

BILINGUAL LEGAL LEXICOGRAPHY – A NEW THEORETICAL BASIS

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1. INTRODUCTION

During the last 10–15 years bilingual legal lexicography has attracted increasing attention. This is mainly due to the ever-increasing number of legal relationships between parties from different cultures. Furthermore, law is a culture-dependent discipline because the legal rules and the legal language of one culture differ from those of another culture. In order to bridge the gap between the parties involved in this type of inter-

cultural communication, it is necessary to have good bilingual law dictionaries because only few people are experts within two legal systems and languages at the same time. However, the making of such dictionaries require a good and workable general theory of bilingual legal lexicography. This paper outlines the main elements of such a theory.

2. TYPOLOGICAL FRAMEWORK

As a first step, it is appropriate to study the framework within which the bilingual law dictionary falls. Several attempts have been made to establish dictionary typologies, but only few deal specifically with LSP dictionaries. These typologies have all been based on linguistic categories, leading to a general distinction between language dictionaries and encyclopedias (see e.g. Wiegand 1988, 726). In the recent metalexicographical literature there is a tendency to move towards a typology based on functionality (Bergenholtz/Kaufmann 1997, 98 et seq.). This typology has three constituents. A text-dependent dictionary is one which has been designed to help the user understand, compose or translate a text, whereas a text-independent dictionary is designed to give

the user information about something in a context that is not dependent on a text, for instance in oral communication situations. The third dictionary is a hybrid; it is designed to give information in situations that are dependent and independent of texts and is therefore referred to as a text-dependent and text-independent dictionary.

A text-dependent and text-independent dictionary can either be an LGP dictionary (i.e. treating languages for general purposes), an LSP dictionary (i.e. treating languages for special purposes), or a dictionary treating both LGP and LSP. For the present purposes, only LSP dictionaries are relevant. The optimal bilingual law dictionary will then be one that contains information that can help the user in as many legal

communication situations as possible; it will therefore have to be a text-dependent and text-independent dictionary as this type of dictionary will contain linguistic and factual information about the source language culture and the target language culture.

Each of the dictionary types of this trichotomy can either be a maximising or a minimising dictionary. A maximising dictionary is one designed to contain as much of the legal vocabulary of the source language as possible, whereas a minimising dictionary is one designed to con-

tain a deliberately limited number of words from the legal vocabulary of the source language. Since the number of words that can be identified in legal language varies from culture to culture, the number of words, or lemmata, in a bilingual law dictionary is a measure of its relative size compared with other bilingual law dictionaries. However, it has tentatively been suggested that a bilingual law dictionary containing more than 10,000 words is a maximising dictionary (cf. Nielsen 1994, 38).

3. USER PERSPECTIVE

Having said that the optimal bilingual law dictionary contains both linguistic and factual information, the theory must be able to deal with this from a user perspective. The user will only be able to use a dictionary optimally if it has been prepared to fulfil his lexicographical needs. The lexicographers must therefore have the theoretical means to draw up a user profile, i.e. a description of the intended target group of a dictionary in terms of the lexicographical needs combined with the function of the dictionary. Examples of the target group of a Lithuanian-English law dictionary are professional Lithuanian translators, Lithuanian lawyers, and Lithuanian LSP students. The user profile will then tell the lexicographers what the general needs of the target group are.

The next question is then what to analyse when drawing up this user profile. For the purposes of bilingual LSP lexicography, a one-tier model has been suggested; it distinguishes between the factual competence between three user types, the expert, the semi-expert and the layperson, and relates this to the degree of foreign-language competence of the user (Bergenholtz/Tarp

1995, 20–21; and Bergenholtz/Kaufmann 1997, 101–112). This may be sufficient if the subject field treated by the dictionary is culture-independent, which is typically the case with scientific and technical subject fields. However, as the discipline of law is a culture-dependent subject field, it is necessary to extend the model so that it becomes a two-tier model distinguishing between the factual and linguistic competence of the two cultures involved.

In connection with an English-Lithuanian law dictionary prepared for Lithuanian users, the two-tier model will provide a user profile dealing with the following aspects. On tier one, the source language culture (the English culture), the members of the target group will have characteristics that will place them in one of the following four groups: 1) Low level of factual and linguistic competence; 2) Low level of factual and high level of linguistic competence; 3) High level of factual and low level of linguistic competence; and 4) High level of factual and linguistic competence.

A Lithuanian lawyer will probably belong to group 1, and a Lithuanian LSP student of En-

glish may belong to group 1, or perhaps group 2. On tier two, the target language culture (Lithuanian), the same four groups of users are involved, but this time in relation to Lithuanian law and legal language. Here it must be assumed that, for instance, a Lithuanian lawyer will have a high level of knowledge of Lithuanian law and legal language, placing him or her in group 4. A Lithuanian LSP student may have a low level of knowledge of both Lithuanian law and legal language and thus belong to group 1, or perhaps group 2. It should be noted that the user profile may place the user in the same group on both tiers, as in the case with the student, or in different groups, as in the case with the lawyer.

When the lexicographical need of the target group have been identified, the lexicographers will know what specific types of information are necessary in the dictionary concerned. For instance, in order to cater for Lithuanian LSP students, the English-Lithuanian law dictionary should contain information about law and legal language in both cultures as the target group cannot be expected to know much about these topics in advance. On the basis of the findings of existing user research within the field of bilingual LSP lexicography, including the field of law (cf. Nielsen 1994, 20–32; Bergenholtz/Tarp 1995, 20–28), the lexicographers of a bilingual law dictionary should consider including the following types of information: 1) Information on the form of the lemma and the equivalent, i.e. matters such as spelling, inflection, derivation, syllabification and pronunciation; 2) Syntagmatic information concerning legal usage, e.g. construction, collocations, phrases, examples and quotations in relation to the lemma and equivalent; 3) Paradigmatic information dealing with matters such as synonymy, antonymy and homonymy; and 4) Extra-linguistic information con-

cerning the legal system itself, i.e. the law and the legal rules.

However, the information to be included in the dictionary must be directly related to its function. Dictionaries can be used for many functions, but three general functions may be identified in respect of the bilingual law dictionary. Firstly, the function may be to help with the comprehension of texts, i.e. understanding legal texts. Secondly, the function of the dictionary may be to help the user to translate a legal text, either from his native language and into a foreign language, or vice versa. In both cases, the native language competence of the user is important, because an English user of an English-Lithuanian law dictionary will need factual and linguistic information that is different from that needed by a Lithuanian user translating the same text into Lithuanian. Finally, the function of the dictionary may be to help the user to produce a legal text directly in the foreign language. The problems related to each function may be factual, linguistic or both.

By relating the function of the dictionary to the lexicographical needs of the target group, the lexicographers will be able to include the information that the members of the target group are likely to need. However, it is important to realize that one target group may need more factual or linguistic information than another target group, and this will have a direct bearing on the information that the lexicographers include in the dictionary. Finally, a bilingual law dictionary may have more than one function. For instance, Nielsen 1993 has comprehension by Danish users of English legal texts as its primary function, and translation by Danish users of English legal texts as its secondary function. In such cases, priority should be given to fulfilling the primary function.

4. THE DISCIPLINE OF LAW

The topic of a bilingual law dictionary is the discipline of law as a subject field. *Prima facie*, this seems simple enough, but the lexicographers have to decide on the scope of coverage in two respects. In terms of culture, the legal lexicographers should treat the term *English* with caution. The United Kingdom is a political unit with three legal systems, viz. England and Wales, Scotland, and Northern Ireland. So the lexicographers have to decide whether e.g. an English-Lithuanian law dictionary is to treat one or more of these legal systems. In addition, bilingual LGP dictionaries with English as the source language usually contain words that are labelled British English and American English, but the legal lexicographers also have to realize that the legal systems in the USA and England are different. Accordingly, the lexicographers have to decide whether an English-Lithuanian law dictionary is to cover US law and legal language as well as English.

Another aspect to consider is how much of the field of law the dictionary has to cover. In LSP lexicography, it is usual to distinguish between two general types of dictionary: The multi-field dictionary, which covers two or more subject fields, e.g. the typical business dictionary treating several subject fields, such as economics, insurance, marketing and transport; and the single-field dictionary, which only covers one subject field, such as either law or economics. In a general theory of bilingual legal lexicography only the single-field dictionary is relevant, and it is possible to distinguish between two sub-types of dictionary. The bilingual law dictionary may cover the entire general field of law, and in this case it is called a general-field dictionary, or it may cover a sub-field of law, for instance contract law or criminal law, in

which case it is called a sub-field dictionary (Nielsen 1990, 132–135).

The dichotomy general-field/sub-field dictionary is important for several reasons. Firstly, a general-field dictionary will, other things being equal, contain more words than a sub-field dictionary, and a general-field dictionary has a larger scope of application than a sub-field dictionary because the word stock of the former covers a larger sphere. Secondly, a sub-field dictionary tends to give an in-depth treatment of the vocabulary of the sub-field concerned as opposed to the more general treatment of the vocabulary of the entire field of law presented by a general-field dictionary. This in-depth treatment of a sub-field of law, for instance family law, may manifest itself in the presentation of a large number of collocations and phrases from the family law sphere for which there is less available space in a dictionary covering the entire field of law. Accordingly, the sub-field dictionary is especially well suited for those who want an exhaustive treatment of all, or almost all, factual and linguistic aspects within a limited subject field.

Thirdly, a sub-field dictionary will make a better text-dependent and text-independent dictionary than a general-field dictionary. One reason is that the large number of items concerning factual and linguistic information take up a lot of space in a text-dependent and text-independent dictionary. A sub-field dictionary, which is also a text-dependent and text-independent dictionary, will be handier physically. So, if the lexicographers want to make a bilingual law dictionary, which is also a text-dependent and text-independent dictionary, the better solution seems to be a maximising sub-field dictionary.

5. THE BILINGUAL LAW DICTIONARY

The bilingual law dictionary is a complex unit made up of a number of independent components that together constitute a whole. In this respect, the dictionary may be compared to a textbook. A textbook is divided into chapters that together constitute a whole, the book. The introductory information given in the first chapter provides the background to the rest of the textbook, the remaining chapters containing relevant information required for the reader to benefit from the textbook. In the same way, a bilingual law dictionary may be described as a book containing a number of independent, yet interrelated chapters, or components, the information content of the individual components combining to form the dictionary.

Several factors affect the lexicographers' decision as to which components to include in a particular dictionary. The lexicographers must consider purpose, function and user requirements, as well as the physical size of the dictionary. Whether a dictionary is a general-field or a sub-field dictionary is important too; if a dictionary covers more than one sub-field, it may be necessary to study several legal sub-genres and their conventions. However, a number of central components may be identified which are, or should be, included in a bilingual law dictionary.

For practical reasons, the two-dimensional space of the printed dictionary may be divided into three general parts. The focal point of this division is the word list, which constitutes the central component. Components placed before the word list are collectively called front matter, and components placed after the word list are called back matter. The individual components have to be placed in these three dictionary parts in a structured way relative to each other, and the

lexicographical term used to refer to the structure ordering these components is the textual book, or frame, structure (Hausmann/Wiegand 1989, 330–333; Bergenholtz/Tarp 1995, 211–213).

A general theory of bilingual legal lexicography must deal with the dictionary as a complex unit appearing as a carefully designed and complete whole. It is beyond the scope of this paper to go into details about each of the possible components, but some general remarks will be made. The front matter may, and does in fact, vary considerably in size from one dictionary to another; however, it is not its physical size that is important but the nature, relevance and quality of the information contained in the front matter. A bilingual law dictionary that has more than one component or volume should ideally have a list of contents whose purpose is to show the user what the dictionary actually contains. The list of contents thus provides a guide to the organisational structure of the dictionary and its components.

The preface is a traditional component of the front matter and the place where the lexicographers give the relevant background information, informing the user of the function, scope and application of the dictionary. This may include information about the number of words, the target group of the dictionary, its primary function, and which sub-field(s) and legal system it covers.

One of the most important components of the front matter is the user's guide whose purpose is two-fold. Firstly, it introduces the user to the structure and contents of the dictionary, and secondly, it explains to the user the fastest and easiest way to the information sought. The user's guide will for instance tell the user which types of information he can expect to find in the artic-

les; e.g., information about equivalents, collocations, phrases, cross-references and the order in which they appear. It is also important that the user is told how the words, or lemmata, have been arranged in the word list; whether they are arranged alphabetically, conceptually, or both. Finally, the user's guide should explain which types of information the user can find in the individual components and how he can best benefit from this information. It is relevant for the user to know, for instance, that he may find supplementary information to the lemmata in the front matter, i.e. outside the word list.

Immediately after the user's guide, it may be relevant to place a field introduction, or encyclopedic section, because the user's guide explains the use of the field introduction, if any, and that it is usually closely connected with the word list by means of cross-references. The field introduction with its information on law is relevant to almost any user of a bilingual law dictionary. It can be used as an introduction to the legal system that is foreign to the user and thus function as a mini textbook for e.g. learners. This is not only relevant to student translators or LSP students specialising in legal translation, but also to professional translators as these will be given a short description of the foreign legal system covered by the dictionary. Legal experts may benefit from the information in the field introduction too as e.g. Lithuanian lawyers will be given relevant factual information about the foreign legal system which may help them in their daily work. No matter who make up the target group of a bilingual law dictionary, the lexicographers should take care only to include information that is needed by the target group members.

The field introduction may be a comparative introduction describing not only the foreign le-

gal system but also the user's "own" legal system. This is also very helpful for student translators and professional translators as factual knowledge of both legal systems may be required to make a correct translation. The comparative field introduction may then describe the most important differences or similarities between the two legal systems, or a combination of both, depending on the lexicographical needs of the target group and the function of the dictionary. Whether it is a comparative introduction or not, the primary purpose of the field introduction is to interact with the word list (see below). Finally, the field introduction should ideally be divided into separately numbered paragraphs, or sections, as this facilitates cross-referencing from the word list, from other dictionary components, and from one place in the field introduction to another (see Nielsen 1999, 105–108).

The components found in the back matter, if any, are often referred to as appendices, and they usually supplement the information provided in the rest of the dictionary. There are no hard and fast rules as to what goes in the back matter, but the information must depend on the sub-field(s) covered. The only general principle that applies to the back matter is that it is not the length of the back matter that is important but the relevance, nature and quality of its information. Furthermore, and if the lexicographers so wish, one or more of the components described as belonging in the front matter may alternatively be placed in the back matter, though some components are more logically placed in the front matter, for instance the list of contents and the preface.

It has been suggested, for instance, that examples of legal documents such as contracts may be shown in separate back matter components (Nielsen 1994, 108–112). In a translation dictionary, these documents should be examples from

the target language culture, but the lexicographers should also consider including a comparative appendix with document examples from both the source language and the target language culture. However, such appendices must contain explicit information about the purpose of the examples, for instance to show the typical layout of English deeds and statutes in a Lithuanian-English law dictionary prepared for translation by Lithuanian translators. The lexicographers can then use these examples as illustrations of the different textual conventions in the two legal cultures and perhaps even suggest the use of a source language oriented or a target language oriented translation strategy in specific situations.

The lexicographers may also consider placing selected types of information about the difference in syntactic structures in the two legal languages concerned in the back matter. This has the advantage that the user only has to look in one place every time he seeks information about the translation of a typical syntactic structure, instead of having to figure out in which article in the word list the answer is most likely to be found. This may be extended to cover selected types of linguistic information in general. Routine formulae belonging to specific sub-genres of law, such as deeds, wills, statutes and judgments, may also be placed in appendices that compare such formulae in the two cultures and suggest standard

translations thereof (Nielsen/Sørensen 1998, 142–145).

The central part of the bilingual law dictionary is the word list, which contains the source language words, and together with the factual and linguistic information in the articles, constitutes the heart of the dictionary. The lemmata are arranged according to a specific principle and the lexicographical structure that orders the sequence of the lemmata is traditionally called the macrostructure. Macrostructures are of two kinds, alphabetical and systematic; in most of the existing law dictionaries the lemmata are arranged alphabetically. The advantage of a systematic macrostructure is that it is possible to retain the systematic structure of the legal system in the source language culture and, for instance, place all lemmata relating to bankruptcy in one section, place all lemmata relating to conveyancing in another section, and so on. One major disadvantage is that the user will never know for certain where a specific lemma is located, and therefore it is a must to have an alphabetically arranged index that refers to the place(s) in the systematic word list where a particular lemma is to be found. The use of a systematic macrostructure often makes the incorporation of a systematically structured field introduction unnecessary.

8. CONCLUDING REMARKS

As this paper shows, a bilingual law dictionary is not merely a book containing a list of words in one language and equivalents in another language. It is a much more complex work. The optimal bilingual law dictionary is a collection of different text types and contains a number of different types

of information. Accordingly, a general theory of bilingual legal lexicography is needed, not only to make but also to analyse, describe, compare and use bilingual law dictionaries.

LITERATURE

Bergenholtz, Henning / Kaufmann, Uwe (1997): „Terminography and Lexicography. A Critical Survey of Dictionaries from a Single Specialised Field.“ In: *Hermes 18–1997*, 91–125.

Bergenholtz, Henning / Tarp, Sven (eds.) (1995): *Manual of Specialised Lexicography. The preparation of specialised dictionaries*. Amsterdam / Philadelphia: John Benjamins Publishing 1995.

Hausmann, Franz Josef / Wiegand, Herbert Ernst (1989): „Component Parts and Structures of General Monolingual Dictionaries: A Survey.“ In: F. J. Hausmann / O. Reichmann / H. E. Wiegand / L. Zgusta (eds.): *Dictionaries. An International Handbook of Lexicography*, vol. 1. Berlin / New York: de Gruyter 1989, 328–360.

Nielsen, Sandro (1990): „Contrastive Description of Dictionaries Covering LSP Communication.“ In: *Fachsprache / International Journal of LSP 3–4 / 1990*, 129–136.

Nielsen, Sandro (1993): *Engelsk-dansk juridisk basisordbog*. Copenhagen. Munksgaard 1993.

Nielsen, Sandro (1994): *The Bilingual LSP Dictionary. Principles and Practice for Legal Language*. Tübingen: Gunter Narr Verlag 1994.

Nielsen, Sandro (1999): „Mediostructures in Bilingual LSP Dictionaries“. In: *Lexicographica. International Annual for Lexicography 15/1999*, 90–113.

Nielsen, Sandro / Sørensen, Rita (1998): „Juridiske oversættelsesordbøger [Legal Translation Dictionaries].“ In: *LexicoNordica 5–1998*, 129–148.

Wiegand, Herbert Ernst (1988): „Was eigentlich ist Fachlexikographie? Mit Hinweisen zum Verhältnis von sprachlichem und enzyklopädischem Wissen.“ In: H. H. Munske / P. von Polenz / O. Reichmann / R. Hildebrandt (eds.): *Deutscher Wortschatz. Lexikologische Studien. Ludwig Erich Schmitt zum 80. Geburtstag von seinen Marburger Schülern*. Berlin / New York: de Gruyter 1988, 729–790.

DVIKALBĖ TEISĖS LEKSIKOGRAFIJA (NAUJAS TEORINIS PAGRINDAS)

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Santrauka

Dvikalbis teisės žodynas – tai ne vien tik knyga, kurią sudaro vienos kalbos žodžių ir kitos kalbos atitikmenų sąrašas. Tai daug sudėtingesnis darbas. Optimalus dvikalbis teisės žodynas – tai įvairių teksto tipų ir daugelio įvairių tipų informacijos rinkinys. Dėl to dvikalbiams teisės žodynams rengti, taip pat jiems analizuoti, aprašyti, lyginti ir vartoti yra reikalinga bendroji dvikalbės teisės leksikografijos teorija. Pagrindinis dvikalbių teisės žodynų skiriamasis požymis

yra tas, kad jie priklauso kultūros sąlygojamo dalyko sričiai. Tai reiškia, kad leksigrafai turi atsižvelgti į tai, kaip vartotojai išmano dvi teisės sistemas ir moka dvi teisės kalbas, kad tas dvikalbis teisės žodynas atitiktų vartotojo leksikografinės reikmės pagal savo paskirtį. Jei leksigrafai turės leksikografijos teoriją, padedančią spręsti sudėtingą būtinos informacijos apibrėžimo klausimą ir kuo geriau tą informaciją pateikti, ateityje rasis geresnių dvikalbių teisės žodynų.

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