



Translation of Old Polish Criminal Law Terminology into English and Korean in Adam Mickiewicz’s Epic Poem “Master Thaddeus, or the Last Foray in Lithuania: A Nobility’s Tale of the Years 1811–1812, in Twelve Books of Verse”

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Abstract

The purpose of the paper is to analyse the translation into English and Korean of the old Polish criminal law terminology used by Adam Mickiewicz in his renown poem entitled “Master Thaddeus, or the Last Foray in Lithuania: A Nobility’s Tale of the Years 1811–1812, in Twelve Books of Verse” Mickiewicz (Pan Tadeusz czyli ostatni zjazd na Litwie. Historia szlachecka z roku 1811 i 1812 we dwunastu księgach wierszem). The research methods used encompass the analysis of parallel texts of the poem. The authors first selected the fragments of the poem containing criminal law terminology. Next analysed two translations into English (Biggs in Master Thaddeus, or the last Forey in Lithuania—by Adam Mickiewicz, an Historical epic poem in XII books, translated from the original by Biggs, with a Preface by W.R. Morfill, M.A. and Notes, by the translator and Edmond Naganowski, Trübner et Comp, London, 1885 and MacKenzie in Adam Mickiewicz. Pan Tadeusz or the Last Foray in Lithuania. A Tale of the Gentry in the Years 1811 and 1812 translated into English verse with Introduction by Kenneth R. Mackenzie, Polska Fundacja Kulturalna, Londyn, 1990) and one into Korean Cheong et al. (『판 타데우시』 [Pan Tadeusz] Hankuk University of Foreign Studies, Seoul, 2005). The findings reveal that the terminology under scrutiny in the majority of cases must be considered obsolete and legal system-bound. Mickiewicz (1834) referred to the laws binding Poles under the Third Lithuanian Statute (Wilno, 1774). Therefore, the translators had to face the challenge of deciphering the appropriate meanings and finding equivalents sufficiently conveying them.

Keywords Criminal law · Legal translation · Literary translation · Translation of system-bound terminology · Legal terminology

1 Introduction

The purpose of the paper is to focus on the problem of translation of legal terminology in the renowned Polish poem entitled “Master Thaddeus, or the Last Foray in Lithuania: A Nobility’s Tale of the Years 1811–1812, in Twelve Books of Verse” by Adam Mickiewicz [6]. The book belongs to the genre of alexandrines. It is one of the best known pieces of Polish literature abroad. It has been translated into English several times and into Korean once. The translation of the work into any language requires not only excellent skills in terms of rendering intralingual meanings characterising alexandrines, but also referential and pragmatic ones as the plot of the poem is equally important as its form. Mickiewicz [6] in fact used terminology from several languages for special purposes such as the language of law, the language of hunting or the culinary language. He also very frequently resorted to already obsolete terminology which makes the task of translators even more difficult. The fact that the poem was written in the first half of the nineteenth century additionally impacts the difficulty of the task of translating the work into other languages. It is mostly due to the fact that after almost 200 years the terminology used by the author sometimes is no longer in use or we observe the shift in the meaning of some terms which may affect the process of translation—a negative interference of the modern Polish language on the interpretation of the meanings of terms. The analysis is limited to the criminal law terminology and its translation into English and Korean. In order to determine whether the translation of legal terminology is more difficult now due to the dimension of archaization of terminology, two English versions of the poem were juxtaposed, that is to say the translation by Biggs [1] and by MacKenzie [5] rendered approximately 50 years and 150 year respectively after the poem was published.

2 “Master Thaddeus, or the Last Foray in Lithuania” in a Nutshell

Mickiewicz was very disappointed with the political situation in Europe and the conflicts and feuds within the Polish immigrant society after the failed November uprising of the Kingdom of Poland in 1830. Nevertheless, *Master Thaddeus* was written with the hope of regaining the independence of the motherland Lithuania-Poland and returning to his own independent motherland in the future. Mickiewicz himself said that he would write a poem/lyric detailing the daily life of the rural nobles who kept the old Polish traditions and customs [7 p. 169], cf. also Krzyżanowski [3] as well as Witkowska and Przybylski [15]. *Master Thaddeus* [6] is the story of two Polish aristocrat families. It depicts the lives of the Polish aristocrats living in Lithuania during the time Napoleon’s army marched against Russia. Therefore, the element of the Polish-Lithuanian Union (Unia Personalna) in the work has a very important meaning. In *Master Thaddeus*, Mickiewicz [6] portrayed the country he misses in an idyllic style, based

on the lives of local nobles who keep the old traditions and customs of Poland. Therefore, he described in detail the daily life of them; farm work in the fields, feasting, hunting, plays, conflict, laws, foray, and beautiful nature etc. Through it, the strengths, weaknesses and customs of early nineteenth century Polish society were portrayed realistically and artistically by appropriately mixing the tragic and the comedic aspects of life. The plot takes place in Soplicowo, the farmhouse of a wealthy aristocrat Judge Soplica located in the Nowogrod district of Lithuania. Soplicowo is also a place where Polish traditions and customs and the existing feudal order are maintained, but are gradually being replaced by new modern ones. In the end, the symbolic transformation occurs when the main hero, Thaddeus, gives freedom and land to the serfs after being engaged to Zosia.

In the work *Master Thaddeus*, three main themes are properly intertwined with each other: a dispute between two noble families over a crumbling castle, a love story, and the historical situation in Poland at the time.

The plot of the work begins with the resentment between two noble families—Soplica and Horeszko. Jacek Soplica, the brother of the Judge Soplica, and father of the main character Thaddeus was once a famous swashbuckler in the area. When the aristocrat Stolnik Horeszko rejected Jacek's proposal to marry his only daughter Ewa, Jacek was desperate, his self-esteem was broken, and as a result he accidentally killed Stolnik. But it happened at the time when Stolnik was fighting to defend the castle against an invasion by Russian troops, so the murderer was branded a traitor to the nation by the patriotic Poles. After leaving his homeland, he walked the path of penance as a monk, soldier, and Napoleon's envoy/emissary. Years later, he returns to Soplicowo as a Benedictine monk, and no one recognizes him. Jacek now seeks to end the long-standing dispute between the two families of Horeszko and Soplica by marrying his son Thaddeus and Stolnik's granddaughter Zosia.

The twists and turns of love of Thaddeus, who loves Zosia but seems to be in love with her patron Telimena through his own mistake, and eventually becomes engaged to Zosia, are also important and interesting theme in the work.

The most important figure in the historical theme is Jacek Soplica. He prepares for an uprising in Lithuania for an impending war with Russia on the orders of the Duchy of Warsaw. But it was a private dispute between the two families of Horeszko and Soplica that made his plans thwarted. A distant relative of the Horeszko family, the Count, at the instigation of Gerwazy swearing revenge on Jacek for killing his master Stolnik, breaks the contract for the castle and launches a looting attack on the Soplica family. However, the private dispute between the two noble families is stopped by the intervention of the Russian army, and now the two families unite to fight their common enemy, the Russian army. Eventually Jacek Soplica, fatally wounded in the battle, is forgiven by Gerwazy and dies with the hope that the liberation of his homeland is near when he hears that the war with Russia has begun.

Thaddeus and Zosia hold an engagement ceremony, give freedom and land to their peasants. With Zosia's full consent, Thaddeus joins Napoleon's army and fights in the war against Russia, in which the Poles have put great hopes. Thus, the work *Master Thaddeus* ends with an atmosphere full of confidence and longing for the victory of Napoleon's army and the liberation of Poland.

3 Research Materials and Methods

The research material has been composed of the Polish version of Adam Mickiewicz's epic poem "Master Thaddeus, or the Last Foray in Lithuania: A Nobility's Tale of the Years 1811–1812, in Twelve Books of Verse" [6], its translation into English by Biggs [1] and McKenzie (1990) and into Korean by Byung-kwon Cheong (Book 1, 2, 3), Kyong-geun Oh (Book 4, 5, 6), Jiwon Lee (Book 7, 8, 9), Seong-eun Choi (Book 10, 11, 12) [2]. The authors resorted a qualitative analysis of both translations in general focused on rendering referential and pragmatic meanings, to some extent ignoring the problem of conveying intralingual meanings which undeniably influenced the choice of some translation techniques.

The referential meaning is understood here as the relation binding the sign (the term) and its referent. Thus, the referential meaning binds the element of reality with the sign, or as Nida and Taber [10] put it the referential meaning focuses on "the words as symbols which refer to objects, events, abstracts, relations" [10, p. 56]. The pragmatic meaning, in turn, is the relation between the sign and its users and perceives "[...] the words as prompters of reactions of the participants in communication" [10, p. 56].

The main research methods applied included the analysis of parallel texts that is to say the Polish original of the poem and its translations into two above-mentioned languages. Additionally, the authors resorted to the analysis of pertinent literature on specialised terminology in the alexandrine under scrutiny (especially Lizisowa [4]).

In order to compare the terminology (comparative law method), first the terms referring to criminal law crimes and penalties were extracted from the alexandrine. Second, their meanings were established on the basis of the interpretations of the Third Lithuanian Statute [4, 13]. Next, the equivalents used by English and Korean translators were identified. Their meanings were established on the basis of pertinent literature, including dictionaries [16, 17]. Finally, the meanings of source language terms and target language terms were juxtaposed and compared to find out whether the translations were accurate.

4 Findings and Discussion

Criminal law is the branch of law which deals with crimes, offences and penalties that are meted out for them. Adam Mickiewicz came from Lithuania and was well versed with the law binding in the territory before the Russian annexation. There are numerous references to the legal system binding in the territory prior to the partition of Poland between Russia, Prussia and Austria. Mickiewicz describes laws imposed by Lithuanian statutes. As far as Lithuanian law is concerned there are three important pieces of legislation from the pre-annexation period that is to say the first, second and third Lithuanian statutes [13]. The legal background plays an important role delineating old, sometimes no longer acceptable and

practised laws and legally sanctioned customs. Some of them are used to describe Polish gentry's mentality and obscurantism. Poles are depicted as impulsive people easily resorting to violence, who frequently breach laws.

The terminology selected for the analysis belongs to criminal law and encompassed 6 types of crimes and 5 types of penalties.

4.1 Crimes

Six types of crimes are analysed in the paper and they encompass: (1) *przechwałki* 'threat, manace', (2) *pojedynekowanie* 'duelling', (3) *grabież* 'plunder, pillage', (4) the verbs *najechać* and *zajechać* 'to foray' and the noun *zajazd* 'foray', (5) *roz-bój* 'banditry, armed robbery', and finally (6) *inkursyja* which denotes an 'attack, assault, raid'.

The term **przechwałki** used to mean 'threats, manace' (Table 1). We find the term in the Third Lithuanian Statute (cf. [13]) and it refers there to various types of threats including the death threats [4, p. 104].

The term is misleading nowadays as the verb **przechwalać się** means to boast, to brag. Therefore, there is a high risk of mistranslation due to the shift in meaning that has occurred from the time of writing the poem or in other words the negative intralingual interference of the modern Polish meaning. Biggs [1] translates the term as 'insolence', whereas MacKenzie [5] as 'threats'. The second translation is more equivalent referentially and pragmatically.

The Polish term **przechwałki** translated into Korean as '비방' [bibang] 'slander', it has different meaning from 'insolence' or 'threats'. Therefore, it is not an accurate translation, and the Korean terms '무례' [murye] 'offence, despite, rudness, disrespect' or '협박' [hyeobbag] 'threat, menace' can convey the exact meaning of the original text more effectively.

Duels are mentioned several times in the poem. At the time duels were forbidden in Lithuania (cf. [13] and [4]). But in The Duchy of Warsaw also known as Napoleonic Poland, which was a Polish client state of the French Empire duels were not penalized. Therefore the reference is made to the possibility of dueling at the border of Lithuania and the Duchy of Warsaw (Table 2).

The English translator conveyed the meaning of the phrase **zakaz pojedynkowania** 'ban on duelling' using the verbs 'to duel' and the verb 'to forbid' in passive voice [1] or the modal verb 'can' in the negative. Both translations convey referential and pragmatic meanings properly.

The Korean translation of '**zakaz pojedynkowania**' is '결투는 금지되어 있다' [gyeoltuneun geumjidoe-eo itta] 'duel is forbidden'. It is a combination of the noun '결투' [gyeoltu] 'duel' and the verb '금지되다' [geumjidoeda] 'is forbidden', which accurately expresses the meaning of the original Polish text.

The next crime which is referred to in the poem is called in Polish **grabież** 'plunder, pillage' (Table 3).

The penalties for **grabież** are provided in the Third Lithuanian Statute [4, 13]. The MacKenzie [5] uses the equivalent 'plunder' whereas Biggs [1] 'robbery' which are both proper in terms of interlingual, referential and pragmatic meanings.

Table 1 Example 1

Book VI, verses: 72–77	Book VI, verses 72–77 Biggs [1, p. 92, vol. 2]	Book VI, verses 72–77 MacKenzie [5, p. 264]	책 6 (72–77) Byung-kwon Cheong et al. [2, p. 192]
<p>Sędzia skończywszy pozew Protazego wzywa, Skargę przeciw Hrabiemu głośno odczytywał O skrzywdzenie honoru, zelżywe wyrazy, Zaś przeciw Gerwazemu o gwałty i razy; Obudwu o przechwałki, o koszta z powodu Procesu, ciągnie w rejestr taktowy do grodu</p>	<p>Having finished now his summons, The Judge called in Protasy, read aloud An accusation couched against the Count, For outrage to his honour, and reviling; Against Gervasy for assault and battery; Against them both for insolence and costs, He enters in the criminal register</p>	<p>At last the Judge would call him, and recited The charge aloud. The Count was first indicted For injured honour and for insolence, Gerwazy next for blows and violence, And both for threats and costs of action brought Before the judge of the local court</p>	<p>소환장을 끝내 판사는 법원관리를 부르 고, 고소장을 큰 소리로 읽어 내렸다. [sohwanjang-eul kkeutnaen pansoneun beopwon-gwalireul bureugo, gosojang-eul keun soriro ilgo-naeryeotta.] 백작은 명예훼손과 무례함, 언동, 계르 바치는 구타와 폭력 혐의. [baekjag-eun myeongye-hwesongwa muryehan eondong, gerbajimeun gutawa pongryeok hyeomu.] 또한 두 사람 모두를 비법형으로 고소하고 소송비용을 부과하면서, 법정 인들에 대한 모독혐의로 지방법원에 실건을 명하였다. [ttohhan du saram modureul bibanghyeomiro gosohago sosongbiyong-eul bugwahamyonseo, beopjeongindeure daehan modokhy-comiro jibangbeopwone seol geoseul myeonghayeotta.]</p>

Table 2 Example 2

<p>Księga VIII 324–327</p>	<p>Book 8 (verses 324–327) Biggs [1, p. 53, vol. 2]</p>	<p>Book 8 (verses 324–327) MacKenzie [5, p. 352]</p>	<p>책 8 (324–327) Byung-kwon Cheong et al. [2, p. 251]</p>
<p>Wszak pamiętacie, żeśmy Hrabiego wyzwali. Bić się z nim to rzecz moja, posiałem wyzwanie. W Litwie jest zakazane pojedynkowanie. Jadę więc na granicę Warszawskiego Księstwa</p>	<p>You indeed Remember we the Count have challenged. 'Tis My business to fight with him; I have sent</p>	<p>For we have called the Count out as you know; I've set a challenge—that is my affair We cannot duel here, we'll meet some-where In the Grand Duchy, where it is allowed</p>	<p>삼촌도 기억하시겠지만 우리는 백작에게 결투를 청했습니다. [samchon-do gyeokhasigetjiman urimeun baekjak-ege gyeoltureul cheonghaesseumnida.] 결투는 지의 뜻이고, 이미 사랑을 보냈습니다. [gyeoltuneun jeoui moksigo, imi saramul bonaesseumnida.] 리투아니아에서 결투는 금지되어 있지만 바르샤바 공국과의 국경으로 가겠습니다. [lituania-eseo gyeoltuneun geumjidoe-co isseuni bareusyaba gonggukwaui gugkyeong-euro gagesseumnida.]</p>
<p>The challenge. Duelling in Litva is Forbidden; I will go unto the frontier Of Warsaw's Duchy</p>			

Table 3 Example 3

<p>Chęść gruntów oderwano w czasie Targowicy, I, jak Pan wie, oddano władaniu Soplicy. Nietylko tę część—wszystko zabrać im należy. Za koszta procesowe, za karę grabieży. Mówilem Panu zawsze: procesów zaniechać; Mówilem Panu zawsze: najechać, zajechać! Tak było po dawnemu: kto raz grunt posiądzcie, Ten dziedzić; wygraj w polu, a wygrasz i w sądzie</p>	<p>Book 5 (verses 816–823) Biggs [1, p. 270, vol. 1]</p> <p>Part of the revenues were wrested in The time of Targowica, and, as well You know, were given to Soplita's rule Not this part only we must get from them;</p> <p>The whole, for costs of lawsuits, punishment</p> <p>Of robbery, I always told you, sir, Abandon lawsuits; always told you, sir, Invade them, harry them! yes, thus it was</p> <p>In former days; who once had held the land</p> <p>Was owner; win in field, thou also wilt In law-courts win</p>	<p>Book 5 (verses 816–823) MacKenzie [5, pp. 250–252]</p> <p>Some land was taken after Targowica, And, as you know, was given to Soplita You should take all of it, not part alone,</p> <p>As costs and for their plunder to atone</p> <p>I say to you as I have always said: Don't go to law but make a raid instead</p> <p>That was the ancient wat, the man who fought</p> <p>And won the land in battle won in court;</p>	<p>책 5 (816–823) Byung-kwon Cheong et al. [2, p. 185]</p> <p>땅의 일부가 타르 고비차 동맹 때 몰수 되어 백작님께서도 아시다시피, 소플리차 집안에게 넘겨진 것이지요. [ttang-ui ilbuga targobicha dongmaeng ttae molsudoedo baekjaknimkkesedo asidasipi, soppellicha jib-anege neomyeojin geosijjyo.]</p> <p>그일 부분이 아니라, 그들의 재산 모두를 소송비용과 우리의 것을 약탈한 대가로 빼앗아 버려야 합니다. [geu ilbumi anira, geudeul-ui jaesan modureul sosongbiyong-gwa urui geoseul yaktalhan daekaro ppaeasa beoryeoya hamnida.]</p> <p>제가 항상 말씀드렸지요. 재판은 피하십시오. [jega hangsang malsseumdeuryeojjyo, jaepaneun pihasisrago.]</p> <p>제가 항상 말씀드렸지요. 처벌이 가서 뺏으시라고. [jega hangsang malsseumdeuryeojjyo, chyecodeureogaseo ppaeuseusirago.]</p> <p>옛날에는 그러했습니다. 누군가 일단 땅을 차지하면, 그가 주인이지요. [yennal-eneun geureohaesseumnida, nunguna ildan ttang-eul chajjihameon, geuga juinjijyo.]</p> <p>싸워서 이기세요. 그러면 법정에서도 이길 것입니다. [ssawoseo igiseyo, geureomyeon beopjeong-eseodo igil geosimnida.]</p>
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Polish term **grabież** is translated into Korean as ‘약탈’ [yaktal] ‘plunder/pillage’, thus it is translated appropriately and aptly conveys the original meaning.

In the fragment below we also find some more legal terminology that belongs to the category of penalties, that is **koszta sądowe** ‘court costs’. The term was translated into English as ‘costs of lawsuits’ [1] and ‘costs atoning for plunder’ [5]. Both English equivalents convey properly the referential meaning of the Polish verse. The Korean translation of the Polish term **koszta sądowe** is a combination of two nouns ‘소송’ [sosong] ‘lawsuit’ and ‘비용’ [biyong] ‘costs’, which is also an appropriate and accurate translation.

There are also two verbs **najechać** and **zajechać** in the above presented fragment, which are used synonymously here for the purpose of observing the number of syllables in each verse (for Alexandrine it is 13 syllables) which referentially mean ‘to raid, to make a raid, to foray’. Biggs [1] translated them into ‘to invade’ and ‘to harry’ respectively, whereas MacKenzie [5] used the equivalent ‘to make a raid’. Those solutions are proper referential and pragmatic equivalents. Though it should be remembered that the noun **zajazd** (occurring in Book 7) was translated differently (see example 5 above).

The two Polish verbs **najechać** and **zajechać** are translated into Korean as ‘쳐들어 가서 빼앗다’ [chyeodeureo-gaseo ppaeatta] ‘to raid and take/plunder it’. It is a combination of two verbs ‘쳐들어 가다’ [chyeodeureogada] ‘to invade/raid’ and ‘빼앗다’ [ppaeatta] ‘to plunder/deprive/take’. The terms **najechać** and **zajechać** used in the original text specifically mean the term **zajazd**, and not just an attack on a castle, but taking the castle over through an attack. Therefore, in this case, it can be said that the Korean translation is more appropriate than the English translation ‘to invade/harry’ or ‘to make a raid’.

The fragment in the Table 4 above also informs about the prohibition of armed robbery, invading borders of someone’s property and depriving someone of the property which in general may be considered as an illegal invasion of the house of the gentry, called in Polish **zajazd** [4] and in English **foray**. That type of crime used to be known in various European countries. MacKenzie [5] resorts to equivalent such as ‘to fight’. Biggs [1] translated **zajazd** as ‘foray fought’, which is referentially and pragmatically correct. But in case of the translation by MacKenzie [5] again the equivalents convey the referential meaning but not the pragmatic one. At the same time the title of book 8 which is **zajazd** is translated into English as ‘foray’ [5, p.332] which must be considered a correct equivalent in respect to all three types of meanings that is to say intralingual, referential and pragmatic.

The term **rozbój** which is the name of the crime (‘banditry, armed robbery’) was translated by Biggs [1] as ‘murder’ and by MacKenzie [5] as ‘lawless fight’. Although the equivalents are partial they still convey the meaning sufficiently taking into account the specificity of poetry translation and providing equivalence at the level of intralingual meanings.

The Polish term **zajazd** was simply transliterated into Korean as ‘자야즈드’ [zayazd]. But because the footnote properly explained ‘무력을 통한 분쟁해결’ [muryeogeul tonghan bunjaenghaebyeol] ‘dispute resolution through force’ or ‘무력을 동원한 분쟁해결’ [muryeogeul dongwonhan bunjaenghaebyeol] ‘dispute resolution using force’, there is no problem for readers to understand the exotic

Table 4 Example 4

<p>Księga VII 449–458</p>	<p>Bracia! chcecie bój z ruskim wieść: imperatorom. A boicie się wojny z Soplcowskim dworem? Strach wam turmy! Czyż to ja wzywam na rozboje? Bron! Boże! Szlachta Bracia! ja przy prawie stoję. Wszak Hrabia wygrał, zyskał dekretów niemal; Tylko je egzkwowac! [5]] Tak dawniej bywalo: Trybunał pisał dekret, szlachta wypelniata, A szczególniej Dobrzyńscy, i sąd wasza chwala! Urosła w Litwie! Wszakże to Dobrzyńscy sami Bili się na zajazdzie Myskim z Moskalami,</p>	<p>Book 7 (verses 449–458) Biggs I, pp. 26–27, vol.2]</p> <p>Brothers, you wish to fight the Russian Czar, And fear to fight the house of Soplcowo You are afraid of prison. Should I counsel You unto murder? Heaven forbid it! Nobles And brothers, by the law I take my stand The Count in very truth has gained the suit, Has gained already not a few decrees It but remains to put in execution! So was it formerly. The tribunal Wrote a decree, the nobles would enforce it, Most chiefly the Dobrzyńskis; and your glory Thus grew in Litva. You yourselves, Dobrzyńskis, In the Mysk foray fought against the Russians,</p>	<p>책 7 (449–458) Byung-kwon Cheong et al. [2, p. 234]</p> <p>형제들! 새 기운의 말에 속아 러시아 놈들과는 전쟁을 하려고 하면서 소플리차자 상과의 한편 대결은 무시워하는 것이요? [hyeongjedeul! sagikkuuni mare sogara roesia nomdeulgwanen jeonjaengul haryeogo hamyeonso sepeullichia seonggwawui hanpan daegyoreun museowohanen geosio?] 당신들은 감옥이 무섭단 말이요. 내가 당신들을 강도치 하라고 불렀소? [dangsin-deureun gam-ogi musseopdan mario. naega dangsindeureul gangdojijt hajago bulleoosso?] 신께 맹세코 그건 아니요! 형제들! 나는 법의 편이요. [sinkke maengseko geugeon anio! hyeongjedeul! naneun beobui pyeonio.] 백작이 이겨 여러 법지 권리를 되찾았으니, 단지 그것을 실행하면 되는 것이요! [baekjagi igyeo yeoro beopjeok gwolireul doechajasseuni. danji geugeoseul silhaeng-hamyeon doeneun geosio!] 옛날에는 법정 이 선고를 내리면 귀족들이 실행을 했어 고, 특히나 정직하기로 리투아니아 진제에 이름 높은 도브린스키 가 사람들은 그 나ermiyeon gwijokdeuri silhaeng-eul haesse- o, teukina jeongjikkagiro lituania jeonche-e ireum nopeun dobeujinseuki ga saramdeureun geuraessso.] 도브린스키 가 사람들이 미스키 저야즈드 패에 러시아 놈들과 싸웠소, [dobeujinseuki ga saramdeulmani miski jayajeuđu ttae-e roesia nomdeulgwa ssawosso,]</p>
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transliteration correctly. The term **rozbój** is properly translated into Korean as ‘강도 쟁!’ [gangdojit] ‘banditry/robbery’, so it is a more accurate translation than the English translation ‘murder’ [1] or ‘lawless fight’ [5].

The next term referring to crimes and offences is **inkursyja** (Table 5) which denotes an ‘attack, assault, raid’.

Biggs [1] translated the term into a borrowing from Latin via Old French ‘incursion’ which entered the English language about fifteenth century and which denoted a hostile attack (<https://www.etymonline.com/search?q=incursion>). The equivalent is pragmatically and referentially correct. What is more, it has the same etymology as the Polish term. The second English translator used the equivalent ‘a raid’ [5] which is pragmatically and referentially correct and enables to achieve a proper rhyme and rhythm of the verse. It should be stressed here that the Polish term of the crime under scrutiny is archaic. The modern Polish term used in law could be **napad**.

The term **inkursyja** is translated into Korean as ‘가택침입’ [gataekchimip], which literally means a ‘house breaking’. It’s a combination of the two nouns ‘가택’ [gataek] ‘house’ and ‘침입’ [chimip] ‘invasion/incursion’. But it is a Korean legal term meaning ‘housebreaking/forcible entry/trespass on another’s premises’. Although this Korean translation may seem superficially inappropriate, it should be noted that it is quite appropriate in a practical sense given the specific context described in the work. **Inkursja** is a prelude to something else. It in fact precedes the full-scale physical collision between the heroes of the story: the Count was formally invited to the feast in the castle, but Gerwazy, who was not invited, broke into the castle and started making a fuss.

4.2 Penalties

Penalties selected for the analysis encompass: (1) *sekwestr* ‘confiscation’, (2) *koszta sądowe* ‘court costs’, (3) *turma* ‘prison’, (4) *nawiązka* ‘a fine imposed on the perpetrator of an offence at the request of the victim’, and finally (5) *infamia* ‘infamy, slander, calumny’.

One of the penalties the name of which is used by Mickiewicz [8] in his alexandrine is **sekwestr**, which is a forfeit of goods for political crimes. That penalty was imposed on Poles under the Third Lithuanian Statute (cf. [13] and Lizisowa [4]). The term is used directly once in the poem in book 1 (cf. Table 6), but the penalty in fact is referred to also in other fragments of the poem when referring to the plight of citizens under the Russian annexation (cf. Table 7).

The author uses also circumvent descriptions: ‘dobra, które na skarb carski zabierano’ (cf. Table 7 below) which is a synonymous description of the penalty of **sekwestr**.

Translating the term **sekwestr** into English Biggs [1] applies the technique of direct assimilated borrowing, whereas MacKenzie [5] resorts to over-generalization which may be interpreted in a variety of ways. It should be stressed here that Biggs [1] conveys the referential meaning correctly as the verb ‘to sequester’ means ‘to seize by authority, to confiscate’ and that meaning dates back to early

Table 5 Example 5

<p>Księga V 637–641</p> <p>I pana Asesora wzywając na śledztwo Z powodu Wielmożnego Sędziego Soplicy: O inkursyją, to jest o najazd granicy, Gwałt zamku, w którym Sędzia dotąd prawie władą, Czego dowodem jawnym jest, że w zamku jada “</p>	<p>Book 5 (verse 637–641) Biggs [1, p. 260, vol. 1]</p> <p>And summoning the Assessor to inquiry, On the behalf of the Most Powerful Judge Soplica; for incursion, that is, trespass, Across the boundary: for violence done Unto the castle, which the Judge by right Rules over, whereof here is open proof, In that he eats therein !”</p>	<p>Book 5 (verse 637–641) MacKenzie [5, p. 242]</p> <p>An inquest for the Judge Soplica’s sake About a raid across the frontiers, A forcing of the castle, where for years The Judge has lorded it by legal right As proves the fact he’s dining here tonight.’</p>	<p>책 5 (637–641) Byung-kwon Cheong et al. [2, p. 178]</p> <p>지방 경찰 때는 존경하는 소물리차 판 사님이 개택집인 당하섬서에 그것 을 조사할 것을 제안 하면서, [jibang- gyeongchalkkeneun jongyeongthaneun sopeullichha pansanimi gataekchimip danghasyeokkie geugeoseul josahal geoseul jeanhmyeonseo.] 이 사건은 남의 강계를 침범한 것이고, 성에 대한 슬격입니다. [i sageoneun namui gyeonggyereul chimbeomhan geosigo, seong-e daehan seupgyeok- imnida.] 판사님께서는 그것을 지금껏 합법적으 로 소유하고 계시고, 그것의 분명한 증거는 지금 성안에서 식사를 하고 계 신 것입니다.” [pansanimkkesoneun geugeoseul jigeumkkeot hapbeop- jeogeuro soyuhago gyesigo, geugeosui bunmyeonghan jeungeoneun jigeum seong-aneseo siksareul hago gyesin geosimnida.”]</p>
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Table 6 Example 6

<p>Księga I 271–275</p> <p>Dziedzic zginął był w czasie krajowych zamieszeków; Dobra całe zniszczone sekwestrami rządu, Bezladnością opieki, wyrokami sądu, W częstce spadły dalekim krewnym po kądzieli, A resztę rozdzielono między wierzycieli</p>	<p>Book 1 (verses 271–275) Biggs [1, p. 15–16, vol. 1]</p> <p>Deceased Its last possessor in intestine wars, The estates, by sequestration half destroyed, By the trustees' neglect, and law-decrees, In part had fallen unto distant kinsmen By spindle side, the rest to creditors Had been divided</p>	<p>Book 1 (verses 271–275) MacKenzie [5, p. 52]</p> <p>Their heir had perished in the time of wars; The estate was ruined by government decrees, Awards of courts and negligent trustees; Part went to distant kin the distaff side, The rest to creditors fell to divide</p>	<p>책 1 (271–275) Byung-kwon Cheong et al. [2, p. 12]</p> <p>후손들이 전쟁 중에 모두 죽었다. [husondeuri jeonjaeng jung-e modu jugeotta] 재산은 정부가 몰수하고, 법원의 판결로 상은 범죄되고, 일부는 모계 쪽 먼 친척에게 돌아 가고, 나머지는 채권자들이 나눠 가졌다. [jaesaneun jeongbuga molsuhago, beobwon-ui pangyeollo seong-eun bangchidoego, ilbuneun mogyeijog meon chimcheokege doragago, nameojimeun chaegwonja-deuri nanwogajyeotta]</p>
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Table 7 Example 7

Księga I wersy 940–941	Book 1 (verse 940–941) Biggs [1, p. 49, vol. 1]	Book 1 (verse 940–941) MacKenzie [5, p. 52]	책 1 (940–941) Byung-kwon Cheong et al. [2, p. 38]
Opuszczali rodziców i ziemię kochaną, I dobra, które na skarb carski zabierano. (wersy 940–941)	they left their Parents and their land beloved; and goods Confiscate to the treasury of the Czar	Who left their kin and their dear country far And their estates as plunder for the Tsar (verse 940–941)	그들은 떠났다. [geudeureun teonatta] 부모와 사랑하는 고향 땅, 그리고 리시 야 황제의 재정을 위해 몰수된 재산 을 뒤에 두고. [bumowa saranghaneun gohyangtang, geurigo reosia hwangje- ui jaejeong-eul wihae molsudoen jaesaneul dwie dugo]

sixteenth century (cf. <https://www.etymonline.com/search?q=sequester>). In translation of verse 941 Biggs [1] replaces a circumvent description of Mickiewicz [8] with verb “to confiscate” which again properly conveys the referential meaning. The compound noun ‘government decrees’ used by MacKenzie [5] may be understood as excessive taxes, limitations in usage, and many others. The translation of verse 941 is also correct as the noun ‘plunder’ refers to taking away movable property. What is more, it contains a pragmatic load of using force for the purpose of taking away, so it in fact means taking movable goods forcibly, by pillage or applying open force (cf. <https://www.etymonline.com/search?q=plunder>). Thus, the translation by MacKenzie [5] conveys the meaning of the target text significantly in referential and pragmatic terms.

The Polish term **sekwestr** is translated into Korean as ‘몰수’ [molsu] ‘confiscation’. Unlike the English translation in which the phrase **sekwestrami rządu** is simply translated as “by government decrees”, it is very appropriate to add a more specific explanation in the Korean translation that here “the government means the Russian government” e.g. in a footnote. However, the Korean readers of the poem do not get the information that the property was confiscated by the Russian government for any specific reason, and that the penalty was imposed on Poles and Lithuanians under Russian occupation.

The phrase **Dobra, które na skarb carski zabierano** is translated into Korean as ‘러시아 황제의 재정을 위해 몰수된 재산’ [reosia hwangje-ui jaejeong-eul wihae molsudoen jaesan] ‘property confiscated for the finances of the Russian emperor’. This is almost identical to the English translation ‘goods confiscated to the treasury of the Czar’. However, it can be misinterpreted as the meaning conveyed informs that the emperor confiscated the property to increase his wealth rather than that he confiscated the property as an official penalty.

Another penalty whose name appears in the poem is called **nawiązka** (Table 8 below). It was a financial penalty, a fine imposed on the perpetrator of an offence at the request of the victim (present in the Third Lithuanian Statute in Books 11–13 [13], cf. also Lizisowa [4]).¹

It was a relatively mild penalty for minor offences or misdemeanours. The name of the penalty is still used in the modern Polish legal system. Therefore, the translators should not have problems finding out the proper meaning of the term denoting a sort of discretionary damages awarded to the victim. Biggs [1] and MacKenzie [5] both resorted to the technique of descriptive equivalents ‘to pay full compensation’ and ‘to pay the penalty’ respectively which convey the meaning and at the same time make the translation of the verse equivalent not only referentially but also intralingually.

The Polish term **nawiązka** is properly translated into Korean as ‘벌금’ [beolgeum] ‘fine’. But by adding the adjective ‘많은’ [maneun] ‘much’ before the noun,

¹ „Ustawuujemy, ktoby na czyi Dom Szlachecki [...] gwałtem umyślnie naiechawszy, abo naszedszy, a w tym Domu kogokolwiek zabił [...], ten gardło traci [...]. A ieśliby gwałtem naiechał, abo naszedł, ani kogo ranił, ani zabił [...] tedy tylko gwałt powinien płacić dwanaście rubli groszy, i szkodę z **nawiązka** oprawić. (III Stat XI 1)” [4: p. 103].

Table 8 Example 8

Księga IX 159–164	Book 9 (verses 159–164) Biggs [1, p. 92, vol. 2]	Book 9 (verses 159–164) MacKenzie [5, p. 390]	책 9 (159–164) Byung-kwon Cheong et al. [2, pp. 278–279]
<p>„Majorze—mówił Sędzia—choć pozwi- esz do prawa, Cóż wygrasz? Tu nie zaszła żadna bitwa krwawa, Nie było ran; że zjedli kury i półgąski, Za to wedle statutu zapłacą nawiazki. Ja na pana Hrabiego nie zanoszę skargi, To tylko były zwykłe sąsiedzkie zatargi.”</p>	<p>“Major, said the Judge, “What will you gain, if you do summon us? There here has been no bloody fight, None wounded; as they ate the hens and geese, According to the statute, they must pay Full compensation. I’ll bring no complaint Against the Count; that only was a common Quarrel of neighbours.”</p>	<p>‘Look, Major’, said the Judge. ‘You go to court, What will you gain? No battle has been fought, No wounds; and as for eaten hens and geese, They will pay the penalties the law decrees No charge against the Count shall I impute, ‘Twas just a simple neighbourly dispute</p>	<p>“소령, 당신이 법대로 하겠다고 하여 알 는 게 무엇이란 말이요? [soryeong, dangsini beobdaero hagettago hayeo eonneun ge museosiran mario?] 유형 낭자한 전투도 없었고 상처도 없지 않았소. [yuhyeol nangjahhan jeontudo eopseokko sangcheodo eopji anasso.] 당과 오리를 먹어 치운 것뿐이고 그 죄 로 많은 벌금을 내게 될 것이요. [dak- gwa orireul meogeo chiun geotppunigo geu joero maneun beolgeumeul naege doel geosio.] 나는 백작을 고소할 생각이 없소. [naneun baekjageul gosohal saenggagi eopso.] 단지 이웃간의 다툼이었을 뿐이요.” [danji iutkkanni datumieosseul ppunio.]</p>

it gives the meaning that the damage should be compensated greatly. However, since the term **nawiażka** in the original Polish text means relatively light punishment for criminal acts, it is difficult to say that the Korean translation is an appropriate translation of it in a practical sense. This error occurred because the Korean translator did not properly grasp the exact meaning of the original text.

We may encounter one more term referring to the system of penalties which is in fact a borrowing from Russian. The term in question is **turma** (Table 9) and it used to denote a Tsar prison.

To be exact it is a direct transliterated borrowing from Russian тюрьма /tyur'ma/. At the times of communism the term was still in use and referred to harsh Soviet prisons. It may be found in various Polish language dictionaries so its meaning is easy to decipher. The English translators translated the noun **turma** into 'prison' preserving the referential meaning but losing the pragmatic one. It must be stressed here that in such instances it is usually not possible to find equivalents that would be absolutely synonymous also in terms of etymology despite postulates of some theorists such as Nabokov[9].² The loss of some meaning is inevitable and unavoidable especially when dealing with terminology having pragmatic meanings heavily burdened with local history and when translating a foreign masterpiece one needs to accept that its ideal version may not be attainable.

The term **turma** is translated into Korean as '감옥' [gamok] 'prison', having the same referential and pragmatic meanings as the English term 'prison'. Thus, it only means prison, and it does not show the actual meaning it has in the original text, namely, that it is a more difficult, painful, and terrifying one than a normal prison. Therefore, its original meaning can be properly conveyed to the readers only when it is translated as '싸른의 감옥' [jjar-ui gamok] 'tsar's prison'.

The last term under scrutiny is the noun **infamia** (Table 10) which means 'infamy, slander, calumny' (cf. [13] and [4]).

The noun is an assimilated borrowing from Latin, stemming from the period of the so-called fashion for Latin in the Polish language. It is right now archaic. Nevertheless its meaning may still be found in dictionaries as it is quite frequently encountered in older pieces of literature. Biggs [1], similarly as in the case of incursion, used an assimilated borrowing from Latin, which enriched English via Old French about fifteenth century that is to say the noun 'infamy'. Again the equivalent is correct in terms of referential, pragmatic (including etymological) and intralingual meanings. The second English translator [5] has resorted to the description having

² "We can deduce now the requirements that a translator must possess in order to be able to give an ideal version of a foreign masterpiece. First of all he must have as much talent, or at least the same kind of talent, as the author he chooses. In this, though only in this, respect Baudelaire and Poe or Joukovsky and Schiller made ideal playmates. Second, he must know thoroughly the two nations and the two languages involved and be perfectly acquainted with all details relating to his author's manner and methods; also, with the social background of words, their fashions, history and period associations. This leads to the third point: while having genius and knowledge he must possess the gift of mimicry and be able to act, as it were, the real author's part by impersonating his tricks of demeanor and speech, his ways and his mind, with the utmost degree of verisimilitude." [9].

Table 9 Example 9

<p>Księga VII 449–458</p>	<p>Book 7 (verses 449–458) Biggs I, pp. 26–27, vol 2]</p>	<p>Book 7 (verses 449–458) MaeKenzie [5, p.324]</p>	<p>책 7 (449–458) Byung-kwon Cheong et al. [2, p. 234]</p>
<p>Bracia! chcecie bój z ruskim wieść imperatorom. A botecie się wojny z Soplcowskim dworem? Strach wam turmy! Czyż to ja wzywam na rozboje! Broń Boże! Szlachta Bracia! ja przy prawie stoję. Wszak Hrabia wygrał, zyskał dekretów niemal; Tylko je egzkwowac! 5]] Tak dawniej bywalo: Trybunał pisał dekret, szlachta wypelniła, A szczególnie Dobrzyńscy, i sąd wasza chwala Urosła w Litwie! Wszakże to Dobrzyńscy sami Bili się na zajazdzie Myskim z Moskalami,</p>	<p>Brothers, you wish to fight the Russian Czar, And fear to fight the house of Soplcowo You are afraid of prison. Should I counsel you unto murder? Heaven forbid it! Nobles And brothers, by the law I take my stand The Count in very truth has gained the suit, Has gained already not a few decrees It but remains to put in execution! So was it formerly. The tribunal Wrote a decree, the nobles would enforce it, Most chiefly the Dobrzyńskis; and your glory Thus grew in Litva. You yourselves, Dobrzyńskis, In the Mysk foray fought against the Russians,</p>	<p>You want to fight against the Russian Tsar, Yet fear with Soplcowo to make war! Afraid of prison? I urge no lawless fight, No, gentlemen, I stand upon my right Full many court decrees the Count has won; Now execute them, as was always done! The court pronounced, the gentry executed, Especially the Dobrzyńskis. So was bruted our fame in Lithuania. We did fight Alone at Mysz against the Muscovite,</p>	<p>형제들! 새 기군의 말에 속아 러시아 놈들과는 전쟁을 하려고 하면서 소플리차와 상대의 한편 대결은 무시워하는 것이요? [hyeongjeduem! sagikkunui mare sogara roesia nomdeulgwanuon jeonjaengul haryeogo hamyeonso sopeullichha seonggwawui hanpan daegyoreun museowohanun geosio?] 당신들은 감옥이 무심단 말미요. 내가 당신들을 강도치 하라고 불렀소? [dangsin-deureun gam-ogi mussopdan mario. naega dangsindeureul gangdojijt hajago bulleoosso?] 신께 맹세코 그건 아니요! 형제들! 나는 법의 편이요. [sinkke maengseko geugeon anio! hyeongjeduem! naneun beobui pyeonio.] 백작이 이겨 여러 법지 권리를 되찾았으니, 단지 그것을 실행하면 되는 것이요! [baekjagi igyeo yeoreo beopjeok gwolireul doechajasseuni. danji geugeoseul silhaeng-hamyeon doeneun geosio!] 옛날에는 법정 이 신고를 내리면 귀족들이 실행을 했어고, 특히나 정죄하기로 리투아니아 진제에 이름 높은 도브린스키 가 사람들이 그 나ermeyeon gwijokdeuri silhaeng-eul haesse-oreun nopeun dobeujinseuki ga saramdeureun geuraesso.] 도브린스키 가 사람들이 미스키 저야즈드 때에 러시아 놈들과 싸웠소, [dobeujinseuki ga saramdeulmani miski jayajeduun ttae-e roesia nomdeulgwa ssawosso,]</p>

Table 10 Example 10

<p>księga XI 266–275</p>	<p>Book 11 (verses 266–275) MacKenzie [5, p. 498]</p>	<p>Book 11 (verses 266–275) Biggs [1, pp. 193–194, vol. 2]</p>	<p>책 11 (266–275) Byung-kwon Cheong et al. [2, p. 357]</p>
<p>Moją konfederacką ogłaszam wam łaską:[42] Ze Jacek wierną służbą i cesarską łaską Zniósł infamii[43] plamę, powraca do części, I znowu się w rząd prawych patri- jotów mieści Więc kto będzie śmiał Jacka zmarłego rodzinie Wspomnieć kiedy o dawnej, zagładzonej winie, Ten podpadnie za karę takiego wyrzutu Gravis notae maculae[44] wedle słów statutu. Karzących tak militem jak i skartabellai,[45]</p>	<p>With my Confederation staff, proclaim To you, that Jacek by his faithful service, And by the Emperor's favour, has effaced The stain of infamy, and now returns To honour, and again he finds a place In ranks of truest patriots. Therefore who Shall dare remind the family of Jacek Of his long-expiated fault, shall fall Beneath the punishment of such reproach, As <i>gravis notae maculae</i> declare, The statute's words; such penalty affects Both <i>militem</i> and <i>scar tab el?</i> who shall Put infamy upon a citizen;</p>	<p>I now proclaim with my confederate's mace, that by his service and the Emperor's grace Jacek has from his honour wiped the stain, And takes his place among true Poles again Whoever dares remind the dead man's kin Of his long-past and long atoned for sin, Shall suffer the disgrace the laws prescribe For any gentlemen who falsely gibe (Including gentlemen of new creation) At members of this Commonwealth and the nation;</p>	<p>나는 연합군의 이름으로 그대들에게 선포하 노니, 아제는 그의 충성스런행위와 황제 책하의 은총으로 지난날의 오명을 벗고 명 예를 회복했으며, 진정한 애국자의 자리를 다시 감 획득했습니다. [Inaneun yeseonhap- gunni ireumeuro geudaedeul-eges seonpoha- noni, yacheun geui chungseongseureon haengwiwa hwangje pyehani eunchong-euro jinannaru onyeong-eul beoigo myeongyereul hoehokhaesseumyeo, jinjeonghan aegukjau jalireul dasigeum hoekdeukhaessoida.] 따라서 오래 전에 속죄된 그의 잘못을 지 음부터 또 다시 들추어내어 강히 야책의 가문을 옥보이려는 자는 밤에 명시된 대 로 Gravis notae maculae (배우 불명예스 러운 자)도 낙인찍히게 되리니. [Itaraseo orae jeone sokjoedoen geui jalmoeseul jigeumbuteo ito dasi deulchuconaeo gamhi yachegui gamuneul yogboiryeeoneun janeun beobe myeongssidoen daero Gravis notae maculae (maeu bulmyeongyeseureoun ja)ro naginijjige doerini.] 민속의 명예를 훼손하는 자는 대대로 내려 오는 귀족이든 신승 귀족이든 간에 처벌을 면치 못할 것이오. [minjogui myeongyereul hweseonhaneun janeun daedaero naeryeoneun gwijogideun sinheung gwijogideun game cheobeoreul myeonchi motal geosio.]</p>

a similar meaning that is to say ‘to wipe the stain from one’s honour’. The second equivalent ‘to gibe falsely’ conveys the contextual meaning of libel and slander.

The Korean translation of the Polish term **infamia** ‘오명’ [omyeong] means ‘stigma/infamy/dishonour’ and accurately conveys the meaning of the original text.

In the fragment from Tab 3 (under the section titled Crimes) we also find some more legal terminology that belongs to the category of penalties, that is **koszta sądowe** ‘court costs’. The term was translated into English as ‘costs of lawsuits’ [1] and ‘costs atoning for plunder’ [5]. Both English equivalents convey properly the referential meaning of the Polish verse. The Korean translation of the Polish term **koszta sądowe** is a combination of two nouns ‘소송’ [sosong] ‘lawsuit’ and ‘비용’ [biyong] ‘costs’, which is also an appropriate and accurate translation.

5 Conclusions

To sum up, legal terminology is system-bound. It is deeply rooted in national custom and mentality. Law is created to solve problems. Criminal law is enacted to punish for condemnable deeds. Mickiewicz [6], well versed in Polish-Lithuanian reality, referred to crimes and penalties for the purpose of portraying Polish mentality, customs and habits. He skillfully referred to the Third Lithuanian Statute [13] and problems Poles had observing the law.

The translators had to face the challenge of conveying the meaning into English and Korean, which was far from being easy. The modern translators apart from the difficulty of translating system-bound terminology had to face the challenge of deciphering the meanings of many already archaic terms. The Third Lithuanian Statute [13] is not available for reference purposes in the modernized script version. Not knowing the Old Polish language in which the document is written, one cannot successfully use that source of information about laws in force in the territory of Lithuania at the period described by Adam Mickiewicz [6].

In general all translators pretty successfully conveyed the approximate meanings of terms denoting criminal law institutions. Though, there have been several mistranslations identified, overall the meaning of the poem is conveyed sufficiently in that respect. The translators applied direct borrowings, descriptive equivalents, functional equivalents [10–12] and footnotes to make the meaning of terms understandable for readership in accordance with the *skopos* theory [14]. The identified errors were usually situations when partial equivalents were applied. There were no instances of non-sense translations or omissions of criminal law terminology under scrutiny.

It should be stressed, however, that the approximate equivalents used by the above-mentioned translators may be considered sufficient in that particular case as we deal with references to law in a piece of literature. The high degree of accuracy is not needed to comprehend the plot. At the same time, the translation *skopos* in the case of obsolete, repealed legislation for the purpose of analyzing the evolution of legal institutions and law should aim at much higher degree of precision. In such a case the strategy should involve descriptive equivalents explaining in detail the essence of a given legal institution at a particular point in time.

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