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HORIZONTAL AND VERTICAL DISTRIBUTION PATTERNS OF NEARLY-SYNONYMOUS TERMS IN THE LANGUAGE OF LAW

Lawyers deny the existence of synonyms, but this issue comes to the fore in the legilinguistic considerations when dealing with texts from the perspective of translation.² Translators frequently encounter the challenge of the system adequate categorisation of hyponymically related terms which – according to the bilingual lexicographic sources consulted for a specific entry – are all target language equivalents of specific English terms. The genre factor is also to be taken into consideration. The research aims at presenting practical guidelines as regards the system inherent principles related to the distribution of semantically related terms. It is assumed that the factors determining the context-specific use of the nearly-synonymous terms are accounted for in the horizontal and vertical perspective by reference to the legal genres and systemic, hierarchical arrangement of the relevant legal provisions respectively.

The study is based on authentic materials and the data have been extracted from court files in the domain of commercial law. The corpus consists of parallel texts, i.e. English documents and their Polish translations.

Keywords: nearly-synonymous terms, categorisation, vertical and horizontal perspective, legal translation.

1. INTRODUCTION

The comparative analysis of the Polish translations of English legal texts shows many terminological misfires involving the inconsistent distribution of semantically related terms³. The same English terms, in parallel contexts, are translated inconsistently with a number of equivalents.

In general, the aim of the research was to identify a framework for the complementary distribution of the nearly-synonymous terms taking account of genre distinctions, factors related to the interdisciplinary character of legal discourse, and its intertextual and system-inherent nature. The discussion here specifies the findings presented in the previous studies conducted by the author, related to the context dependency in making

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² Cf. Galdia, M. 2009. *Legal Linguistics*. Frankfurt am Main: Peter Lang, pp. 99-101 and Więclawska, E. 2015. 'Contextually-conditioned distribution of semantically-related terms in translation of legal texts'. In: M. Wierzbicka and L. Wille, (eds.) *In the Field of Contrastive and Applied Linguistics*. Rzeszów: Wydawnictwo Uniwersytetu Rzeszowskiego, pp. 38-50.

³ Reference is made to the notion of *semantic relations*, which – in the context discussed – means mainly synonymy and hyponymy. For more information see, for example, Kortmann, B. 2005. *English Linguistics: Essentials*. Berlin: Cornelsen Verlag, pp. 201 – 208.

terminological choices.⁴ In what follows, the author restricts the corpus material in focusing on commercial law terminology, but at the same time introduces new perspectives to the discussion, taking account of some new sociolinguistic aspects of legal communication, including genre distinctions, the phenomenon of linguistic interference and discipline-related features of the discourse analysed.

The discussion presented in the paper revolves around two case studies illustrating the model in point. The data were gathered in a search of court documents on file in 2016 (National Court Register, Rzeszów), which constitutes part of a larger research project on multilingual management and translation of court documents consisting in quantitative and qualitative analysis of court textual genres. The corpus is composed of English documents and their Polish translations.⁵ The texts making up the corpus are referred to as hybrid legal texts, along the typology accepted in the literature of the subject.⁶ The steps taken in the research were as follows: (1) to identify the cases of inconsistency in the translation of the source texts making up the corpus, (2) to verify the translators' choices against the reference material, including various genres of descriptive and prescriptive legal texts, and to verify the distribution of the sample material therein (3) to identify the distribution criteria and propose guidelines. The material discussed in the paper was selected as representative for the cases analysed and most recurring in the texts analysed.

The conclusions are built on the relevant theories proposed in the literature of the subject as regards intertextuality, systemicity, genre-distinctiveness, interdisciplinarity in legal discourse. The comparative analysis aims at formulating guidelines for translation from the perspective of domestication theory which prioritises adjustment to the contextual conditionings of the target culture.

The author posed the thesis that inconsistency is often caused by the difficulty in the conceptual categorisation of the semantically related terms against the background of legal discourse which, together with the genre-related implications, allows us to propose a tentative distribution model. Specifically, the thesis to be verified is as follows: the nearly synonymous terms, listed as equivalents of specific English legal terms, allow themselves to be differentiated on the grounds of (1) the text genre factor, where the linguistic environment against which we consider the disjunctive distribution of the nearly-synonymous terms is constituted by texts regulating the same area of substantive and/or procedural law, but differing in respect of genre (**horizontal perspective**); and (2) the systemic character of the legal language, consisting in the distinction into the *lex specialis/lex generalis* principle (**vertical perspective**). In the second scenario, the distribution of the nearly-synonymous terms is viewed in the hierarchical perspective of the system of law, featured by a systemic character with the main organising force being the criterion of detail, subordination and inclusion.

⁴ Więclawska, E., J. Pękała 2013. 'Why does translation hurt? Some remarks on the complementary distribution of legal terms in legal discourse'. In: M. Kudła, G.A. Kleparski (eds.) *Galicja English Studies*. Chełm: Wydawnictwo TAWA, pp. 121-136 and Więclawska, E. 2015, *op. cit.*

⁵ Cf. Więclawska, E. 2016. 'Integrating the needs of the local market in teaching legal translation'. In: *Humanities and Social Sciences*, vol. XXI, 23 (2/2016), pp. 245-252.

⁶ Reference is made to the division of legal texts into three types: prescriptive, descriptive and hybrid texts. For more details see Šarčević, S. 1997. *New Approach to Legal Translation*. The Hague: Kluwer Law International.

2. CASE STUDIES

The first case discussed here is illustrative of the horizontally organised perspective as regards the distinctiveness of the nearly synonymous terms. The case in point is the English term *corporation* and its target language equivalents in Polish, that is *korporacja* and *spółka*.⁷ The sample data drawn from the corpus include the following extracts, where the term in question is translated as *spółka* in the first two instances and *korporacja* in the last one.

Extract no. 1; Extracted from *Written Resolutions (USA)*/legal form: corporation ('Corp.') *The office of the corporation is to be located in the county of Kings, State of New York.*

Extract no. 2; Extracted from *Current Appointments (UK)*/legal form: limited partnership ('lp') *The name of the corporation is [...].*

Extract no. 3; Extracted from *Certificate of Incorporation (UK)*/legal form: limited liability company ('Ltd.') *The purposes for which the corporation is formed are as follows: To engage in a general construction business [...].*

The translation process shows a high degree of inconsistency. The analysis of the reference materials makes it possible to propose some tentative guidelines in point. The findings are that *corporation* is correctly translated as *spółka* in the corpus texts, and the use of the term *korporacja* in Polish as an equivalent here is an example of inaccurate translation on the grounds of its affiliation to a different text genre (the horizontal perspective of legal discourse). From the point of view of the domestication theory in translation, *spółka* proves to be the correct equivalent here in that it sets the recipient in the proper target language contexts, following the terminology of prescriptive texts and hybrid texts in Polish legal culture. Namely, *spółka* is the term which precisely corresponds to the semantic range of the source language term *corporation* in that it denotes any kind of legal form under which economic activity can be conducted following the provisions of the Code of Commercial Companies, henceforth referred to as KSH. In view of the impossibility to find the ideal equivalent for the legal form of a company because of the differences in the legal systems of the source and target culture, choosing the most general term used in the parallel type of texts is assumed to be recommended.

The systemically unorthodox use of the term *korporacja* in the translation of court briefs may be said to be caused primarily by the (1) terminological interference, and/or (2) the application of the rescue technique in the face of the difficulties that translators encounter when dealing with culture-bound terms, the denotation of the legal forms of the companies of commercial law being a case in point. Translators often decide to use the loan term with the aim of setting the recipient on an easy path to identify the concept in point fairly easily, even though the accuracy tends to be lost.

The analysis of the reference materials shows that use of the term *korporacja* is restricted to descriptive legal texts and – additionally – it is marked by semantic inconsistency there. *Korporacja* has different denotations depending on the pragmatic conditionings. Hence, the term *korporacja* may be said to be hyponymically related to the term *spółka* in that it denotes a wider concept, but – as explained above – its distribution

⁷ The author adopted the typographic convention according to which both the source text terms discussed and their target language equivalent are italicised.

needs to be discussed in the context of the limitations of text genres; that is, it is used exclusively in descriptive legal texts, which brings us to the horizontal perspective for discussing the distribution of the Polish counterparts of the term *corporation*. Specifically, *korporacja* is used as a general category of legal entities. It is employed exclusively in lawyers' literature.⁸ The semantics of the term *korporacja* is identified in the following excerpt:

Podział na spółki osobowe i kapitałowe [...], nie ma nic wspólnego z podziałem osób prawnych na osoby typu korporacyjnego i fundacyjnego. Wynika stąd, że tylko niektóre spółki wyposażone są w osobowość prawną, a te z nich, które taką osobowość posiadają, są podobnie jak pozostałe spółki korporacjami; 'The division into partnerships and capital companies [...] does not have anything in common with the division of juridical persons of the corporate or foundation type. The conclusion here is that some companies are equipped with legal personalities and those that possess such legal personality are corporations like the other companies'; translation mine.⁹

The quotation above presents the genre-specific use of the term *korporacja*. Additionally, it emerges from the excerpt that the said term covers the concept of *spółka*, but it has much wider referential range. Specifically, it is claimed in the quotation that the distinction into the juridical persons of the corporate- and foundation-type personalities does not coincide with the categorisation of companies into partnerships and capital companies, and thus it may be deduced that the first categorisation is more general and that the concept *korporacja* covers a wider scope of entities than *spółka*, so the two terms are semantically related but they cannot be treated as equivalents.¹⁰

The search of the reference material takes us further along the horizontal axis in that it brings in data pointing to the use of a grammatically-related form of the said term *korporacja* in another instance of descriptive texts. An example in point is the adjectival component of the title *Rady nadzorcze – dobre praktyki ładu korporacyjnego*.¹¹ The adjective *korporacyjny* may be said to be used here for pragmatically-oriented goals. The

⁸ Cf. for example Chauvin, T., T. Stawewski, P. Winczorek, 2013. *Wstęp do prawoznawstwa*. Warszawa: Wydawnictwo B.H. Beck, p. 257; Kruczałak, K. 2004. *Zarys prawa handlowego*. Warszawa: Wydawnictwo Prawnicze LexisNexis, p. 111.

⁹ Quoted from Kruczałak, K., 2004, *ibid.* p. 111.

¹⁰ It needs to be noted that the term *korporacja* seems to be semantically very flexible in the descriptive texts, as the general denotator of juridical persons. It appears to be used by some theoreticians in the context of yet another categorisation of juridical persons, as a designate of a specific type of juridical persons whose existence is dependent mostly on the membership factor. Chauvin et al. (2013, *op.cit.* p. 257) claim *Tradycyjnie rozróżnia się dziś dwa rodzaje osób prawnych: 1. zrzeszenia (korporacje; stowarzyszenia, partie polityczne, związki zawodowe, kongregacje religijne), dla których istnienia przesądzające jest zgrupowanie pewnej liczby osób fizycznych (choć mogą także istnieć zrzeszenia osób prawnych); 2. zakłady (np. przedsiębiorstwa, spółki), dla których istnienia przesądzające jest zgrupowanie pewnego majątku;* 'Traditionally, today we distinguish two types of juridical persons: 1. societies (corporations, associations, political parties, trade unions, religious congregations) for the existence of whose the determining factor is the involvement of a specific number of natural persons (although societies of juridical persons may be established as well); 2. plants (for example, enterprises, companies) for which the property factor is decisive'; translation mine.

¹¹ Cf. Kołodkiewicz, I. 2013 *Rady nadzorcze. Dobre praktyki ładu korporacyjnego. Doświadczenia polskie i zagraniczne*. Warszawa: Wydawnictwo Poltext.

content of the monograph referred to points to the fact that the term is used in the sense ascribed to it in the Polish literature of the subject, yet we may identify an additional factor determining the use of the said term here. Namely, it is used in the Polish titles of scientific publications not only to denote a clearly delineated concept, but to increase its attractiveness to the readers. The inclusion of foreign words enables the paper to reach a wider circle of prospective readers by formulating an eye-catching title and including fashionable, foreign terms carries implications of referring to the latest references in the literature of the subject.¹²

Somewhat beyond the mainstream type of descriptive legal texts, but out of the context of prescriptive and hybrid texts we can find another use of the term *korporacja* in yet another sense, as evidenced in the lexicographic sources and discussed in the literature of the subject.¹³ *Korporacja* is testified to function as an assimilated borrowing of the English term *corporation*. It may be assumed that the semantics of the said term relates directly to its Latin etymology and it remains out of the referential scope assigned to it in the descriptive legal texts, as discussed above. It may be said that this use of the term is construed on the semantics of Latin *corpus* 'body'¹⁴, and as such it denotes any integral whole being driven by organisational forces in order to achieve specific aims. The use of *korporacja* in the corpus texts may be seen as a case of terminological interference that occurs due to widespread use of the assimilated borrowing in common language. Here, the sense is detached from the concept of legal form, defined in the literature of the subject¹⁵ and it is used as a general category of a legal entity that runs an economic activity¹⁶. The implication is that *korporacja* is a big, often international company with a specific internal organisational structure. The term is often used in a pejorative sense in the context of a burn-out syndrome among the workforce.¹⁷ The widespread use of *korporacja* in this

¹² Ungerer (In: Ungerer, F. 2000. *English Media Texts Past and Present*. Amsterdam/Philadelphia: John Benjamins Publishing Company, pp. vii) discusses factors determining linguistic aspects of headlines in the context of their manipulation-oriented, attention-getting strategies aimed at seducing the audience. Furthermore, English legal terms make up components of many titles of scientific publications, whether as pure loanwords or as assimilated borrowings (Więclawska 2009, *op. cit.*, after Mańczak-Wohlfeld 2006, *op. cit.*) Note the italicised components in the following titles: 'Unijny *good governance* – od „rządu” do „rządzenia” In: Grzeszczak, R. 'Unijny *good governance* – od „rządu” do „rządzenia'. In: *Prawo Europejskie w Praktyce* no. 09/2011, pp. 29–35; 'Rola *private enforcement* w ochronie konkurencji' In: Barcik, A. 'Rola *private enforcement* w ochronie konkurencji'. In: *Przegląd Organizacji*, 2013, no. 10, pp. 13-18; 'Nowe spojrzenie na *access to justice* w świetle najnowszych legislacji unijnych w sprawie alternatywnych metod rozwiązywania sporów konsumenckich' In: Mucha, J. 'Nowe spojrzenie na *access to justice* w świetle najnowszych legislacji unijnych w sprawie alternatywnych metod rozwiązywania sporów konsumenckich'. In: *Prawo Europejskie w Praktyce*, no. 09/2015, pp. 18-23.), or – finally a case of assimilated borrowing – *Rady nadzorcze. Dobre praktyki ładu korporacyjnego. Doświadczenia polskie i zagraniczne* In: Kołodkiewicz, I. 2013, *ibid.*

¹³ Więclawska, E. 2009. 'Lexical importation and integration: The case of English-rooted Polish legalease'. In: *SKASE Journal of Theoretical Linguistics*. Vol. 6 - 2009 No. 2; Mańczak-Wohlfeld, E. 2006. *Angielsko-polskie kontakty językowe*. Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego, pp. 63-68.

¹⁴ Cf. Tokarski, J. 1980. *Słownik Wyrazów Obcych*. Warszawa: PWN.

¹⁵ Cf. Kruczalak, K. 2004, *op.cit.*

¹⁶ Cf. Tokarski J. 1980, *op.cit.*

¹⁷ Cf. Szymczak. M. 1978. *Słownik Języka Polskiego*. Warszawa: PWN.

sense, that is as a synonym of a company or large-scale business, may be said to result from the intention to emphasise the foreign provenience of the concept related to the notion of entrepreneurship. As we know, many legal solutions come from the West and when we think about doing business we think in terms of foreign concepts and thus foreign terms. Also, assimilated borrowing is used in order to convey the extra-linguistic value of the term, that is the implication of large size and corporate culture. Moreover, the high usage frequency of the term *korporacja* may result from its being user-friendly on the grounds of its etymological affiliation with the Latin word *corpus* 'body'. *Korporacja* supposedly wins against its close synonyms *firma* or *spółka* in the frequency test, because the sense can be easily deduced.

The second case study discussed in the paper refers to yet another set of nearly-synonymous terms, i.e. *wspólnik*, *udziałowiec* and *akcjonariusz* which allow themselves to be considered in the context of complementary distribution as equivalents of the term *shareholder*. The data extracted from the corpus evidence four sample contexts where the said English term is translated as *wspólnik* (extracts 1 and 3), *udziałowiec* (extract 2) and *akcjonariusz* (extract 4).

Extract no. 1; Extracted from *the Written Resolutions* (UK)/legal form: company limited by shares ('Ltd')

[...] *That the regulations contained in the printed document enclosed with the draft written resolution circulated to all of the shareholders in the Company entitled to attend [...].*

Extract no. 2; Extracted from *the Articles of Association* (UK)/legal form: company limited by shares ('Ltd')

(a) *Shareholder means any holder of any Shares*

(b) *'Civil Partner' means in relation to a Shareholder, a civil partner (as defined in the Civil Partnership Act 2004) of the Shareholder.*

Extract no. 3; Extracted from *the Certificate of Incorporation by Companies House* (UK)/legal form: public limited company ('plc')

The Registrar of Companies for England and Wales hereby certifies that xxx are the shareholders of the company.

Extract no. 4; Extracted from *the Memorandum of Association* (US)/ legal form: corporation ('Corp.')

All meetings of shareholders shall be held at the principal office of the Corporation, or at such other places within or without the State of New York as shall be designated by the Board of Directors [...].

The comparison of the parallel texts provides data which point to a lack of consistency in the choice of equivalents. The study of the immediate context does not provide a clue for the translator's policy. Extracts one and two refer to the same type of company, but the said term receives different equivalents. The two remaining equivalents *akcjonariusz* and *udziałowiec* are found to be used interchangeably. The analysis of the reference materials brings in data which allow us to identify the rules of the complementary distribution of the said Polish terms in reference to the horizontal perspective, where the text genre factor is decisive, and also the vertical perspective, implying a system-inherent arrangement of the terms linked by the relation of hyperonymy, which – in the legal perspective – is materialised by the *lex specialis/lex generalis* distinctions.

To start with, the horizontal perspective serves as a background to account for the disjunctive distribution of *udziałowiec* and *wspólnik*. The findings gathered in the study of the reference materials confirm the genre-conditioned distribution of the two terms in point, placing them in the environment of either the descriptive or hybrid legal texts on a complementary basis.

The term *udziałowiec* is found exclusively outside the statutory environment and – as the interviewed experts claim and as emerges from the immediate linguistic context – exclusively in reference to a limited liability company, for example, when post-modified by the complement [...] *w spółce z o.o.*¹⁸ or when the referent is clear from the context, as in *Mniejszościowego udziałowca można wyłączyć ze spółki* > 'The minority shareholder may be excluded from the company'.¹⁹ It may be assumed that the inaccurate use of the said term as an equivalent of shareholder occurs on the grounds of linguistic interference of two types. Firstly, that term *udziałowiec* may be said to be borrowed from common language, where it exists with a very wide reference scope. Secondly, the linguistic interference may be said to be due to the borrowing of a specific word formation pattern which consists in deriving nouns denoting agents by adding the suffix *-owiec*, along the pattern existing in the case of *kadrowiec* 'human resource specialist', *związkowiec* 'member of an association', *przemysłowiec* 'industrialist'.²⁰ The employment of the systemically unorthodox term *udziałowiec* seems to be logical when we consider the working of the derivational process, where the base *udział*, officially the normatively prescribed term for the form of participation in a limited liability company, is supplemented with the commonly used suffix *-owiec*.

The corpus data show that the term *udziałowiec* is not a precise, normatively acknowledged equivalent of *shareholder* and thus should not be used in a formal environment, as hybrid texts are. *Udziałowiec* can serve as an equivalent of *shareholder* only in reference to a limited liability company and exclusively in descriptive legal texts, in their least formal variant. Such a genre-conditioned, thus vertically-disjunctive distribution of the two terms is to be obeyed in the name of language precision. Legal systems exist thanks to the precision of legal language, which is best obtained by strict adjustment to the genre-conditioned and system-inherent schemes of legal language, as confirmed by the following quotation:

*One final characteristic of legal language should be emphasized. The functioning of a legal system is dependent on constant processes of stabilisation and specialisation of words and phrases that accompany the construction, deconstruction or reconstruction of legal concepts.*²¹

¹⁸ Available from:

http://prawo.gazetaprawna.pl/artykuly/700281,mniejszosciowego_udzialowca_mozna_wylaczyc_ze_spolki.html

¹⁹ Available from: <http://www.zakladamyfirmy.pl/mniejszosciowy-udzialowiec-chce-wyjsc-ze-spolki-z-o-o/>

²⁰ For more on derivational processes of this kind see, for example, Mańczak-Wohlfeld, E. 2006, *op. cit.*, pp:65-66; Štekauer P. 2000. *Rudiments of English Linguistics*. Prešov: Slovacontact, pp. 80-88.

²¹ Kjøer, L.A. 2007. 'Phrasemes in legal texts'. In: H. Burger, D. Dobrovolskij, P. Kuen, N.R. Norrick (eds.) *Phraseologie. Ein Internationales Handbuch der Zeitgenössischen*

The vertical perspective comes to the fore when we consider the distribution of *wspólnik* and *akcjonariusz* as two equivalents of *shareholder*. The interchangeable use of the terms in question seems to be inaccurate here on the grounds of their different scope of reference, which may be said to be acknowledged by the systemic, hierarchical arrangement of the concepts denoted by the said terms in the relevant legal provisions, having the status of *lex generalis/lex specialis*. Consequently, the contextually conditioned distribution of the said terms is normatively prescribed in that it is determined by the position of the relevant legal provisions including these terms in the systemic arrangement of the relevant prescriptive texts.

It emerges from the relevant legal regulations set forth in Art. 3 KSH, quoted below, serving as an example, that the terms *wspólnicy* and *akcjonariusze* are semantically related in that they both refer to a form of participation in a company.

Przez umowę spółki handlowej wspólnicy albo akcjonariusze zobowiązują się dążyć do osiągnięcia wspólnego celu przez wniesienie wkładów oraz, jeżeli umowa albo statut spółki tak stanowi, przez współdziałanie w inny określony sposób; 'In an agreement for a commercial company the shareholders undertake to pursue a common goal by making contributions and, where so provided in the articles or the statutes of the company, by other joint action'; translation mine.

Notably, the wording of the systemically arranged legal provisions set forth in KSH and referred to above which includes the two terms points to the fact that they are referentially distinct and thus marked by contextually disjunctive distribution. The study of the relevant *lex specialis* brings us data which evidence the use of *akcjonariusz* exclusively in the context of a joint stock company (cf. 301, § 5 KSH) and *wspólnik* for all partnerships (cf. Art. 86 KSH) and for one type of capital company, i.e. a limited liability company (cf. Art. 151 KSH). From the linguistic perspective, in reference to partnerships covering specific types of legal forms,²² the term *wspólnik* appears as a hyperonym for terms denoting more specific forms of participation, i.e. for the following hyponyms: *komplementariusz*, *komandytariusz* and even *akcjonariusz*, when used in reference to a limited joint-stock company and not to a joint-stock company.

Such a systemic arrangement of the notions denoted by the terms *wspólnik* and *akcjonariusz* imposes a terminological hierarchy, which establishes a contextually mediated, vertically organised relation of inclusion of one term in another. In order to avoid inaccuracy, it is advised to analyse the extralinguistic context closely when choosing the equivalent and – if the matching task proves to be impossible in view of the cultural differences – the more general term seems to be the best solution. In any case, consistency in making choices by translators and their awareness of the relevant factors is

Forschung/Phraseology. An International Handbook of Contemporary Research. Berlin/New York: Walter de Gruyter, pp. 506-515.

²² The types of legal forms regulated in KSH are listed in Art. 4:§ 1. *Użyte w ustawie określenia oznaczają: 1) spółka osobowa - spółkę jawną, spółkę partnerską, spółkę komandytową i spółkę komandytowo-akcyjną; 2) spółka kapitałowa - spółkę z ograniczoną odpowiedzialnością i spółkę akcyjną;* 'The terms used in this Act shall mean: a partnership – 1) a registered partnership, a professional partnership, a limited partnership, and a limited joint-stock partnership; 2) a capital company: a limited liability company and a joint-stock company'; translation mine.

expected to increase their professionalism and thus effective management of legal communication.

3. CONCLUSIONS

Equivalence may be said to be the central issue in translation. The choice of the optimal equivalent often consists in choosing between closely-synonymous terms, which proves to be especially difficult in view of the culturally varied background (i.e. distinct legal systems) for legal communication. The data found in the corpus search show significant inconsistency in the translation of specific legal terms into Polish. Dictionaries prove to be insufficient as a source of reference in translation as they do not provide adequate sociolinguistic context. The discussion of the two case studies shows that there are certain criteria which can efficiently channel the distribution of the nearly-synonymous Polish equivalents in the discussed context and thus makes it possible for translators to make accurate choices.

The examples discussed in the paper relate to the field of commercial law. The author's attention was focused on this section of terminology because the dynamics of the legal trade in this domain may be said to necessitate maintenance of particular consistency in translation. Although the universality of the guidelines would have to be verified against other types of corpus material, the scheme proposed here is assumed to be universal and applicable in other legal fields.

The analysis shows that the context-dependent distinction of nearly-synonymous terms in the language of law is a prerequisite to maintain standards of precision and accuracy, as is expected in this type of communication. The proposed system allows us to operationalise the postulates that the effective management of legal communication requires the recognition of specific linguistic and extralinguistic factors, which it is best to include in the translation teaching curricula as part of translation macro-competence in the field of law.²³

REFERENCES

- [1] Biel. Ł. 2012. 'Kompetencja w zakresie świadczenia usług tłumaczeniowych a uczenie się przez projekt'. In: M. Piotrowska, A. Czesak, A. Gomola, S. Tyupa (eds.) *Kompetence Tłumacza*. Kraków; Tertium, pp. 97-105.
- [2] Barcik, A. 'Rola private enforcement w ochronie konkurencji'. In: *Przegląd Organizacji* 2013, no. 10, pp. 13-18
- [3] Chauvin, T., T. Stawecki, P. Winczorek, 2013. *Wstęp do prawoznawstwa*. Warszawa: Wydawnictwo B.H. Beck.
- [4] Galdia, M. 2009. *Legal Linguistics*. Frankfurt am Main: Peter Lang.
- [5] Grzeszczak, R. 'Unijny good governance – od „rządu” do „rządzenia'. In: *Prawo Europejskie w Praktyce* no. 09/2011, pp. 29-35.

²³ Biel. Ł. 2012. 'Kompetencja w zakresie świadczenia usług tłumaczeniowych a uczenie się przez projekt'. In: M. Piotrowska, A. Czesak, A. Gomola, S. Tyupa (eds.) *Kompetence Tłumacza*. Kraków; Tertium, pp. 97-105; Prieto Ramos, F. 2011. 'Developing Legal Translation Competence: An Integrative Process-Oriented Approach'. In: *Comparative Legilinguistics - International Journal for Legal Communication*, vol. 5, pp.7-21.

- [6] Kjær, L.A. 2007. 'Phrasemes in legal texts'. In: H. Burger, D. Dobrovolskij, P. Kuen, N.R. Norrick (eds.) *Phraseologie. Ein Internationales Handbuch der Zeitgenössischen Forschung/Phraseology. An International Handbook of Contemporary Research*. Berlin/New York: Walter de Gruyter, pp. 506-515.
- [7] Kołodkiewicz, I. 2013 *Rady nadzorcze. Dobre praktyki ładu korporacyjnego. Doświadczenia polskie i zagraniczne*. Warszawa: Wydawnictwo Poltext.
- [8] Kortmann, B. 2005. *English Linguistics: Essentials*. Berlin: Cornelsen Verlag, pp. 201-208.
- [9] Kruczałak, K. 2004. *Zarys prawa handlowego*. Warszawa: Wydawnictwo Prawnicze LexisNexis.
- [10] Mańczak-Wohlfeld, E. 2006. *Angielsko-polskie kontakty językowe*. Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego.
- [11] Mucha, J. 'Nowe spojrzenie na access to justice w świetle najnowszych legislacji unijnych w sprawie alternatywnych metod rozwiązywania sporów konsumenckich'. In: *Prawo Europejskie w Praktyce*, no. 09/2015, pp.18-23.
- [12] Prieto Ramos, F. 2011. 'Developing Legal Translation Competence: An Integrative Process-Oriented Approach'. In: *Comparative Legilinguistics – International Journal for Legal Communication*, vol. 5, pp. 7-21.
- [13] Szymczak, M. 1978. *Słownik Języka Polskiego*. Warszawa; PWN.
- [14] Šarčević, S. 1997. *New Approach to Legal Translation*. The Hague: Kluwer Law International.
- [15] Štekauer P. 2000. *Rudiments of English Linguistics*. Prešov: Slovacontact.
- [16] Tokarski, J. 1980. *Słownik Wyrazów Obcych*. Warszawa: PWN.
- [17] Ungerer, F. 2000. *English Media Texts Past and Present*. Amsterdam/Philadelphia: John Benjamins Publishing Company.
- [18] Więclawska, E. 2009. 'Lexical importation and integration: The case of English-rooted Polish legalese'. In: *SKASE Journal of Theoretical Linguistics*, vol. 6 - 2009 No. 2.
- [19] Available from: <http://www.skase.sk/Volumes/JTL14/index.html>
- [20] Więclawska, E., J. Pękala 2013. 'Why does translation hurt? Some remarks on the complementary distribution of legal terms in legal discourse'. In: M. Kudła, G.A. Kleparski (eds.) *Galicja English Studies*, Chełm: Wydawnictwo TAWA, pp. 121-136.
- [21] Więclawska, E. 2015. 'Contextually-conditioned distribution of semantically-related terms in translation of legal texts'. In: M. Wierzbicka and L. Wille (eds.) *In the Field of Contrastive and Applied Linguistics*. Rzeszów: Wydawnictwo Uniwersytetu Rzeszowskiego, pp. 38-50.
- [22] Więclawska, E. 2016. 'Integrating the needs of the local market in teaching legal translation'. In: *Humanities and Social Sciences*, vol. XXI, 23 (2/2016), pp. 245-152.

HORYZONTALNA I WERTYKALNA DYSTRYBUCJA TERMINÓW BLISKOZNACZNYCH W JĘZYKU PRAWA

Prawnicy zaprzeczają istnienia synonimów lecz zagadnienie to pojawia się w centrum juryslingwistycznych dyskusji, kiedy mowa o tekstach prawniczych w tłumaczeniu.²⁴ Tłumacze często stają przed wyzwaniem właściwej dla danego systemu kategoryzacji hiponimicznie powiązanych terminów, które – według dwujęzycznych źródeł leksykograficznych konsultowanych na okoliczność konkretnego hasła – są równorzędnymi ekwiwalentami danego terminu w języku angielskim. Należy tutaj wziąć pod uwagę również czynnik gatunku tekstu. Badanie ma na celu zaprezentowanie praktycznych wskazówek dotyczących terminów pozostających ze sobą w relacji semantycznej. Zakłada się, iż czynniki określające adekwatne do danego kontekstu użycie terminów bliskoznaczných dają się uchwycić w perspektywie horyzontalnej oraz wertykalnej przez odniesienie odpowiednio do czynnika gatunku tekstów prawa oraz systemowego i hierarchicznie uporządkowanego układu właściwych przepisów prawnych.

Badanie zostało przeprowadzone w oparciu o autentyczne materiały. Dane zostały zaczerpnięte z akt sądowych, z tekstów z zakresu prawa handlowego. Korpus składa się z tekstów paralelnych, tzn. angielskojęzycznych dokumentów oraz ich tłumaczeń na języka polski.

Słowa kluczowe: terminy bliskoznaczných, perspektywa wertykalna i horyzontalna, tłumaczenie tekstów prawniczych.

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24 Cf. Galdia, M. 2009. *Legal Linguistics*. Frankfurt am Main: Peter Lang, pp. 99-101 and Więclawska, E. 2015. 'Contextually-conditioned distribution of semantically-related terms in translation of legal texts'. In: M. Wierzbicka and L. Wille, (eds.) *In the Field of Contrastive and Applied Linguistics*. Rzeszów: Wydawnictwo Uniwersytetu Rzeszowskiego, pp. 38-50.

