

## THE PROBLEM OF LEGAL ROMANIAN-ENGLISH/ ENGLISH- ROMANIAN DICTIONARIES AND GLOSSARIES AND LEGAL TRANSLATIONS

Nicoleta MEDREA\*  
Carmen CARAIMAN\*\*

**ABSTRACT:** *This paper continues an idea presented in a previous article that addressed the same issue of the legal dictionaries and glossaries with special reference to the main methodology used by authors in creating these necessary linguistic instruments. The main point of this article is that apart from the scarcity of these books on the Romanian market in comparison with, for example, the economic ones, the legal researcher, professional or translator faces the challenge of providing not only an accurate translation but also a comprehensible one for certain target reader whose expectancies relate to the system of law he comes from. It is true that English has become a lingua franca, especially for the world of business, yet as regards the area of law the differences imposed by the various legal systems make the job of the translator in this domain even more difficult as the translation is supposed to mediate a comprehensible communication between two systems of law: that of the original text and its translated version. The aim of this study is to offer several suggestions for improving the quality of these indispensable linguistic instruments (dictionaries and glossaries) as well as to suggest some ways of coping with the translation in the field of law.*

**KEY WORDS:** *legal dictionaries and glossaries, entry structure, contextualization, entry selection criteria, legal translation*

**JEL CLASSIFICATION:** *K10*

As English has become the universal language of communication for most of the citizens of different nationalities, more and more books for English learning and teaching have been published to satisfy the demands of their users (pupils, teachers, students, academics, research workers, vocational workers a.s.o.).

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\* Assistant professor, PhD. "Petru Maior" University of Tîrgu-Mureş, Faculty of Economics, Law, and Administrative Sciences, ROMANIA.

\*\* Assistant professor, PhD. , "Nicolae Titulescu" University of Bucharest, ROMANIA.

Consequently, English for specific purposes (or ESP<sup>1</sup> as it is usually abbreviated) has developed considerably in the last decades. Besides books and textbooks, dictionaries and glossaries have been seen as indispensable tools for specialists and non-specialists who use English in specific areas of activity or simply study in this language.

For a person who intends to work as a translator in the field of law, the problem of correctly identifying the English equivalent of the Romanian legal term and vice versa is often a difficult attempt. Moreover, the translators of legal texts are expected to render the meaning not just of words but also of the legal system that guides the writer's choice of those words. A good translator can change the 'threat' of the legal text into a challenge as long as he bears in mind the fact that he has to translate not words but legal systems. A good translation is that which has the same impact on the target language audience as the original text has on the source language audience.

Therefore, the translator always has to bear in mind two related questions: Who is the intended audience? And: What is the purpose of the text? The practice of translating seems to follow the modern translation theory that advocates the priority of the purpose as a decisive factor. If the translation is required only for an informal purpose (e.g. the business partner mainly needs to be informed on certain legal matters) then the translator may choose a simplified version and sometimes it is the target reader that asks for it in order to fully understand the message. On the other hand, the translation can be required to be submitted as evidence in a court of law, or may represent a document that is to comply with legal requirements, for instance a contract or a power of attorney. In this case the translation becomes even more difficult and the translator has to connect the source and target languages so as to meet the requirements of a fully functional translation.

Another challenge that the translator faces is the existence of two distinct trends: one that defends the good old traditional legalese and the other known as the Plain English movement that started in 1940s in the USA whose aim is to render a translation that is more accessible to the general public.

The translator is faced with two ways of translating: an old-fashioned one, stuffed with phrases such as "hereunto set their hand and seal", "in witness whereof", the parties hereto...and the language hereof", "the party of the first part", "hereinafter known as" or he may choose to use two-syllable words and five-word sentences, which can actually change the original meaning. In this situation what are the sources available for the translator? The translator must be very careful when selecting the style and grammar in the target language and his job engages a great responsibility.

The first source that the translator resorts to is the dictionary or the glossary of legal terms. It is widely accepted that they"... are often perceived as authoritative records of how people *ought to* use language, and they are regularly invoked for guidance on

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<sup>1</sup> For a proper definition of ESP, see: Tony Dudley-Evans, Maggie Jo St John, *Developments in English for Specific Purposes. A Multi-disciplinary Approach*, Cambridge University Press, Cambridge, 1998; John Flowerdew, Matthew Peacock, *Research Perspectives on English for Academic Purposes*, University Press, Cambridge, 2001; Tom Hutchinson, Alan Waters, *English for Specific Purposes*, University Press, Cambridge, 2006;

correct usage. They are seen, in other words, as *prescriptive* texts.”<sup>2</sup> In consequence, accuracy should be the major characteristic of any dictionary. However, in order to provide accuracy, contextualization must be indicated in order to avoid disambiguation. At the same time, citations are sometimes used in dictionaries to help the reader better understand the translated term: ”A citation is a short extract from a text which provides evidence for a word, phrase, usage or meaning in authentic use.”<sup>3</sup>

The basic similitudes and differences which exist between the two linguistic instruments are – according to the OUP<sup>4</sup> online dictionary – the following ones: a *glossary* is ‘an alphabetical list of words relating to a specific subject, text, or dialect, with explanations; a brief dictionary’, while a *dictionary* is: ‘1. a book that lists the words of a language in alphabetical order and gives their meaning, or that gives the equivalent words in a different language; 2. a reference book on any subject, the items of which are arranged in alphabetical order: *a dictionary of quotations*.’

Since this paper also refers to legal dictionaries and glossaries, we shall notice that glossaries are field oriented (they are specialized on a specific branch of law), while dictionaries provide a selection of terms from different law branches, which makes them be perceived as too general in content and sometimes as slightly inefficient by their users. Of course, in practice, the legal translator should make use of both dictionaries and glossaries, for both legal glossaries and dictionaries include specialized vocabulary.

In order to understand the work that lays behind the creation of a dictionary/glossary, one should start with defining lexicography, which is commonly seen as ”the activity or occupation of compiling dictionaries”<sup>5</sup>. However, the work of a lexicographer is more complex than compiling entries in a book on the basis of special criteria which are meant to organize the included information: ”The lexicographer, according to Green (1996: 13), is ’quite simply, the compiler of a dictionary’. But things are never quite so simple /.../. Landau (1984) entitles his textbook *Dictionaries. The Art and Craft of Lexicography*, while Svensén, in his book on *Practical Lexicography* (1993: 1), defines lexicography as ’a branch of applied linguistics which consists in observing, collecting, selecting and describing units from the stock of words and word combinations in one or more languages’ and adds that it ’also includes the development and description of the theories and methods which are to be the basis of this activity’ ”.<sup>6</sup>

If we investigate the entries included in the E-R and R-E legal dictionaries and glossaries which are available on the Romanian book market (including the specialized glossaries) we can identify what types of legal dictionaries/glossaries exist, what selection criteria were used for the included headwords and in what way the entries are structured.

All the information regarding the entry structure, synonymy (the question whether the author/authors select(s) a single Romanian translated term or offer(s) several

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<sup>2</sup> B.T. Atkinis and Michael Rundell, *The Oxford Guide to Practical Lexicography*, Oxford University Press, Oxford: 2008, p. 2;

<sup>3</sup> B.T. Atkinis and Michael Rundell, *op. cit.*, p. 48;

<sup>4</sup> <http://oxforddictionaries.com/definition/glossary>;

<sup>5</sup> *Idem*.

<sup>6</sup> Apud R., R., K., Hartmann, *Teaching and Researching Lexicography*, Pearson Education Ltd, Essex, 2001, p. 11;

possible Romanian versions for a single English word/sintagm etc.), contextualization (the inclusion of the translated terms into specific contexts of use), source(s) used for selecting the headwords, the inclusion of quotations in the analyzed books and morphological information about the selected entries, all these help us assess the efficiency of these linguistic instruments for translators.

Thus the analysis of several legal dictionaries such as *Dicționar juridic Englez-Roman* by Mona-Lisa Pucceanu, published by All Beck Printing Press, Bucharest, 1999, *Dictionar juridic E-R, R-E* by Cecilia Voiculescu, published by Niculescu Printing Press, Bucharest, 2005, *Dictionar juridic E-R, R-E* by Onorina Grecu, published by C.H. Beck, Bucuresti, 2008, or *Dictionar juridic E-R, R-E* by Vladimir Hanga, and Rodica Calciu, published by Lumina Lex, Bucuresti, 1998, reveals that they all offer various legal terms from different law fields (civil, criminal, constitutional, administrative law, antitrust law-the second mentioned dictionary, etc.) and some of them include phonetic script and morphological information. However, as for one entry there are various translations, which are rarely disambiguated by their contextualization, it is difficult for the translator to choose the correct version.

On the other hand we have the legal glossaries, which are more specialized and therefore give a straightforward translation. Such an example is the *English-Romanian, Romanian-English Glossary of the European Convention on the Human Rights* published by the Human Rights Co-operation and Awareness Division Directorate General of Human Rights Council of Europe, Council of Europe, 2006 and *Glosar juridic* by Laura Ana-Maria Vrabie (coord.), Elena Bodea, Cătălina Cristina Ana Constantin, Ana-Maria Georgescu, Maria-Carolina Georgescu, Gabriela Adriana Rusu, Violeta Ștefănescu, Anca Voicu (co-authors) published by the European Institute of Romania, 2007. As its title indicates, *English-Romanian, Romanian-English Glossary of the European Convention on the Human Rights* includes terms used in the field of human rights.

The glossary does not give any morphological or phonetic information regarding the included headwords. No examples are given. However, the fact that the glossary indicates only one translation (very rarely two) leaves no room for ambiguities (“waiver of the court fees- scutire de taxa de judecare;”<sup>7</sup>; “pre-trial detention”- detentie preventiva.”<sup>8</sup>). The second-mentioned glossary offers the best methodology for creating a legal glossary. First of all, we should mention the fact that it is a French-English-Romanian legal glossary. In order to justify our assertion, we are going to quote a fragment from this glossary below:

“FR clause compromissoire

def: Stipulation d’un contrat; permise seulement en matière commerciale; par laquelle les parties s’engagent à soumettre à l’arbitrage les contestations qui pourraient s’élever entre elles.

<sup>7</sup> *English-Romanian, Romanian-English Glossary of the European Convention on the Human Rights*, Human Rights Co-operation and Awareness Division Directorate General of Human Rights Council of Europe, Council of Europe, 2006, p. 14;

<sup>8</sup> *English-Romanian, Romanian-English Glossary of the European Convention on the Human Rights*, Human Rights Co-operation and Awareness Division Directorate General of Human Rights Council of Europe, Council of Europe, 2006, p. 10.

ref: Cornu, G.: Vocabulaire juridique, Quadrige/ PUF, 2003

EN arbitration clause

RO clauza compromisorie

sursa: 31991Q0530, articolul 44(1)(2)(6)(7) alineatul (5a)”<sup>9</sup>

As we can see, the reader does not only find out the translation of the phrase, but he is also given the context in which the word appears and, more, the source of the document in which this headword appears. Furthermore, the reader can find the right translation of the same term in both French and English. It is true, the glossary does not include phonetic and morphological information. Still, the fact that it offers a clear translation, a context and the source of the European document makes this lexicographic instrument not only a useful book, but also a professional one.

Once the correct translation of certain legal terms has been identified the translator reaches the textual level. Here reference cannot be reduced to the linguistic units or systemic constraints but it should consider the communicators' shared knowledge based on text, context and general assumptions. Thus the linguistic material comes to function as a set of instructions from a speaker to an addressee on how to construct a consistent mental representation of the text.

To conclude, the translator's main task as a producer of the target text has to identify the connections between the two cultures in order to render a completely functional translation.

This capacity is developed only after years of practice as the translator has to become familiar with the mentality of the legal professionals and the lay public and to be able to manipulate the style of a text in order to convey a translation that has the same impact on the target language audience as the original text has on the source-language one.

## REFERENCES

- B.T. Atkinis, Michael Rundell, *The Oxford Guide to Practical Lexicography*, OUP, Oxford: 2008
- Elena Bodea, Catalina Cristina, Ana Constantin, Ana-Maria Georgescu, Maria-Carolina Ionescu, Gabriela Adriana Rusu, Violeta Stefanescu, Anca Voicu, coord. Laura Ana-Maria Vrabie, *Glosar juridic: R-E-F*, Institutul European din Romania, Bucurestim, 2007
- Tony Dudley-Evans, Mggie Jo St John, *Developments in English for Specific Purposes. A Multi-disciplinary Approach*, Cambridge University Press, Cambrdige, 1998
- John Flowerdew, Matthew Peacock, *Research Perspectives on English for Academic Purposes*, University Press, Cambrdige, 2001
- Onorina Grecu, *Dictionar juridic E-R, R-E*, Editura C.H. Beck, Bucuresti, 2008
- Vladimir Hanga, Rodica Calciu, *Dictionar juridic E-R, R-E*, Editura Lumina Lex, Bucuresti, 1998

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<sup>9</sup> Laura Ana-Maria Vrabie (coord.), Elena Bodea, Cătălina Cristina Ana Constantin, Ana-Maria Georgescu, Maria-Carolina Georgescu, Gabriela Adriana Rusu, Violeta Ștefănescu, Anca Voicu (co-authors), *Glosar juridic*, Institutul European din România, Direcția coordonare traduceri, 2007, p. 1.

- R. R. K. Hartmann, *Teaching and Researching Lexicography*, Pearson Education Ltd, Essex, 2001
- Tom Hutchinson, Alan Waters, *English for Specific Purposes*, University Press, Cambridge, 2006
- Mona-Lisa Pucleanu, *Dictionar juridic E-R*, Editura All Beck, Bucuresti, 1999
- Cecilia Voiculescu, *Dictionar juridic E-R, R-E*, Editura Niculescu, București, 2005
- <http://oxforddictionaries.com/definition/glossary>
- <http://ebooks.unibuc.ro/filologie/vranceanu/part13.htm>.

