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TREATMENT OF TERM VARIANTS AS EQUIVALENTS IN LEGAL TRANSLATION DICTIONARIES

Abstract

Term variants challenge lexicographers of dictionaries intended to provide help with legal translation into English as a foreign language. General-language lexicography has imported the concepts of description and prescription from linguistics, but these have not acquired terminological status within the field of lexicography. Furthermore, law is a highly culture-bound domain, and several jurisdictions have English as their language but different legal systems. In order to help lexicographers work with term variants within and across jurisdictions, the theory of functional lexicography proposes a third option, called “proscription”, which has Latin roots and refers to making something public. A number of examples show that by using a proscriptive approach in legal translation dictionaries, lexicographers can provide clear and useful guidance to dictionary users by including all legal term variants but explicitly recommending one of the forms. This type of help may guide translators to proper legal usage so that they will use the terms that the readers of the English target texts expect to find.

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Key words

description, prescription, proscription, legal lexicography, legal translation, legal language.

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1. INTRODUCTION

Conventional wisdom has it that specialised communication is clear, precise and uses terms in a consistent manner. This is also the general perception within law and legal language because people need to know which rights and obligations they have in various situations. The requirement of precision in legal communication is normally accomplished by using terms that refer to specific concepts of legal systems so that one term represents one concept. This is generally a positive thing for translators since it implies that a term in one language is equivalent to a term in another language. For a number of reasons, this is often not the case within the legal domain and legal language, making the life of legal lexicographers difficult.

No two legal systems have the exact same conceptual structure and therefore do not have terms that cover the exact same concepts. Legal translation dictionaries are reference works made to support the attempts to bridge the gaps between legal systems by presenting, among other things, terms that function as translation equivalents. Because law is a highly culture-bound domain and English is used in many legal systems, it can be difficult to find the proper translation equivalents when translating from or into English and when conceptual and terminological structures do not fully match each other. Translation errors that are due to differences in legal systems, concepts, terms, and styles may result in the loss of contracts, legal rights or legal obligations as well as an unexpected imposition of legal liability. Such losses and liability may have considerable financial, personal and social implications (Ainsworth, 2014: 47; Scott, 2019: 1).

Lexicographers also have to deal with term variation when they search for equivalents to be included in their translation dictionaries. Term variation generally occurs when a single legal concept is expressed by means of several linguistic surface forms. That term variation does play a role in legal communication is evident from a brief examination of chapter headings in English legal textbooks where you can find the following headings for the same legal sub-domain: *law of tort*, *law of torts*, and *tort law*. Similarly, legal textbooks have titles and headings such as *contract law* and *law of contract*. Since term variation is a fact of life, lexicographers often have to decide how to deal with this phenomenon in translation dictionaries.

Existing lexicographic literature tends to deal with term variation under the headings of description and prescription with focus on general-language dictionaries in text production and reception situations. In this light, it is relevant to examine whether the same approaches may be applied to legal translation dictionaries. The purpose of this paper is to examine whether the traditional descriptive and prescriptive approaches from general lexicography can provide the appropriate help to deal with term variants so that lexicographers can offer proper assistance to users of specialised dictionaries designed for legal translation. The following sections explain the concept of legal translation dictionaries with specific reference to dictionaries treating English as a foreign language (Section 2) and discuss the theoretical framework for dealing with term variation in legal translation

dictionaries with due regard to user competences and skills related to legal translation (Section 3). Section 4 includes several examples of how lexicographers can work with term variation in legal translation dictionaries with a view to guiding users, while Section 5 considers a proscriptive approach to legal translation dictionary design. Finally, Section 6 contains conclusions and implications.

2. WHAT ARE LEGAL TRANSLATION DICTIONARIES?

Legal translation dictionaries may be described as reference tools that provide help to communicate across borders, especially those dictionaries that include English. In the western world, many legal communicators use English as *lingua franca* in cross-border communication (Alcaraz Varó & Hughes, 2002: 1-2; Mattila, 2018: 143; Orts, 2017), and this has spread to other regions such as China and Japan (Mattila, 2013: 347-351; Poon, 2010; Takeda & Sekine, 2014), which means that legal lexicographers often work with English and translation. Legal translation concerns the substantive (i.e. legal rights and obligations) content of the message being communicated as well as the language in which it is being communicated (see e.g. Šarčević, 1997: 56). Furthermore, legal translation does not only take place in the public sector (e.g. legislation), but covers translation activities by and on behalf of private-sector businesses (e.g. contracts), private individuals in the civilian sphere (e.g. divorce papers), and private individuals in the academic sphere (e.g. journal articles).

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Legal translation dictionaries come in many forms, have different characteristics and serve different purposes. Apart from the distinction between electronic (online) dictionaries and printed (offline) dictionaries, lexicographers often focus on various characteristics when describing legal translation dictionaries, and one of these is size, i.e. the number of entry words in dictionaries. Some legal translation dictionaries are short lists of words and terms in one language (source language) and their translation equivalents in another language (target language), while others contain many words and terms. The size, quality and usefulness of these dictionaries depend on the range of coverage, among other things.

The coverage of the legal domain is a key characteristic of legal dictionaries. General-field dictionaries are designed to cover as much of the legal field as possible, which means the words and terms from as many sub-fields in law as possible, such as administrative law, contract law, media law, and securities law. In contrast, sub-field dictionaries are designed to cover one particular part of the entire legal domain, for example a dictionary of contract law (Nielsen, 1990: 132-135; Nielsen, 1994: 38-43). Dictionaries covering a sub-field may provide users with more substantive and language information about words and terms within that sub-field than general-field dictionaries in the same amount of space. Similarly, sub-field dictionaries may contain more words and terms from a particular sub-field than general-field dictionaries.

Translation dictionaries are often equated with bilingual dictionaries, that is the focus is on the number of languages. Translators may well consult monolingual dictionaries for help to understand a source text or to make sure that the target-language equivalent they intend to use has the same meaning as the source-language term to be translated. In addition to guidance with legal terms, some monolingual dictionaries provide assistance with style, grammar and usage for legal English (Garner, 1995), which is helpful for those translating into English. An illustrative example is the article treating the entry *reoccur*, which contains the following recommendation for legal usage: “**reoccur** is a NEEDLESS VARIANT of the much preferable *recur*” (Garner, 1995: 756, emphasis in original). Multilingual dictionaries are also available, but as pointed out by de Groot and van Laer (2008: 75), such dictionaries are not very reliable because each language represents its own legal system and any legal system is different from other legal systems. In connection with English as a legal language, it should be noted that English is the language of several different legal systems, for instance England and Wales (which is one of three legal jurisdictions within the UK), the USA, Australia, Ireland, and the European Union (where English is one of the 24 official languages). On this basis, the discussion in the following sections focuses on bilingual dictionaries whose function (see immediately below) is to provide help with translation of legal terms into English.

Dictionary functions are one of the key components of specialised dictionaries as they relate to the reference needs of dictionary users. Following Nielsen (2018: 78), a dictionary function “is the satisfaction of specific types of lexicographically relevant need of specific types of potential user in specific types of extra-lexicographic situation”. Dictionary functions are answers to real-life problems that occur outside the lexicographic environment, for example when translating legal texts. In such cases, legal translation dictionaries are dictionaries whose function is to provide help to users who translate those types of text. This means that the value and usefulness of legal translation dictionaries depend on their capability of supporting the translation process as a whole. Traditionally, focus has been on legal terms, but Laurén (1993: 99-100) investigates the occurrence of terms in a number of domains, including law, and shows that terms generally make up about 20 percent of legal texts. Consequently, legal translation dictionaries may have to provide help to translate terms as well as words, collocations and phrases, that is as much of legal texts as possible (Alcaraz Varó & Hughes, 2002; Gotti, 2016; Sandrini, 2018).

The recommendation that legal translation dictionaries may have to cover more than terms is in line with the approach to translating LSP texts proposed by translation scholars. For instance, Gerzymisch-Arbogast (2008) operates with three levels. The macro-level covers background domain knowledge, paragraphs and larger units of text and involves substantive legal knowledge. At the micro-level, translators work with words and terms, while they deal with collocations, phrases, sentences, and textual conventions at the medio-level (Gerzymisch-Arbogast, 2008: 16-27). For the following discussion, the macro- and micro-levels are relevant for legal translation dictionaries because they involve substantive and language

knowledge, and because translators need help at these levels when translating legal terms into a foreign language. Therefore, authors of legal translation dictionaries may decide to include data that target the micro-level in particular.

This paper examines both terms and term variants in legal dictionaries, and variants are often discussed under the heading of synonymy. For the purposes of this examination, a variant, also called term variant, is one of several linguistic surface forms used to express a single legal concept. In other words, term variation occurs when two or more terms are exact synonyms, i.e. have the exact same meaning. For instance, the term *onus of proof* is a variant of the term *burden of proof* when they refer to the duty of a party to a court case to prove facts in issue. Consequently, near synonyms, i.e. terms that have very similar meanings, are not regarded as variants in this paper. Examples of near synonyms are the terms *assignment* and *transfer* in property law, where the former is generally used in relation to intangible property, and the latter in relation to tangible property (Haigh, 2015: 81). This distinction follows the description by L'Homme (2020: 151), who explains that synonymy "is considered from the point of view of knowledge-driven approaches as a relation between two or more **designations**. When different designations refer to the same concept, we obtain **exact synonymy**" (emphasis in original).

Against this background, legal translation dictionaries may be described as needs-adapted information tools whose function is to assist translators of legal texts. This help generally concerns substantive and language matters within one or more sub-fields of law and relates to the micro-, medio-, and macro-levels of translation. The result of translation is the target text and some of the vital elements are the terms as they appear at the micro-level. If this is linked to bilingual legal dictionaries, lexicographers will have to consider the way in which equivalents are presented in order to provide the best possible help to translators. The following sections discuss the possibilities of adopting a descriptive, a prescriptive, or some other approach when presenting target-language terms, and how.

3. THEORETICAL FRAMEWORK

For centuries, lexicographers have alternated between descriptive and prescriptive approaches to dictionary making. Description generally refers to a linguistic approach that aims to give an objective and systematic account of the patterns and usage of a language. Furthermore, description is usually limited to a specific point in time or period, leading to the presentation of all variants identified. The basis of lexicographic description may be introspection, linguistic surveys, grammar books, analyses of text corpora or search findings on the Internet (Bergenholtz, 2003: 71). Description is often contrasted with prescription, which generally refers to a linguistic approach that aims to lay down rules of correct language use and often works with generally accepted usage norms. The basis of lexicographic prescription

may be the same as for description, and the prescriptive approach may cause lexicographers to prohibit variants, or dictate the use of one or more variants and prohibit others (Bergenholtz, 2003: 74). One weakness of the two terms *description* and *prescription* is that they have been defined by linguists for the purpose of linguistic research and have not been adapted to lexicographic research and practices in an appropriate way, but used by lexicographers nevertheless.¹

The discussion of legal translation dictionaries challenges the theoretical considerations underlying lexicography. Legal translation dictionaries include terms and concepts, but treat words, style, grammar, collocations and phrases as well. According to Riggs (1989: 90), lexicography mainly aims to help “readers interpret texts, whereas terminology aims to help writers produce texts”, and lexicography covers established language usage, whereas terminology is normative, based on recommendations by technical committees or other authoritative bodies. This generally means that lexicography is primarily concerned with words and terminology is primarily concerned with terms. Nonetheless, a useful framework could be established for determining whether legal translation dictionaries should or may be descriptive or prescriptive.

The theories underlying lexicographic research and practice have been discussed for many years. The ontological position of lexicographers determines the theories applied and not all lexicographers share the same base. From a linguistic perspective, some lexicographers advocate a normative approach, especially in countries with strict national language policies, but this approach seems to have given way to a descriptive approach. According to Trap-Jensen (2013: 39), “[m]ost lexicographers today accept the descriptive role of dictionaries and prefer to see their own role as objective observers of linguistic facts”. This position is supported by Rundell (2012: 48), who claims that lexicography is about systematic and consistent description of language “driven by what the language data is telling us” and that “subjective judgments [are] kept to a minimum”.

From a functional perspective, lexicographers regard dictionaries as information tools adapted to the needs of users. In contrast to linguistics, whose object of study is language, the functional theory has information tools, i.e. reference works of any kind, as its object of study. Researchers advocating this theory argue that lexicographers design practical tools aiming to satisfy the needs users might have in communicative and non-communicative situations. This means that these researchers “place lexicography within the realm of information science” (Fuertes-Olivera & Bergenholtz, 2011: 3). The function theory of lexicography examines the needs users have for information in two broad types of user situation. Dictionaries with communicative functions are designed to provide help to users engaged in ongoing communication, such as writing texts and translating documents. This means that lexicographers analyse the challenges involved in legal translation, for

¹ For a detailed discussion of description and prescription with particular reference to lexicography, see Bergenholtz (2003) and Bergenholtz and Gouws (2010).

example along the lines described by Gerzymisch-Arbogast (2008) and endeavour to include in their dictionaries information that can satisfy user needs. Dictionaries with cognitive functions are intended to help users acquire knowledge, such as learning legal concepts and rules of legal language. This means that legal translation dictionaries have a communicative function when providing help to translate legal texts in their entirety or when providing guidance to translate legal terms.

Guidance on usage in legal translation dictionaries is directly linked to dictionary functions. Since dictionaries whose function is to provide help with translation offer assistance with the translation of legal communication, lexicographers identify the main characteristics of the intended types of user. The functional theory distinguishes between three general groups of potential dictionary users, namely experts, semi-experts, and interested laypersons. These user types have different translation skills and varying levels of knowledge of law, general language and specialised language, and therefore have both different and similar needs for information. The task of lexicographers is to give advice in those general types of situation where knowledge, skills and competences let users down in connection with legal translation. Publicly accessible translation dictionaries tend to cater for more than one type of user, which means that lexicographers may have to take several types of need into account. For example, legal experts generally possess more substantive legal knowledge than interested laypersons, at least within their primary sub-field of law, while legal translators generally have better language and translation skills and competences than legal experts do. In-house translation dictionaries may have more narrowly profiled user groups, such as legal translation dictionaries prepared for the translators of a specific translation service provider or a company-internal translation department. In this case, it is easier to meet the specific needs of users, but whether dictionaries are generally accessible or in-house, lexicographers should identify the types of user needs as precisely as possible.

A further element of the theoretical basis is the legal approach, or rather the approach of comparative law. De Groot and van Laer (2008: 5) claim that “[t]ranslators of legal terminology are obliged to practise comparative law”, which implies that authors of legal translation dictionaries should also practise comparative law. The aim of comparative law is to compare selected legal structures and concepts in two or more legal systems and describe differences and similarities, which is particularly relevant when searching for terms to be used as equivalents in bilingual dictionaries. Greenberg (2014: 62-64) suggests that monolingual legal dictionaries focusing on substantive and procedural law should not be normative because substantive law is dynamic as new court decisions and legislation change the rules at irregular intervals. In contrast, Garner (1995) explains that his monolingual dictionary gives guidance on specific points of legal usage and further claims that “[i]f ever a prescriptive approach to language is justified, it is in law, where linguistic precision is often of paramount concern, and where ambiguity and vagueness (except when purposeful) are quite intolerable” (Garner, 1995: xiv). This

indicates that legal dictionaries with communicative functions (see Section 4 below) may contain prescriptive elements.

This brief discussion shows that legal lexicography is an interdisciplinary field of research and practice that relates to, at least, linguistics, lexicography, terminology, translation, and (comparative) law. The discussion further demonstrates that the theory of lexicographic functions builds a bridge between words and terms, description and prescription, by its focus on communicative activities such as translation. The following section examines the possibility of using the functional theory on legal translation dictionaries when discussing help to translating terms.

4. A FUNCTION-THEORY APPROACH TO GUIDING USERS

Linguists and lexicographers have different, and sometimes conflicting, views on the presentation of equivalents in bilingual dictionaries, but the theory of lexicographic functions may be able to guide lexicographers. For the purposes of this paper, an equivalent, also referred to as a translation equivalent, is “[a] word or phrase in one language which corresponds in meaning to a word or phrase in another language” (Hartmann & James, 1998: 51). Only few lexicographers have addressed description and prescription from the point of view of dictionary users as many import a purely linguistic approach in their work. Bergenholtz (2003) and Bergenholtz and Gouws (2010) argue that the concepts of description and prescription can be used in lexicography, but in a way that is adapted to the needs of users:

In the early phases of the development of lexicographic theory, prior to the emergence of lexicography as an independent discipline, many linguistic concepts, including the dichotomy *descriptive/prescriptive*, were imposed upon dictionaries and used and interpreted from a linguistic perspective. Linguists often failed to realise that a dictionary is not an instrument that should respond to linguistic rules and criteria but is a practical tool that should be compiled in accordance with the specific needs and reference skills of a clearly defined target user. (Bergenholtz & Gouws, 2010: 27-28, emphasis in original)

Bergenholtz and Gouws (2010) discuss different forms of description and prescription and conclude that it is difficult to determine whether dictionaries actually are either descriptive or prescriptive. The authors find that some of the information in individual dictionary articles is sometimes descriptive and sometimes prescriptive, that lexicographers do not consistently use either approach, and that users are often unaware of which approach has been used in specific cases. One disadvantage with pure description and term variation is that lexicographers present two or more terms and leave it to users to decide which one to use in a given situation. This may result in a dictionary presenting the following set of terms as

possible equivalents: *breach*, *contravention*, *violation*. Users will have to decide which of these terms is appropriate and may not know that *breach* applies to contracts, *contravention* to (human) rights, and *violation* to both contracts and (human) rights (Haigh, 2015: 81). The use of pure prescription in connection with term variation also has adverse effects in that it leads to the presentation of only one term without informing users of the variants. A dictionary may present the term *non-conformity* as the only equivalent and leave out the variant *lack of conformity*, both from the law of sale of goods. The dichotomy descriptive/prescriptive from linguistics is problematic for lexicography, as pointed out by Svensén (2009: 24), since “[b]etween pure description and pure prescription there are elusive grey areas”. In response to this, and to improve the quality of dictionaries, Bergenholtz (2003) and Bergenholtz and Gouws (2010) introduce a new concept, *proscription*, which is based on the Latin verb *proscribere*, meaning “to make public or to proclaim”.

Proscription may use the same basis as description, including, but not limited to, introspection, linguistic surveys, grammar books, analyses of text corpora and search findings on the Internet, which may result in lexicographers presenting multiple term variants. Moreover, proscription includes the further aspect of explicitly recommending one of the variant terms and mentioning the other(s). Bergenholtz and Gouws (2010: 49) argue that “[a] major advantage of a proscriptive approach lies in the fact that the lexicographer as someone acutely aware of the needs of the intended target users of the specific dictionary, can make a recommendation that should suit the intended target user in the best possible way in his/her text production endeavours”. The use of the proscriptive approach in dictionaries may thus be extended to assist users looking for help with text production; as pointed out by Bergenholtz and Gouws (2010: 47), “it becomes clear that description is not a viable option for text production if more than one variant prevails. The user in need of text production assistance does not want to make choices but is rather looking for the best form for a given context”. Since text production is part of the translation process, i.e. in the production of target texts (Gerzymisch-Arbogast, 2008), the following section examines how the proscriptive approach can be used to present term variants in legal translation dictionaries.

5. IS THERE A CASE FOR PROSCRIPTIVE LEGAL TRANSLATION DICTIONARIES?

Term variation in legal communication makes translation difficult for lexicographers and translators. However, a simple example that should be familiar to most users of bilingual dictionaries shows that lexicographers can provide dictionary users with help to distinguish and choose between several equivalents. Persons who initiate civil legal proceedings in England and Wales are called *claimants*, whereas those persons are called *plaintiffs* in the United States. In this case, lexicographers place a label addressed to the terms, such as (*UK*) and (*US*),

against the relevant equivalent. Geographical labels are often used in bilingual dictionaries to guide translators when selecting terms; and in legal dictionaries, such labels are also jurisdictional labels – which complicates matters. The label (*UK*) is imprecise as the United Kingdom has three legal systems: England and Wales, Scotland, and Northern Ireland. One result is that persons instituting civil proceedings in Scotland are called *pursuers*. Furthermore, persons commencing family proceedings in England and Wales are called *petitioners*, and not *claimants*. The label (*US*) presents a similar problem, because there is one federal legal system and 50 state legal systems in the United States, and each jurisdiction can introduce its own terms for identical concepts. On the one hand, lexicographers can easily provide guidance for legal translators; on the other hand, lexicographers face challenges due to the jurisdictional nature of legal terms, which calls for jurisdiction-specific labels.

One way in which lexicographers can avoid presenting a long list of English legal equivalents for the translation of a source-language term is to pair English with a specific jurisdiction. One example is bilingual dictionaries with English as the target language that treat the English legal terms of only one jurisdiction, for instance a Danish-English (England and Wales) legal dictionary. This approach appears to be in line with the proposal by de Groot and van Laer (2008: 9) that “[b]ilingual legal dictionaries should be restricted to offering suggestions for translations based on legal areas, tying both source language terms and target language terms to a particular legal system”.

Labels addressed to equivalents may not only be geographical and jurisdictional, but can also include a client-specific element in, for example, in-house dictionaries. This may be illustrated by the Danish term *hemmeligholdelsesaftale*, which is a type of agreement many business organisations enter into to protect their trade secrets. When signing such agreements, one party undertakes an obligation not to disclose specific types of information provided by the other party to anyone who is not a party to the contract. The most common English terms for this type of business agreement are *confidentiality agreement* and *non-disclosure agreement*. Lexicographers can adopt a prescriptive approach in in-house dictionaries used by translation service providers that have several clients who commission legal translations. In such situations, lexicographers may place client-specific labels addressed to the two equivalents based on the preferences made explicit by individual clients. This could result in a label such as (*client XX*) addressed to the equivalent *confidentiality agreement*, and the label (*client YY*) addressed to *non-disclosure agreement*. Such client-specific labels give clear guidance on legal usage to specific target groups and ensure that translations will contain the terms that clients prefer and their contract partners expect to find in target texts.

As mentioned above, one sub-field of law in England and Wales is referred to as *contract law* as well as *law of contract*. In dictionaries having English as the target language, lexicographers using a descriptive approach would present both terms as equivalents, perhaps in alphabetical order or based on a frequency count in a text

corpus. Using a purely prescriptive approach, lexicographers present one of the terms as equivalent but not the other, or they might explicitly prohibit the other. Lexicographers using a proscriptive approach will show both English terms but one of these will be recommended while the other will be shown as an alternative. The recommended term may be selected on the basis of, for instance, frequency counts and advice from legal experts. For the proscriptive approach to work optimally, the recommended term may be clearly marked as such, and this may be done by, for example, presenting the recommended term as the only translation equivalent and presenting the term variant explicitly as a variant. The proscriptive approach appears to be helpful to authors of bilingual legal dictionaries as well as to translators consulting such dictionaries, especially with reference to the micro-level of translation.

Lexicographers may elect to focus on the micro-level as well as the macro-level of the translation process when selecting terms and deciding on the way to present them in their bilingual dictionaries. A certain level of background knowledge of law is required to select correct terms as equivalents. As mentioned in Section 1, one sub-field of English law is referred to as *tort law*, *law of tort*, and *law of torts* as found in legal textbooks covering the law of England and Wales. In broad terms, this sub-field is concerned with the liability for civil wrongs resulting from breach of a legal duty outside contractual relationships (referred to as *torts*), and corresponds to *droit de la responsabilité civile*, *derecho de la responsabilidad civil*, *Deliktsrecht*, and *deliktního práva* (European Group on Tort Law, 2005). At first sight, the three English terms are variants in the sense that they all refer to the same concept, but a close examination reveals that they represent two different perspectives of the rules that apply to non-contractual civil wrongs. One school of lawyers claims that there is one general principle of liability governing all types of civil wrongs, and this is referred to as *tort law* or *law of tort*, whereas the other school holds that there are several specific torts each subject to specific principles of liability, referred to as *law of torts* (Barker, 2020: 195). This distinction requires a comparative law approach to dictionary making.

In order to decide which of the three English terms to present as equivalent, lexicographers may compare the source-language legal system with, in the present case, that of England and Wales. If the source-language jurisdiction treats this sub-field of law as one general principle of liability applying to all types of civil wrongs, lexicographers have to decide between *tort law* and *law of tort*, as these are true variants. From a proscriptive perspective, the bilingual dictionary explicitly presents one of the terms as the recommended term and the other as an alternative. This leaves some room for language variation in target texts, if appropriate in a given context, while the dictionary gives clear guidance on usage. If the source-language jurisdiction treats this sub-field of law as covering many different types of civil wrong with their own specific rules, only one term is selected and presented: *law of torts*. In this case, there is no difference between a descriptive, prescriptive, and proscriptive approach.

The proposal by de Groot and van Laer (2008) that bilingual legal dictionaries should be tied to specific jurisdictions implies that such dictionaries include equivalents from more than one jurisdiction. This means that lexicographers have to consider which approach to use if they want to help users translate texts that refer to more than one jurisdiction. The UK is no longer a member of the European Union but translators may nevertheless have to translate legal texts that refer to both legal systems. An example from the field of company law may illustrate this. One type of company in the UK is the registered company, which are companies recorded in a public register of incorporated business organisations, and the two most important types are *private companies* and *public companies*. However, variant terms exist, namely *private limited companies* and *public limited companies*, which in the latter case is evidenced by the statutory abbreviation after company names, *plc* or *PLC* (which is an abbreviation of *public limited company*). The existing UK statute governing companies is based on EU legislation, and the EU terms used for the similar types of companies are *private limited liability companies* and *public limited liability companies* (Bourne, 2016). As a result, legal translation dictionaries may have to include all the variants.

Lexicographers who use a proscriptive approach to guide translators will recommend two terms. One of the recommended terms is the one used by the relevant UK statute, and the other is the EU term. Appropriate labels set against the terms are used in the dictionary, for instance *public company (UK)*, and *public limited liability company (EU)*. The alternative UK term *public limited company* will then be explicitly presented as an alternative to the recommended UK term. The terms relating to the private limited company type may be treated in a similar way when using proscription. One advantage of this approach is that the recommended UK terms are used in the relevant statute, thereby designating the two types of company with what may be considered the “official” or “legally most appropriate” terms.

A further aspect that may affect the work of lexicographers is the situation where both a full form and a short form of a term exist in legal usage. This type of term variation occurs in, for example, English land law. Various limited rights over another’s land can be created in most jurisdictions and one of these rights is likely to be fully or partly equivalent to the right called *profit à prendre* under the law of England and Wales. This is a right to enter land belonging to another and to take something from it, such as wild game and timber, or to graze animals on the land (Kelly & Hatfield, 2018: 45). In their texts on land law, English legal scholars and textbook writers often use the short form, *profit*, after having introduced the full form of the term, and because the short form (often referred to as a clipped term) is used in very specific contexts, it remains unambiguous. Lexicographers using a proscriptive approach may explicitly recommend the full form of the term, *profit à prendre*, as equivalent and explicitly show the short form, *profit*, as an alternative. However, as the use of the short form is primarily based on pragmatic considerations of English native speakers, the intended dictionary users cannot be expected to be familiar with this, which calls for a usage note. This note could explain

that English native speakers are likely to use the full form when introducing the term and when attempting to avoid misunderstandings, and that they often use the short form in the remainder of the text. If, after a proper analysis, they can provide more specific guidance on the use of the full and the short form, lexicographers could include that information in the usage note. This will enable translators to use the terms that the readers of the English target texts expect to find.

6. CONCLUDING REMARKS

The purpose of this paper was to examine whether traditional approaches from general lexicography can provide the appropriate help to lexicographers with term variants so they can offer proper guidance to users of legal translation dictionaries. The above examples and discussion show that dictionaries may contain information on term variants and legal usage that explicitly support legal translation into English. Legal translation dictionaries contain both words and terms, which means that purely linguistic and terminological prescription can only be used in some articles and not in others, a practice that may confuse dictionary users. Linguistic description is of limited help as it results in lists of term variants as equivalents, leaving it up to users to select a term. The theory of lexicographic functions focuses on user needs in translation situations and suggests a proscriptive approach so that the advice is targeted to the intended user groups of dictionaries whose function is to satisfy the needs of legal translators.

Different user groups have different legal, language, and translation competences and skills and are unlikely to be familiar with correct usage in English as a foreign language. Whether legal translation dictionaries are publicly available or in-house dictionaries with restricted access, one solution for lexicographers is to provide help so that users can master correct usage in the right communicative situations, and in the right stages and levels of the translation process. When preparing their dictionaries, lexicographers can choose between descriptive, prescriptive and proscriptive approaches, though proscription appears to be well suited for presenting term variants (as well as word variants) in a foreign language. As explained by Bergenholtz and Gouws (2010: 48), “[e]xplicit proscription gives the lexicographer the opportunity to include different variants, but also to indicate the recommended form”.

Law is a highly culture-bound domain and is therefore difficult to work with when translating terms and when providing help in dictionaries. This has several implications. Firstly, the above discussion suggests that advice on usage in dictionaries whose function is to assist translators of legal texts intended for an international audience is often important. The focus on jurisdictional and geographical restrictions may make it difficult for lexicographers to select terms that are appropriate when communicating with audiences who are not (very) familiar with any of the English-speaking jurisdictions and their terms.

Secondly, lexicographers may use an approach other than a descriptive one when presenting term variants in legal translation dictionaries as description appears to be the least helpful approach. A prescriptive or proscriptive approach with term and word variants used as equivalents in a foreign language may be more beneficial for users. As indicated above, proscription appears to be a useful approach as it can provide appropriate guidance to users who consult dictionaries to find help to solve translation problems.

Thirdly, work on the presentation of term variants may be extended to examine whether a proscriptive approach is suitable for the presentation of equivalents in translation dictionaries covering domains other than law. This approach may work for other highly culture-bound domains, but further research may investigate whether this approach is equally appropriate for less culture-bound domains. Finally, future research may examine whether teachers of English legal language, whether in connection with translation or not, may find it relevant to adopt a proscriptive approach to teaching legal terminology to learners, duly adapted to the legal and language competences of specific audiences.

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