polish and Greek) and (2) providing a set of potential translation equivalents instead of the one term typically proposed. Moreover, investigation of interlingual synonymy has confirmed the utility of the intralingual synonyms identified in the context of legal translations; however, it must be stressed that the relation of synonymy must be analysed pertinently on the basis of comparable texts, since particular findings hardly constitute a general directive of Polish-Greek legilinguistic translatology. It should also be said that the study of the relation of diachronic intralingual synonymy provides a set of terms which can be useful when coining a translation equivalent or modifying an existent one.

The relation of polysemy has also been investigated intralingually and interlingually. Analysis demonstrates that a legal translator's awareness of polysemy plays a crucial role both in determining the source term's correct meaning and the target term's correct meaning. Consequently, determination of correct meanings leads to adequate an translation equivalent being provided.

Between hypernyms and their hyponyms in legal language, there are also relations of intralingual intensive hypernymy-hyponymy and extensive hypernymy-hyponymy. The terms calculated in the parametric approach demonstrate that intensive intralingual hyponyms are barely mutually synonymous and, on the contrary, extensive hyponyms are very often mutually synonymous. Moreover, the relation of synonymy is found on various levels of hyponymy. The study of the relation of complementarity from an interlingual perspective provides a set of potential translation equivalents because they result from previous investigation of intralingual hypernymy-hyponymy in Greek legal language.

The analysis of Polish and Greek false cognates demonstrates that they are an extremely rare phenomenon. Since the Polish language is in some way related to the Ancient Greek language (as an Indo-European language), there are many more true cognates that are true friends than true cognates that are false friends. In these circumstances false cognates being false friends is a phenomenon that should be investigated on an extended scale, *i.e.* legal language of various branches of Polish and Greek law.

By contrast, imprecise and flexible meanings can be recognised as a kind of *universalium* for both the Polish and Greek language of civil law. In the context of translation theory and practice, general clauses seem to be a challenge both for legal translators and lawyers, while imprecise meanings are more difficult to interpret and apply to legal practice than they are to translate. Comparative analysis demonstrates many similarities between Polish and Greek general clauses, and they are even calculable in the parametric approach.

Elements of legal language that cannot have their distance calculated under the parametric approach are euphemisms and metaphors. Both are ephemeral, but the first ones depend on each individual society and its single members. Since euphemisms are often used to name a taboo in a non-offensive, non-unpleasant manner, and, simultaneously, taboos in various communities may differ, they are also difficult to compare. On the contrary, metaphors, seen conceptually, turn out to be a successfully exploited instrument for comparative analysis. Since some conceptions in Polish and Greek legal systems are universal, a metaphor can be recognised as effective *tertium comparationis* when performing comparison of legal terms in the context of potential translation.

Since comparative analysis of Polish and Greek terms is accompanied by certain directives of Polish-Greek legilinguistic translatology, under the relevant postulates of general legilinguistics, they are exploited in performing the translation algorithm. It should be stressed that the algorithm is presumed to be a set of actions executed in a certain order in order to achieve a certain result. The algorithms presented confirm four types of distance between compared terms: 1) lack of distance, where compared terms can be recognised as synonyms, 2) short distance, where compared terms can be recognised as translational equivalents, 3) significant distance, where compared terms cannot be recognised as translational equivalents and there is a need to balance the lack of common dimensions, 4) lack of possible calculation because there is no term that can be compared on the basis of the aforementioned dimensions and their properties.

11.2. Final remarks

The results of the comparative analysis of Polish and Greek terminology in civil law obviously confirms the general requirement to apply both linguistic and legal knowledge in legal translation. The research methodology adopted takes into account both linguistic and legal dimensions of legal terminology and consequently it confirms this general statement.

However, it should be noted that terminology derived from legilinguistic translatology theory could be simplified and adjusted to commonly known terminology of translation theory and practice. It is the main reason why the terminology exploited in the book is clarified in its first and second chapter.

Since the postulates and directives, as components of legilinguistic translatology, are based on observation of legal and linguistic realities, we prefer to propose our study as inductive research. Moreover, it has the nature of applied linguistics.

As for the study of Polish-Greek translation and practice, which has not been investigated pertinently to any considerable degree, it is very difficult to state whether the parametric approach to Polish and Greek legal terminology is effective in translation practice. However, it should be noted that the book can be a helpful introduction to the comparison of civil law terminology to novice Polish-Greek legal translators..

In turn, more experienced translators are obviously already familiar with the issues discussed in the volume, yet the methodology can help them to systematise their knowledge and experience. From this point of view, the study can be a point of departure for Polish-Greek legal terminography and lexicography, since it reflects a method for how to establish lexical equivalents and underlines the issues that are worth including in the definition next to the *lemma*. Consequently, a potential Polish-Greek dictionary of legal terms could include not only lemmas but also definitions that reflect genre, lect, branch of law, sub-branch of law and other issues recognised in the book as dimensions of legal terms. Yet, the list of Polish and Greek civil law terminology must be determined and analysed, since the study does not provide either translational or lexical equivalents for all potential terms.

To sum up, the objective of study was to examine whether the main research hypothesis of this study[306] is true or false. Consequently one can state that it is true as far as it concerns the practice of novice translators. Investigations of terminology performed in the manner presented in this book definitely enrich their knowledge about the source and target legal language. Moreover, it increases their awareness of potential traps[307] which they may encounter in translation practice.

Finally, it is worth applying the method in order to perform a parallel study of other branches of Polish and Greek law to obtain more results confirming or negating the value of the parametric approach in the comparison of legal terminology. Moreover, the study can be extended to include Cypriot law, with the goal of providing a more comprehensive and all-encompassing comparative study of Polish-Greek legal terminology.

[306] The hypothesis is that parametrisation of the legilinguistic reality makes it easier to calculate the distance which exists between semantic-pragmatic fields of legal terms and enables one to determine convergent and complementary translational equivalents.

[307] For instance the Polish homophone and homograph ‘strona’ (party, party to civil proceedings) has two potential Greek translation equivalents in civil law. See Chapter 3.2.4.

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The Constitution of the Republic of Poland [Konstytucja Rzeczpospolitej Polskiej]

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Judicial Decision of District Court of Bielsko Podlaskie, 1st Civil Divison of 30th of December 2014 in the case of ref. no I C 1968/14.[Orzeczenie Sądu Rejonowego w Bielsku Podlaskim I Wydział Cywilny z dnia 30 grudnia 2014 roku w sparwie o sygn,. akt I C 1968/14.].
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The Greek Civil Code of 23.02.1946 [Αστικός Κώδικας/Astikos Kodikas],
The Greek Code of Civil Procedure of 16.09.1968 [Κώδικας Πολιτικής Δικονομίας / Kodikas Politikis Dikonomias].
The Greek Highway Code [Κώδικάς οδικής κυκλοφορίας] N. 2696/1999.
The Greek Code of Criminal Procedure [Κώδικας Ποινικής Δικονομίας/Kodikas Poinikis Dikonomias]
The Introductory Law of the Greek Civil Code [Εισαγωγικός νόμος του Αστικού Κώδικα] AN 2783/1941
The Greek Law 1329/1983 [Νόμος 2329/1983].
The Greek Law 2447/1996 [Νόμος 2447/1996].
The Ionian Civil Code of 1851 [Πολιτικός κώδηξ του Ηνωμένου Κράτους των Ιονίων Νήσων 1851.]
The Polish Civil Code of 1964 of 23 April 1964 [Ustawa Kodeks Cywilny z dnia 23 kwietnia 1964 r.],
The Polish Code of Civil Procedure of 17 November 1964 [Ustawa Kodeks postępowania cywilnego z dnia 17 listopada 1964 r.]
The Polish Law amending the law — Civil Code, the law — Code of Civil Procedure and other laws (Ustawa z dnia 10 lipca 2015 r. o zmianie ustawy - Kodeks cywilny, ustawy - Kodeks postępowania cywilnego oraz niektórych innych ustaw).
The Polish Law on Museums of 21st of November 1996 (Ustawa z dnia 21 listopada 1996 r. o muzeach).
The Polish Law of of 21st of August 1997 — Regime of military courts law (Ustawa z dnia 21 sierpnia 1997 r. - Prawo o ustroju sądów wojskowych).
The Polish Law of 16th of April 1993 on unfair competition [Ustawa z dnia 16 kwietnia 1993 roku o zwalczaniu nieuczciwej konkurencji].

The Polish Ordinance of Prime Minister of 20th of June 200 on ‘Rules on legislation techniques (Rozporządzenie Prezesa Rady Ministrów z dnia 20 czerwca 2002 r. w sprawie ‘Zasad techniki prawodawczej’).

Other references

ISO 843:2000 Standard for the transliteration of Greek characters into Latin characters.
ELOT 743 (1982) Greek transliteration standard.

List of postulates

Postulates of general legilinguistic[308]

For the purpose of clarification we present the following abbreviations used in the postulates:

T_{hypon} – a hypernym term
T_{hypon} – a hyponym term
T_i – a variable ranging over a set of translandive texts (also called source texts),
T_j – is a variable ranging over a set of translative texts (also called target texts),
S – a variable ranging over a set of legal text sentences,
S_i – a variable ranging over a set of translandive sentences (also called source text sentences),
S_j – a variable ranging over a set of translative sentences (also called target text sentences),
SA_i – a source statute,
G – a variable ranging over a set of text genres (*e.g.* a statutory instrument, a testament, etc.),
CC – a variable ranging over a set of communicative communities of target (translative) text recipients, that is to say people to whom the translative text is addressed,
C – a variable ranging over a set of commissioners,
P – a variable ranging over a set of properties from a given dimension,
D – a variable ranging over a set of dimensions,
X – a given translandive lingual unit, and
Y – a given translative lingual unit.

[308] Quoted or based on Matulewska (2013: 78-87) and Matulewska (2017).

Postulates referring to translatability

Po 1 — Postulate of the heterolinguality of translatability
Any two texts bound by the relation of translatability are heterolingual.

Po 2 — Postulate of translatability
Every text of one language is translatable into a corresponding text of another language.

Po 3 — Postulate of genre preservation
If two legal texts are bound by the relation of translatability, they have to be of the same genre.

Po 4 — Postulate of the asymmetry of translatability
If text T_i is translatable as text T_j, then it does not mean that text T_j is completely translatable as text T_i.

Po 5 — Postulate of the non-transitivity of translatability
If text T_i is translatable as text T_j, and text T_j is translatable as text T_k, and each of these texts is in a different language, then text T_i is not necessarily translatable as text T_k.

Po 6 — Postulate of the absence of complete homosignification
No two heterolingual texts bound by the relation of translatability are completely homosignificative.

Po 7 — Postulate of the translational distance
The translational distance between texts T_1 and T_n, being, respectively, the first and the last member of a translatability chain (that is, a finite sequence made up of heterolingual texts and such that every preceding text T_i is bound by the relation of translatability with the directly succeeding text T_j) is directly proportional to the length of this chain, that is, a linear distance between T_1 and T_n within this chain.

Postulates referring to equivalence

Po 8 — Postulate of translational equivalence and translatability
If text T_j is sufficiently equivalent to text T_i, then text T_i is translatable into T_j.

Po 9 — Postulate of translational equivalence
If heterolingual texts T_i and T_j are sufficiently translationally equivalent, then they are sufficiently translationally convergent or permissively translationally complementary.

Po 10 — Postulate of translational convergence

If heterolingual texts T_i and T_j are sufficiently translationally convergent (*tr*-convergent), then they are translationally equivalent.

Po 11 — Postulate of translational convergence and homosignification

If heterolingual texts T_i and T_j are translationally convergent (sufficiently *tr*-convergent), then they are sufficiently homosignificative (*hsgf*) (that is, they coincide with respect to the relevant translational dimensions). Thus translational convergence presupposes *hsgf*.

Po 12 — Postulate of homosignification and non-divergence

If two heterolingual texts T_i and T_j are sufficiently homosignificative also with respect to the considered meaning *M* and are not excessively divergent, then they are translationally equivalent.

Po 13 — Postulate of permissible translational complementarity

If heterolingual texts T_i and T_j are permissibly translationally complementary relative to dimension *D*, then they are translationally divergent relative to *D*, and they are translationally convergent relative to dimension Δ, and Δ is not too distant a hyperdimension for *D*, that is Δ being more abstract than *D* but not too abstract. (Another approach to a permissible translational complementarity of two texts would take into consideration that they are translationally convergent in a greater number of relevant dimensions than the number of those dimensions in which they diverge).

Po 14 — Postulate of translational quasi-equivalence

If two texts T_i and T_j are translationally quasi-equivalent, then they are translationally divergent and at the same time impermissibly translationally complementary.

Po 15 — Postulate of translational incomparability

If heterolingual texts T_i and T_j are translationally incomparable relative to the considered set of *tr*-dimensions D, then they are translationally incommensurable but not complementary relative to D.

Po 16 — Postulate of translational comparability

If two heterolingual texts T_i and T_j are characterisable with respect to a common set of translational dimensions, then they are translationally comparable. (This is irrespective of whether

they converge, oppose or are complementary relative to these dimensions).

Po 17 — Postulate of the homosignification of translative texts relative to translandum

If each of two different tautolingual translative texts T_j and T_k is sufficiently homosignificative with translandive text T_i, then T_j is sufficiently homosignificative with T_k.

Po 18 — Postulate of the situational dependence of translational equivalence

Even if translative text T_j is sufficiently translationally equivalent in one translative situation to text T_i, it is not necessarily translationally sufficiently equivalent to text T_i in another translative situation.

Po 19 — Postulate of the translational feasibility

If text T_i is translatable as text T_j, then T_j is translationally equivalent to T_i or T_j is translationally quasi-equivalent to T_i (thus, there are no non-translatable texts).

Postulates referring to providing translative equivalence

Po 20 — Postulate of terms as translandive and translative lingual units

If a translandive lingual unit is a term, then a translative lingual unit is either a functional equivalent, or a modified functional equivalent or a neologism.

Po 21 — Postulate of near equivalence (intersection)

If a translandive lingual unit and its potential functional equivalent in the target language are sufficiently convergent in respect to all essential dimensions and most secondary dimensions, then they are sufficiently equivalent in respect to a set of relevant dimensions.

Po 22 — Postulate of near equivalence (inclusion of a translative unit in a translandive unit)

If a translandive lingual unit is convergent in respect to all of the properties of a translative unit and the translative unit is convergent in respect to all of the essential and most of the secondary properties of the translandive unit, then they are sufficiently equivalent in respect to the relevant dimensions.

Po 23 — Postulate of near equivalence (inclusion of a translandive unit in a translative unit)

If a translative lingual unit is convergent in respect to all of the properties of a translandive unit and the translandive unit is convergent in respect to all of the essential and most of the secondary properties of the translative unit, then they are sufficiently equivalent in respect to the relevant dimensions.

Po 24 — Postulate of partial equivalence (intersection)

If a translandive lingual unit and its potential functional equivalent in the target language are sufficiently convergent or permissibly complementary in respect to all essential properties from relevant dimensions and some secondary properties, then they are not sufficiently equivalent in respect to a set of relevant dimensions unless the translative unit is modified to diminish the distance between the units or a sufficiently equivalent term is coined.

Po 25 — Postulate of partial equivalence (inclusion of a translative unit in a translandive unit)

If a translandive lingual unit shares all of the properties of a translative unit and the translative unit only most of the essential and some of the secondary properties of the translandive unit, then they are not sufficiently equivalent in respect to the relevant dimensions unless the translative unit is modified to diminish the distance between the units.

Po 26 — Postulate of partial equivalence (inclusion of a translandive unit in a translative unit)

If a translative lingual unit shares all of the properties of a translandive unit and the translandive unit only most of the essential and some of the secondary properties of the translative unit, then they are not sufficiently equivalent in respect to the relevant dimensions, unless the translative unit is modified to diminish the distance between the units.

Po 27 — Postulate of non-equivalence (intersection)

If a translandive lingual unit and its potential functional equivalent in the target language are sufficiently convergent or permissibly complementary in respect to only a few essential properties, then they are not sufficiently equivalent in respect to a set of relevant dimensions.

Po 28 — Postulate of non-equivalence (intersection of secondary dimensions)

If a translandive lingual unit and its potential functional equivalent in the target language are sufficiently convergent or permissibly complementary in respect to only secondary properties, then they are not sufficiently equivalent in respect to a set of relevant dimensions.

Po 29 — Postulate of non-equivalence (inclusion of a translative unit in a translandive unit)

If a translandive lingual unit shares all of the properties of a translative unit and the translative unit only a few of the essential properties of the translandive unit, then they are not sufficiently equivalent in respect to the relevant dimensions.

Po 30 — Postulate of non-equivalence (inclusion of a translandive unit in a translative unit)

If a translative lingual unit shares all of the properties of a translandive unit and the translandive unit only a few of the essential properties of the translative unit, then they are not sufficiently equivalent in respect to the relevant dimensions.

Po 31 — Postulate of zero equivalence (lack of similarity between source and target legal realities)

Absolute legal system divergence occurs when there is no functional equivalent in the target legal system for a particular translandive unit which is sufficiently convergent or permissibly complementary in respect to any dimensions.

Po 32 — Postulate of collocations as translandive and translative lingual units

If a translandive lingual unit is a collocation, then a translative lingual unit is based on a functional equivalent.

Po 33 — Postulate of texts as translandive and translative lingual units

If a translandive lingual unit is a text composed of sentences, then a translative lingual unit conforms to the grammatical rules of structuring texts of a given genre in a target text.

Po 34 — Postulate of translation in the absence of a corresponding translative text genre

If a translandive lingual unit is a text composed of sentences and there is no corresponding genre of text in the translative legal reality, then a translative lingual unit shall conform to the grammatical rules of structuring texts of a closest hyper-genre in respect to the translative text existing in a translative legal reality.

Postulates referring to translational adaptation

Po 35 — Postulate of the adaptive preservation of translatability
If text T_i is translatable as T_j, and T_j is translationally adapted as T_k, then T_i is translatable as T_k.

Po 36 — Postulate of adaptation and comprehension
If a translative text has been adapted to the requirements of the recipient, then the recipient understands this text.

Po 37 — Postulate of acceptability and comprehension
If a translative text is acceptable to the recipient, then this text is also understandable to the recipient and preserves the intended meaning of the translandive text sufficiently accurately.

Postulates referring to the translator

Po 38 — Postulate of translator and comprehension
If *h* translated text T_i as text T_j, then *h* understands both these texts.

Po 39 — Postulate of translator's idiolect impact on translation
If the translandive text is translated by different translators, then each translative text produced by a different translator is potentially different linguistically from each other.

Po 40 — Postulate of the time of translation impact on translation
If the translandive text is translated at different times, then each translative text produced at different time is potentially different linguistically from each other.

Po 41 — Postulate of translator's experience and knowledge impact on translation
The more experienced and knowledgeable the translator is in the field of translation, the higher quality translations he potentially renders.

Po 42 — Postulate of the impact of the time factor on translation
The more time the translator devotes to rendering translation, the higher quality translations he potentially produces.

Po 43 — Postulate of the impact of the observation of translation steps on the quality of translation
If the translator fails to observe the steps of translation, the lower quality of translation he produces with each non-observed step.

Postulates referring to the commissioner

Po 44 — Postulate of commissioner's impact on translation
The more willing to share information on the communicative community of recipients the commissioner is, the higher degree of adjustment and adaptation of translation to the requirements of such community the translator potentially achieves.

Postulates referring to recipients of translative texts

Po 45 — Postulate of a specialist as a recipient of a translative text
If a recipient of a translative text is a specialist in the field of law, then the recipient expects a higher degree of precision revealing legal system differences in the process of legal communication.

Po 46 — Postulate of a non-specialist as a not legally affected recipient of a translative text
If a recipient of a translative text is not a specialist in the field of law, then the recipient expects a lower degree of precision in the process of legal communication when the recipient's legal status is not directly affected by the contents of the translative text.

Po 47 — Postulate of a non-specialist as a legally affected recipient of a translative text
If a recipient of a translative text is not a specialist in the field of law, then the recipient expects a higher degree of precision in the process of legal communication when the recipient's legal status is directly affected by the contents of the translative text.

Po 48 — Postulate of a recipient of a translative text operating in translandive legal reality
If a recipient of a translative text is to operate in the translandive legal reality, then the recipient expects a higher degree of precision revealing legal system differences in the process of legal communication.

General legilinguistic translatological postulates

Po 49 — Postulate of interdisciplinarity of legilinguistic translation

Legilinguistic translation is interdisciplinary as it intersects law, linguistics and usually some other field.

Po 50 — Postulate of the impact of legal system differences on translation

The more differences there are between the legal system reflected in a translandive text and a legal system of the target language, the more difficult the process of translation is.

[Numerous/most translation difficulties result from differences between the source language legal system and the target language legal system.]

Po 51 — Postulate of legal effect (consequences) of plurilingual legislation

If the translandive text and translative text belong to the set of plurilingual legislation, then the translation is considered effective if the translandive text and translative text have the same legal effect (consequences).

Po 52 — Postulate of legal effect of the translandive text and informative content of the translative text

If the translandive text is binding, then the translative text is communicatively successful if it conveys the informative content about the legal effect (consequences) of the translandive text

Po 53 — Postulate of legal effect of the translative text and informative content of the translandive text

If the translative text is binding and the translandive text is informative, the translative text is communicatively and legally successful if it conveys the informative content about the intended legal effect (consequences) of the translandive text.

Po 54 — Postulate of communicative effectiveness

If a translative text is comprehended in the desired way, then the communication is effective.

Po 55 — Postulate of the impact of the quality of translandive text on the quality of translative text

The lower the quality of a translandive text is, the more difficult it is to render a high quality translative text.

Po 56 — Postulate of the effect of language potential on translation

Numerous translation difficulties result from differences in the communicative potential of the source and target languages, especially when the potential of the latter is limited in comparison with the former.

Postulates referring to interlingual terminology relations[309]

Po 57 — Postulate of synchronic synonymy in comparable texts

If two or more homolingual terms of the same text T_i are sufficiently homosignificative with respect to the considered certain meaning M and to all dimensions, then they are synonymous.

Po 58 — Postulate of diachronic synonymy in comparable texts

If two or more homolingual terms of the same statute SA_i are sufficiently homosignificative with respect to the considered certain meaning M and share the most essential dimensions, then they are synonymous.

Po 59 — Postulate of polysemy in comparable texts

If any term is a part of various syntagms which have different meanings with respect to the dimension of branch of law and as such it occurs in the same statute, then it is a polysemous term.

Po 60 Postulate of complementarity (based on hypernymy-hyponymy relation) in comparable texts

If two or more homolingual terms T_{hypon} of the same text T_i are partially homosignificative with the term T_{hyper} with respect to the considered certain meaning M and to all dimensions as well as they are covered by meaning of the term $T_{hypr,}$ they are in relation of complementarity based on semantic hypernymy-hyponymy semantic relation.

[309] Established for the purpose of a parametric approach to comparison of legal terminology in Polish and Greek.

List of directives of Polish-Greek legilinguistic translatology under the postulates of general legilinguistic translatology

Directives under the postulate ***Po 6*** *— Postulate of the absence of complete homosignification.*

Directive $5_{PL\text{-}EL}$*: If there is no equivalent for the Polish legislative term in the Greek language of the lawmaker, the translator should look for potential equivalents in texts belonging to other legal genres* (35)[310]

Directives under the postulate ***Po 8*** *— Postulate of translational equivalence and translatability.*

Directive $16_{PL\text{-}EL}$*: If the Polish terms 'process', 'postępowanie' and 'sprawa' and the Greek terms: 'δίκη [diki']* and *'υπόθεση [ipothesi]' consist of the verbal syntagm including the verb 'toczyć się' or respectively 'εκκρεμώ [ekkremo]', then they are synonymous.* (77)

Directive $45_{PL\text{-}EL}$*: If the Polish empowering general clause* GC_{PL} *is sufficiently equivalent to the Greek empowering general clause* $GC_{EL,}$ *then the Polish empowering general clause* GC_{PL} *is translatable into the Greek empowering general clause* GC_{EL}*.* (158)

Directive $46_{PL\text{-}EL}$*: If the Polish referral general clause* GC_{PL} *is sufficiently equivalent to the Greek referral general clause* $GC_{EL,}$ *then*

[310] The numbers in brackets are numbers of the pages where the directive is discussed.

the Polish referral general clause GC_{PL} is translatable into the Greek referral general clause GC_{EL}. (164)

Directives under the postulate ***Po 9*** — *Postulate of translational equivalence.*

Directive $16_{PL\text{-}EL}$: If the Polish terms 'process', 'postępowanie' and 'sprawa' and the Greek terms: 'δίκη [diki'] and 'υπόθεση [ipothesi]' consist of the verbal syntagm including the verb 'toczyć się' or respectively 'εκκρεμώ [ekkremo]', then they are synonymous. (77)

Directives under the postulate ***Po 10*** — *Postulate of translational convergence.*

Directive $16_{PL\text{-}EL}$: If the Polish terms 'process', 'postępowanie' and 'sprawa' and the Greek terms: 'δίκη [diki'] and 'υπόθεση [ipothesi]' consist of the verbal syntagm including the verb 'toczyć się' or respectively 'εκκρεμώ [ekkremo]', then they are synonymous. (77)

Directive $49_{PL\text{-}EL}$: If the Greek translantive term 'δικαιώματα επί αλλοτρίου πράγματος, is sufficiently translationally convergent (tr-convergent) with the Polish translandive term 'ograniczone parwa rzeczowe', then it is an optimal translation equivalent. (195)

Directives under the postulate ***Po 11*** — *Postulate of translational convergence and homosignification.*

Directive $6_{PL\text{-}EL}$: If the Polish statute term is sufficiently convergent with respect to the relevant dimensions with the term from the Greek statute, then it is translatable into Greek. (36)

Directive 9$_{PL\text{-}EL:}$ If the Polish term 'strona' in the dimension of sub-branch of law takes on the property of substantive law, then it is translatable into Greek as 'μέρος [meros]'. (43)

Directive 10 14$_{PL\text{-}EL:}$ If the Polish term 'strona' in the dimension of sub-branch of law takes on the property of procedural law, then it is translatable into Greek as 'διάδικος [diadikos]'. (43)

Directive 11$_{PL\text{-}EL}$: If the Polish statute term 'wnioskodawca' is sufficiently convergent with respect to the relevant dimensions with the term from the Greek statute 'αιτών [aiton]', then it is translatable into Greek. (48)

Directive 16$_{PL\text{-}EL}$: If the Polish terms 'process', 'postępowanie' and 'sprawa' and the Greek terms: 'δίκη [diki'] and *'υπόθεση [ipothesi]' consist of the verbal syntagm including the verb 'toczyć się' or respectively 'εκκρεμώ [ekkremo]', then they are synonymous.* (77)

Directive 47$_{PL\text{-}EL}$: If the Polish imprecise term IT$_{PL}$ and the Greek imprecise term IT$_{EL}$ are translationally convergent (sufficiently tr-convergent), then they are sufficiently homosignificative (hsgf) (that is, they coincide with respect to the relevant translational dimensions). Thus translational convergence presupposes hsgf. (166)

Directives under the postulate ***Po 12*** *— Postulate of homosignification and non-divergence of the general legilinguistic translatology.*

Directive 17$_{PL\text{-}EL}$: If the Polish term 'postepowanie' and the Greek terms: 'δικονομία [dikonomia]' and 'διαδικασία [diadikasia]' are used in the title of statutes, then they are interlingually synonymous (convergent). (80)

Directive 18$_{PL\text{-}EL}$: If the Polish term 'postepowanie' and the Greek term 'διαδικασία [diadikasia]' are names of a set of legal acts in a civil case, then they are interlingually synonymous (convergent). (80)

Directive 23$_{PL\text{-}EL}$: If in a Polish statute the term 'cywilny' concerns substantive civil law, then it is translatable into Greek as 'αστικός [astikos]'. (102)

Directive 24$_{PL\text{-}EL}$: If in a Polish statute the term 'cywilny' concerns procedural civil law, then it is translatable into Greek as 'πολιτικός [politikos]'. (102)

Directives under the postulate ***Po 21*** — *Postulate of near equivalence (intersection).*

Directive 1$_{PL\text{-}EL}$: If in a Polish statute the term 'kodeks' means statute, then it is translatable into Greek as 'κώδικας [kodikas]'or 'νόμος [nomos]'. (32)

Directive 2$_{PL\text{-}EL}$: If in a Polish statute the term 'kodeks' is used as the title of statute, then it is translatable into Greek as 'κώδικας [kodikas]'. (32)

Directive 3$_{PL\text{-}EL}$: If in a Polish statute the term 'ustawa' means statute, then it is translatable into Greek as 'νόμος [nomos]'. (33)

Directive 4$_{PL\text{-}EL}$: If in Polish statute the term 'ustawa' is used as a title of statute, then it is translatable into Greek as 'νόμος [nomos]'. (33)

Directive 43$_{PL\text{-}EL}$: If in a Polish statute the term 'fizyczny' is an element of the syntagm 'wady fizyczne', then it is translatable into Greek as 'πραγματικός [pragmatikos]'. (146)

Directive 44$_{PL\text{-}EL}$: If in a Polish statute the term 'fizyczny' is an element of the syntagm 'osoba fizyczna', then it is translatable into Greek as 'φυσικός [fysikos]'. (147)

Directive 50$_{PL\text{-}EL}$: If a translandive lingual unit — the Polish term 'sąd pierwszej instancji' and its potential functional equivalent in the target language — the Greek term 'πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]' are sufficiently convergent with respect to

all essential dimensions and the most secondary dimensions, then they are sufficiently equivalent with respect to a set of relevant dimensions. (198)

Directives under the postulate ***Po 22*** — *Postulate of near equivalence (inclusion of a translative unit in a translandive unit).*

Directive 40$_{PL\text{-}EL}$: If interlingual subordinate terms (hypernyms) are convergent and their more general hyponyms are complementary, then interlingual hyponyms are convergent. (138)

Directive 41$_{PL\text{-}EL}$: If the Polish terms: 'sąd pierwszej instancji' and 'sąd niższej instancji' are extensive synonyms of the Polish term 'sąd' with respect to the dimension of instance, then they are translatable into Greek as 'πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]' which is an extensive hypernym of the Greek term 'δικαστήριο'. (138)

Directive 42$_{PL\text{-}EL}$: If the Polish terms: 'sąd drugiej instancji' and 'sąd wyższej instancji' are extensive synonyms of the Polish term 'sąd' with respect to the dimension of instance, then they are translatable into Greek as 'δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio] which is an extensive hypernym of the Greek term 'δικαστήριο'. (138)

Directives under the postulate ***Po 23*** — *Postulate of near equivalence (inclusion of a translandive unit in a translative unit).*

Directive 8$_{PL\text{-}EL}$: If the Polish statute term is sufficiently convergent with respect to the relevant dimensions with the term from the Greek statute of other branch of law, then it is translatable into Greek. (41)

Directive 48$_{PL\text{-}EL}$: If the Greek translantive term 'πραγματικό ελάττωμα [pragmatiko elattoma]', is convergent with respect to all of the properties of the Polish translandive unit and the Polish translandive

unit 'wada fuzyczna' is convergent with respect to all of the essential and most of the secondary properties of the Greek translantive unit, then they are sufficiently equivalent in respect to the relevant dimensions. (192)

Directives under the postulate ***Po 27*** — *Postulate of non-equivalence (intersection).*

Directive 7$_{PL\text{-}EL}$: If the Polish statute term is sufficiently convergent with respect to the relevant dimensions with the term from the Greek LSP lect (other than legal lect), then it is translatable into Greek. (39)

Directives under the postulate ***Po 24*** — *Postulate of partial equivalence (intersection).*

Directive 52$_{PL\text{-}EL}$: If a translandive lingual unit — 'sąd rejonowy' and its potential functional equivalent in the target language - 'πρωτοδικείο [protodikeio]' are sufficiently convergent or permissibly complementary with respect to all essential properties from the relevant dimensions and some secondary properties, then they are not sufficiently equivalent with respect to a set of relevant dimensions unless the translative unit is modified to diminish the distance between the units. (203)

Directives under the postulate ***Po 29*** — *Postulate of non-equivalence (inclusion of a translative unit in a translandive unit).*

Directive 51$_{PL\text{-}EL}$: If the Polish term 'sąd rjonowy' shares all of the properties of the Greek translative units: 'ειρηνοδικείο', 'μονομελές πρωτοδικεί' and 'πολυμελές πρωτοδικείο' and the translative units share only a few of the essential properties of the translandive unit,

then they are not sufficiently equivalent in respect to the relevant dimensions. (202).

Directives under the postulate ***Po 57*** *Postulate of synchronic synonymy in comparable texts*.

Directive 12$_{PL\text{-}EL}$: If the Polish terms 'postępowanie, 'proces' and 'sprawa' are elements of a verbal syntagm including the verb 'toczyć się', then they are synonymous. (55)

Directive 14$_{PL\text{-}EL}$: If the Greek terms 'δίκη [diki]' and 'υπόθεση [ipothesi]' consist of the verbal syntagm including the verb 'εκκρεμώ [ekkremo]', then they are synonymous. (66)

Directives under the postulate ***Po 58*** *Postulate of diachronic synonymy in comparable texts*.

Directive 13$_{PL\text{-}EL}$: If the Polish terms 'mienie ogólnonarodowe (państwowe)'or 'własność ogólnonarodowa (państwowa)' or 'mienie państwowe' are used within the framework of civil law practice, then they are synonymous. (62)

Directive 15$_{PL\text{-}EL}$: If the Greek terms 'προσωπικαί σχέσεις μεταξύ των συζύγων' or 'περιουσιακαί σχέσεις των συζύγων' are used under the civil law, then they are synonymous with the term 'σχέσεις των συζύγων από το γάμο'. (71)

Directives under the postulate ***Po 59*** *Postulate of polysemy in comparable texts.*

Directive 19$_{PL\text{-}EL}$: If the Polish term 'cywilny' is a part of various syntagms, including the syntagm 'urząd stanu cywilnego', which have

different meanings with respect to the dimension of branch of law and as such it occurs in the same civil law statute and, then it is a polysemous term. (85)

Directive 20$_{PL\text{-}EL}$: If the Polish term 'dowód' is a part of various syntagms, including the syntagms meaning a set of facts, which are to be recognised during evidentiary hearing performed by the court in judicial procedure, then it is a polysemous term. (91)

Directive 21$_{PL\text{-}EL}$: If the Greek term 'πολιτικός [politikos]' is a part of various syntagms, including the syntagms: 'πολιτικά καθήκοντα [polityka kathikonta]' and 'πολιτικές πεποιθήσεις [politikes pepoithiseis]', which have a different meaning with respect to the dimension of branch of law and as such it occurs in the same civil law statute, then it is a polysemous term. (95)

Directive 22$_{PL\text{-}EL}$: If the Greek term 'φυσικός [fysikos]' is a part of various syntagms, including syntagms which are terms of various branches of law and these syntagms include abstract or concrete nouns, where abstract nouns are parts of civil law terminology and concrete nouns are parts of administrative law and, then it is polysemous. (98)

Directives under the postulate ***Po 60*** *Postulate of polysemy in comparable texts.*

Directive 25$_{PL\text{-}EL}$: If the Polish term 'sąd' is an intensive hypernym of the hyponyms: 'sąd powszechny' and 'sąd specjalny', with respect to meaning M and the essential dimensions, then they are complementary. (111)

Directive 26$_{PL\text{-}EL}$: If the Polish term 'sąd' is an intensive hypernym of the hyponym 'Sąd Najwyższy' with respect to meaning M and the essential dimensions, then they are complementary. (111)

Directive 27$_{PL\text{-}EL}$: If the Polish term 'sąd' is an extensive hypernym of the hyponyms: 'sąd pierwszej instancji', 'sąd rejonowy', 'sąd niższej

instancji', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous. (116)

Directive 28$_{PL\text{-}EL}$: If the Polish term 'sąd' is an extensive hypernym of the hyponyms: 'sąd drugiej instancji', 'sąd okręgowy', '*sąd wyższej instancji*', *with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous.* (116)

Directive 29$_{PL\text{-}EL}$: If the Polish term 'sąd' is an extensive hypernym of the hyponyms: 'sąd pierwszej instancji', 'sąd okręgowy', 'sąd niższej instancji', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous. (116)

Directive 30$_{PL\text{-}EL}$: If the Polish term 'sąd' is an extensive hypernym of the hyponyms: 'sąd drugiej instancji', sąd apelacyjny', 'sąd wyższej instancji', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous. (116)

Directive 31$_{PL\text{-}EL}$: If the Polish term 'sąd' is an extensive hypernym of the hyponyms: 'sąd w składzie jednego sędziego', 'sąd w składzie jednego sędziego jako przewodniczącego i dwóch ławników' and 'sąd w składzie trzech sędziów', with respect to meaning M and the essential dimensions, then they are complementary. (120)

Directive 32$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an intensive hypernym of the hyponym 'πολιτικό δικαστήριο [politiko dikastirio]', with respect to meaning M and the essential dimensions, then they are complementary. (125)

Directive 33 $_{PL\text{-}EL}$: If the Polish term 'δικαστήριο [dikastirio]' is an intensive hypernym of the hyponym 'ελληνικό δικαστήριο [elliniko dikastirio]' with respect to meaning M and the essential dimensions, then they are complementary. (125)

Directive 34$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an extensive hypernym of the hyponyms: 'πρωτοβάθμιο δικαστήριο

[protovathmio dikastirio]'and 'ειρηνοδικείο [irinodikeio]', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous. (131)

Directive 35$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an extensive hypernym of the hyponyms: 'δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]'and 'μονομελές πρωτοδικείο [monomeles protodikeio]', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous. (131)

Directive 36$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an extensive hypernym of the hyponyms: 'πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]' and 'μονομελές πρωτοδικείο [monolmeles protodikeio]', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous. (131)

Directive 37$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an extensive hypernym of the hyponyms: 'δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]'and 'εφετείο [efetio]', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous. (131)

Directive 38$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an extensive hypernym of the hyponyms: 'πρωτοβάθμιο δικαστήριο [protovathmio dikastirio]' and 'πολυμελές πρωτοδικείο [polymeles protodikeio]', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous. (131)

Directive 39$_{PL\text{-}EL}$: If the Greek term 'δικαστήριο [dikastirio]' is an extensive hypernym of the hyponyms: 'δευτεροβάθμιο δικαστήριο [devterovathmio dikastirio]'and 'εφετείο [efetio]', with respect to meaning M and the essential dimensions, then they are complementary and the extensive hyponyms are mutually synonymous. (131)

Directive concerning Greek diglossy.

If a certain Polish term has no equivalent term in the relevant Greek statutes, such an equivalent can exist in other Greek statutes or administrative instruments written in the standard Modern Greek language, i.e. decrees, other laws and codes or in legal texts of other genres, i.e. commentaries, interpretations, judgments, handbooks etc. (46).

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Summary

The present book is a part of the research project in legilinguistic translatology, entitled: 'Parametrisation of legilinguistic translatology in the scope of civil law and civil procedure'. Financial support was provided by the National Science Centre of the Republic of Poland (Sonata Bis Programme — research grant no. DEC-2012/07/E/HS2/00678, which enabled us to finance the research into the Polish-Greek language pair.

The basic assumptions for the parametric approach to the comparison of legal terminology in legal translation are presented in Chapter I. Legilinguistics, understood here as legal linguistics, is the discipline devoted to the nature, development and usage of legal language, while legilinguistic translatology, as a subdiscipline of translatology, concerns itself with the theory and practice of the translation of legal texts. As legilinguistic translatology is subdivided into theoretical and practical translatology, the present study is categorised as an investigation in the practical field. However there are some references to theoretical legilinguistic translatology also. The point of departure is the paradigm of legal communication, where the source text (here also called the 'translandive text') are Polish statutes in the area of civil law, the source-text author is the Polish lawmaker, the translation is a legal text (here also called the 'translantive text'), the recipient is a Greek legal professional or judicial authority. The author and the recipient of the potential translation are both members of the professional legal communicative community, and simultaneously the author of the text is a member of the communicative community of the Polish language, while the recipient of the potential translation is a member of the Greek-language communicative community.[311]

The research methodology is presented in Chapter II. The parametric comparative analysis takes as a point of departure terms excerpted from Polish civil law statutes, i.e. the Civil Code (Kodeks Cywilny) and the Code of Civil Procedure (Kodeks Postępowania

[311] Theory of communicative communities adopted after Zabrocki (1963).

Cywilnego), here also called 'translandive units'.[312] They are compared with Greek terms, which, first of all, come from Greek civil law statutes, i.e. the Civil Code (*Αστικός Κώδικας [Astikos Kodikas])* and the Code of Civil Procedure *Κώδικας Πολιτικής Δικονομίας [Kodikas Astikis Dikonomias])*. If they are not present in statutes, they are excerpted from other legal genres, and, ultimately, if they are not present in other legal genres, either, then, they are excerpted from other lects (e.g. LSPs, vernacular lect) or potentially coined by the translator. The very first step of comparative analysis focuses on the meaning of the terms in a legal context. This is followed by analysis of the source-text unit compared with the translantive text (target text) in the context of the relevant dimensions of the terms. The dimensions are understood as a set of homogeneous properties that are used to calculate the distance between the compared terms. The set of minimal dimensions, which allow us to calculate the similarities and differences between the compared terms, comprises: genre, lect, branch of law, sub-branch of law and optional dimensions. The presumed objective of the comparative analysis is to determine: 1) lack of distance, where the compared terms can be recognised as synonyms; 2) short distance; where the compared terms can be recognised as translational equivalents; 3) significant distance, where compared terms cannot be recognised as translational equivalents, and there is a need to compensate for the lack of common dimensions; 4) lack of possible calculation because there is no term that could be compared on the basis of the aforementioned dimensions and their properties. Research material comprises the basic normative acts of Polish and Greek substantive and procedural civil law.

Firstly, the relevant dimensions are presented in hierarchical order (Chapter III); then, they are applied to calculate the distance between Polish and Greek civil law terms. They are investigated from the perspective of the relations of convergence (Chapter IV), polysemy (Chapter V), complementarity (Chapter VI), cognate words and potential false friends (Chapter VII), imprecise or flexible meaning (Chapter VIII), euphemisms and metaphors (Chapter IX). Semantic-lexical relations are investigated from the intralingual and interlingual points of view, within the framework of the language of Polish and Greek civil law.

[312] Alternative terms are given to explain the research hypothesis in the light of widely known theories of translation studies (cf. Biel 2013).

Since comparative analysis of Polish and Greek terms is accompanied by certain directives of particularistic Polish-Greek legilinguistic translatology, under the relevant postulates of general legilinguistics, they are used within the translation algorithm. It should be stressed that the algorithm is presumed to be a set of actions executed in a certain order in order to achieve a certain result. Then, the translational algorithm based on parametric calculation of distance between compared legal terms is applied, and the explanation scheme is given (Chapter X).

In conclusion the results of the research are presented analytically and subsequently discussed in Chapter XI, with concluding notes are provided from the perspective of: 1) translation practice, and 2) lexicography and terminography in reference to LSP lexicography.

Streszczenie

Niniejszy tom jest rezultatem realizacji projektu naukowego poświęconemu badaniu translatologii legilingwistycznej, zatytułowanego „Parametryzacja translatologii legilingwistycznej w zakresie terminologii prawa cywilnego materialnego i procesowego". Projekt został sfinansowany polskie Narodowe Centrum Nauki w Programie Sonata Bis Dwa, na podstawie decyzji Dyrektora Narodowego Centrum Nauki Nr DEC-2012/07/E/HS2/00678 z dnia 2013-07-02DEC-2012/07/E/HS2/00678, co umożliwiło realizację badań w obrębie terminologii języka polskiego i języka greckiego właściwego dla Republiki Greckiej.

Rozdział pierwszy niniejszej książki wskazuje istotę ujęcia parametrycznego porównania terminologii w ramach przekładu prawniczego. Termin *legilingwistyka* (ang. legiliguistics), w niniejszym pracowaniu rozumiany jako językoznawstwo prawnicze (ang. legal linguistics), jest dyscypliną zajmującą się istotą, naturą, rozwojem i użytkowaniem języka prawnego i prawniczego, podczas gdy translatologia legilingwistyczna (ang. legilinguistic translatology) jest poddyscypliną translatologii a jej przedmiotem jest teoria i praktyka tłumaczenia tekstów prawnych i prawniczych. Ponieważ translatologia legilingwistyczna dzieli się odpowiednio na translatologię teoretyczną i praktyczną, niniejszą książkę klasyfikuje się jako studium praktyczne. Mimo to, zawiera ona również pewne odniesienia do teorii translatologii legilingwistycznej. Punktem wyjścia badania jest paradygmat interlingwalnej komunikacji prawnej i prawniczej, gdzie tekst źródłowy, zwany również tekstem translandywnym (ang. translandive text) to polskie akty normatywne prawa cywilnego, autorem tekstu źródłowego jest polski ustawodawca, tłumaczeniem jest tekst natury prawnej, zwany tekstem translantywnym (ang. translantive text), odbiorcą tłumaczenia jest grecki prawnik lub grecki organ władzy sądowniczej. Zarówno autor tekstu źródłowego, jak i odbiorca tłumaczenia należą do wspólnoty komunikatywnej prawa stanowionego, ale jednocześnie autor tekstu źródłowego należy do wspólnoty komunikatywnej języka polskiego, a

odbiorca tłumaczenia należy do wspólnoty komunikatywnej języka greckiego.[313]

Metodologia prowadzonych badań została zaprezentowana w rozdziale drugim, gdzie parametryczna analiza porównawcza terminologii obiera za punkt wyjścia termin z zakresu polskiego prawa cywilnego, wyekscerpowany bezpośrednio z polskich aktów normatywnych, tj. z Kodeksu Cywilnego i Kodeksu Postępowania Cywilnego), zwany jednostką translandywną (ang. translandive unit)[314]. Terminy te są porównywane z terminami ekscerpowanymi w pierwszej kolejności z greckich aktów normatywnych prawa cywilnego, tj. z greckiego Kodeksu Cywilnego (gr. Αστικός Κώδικας [Astikos Kodikas]) i z greckiego Kodeksu Postępowania Cywilnego (gr. Κώδικας Πολιτικής Δικονομίας [Kodikas Astikis Dikonomias]). Jeśli termy greckie nie są odnotowane w tekście greckiego aktu normatywnego, w dalszej kolejności polski termin jest porównywany odpowiednio z terminem greckim ekscerpowanym z tekstów innych gatunków prawnych i prawniczych, a jeśli również i tam nie występuje, jest on ekscerpowany z innych lektów [np. języki specjalistyczne (ang. LSP), czy z języka ogólnego] lub ostatecznie są one ukuwane. Pierwszym etapem analizy porównawczej jest konfrontacja znaczenia porównywanych terminów w kontekście prawnym. W dalszej kolejności porównuje się terminy (termin źródłowy i termin docelowy w potencjalnym tłumaczeniu) w oparciu o określone ich wymiary (ang. dimensions). Wymiary są rozumiane jako zbiór właściwości homogenicznych i wykorzystuje się je do zmierzenia dystansu pomiędzy porównywanymi terminami. Zbiór wymiarów minimalnych (ang. set of minimal dimensions) pozwala na określenie podobieństw i różnic pomiędzy porównywanymi terminami i obejmuje on: język danego gatunku prawnego lub/i prawniczego (ang. genre), lekt (ang. lect), gałąź prawa (ang. branch of law), dziedzinę prawa (ang. sub-branch of law) i inne wymiary opcjonalne. Zakładanym celem analizy jest wskazanie: 1) braku dystansu, gdzie terminy porównywane mogą być uznane się za heterolingwalne synonimy, 2) krótkiego dystansu, gdzie porównywane terminy mogą

[313] Teoria wspólnot komunikatywnych przyjęta za Ludwikiem Zabrockim (Zabrocki 1963).

[314] Ponieważ zastosowana w niniejszej książce metodologia badań obejmuje specyficzne terminy, ich alternatywne odpowiedniki, znane powszechnie w teorii i praktyce przekładu podawane są w nawiasie, celem objaśnienia wywodu (cf. Biel 2013).

być uznane za ekwiwalenty translacyjne, 3) znacznego dystansu, gdzie terminy nie mogą być uznane za ekwiwalenty translacyjne i 4) braku możliwości skalkulowania dystansu ze względu na niemożność porównania terminów w oparciu o wskazane powyżej wymiary i ich właściwości. Materiał badawczy obejmuje podstawowe akty normatywne polskiego i greckiego prawa cywilnego, tak materialnego, jak i procesowego.

Wymiary relewantne (ang, relevant dimensions) są zaprezentowane w kolejności hierarchicznej (Rozdział III). Następnie wymiary te są użyte do skalkulowania dystansu pomiędzy odpowiednimi terminami polskimi i greckimi. Porównywane terminy analizuje się z perspektywy relacji konwergencji/synonimii (Rozdział IV), polisemii (Rozdział V), komplementarności/hiperonimii i hiponimii (Rozdział VI), wyrazów pokrewnych i potencjalnych fałszywych przyjaciół (Rozdział VII), terminów nieprecyzyjnych lub mających płynne znaczenie (Rozdział VIII), eufemizmów i metafor (Rozdział IX). Relacje z zakresu semantyki leksykalnej są badane w ujęciu intralingwalnym i interlingwalnym, w obrębie języka polskiego i greckiego prawa cywilnego.

Przeprowadzonej analizie porównawczej terminów polskich i greckich towarzyszą określone dyrektywy polsko-greckiej partykularnej translatologii legilingwistycznej (ang. particularistic Polish-Greek legilinguistc translatology), które sformułowano w odpowiedzi do relewantnych postulatów translatologii legilingwistycznej ogólnej. W dalszej kolejności są one wykorzystane do przeprowadzenia algorytmu translacyjnego (ang. translation algorithm). Należy jednak zaznaczyć, iż algorytm, w niniejszym opracowaniu, jest rozumiany jako szereg czynności realizowanych w określonej kolejności, w celu osiągniecia konkretnego celu. Stąd, w rozdziale dziesiątym zaprezentowano algorytm translacyjny, oparty na parametrycznej kalkulacji dystansu pomiędzy porównywanymi terminami prawnymi. Ponadto opatrzony jest on stosownym schematem wyjaśniającym (ang. explanation scheme).

W rozdziale jedenastym, ostatnim, zawarto podsumowanie wyników przeprowadzonych badan i wynikłe w oparciu o nie rozważania. Wnioski, jakie nasuwają się po zakończeniu prac badawczych, dotyczą dwóch obszarów: 1) praktyki i teorii przekładu oraz 2) leksykografii i terminografii w zakresie języków specjalistycznych.

Σύνοψη

Το παρόν βιβλίο αποτελεί μέρος του ερευνητικού προγράμματος της μεταφρασεολογίας της νομικής γλωσσολογίας (αγγ. legilinguistic translatology) το οποίο φέρει τον τίτλο «Παραμετροποίηση της νομικής μεταφρασεολογίας του αστικού δικαίου και της πολιτικής δικονομίας» (αγγ. 'Parameterisation of legilinguistic translatology in the scope of civil law and civil procedure'). Η μελέτη χρηματοδοτήθηκε από το πολωνικό Εθνικό Κέντρο Επιστημών (Narodowe Centrum Nauki), στο πλαίσιο του ερευνητικού προγράμματος Sonata Bis Dwa, βάσει της απόφασης του Διευθυντή του πολωνικού Εθνικού Κέντρου Επιστημών υπό τον αριθμό 2012/07/E/HS2/00678. Στη συνέχεια, η απόφαση αυτή επέτρεψε την πραγματοποίηση της έρευνας στο πλαίσιο της νομικής ορολογίας του αστικού δικαίου και της πολιτικής δικονομίας της Πολωνικής Δημοκρατίας και της Ελληνικής Δημοκρατίας.

Το πρώτο κεφάλαιο του παρόντος τόμου παρουσιάζει τις βασικές αρχές για την παραμετρική προσέγγιση στη σύγκριση της ορολογίας για τους σκοπούς της νομικής μεταφρασεολογίας. Ο όρος νομική *νόμο-γλωσσολογία* (αγγ. legiliguistics), στην παρούσα μελέτη νοείται ως η νομική γλωσσολογία (αγγ. legal linguistics), και είναι ο επιστημονικός κλάδος ο οποίος ασχολείται με την ουσία, τη φύση, την ανάπτυξη και τη χρήση της νομικής γλώσσας, ενώ η μεταφρασεολογία της νομικής γλώσσας (αγγ. legilinguistic translatology) είναι τομέας της μεταφρασεολογίας και το αντικείμενό της είναι η θεωρία και η πρακτική μετάφραση των νομικών κειμένων. Καθώς η μεταφρασεολογία νομικής γλώσσας υποδιαιρείται στη θεωρητική και πρακτική μεταφρασεολογία, το παρόν βιβλίο ταξινομείται ως μια έρευνα στο πρακτικό πεδίο. Ωστόσο, το βιβλίο αυτό περιέχει και αναφορές στη θεωρία της μεταφρασεολογίας της νομικής γλώσσας. Το σημείο εκκίνησης είναι το πρότυπο της διαγλωσσικής νομικής επικοινωνίας όπου το κείμενο-πηγή (το οποίο ονομάζεται στο παρόν βιβλίο το μεταφραζόμενο κείμενο) (αγγ. translandive text) είναι τα πολωνικά νομοθετικά κείμενα, ο συγγραφέας-αποστολέας του κειμένου αυτού είναι ο πολωνός νομοθέτης, εννοούμενος ως θεσμός, η μετάφραση είναι ένα κείμενο νομικής φύσης, το οποίο ονομάζεται μεταφραστέο (αγγ. translantive

text), Ο παραλήπτης της μετάφρασης είναι ο Έλληνας επαγγελματίας νομικός ή ο ελληνικός δικαστικός θεσμός. Τόσο ο συγγραφέας-αποστολέας του κειμένου-πηγής, όσο και ο παραλήπτης της μετάφρασης, αποτελούν μέλη της επικοινωνιακής κοινότητας του ηπειρωτικού δικαίου (ρωμαϊκού δικαίου), ενώ ταυτόχρονα ο συγγραφέας-αποστολέας του κειμένου πηγής είναι μέλος της επικοινωνιακής κοινότητας της πολωνικής γλώσσας και ο παραλήπτης της μετάφρασης είναι μέλος της επικοινωνιακής κοινότητας της ελληνικής γλώσσας.[315]

Η μεθοδολογία της παρούσας έρευνας παρουσιάζεται στο δεύτερο κεφάλαιο, όπου η παραμετρική ανάλυση παίρνει ως σημείο εκκίνησης τον όρο του πολωνικού αστικού δικαίου, ο οποίος προέρχεται κατευθείαν από τα κείμενα τον πολωνικών νόμων, δηλ. από τον πολωνικό Αστικό Κώδικα (πλ. Kodeks Cywilny) και από τον πολωνικό Κώδικα Πολιτικής Δικονομίας (πλ. Kodeks Postępowania Cywilnego), ο οποίος ονομάζεται επίσης μεταφραζόμενη μονάδα κειμένου (αγγ. translandive unit)[316]. Αυτοί οι όροι συγκρίνονται με τους όρους οι οποίοι προέρχονται πρωτίστως από τα κείμενα ελληνικών νόμων, δηλ. από τον ελληνικό Αστικό Κώδικα και από τον ελληνικό Κώδικα Πολιτικής Δικονομίας. Σε περίπτωση που οι ελληνικοί νομικοί όροι δεν παρουσιάζονται στο κείμενο του ελληνικού νόμου, στο επόμενο βήμα ο πολωνικός όρος συγκρίνεται αναλόγως με τον ελληνικό όρο ο οποίος προέρχεται κατευθείαν από τα κείμενα άλλων νομικών ειδών και στη συνέχεια, αν δεν παρουσιάζεται και εκεί, αναζητείται ο ελληνικός όρος σε άλλους λόγους [π.χ. ειδικές γλώσσες (αγγ. LSP), γενική γλώσσα] ή ως τελική και ακραία λύση, όπου ο πολωνικός όρος δεν έχει το ισοδύναμο αντίστοιχό του, οι σχετικοί ελληνικοί όροι δημιουργούνται. Η πρώτη φάση της συγκριτικής ανάλυσης βασίζεται στη σύγκριση των εννοιών των αναλυόμενων όρων στο νομικό περικείμενο. Στην επόμενη φάση, οι όροι (ο πολωνικός όρος-πηγή και η πιθανή μετάφρασή του στα ελληνικά) βάσει των συγκεκριμένων διαστάσεων (αγγ. dimensions). Οι διαστάσεις εννοούνται ως σύνολο ομοιογενών χαρακτηριστικών και εφαρμόζονται για μέτρηση της απόστασης μεταξύ των

[315] Η θεωρία των επικοινωνιακών κοινοτήτων βάσει του Ludwik Zabrocki (Zabrocki 1963).

[316] Έτσι, η εφαρμοσμένη στο παρόν βιβλίο μεθοδολογία καλύπτει και την ειδική της ορολογία, οι εναλλακτικοί μεθοδολογικοί όροι αναφέρονται στην παρένθεση, με σκοπό την ορθότερη κατανόηση της μελέτης (cf. Biel 2013).

συγκρινόμενων όρων. Το σύνολο των ελάχιστων διαστάσεων (αγγ. set of minimal dimensions) επιτρέπει να οριστούν οι ομοιότητες και οι διαφορές μεταξύ των συγκρινόμενων όρων και περιλαμβάνει τις εξής διαστάσεις: γλωσσικό ύφος ενός ορισμένου νομικού είδους (αγγ. genre), λόγος (αγγ. lect), κλάδος δικαίου (αγγ. branch of law), τομέας δικαίου (αγγ. sub-branch of law) και άλλες διαστάσεις ανάλογα με την περίπτωση. Ο σκοπός της ανάλυσης είναι να οριστούν: 1) η έλλειψη της απόστασης, όπου οι συγκεκριμένου όροι μπορούν να αναγνωριστούν ως ετερογλωσσικά συνώνυμα, 2) η μικρή απόσταση, όπου οι συγκεκριμένοι όροι μπορούν να αναγνωριστούν ως μεταφραστικά ισοδύναμοι, 3) η σημαντική απόσταση, όπου οι συγκρινόμενοι όροι δεν μπορούν να αναγνωριστούν ως μεταφραστικά ισοδύναμοι και 4) η έλλειψη δυνατότητας μέτρησης της σύγκρισης λόγω αδυναμίας σύγκρισης των όρων βάσει των παραπάνω αναφερόμενων διαστάσεων και των χαρακτηριστικών τους. Το ερευνητικό υλικό καλύπτει βασικά νομοθετικά κείμενα (νόμοι) του πολωνικού και ελληνικού αστικού δικαίου κα της πολιτικής δικονομίας.

Οι σχετικές διαστάσεις (αγγ. relevant dimensions) παρουσιάζονται ιεραρχικά (Κεφάλαιο ΙΙΙ). Στη συνέχεια οι διαστάσεις αυτές εφαρμόζονται για μέτρηση της απόστασης μεταξύ των συγκρινόμενων πολωνικών και ελληνικών νομικών όρων από την άποψη της σχέσης ομοιότητας/συνωνυμίας (Κεφάλαιο IV), πολυσημίας (Κεφάλαιο V), συμπληρωματικότητας/υπερωνυμίας και υπωνυμίας (Κεφάλαιο VI), συγγενών/διαγλωσσικών ομότυπων και ψευδόφιλων λέξεων (Κεφάλαιο VII), ανακριβών όρων ή όρων με ευέλικτη σημασία (Κεφάλαιο VIII), ευφημισμών και μεταφορών (Κεφάλαιο IX). Οι σχέσεις της λεξικής σημασιολογίας μελετώνται από την ενδογλωσσική και διαγλωσσική άποψη, στο πλαίσιο της νομικής πολωνικής και ελληνικής γλώσσας του αστικού δικαίου.

Η διεξαγόμενη συγκριτική ανάλυση των πολωνικών και ελληνικών όρων συνοδεύεται με ορισμένες οδηγίες της ειδικής νομικής μεταφρασεολογίας (αγγ. particularistic Polish-Greek legilinguistc translatology), οι οποίες συντάχθηκαν ως αντανάκλαση των προϋποθέσεων της γενικής νομικής μεταφρασεολογίας. Στη συνέχεια, οι οδηγίες αυτές εφαρμόζονται στη διεξαγωγή του μεταφραστικού αλγόριθμου (αγγ. translation algorithm). Πρέπει όμως να σημειωθεί ότι ο αλγόριθμος εννοείται ως συνέχεια ορισμένων πράξεων οι οποίες εκτελούνται σε ορισμένη σειρά, με σκοπό την επίτευξη του συγκεκριμένου σκοπού. Έτσι, στο δέκατο κεφάλαιο

παρουσιάζεται ο μεταφραστικός αλγόριθμος ο οποίος βασίζεται στην παραμετρική μέτρηση της απόστασης μεταξύ των συγκρινόμενων νομικών όρων. Επιπλέον, ο αλγόριθμος συνοδεύεται με το δικαιολογητικό σχήμα (αγγ. explanation scheme).

Στο τελευταίο, ενδέκατο, κεφάλαιο, περιέχονται οι περιλήψεις των αποτελεσμάτων της έρευνας μαζί με τα συμπεράσματα τα οποία προκύπτουν από αυτά . Τέλος, τα συμπεράσματα, που προκύπτουν από την ολοκλήρωση της μελέτης, αφορούν δύο επιστημονικά πεδία: 1) την πρακτική και τη θεωρία της μετάφρασης καθώς και 2) της λεξικογραφίας και της ορολογίας των ειδικών γλωσσών.

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