

# CONSIDERATIONS ON ENGLISH-ROMANIAN/ROMANIAN- ENGLISH LEGAL DICTIONARIES AND GLOSSARIES

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**ABSTRACT:** *Our study is meant to point out the main methodology used by authors in creating the English-Romanian/Romanian-English legal dictionaries/glossaries which exist on the book market in our country.*

*The research worker who is interested in studying the content and structure of such dictionaries immediately notices the small number of these books on the Romanian market in comparison with, for example, the economic ones. At the same time, the research workers and also the users of legal dictionaries quite easily identify the frequent scarcity and the simple structure of the entries included by lexicographers. Our study will analyze the criteria used by the authors of these dictionaries for selecting the terms included in their books, as well as the structure of the selected entries (phonetic script, contextualization, identification of uncountable/countable nouns, indication of special plural forms, such as the foreign plural, references made to synonyms for disambiguation etc.).*

*Finally, the aim of our paper is to offer several suggestions for improving the quality of these indispensable linguistic instruments (dictionaries and glossaries) and for encouraging lexicographers to invest energy in creating better and well-conceived specialized legal dictionaries and glossaries.*

**KEYWORDS:** *English-Romanian/Romanian-English legal dictionaries and glossaries, entry structure, contextualization, entry selection criteria, book market.*

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## 1. INTRODUCTION

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, etc.). 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.

The aim of our paper is to 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<sup>2</sup>) in order to point out what types of legal dictionaries/glossaries exist, what selection criteria were used for the included headwords, in what way the entries are structured. We pay particular attention to entry structure, synonymy (the question whether the author/authors select(s) a single Romanian translated term or offer(s) several possible Romanian versions for a single English word/phrase 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 regarding the selected entries.

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. In fact, the idea of writing this paper is a consequence of our working with students in law and of our trying to guide them in the process of correctly assimilating accurate juridical terminology.

As far as dictionaries and glossaries are concerned, 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 *correct* usage. They are seen, in other words, as *prescriptive* texts."<sup>3</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>4</sup>

<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;

<sup>2</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; Laura Ana-Maria Vrabie (coord.), Elena Bodea, Cătălina Cristina Ana Constantin, Ana-Maria Georgescu, Maria-Carolina Georgescu, Gabriela Adriana Rusu, Violeta Ștefănescu, Anca Voicu (coautori), *Glosar juridic*, Institutul European din România, Direcția coordonare traduceri, 2007;

<sup>3</sup> B.T. Atkinis and Michael Rundell, *The Oxford Guide to Practical Lexicography*, Oxford University Press, Oxford: 2008, pg. 2;

<sup>4</sup> B.T. Atkinis and Michael Rundell, *op. cit.*, pg. 48;

Since our paper deals with 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.

Our paper makes reference to the methodology used by lexicographers for conceiving their dictionaries, as well as the structure of several entries which we regard as illustrative for their manner of work.

In the introduction to *Dicționar juridic Englez-Roman*, Editura All Beck, Bucharest, 1999, Mona-Lisa Pucleanu gave the following explanations as to the headwords she selected, the legal field they belong to and their translation: "This book contains institutions of law which are specific for English law, American law and EU law, and some of them do not have a correspondent in Romanian, hence the difficulty to find an equivalent for them in Romanian."<sup>5</sup> (our translation)

"For writing this dictionary I have taken into consideration not only legal terms as such, but also different linguistic contexts in which these terms might appear, trying to include as many specific expressions or compound words as possible for a better understanding of the explained institution and for helping the reader build a highly accurate juridical English vocabulary. In this respect, the quoted expressions come from textbooks or other juridical books, from the field of public or private law"<sup>6</sup> (our translation).

"At the same time, many of the legal terms have been translated both with a main and a secondary meaning or in different morphological forms, in order to present word families and their meanings as complexly as possible. At the same time, some legal institutions, which do not have an equivalent in our legal system or which have particular characteristics in relation to our legal system, have been largely explained for better illustrating their particularities"<sup>7</sup> (our translation).

For exemplifying how Mona-Lisa Pucleanu, the author of the dictionary, provides the information in the book, we have selected two entries:

„alter [o:ltYr] vb. tr. a altera, a modifica.”<sup>8</sup>

„rescission [ri'si+Yn] s. anulare, abrogare, revocare; repunere în situația anterioară; ~ of a contract rezoluțiunea unui contract /.../.”<sup>9</sup>

<sup>5</sup> See the original version of this paragraph in Mona-Lisa Pucleanu, *Dicționar juridic Englez-Roman*, Introduction, Editura All Beck, Bucharest, 1999: „În cuprinsul lucrării de față se regăsesc instituții specifice dreptului englez, dreptului american și dreptului comunitar european, unele dintre acestea neavând corespondent în dreptul românesc, de unde și dificultatea găsirii unui echivalent în limba română.”

<sup>6</sup> See the original version of this paragraph in - Idem: „La elaborarea acestui dicționar am avut în vedere nu numai termenii juridici, ca atare, ci și diversele contexte lingvistice în care acestea se pot afla, căutând să redau cât mai multe expresii specifice sau cuvinte compuse, pentru o mai bună înțelegere a instituției respective și pentru a ajuta cititorul să-și formeze un vocabular juridic de o cât mai mare acuratețe în limba engleză. În acest sens, expresiile culese provin din manuale sau alte cărți de specialitate juridică, din domeniul dreptului public sau privat.”;

<sup>7</sup> See the original version of this paragraph in - Idem: „De asemenea, mulți dintre termenii juridici au fost redați atât cu un sens principal cât și cu un sens secundar sau în forme morfologice diferite, în scopul prezentării cât mai complexe a familiilor de cuvinte și a înțelesului lor. Totodată, unele instituții de drept care nu au echivalent în sistemul nostru de drept sau care au anumite trăsături specifice față de cele cunoscute de noi, au fost explicate mai pe larg în scopul de a surprinde caracteristicile fiecăreia.”

<sup>8</sup> Mona-Lisa Pucleanu, op. cit., pg. 10;

<sup>9</sup> Mona-Lisa Pucleanu, op. cit., pg. 150;

We can notice that in the first example the author provides several translations, which are not disambiguated in specific contexts for clarifying the best synonym to be used. However, in the second example, the Romanian meaning *rezoluțiune* is mentioned in a specific context, thus facilitating its right understanding by the reader.

One cannot fail to notice that the term Ombudsman does not appear in the book though it is commonly known and used.

On the whole, we have noticed that the book generally includes nouns in given contexts and that Mrs. Pucceanu's dictionary also includes word families: *appeal, appealable, appellant, appellee, appellate court*. Phonetic script is included, the entry structure is simple and morphological information is basic. All in all, the book is a useful lexicographic tool for users and specialists in legal English.

In the *Foreword* to Cecilia Voiculescu's *Dictionar juridic E-R, R-E*, Editura Niculescu, Bucharest, 2005, PhD Professor Gheorghe Oprescu wrote: "This dictionary basically contains terms used in antitrust legislation and practice (the legislation and practice meant to protect competition), as it is known in America."<sup>10</sup>

In the *Introduction* to her dictionary, Cecilia Voiculescu explains that: "The English-Romanian/Romanian-English dictionary includes juridical and economic, finance and banking, as well as administrative terms which are mainly used in antitrust law, also covering the consumer's protection, microeconomics and business activities in general. This dictionary is an editorial novelty in Romania since it includes English-American legal terms which have never been included in any Romanian terminology so far. These are identified, explained and confirmed by competent sources and included in a lexicographic work. The most difficult and rare terms are defined and accompanied by quotations from American jurisprudence, as well as by excerpts from EU official sites."<sup>11</sup>

Cecilia Voiculescu also explains that she has basically selected the specialized meanings and not the most common ones in her dictionary. Thus, the author of the dictionary explains as follows: "... in the present paper you are not going to find the best known meanings of a juridical or economic term but especially the specialized ones".<sup>12</sup> "I have always tried to suggest one translation first, adding then the already usual form, in a regressive order as to its common use."<sup>13</sup>

<sup>10</sup> See the original version of this paragraph in Gheorghe Oprescu, în Prefața la dicționarul Ceciliei Voiculescu, *Dictionar juridic E-R, R-E*, Editura Niculescu, Bucuresti 2005, pag. 5: „Acest dicționar este, în primul rând, un dicționar care conține termeni folosiți în legislația și practica protecției concurenței, cunoscută la americani, sub numele de antitrust.” - Prof. univ. dr. Gheorghe Oprescu, Universitatea Politehnică București, Vicepreședinte al Consiliului Concurenței (în perioada 1996-2001);

<sup>11</sup> See the original version of this paragraph in Cecilia Voiculescu, *Dictionar juridic E-R, R-E*, Editura Niculescu, Bucuresti 2005, pag. 8: „Dicționarul E-R/R-E include termeni juridici și economici, financiar-bancari și administrativi folosiți cu predilecție în domeniul legislației concurenței, extinzându-se însă și în cel al protecției consumatorilor, al microeconomiei și al afacerilor în general. Acest dicționar este o noutate pe piața editorială din România întrucât conține termeni de drept anglo-americani, care nu au mai fost incluși până acum în nicio nomenclatură românească. Aceștia sunt identificați, explicați și confirmați de surse competente în domeniu și incluși într-o lucrare lexicografică. Termenii cei mai dificili și mai rari din dicționar sunt definiți și însoțiți de citate din jurisprudența americană, precum și de extrase de pe site-urile oficiale ale EU.”

<sup>12</sup> See the original version of this paragraph in Cecilia Voiculescu, op. cit., pg. 9: „... în lucrarea de față veți găsi mai puțin sensurile cele mai cunoscute ale unui anumit termen juridic sau economic și, mai mult, pe cele specializate.”

<sup>13</sup> See the original version of this paragraph in Cecilia Voiculescu, op. cit., pg. 10: „...am încercat întotdeauna să sugerez mai întâi o traducere, adăugând apoi și forma intrată deja în uz, într-o așa numită ordine regresivă de recomandare.”

The dictionary does not offer phonetic script for the included headwords and contexts of use for the selected headwords are rarely indicated. Translated terms are not included in the given examples. In consequence, the various translations given for one term may puzzle the reader.

All in all, we appreciate that Cecilia Voiculescu's dictionary is a useful instrument of work thanks to its well-defined purpose: to cover terms that are commonly used in antitrust law.

In the following lines, we have selected a few entries to point out the observations we have made above:

*charge*<sup>1</sup> s. acuzație, învinuire; tarif; taxă; (la serviciile utilitare) preț, cost.

*charge*<sup>2</sup> v. a acuza, a învinui, a imputa; a impozita, a percepe; a practica.

*charter*<sup>1</sup> s. statut (al unei societăți).

*charter*<sup>2</sup> v. a autoriza.<sup>14</sup>

For a better understanding of the American term "**certiorari** (SUA) - audiere în fața instanței supreme (pentru revizuire judiciară)."<sup>15</sup>, the author includes a quotation in which the headword is used in a specialized context: „The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari.” 15 USCS § 45.<sup>16</sup>

The dictionary written by Vladimir Hanga, and Rodica Calciu, *Dictionar juridic E-R, R-E*<sup>17</sup>, does not give information as to the criteria used by its authors for selecting the included entries, as the other quoted dictionaries did (in the Foreword pages). However, by consulting it, the reader can easily notice that it includes various legal terms from different fields (civil, criminal, constitutional, administrative, etc.).

If we analyze the examples selected below, we can draw a few conclusions:

„*come* v. a veni. *to ~ down upon* a blama, a mustra; *to ~ down with* a plăti, a scoate (banii); *to ~ in for* a-i reveni, a primi; *to ~ into* a intra în posesie, a moșteni; *to ~ into use* a intra în folosință.”<sup>18</sup>

„*embezzle* (embezzlement) s. abuz de încredere.”<sup>19</sup>

„*prevailing a.* dominant. *~ party* parte câștigătoare într-un proces.”<sup>20</sup>

„*moot a.* discutabil; controversat.”<sup>21</sup>

-the dictionary has the advantage of offering many examples and contextualization for the selected entries;

- there are no phonetic transcripts;

- the selected headwords contain morphological information;

- in the *moot* entry, the authors do not indicate the commonly used meaning „proces simulat” for this term, a quite surprising lacuna.

<sup>14</sup> Cecilia Voiculescu, op. cit., pg. 43;

<sup>15</sup> Cecilia Voiculescu, op. cit., pg. 42;

<sup>16</sup> Idem;

<sup>17</sup> Hanga, Vladimir and Calciu, Rodica, *Dictionar juridic E-R, R-E*, Editura Lumina Lex, Bucharest, 1998;

<sup>18</sup> Hanga, Vladimir and Calciu, Rodica, op. cit., pg. 220;

<sup>19</sup> Hanga, Vladimir and Calciu, Rodica, op. cit., pg. 261;

<sup>20</sup> Hanga, Vladimir and Calciu, Rodica, op. cit., pg. 350;

<sup>21</sup> Hanga, Vladimir and Calciu, Rodica, op. cit., pg. 325.

The two glossaries that we quoted at the beginning of our paper *English-Romanian, Romanian-English Glossary of the European Convention on the Human Rights* 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 (coauthors), offer straightforward translations thanks to their very specialized character.

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:

“*case-law* – jurisprudență, practică judiciară.”<sup>22</sup>

“*observance* – respectare.”<sup>23</sup>

In our opinion, the dictionary written 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), *Glosar juridic*, Institutul European din România, Direcția coordonare traduceri, 2007 reveals 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 accord mise en cause*

EN agreement [...] challenged

Context: Policy of the EEC – Rules on competition applicable to undertakings – Sole distributorship contracts – Concessionaries not parties to an agreement which is challenged – No obligation on the Commission to cause the latter to participate automatically in the proceedings before the Commission.

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*RO acord contestat.*”<sup>24</sup>

As we can see, the reader does not only find out the translation of the collocation, 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, it makes this lexicographic instrument not only a useful book, but also a professional one.

<sup>22</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, pg. 4;

<sup>23</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, pg. 10.

<sup>24</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, pg. 1

## 2. CONCLUSIONS

We appreciate that, in the future, the legal dictionaries should adopt this strict and foreword reference made to the selected entries. Of course, it is the author's/authors' duty to decide whether phonetic script and morphological information is useful. In our opinion, all the information referring to the selected headwords is useful in a glossary or dictionary, as it is appropriate to leave no room for doubt and ambiguity in a lexicographic work.

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