

Binomial expressions in translated law

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*Received 1.10.2025,
accepted 20.10.2025.*

Abstract

This article examines selected binomial expressions in English translations of Polish law, comparing them with binomials found in non-translated legislative texts. Drawing on four self-compiled corpora representing translated Polish statutes, as well as British, American and EU legislation, the study investigates the frequency and formulaicity of binomials across different varieties of legislative English. The analysis shows that usage patterns differ between translated and non-translated legislation, with *de facto* translated legislation often resembling the former. The discrepancies are binomial category-dependent, but overall, binomial expressions are more formulaic in non-translated legal English, especially British, even though their frequency may be lower. Translated and *de facto* translated legislation may contain more binomials – except prepositional ones – but they are less recurrent and often calqued from the source language. These findings suggest that translational legal English does not fully align with the phraseological conventions typical of common law drafting.

Keywords

legal English, legal translation, translated English, binomial expressions, corpus-assisted translation studies

Wyrażenia dwuczłonowe w przekładzie przepisów prawa

Abstrakt

Niniejszy artykuł analizuje wybrane wyrażenia dwuczłonowe w angielskich tłumaczeniach polskiego prawa i porównuje je z analogicznymi wyrażeniami występującymi w nietłumaczonych tekstach angielskich. Badanie przeprowadzono z wykorzystaniem czterech korpusów obejmujących tłumaczenia polskich ustaw oraz ustawodawstwo brytyjskie, amerykańskie i unijne. Wykazano różnice w użyciu wyrażen dwuczłonowych pomiędzy tłumaczonym a nietłumaczonym prawem, a także podobieństwo ustawodawstwa unijnego w tym zakresie do prawa tłumaczonego. Zasadniczo wyrażenia dwuczłonowe w angielskich tłumaczeniach polskich ustaw są mniej formułiczne, nawet jeśli w danej kategorii pojawiają się częściej niż w ustawodawstwie nietłumaczonym. Wyjątek stanowią wyrażenia złożone z dwóch przyimków, które zarówno pod względem częstości, jak i formułiczności wyróżniają prawo nietłumaczone. Na podstawie uzyskanych wyników można dowodzić, że tłumaczona angielszczyzna prawnicza nie w pełni realizuje konwencje frazeologiczne charakterystyczne dla przepisów prawa w systemie *common law*.

Słowa kluczowe

język prawny, przekład prawniczy, tłumaczenie na język angielski, wyrażenia dwuczłonowe, przekładoznawstwo korpusowe

1. Introduction

Binomials are widely recognised as one of the characteristic features of English legal discourse (Mellinkoff 1963: 363, Tiersma 1999: 61). They are formed by pairing two semantically related words that belong to the same grammatical category and the same level of syntactic hierarchy, with the conjunction *and* or *or* as the linking word (Malkiel 1959: 113, Bhatia 1993: 108). In fact, structural repetition is a fundamental quality of binomials (Kopaczyk and Sauer 2017: 16). Most often these pairings

involve nouns, although verbs and adjectives are also relatively frequent (Tiersma 1999: 63). Conjoined adverbs or prepositions are generally rarer and genre-specific (Kopaczyk and Sauer 2017: 3), yet their limited occurrence makes them particularly noteworthy as markers of legal style. However, not every coordinated pair of words can be classified as a binomial. Kopaczyk and Sauer (2017: 2–3) identify fixedness and formulaicity as basic criteria, and add the potential for semantic unity in cases where pairings show limited stability.

The function of binomial expressions in legal discourse is complex. Initially, they were believed mainly to add rhetorical value (Tiersma 1999: 64), and – especially when alliterated – serve as mnemonic devices (Schaefer 2017: 329). More recent research underlines their role in capturing abstract concepts in concrete terms, as “binomials are early forms of definition” (Schaefer 2017: 330). Given the need and effort to anticipate every (linguistic) possibility that could bear legal consequences, so typical for common law system, “a double expression is generally employed for the sake of precision and not merely for rhetorical emphasis” (Koskeniemi 1968: 78, quoted in Schaefer 2017: 330).

Apparently, the research on binomials began over two hundred years ago, when Jacob Grimm observed that early Germanic poetry and legal language share many similarities. He illustrated his observations with legal binomials from various Germanic languages (Kopaczyk and Sauer 2017: 6). A seminal contemporary contribution that introduced the very term and shaped the current theoretical framework for the research on binomials was published in 1959 by Yakov Malkiel. Starting from the 1960s, scholars have analysed conjoined expressions in various contexts and research materials (for an outline, see e.g. Kopaczyk and Sauer 2017: 6–11, Więclawska 2023: 26–40). Legal binomials have long been at the centre of this strand of research. However, analyses conducted cross-linguistically or specifically in the context of translation have remained relatively rare.

Giammarresi (2010) adopts a corpus-driven, cross-linguistic approach to investigate English binomials consisting of the verb *go* + a conjunction (*and* or *or*) + another verb and their Italian translations. He observes how these recurrent expressions are rendered in legal and formal contexts. His study highlights systematic translation strategies and the impact of linguistic and cultural constraints on the preservation or modification of binomial structures. Berūkštienė (2017) conducts a corpus-driven study of lexical bundles in English court judgments and their Lithuanian translations, focusing on the structural patterns and translation shifts. Her analysis highlights how translation mediates the transfer of binomials, revealing a tendency towards simplification in the target language. Monzó Nebot (2018) examines how binomials and other fixed phrasemes in the International Bill of Human Rights function across English, French and Spanish, with particular focus on their role in shaping inclusion and exclusion of social groups. Her comparative analysis demonstrates that linguistic choices in rendering these formulaic structures are not neutral, as they can either reinforce the ideological bias of the source text or create space for more inclusive interpretations. Więclawska (2023) investigates the structural and functional behaviour of binomial expressions in English-Polish company registration texts, combining corpus frequency analysis with a sociolinguistic lens. The study examines translation patterns and equivalence strategies across the two languages. By focusing on a narrowly defined legal subgenre, Więclawska both deepens cross-linguistic descriptions of binomials and offers practical insights for translators working with formulaic legal phraseology.

The current study addresses this identified gap by analysing how binomial expressions in English translations of Polish law differ from those found in non-translated legal texts. The investigation considers in particular the frequency and formulaicity of binomials.

2. Materials and methods

This study is corpus-driven and meant to investigate the use and distribution of binomial expressions in translated legal texts. Its primary aim is to identify binomials in translated Polish law and to compare them with those found in non-translated law, in order to determine whether in terms of category, type and frequency, translated texts succeed in recreating this distinctive stylistic feature of legal discourse, or whether they diverge from non-translated legislation due to the absence of a comparable tradition in Polish legal drafting.

To achieve this objective, I used four self-compiled corpora originally created for a larger project on translated law. The focus corpus (FC), compiled between 2016 and 2020, consists of 30 English translations of Polish statutes, each of a different act. These translations were sourced in equal shares from three commercial online databases offered by C.H. Beck, Translegis and Wolters Kluwer. For comparison, I constructed three reference corpora (RC) of non-translated legal texts: (a) the British Law corpus, comprising 73 UK public general acts downloaded from the official database www.legislation.gov.uk; (b) the American Law corpus, consisting of selected titles of the United States Code which were enacted into statutory law as of June 2021; and (c) the European Law corpus, including 70 directives and 100 regulations obtained from the EUR-Lex database. All corpora were built and analysed using Sketch Engine (Kilgarrieff et al. 2014). More detailed information about the corpora is provided in Table 1.

Table 1. Corpora used in the study

Corpus name	Trans-PLaw	BrLaw	AmLaw	EULaw
Corpus status	FC	RC	RC	RC
Texts	30	73	8	170
Tokens (in millions)	ca. 1.9	ca. 4.6	ca. 4.1	ca. 3.5

The research procedure involved several steps. Initially, all the corpora were searched for binomials pairing various parts of speech, i.e. nouns, verbs, adjectives, adverbs and prepositions, with the use of appropriate CQL queries.¹ The frequencies of the identified binomials were normalised per one million tokens (see Table 2) and the entries were sorted by frequency of the lemmas. The quantitative results of this step are presented in Table 3.

Table 2. Total normalised frequency (NF) of binomials identified with CQL queries, by category (per million tokens, rounded to whole numbers)

Binomial category	Trans-PLaw	BrLaw	AmLaw	EULaw
nominal	8 835	7 176	7 948	9 979
verbal	1 385	1 451	1 628	1 789
adjectival	964	731	1 112	2 061
adverbial	176	274	161	181
prepositional	81	836	553	127

Table 3. Types of binomials identified with CQL queries: (a) total count, (b) count with hapax and dis legomena excluded, (c) share in % of binomial types with hapax and dis legomena excluded

Binomial category	TransPLaw			BrLaw		
	(a)	(b)	(c)	(a)	(b)	(c)
nominal	7 165	1 184	17	7 300	1 997	27
verbal	1 448	190	13	2 089	578	28
adjectival	823	145	18	1 034	258	25
adverbial	67	12	18	135	47	35
prepositional	64	14	22	202	108	53

¹ For nominal binomials: [tag="N.*"] [lemma="and|or|and/or"] [tag="N.*"], for verbal binomials: [tag="V.*"] [lemma="and|or|and/or"] [tag="V.*"], for adjectival binomials: [tag="J.*"] [lemma="and|or|and/or"] [tag="J.*"], for adverbial binomials: [tag="RB.*"] [lemma="and|or|and/or"] [tag="RB.*"], for prepositional binomials: [tag="IN"] [lemma="and|or|and/or"] [tag="IN"].

Binomial category	AmLaw			EULaw		
	(a)	(b)	(c)	(a)	(b)	(c)
nominal	9 554	2 162	23	12 790	2 535	20
verbal	2 999	613	20	2 798	529	19
adjectival	1 585	320	20	2 510	585	23
adverbial	190	46	24	240	41	17
prepositional	189	92	49	117	44	38

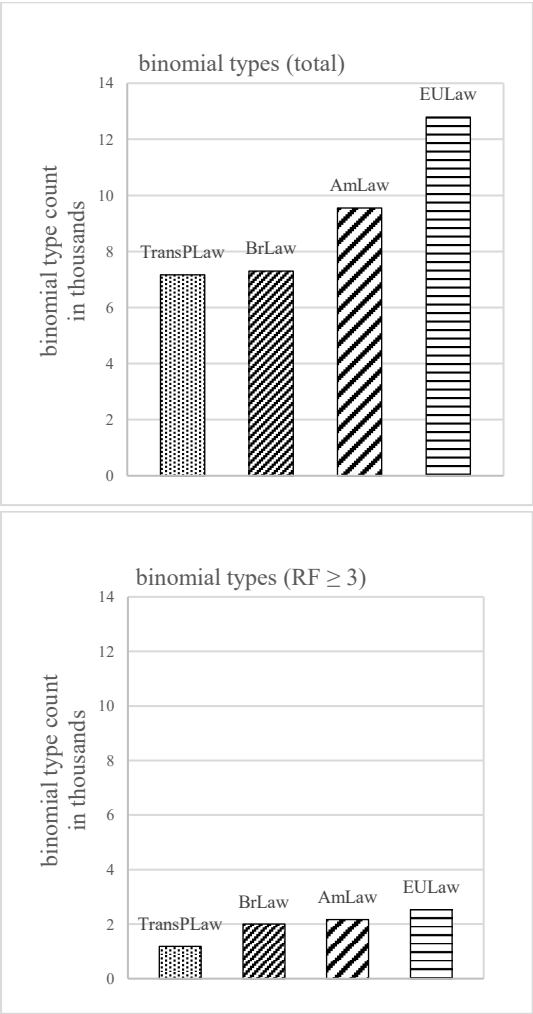


Figure 1
The count of
(a) all binomial types,
(b) recurrent binomials
(minimum raw
frequency of 3)

The quantitative distribution of binomial categories across the four corpora reveals a number of patterns. Nominal binomials are clearly the most frequent category in all datasets. In terms of normalised frequency, British legislation (BrLaw) marks the lower end of the range, followed by American legislation (AmLaw), whereas translated Polish law (TransPLaw) and EU legislation (EULaw) stand out with higher total frequencies, which may mean that translational and *de facto* translational legal English² relies more heavily on nominal constructions (see Table 2). However, in terms of internal variety, the sequence is different. As shown in column (a) of Table 3, the total count of different nominal binomials is the highest in EULaw and the lowest in TransPLaw, with non-translated legislation very close (BrLaw) or relatively close (AmLaw) to translational English (see Figure 1). Yet, the formulaicity of the analysed language variants can be more fully evaluated on the basis of the data provided in columns (b) and (c) of Table 3. If we exclude hapax legomena and dis legomena, i.e. units that appear only once or twice in a corpus, and evaluate the share of recurrent nominal binomials – with raw frequency (RF) ≥ 3 – we can easily see that the normalised frequency trend becomes entirely reversed (compare Table 2 with Figure 1). It is BrLaw where recurrent binomials constitute the greatest part of nominal binomials in general (27%), followed by AmLaw (23%), EULaw (20%) and TransPLaw (17%). In fact, British legislation is characterised by the largest share of recurrent binomials (RF ≥ 3) in the remaining categories as well (see Table 3 columns c), even though their overall frequency is the lowest across the corpora for verbal binomial and second lowest for nominal and adjectival binomials (see Table 3 columns b). This means that the British legislative discourse is not characterised by an excessive reliance on nominal, verbal and adjectival binomials, compared to other

² As noted by Biel et al., while not a translated variety in the strict sense, EU English can be regarded as “a supranational variety of English, shaped by extensive mediation through translators and non-native English-speaking drafters” (2018: 251).

discourse variants analysed in the study, however, when such binomials are used, they are more recurrent and thus more formulaic than the binomials identified in the other variants. Regarding adverbial binomials, in BrLaw they are more frequent than in TransPLaw, especially when we exclude hapax and dislegomena. Moreover, they are also more formulaic: binomials with $RF \geq 3$ constitute more than a third of all the occurrences, whereas in TransPLaw they account for less than a fifth. The data for EULaw make it comparable to TransPLaw and may support the claim about *de facto* translational nature of the acquis. It is prepositional binomials, though, that strongly show the discrepancy between translated and non-translated legislation in English. They are from over six to over ten times more frequent in BrLaw and AmLaw than in TransPLaw, and at least twice as frequent as in EULaw. On top of this, recurrent binomials ($RF \geq 3$) constitute half of the occurrences of prepositional binomials in non-translated legislation (53% in BrLaw and 49% in AmLaw), and only slightly more than one fifth and one third respectively in translational and *de facto* translational legislation (22% in TransPLaw and 38% in EULaw). Such contrast may point to the influence of the translation process. Obviously, the tendencies identified in quantitative variation require closer qualitative analysis in order to be interpreted in a convincing and reliable way.

Therefore, a cut-off point was applied, in order to focus on the most typical binomials, even though “binomials repeat in texts with varying frequency. [...] they may appear as hapax legomena” (Kopaczyk and Sauer 2017: 16). The threshold was set at a normalised frequency ($NF \geq 10$). The counts of the binomials that met this condition are listed in Table 4.

Table 4. Binomial types with NF ≥ 10 per million tokens

Binomial category	TransPLaw	BrLaw	AmLaw	EULaw
nominal	78	92	76	86
verbal	8	1	6	11
adjectival	10	8	8	12
adverbial	2	3	2	1
prepositional	1	16	9	1

3. Results and discussion

The data for nominal binomials show that the counts are fairly similar across the corpora, with non-translated legislation at both extremes of the range and (*de facto*) translated legislation in between. Interestingly, there are only two nominal binomials above the threshold that overlap across all the corpora: *goods or services* and *terms and conditions*. A few others are shared between two or three corpora, i.e. *act or omission*, *goods and services*, *health and safety*, *insurance and reinsurance*, *loss or damage*, *name and address*, *person or persons*, *profit and loss*, *profit or loss*, *rights and obligations*, *rules and regulations*, *safety and health*, *Union or Member*. In a systematic qualitative analysis of the lists of binomials, as well as their concordances, it was noticed that in several cases the same binomials were in fact used in all the corpora, yet with contrasting frequency. For instance, *health and safety*, the most frequent in EULaw (NF 81) and slightly above the threshold in AmLaw (NF 12), was also found just below the threshold in BrLaw and TransPLaw, i.e. with NF 9 and NF 7, respectively. The same concept was sometimes named in a culture- or language-determined way, typical of a particular legislative variant. For example, a synonymous *health and welfare* was identified in AmLaw (NF 53), yet it appeared mainly in references to *The Public Health and Welfare*, one of the titles of the U.S. Code, which codifies federal law. This binomial was also spotted below the threshold in EULaw (NF 5),

but always with dissimilar premodification, i.e. *animal health and welfare*. In TransPLaw, the reduced presence of *health and safety* seemed partially balanced by the use of corresponding *safety and hygiene*, appearing in 20% of the texts, with NF 37. This binomial, however, is a calque of the Polish *bezpieczeństwo i higiena (pracy)*, which is reflected by the premodification of the binomial in English, i.e. *work* (predominant) or *occupational*. It may be argued that in BrLaw, the discussed binomial was marginally extended into the trinomials *health, safety and well-being* and *health, safety and welfare*. A similar tendency was also observed in AmLaw and – to a lesser degree – in EULaw, with multinomials such as e.g. *health, welfare, safety and environment*; *health, well-being, and security*; *health, safety and security*; *health, safety, security or well-being*. Another issue worth considering here is the variation in conjunctions. In the discussed case, non-translational corpora exhibited a relatively equal use of both *health and safety* (BrLaw NF 9 and AmLaw NF 12) and *health or safety* (BrLaw NF 7 and AmLaw NF 9). On the other hand, translational and *de facto* translational corpora revealed a tendency to favour *health and safety* (TransPLaw NF 17 and EULaw NF 81) over *health or safety* (TransPLaw NF 1 and EULaw NF 22), and in the case of Polish legislation translated into English, this preference was significant. This may be interpreted as a reduced inclination towards lexical variation, which is in fact repeatedly mentioned as a feature of translated language. Regarding the binomials mentioned at the beginning of this section, a clear preference in TransPLaw for one of the conjunctions over the other was also observed for *rules and regulations* (no hits for *rules or regulations*), *rights and obligations* (seven times more frequent than *rights or obligations*), *profit and loss* (five times more frequent than *profit or loss*), *insurance and reinsurance* (four times more frequent than *insurance or reinsurance*), *goods and services* (three times more frequent than *goods or services*). Meanwhile, when the binomials occurred in the reference corpora, the discrepancies between the two conjunction options were smaller, e.g. in AmLaw, *rules and regulations* NF

31 vs *rules or regulations* NF 22; in BrLaw, *rights and obligations* NF 5 vs *rights or obligations* NF 7; in EULaw, *profit and loss* NF 17 vs *profit or loss* NF 10 / *insurance and reinsurance* NF 16 vs *insurance or reinsurance* NF 20 / *goods and services* NF 29 vs *goods or services* NF 75.

In terms of verbal binomials, the discrepancy between the corpora was significant. Even though total NFs of this binomial category across the corpora were relatively similar, with the lowest in TransPLaw and the highest in EULaw (see Table 2), these values did not provide enough information about the formulaicity. The total count of different verbal binomials was the lowest in TransPLaw – 30% lower than in BrLaw and approximately 50% lower than in AmLaw and EULaw (see Table 3, columns a). The number of recurrent binomials ($RF \geq 3$) was considerably lower for TransPLaw (NF 190) than for any of the reference corpora (BrLaw NF 578, AmLaw NF 613, EULaw NF 529). Therefore, recurrent units constituted only 13% of all verbal binomials in TransPLaw, which made this variant of legislative English less formulaic than the variants represented in the reference corpora. If we decide to measure formulaicity as the percentage of recurrent binomials in the total type count, TransPLaw again ranked lowest, just as with nominal binomials, and was surpassed by EULaw, which in turn was exceeded by the two non-translational legislative variants (see Table 3, columns c).

The verbal binomials above the threshold hardly overlapped across the corpora. In fact, the only binomial from TransPLaw which appeared above the threshold in a reference corpus was the lemmatized *be or have*, so a cluster of purely grammatical character. Nevertheless, it was three times less frequent in translated legislation (NF 13) than in BrLaw (NF 39).

The lemmatized binomial with the highest NF in TransPLaw was *acquire or take up*, used in combination with *shares* as the English equivalent of *nabyć albo / lub objąć akcje*. It was entirely absent from all the reference corpora. In BrLaw, the verb *acquire* was frequently combined with *shares* (NF 48), as a single verb, not forming a binomial. A similar observation was made in

EULaw, although this pattern was less pronounced: the NF of the combination *acquire* and *shares* slightly exceeded 8. The collocation was not found in AmLaw, most probably due to terminological divergence (the lemma *share* is often replaced by *stock* in American legal English). While the combination of the lemmas *acquire* and *share* was also spotted in TransPLaw, with NF 22, it was definitely the less preferred option.

Final and binding is the most frequent adjectival binomial in TransPLaw. However, as was the case with verbal binomials, quantitative data alone may blur the factual picture. In this case, the cluster was predominantly identified in one text only (The Code of Criminal Procedure), in the context of judicial decisions. The underlying wording in Polish was either *prawomocny* or various forms of *uprawomocnienie*. Generally, the key meaning of these terms is that no further appeal is admissible against such a court decision (Kalina-Prasznic 2007: 620–621). When the Polish terms appeared in other statutes, i.e. in 70% of the source texts of the translations included in TransPLaw, they were translated in a variety of ways, such as *final*, *final and non-appealable*, *final and unappealable*, *final and non-revisable*, *final and valid*, *definitive*, *valid*. In the reference corpora, *final and binding* could only be found in EULaw (NF 2). It can be argued that in all the reference corpora, a preferred way of expressing the meaning of the discussed binomial was by using *final* alone. Binomials were identified in AmLaw – predominantly *final and conclusive* (NF 3), but also the isolated variants *final and effective*, *final and unreviewable*, *final and not subject to judicial review* – and in EULaw, where apart from *final and binding*, the most frequent was *binding and enforceable* (NF 3) and *enforceable and binding* (NF 1). Clearly, the same concept was expressed with the use of different lexical patterns in translated and non-translated legislation, with *de facto* translated law slightly closer to the former than the latter. The internal diversity is also disparate: there is more terminological consistency in non-translated law, whereas in translations, we can observe several options, some very similar (*final and non-appealable* vs

final and unappealable), and some hardly alike (*final* vs *definitive* vs *valid*).

The adverbial binomial *directly or indirectly* was the only of all binomial categories that ranked the same across all the corpora, with the highest frequency in each of them. In TransPLaw, there was another adverbial cluster used with almost identical, top frequency: *jointly and severally* (NF 51, only one point lower than the highest value). It was also found in the reference corpora, and although the NFs were much lower (BrLaw NF 8, AmLaw NF 2, EULaw NF 4), the LogDice scores remained similar. This indicates that *severally* is strongly bound to the binomial structure and rarely used independently.

Prepositional binomials were considerably more frequent in non-translated legislation, especially in BrLaw, than in translated or *de facto* translated law. The total NF of the binomials above the threshold exceeded 600 in BrLaw and 130 in AmLaw, whereas there was only one binomial in TransPLaw and one in EULaw that met the condition, with an almost identical NF. In translated Polish legislation, it was *before or on* (NF 12), a binomial that rendered the meaning of the Polish adverbial of time *w terminie do dnia*, followed by a specific date. The binomial was found in BrLaw, with a much lower NF of 0.65, but was entirely absent from AmLaw and EULaw. It has to be underlined, however, that the *before or on* binomial was found in several places in only one text included in TransPLaw, so it should be treated as an idiosyncrasy. In seven other texts, the Polish *w terminie do dnia* followed by a specific date was simply translated as the preposition *by*, which is a much more natural lexical choice. This solution was observed in EULaw (NF 189) and also in AmLaw (NF 12), yet it was practically absent from BrLaw (NF 0.43). It was noticed, however, that the binomial *on or before* was more preferred in the latter two, most probably for stylistic reasons. In AmLaw, its total NF reached 30, and when it was followed by a specific calendar date, the NF exceeded 15. In BrLaw, its total NF reached 35, and in combination with a specific calendar date, the NF exceeded 8. On the other hand, the total NF of *on*

or before in EU law was only 2 and it was practically not used when a specific calendar date followed (NF 0.57). The values for TransPLaw were almost identical: total NF 3, in combination with a specific calendar date NF 1.59.

4. Conclusions

The analysis demonstrates that the distribution and lexical form of binomial expressions differ across translated and non-translated varieties of English legislative discourse. In British and American legislation, nominal binomials occur less frequently overall, but they are more recurrent, which suggests stronger conventionalisation and formulaicity. By contrast, in translated Polish law and in *de facto* translated EU law, nominal binomials are more numerous but less recurrent and in the former case, tend to reveal calquing from the source language. This may suggest that the translational style does not fully align with the phraseological conventions typical of common law legislation. Stronger recurrence in non-translated legislation is particularly visible in verbal binomials, but also in adverbial binomials. While the data concerning adjectival and prepositional binomials reveal divergent patterns in translated and non-translated legislation, they also highlight the unique, linguistically hybrid nature of EU legislation.

The study also confirms that quantitative corpus methods are indispensable for mapping recurrent patterns, but they must be combined with qualitative analysis. Frequency counts alone cannot capture formulaicity or pragmatic motivations. Examining concordances and contextual uses proved essential to obtain a finer-grained picture of the analysed linguistic phenomenon.

Although this remains an exploratory study, it shows that analysing binomials across all categories is worthwhile, because it uncovers discrepancies between translated and non-translated legal English that may not otherwise be apparent. Further research should include a systematic parallel corpus inves-

tigation, along with an examination of editorial practices and translation guidelines, in order to identify the precise causes of the observed divergences. It would also be important to evaluate the extent to which observed discrepancies influence the communication across different legal systems. Moreover, the scope of analysis should be expanded to low-frequency binomials, as they may still carry significant stylistic weight in specific contexts, and cover the reversibility of binomials in translated English. In this way, the presented preliminary investigation could be developed into a broader research project that would deepen our understanding of phraseological variation in legislative discourse.

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