

The Possible Dream: Perfecting Bilingual Law Dictionaries by Distinguishing Better Examples from Bad Examples

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The Possible Dream: Perfecting Bilingual Law Dictionaries by Distinguishing Better Examples from Bad Examples[†]

DENNIS KIM-PRIETO & CONRAD J.P. VAN LAER*

Abstract:

As the practice of law crosses national (and linguistic) borders with increasing frequency, the need for tools that facilitate the transnational practice of law becomes more acute. Bilingual legal dictionaries (BLDs) are one critical such tool, as they offer access to legal systems as well as the languages of these systems. Unfortunately, librarians have offered scant criticism of BLDs, many of which are not particularly useful. This article summarizes critical problems with BLDs and offers an approach to resolving these problems by focusing upon the quality of the entries, or definitions, that BLDs provide.

I. Introduction

The philosopher and semiotician Roman Jakobson famously observed that “[l]anguages differ essentially in what they *must* convey, and not in what they *can* convey.”¹ The language (and utterances) of the law, however, serve as both the subject for interpretation and the means of compulsion; as Lawrence Solum has written, “[l]aws themselves might be seen as speech acts

[†] This manuscript is taken from a presentation the authors jointly delivered before the 29th Annual Course of the International Association of Law Librarians, held 5-8 September 2010 in The Hague, Netherlands.

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¹ ROMAN JAKOBSON, LANGUAGE AND LITERATURE 433 (Krystyna Pomorska and Stephen Rudy, eds. Belknap Press, 1987) (emphases in original).

– as types of commands or authorizations.”² In this light, it may seem fitting to adapt Jakobson’s observation to fit legal languages by describing them as differing in what they *must* convey **as much as** in what they *may* convey.

To forward this iteration is, of course, to note that understanding the context of practice is critical to the understanding the meaning of legal terms. Such an assertion is by no means novel: as Tiersma noted in his paraphrase of Gottlob Frege’s maxim,

only in the context of a sentence do words mean something. ... [Or] more broadly: only in *context* do words have meaning. Factors such as the relationship between the speakers, as well as the subject of the discourse, are crucial to understanding. Moreover, every language has certain conventions regarding how a meaning should be conveyed.³

Law librarians who focus on foreign, comparative, and international legal research (FCIL research) know that in the best possible realm of comparative legal practice and scholarship, the context that Tiersma (and, presumably, Frege) place at the heart of “understanding” would be available from the bilingual legal dictionary (BLD), a specialized reference tool tailored to the needs of the legal translator. However, as both current authors have both noticed separately, the majority of published BLDs feature entries that are often quite thin in terms of information, and fail to adequately supply this sort of critical context.⁴

Indeed, one might describe the problems common to so many BLDs as a failure in the target-language articulation of what source-language terms *may* convey **as well as** what the source-language terms *must* convey.⁵ The

² Lawrence B. Solum, *Legal Theory Lexicon: Speech Acts*, LEGAL THEORY BLOG (January 28, 2007 at 09:19 PM), http://lsolum.typepad.com/legaltheory/2007/01/legal_theory_le_3.html (last visited 21 May 2011).

³ Peter Meijes Tiersma, *The Language of Offer and Acceptance: Speech Acts and the Question of Intent*, 74 CAL. L.REV. 189 at 194 (1986).

⁴ See Gerard-René de Groot & Coen van Laer, *The Dubious Quality of Legal Dictionaries*, 34 INT’L J. LEGAL INFO 65 (2006) (observing that “only a few [BLDs] are of good quality”); see also Dennis Kim-Prieto, *En la tierra del ciego: Problems with Current English-Spanish Legal Dictionaries*, 100 LAW LIBR. J. 251 (2008) (noting that despite “a number of items published [as bilingual English-Spanish Legal Dictionaries] few appear to be useful”).

⁵ “The terms ‘source language’ and ‘target language,’ ... are key to understanding bilingual dictionaries and to articulating a critical language for assessing these tools. The ‘source language’ is the language spoken by the putative

following quote (from one of the more useful BLDs) analyzes this problem in the context of a fundamental legal term:

A bilingual [English-Spanish] dictionary that defines **contract** as *acuerdo, contrato, convenio*, does not tell the Spanish [-speaking] reader very much. The English student does not gain a greater advantage upon learning that **contrato** means *agreement, contract, covenant*. What a comparative reader needs are *functional* definitions. Most people who peruse these dictionaries already know that *contrato* means *contract*, and vice versa. The reader is better served when being told how a contract operates in the foreign system, what are the formalities, basic requirements, etc. An additional benefit of this approach is that, in explaining how a legal concept operates, many other related words are introduced in their proper context, which the reader would not necessarily find otherwise.

The danger of relying exclusively on synonyms is that it leads to confusion. Comparative law is not an exact science, it is built on approximations. *Contrato*, of course, does not mean *contract*. And the converse is also true. *Contrato* and *contract* are, [sic] the best approximations we can find when our defining capabilities are limited to synonyms.⁶

Alas, as Dahl presumably knows, the majority of BLDs (offering access between the legal languages of English and Spanish jurisdictions) tend to offer merely synonymic entries as definitions. The present authors contend that this confusing, synonymic, approach is the feature that will allow us to differentiate better, or more useful, BLDs from bad, or less useful, BLDs.

reader of the dictionary, and the ‘target language’ is the language that this reader seeks to access via the dictionary.” Kim-Prieto, *id.* at 256 (citing LADISLAV ZGUSTA, *MANUAL OF LEXICOGRAPHY* 294 (1971); *see also* B.T. SUE ATKINS & MICHAEL RUNDELL, *THE OXFORD GUIDE TO PRACTICAL LEXICOGRAPHY*, 40-41 (2008)(explaining how source-language and target-language are foundational concepts to bilingual dictionaries).

⁶ HENRY SAINT DAHL, *DAHL’S LAW DICTIONARY / DICCIONARIO JURÍDICO DAHL : ESPAÑOL – INGLÉS / INGLÉS – ESPAÑOL*, xvi (2010) (emphases in original).

II. Problems with Equivalent Terms

Legal terminology is system-bound: it emerges from particular jurisdictions that do business within a common language (or languages).⁷ The conceptual content of legal terms is determined by the legal system in which these terms convey meaning; in other words, a legal term can only be fully understood within a certain legal system.⁸ As such, the source-language (SL) terms and their target-language (TL) definitions provided by a BLD are not only linguistic entities, but also entries which should necessarily describe the legal effects of these terms within the jurisdictions particular to the source- and target-languages. However, unless the SL and TL are spoken in the same jurisdiction, the legal effects of each term will not be exactly the same; for this reason, we claim that a BLD cannot reliably provide full equivalence across languages and jurisdictions. Complete equivalence between legal terms of the SL and the TL only occurs when SL and TL are spoken within the same legal system.

Unfortunately, very few BLDs offer entries which describe the legal effects of the terms they define. Indeed, some BLDs offer little more than a list of equivalent entries without any additional information explaining differences between jurisdictions.⁹ Furthermore, very few of these “Word Lists” take pains to ensure that the legal concepts offered include information about the legal effect(s) of their source equivalents.

Ideally, BLDs would provide enough material in their entries to allow an expert in the field to identify the corresponding effects of the legal

⁷ See SANDRO NIELSEN, *THE BILINGUAL LEGAL DICTIONARY: PRINCIPLES AND PRACTICE FOR LEGAL LANGUAGE*, 3 (1994) (characterizing law as “culturebound because ... legal rules vary from one culture to another. If a person knows the rules of legal procedure in one culture (= country) that person does not automatically know the rules of legal procedure in another culture. ... The bilingual lexicographer’s task in such instances is therefore to bridge the gap between the two cultures ...”).

⁸ Brenda Danet, *Language in the Legal Process*, 14 *LAW & SOC’Y REV.* 445 at 471 (1980) (characterizing Legal English as “a register of English,” citing Bolinger’s use of the term “register” as signifying “a function of situation or use”) (emphasis in original). See also Elizabeth Merz, *Legal Language: Pragmatics, Poetics, and Social Power*, 23 *ANNU. REV. ANTHROPOL.* 435 at 441 (1994) (observing that law is “the locus of a powerful act of linguistic appropriation, where the translation of everyday categories into legal language effects powerful changes. Through legal language, the state imposes its interpretations and its appropriations (of physical and symbolic power), and social actors struggle to shift existing power relations.”)

⁹ See de Groot & van Laer, *supra* n. 4; and see also Kim-Prieto, *supra*, n. 4.

concepts defined within the SL legal system and the TL legal system. Where no equivalent legal concept exists between SL and TL systems, entries should offer explanations that illustrate the legal concept in question. In other words, a BLD “should ensure that all legal concepts used have the precise legal effect as their source equivalents or use explanations in cases where it may not be possible to find full equivalents in the target language.”¹⁰ Simple Word Lists do not necessarily help to articulate the degree of equivalence between terms expressing legal effects in SL and TL and the cost of understanding these effects can be relatively high.¹¹

As problematic as the Word List type of BLD is, the so-called “Inverted Word List,” is even worse, and possibly dangerous to rely upon. Inverted Word Lists offer mere back-translations by uncritically switching SL terms and TL terms, creating false translation suggestions or non-existent legal terms. Although Inverted Word Lists are relatively few in number, librarians should be wary of them when collecting BLDs, and should take pains to examine potential additions for evidence of uncritical back-translating.¹²

Google Translate has brought a technological update to the Inverted Word List, with mixed results.¹³ By essentially automating a crowd-sourced approach to translation, Google Translate adds no critical judgment to the TL-entries it produces. Rather, the Google search engine relies upon “statistical machine translation” (SMT), which entails scanning the entire corpus of web pages (and, presumably, items within the Google books corpus) to find:

patterns in hundreds of millions of documents
[providing] the best translation ... [D]etecting
patterns in documents that have already been
translated by human translators [allows] Google
Translate ... [to] make intelligent guesses as to what
an appropriate translation should be. ... Since the

¹⁰ Marianne Dellinger, *From Jumping Frogs to Graffiti-Painted Walls: Legal Issues Caused by Mistranslation in International Commercial Arbitration*, 7(2) RUTGERS CONFLICT RESOLUTION J. 1, at 12 (2010).
<http://pegasus.rutgers.edu/~rcrlj/articlespdf/dellinger.pdf> (last visited 2 June 2011).

¹¹ Cf. Dahl, as quoted in text accompanying n. 6 *supra*.

¹² See Kim-Prieto, *supra* n. 4; see also de Groot & van Laer, at 82-83, *supra*, n. 4.

¹³ See Google Translate, found at <http://translate.google.com/?hl=en#> (last visited 21 May 2011). The Google Translate engine also is able to translate entire pages, presumably based upon the same processes of SMT. However, due to space and time constraints, the present authors have not analyzed the utility of Google’s ‘page translations’ of web-based legal materials.

translations are generated by machines, not all translation will be perfect. The more human-translated documents that Google Translate can analyse [sic] in a specific language, the better the translation quality will be.¹⁴

Google Translate does not claim to be a legal translation tool, but it is a ubiquitous tool, and will likely stand as a model for bi- and multi-lingual dictionaries of the future (for general purposes as well as for legal purposes). And the results that Google has achieved by applying SMT to its corpus of documents have been impressive; one prominent FCIL librarian approvingly notes "Google's ability to accurately translate terms, such as 'derecho concursal' and 'patentes de corso'."¹⁵ Nevertheless, in its current iteration, and without providing additional context, it offers results that do not meet current needs in legal translation, as evidenced below.

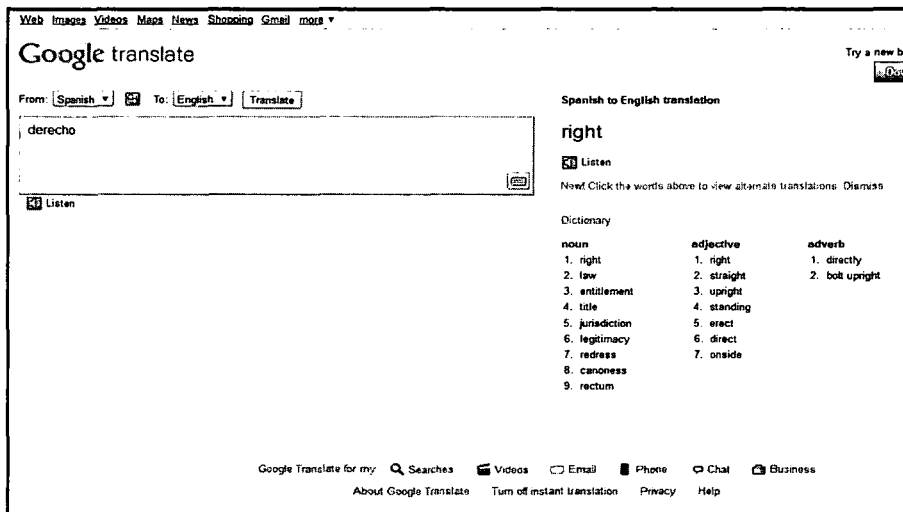


Figure 1: Google translation of "derecho." Note the 9th noun offered above as an English translation.¹⁶

¹⁴ Inside Google Translate, found at http://translate.google.com/about/intl/en_ALL/ (last visited 21 May 2011).

¹⁵ Confidential e-mail to Dennis Kim-Prieto, Reference Librarian at Rutgers Law School in Newark (on file with authors).

¹⁶ This image is a screen shot of <http://translate.google.com/?hl=en#eslenlderecho> (last visited 1 June 2011).

While the SL Spanish term “derecho” is often appropriately translated into the TL English as “right,” and at other times translated into the more general term “law” or the more precise term “entitlement,” it is critical to note that the Google entry provides no material that allows the translator to determine which context might be the most appropriate to fit the translated term in a given document. Indeed, some of the TL-terms Google offers are simply useless for legal translators, even if they do represent a dialectic translation of the SL term. Despite the depth of Google’s corpus of source documents, it fails to provide the contextual information necessary for a translator to make effective use of the definitions it offers.¹⁷ And without the critical, editorial eye of a professional, no amount of statistical correlations will provide this context.

III. Characteristics and Qualities of BLDs

Nielsen presents a qualitative trichotomy of general dictionaries: the text-dependent dictionary, the text-independent dictionary, and a hybrid combining text-dependency and text-independency in the entries (or “definitions” that the dictionary provides).¹⁸ A text-dependent dictionary, Nielsen continues, is one “which has been designed to help the user understand, compose, or translate a text, whereas a text-independent dictionary is designed to give the user information about something in a context that is not dependent on a text, for instance, in oral communications situations.”¹⁹ The final type of dictionary is a hybrid, one containing entries which are both text-dependent (focusing upon the meanings of words and phrases) and text-independent (focusing upon the effects that terms of art have

¹⁷ At one time in its evolution, Google Translate did offer a “detailed dictionary” option, however, that option seems to have disappeared. It is worth noting that the “detailed” option offered entries that appeared slightly more comprehensive and methodically derived than those offered in the default Google Translate interface, it still failed to present the information necessary to assess these definitions/equivalents/usages, as well as to determine if any jurisdictional differences obtained for the terms defined. See Kim-Prieto & van Laer, *Problems with Bilingual Legal Dictionaries*, International Association of Law Libraries, 29th Annual Course on International Legal Information and Law, The Hague, Netherlands (6 September 2010) (on file with authors).

¹⁸ Sandro Nielsen, *Bilingual Legal Lexicography – A New Theoretical Basis*, 59(3) KALBOTYRA 85 (2001).

¹⁹ *Id.* See also Sandro Nielsen, *Towards a General Theory of Bilingual Legal Lexicography*, in LSP TRANSLATION IN THE NEW MILLENNIUM: A CROSS-BALTIC SYMPOSIUM ON DIDACTICS AND RESEARCH (Peter Kastberg, ed.), at 166-167 (HERMES Skriftserie 2003).

within the TL jurisdiction): Nielsen maintains that the hybrid approach is critical for more useful dictionaries as “it will contain linguistic and factual information about the source language culture and the target language culture.”²⁰

Paralleling Nielsen’s tri-partite analysis, de Groot and van Laer differentiate among BLDs of varying utility by applying a typology that is qualitatively ordered, from least useful to more useful. They categorize the least useful BLDs as “Word Lists,” and describe them as “bilingual or multilingual lists of terms offering unsubstantiated translations; equivalence is assumed; no explanation as to different meanings is offered. Solely useful for words not found in other dictionaries.”²¹ This description of limited-use Word Lists parallels Nielsen’s conception of the text-dependent, or text-focused, dictionary. To demonstrate the unreliability of the word list, we note that one particular example has offered the terms “compulsory portion”, “statutory portion”, “obligatory share” and “dower” as possible translations for the German legal term “Pflichtteil.”²²

Likewise, Nielsen’s description of the text-independent dictionary, as an item that “gives the user information about ... a context that is not dependent on a text,” echoes de Groot and van Laer’s next useful type of BLD, “Explanatory Dictionaries,” described as “containing exemplary sentences illustrating the relevant linguistic content.”²³ One noteworthy example of an Explanatory BLD explains the German legal term “Pflichtteil” as “money compensation in lieu of inheritance for disinherited descendants, parents or spouse.”²⁴

And while Nielsen considers the most useful general dictionary to combine aspects of text-dependency and text-independency as a hybrid, de Groot and van Laer characterize the most useful BLD as a “Comparative Dictionary,” which contains entries that “refer to legal systems and/or legal

²⁰ *Id.* at 86.

²¹ de Groot & van Laer, *supra*, n. 4 at 75. See also text accompanying ns. 9-12 *supra*.

²² See Gerhard Köbler, RECHTSENLISCH. DEUTSCH-ENGLISCHES UND ENGLISCH-DEUTSCHES RECHTSWÖRTERBUCH FÜR JEDERMANN, 141 (7 überarb. Auflage, München [Franz Vahlen] 2007).

²³ Cf. Nielsen, *supra*, n. 18 at 85 and *supra* n. 19 at 166-167, with de Groot & van Laer, *supra* n. 20.

²⁴ Alfred Romain, et al., WÖRTERBUCH DER RECHTS- UND WIRTSCHAFTSSPRACHE, Vol 2: DEUTSCH-ENGLISCH, 633 (4. neubearb. Auflage, München [Beck] 2002).

sources, such as legislation or the literature, and to legal areas or comparative law. They distinguish between legal systems using the same language.”²⁵ A Comparative BLD explains the German legal term “Pflichtteil” and distinguishes English and American legal terminology as follows: “compulsory portion (of testator’s estate), obligatory share”, as contrasted with “*Am.* statutory forced share, and *Am.* portio legitima.”²⁶

To be sure, the BLDs subclassed within the trichotomy above share many properties so these subclasses are not completely distinct from each other. Furthermore, the BLDs from each level within this trichotomy appeal to different audiences of differing skills and knowledge sets, ranging from laypersons, translators or semi-experts, to comparative lawyers. Indeed, laypersons may prefer simple Word Lists since they are not aware of the requirements of precise legal translation based on comparative law research, and translators may prefer the concision that Explanatory BLDs offer over the encyclopedic references provided by Comparative BLDs. However, we would not expect that comparative lawyers only seek out Comparative BLDs since the number of these excellent translation tools is quite limited, or non-existent, depending on the pair of languages involved.

No matter which type of BLD one consults, the entries it presents should demonstrate TL definitions or explanations that account for dissimilarities between jurisdictions, thereby reducing the informational costs associated with understanding and comprehension of the data presented within each entry.²⁷ To discriminate between near equivalents, the user of a BLD will need more than a word list alone: he needs definitions or explanations to understand the proposed equivalents expressing legal effects in SL and TL. This need is reinforced by the fact that for many years, scholars have called on the transnational legal publishing industry to “produce more expansive dictionaries that focus on contexts of translation and explain concepts.”²⁸ Unfortunately, this call is not likely to be heeded by publishers

²⁵ See n. 23 *supra*.

²⁶ Clara-Erika Dietl, et al., WÖRTERBUCH FÜR RECHT, WIRTSCHAFT UND POLITIK MIT KOMMENTAREN IN DEUTSCHER UND ENGLISCHER SPRACHE, Vol 2: DEUTSCH ENGLISCH EINSCHLIEßLICH DER BESONDERHEITEN DES AMERIKANISCHEN SPRACHGEBRAUCHS, 580 (5. völlig Neubearb. und erw. Auflage, München [Beck] 2005) (at the end of this volume, Dietl includes “endnotes” referring to codes, statutory provisions, and treaties).

²⁷ Such explanatory entries will lower informational costs for the translator, but increase production costs for the BLD’s publisher.

²⁸ See, e.g., Rose Kennedy, *Much Ado about Noting: Problems in the Legal Translation Industry*, 14 TEMP. INT’L & COMP. L.J., 423, 440 (2000).

of BLDs as long as word lists sell well. For this reason, it is disheartening, yet not surprising, that the large majority of EU-related BLDs still consists of word lists without added comments.²⁹

Translators use a wide range of resources, both formal and informal, including personal contacts with other translators, native speakers, and domain experts, to supplement their basic resources, which are different types of dictionaries. Including additional information within BLDs will reduce the cost that the translator bears in understanding the TL-term. However, including such information increases the costs of ensuring reliability, which are borne by the publisher. Comments like contextual remarks, definitions or explanations must be reliable in order to enable the translator to assess the existing degree of equivalence between SL- and TL- terms, or to determine the absence thereof. In particular, the most useful BLDs will include bibliographical references to sources of authority such as codes, regulations, case law, or jurisprudence.³⁰

IV. Future Assessment of BLDs

The perfect BLD is an ideal. Eventually, unlike the famous song that the title of this paper echoes,³¹ we can reach the ideal BLD by establishing valid and authoritative standards through collaboration between professional organizations of legal translators, comparative law researchers, and international law librarians. But in the interim, we believe that the process of establishing such standards will be prodded along by focusing upon those BLDs which stand as outstanding examples, such as Dietl's WÖRTERBUCH FÜR RECHT, WIRTSCHAFT UND POLITIK.³² By relying upon published

²⁹ de Groot & van Laer, *supra*, n. 4 at 75 (observing in 2006 that out of 159 total EU-language BLDs, 109 [69%] were mere word lists. An updated bibliography compiled in May 2011 [on file with the authors] showed a higher percentage [76%] as mere word lists, indicated the continuance of a profitable publishers' market for these marginally useful items).

³⁰ See Kennedy, *supra* n. 28.

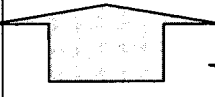

³¹ Mitch Leigh & Joe Darion, *The Impossible Dream (The Quest)*, from MAN OF LA MANCHA (1965).

³² Thomas Reynolds, *Comparative Legal Dictionaries*, 34(3) AM. J. COMP. L. 551 at 553 (1986).

"Of the several German legal dictionaries, the Dietl is by far the best; the author's comprehensive scholarly approach, similar to that of de Francis, has resulted in a two volume work of great utility and reliability. A subtitle to volume two, now in the second edition notes "einschliesslich der Besonderheiten des amerikanischen Sprachgebrauchs." Indeed, as the bibliography and extensive introduction in volume

reviews, as well as references and consultations throughout the professional literatures, we can identify suitable candidates for focus, but this falls to the community of international law librarians to pay focused attention to the quality and utility of published BLDs. However, as BLDs inevitably move away from traditional print-based formats, and towards a model of electronic publication and database access, standards for assessing BLDs will also require contemplation of the effect that particular formats wield upon cost and utility.

To be sure, one measure of the quality or utility of a BLD would be the detail or context that each entry provides about the TL legal system. However, we also believe that any standards assessing the quality of BLDs should also consider the information- related costs that each item bears and exacts. Nielsen analyzes comprehension-related costs and search-related costs, and notes that these costs vary between print and electronic format.³³ As electronic dictionaries have proven more “user-friendly” than traditional print dictionaries, it is easy to see how search-related costs are affected by a BLDs format (see Figure 2). Note also that an increase in detail or context, such as this paper has called for, may reduce some comprehension-related costs for a given BLD, but would increase the costs of producing and subsequently accessing the item.

NATURE OF INFORMATIONAL COST	Type of Informational Cost	Relative Cost for Electronic Dictionaries	Relative Cost for Traditional Dictionaries
<i>Comprehension-related costs</i>	understanding & interpreting data from the BLD		

one demonstrate, this invaluable work has been carefully researched, with definitions frequently supported by references and examples from legislation, scholars and court decisions. This is an outstanding reference work and should be the first choice of anyone seeking a legal dictionary for German and English.

“As all who work with German legal literature know, this is not an easy language to follow, primarily due to the German propensity for creating or compounding newer and longer words. Dr. Dietl and her co-editors have done a masterful job of displaying the great number of variations in readable and comprehensive fashion, and it is rare that even the constant user fails to find a desired definition.”

³³ Sandro Nielsen, *Reviewing printed and electronic dictionaries: a theoretical and practical framework*, in: LEXICOGRAPHY IN THE 21ST CENTURY; IN HONOUR OF HENNING BERGENHOLTZ, 23, 34 (2009).

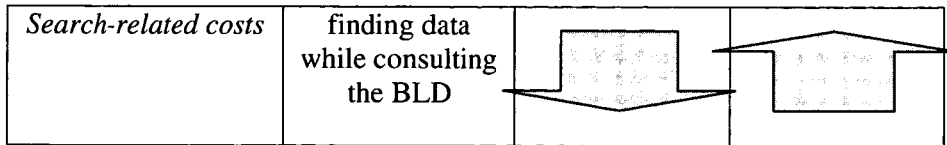


Figure 2: Comparison of information costs borne by users of print and electronic BLDs.

After Nielsen (2009).

Moreover, while Explanatory BLDs or Comparative BLDs generally bear higher comprehension-related information costs in production, their adaptation of a user-friendly structure or presentation can reduce their search-related information costs. This is a critical aspect to practitioners and legal translators, whose time is often measured in billable tenths of an hour. And because time-consuming search activities detrimentally impact one's full understanding of the information provided in a BLD, search-related costs and comprehension related costs are mutually dependent. As such, any generally accepted standard must balance both cost-related aspects, focusing upon the ease of access and the ease of understanding that the digital or printed BLD offers.

V. Conclusion: Dreaming the Impossible Dream?

Compiling BLDs consistent with authoritative standards is a labor-intensive and cost-intensive endeavor. But BLDs are a singular reference item: they not only facilitate linguistic (and, ideally, legal) comprehension across borders, but they also facilitate transnational legal practice.

English, in particular, poses a special situation with respect to legal translation: most jurisdictions where the dominant language of government is English are also Common Law jurisdictions, and this legal tradition is a legacy of British colonial rule. However, most other jurisdictions in the world are not jurisdictions where English is commonly spoken, and are to a certain extent based in a Civil Law tradition, which has evolved from Continental European colonialism and legal traditions. However, as the English language is still the common language for business and trade in much of the world, and since so much transnational litigation involves individuals or corporations residing in English-speaking jurisdictions, the need for BLDs that provide access across the gap between the Civilian and Common Law systems is particularly acute.

Since so many aspects of transnational legal practice depend upon professionals who consult BLDs, it is critical for those who develop collections of legal material to be aware of the problems posed by Word Lists and the synonymic approach to BLD compilation, and examine candidates for inclusion to determine if they are either Explanatory or Comparative in their presentation of entries. The authors of this paper do not believe that cost-effective, information-rich BLDs will, by mere virtue of their existence or popularity, usher in an era of international peace, remove obstacles to the free flow of international business and trade, or allow for more efficient and more ethical movement of human capital across borders. However, as fundamental reference tools in the transnational practice of law, they strike us as items that may, if improved or perfected, start the endeavors that ultimately result in the accomplishment of these seemingly “impossible dreams.”

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