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English-language Translation

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**Translating Binomials:
A Corpus Study**
Master's Diploma Thesis

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2016

*I declare that I have worked on this thesis independently,
using only the primary and secondary sources listed in the bibliography.*

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Author's signature

Acknowledgements

I would like to thank my supervisor, PhDr. Jarmila Fictumová, for her patience, support and encouragement.

Thanks also belong to my family for bearing with me and supporting me during my studies.

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List of Abbreviations

EU – European Union

MP – Member of the Parliament

MEP – Member of the European Parliament

OED – *Oxford English Dictionary*

UK – United Kingdom

wpm – words per million

Introduction

Legal texts are a genre that most translators come across during their careers. The language in such texts can be very specific, sometimes even incomprehensible to the eye of an ordinary person who lacks any previous legal training. English legal texts are infamous for their complicated nominal constructions, long sentences, whereof, hereinafters and terms and conditions. However, concentrating on all the intricacies of legal texts and their translations would be a topic for a much larger body of work than this thesis sets out to be. Therefore, the subject of this thesis are binomial constructions: couples of words that essentially mean the same but have different forms and one can encounter them commonly in English legal texts. The initial impulse that sparked the author's interest in this topic happened when the author was puzzled about how to translate these doublets in a legal document and even her friend who graduated her university studies from English and law was unaware of a general principle on how to translate these couplets. The author, therefore, hopes that the results will be of use to any fellow student, researcher, or translator who finds themselves in a similar situation.

The aim of the thesis is to explore the theories related to the translation of binomials and see how they work in practice. The main theory to be examined originates from Chromá (2011) who suggests that if the two words in a binomial construction are synonyms then they should be translated with a one-word equivalent (pp. 43-44). This thesis will also look at the claims in Klégr and Čermák (2008) who said that established/idiomatic binomials are most likely translated with a one-word equivalent and that current/near-binomials usually keep the binomial structure in translation (p. 47). Both theories will be tested by examining texts and their translations in the *Europarl* part of the *InterCorp* corpus.

It also seems to be a generally perceived notion that dictionaries do not contain binomial expressions. The author, therefore, undertakes to study the situation in an English

dictionary – the *Oxford English Dictionary* (2016) – and three specialized English-Czech dictionaries: Black (1993), Chromá (2004) and Bočánková et al. (1999).

As it has been foreshadowed, legal language is a rather complicated genre and a traditional one at that. Therefore, the thesis tries to inform the reader about some of its intricacies and history. The thesis first gives essential information about the European and British parliaments. It then proceeds to explicate the main features of legal language and explain how it is used in parliaments. The contemporary movements that set out to simplify legal language are also mentioned. A brief account of the history of English legal language is given with an emphasis on how binomial expressions entered English and how they survived in English legal language through continual use until today. The thesis also tries to summarize various research studies that focus on binomials and their translation that were conducted from the view of international scholars but it also tries to introduce and differentiate the Czech view on binomials.

An overview of the used dictionaries and corpora is given. The process of choosing the researched binomials is also described. Every chosen binomial is given the same treatment: first, its meaning is searched for in the *OED* (2016) and its possible translations are looked up in the specialized bilingual dictionaries. The success or failure of the searches is commented upon. The meaning of the binomial is then aligned to the theories by Chromá (2011) and Klégr and Čermák (2008). The binomial is researched in *Hansard Corpus*, a corpus made of speeches in the British Parliament, to verify whether the binomial is used in British parliamentary speeches. The translations in the *Europarl* part – speeches made in the European Parliament – of *InterCorp* – a Czech parallel corpus – are then examined. The translations and dictionary suggestions are compared against the data included in the *syn* corpus – a Czech corpus – to see which of the translations are natural in Czech. A suggestion

as to what the natural translation should be is made and it is compared to the translations in *Europarl*.

1. Language of Law in Parliaments

The aim of this chapter is to introduce the rudimentary theory that is needed to understand the main features of parliamentary debates. First, the histories and compositions of the British and European parliaments are described. Further on, the role of legal language in parliaments and its relation to political language is defined, which can be often encountered there. And finally, various initiatives that try to reform legal language, such as Fight the Fog Campaign, Plain Language Movement and Clear Writing Campaign, are described.

1.1. Information about Parliaments

Parliaments in many countries constitute a crucial part of the legislative process; a process at the end of which new laws come into being. However, their roles and make-up usually differ from one state or institution to another.

1.1.1. British Parliament

The Parliament of United Kingdom of Great Britain and Northern Ireland belongs among the oldest parliaments. People sometimes call it the mother of Parliaments because it is, at least in their view, the oldest parliament and because it was used as the model for many democracies throughout the world (Jenkin, 2004). Its long-standing tradition dates back to the 8th century, the time of the Witan, a set of advisors the King would summon to help him decide on the important matters of the country, and the moots, a meeting where local matters would be discussed (Anglo-Saxon Origins, n.d.). Building on such ancient tradition, the first forerunner that resembled the modern Parliament was Simon de Montfort's Parliament from 1265. Although irregular in sessions, it was the first form of parliament that included representatives from towns and the shires (Simon de Montfort's Parliament, n.d.). The regularity of parliament sessions was established in the 14th century when King Edward III decided that the sessions should be held annually, which resulted in mere 42 years with no sessions between 1327 and 1485 (Rise of the Commons, n.d.). It was also established during

the reign of King Edward III that knights of the shire (representatives of the counties) and burgesses (representatives of the towns) sat together in one chamber called the House of Commons after 1332 and “deliberated separately from the King and his nobles” after 1341 (Rise of the Commons, n.d.). The system of Commons deliberating separately from Lords with sessions in regular intervals became the system that is still in use and that served as the model for other contemporary parliaments.

From the structural point of view, the British Parliament consists of two houses. The lower house, the House of Commons, of the current British Parliament consists of 646 commons, one representing each constituency, an electoral area, in the United Kingdom. The commons, or Members of the Parliament (MPs), are elected every four to five years, unless an MP dies or retires, in which case new elections are held for the particular constituency to find a replacement. The most represented parties in the United Kingdom are the Labour Party and the Conservative Party. While MPs in the British Parliament originate from all the administrative areas of the United Kingdom, Scotland has a separate Parliament and Wales and Northern Ireland have National Assemblies to deal with problems at the local level (How MPs Are Elected, n.d.). The upper house, The House of Lords, of the British Parliament does not have a stable number of Members but it oscillates at around 750 Lords who are appointed by the Queen on the recommendation of the Prime Minister or of the House of Lords Appointments Commission. There are four types of Lords: life Peers are recommended by the Prime Minister and they become Lords for their lifetimes only (that is, their children do not inherit the title); Law Lords used to be former judges who took care of the judicial work of

the House of Lords¹; archbishops and bishops come from the Church of England and their number is set at a definite number of 26 Members of the House of Lords; elected hereditary Peers are elected by the Members of the House of Lords and their number was set to a total of 90 Peers plus the positions of the Earl Marshall and Lord Great Chamberlain by the House of Lords Act 1999, a reform act which otherwise abolished the right of hereditary Peers to sit in the House of Lords (Different Types of Lords, n.d.). Among other interests of the public, the British Parliament votes on adopting new and amending old legislation.

1.1.2. European Parliament

History of the European Parliament is much shorter than that of the British one. The European Parliament had a direct predecessor in the Common Assembly of the European Coal and Steel Community which held its first session in 1952 and functioned until 1958. The Treaty of Rome from 1958 established a body that would become the European Parliamentary Assembly in 1962. The Assembly comprised of 142 members in 1958. (Bardi, Beligh, Sio Lopez, & Costa, 2009, p. 45). Ever since then the European Parliament has been functioning in sessions, even though it had seen fluctuations of its members that would correspond to the additions of new members to the European Union. The six founding members from 1957 – Belgium, France, Germany, Italy, Luxembourg and the Netherlands – were joined by Denmark, Ireland and the United Kingdom in 1973, Greece in 1981, Spain and Portugal in

¹ The function of the Law Lords, or the Lords of Appeal in the Ordinary, was abolished in 2009 when the United Kingdom established the Supreme Court and the House of Lords lost its judicial role as the highest appeal court. The Law Lords at the time then became the first Justices of the Supreme Court, however, they no longer possess the right to attend or vote in the House of Lords. The first set of Justices will resume their right to sit and vote in the House of Lords after their retirements from the Supreme Court, however, any subsequent Justices will not gain seats in the House of Lords (Law Lords, n.d.).

1986, Austria, Finland and Sweden in 1995, Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia and Slovenia in 2004, Romania and Bulgaria in 2007 and Croatia in 2013 (From 6 to 28 Members, 2015). These additions were changing the number of the Members of the European Parliament.

The Members of the European Parliament (from now on referred to as MEPs) are elected directly by the citizens of the member states of the European Union every five years. While the number of MEPs from a member state tries to be proportionate to the population of the member state, there can be no less than six and no more than ninety-six MEPs per one state and the total numbers of MEPs cannot surmount 750 plus the President of the European Parliament. MEPs do not sit in the European Parliament by their nationality but by their affiliation to a political party (European Parliament, n.d.).

1.2. Legal Language in Parliaments

Defining parliamentary language can prove to be a difficult task because it manifests itself in many forms. In the beginning of his analysis, Van Dijk (2000) points out that parliamentary debates similarly to other discourse genres have “many structures at many levels,” such as intonation, clause structure and metaphors, and wonders how one should not get lost in the “multitude of discursive structures and strategies” (p. 86). In contrast, Bayley (2004) defines several characteristics of parliamentary language through its adherence to tradition, which defines for example the succession of speakers in parliament, their addressing one another, how many times a bill is presented and whether there is a discussion after its reading; in addition, he explains that parliamentary debates are adversarial in nature but they need not follow the schemata of “ideal critical discussion” and despite being monologues on the present topic, the speakers in their turns react to one another (pp. 13-27). However, parliamentary debates also feature other characteristics.

The type of work performed in parliaments and its function are among the defining factors of the language used during the debates. According to Bayley (2004), “[p]arliaments are institutions which are dedicated to talk; members of parliament debate legislative proposals and scrutinise the work of governments through questioning; they may also be sites where governments explain and justify their policies” (p. 1). In other words, the main contribution of any parliament to its society consists of debating laws and government’s actions. Therefore, similarly to the workings of law and legal language, parliaments also impose obligations and confer rights (Crystal & Davy, 1969, p. 193). While parliament members discuss future laws in theory, lawyers and barristers work with the present ones in practice.

Parliamentary debates can be also defined in terms of the speakers. Van Dijk (2004) comments that “parliamentary debates are primarily (and rather trivially) defined by the fact that the people engaged in these debates are Members of Parliament (MPs)” (p. 345). Considering that one of the main functions of parliament is debating future laws, it is logical to expect that its members have a background in law at least to some degree. If the British Parliament and its Members are taken as a model example, typical speakers in a parliamentary setting come from various backgrounds. According to Sexton (2015), “119 of 650 MPs (18.3%) have previously studied or practised law before running for election. This number is up from 85 in 2010, or some 13% of MPs” (n.p.). The majority of British MPs did not study law, however, the number of former law alumni did increase. In addition, another study says that in the House of Commons:

[a] quarter of all MPs have an occupational background in politics (the largest of any occupational group) highlighting the professionalisation of politics. The occupational background of MPs continues to be ever more biased toward

business and the ‘metropolitan professions’, particularly finance, law, public affairs, and politics. (Hunter & Holden, 2015, p. 2)

The MPs who formerly worked in the metropolitan professions are bound to understand law to at least some degree.

The former occupations of the Peers in the House of Lords are represented similarly. According to Russel and Benton (2010), the most represented profession in the House of Lords is representative politics (27%), followed by business and commerce (14%) and legal professions (10%) (pp. 14-15). Therefore, it can be stated that even though creating new laws plays a central position in the Parliament, not all the MPs were trained in legal professions but are experts in other areas, in some of which, e.g. in the majority of the so-called metropolitan professions, knowledge of the law is necessary. Although there are other professions that the MPs occupied (that is, other than involving politics or law), the Parliament can be seen generally through the former occupations and education of its Members and their use of language as an imaginary intersection of law and politics.

On the one hand, parliamentary debates contain elements of legal language. Legal language is commonly perceived as being hardly comprehensible for a lay person, giving the impression of being “highly impersonal and decontextualized” (Bhatia, 1994, p. 136). Furthermore, some authors label it as a form of *officialese*, a derogative term that indicates a style used in official settings which is hard to understand, dead and contrasts with spoken language because of its foreignness (Knittlová, Grygová, & Zehnalová, 2010, p. 141). However, such overtly negative qualities are balanced with one that is valued the most by lawyers – exactness. Crystal and Davy (1969) explain that lawyers “take the greatest pains to ensure that [what they produce] says exactly what [they want] it to say and at the same time gives no opportunities for misinterpretation” (p. 193). Lawyers’ extreme need for exactness combined with their “reluctance to take risks” results in “the extreme linguistic conservatism

of legal English” (Crystal and Davy, 1969, p. 194). The extreme levels of conservatism manifest itself in the written rather than spoken form, however, tradition can be felt in both forms of communication. According to Crystal and Davy (1969), “[o]f all uses of language [legal language] is perhaps the least communicative, in that it is designed not to so much enlighten language-users at large as to allow one expert to register information for scrutiny by another” (pp. 193-4). In other words, in order for legal language to have a proper communicative function, one needs to have at least some working understanding of the underlying mechanisms of legal language and legal terms.

Exactness proves to be one of the many qualities of legal language. Tomášek (2003) lists several elementary qualities of legal language which include accuracy in meaning, unambiguity, brevity, comprehensibility, stable form, organic nature, functionality, and non-expressiveness (p. 28). Such qualities further establish the point that legal language is a non-spontaneous form of discourse. Should one look at a legal document, they would most likely notice at least some of the characteristics that Bhatia (1994) describes: above-the-average sentence length, nominal character of sentences, complex prepositional phrases, binomial and multinomial expressions and syntactic discontinuities (pp. 141-147). For comparison with parliaments, which primarily use spoken language, qualities of spoken legal language should be considered. Charrow, Crandall and Charrow (1982) summarize Mellinkoff’s (2004) list of qualities found in legal language:

1. Frequent use of common words with uncommon meanings (using *action* for *lawsuit*, *of course* for *as a matter of right* etc.)
2. Frequent use of Old and Middle English words once in use but now rare (*aforesaid*, *whereas*, *said*, and *such* as adjectives, etc.)
3. Frequent use of Latin words and phrases (*in propria persona*, *amicus curiae*, *mens rea*, etc.)

4. Use of French words not in the general vocabulary (*lien, easement, tort, etc.*)
5. Use of terms of art – of what we'd call jargon – (*month-to-month tenancy, negotiable instrument, eminent domain, etc.*)
6. Use of argot – ingroup communication or “professional language” – (*pierce the corporate veil, damages, due care*)
7. Frequent use of formal words (Oyez, oyez, oyez, which is used in convening the Supreme Court; I do solemnly swear; and the truth, the whole truth, and nothing but the truth, so help you God)
8. Deliberate use of words and expressions with flexible meanings (*extraordinary compensation, reasonable man, undue influence*)
9. Attempts at extreme precision (pp.175-176)

While the first four points comment on the vocabulary of legal language in general, the fifth and sixth points most likely depict everyday language of legal professionals while the seventh, eighth and ninth points would be typical for usage in courts.

On the other hand, parliamentary debates can be found to contain several qualities typical for political speech. Bayley (2004) claims that “[p]arliamentary talk is a sub-genre of political language and represents its most formal and institutionalised variety” (p. 1). Political language is, however, much different from legal language in function, audience and speaker. Where legal language tries to be exact and inform professionals about certain facts, political language tries to persuade wide audiences. While a legal professional went through years of training to produce (and understand) legal language, a skilled politician was most likely taught to be a smart speaker. There are certain strategies used for achieving the objectives of politicians. Various degrees of politeness and impoliteness are used to maintain a certain image, degrees of formality and emotional appeal are used to affect the audience by means of

lexical choices and textual organization, and metadiscourse is used to “signal, highlight, mitigate, or cancel” parts of discourse (Harris, 2001; Reyes, 2015; Ilie 2003, p. 71). The main objective of political discourse is persuasion, which is mostly achieved through the means mentioned above.

If viewed as the intersection of legal and political discourses, parliamentary discourse takes only certain qualities from both as both discourses are very different from each other. As quoted above, Bayley (2004) views parliamentary language as a formal form of political language. Political language can be taken as the base for parliamentary language but because of the many factors cited above – former professions of members of parliaments and the fact that new legislation is being discussed in parliaments – legal language forms an indispensable part of parliamentary language. The base of political language provides the comprehensible connection with the audience and persuasion while the addition of legal language provides exactness and the terminology much needed to talk about the matters of legislation.

1.3. Campaigns to Simplify Legal Language

As it has been shown in the previous section, most non-professionals have trouble understanding the message that a legal professional tries to produce. This state of affairs has been ongoing in English for centuries (for more information on the history of legal language see section 2.1.). Therefore, it comes as no surprise that there have been various attempts in amending the situation and simplifying legal language.

1.3.1. Fight the Fog Campaign

Fight the Fog campaign is an initiative whose first impulse came from the translators working for the European Union. The original intention of the makers of the campaign was for it to run from 1997 to the first half of 1998, which was a period of time concurrent with the European Union presidency of the United Kingdom. The campaign tries to simplify texts coming from the European Union that are intended to be read by the wide public. It also wants to encourage

clear writing in the institutions of the European Union through the KISS strategy; the acronym for Keep It Short and Simple promotes the idea that shorter documents have more impact and that they are “easier to finalise and faster to translate” (Wagner, 2002, p. 28). This strategy, therefore, shortens the work for the author of the source text, the translators of the target texts and as a result is easier to process for the readerships of both.

After the initial distress of the authors of the campaign over how it would be received, they found there to be mostly positive reactions to the campaign. It was particularly welcomed by the authors of texts for whom English is a second language. They worried that simplifying their texts would be “dismissed as naïve, undignified baby-talk,” therefore, they appreciated the reassurance of the campaign (Wagner, 2002, p. 29). Wagner (2002) also found out that while some lawyers were hesitant about the change, the lawyers working for the Commission, European Parliament and Council in fact made similar efforts in their “Agreement on common guidelines for the quality of drafting of Community legislation to draft clearly, simply and precisely” (p. 30). Yet the movement for clearer texts in the European Union had to undergo an evolution to its next stage.

1.3.2. Clear Writing Campaign

Wagner (2010) reports that despite the actions taken, such as the introduction of citizens’ summaries, the creation of Web Translation Tool and the creation and promotion of in-house editing, the situation still proved to be problematic – a November 2009 survey showed that “95 % of Commission drafters wrote mainly in English, although only 13 % of them were of English mother tongue” and that “54 % of them [...] rarely or never have their documents checked by a native speaker” (p. 4). This prepared grounds for the creation of the new Clear Writing Campaign whose original run was from March until the end of 2010 and was supported by “Secretariat General, the Legal Service, DG Communication, DG Human Resources (Training) and [...] DG Translation” (Wagner, 2010, p. 5). The campaign promotes

the idea of proofreading the important texts by a native speaker and it also focuses not only on English but the campaign promotes clear writing in any language.

The ten tips for clear writing can be found in a booklet called ‘How To Write Clearly’ and they say “[t]hink before you write” so that the author knows their ideas beforehand and thinks of their audience and goals of the text; “[f]ocus on the reader – be direct and interesting” so that the author tries to see the text from the point of view of the reader, tries to anticipate their interest and reaction and adjusts the text accordingly; “[g]et your document into shape” which promotes clear structure of the text; the KISS strategy is re-promoted; “[m]ake sense — structure your sentences” promotes logical and chronological sequence of the sentences; “[c]ut out excess nouns — verb forms are livelier” urges the author to use more verbs and less nouns so that the information in the text is less dense; “[b]e concrete, not abstract” prompts the author to be more concrete with their information instead of only having dense theory; “[p]refer active verbs to passive — and name the agent” advises the author that a coherent sentence should have at least an unambiguous subject and a predicate preferably in the active form; “[b]eware of false friends, jargon and abbreviations” applies mostly to non-native authors and the natives whose knowledge of the language has deteriorated by having lived in the EU headquarters for a very long time, and finally “[r]evise and check” which urges the author to have the text revised by another pair of eyes that preferably belong to a native speaker of the language (Wagner, 2010, p. 5). These ten points should lead an author to a clearer and more readable text.

1.3.3. Plain Language Movement

The Plain Language Movement is another effort to simplify legal language that originally set out to change English legal language but became international. The movement was formerly known as Plain English Movement. The origins of the movement are thought to be in the mid-1970s when “[t]he first plain English documents [started] appearing in the United States in

1975 and reform [began] in earnest in 1978 when President Carter signed executive order 12044” (Pease, 2012, p. 5, p. 8). The movement grew from then,

Plain language is defined in opposition to the traditional legal language. The concept and realizations of plain language are supposed to be more efficient because they save time, effort and money and they are supposed to be more effective because the understanding of plain language texts is better and quicker (Asprey, 2003, p. 59). In her book on plain language, Asprey (2003) not only advises lawyers on the ways that legal documents should be laid out, structured and what words they should or should not use (synonyms and strings of synonyms should be avoided, p. 121) but also informs lawyers how they should communicate with clients through email and the Internet in general and how they can test if a document is really in plain English – mostly through feedback from lay people (pp. 79-306).

1.3.4. Drafting Manuals

It has already been mentioned in previous sections that legal professionals have also made public their efforts to simplify legal language. Some of the efforts can be noted in the manuals for drafting new legal texts, which are generally read by legal students. Doonan (1995) advises against using “antiquated introductions,” such as “[n]ow these presents witnesseth that...” and “[i]t is hereby declared that...” instead, the author should use modern terminology; they should also avoid synonyms (pp. 114-115). McLeod (2009) illustrates that some drafters use what they would call drafting language which he condemns and prompts the future drafter to use ordinary language; he then proceeds with a list of words a drafter should avoid and words that should replace the avoided words, e.g. “null and void” should be replaced with “void” and “adequate number of” should be replaced with “enough,” he then advocates using plain language guides (pp. 81-83). Daigneault (2009) dissuades drafters from using redundant words (p. 30). These are only a few examples. It can be concluded that efforts

to simplify legal language can be seen as coming from many sources, not only from campaigns or movements.

1.4. Conclusion

This chapter provided a brief introduction to the topic legal language. Overviews of the extensive evolution of the British Parliament and the short history of the European Parliament were given. Their make-up was also briefly considered. Legal language and its many characteristics were introduced with a heavy emphasis on its exactness. A conclusion was made that even though parliamentary language is generally considered to be a subcategory of political language, its function and speakers determine that legal language forms an integral part of it, giving it exactness and terminology. Finally, Fight the Fog Campaign, Plain Language Movement and Clear Writing Campaign were introduced. They are initiatives that try to simplify the language of legal documents. In addition, three examples of similar efforts in education of legal drafters are presented.

2. Binomials in Legal Documents

This chapter explains the historical evolution of English legal language, its main traits throughout the centuries and its struggle against the languages of peoples that invaded Britain. The main aim of the short survey of the history of English language and English legal language is to make the reader understand how binomials were created and why they have been in use ever since. It also provides additional theory on what binomials are, their qualities and typologies, the various roles they can play in different languages and how they should be translated.

2.1. History of English Legal Language

The origins of legal English can be traced back to ancient Britain. *Law* as a word has Scandinavian origins; Old English adopted it from Old Norse around 1000 A. D. (Mellinkoff, 1963, p. 34). As it has been pointed out in section 1.2., legal English has several layers of lexis – Old and Middle English, Latin and French. The words with such origin are ancient remnants of various states of development of English. Tiersma (2000) states that during evolution, every successive wave of invaders – Anglo-Saxon, Scandinavian, Norman French – left marks on English (p. 7). Although it can be found in contemporary English, the remnant lexis is still important in legal English. Legal English evolves differently from general English; Charrow et al. (1982) explain that “languages change over time through *use* [...] [b]ut legal language develops many of its forms and meanings through a legal – and not an ordinary linguistic – process” (p. 179). That is why legal English uses certain common words with a special meaning and has other words that general language does not recognize.

The very beginnings of language were oral in nature due to widespread illiteracy. Mellinkoff (2004) explains that “[i]lliteracy and an oral tradition are sides of the same coin”, therefore, most legal actions at the time happened on the basis of oral contract, which had oath-like qualities: exact words had to be spoken so that certain actions would follow;

“repetition in [the] exact form – and in no other – would produce the desired effect” (p. 42). Therefore, the remaining legal documents share qualities with literature written in Old English, such as the epic poem *Beowulf*; the documents feature alliteration and rhythmic patterns, both of which helped with memorizing the exact words of legal formulae, and both the former (*part and parcel, safe and sound*) and the latter (*the truth, the whole truth, and nothing but the truth*) can be occasionally found in English to this day (Mellinkoff, 1963, pp. 42-43).

The Middle English period mostly continued with the oral tradition – the ability to write was still rare; therefore, written legal documents were few and far between, with the majority being writs and deeds, mostly Church deeds (Mellinkoff, 1963, p. 91). The period also reinforced the aforementioned foreign strata of vocabulary in legal English. An event that could be taken as a token of the trend was the coronation of William the Conqueror during Christmas in 1066 where he was “acclaimed King by the Normans in French and by the [British] natives in English” (Mellinkoff, 1963, pp. 67-68). Afterwards, English and French bilingualism was present on a spectrum of being “not uncommon” through French being an “accomplishment” to a “spreading ignorance of French even among the nobility” in the fifteenth century (Mellinkoff, 1963, pp. 95-96). The state of affairs in legal English had been rather chaotic: for example, one could have the French *marriage* but there was also the Old English *wedlock* and *matrimony*, which originated in Latin but entered English via Old French (Mellinkoff, 1963, p. 58). Even the Latin of legal documents was not the standard variety. According to Maley (1994), law Latin at the time “included many latinised English and Old French words” and according to Mellinkoff (2004), it was viewed as a subpar variety, often labeled as “barbarous,” “corrupt,” or even “mutilated,” “dog Latin” (p. 12; p. 73). As bilingualism became rare in the fifteenth century Britain, Maley (1994) informs that “[i]t was not until 1650 [...] that English became the official language of the law” (p. 12). Regarding

the complete eradication of French and Latin in English courts, Coulthard and Johnson (2007) report that “[t]he use of French and Latin in legal proceedings was only finally and permanently ended in 1731” (p. 37).

The major event that happened in the period of Modern English was the introduction of the printing press, which caused an increase in literacy. Because more and more people became literate, the written form of contracts and pleadings in court became more common. Mellinkoff (2004) states that while oral pleadings in court could be shortened or lengthened as needed, written pleadings were highly dependent on their exact wording: “Here was the sharpest of urges to use the words that had been used before” (p. 139). Despite no more outside influence that would force its language to be used in Britain, Mellinkoff (2004) explains that “[t]he trend of the age was to add words to English,” the new trendy words mostly came from Latin, Greek, French, Italian and Dutch and some of the newcomers into English vocabulary included *anonymous*, *autonomy*, *didactic*, and *euphemism* (p. 143). The latest trend in legal English, described in section 1.3., involves the its simplification.

2.2. Definitions of Binomials

Binomial expressions rank high among the characteristics that are deemed the most typical of legal language by many sources (Crystal & Davy, 1969, p. 208; Gustafsson, 1975, p. 98; Mellinkoff, 1963, p. 363; Mollin, 2014, p. 35). There are also other names by which they can be found in scholarly materials. For example, Tiersma (2000), who informs that they are “used five times as often in legal writing as in other prose styles,” calls the phenomenon *conjoined phrases* or *repetitive word pairs* and later explains that *binomial expressions* are “a technical linguistic term for two parallel words joined by a conjunction, like *any and all*” (p. 15, p. 61). Biel (2009) calls them *doublets* and *synonym strings* (p. 10). Crystal and Davy (1969) do not mention binomials at all but explain that in a legal text, “[s]ome of the most characteristic *collocations* are those in which *synonyms*, or *near-synonyms*, are coordinated,

sometimes in quite extensive lists, but more usually in pairs,” and later they mention “the large number of *couplings* [...] in which an English word is complemented by its French equivalent” (p. 208, my emphases). *Binomials* were first used as a term by Yakov Malkiel who defined them as “the sequence of two words pertaining to the same form-class, placed on an identical level of syntactic hierarchy, and ordinarily connected by some kind of lexical link” (Malkiel, 1959, p. 113 cited in Mollin, 2014, p. 7).

Because parliamentary debates belong to the spoken language, several of their prosodic features shall be considered now. The previous section established that legal documents had alliterations and a certain rhythm in the past because their primary form was spoken. Binomials can generally be considered as remnants of the oral tradition. Gustafsson (1975) ascribes “the popularity and prolonged existence of many binomials [...] to some concomitant phonetic factors” and then she explains that “[p]artial phonetic identity between the members in the form of alliteration, rhyme and assonance, increases the power of a binomial and operates as an effective mnemonic aid” (p. 18). Alliteration, rhyme, assonance but also particular rhythm helped binomials survive centuries and become part of the tradition, which can be observed the most in legal language.

However, binomials can be encountered in various genres of language, not only in legal language. They can be classified into several categories, which can be generally described to be anywhere on the semantic axis of the continuum that ranges from antonymy through synonymy to homeosemy. Some categorizations use only small portion of the spectrum. Mellinkoff (2004) considers *doubled words* and differentiates between those that “have achieved a small but helpful technicality” and *worthless doublings* (p. 346, p. 349). Carvalho (2006) reports that Malkiel (1959) distinguishes between binomials that are *near synonyms* (null and void), *complementary* (assault and battery), *opposite* (assets and liabilities), in the state of *subdivision* (months and years), or *consequence* (shot and killed) (p.

9). Carvalho (2006) proposes two categories of binomials for translation purposes: *redundant* and *specific*. Redundant binomials, such as true and correct, are made up of quasi-synonyms and cause a lot of construction and translation problems; contrarily, specific binomials, such as *husband and wife*, are made up of technical words and should be translated according to the appropriate language patterns (pp. 41-43). Gustafsson (1975) proposes a rather detailed description of semantic relations between the two words that form a binomial construction: she examines relations of *semantic opposition*, *homeosemy*, *complementation*, *hyponymy* and three miscellaneous relations – *semantic vagueness*, *prepositions* and *conjunctions*, and *onomatopoeia* (pp. 85-112).

The category of binomials that this thesis examines in most cases are binomials in the semantic relation of homeosemy as Gustafsson (1975) understands it. This relation is further divided into cases of:

- a) **formal similarity** which repeats the same words (*better and better*, *harder and harder*), has the greatest variety of link words in the binomial construction and can intensify the meaning of the repeated word (*again and again*);
- b) **foreign and familiar words** which were used in Early English literature to translate and interpret recent loanwords (*hint or innuendo*), a theory which not all scholars accept, even though the words are mostly known in contemporary language and may only add a “shade of meaning” (*cleanliness and hygiene*), or provide some variation in the text, and
- c) **technical accuracy** where Gustafsson gives examples of binomials used in legal (*evidence and testimony*), administrative (*Censuses and Surveys*), political (*Mutual and Balanced*) and technical (*buoys or beacons*) discourses and comments that these binomials may appear to the ordinary speaker as perfect synonyms and “[t]he difference in meaning may be so slight as to

require expertise of the reader, while a person unacquainted with the subject assumes that they mean the same thing” (pp. 95-99).

Although binomials in legal texts were, according to this subdivision, likely used as foreign and familiar words at first, it is safe to say that they are used in contemporary language for their technical accuracy.

2.3. Czech View on Binomials

Binomials in Czech do exist but their origin and roles are different from those of English binomials. In their article on translating binomials in literary texts, Klégr and Čermák (2008) define their view of binomials against Malkiel’s (1959) and state that unlike Malkiel, they regard binomials “in principle as idioms or phraseological formulas as their meaning may be compositional,” and their view does not see them only as frozen phrases or freezes: “they can range from free combinations to congealed irreversibles, from nonce-formations to stereotyped combinations (only the latter ends of the scales are formulas)” (p. 39). Klégr and Čermák (2008) proceed to explain Čermák’s view in which binomials are “collocational phrasemes or idioms (though they may include even non-phrasemes) formed by a sequence of two components of the same word class (sometimes identical in form), typically nominal, displaying class or individual iteration (sometimes including proper names)” (p. 40). In terms of semantic relations between the two words in binomials, Čermák distinguishes these:

- (a) identity (*one and only*),
- (b) totality (*from cradle to grave, from low to high*),
- (c) difference, alternative, choice (*your money or your life, tit for tat, live or die*),
- (d) impartiality or necessity (*fear or no fear*),
- (e) intensification and emphasis (*time after time, on and on, wheel within wheels*),

(f) immediacy, closeness (*face to face, side by side*). (Klégr & Čermák, 2008, p. 41)

When comparing Čermák's explanation of semantic relations to that of Gustafsson (1975), whose semantic analysis of binomials was given account of in the previous section, it should be noted that the ideas of opposition, homeosemy and complementation can be found in Čermák (a-c); the other categories are different and rather arbitrary. Čermák's view of intensification is a relation which could be found in Gustafsson, however, it is not one of the main relations in Gustafsson. Čermák's intensification is one of the features of Gustafsson's formal similarity, a subdivision of homeosemy. To complete the picture, in her analysis of Czech binomials Dámová (2007) discovers only four kinds of semantic relations: opposition, homeosemy, complementation and hyponymy, all of which can be found in Gustafsson's analysis (p. 86).

Klégr and Čermák (2008) note that unlike Malkiel (1959), Čermák does not pay much attention to formal factors, such as alliteration and rhyme, and conclude that even though binomials in both languages do have grammatical (word-class, coordination) and semantic relational similarities, "what really sets out a conjoined structure as a distinct unit, a binomial, in each language is the aesthetic effect (prosody, alliteration, rhyme) in English, and its strongly collocational nature, familiarity in Czech" (p. 41). This makes Klégr and Čermák (2008) realize that the nature of the two languages places importance on different features of binomials and, therefore, the level of variability of binomials changes from language to language: "Czech binomials are seen to be closer to idioms whereas in English ad hoc binomials are the norm and idiomatic ones are a minority" (p. 41).

2.4. International Research on Translation of Binomials

The theory related to the translation of English binomials is rather scarce. For example, Biel (2009) mentions that "it may be hypothesized that simplification will be found in translation

from common law languages (e.g. UK and US law English), which favour **repetitions** such as doublets and synonym strings” (p. 10, original emphasis). In this paper, Biel discusses uses of corpora in researching translation of legal documents. The simplification that she mentions is achieved through removing repetition in binomials. The act of removing repetition is a case of simplification when it lowers the richness of vocabulary in the target text. However, the translation of binomials with one-word equivalents should not be considered simplification in languages that do not use binomials in the corresponding register or lack the vocabulary to create a corresponding binomial expression.

The research related to the translation of binomials in legal texts has been conducted between English and various other languages. There were two notable corpora research studies on translation of binomials between English and Romance languages. Carvalho (2008) studied binomial expressions in English legal agreements and their translations into Brazilian Portuguese (p. 334). She retrieved from her corpus 816 English binomials in 8 grammatical categories with the majority being noun-based binomials and a high number of prepositional binomials (e.g. *by and with*) (pp. 347-8). She recommends treating a binomial expression as a single unit of translation rather than three separate words and stresses the fact that rather than prescriptive, her study was meant to describe naturally occurring translations (p. 348). Similarly, Vázquez y del Árbol (2014) studied binomials in 100 Spanish translations of powers of attorney and suggests simplification as the preferred method (p. 26).

Another two studies were carried out between English and oriental languages. Even though not solely focusing on binomials, Mohammad, Alawi and Fakhouri (2010) research nine Arabic translations of three English contracts translated by three certified professional translators (p. 3). Their view is pragmatic and they promote the idea of skopos theory (p. 7). Furthermore, they criticize the frequent non-professionalism of contract writers and the complexity of English legal style which, in addition of the temptation of word-for-word

translation, can produce an incomprehensible target text (p. 8). They view doublets and triplets as problematic areas and recommend simplification, however, five out of the six examples maintain the original binomial structure (p. 13). Simplification is the preferred strategy “as long as the intended meaning is successfully reproduced” (p. 24). Khatibzadeh and Sameri (2013) studied translation of 125 binomials in Persian political speeches that were translated into English with the majority being noun-based binomials (75%) that were translated literally (85% of the whole sample) (pp. 24-26). They identified three main problems that translators encounter when translating binomial expressions: The inappropriate choice of translation unit, based on Carvalho’s recommendation to treat binomials as single units, neglecting the idiomatic nature of binomials and their nature of being culture-dependent (p. 31).

2.5. Czech Research on Translation of Binomials

To the author’s best knowledge, no empirical research related to the translation of binomials in legal or political texts has been carried out between English and Czech. Princová (2006) researched translating German binomials into Czech while Motornyuk (2010) wrote a comparison of Czech and Russian binomials. Klégr and Čermák (2008) wrote about translating binomials from English into Czech, however, they examined them in poetry – Shakespeare, Chaucer and *Beowulf* – not in legal or political texts. One of the conclusions that they made is the division of binomials as established/idiomatic and current/near-binomials (p. 47). Even though Klégr and Čermák (2008) admit that their sample was miniscule, they assume that “it does seem, though, that current binomials survive translation into Czech somewhat better than established/idiomatic binomials” (p. 50). In other words, the established/idiomatic binomials researched by the authors tended to be translated as one word, or simplified in the terms of Biel, current/near-binomials showed the tendency to keep their binomial structures in translation.

The main work that lays out some theory was written by Chromá (2011) who explains in detail the process of translation in legal settings and the main concepts of legal translation. Chromá (2011) explains two kinds of synonymy. Propositional synonymy places the utmost importance to the equivalence of meaning over the form:

Since the meaning is more relevant for translation than the syntactical form of the phrases, they all can be translated by one phrase in the target language that best reflects in the target law the message contained in the source language phrase (p. 40).

The wording may be different but various paraphrases have the same meaning. Lexical synonymy considers the “sameness in meaning between lexical units” and determines the scope of similarity, acceptable differences and the distributional potential of supposed synonyms; Chromá (2011) emphasizes that context should be considered as it pragmatically “has a decisive impact on determining the meaning of a lexical unit or units” (p. 40). When it comes to synonymic chains, or doublets and triplets, Chromá (2011) proposes that phrases with fully identical meaning must be translated by one word only “where the target legal system does not possess terminological [...] synonyms” (pp. 42-43). There are phrases whose practical applications have identical meaning but there might be slight differences in certain jurisprudential contexts; Chromá (2011) advises that in such cases the translator should use one target language equivalent if the target legal system does not contain similar synonyms (pp. 43). The last example features partial synonymy where the difference in meaning is marginal and the use of the terms is not commonly interchangeable in various legal contexts. In such cases the translator may need to paraphrase the binomial (in this case “does not restrict nor limit” is suggested to be translated as “does not restrict in any manner”). (Chromá, 2011, pp. 43-44).

2.6. Conclusion

This chapter showed an overview of the historical evolution of English legal language. It did not try to give a complete account of the history of English legal language. If the reader is interested in this topic, Mellinkoff (2004) gives a very detailed account of the history of legal language. Rather, the author tried to divide the evolution into three main periods which coincide with the evolution of the English language. The author accounted for the main characteristics of the periods seemed to be important in connection to the creation and preservation of binomials – Early English with its oral tradition and the raids of other nations that brought additional strata to the English vocabulary, Middle English and the rise and fall of bilingualism, fight for the exclusive use of English in courts and the desolate state of the other languages used in legal documents, and Modern English and the rise of literacy, which caused a need for adherence to traditional forms of expression in legal language on the one hand, and the inclusion of new words from modern languages into the English vocabulary on the other.

The chapter also provides the various names under which binomials can be found and their various definitions, types and relations, based mostly on the semantic relations between the pair of words in binomial construction. The view of Czech scholars, Klégr and Čermák, on binomials and the way it differs from other international scholars is also explained.

The final part provides a brief overview of the current state of theory and research on translating binomials by Czech and international scholars. An emphasis is given to the research by Klégr and Čermák (2008) who propose an interesting division of binomials as established/idiomatic and current/near-binomials and the theory by Chromá (2011) who recommends using a one-word equivalent or paraphrase when the target language does not contain a suitable binomial expression.

3. Method

This chapter describes the methods and resources used for the research. It lists the dictionaries and corpora that are used later.

3.1. Dictionaries

Dictionaries can be categorized in several ways – for example according to their size, or the register of the language that they contain. For the purpose of this research, four categories are considered. Monolingual dictionaries explain the meaning of a word in the same language while bilingual dictionaries give examples of how to translate a word into another language. Either of them can be general, which contain words from all areas of life, or specialized, which contain vocabulary from one area of expertise, such as law or technical language, and go much deeper and contain more words from the area than a general dictionary would.

However, even a specialized dictionary may not contain all the specialized vocabulary that a translator may need, especially when it comes to binomial constructions. Vázquez y del Árbol (2014) complains that “most of [the binomial expressions] are not cited in specialized dictionaries” (p. 26). Chromá (2011) suggests using a thesaurus when translating, however, she cautions against too much creativity on the part of the translator because lawyers “tend to see a new concept behind a new (different) term” (p. 45).

The dictionaries that are used come from various categories. The one monolingual dictionary used in this thesis is the well-known *Oxford English Dictionary* (2016), from now on abbreviated as *OED*. It is a monolingual general dictionary. Black’s (1993) *Blackův právnícký slovník* is the Czech version of *Black’s Law Dictionary* (e.g. Black, 2009). It is a bilingual specialized dictionary which not only suggest translations but also explains in a certain depth the circumstances of the use of the law term in question. Chromá’s (2004) *Anglicko-český právnícký slovník* and Bočánková, Kalina, Oherová and Svoboda’s (1999) *Anglicko-český právnícký slovník* are other well-known bilingual specialized dictionaries.

The above-mentioned dictionaries will be used to discover the meaning and potential translation equivalents for the examined binomial translations. The monolingual general dictionary will be used to see whether the binomial expression is listed and if it is not, to see, whether the pair of words have approximately the same meaning. The bilingual specialized dictionaries will also be used to check for the availability of the binomial in question and to look for its possible translations. If the binomial expression is contained in at least one of the three dictionaries then it might be considered as belonging to the established/idiomatic category as viewed by Čermák from Klégr and Čermák (2008) (for further details see section 2.5.). The treatment of binomial expressions will be described in all the dictionaries.

3.2. Corpora

A corpus contains texts produced by people. Contemporary corpora are usually stored electronically and can be searched using corpus interface. Marcus, Marcinkiewicz and Santorini (1993) explain that the texts in a corpus can be described as “naturally occurring unconstrained materials” (p. 313). The corpora used for this thesis are specialized corpora because they contain only parliamentary speeches.

The body of *Hansard Corpus* contains 1.6 billion words uttered in almost 7.6 million speeches by nearly 40 thousand speakers at the British Parliament between 1803 and 2005 (Texts, .n.d.). It was created and tagged in 2011 by Jean Anderson and Marc Alexander, the texts being provided by Millbank Systems (Texts, .n.d.). *Hansard Corpus* was created as a part of JISC Parliamentary Discourse Project at the University of Glasgow, its main aim being familiarizing Higher Education and the general public with two hundred years' worth of data from the British Parliament (Parliamentary Discourse, .n.d.). *Hansard Corpus* is available freely on the Internet and uses the BYU corpus architecture. This corpus is used as a control corpus to monitor whether a binomial expression is used in original English parliamentary texts and to retrieve data which show how the usage of a binomial expression evolved through

time. The latest data (from the period beginning in 2000 and ending in 2005) in *Hansard Corpus* will be compared to the data from *Europarl*.

Europarl is a part of *InterCorp*, a parallel corpus. The corpus uses the Czech National Corpus interface KonText. The English part of *Europarl* has 15,580,109 tokens and the Czech part has 19,222,658 tokens and both parts are semantically tagged (Korpus InterCorp, 2015). This subcorpus is the main source of data for this thesis. It contains original English texts spoken in front of the European Parliament and their Czech translations. The data obtained from this corpus will be analyzed.

The *syn* corpus is an original Czech corpus. It has about 3 billion tokens. It uses the same interface as *Europarl*. It is used to verify the various translations: if they can be found in original Czech texts and therefore are naturally sounding solutions. It is possible to search this corpus only for legal texts. However, most specialized words enter general language through the process of de-terminologization (Bowker & Pearson, 2002, p. 26). It is, therefore, worth trying to search the corpus as a whole to see what it contains.

3.3. Conclusion

This chapter introduced the main materials and methods that are used in this thesis. There is the *OED* (2016), a monolingual general dictionary that serves as a reference and helps to establish the meaning of the binomials in question. Black (1993), Chromá (2004) and Bočánková et al. (1999) are three bilingual English-Czech specialized legal dictionaries. The treatment of binomials will be monitored in these dictionaries. The suggested translations will be compared to the data from *Europarl*. Three corpora are used. *Europarl*, a part of the parallel *InterCorp* corpus, is the main source of data. *Hansard Corpus* and *syn* are control corpora, the former for English, the latter for Czech.

4. Research

This chapter presents the research on binomials. The process of selection was performed on the basis of frequencies: a list was made with candidates from various sources. The number of occurrences and normalized frequencies were found in *Hansard Corpus* and *Europarl* for every candidate. A selection of ten binomials was made so that various word classes would be included in the analysis, as opposed to including for example only noun-based binomials. The chosen ten binomials were further reduced to five due to low numbers of the occurrences of five of the ten binomials in *Europarl*: *aid and abet* and *care and attention* both have only seven occurrences, which is the lowest number of occurrences in the original ten binomials.

The final selection of binomials originates from three sources. *Rules and regulations, terms and conditions*, and *if and when* can be found in Doonan (1995) where they are listed as examples of commonly used synonyms in legal texts with the commentary that “one of the words used would be sufficient” (this notion is further described in section 1.3.4.) (pp. 117-118). *Law and order* can be found in Hult (2016) among “some of the common phrases used in legal language today” (p. 7). The origin of *prevent and combat* is different from the origin of the other selected binomials, which can be found in books as examples of frequently used binomials in legal texts. It is included deliberately primarily because of its origin but also because of its high number of occurrences in the corpus. This choice is made so that not only textbook examples of legal binomials are included in the analysis but so that binomials that are frequently used and perhaps characteristic for the European Parliament are also examined. This binomial was found by searching *Euroarl* for two words semantically tagged as verbs connected with *and*, using CQL. The results were then sorted by frequency of the lemmas of the node. *Prevent and combat* is the second most frequent verb-based binomial in *Europarl*.

The following individual analyses are sorted according to the number of their occurrences in *Europarl*.

4.1. Rules and Regulations

Rules and regulations is mentioned in the definition **5 a.** of the word *rule*, n.¹ in the *OED* (2016):

- a.** A regulation framed or adopted by an organization, institution, or other body for governing its conduct and that of its members; a precept or condition which must be fulfilled on pain of penalty or punishment. Often in *rules and regulations*.

It can be said that *rules and regulations* share a meaning. However, *rules and regulations* figures only twice in the fifteen examples belonging to this definition that date from 1438 to 2005. The first example does not feature the binomial construction but includes *rules* and *regulations* in a list of four items:

1755 *Connoisseur* No. 96 (1756) 581 Laws, Rules, Regulations, or Orders, shall be formed for the Anti-Gallicans, Ubiquarians, Gregorians, or any private clubs and societies. (*OED*, 2016)

The second and last example includes the binomial construction:

1955 L. P. HARTLEY *Perfect Woman* (1959) 185 Jeremy, with his insistence on rules and regulations, his instinct for decorum in all things, seemed to her a spoil-sport and a life-denier. (*OED*, 2016)

Black (1993) does not contain *rules and regulations* but it has separate entries for the two words:

Rule, n. Norma, předpis, zákon. Předepsaná norma jednání. Právní úprava nebo princip. [...] Zásada nebo úprava (p. 1228)

Regulation. Úprava, akt regulování, pravidlo nebo řád předepsaný pro řízení, řídicí princip, předpis, zásada. Nařízení předepisovaná vyšším orgánem,

týkající se činnosti podřízených subjektů [...] Pravidla chování [...] Směrnice se silou zákona (p. 1191)

Both definitions contain the word *předpis*, therefore, it can be expected that *předpis* or rather the plural form *předpisy* may be the preferred translation.

The other two bilingual dictionaries both contain an entry for *rules and regulations* within the definition of the noun *rule*:

am. odvozené právní předpisy nižší právní síly, podzákoné předpisy (Chromá, 2004)

r-s and regulations předpisy (Bočánková et al., 1999, p. 628)

As expected, both dictionaries suggest *předpisy* while Chromá (2004) specifies *předpisy* as *podzákoné předpisy*.

Considering that the *OED* (2016) and two out of three bilingual dictionaries list this binomial expression, it may be safe to say that *rules and regulations* is an established/idiomatic binomial according to the definition in Klégr and Čermák (2008).

Rules and regulations has 5,189 occurrences in *Hansard Corpus* with a normalized frequency of 73.03 words per million, further on abbreviated as wpm. *Figure 1* shows the usage of *rules and regulations* through time:

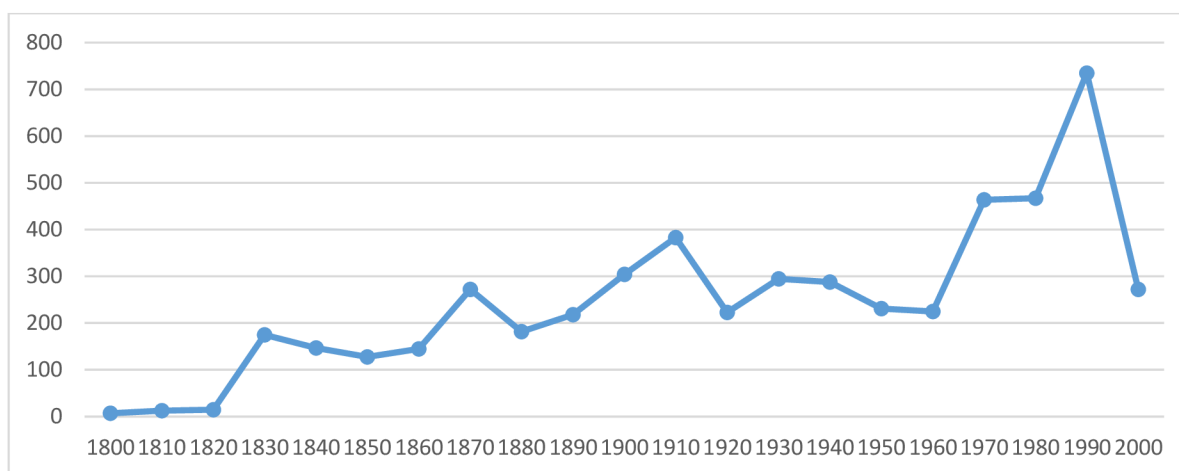


Figure 1: Historical development of *rules and regulations* from 1803 to 2005 in Alexander and Davies (2015-).

Each node in the graph shows how many occurrences the binomial has in a decade in *Hansard Corpus*. There is a peak in the 1990s with 735 uses. It has only 272 occurrences with a normalized frequency of 3.03 wpm in the decade that starts in 2000. However, it should be noted that only a half of the decade is counted in the 2000s because the data ends in 2005.

Europarl has 71 occurrences of *rules and regulations* with a normalized frequency of 4.08 wpm, which is more frequent than its normalized frequency in the 2000s portion of *Hansard Corpus*. Table 1 shows Czech translations of *rules and regulations* in *Europarl*, example sentences and their translations and the number of occurrences of the translations:

Translation	Source text example	Target text example	Occurrences
pravidla a předpisy	A large portion of companies' rules and regulations [...]	Velké množství pravidel a předpisů společností [...]	31
pravidla a nařízení	[...] who struggle to keep abreast of the multitude of current rules and regulations [...]	[...] které mají problém udržet krok s množstvím stávajících pravidel a nařízen í [...]	19
předpisy a nařízení	Obstacles have been introduced in the form of rules and regulations [...]	Bylo vytvořeno mnoho překážek ve formě předpisů a nařízen í [...]	11
nařízení a předpisy	Madam President, over the many years it has been in operation, the European Union has created an enormously complex structure of various rules and regulations [...]	Paní předsedající, Evropská unie si za dlouhá léta svého působení vytvořila nesmírně bohatou strukturu rozličných nařízen í a předpisů [...]	1
pravidla a omezení	[...] they should not be subject to the same rules	[...] aby mikropodniky nebyly podrobeny stejným	1

	and regulations as bigger business.	pravidlům a omezením jako velké podniky.	
pravidla a právní předpisy	I ask you, why is the EU letting Turkey make a mockery of our rules and regulations ?	Ptám se Vás, proč EU nechává Turecko, aby se vysmívalo našim pravidlům a právním předpisům ?	1
pravidla a regulace	To this end, we also need rules and regulations .	Potřebujeme k tomu také pravidla a regulaci .	1
pravidla a regulační opatření	[...] of common rules and regulations as the common way to better governance.	[...] společných pravidel a regulačních opatření jako obecný způsob lepší správy věcí veřejných.	1
pravidla a směrnice	Simply having rules and regulations is not good enough [...]	Mít pravidla a směrnice jednoduše nestačí [...]	1
předpisy a pravidla	[...] to have the same rules and regulations right across the European Union [...]	[...] aby po celé Evropské unii platily stejné předpisy a pravidla [...]	1
předpisy a právní úprava	We are paying special attention to non-tariff barriers and rules and regulations in key areas [...]	Věnujeme zvláštní pozornost necelním bariérám a předpisům a právní úpravě v klíčových oblastech [...]	1
zákony a směrnice	[...] including the rules and regulations regarding national minorities.	[...] a to včetně zákonů a směrnic týkajících se národnostních menšin.	1
zásady a pravidla	[...] transparency of recruitment based on pre-defined rules and regulations [...]	[...] transparentním přijímání pracovníků na základě předem	1

		vymezených zásad a pravidel [...]	
		Total	71

Table 1: Translations of rules and regulations and the numbers of their occurrences in Klégr, Malá, Rohrauer, Šaldová and Vavřín (2015).

The results in *Table 1* are sorted first by the number of occurrences of the individual translations in the corpus and then their order is alphabetical. Contrary to the suggested translation by the dictionaries and the fact that *rules and regulations* is an established binomial, all the translations in the corpus have the form of a binomial construction. The translations that have regulations translated closely may be considered as too literal translations: *pravidla a omezení*, *pravidla a regulace* and *pravidla a regulační opatření*. Each of these solutions has only one occurrence. The use of *pravidla* is also questionable because it gives the impression of describing rules in a game, not in an official institution. *Předpisy* would be a more fitting translation for *rules*. To be able to judge how natural these binomials are in Czech, their frequencies in *syn* should be considered, as shown in *Table 2*:

Translation	Occurrences	Normalized Frequency
<i>předpisy</i>	135,705	50.54 wpm
předpisy a nařízení	249	0.09 wpm
zásady a pravidla	162	0.06 wpm
pravidla a předpisy	132	0.05 wpm
předpisy a pravidla	122	0.05 wpm
pravidla a omezení	102	0.04 wpm
<i>podzákoné předpisy</i>	83	0.03 wpm
zákony a směrnice	59	0.02 wpm
nařízení a předpisy	56	0.02 wpm

pravidla a nařízení	54	0.02 wpm
pravidla a směrnice	40	0.01 wpm
pravidla a regulace	32	0.01 wpm
pravidla a právní předpisy	3	0.00 wpm
pravidla a regulační opatření	2	0.00 wpm
předpisy a právní úprava	1	0.00 wpm
Total	136,802	50.94

Table 2: Numbers of occurrences and normalized frequencies of translations and dictionary translations of *rules and regulations* in Křen et al. (2014).

In this table and in any following table from the *syn* corpus cited as Křen et al. (2014), the translations suggested by the bilingual dictionaries are emphasized in italics. Czech makes a marked preference for *předpisy*, which is the term listed in Bočánková et al. (1999). *Předpisy* is the most frequent of all the possible translations, even though one cannot be sure whether the contexts are similar to *rules and regulations* because of its many occurrences. The second term suggested by Chromá (2004), *podzákoné předpisy*, can be found in the upper half of the table. Neither of these translations are used in *Europarl*.

Předpisy should be the preferred translation in a general setting because *rules and regulations* have a very similar meaning. However, the context of the European Union can cause the need for a binomial construction of the translation. While *rules* can be translated as *předpisy* as it does not seem to be a specific term, *regulations* can be interpreted as being context-dependent and tied to the European Union. Usually when talking about legislation, the official EU texts mention *regulations, directives and decisions (nařízení, směrnice a rozhodnutí)* (Legislation, n.d.). Therefore, *nařízení* could be the suitable equivalent for *regulations*. In this context, *předpisy a nařízení* should be the preferred translation because there is enough difference in the meaning and Czech possesses an additional word to form a

suitable binomial expression. This also happens to be the most frequent binomial expression in the *syn* corpus in *Table 2* but not the most used translation in *Europarl* with only 11 occurrences (15.49 % of the translations).

4.2. Prevent and Combat

The *OED* (2016) does not contain *prevent and combat*. However, it does have separate entries for both verbs:

Prevent, v.

I. To anticipate or act in advance.

II. To preclude, stop, or hinder.

Combat, v.

1.

a. intr. To fight or do battle (orig. *esp.* in single combat). [...]

b. fig. [...]

2.

a. trans. To fight with, engage, oppose in battle. [...]

b. fig. (Now the most frequent use.) [...]

The relationship between the two verbs is not that of pure homeosemy. Preventing e.g. crime is not quite the same as combating crime. Yet by combating crime one can prevent more crime from happening. And if one prevents crime from happening, one does not have to combat it. Even though both actions are traditionally done by one institution – the police – it seems rather difficult to define the relationship in terms of synonymy. The closest of all the types of binomials is the relation of consequence as understood by Malkiel (1959), explained in section 2.2. However, this binomial construction is certainly one of current/near-binomials as Klégr and Čermák (2008) define them.

Unsurprisingly, neither of the bilingual dictionaries list the binomial. Similarly to the *OED* (2016), they only contain the individual verbs:

Prevent. Zabránit, zamezit, předejít, zachránit; předem vyřídit; jít napřed, vést, ukazovat cestu. Bránit, zmařit (překazit), překážet nebo znemožnit; zabraňovat (obstruovat); zastavit (bráněním). (Black, 1993, p. 1102)

Prevent 1. zabránit, zamezit 2. předcházet, bránit (Chromá, 2004)

Combat bojovat proti (Chromá, 2004)

prevent předcházet, zabránit čemu (Bočánková et al., 1999, p. 542)

It should be noted that Chromá (2004) lists both verbs, Bočánková et al. (1999) does not contain combat and Black (1993) only includes combat as a noun.

Hansard Corpus has only 33 occurrences of *prevent and combat* with a normalized frequency of 0.26 wpm. *Figure 2* shows the binomial's use through time:

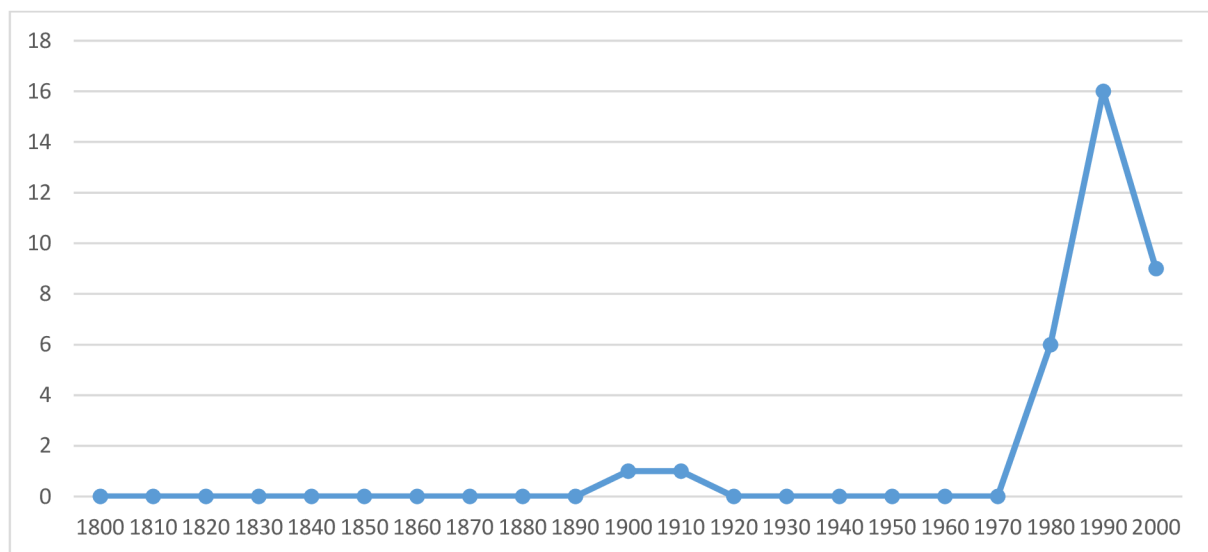


Figure 2: Historical development of *prevent and combat* from 1803 to 2005 in Alexander and Davies (2015-).

Prevent and combat was not used before the 1980s. From 2000 to 2005, it has nine occurrences with a normalized frequency of 0.11 wpm. It can be, therefore, surprising to see that *Europarl* has 71 occurrences of *prevent and combat* with a normalized frequency of 4.08

wpm. This binomial expression might be an example of jargon used by the speakers in the European Union. *Table 3* shows Czech translations of *prevent and combat* in *Europarl*:

Translation	Source text example	Target text example	Occurrences
prevence a boj	[...] preventing and combating terrorist attacks [...]	[...] prevenci a boji proti teroristickým útoků, [...]	33
předcházení a boj	This is why all Member States have stepped up their efforts to improve the tools used to prevent and combat it.	Proto všechny členské státy zvýšily úsilí o zlepšení nástrojů používaných k předcházení terorismu a boji proti němu.	14
předcházení a potírání	[...] the Council of Europe Convention on preventing and combating violence against women and domestic violence [...]	[...] úmluvy Rady Evropy o předcházení a potírání násilí na ženách a domácího násilí [...]	9
předcházet a bojovat	[...] we are fully committed to preventing and combating such crimes.	[...] jsme pevně odhodláni [sic] takovýmto zločinům předcházet a bojovat proti nim.	6
prevence a potírání	[...] declares its intention to take a comprehensive approach to preventing and combating the poverty that affects women and children.	[...] oznamuje svůj úmysl přijmout komplexní přístup k prevenci a potírání chudoby, která má dopad na ženy a děti.	5
zamezení a boj	[...] the proposal for a directive to prevent and combat all forms of violence against women [...]	[...] návrh směrnice k zamezení a boji proti všem formám násilí vůči ženám [...]	3

předcházet a bránit	We also want to prevent and combat illegal fishing [...]	Rovněž chceme předcházet a bránit nezákonnému rybolovu [...]	1
		Total	71

Table 3: Translations of *prevent and combat* and the numbers of their occurrences in Klégr et al. (2015).

All the translations in *Europarl* are translated as a binomial construction. Because *prevent and combat* is not very common in English, Table 4 will help to see whether it is frequent in Czech:

Translation	Occurrences	Normalized Frequency
prevence a boj	67	0.02 wpm
prevence a potírání	43	0.02 wpm
předcházet a bránit	5	0.00 wpm
předcházení a potírání	2	0.00 wpm
předcházet a bojovat	1	0.00 wpm
předcházení a boj	0	0.00 wpm
zamezení a boj	0	0.00 wpm
Total	118	0.04 wpm

Table 4: Numbers of occurrences and normalized frequencies of translations and dictionary translations of *prevent and combat* in Křen et al. (2014).

Neither of the binomial expressions is very frequent in Czech. Also, most of the translations changes word class and are now noun-based binomials instead. Although very frequent in *Europarl*, it is the original binomial that may be flawed. Both verbs collocate with crime and the relationship between them is difficult to describe. Both languages prefer expressions that are not binomial. *Hansard Corpus* shows these results when searching for the individual verbs

and their noun equivalents in connection with crime: *prevent crime* (1,391 occurrences), *combat crime* (499 occurrences), *crime prevention* (3,511 occurrences), and *prevention of crime* (2,197 occurrences) (Alexander & Davies, 2015-). A search in *syn* shows similar results: *bojovat proti zločinu* (94 occurrences), *zabránit zločinu* (49 occurrences), *předcházet zločinu* (19 occurrences), *prevence zločinu* (36 occurrences), *boj proti zločinu* (396 occurrences) (Křen et al., 2014). The corpora show that both languages have a preference for nominalization. In connection with crime, English has a higher number of occurrences of *prevention* and Czech has a higher number of occurrences of *boj [combat]*. These verbs do not have the same meaning and according to Chromá's theory should be translated with a binomial construction because Czech has two verbs that correspond to *prevent* and *combat*. It seems as a more natural solution, however, to treat *prevent and combat* as a single unit of translation, as Carvalho (2008) suggests (see section 2.4.), and pick the verb or noun that fits naturally in the context and translate it. In Czech, the verb would be most likely *bojovat* and the noun would be *boj*.

4.3. Law and Order

Law and order can be found in the *OED* (2016) under the heading of *law* in the third definition:

3. In generalized sense.

a. Laws regarded as obeyed or enforced; controlling influence of laws; the condition of society characterized by the observance of the laws. Often in phrase *law and order*. Proverb: *Necessity has (or knows) no law*.

The binomial does not have its own heading, nor is it mentioned as a phrase. It is only mentioned in the text. While the first example of *law* in sense **3. a.** dates back to circa 1175, the first example that contains *law and order* comes from 1598:

1598 J. FLORIO *Worlde of Wordes* Legitimo..according to law and order.
(*OED*, 2016)

The last example of this sense also contains *law and order*:

1973 *Black World* Dec. 19/1 A sense of determinism that is diametrically
opposed to the ruler-class 'law-and-order' and individualism. (*OED*, 2016)

The bilingual dictionaries treat *law and order* differently. Black (1993) does not
recognize the binomial at all and only lists the two items separately:

Law. Právo; zákon (p. 814)

Order. Řád; pořádek; pořadí, uspořádání, posloupnost; klid; rozkaz, nařízení,
směrnice; atd.; poukaz, poukázka, příkaz (platební); povolení; objednávka;
rozhodnutí, usnesení, výnos, nařízení, opatření; „na řád“ aj. Mandát (příkaz);
předpis, autoritativní příkaz či pokyn; pravidlo nebo nařízení (p. 1008)

When looking at these suggestions, it would seem that the correct translation should be
another binomial. However, the other two bilingual dictionaries do recognize the term and list
it under the definition of *law*:

~ **and order** právní pořádek (Chromá, 2004)

l. and order právní stav, zákonnost, právní pořádek (Bočánková et al., 1999, p.
401)

Bočánková et al. (1999) offer more possible choices for translation, the one that matches in
wording to Chromá (2004) is *právní pořádek*.

Because the *OED* (2016) and two out of three bilingual dictionaries include *law and
order*, the binomial expression can be called established/idiomatic binomial in the sense of
Klégr and Čermák (2008).

Hansard Corpus has 19,206 occurrences while searching for *law and order* with a normalized frequency of 181.48 wpm. *Figure 3* shows the usage of *law and order* through the history of the speeches in the British Parliament:

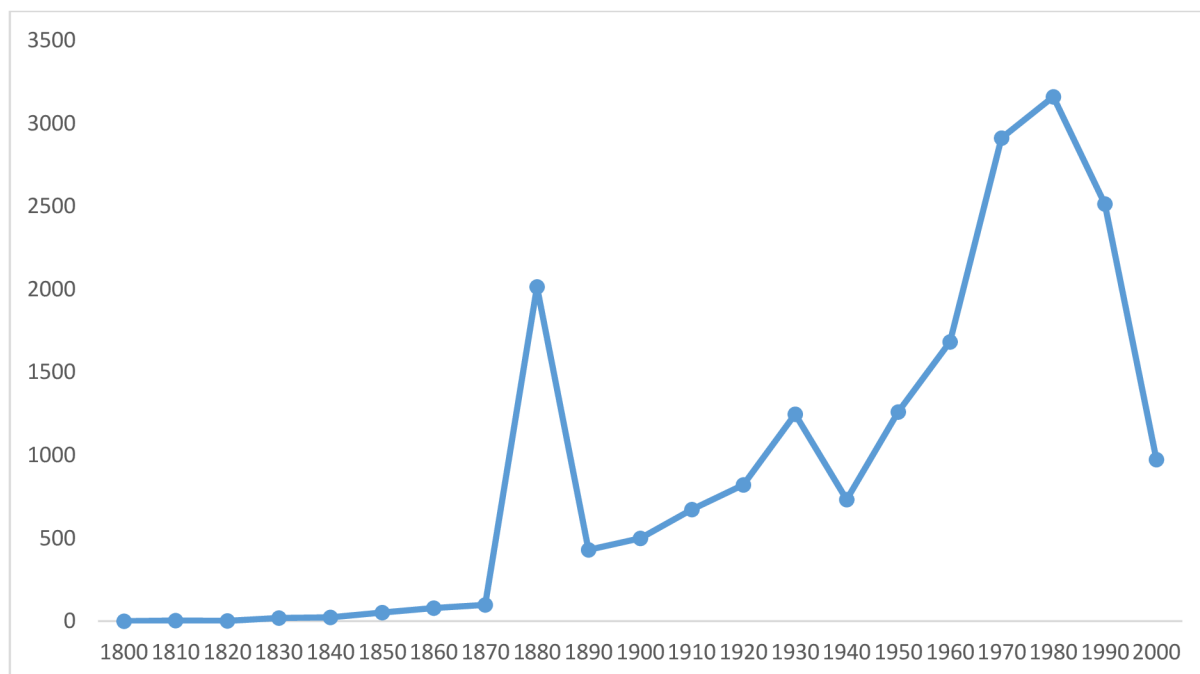


Figure 3: Historical development of *law and order* from 1803 to 2005 in Alexander and Davies (2015-).

The usage has two remarkable peaks: in the 1880s with 2,016 occurrences and one century later in the 1980s with 3,161 occurrences. There are 974 occurrences and a normalized frequency of 11.01 wpm in the time period from 2000 to 2005.

The *Europarl* part of *InterCorp* has 56 occurrences for *law and order* with a normalized frequency of 3.28 wpm. *Table 5* shows Czech translations of *law and order* in *Europarl*, example sentences and their translations and the number of occurrences of the translations:

Translation	Source text example	Target text example	Occurrences
právo a pořádek	[...] in a large UN mandate to impose law and order [...]	[...] a který by měl silný mandát OSN a zavedl by právo a pořádek [...]	29

zákon a pořádek	[...] and it will make our citizens lose all faith in the rule of law and order .	[...] že naši občané úplně ztratí víru ve svrchovanost zákona a pořádku .	9
veřejný pořádek	I think that sending further aid from the EU to Kyrgyzstan must be conditional on the introduction of reforms which will ensure law and order [...]	Domnívám se, že vyslání další pomoci z EU do Kyrgyzstánu musí být podmíněno zavedením reformem, které zajistí veřejný pořádek [...]	6
právní stát	This is a hopeful sign of the Congolese government making a start on putting law and order in place [...]	To je jistě nadějně znamení, že konžská vláda začala uplatňovat zásady právního státu [...]	3
zákonnost a pořádek	[...] that there are now real concerns about law and order [...]	[...] takže jsou tam nyní reálné obavy o zákonnost a pořádek [...]	2
police	They found themselves frustrated, unable to contribute to the needs of a family, pursued by the forces of law and order [...]	Pociťují frustraci z toho, že nemohou přispět k uspokojení potřeb rodiny, pronásleduje je police [...]	1
právo	Therefore, it must be our priority to fight unremittingly for respect for the principles of law and order , civil liberties and human dignity.	Proto musí být naší prioritou neustálý boj za respektování práva , občanských svobod a lidské důstojnosti.	1
právo a řád	In addition, the issues relating to justice, compliance with justice	[...] Kromě toho musí být zvaženy otázky týkající se	1

	and law and order must be considered.	spravedlnosti, práva a řádu .	
zákon a řád	The main task for Europe is to strengthen law and order [...]	Hlavním evropským úkolem je posílení zákona a řádu [...]	1
zákonnost	With our support, the OSCE can become a significant and effective force for law and order in Europe and Eurasia.	S naší podporou se OBSE může stát významnou a účinnou silou pro zákonnost v Evropě a Eurasii.	1
		Total	54 ²

Table 5: Translations of *law and order* and the numbers of their occurrences in Klégr

et al. (2015).

The table shows a very strong preference for keeping the translation of *law and order* as binomial construction because the construction is kept in 44 translations or 78.57 per cent of all translations. This fact clashes with the suggestions for translations in the two bilingual dictionaries that include *law and order*. It should be also noted that that the first two translations (*právo a pořádek*, 30 occurrences, 53.57 per cent of all translations and *zákon a pořádek*, 9 occurrences, 16.07 per cent of all translations) have a certain cultural meaning because *Law and Order* is also a franchise of procedural television series, beginning in 1990, that was broadcast in Czech under the titles *Právo a pořádek* and *Zákon a pořádek* (Law &

² The total is two occurrences short from the originally reported number because the corpus has two occurrences of *Law and Order Trust Fund for Afghanistan*. Because this is a name, it did not seem right to include it in the table. In addition, this organization does not seem to have an official Czech translation. It was translated as “fond na podporu afgánské národní policie Law and Order Trust Fund (LOFTA)” and “Svěřenecký fond pro právo a pořádek pro Afghánistán (LOTFA)”. The former also misspells the acronym as LOTFA.

Order, n. d., Právo a pořádek, n. d., Zákon a pořádek: Útvar pro zvláštní oběti, n. d.). Both of these binomial translations may sound rather dramatic and colloquial in Czech, which is the effect that can be desirable for the translators of the television series, however, that is also the reason why it should perhaps not be the preferred translation in the European Parliament. Also, the binomial phrases are more natural to be used in Czech in a construction with a verb, such as *establish law and order*. The other options that are not translated as binomial constructions – *veřejný pořádek* (6 occurrences, 10.71 per cent), *právní stát* (3 occurrences, 5.36 per cent) and *policie*³, *právo* and *zákonnost* (1 occurrence, 1.79 per cent each) – can be considered as plausible translations with a preference for the first two: *veřejný pořádek* and *právní stát*. However, *právní stát* [*legal state* or *state of justice*] can be considered as the encompassing term for the concept of *law and order* while *veřejný pořádek* [*public order*] is only a component of what *právní stát* should have. It should be also noted that the term listed in both bilingual dictionaries that include *law and order*, *právní pořádek*, cannot be found in the corpus. Only *zákonnost* listed in Bočánková et al. (1999) is included, however, it has only one occurrence.

Table 6 shows the frequencies of the translations in *syn*:

Translation	Occurrences	Normalized Frequency
policie	1,388,735	517.20 wpm
právo	936,739	348.86 wpm
veřejný pořádek	13,361	4.98 wpm
právní stát	8,116	3.02 wpm

³ *Policie* cannot be considered as a standard translation of *law and order*. It is a culturally functional translation equivalent of *the forces of law and order* as law and order is enforced by the police.

<i>zákonnost</i>	3,254	1.21 wpm
<i>právní stav</i>	1,417	0.53 wpm
právo a pořádek	504	0.19 wpm
zákon a pořádek	471	0.18 wpm
<i>právní pořádek</i>	311	0.12 wpm
zákon a řád	106	0.04 wpm
zákonnost a pořádek	62	0.02 wpm
právo a řád	56	0.02 wpm
Total	2,353,132	876.37 wpm

Table 6: Numbers of occurrences and normalized frequencies of translations and dictionary translations of *law and order* in Křen et al. (2014).

All the translations are included in *syn*. It needs to be repeated that *Právo a pořádek* and *Zákon a pořádek* are names of a show. Their results are, therefore, distorted and higher than they should be had there not been the show. It should be also added that *Právo* is the name of a Czech newspaper which is included in *Syn*. Therefore, the results for this word can be overestimated as well. The case of *policie* has already been discussed. It may be added that *the forces of law and order* are a hyponym to *police*. It, therefore, makes sense that *policie* as a hyperonym has a large number of results. *Veřejný pořádek* and *právní stát* come as top results and both again seem like suitable translations of *law and order*. It should be noted that neither of them was listed in the bilingual dictionaries. *Právní stát* should be used in cases of theory, such as talking about principles and values, while *veřejný pořádek* should be used with actual representations.

Example 1:

The time is right to negotiate with the interested parties the formation of an international force - as was suggested by other colleagues - to go into Gaza with a large police component composed of Arab countries to train and help a

Palestinian authority police force in a large UN mandate to impose **law and order** [...] (Klégr et al., 2015)

Je právě čas začít jednat se zúčastněnými stranami o vytvoření mezinárodního sboru - jak navrhovali i jiní kolegové - který by odjel do Gazy s velkou policejní jednotkou tvořenou příslušníky arabských zemí, jejichž úkolem by bylo vycvičit policejní jednotky palestinské samosprávy a být jim nápomocni, a který by měl silný mandát OSN a zavedl by **právo a pořádek** [veřejný pořádek] [...] (Klégr et al., 2015)

Example 2:

[...] and it will make our citizens lose all faith in the rule of **law and order**. (Klégr et al., 2015)

[...] že naši občané úplně ztratí víru ve svrchovanost ~~zákonu a pořádku~~ [právního státu]. (Klégr et al., 2015)

Both examples are taken from *Table 5*. Example 1 is expanded to provide more context.

Example 1 shows a situation where a particular solution is talked about which makes *veřejný pořádek* the preferred translation. Example 2 involves theoretical concepts which is why *právní stát* should be the preferred translation. Using a binomial expression does not seem right in either example and in general. Despite the translations in *Europarl*, *law and order* is an established/idiomatic binomial expression as explained by Klégr and Čermák (2008) and should not be mostly translated as a binomial expression if there is no need for it in terms of meaning or context, as was the case with *rules and regulations*.

4.4. Terms and Conditions

Terms and conditions is a curious case when one tries to find its definition. It is not defined or given as an example in any meaning, as was the case with *rules and regulation* and *law and order*, but it is mentioned in three definitions of other words – twice in *parole* and once in *negotiable*:

parole, n.¹

1.

a. on (also upon) parole. Originally: on word of honour, by oath; *spec.* (orig. *Mil.*) released under oath or on word of honour (now chiefly *hist.*). Now: released (esp. from a custodial sentence) under certain ***terms and conditions***, esp. the promise of good behaviour. Also *fig.* (*OED*, 2016)

c. Conditional release of a prisoner (now esp. before the expiry of a custodial sentence), either temporarily for a special purpose or permanently, on the promise of good behaviour; an instance of this. Also: the ***terms and conditions*** attached to such a release; the state of being so released; a system of such conditional release. Also in extended use. (*OED*, 2016, my emphasis)

negotiable, adj.

5. That is to be decided or arranged by negotiation or mutual agreement; open to discussion, negotiation, or bargaining; (of ***terms and conditions*** of employment) not fixed or predetermined. (*OED*, 2016, my emphasis)

Consistently with this treatment, *terms and conditions* also appears in example sentences to ten other words: *press, adj.*; *in terms* in *term, n.*; *quasi-contract, n.*; *adjusting, n.*; *redeemableness* in *redeemable, adj. and n.*; *contract of adhesion* in *contract, n¹.*; *take-it-or-leave-it, adj. and n.*; *aestival | estival, adj.*; *handbook, n.*; and *adhesion contract* in *adhesion, n.* The first example originates from 1661 and the latest one from 2011:

press, adj. [...]

1661 G. RUST *Let. conc. Origen* in *Phenix* (1721) I. 33 They observe not those ***terms and conditions***, being drawn away from a press and careful attendance to them. (*OED*, 2016)

adhesion, n. [...]

C2. Adhesion contract [...]

2011 C. THOMAS in A. Blackett *Social Regionalism in Global Econ.* xiii.

281 The agreement operates like an adhesion contract, establishing the **terms and conditions** of the workplace without the opportunity for meaningful consent or actual bargaining between employer and employee. (*OED*, 2016)

The situation in the bilingual dictionaries is not less complicated:

Term. Slovo nebo fráze; výraz; zvláště takové, které má ustálený a známý význam v nějaké vědě, umění nebo profesi. Pevné a přesně ohraničené časové období [...]. Období s určenou či předepsanou dobou trvání. Určené časové období. (Black, 1993, p. 1342)

Condition. Podmínka. [...] Doložka ve smlouvě [...] Výhrada, překážka či omezení (Black, 1993, p. 278)

term doba, lhůta, doba držení (pachtu), podmínka, požadavek, termín, pojem, údobí zasedání soudu, označit, pojmenovat, nazvat (Bočánková et al., 1999, p. 710)

condition podmínka, stav, okolnost, jakost, podmiňovat, určovat, stanovit, vymínit si, podstatná podmínka obchodu (Bočánková et al., 1999, p. 164)

Neither Black (1993) nor Bočánková et al. (1999) list *terms and conditions*. Black (1993) does not even seem to include *term* in the sense of *podmínka*; he explains *term* only as a technical term or as a period of time.

~ **and conditions** náležitosti a podmínky (Chromá, 2004)

Sundry terms and ~s jiné / další smluvní podmínky (Chromá, 2004)

Terms and ~s of this lease podmínky této smlouvy (Chromá, 2004)

Chromá (2004) lists *terms and conditions* and includes it in the definition of *term* but she counterintuitively suggests *náležitosti a podmínky* as its translation. Her treatment of *terms*

and condition under *condition* is not consistent. She does not have them as *terms and ~s* but rather includes them in two phrases with translations as *smluvní podmínky* and *podmínky*.

Even though *terms and conditions* is not defined in the *OED* (2016) *per se* and it is not included in two out of the three bilingual dictionaries and its treatment in Chromá (2004) is not consistent, *terms and conditions* proves to be a part of English legal language by its random appearances in various other definitions and examples. Therefore, it can be considered as an established/idiomatic binomial as Klégr and Čermák (2008) view them. Both *term* and *condition* have a common sense that can be summed up and translated as various types of *podmínky*.

Terms and conditions can be found in *Hansard Corpus* with 7,591 occurrences and a normalized frequency of 65.23 wpm and *Figure 4* shows its evolution through time:

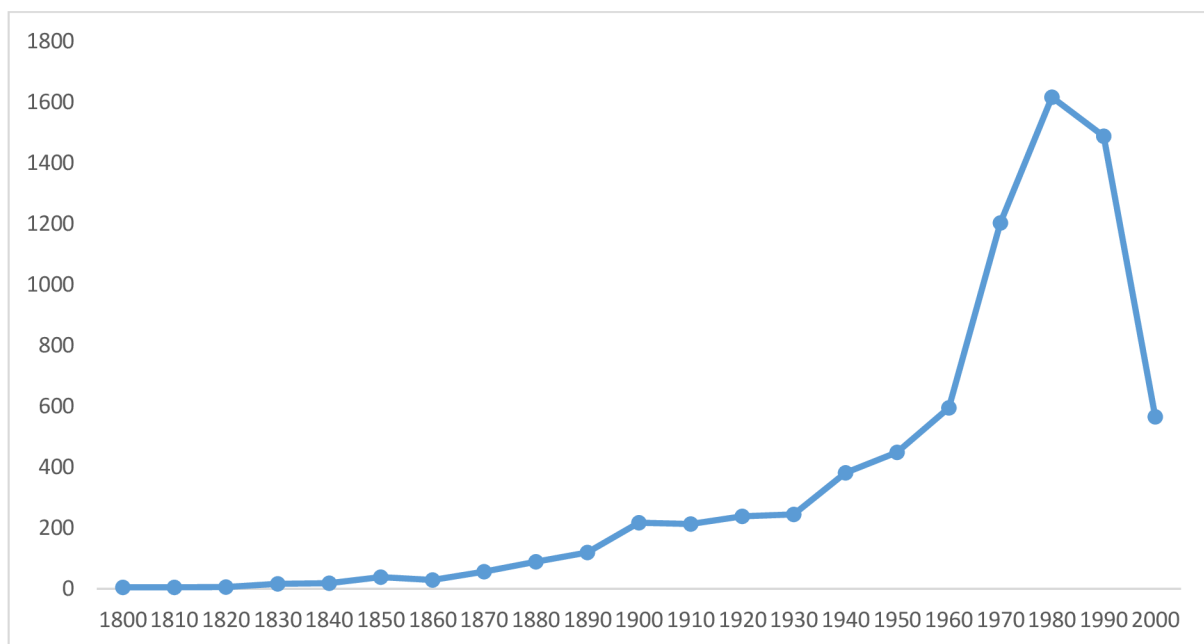


Figure 4: Historical development of terms and conditions from 1803 to 2005 in Alexander and Davies (2015-).

There is a slow and steady build-up in the usage of *terms and conditions* with a sudden peak in its popularity in the 1980s with 1616 occurrences. From 2000 to 2005, it has 565 occurrences with a normalized frequency of 6.39 wpm.

Terms and conditions occurs 50 times in *Europarl* with a normalized frequency of

2.88 wpm. *Table 7* shows *terms and conditions* and their translations in *Europarl*:

Translation	Source text example	Target text example	Occurrences
podmínky	Mr. President, the opinion on the Directive of the European Parliament and of the Council on simplifying the terms and conditions of transfers of defence-related products within the Community is certainly a necessary document.	Pane předsedající, stanovisko ke směrnici Evropského parlamentu a Rady o zjednodušení podmínek transferů produktů pro obranné účely uvnitř Společenství je nepochybně nutný dokument.	38
smluvní podmínky	They therefore agreed to so-called flexible employment conditions that did not guarantee decent working terms and conditions .	Souhlasili proto s tzv. pružnými pracovními podmínkami, které nezaručovaly důstojné smluvní podmínky .	6
obchodní podmínky	We opened our markets to China but China does not adhere to the terms and conditions it signed up for [...]	Otevřeli jsme jí své trhy, ale sama nedodrží obchodní podmínky , ke kterým se zavázala [...]	3
lhůty, podmínky	It is very important that Albania and Bosnia and Herzegovina now meet the terms and conditions and indicators required for exemption from the visa regime.	Je velmi důležité, že Albánie a Bosna a Hercegovina nyní splňují lhůty, podmínky a ukazatele, které jsou vyžadovány pro vynětí z vízového režimu.	1
obsah a podmínky	The terms and conditions of this law affect all EU members [...]	Obsah a podmínky tohoto právního předpisu se týkají všech členských států [...]	1

podmínky a ustanovení	[...] whereby businesses cannot be bound by a contract unless they have clearly and explicitly signed up to its terms and conditions.	[...] podle níž nesmí být podnik vázán smlouvou, pokud se svým podpisem jasně a výslovně nezavázal k podmínkám a ustanovením této smlouvy.	1
		Total	50

Table 7: Translations of *terms and conditions* and the numbers of their occurrences in Klégr et al. (2015).

The first three results seem to be plausible translations. Moreover, *podmínky* and *smluvní podmínky* were both suggested by Chromá (2004). To evaluate the other options, Table 8 shows how often the translations appear in the *syn* corpus:

Translation	Occurrences	Normalized Frequency
<i>podmínky</i>	311,599	116.05 wpm
<i>smluvní podmínky</i>	2,527	0.94 wpm
obchodní podmínky	2,317	0.86 wpm
lhůty, podmínky ⁴	44	0.02 wpm
<i>náležitosti a podmínky</i>	18	0.01 wpm
obsah a podmínky	12	0.00 wpm
podmínky a ustanovení	6	0.00 wpm
Total	316,523	117.88 wpm

Table 8: Numbers of occurrences and normalized frequencies of translations and dictionary translations of *terms and conditions* in Křen et al. (2014).

⁴ These results are for *lhůty a podmínky* because the version with the comma shows an empty result.

The results from *syn* confirm the results from *Europarl*. The ideal translations were used in *Europarl: podmínky* and *smluvní podmínky* came at the top of both results. In addition, *obchodní podmínky* would be acceptable as well. All the other possibilities seem to be marginal, including Chromá's (2004) *náležitosti a podmínky*.

4.5. If and When

If and when is a binomial expression that can be found in the *OED* (2016) in the definition **8**.

f. of *if*:

if, conj. and n.

8.

f. *if and when*, in reference to a future time but with a strong element of doubt.

Examples of *if and when* range from 1926 to 1963:

1926 H. W. FOWLER *Dict. Mod. Eng. Usage* 254/1 *If & when*. Any writer who uses this formula lays himself open to entirely reasonable suspicions on the part of his readers... There is the suspicion that he is a timid swordsman who thinks he will be safer with a second sword in his left hand.

[...]

1963 *Amer. Speech* **38** 255 *If and when* a study of local words in Missouri appears, we will be able to trace the same patterns in that state too. (*OED*, 2016)

Neither Chromá (2004) nor Bočánková et al. (1999) contain *if and when*. Black (1993) has separate entries for the two words:

If. V právnických listinách a závětech toto slovo zpravidla naznačuje předcházející podmínku, pokud není uvedeno jinými slovy. (p. 688)

When. Kdy. V čase, kdy. V kterémžto čase. V tomto čase. [...] V průběhu, během, poté co, hned poté co. [...] V případě, že... za podmínky, že. V běžné

řeči i v zákonech se rovněž často používá i jako ekvivalent spojky „if“. (p. 1452)

Black (1993) does not list *if and when* but it is interesting to see that he mentions that *when* is often used as an equivalent of *if*.

Because *if and when* is included in the *OED* (2016), it can be considered as an established/idiomatic binomial as understood by as Klégr and Čermák (2008). Black's (1993) note in the definition of *when* suggest that the two words share some degree of meaning.

If and when is included in *Hansard Parliament* 7,462 times with a normalized frequency of 63.44 wpm. *Figure 5* shows the evolution of usage of *if and when* through time:

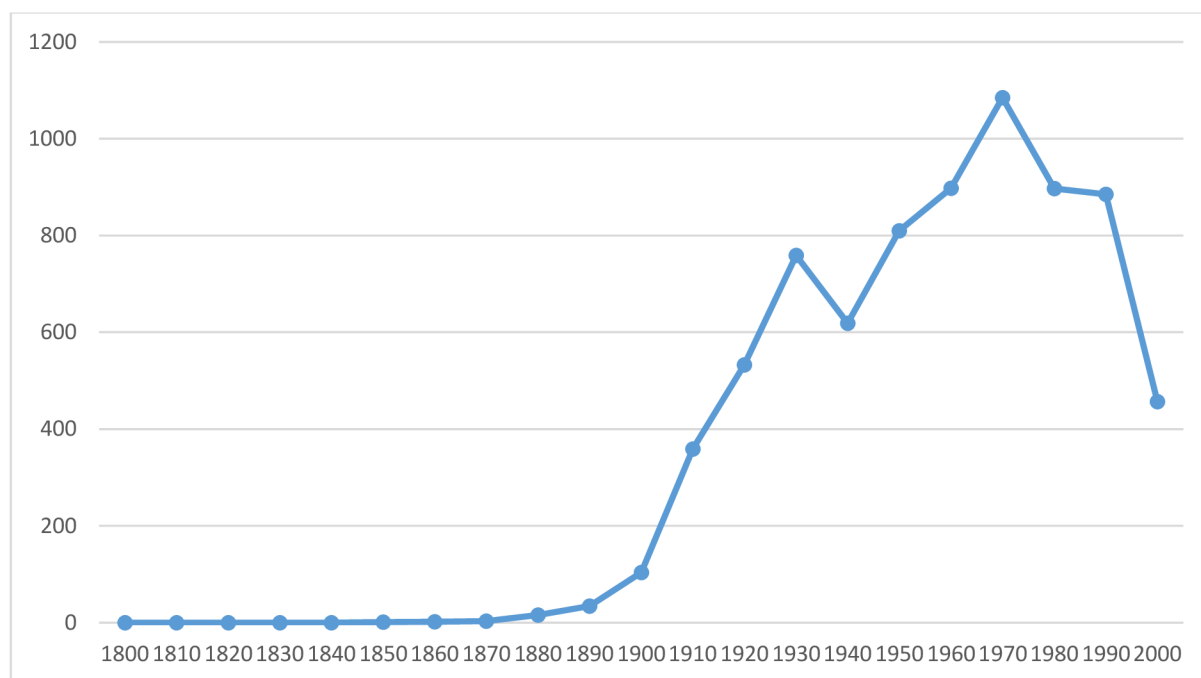


Figure 5: Historical development of *if and when* from 1803 to 2005 in Alexander and Davies (2015-).

After a slow start in the 1850s, *if and when* became more widespread in the twentieth century with a peak in the 1970s with 1,085 occurrences. The period from 2000 to 2005 has 457 occurrences with a normalized frequency of 5.17 wpm.

If and when has 41 occurrences in *Europarl* with a normalized frequency of 2.36 wpm.

Table 9 shows their translations:

Translation	Source text example	Target text example	Occurrences
pokud	If and when Turkey engages unambiguously in establishing good relations with its neighbors [...]	Pokud se Turecko jednoznačně zasadí o vytvoření dobrých vztahů se svými sousedními státy [...]	10
-li	[...] if and when it is properly applied.	[...] je- li řádně uplatňován.	6
zda a kdy	[...] it needs to answer the question of if and when domestic rates will be levied on Irish people.	[...] musí odpovědět na otázku zda a kdy budou od Irů vybírány domácí sazby.	6
pokud a když	[...] will we be ready to offer similar support to other countries in the region if and when we are invited to do so?	[...] budeme ochotní poskytnout podobnou podporu i dalším zemím tohoto regionu pokud a když nás o to požádají?	4
v případě	What we will be asking through this agreement is that, if and when India decides to introduce a system of data exclusivity, it will be applied in a non-discriminatory manner [...]	Prostřednictvím této dohody budeme požadovat, aby v případě , že se Indie rozhodne zavést systém výlučnosti údajů, byl tento systém uplatňován nediskriminačním způsobem [...]	4
jestliže a až	[...] to the directive, if and when it is adopted.	[...] s touto směrnicí, jestliže a až bude přijata.	2
pokud a až	If and when the Ecolabel is extended to food sometime in the future [...]	Pokud a až bude v budoucnu ekoznačka rozšířena na potraviny [...]	2
případný	It has been said that the Treaty of Lisbon, if and when ratified, will change	Bylo řečeno, že po případné ratifikaci Lisabonské smlouvy dojde ke změně	2

	the balance between social and other dimensions.	rovnováhy mezi sociálními a ostatními rozměry.	
až – pokud	[...] if and when the Treaty of Lisbon came into force [...]	[...] až začne platit Lisabonská smlouva, pokud začne platit [...]	1
jakmile	If and when something happens, we expect the Commission to act appropriately.	Očekáváme, že Komise začne jednat, jakmile se v tomto směru dosáhne nějakého pokroku.	1
jestliže a když	[...] but this can only happen if and when the countries in the region ask for our assistance.	[...] ale může k tomu dojít jen tehdy, jestliže a když země tohoto regionu o naši pomoc požádají.	1
pokud a dokud	[...] are protected if and when they move throughout the EU.	[...] jsou chráněny, pokud a dokud se přemísťují v rámci Evropské Unie.	1
pokud a jestliže	[...] once Russia has joined the World Trade Organisation, if and when this happens.	[...] jakmile Rusko vstoupí do Světové obchodní organizace, pokud a jestliže k tomu dojde.	1
		Total	41

Table 9: Translations of *if and when* and the numbers of their occurrences in Klégr et al. (2015).

If and when has various translations, however, the top ones do not mirror the binomial construction: *pokud*, *-li*, *v případě*, *případný* and *jakmile* should be natural equivalents. Table 10 shows their distributions in the *syn* corpus:

Translation	Occurrences	Normalized Frequency
pokud	1,741,239	648.48 wpm
v případě	503,082	187.36 wpm
-li	502,295	187.07 wpm

případný	257,702	94.86 wpm
jakmile	102,408	38.14 wpm
až – pokud	39,055	14.54 wpm
zda a kdy	1,278	0.48 wpm
pokud a dokud	14	0.01 wpm
pokud a až	5	0.00 wpm
jestliže a až	2	0.00 wpm
jestliže a když	2	0.00 wpm
pokud a když	1	0.00 wpm
pokud a jestliže	0	0.00 wpm
Total	3,211,094	1,194.78 wpm

Table 10: Numbers of occurrences and normalized frequencies of translations and dictionary translations of *if and when* in Křen et al. (2014).

Table 10 confirms the results from *Table 9*. *Pokud*, *-li*, *v případě*, *případný* and *jakmile* are correct translations and they are frequent in Czech texts. Surprisingly, *zda a kdy* has over a thousand occurrences in *syn*. The other translations would benefit from not being binomial expressions because they can cause rather strange sentence constructions that are not natural for Czech.

Conclusion

The aim of this thesis was to see how Chromá's (2011) and Klégr and Čermák's (2008) theories concerning the translation of binomials behave in practice. This was done by examining the *Europarl* part of *InterCorp*. The thesis also investigated the treatment of binomials in dictionaries.

The thesis first established the position of binomials in legal language, its history and parliamentary speeches. It then proceeded to define what binomials are and under what names they can be found. It explained their various types and how Czech scholars view their role in Czech as opposed to their role in English. An overview of theory and research studies was also given.

The theories behaved in the following manner: Klégr and Čermák's (2008) theory and Chromá's (2011) theory are valid in the cases of *terms and conditions* and *if and when*. Both binomials belong to the category of established/idiomatic binomials. Both nouns in *terms and conditions* have a very similar meaning. *If and when* have the same meaning at least in the case of **8. f** in the *OED* (2016). Both binomials are also translated as one word.

Both theories failed in the case of *law and order*. *Law and order* is an established/idiomatic binomial and the words in the binomial have a very similar meaning but the data in the corpus show that the binomial is not translated with a one-word equivalent even though Czech has suitable one-word equivalents. However, the cause for the failure did not seem to be the concepts of the theories.

Both theories also failed to a degree in the case of *rules and regulations*. *Rules and regulations* has in general the same meaning and can be considered an established/idiomatic binomial. However, there is a certain degree of distinction of the meaning in the context of the EU. Czech possesses the vocabulary to accommodate the distinction. Therefore, Chromá's (2011) theory is valid. However, the most frequent translations in the corpus (*pravidla a*

předpisy, pravidla a nařízení) are not what the natural translation should be (*předpisy a nařízení*). Klégr and Čermák's (2008) theory is not valid for this specific case and context.

Prevent and combat is a current/near-binomial and the words in the binomial construction have different meanings. The binomial is translated with a binomial construction, which is correct according to both theories. However, the binomial is most likely an example of EU jargon, therefore not very natural for English or Czech. The translator should be careful in such cases, always consider the binomial as one unit of translation as suggested by Carvalho (2008), and use what is natural in their language – which would be the noun *boj* in this case. Even though both examined theories are valid, the resulting translations do not seem to be natural in the target language.

In the *OED* (2016), *rules and regulations*, *law and order* and *if and when* are mentioned in the definition of the first word of the binomial. *Terms and conditions* is mentioned in definitions of other words. It comes as no surprise that *prevent and combat* is not mentioned at all because it is a current binomial.

Out of all the binomial dictionaries it is Black (1999) that does not contain any of the researched binomials. However, the dictionary does mention *if* in the definition of *when* and it seems to contain some binomials, such as *aid and abet*, and lists them as separate entries (p. 72). *Rules and regulations* and *law and order* are listed under the first word of the individual binomial in both Chromá (2004) and Bočánková et al. (1999). Chromá (2004) also includes *terms and conditions* but its suggested translations are not consistent throughout the dictionary. *Prevent and combat* and *if and when* are not listed Chromá (2004) or Bočánková et al. (1999). As for the suggested translations, they match the corpus findings and include the preferred translation in the case of *rules and regulations* and they do so more or less in the case of *terms and conditions*. The suggestions for *law and order* do not match the corpus findings and the preferred translation at all.

What would be the author's recommendations for a translator who comes across a binomial expression? The author would suggest considering the theories because they can help with deciding on how to translate a binomial. When a translator encounters a binomial expression, they should first and foremost treat it as one translation unit as explained in Carvalho (2008). The translator should then think about a sequence of questions that should lead them in the right direction towards the right and perhaps natural translation. They should look at the relation between the two words as described in Chromá (2011) – is the relationship synonymous? Then the translation is likely to be one word. Are there any minor differences in the meaning that are relevant in the context of the translation and does the target language possess the vocabulary to accommodate such difference? If replies to both questions say yes then there is likely a one word equivalent. If the second reply says no then they should either use one word or paraphrase. The author thinks that Chromá's (2011) theory can be helpful for the translator even though some observations may seem to prove otherwise. The translator should certainly consider jargon or other oddities that are known to be commonly used and perhaps misused by the source. If the translator has gone in their reflections this far then Klégr and Čermák's (2008) theory would only suggest whether it is likely that the binomial expression can be found in a dictionary. An established binomial should be listed while a new one is unlikely to be found. However, this is not a foolproof method because even established binomials are unlikely to be listed in all sources.

Because this is a rather small study and it seems to be the only study on binomials in legal environment that was done between Czech and English, the author suggests further research in this area on a larger scale.

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English Résumé

This thesis focuses on the translation of binomial expressions, which are pairs of semantically very similar words generally linked by *and*. The aim of the thesis is to explore the theories related to the translation of binomial expressions and see how they work in practice by examining the *Europarl* part of the parallel *KonText* corpus. It also maps out the reality of binomial expressions in dictionaries.

The thesis first introduces the rudimentary theory that is needed to understand the subject: the main features of legal texts, in which binomials are traditionally used, and the history of legal texts with an emphasis on how binomials entered and survived in legal language for centuries. It also explained the relationship between parliamentary, legal and political discourses. The British and European parliaments are introduced. The thesis also describes various scholarly theories concerning the translation of a binomial expression. The examined ones are by Chromá (2011) who bases her theory on the relationship of synonymy and Klégr and Čermák (2008) who define binomials in terms of whether they are established or relatively new.

Five binomial expressions of various word classes are examined: *rules and regulations*, *prevent and combat*, *law and order*, *terms and conditions* and *if and when*. The first step in the research consists of looking them up in English and bilingual dictionaries and finding out whether they are established and if the meaning of the two words are synonymous. The binomials are looked up in three corpora. *Hansard Corpus* is used to find out about the history of the usage of the binomial, *Europarl* provides translations on which the theories are tested and *syn* helps with deciding how natural the translations would sound in everyday language.

Czech Résumé

Tato magisterská práce se zabývá překladem binomiálních konstrukcí, což jsou páry slov s velmi podobným významem, které jsou obvykle spojeny spojkou *and*. Tato práce si klade za cíl prozkoumat teorie zabývající se překladem binomiálních konstrukcí a pozorováním, jak se chovají v praxi průzkumem *Europarl*, součástí paralelního korpusu *KonText*. Práce se také snaží popsat situaci binomiálních výrazů ve slovnících.

V práci se jako první představuje základní teorie, která je potřeba k pochopení tématu: hlavní rysy anglických právních textů, v nichž se binomiální konstrukce tradičně vyskytují, historie anglických právních textů s důrazem na to, jak se binomiální konstrukce dostaly do anglického právního jazyka a jak v něm po staletí přežily. Také se vysvětluje vztah mezi parlamentním, právním a politickým diskurzem. Tato práce po té představuje různé teoretické práce o překládání binomiálních konstrukcí. Ze zkoumaných prací Chromá (2011) zakládá svou teorii na podobnosti a Klégr a Čermák (2004) rozlišují mezi novými a zavedenými binomiálními konstrukcemi.

Práce zkoumá pět binomiálních výrazů patřící k různým slovním druhům: *rules and regulations*, *prevent and combat*, *law and order*, *terms and conditions* a *if and when*. Prvním krokem ve výzkumu je vyhledání binomiálních výrazů v anglickém a také v překladových slovnících. Dále se určí, zda je výraz zavedený a zda mají obě jeho slova mezi sebou synonymní vztah. Nakonec se výrazy vyhledají ve třech korpusech. *Hansard Corpus* osvětlí, jak se výrazy používaly v historii Britského parlamentu, *Europarl* poskytne překlady z Evropského parlamentu pro testování teorií a *syn* naznačí, jak přirozeně by překlady výrazů vypadaly v každonenním jazyce.