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Methodology for Interlingual Comparison of Legal Terminology. Towards General Legilinguistic Translatology

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Translations of quotations were rendered by the authors.

Abbreviations

ADHGB	– General German Commercial Code (Allgemeines Deutsches Handelsgesetzbuch)
BGB	– German Civil Code (Bürgerliches Gesetzbuch)
Dz. U.	– Dziennik Ustaw [Polish Journal of Laws]
EU	– European Union
Ger.	– German
GPCL	– Chinese General Provisions of Civil Law
Gs	– general statement
Hy.	– hypothesis
ISO	– International Organization for Standardization
IT	– information technology
JCC	– Japanese Civil Code
KMT	– Chinese National Party (Kuomintang)
L_i	– source language
lit.	– literal translation
L_j	– target language
LSP	– language for special purposes, language for specific purposes
M	– meaning
M. P.	– Monitor Polski [Polish Official Gazette]
NPC	– Chinese National People's Congress
PN-EN	– Polish-English
Po	– postulate
PRC	– People's Republic of China
SL	– source language
SLOT	– source-language oriented translation
SPC	– Chinese Supreme People's Court
ST	– source text
STP	– Association of Polish Translators and Interpreters
TEPIS	– Towarzystwo Tłumaczy Przysięgłych i Specjalistycznych [Polish Society of Sworn and Specialised Translators]
TL	– target language
TLOT	– target-language oriented translation
TT	– target text
UK	– United Kingdom

US	– United States
USA	– the United States of America
USSR	– Union of Soviet Socialist Republics
ZTP	– Zasady Techniki Prawodawczej [Polish Regulation on Principles of Legislative Technique]

Introduction

I. Purpose, scope of research

The work is a continuation of the presentation of results of the research into the process of verification/falsification of a tentative theory of legal translation presented in Bańczerowski & Matulewska (2012) and Matulewska (2013). In six previous volumes of *Dissertationes Legilinguisticae* series the results of the process of testing the theory for six language pairs have been presented. The volumes from 5 to 10 focus on particularistic legilinguistic translatology. Volume 5 is devoted to Polish-English (Matulewska 2017), volume 6 to Polish-Hungarian (Kaczmarek 2017), volume 7 to Polish-Spanish (Nowak-Michalska 2017), volume 8 to Polish-Swedish (Hadryan 2017), volume 8 to Polish-Chinese (Grzybek & Fu Xin 2017), and finally volume 10 to Polish-Greek (Gortych-Michalak 2017) legal translatology.

As it has already been stressed, all languages under scrutiny:

> "belong to different legal systems. Poland, Hungary, Greece, Sweden and Spain belong to the so-called civil law countries. It should be stressed here that Hungary and Poland are post-communist countries. Thus, a research hypothesis may be put forward here that the differences between Polish and Hungarian legal institutions are relatively insignificant in comparison with other countries due to similar development of legal systems. Sweden represents the Nordic model of civil law tradition. Greece belongs to civil law countries whereas Cyprus is a country with a hybrid legal system affected by both civil law and common law tradition. Next, the UK represents common law countries (Fafinsky & Finch 2007). In turn, mainland China belongs to Asian communist countries." (Matulewska 2017d, 13).

That volume presents findings that are relevant for all language pairs under scrutiny as it is devoted to explaining the results applicable to general legilinguistic translatology. In order to make the results more representative, the analysis of pertinent literature for some other languages has been carried out to find out whether the results can be confirmed by findings of other researchers in the

scope of legal translatology. The aim of the research is to present a parametrical approach to legilinguistic translatology and to test the application of the theory in the process of establishing equivalents for nearly, partially and non-equivalent terminology.

The research will comprise theoretical legilinguistic translatology with the focus placed on confirmatory component and postulative one. What is more, on the basis of the findings translational directives will be formulated.

Legilinguistic translatology is a subdiscipline of translatology and, in consequence, a subdiscipline of applied linguistics on one hand and legal linguistics, which is part of theory of law, on the other. The object of investigation of legilinguistic translatology is translational legal reality which consists of: (i) translandive (source language) and translative (target language) texts, (ii) translators of legal texts, (iii) authors of translandive texts and (iv) recipients of translative texts.

Legilinguistic translatology may be subdivided, like translatology, into (i) theoretical, and (ii) practical legilinguistic translatology. Theoretical legilinguistic translatology may be conceived of as the class of theories about the legilinguistic translational reality. Practical legilinguistic translatology comprises directives which determine how to proceed in a specific translational situation and whether a translational action makes it possible to achieve the intended communicative goals.

In the first chapter the issue of the existence of various legal families will be elaborated on. Each legal language conveys information about the legal system it communicates. Numerous scholars investigating translation problems have turned their attention to the fact that the more distant languages are with respect to the language families they belong to, the more difficult the process of translation is. On the one hand, the opponents of translatability point out that the distance may result in untranslatable messages. On the other hand, the proponents of translatability (e.g. Jakobson 1959/1966) claim that languages may differ, but there are always some universal values which help to understand messages despite the loss of information that occurs in the course of transforming them from one natural language into another. Nevertheless, there is no denying the fact that the more genetically related the source and the target languages are, the less problematic the process of translation is. Or putting it in other words, the more

distant genetically the languages are, the more problems need to be solved in the process of translation in order to convey the sufficient informative content of the message, that is to say in order to provide effective interlingual communication.

Analogously, having analysed legal languages and the problem of translation of legal texts from one language into another, we may conclude that the more "genetically" related the source and the target legal systems are, the less problematic the process of legal translation is. *Mutatis mutandis*, the more distant "genetically" the source and target legal systems are, the more problems need to be solved in the process of translation in order to convey the sufficient informative content of the source message in the target language, that is to say in order to provide effective interlingual communication in legal settings. Therefore, the more distant legal systems are with respect to legal families, the more terms only partially equivalent or having no equivalents in the target language we may expect to encounter. That is why chapters 1 and 2 are devoted to describing legal families to which various legal systems belong.

The third chapter deals with various norms translators need to account for. It should be realized that translators and interpreters need to observe not only translation norms, but also linguistic norms, usage norms and when rendering legal translations and interpreting they also need to take into account legal norms for instance regulating the principles of legal text drafting and interpretation. The observance of such norms frequently ensures high quality of translation and interpretation services.

The fourth chapter is devoted to techniques of providing equivalents as one of the norms translators should observe when rendering legal translations, since the choice of the technique in the event of translating nearly, partially or non-equivalent terms should not be a random decision, but rather a consciously made one.

Finally, the fifth chapter illustrates the process of producing sufficiently equivalent target terms by comparing meanings of terms denoting the age of majority and minority in English and Polish.

Finally, the authors will provide the evaluation of the research results on the basis of partial results obtained for particularistic legilinguistic translatology described in volumes 5-10 with respect to the application of the parametrization theory to legal translation.

II. Research methods

The research methods comprised those already described in previous parts:

(i) the analysis of comparable and parallel texts (cf. Neubert 1996, Delisle et al. 1999, Lewandowska-Tomaszczyk 2005, Biel 2009, Roald & Whittaker 2010),

(ii) the method of axiomatization of legal linguistic reality (Bogusławski 1986, Bańczerowski & Matulewska 2012, Matulewska 2013),

(iii) the terminological analysis of research material (empirical observation of legilinguistic reality),

(iv) the concept of adjusting the target text to the communicative needs and requirements of the community of recipients (cf. Vermeer 1978, 1983, 2001, Šarčević, 2000, Kierzkowska 2002, Matulewska 2013),

(v) the techniques of providing equivalents for non-equivalent or partially equivalent terminology (Newmark 1982, 1988, 1991, Kierzkowska 2002, Matulewska & Nowak 2006a, Matulewska 2007),

(vi) the corpus linguistics method (Biel 2010, 2014),

(vii) the theory of communicative communities (Zabrocki 1963, Bańczerowski 2001),

(viii) the analysis of pertinent literature and finally

(ix) the hypothetical-deductive method (Hempel & Oppenheim 1948).

III. Research material

The research material included mostly civil law legislation in seven languages, namely Polish, English, Chinese, Swedish, Greek, Hungarian and Spanish. What is more, the authors have also investigated the application of the parametrization to Polish-Japanese and English-Japanese legal translation. Apart from that, whenever necessary, the criminal law legislation and other legal genres of texts have been analysed as well to make sure that the results are representative of more than one branch of law. In this volume only the examples for the Polish and English language pair will be presented.

IV. Research Hypotheses

The research hypotheses have been formulated on the basis of the analysis of six language pairs and verified on a wider array of languages, among others by analyzing the results described in pertinent literature. Taking all the above mentioned aspects into account, we may formulate the following hypotheses referring to legal families and their impact on the process of legal translation:

Hy. 1. the more distant source and target language legal systems are in respect to legal families, the greater is the risk of the loss of information in the process of translation and potentially the greater the informative distance between the source and target texts may be.

Hy. 2. the more distant source and target language legal systems are in respect to legal families, the more terms only partially equivalent or having no equivalents in the target language we may expect to encounter.

Additionally, drawing conclusions from hierarchies of dimensions formulated for six language pairs, that is to say: Polish-Chinese, Polish-English, Polish-Greek, Polish-Hungarian, Polish-Spanish and Polish-Swedish, we may put forward the following hypotheses:

Hy. 3. The dimension of language variety is essential for ethnic languages that are official languages in more than one country such as English, Spanish, German, Arabic, Swahili and Chinese.

Hy. 4. The dimension of language lect is essential for all language pairs.

Hy. 5. The dimension of regional legal lect is essential for translators working with a language of a country in which apart from nationwide laws also regional laws are enacted.

Hy. 6. The dimension of text genre is essential for all language pairs.

Hy. 7. The dimension of branch and sub-branch of law is essential for all language pairs.

Hy. 8. The dimension of terminological diachronic change is essential for all language pairs.

Hy. 9. The dimension of diglossia is essential for language pairs in which one of the languages exists in high and low varieties.

The subsequent chapters present findings verifying those hypotheses to a large extent.

1. Legal Families in Context of Legal Languages

For the purposes of studying legal languages, the knowledge of legal systems is necessary. Natural languages are merged into larger families and etymology of particular words in one language can be traced back in another. Legal languages are modified by an additional factor: the legal systems in which they function, and which impact these languages to a great extent. Reception of law in many cases occurs in a different way than the development of languages themselves and that is why the global structure of legal systems in the world cannot be omitted in such a situation.

1.1. Distinguishing Legal Cultures, Legal Traditions and Legal Families

One may find many various legal systems in the world. Although every one of them has its own specific features and history, there are some attempts of dividing them into larger groups. Researchers espouse various concepts of what such a division should look like and what should be the essential criteria. Therefore, it is essential to distinguish the terms: ***legal cultures***, ***legal traditions*** and ***legal families***. These terms have in fact vague meanings, may seem to be tantamount and sometimes are used interchangeably (although inconsistently), whereas intentionally they refer to separate concepts (Husa 2004, 13; Michaels 2011, 1). Thus the divisions corresponding with each of the three terms are slightly different. Tokarczyk (2005a, 107–108) calls these "cultures", "traditions", "families" (as well as "systems" and "types") various "macro-units of law"[1], from which every one has its own distinctive features. He underlines that using a name of one macro-unit while describing the features assigned to another macro-unit, indicates the

[1] Polish: *makrojednostki prawa*.

inadequacy of the name used. This is why the three macro-units shall be differentiated below.

1.1.1. Legal Cultures

On one hand, there is a concept of ***legal cultures***, which is quite widespread in literature on comparative law (see e.g. Nelken 1997; van Hoecke & Warrington 1998; Rosner 2004; Tokarczyk 2005a; Cotterrell 2008; Sunde 2010; Michaels 2011; Varga 2012; Jian Mi 2013; Karsznicki 2014). This term was introduced by Friedman (1969, 34), who described it as "the network of values and attitudes relating to law, which determines when and why and where people turn to law or government, or turn away". He also holds the view that it "refers to public knowledge of and attitudes and behaviour patterns toward the legal systems" and the legal cultures are "bodies of custom organically related to the culture as a whole" (1985 in van der Walt 2006, 58). Cotterrell (2008, 710) describes culture in the context of law as "underlying values or principles of legal system…, traditions, shared beliefs, common ways of thinking, constellations of interests or patterns of allegiances of lawyers, lawmakers, and citizens". However, through years the sheer term "legal culture" developed and in fact is highly vague and hard to explain. *Dictionnaire encyclopédie de théorie et de sociologie du droit* (Arnaud 1993, 141) gives the following definition: "the values and attitudes which tie together the system and which determine the place of the legal system in the society considered as a whole" (Jouannet 2006, 297). Of course, this is not but one idea. Many researchers proffer other more or less precise definitions, for example Podgórecki (1966, 179–180) recognises it as all of habits and values associated with acceptance, evaluation, criticism and realisation of the law in force. Pałecki (1974, 273–274) calls it even more generally – all of legal symbolic activities of a particular collective in a determined time. According to Bell (1995, 70) it is "a specific way in which values, practices, and concepts are integrated into the operation of legal institutions and the interpretation of legal texts". Another researcher, Grodziski (2004, 7–16), describes it as individual and collective attitudes towards law, which appear in a society. Sunde (2010, 11) understands it as "ideas

and expectations of law made operational by institutional (-like) practices". However, in many cases it is not defined at all (or the definition, to be maximally precise, consists of whole chapters), since the exact definition seems to be unattainable, not to mention problems related to defining a culture, which is an ambiguous term itself (Michaels 2011, 579). Blankenburg and Bruinsma (1994 in van der Walt 2006, 59) identify legal culture as multi-layer concept consisting of legal norms, attitudes towards law, consciousness of law, and other non-directly legal matters. Nonetheless, it seems clear that the legal culture is connected with values and local culture which in some aspects exist apart from the law. According to Tokarczyk (2005a, 67), law is a significant component of a culture among many others (such as morality, technical knowledge, religion and so on). These two phenomena incessantly influence each other. That is why the concept of legal culture regards the law as being immersed inside the culture, which leads to conclusion that without the proper knowledge of particular cultures it is impossible to completely understand a foreign legal system. Simultaneously, numerous different legal systems affected by one and the same culture consequently bear some similarities (Cotterrell 2008, 713). Van Hoecke and Warrington (1998, 10–13), for instance, notice that while Western legal culture (including all of Western legal systems, e.g. French, German, North-American, Scandinavian, East-European etc.) focuses more on individualism, an individual person and their rights, Asian legal culture (all systems within its scope, that is Chinese, Japanese, Korean, Vietnamese etc.) stresses collectivism, society and obligations towards society. Therefore, these cultural aspects connect several legal systems, though they might be not related to the origins of the stated law itself.

The question is, to what extent this category is general. Tokarczyk (2005a, 108) holds the view that legal cultures are "macro-units of macro-units of law," since it is the most general category to divide legal systems in. This view is shared by van Hoecke and Warrington (1998, 5–6) who treat "legal culture" as a broader term covering both legal families and cultural families. Nevertheless, this term seems to be the most often confused with "legal tradition" by many researchers, sometimes it is treated as equal to it or even narrower. For example, Varga (2012, 78) distinguishes legal culture from legal tradition indicating that a legal tradition pertains roots of different legal cultures, and thus is a more

general category than a legal culture.

The problem of classification of legal cultures emerges after realising that without one consistent definition it is impossible to create one universal division. For example, vagueness of this term often results in using this term commonly just while speaking of any foreign legal system (e.g. Japanese legal system and Japanese legal culture, French legal system and French legal culture, and so on), which makes it useful for the purposes of comparative law (Nelken 2004, 3). Husa (2012, 5) alludes that in such a context legal culture is treated as widely understood environment around the specific legal system, for the purpose of explanation of its foreign concepts. In this particular situation practically every legal system created its own legal culture, therefore, the number of legal cultures is as high as the number of legal systems. This idea is partially used by Banaszak et al. (1995) who described legal cultures by the mixed key of countries, regions and religions – they named legal cultures of: civil law, common law, Muslim law, but also legal cultures of: India, China, Japan and the Black Africa. Van Hoecke and Warrington (1998, 10–16) propose a more general division: Western Legal Culture and Non-western legal cultures, comprising: Asian legal culture, Islamic legal culture and African legal culture. Conversely, Tokarczyk (2005b, 120–155) elaborated a detailed classification of legal cultures. He posits that, in general, legal cultures are divided into the legal culture of the East and the legal culture of the West, which would concur with the division propounded by van Hoecke and Warrington. However, by adopting the criteria of morality, religion and law, Tokarczyk constructed a list embracing the legal cultures of: civil law, common law, Judaism, Christianity, European law, Islam, Hinduism, Buddhism, Confucianism and animism. The same cultures (except for Buddhism) are described by Karsznicki (2014). According to this model, a legal system can be influenced by many legal cultures, so, for instance, Chinese legal culture would be a compilation of the legal cultures of: Confucianism, civil law, common law and socialist law (Banaszak et al. 1995, 148–159). And, simultaneously, one legal culture can be shared by a few legal systems – e.g. the legal culture of Confucianism is incorporated in the legal culture of China and legal culture of Japan, and though similar, the two legal cultures are not equivalent (Tokarczyk 2010, 506). This issue was raised by Brodecki et al. (2010, 23–24) who implies that, while speaking of

legal cultures, one must consider the perspective of both the time, which has impact on tradition, and the space, which influences modern times. And, simultaneously, the scale of the focus matters, since a researcher can study factual material in history of one country (in micro scale), as well as analyse questions belonging to historiosophy (in macro scale).

Although the concept of legal cultures is very convenient and seems to be willingly used especially by American and European authors, it still brings many inaccuracies and sometimes may be confusing, as it was presented above. This leads to the second described concept, namely legal traditions.

1.1.2. Legal Traditions

So, on the other hand, there is the theory of ***legal traditions***, popularised especially by Glenn (2014). The usage of "legal tradition" is definitely not as widespread in literature as "legal culture". This term is also often compared with legal culture and in some cases it is treated as its better and more precise equivalent, in other – as just a separate concept, existing simultaneously with legal cultures, although covering some parts of legal culture's field of interest. What is interesting is that the two terms are frequently a subject of a direct comparison in literature – as demonstrated by titles of papers such as: *Legal Culture and Legal Tradition* (Glenn 2004), *Legal Culture vs. Legal Tradition – Different Epistemologies?* (Husa 2012) or *Legal Culture v Legal Tradition* (Watson 2004). It is noteworthy that Watson (2004, 1) presumes that "legal culture is legal tradition, and legal tradition is legal culture. But with an exception" – and ascertains that lawyers in general are unaware of the tradition and the history of law. In another work, Glendon et al. (2008, 15) seems to treat the term quite generally, describing it once even as "legal «families»". Meanwhile, Glenn treats this concept as a separate idea, which would substitute a non-accurate "legal culture" term. On the basis of the aforementioned aspect of legal culture – that legal culture can concern a particular country ("the legal culture of Japan") as well as religion or philosophy ("the legal culture of Confucianism") – he argues that the concept of legal culture is too imprecise, too broad and simultaneously does not cover the whole

issue. That is why he advocates the term "legal tradition" instead of "legal culture" (Glenn 2004, 15–16). By this term he understands a conglomerate of "official state law…, legal doctrine, general principles of law, custom, legislative preparatory work, and foreign law or comparative law" (Glenn 2005, 884). Watson (2004, 3) approaches the term from another perspective, holding the view that the "conjunction of legal borrowing and the need for authority in law results in legal tradition". It seems that legal tradition, if it is regarded a separate unit from legal culture, it is then thought to be placed within the legal culture. For example, Merryman (1969, 2) assumes that "the legal tradition relates the legal system to the culture of which it is a partial expression. It puts the legal system in to a cultural perspective". An interesting point of view is presented by Guerriero (2016, 53), who claims that "a legal tradition is a well-defined bundle of lawmaking and adjudication institutions structurally related by the legal bias versus legal uncertainty trade-off". Nevertheless, contrary to legal cultures, legal traditions are not often associated with particular countries, but rather with greater, more universal values linking more legal systems – for example a religion, a morality or a "style" of law (that means, the civil law-common law opposition). This makes legal traditions a more comprehensive concept.[2]

Glenn (2014, ix–xiii) differentiates seven main legal traditions: a Chthonic legal tradition (associated with laws of cultures or tribes), a Talmudic legal tradition (referring to Jewish law), a civil law tradition (developed from ancient Roman law), an Islamic legal tradition (constituted on the bases of Koran), a common law tradition (including further legal systems that originated from British common law system), a Hindu legal tradition (constructed upon the Hindu religion) and a Confucian legal tradition (covering legal systems of cultures following the teaching of Confucius). Contrarily, Glendon et al. (2008, 15) focus only on two legal traditions: Anglo-American common law tradition and Romano-Germanic civil law tradition, but note that there are other, more specific legal traditions as well. Head (cf. Burton 2012, 1135)

[2] For example, an academic journal titled *Roman Legal Tradition* (http://www.romanlegaltradition.org/ access: 2016/11/02) under the term Roman legal tradition understands "any aspect of the civilian tradition in ancient, medieval, and modern law", not only the tradition of law in ancient Rome.

alleges that apart from common law tradition and civil law tradition there is the third remarkable one, Chinese law tradition. Guerriero (2016, 66), the author of endogenous legal traditions theory, expounds that there are countries of common law tradition and civil law tradition, and – apart from them – also those which transplanted new tradition secondarily, that is: "common (civil)" law tradition (originally common law tradition that switched from case law to statute law) and "common (civil)" law tradition (analogically vice versa). Also Smits (2011, 791) asserts that legal traditions have a transitional character, observes that law is often considered a tradition. Expanding the theory of memes in context of language, he hypothesizes that differences between legal traditions are generated by tendency of imitation within small communities, which impacts legal systems existing in adjacency (Smits 2011, 799).

It is though worth mentioning that Varga (2012, 79–80) criticises Glenn's theory, indicating that the idea of legal traditions is to replace legal cultures, but in fact it is the concept of legal families described anew. Therefore, this is the final theory to be presented in the section below.

1.1.3. Legal Families

Eventually, there are ***legal families***, and this concept probably is the oldest one, since first works on it were published back in 1900s. Legal family is thought to gather legal systems having common roots (Monateri 2003, 576), so even if there were different influences throughout the history, the systems were developed from one core and thus some concepts and institutions in there are genetically connected – that is why the term "family" is used.

Zweigert and Kötz (1998) cite three notable French taxonomies by Esmein (1900), Arminjon et al. (1950) and David (1950). Perhaps a crucial disadvantage of them is that at the time they were invented other concepts were not developed yet, hence they did not distinguish legal families from other aforementioned units. This is also the reason why legal families are more inclusive.

Originally, Esmein (1905 in Zweigert & Kötz 1998, 64) suggested the following legal families: Romanistic, Germanic,

Anglo-Saxon, Slav and Islamic. Although this idea was questioned by Arminjon et al. (1950 in Zweigert & Kötz 1998, 64) (according to Esmein the prevailing role was played by the criterion of race), Zweigert and Kötz (1998, 64) support that division in historical context, conceding that it was accurate with the then situation of comparative law and the then state of knowledge. However, the classification recommended by Arminjon et al. (1950, 49), which takes the criteria of "originality, derivation, and common elements" and is based on private law, is found by Zweigert and Kötz (1998, 64) the most penetrating of their contemporaries. That taxonomy differentiates seven legal families as follows:

1. French,
2. German,
3. Scandinavian,
4. English,
5. Russian,
6. Islamic, and
7. Hindu (Arminjon et al. 1950, 49).

Nevertheless, Zweigert and Kötz (1998, 65–66) point out that that division was not sufficiently comprehended, and stress two aspects which inhibit it. Firstly – that division, as numerous of the then concepts, focuses mostly on private law, while taking into account, for example, constitutional law or commercial law could result in a completely different classification. Secondly, they observe that legal families can be considered only within a determined period of time, since law tends to change and it is even possible that a new legal family would emerge. This observation clearly separates legal families of the earlier described legal cultures, which seem to be somewhat attributed to legal systems and exist over time.

The ultimate criterion for grouping legal families suggested by Zweigert and Kötz (1998, 67) is "style" of law, hence they identified legal families rather with "legal styles" than legal traditions or legal cultures. As crucial features of legal family they enumerated (Zweigert & Kötz 1998, 68–73): the historical development, distinctive mode of legal thinking, distinctive legal institutions, choice of sources of law and ideology (religious or political) of the organisation of economic life. Under these conditions they established a set of six legal families:

1. Romanistic,

2. Germanic,
3. Nordic and
4. Common Law,

with additionally independent influential legal systems, consisting of:
5. Chinese law,
6. Japanese law,
7. Islamic law, and
8. Hindu law.

They underlined existence of some other legal systems which are hard to associate with one particular group (e.g. Greece, Louisiana, Quebec, Scotland, South Africa), however, their impact is not as momentous as that of the four previously mentioned.

1.2. Concluding remarks

To sum up, the taxonomy proposed by Zweigert and Kötz (1998, 64) within which eight legal families and other independent influential legal systems have been distinguished, that is to say:
1. Romanistic,
2. Germanic,
3. Nordic and
4. Common Law,
5. Chinese law,
6. Japanese law,
7. Islamic law, and
8. Hindu law (Zweigert & Kötz 1998, 68–73)

has been taken into account when investigating the problem of providing equivalence for the purpose of legal translation in multilingual settings. However, the linguistic analysis has also revealed that aspects important for comparative lawyers are not necessarily crucial from the perspective of translators.

2. Legal Families of the World

The three examined terms, although have plenty in common, still differ in numerous aspects. While ***legal cultures*** refer to values and regional culture (religion, morality, custom), ***legal traditions*** imply involvement in legal history, mutual influence and legal transplants between legal systems. Ultimately, ***legal families*** derive from common cores of particular laws, and stress their genealogical development, as well as "style" of law. Of course, this summary is not decisive. In fact, as it was mentioned in the previous sections, all of the three units share several features which in certain conditions may allow to use them alternatively. Nevertheless, some noticeable traits can be determined as distinctive. For the purposes of linguistic analysis, the most appropriate criterion seems to be the last one, inasmuch as it assumes evolutionary connections between legal systems and joint characteristics. Analogically to language families that affect natural languages, legal families de facto shape legal languages. Therefore, in the following sections the division based on that established by Zweigert and Kötz (1998, 73) shall be applied, since it seems to be the most suitable; however, due to their connections they shall be grouped in four major subsections:

1. legal family of continental Europe (including mostly influences of French law and German law),
2. legal family of common law,
3. legal family of East Asia (on the basis of Chinese and Japanese legal systems), and
4. legal religious systems (Islamic and Hindu law).

2.1. Legal family of continental Europe

Although legal systems that have grown out of French and German law are eagerly contrasted (especially by European authors), even Zweigert and Kötz (1998, 132) concede that numerous

researchers do not distinguish Romanistic and Germanic legal families, due to the fact that these families are fairly closely related in comparison with other legal families of the world. Both of them developed on the foundations of Roman law, though in different ways. These ways are the reason why the two families are often considered separately while analysed comparatively.

2.1.1. French law

Speaking of law in Europe, it is definitely the French legal family that seems to be the very basis of the modern concept of code and thus the contemporary shape of civil law. Private law in terms of equal and common rights originated only after French Revolution and the end of the monarchy (Brissaud 1912, 80). Zweigert and Kötz (1998, 75) indicate that French law before the introduction of Napoleon's code was geographically divided into two main subsystems – one (referred to as *droit écrit*) on the South, being under the influence of ancient Roman law, and the second (*droit coutumier*) on the North, e.g. the Custom of Paris – where the impact of Germanic customary law was stronger.

Nevertheless, these two main sources of law significantly permeated each other. French lawyers studied Roman law at universities, while applying customary laws and royal ordinances on a daily basis and thus the situation resulted in one, not quite unified system of law (M. S.-H. Kim 2010, 792). France, unlike Germany, never incorporated Roman law as its official system and in fact only such Roman legal institutions were accepted that were acknowledged by commentaries of Glossators and post-Glossators (Valcke 2006, 135). Moreover, apart from Roman and customary law interference, there were also influences of canon and feudal law. The whole conglomerate was then perceived not as a copy of any other system, but a specifically French model, "our French law." Some researchers even speak of French common law – that is, *coutumes*, 'customs' (Zweigert & Kötz 1998, 78):

> "A series of important jurists played a most conspicuous role in the gradual development of a common private law for the whole of France. They were not professors, but practitioners, attorneys, legal advisers, royal

> administrators, and judges. Of these, Dumoulin[3] is the pre-eminent. He was first to state the view that there was such a thing as a common law of France; it consisted of the totality of the ideas of law which found expression in the different *coutumes*."

Nevertheless, the actual content of law differed depending on the territory (sometimes laws were confined to individual villages), which created a great uncertainty of law (Voltaire 1838 in Zweigert & Kötz 1998, 80). There were some attempts, or just ideas of unification. In such a context, the name of de l'Hôpital[4] should be mentioned, whose ideas in the sixteenth century paved the way to the later unification of French law in Napoleon's codification (Hanley 2010, 828–830). Therefore, even if France never actually receipted Roman law in the way Germany did that, in reality influences of Roman law were preserved in that "our French law," which eventually was the matter the Napoleon's *Code Civil* emerged from (Stankovic 2005, 311–312).

That march towards French unification of law took a long time, although the voices for its need were raised throughout the whole century. Also the 1789 French Revolution intended, among its others aims, to unify French law. In 1793, 1794 and 1796 three subsequent drafts of legal codes were prepared by Cambacérès[5], however, they were rejected due to Napoleon's victory in 1799 Eventually, the code was drafted by the Commission, led by the aforementioned Cambacérès, consisting of four jurists: Tronchet[6] and de Préameneu[7] (who were to advocate the *droit coutumier*) and Portalis[8] and de Maleville[9] (who were responsible for the *droit écrit*) (Zweigert & Kötz 1998, 82). Moreover, Zweigert and Kötz (1998, 83) stress also the participation of Napoleon himself in the process of code drafting. The new code, although it drew some concepts from the former laws, as it was mentioned above, formally abolished

[3] Charles Dumoulin, 1500–1566, a French jurist, called "prince of jurisconsults".

[4] Michel de l'Hôpital, 1507–1573, a French politician, chancellor of France.

[5] Jean Jacques Régis de Cambacérès, 1753–1824, a French politician, nobleman, jurist.

[6] François Denis Tronchet, 1728-1806, a French jurist.

[7] Félix-Julien-Jean Bigot de Préameneu, 1747-1825, a French jurist, became Minister of Public Worship in 1808.

[8] Jean-Étienne-Marie Portalis, 1746-1807, a French jurist, became Minister of Public Worship in 1804.

[9] Jacques de Maleville, 1741-1824, a French jurist, senator since 1806.

all of the previous legal sources, in a revolutionary way defining everything from the ground up (Valcke 2006, 141).

Undoubtedly, *Code civil* was and still is the most fruitful code in the legal history. The cooperation of the Commission members resulted in the code which combined both types of law (Roman law and customary law) in one comprehensive matter, based on the concepts of natural law (it should be mentioned that the sheer idea of codification emerged from the natural law itself). The code regulated particular issues quite generally; the presumption of the legislators was to be open for any possibility that might occur. The articles are then concise and ambiguous, allowing courts to interpret them depending on the case (Zweigert & Kötz 1998, 89–91). However, the role of the judges is not as significant as in the case law systems. In fact, those who develop the interpretation of the law are legal scholars. Judges are supposed primarily to base their decisions on the concepts derived from legal provisions by legal doctrine. Valcke (2006, 142) upholds that:

> "Judges would be asked to apply the law in a mechanical fashion and to carefully avoid wandering off into the realm of interpretation, the realm properly reserved to scholars. Scholars were the minds of the law; judges merely its 'mouths'. The respective political allegiances of judges and scholars prior to codification provide part of the explanation for this difference in treatment. But another part arguably lies in the fact/idea conception imprinted in the revolutionary spirit. Whereas scholars were involved in the production of ideas, judges dealt in facts. The secondary role of the judiciary hardly is surprising in a system that reveres ideas and dismisses facts as largely irrelevant."

This style of law differs from the German approach, which will be described below. Nonetheless, even if the attitude of legislators and lawyers towards the law seems in some way inconsistent while comparing France and Germany, it should be remembered that these are two approaches developed from the same historical roots, which are Roman law tradition and customary law, that used to mingle in Medieval Europe.

2.1.2. German law

The Germanic legal family includes also other German-speaking countries, that is, to a great extent, Austria and Switzerland, but the most influential law from this area seems to be the German civil code (though the significance of the other two countries should not be ignored). As it has been stated above, while speaking of German law it is inevitable to mention the influence of Roman law on this legal system and the whole legal family.

The magnitude of Roman law impact in Medieval German states is all the more significant: in 1495 the Imperial Chamber Court (*Reichskammergericht*) was established and its task was to apply *Corpus iuris civilis*[10] as a subsidiary law to the German traditional one on the whole territory of the Holy Roman Empire of the German Nation. The Roman law in that context was known as *ius commune* (*gemeines Recht*) and was perceived effective until the promulgation of the German civil code at the end of the 19th century (Dajczak et al. 2011, 95).[11] The reason of this reception was quite complex; Zweigert and Kötz (1998, 134) indicate that prevailing factors included: identifying the then empire of Germans with the Roman Empire as well as the lack of sufficient legal institutions within the traditional German law (while the Roman law was giving ready-made solutions to numerous actual problems). Some customary German laws, contrary to the Roman law, were not even written; also German judges educated at German universities knew Roman law better than customary laws (Dajczak et al. 2011, 95); however, there were certain collections of laws, such as *Allgemeines Landrecht* issued in 1794 in Prussia, which in fact were not codes in

[10] Lit. "the body of law" – the compilation of sources of civil law done at the behest of emperor Justinian I between years 529 and 535. The aim of the compilation was unification of the then system of law (Fellmeth and Horwitz 2009, 67–68). It consisted of the Code of Justinian (*Codex Justinianus,* collections of imperial laws), Institutes (*Institutiones*, handbook of Roman law) and Digest (also called Pandects; *Digesta* or *Pandectae,* collection of works on civil law authored by ancient Roman jurists), and also later added Novels (*Novellae Constitutiones*, new imperial constitutions) (Dajczak et al. 2011, 82).

[11] Although Dajczak et al. (2011, 95–96) remark that it has never been clarified if the Roman law in the Holy Roman Empire had been receipted entirely or only in terms of norms applied by courts in practice.

the modern sense (Schwenzer 2008, 71). After 1804 in some areas the French civil code was applied for a short period of time, in some other it was used until the introduction of the German one. Although it never gained much influence on the whole area of all German states, some of its institutions and rules were preserved in later German law (Buggle 2016, 152–155).

However, since the 17th century the way of Roman law application shifted to the approach called *usus modernus Pandectarum*, that is, "a modern usage of Pandects."[12] The new method adjusted ancient law to modern reality, allowing influences of local laws and rejecting formal authority of directly applied Roman law. Some new or local customary legal institutions have been introduced to the German law at the time, which resulted in distinct diversity among law in particular German states (Dajczak et al. 2011, 101–102). During that period a new idea evolved – that law can be codified through a comprehensive and planned legislation – instead of collections of primarily the already existing laws in compilations such as General Land Law for the Prussian States[13] (*Allgemeines Landrecht für die Preußischen Staaten*) (Zweigert & Kötz 1998, 135–137). However, only in 19th century a new approach emerged: German legal scholars known as Pandectists developed new, unified interpretation of Pandects. Statute laws and jurisdiction differed in particular states, which impeded the development of case law similarly to England, hence only the legal doctrine elaborated by Pandectists provided uniform interpretation of Roman law (Vogenauer 2005, 489). To that end, the Pandectistics was an essential step towards the unification of the territorially fragmented German empire (Dajczak et al. 2011, 109).

The result of Pandectists' works was the German civil code (*Bürgerliches Gesetzbuch,* abbreviated worldwide to BGB), which was enacted in 1896 and came into force only in 1900 (and, moreover, it is still applied today, although amended). The process was led by von Gierke,[14] and due to his input it was more social in its attitude than other European codes of the 19th century. Nevertheless, BGB was claimed the most Romanist code in

[12] Which was one of the *Corpus iuris civilis* parts (cf. footnote about *Corpus iuris civilis* above).

[13] Which was in force in the territory of the German states since 1794 until replaced by BGB in 1900.

[14] Otto von Gierke, 1841-1921, a German legal historian.

character, seeing that to a large extend it was in fact a codification of Pandects handbook (forasmuch it was influenced by notable Pandectists, such as Windscheid[15]). Therefore, as it can be seen, the Germanic approach to law developed on the basis of Roman law and its legal concepts (Dajczak et al. 2011, 111). The code was divided into five books, including law on obligations, property, family and inheritance. However, one of the most innovative achievements of BGB, copied later by numerous subsequent civil codes (even those in East Asia), was the introduction of the General Part as the first book in the code. This book gathers all general provisions which can influence interpretation of regulations located in other books. These provisions regulated such concepts as natural and legal persons or things. Although this is perceived to be quite a modern solution and today it is applied worldwide, not every state approved such an idea, for example, the French code does not have a general part at all, and some other states, mainly inspired by French law, do not have it either (Zweigert & Kötz 1998, 145–147).

German provisions are not as vague as the French ones. On the contrary, the heritage of the Pandectists left the attitude resulting in focusing on the meaning of particular words and linguistic adequacy (Zweigert & Kötz 1998, 91). Zweigert and Kötz (1998, 144) even claim that BGB is not addressed to the public at all and the only aim of it is to code the legal rules which later can be decoded by lawyers in contexts of particular cases.

2.2. Legal family of common law

Although it may seem that Roman law influenced to some extent all of European legal systems, in fact in the British Isles there evolved one major system that is perceived to be quite unlike the other and only slightly interfered by Roman legal thought (Zweigert & Kötz 1998, 181). It is called *common law* and the English name is specifically assigned to this system (it should not be confused

[15] Bernhard Winscheid, 1817-1892, German Pandectist, author of one of significant handbooks on Pandects.

especially with the Latin term *ius commune*, which refers to law applied in the mainland Europe). Mattila (2013, 305–306) indicates that this term can be understood in three ways:

1. as a general name for legal systems derived from English common law, including US, Canada, Australia, New Zealand and so on;
2. as law constituted by court decisions in these countries, in other words – case law;
3. as one of two components of case law, along with 'equity'.

Originally the legal system in England before 1066 was plain customary law, not centralised and written (Matulewska 2007, 47). However, after the Norman Conquest, William the Conqueror[16] was compelled to centralise the system of law, to preserve his power over the vassals that systematically increased their political strength. Increasingly more and more disputes were then reserved to be judged only by the Royal Courts (*Curia Regis*) that solved disputes in the name of the king (Mattila 2013, 306). This long process, effectiveness of which was even enhanced by the prestige and progressiveness of the Royal Courts (Zweigert & Kötz 1998, 183–184), consisted of gradual diminishing local barons' and sheriffs' authorities in the field of justice and transferring their power to justices of the peace (Matulewska 2007, 48). Eventually, three central courts originated from the Royal Courts:

1. Court of Exchequer, involved in tax cases,
2. Court of Common Pleas, solving disputes in regular private lawsuits, and
3. Court of King's Bench, having jurisdiction over political matters (Zweigert & Kötz 1998, 183).

Apart from the Royal Courts, later also a fourth court, called the High Court of Chancery, was established to deal with equity law (Matulewska 2007, 51). The concept of equity, mentioned above as a component of case law together with common law, included resolving cases on the basis of principles of reasonableness and fairness. On such foundations Chancellors, acting as lawyers in the Court of Chancery, established their own legal concepts and

[16] William the Conqueror, or William the Bastard, ca. 1028-1087, first Norman King of England, reigned since his conquest in 1066.

remedies (Mattila 2013, 307). Zweigert and Kötz (1998, 187) note that:

> "Towards the end of the fourteenth century the legal creativity of the royal courts gradually began to wane. It became clear that the procedure of these courts was in many respects too crude and formalistic and that the applicable law was too rigid and incomplete; suits were lost because of technical errors, because witnesses had been bribed, because of tricks of procedure, or because of the opponent's political influence. Thus […] parties who had lost a lawsuit in the King's courts on one of these grounds […] petitioned the King for an order compelling his adversary to do as morality and good conscience if not the strict rules of the Common Law, required. The King used to transmit such petitions to his highest administrative official, the Chancellor. […] In time these petitions were addressed directly to the Chancellor and the decisions he made developed into a complex of special rules of law which are still referred to in England, as they have been known ever since the fifteenth century, as 'equity'."

Consequently, lawsuits in these times were based on writs (also referred to as *breve* in Latin). These were letters of request or instruction issued to local sheriffs by the Chancellor in the name of the King. A writ was written after a claimant reported to King's Chancellor that his rights were violated, and the Chancellor recognised the claim as being in the King's competence. Should the defendant not fulfil the duty imposed by the writ, the claimant could refer the case to the Royal Courts (Mattila 2013, 306). Since the cases were repetitive, writs were standardised over time and at the end of the 12th century there were already 75 types of them, and even more were established in the following centuries. However, the Chancellor had no competence to issue a new type of writ in advance (Zweigert & Kötz 1998, 184–185).

Due to its specifics, the Court of Chancery was in conflict of competence with the Royal Courts, however, the dispute between these institutions was resolved and their competences were divided. Ultimately, the High Court of Chancery was preserved only till the 19th century (Mattila 2013, 307).

Therefore, the custom and morality were in fact the foundations of common law. Roman law, as it was mentioned in the beginning of this subchapter, has never gained a significant position in English legal system. However, in a certain point of history it was relevant to some extent – in the 16th and 17th century during the dynasties of Tudors and Stuarts, common law weakened and Roman

law was applied in order to strengthen kings' power in conflicts with the Parliament. Also the then political atmosphere supported reception of Roman law in Europe and common law was perceived to be backward. Nonetheless, Roman law was not appreciated enough to overrule the already deeply rooted common law (Zweigert & Kötz 1998, 195).

Due to the United Kingdom's influence in the former Empire's colonies, common law is nowadays present in numerous countries across the world. However, it is noteworthy that within English law the possibility of recalling old cases is limited to year 1189 (Coulson 2011, 1). Apart from the UK, the most significant is the legal system of the United States. Mattila (2013, 332–333) describes legal system of the US as founded on three main principles: the rule of precedent that derives from English case law and assumes that further court decisions should be based on the previous ones; the supremacy of law, which is sometimes called 'the rule of law', that requires even the authorities to be bound by law; and perceiving the lawsuit as a combat in which the parties fight against each other and the jury remains the only arbiter. Equity law is also significant in the US, however it mingled with common law and is no longer a separate basis for judicial decisions.

The core of modern common law is still its legal history, because of the fact that the subsequent court decisions have to be supported by the previously issued judgements (Zweigert & Kötz 1998, 181). Some essential changes occurred in the 18th and 19th centuries, during the 'Age of Reform' and even the concept of codification was raised, especially after promulgation of Napoleonic code. The most notable supporter of codification was Bentham[17], who treated common law as an impediment to deep legal reforms. Thus, the idea did not gather enough advocates and has never came into force (Zweigert & Kötz 1998, 197). The UK still does not have even a unified constitution, and treats its general legal rules as a conglomerate being a material, but not a formal constitution – in opposition to other common law countries, e.g. the US, which has a written constitution since the foundation of the state. Currently the English common law legal system has been indeed modernised to suit the modern challenges and legislation is present in common law

[17] Jeremy Bentham, 1748-1832, a lawyer and reformer, leader of the Utilitarian School, advocate of codification of English law.

countries as well, but case law is still a decisive core of these legal systems – nevertheless, it should be noted that today the Parliament's decision can change any case law rule through legal instruments (Mattila 2013, 307).

2.3. Legal family of East Asia

East Asian legal systems (including China, Japan, Taiwan and Korea) are often described as "mixed systems," due to their syncretic character – they merge elements of civil law and common law, but also are influenced by Confucian tradition (Wang & Chiu 2014, 3–5). Moreover, in Chinese law also an impact of socialist law is observable (but of quite unique nature, not without reason it is called "socialism with Chinese characteristics") and, though marginally, preserves some remnants of Chinese traditional law (rather in attitude than in actual legal provisions, but this aspect should not be omitted). Wang and Chiu (2014, 5) indicate that although most of modern Far East legal systems developed similarly, there is a significant difference between that of China, on one hand, and that of Japan, on the other.

2.3.1. Chinese law

Legal system in China has already developed since the 3rd century BC. Although traditional Chinese law from the modern point of view is treated as criminal law, it is nevertheless an unjust generalisation. Imperial legal codes comprised also provisions related to widely used private law agreements (such as sale or loan), trade, and marriages. It was the result of another approach towards law than that accepted in Western legal world. Chinese traditional law did not distinguish public and private law as it is done today. Admittedly, the predominant part of imperial codes consisted of provisions currently associated with public law, and civil matters were regulated by customary law (including Confucian teaching and

rituals), but it was not tantamount to modern division into criminal and civil codes.

In the beginning of the 20th century China faced coercion to adapt Westernised law instead of its over 2,000 year tradition of concomitance of constantly developing imperial codes and deeply rooted customs. It should be noted that although China started its efforts since early 1900s[18], it was not a "clear" transition from traditional to "Westernised' way of thinking (and it did not change completely even today; it seems to be a wishful thinking of Western scholars that Chinese centuries-long developed culture would easily give way to alien and de facto imposed set of rules) (Starr 2001, 204–205). While structures and provisions were actually borrowed from European codes, yet their meaning for Chinese people was originally not convergent with European perception. For example, Peerenboom (2002, 43) claims that "rights were typically conceived as grants from the state rather than natural rights which individuals possessed by reason of birth". The differences that rooted out of tradition and culture faded then gradually.

However, still the question to ask is why China westernised its law at all? Some thoughts of modernisation of law appeared in China already in the 19th century, even before the promulgation of Japanese Civil Code (JCC) in 1896 (which happened to be also a great additional inspiration). Zhang Jinfan (2014, 555) observes that:

> "it has been made possible for this great historical process to be fully accomplished only by the long exploration and striving of several generations of social elites… It is only after repeated argumentation and laborous struggles that the direction and the road of the transition have been chosen…"

He indicates that the modernisation of Chinese law was also the work of the 19th century movements for Westernisation of China. There were disputes among the movements whether China should adopt Western concepts as they were, abandoning Chinese heritage (Rodziński 1974, 541) or should look at them from Chinese perspective, as it was called: *Zhong Ti Xi Yong* 中体西用, that is: "studying western science and technology under Chinese traditional

[18] The first outline of constitution in the Western style was issued in 1908 (Pan Guoping and Ma Liming 2010, 6)

culture" (Zhang Jinfan 2014, 556). The reformatory movements eventually suffered defeat (Rodziński 1974, 557), but the existence of such problem of Westernisation in Chinese minds largely helped in later acquisition of Western-style law. Nevertheless, while the disputes in the 19th century were mostly theoretic, in the beginning of the 20th century the need of modernisation became more practical.

According to Kość (2010, 517), series of lost Opium Wars (1839-1842 and 1856-1860) and foreign interference in Chinese matters, as well as observing Japanese international and legal situation brought China to a conclusion that radical modernisation of law is something that can remedy the problems. It was also partially forced by foreign countries, like the United Kingdom or France (Han Shiyuan 2012, 238), as some kind of consideration for waiving their unjustly gained Chinese colonies (Kość 2010, 518). Thus it should be pointed out that in those times Chinese law applied only to the Chinese, while foreigners were managed by their countries' jurisdiction.[19] These circumstances caused that different laws were applied during trials and that gave Chinese jurists a broader perspective and new legal concepts. Nonetheless, the unjust treaties were not limited only to the application of law, but covered also other fields, such as trade (Kossof 2014, 43–44). But it turned out that the foreign countries would agree to repeal the treaties only having Westernised law guaranteed. For example, in 1902 China revised its unjust treaty with the United Kingdom from 1842, which afterwards stated that (Yang Hung-Lieh in Chen Tsung-Fu 2011, 399):

> "China was serious in its intention to perfect the state's laws in order to conform to the other countries' laws… Once Chinese laws, litigation rules, and any other relevant affairs were made perfect, the United Kingdom promised to abandon the right to extraterritorial application of foreign laws."

Since the dependence upon foreign laws and jurisdiction was not convenient and also humiliating for China, it is hardly surprising that Chinese authorities eagerly began works on modernisation and Westernisation of Chinese law (Zhang Jinfan 2014, 484–485).

The first attempt was taken during the late Qing Dynasty.

[19] However this practice was present in China since Tang dynasty (Zhang Jinfan 2014, 484).

Although that dynasty issued the longest-last legal code in the imperial history of China, its "Westernised" reform did not succeed, because finally the last emperor had abdicated before the drafted civil code came into force (Zhang Mo 2006, 29). However, in 1903 General Principles for Merchants (along with Company Law and Bankruptcy Law) were issued (Chen Jianfu 2008, 26), which could in some way influence concluding contracts. Moreover, in 1910, in the Current Criminal Code, civil and criminal laws were distinguished for the first time in Chinese legal history; thus starting from that point it is eventually justified to speak of Chinese civil law in terms of Western meaning (however, it should be kept in mind, that the reform was still in process then and it was not exactly corresponding to the European meaning) (Head 2009, 69).

Nevertheless, a major turning point of Chinese legal reform was the creation of the Draft of Qing Civil Code (*Da Qing Minlü Cao'an* 大清民律草案, hereinafter called Qing Code). The process started already in 1902, when the then emperor ordered to revise current law by following the example of earlier Western laws. In 1907 the newly established Office of Legal Revision led by e.g. Shen Jiaben[20], Wu Tingfang[21], Yu Liansan[22], and Ying Rui[23] gathering Chinese scholars who studied law in Japan, Europe and the USA, began works on the draft with the help of academics and judges from Japan (cf. Zhang Mo 2006, 28–29; Kość 2010, 517; Chen Tsung-Fu 2011, 399; Liang Huixing 梁彗星 2013, 2). Mainly based on German and Japanese law, the prepared draft was in style of the *Pandekten*, and consisted of five books, with law of obligations among them (653 articles) (Han Shiyuan 2012, 236).

Admittedly, Qing Code was not a highly developed law, yet in comparison with previous imperial codes (based on traditional Chinese law) it was visibly modernized. And although it never came into force (different sources claim that it was completed between 1907 and 1911, however it still coincided with the end of the last dynasty), it is thought to make a significant impact on following codifications in China (Ceng Xianyi 曾宪义 2000, 266),

[20] *Shen Jiaben* 沈家本, 1840-1913, scholar and jurist, abolished several cruel traditional penalties while revising GQC.

[21] *Wu Tingfang* 伍廷芳, 1842-1922, diplomat, politician, Minister of Foreign Affairs and for a short period Acting Premier of Republic of China.

[22] *Yu Liansan* 俞廉三, 1841-1912, Qing dynasty politician.

[23] *Ying Rui* 英瑞, Qing dynasty politician.

predominately by establishing roots for Chinese legal language and basic legal terms borrowed from Europe (Zhang Lihong 2004, 899).

However, just after dethroning of Qing Dynasty, a new political regime of Kuomintang (KMT)[24] restarted works on a new code, the first Draft Civil Code of the Republic of China (hereinafter abbreviated to Republican Draft Code) in order to fulfil other countries' demands and withdraw unjust treaties and application of foreign laws. Although the KMT draft was based on Qing Code, the reform was far more revolutionary than that which was to be introduced by the Qing Dynasty (Chen Tsung-Fu 2011, 399). Though in some aspect it tried to preserve some elements of Chinese tradition and culture, simultaneously taking models from Europe and additionally incorporating new Chinese nationalist attitude into the new code draft (Chen Jianfu 2008, 34–35), yet it was separated from the tradition on the ideological ground. It was so, since in a Western way the Republican Draft Code prioritized individuals over communities – contrary to the said tradition (Kędzierska 2012, 308). KMT drew laws directly from the German Civil Code, Swiss Civil Code and Swiss Law of Obligations. The legislator, Wu Jin-Xiong (in Chen Jianfu 2008, 34), claimed that nearly 95% of provisions in the draft were derived from the three codes, and similar view was shared also by Mei Zhong-Xie and Zhan Sen-Lin (Chen Tsung-Fu 2011, 400). However, the main source among them was BGB.[25] Two reasons of this reception were: (1) the high quality of German law and (2) the plain fact that Japan already promulgated new legal codes that borrowed mainly from BGB and were conveniently written with Chinese characters, so they created basics for Chinese legal language (Kość 2010, 519). Notwithstanding, the legislators tried not just to copy the articles, but to choose them intentionally to match the then nationalist views. Due to these intentions, a significant change in the perspective was made, since the national

[24] *Guomindang* (国民党), lit. National or Nationalist Party, founded in 1912 by Sun Yat-sen (*Sun Zhongshan* 孙中山, 1866-1925), ruled China during the Republican period, and later moved on Taiwan (Kajdański 2005, 124–125). Although according to *pinyin* transcription should be written as Guomindang, the name Kuomintang is deeply rooted in literature and also preferred by the Taiwanese party (Dillon 2010, 7), thus it will be used herein.

[25] An interesting fact is that, according to Kość (2010, 519), the Germans were not aware then that China made that reception.

interest was perceived as more important than the interest of family (Chen Jianfu 2008, 34–35). Moreover, KMT tried to turn back from the "rule of man" to the "rule of law" (Peerenboom 2002, 43).[26] Chang King-Yuh (1991, 223) notes that:

> "in accordance with the Confucian emphasis on personal morality, people in traditional China preferred to rely on the mutual bonds of good faith and personal trust in human relations, without recourse to written contracts. In modern society, with its complex social and economic relationships, however, virtually all human interactions, whether between people or between the government and the people, are governed by written law and written contracts."

On the other hand, although traditional law was not incorporated in provisions of the Republican Draft Code, it

[26] Yet it should be remembered that the "rule of law" in this context should be perceived more like the "rule by law" (Zou Keyuan 2006, 38). It is noteworthy that for Europeans the rooted meaning of the "rule of law" is that one should proceed along with legal norms, whereas Chinese *fazhi* (two characters meaning lit. "law" and "to rule") refers rather to legalism in its core sense, that legal norms are just a tool to rule. The reason of this common confusion can be literal translation of *fazhi* into English that clearly coincidentally overlapped with the European already coined term "rule of law". For Europeans the rule of law is obviously a demanded feature of legal system. It is not a surprise then that Chinese scholars, while westernising their law, took the rule of law as an important target (there are numerous works on "Chinese road to rule of law", some of them can be found in the references at the end of this dissertation). However, it seems that China did not abandon the Chinese understanding of rule of law at all – so, eventually, from the European point of view it seems that the Chinese try to govern more and more along with the law, meanwhile from the Chinese standpoint this process leads to giving up custom and replacing it with legal norms – without that European sense of "rule of law" that involves caring about obeying the law. The more significant seems the fact that in Chinese exists an additional separate term for this Western concept of governing country in accordance with law – *yifa zhiguo* 依法治国, which is sometimes translated also as "rule by law". In such a context Castellucci (2007, 38–39) insists that "the Chinese vagueness of terms reflects the inherent flexibility of the Chinese concept. (…) *Fa zhi*, after all, does not mean «rule of law», nor «rule by law»; in a legal sense, it only means… *fa zhi*" (Castellucci 2007, 38–39). Therefore, the aims of applying the "rule of law" in China and in Western countries seem different – in the West its goal is "to ensure liberty and equality of the people", whereas in China it is needed to "accomplish a certain level of economic and social development as well as stability of the society" (Blasek 2015, 16).

contained lots of loopholes that were to be filled by customary laws (it was stated by Art. 1 of the Republican Draft Code), because legislators were aware that society would not easily abandon tradition and custom in favour of newly imposed Westernised laws (Kość 2010, 522). Unfortunately, this codification attempt of the Republic also did not succeed, since the Republican Draft Code was prepared in 1925-1926 and shortly after the political upheaval thwarted this second try of reform.

Only the third try was already successful. After setting up the government in 1927, works on the third draft of civil code started (Han Shiyuan 2012, 236). It came into force gradually by parts from May 1929 to December 1930 (Obligation Law was promulgated on 22th November 1929) (Kość 2010, 520). The Civil Code of the Republic of China (*Minfa* 民法, Republican Code) borrowed the structure and legal institutions from the German Civil Code and also some concepts from civil codes of Switzerland, Russia and also Thailand. The reason for choosing German and not French law as the main model was that BGB was relatively new in comparison with the Code Civil and it was already borrowed by Japan, which made the Chinese reception of BGB easier (Han Shiyuan 2012, 237).

This eventually successful and huge change did not arouse controversy, supposedly due to the fact that majority of citizens did not know about it and, additionally, China did not have a developed juristic community to raise questions in that time (Wang Tze-Chien in Chen Tsung-Fu 2011, 401). According to Fu Junwei (2011, 15), although Chinese legislators copied various foreign laws to a great extent and, due to that, the Republican Code was not suitable for the practice, it did not have a chance to be tested because of its short period of being in force. The Republican Code did not last for long in Mainland China, since shortly after its promulgation, a civil war in China began nearly simultaneously with the Japanese invasion (Fairbank 2003, 272), followed by the Second World War (Rodziński 1974, 662–663) and in 1949 the new communist government, which proclaimed the People's Republic of China (PRC), announced that all laws issued by KMT were derogated (Kość 2010, 522). It seems that over a dozen years of being in force is not so short, but it should be remembered that the Republican Code was not commonly applied, because of the vast territory of the country and quite turbulent times (Kędzierska 2012, 308).

Nonetheless, although KMT lost its power in Mainland China, its influence remained in Taiwan and, therefore, the code has been in force there (several times revised) till the present day (Han Shiyuan 2012, 237).

After the derogation of the Civil Code in 1949, over thirty years had to pass until China received a new statute law (Han Shiyuan 2012, 237). It should be noted that in 1956 a countrywide simplification of Chinese characters was proceeded. Since then also legal language used simplified characters, which resulted also in the modification of certain legal terms (Kajdański 2005, 196).

PRC tried to enact new civil codes in 1950s and 1960s – one draft was completed in 1956 and modelled on the Soviet Civil Code[27]; and second in 1964, which broke away both from Soviet and European capitalist laws[28]; however, none of them did succeed due to political attitude. It is also noteworthy that with the beginning of the Cultural Revolution in China (1966-1976), the communist government abolished the commercial production and exchange of commodities, and, as a result, private contracts disappeared. However, despite the fact that only "economic contracts" or "plan contracts" were officially allowed, private contractual practices in China did not evaporate, though there were problems caused by the lack of law, especially with resolving disputes (Han Shiyuan 2012, 237–238). Eventually, in late 1970s, after the death of Mao Zedong[29], China started its legislative efforts again, and this time also did not construct a civil code, but many other laws to regulate civil matters. The new legislation was caused mainly by countrywide reforms that started to change the understanding of Chinese socialism and eventually resigned from its many features (Gittings 2010, 106). Although the newly enacted laws were still not codified, the first step in creating statute law was made. Due to 1970s political change from planned economy to "social market economy with Chinese

[27] Eventually it was not finished due to the change of international situation; the death of Joseph Stalin and the sudden start of his policy's criticism discouraged China to follow the Soviet model (Dillon 2010, 354).

[28] China wanted to distance itself from any other country's model, working on its own model of law. However, this try was interrupted by certain political events. Han Shiyuan (2012, 238) concludes that it taught China not to abandon all of foreign legal models and that blind following of "the Chinese characteristics" is not an effective way of creating legal system.

[29] *Mao Zdong* 毛泽东, 1893-1976.

characteristics", as it was stated by Deng Xiaoping[30] (Eberl-Borges & Su 2014, 346–347), the "open door" policy paved the way to laws directed at market economy (Han Shiyuan 2012, 239). Nonetheless, due to the then tendency, the Chinese legislator avoided direct borrowings from foreign codes, which resulted in the lack of literal "translation" of foreign provisions; however, it did not prevent copying of particular institutions and adjusting them to Chinese reality (e.g. from German or Japanese, but also Soviet law).

In its current legal system PRC has – instead of regular civil code – the General Provisions of Civil Law (Zhonghua Renmin Gongheguo Minfa Zongze 中华人民共和国民法通则, GPCL), which in 2017 replaced the previous General Principles of Civil Law (Zhonghua Renmin Gongheguo Minfa Tongze 中华人民共和国民法通则), enacted in 1986[31], which serve as such a code, though it is not as comprehensive as "classic" civil codes and is in fact a "frame" within which other laws are compiled. Basically, this law in its structure and contents is quite similar to general parts of many European civil codes. Apart from GPCL numerous more detailed laws were promulgated, regarding particular areas of law, such as inheritance law, marriage law, contract law etc. Approximately, since the beginning of 21th century some of these laws have been replaced by new ones (e.g. contract law – in 1999) and some new laws have been enacted, which regulate areas of law not included in Chinese legal system before (e.g. property rights law – in 2007), but one can still find laws from 1980s, which have not been amended at all (e.g. inheritance law – 1985). New legislation is influenced not only by foreign laws, but also by international laws (e.g. contract law to the great extend consists of provisions from CISG).

However, an interesting additional feature of modern Chinese law, which brings the Chinese system closer to common law, is that apart from the legislation, also the Supreme People's Court's (*Zuigao Renmin Fayuan* 最高人民法院, SPC) opinions on the already promulgated laws are treated as sources of law. These opinions show the way to interpret particular provisions of laws and have such power as laws enacted by the National People's Congress

[30] *Deng Xiaoping* 邓小平, 1904-1997.

[31] Issued by NPC on 12th May 1986, amended by Standing Committee of NPC on 27th August 2009. Chinese and English version available at: http://www.lawinfochina.com/display.aspx?id=1165&lib=law [access date: 2017/21/02].

(*Quanguo Renmin Daibiao Dahui* 全国人民代表大会 or *Renda* 人大, Chinese legislative organ, NPC) or its Standing Committee (*Changwu Weiyuanhui* 常务委员会) (Kossof 2014, 41).[32] Originally, the opinions did not have such a binding force, but since 1997 they have been treated equally to statutory laws (Chen Jianfu 2008, 201–202). Notwithstanding, lower courts have none of these prerogatives, but yet SPC every year issues so-called Guiding Cases, which can be the cases solved by lower courts, and they are perceived to define the most desired way of adjudication of analogical cases.

The aforementioned features may cause quite significant inconsistency of Chinese legal system, for it received European concept of statutory law in a revolutionary (and not evolutionary) way; therefore, although some institutions may seem to be similar to their European equivalents, their perception, as well as realisation may differ diametrically. Moreover, the "satellite" system of private law (one general law and numerous particular ones) led to the situation where different areas of law are regulated unequally. Eventually, the law-making role of SPC causes great uncertainty of law. Chinese traditional culture may also have a partial impact on Chinese legal language – its influence on legal relationships can be observed even in contemporary China, which undoubtedly has its reflection in the language. And although the Chinese legal system borrowed a lot from other legal systems, it is impossible to classify it as a part of Germanic or common law legal family. Meanwhile, its influences are strong in whole East Asia, therefore, it is justified to treat Chinese legal system as a separate unit in the analyses of core legal languages of the world.

2.3.2. Japanese law

The history of Japanese law is usually divided into two main periods, with the historical caesura of the year 1868, during the Meiji (*Meiji*

[32] This authority was delegated to SPC by NPC in 1981. It is interesting that it is still disputable in doctrine whether SPC's opinions indeed have the same force as laws, since this rule was interpreted by SPC itself and never confirmed by NPC. Nevertheless, in fact all courts agree that SPC opinions are binding, so practically this rule is perceived to be in force (Eberl-Borges and Su 2014, 354–355).

明治) era. System of law in Japan before 1868 was based predominantly on Confucian teaching, tradition and customary law, and was under a great influence of Chinese traditional law (Luney 1989, 129), which changed dramatically in the middle of 19th century, when Westernisation of Japan began (which in fact happened about a half a century earlier than in China) (Dean 2002, 55–56). In 1850s, after confrontation with the United States and European countries, Japan was forced to conclude so-called "unequal treaties", which eventually led to the necessity of novelization of Japanese law in Western-like style (Zweigert & Kötz 1998, 297).

Westernisation of Japanese law was undertaken by Japanese and foreign scholars, who introduced European concepts in Japan, some of which seemed exotic to the then Japanese citizens. Draft of Japanese Civil Code was prepared primarily by Boissonade[33]. However, the draft of civil code was too narrowly focused on French law, and was considered unacceptable by the Japanese Parliament. Eventually, the final version of civil code draft was prepared by three Japanese scholars: Hozumi Nobushige[34], Ume Kenjirō[35] and Tomii Masaaki[36] (Dean 2002, 66). The new civil code was based mainly on the provisions adopted literally from the draft of German civil code (BGB)[37] (1998, 298):

> "It is hard to say why the pendulum finally swung so markedly in favour of German law during the preparation of the Japanese Civil Code. One important factor was certainly the fact that at the time the BGB rated as the most mature product of Continental art of legislation; another as that several technical defects had already become apparent in the Code civil. Nor did the Japanese find the heavy learning and conceptualism of the German Code at all uncongenial; rather the reverse. As time was to show, Japanese

[33] Gustave Boissonade de Fontarabie, 1825-1910, a French jurist, lived in Japan for over 21 years, while working on Japanese civil code borrowed mostly from French *Code civil* (Zweigert and Kötz 1998, 297).

[34] *Hozumi Nobushige* 穂積 陳重, 1855-1926, Japanese statesman and jurist. He was a specialist of comparative law and studied law both in England and in Germany, which influenced his favourable attitude towards Westernisation of Japanese law (Frank 2005, 180).

[35] *Ume Kenjirō* 梅 謙次郎, 1860-1910.

[36] *Tomii Masaaki* 富井 政章, 1858-1935.

[37] It should be noted that at the time of drafting the Japanese civil code, BGB was still being drafted as well, for it was promulgated only in 1896, similarly to the Japanese code.

legal scholars were much drawn to systematic theorizing, and the German code went far to answer this tendency."

Zweigert and Kötz (Zweigert & Kötz 1998, 298) note that apart from BGB, the Japanese Civil Code sporadically borrowed from *Code civil* and common law. Further studies have showed though that influences from *Code civil* were originally underestimated and in fact its impact is visibly observed (Tomotaka Fujita 2014, 121). The code also paid more attention to traditions and customs than the previously prepared draft, for legislator sought to preserve traditional aspects of Japanese law (Dean 2002, 66). One of the drafters, Hozumi Nobushige, asserted that the Civil Code was first in the world "fruit of comparative jurisprudence" (Su 2014, 182). The outcome was thus congenial to later issued modern Chinese law in its concept, although deprived of socialist law influences. Unlike the Chinese[38], the Japanese code has been still in force since 1898. It was amended numerous times, especially after the II World War and American interference, and Japan included in its legal system many prominent institutions from common law (for example judicial review) (Tokarczyk 2010, 509). The code consists of five books, including general principles, property law, obligations, law of family and succession (Tomotaka Fujita 2014, 121), showing its strong inspiration of *Pandekten* style. It was fundamentally influential in the East Asia – the utmost example is that of Taiwan, because the Japanese Civil Code was directly applied in Taiwanese courts in 1923-1945 (Su 2014, 182–183).

Beside the Civil Code, also the Japanese Commercial Code is an essential source of Japanese civil law. It is mainly modelled on the General German Commercial Code (ADHGB) (K. S. Kim 2014, 76). Its first draft was prepared by Rösler [39] in 1844, and promulgated in 1890. However, shortly after that a new draft was issued in 1893 by three Japanese scholars – the aforementioned Ume Kenjirō and also Okano Keijirō[40] and Tanabe Kaoru[41]. Eventually,

[38] Incidentally, it should be mentioned that although mainland China did not maintain its civil code, in fact – as it was indicated in the previous subsection – it is still in force, but in Taiwan.

[39] Hermann Rösler, 1834-1894, German jurist, worked on draft of Japanese commercial code.

[40] *Okano Keijirō* 岡野 敬次郎, 1865–1925, Japanese politician and pre-war minister.

the final draft was formulated, similarly to the Civil Code, by Hozumi Nobushige, Ume Kenjirō and Tomii Masaaki, and enacted in 1899 (Tomotaka Fujita 2014, 122). Although that code survived until 2005, it is now subject to current "de-codification", likewise in Germany, since particular areas previously regulated by the code are now included in separate, newly issued special laws (K. S. Kim 2014, 70).

Nevertheless, a direct translation turned to be troublesome, since in the 19th century Japan the terms such as "civil law," "private law" or "a right to" did not exist at all. Moreover, associating new meanings with the already used older words carried a risk of misunderstanding. Also Japan, alike the other Asian countries at that time, did not know the concept of individualism, rationalism and Christian morality, which were the foundations of European culture. Mori Arinori (1873, lvi) points out that expressing modern Western ideas in Japanese is difficult since

> "the words [in Japanese language] in common use are very few in number, and most of them are of Chinese origin… without the aid of the Chinese, our language has never been taught or used for any purpose of communication. This shows its poverty."

According to Irwin (2011, 6) Chinese borrowings (*kango* 漢語) in Japanese language play similar role to Greek or Latin in European languages. And even more, since Japanese have borrowed from Chinese not only "thousands and thousands" of words, but also a whole ideographic script (*kanji* 漢字)[42] (Steenstrup 1996, 3). For there was a strong need for new legal terms, the Japanese legislator created numerous neologisms and calques using Chinese characters, while translating legal terms from European languages. Additional switch between alphabetical and character-based writing makes tracing etymology of Japanese legal terms quite impossible. Nonetheless, the then invented terms established some bases of Japanese legal terminology and were later borrowed back by Chinese legislators when composing new Chinese legal codes, as it

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[41] *Tanabe Kaoru* 田部芳, 1860-1936.

[42] Which though have two-way reading in Japanese, the first – Sino-Japanese, called *on'yomi* 音読み), based on sound, and the second – Japanese, *kun'yomi* 訓読み, focusing on the meaning of word, not to mention an additional, mixed reading – *jūbako* 重箱 (Wydell et al. 1995, 1156).

was mentioned in the previous subsection. Simultaneously, Japanese includes a syllabic script *katakana* カタカナ intended in this context for transcription of terms borrowed from languages that use Latin alphabet. It therefore allowed to create direct loanwords from languages other than Chinese, such as Portuguese, Dutch, German, or French, and – currently the most common source – from English. The last kind of borrowings (from English) have their own name, that is, *wasi-eigo* 和製英語 (similarly to Chinese *kango* 漢語). Usage of *katakana* indicates that the word may be a loanword, since if the word has no reference in *kanji*, it consequently must be a foreign concept. Additionally, Latin words may be written with Latin letters, using Japanese romanisation (*rōmaji* ローマ字). Provisions of Japanese law have been written using both *kanji* and *katakana* (Saitō Tsuyoshi 2005, 33–37). But yet in 2004 a modernisation of language in Civil Code was undertaken, which resulted in the change of the transcription of certain terms written in *katakana* to *hiragana* ひらがな syllabus, which is used to write Japanese words which have no representation in *kanji*. Halpérin (2014, 52) implies that was an "adaptation of codified laws to new social contexts and the confirmation of the stability of their contents," for that process was not associated with any amendment of the code's substance.

Japanese law, although it contains numerous references to German law, cannot be linked to Germanic legal family. The reason is, as it was previously mentioned, that it drew concepts also from the French Civil Code and common law (especially after the II World War the influences from US were significant) (Tokarczyk 2010, 509), as well as preserved its own traditional legal concepts based on Confucianism, which is one of their distinctive features, being unfamiliar to other legal families. That model is similar to the Chinese one[43], and also to Korean or Taiwanese examples (Su 2014, 181). These legal systems, called not without reason "mixed systems," though in their beginnings they were inspired by Western systems, constitute their own, currently independent and internally related legal family (Wang & Chiu 2014, 4). Moreover, the significant role of the languages, so different from European languages, cannot be omitted in that perspective. Japanese language, although it uses Chinese characters, should not be identified with

[43] Of course excluding the interference of socialist influences.

Chinese. On one hand, it was a "transfer language" of some concepts, bringing them from Western reality to Asian world. On the other hand, its morphological structure is clearly distinct (agglutinative in contrary to isolating Chinese), and various syllabic scripts allow it to create terms in separation from Chinese characters. Furthermore, languages such as Korean or Vietnamese, though they use other types of writing, are etymologically influenced by Chinese and Japanese. Therefore, both Chinese and Japanese languages are essential for the analysis of legal terms existing in Asian legal family.

2.4. Legal families of religious systems

A separate group of legal families is constituted by legal systems derived from religious systems. One can enumerate several of such systems and different authors indeed included religions in their classifications (among legal cultures, legal traditions and legal families), e.g. Talmudic, Islamic, Hindu or Chthonic legal tradition (Glenn 2014, ix–xiii), legal culture of Judaism, Christianity, Islam, Hinduism, Buddhism or animism, (Tokarczyk 2005, 120–155) and so on. Nevertheless, among these religions only two have achieved and sustained currently the status of becoming the actual law of particular states: these are Islam and Hinduism.

2.4.1. Islamic law

Islamic law, also known as Shariah (*Shari'a* شريعة) is law in force in numerous countries, mostly in Africa and Middle East, such as Iran, Mauritania, Afghanistan, Saudi Arabia, Sudan or Yemen.[44] Contrary to Roman law and common law, it is a separate system that has a religious core, however, it is not a type of religious law similar to, e.g. Canon law. The confusion is a result of the fact that neither

[44] http://www.worldatlas.com/articles/countries-with-theocratic-governments-today.html (access date: 2017/07/25).

Roman law, nor common law regulates matters referring to faith (Badr 1978, 188). Shariah is based mainly on Quran (*al-Qurʾān* القرآن), and in certain regions also on Sunnah (*Sunna* سنة), which comprises moral and social rules along with these directly religious ones. This law is strictly related to religion and less to custom and social tradition (David & Brierley 1978, 5). Its content can be divided into two main parts (Badr 1978, 188):

1. Ibadah (*ʻibādah* عبادة), rituals and religious duties, and
2. Muamalat (*muʿāmalāt*, معاملات), which refers to transactions.

As it can be seen, the whole Quran cannot be treated as a legal code. Actually, Badr (1978, 188) shows data suggesting that among 6237 verses only 190 can be perceived as direct legal provisions, which makes only 3% of them. Therefore, Islamic legal rules are derived from these moral and religious rules. In fact, Sharia can be called 'jurists law', because it is based on rules interpreted from sacred texts by Muslim jurists acknowledged well with Islamic tradition (Gaudiosi 1988, 1233). Several schools of legal doctrine, named after their founders, developed during the history of Sharia: Hanafi school, Maliki school, Shafi'i school or Hanbali school. However, they did not work against each other, quite the opposite: they are mutually accepted and assume that "although the holey law is in principle unitary, the different versions are seen as divinely ordained" (Zweigert & Kötz 1998, 307). Religious provisions act then as precedent cases in common law. For the legal rules are not clearly stated, they are interpreted individually by lawyers in context of particular cases (Badr 1978, 189). Still, it cannot be omitted that according to the Muslims, this law is not created by people, but was given by their God. It may be one of the most fundamental differences between Sharia and Western legal systems (Zweigert & Kötz 1998, 303). Coulson (2011, 1–2) states that:

> "Muslim jurisprudence, however, in its traditional form, provides a much more extreme example of a legal science divorced from historical considerations. Law, in classical Islamic theory, is the revealed will of God, a divinely ordained system preceding and not preceded by the Muslim state, controlling and not controlled Muslim society. There can be thus no notion of the law itself evolving as a historical phenomenon closely tied with the progress of society."

Therefore, it may seem hard to analyse Islamic law in terms

of historical development and legal reform, especially due to its dispersion in the world (Coulson 2011, 2), but actually during its history, Islamic law experienced some reforms in particular countries (Zweigert & Kötz 1998, 310). Anderson (1978, xi) notices also that although theoretically Sharia cannot be influenced by any other law, in fact in particular countries it is often tinged with local customary law. Moreover, since religion is a significant part of a culture, it is understandable that other cultural aspects may influence law based on religion. To illustrate this with an example, Rosen (1998, 16) holds the view that the Islamic law is permeated with culture of bargaining – and this element of behaviour can be observed even in litigation. He indicates that the role of language is essential in such a context, because it is the "key instrument through which people negotiate relationships" and thus it may shape the actual law created in civil relationships.

2.4.2. Hindu law

Hindu law, too, is of different nature than European systems in numerous areas. Main difference noticeable in Hindu law in juxtaposition with Islamic law is the fact that Hinduism does not require from its faithful to accept certain truths of faith, doctrines regarding God or other ontological concepts, but focuses on ritual and cult. Therefore, this law is not perceived as sent by God (Zweigert & Kötz 1998, 314).

It is significant especially due to its scope of application, forasmuch as it is in some aspects perceived as law by Hindus living not only in India, but also in Pakistan, Myanmar, Singapore, Malaysia, Tanzania, Uganda, Kenya and other countries, in particular from East Coast of Africa (Zweigert & Kötz 1998, 313). Not without reason it is distinguished as 'Hindu legal tradition' (Glenn 2014), 'legal culture of Hinduism' (Tokarczyk 2005) or 'legal family of Hindu law' (Zweigert & Kötz 1998), for it can be analysed within each of these dimensions. It should be noted that it developed in India, which for a certain period of time was under a great influence of British Empire and thus, common law. However, Hindu rules had evolved earlier and they preserved in society independently, but they were treated as plainly religious duties and

obligations and not legal ones, which resulted in their non-application in British-ruled courts[45] (Rocher & Davis 2012, 83). In fact Hindu law was rather a local matter than an official legal system. There were numerous local regulations and the main, written law of Hinduism[46] respected them (Galanter 1966, 160). Rocher (1978, 1284) claims that there is not even any concept of law in terms of Roman *ius* or *lex* – there are, however, the following terms in Hindi:

1. *kanun* कानून, a word borrowed from Muslim tradition,
2. *vidhi* **विधि**, which is original Hindu term meaning 'injunction' and refers to these parts of Vedas[47] that are perceived to be legal rules, and
3. *dharma* धर्म, often identified by Western authors with a lawbook or a code. Kane (in Rocher 1978, 1284) describes *dharma* as "one of those Sanskrit words that defy all attempts at an exact rendering in English or any other tongue". Rao (1998, 1185) defines it as "a comprehensive term that encompasses notions of duty, morality, ritual, law, order, and justice". *Dharmas* include (Rao 1998, 1186):
    a. revealed texts – *Śruti* श्रुति,
    b. tradition – *Smṛti* स्मृति 'remembered' – which is also referred to as the oldest legal writings (800BC–200AD) (Zweigert & Kötz 1998, 315);
    c. good custom – *Ācāra* आचार,
    d. the satisfaction of one's enlightened conscience – *Ātmatuṣṭi* आत्मतुष्ट.

Hindu law is thought to be an existing system of law, somehow codified in *dharmasastras* (*dharmaśāstra* धर्मशास्त्र), which means 'treaties on *dharma*' (Rocher 1978, 1248) and refers to 'the doctrine of proper behaviour' (Zweigert & Kötz 1998, 317). Nevertheless, they are not codes in a modern way of understanding.

[45] Rocher (1969, 383) admits that even in ancient India there were legal representatives acting as advocates, attorneys etc. – although there are disputes among researchers whether the representatives were actual lawyers – and India indeed had some kind of legal procedure based on that religious law.

[46] Note that it was not a legal code, not even a uniform collection of provisions, but the written law of sacred books (Kishwar 1994, 2145).

[47] Collections of Hindu prayers, sayings and religious songs and hymns (Zweigert and Kötz 1998, 315).

The first attempt of codification of Hindu law took place in 18th century. Although it did not come into force then, it definitely changed the approach to Hindu law (Kishwar 1994, 2145).

In practice, legal rules comprised by *dharmas* were bases of legal judgements. Rocher (1978, 1299–1300) enumerates some examples of their application, regarding the rate of interests or fines. However, the author indicates that particular *dharmasastras* are linked to some specific period of time and their application without considering historical context can be misleading. Zweigert and Kötz (1998, 317) summarise that actually the ancient Hindu law was never an official foundation of court decisions or any legal proceeding. Only the impact of common law enforced application of Hindu law – although Hindu law did not consider court judgements binding. The legal practice resulted in a creation called 'Anglo-Hindu Law', which was in fact case law applied by Indian courts.

Eventually, the modern codification of Hindu law started in 1947. Although the project of Hindu Code, introduced by Indian Government was rejected by Indian Parliament, the codification succeeded through single legal instruments, such as the Hindu Marriage Act (1955), the Hindu Minority and Guardianship Act, the Hindu Succession Act and the Hindu Adoptions and Maintenance Act (all in 1956), and currently most of Hindu law is codified (Zweigert & Kötz 1998, 318).

2.5. Concluding remarks

To sum up, the taxonomy of Zweigert and Kötz (1998, 73) shall be applied when choosing a pivot language for multilingual translations, since it seems to be the most suitable. At the same time it should be stressed that due to characteristic features of those legal families, they may be grouped into four major subsections:

1. legal family of continental Europe (including mostly influences of French law and German law),
2. legal family of common law,
3. legal family of East Asia (on the basis of Chinese and

Japanese legal systems),

4. and legal religious systems (Islamic and Hindu law).

3. Linguistic, legal and translation norms

When we are talking about intercultural and interlingual communication, the definition of culture itself should be mentioned. Culture is a system of symbols: (i) invisible, like human behaviour, beliefs and norms, and (ii) visible, like clothes, food, buildings, books, etc. as it was mentioned before culture is connected with communication, that is a system of norms and obligations to do some actions. As one scholar said "Culture is communication and communication is culture" (Hall 1959, 186) and "communication constitutes the core of culture" (Hall 1966, 1), it can be assumed that for proper relationships between people the knowledge of how to communicate with people of different cultures is essential in our lives. Culture is a collection of human behaviour and the product of this behaviour is communication. People are prone to juxtapose the symbols inter-culturally. Those symbols are some kind of patterns to react. It is a system of norms that forces us to take certain actions. There are two types of communication itself, namely: (i) verbal communication (by using words) and (ii) non-verbal communication (e.g. body language).

Intercultural communication (Hall's theory 1959) is an act of understanding and being understood by the recipients of a different culture. Types of intercultural communication include:

1. Through-culture communication – the communication of different groups within/inside a single national culture;
2. Between-culture communication – includes contacts between people belonging to different cultures who come into contact with each other by the way of living together;
3. International communication – based on the contacts between institutions belonging to different national cultures, e.g. governments;
4. Global communication which applies to issues of ideological conflicts, economic interests of countries, etc.

In order to provide effective communication, participants who want to exchange information verbally and non-verbally must communicate in a mutually understandable code which may be both verbal and non-verbal. In other words, they need to follow some uniform rules of communication which are called norms.

According to Polański (1993, 362) a norm is considered to be "a collection of linguistic units and the rules of linking them that are approved by the speakers." Historically speaking (cf. Nowak-Michalska 2012), the word *even before the promulgation of Japanese Civil Code* comes from Latin word '*bevel* (an instrument for measuring angles); carpenter string; guideline, rule, regulation,' which is likely to be a borrowing from Etruscan Greek *gnṓmon* (accusative of *gnṓmōn* 'scale, carpenter string') (Drosdowski 1997, 490). According to a legal theorist, Kelsen, the norm is "the sense of an act of will" (*Sinn eines Willensaktes*), which is expressed by using the imperative (*Imperativ*) or obligatory sentence (*Soll-Satz*) (Kelsen 1979, 2 for: Hage, 2005, 160). Von Wright distinguishes three types of norms:

1. "rules", e.g. in games, languages;
2. "prescriptions," or "regulations," that are commands or permissions granted from the position of power to someone in a subordinate position (e.g. the law of the particular country, military orders, permissions given to children by their parents);
3. "directives," or "technical norms," setting out measures to achieve the goal (von Wright 1963, 6n., For: Hage, 2005, 160).

In the legal sense, the norm is:

> "1. A non-stated set of guidelines which specify normal behaviour in a social context. Social control and order are prevalent due to the pressure exerted on an individual to conform to the social norm, one which is expected from all members of a community from each other. 2. A set of standard rules and laws laid down by the legal system, religions or persons of social authority which judges the appropriateness or inappropriateness of an individual's actions." (Black 1910)

The norms in the communication process can be divided into four categories:

(i) linguistic norms,
(ii) legal norms,
(iii) translational norms, and
(iv) usage norms.

They will be described in more detail below.

3.1. Linguistic norms

The linguistic norm is a concept of normative linguistics. The norm describes the elements of the language system considered as exemplary (standard) and correct, on such grounds as history, tradition and language culture, aesthetics and usage. The creation of the linguistic norm requires its codifying and it appears with the literary creation of literature in a particular language. Moreover, the standard language codifies primarily written form of the language. Normative codification includes: grammar (normative grammar), orthography (spelling), orthophony (pronunciation rules) and dictionaries. Because of norms, it is possible to speak of a language error. Historically, the earliest forms of codification/setting rules were based on giving examples of incorrect usage of forms, words, etc. Also, the first grammars and grammar schools were often normative in character.

The linguistic norm changes over time and is internally divided. A Polish modern normative approach differentiates:

1. a standard norm and
2. a usage norm.

The sub-category of a linguistic norm is the norm of spelling. In Polish the orthography deals with spelling. In languages where alphabets are present it rarely happens that the norm allows several forms of spelling of a word. The problem concerns mainly foreign words and language variants used in various territories (e.g. British English and American English spelling variants of some words e.g. British *behaviour* versus American *behavior*).

Norm vs. spoken language

The ratio of a linguistic norm to the actual language usage may vary. The contemporary Polish is an example of a high correspondence between the written and spoken or colloquial and official language. The differences between the codification of standard norms and the norm that is present in usage (everyday language) can be described as minor. Such a situation is the exception rather than the rule. In Poland, it is associated with a particular development of the Polish language after World War II

and a very strong belief that the Polish language requires special protection.

For many languages, codified linguistic norms cover practically only written language. Actually, the used forms of a spoken language differ from the written forms in many languages and they are not the only differences resulting from differences in spoken language varieties, but also colloquial ones. Sometimes, the written language is synonymous to the literary language, and it is practically not functioning as colloquial language. Also, some everyday languages differ from the written language with respect to inflection, morphology and syntax. The German language in Switzerland may serve here as a drastic example of such differences. Written norms of German language in Switzerland differ only in details from the standard German used in Germany and Austria. The spoken form is used in education (although classes in e.g. mathematics are held very often in a dialect), on the radio and television (next to the dialect) and during contacts with foreigners. This language does not function (as opposed to, for example, Germany) as an everyday language. In everyday communication Swiss people use the so called *Schwyzerdütsch* (Swiss dialect, belonging to the Alemanian dialects). The dialect is used also in official situations, e.g. in the Parliament.

In the 80s of the 20th century, the linguists Buttler, Kurkowska and Satkiewicz in their book "Kultura języka polskiego [Polish Language Culture]" suggested for the first time breaking up with the concept of accuracy in language and at the same time proposed a multi-level norm. Such distinction has not been accepted and is not taken into account in modern research (see Mackiewicz 2011). After some years, linguists decided to introduce a division in order to isolate two types of norms: a standard norm and a usage norm.

1. The standard norm (official)

Basically, the standard norm (model) is a certain ideal which we all should strive to achieve. Importantly, this norm is also over regional divisions, which means that our place of residence or origin should not affect the language that people use. The standard norm should be used by the following public institutions: media, churches, universities, parliament, etc., and thus – it should be evaluated just

in terms of the standard norm, rather than the more liberal usage norm.

2. The usage norm (colloquial)

It is present in the mode of expression in unofficial, free contacts on various topics. Due to its broad range of application, it could be divided further into some sub-standard norms: professional, regional colloquial and general colloquial.

When we talk about linguistic norms, the appearance of mistakes and errors concerning language should be mentioned. We cannot make excuses when it comes to formulating proper sentences. Always we should bear in mind the orthography, no matter the norm: official or colloquial. Always, in the event of mistake, we should think about the situation and our receiver. When somebody deals with an official situation, the used norm should be exemplary one, when we talk in a group of friends, the colloquial language is more widespread.

Also, some words which appear to be strange, because people are using a different form of a word in a colloquial language from the standard norm, may be found archaic and slowly it is fading away from a standard language. Language is evolving all the time, and linguists cannot always give the exact answers whether something is a mistake or not. We have to take into consideration the communication process circumstances, message senders and receivers. There are many aspects to be taken into account including the efficiency of lingual communication. Let us analyse the case of the Polish copyright acts where in the main title of acts there is an adjective *autorski* (author's) used. In 1926, when the first Act was enacted, the norm of spelling of that adjective was *autorskiem*, in the next version of 1952 it was changed into *autorskim*, and this form is still used in the third Act from 1994, which is still in force at the moment of writing this chapter. Only one letter difference, but the first form sounds strange and archaic for contemporary Polish language native speakers.

In Poland, in 1906, during the historical and literary congress, the Language Commission of Academy of Sciences [Komisja Językowa Akademii Umiejętności] gathered and adopted new rules on spelling and orthography in the Polish language. Some changes concerned spelling, e.g. instead of endings *-ia*, *-ya*, the

ending *-ja* was introduced e.f. *kodyfikacya* ‘codification’ was replaced with the form *kodyfikacja* (cf. Klemensiewicz 2009, Walczak 1995). Some rules apply till this day. However, not all matters were resolved. In 1918, before Poland regained its independence on 11 November 1918, the Polish Language Commission established a norm that all words ending with *-em*, *-emi* will be changed into *–ymi*, *- imi*, *-ym*, *-im* (see the example from previous paragraph, e.g. *autorskiem* versus *autorskim*).

According to what was said above, the Polish terms such as *scenariusz* ‘scenario’, *honorarium* ‘fee’ or *periodyk* ‘magazine, journal’ were written with ‘j’, because they were of not native origin. By contrast, in 1936, that is after the adoption of the first Law on Copyright in Poland, it was established that words including proper names such *Maria* should be written by ‘i’, except for words where the sound appears after letters *c*, *s*, *z*, in which the letter ‘j’ should be used e.g. *Francja* ‘France’, *pasja* ‘passion’, *diecezja* ‘diocese’. Therefore, some words after establishing a new rule, should be written with ‘j’, whereas others with ‘i’.

However, it should be stressed that linguistic reforms influence marginally the language usage *per se*, as they in fact usually reflect the changes in usage prevailing over norms to such extent that the norm needs to be amended. They reflect diachronic changes.

The changes may also affect terminology. For instance, in British English the term *plaintiff* was replaced with *claimant* in the 90ies. Because of such changes the synonyms appear in languages, which may be troublesome for language users and translators (cf. Matulewska 2016a, 2017d).

Similar linguistic norms are introduced on a regular basis in many other languages, though the authors assume that the examples from the Polish language are illustrative enough not to go into more details, as the purpose of this chapter is to provide the insight into the variety of norms that translators need to take into account when rendering translations.

3.2. Usage versus norm

Usage is a usual custom or established practice. Also, the other word for usage, namely *usus,* is functioning. It comes from Latin (*usus excultus modernus et approbatus*) and refers to a long-established rule, practice, contemporary, acceptable language custom. In linguistic studies it is said that usage is a widely accepted general linguistic practice/custom of linguistic units (e.g. words, idioms, forms, etc.). Usage can be treated as one of the features of language culture, taking into account the prevalence of the use in the spoken language of some specific words, phrases, expressions; language custom, e.g. the existence of irregularities in contemporary language (see Olinkiewicz et al. 1999).

Generally, it is said that usage is also a language norm. However, sometimes the term *usage* implies particular norms differing from literary norms, but in our case, usage differs from language norms. It may be closely related to norms, or even become a norm and be registered in dictionary. However, one should not relate usage and norm at the same semantic level.

According to Dąbrowska-Partyka (2005, 90) the reason for the diversity of norm and usage is already mentioned in various kinds of handbooks and dictionaries. She claims that linguistic usage is present everywhere if the norm fails or where it remains unchanged, despite the changes occurring in language. This is confirmed by examples from all areas of language.

Adamska (2017) claims that usage is associated with the linguistic norm. The term linguistic norm, as well as "language culture", has several meanings. Moreover, they are inextricably linked with the concept of "language system" and "usage". Dubisz (1985) presented the interrelationship of these terms in his work. In order for a statement to be considered correct, it is necessary to make it compliant with both: the norm and usage, as well as the rules governing the system of language. It is important that such a norm is not compatible with the entirety of the system. Adamska (2017) believes that the relationship between the norm and the usage is the following one: "the norm is a codified usage."

Buttler (1976, 38) in her article presented a schemata in which she explained the concepts of a "norm," "usage," "system" and their relationships, adding that language system may contain:

1. elements of the so-called potential system, not found in the norm and usage;
2. usage and system elements, i.e. elements used regularly, but considered incorrect;
3. usage and normative and system elements, i.e. general rules of the regular codified and used resources of a given language;
4. usage and normative elements, i.e. elements incompatible with the system, but used and codified;
5. usage elements, i.e. used, but incompatible with the system and non-codified.

At the end it should be said that the proper use of linguistic norms and the application of the principles recognized by the usage allows using language in a clear and unambiguous manner, and in its richness of forms in accordance with the culture of the language.

3.3. Norms and provisions in law – disambiguation between a norm in law, a legal norm and a legal provision

Legal provisions versus norms

It is worth mentioning here that there is a difference between a legal norm and a legal provision. A legal provision is a

> "sentence in the grammatical sense (from a full stop to a full stop, or from a full stop to a semicolon, or from a semicolon to a full stop) clearly highlighted in the legal text and marked usually as an article or paragraph (article or paragraph fragment)" (Zielinski 2002, 16).

A legal provision can be understood as the unit of a normative text which contains elements that recreate the rules (see Gromski, 1999, 220). As Chauvin et al. (2009, 83) noted, in the normative texts one may often see the term "legal provision," but there does not occur the term "norm". As Kościałkowska-Okońska (2011) claims, the

norm belongs to law and legal language studies. The provisions are therefore a form of verbal rule where the norm is included. In one provision, several legal norms may also be included. That enables to avoid repetitions in legal texts. That technique of creating legal texts is called text condensation (Wronkowska 2005, 64).

The concept of legal provision is not identical with the notion of the legal norm; because the elements of the contents of a legal norm may be included in various provisions, and not just in a single act.

According to Malinowski (2006, 211), the concept of a legal provision has not been determined by lawmakers in the legal definition, and it is not clear in the legal literature. Legal provision is the individual sentence of the legal text and the smallest unit of legal text systematics. In addition, a legal provision is a multi-sentenced, complex expression such as an article, paragraph or section, etc.

The legal provision is a separate drafting unit of a legal text. It is a kind of a sign, separated by a legislator from other signs by treating it as a separate article, paragraph, point, etc. which constitutes the "technical and legal unity" (see Malinowski 2007, 210). In the grammatical sense, the sign may consist of one or several sentences.

Others researchers understand the legal provision as a graphically underlined systematic unit of a normative act. However, Malinowski assumes that the legal provision is the formally separate drafting unit of a legal text, which is the sentence in the grammatical sense (see Malinowski 2007, 211).

In addition, Malinowski maintains the so-called "ideal assumption" that says that every legal provision corresponds to one of the legal norms, encoded in that provision. Moreover, this assumption corresponds with the content of legislative drafting technique in Poland. It should be borne in mind that the legal provision is a communication/message/information which links the addressee and the legislator. At the same time legal provisions, as units out of which a legal act is composed, may be divided into the following main types:

(i) reference provisions,
(ii) empowering provisions,
(iii) authorizing provisions,
(iv) error-correction provisions,
(v) penal provisions,

(vi) explanatory provisions,
(vii) prohibitive provisions,
(viii) imperative provisions,
(ix) amending provisions,
(x) derogative and abrogative provisions,
(xi) commencement provisions,
(xii) extent clauses,
(xiii) transitory provisions, and
(xiv) final provisions.

Legal norms and norms of legal drafting

In almost every part of the world ***legal norms*** (understood as orders, bans and permissions) are being imposed and created by legal organs.

The authorized state agencies are adopting legal norms which are made binding by the state. It is done through the fostering of legal consciousness in its citizens and the application of measures of state coercion to violators of the legal norms. And the most importantly, the body of legal norms in a given society constitutes its law.

It should be said that Russians perceive a legal norm as a compound of three parts:

(1) the hypothesis, which sets forth the conditions under which a person should be guided by the given legal norm,
(2) the disposition, which indicates the rights and duties of the participants in relations arising under the circumstances envisioned in the hypothesis, and
(3) the sanction, which defines the consequences for persons who violate the prescriptions of a particular norm (see Prokhorov 1979).

However, in criminal laws it is said that there are two parts of legal norms:

(1) a disposition (the elements of a criminally punishable action) and
(2) a sanction (the penalty for committing the particular act) (see Prokhorov 1979).

Similar view is typical of the Polish doctrine. The legal norm consists of a hypothesis (also referred to as the predecessor, i.e. who the intended recipient is and in what circumstances

(i) he or she has been ordered to behave in a specific way,
(ii) he or she has been prohibited to behave in a specific way or
(iii) he or she has been allowed to do something) and a disposition (also called the consequence of what is ordered, prohibited or allowed) (cf. Radwański 2005, 45; Stawecki & Winczorek 2002, 62ff).

Legal norms can be classified according to their legal force. Mostly, this legal force depends on the agencies that issue them (law, regulation, decree). It is about the object that they regulate and the limits of the effect of legal norms in time and space. Another concept is that legal norms can be also divided into imperative norms that are obligatory for participants in legal relationship and dispositional norms under which people are allowed to exercise their rights within the limits established by law (see more in Prokhorov 1979). The best example showing this concept is the act of signing a contract under the Polish law. If parties do not regulate everything in the contract (their rights and obligations), the rule derived and interpreted from a given legal norm should be used and applied.

Another concept of a legal norm is presented in a paper written by Ossowska (1960). The author analyses what the correlations between moral and legal norms are. Maria Ossowska in her article describes the concept of what is right and what is not according to Petrażycki (1955). Petrażycki claims that "moral norms are norms which command without authorising anybody to claim the deed commanded, while legal norms are not just unilaterally binding but give to others a right to claim the fulfilment of the norm" (Ossowska 1960, 251). The concept is more philosophical, ethical and theological because the author recalls many examples from the Holy Bible and the New Testament in particular.

What is more, Ossowska claims that legal norms are generally binding rules of conduct issued by some state authority. The purpose of legal norms is to establish some regulations of social relations. Such norms determine the rights and duties of the subjects of legal relations. Legal norms are published as collections of laws and are enforceable by the power of the state. The legal norm in the light of Polish law is the rule of general and abstract behavior. The

norm is, in principle, "addressed to a certain category of addressees (i.e. to whom the prohibition, order or permission applies) and not to the individual addressee designated as an identity."[48] (Stawecki & Winczorek 2002, 62). The abstractness of the norm, on the other hand, is that

> "the pattern of behavior is determined by the generic, not the specific characteristics of that behavior. It is therefore not a one-time indication that cannot be repeated, but a behavior that may occur in a not-predetermined number of cases." (Stawecki & Winczorek 2002, 62).[49]

To sum up, a legal norm may be expressed in a single legal provision or may be contained in several provisions. In the context of legal norms and dispositions, it is also important to distinguish the obligation which

> "consists in the fact that the legal norm establishes for the type of addressee and under the conditions (as defined in the hypothesis) the order or prohibition of certain behavior. In the legal language, the duties are formulated using declarative mode (e.g. *the Sejm resolves..., the president signs..., the debtor pays...*), and also uses such phrases as "should", etc." (Stawecki & Winczorek 2002, 73).[50]

The ***legal provision*** is the kind of statement contained in the text of the normative act.

> "*Legal provision* means an editorial unit of a written law in the form of either (a) a sentence (= from a full stop to a full stop) separated in the text as an article, paragraph or sub-paragraph, or (b) a sentence fragment of an

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[48] „skierowana do pewnej kategorii adresatów (tj. do tych, kogo zakaz, nakaz lub dozwolenie dotyczy) nie zaś do adresata indywidualnego, wskazanego co do tożsamości." (Stawecki, Winczorek 2002, 62).

[49] „że wzór zachowania określony jest przez wskazanie rodzajowych, a nie konkretnych cech tego zachowania. Chodzi zatem nie o wskazanie jednorazowego, które nie może być powtórzone, ale zachowania takiego, które zdarzyć się może w nie określonej z góry liczbie przypadków." (Stawecki, Winczorek 2002, 62).

[50] „polega na tym, że norma prawna ustanawia dla danego rodzaju adresatów i w danych warunkach (określonych w hipotezie) nakaz lub zakaz określonego zachowania. W języku prawnym obowiązki są formułowane przy użyciu trybu oznajmującego (np. Sejm uchwala..., prezydent podpisuje..., dłużnik płaci...), a także z wykorzystaniem takich zwrotów, jak np. „powinien", „ma obowiązek" itp." (Stawecki, Winczorek 2002, 73).

article, paragraph, or sub-paragraph...). The content listed under a point or letter is only a part of such provision" (Kielar 2003, 127)[51].

In addition, "The legislation is specific and directly applicable: these are the rules of conduct covered by the relevant systematization unit of the legal text (e.g. article, paragraph)" (Kielar 2003, 127)[52].

Apart from the bipartite division presented above, there is one more ***tripartite division of legal norms*** in Poland. Due to the nature of the obligation, legal norms are divided into

(i) imperative (also called mandatory, categorical, mandatory, or *ius cogens*),

(ii) disposable (also referred to as relatively binding or applicable *ius suppletivum*, i.e. those that allow the recipient to behave differently than the mode expressed in the normative act), and

(iii) semi-imperative (also called semi-dispositive or unilateral binding – permitting increasing but not limiting rights – e.g. containing expressions: *less than*, *not less than*) (Stawecki & Winczorek 2002, Radwański 2005).

Legal norms may have different roles in written texts, e.g. there are

(iv) injunctive legal norms which are an obligation of performing some duties, e.g. "Everyone in the workplace has a legal duty to protect the privacy of information about individuals.";

(v) prohibitive legal norms, for example: "The insurer may not raise against the loss payee a defence of breach by the policyholder or the insured of obligations arising from the contract or the general terms and conditions of insurance if the breach occurred after the event" (Polish Civil Code, Property Insurance, art. 822, para. 5);

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[51] „przepis prawny" rozumie się jednostkę redakcyjną tekstu prawa pisanego w postaci albo (a) zdaniokształtnego zwrotu językowego (= od kropki do kropki) wyodrębnionego w tekście jako artykuł, paragraf bądź ustęp, albo (b) zdaniokształtnego fragmentu artykułu, paragrafu lub ustępu (...). Postanowienia objęte podpunktem bądź literą stanowią tylko fragmenty przepisów" (Kielar 2003, 127).

[52] „Przepisy prawne są konkretne i bezpośrednio uchwytne: są to reguły zachowania objęte w odpowiedniej jednostce systematyzacyjnej tekstu prawnego (np. w artykule, paragrafie)" (Kielar 2003, 127).

(vi) entitling legal norms, which give a person permission to perform some activity, e.g. “The heir has the right to refuse the inheritance after the death of the deceased“;

(vii) peremptory (mandatory) norms, e.g. “Fruit fallen from trees and shrubs on neighbouring land shall belong to the owner of neighbouring land”;

(viii) provisional (non-mandatory) norms, e.g. “If the parties do not arrange the time when the borrower shall fulfil the debt, the creditor may require payment immediately and the borrower is then obliged to pay without undue delay”;

(ix) declaratory legal norms which express ideological, political or ethical principles, e.g. “Each contributor(s) warrants that his or her research institution has fully approved the protocol for all scientific studies involving animals or humans and that all experiments of any kind were conducted in compliance with ethical and humane principles of research after approval”;

(x) legal definitions, such as “Half of a month shall be defined as fifteen days and the middle of the month is the fifteenth day of the month.”;

(xi) derogatory norms which contain repeals of a normative act or its part, for example: “The following acts are repealed: 1) Act No. 40/1964 Coll., the Civil Code...”; and the last one

(xii) conflict norms (if we deal with the problem of application of the law of one out of two countries), e.g. “This Agreement shall be governed by the laws of the State of Texas, applicable to agreements made and to be wholly performed therein”.

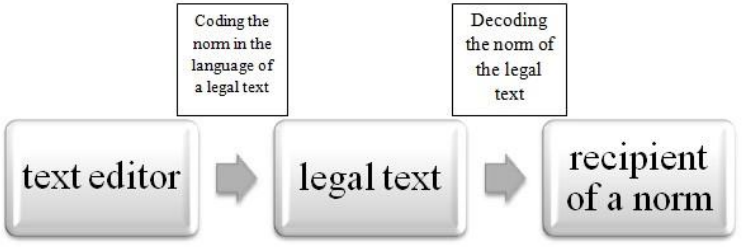
Norms of legal drafting, on the other hand, regulate the process of correct drafting of various genres of legal texts.

In this part it will be presented how such texts are written. The norms of creating legal texts made by lawmakers (see Malinowski 2008) and lawyers (such texts like e.g. notarial acts, decrees, judgements, sentences) will be discussed. Such legal norms impose the obligation to apply the norms of legal drafting when formulating various genres of legal texts.

The ***norm of legal drafting*** (formulation legal texts) is associated with a number of significant factors that create the correct formulation of such texts. Firstly, one must be aware of the

explicitness and precision of words in a legal text. It often happens that the meaning of words in the legal text is ambiguous. The ambiguity poses many problems in such texts and, therefore, it should be avoided. One of the methods of avoiding ambiguity is using monosemous terminology instead of polysemous one and, if such a term cannot be found, using definitions that, if properly formulated, help to achieve textual precision. One should be aware of the principle of precision, and when the reference is made to some definitions in the text, the legal editor should be sure not to make a kind of loophole in a text, where the referral leads to another referral and another, etc. Apart from that, legal texts cannot be unfinished and cannot have understatements and be out of focus. Moreover, a very important aspect in formulating legal texts is punctuation and the use of conjunctions. In addition to the legal principles, there are other aspects, such as language, especially syntax and semantics. Another aspect is how to express a norm in a single sentence (what expresses the norm, what the information order should be and what the semantic and logical structure of a simple sentence is). Likewise, it is important to formulate how to express the norm in a complex sentence. What is more, one should be extremely careful in formulating and constructing complex sentences. Also, the next important aspect is the division of the contents of the legal text (what is the basic unit of a text and how the micro- and macro-composition of the entire legal text is being shaped). Moreover, a key issue is the consistency of the legal text. It should be remembered that the contents should be ordered in accordance with the principle of the preservation of the unity of the topic in a legal text (thematic unity). One should be aware of the principles of creating reference phrases if we include such in a legal text (including internal and external references in the text). And last but not least is the use of abbreviations in the legal text (how these abbreviations are created, what the rules and standards of abbreviations' creation are in all legal texts).

Malinowski (2008, 7) claims that writing legal texts is connected strictly not with legal norms but with linguistic norms. The legal text is a composition of a specified communicative situation. The following schemata (see Malinowski 2008, 8) presents the situation in an illustrative way:



Schemata 1. Norms in legal texts (see Malinowski 2008, 8).

It should be stressed that to create a legal text it is necessary to know the requirements of rules of writing proper sentences and phrases in general language and rules of logical presentation of norms in legal texts (normative style of general language). The process of decoding legal texts reveals that some norms are hidden in a legal text which was created by a text editor. The verbal form of norms of conduct in the Polish legislative texts manifests itself in the application of deontic modality. Because of the usage of imperative, permissive and prohibitive verbs and phrases expressing deontic modality, one is able to decode legal norms in a legal text.

As Choduń observes (2007, 11), the rules of legislative technique talk about "language commonly understood" which is used by the legislator in the legal text, and the consistent usage of the legislation terminology already functioning in legislation and common language, especially the one that was used in the fundamental laws for given issues, and in particular those which have the words "code" or "act" in the title. In addition, Choduń discusses in detail the terminological aspects of legal texts.

The terminology usage in legal texts (especially legislation) is largely regulated in many countries by various guidelines of legislative technique formulated usually as a set of directives. Such guidelines may also regulate the choice of terms of the texts, as well as ways to establish the meanings of specific words and phrases. Legislative texts are addressed to everyone because they contain norms which shape the legal situations concerning the most

important spheres of human life as well as his/her functioning in the legal reality.

According to Malinowski (2008, 12–13), the editor of a legal text, who has already proposed the proper remedy for attaining the objective, then proceeds to develop the legal regulation in the form of a specific set of rules together creating the legal text. The legislative technique guidelines deal with the rules of formulating such texts. The *Polish Regulation on Principles of Legislative Technique* (hereinafter called ZTP) are rules of constructing normative acts by the legislators themselves, often presented in the form of a legal act. In Poland, ZTP are attached to the Prime Minister's Regulation of 20 June 2002 on the "Principles of Legislative Technique" (Dz. U. 2016, item 283), issued pursuant to section 14 subsection 4 point 1 of the Act of 8 August 1996 on Council of Ministers (Dz. U. 2012 item 392).

ZTP were introduced by the regulation in order to give them the power to be binding, which will eliminate the problems associated with the incompatibility of the two acts (more information below). Although this is a legal act of a lower rank than the act, all normative acts must meet certain technical requirements. Normative acts must conform to the rules of Principles of Legislative Technique, since they are part of the democracy (art. 2 of the Constitution), but the principles of the Constitution cannot be directly equated with ZTP.

The first set of rules of Polish Principles of Legislative Technique in the form of a legal act was pursuant to an administrative decree of the Ministry of Internal Affairs No. 99 (OL. 2048/2) of 2 May 1929 on a set of principles and forms of technical development of laws and regulations, published in the Official Journal of the Ministry of Internal Affairs No. 7 of 1929. After that there were two acts published in 1939, out of which one was published in the form of a book[53][54]. The last set of rules which

[53] Zasady techniki prawodawczej (obowiązujące w zakresie prac prawodawczych Rządu stosownie do zarządzenia Prezesa Rady Ministrów z dnia 13 maja 1939 r. nr 55-63/4, Warszawa 1939) [Principles of legislative technique (applicable in the scope of legislative work of the Government pursuant to the order of the Prime Minister of 13 May 1939 No. 55-63 / 4, Warszawa 1939)].

[54] okólnik Ministra Spraw Wewnętrznych Nr 99 (OL. 2048/2) z dnia 2 maja 1929 w sprawie zbioru zasad i form technicznego opracowywania ustaw

prevailed till 2001 was resolution no. 147 of the Council of Ministers of 5 November 1991 on the Principles of Legislative Technique (M. P. 1991 No. 44, item. 310). Today the decree no. 238 of the President of the Council of Ministers on 9 December 1961 on Principles of Legislative Technique is valid and in 1962 was published in a book: *Zasady techniki prawodawczej* [*Principles of Legislative Technique*]. ZTP recommends that: "§ 7. Sentences in the act shall be edited in accordance with generally accepted rules of Polish syntax, avoiding multiple complex sentences".

More specifically, we read in the commentary: "However, one should notice that the subject of a sentence which is a legal provision may play different role from the point of view of the norm expressed in that provision, for example:

a) may be an addressee of the norm
b) may be a recipient of other people's duties
c) may even be a part of the permissible and acceptable behaviour" (Wronkowska & Zieliński 2004, 37–38).

The EU has adopted common guidelines for its legislation services. They are used for creating European laws by the European Parliament, the European Commission and the European Council.

In Europe, many acts of the European Union are devoted to the problem of creating legislation, correct in terms of drafting. They have the character of soft law, which are a kind of inter-institutional agreements, recommendations, communications, etc. The most similar document to the Polish ZTP is the *Joint Practical Guide of the European Parliament, the Council and the Commission for persons involved in the drafting of legislation within the Community Institutions, European Communities, 2003* (see Malinowski 2008, 14).

The above discussed principles refer to the formulation of legal texts, i.e. those that are created by the lawmakers. As far as the legal texts are concerned (i.e. those that are created, for example, by lawyers), they also have their own normative rules. For example, Dunin-Dudkowska (2010) describes the notarial acts as speech

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i rozporządzeń (Dziennik Urzędowy Ministerstwa Spraw Wewnętrznych nr 7 z 1929 r. poz. 147. [Circular of the Minister of Interior No. 99 (OL 2048/2) dated May 2, 1929 on the set of principles and forms of technical drafting of laws and regulations (Official Journal of the Ministry of Interior No. 7, 1929, item 147.]

genre. These are the kind of norms used in the text of the notarial act. Each document has a structural, pragmatic, cognitive and stylistic aspect. Every element of notarial act, and including such an element, is a kind of norm in the formulation of legal texts (meaning legal text formulated by lawyers, not by lawmakers).

It should be stressed here that in many legal systems lawyers, being aware of the need to communicate precisely, unambiguously formulate legal drafting guidelines and handbooks. Among such publications we may enumerate the following exemplary ones: (i) Mellinkoff (1982) *Legal Writing: Sense and Nonsense*. (ii) Garner (2002) *The Elements of Legal Style,* (iii) LeClercq (2000) *Expert Legal Writing,* etc.

3.4. Translation norms

The next issue to be discussed is the usage in the context of translation of the so-called translation norms.

The concept of norms in translation is treated by Bartsch as following "the social reality and correctness notions" (1987, xii). It means that each country has a set of rules that people are acquainted with and should adjust to them. Such sets of rules are norms which say how people should behave in a particular situation. Norms are in some sense the conventions to which people should adhere. Norms are related with correctness and, as Bartsch claims, language norms should be distinguished from production norms. Language norms regulate what the product must look like at the end, and production norms concern the methods and strategies by which a correct product can be achieved (see Schäffner 2006, 1). As Schäffner says: "norms are binding, and their violation usually arouses disapproval of some kind among the community concerned" (2006, 2).

A definition of a translational norm would be one provided by Schäffner as "translating a linguistic unit by its generally accepted equivalent" (2006, 2). A phenomena of equivalence is a broad issue which is not going to be discussed here because it is the other way of describing norms. Koller (1995) says that the text

and language norms (usage norms) apply to parallel texts in the target language.

Different scholars give methods of translation and set up rules on the basis of comparison of the lexical, syntactical and other structures in different languages. We can distinguish many factors which have some influence on translation, but standard norms have to be fulfilled, e.g. accuracy of a target text, meeting communicative needs of target test recipients and preserving the genre of the translated text.

Toury viewed norms as "translation behaviour typically obtained under specific socio-cultural or textual situations" (Hatim & Munday 2010, 95). Is should be noted that these norms are target text oriented and "encompass not only translation strategy, but also how, if at all, a TT fits into the literary and social culture of the target system" (Hatim & Munday 2010, 95). Moreover, translational norms should be combined with the recipients and readers of the translation, what Newmark says (1991, 54) is that: "the importance of accuracy and truth in translation is a question to be ignored (…) and all that matters is the function of the translation in its 'new' setting". He stressed the matter of the accuracy as the one of most important aspects (norms) when translating (see Newmark 1991, 76). According to Hatim (2001, 231) norms are "the conventions (in the sense of implicitly agreed-upon standards) of acceptable content and rhetorical organisation".

Once again, the cultural concept plays a significant role in translational norms. Translational norms include individual styles of translators, translational policy, ideological considerations and political decisions (see Hatim 2001, 69). Hatim (2001, 69) discussed equivalence as the aspect replaced by norms (see Hermans 1985, 217). What is more, Hatim presents the concept of norm as a part of other disciplines, e.g. sociolinguistics. The language of translation includes "modes such as fluent, dynamically equivalent translation when these emerge as norms" and "universals of translation, evolving as norms in and of translation" (2001, 82).

Toury presented a tripartite model of translational behaviour, namely: competence and performance (1995, 54). He defined norms as strategic courses of action (taking into consideration the socio-cultural system). He observed that the tendency of upgrading language (more appropriate register), led to thinking that the existence of 'norms' in translation and language itself is present (see

Hatim 2001, 70). Because of that researchers have started to think about the existence of universals in translation, whether they exist or not.

Leuven-Zwart (1989, 154) tried to prove the existence of 'initial norm' which subsumes "the translator's (conscious or unconscious) choice as to the main objective of his translation, the objective which governs all decisions made during the translation process." Moreover, in descriptive translation studies, norms are described as

> "internalized behavioural constraints which embody the values shared by a community and govern those decisions in the translation process which are not dictated by the two language systems involved" (Hermans 1995, 216).

Norms are seen as mechanisms and decisions (judgements): (i) whether the translation is more source or target text oriented and (ii) using the 'preliminary norm' that is something which already exists in translation. Another concept presented by Toury (1980) is the one involving acceptability (adherence to norms and conventions which are present in the target system) and adequacy in translation as a norm.

Translational norms were subject of discussion by Nord (1991, 96) who

> "sees rules, norms and conventions hierarchically in this order, with the lower parameter (conventions) being less binding that the ones above it (norms). Conventions may thus be seen as specific realizations of norms… not explicitly formulated, nor are they binding" (in Hatim 2001, 148).

Such conventions are related to the source-culture, target-culture and govern the translation process as a whole (see Hatim 2001, 148).

Toury (1980, 57) describes norms as "a category for descriptive analysis of translation phenomena". He divided norms into three categories:

(i) preliminary norms,
(ii) initial norms and
(iii) operational norms.

Also, Toury discussed conventions versus norms (Toury in Schäffner 2006, 13) which changed into (behavioural) routines.

The concept of translation norm has undoubtedly an invaluable influence on translation studies in general. As Kościałkowska-Okońska (2011, 25) claims:

> "The emergence and internalisation of norms is a natural consequence of the socialisation process since norms can be also used as evaluation criteria for certain social (permissible and acceptable) behaviour."

She rightly assumes that in a number of texts the term 'standard' is used interchangeably with the term 'norm'. Mostly, the problem of translational norm lays with the sociocultural issues. According to Kościałkowska-Okońska (2011, 26):

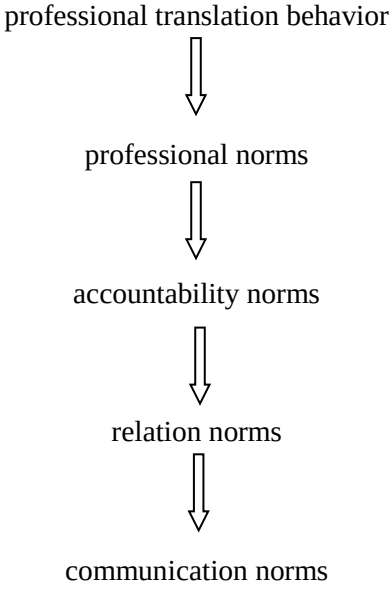
> "Norms are culturally and socially specific; they are simply embedded within this specific cultural context, and their interference with other remaining norms is the result of cultural systems being in constant contact."

As it was said previously, it is difficult to consider all norms as isolated units. They influence one another and diffuse themselves. What is important, we do not see the translational norms in the text directly, we only see the final product which is a compound of the application of more than one norm.

One of the divisions of norms that should be noted is the one proposed by Chesterman (1993) who distinguishes:

(i) professional norms (norms related to the translation process itself) and
(ii) expectancy norms (expectations of translation recipients).

The professional norm may be presented in the following schemata:



Schemata 2. Norms in professional translation (Chesterman 1993).

These subtypes govern the system of rules that are usually internalised by professional translators. The accountability norms are related to precision and integrity standards and relation norms are connected with linguistic perspective of translation reality and finding by the translator the natural correspondence between source and target texts. The last norm – communication norm – underlines the role of the translator as a person who is a specialist and an expert in the international communication.

Hjort-Pedersen and Faber (2013, 45) discuss also the concept of norms and explicitation (addition and specification) and implicitation (reduction and generalization) in translation. They discuss in detail the preferences between explicitation and implicitation and, as a conclusion, they say that (2013, 60):

> "The emergence of the TT reader focus, following both the influence of the *skopos* theory and the plain legal language movement, has thus resulted in a higher degree of focus on TT reader needs even in legal translation depending on the function of the TT."

Some scholars focus on very detailed translation norms with respect to terminology translation. For instance, Kierzkowska (2002)

distinguishes the imperative of terminology usage and refers to the prescriptive terminology which is imposed with one specific meaning. She claims that the translator has a kind of "obligation to adhere to certain standards/norms" of terminology application (Kierzkowska 2002, 90). She divides terminology into four categories taking into account the criterion of the territorial scope of usage:

1. International usage, "including collections terms of the particular field, which are used by an institution or an international organization that collected, published and initialed it" (Kierzkowska 2002, 91).
2. National usage encompassing "the national prescriptive terminology, i.e. present in the legislative acts of the country concerned, both in source and target languages" (Kierzkowska 2002, 92).
3. Translational local usage, which "involves the use of the most popular and understandable equivalent, and often quasi-equivalent within the country or the whole region" (Kierzkowska 2002, 93).
4. Client's usage, "is the terminology used and imposed on the translator by the client when commissions the translation" (Kierzkowska 2002, 94).

ISO norms

One of the norms applied in the European Union with respect to translations is ISO norm called PN-EN 15038 – quality standard developed especially for translation services providers. This is the first European standard regulating the quality of translation services. Such translations which have a certificate have to be controlled by special bodies and, when any failure occurs, the certification may be revoked. This quality standard was established in 2006 by the European Committee for Standardization. It is said that it is more common to seek such translation offices which provide certification or they make self-assessment and run self-certification. This is really important to have such a certificate because public institutions firstly want to work with translation services' providers who have such certification. The main goal of the norm is to standardize translation services and increase their quality by setting a group of rules, procedures and requirements to meet the needs of the translation market. To provide high quality translation, some complex approach

has been adopted, e.g. basic mechanisms of providing good quality in translations at all levels. The levels are nothing less but translation process stages and the first stage is a preliminary analysis of a source text. If it is needed, then one should prepare some terminological dictionary. But the most important stages are:

Schemata 3. Stages of translation (based on ISO norm).

The translation is about making translation from a source text into a target text. The translation should be done according to the system of a target language as well as using proper specialist terminology, grammatical structures, lexical and stylistic issues and taking into consideration the cultural aspects and who is the receiver of our translation (see Biel 2011 and PN-EN 15038 2006, 11). The next stage is verification in which the translator checks his/her translation and whether it meets all requirements formulated in the ISO norm. The next level of translation should preferably be done by a different translator who is making a revision of the whole translation. The ISO norm assumes that in a translation process two translators take part in a task. The last two stages/levels are done if the client wishes to do it. The review is done by the professionals but without comparing the final text with the original one. The

specialist is only assessing whether the text is terminologically coherent. The final step is done by the translator after receiving the comments from the other translator and the reviewer specialising in a particular domain to which the text refers. The very last step is the control which is done by the office.

According to Biel (2011) the biggest advantage of establishing such models of translation is the revision/verification by the second person. When two translators are working on the same text and one can control another, it may provide the best quality needed for LSP translation as well as any other translations. The whole procedure is not only about the stages of translation, but also the proper equipment and well-trained translators.

The newest ISO norm number 17100 issued in 2015 is also designed for translators. This norm is international and harmonizes quality criteria for translation service providers. This is a revision of the previous norm that the EU applied and, what is more, it supersedes the existing standard number 15038 which is described above. The main task of the new ISO rule is to provide the means by which a translation service provider can demonstrate the conformity of specified translation services to ISO and the capability of its processes and resources to deliver a translation service that will meet the client's specifications. It should be noted that this standard applies only to translation, not interpreting. The changes relate to new definitions as well as to exclusion of stylistic requirements. Additionally, there are some added graphs illustrating, e.g. the translation work flow. The newest standard was adopted also as a European standard.

To conclude, two standards EN 15038 and ISO 17100 are to a great extent convergent with respect to their contents, with some changes regarding certification procedures. All certificates issued under the previous standard now are converted into the newest one and remain valid.

The certification process is expensive and it is assessed that the norms which are in fact applied in daily practice of translators will not be visibly confirmed by certificates when dealing with single translators who run their businesses on their own. The high cost of certification makes it accessible only to large translation services' providers.

At the same time it should be noted that ISO norms are not a new invention. They are based on the achievements of the

translation theory and empirical observation of translational reality, that is to say translational practice. Thus, they encapsulate good practices in the profession of translators. The need for such encapsulation results from many stereotypical misperceptions concerning the tasks of the translator.

3.5. Legal and certified translation norms

In Poland, there are rules for certified translations. The most extensive commentary on certified translations and the profession of sworn translator itself is in the Code of Sworn Translator (Kodeks Tłumacza Przysięgłego), which was prepared by the Polish Society of Sworn and Specialised Translators TEPIS (Kierzkowska 2011). There are listed formal rules of certified translations, such as the need to provide the information about the direction of the translations (the source language), identification of an interpreter's (identification data including the address, phone number, email, academic degree), the certifying translation formula, the translator's signature and the imprint of the round seal of an interpreter. Except for that, the translator should, in the event of ambiguities, insert translator's notes and remember about the rules which are discussed by e.g. Kubacki (2012) and Dahlmanns and Kubacki (2014).

As Mayoral Asensio (2008, 52) claims "the norms of official translation (the ways in which the statistical majority of translators work) are constantly evolving". He explains that translators are constantly developing their skills and one differs from another and not everyone can meet clients' expectations. Moreover, he says that around the world there are different approaches toward certified translations. In some countries it is strictly regulated (Argentina), there are countries where the entry to the special list of translators is regulated but the practice itself is not (Spain), in other countries there are no restrictions (Russia, Cuba). Additionally, there are countries where only practice in the court is regulated (Italy) and in Denmark it is regulated in courts and outside them. For example, in the United Kingdom it is considered inappropriate to translate not into your mother tongue. In many countries there are different types

of memberships for translators; for some countries it is obligatory to be a member of such an association but in others it is not compulsory or required (see Mayoral Asensio 2008, 4–5). To sum up, there is no international norm for certified translations, but every country is dealing with the issue in a different way.

3.6. Concluding remarks

To sum up, when dealing with translational norms, we need to distinguish the norms that refer to rendering translations *sensu stricto*. Among those norms we may distinguish norms referring to literary and non-literary translation. Those norms among others take into account the translation invariants and the hierarchy of meanings that need to be preserved in a given type of translation. Those meanings encompass the referential meaning which is crucial in LSP translation, the pragmatic meaning which may be important in LSP translation and is extremely important in literary translation as well as the intralingual meaning which is absolutely vital when translating pieces of poetry where various features of a given natural language were exploited by the poet to achieve a special e.g. stylistic result. Such *sensu stricto* translation norms also refer to the process of translation and its stages. More recently those aspects have been regulated even by ISO norms. Finally, translational norms also include the codes of professional ethics that are issued by organizations for translators and interpreters. Those *sensu stricto* translation norms in fact are strictly connected with the knowledge of the metaphorically called "tricks of the trade" – the professional translator may be differentiated from the amateur translator thanks to the ability of the former to apply those norms in his or her translations, whereas the latter being unaware of their existence, fails to observe them or fails to observe them consistently which usually results in the occurrence of a greater number of errors and mistakes.

Translational norms at the level of general translatology also encompass the need of observing consciously language norms and usage norms depending on the genre of the text. Those of course

include the need to observe stylistic, spelling, syntactic, lexical and pragmatic language norms. Those norms in fact reflect the linguistic competence of the translator in respect to the source and target languages.

All those norms may be considered as belonging to general translatology as they are of universal character and should be known to all translators.

Apart from those norms we may also discuss norms referring to particularistic translatology e.g. legal translation, medical translation, etc. When talking about legal translation, the translator needs to know the legal drafting norms of the source and target languages. Those norms in fact reflect the legal drafting competence of the translator with respect to the source and target languages which is crucial to formulate texts not infringing the norms of formulation of texts in a given language for specific purposes (and even more precisely in a given genre).

There is also the competence of the field to which the text refers which in the event of legal translators and interpreters is the legal system of the countries where source and target languages are used as the languages of the law or, in other words, legal communication. That competence encompasses the ability to understand the texts formulated in the source and target legal languages. Those norms in fact reflect the legal competence of the translator with respect to the source and target languages.

One may also not forget about one more type of norms that are institutional norms regulating some spheres of life that may affect translations. Those norms may result from legal provisions directly or the so-called soft-laws that are recommendations and guidelines issued by some institutions. Such norms may also be created in bilateral and multilateral international agreements signed by various states to regulate co-operation. For instance, such norms refer to the need to refrain from translating names of university degrees and titles as well as names of licensed professions. Paragraph 39 of the Polish Code of Certified Translators and Interpreters refers to that issue and states a follows:

> "In translating the education documents, the rules developed by the European Commission, the Council of Europe and UNESCO / CEPES shall be observed. They require translators to cite the professional titles, academic degrees, names of schools, colleges and other educational institutions in original and not to express any valuing judgments nor

> statements about equivalence with any level of education. A Polish equivalent of a foreign professional or scientific title or degree may only be determined on the basis of an international agreement, and in the absence of an international agreement – in the course of nostrification procedure, and the Polish professional or academic title or degree, if quoted in Polish, may be supplemented by the translator with some explanation of its meaning in the foreign language of the meaning determined by a given institution." (http://tepis.org.pl/pdf-doc/kodeks-tp.pdf)

Such norms may be called circum-translational norms.

One cannot forget about communication norms formulated by Chesterman (1993) who stresses the role of the translator as an interlingual mediator or, in other words, a person who is a specialist and an expert in the international communication. Such norms refer to the effectiveness of interlingual communication and must take into account the communicative needs of translation recipients who need to understand the target text sufficiently in the course of communication in legal (or medical, etc.) settings. Such norms will be called here inter-lingual communication norms.

Thus, the competent legal translator possesses knowledge and competence to observe the conglomerate of all those norms: linguistic, legal drafting, legal knowledge, interlingual communication and translation as well as circum-translational norms.

4. Techniques of providing equivalents as linguistic and translation norms

As many scholars devote their attention to equivalence in translation studies, this part will be devoted only to rigorously selected techniques of providing equivalence at the terminological level in legal translation with the main focus on three types of translation proposed by Šarčević (2000) which are applied in this book to illustrate the problem of choosing or coining a communicatively sufficient equivalent.

Šarčević (2000, 238–239) focusing on equivalence suggests tripartite division of target language terms into near equivalents, partial equivalents and non-equivalents. Near equivalence is the case

> "when concepts A and B share all of their essential and most of their accidental characteristics (intersection) or when concept A contains all of the characteristics concept B, and concept B all of the essential and most of the accidental characteristics of concept A (inclusion) (...). In the majority of cases functional equivalents are only partially equivalent. Partial equivalence occurs when concepts A and B share most of their essential and some of their accidental characteristics (intersection) or when concept A contains all of the characteristics of concept B but concept B only most of the essential and some of the accidental characteristics of concept A (inclusion). (...) If only a few or none of the essential features of concepts A and B coincide (intersection) or if concept A contains all of the characteristics of concept B but concept B only a few or none of the essential features of concept A (inclusion), then the functional equivalent can no longer be considered acceptable. In such cases, one speaks of non-equivalence. Furthermore, non-equivalence also occurs in cases where there is no functional equivalent in the target legal system for a particular source concept. In such cases one speaks of exclusion."

As already mentioned, the classification of Šarčević (2000) will be used below as a basis for illustration of the application of the parametric approach for the purpose of finding communicatively effective equivalents.

When translating legal terms, translators need to resort to techniques of providing equivalents. Though, there is a wide variety of techniques, the ones most frequently applied in legal translation will be elaborated on here (cf. Matulewska 2007, 2013, Kubacki 2012, Kierzkowska 2002, Newmark 1982, 1988, 1991).

Among the techniques which are most useful when rendering legal translations we may enumerate the following main ones:

1. exotics,
2. assimilated direct borrowings,
3. calques,
4. hybrids,
5. descriptive equivalents,
6. functional equivalents,
7. semantic neologisms other than borrowings (the so-called change of perspectives),
8. transnational equivalents,
9. other techniques.

There are also hybrid techniques which involve applying a combination of at least two above mentioned techniques, for instance:

1. modified functional equivalents,
2. exotics with calqued translations,
3. exotics with descriptive equivalents,
4. exotics with functional equivalents or modified functional equivalents,
5. assimilated borrowings with descriptive equivalents,
6. assimilated borrowings with functional equivalents or modified functional equivalents.

When discussing the problem of equivalence, it should be stressed here that the following postulates concerning equivalence have been tested and the findings for six pairs of languages (Matulewska 2017d, Nowak-Michalska 2017, Kaczmarek 2017, Hadryan 2017b, Grzybek & Fu Xin 2017, Gortych-Michalak 2017) in fact confirm them.

In order to discuss those problems, it must be stressed that translational postulates are laws that may be observed in the translational reality. During the course of research the list of tentative postulates formulated for general theoretical translatology (cf. Bańczerowski & Matulewska 2012, Matulewska 2013) has been tested. The following postulates have been ascertained as verified by the previous research or findings of other scholars (e.g. the postulate

of genre preservation has been confirmed to be true by research carried out by Goźdź-Roszkowski 2012).

Postulates referring to translatability

Po 1 – Postulate of the heterolinguality of translatability

Any two texts bound by the relation of translatability are heterolingual.

In accordance with the types of translation introduced by Jakobson (1959/1966) it is assumed that translation proper is the process of converting a text (source text) in one natural language into a target text in another natural language (with a proviso that the target text must be sufficiently equivalent to satisfy the communicative needs of its recipients). Therefore, the term translation will be used when referring to the interlingual translation. Whenever the translation within one natural language will be discussed the term 'intralingual translation' will be used.

Po 2 – Postulate of translatability

Every text of one language is translatable into a corresponding text of another language.

In order to discuss any translational approach, we need to assume that translation from one natural language into another natural language is in fact possible. It does not mean that it is always possible to render a target text which is going to be an exact reproduction of the source text, but it means that it is possible to render a target text which is going to be sufficiently equivalent to satisfy the communicative needs of recipients in a specific communicative situation. Taking into account that hardly any communication is perfect (including intralingual communication), as the process depends on the knowledge and communicative skills of both the message sender and recipient (and we do not encounter people with exactly the same set of features in this respect in real life), every communication is some sort of approximation of the ideal. Thus, the message sender expects the recipient to understand the message well enough to be able to communicate effectively rather than ideally.

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.

In general, it is assumed here that as far as legal translation is concerned, text-normative equivalence (Kierzkowska 2002) should be achieved, that is to say the translator should find equivalents for the source text in parallel texts (texts belonging to the same genre) formulated in a given target language. If that is achieved, the relation of translatability holds between the source text and the target text. Although there are situations in which it is not possible to attain this objective, but then the relation of adjustment or adaptation would hold between the source text and the target text.

The need to preserve the features of a given genre typical of a given target language has been proven by Goźdź-Roszkowski (2012) who has investigated seven various genres of legal texts and having applied corpus linguistics methodology revealed significant differences between the usage and frequency of occurrence of terms, collocations (lexical bundles) in those genres. It has led to the conclusion that in fact the term 'legal language' is too imprecise when discussing linguistic features of legal texts (also for the purpose of comparative studies). Instead, scholars should rather analyse languages of various genres of legal texts e.g. the language of contracts, the language of last wills and testaments, the language of judgments, etc. The only situation when this postulate may not be realized is the absence of a given genre. However, if such a situation takes place, we should first investigate whether there is some hyper-genre present in the target language legal system. If there is no genre or hyper-genre, as a result of the lack of relevant object in the target language, translators usually end up with adaptation or description rather than translation.

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.

The process of translation, and especially legal translation, is asymmetric. It happens so due to the fact that legal systems of various countries differ. Thus, for many terms which are system bound we need to coin an equivalent or modify an already existing term. Furthermore, due to this fact, when creating a glossary, one

cannot switch the columns in a legal dictionary to obtain another direction dictionary which can be illustrated by the following example of the term used in England and Wales for which a modified target language oriented equivalent is proposed.

liquidator – syndyk dla osób prawnych

Changing the order of terms makes no sense as there is no term such as *syndyk dla osób prawnych* 'lit. liquidator for legal persons' in the Polish legal order. The only term we may find is *syndyk* which is a liquidator for both natural and legal persons.

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.

Postulate 8 is a direct consequence of postulate 6. As two texts T_i and T_j are actually never identical (homosignificative), they are not 1:1 equivalent (cf. Leung 2014). However, the absence of 1:1 equivalence does not mean that the communicative aim of translation may not be attained from the target text recipient's point of view. Therefore, it is assumed that the competent translator (or, following Chomsky's terminology, the ideal one) produces a target text, which is sufficiently equivalent to meet the requirements and expectations of recipients of a translated text. In other words, sufficiently equivalent means that the target text is equivalent to the source text to such an extent that it is satisfactory to the target audience and which provides such an audience with sufficient information in a given communicative situation.

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.

If two texts are sufficiently equivalent, the degree of their homosignification may differ depending on the sematic relations binding source text terms and their equivalents used in the target text. We may distinguish here two semantic relations binding such terms,

namely the relation of convergence which in other words may be called the relation of interlingual synonymy and the relation of complementarity.

The relation of convergence is understood here, as already said, in terms of interlingual synonymy. Synonymy is hardly ever absolute in intralingual relations, and analogously it happens so in interlingual relations. Therefore, talking about synonymy, it is assumed that it is in fact quasi-synonymy, but the differences between semantic fields of terms bound by the relation of synonymy are insignificant from the communicative perspective of a specific type of target text recipients.

Equivalence is relative. There is no universal or absolute equivalence. Therefore, the concept of equivalence should be analysed with respect to specific communicative situation. Legal translation is a domain which turns out to be extremely sensitive to translation recipient's communicative needs and potential. The purpose of legal translation is to provide successful communication in legal settings. The process of communication itself is extremely complex. It involves communication between lawyers speaking various natural languages. It involves communication between lawyers and professionals who are not lawyers (e.g. expert witnesses who may be psychiatrists, accountants, chemists, etc.). It also involves communication between professional lawyers (judges, legal counsel, etc.) and non-professionals (victims, witnesses to a crime, criminals, etc.). What is typical of non-professionals is that their communicative needs are extremely varied. They frequently do not know the legal language or other language for special purposes used by professionals well versed in law or other domain. Sometimes their knowledge is limited significantly. In consequence, in order to make the communication process effective, there is a need to adjust the message to their needs. There are numerous tools that may be used in such situations. One of them is supplementing an LSP term with a definition to ensure understanding or proper understanding of the term. If a term is used but its meaning is unknown to the recipient, the message is not conveyed in a proper manner and the postulate of sufficient equivalence is not observed. The Melbourne case of 1992 may serve as an example here. The term 'legal aid' was not properly translated into Japanese which had extremely severe consequences on the fate of six persons accused of smuggling drugs to Australia (cf. Nagao 2005).

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.

In postulate 9 two primitive terms are introduced as it refers to the relations of convergence and complementarity. If the relation of convergence holds between two terms with respect to a given dimension, it signifies that both terms assume the same property from that dimension. If the relation of complementarity holds between two terms, it signifies that both terms assume different properties from that dimension but they also assume the same property from some more abstract (hyper) dimension. For instance, the English term *adoption* and the Polish term *przysposobienie* both take on the same property from the dimension of lect (both assume the property: legal language) so they are convergent with respect to the dimension of lect (cf. Matulewska 2017d). In turn, the Polish term *upadłość* and the English term *bankruptcy* (with reference to the law of England and Wales) would be complementary as the terms assume different properties from the dimension of the type of person to whom the procedure is applicable. The term *upadłość* assumes the property: *any type of person*, whereas the term *bankruptcy* assumes the property: *natural person.* With respect to a hyperdimension (cf. Po. 13) of persons who have the capacity to become insolvent, both terms assume the same property: *persons capable of becoming insolvent*. Therefore, those two terms are divergent with respect to the dimension of the type of person to whom the procedure is applicable but, as they are convergent in respect to the hyperdimension of persons who have the capacity to become insolvent, they are also complementary with respect to the first dimension. Additionally, convergence must be sufficient (Po. 9 and 10), that is to say the translational units in the source language and target language must be convergent with respect to a sufficient number of relevant dimensions; and complementarity must be permissible (Po. 9), which means that the translational units in the source language and target language may not be too divergent and are complementary with respect to such a number of dimensions that a sufficient part of the message contained in the source text is conveyed in a target text in a given communicative situation. For

instance, although the English term *adoption* and the Polish term *adopcja* diverge with respect to the dimension of lect (as the first one assumes the property: legal language and the second one: colloquial language), they are still convergent with respect to the dimension of the legal relation between a parent and a child (cf. Matulewska 2017d). Therefore, in a communicative situation, in which the source text is written in legal language but the target text is intended for a target language native speaker of Polish not knowing legal language, they may be considered permissibly complementary and, consequently, sufficiently equivalent. Of course, the decision whether two terms are sufficiently convergent or permissibly complementary in real life is made by the competent translator on the basis of his/her knowledge and expertise.

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*.

It is assumed here that the relation of homosignification holds between two terms in two different languages (a source language and a target language). Therefore, it should not be identified with synonymy, which holds between two terms in the same language. Thus, the already mentioned pairs *adoption – przysposobienie* and *adoption – adopcja* are considered homosignificative, whereas the pair *adopcja – przysposobienie* is considered synonymous. Analogously to equivalence, homosignification is hardly ever 1:1 and that is why it is advisable to use the term sufficient homosignification (cf. Matulewska 2017d). Additionally, in order to meet the communicative requirements of the target language audience, sufficient convergence presupposes sufficient homosignification. It is in compliance with the levels of equivalence presented by Šarčević (2000), or, to be more precise, the concept of near equivalence.

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.

As already mentioned, the English term *adoption* and the Polish term *adopcja* take on different properties from the dimension of lect (as the first one assumes the property: legal language and the second one assumes the property: colloquial language) so they are divergent with respect to that dimension. At the same time they are sufficiently homosignificative in communication between a person well versed in law who speaks English and a person not well versed in law who speaks Polish (the pragmatic meaning differs). Consequently, taking the referential meaning into consideration, the terms are sufficiently homosignificative in many communicative situations and the pragmatic difference between them would not lead to the distortion of meaning in the process of interlingual communication, so they are sufficiently 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 the 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).

The relation of complementary opposition holds between terms belonging to two-term sets bound by the relation of complementarity or, in other words, if two terms are co-hyponyms or co-meronyms of the same lexical unit and they form a two-term set of co-hyponyms or co-meronyms, they are bound by the relation of complementary opposition.

Each of them will be elaborated in more detail in subsequent sub-chapters.

4.1. Near Equivalence in Legal Translation

As already mentioned, near equivalence occurs when the terms in the source and target language have in common "all of their essential and most of their accidental characteristics" and what they do not share is only some accidental characteristics. When using the term 'accidental characteristics' it is assumed that they include component parts of the meaning irrelevant from the perspective of effectiveness of lingual communication. In other words, it is assumed that even in the case of intralingual communication taking place between persons who are native speakers of a given language of communication, in the majority of cases some loss of information occurs. It is due to the fact that there are no people with identical education, experience, language command etc. What is more, the process of communication is also affected by external factors such as noise, tiredness, etc. All those factors contribute to the conveyance of the message with some potential loss of the information. Analogously, when we communicate the message in the source language and it is to be conveyed in the target language, the transfer of the mathematical 1:1 message content is hardly achievable.

Consequently, the following postulate is confirmed:

Po 6 – Postulate of the absence of complete homosignification
No two heterolingual texts bound by the relation of translatability are completely homosignificative.

Translation scholars have turned attention to the fact that 1:1 equivalence in mathematical sense is rarely achievable (Šarčević 2000, Kierzkowska 2002, Jopek-Bosiacka 2006, 2010, etc.). And communication with the participation of translators or interpreters is always some sort of approximation of the all the meanings encoded in the source text. Postulate of the absence of complete homosignification in general refers to what has been observed by scholars dealing with linguistics and translatology for ages, that is to say the fact that it is hardly possible to obtain the same degree of homosignification between the source and target texts. In semiotic terms target text always diverges from the source text to some extent

in terms of semantics, pragmatics and syntax. Despite that divergence translations are rendered and are communicatively efficient if adjusted to the communicative needs of target text recipients. The loss of information, extra information, or distortions of information at the level of semantics, pragmatics and syntax are in general communicatively insignificant if the legal effect of the target text (if it is a normative text) or the communicative effect of the target text are consistent with the expectations of the message sender. If that goal is achieved, we may talk about sufficient equivalence of the source text and target text. Therefore, despite the lack of complete homosignification, it is assumed that pragmatic texts, including legal ones, are translatable.

Nevertheless, the process of communication rarely requires for its effectiveness the conveyance of the whole informative content. As Jäger (1977) states, the average content should be conveyed for the target text to be considered sufficiently equivalent.

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.

It is common knowledge nowadays that the process of translation results in some shift in meaning, which is a direct consequence of differences in legal realities and some approximation always present in every communication. Thus, the longer the chain of translations from translations, the higher the risk of increasing the semantic gap resulting from the shift in meaning. The more distant the languages and legal systems are, the higher the chances of the shift occurrence. At the same time the number of cases when the pivot language is used for translation purposes is increasing (even the European Union resorts to that practice to cut the costs of translations). That in turn, results in the need of methodology that would allow for choosing the most optimal pivot language – that is to say the language which would cause minimal distortions of meaning between the source text and the target text.

What is more, the more distant the source and target languages are, the more difficult it is to convey the whole

informative content (cf. Bańczerowski & Oh (2014) and the difference in the modes of conveying the aspect in the Korean and Polish languages).

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.

The hypothesis put forward here claims that there is the possibility to diminish the distance when using as a pivot language which is the core language belonging to a given legal family. Taking into account the legal families described above, we may assume that the potential core languages which may be used as pivot ones include: British English (for common law embedded languages), Standard French or German (for continental European languages), Standard Chinese (for Mainland China, North Korea and Vietnam), Japanese (for capitalist Asian systems such as the Republic of Korea), Russian, Arabic and Hindi. However, some of those languages exist in varieties which must be taken into account when comparing the terms which may be classified as already mentioned national (e.g. federal law in the USA) or local usage (state laws in the USA). The issue open for discussion and not investigated in the research in question is which variant of Arabic should be treated as the most representative for other legal systems of countries where the language is official for the purpose of terminology comparison.

In order to make a decision whether we deal with near or partial equivalence, we need to take into account the communicative needs of the source message sender and the target message recipient.

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.

The functional approach to legal translation has as many opponents as supporters but there is no denying of the fact that the failure to adjust the target text to the communicative needs of legal translation recipients may lead, and in fact has led on numerous occasions, to harmful and even tragic consequences (cf. Matulewska 2014).

> "What are the consequences of not adjusting such terms to the communicative needs of translation recipients? Let us quote again the Melbourne case where the term *legal aid* was not properly rendered into Japanese. The sentence: '*You have a right to call a Legal Aid*' was translated as: '*There is an organization called Legal Aid which is connected with law. Do you want to contact it?*' The Japanese who unconsciously smuggled drugs in their suitcases decided not to "contact Legal Aid". In Japan there is no such system. One needs to pay for any legal representation before the court. They had no money and assumed that legal aid is unattainable for them for that reason. The crucial information that legal aid is provided free of charge in Australia was not given by the translator and that way they were deprived of the help of a professional lawyer who may have spotted the irregularities if he had been present during the trial (Nagao 2005, 6–7). Overall, translation errors and a failure to adjust the message to the communicative needs of the recipient led in that case to the miscarriage of justice." (Matulewska 2016b)

On the one hand, practising translators rarely recognize the need to adjust the translation of a given term to the communicative needs of translation recipients. They look for universal equivalents, good for any communicative situation. However, a target text which is communicatively effective in one situation, may not be equally effective in another. On the other hand, the more experienced the translator is, the more willing he or she is to adjust the text to the needs of the translation recipients.

If we deal with the so-called distant recipient, who does not need to understand the message in miniscule details and needs to comprehend the general idea of what is communicated, then target language oriented equivalents may be applied (such equivalents are also called "functional," "dynamic" and "connotative" ones in translation studies (cf. Nida 1964, Kierzkowska 2002, etc.).

Target language oriented equivalents are terms used in the target language legal reality denoting a specific legal institution most similar to the source language institution e.g. the Polish term *spółka komandytowa* and the British English term *limited partnership* may be treated as equivalents fulfilling the criterion of being target language oriented equivalents for one another. Some more examples of such pairs for the English-Polish pair may be:

Winding-up order – postanowienie o ogłoszeniu upadłości likwidacyjnej
Winding-up petition – wniosek o ogłoszenie upadłości obejmującej likwidację, wniosek o ogłoszenie upadłości likwidacyjnej
Bankruptcy petition – wniosek o ogłoszenie upadłości
Bankruptcy order – postanowienie o ogłoszeniu upadłości
Order appointing trustee in bankruptcy – postanowienie o powołaniu syndyka

Sometimes in order to apply the technique of target language oriented equivalents, in the event the term in the source language does not have its nearly equivalent counterpart in the target language, it is possible to explore the semantic relation of hypernymy and hyponymy at the interlingual level. If the source language term has no target language oriented equivalent fulfilling the criteria specified for near equivalence, it is possible to investigate whether in the target language there are co-hyponyms for such term which, combined together in a string, would constitute near equivalent. To paraphrase, in that case we may resort to using a selection of hyponyms to convey as much characteristics of the source language term as possible, thus diminishing the risk of miscommunication. The number of target language hyponyms is going to vary depending on the number of potential co-hyponyms. Sometimes it is possible to use two target terms for one source term, e.g.

> "in order to convey the meaning of the Polish term *spółka* one has to use a string of two English terms (a phrase) denoting forms of business organizations: *partnership and company*." (Matulewska 2017d, 85)

As in the case of legal terms embedded in distant legal systems and cultures where one can rarely find 1:1 equivalents, we may distinguish here a selection of approaches which help to diminish the distance between the meanings of terms.

One of the approaches enables the translator to resort to the so-called internationalisms, that is to say terms which are used in many countries with almost the same meaning. Transnational equivalents, when discussing legal translation, are usually terms based on Roman law terminology, or equivalents introduced by international organizations introducing uniform terminology to be used by all its member states.

Transnational equivalents may be borrowings from Latin e.g.

skarga Pauliańska – the Actio Pauliana

or loanblends of target language term and a Latin term e.g.

właściwość rzeczowa – jurisdiction ratione materiae,
właściwość osobowa – jurisdiction ratione personae,
właściwość miejscowa (*sądu*) *– jurisdiction ratione loci,*
brak właściwości osobowej – a lack of rationae personae.

When we deal with law and Latin terminology, it actually means that the translators of numerous language pairs may use as equivalents terms in Latin instead of terms in the target language. That rule may be successfully applied for almost all European languages.

At present, it is also possible to apply assimilated borrowings from Latin (*akcesja – accession*), Greek (*demokracja – democracy*), and nowadays English (*insolvency* – Ger.: *Insolvenz*).

Transnational equivalents are also introduced by international institutions dealing with internationalized areas of law in order to facilitate interlingual communication. The table below presents a juxtaposition of terms introduced by various institutions to facilitate communication in insolvency cases with the so-called foreign element, that is to say cases in which the debtor and creditors come from different countries or when the debtor has some assets abroad and foreign courts must participate in such proceedings.

Table 1. Transnational equivalents are introduced by institutions in order to facilitate communication in insolvency-related matters.

EU Polish	**CoCo Guidelines**	**American Institute**	**United Nations**	**EU English**
zarządca	liquidator	Insolvency administrator	Person (or body) administering a reorganization or liquidation	liquidator, since 2015 insolvency practioner

Finally, when we deal with the target language occurring in varieties, we may resort to the terminology used in the country where the legal system is the most similar to the source language legal reality. In case of translation from the Polish into the English language, we may look for regional legal varieties of English where civil law system is still in force. In other words, in case of translation involving a source language which is embedded in the civil law culture into English, one may also resort to equivalents based on Anglophone territories which have adopted the Code of Napoleon e.g. the state of Louisiana (that is to say the Louisiana Civil Code and the Louisiana Code of Civil Procedure). To illustrate that technique, let us compare the Polish term *hipoteka przymusowa* 'lit. compulsory mortgage' defined in the Polish *Ustawa z dnia 6 lipca 1982 roku o księgach wieczystych i hipotece* [Act of 6 July 1982 on Land and Mortgage Registers and Mortgages] and its possible equivalents that may be found in the Louisiana Civil Code.

> Art. 109. 1. Wierzyciel, którego wierzytelność jest stwierdzona tytułem wykonawczym, określonym w przepisach o postępowaniu egzekucyjnym, może na podstawie tego tytułu uzyskać hipotekę na wszystkich nieruchomościach dłużnika (***hipoteka przymusowa***).
> 2. Jeżeli nieruchomość jest własnością Skarbu Państwa, hipoteka przymusowa może być ustanowiona w wypadkach przewidzianych w przepisach ustawowych.
> Article 109. 1. A creditor whose claim is established by an enforceable title specified in the enforcement law provisions may, on the basis of that title, obtain a mortgage on all debtor's property (compulsory mortgage).
> 2. If the property is owned by the State Treasury, a forced mortgage may be established in cases provided for by statutory law.
> Art. 110. (5) ***Hipotekę przymusową*** można uzyskać także na podstawie tymczasowego zarządzenia sądu, postanowienia prokuratora, na mocy przepisów szczególnych na podstawie decyzji, chociażby decyzja nie była

ostateczna, albo zarządzenia zabezpieczenia dokonanego na podstawie przepisów o postępowaniu egzekucyjnym w administracji.
Article 110. (5) A compulsory mortgage can also be obtained on the basis of a provisional court order, a prosecutor's decision, under a special rule on the basis of a decision, even if the decision was not final, or the security provided under the administrative enforcement order.

In the Louisiana Civil Code we find the following definitions:

Art. 3284. Conventional, legal, and judicial mortgages
A **conventional mortgage** is established by contract.
A **legal mortgage** is established by operation of law.
A **judicial mortgage** is established by law to secure a judgment.
Art. 3287. Conventional mortgage
A conventional mortgage may be established only by written contract. No special words are necessary to establish a conventional mortgage.
Art. 3299. Judicial and legal mortgages
A judicial mortgage secures a judgment for the payment of money. A **legal mortgage secures an obligation specified by the law that provides for the mortgage**.
Art. 3300. Creation of judicial mortgage
A **judicial mortgage** is created by filing a judgment with the recorder of mortgages.

Article 110. (5) A compulsory mortgage can also be obtained on the basis of a provisional court order, a prosecutor's decision, under a special rule on the basis of a decision, even if the decision was not final, or the security was provided under the administrative enforcement order. The analysis of the Polish and English definitions enables us to ascertain that the Polish term *hipoteka przymusowa* 'lit. compulsory mortgage' may be translated into English as *judicial mortgage* as both types of mortgages burden immovable property and they are established by some sort of court decisions.

To sum up, though 1:1 equivalence is hardly attainable, when rendering legal translations near equivalence may be found and in the majority of cases it is sufficient to produce communicatively effective target text.

Thus the following postulates encapsulate the findings:

Po 21 – Postulate of near equivalence (intersection)

If a translandive lingual unit and its potential functional equivalent in the target language 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.

Po 22 – Postulate of near equivalence (inclusion of a translative unit in a translandive unit)

If a translandive lingual unit is convergent with respect to all of the properties of a translative unit and the translative unit is convergent with respect to all of the essential and most of the secondary properties of the translandive unit, then they are sufficiently equivalent with respect to relevant dimensions.

Po 23 – Postulate of near equivalence (inclusion of a translandive unit in a translative unit)

If a translative lingual unit is convergent with respect to all of the properties of a translandive unit and the translandive unit is convergent with respect to all of the essential and most of the secondary properties of the translative unit, then they are sufficiently equivalent with respect to relevant dimensions.

4.2. Partial Equivalence

As already mentioned, for the partial equivalence to occur it is necessary that the terms "share most of their essential and some of their accidental characteristics" or the source language term "contains all of the characteristics of concept B but concept B only most of the essential and some of the accidental characteristics of concept A (inclusion)" Šarčević (2000, 238–239). In such instances in order to diminish the informative distance between the source language and target language term, we may apply a selection of techniques including ***modified target language oriented***

equivalents. Such equivalents are target language terms, which have to be changed a little bit to inform the translation recipient that they are similar but not identical with the concept known in the target language legal reality e.g. the Polish term *spółka z ograniczoną odpowiedzialnością* has no near equivalent in the British legal reality. The closest term that may be considered the partial equivalent is *limited partnership*. We may modify that term in the following way: *limited liability company* to inform the target language recipient that the institution is similar to what he or she may know, but not identical. Another type of modification that would be possible is insertion of the explicit reference to the territory in which a given legal institution occurs. If the technique were to be applied to the terms mentioned above, the English equivalent could be as follows: *Polish limited partnership* or *limited partnership under the Polish law*. Here are some more examples of modifications of terms in the instance where the recipient needs to know very precisely what are the similarities and differences between the institutions existing in the source and target language legal realities:

> Winding-up petition – TLOT: wniosek o ogłoszenie upadłości obejmującej likwidację, SLOT: wniosek o ogłoszenie upadłości likwidacyjnej
> Bankruptcy petition – wniosek o ogłoszenie upadłości osoby fizycznej
> Bankruptcy order – postanowienie o ogłoszeniu upadłości osoby fizycznej
> Order appointing trustee in bankruptcy – postanowienie o powołaniu syndyka/likwidatora dla osoby fizycznej

In those examples the symbol TLOT refers to equivalents that may be considered near in some communicative situations and SLOT refers to equivalents coined by modifying TLOT equivalents to diminish the distance between the source and target language terms when the recipient needs to know the differences between terms very precisely, as in such cases TLOT equivalents may only be treated as partial ones.

Another approach of diminishing the distance between the source and target texts refers to terms which are bound by the relation source language hypernym-target language hyponym at the interlingual level.

The technique of restriction is also based on the relation of hypernymy; however, this time we deal with the source language hypernym and translate it into the source language hyponym e.g. the

Polish term *spółka* may be replaced in the process of translation with the English term *company*.

We may sometimes use the technique of extension which is also based on the relations of hypernymy; however, this time we deal with the source language hyponym (the term having an intensive meaning) and translate it into the target language hypernym (the term having an extensive meaning) e.g. the English term *partnership* may be replaced in the process of translation with the Polish term *spółka*.

The last two techniques of restriction (intension) and extension may be applied for distant recipients. Whereas the application of the target language oriented equivalents may in the majority of cases be successfully applied for close recipients, with only some instances where the accidental features not convergent with respect to source and target texts will need to be explained in the form of descriptions.

To sum up, the decision whether two terms are bound by the relation of near or partial equivalence in fact depends on the communicative needs of participants in the process of communication in legal settings.

> "translation is generally possible because in everyday language words, their component parts, their order, and most importantly their meanings are not like fixed points, but fuzzy blots at best. While the blots of L1 may rarely correspond exactly to those of L2, chances are that their fuzz will overlap enough for most translation purposes. Literary translation, especially the translation of poetry, exploits those fuzzy areas to the fullest. But law, or at least some areas of it, requires those blots to shed their fuzz and become point-like; and indeterminacy resides in the difficulty we have in making language do this with any consistency." (Joseph 1995, 23)

If the participant needs general information content conveyed, more features are going to be treated as accidental. When the participant needs to operate in the source language legal reality and for that reason needs to know very precisely what are the similarities and differences between the source language term and its target language counterpart, then the component parts of the meaning that are considered accidental in the case of translation rendered for the distant recipient may need to be treated as essential features and modifications may be needed to convey more detailed information on similarities and differences between used terms. The

parametrisation of terms helps to determine what are similarities and differences and, consequently, helps to make a decision what sort of modifications may be the most successful in conveying the sufficient informative content of the source text.

Consequently, the following postulates have been verified:

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 with respect to all essential properties from 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 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 with respect to 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 with respect to relevant dimensions, unless the translative unit is modified to diminish the distance between the units.

4.3 Non-Equivalence

Smith (1995) turns the translators' attention to the fact that:

> "recognizing a case of absent terminology requires constant comparison between the legal systems of the source and the target languages, as well as being familiar with p-to-date legal literature. (…) «equivalency» refers to equal value between source and target text, and «adequacy» concerns partial dimensions of the text. In the global legal world, where legal traditions and cultures differ so much that one system uses a legal concept completely unknown or even alien to another system, equivalency must also include cultural equivalency. From a linguistic point of view, the ideal translation is one that does not resemble one. Applied to legal texts, a successful translation should communicate the content of a document, all the while employing equivalent accurate syntax, semantics and pragmatics. This is particularly true for legal texts." (Smith 1995, 187)

If the near or partial equivalent cannot be found, the translator needs to resort to other techniques of providing equivalents. One of the techniques involves using the term borrowed from the source language in a non-assimilated form. Such terms are called exotics.

Exotics are direct borrowings preserving the spelling of the source language term e.g. *common law*, *equity*, *Exchequer*. Though, exotics are not very efficient technique of translation, there are compelling reasons which justify the usage of that technique. It should be borne in mind that sometimes the efficiency of communication depends on various criteria and the communicative needs of recipients must be taken into account. Therefore, exotics are imposed when translating diplomas and certificates, where titles and degrees obtained in the course of education are left in the source language and the translator, in accordance with translation and legal norms, is not allowed to compare them to any other similar titles and degrees that may be obtained in the target language reality (cf. KTP and European Union directives and guidelines in that respect). The European Commission, the European Council and UNESCO/CEPES recommend following their guidelines in this respect. In accordance with the guidelines on international recognition of professional and academic diplomas and qualifications, the name of qualification, title conferred as well as

the names of the institutions administering studies or awarding the title are to be left in the original language.[55] Thus when translating the titles which one may obtain in the course of university education in Poland into any official language of the European Union, the translator should keep their original wording

licencjat
magister

Analogously, as the Polish Code of Sworn Translators and Interpreters states, the Polish equivalent of a foreign professional title or degree can be determined solely on the basis of an international agreement and, in the absence of an international agreement, by way of nostrification, and the Polish professional title or degree, if quoted in Polish, may only be supplemented by the translator with the descriptive explanation determined by the

[55] "Give the full name of the qualification in the original language(s) as it is styled in the original qualification e.g. Kandidat nauk, Maîtrise, Diplom, etc. The original name of the qualifications may be transliterated into the alphabet or writing system used for the language in which the Diploma Supplement is issued (e.g. Latin characters for Supplements issued in English or Cyrillic for Supplements issued in Russian). Indicate if the award confers any nationally accepted title on the holder and what this title is e.g. Doctor, Ingénieur etc, and, if appropriate, a specific professional competence, such as "teacher of French". Indicate if the title is protected in law. If the qualification is a joint degree, this should be indicated.", "Indicate the name of the institution awarding the qualification in the original language. Where a degree is issued jointly by two or more institutions, the names of the institutions issuing the joint degree should be indicated, with indication of the institution at which the major part of the qualification has been obtained, if applicable.", "The supplement should always have the name and title of the qualification, the name and status of the institution awarding/administering it, and the classification of the award all presented in the original language. Incorrect translations mislead those making judgements about qualifications. Transliterations are permissible in the case of scripts other than the Latin alphabet.", "Great care should be taken with translations and terminology as many problems exist in this area. In order to overcome these, it is essential that the original language is used where indicated in the supplement. In addition, the glossary of terms associated with the supplement has been specifically produced to overcome linguistic confusions. Supplements may be produced in whatever language(s) institutions think appropriate."(http://ec.europa.eu/education/policy/higher-education/doc/ds_en.pdf, date of access 1 July 2016)

appointed institution which may not be comparative with respect to the target language system in force in that respect.

Sometimes exotics are used as they are so ubiquitous in vernacular language and informal communication that users of various languages recognize them easily and use them willingly because their native languages have descriptive terms which are not in compliance with language economy principles. In such instances, they may pervade into target languages. The terms that pervaded the Polish legal language in the form of exotics from the European Union English language include:

know-how
forum shopping

There is also a possibility to use ***assimilated borrowings,*** that is to say terms the spelling of which (in accordance with Nida's (1964) priority of the spoken language over the written one) has been adapted to the target language requirements e.g.

eksczekier.

The third technique that may be applied is called a calque. ***Calques,*** that is to say terms composed of more than one word, each of which has been translated into the target language literally e.g.

sędzia-komisarz – judge-commissioner.
Application to withdraw winding-up petition – wniosek o cofnięcie wniosku o ogłoszenie upadłości likwidacyjnej (a claque)
Order for leave to withdraw winding-up petition – postanowienie o wydaniu zgody na cofnięcie wniosku o ogłoszenie upadłości likwidacyjnej (a claque)

Here are some examples of loanblends in the Polish language for two English culture-bound terms:

fixed charge – zastaw typu fixed charge
floating charge – zastaw typu floating charge

Finally, we have a wide array of solutions based on the so-called descriptive equivalents. ***Descriptive equivalents*** may be provided in the form of definitions e.g.

equity jako system prawny oparty na zasadach słuszności stosowany w krajach anglosaskich [lit. A legal system based on the rule of equity applied in Anglo-Saxon countries];

Here a selection of potential Polish descriptive equivalents for English system bound terms"

Affidavit verifying winding-up petition – Pisemne oświadczenie złożone pod przysięgą na potwierdzenie okoliczności podniesionych we wniosku o ogłoszenie upadłości likwidacyjnej [lit. A written statement sworn to confirm the circumstances raised in the winding-up petition]

Affidavit of service of winding-up petition at registered office - Pisemne oświadczenie złożone pod przysięgą o doręczeniu wniosku o ogłoszenie upadłości likwidacyjnej do siedziby spółki [lit. A written statement sworn to confirm that the winding-up petition has been served at the registered office]

Advertisement of winding-up petition – ogłoszenie/obwieszczenie o złożeniu wniosku o ogłoszenie upadłości likwidacyjnej [lit. Advertisement that the winding-up petition has been submitted]

Order staying proceedings in compulsory winding-up - postanowienie o zawieszeniu postępowania upadłościowego sądowego (obejmującego likwidację majątku osoby prawnej) [lit. order staying proceedings in compulsory winding-up which is a procedure for legal persons]

There is also a possibility to apply a semantic neologism, which is not a borrowing but a term coined for the purpose of interlingual communication in legal settings, which is composed of a combination of words whose sum of meanings conveys sufficient information load of the meaning of the source language term to make the term understood properly in a given communicative situation e.g.

prokurent – commercial representative.

Another technique involves using ***exotics with calqued translations*** which are usually used for names of institutions. This technique is very useful when translating names of courts and other institutions. What is more, the recent economic transformations taking place in Europe seem to justify that approach. It happens so because languages undergo changes of evolutionary and revolutionary nature as a result of social, economic, political, administrative and other transformations. In the course of

transformations some institutions remain, but their names are no longer appropriate or politically correct in changed realities. Therefore, the names-labels are changed to adjust to new circumstances. At the same time the institution itself plays the same or almost the same function in the state. Therefore, translators tend to stick to already worked out equivalents that constitute the so-called national usage, that it to say are nation-wide used and accepted.

Such a situation has happened in Poland as a result of administrative reform in the course of which 49 voivodships have been transformed into sixteen ones. That in turn resulted in the need to change the court names. So the Polish court names have been changed but the English equivalents remained the same (first equivalent term in the table), but some translators (especially younger ones) tend to use calques (second equivalent term in the table).

Table 2. The juxtaposition of equivalents for Polish court-related terminology.

	Polish term	Its equivalent in the form of a calque – the national usages	exotics with calqued translations
First instance Polish courts	sąd rejonowy	District court, regional court	District court [sąd rejonowy], Regional court [sąd rejonowy]
	sąd okręgowy	Regional court Circuit court	Regional court [sąd okręgowy], circuit court [sąd okręgowy]
Second instance Polish courts	sąd okręgowy (for matters heard in *sąd rejonowy*)	Regional court Circuit court	Regional court [sąd okręgowy], circuit court [sąd okręgowy]
	sąd apelacyjny (for matters heard in sąd okręgowy)	Court of appeal, appelate court	Court of appeal [sąd apelacyjny], appelate court [sąd apelacyjny]
The court hearing and examining	Sąd Najwyższy	Supreme court	Supreme court [Sąd

cassation complaints, supervising the activities of the courts in the field of issuing court decisions			Najwyższy]

Table 3. The juxtaposition of equivalents for Polish court-related terminology depending on the type of the civil case.

	Polish term	Its equivalent in the form of a calque – the national usages	exotics with calqued translations
Name of the court depending on the type of civil case	sąd rodzinny	Family court	Family court [sąd rodzinny]
	sąd opiekuńczy	Guardianship court	Guardianship court [sąd opiekuńczy]
	sąd rodzinny i nieletnich	Family and juvenile/minor court	Family and juvenile/minor court [sąd rodzinny i nieletnich]
	sąd spadku	Probate court	Probate court [sąd spadku]
	sąd rejestrowy	Registration court	Registration court [sąd rejestrowy]
	sąd pracy	Industrial court, court of labour	Industrial court [sąd pracy], court of labour [sąd pracy]
	sąd ubezpieczeń społecznych	Court for social insurance	Court for social insurance [sąd ubezpieczeń społecznych]
	sąd gospodarczy	Commercial matters court	Commercial matters court [sąd gospodarczy]
	sąd gospodarczy ds. upadłościowych i naprawczych	Commercial matters court for insolvency and rehabilitation	Commercial matters court for insolvency and rehabilitation

			[sąd gospodarczy ds. upadłościowych i naprawczych]
	sąd upadłościowy	Insolvency court, bankruptcy court	Insolvency court [sąd upadłościowy], bankruptcy court [sąd upadłościowy]
	sąd gospodarczy rejestru zastawów	Commercial matters court for lien registration	Commercial matters court for lien registration [sąd gospodarczy rejestru zastawów]
	sąd gospodarczy Krajowego Rejestru Sądowego	Commercial matters court for the National Court Register	Commercial matters court for the National Court Register [sąd gospodarczy Krajowego Rejestru Sądowego]
	sąd polubowny (arbitrażowy)	Arbitration court, arbitration tribunal, court of arbitration	Arbitration court [sąd polubowny (arbitrażowy)], arbitration tribunal [sąd polubowny (arbitrażowy)], court of arbitration [sąd polubowny (arbitrażowy)]

This technique is recommended by the Polish Code of Certified Translators and Interpreters (http://tepis.org.pl/pdf-doc/kodeks-tp.pdf) when translating toponyms (geographical names) which are the so-called macro-toponyms, that is to say they have their assimilated names in other languages. This group usually refers to the names of states, their capital cities, main rivers, lakes, seas, mountain ranges etc.

London
Paris
New York
Warszawa
Rome

The question arises whether it is really necessary to preserve the exotic name in such cases if the toponym has already been assimilated and absorbed by the target language. On many occasions it simply seems that the recommendation aims at being on the safe side and introduces uniform approach to translation of toponyms by preserving the original source language form. The translator may in such instances also resort to the application of ***exotics with assimilated*** borrowings:

London [Londyn]
Paris [Paryż]
New York [Nowy Jork]
Warszawa [Warsaw]
Rome [Rzym]

Nevertheless, it still should be considered whether there is a real need to apply this technique to names of countries and their capital cities and whether the assimilated borrowings should be avoided if they constitute a linguistic norm in a given target language. However, it seems recommendable to resort to the terminology published by governmental institutions as such glossaries of names of countries are authoritative terminology sources.

Apart from those techniques, the translators may also resort to various combinations of already discussed techniques, that is to say:

1. exotics with descriptive equivalents:

magister (an academic title conferred after the completion of two-year long university studies of the second degree in Poland)

2. exotics with functional equivalents or modified functional equivalents:

Urząd Skarbowy (Polish Revenue Office)

Vital Statistics Office (amerykański Urząd Stanu Cywilnego)

3. assimilated borrowings with descriptive equivalents:

> Eksczekier (dawniej centralna władza skarbowa w Anglii)

4. assimilated borrowings with functional equivalents or modified functional equivalents:

> Eksczekier (dawniej urząd skarbowy w Anglii)

The choice of the technique must be made consciously due to the fact that

> "finding equivalent and adequate terminology requires translators to recognize differences between the cultures of the legal texts with which they work. Legal culture represents the status and behaviour of a judicial class." (Smith 1995, 187)

To sum up, the following postulates have been confirmed in the course of theory testing with respect to the lack of equivalence:

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 with respect to only a few essential properties, then they are not sufficiently equivalent with 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 with respect to only secondary properties, then they are not sufficiently equivalent with 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 with respect to 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 with respect to 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 with respect to any dimensions.

4.4 Concluding remarks

The ability to apply the techniques of providing equivalents in a conscious manner differentiates the professional translator from an amateur. The choice of the technique is far from random as it is always subject to the communicative situation in which a source message is translated into the target language.

5. Making Conscious Translative Decisions

The technique of providing equivalents should be chosen consciously by the translator on the basis of the criteria relevant for a given translational situation. The translational situation is affected by the importance of what is communicated for participants to the process. There are numerous situations when the general understanding of the message is sufficient for the message sender and recipient. In such instances TLOT equivalents may be sufficient. There are also situations in which the recipient needs the details communicated to him or her very precisely.

Let us now discuss a few examples of terms that depending on the translative situation may be perceived as nearly, partially or not equivalent.

5.1. Terms denoting age of majority and minority in Polish and English

In the Anglo-Saxon reality a *minor* is described as a person under a certain age, namely the age of majority. Generally, the age of majority is 18 but it depends on jurisdiction and application of legal provisions regarding a specific branch of law. However, a minor does not mean only that a person has not yet attained the age of majority. In the United States the alcohol drinking age is 21, that is why any person who is drinking alcohol and is being under 21, even if he or she is 18 or more, is called a minor (cf. Liquor Control Act)[56]. It is the so-called age of licence. What should be noted, in most jurisdictions in the United States the concept of a minor person is not sharply defined. In some cases the age entitling a person to do something may very e.g. the age of criminal responsibility and consent, the age when the person no longer is obliged to attend school, the age when a person can enter into

[56] *Liquor Control Act.* State of Connecticut: 'Minor' means any person under twenty-one years of age.

a contract. In most countries around the world, a minor is described as a person under the age of 18.

For example, in the United States, the age of majority is set by the individual states, but generally a minor means a person under the age of 18. Despite that, in certain areas such as: gambling, owning a gun, consuming the alcohol a *minor* is a person under the age of 21. Moreover, it should be stressed that in the criminal justice system the term *minor* is no longer in use and a person, considered in other branches and sub-branches of law a minor, may be punished for a crime as a "juvenile" or for very serious crimes as an "adult"[57] (for example, some states, including Florida, have passed laws that allow a person accused of an extremely heinous crime, such as murder, to be tried as an adult, regardless of age). Moreover, those who are considered juveniles are usually tried in juvenile courts. In some states, parents or guardians are present during police questioning, etc. The age of being criminally liable varies in different states, for heinous crimes the age may be below 18 or below 16. But in Kentucky the lowest age (no matter the crime) is 14 (Gaines & Miller 2007, 495). According to the twenty-sixth amendment to the US Constitution (ratified in 1971), all citizens have a right to vote in every state and in every election from the age of 18.

In the United Kingdom a minor is understood differently and it depends on the area. In England and Wales and in Northern Ireland a minor is a person under 18 (Family Law Reform Act 1969). The same applies to Scotland (Age of Legal Capacity Act 1991). However, when it comes to the criminal responsibility age, in England and Wales and in Northern Ireland such responsibility starts when one turns 10, and in Scotland 12 (formerly 8)[58]. When it comes to criminal cases for minors, they are dealt with by the Youth Offending Team. If they are imprisoned, they are sent to the Young Offender Institution. Furthermore, a minor is not allowed to: sit on a jury, vote, stand as a candidate for offices, buy or rent pornographic films, be depicted in pornographic materials, sue without a representative, be fully civilly responsible, have an access to adoption records, purchase alcohol, tobacco, gun, fireworks, etc.

[57] *Prisons and Prison Life: Juvenile crime is on the rise. Is it right or fair to treat and charge juveniles as adults?* Retrieved August 07, 2017.
[58] age of criminal responsibility

When it comes to things such as driving a car, acting as a premises holder or adopting a child, the age limit is 21.

However, there is one important issue concerning the emancipation of minors. Emancipation of minors is a legal mechanism by which a minor is no longer under the protection of an adult person and is given rights as an adult person. Depending on the country (for example in Poland, the United Kingdom or in the United States) the emancipation may happen through marriage, being economically self-sufficient, obtaining an educational degree or any diploma or serving in the military. Additionally, in the United States, every state has some kind of a form of emancipation for minors[59].

Generally speaking, a *juvenile* is a person who is under the age of 18 (in most cases), who committed a crime in states which have declared by law that a minor lacks responsibility and thus may not be sentenced as an adult. But, it should be said that some states have introduced lower age for criminal responsibility for juveniles, namely 14. According to section 2 (l) of the Juvenile Justice Act, 2000 *juvenile* is a person who is alleged to have committed an offence and has not completed the eighteenth year of age as on the date of committing such offence.

What is interesting is that for juveniles there are different courts, namely juvenile courts. Such courts have special departments that deal with juvenile offenders who are charged with crimes, are neglected or are out of control of their parents. However, if the crime is serious, there is also a possibility to charge and try a juvenile as an adult, then the juvenile court does not have any jurisdiction. The procedure is not always adversarial and may be more inquisitorial. Minors are entitled to have a legal representation. Also, some people from the nearest surroundings of a juvenile may be involved and help in the process of achieving positive results and prevent the involvement of a juvenile in any future crimes (e.g. parents, social workers, probation officers, etc.).

Nowadays, in the United States of America there is a modern trend to separate and label juveniles into different categories. Such categories are based on a reason why such juvenile

[59] Emancipation of minors https://www.law.cornell.edu/wex/emancipation_of_minors

appeared in a court and what are the facts in the case concerning the juvenile. Many states have created three categories for juveniles:

(i) *delinquents* (juveniles who committed crimes which would result in criminal prosecution if committed by an adult),

(ii) *abused or neglected children* (juveniles who suffer from physical or emotional abuse or those who committed status offenses or petty crimes), and

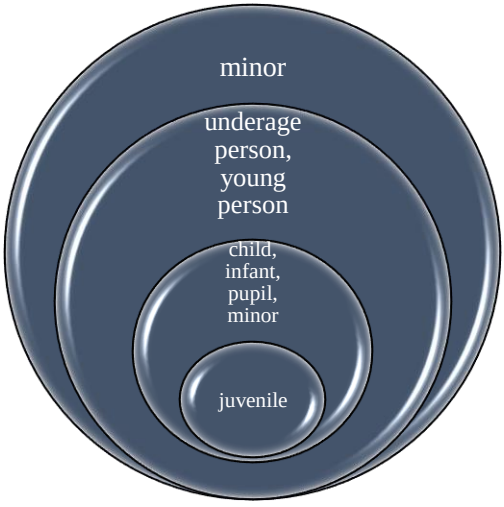
(iii) *children in need of services* (juveniles who are needy in some other way, for example they are from impoverished homes and need better nutrition and health care)[60].

It could be said that the terms *minor* and *juvenile*[61] mean the same, however, there are small differences in some contexts and the general meanings of terms have different implications (pragmatic meanings) as well. It is said that a minor implies someone young and naïve, while juvenile is depicted as a young criminal and an immature person. In ordinary language, not in legal contexts, it should be used rather carefully, because the term *juvenile* has rather offensive connotations.

Another term under scrutiny is the term referring in general to the age of the person who has not yet attained the age of majority, that is to say *minority*. *Minority* is a frequently used legal term because it encompasses the full range of persons who fall into underage categories such as a child, infant, juvenile, young person, pupil and so forth.

[60] According to the definition retrieved from http://legal-dictionary.thefree dictionary.com/Juvenile+Law

[61] In American English, there is also a term for a juvenile, a slang one, namely 'juvie.'



Schemata 4. Relation of inclusion of meanings for terms minor, underage person, young person, child, infant, pupil, minor, juvenile 11 (based on the research carried out by the authors).

Let us now discuss the meaning of the term *adult*. There are two meanings that may be distinguished. Biologically, an adult is a human being that has reached sexual maturity. Additionally, it has another legal as well as social meaning. In contrast to a minor, an adult is a person who has attained the age of majority and is regarded as an independent, self-sufficient and fully liable person.

An adult person says that an adult is "A person who by virtue of attaining a certain age, generally eighteen, is regarded in the eyes of the law as being able to manage his or her own affairs" (Lehman & Phelps 2008). The term *adult* is mostly associated with the phrase *the legal age of majority*. It means that a person acquires full legal capacity to be bound by e.g. contracts (contractual obligations), deeds, may undertake such legal acts as voting, entering into marriage, is liable for his/her own actions, etc. As it was discussed previously with the term *minor*, also a person becomes an adult at different ages at which such a person attains the age of majority for various purposes and the age of majority varies from state to state and form country to country. For some situations, for example, a person who wishes to obtain a license to operate a motor vehicle may be considered in some countries as an adult at the age of 16, but at the same time may not reach the adulthood until

18 for the purpose of marriage or 21 for the purpose of buying alcohol. The age of majority is defined by each state separately, but mostly it is said that 18 is the age of passing childhood and entering the adulthood. Passing this age means that a person may solemnize marriage and has a right to vote[62].

One interesting thing is that, in general, a parental duty of supporting a child ceases when such a child attains the age of majority. As it was said before, the age of majority may be relevant in matters such as guardianships, foster care, defining the head of households, legal standing to bring lawsuits, emancipation, marriage, licensing or even alcohol purchasing[63].

Next term which cannot be ignored when dealing with legal translation is the *underaged.* The term *underaged* often refers to persons under the age of majority, but may also refer to persons under a certain age limit, such as: drinking/alcohol purchasing age, marriage age, voting age, driving age, smoking age, age of consent, etc. Those mentioned age limits differ sometimes considerably and depend on the state in the USA or other discussed countries, such as Poland or the United Kingdom.

When it comes to drinking laws a legal definition of an underaged, in the USA federal law states that it is a person under 21 – under the law it is the national minimum drinking age. It is also regulated in state laws but each state has different approach or regulation, especially when it comes to differentiation of an offense:

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[62] But it should be stressed that according to the 26th amendment to the US constitution, the right to vote is 18 nationwide, regardless of the state laws.

[63] Differences in aim: of punishment for an adult, a minor, an underaged and a juvenile: It should be stressed that there is a major difference in the aim of meting out a punishment to an adult, a minor, an underaged and a juvenile. For adults who are found guilty of a crime, the court focuses on punishment. When it comes to a minor person, the focus is on the rehabilitation of such a person, not a punishment as such. When an adult commits a crime and then is punished, he/she must be punished in a way that should prevent the commitment of a similar wrongdoing in the future. The most typical way of punishment of an adult is incarceration, whereas rehabilitation is the most visible way of punishment for a juvenile or a minor. Every state in the USA has its own program (e.g. counselling, community service, restitution) for dealing with crimes committed by minors. Parole and probation are often used as well as a way of punishment for minors. However, the programs created for such minors or juveniles are created as a way to create a different path for them, which will keep them out of adult jails and prisons in the future.

civil or criminal. Of course, there are some exemptions towards drinking age, for example: religious, medical, employment, private or exemptions when it comes to the possession of alcohol in a club[64].

When discussing the term *underaged* it should be said that there are laws that restrict the sale of certain products and services to underaged people (cf. the table at www.businesscompanion.info). Also, it should be said that in order to purchase some products (e.g. alcohol or fireworks), one needs to obtain a license before a seller can legally enter into a contract with them.

In the Polish language of law there are also several terms used to refer to persons who have or have not attained the age of majority. Though, due to the existence of a one, nationwide legal system, the diversity of meanings of a given term does not occur. And the meanings of signs (terms) differ with respect to the branch or sub-branch of law. Let us now briefly discuss the Polish terminology which may be considered as potentially equivalent to the English terms discussed above.

The term *pełnoletni* 'adult, a person who has attained the age of majority' refers in general under article 10 of the Polish Civil Code to persons who are at least 18 years old, that is to say persons

[64] Example of a state statute on Underage drinking.

> In Delaware by virtue of Delaware Code § 904, any person under the age of 21 years who knowingly makes a false statement that he is over the age of 21 to any person engaged in the sale of alcoholic liquor for the purpose of obtaining liquor, shall, in addition to the payment of costs, be fined
>
> i) if such person is a first time offender, not less than $ 100 nor more than $ 500, and on failure to pay such fine and costs, shall be imprisoned for 30 days; and
>
> ii) for each subsequent like offense, not less than $ 500 nor more than $ 1,000, and on failure to pay such fine and costs shall be imprisoned for 60 days.
>
> Whoever sells any alcoholic liquor to any person who has not reached the age of 21 years shall, in addition to the payment of costs, be fined not less than $ 250 nor more than $ 500. On failure to pay such fine and costs, the person shall be imprisoned for 30 days.
>
> A person under the age of 21 years, who has alcoholic liquor in his or her possession at any time, or consumes or is found to have consumed alcoholic liquor, shall have their Delaware driver's license revoked for a period of 30 days for the 1st offense and not less than 90 days nor more than 180 days for each subsequent offense. If the underage person does not have a Delaware driver's license, the person shall be fined $ 100 for the 1st offense and not less than $ 200 nor more than $ 500 for each subsequent offense.

who have attained the age of majority. The person who is 18 may conclude a marriage without the permit of the court, has full capacity for acts in law. A women who solemnizes a marriage with the permit of the court at the age of 16 also attains the age of majority under the Polish law (reaches adulthood under article 10 of the Polish Family and Guardianship Code) and becomes *pełnoletni.* However, it is an exception from the rule. Even if she divorces or the marriage is made void before attaining the age of 18, she remains an adult in the light of the law. Such a person has full capacity for acts in law under the Polish legal system. In the USA, however, the person at the age 18-21 still is not allowed to buy alcohol because the so-called age of license to buy alcoholic beverages in the USA is 21. But in Poland there are no such restrictions. The person who is less than 18 is called in turn *małoletni* under civil law provisions. Such a person has limited capacity for acts in law. In the criminal law the term *nieletni* is used to refer to persons under 17 whose responsibility for committed acts is limited (under article 10 § 2, articles 13 and 94 of the Polish Act of 26 October 1982 on the Procedure [Ustawa z dnia 26 października 1982 r. o postępowaniu w sprawach nieletnich]. The other term which is used in criminal law is the term *młodociany* which in general refers to persons below 21 years old but sometimes it may refer to persons less than 24 years old. The term *młodociany* is also used in labour law provisions but in that branch of law it refers to persons between 16 and 18 (articles 22 and 190 of the Polish Labour Law). In the vernacular and colloquial languages the terms used are *dorosły* ‘an adult’ and *niepełnoletni* ‘minor, person less than 18 years old’. The table below presents the juxtaposition of terms used in the Polish language to refer to persons who are adults or non-adults with respect to the branch of law and lect.

	pełnoletni	dorosły	małoletni	nieletni	młodociany	niepełnoletni
person who have attained the age of majority	yes	yes	no	no	no	no
legal lect	yes	no	yes	yes	yes	no
vernacular / colloquial lect	no	yes	no	no	no	yes
any branch of law	yes	n/a	no	no	no	n/a
civil law	yes	no	yes	no	no	no
criminal law	yes	no	no	yes	yes	no
labour law	yes	no	no	no	yes	no

Table 1. Juxtaposition of terms referring to persons who are not treated as adults in the Polish legal system an vernacular / colloquial languages

	minor	juvenile	adult	underaged	age of license
person who have attained the age of majority	no	no	yes	no	yes
legal lect	yes	yes	yes	no	no
vernacular / colloquial lect	no	yes	yes	yes	yes
any branch of law	yes	yes	yes	yes	n/a
civil law	yes	no	yes	UK no/ US yes*	no
criminal law	yes	yes	yes	UK no/ US yes*	no
Family law	yes	UK no/ US yes	UK no/ US yes	UK no/ US yes	UK no

*different spelling: under age

Table 2. Juxtaposition of terms referring to persons who are not treated as adults in the English legal system a vernacular / colloquial languages

	pełnoletni	dorosły	małoletni	nieletni	młodociany	młodociany	niepełnoletni
age of majority	yes	yes	no	no	no	no	no
lect	legal	vernacular / colloquial	legal	legal	legal	legal	vernacular / colloquial
branch of law	any	n/a	civil	criminal	criminal	labour	n/a
age	at least 18	at least 18	less than 18	less than 17	less than 21 (as a rule but sometimes less than 24)	between 16 and 18 years old	less than 18

Table 3. Juxtaposition of terms referring to minors and adults in the Polish legal system a vernacular / colloquial languages with precise age stated

	minor	juvenile	adult	underaged	age of license
age of majority	no	no	yes	no	yes
lect	legal	legal	legal	vernacular/ colloquial	vernacular/ colloquial
branch of law	any	criminal	any	any in the US	n/a
age	under 18	below 18 under 19[65] below 16[66]	at least 18[67] at least 16[68] at least	under 21	n/a

[65] Wyoming

[66] Connecticut, New York, North Carolina

[67] In most of the world, including most of the United States, parts of the United Kingdom (England, Northern Ireland, Wales) the legal adult age is 18 for most purposes, with some notable exceptions

[68] Scotland

			19[69] at least 20[70]		

Table 4. Juxtaposition of terms referring to minors and adults in the English legal system a vernacular / colloquial languages with precise age stated

5.2. Translation conclusions

The choice of the equivalent in fact depends on the target text recipient. When the recipient does not need much details, the term *pełnoletni* may be translated into English as an *adult*. But if an eighteen-year-old Pole is to spend some time in the United States of America, the information that under the US law he has not attained the age of majority for buying and consuming alcohol may be vital so the descriptive term should be used informing about that difference in meaning of the term. Otherwise, the translation recipient is going to violate the law being unaware of the differences between the legal system he knows and the legal system of the country in which he needs to function for some period of time.

[69] British Columbia, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut, Yukon Territory in Canada (though there are some exceptions in which Canadians may be considered legal adults in certain situations); Nebraska and Alabama in The United States

[70] Australia

Concluding Remarks and Evaluation of the Research Results. Expected impact of the research project on the development of science, civilization and society

The process of choosing sufficient equivalents by characterizing them in terms of properties the objects of translational reality take on from specific dimensions is objective and reveals semantic relations binding terms at the intralingual and interlingual level. It also reveals intersystemic differences between legal concepts. Semantic relations are extremely important when rendering translations, as not identifying them properly may result in dire consequences affecting the lives of persons involved in the process of communication in legal settings. The relations may be very complex. The consequences of improper identification of semantic relations have already been illustrated with real-life examples of such distortions in efficient legal communication by various scholars (Benmaman 2000, Nagao 2005, Ainsworth 2014, Matulewska 2014).

One should also realize that the process of terminology comparison is very time-consuming and frequently out of performance for translators working to a deadline. Therefore,

Recommendation 1.
There is a need for elaborating a dictionary for LSP translators revealing semantic intralingual and interlingual relations.

Recommendation 2.
Legal terms evolve for various reasons and that is why in the case of legal dictionaries the diachronic perspective of the meaning evolution and sign evolution should be accounted for.

What conclusions may be drawn from the analysis of legal systems? Although it could seem that since French and German law differ so much in terms of approach and linguistic usage, it should not determine differentiating them while analysing families of legal languages. For instance, Austrian law, which is also written in German, is described as simple and common-sense. On the other

hand, Swiss law is known as using clear and understandable style – and due to Switzerland's linguistic policy, Swiss law is written both in French and German. Therefore, these two languages plainly permeate each other in the area of European continental law (Zweigert & Kötz 1998, 144). Moreover, it is possible to observe in all European laws some the supranational tendencies based mainly on Roman law. However, forasmuch as Latin is no more a living language and is sometimes unsuitable for modern concepts, the language which can be perceived as the core of modern European codifications is French. English language is, on the other hand, a core of legal family of common law. Since it was born in England and spread all over the world through colonialism of British Empire, clearly it cannot be replaced by any other language. There can be thus discussion which variety of English should be recognised – but regarding the environment in which common law was born, the choice of British English seems justified. Considering laws of East Asia, both Chinese and Japanese seem significant – the reason is that although the legal language was originally created in Japan, it used the Chinese language as its matter. These two legal languages thus permeate each other in that region in terms of law and determining one of them as the leading one might be inappropriate. Ultimately, the language involved in context of Islamic law is clearly Arabic, since it is the language in which Quran is written; analogically, for Hindu law both Hindi and Sanskrit should be considered, but given that Sanskrit is nowadays a dead language, similarly to Latin, then the significant language for Hindu law is simply Hindi.

The theory of communicative communities (Zabrocki 1963), may be extended to legal systems and communicative communities existing in countries with particular legal systems. Thus we may distinguish here (i) superordinate legal systems, (ii) subordinate legal systems and (iii) independent legal systems. Superordinate legal systems are always more advanced, better-developed systems usually of some country which is considered a leading power in a contemporary world. Such countries, as a result of their extensive impact on other countries (starting with the Roman Empire conquering the world in the Antiquity, through France at the time of the Napoleonic conquest, and ending with the United States of America and the USSR after the Second World War, and in Asia

China) for various reasons needed advanced and comprehensive legal systems supporting their governing bodies of whatever type. Superordinate legal systems due to their status impose their legal solutions on subordinate legal systems. Legal concepts of superordinate country either enrich the under-developed to some extent legal system of the subordinate country, or they actually replace / supersede such concepts. At the same time we may frequently observe the need to respect traditions and ingrained customs in order to avoid social riots. As a result, we may rarely find legal systems without local / national blends.

Independent legal systems are in a way not susceptible / resistant to changes for geopolitical reasons. Those are usually legal systems of isolated communities, with infrequent contacts with other communities. Such legal communities are also hermetic and not willing to share information – non-active communicatively.

From the perspective of the language of communication the following legal systems may be distinguished: (i) primary ones, (ii) secondary ones, (iii) multilingual and finally (iv) mixed ones. Primary legal systems have laws formulated in the nation's native language. Secondary legal systems, in turn, have laws formulated in the language of the superordinate country. Multilingual legal systems have laws formulated in more than one language. Mixed legal systems are countries with more than one legal system or a legal system that is based on various legal systems.

The linguistic changes reflect those relations. The law of the Roman Empire penetrated numerous legal systems as it was considered the most advanced and consequently worth adopting. That found reflection in legal transplants in the form of non-assimilated and assimilated borrowings as well as semantic borrowings. It is due to the fact that some terms may be created in a spontaneous way like other language signs. But the majority of them are the so-called legal transplants or terms created in a purposeful way. Legal systems of various countries penetrate other legal systems. Gaining independence in literal and non-literal sense may also find reflection in language evolution and change. These in turn result in coining new terms which are usually semantic borrowings replacing non-assimilated and assimilated ones. It is a shift towards protection of the nations' native language. Right now the common law system is affecting more and more spheres of life and, consequently, fields of law. Thus in many legal systems we observe the growing number of terms either borrowed from English

or coined as equivalents for English terminology. Nevertheless, the number of the so-called system-bound term in every legal system is still significant and thus it cannot be assumed that the English language (though it is the lingua franca of the 21st century) should be a pivot language for the purpose of legal translation for every language pair.

The research results may significantly influence the development of legilinguistic translatology in the scope of establishing pairs of translational equivalents in the case of significant differences between the legal systems of each linguistic area which have considerable degree of semantic and pragmatic approximation; they enable the creation of a formalized theory of legal translation and translational grammars for each linguistic pair and of computer-assisted legal translation.

Furthermore, drawing conclusions from hierarchies of dimensions formulated for six language pairs already described in previous volumes of the series, that is to say: Polish-Chinese, Polish-English, Polish-Greek, Polish-Hungarian, Polish-Spanish and Polish-Swedish, we have put forward the following hypotheses that have been verified:

Hy. 3. The dimension of language variety is essential for ethnic languages that are official languages in more than one country such as English, Spanish, German, Arabic, Swahili and Chinese.

Hy. 4. The dimension of language lect is essential for all language pairs.

Hy. 5. The dimension of regional legal lect is essential for translators working with a language of country in which, apart from nationwide laws, also regional laws are enacted (Spanish, American English).

Hy. 6. The dimension of text genre is essential for all language pairs.

Hy. 7. The dimension of branch and sub-branch of law is essential for all language pairs.

Hy. 8. The dimension of terminological diachronic change is essential for all language pairs.

Hy. 9. The dimension of diglossia is essential for language pairs in which one of the languages exists in high and low varieties.

Additionally, the application of the parametric approach seems especially important for modern lexicography, that is to say creation of multilingual dictionaries designed specifically for legal translators.

One must realise that the law and the language of law have a very specific nature which stands from the fact that the legal systems are deeply embedded in cultures. For instance, the multicultural and multilingual European Union aims at unifying various fields of law. The task, however, is incredibly difficult. The authentic versions of legal acts of the European Union frequently turn out to differ in meaning despite serious efforts to make them homosignificative. The fact that societies create laws that are culture bound, tradition bound, results in the fact that some fields of law cannot be internationalised quickly, even if a foreign law is received and adopted. The process of internationalisation may be observed mostly in the new fields of law, such as copyrights, medical law or information technology law. At the same time family laws, succession laws and alike resist the process of internationalisation or undergo a very slow process of internationalisation. In such branches of law we may observe the largest number of the so-called system-bound terminology, that is to say terminology that is specific for a given legal system. At the same time right now we are witnessing the migration of people on an unprecedented scale. The migration is caused by the globalisation trends, social upheavals, wars, and economic factors. As a result of migration, there are more and more marriages entered into by persons speaking different native languages. There are more and more contracts signed between representatives of enterprises operating in various countries. The migration also inevitably leads to the increase in the number of crimes committed by foreigners. Consequently, the translation services are needed in the field of law. What is more, sometimes it is impossible to find a translator or interpreter for a given language pair. In such instances, in accordance with the convention on human rights, the person who needs linguistic assistance of the translator or interpreter should be provided with one who speaks the language the person in need understands.

Po 22 – 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.

Therefore it seems necessary to investigate the impact of the intermediary language on the process of interlingual communication.

Po 17 – Postulate of the translational distance

The translational distance between texts T1 and Tn, being, respectively, the first and the last member of a translatability chain is directly proportional to the length of this chain, that is a linear distance between T1 and Tn within this chain.

At the same time one must realise that it seems inevitable that the number of situations where the translation from the intermediary language for the so-called pivot language is going to be the necessity. The European Union, for instance, had to introduce, in respect of translations, pivot languages and, in respect of interpreting, the so-called relay interpreting in order to optimise the costs of such services. Therefore, it seems necessary to investigate how to diminish the translational distance between the source text and the targets text in the translation rendered via a pivot language.

One more research hypothesis has been put forward in the course of the research

Hy. 10 The translational distance may be diminished by creating multilingual dictionaries in which languages of smaller dissemination are linked with the languages that are pillars of given legal families.

Therefore, the British English language is a pillar language for common law systems and the languages used in those countries as the languages of legal communication. Analogously, the French language may be considered a pivot language for civil law countries of continental Europe. The question, however, remains whether for the civil law countries of continental Europe the second language, namely German, should be introduced. This issue requires further investigation. Analogously, the Chinese language may be considered

a pillar for some Asian legal systems. One may not forget about Arabic, Swahili and Hindi. However, the lack of the results of research in respect of those three languages mentioned does not allow us to draw conclusions in this respect.

As already outlined in the first chapters of this book, despite the diversity and number of legal systems in the world, one may talk about the so-called legal families (Šarčevic 2000, 13, David 2002, 25). Comparative lawyers point out that there are two traditional European legal systems, that is to say the common law system and the civil law system (Mattila 2006, 106; Karsznicki 2015, 76; David 2002, 25; Orłowska 2006). The common law system developed in England and, as a result of colonialism, was transferred into many other countries including the United States of America and Australia. The civil law system in turn is based on the Roman law reintroduced in the European countries thanks to the Napoleonic Codes and, as a result of colonialism, was transferred to the countries of Asia and Africa.

Therefore, keeping that in mind, we may conclude that for the legal family of continental Europe the languages that may serve as a benchmark for translation and act as the so-called pivot languages are French and German. The question is whether from the linguistic perspective the French and German legal systems differ to such an extent that it is necessary to distinguish them or whether one of them is going to suffice for terminology comparison purposes. Due to the fact that a larger number of European Union texts are formulated in the French language than in German, it seems justified to test the French language as a potential best pivot language for the continental European countries. Analogously, for the legal family of common law either the British English and American English language may be tested. However, the number of legal systems in force in the United States of America (that is to say the federal law and the state laws) result in the occurrence of serious obstacles in the process of terminology comparison. Therefore, in order to avoid problems connected with American legal language variants, it is rather recommended to treat the British English variety and the legal system applied in England and Wales as a benchmark for common law countries. As far as Asia is concerned, it seems justified, similarly as in the case of Europe, to introduce two benchmark languages, that is to say (i) the mainland Chinese for Mainland China (officially the People's Republic of China), Vietnam

(officially the Socialist Republic of Vietnam) and North Korea (officially the Democratic People's Republic of Korea) and (ii) Japanese for other Asian countries and especially the Republic of Korea. Additionally, the Hindi language needs to be taken into account as well. Additionally, for some Asian and African Islamic law countries one should investigate the Arabic language as a benchmark for terminology comparison. For other countries in the world the choice of the pivot language should depend on the impact of colonialism on their legal systems. From the translational perspective, however, one cannot eliminate the need of introducing the Russian language as a benchmark for some post-Soviet republics.

Therefore, taking into account the similarity of law sources, legal content, legal aims of legal practice, we may put forward a hypothesis that the most representative languages for analysis of *lingua legis* worldwide seems to be:

1. French,
2. English,
3. Russian,
4. Chinese and Japanese,
5. Arabic and
6. Hindi.

The last two though are closely related to religious systems and thus quite limited in their free influence on other legal systems. Consequently, on the basis of these – especially the first four – languages being cores of law in the distinguished legal families, it can be possible to determine further languages related to them through evolution of laws and languages.

Pivot languages are especially frequently used when translating into or from the so-called languages of smaller dissemination. The translators having no LSP dictionaries for a given language pair look for some pivot language for which there are dictionaries. If the pivot language is the language of a different legal system than the source and target languages, the shift in meaning frequently occurs. Therefore the complete homosignification is hardly achievable.

Po 16 – Postulate of the absence of complete homosignification

> No two heterolingual texts bound by the relation of translatability are completely homosignificative.

We must realize that the translators should aim at achieving the highest possible degree of homosignification. The common practice nowadays is, for instance, translation of Chinese source texts into Polish or Czech via English. Thus, the creation of benchmark languages for a given legal family as pivot languages may at least eliminate the need to resort to the intermediary language which is embedded in a legal family different than the ones in which the source and target languages are embedded.

The parametric approach may serve as a tool for the lexicographic purposes, that is to say the creation of an electronic tool enabling the detailed comparison of meanings of legal terms in various languages. As a result of the application of the methodology verified in the grant, it will be possible to create multilingual legal dictionaries destined for legal translators and comparative lawyers.

The results of the research for six language pairs enable us to draw conclusions indicating that the parametric approach may significantly influence the development of legilinguistic translatology in the selection of pairs of translational equivalents in the field of inheritance law within the linguistic combinations (French, Chinese, English) of selected major legal circles. The established benchmark languages can be used for the needs of international organizations. The results of the study may also help to create an advanced terminology comparison tool that will enable to create databases based on semantic, pragmatic, and semiotic relationships that may be further used for the creation of a parametric multilingual dictionary. In theoretical terms, the results of the research can be used to develop formalized legal translation and translation grammars for individual languages belonging to leading legal cultures and for computer-assisted translations.

It is recommended that an IT terminological tool be created. Such synchronous and diachronic parameterisers of specialized terminology will allow to automate the process of comparing the legal terminology in terms of characteristics taken from individual dimensions and terminology binding at intralingual and interlingual levels. Such a tool should also inform about crucial, from the perspective of interlingual legal communication, semantic relations

binding the terms (in particular the relation of synonymy, polysemy, hypernymy).

The parameterization of terms should be made at the level of general and detailed translatology and binding of the legal term for the benchmark languages of the main legal family, i.e. for French, Chinese and English. After the initial parameterization, a dimensional hierarchy should be applied to reveal primary and secondary differences and similarities between the analyzed terms. Subsequently, the semantic linking of the non-leading language (e.g. Polish) to French and English will allow us to check how far the effectiveness of translation is lowered when the pivot language is used (because the Polish language does not belong to the benchmark legal language). In further stages, additional languages should be added, namely German. In this step, the translational distance and translation distortion resulting from the translation chain elongation as a result of adding the intermediate language translation may be established.

To sum up, the parametric method may be adapted to computer processing at the level of legal terminology comparison via dimensioning. For this purpose, the parameters (dimensions) may be fully transformed into binary collections of features. The methodology verified in that research indicates that after the parameterization of the legal terms made using such electronic parameterizer, the qualitative analysis of the obtained results may be performed in the future. For distance calculation, the relevant dimensions elaborated in that research may be used. At the same time, the results in the form of (i) groups of relevant dimensions created so far and (ii) the communicative needs of at least two groups of recipients of target texts, i.e. close and distant recipients make it feasible to provide a translational equivalent that will be most effective communicatively in a given situation.

REFERENCES

Adamska, K. *Pojęcie kultury języka i normy językowej*. Access: http://www.edukacja.edux.pl/p-22929-pojecie-kultury-jezyka-i-normy-jezykowej.php (retrieved 07-03-2017).

Ainsworth, J. 2014. Lost in Translation? Linguistic Diversity and the Elusive Quest for Plain Meaning in the Law. Le Cheng, King Kui Sin & Anne Wagner (eds.) *The Ashgate Handbook of Legal Translation*. Farnham: Ashgate Publishing Company, pp. 43–57.

Anderson, J. N. D. 1978. *Islamic Law in Africa*. New York-Oxon: Frank Cass and Company Limited.

Arminjon, P., B. B. Nolde, & M. Wolff. 1950. Traité de Droit Comparé Tome I. *Legal Monographs and Treatises*. Paris: Librairie Génerale de Droit et de Jurisprudence.

Arnaud, A.-J., ed. 1993. *Dictionnaire encyclopédie de théorie et de sociologie du droit* [Dictionary Encyclopedia of the Theory and the Sociology of Law]. Paris: Libr. Générale de Droit et de Jurisprudence.

Badr, G. M. 1978. Islamic Law: Its Relation to Other Legal Systems. *The American Journal of Comparative Law* 26: 187–198.

Banaszak, B., H. Rot, & W. Barbasiewicz. 1995. *Główne kultury prawne współczesnego świata* [Main Legal Cultures of the Contemporary World]. Warszawa: Wydawnictwo Naukowe PWN.

Bańczerowski, J. & A. Matulewska. 2012. Towards the Foundations of Legilinguistic Translatology. In: P. Grzegorczyk, K. Knoppek & M. Walasik (eds.), *Proces cywilny. Nauka – Kodyfikacja – Praktyka. Księga jubileuszowa dedykowana Profesorowi Feliksowi Zedlerowi* (pp. 1225–1261). Warszawa: Wolters Kluwer Polska.

Bańczerowski, J. 1996. A formal approach to a general theory of language. In R. Sackmann (ed.), *Theoretical linguistics and grammatical description. Papers in honour of Hans-Heinrich Lieb. Current issues in linguistic theory*, vol. 138, 13–30. Amsterdam/Philadelphia: John Benjamins Publishing Company.

Bańczerowski, J. & Kyong-geun Oh. 2014. A draft proposal for a theory of aspect in Korean. *Rocznik Orientalistyczny* LXVII, pp. 42–54.

Bańczerowski, J. 2001. The Linguistic Legacy of Ludwik Zabrocki. In Stanisław Puppel (ed.) *The Ludwik Zabrocki Memorial Lecture*. Poznań: Adam Mickiewicz University, 9–49.

Bartsch, R. 1987. *Norms of language*. London: Longman.

Bell, J. 1995. English Law and French Law - Not So Different? *Current Legal Problems* 48: 63–101. doi:https://doi.org/10.1093/clp/48.Part_2.63.

Benmaman, V. 2000. Interpreter Issues on Appeal. *PROTEUS* vol. IX, no. 4, fall 2000.

Biel, Ł. 2011. *Jakość przekładu prawnego i prawniczego w świetle normy europejskiej pn-en 15038 oraz hipotezy uniwersaliów translatorycznych 2011. Rocznik przekładoznawczy*.

Biel, Ł. 2010. Corpus-based studies of legal language for translation purposes: methodological and practical potential. In: C. Heine & J. Engberg (Eds.), *Reconceptualizing LSP: Online proceedings of the XVII European LSP Symposium 2009*. Aarhus: Aarhus School of Business, Aarhus University. Retrieved August 1, 2016 from http://www.asb.dk/fileadmin/www.asb.dk/isek/biel.pdf.

Biel, Ł. 2014. *Lost in the Eurofog: The Textual Fit of Translated Law*. Frankfurt am Main: Peter Lang.

Black's Law Dictionary. Free Online Legal Dictionary 2nd Ed.

Blankenburg, E. & F. Bruinsman. 1994. *Dutch legal culture*. Kluwer Law and Taxation Publishers.

Blasek, K. 2015. *Rule of Law in China: A Comparative Approach*. Heidelberg - New York - Dordrecht - London: Springer Science & Business Media.

Bogusławski, A. 1986. Post-colonial writing and literary translation. In S. Bassnett & H. Trivedi (eds.) *Post-colonial translation: Theory and practice* (19–40). London: Routledge.

Brissaud, J. 1912. *History of French Private Law*. Boston: Little, Brown, and Company.

Brodecki, Z., M. Konopacka, & A. Brodecka-Chamera. 2010. *Komparatystyka kultur prawnych* [Comparative Legal Cultures]. Warszawa: Wolters Kluwer Polska sp. z o. o.

Buggle, J. C. 2016. Law and social capital: Evidence from the Code Napoleon in Germany. *European Economic Review* 87: 148–175.

Burton, L. A. 2012. *A Review of Great Legal Traditions: Civil Law, Common Law, and Chinese Law in Historical and*

Operational Perspective. Kansas Law Review 60: 1135–1146.

Buttler, D. 1976. *Innowacje składniowe współczesnej polszczyzny*. Warszawa.

Buttler, D., H. Kurkowska & H. Satkiewicz. 1982. *Kultura języka polskiego: Zagadnienia poprawności leksykalnej*. Wydawnictwo Naukowe PWN.

Castellucci, I. 2007. *Rule of Law with Chinese Characteristics*. Annual Survey of International and Comparative Law XIII: 35–92.

Ceng Xianyi 曾宪义, ed. 2000. Zhongguo Fazhishi 中国法制史 [Chinese Legal History]. Beijing 北京: Beijing Daxue Chubanshe 北京大学出版社.

Chang King-Yuh. 1991. Confucianism in the Republic of China and its Role in Mainland China's Reform. In: *Confucianism and the Modernization of China*, ed. Silke Krieger & Rolf Trauzettel, 229–242. Mainz: V. Hase & Koehler Verlag Mainz.

Chauvin, A., Moreau, E., Bonnet, S., Plantard, O., & L. Malandrin. 2009. *Babesia and its hosts: adaptation to long-lasting interactions as a way to achieve efficient transmission*. Vet. Res. 40:37. doi: 10.1051/vetres/2009020

Chen Jianfu. 2008. *Chinese Law: Context and Transformation*. Leiden: Martinus Nijhoff Publishers.

Chen Tsung-Fu. 2011. *Transplant of Civil Code in Japan, Taiwan and China: With the Focus of Legal Evolution*. National Taiwan University Law Review 6: 389–431.

Chesterman, A. 1993. "From 'is' to 'ought': translation laws, norms and strategies". In *Target* 5/1: 1-20.

Choduń, A. 2007. *Słownictwo aktów prawnych w zasobie leksykalnym współczesnej polszczyzny*. Wydawnictwo TRIO. Warszawa.

Cotterrell, R. 2008. Comparative Law and Legal Culture. In: *The Oxford Handbook of Comparative Law*, ed. Mathias Reimann and Reinhard Zimmermann, 709–752. Oxford: Oxford University Press.

Coulson, N. J. 2011. *A History of Islamic Law*. New Brunswick-London: AldineTransaction.

Dahlmanns, K. & A. D. Kubacki. 2014. *Jak sporządzać tłumaczenia poświadczone dokumentów?* Chrzanów: Wydawnictwo Biuro Tłumaczeń Kubart.

Dajczak, W., T. Giaro, & F. de Bérier. 2011. *Prawo rzymskie: U podstaw prawa prywatnego* [Roman Law: The Foundations of Private Law]. Warszawa: Wydawnictwo Prawnicze PWN.

David, R.& J. E. C. Brierley. 1978. *Major Legal Systems in the World Today*. New York-London-Toronto-Sydney-Tokyo-Singapore: Simon and Schuster.

David, R. 1950. *Traité élémentaire de droit civil comparé*. Paris: Librairie Générale de Droit et de Jurisprudence.

Dąbrowska-Partyka, M. 2005. *W poszukiwaniu nowego kanonu. Reinterpretacje tradycji kulturalnej w krajach postjugosłowiańskich po 1995 roku*. Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego.

Dean, M. 2002. *Japanese Legal System*. London - Sydney: Cavendish Publishing.

Delisle, J. (et al., ed.) 1999. *Translation Terminology*. Amsterdam/Philadephia: John Benjamins Publishing Company.

Dillon, M. 2010. *Chiny: Historia współczesna* [China. A Modern History]. Translated by Leszek Otrębski. Warszawa: Książka i Wiedza.

Drosdowski, G. 1997. *Duden: Etymologie. Das Herkunftswörterbuch. Etymologie der deutschen Sprache*. Mannheim-Leipzig-Wien-Zürich: Dudenverlag.

Dubisz, S. 1985. *Między dawnymi a nowymi laty*. Warszawa: Wydawnictwo „Książka i Wiedza", pp: 83–84.

Dunin-Dudkowska, A. 2010. *Akt notarialny jako gatunek wypowiedzi*. Lublin: Wydawnictwo Uniwersytetu Marii Curie-Składowskiej.

Eberl-Borges, C. & Y. Su. 2014. Freedom of Contract in Modern Chinese Legal Practice. *George Washington International Law Review* 46: 341–371.

Esmein, A. 1900. Le droit comparé et l'enseignement du Droit. *Nouvelle revue historique de droit français et étranger* 24: 489–498.

Faber, D. & M. Hjort-Pedersen. 2013. Expectancy and Professional Norms in Legal Translation: A Study of Explicitation and

Implicitation Preferences. In: *Fachsprache* 1-2/2013. pp: 42–62.
Faber, D., M.. Hjort-Pedersen & A. Klinge. (1996/1997). *Introduction to English Legal Language*. BA Sproglinien.
Faini, P. (ed.) 2017. *Terminological Approaches in the European Context*. Cambridge Scholars Publishing.
Fairbank, J. 2003. *Historia Chin: Nowe spojrzenie* [China. A New History]. Translated by Teresa Lechowska and Zbigniew Słupski. Narody i Cywilizacje. Warszawa: Dom Wydawniczy Bellona / Wydawnictwo MARABUT.
Fellmeth, A. X. & M. Horwitz. 2009. *Guide to Latin in International Law*. Oxford: Oxford University Press.
Frank, R. 2005. Chapter Three. Civil Code. General Provision. In: *History of Law in Japan Sice 1868*, ed. Wilhelm Röhl, 166–204. Leiden: Brill.
Friedman, L. M. 1969. *Legal Culture and Social Development.* Law & Society Review 4: 29–44.
Fu Junwei. 2011. *Modern European and Chinese Contract Law: A Comparative Study of Party Autonomy*. Alphen aan den Rijn: Kluwer Law International.
Gaines, L. K. & R. L. Miller. 2007. *Criminal Justice in Action* 4th ed., Thompson Wadsworth Publishing. pp. 495.
Galanter, M. 1966. The Modernization of Law. In *Modernization of Politics and Government*, ed. Myron Weiner, 153–165. Basic Books, Inc., Publishers.
Garner, B. A. 2002. *The Elements of Legal Style*. Oxford/New York: Oxford University Press.
Gaudiosi, M. M. 1988. The Influence of the Islamic Law of Waqf on the Development of the Trust in England: The Case of Merton College. *Univeristy of Pennsylvania Law Review* 136: 1231–1261.
Gittings, J. 2010. *Historia współczesnych Chin: Od Mao do gospodarki rynkowej* [The Changing Face of China. From Mao to Market]. Translated by Łukasz Müller. Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego.
Glendon, M. A., P. Carozza, & C. Picker. 2008. *Comparative Legal Traditions in a Nutshell*. 3rded. Nutshell. St. Paul: Thomson West.

Glenn, H. P. 2004. Legal Culture and Legal Tradition. In: *Epistemology and Methodology of Comparative Law*, ed. Mark van Hoecke, 7–20. Oxford-Portland: Hart Publishing.

Glenn, H. P. 2005. Doin' the Transsystemic: Legal Systems and Legal Traditions. *McGill Law Journal* / *Revue de droit de McGill* 50: 863–898.

Glenn, H. P. 2014. *Legal Traditions of the World: Sustainable Diversity in Law*. Oxford: Oxford University Press.

Gortych-Michalak, K. 2017. *Search for Equivalents in Legal Translation. Parametric Approach to Comparison of Legal Terminology in Polish and Greek*. Dissertationes Legilinguisticae tom 10. Poznań: Wydawnictwo Naukowe CONTACT.

Goźdź-Roszkowski, S. 2012. *Patterns of Linguistic Variation in American Legal English. A Corpus-Based Study. Series: Lodz Studies in Languag*e. Frankfurt am Main, Germany: Peter Lang Publishing House.

Grodziski, S. 2004. *Z dziejów staropolskiej kultury prawnej* [From the History of Old Polish Legal Culture]. Kraków: Towarzystwo Autorów i Wydawców Prac Naukowych "Universitas."

Gromski, W. 1999. Niektóre filozoficzno-teoretyczne podstawy konstytucyjnej koncepcji źródeł prawa. In: A. Bator (red.) *Z zagadnień teorii i filozofii prawa. Konstytucja*. Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego.

Grzybek, J. & Fu Xin. 2017. *Application of Parametric Approach to Comparison of Legal Terminology in Polish and Chinese for Translation Purposes*. Dissertationes Legilinguisticae tom 9. Poznań: Wydawnictwo Naukowe CONTACT.

Guerriero, C. 2016. Endogenous Legal Traditions. *International Review of Law and Economics* 46: 49–69. doi:10.1016/j.irle.2016.02.001.

Hadryan, M. 2017a. The Parametrisation of Legal Terminology Concerning Child Maintenance Support in the Swedish and Polish Legal Systems. *Studies in Logic, Grammar and Rhetoric*, 49 (62) 2017. DOI: 10.1515/slgr-2017-0007.

Hadryan, M. 2017b. *Polish-Swedish Translation: A Parametric Approach to Comparison of Legal Terminology*. Dissertationes Legilinguisticae tom 8. Poznań: Wydawnictwo Naukowe CONTACT.

Hage, J. 2005. *Studies in legal logic*. Dordrecht: Springer.
Hall, E. T. 1959. *The Silent Language*. New York: Doubleday; translated to Japanese in 1966 by Masao Kunihiro, Yoshimi Nagai & Mitsuko Saito as Chinmoku No Kotoba. Tokyo: Nanundo.
Hall. E. T. 1966. *The Hidden Dimension*. New York: Doubleday; translated to Japanese in 1970 by Toshio Hidaka & Nobuyuki Sato as Kakureta Jigen. Tokyo: Misuzu Shobo.
Halpérin, J.-L. 2014. Law Codification in East Asia Today: Japanese and Indian Examples. In: *Codification in East Asia: Selected Papers from the 2nd IACL Thematic Conference*, ed. Wen-Yeu Wang, 51–57. Heidelberg - New York - Dordrecht - London: Springer Science & Business Media.
Han Shiyuan. 2012. A Snapshot of Chinese Contract Law from an Historical and Comparative Perspective. In: *Towards a Chinese Civil Code: Comparative and Historical Perspectives*. Leiden/Boston: Martinus Nijhoff Publishers.
Hanley, S. 2010. What is in a Name: Our French Law (Forum: The Idea of French Law: Comment). *Law and History Review* 28: 827–836.
Hatim, B. & J. Munday. 2010. *Translation. An Advanced Resource Book*. London and New York: Routledge.
Hatim, B. 2001. *Teaching and Researching Translation*. Longman.
Head, J. W. 2009. *China's Legal Soul: The Modern Chinese Legal Identity in Historical Context*. Durham: Carolina Academic Press.
Hempel, C. G. & P. Oppenheim. (1948). *Studies in the Logic of Explanation. Philosophy of Science*, Vol. 15, No. 2. (Apr., 1948), pp. 135–175.
Hermans, T. 1985. *The Manipulation of Literature: Studies in Literary Translation.* London: Croom Helm.
Hermans, T. 1995. *Disciplinary objectives: The shifting grounds of translation studies*. In: Fernandez Nistal & Bravo Gonzalo (eds.). pp.: 9–26.
Husa, J. 2004. Classification of Legal Families Today - Is it Time for Memorial Hymn? *Revue Internationale de Droit Comparé* 56: 11–38.
Husa, J. 2012. *Legal Culture vs. Legal Tradition – Different Epistemologies?* Maastricht European Private Law Institute Working Paper. doi:10.2139/ssrn.2179890.

Irwin, M. 2011. *Loanwords in Japanese*. Amsterdam: John Benjamins Publishing.

Jäger, G. 1977. "Zu Gegenstand und Zielen der Übersetzungswissenschaft." *Vermittelte Kommunikation, Sprachmittlung, Translation*. Ed. Otto Kade. Leipzig: VEB Verlag Enzykoplädie, pp. 14-26.

Jakobson, R. (1959/1966). On Linguistic Aspects of Translation. In: Brower, Reuben A. (ed.) *On Translation*. New York: Oxford University Press, 232–239.

Jian Mi. 2013. *On the Communication of Legal Culture and the Subjective Consciousness of Culture. China Legal Science* 1: 54.

Jopek-Bosiacka, A. 2006. *Przekład prawny i sądowy*. Warszawa: PWN.

Jopek-Bosiacka, A. 2010. *Legal Communication: A Cross-Cultural Perspective*. Warsaw: Warsaw University Press.

Joseph, J. E. 1995. Indeterminancy, Translation and the Law. *Translation and the Law*, M. Morris (ed.). Amsterdam/Philadelphia: John Benjamins Publishing Company, p. 13–36.

Jouannet, E. 2006. *French and American Perspectives on International Law: Legal Cultures and International Law*. Maine Law Review 58: 291–335.

Kaczmarek, K. 2017. *Investigating Equivalents in Polish-Hungarian Translation Contrastive Parametric Study of Legal Terminology*. Dissertationes Legilinguisticae tom 6. Poznań: Wydawnictwo Naukowe CONTACT.

Kajdański, E. 2005. Chiny: Leksykon [China: A Lexicon]. Warszawa: Książka i Wiedza.

Karsznicki, K. 2015. *Główne kultury prawne na świecie*. Studia Juridica Toruniensia.

Karsznicki, K. 2014. *Główne kultury prawne na świecie* [Main Legal Cultures in the World]. Studia Iuridica Toruniensia XV.

Kelsen, H. 1979. *Allgemeine Theorie der Normen*. Wien: Manz-Verlag.

Kędzierska, K. 2012. *The evolution of Chinese contract law. Electronic International Interdisciplinary Conference* 1: 308–314.

Kielar, B. Z. 2003. *Zarys translatoryki*. Warszawa: Zakład Graficzny Uniwersytetu Warszawskiego.

Kierzkowska, D. (ed.) 2011. *Kodeks Tłumacza Przysięgłego z komentarzem*. Warszawa: Wydawnictwo TRANSLEGIS.

Kierzkowska, D. 2002. *Tłumaczenie prawnicze*. Warszawa: Wydawnictwo TEPIS.

Kim, K. S. 2014. Codification in East Asia: Commercial Law. In: *Codification in East Asia: Selected Papers from the 2nd IACL Thematic Conference*, ed. Wen-Yeu Wang, 61–79. Heidelberg - New York - Dordrecht - London: Springer Science & Business Media.

Kim, M. Seong-Hak. 2010. *Civil Law and Civil War: Michel de L'Hopital and the Ideals of Legal Unification in Sixteenth-Century France*. Forum: The Idea of French Law: 791–826.

Kishwar, M. 1994. Codified Hindu Law: Myth and Reality. *Economic and Political Weekly* 29: 2145–2161.

Klemensiewicz, Z., 2009, *Historia języka polskiego*. Warszawa: Wydawnictwo Naukowe PWN.

Koller, W. 1995. The Concept of Equivalence and the Object of Translation Studies. In: *Target* 7:2. pp.: 191–222.

Kossof, P. 2014. *Chinese Legal Research*. Durham: Carolina Academic Press.

Kościałkowska-Okońska, E. 2011. The concept of norm in professional (legal) translation and interpreting: the trainee (user) view. In: *Comparative Legilinguistics* 5/2011. pp: 23-33.

Kość, A. 2010. Recepcja prawa europejskiego w czasie Republiki Chińskiej (1912-1949) [Reception of European Law in Republic of China (1912-1949)]. In: *Chiny w oczach Polaków: Księga jubileuszowa z okazji 60-lecia nawiązania stosunków dyplomatycznych między Polską a Chińską Republiką Ludową*, ed. Józef Włodarski, Kamil Zeidler & Marcel Burdelski, 515–524. Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego.

Kubacki, A. D. 2009. Problemy tłumaczenia polskich i niemieckich wyroków w sprawach cywilnych i karnych. *Lingua legis* 17, pp. 76-85.

Kubacki, A. D. 2012. Problemy terminologiczne w tłumaczeniu uwierzytelnionym polskich i niemieckich dokumentów USC.

In: Maria Piotrowska, Joanna Dybiec-Gajer eds. *Przekład - teorie, terminy, terminologia*. Kraków: Tertium pp. 151–160.
Kubacki, A. D. 2013. Teksty paralelne jako narzędzie pomocnicze przy sporządzaniu tłumaczeń specjalistycznych. *Comparative Legilinguistics* 2013/13, 137–148.
LeClercq, T. P. 2000. *Expert Legal Writing*. Austin: University of Texas Press.
Lehman, J, & S. Phelps. 2008. *West's Encyclopedia of American Law* (edition 2). Detroit: The Gale Group.
Leung Janny HC. 2014. Translation Equivalence as Legal Fiction. Le Cheng, King Kui Sin & Anne Wagner (eds) *The Ashgate Handbook of Legal Translation*. Farnham: Ashgate Publishing Company, pp. 57–70.
Leuven-Zwart, K. W. van. 1989. Translation and original: Similarities and dissimilarities, I. In: *Target*, 1 (2): pp. 151-181.
Lewandowska-Tomaszczyk, B. 2005. *Podstawy językoznawstwa komputerowego*. Łódź: Wydawnictwo Uniwersytetu Łódzkiego.
Liang Huixing 梁彗星, ed. 2013. *Zhongguo Minfadian Cao'an Jianyi Gao* 中国民法典案建稿 [A Propositional Version for Civil Code Draft of China]. 3rded. Beijing 北京: Falü Chubanshe 法律出版社.
Luney, Percy R. Jr. 1989. *Traditions and Foreign Influences: Systems of Law in China and Japan. Law and Contemporary Problems* 52: 129–150. doi:10.2307/1191940.
Mackiewicz, Ł. 2011. *Norma wzorcowa, norma użytkowa i uzus, czyli różne odcienie poprawności językowej*. Access: http://www.jezykowedylematy.pl/2011/08/norma-wzorcowa-norma-uzytkowa-i-uzus-czyli-rozne-odcienie-poprawnosci-jezykowej/ (retrieved 14-02-2017).
Malinowski, A. 2006. *Polski język prawny. Wybrane zagadnienia*. Wydawnictwo Prawnicze LexisNexis. Warszawa.
Malinowski, A. 2008. *Redagowanie tekstu prawnego. Wybrane wskazania logiczno-językowe*. Wydawnictwo Prawnicze LexisNexis.
Malinowski, A. 2007. *Systematyka wewnętrzna ustawy*. Warszawa: Wydawnictwo Sejmowe.
Mattila, H. 2006. *Comparative Legal Linguistics. Language of Law,* (1st edition). Farnham: Ashgate Publishing Limited.

Mattila, H. 2013. *Comparative Legal Linguistics. Language of Law, Latin and Modern Lingua Francas*. (2nd edition). Farnham: Ashgate Publishing Limited.

Matulewska, A. 2013. *Towards Parametric Apprehension of Legilinguistic Translatology*. Bern: Peter Lang.

Matulewska, A. 2014. Horrory tłumaczeniowe czy tłumacze z piekła rodem? Czyli kilka słów o efektywność komunikacji interlingwalnej. *Scripta Neophilologica Posnaniensia* XIV. 101–118.

Matulewska, A. 2015. Relatywizacja przekładu prawniczego do jego odbiorców w ujęciu parametrycznym. Joanna Dybiec-Gajer (ed.). *Język a komunikacja* 36: (Nie)dosłowność w przekładzie. Od literatury dziecięcej po teksty specjalistyczne. Kraków: Tertium.

Matulewska, A. 2016a. Semantic Relations between Legal Terms. A Case Study of the Intralingual Relation of Synonymy. *Studies in logic, grammar and rhetoric*. Vol. 45 (1), pp. 167–188. DOI: https://doi.org/10.1515/slgr-2016-0022.

Matulewska, A. 2016b. Walking on Thin Ice of Translation of Terminology in Legal Settings. *International Journal of Legal Discourse*, vol 1, pp. 65-85.

Matulewska, A. 2017a. Socially Induced Changes in Legal Terminology. *Studies in Logic, Grammar and Rhetoric*, no. 49(62), pp. 153–174.

Matulewska, A. 2017b. Communities of message senders and recipients in legal settings and their communicative needs. The translator's perspective *International Journal of Legal Discourse* no. 2(1), pp. 29–46. Editor-in-Chief: Cheng, Le, Managing Editor: Gong, Mingyu. (DOI 10.1515/ijld-2017-0001)

Matulewska, A. 2017c. The Quest for Parameterised Banks of Legal Terminology – Semantic and Systemic Relations. Relation of hypernymy. Institut Universitaire Varenne: France, *Collection << Kultura >>*, pp. 299–312.

Matulewska, A. 2017d. *Contrastive Parametric Study of Legal Terminology in Polish and English. Dissertationes Legilinguisticea vol. 5*. Poznań: Wydawnictwo Contact.

Matulewska, A. & P. Nowak. 2006. Polskie sprawozdanie finansowe w tłumaczeniu na francuski. *Lingua Legis* no. 14, pp. 65–71.

Matulewska, A. 2007. *Lingua Legis in Translation: English-Polish and Polish-English Translation of Legal Texts*. Frankfurt am Main: PeterLang.

Mayoral Asensio, R. 2008. *Translating Official Documents*. Manchester, UK & Northampton, MA: St. Jerome Publishing.

Mellinkoff, D. 1982. *Legal Writing: Sense and Nonsense*. New York: Charles Scribner's Sons.

Merryman, J. H. 1969. *The Civil Law Tradition: An Introduction to the Legal Systems of Western Europe and Latin America*. Stanford: Stanford University Press.

Michaels, R. 2011. Legal Culture. In: *Max Planck Encyclopedia of European Private Law*, ed. Jürgen Basedow, Klaus J. Hopt, Reinhard Zimmermann, & Andreas Stier. Oxford University Press.

Monateri, P. G. 2003. The "Weak Law": Contaminations and Legal Cultures (Borowing of Legal and Political Forms). *Transnational Law & Contemporary Problems* 13: 575–589.

Mori Arinori, ed. 1873. *Education in Japan: A Series of Letters Addressed by Prominent Americans to Arinori Mori*. New York: D. Appleton & Co.

Nagao, H. 2005. Sprawa z Melbourne: niewłaściwe tłumaczenie przyczyną oskarżenia o niepopełnione przestępstwa. Transl. Rybińska, Z. *Lingua Legis* 13, pp. 3–7.

Nelken, D. 1997. *Comparing Legal Cultures*. Aldershot: Dartmouth.

Nelken, D. 2004. Using the concept of legal culture. Australian *Journal of Legal Philosophy*: 1–26.

Neubert, A. (1996). Textlinguistics of Translation: The Textual Approach to Translation. In: Marilyn Gaddis Rose (ed.) *Translation Horizons Beyond the Boundaries of Translation Spectrum. Translation Perspectives IX* (87–105). Binghamton: Center for Research in Translation.

Newmark, P. 1991. *About translation*. Beijing: Foreign Language Teaching and Research Press.

Newmark, P. 1982. *Approaches to Translation*. Oxford: Pergamon Press Ltd.

Newmark, P. 1988. *A Textbook of Translation*. UK: Prentice Hall International Ltd.

Newmark, P. 1991. *About Translation*. Clevedon: Multilingual Matters Ltd.

Nord, C. 1991b. Skopos, loyalty and translational conventions. In: *Target*, 3 (1). pp.: 91–109.
Nord, Ch. 2005. *Text Analysis in Translation. Theory, Methodology, and Didactic Application of a Model for translation-Oriented Text Analysis*. Amsterdam: Editions Rodopi B. V.
Nowak-Michalska, J. 2012. *Modalność deontyczna w języku prawnym na przykładzie polskiego i hiszpańskiego kodeksu cywilnego*. Wydawnictwo Rys.
Nowak-Michalska, J. 2017. *Polish-Spanish Legal Translation: A Parametric Approach*. Dissertationes Legilinguisticae tom 7. Poznań: Wydawnictwo Naukowe CONTACT.
Olinkiewicz, E., K. Radzymińska & H. Styś. 1999. *Słownik Encyklopedyczny – Język polski*. Wydawnictwo Europa. ISBN 83-87977-20-9.
Ossowska, M. 1960. *The Journal of Philosophy*. Volume 57, Issue 7, March 1960. P: 251-258.
Pałecki, K. 1974. O użyteczności pojęcia kultura prawna [On the Usefulness of the Concept of Legal Culture]. *Państwo i Prawo*: 273–296.
Pan Guoping & Ma Liming. 2010. *China's Laws*. Beijing.
Peerenboom, R. 2002. *China's Long March toward Rule of Law*. First Edit. New York: Cambridge University Press.
Petrażycki, L. 1955. *Law and Morality*. Translated by H. W. Babb. Harvard University Press, Cambridge, Mass.
Piotrowska, M. & J. Dybiec-Gajer red. 2012. *Przekład - teorie, terminy, terminologia*. Kraków: Tertium.
Pisarska, A. & T. Tomaszkiewicz. 1996. *Współczesne tendencje przekładoznawcze*. Poznań: Wydawnictwo Naukowe UAM.
PN-EN 15038 Usługi tłumaczeniowe – Wymagania dotyczące świadczenia usług. 2006. Warszawa: Polski Komitet Normalizacyjny.
Podgórecki, A. 1966. *Prestiż prawa* [The Prestige of Law]. Warszawa: Spółdzielnia Wydawniczo-Handlowa "Książka i Wiedza."
Polański, K. (red.), 1999a. *Encyklopedia językoznawstwa ogólnego*. Wrocław-Warszawa-Kraków: Zakład Narodowy imienia Ossolińskich.
Polański, K. 1993. *Encyklopedia językoznawstwa ogólnego*. Warszawa.

Radwański, Z. 2005. *Prawo cywilne – część ogólna*. Warszawa: C. H. Beck.
Rao, K.L. Seshagiri. 1998. Practitioners of Hindu Law: Ancient and Modern. *Fordham Law Review* 66: 1185–1193.
Roald, J. & S. Whittaker. 2010. Verbalization in French and Norwegian Legislative Texts: A Contrastive Case Study. In: M. Gotti & Ch. Williams (eds) *Legal Discourse Across Languages and Cultures. Linguistic Insights* 117 (95-107). Bern: Peter Lang.
Rocher, L. & D. R. Davis. 2012. *Studies in Hindu Law and Dharmaśāstra*. Anthem South Asian Normative Traditions Studies. London: Anthem Press.
Rocher, L. 1969. "Lawyers" in Classical Hindu Law. *Law & Society Review* 3: 383–402.
Rocher, L. 1978. Hindu Conceptions of Law. *The Hastings Law Journal* 29: 1283–1305.
Rodziński, W. 1974. *Historia Chin* [The History of China]. Wrocław: Zakład Narodowy im. Ossolińskich - Wydawnictwo.
Rogers, E. M., W. B. Hart & Y. Miike. 2002. *Edward T. Hall and The History of Intercultural Communication*: The United States and Japan. Keio Communication Review No. 24.
Rosen, L. 1998. *The Anthropology of Justice: Law as Culture in Islamic Society*. Cambridge-New York-Melbourne: Press Syndicate of the University of Cambridge.
Rosner, A. 2004. Badania nad kulturą prawną: Próba zarysowania problematyki [Research on Legal Culture: Attempts to Introduce the Issue]. In: *Z dziejów kultury prawnej: Studia ofiarowane Profesorowi Juliuszowi Bardachowi w dziewięćdziesięciolecie urodzin*, ed. Marek Wąsowicz, Anna Rosner, Roman Sobotka, & Andrzej Zakrzewski, 285–300. Warszawa: LIBER sp. z o.o.
Saitō Tsuyoshi. 2005. 明治の *Meiji no kotoba* [Words of Meiji]. Tokyo: Kōdansya gakuzyutu bunko.
Šarčević, S. 2000. *New Approach to Legal Translation*. The Hague: Kluwer Law International.
Schäffner, Ch. 2006. *Translation and norms*. Beijing: Foreign Language Teaching and Research Press.
Schwenzer, I. 2008. Development of Comparative Law in Germany, Switzerland and Austria. In: *The Oxford Handbook of*

Comparative Law, ed. Mathias Reimann and Reinhard Zimmermann, 69–106. Oxford-New York: Oxford University Press.

Smith, S. A., 1995. Culture Clash: Anglo-American Case Law and German Civil Law in Translation. In: Morris Marshall (ed.), *Translation and the Law*. American Translators Association Scholarly Monograph Series, vol. VIII, 1995. Amsterdam/Philadelphia: John Benjamins Publishing Company, pp. 181–197.

Smits, J. M. 2011. Is Law a Parasite? An Evolutionary Explanation of Differences among Legal Traditions. *Review of Law and Economics* 7: 791–804.

Stankovic, E. 2005. *The Influence of Roman Law on Napoleon's Code Civil*. Edited by Gardiol van Niekerk, Philip Thomas, Melodie Nöthling Slabbert, Jean-François Gerkens, Laurens Winkel, & Jan Hallebeek. Fundamina 11. Pretoria: UNISA: 310–315.

Starr, J. B. 2001. *Understanding China: A guide to China's Economy, History, and Political Structure*. New York: Hill and Wang.

Stawecki, T. & P. Winczorek. 2002. *Wstęp do prawoznawstwa*. Warszawa: C.H. Beck.

Steenstrup, C. 1996. *A History of Law in Japan Until 1868*. Leiden: Brill.

Su, Yeong-chin. 2014. Codification of Civil Law in East Asia – A General Report. In: *Codification in East Asia: Selected Papers from the 2nd IACL Thematic Conference*, ed. Wen-Yeu Wang, 181–199. Heidelberg - New York - Dordrecht - London: Springer Science & Business Media.

Sunde, J. Ø. 2010. Champagne at the Funeral - An Introduction to Legal Culture. In: *Rendezvous of European legal cultures*, ed. Jørn Øyrehagen Sunde & Knut Einar Skodvin, 11–28. Bergen: Fagbokforlaget.

Prokhorov, A. M. (ed.) 1979. *The Great Soviet Encyclopedia*. 3rd Edition (1970-1979). © 2010 The Gale Group, Inc. ed. New York: Macmillan, London: Collier Macmillan.

Tokarczyk, R. 2005a. *Współczesne kultury prawne* [Modern Legal Cultures]. Kraków: Kantor Wydawniczy Zakamycze.

Tokarczyk, R. 2005b. *Komparatystyka prawnicza* [Comparative Law]. Kraków: Kantor Wydawniczy Zakamycze.

Tokarczyk, R. 2010. Kultura prawna konfucjanizmu [Legal Culture of Confucianism]. In: *Chiny w oczach Polaków: Księga jubileuszowa z okazji 60-lecia nawiązania stosunków dyplomatycznych między Polską a Chińską Republiką Ludową*, 497–514. Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego.

Tomotaka Fujita. 2014. The Commercial Code in Japan. In: *Codification in East Asia: Selected Papers from the 2nd IACL Thematic Conference*, ed. Wen-Yeu Wang, 121–130. Heidelberg - New York - Dordrecht - London: Springer Science & Business Media.

Toury, G. 1980. *In Search of a Theory of Translation*. Tel Aviv: The Porter Institute for Poetics and Semiotics. Tel Aviv University.

Toury, G. 1995. *Descriptive Translation Studies and Beyond*. Amsterdam & Philadelphia: John Benjamins.

Valcke, C. 2006. Comparative History and the Internal View of French, German, and English Private Law. *Canadian Journal of Law and Jurisprudence* XIX: 133–160.

van der Walt, L. M. 2006. Comparative method: Comparing legal systems and/or legal cultures. *Speculum Juris* 1: 51–64.

van Hoecke, M.& M. Warrington. 1998. Legal Cultures, Legal Paradigms and Legal Doctrine: Towards a New Model for Comparative Law. *The International and Comparative Law Quarterly* 47: 495–536.

Varga, C. 2012. *Comparative Legal Cultures: On Traditions Classified, their Rapprochement and Transfer, and the Anarchy of Hyper-rationalism with Appendix on Legal Ethnography*. Budapest: SZENT ISTVÁN TÁRSULAT Az Apostoli Szentszék Könyvkiadója.

Vermeer, H. J. 1978. Ein Raahem für eine Allgemeine Translationstheorie. *Lebende Sprachen* 3, 99–102.

Vermeer, H. J. 1983. *Aufsätze zur Translationstheorie*. Heidelberg: Mimeo.

Vermeer, H. J. 2001. Skopos and Commission in Translational Action, In: *The Translation Studies Reader*, Venuti, Lawrence / Baker, Mona (eds.), 221–236. London/New York: Routlege.

Vogenauer, S. 2005. *An Empire of Light - Learning and Lawmaking in the History of German Law*. Cambridge Law Journal.

von Wright, G. H. 1963. *Norm and action. A logical enquiry*. London: Routledge and Kegan Paul.
Walczak, B. 1995. *Zarys dziejów języka polskiego*. Poznań.
Walter, T. 2009. *Kleine Stilkunde für Juristen*. Nd edition. Munich: Verlag C. H. Beck.
Wang, Wen-Yeu & Yen-Lin Agnes Chiu. 2014. The Defining Characteristics of the Legal Family in East Asia. In: *Codification in East Asia: Selected Papers from the 2nd IACL Thematic Conference*, ed. Wen-Yeu Wang, 3–18. Heidelberg - New York - Dordrecht - London: Springer Science & Business Media.
Watson, A. 2004. Legal Culture v Legal Tradition. In: *Epistemology and Methodology of Comparative Law*, ed. Mark van Hoecke, 1–6. Oxford-Portland: Hart Publishing.
Wronkowska, S. & M. Zieliński. 2004. *Komentarz do zasad techniki prawodawczej*. Warszawa: Wydawnictwo Sejmowe.
Wronkowska, S. 2005. *Podstawowe pojęcia prawa i prawoznawstwa*. Poznań: Ars boni et aequi.
Wydell, T. N., K. Patterson, & B. Butterworth. 1995. The Inconsistency of Consistency Effects in Reading: The Case of Japanese Kanji. *Journal of Experimental Psychology: Learning. Memory, and Cognition* 21: 1155–1168.
Zabrocki, L. 1963. *Wspólnoty komunikatywne w genezie i rozwoju języka niemieckiego. Część I. Prehistoria języka niemieckiego.* Wrocław/Warszawa/Kraków: Zakład Narodowy imienia Ossolińskich Wydawnictwo Polskiej Akademii Nauk.
Zhang Jinfan. 2014. *The Tradition and Modern Transition of Chinese Law*. Translated by Zhang Lixin. Heidelberg: Springer Science & Business Media.
Zhang Lihong. 2004. The Codification of Civil Law in China: History, Current Situation and Prospective. In: *Studium Iuris*. Padova.
Zhang Mo. 2006. *Chinese Contract Law: Theory and Practice.* Leiden/Boston: BRILL.
Zhao, Y. 2000. Legal legislation in the legislative genre. *Journal of Translation Studies, 4*, 19–44.
Zieliński, M. 2002. *Wykładnia prawa. Zasady. Reguły. Wskazówki.* Warszawa: Wydawnictwo Prawnicze LexisNexis.

Zou Keyuan. 2006. *China's Legal Reform: Towards the Rule of Law*. Leiden: Martinus Nijhoff Publishers.
Zweigert, K. & H. Kötz. 1998. *An Introduction to Comparative Law*. Oxford-New York: Clarendon Press and Oxford University Press

Website

Emancipation of Minors https://www.law.cornell.edu/wex/emancipation_of_minors (Retrieved in May 2017)
Juvenile https://legal-dictionary.thefreedictionary.com/Juvenile+Law (Retrieved in May 2017)
Kodeks Tłumacza Przysięgłego [Code of Sworn Translators] http://tepis.org.pl/pdf-doc/kodeks-tp.pdf (Retrieved in January 2017)
PN-EN 15038 Usługi tłumaczeniowe – Wymagania dotyczące świadczenia usług. 2006. Warszawa: Polski Komitet Normalizacyjny.
Prisons and Prison Life: Juvenile crime is on the rise. Is it right or fair to treat and charge juveniles as adults? Retrieved August 07, 2017. https://www.quora.com/Prisons-and-Prison-Life-Juvenile-crime-is-on-the-rise-Is-it-right-or-fair-to-treat-and-charge-juveniles-as-adults (Retrieved in May 2017)
Roman Legal Tradition http://www.romanlegaltradition.org/ (Retrived on 2 November 2016)
The Free Dictionary http://legal-dictionary.thefreedictionary.com/Juvenile+Law (Retrieved in May 2017)

Sources of examples (legislation):

Act of 8 August 1996 about Council of Ministers (Dz. U. 2012 item 392) [Ustawa z dnia 8 sierpnia 1996 r. o Radzie Ministrów (Dz.U. z 2012 r. poz. 392)]. http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19961060492 (Retrieved in April 2017)
Administrative Decree of the Ministry of Internal Affairs No. 99 (OL. 2048/2) of 2 May 1929 on a set of principles and forms of technical development of laws and regulations, published in the Official Journal of the Ministry of Internal Affairs No.

7 of 1929 [Okólnik Ministra Spraw Wewnętrznych Nr 99 (OL. 2048/2) z dnia 2 maja 1929 w sprawie zbioru zasad i form technicznego opracowywania ustaw i rozporządzeń (Dziennik Urzędowy Ministerstwa Spraw Wewnętrznych nr 7 z 1929 r. poz. 147].

Age of Legal Capacity Act 1991 http://www.legislation.gov.uk/ukpga/1991/50/pdfs/ukpga_19910050_en.pdf (Retrieved in July 2017)

American Criminal Law http://www.lexisnexis.com/documents/pdf/20160617014918_large.pdf (Retrieved in July 2017)

American Family Law https://www.americanbar.org/groups/public_education/resources/law_issues_for_consumers/books_family_home.html (Retrieved in July 2017)

American Uniform Adoption Act (1994) http://www.uniformlaws.org/shared/docs/adoption/uaa_final_94.pdf (Retrieved in July 2017)

American Uniform Child Abduction Prevention Act (2006) http://www.uniformlaws.org/shared/docs/child_abduction_prevention/ucapa_final_oct06.pdf (Retrieved in July 2017)

California Family Code http://codes.findlaw.com/ca/family-code/#!tid=NE3836200B6A4406B5929B (Retrieved in June 2017)

Children and Young Persons Act 1933 to 1969 https://www.legislation.gov.uk/ukpga/1969/54/pdfs/ukpga_19690054_en.pdf (Retrieved in July 2017)

Chinese General Provisions of Civil Law, promulgated on 15 March 2017 http://www.npc.gov.cn/npc/xinwen/2017-03/15/content_2018907.htm (Retrieved in March 2017)

Civil Code of Louisiana https://www.legis.la.gov/legis/Law.aspx?d=111019 (Retrieved in May 2017)

Civil Code of Malta file:///C:/Users/Matulewska/Downloads/document.pdf (Retrieved in May 2017)

Civil Code Of Québec http://legisquebec.gouv.qc.ca/en/showdoc/cs/CCQ-1991 (Retrieved in April 2017)

Civil Marriage Act S.C. 2005 (Canada) http://laws-lois.justice.gc.ca/eng/acts/c-31.5/page-1.html (Retrieved in July 2017)
Contract Marriage and the Military in USA http://www.futurescopes.com/getting-married/10056/contract-marriage-and-military-usa (Retrieved in July 2017)
Criminal Law Act 1977 CHAPTER 45 (UK) http://www.legislation.gov.uk/ukpga/1977/45/pdfs/ukpga_19770045_en.pdf (Retrieved in July 2017)
Decree no. 238 of the President of the Council of Ministers on 9 December 1961 on Principles of Legislative Technique] published in Warsaw in 1962. [Zarządzenie nr 238 Prezesa Rady Ministrów z dnia 9 grudnia 1961 r. w sprawie Zasad techniki prawodawczej]
Delaware Code § 904 http://delcode.delaware.gov/title4/ (Retrieved in July 2017)
Family Law Reform Act 1969 CHAPTER 46 (UK) http://www.legislation.gov.uk/ukpga/1969/46/pdfs/ukpga_19690046_en.pdf (Retrieved in July 2017)
French Civil Code, promulgated on 21 March 1804, consolidated version of 1 October 2017 https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070721 (Retrieved in March 2017)
German Civil Code, first promulgated on 18 August 1986, consolidated version promulgated on 2 January 2002, last amended on 1 October 2013 https://www.gesetze-im-internet.de/bgb/ (Retrieved in March 2017)
Japanese Civil Code, promulgated 27 April 1896, last amended on 11 December 2013 http://www.moj.go.jp/content/000056024.pdf (Retrieved in March 2017)
Law of Property Act 1925, s. 1 (6) https://www.legislation.gov.uk/ukpga/1925/20/pdfs/ukpga_19250020_en.pdf (Retrieved in July 2017)
Liquor Control Act. State of Connecticut https://www.cga.ct.gov/2017/pub/chap_545.htm (Retrieved in July 2017)
Louisiana Civil Code http://lcco.law.lsu.edu/?uid=20&ver=en#20 (Retrieved in April 2017)
Polish Act of 26 October 1982 on the Procedure in Juvenile Matters [Ustawa z dnia 26 października 1982 r. o postępowaniu w

sprawach nieletnich] http://dziennikustaw.gov.pl/du/1982/s/35/228 (Retrieved in April 2017)
Polish Civil Code of 23 April 1964, Dz.U. of 1964, no. 16, item 93 [Ustawa z dnia 23 kwietnia 1964 r. – Kodeks cywilny, Dz.U. 1964 nr 16 poz. 93.] http://isap.sejm.gov.pl/DetailsServlet?id=WDU19640160093. (Retrieved on 16 December 2016).
Polish Code of Civil Procedure of 1964 of 17 November 1964 [Ustawa Kodeks Postępowania Cywilnego z dnia 17 listopada 1964 r.] isap.sejm.gov.pl/Download?id=WDU19640430296&type=3 (Retrived on 3 December 2015).
Polish Code of Commercial Partnerships and Companies [Ustawa z dnia 15 września 2000 r. Kodeks spółek handlowych] http://isap.sejm.gov.pl/DetailsServlet?id=WDU20000941037 (Retrieved on 10 October 2014).
Polish Criminal Code of 6 June 1997 [Ustawa z dnia 6 czerwca 1997 r. Kodeks karny Dz.U. 1997 Nr 88 poz. 553.] isap.sejm.gov.pl/Download?id=WDU19970880553&type=3 (Retrived on 3 January 2017).
Polish Family and Guardianship Code, Dz.U. of 1964 no. 9 item 59 [Ustawa z dnia 25 lutego 1964 r. – Kodeks rodzinny i opiekuńczy. Dz.U. 1964 nr 9 poz. 59] http://isap.sejm.gov.pl/DetailsServlet?id=WDU19640090059 (Retrieved on 26 December 2016).
Polish Insolvency and Rehabilitation Law [Ustawa z dnia 28 lutego 2003. Prawo upadłościowe i naprawcze] http://isap.sejm.gov.pl/DetailsServlet?id=WDU20030600535 (Retrieved on 10 September 2014).
Polish Insolvency Law [Ustawa z dnia 28 lutego 2003. Prawo upadłościowe] Dz.U. 2015 poz. 233 (Retrieved on 20 December 2016).
Polish Labour Law of 26 June 1974, Dz.U. of 1974 no. 24 item 141 [Ustawa z dnia 26 czerwca 1974 r. Kodeks pracy, Dz.U. 1974 nr 24 poz. 141.] http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19740240141&type=3 (Retrieved in April 2017)
Prime Minister's Regulation of 20 June 2002 on the "Principles of Legislative Technique" (Dz. U. 2016, item 283)

[Rozporządzenie Prezesa Rady Ministrów z dnia 20 czerwca 2002 r. w sprawie „Zasad techniki prawodawczej”.]. http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20021000908 (Retrieved in April 2017)

Resolution no. 147 of the Council of Ministers of 5 November 1991 on the Principles of Legislative Technique (M. P. 1991 No. 44, item. 310 [Uchwała Nr 147 Rady Ministrów z dnia 5 listopada 1991 r. w sprawie zasad techniki prawodawczej)]. http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WMP19910440310 (Retrieved in April 2017)

Scottish Liferent Caution Act 1535 http://www.legislation.gov.uk/aosp/1535/14/contents (Retrieved in April 2017)

Scottish Liferent Caution Act 1535 http://www.legislation.gov.uk/aosp/1535/14/contents) (Retrieved in March 2017)

Appendix 1. Exemplary table presenting possible equivalents coined for non-litigious registration procedures concerning entries in the Polish National Court Register [Krajowy Rejestr Sądowy] regulated by articles 694^{1}-694^{8}.

Dimensions for		Coined term	TLOT English term
	postępowanie rejestrowe	Registration poceedings / procedure	
Being an entry	wpis		entry
Being a procedure for making an entry	Sprawa o wpis	Case for making an entry	
	Sprawa o wpis do Krajowego Rejestru Sądowego **(KRS)**	Case for making an entry into the National Court Register	
	Sprawa o wpis do **rejestru przedsiębiorców**	Case for making an entry into the register of entrepreneurs	
	Sprawa o wpis do **rejestru dłużników niewypłacalnych**	Case for making an entry into the register of insolvent debtors / debtors unable to pay their debts	
	Sprawa o wpis do **rejestru stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Case for making an entry into the register of associations, foundations and other social and professional organizations	
Being a procedure for crossing out an entry	Sprawa o wykreślenie	Case for crossing out	
	Sprawa o wykreślenie podmiotu z **KRS**	Case for crossing out an entity from the National Court	

		Register	
	Sprawa o wykreślenie podmiotu z **rejestru przedsiębiorców**	Case for crossing out an entity from the register of entrepreneurs	
	Sprawa o wykreślenie podmiotu z **rejestru dłużników niewypłacalnych**	Case for crossing out an entity from the insolvent debtors / debtors unable to pay their debts	
	Sprawa o wykreślenie podmiotu z **rejestru stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Case for crossing out an entity from the register of associations, foundations and other social and professional organizations	
Being a procedure for altering an entry	Sprawa o zmianę wpisu	Case for altering an entry	
	Sprawa o zmianę wpisu w **KRS**	Case for altering an entry in the National Court Register	
	Sprawa o zmianę wpisu w **rejestrze przedsiębiorców**	Case for altering an entry in the register of entrepreneurs	
	Sprawa o zmianę wpisu w **rejestrze dłużników niewypłacalnych**	Case for altering an entry in the insolvent debtors / debtors unable to pay their debts	
	Sprawa o zmianę wpisu w rejestrze **stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Case for altering an entry in the register of associations, foundations and other social and professional organizations	

Being a procedure for supplementing an entry	Sprawa o uzupełnienie wpisu	Case for supplementing an entry	
	Sprawa o uzupełnienie wpisu w **KRS**	Case for supplementing an entry in the National Court Register	
	Sprawa o uzupełnienie wpisu w **rejestrze przedsiębiorców**	Case for supplementing an entry in the register of entrepreneurs	
	Sprawa o uzupełnienie wpisu w **rejestrze dłużników niewypłacalnych**	Case for supplementing an entry in the insolvent debtors / debtors unable to pay their debts	
	Sprawa o uzupełnienie wpisu w **rejestrze stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Case for supplementing an entry in the register of associations, foundations and other social and professional organizations	
Being the national court register or other type of register	Krajowy Rejestr Sądowy	the National Court Register	
	Rejestr Przedsiębiorców	the register of entrepreneurs	
	Rejestr dłużników niewypłacalnych	the insolvent debtors / debtors unable to pay their debts	
	Rejestr stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych	the register of associations, foundations and other social and professional organizations	
Being the registration procedure	rejestrowa	regitration	

Being an application for making an entry	wniosek o wpis	Application for making an entry	
	Wniosek o wpis do Krajowego Rejestru Sądowego **(KRS)**	Application for making an entry in the National Court Register	
	Wniosek o wpis do **rejestru przedsiębiorców**	Application for making an entry in the register of entrepreneurs	
	Wniosek o wpis do **rejestru dłużników niewypłacalnych**	Application for making an entry in the insolvent debtors / debtors unable to pay their debts	
	Wniosek o wpis do **rejestru stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Application for making an entry in the register of associations, foundations and other social and professional organizations	
Being an application for crossing out an entity	wniosek o wykreślenie	Application for crossing out an entity	
	Wniosek o wykreślenie podmiotu z **KRS**	Application for crossing out an entity from the National Court Register	
	Wniosek o wykreślenie podmiotu z **rejestru przedsiębiorców**	Application for crossing out an entity from the register of entrepreneurs	
	Wniosek o wykreślenie podmiotu z **rejestru dłużników niewypłacalnych**	Application for crossing out an entity from the insolvent debtors / debtors unable to pay their debts	
	Wniosek o wykreślenie podmiotu z **rejestru stowarzyszeń,**	Application for crossing out an entity from the register of associations, foundations and other	

	fundacji oraz innych organizacji społecznych i zawodowych	social and professional organizations	
Being an application for altering an entry	wniosek o zmianę wpisu	Application for altering an entry	
	Wniosek o zmianę wpisu w **KRS**	Application for altering an entry in the National Court Register	
	Wniosek o zmianę wpisu w **rejestrze przedsiębiorców**	Application for altering an entry in the register of entrepreneurs	
	Wniosek o zmianę wpisu w **rejestrze dłużników niewypłacalnych**	Application for altering an entry in the insolvent debtors / debtors unable to pay their debts	
	Wniosek o zmianę wpisu w **stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Application for altering an entry in the register of associations, foundations and other social and professional organizations	
Being an application for supplementing an entry	wniosek o uzupełnienie wpisu	Application for supplementing an entry	
	Wniosek o uzupełnienie wpisu w **KRS**	Application for supplementing an entry in the National Court Register	
	Wniosek o uzupełnienie wpisu w **rejestrze przedsiębiorców**	Application for supplementing an entry in the register of entrepreneurs	
	Wniosek o uzupełnienie wpisu w **rejestrze dłużników**	Application for supplementing an entry in the insolvent debtors / debtors unable to pay their	

	niewypłacalnych	debts	
	Wniosek o uzupełnienie wpisu w **rejestrze stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Application for supplementing an entry in the register of associations, foundations and other social and professional organizations	
Being an order	postanowienie o wpisie	Order on making an entry	
	Postanowienie o wpisie do Krajowego Rejestru Sądowego **(KRS)**	Order on making an entry in the National Court Register	
	Postanowienie o wpisie do **rejestru przedsiębiorców**	Order on making an entry in the register of entrepreneurs	
	Postanowienie o wpisie do **rejestru dłużników niewypłacalnych**	Order on making an entry in the insolvent debtors / debtors unable to pay their debts	
	Postanowienie o wpisie do **rejestru stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Order on making an entry in the register of associations, foundations and other social and professional organizations	
	Postanowienie o wykreśleniu	Order on crossing out an entity	
	Postanowienie o wykreśleniu podmiotu z **KRS**	Order on crossing out an entity from the National Court Register	
	Postanowienie o wykreśleniu podmiotu	Order on crossing out an entity from the register of	

	z **rejestru przedsiębiorców**	entrepreneurs	
	Postanowienie o wykreśleniu podmiotu z **rejestru dłużników niewypłacalnych**	Order on crossing out an entity from the insolvent debtors / debtors unable to pay their debts	
	Postanowienie o wykreśleniu podmiotu z **rejestru stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Order on crossing out an entity from the register of associations, foundations and other social and professional organizations	
	Postanowienie o zmianie wpisu	Order on altering an entry	
	Postanowienie o zmianie wpisu w **KRS**	Order on altering an entry in the National Court Register	
	Postanowienie o zmianie wpisu w **rejestrze przedsiębiorców**	Order on altering an entry in the register of entrepreneurs	
	Postanowienie o zmianie wpisu w **rejestrze dłużników niewypłacalnych**	Order on altering an entry in the insolvent debtors / debtors unable to pay their debts	
	Postanowienie o zmianie wpisu w **stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Order on altering an entry in the register of associations, foundations and other social and professional organizations	
	Postanowienie o uzupełnieniu wpisu	Order on supplementing an entry	
	Postanowienie o uzupełnieniu	Order on supplementing an	

	wpisu w **KRS**	entry in the National Court Register	
	Postanowienie o uzupełnieniu wpisu w **rejestrze przedsiębiorców**	Order on supplementing an entry in the register of entrepreneurs	
	Postanowienie o uzupełnieniu wpisu w **rejestrze dłużników niewypłacalnych**	Order on supplementing an entry in the insolvent debtors / debtors unable to pay their debts	
	Postanowienie o uzupełnieniu wpisu w **rejestrze stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Order on supplementing an entry in the register of associations, foundations and other social and professional organizations	
Being an appeal in rgeistration procedure	Apelacja od postanowienia o wpisie do Krajowego Rejestru Sądowego **(KRS)**	Appeal on an order on making an entry in the National Court Register	
	Apelacja od postanowienia o wykreśleniu podmiotu z **KRS**	Appeal on an order on crossing out an entity from the National Court Register	
	Apelacja od postanowienia o zmianie wpisu w **KRS**	Appeal on an order on altering an entry in the National Court Register	
	Apelacja od postanowienia o uzupełnieniu wpisu w **KRS**	Appeal on an order on supplementing an entry in the National Court Register	
	Apelacja od postanowienia o wpisie do **rejestru**	Appeal on an order on making an entry in the register of entrepreneurs	

	przedsiębiorców		
	Apelacja od postanowienia o wykreśleniu podmiotu z **rejestru przedsiębiorców**	Appeal on an order on crossing out an entity from the register of entrepreneurs	
	Apelacja od postanowienia o zmianie wpisu w **rejestrze przedsiębiorców**	Appeal on an order on altering an entry in the register of entrepreneurs	
	Apelacja od postanowienia o uzupełnieniu wpisu w **rejestrze przedsiębiorców**	Appeal on an order on supplementing an entry in the register of entrepreneurs	
	Apelacja od postanowienia o wpisie do **rejestru dłużników niewypłacalnych**	Appeal on an order on making an entry in the insolvent debtors / debtors unable to pay their debts	
	Apelacja od postanowienia o wykreśleniu podmiotu z **rejestru dłużników niewypłacalnych**	Appeal on an order on crossing out an entity from the insolvent debtors / debtors unable to pay their debts	
	Apelacja od postanowienia o zmianie wpisu w **rejestrze dłużników niewypłacalnych**	Appeal on an order on altering an entry in the insolvent debtors / debtors unable to pay their debts	
	Apelacja od postanowienia o uzupełnieniu wpisu w **rejestrze**	Appeal on an order on supplementing an entry in the insolvent debtors / debtors unable to pay their	

	dłużników niewypłacalnych	debts	
	Apelacja od postanowienia o wpisie do **rejestru stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Appeal on an order on making an entry in the register of associations, foundations and other social and professional organizations	
	Apelacja od postanowienia o wykreśleniu podmiotu z **rejestru stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Appeal on an order on crossing out an entity from the register of associations, foundations and other social and professional organizations	
	Apelacja od postanowienia o zmianie wpisu w **stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Appeal on an order on altering an entry in the register of associations, foundations and other social and professional organizations	
	Apelacja od postanowienia o uzupełnieniu wpisu w **rejestrze stowarzyszeń, fundacji oraz innych organizacji społecznych i zawodowych**	Appeal on an order on supplementing an entry in the register of associations, foundations and other social and professional organizations	

Being a complaint	zażalenie na postanowienie sądu o wpis do rejestru gospodarczego w zakresie stosowania grzywny.	Complaint against an order on making an entry in the commercial register in the scope of imposing a fine	
Being an entity	podmiot gospodarczy	Economic entity, entity running business, entrepreneur	
	niewypłacalny dłużnik	Insolvent debtor, debtor unable to pay his debts	
	stowarzyszenie	association	
	fundacja	foundation	
	organizacja społeczne	Social organization	
	organizacja zawodowa	Professional organization	

Appendix 2. Exemplary table presenting differences in meaning revealed thanks to parametrization of the following English terms: *minor*, *juvenile*, *adult*, *underage*

	MINOR	**JUVENILE**	**ADULT**	**UNDERAGED**
Legal vs. Non-legal	legal	legal	legal	non-legal or semi-legal
Branch of law	civil law & family law	criminal law	civil law	- or criminal law
Age (under the Family Law Reform Act 1969)	under 18 (Previous age of a minor person: 21)	below 18 under 19 (Wyoming) below 16 (Connecticut, New York, North Carolina) sometimes between 18-21 also	In most of the world, including most of the United States, parts of the United Kingdom (England, Northern Ireland, Wales) the legal adult age is 18 for most purposes, with some notable exceptions: a) Scotland (United Kingdom) (16) b) British Columbia, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut, Yukon	under 21

			Territory in Canada (though there are some exceptions in which Canadians may be considered legal adults in certain situations); Nebraska and Alabama in The United States (19) c) Australia (20)	
Former name/other name	infant	-	-	under age
May hold property as an adult	yes	yes	yes	yes
Voting	prohibited	-	yes	-
Purchasing alcohol, tobacco products, knives and fireworks	prohibited	prohibited	yes	-
Driving certain large vehicles	prohibited	must be at least 18	yes	yes
Holding a legal estate land	no	yes	yes	yes
Inheritance	by personal representative	depends on the juvenile age	yes	yes
Bankruptcy	yes	depends on the juvenile age	yes	yes
Criminal responsibility	yes	yes	yes	yes
The age of	yes	depends on	yes	-

consent (medical treatment, etc.)	Even at the age of 16	the juvenile age		
Compulsory school attendance	yes	yes	no	no
Entering into contracts	cannot	cannot	yes	yes
United States	casino gambling, handgun ownership and the consuming of alcohol – under 21	-	the same as minor but over 21	under 21 or sometimes even 18
Institution dealing with cases	Youth Offending Team (England and Wales) → Young Offender Institution	juvenile court or adult court (when heinous crime)	court	-
Sitting on a jury	prohibited	-	yes	-
Standing as a candidate	prohibited	-	yes	-
Buying or renting films with an 18 certificate or R18 certificate or seeing them in a cinema	prohibited	-	yes	-
Being depicted in pornographic materials	prohibited	-	yes	-
Accessing adoption records	prohibited	-	yes	must be at least 18
Marriage	prohibited	-	yes	must be at least 18

Serving in the military	prohibited	-	yes	-

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