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Translating law into dictionaries, or why one dictionary is not enough

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Abstract. The paper proposes an answer to two faults in the concept of a terminological translation dictionary, designed as a tool for professional translators of legal texts. Such a dictionary should include various categories of information deemed most useful for translators: definitions, references to legal sources, synonyms, hypo- and hypernyms, equivalents of various types, collocations etc. Its first fault lies in the fact that the data in each category is not sufficiently extensive. Secondly, the translator does not always require all categories of information presented in the dictionary: frequently the search is restricted to e.g. definition or collocations, in which case wading through the entire massive entry is a waste of time.

The solution could be a terminographic system: a set of dictionaries of various types, including an explanatory dictionary, a frequency dictionary, a semantic dictionary and a dictionary of collocations, with a translation dictionary including all categories of information in a concise form in the centre of the set. All dictionaries are interconnected by a system of cross-references, common macrostructure and mediostructure. The concept is described on the example of a set of dictionaries for translators of legal texts.

Keywords. Dictionary for translators, legal translation, system of dictionaries, terminological dictionary, translation dictionary.

1. Terminological translation dictionary

Translation dictionary is a dictionary type mentioned by only few scholars and often identified with bilingual dictionary or otherwise singled out only according to the criterion of the presence of foreign language equivalents (see e.g. Swanepoel 2003: 67-69; Zgusta 1971: 294-307; Atkins & Rundell 2008: 25; Hartmann & James 2002: 146; Lukszyn & Zmarzer 2006: 145-146). However, the presence of foreign-language equivalents is not sufficient for the dictionary to effectively facilitate professional translation. In order to serve that purpose, a dictionary needs to assist the translator throughout the whole process of translation as depicted on Fig. 1: helping them understand the original text, find an appropriate equivalent and use it in a correct way. Therefore it should offer explanations (definitions) of the source terms, numerous equivalents accompanied by information which makes it possible to differentiate between them and choose the best one, and finally it should include grammatical, lexical, stylistic and pragmatic information, allowing the translator to use the chosen equivalent correctly.
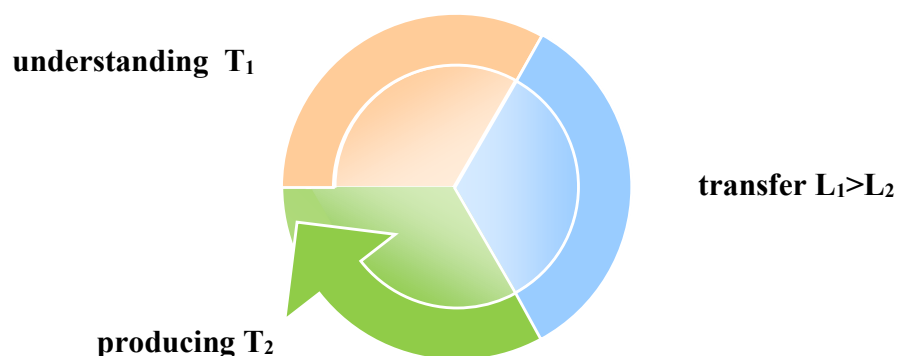

Figure 1: Stages of the translation process. T1 — source text; L1 — source language; L2 — target language; T2 — target text

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This concept, although it appears to account for all the needs arising in the course of translation, has some serious drawbacks. A dictionary compiled according to such a model must include many categories of extensive data. This is also what the translators generally expect. However, translators do not always need all of the data at once. As Fig. 2 shows, problems in translation do not necessarily occur at all the stages of the translation process: they can occur at one of them, at two or at all three. Depending on the problem complex, various dictionaries can be handy: in the case of the first complex, a monolingual source language dictionary can be sufficient, but also a bilingual dictionary can be used. In the cases 2a and 2b, that is when problems with equivalent choice occur, a bilingual dictionary is necessary. In complex 3a again a mono- or a bilingual dictionary will do, whereas only a monolingual target language dictionary will prove helpful in the last case, where difficulties are encountered only at the production stage of the translation process.
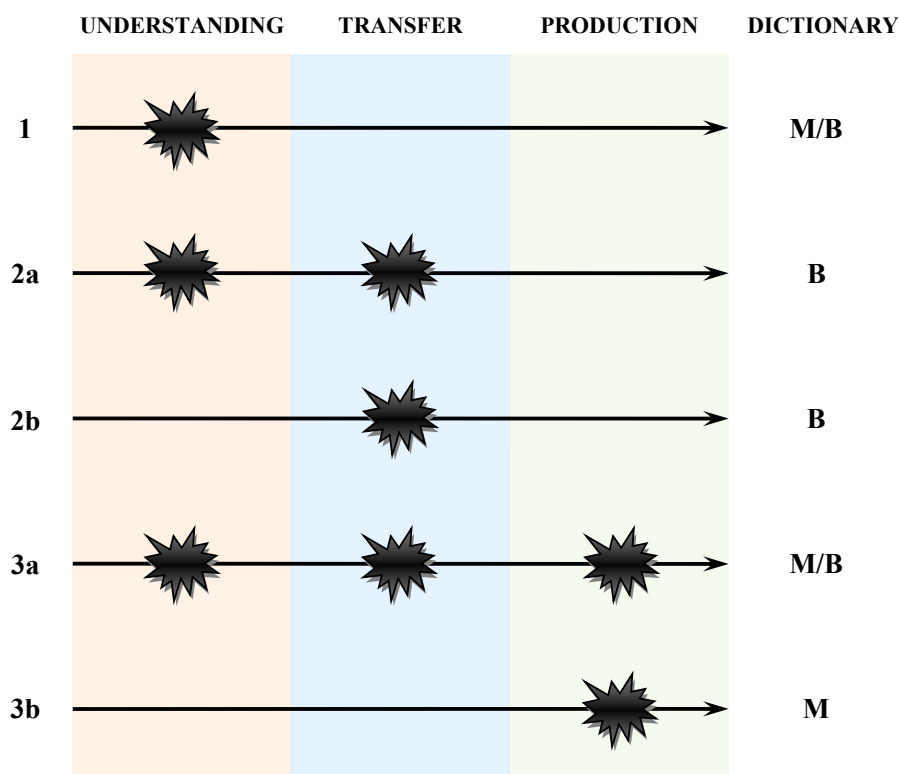

Figure 2: Problem complexes in translation from a lexicographical point of view (Tarp 2005: 37).
M — monolingual dictionary; B — bilingual dictionary

Consequently, translators do not always need all data they might need theoretically. Therefore using a translation dictionary, whose purpose is to provide all this data, means wading through long entries in search of the right category of information and thus wasting precious time. Furthermore, this situation does not occur in isolation. A particular problem complex — that is the translator looks only for one category of information — can prevail over the course of a whole individual text, but also in all texts of a given type or even in a whole thematic field: for instance texts referring to administrative law of a given legal system could be perfectly understandable to the translator, but could pose major difficulties in the transfer into the target language.

On the other hand, the necessity to include numerous categories of data means that for practical reasons the data of each type cannot be as extensive as the translator could wish. This at least is the case in a paper dictionary, which still remains the most frequent form of terminological dictionaries.

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2. System of dictionaries for translators

What could be an answer to this twofold problem is a system of dictionaries for translators. This concept should not be confused with that of the translation dictionary. A dictionary for translators does not even need to include foreign-language equivalents. A dictionary for translators is any dictionary (that is a dictionary presenting any given category of information, e.g. a defining dictionary, a frequency dictionary, a dictionary of collocations etc.) which was compiled specifically for translators; it is meant to cater to their specific needs, having the character of the translation process in mind. And if we agree with R. K. K. Hartmann (1989: 105), S. Tarp (2005: 36), S. Nielsen (1994: 7), R. Gouws (2003: 39) or H.-P. Kromann, T. Riiber and P. Rosbach (1991: 2713) that the user is the most important factor in the compilation of dictionaries, we must agree to assume that a dictionary compiled for a particular user type, e.g. professional translator, will be different from a dictionary compiled for another user type, e.g. expert or learner. It will differ in terms of information category, macro-, medio- and microstructure, corpus etc.

A set of such dictionaries, sharing the same subject matter, designed for the same user, interrelated on many levels, and offering various categories of information, is a system of dictionaries. The most obvious interrelationship is that of the macrostructure — all dictionaries should be based on the same entry list. The form, order, microstructure and mediostructure of the individual dictionaries can differ. In a system of dictionaries each reference work is assigned to a given stage of translation and supposed to solve problems particular to that stage. What dictionaries should become part of the system depends on the particular case, that is the discipline and the language pair in question. Generally we can expect that at the understanding stage the translator will be glad to use a defining or an encyclopaedic dictionary, or possibly a thesaurus or a systematic dictionary. At the transfer stage most useful dictionaries could be a frequency dictionary and a semantic dictionary. When it comes to the production stage, a dictionary of collocations, a phraseological dictionary and a derivational dictionary could prove most practical. Finally, it seems justified to include a translation dictionary in the system. As already indicated by S. Tarp, the translator may encounter difficulties at all stages of the translation process, in which case an all-encompassing reference work would be most useful. Again, the choice of particular dictionaries to be included in the system depends on the character of the given discipline and the language pair. Moreover, observing the principles of a given theoretical dictionary type is not a priority. Each dictionary must be precisely adjusted to the purpose it is supposed to serve, and only that. Fig. 3 depicts an example system with one dictionary per translation stage plus translation dictionary in the centre:
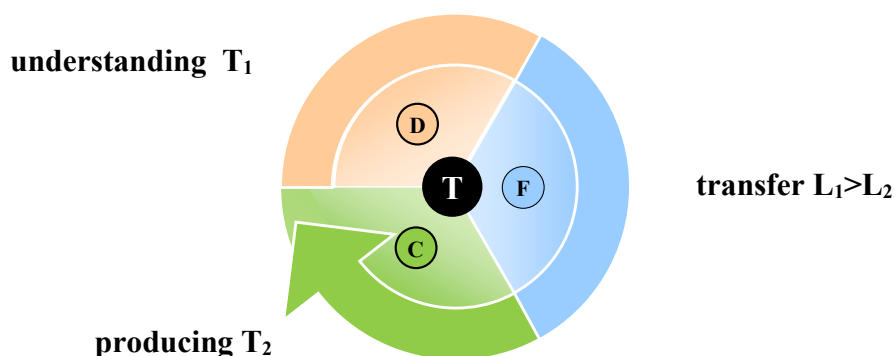
Figure 3: A system of dictionaries for translators. T1 — source text; L1 — source language; L2 — target language; T2 — target text; D — defining dictionary; F — frequency dictionary; C — dictionary of collocations

3. System of dictionaries of law

The concept of the system of dictionaries can be useful in any discipline of knowledge. However, it might be particularly interesting in the case of law, which requires even more expertise from the translators and even more work from the terminographers. The reason for this fact is that, as

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all translators know deep in their hearts, "legal translation is impossible. The very expression *legal translation* seems to be a contradiction in terms, and yet we do have to translate legislation and legal documents". These words by Patrick Chaffey (1997: 69) sound radical, but there is much truth in them. Unlike other branches of knowledge, law is not one reality which can be expressed in (more or less) any language, but as many realities as there are legal systems. The language of the law, therefore, does not merely describe a given, independent reality. It creates the said reality. Legal translation, therefore, is burdened with a particular difficulty, foreign to many other fields of knowledge: it occurs not only between languages, but also between systems — realities. Thus, legal translation involves not only a transition between languages, but also a transition between legal systems.

Consequently, the process of legal translation consists not of three, but of four stages, namely:

1. understanding the source text,

2. comparing the source legal system with the legal system of the target recipient (which from now on will be called secondary legal system),

3. transferring the message from the source language into the target language,

4. producing the target text.

understanding T_1 comparing $§_1$ and $§_2$

producing T_2 transfer $L_1 > L_2$

Figure 4: Stages of the translation process of legal texts. T1 — source text; §1 — source legal system; §2 — secondary legal system; L1 — source language; L2 — target language; T2 — target text

The system of dictionaries should be designed accordingly. Firstly, the system should encompass a single branch of law, e.g. only criminal law. The entry list should include all three layers of vocabulary particular to legal texts, as described by e.g. M. Chromá (2004: 15):

○ pure law terminology, not used outside the legal context,

○ legal terminology found in everyday speech,

○ everyday words assigned a special connotation in a given legal context.

Finally, while the dictionaries within the system may be mono- or bilingual, each of them and the whole system can be described as monodirectional and bijural. As we have already said and as has been postulated by scholars such as G.-R. de Groot (1990: 127), legal translation occurs between two specific legal systems: the legal order of the source text and the legal order of the target recipient. It does not mean that the translator should use terms from this secondary legal order, only that they should be aware what legal order it is. If the system of dictionaries is supposed to help the translator compare legal realities, it needs to be clearly stated which realities are taken into consideration, and the comparison of more than two within one reference work seems hardly feasible.

The original entry list should be divided into three categories:

○ terms representing concepts having highly congruent equivalents in the secondary legal system,

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○   terms representing concepts having partly congruent equivalents in the secondary system, and

○   terms representing concepts having no equivalents in the secondary system.

This will be the basis of the modular structure of the relevant dictionaries within the system. They will be divided into three parts, each containing the terms from one of the respective groups. Such a construction of the dictionaries makes it possible for them to reflect the structure of the knowledge in question, here — the relation between the source and the secondary legal system. The mere proportion of the three parts offers the translator introductory information about the relation of the legal systems, and more in-depth studying of each part reveals the fields of similarity and difference.

The system will consist of five dictionaries and an appendix containing an index of headwords and a figure representing the modular structure of the dictionaries. The dictionaries can be named as follows:

○   general: translation dictionary,

○   stage 1: defining dictionary,

○   stage 2: contrastive dictionary,

○   stage 3: dictionary of equivalents,

○   stage 4: phraseological dictionary.

All the dictionaries but the last one share the same modular structure. The defining dictionary is a monolingual reference work devoted to the source legal system. Each entry should include an explication of the source term, consisting of its intension and extension, in particular its structure and place in the classification, the scope of application and its possible legal effects (Šarčević 1997: 242-246). The place in the classification includes information on full and partial synonyms, antonyms, complimentary terms, hypernyms and hyponyms. The entry should also indicate the source of regulation.

The contrastive dictionary is bilingual and describes the concepts of the secondary legal system in comparison with the primary legal system. The entry list is the same as in the defining dictionary, again divided into three modules according to the degree of congruence between the two legal systems in question. The entries offer information on legal concepts in the secondary legal system comparable to the source concepts, again describing them in terms of intension and extension, and particularly contrasting them with the primary concepts. It might appear questionable whether the third module, containing terms from the source legal system which have no counterparts in the secondary legal system, can appear in this dictionary at all: if there are no even partly congruent concepts in the secondary legal system, there is no subject matter. Such approach would be erroneous, however. Even if the secondary legal system lacks any similar concept, the translator needs to know why that is the case and what other legal instruments are applied instead. Consequently, the entry structure in the third module will differ from that in the first two modules.

As such, the contrastive dictionary can already become a source of equivalents. However, this role is essentially played by the dictionary of equivalents, which can be used on its own if the only difficulty in translation is remembering an equivalent expression or choosing between a few possibilities. Obviously it is bilingual and shares the previous two dictionaries' entry list. It offers all possible equivalents of the following types for each headword:

○   equivalents denoting concepts in the secondary system which are highly congruent with the source concepts,

○   equivalents denoting concepts in the secondary system which are partly congruent with the source concepts (so called functional equivalents),

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○ equivalents denoting obsolete concepts in the secondary system which are highly congruent with the source concepts,

○ equivalents denoting obsolete concepts in the secondary system which are partly congruent with the source concepts,

○ various categories of neologisms, understood as expressions which do not exist in the secondary legal language (i.a. literal translations, borrowings from other legal languages, borrowings from other languages for special purposes, foreignising neologisms, familiarising neologisms etc.).

All types of equivalents should be marked as such (including various types of neologisms) and accompanied by further information on their frequency, which will help the translator choose the right one for their particular purpose. Finally, if the equivalents of the first two types have synonyms and partial synonyms, they, too, should be offered, with relevant information on the degree of synonymy.

The phraseological dictionary is monolingual and the only element of the system with a haplomorphic, that is non-modular structure. Its separate entry list is ordered alphabetically and consists of all the equivalents (both *sensu stricto* and neologisms) offered in the dictionary of equivalents, including a reference to the original term. The entries include grammatical and lexical data as well as information on the derivation of the given expressions. This dictionary can be called purely linguistic.

Finally, the translation dictionary occupies the heart of the system. It is bilingual and has modular structure. It comprises condensed information of all categories, that is: the source term with a definition and an indication of the source of regulation, its synonyms if applicable, equivalents of all types, accompanied by definitions and synonyms in the case of concepts from the secondary legal system, and grammatical, lexical and stylistic data necessary to use the chosen expression correctly.

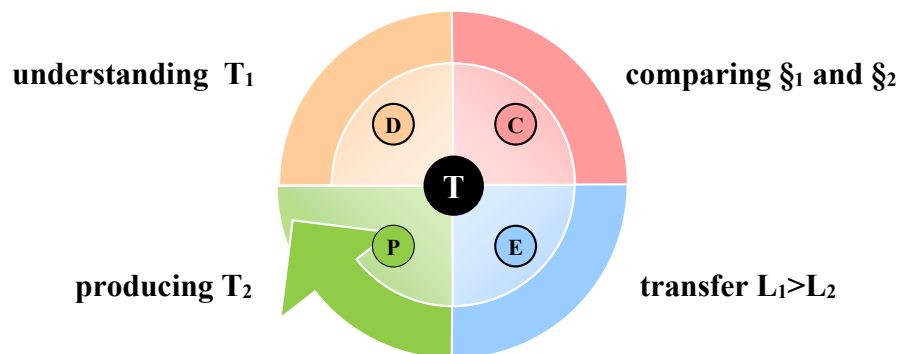Fig. 5 represents the system of dictionaries for translators of legal texts:

Figure 5: System of dictionaries for translators of legal texts. T1 — source text; §1 — source legal system; §2 — secondary legal system; L1 — source language; L2 — target language; T2 — target text; D — defining dictionary; C — contrastive dictionary; E — dictionary of equivalents; P — phraseological dictionary; T — translation dictionary

4. Conclusion

The main advantage of a system of dictionaries is the possibility to assign the categories of information required by the translator to various dictionaries according to the stages of the translation process. What it means is that when the translator chooses a given piece of the set, they do not need to read irrelevant parts of long entries, as they will generally find only the data they are looking for. Simultaneously, they can count on more extensive information within a particular category, since there will be evidently more room for it in several dictionaries than there is in one volume only. Moreover, the terminographer will have more freedom in using

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various forms, orders and entry structures, thus more precisely adjusting the means to the data and the translator's needs. The terminographer therefore can design a systematic dictionary, which will illustrate the structure of knowledge, an alphabetical linguistic dictionary offering collocations and grammatical information, or a frequency dictionary, presenting how often various equivalents are used. The system can include mono- and bilingual dictionaries, varying in terms of structures and entry lists, each tailored to the user's needs. The individual dictionaries reflect not only the subsequent stages of the translation process, but also the specialist translator's competences.

It is rather improbable that the concepts described in this article and illustrated on the example of a particularly complex discipline, namely law, will be realised in the form of concrete dictionaries in the nearest future. Yet it remains to hope that the idea could contribute to changes in the terminographic practice, propagating both the need to design dictionaries for specialist translators and the possibility of doing so. The model (described in detail in Szemińska 2013) could become a starting point for a discussion on which terminographic solutions are necessary and which are impossible, and consequently — for the creation of modern dictionaries for translators, worthy of the 21st century.

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