Introduction

*Legal Lexicography. A Comparative Perspective* is one of few books devoted to this, as the blurb maintains, ‘most neglected aspect of the discipline of jurilinguistics’ and an attempt to fill the gap in modern lexicographic research. It presents contributions by experts in comparative law, legal history, terminology, terminography, translation and linguistics. The volume is directed at both scholars and practitioners, representing various perspectives: anachronic and diachronic, mono- and bilingual, and from common and civil law traditions in order to reflect current academic thinking (p. 3).

The book consists of fifteen chapters by various authors, usually with either legal or linguistic background, who represent ten jurisdictions. Three chapters are written in French and include English language introductions which summarise the contents. The volume also contains a list of figures, a list of tables, acknowledgements, notes on contributors, a foreword by Lionel Smith from the Faculty of Law at McGill University, and an introduction by the editor of the volume, Máirtín Mac Aodha, a lawyer-linguist at the Council of the European Union and a researcher at the Université de Strasbourg. Two indices — for English and for French chapters, respectively, close the volume. Each chapter has its own bibliography.

Description of the contents

Mac Aodha’s introduction discusses the law’s dependence on language and comments on the paucity of academic research on legal lexicography, despite its undoubted value for practitioners, translators and scholars. According to the author, the reason may lie in the paradox that while dictionaries should be designed and crafted on the foundations of solid theories, their target users do not wish to engage in any theoretical dispute but be able to apply the dictionary for purely practical purposes. At the same time, legal lexicography desperately needs more research to solve its central problems related to the system-bound nature of law — a ‘living organism that law dictionaries must seek to capture between their covers’ (p. 2). The second part of the introduction is devoted to presenting the book’s contents and approach.

The fifteen chapters may be assigned to three distinct sections. Chapters 1 and 2 deal with historical issues and serve as a theoretical introduction. The next section consists of reports on particular dictionary projects, either complete and well established (chapters 3 and 4) or in progress (chapters 6, 8, 9 and 10), and of critical assessments of existing legal dictionaries (chapters 5 and 7). The final part of the book is devoted to the description and criticism of various aspects of legal language and practice in selected parts of the world.

Chapter 1, by Pierre-Nicolas Barenot, presents the fascinating development of legal lexicography in France from its predecessors in the Roman Empire, through the practice in the times of Ancien Régime and the changes in the aftermath of the Revolution, concluding with the modern era. The author describes the main traits of monolingual legal dictionaries at each point of their historical development: their purposes, types, scope and target users, demonstrating their transformation from scientific works to mere tools, which ‘deprived hard-
pressed practitioners of the cultural resources they were wont to mine’ (p. 27). The account concludes with a view on the dictionaries of the twentieth century, which ultimately abandoned the notion that the entirety of the law could be contained in one volume. Much room is devoted to the notion of a répertoire — a collection of information useful to entrepreneurs and legal practitioners, concerning the issues discussed in the doctrine and case law. While a great deal is said about the scope and objectives of the reference works, the chapter could profit from somewhat more information on the form and structure of the dictionaries published since the Revolution.

By contrast (perhaps an overly strong one), the contribution by Ian Lancashire and Janet Damianopoulos encompasses a much shorter period — the Early Modern English era. It discusses the development of the legal language and the law’s impact on the understanding of English, spanning the period between the first half of the sixteenth and the second half of the seventeenth century. The authors describe dictionaries published in that time, such as John Rastell’s Exposition or Sir Thomas Blount’s Glossographia, offering interesting details not only on the lexicographers’ objectives, but also on the structure of their products. The text also outlines the linguistic tendencies in the legal practice of the time, mostly aimed at moving away from the obscure law-French and towards normal French and Latin, as well as at introducing English to the courts. As the authors conclude, Early Modern English dictionaries paved the way for Samuel Johnson’s innovation of providing quotations to illustrate word senses. What is more, by attempting to translate the law of the land into English, they contributed to a great expansion of English vocabulary in that period, and that is in fact the actual subject of this paper more than dictionaries themselves.

Chapter 3 opens the second part of the book, devoted to selected contemporary dictionary projects. Brian A. Garner, the editor-in-chief of Black’s Law Dictionary editions seven through nine, gives us a valuable glimpse of how the most authoritative lexicographic work concerning American law has developed over the years and reportson the modifications he introduced into the dictionary. He answers five crucial questions faced by legal lexicographers: (1) to what extent should a law dictionary contain encyclopaedic information; (2) to what extent is a law dictionary a work of original scholarship — as opposed to a compilation of judicial definitions; (3) to what extent should we worry about the formalities of defining words; (4) to what extent can the modern lexicographer rely on the accuracy of predecessors; and (5) how do you find the material to include in a dictionary. While all the above are undoubtedly pivotal issues in the design and compilation of any dictionary, the recommendations and examples the reader receives are based on only one, particular project, and do not reflect the more universal nature of the problems. Garner closes his chapter with an excerpt from the Preface of the ninth edition of Black’s and a sample entry from editions one, six and nine, allowing the readers to follow the development of the dictionary.

Symmetrically, the subsequent chapter provides the readers with details concerning the compilation of two British legal dictionaries: Stroud’s Judicial Dictionary and Jowitt’s Dictionary of English Law, both edited by Daniel Greenberg, the author of the contribution. In the first place Greenberg introduces the fundamental distinction between a legal dictionary and a judicial dictionary, with the former defining terms that are relevant to the law and the latter defining terms as they are used in legal practice. Then the author describes the consequences of this division for the dictionary’s macrostructure and the relevance of judicial and legislative texts in the corpus. Next, the reader finds practical advice on the treatment of historical terms and foreign expressions. The final sections are devoted to the issues of a legal dictionary’s compiler and audience. Unlike the previous contribution, this chapter offers more universal advice, which may be applied by a wide group of lexicographers. However, the recommendations offered are at times rather vague, for instance advising dictionary editors to
‘do their best to identify those components of the substantive law (...) which can reasonably be regarded as part of the essential definition of (...) a concept’ (p. 62). Still, Greenberg is aware of this shortcoming and openly asserts that there are no clear-cut rules on the length and depth of dictionary entries.

Coen J. P. van Laer’s chapter is the first one in the volume to touch on the subject of bilingual dictionaries, yet it continues the discussion on the amount of encyclopaedic information in a dictionary. Van Laer specifically promotes the inclusion of legislative definitions from the source and the target legal system, as only a comparison of the relevant concepts can allow the dictionary user to evaluate the degree of equivalence between them. Further, van Laer offers a critical evaluation of existing practices in legal lexicography on the basis of a study of five comparative bilingual legal dictionaries, the sample being the entry nationality. The conclusions are far from optimistic: common practice in providing encyclopaedic information has not been developed so far and the dictionaries often fail to equip the users with sufficient data to assess the degree of equivalence. The author’s preference for legislative definitions cannot be argued with; numerous researchers agree that they should be the primary source of encyclopaedic information to be included in a legal dictionary. Yet some (cf. Šarčević 1997: 240; Cao 2007: 55) emphasise that concepts may display considerable differences in their referential dimensions, in their extensions, while the intentions remain mostly congruent. In consequence, legislative definitions may prove insufficient. Although van Laer does not refer to this problem, he rightly calls for further research to determine in detail what amount of encyclopaedic information would allow the user to measure equivalence as precisely as possible.

Chapter 6, by Pierre Lerat, proposes a methodology for the creation of a database multilingual dictionary aimed at EU citizens. The key premises of the concept are that, firstly, the citizens of the European Union may, by virtue of their general and linguistic knowledge, be regarded as ‘semi-experts’ and, secondly, the main legal systems within the EU, including French, German, Italian and even UK law, share a great deal of basic concepts, rendering such a project feasible. At the outset Lerat describes the notion of a European citizen and discusses some frequent issues in multilingual and bilingual paper dictionaries. The core part of the paper is a detailed description of the lexicographic methodology for compiling the proposed dictionary, with every entry starting with the conceptual level and progressing to the level of language. As the author asserts, the resulting reference work may be a tool not suitable for law professors, but certainly sufficient for the ‘semi-expert’ EU citizens. The project described by Lerat is certainly a very interesting one, attempting to combine the onomasiological approach and the respect for terms or words as essential elements of our culture. It is a pity that the reader is left with some substantial questions unanswered, for instance how to choose the terms to be included in the dictionary or what type of definition should be used.

Similarly to chapter 5, chapter 7 deals with the needs of translators of legal texts. Thierry Grass proposes a model of terminology representation which could improve the understanding of legal terms by translators, whose training fails to prepare them for their task. The foundation of a lexical database for the translation of legal terms is the definition model proposed in the norm ISO 1087, which, as the author demonstrates, is perfectly applicable to the language of the law. Grass divides the database into the lexical level, the level of translation, the level of language and the conceptual level, and offers detailed descriptions of the categories of information which ought to be found in each of them. The paper ends with a model structure of the terminological record in the database. Similarly as in the previous paper, a particularly valuable aspect of this chapter is the conscious attempt to combine the
features of a terminological dictionary, which is based on units of thought, and a translation
dictionary, based on units of text.

The contribution by Marta Chroma, the sole representative of post-Communist
jurisdictions in the volume, discusses the way in which the process of translation can be
reflected in the design of a legal dictionary for translators. After offering some historical
background, Chroma outlines the features of legal translation, which requires the translator to
carry out a comparative study of the legal systems involved. In consequence, the translator
should first consult a monolingual dictionary explaining the primary legal system, yet for
want of time usually only a bilingual reference work is used. The main part of the chapter is
devoted to characterising a model dictionary for legal translation, answering three crucial
questions (two of which are familiar from the third chapter of the book), concerning (1) the
sources of material to include in a dictionary; (2) the reliance on the accuracy of earlier
dictionaries; and (3) the balance between legal terminology and other segments of the
language of law. The main conclusions are likewise three: (1) a dictionary for legal translation
should provide explanations of both source and target language terms; (2) it ought to offer
examples of their use in nominal and verbal collocations and clause patterns; and (3) it should
apply such a metalanguage as will enable translators to identify the context of the source
language items and their potential equivalents. In her contribution, Chroma offers a range of
solutions based on an in-depth analysis of the language of law and the nature of legal
translation, for instance how to deal with non-equivalence. Yet seeing how the author
emphasises the system-bound nature of the law and the bijural character of legal translation as
central factors in designing bilingual legal dictionaries, the choice to include expressions
referring to concepts in various legal systems appears as somewhat surprising, and is not
backed by any justification.

The objective of chapter 9, written by Peter Sandrini, is to resolve the issue whether
alphabetically ordered paper dictionaries presenting terminology from different legal systems
are worth producing. The debate is settled clearly against them, as they are not capable of
following the principal tenets of terminology, that is the centrality of the concept, the
interrelatedness of legal concepts and the principle of univocity. Next, Sandrini discusses
functional requirements for legal dictionaries and makes a case for the notion of one legal
concept constituting one dictionary entry, which is necessary if the dictionary is supposed to
help its users understand legal terms. What is essential, the concept has to be explained within
the framework of the legal system to which it belongs. Another point is the need to thoroughly
document the concept by means of legal or intensional definitions, indicators of the legal
system and its particular branch as well as the description of a particular legal context in
which the given expression can appear. The author also deals with the misconception of
equivalence, related to the unjustified belief that dictionaries can provide ready-made
equivalents. What they can offer, according to Sandrini, is as much information as possible to
support the translator in the decision making process. Similarly as in the previous chapter,
here again the author stresses the bijural character of legal translation and yet decides to
include terms from more jurisdictions than the source and the target one. There certainly may
be good reasons to do that, but Sandrini omits to give any.

In chapter 10, Sandro Nielsen presents a project of a database of legal terms which could
serve as the core of a set of online legal dictionaries. The project is a response to the frequent
faults of online dictionaries, which fail to provide access to data related directly to the specific
users’ needs. Nielsen describes the designed lexicographic tool as consisting of three
components: the database, a user interface which gives access to the data and a search engine
serving as intermediary. Then the author presents Bergenholtz and Tarp’s function theory,
discussing types of functions and levels of competence, all of which ought to be taken into
consideration when designing a dictionary. The consequence of an analysis of the target users’ needs and skills is the choice of data to be included in the database as well as of sets of data which would reflect individual user needs indicated through the choice of appropriate search options. This chapter clearly reflects one of the key tendencies in electronic lexicography, namely the customisation of online dictionaries. At the same time the described project refrains from giving the users too much power: they should indicate the purpose, not select individual data categories themselves, on the assumption that lexicographers should have a better idea of what the users need than the users themselves.

Chapter 11, which opens the final part of the volume, is devoted to various aspects of legal practice and their impact on legal lexicography. Christopher Hutton introduces the subject of ‘ordinary language’ in legal culture and the issue of how mundane objects are treated by lexicographers and lawyers. The expression vehicle serves as an example in the analysis of how legal dictionaries deal with the vernacular, starting with lexicographic tools from the nineteenth century and ending with the 9th edition of Black’s Law Dictionary. The author also reports on how the expression was defined in the case law of the UK, the US and Australia. One such case became the motivation for the development of the famous model of adjudication by H. L. A. Hart, which stressed the fuzziness and openness of natural language. According to Hart’s theory, while the law must rely on language as its stable background, it also experiences the language’s instability when it tries to limit the meaning of ordinary words.

In the subsequent chapter, Mathieu Devinat reports on the use of dictionaries by the Supreme Court of Canada, touching upon problems particular to bilingual and bijural countries. The study carried out by the author aimed to find out whether judges relied on dictionaries of only one of Canada’s official languages or of both and whether they limited themselves to system-bound works. The study revealed that the Supreme Court judges used one of three methods: (1) independent assessment of ‘two’ ordinary meanings; (2) simultaneous identification of ‘one’ ordinary meaning; and (3) description of a single language ordinary meaning. Only the second method is in line with Canada’s official bilingualism policy, giving equal weight to both linguistic versions of the legislation. Further, the author found that Supreme Court judges hardly considered the legal background when referring to a legal dictionary and often used dictionaries of common law to interpret expressions in civil law statutes and vice versa. In addition, foreign dictionaries, for example American, were used more frequently than Canadian ones. Devinat concludes that, while legal dictionaries convey meaning and not rules, they should be used to interpret the meaning within a particular system only.

The treatment of legal phraseology in dictionaries on the basis of linguistic examples in the second edition of Dictionnaire de droit privé et lexiques bilingues is the subject of chapter 13, contributed by Patrick Forget. In the first section of the paper the author presents and defends a broad concept of a phraseological unit and explains the difference between conceptual and lexical collocations. It appears that the understanding of collocation in general language does not apply to specialist phraseology. Next, Forget characterises the Dictionnaire and analyses over 700 linguistic examples. The study of the Dictionnaire shows that, while it is claimed to serve both decoding and encoding functions, in truth it contains only little data which would facilitate the production of an idiomatic text. In addition, the choice of linguistic examples fails to follow any clear criteria. The main conclusion is that legal phraseology should be an obligatory element of encoding legal dictionaries and that law experts require the assistance of linguists to compile good lexicographic tools.

Malachy O’Rourke’s paper discusses the features and use of Irish legal terminology from the foundation of the Irish state until the present day. The author laments the permanent
neglect in creating reliable sources of legal terminology despite strong foundations in the form of *Tearmaí Dlí*, an authentic and authoritative collection of terms, published in 1957. Despite a number of shortcomings (such as semantic ambiguities, lack of practical grammatical data, or failure to account for differences between Irish and English), the collection clearly deserved further work and popularisation. Instead, it was largely ignored by subsequent lexicographic publications. Generally, Irish did not receive appropriate promotion as a language of litigation, which would have facilitated its development and highlighted the need for a revision of *Tearmaí Dlí*. The confusion caused by divergent sources and lack of authority only worsened after Ireland joined the EEC in 1973. O’Rourke also emphasises the grammatical features of Irish which render achieving legal clarity particularly difficult. This contribution demonstrates how long years of political and linguistic dependence hampered the development of a natural legal language. What the chapter is perhaps wanting is a division into sections, which would support a better ordering of information and prevent repeating some facts.

The final chapter, written by Māmari Stephens and Mary Boyce, is dedicated to the relations between a minority and a dominant legal language on the example of New Zealand. The authors report on the insights they gained in the process of creating a Māori-English legal dictionary. Firstly, despite its lack of true comparability, the diachronic corpus of Māori legal texts used in the project proved extremely valuable due to its richness and depth. The analysis of printed legal documents published between 1828 and 2009 revealed three main phases in the relations between legal Māori and English, reflecting the Crown’s changing policies across time. Secondly, a study of borrowings from English delivered useful data on lexical change in Māori. Finally, research on customary Māori terms brought a great deal of information on how the language absorbed and expressed Western legal concepts.

**Concluding remarks**

*Legal Lexicography* is a rarity in the field, which remains sadly underexplored despite its significance for both practitioners and researchers. The book attempts to bridge the gap in legal literature, bringing together experts specialising in various aspects of the subject: monolingual and bilingual, paper and electronic lexicography, analysis of legal language and legal practice, designing dictionary models, and editing existing reference works. The volume visibly exceeds the boundaries of legal lexicography, as the focus of several chapters is not on dictionary-making as such, but rather on legal language or legal practice. Chapter 2 is in fact devoted to the impact of the law on language and the use of English in courts, chapter 11 discusses the role of ordinary language in legal practice, chapter 12 reports on the methods of interpreting statutory law in bilingual Canada. Similarly, dictionaries play only a peripheral role in the penultimate part of the book, which discusses the characteristics and development of legal Irish.

There are few editorial issues to report on. Possibly the most evident one is that some authors seem to exceed the useful and palatable limit of examples, which is particularly tiresome in the case of the two lesser-used languages, namely Irish and Māori, but also in the chapter devoted to the definitions of the word *vehicle* and in the discussion on phraseological units in chapter 13. Such extremely detailed accounts would probably find more enthusiastic readers in publications of a less general character than a volume which tries to cover the wide field of jurilexicography. Here they would certainly benefit from a somewhat more synthetic approach.

To sum up, a reader who expects a handbook of legal lexicography or a comprehensive diagnosis of the state of affairs in the discipline will be disappointed. *Legal Lexicography* as a
whole is highly analytical and does not encourage any synthesising conclusions. Each chapter stands on its own and could constitute an individual article in a specialised journal. The historical section of the book and the two reports on existing dictionaries (chapters 1 to 4) are devoted solely to monolingual lexicography, while the remaining papers focus on issues related to bilingual dictionaries. Therefore it is rather difficult to draw conclusions from both distant and recent times which would be more or less directly applicable to the reported works in progress.\(^1\) While some contributions make a case for the inclusion of definitions of both source and target terms in translation dictionaries, others do not follow this principle at all. The volume is certainly a valuable repository of notions and detailed recommendations for compilers and critics of dictionaries, a review of ideas, perspectives, projects past and present, priorities, empirical studies, and theories relevant to civil and common law jurilexicography. Yet it is the reader who has to make their own choice about what is useful and what is not, depending on the character of a particular project they evaluate or develop. Individual chapters may well offer simple answers, but the book as a whole does not. And perhaps that is the greatest quality of putting together so many diverse contributions in one volume.

Notes

\(^1\) On the other hand, this difference may be an accurate reflection of the reality: the market does offer quality monolingual dictionaries and we can draw from the experience of their compilers, but satisfactory bilingual works are still waiting to be published.

References


Weronika Szemińska
University of Warsaw
Warsaw, Poland
w.szeminska@uw.edu.pl