

Conceptualizing the New Bilingual Dictionary of Legal Terms (Russian-English)

Abstract

Due to the ongoing legal reform, nearly every area of Russian law has been affected dramatically and the vocabulary of Russian law has undergone considerable, rapid change. The new terminology, which is particularly culture-specific by its character, needs to be studied thoroughly in order to form the basis for a dictionary which should be suitable for the purpose of learning both the law and the language of law. This paper examines the following principles necessary in order to compile a new Russian-English bilingual dictionary of legal terms: macrostructure, selection of headwords, types of equivalents, and introduction of encyclopaedic and collocational information.

Keywords: Bilingual dictionary, legal terms, systematic arrangement, encyclopaedic information, collocations

1. Introduction

Presently, the compiling of a Russian-English dictionary of legal terms (hereinafter, the RED) is an urgent task. Due to the transfer to a market economy and the ongoing legal reform, Russia has entered a new era of international co-operation in all fields of public and private law: from the protection of human rights to a joint programme with the World Bank regarding legal reform, establishing joint stock companies, and concluding contracts and agreements between public and private entities. Nearly every large international law firm (a considerable number of whom are American and British) has opened a representative office in Russia. Russian legal documents are being translated into the most international language: English. All these factors have raised enormous interest in Russian law for lawyers, scholars, students, most of whom are English speaking. Given these facts, it is quite obvious that there is a need for proficient legal translation¹ which covers various areas - legislative translation, notarial translation, translation of contracts and memoranda, and translation of judgements - and may be used as a means of communication and of knowledge-transfer across language barriers.

The vocabulary of Russian law is undergoing considerable, rapid change due to the adoption of new laws and a redefining of legal terms. Nearly every area of Russian law has been affected dramatically. The transfer to the rule of law and the market economy has led to the evolution of previous Soviet law. Since the adoption of the new Constitution of the Russian Federation in 1993, a great many new laws have come into force, including the new Civil (1996) and Criminal (1997) Codes. There are many pending draft laws which are to regulate such important areas of Russian law as criminal and civil procedure, administrative and other areas of law. These dynamic legislative developments have obviously led to the restructuring of large conceptual networks: a great many new concepts and realia have appeared, the old concepts have been partly changed to include new components, thus, influencing other concepts. The new terminology, both its semantics and the way it functions needs to be studied thoroughly in order to be included in a bilingual dictionary.

2. Law Dictionaries and Legal Translation

Translating legal texts is an enormous task. Translators (in the broad sense, i.e. experts and laypeople with different levels of foreign language and legal competency) face several daunting challenges. Foreigners face the necessity to understand the tricks of both Russian law and the Russian language, whereas native speakers of Russian, particularly those with a linguistic background, need to master not only the concepts of the Russian law and the language of law but also need to find proper ways of conveying these ideas in English, sometimes without a clear understanding of what they translate.

The immensity of the challenge is intensified by the fact that legal translators, whether professional or not, have to deal not only with different languages (specific terminology and discourse characterized by specific lexical and grammatical collocations and phraseology²), but also with different legal systems (in this case, the English common law system and the European civil one) whose concepts, designated by the terms, differ and diverge considerably. All languages subdivide reality in their own way and develop culture-specific concepts. Language of the law (except perhaps international law) is characterized by even more culture-specific concepts than language in general. It results in an asymmetry of terms (from the point of view of their form or meaning or both) (Morchtchakova 1992:144).

To enable those who deal with the language of law in this or that way to understand the semantic and structural nuances of legal language, a serious and comprehensive specialized bilingual Russian-English dictionary that would meet the needs of different types of users (scholars, lawyers, students, etc.) must be compiled (Manual of Specialized Lexicography, 1995:21 - 23). The task is considerably hurried by the present lack of a suitable Russian-English dictionary of legal terms.

Existing Russian-English specialized dictionaries (Zhdanova et al. (1991), Pamukhina et al. (1993), Krupnov (1997) etc) cover mainly the vocabulary of business and foreign economic and foreign trade relations; therefore, they are of restricted assistance to legal translators, although they seem to be quite adequate from the point of view of coverage, choice of equivalents, and lexical and grammatical combinatorial characteristics of keywords. Zhdanova et al. (1991) and Krupnov (1997) are arranged according to the alphabetical and nest principles, whereas Pamukhina et al. (1993) is arranged systematically with each chapter containing headwords related to a certain area. Within a chapter, headwords in Pamukhina are arranged alphabetically and are provided with verbal, noun and adjectival collocations. Each chapter contains commonly used phrases and patterns which demonstrate the headwords' usage in speech and documentation. The dictionary includes Russian and English indices indicating the page numbers at which words appear.

Baskakova (1992) represents an attempt to compile a bilingual systematic law dictionary containing 2,500 legal, business and trade terms. Russian terms appear in alphabetical (non-conceptual) order, whereas English terms are given in the alphabetical index; the entries for both English and Russian terms present a hierarchical system of concepts, thus providing more terms related to each definition which is given in Russian. However, the main problem with this dictionary is the lack of combinatorial characteristics and insufficient coverage.

Furthermore, the above mentioned dictionaries were published before major changes occurred in Russian jurisprudence. Some dictionaries which have not been cited here seem to be rush-to-print items and designed as money-making projects for the business market.

Existing English-Russian dictionaries of legal terms (Andrianov, Berson & Nikiforov (1993), Mamulyan & Kashkin (1993)) can be used for the purposes of translating from Russian into English with certain reservations. First and foremost, one should bear in mind that terms which are included into these dictionaries belong to the British and American legal systems and, therefore, cannot be relied upon to denote concepts and realia of the Russian legal system. Thus, if a translator needs to find an English equivalent to the Russian term *Ministerstvo vnutrennih del* ('Ministry of Internal Affairs'), s/he would not find any equivalents under the entry *ministry* in the dictionaries cited above but may find the name for the British agency *Home Office* (Andrianov et al. (1993)) and for the American agency *Department of the Interior* (Mamulyan & Kashkin (1993)) both of which are translated as *Ministerstvo vnutrennih del*. If the British variant sounds too country-specific and will likely be rejected by a translator on this ground, the American variant, when used, though it sounds similar to the Russian name, may lead to mistakes. The fact is that the US Department of the Interior "oversees agencies concerned with Indian affairs, mining, fish and wild life, geologic research, land management, national parks and monuments, territories, food control, conservation, public works and related areas" (Black, 1991) and unlike the Russian agency has nothing to do with anti-crime activities. The number of examples of such misleading translations is multiple. Additionally, the use of English-Russian dictionaries for translations from Russian is too painstaking and time consuming.

In connection with what has been said above, my main object is to formulate the principles necessary to compile a Russian-English dictionary of legal terms. Various criteria may serve to define the type, macrostructure, and the selection of headwords and their equivalents. The most important criterion seems to be orientation towards the user profiles mentioned above. It follows that the dictionary in question should be both descriptive and prescriptive by character and thus appropriate for active and passive use by foreigners and native speakers (Svensen 1993:21).

As the primary source for RED, Russian laws and regulations must be analyzed many of which have been newly adopted or amended. The reason is threefold. First, Russian legislation (in the broad sense of the word, i.e. the whole corpora of normative acts, from the Russian Federation Constitution, which is the supreme law of the state, to Presidential Decrees and Instructions and Rules issued by various government agencies) is the principal source of Russian law and, therefore, is binding upon those who apply or enforce or implement the law. Second, Russian legislation usually provides the exact definitions of the terms used which may be included in the dictionary, if necessary, to add to the user's understanding of a term. The commentaries to these laws and regulations may also be used to this end. Third, Russian legislation exists in a computer readable form, which may facilitate the task of analyzing the textual corpora with the help of concordance programmes.

3. Macrostructure, Selection of Headwords

As far as the macrostructure is concerned, it seems reasonable to organize the terms in a systematic, as opposed to the traditional alphabetic, manner. Thus, at the initial stage of

research I suggest that the conceptual hierarchy of the terms (concept trees) in the source language (SL) be worked out in the form of a term bank (to show the superordinate, subordinate and coordinate relationships between the concepts designated by the terms) (Nagao, 1994:402). Such a hierarchical term tree will enable me to establish the principles for selecting headwords for dictionary entries (monolexemic and polylexemic terms: word-combinations and phrases) and avoid redundant cross-referencing. Thus, such an analysis may show that there is no need to include words like *sud* ('court') since each type of court(s) is (are) designated by certain polylexemic term(s). Instead, the terms denoting the courts which constitute the Russian court system will be included, i.e. *federalnye sudy* ('federal courts'): *Konstituzionnyi Sud* ('Constitutional Court'), *raionnye sudy* ('district courts') etc, on the one hand, and *sudy subjektov Federatzii* ('courts of the constituent entities of the Federation'), on the other. Such a principle of terminological presentation will enable the user to understand that the Russian federal courts are not similar, for example, to the US courts and, thus, may serve as one of the methods of introduction of encyclopaedic notes in addition to linguistic information (providing equivalents or translating a term into the target language (TL)). As has already been mentioned, in cases when linguistic information is insufficient for a proper understanding, definitions of the terms may be included (both in SL and TL). Furthermore, it seems reasonable to number terms in order to show their hierarchical relationships, as in the sample given below dealing with Individuals and Legal Entities:

X ³ <i>litza-</i>	individuals and legal entities
X.1 <i>fizicheskiye litza -</i>	individuals
X. 1.1.1 <i>grazhdane -</i>	citizens
X. 1.1.2 <i>inostrannye grazhdane -</i>	foreign nationals
X. 1. 1.3 <i>litza bez grazhdanstva -</i>	stateless persons
X.1.2 <i>imya-</i>	name
X. 1.2.1 <i>sobstvenno imya -</i>	first name
X.1.2.2. <i>otchestvo-</i>	patronymic
X.1.2.3. <i>familiya-</i>	surname
X.1.3 <i>pseudonym (vymyshlennoye imya) -</i>	pseudonym (a fictitious name)
X.1.4 <i>mesto zhitelstva (postoyannogo ili -</i> <i>preimushhestvennogo prozhivaniya)</i>	place of residence (where s/o resides permanently or primarily)
X. 1.5 <i>pravosposobnost' (grazhdanskaya) -</i> <i>(sposobnost' imet' grazhdanskiye prava</i> <i>i nesti grazhdanskiye obyazannosti)</i>	legal capacity (civil) (opportunity to have civil rights and assume liabilities)
X.. 1.6 <i>deesposobnost' (grazhdatskaya) -</i> <i>sposobnost' svoimi deistviyami priobretat'</i> <i>i osushhestvlat' grazhdanskiye prava,</i> <i>sozdavat' dlya sebya grazhdanskiye</i> <i>obyazannosti i ispolnyat' ih)</i>	dispositive legal capacity (civil) (opportunity by s/o's own actions to acquire and exercise civil rights and perform civil duties)
X. 1.6.1 <i>Emansipatziya</i> <i>(objavleniye polnostju deesposobnym</i> <i>nesovershennoletnego, dostigshogo 16 let)</i>	emancipation (declaration of a minor who has reached the age of sixteen as fully capable)
X.1.6...	
X. 2 <i>Juridicheskiye litza</i>	legal entities
X.2.....	

It is clear that X.1 and X.2 are subordinate concepts to X, as well as X.1.1.1 - X.1.1.3 are subordinate to X.1, whereas X.1.2 - X.1.6. are co-ordinate concepts. To avoid misunder-

standing, terms appearing under X.1.5, X.1.6 and X. 1.6.1 are provided with definitions taken from the Civil Code.

By such an approach, term trees will contain only nouns, noun word-combinations, and noun phrases. Other parts of speech - adjectives, verbs, etc. - may appear in collocations if appropriate (see item "Collocations" below).

To make the use of such a dictionary easier, it should be supplemented by an alphabetical index of the terms included. Ideally, such a dictionary should exist both in printed and computerized formats. In the latter case, the search for words would be facilitated considerably due to the various methods of retrieval available.

4. Equivalents

Coming to the issue of equivalents, it should be emphasized that the traditional methods of lexicographic description of SL meanings by TL means might not work in the field of legal terminology due to the difference in legal systems and concepts. The following concept relations may be outlined:

1) complete equivalence: a) due to the universal character of a concept or to a certain international effort or both (*pravo na zhizn'* - right to life, *gosudarstvo-uchastnik* - state-party, *konventziya* - convention etc.); b) due to concept and/or word borrowing (*evroobligatzii* -eurobonds, *aktzionernoye obshchestvo* -joint stock company). In this case both borrowings and translations from SL into TL are possible.

2) no equivalence: a) realia (*Gosudarstvennaya Duma* -State Duma, *narodnyi zasedatel* - people's assessor). Some names may seem quite transparent, for example, *arbitrazhnyi sud* [translated word for word it would look like 'arbitration court']. The latter in fact has nothing to do with arbitration since it is a government court with the jurisdiction to resolve economic disputes and, therefore, this term may not be translated as such (to avoid misunderstanding, practicing lawyers in Russia prefer to call the latter 'arbitrazh court'⁴); b) concepts like *sostav prestupleniya*, the one that has been developed in the sphere of Russian criminal law and that partly encompasses certain elements of the American-British criminal law concepts, i.e. *actus reus*, *mens rea*, *causation*, *parties to a crime*. It follows that none of the existing English terms may be used to convey the meaning of the term *sostav prestupleniya*. The best way would probably be to translate it word for word as 'composition of a crime' or similarly and give an explanation by means of indicating its elements and providing a verbal definition.

3) partial equivalence, which probably presents one of the most difficult cases due to the fact that both SL and TL terms that seem to be equivalents denote concepts which only partly overlap (*prichinenie smerti po neostorozhnosti* and *manslaughter*) or when one concept is entirely within the other (*prestupleniye* - crime, offense). The SL and TL terms of the same or similar origin are the most troublesome. The meaning of the Russian term *kassatsionnaya instantziya* ('cassation instance') has much in common with the meaning of the English term *appellate court* (i.e. a reviewing court with regard to inferior court decisions) but is not the same whereas *apellyatsiya* ('appeal') as a form of appeal against court decisions has been reintroduced into the procedure of the arbitrazh courts mentioned above since 1995 to denote an appeal against a decision of a judge of this court to another judge of the same, not higher,

court. It seems obvious that the terms *apellatziya* and *appeal*, *kassatziya* and *cassation* may not be used in a bilingual dictionary as equivalents unless this dictionary is designed as a dictionary of "false friends".

5. Collocations

To make the future dictionary suitable for the purpose of learning when and how to use the Russian terms in a sentence and how to translate them into English, a list of lexical and grammatical collocations should be provided which are not considered predictable (Svensen 1993:99; Benson, Benson 1993:xiii). Thus, while selecting collocations, the user profiles should be taken into account. For non-Russian speakers these collocations will demonstrate the combinability of Russian legal terms whereas for native speakers they will show how the Russian word combinations and phrases typical of legal discourse may be rendered in English. For example, the term *imya* cited above at X.1.2 appears in the following collocations:

- (1) *vymyshlennoye imya* ('fictitious name') [Adj + N]
- (2) *imya grazhdanina* ('citizen's name') [N + N Gen]
- (3) *pod svoim imenem* ('under s/o's own name') [Prep + (Pron + N)Instr]
- (4) *pod prezhnim imenem* ('under the previous name') [Prep + (Adj + N)Instr]
- (5) *pod imenem drugogo litza* ('under the name of another person') [Prep + N Instr + (Pron + N)Gen]
- (6) *peremenit' svoe imya* ('to change s/o's name') [V + (Pron + N)Acc]
- (7) *peremena imeni* ('name change') [N verbal + N Gen]
- (8) *dokumenty, oformlennye na chjo-l. imya* ('documents executed in s/o's name') [N + PP + Prep + (Pron + N) Acc]
- (9) *poluchit' imya pri rozhdenii* ('to receive name at birth') [V + N Ace + Prep + N Prep]
- (10) *nepravomernoye ispolzovaniye imeni* ('unsanctioned use of s/o's name') [(Adj + N verbal) + N Gen]
- (11) *pri iskazhenii imeni* ('if a citizen's name is distorted') [Prep + N verbal Prep + N Gen]

Lexical collocation (1) will not be included in the list of collocations since it is given as a definition of the term *pseudonim* ('pseudonym') cited above at X. 1.3.

Grammatical collocation (2) seems to be quite predictable for foreign learners and users of Russian and its translation into English will not present any difficulty to a native speaker.

Collocations (3)-(5) belong to the same grammatical pattern [Prep + N Instr] which cannot be used without being determined by either an adjective and/or pronoun or followed by another noun. They do not seem easily predictable for both types of users and, consequently, need to be included but as a single collocation and not as three separate ones.

Collocations (6) and (7) are simultaneously lexical and grammatical. From the lexical point of view, such a collocation is not typical of general Russian - another verb and corresponding noun will be used to convey the idea of changing a name. So, there is a reason for including these collocations in the dictionary. However, another question regarding their grammatical character has to be answered: whether or not both collocations should be included. The noun *peremena* ('change') (7) is derived from the verb *peremenit'* ('to change') (6) The majority of Russian transitive verbs form verbal nouns. From the point of view of translating them into

English, the inclusion of one of them will suffice. But for a foreigner, such type of derivation may appear unpredictable, let alone the anomalous formation of the Genitive case *imeni*. So I suggest that both these collocations be included. As far as other similar cases are concerned, I would recommend that the question of inclusion be decided on a case-by-case basis depending, probably, on what part of speech - a verb or a noun - is used more frequently in legal discourse. Consequently, I would include collocation (10) with the noun *ispolzovaniye* ('use') without giving the corresponding verb.

The same approach may seem pertinent when considering the inclusion of perfective / imperfective verbs although according to the Russian lexicographic tradition verbs are normally treated at both forms. However, I would prefer to include collocation (9) in which the verb *poluchit'* ('receive') appears in the perfective form only.

The inclusion of collocation (8) with the passive past participle *oformlennye* ('executed') seems more appropriate than the inclusion of the collocation with the corresponding verb *oformlat' / oformit'* ('to execute'). On the one hand, it is much easier for a foreigner user to form the verb from the participle rather than vice versa. On the other hand, the verbal collocation might appear at the entry *dokumenty* ('documents') or the related word and it is quite likely that the preference would be given to the perfective form *oformit'* which is not explicit about the possible alteration *m/ml* occurring in the participle. For a Russian user, the main focus of this collocation is the prepositional phrase *na chjo-l. imya* ('in s/o's name') which may appear difficult for translating.

As far as collocation (11) is concerned, I suggest that from the prescriptive point of view it be included with the preposition *pri*; and not just as *iskazheniye imeni* ('distortion of name') since it is the preposition that might be difficult to understand and translate due to the fact that it is a polysemantic unit and is widely used in legal discourse in various meanings.

To sum up, all collocations which occur in the Russian legislation are going to be considered along similar lines with the view to make the future dictionary closer to the real functioning of terms and to avoid "privileging terminology over discourse" (Reed 1993: 85).

6. Analysis of textual corpora

The analysis of textual corpora of the Russian legislation is supposed to be conducted by means of the system "DicTUM-I" developed under the supervision of A.A. Polikarpov by the Laboratory of General and Computational Lexicology and Lexicography of the philological faculty of the Moscow State University. The system combines in one shell the full textual and dictionary database (DB), concordance, "transparent" text, "shadow" text, well developed and dynamically flexible system of requests, sets of algorithms for the automatic morphological, lexical semantic, lexical syntactic, statistical, and stylistic analysis of textual and dictionary corpora. The programme algorithms will be used to select the term bank (including one-word and multi-word terminological units) by means of the overall textual analysis. At the next stage, all collocations with these basic terms will be selected.

Each term bank unit will be provided with indices denoting its usage-frequency and reference to the area of law, as well as with typical examples of its usage. It is possible to retrieve all contexts in which key words appear while working with concordance and "transparent" text.

It will also be possible to mark semi-automatically all the terms according to their systematic classification. The scheme, being dynamically flexible in its course of analysis of subject areas, is capable of a quick reindexing of terms or of sending them for reindexing when a single category is divided into subcategories.

7. Notes

- ¹ By translation I mean not only the translation in its proper sense, i.e. "communicative" translation (for other people), but also "cognitive" translation (for oneself) used for various purposes, including the learning of both law and the language of the law.
- ² It should be noted that each of the legal disciplines has developed its own terminology and its own discourse (Reed, 1993:82) expressed in grammatical and lexical collocations and specific phraseology. These recurrent combinations peculiar to each legal discipline cannot be predicted in most cases by those translators who face the task of translating into a foreign language.
- ³ X is used instead of the consecutive number which will be given to this subject area in the dictionary.
- ⁴ In fact, practice has shown that such misleading terms are translated differently by various users: practically each law firm has developed its own legal language which those who work with the firm are bound to follow. Thus, e.g. *Vysshyy Arbitrazhnyi sud* is rendered as 'Supreme Arbitrazh Court', 'Superior Arbitration Court', 'Higher Court of Arbitration'.

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