

Law and Commercial Dictionary in Five Languages

Definitions of the Legal and Commercial Terms and Phrases of American, English, and Civil Law Jurisdictions

2 volumes, München: C. H. Beck'sche Verlagsbuchhandlung/Paris: Editions Techniques Juris-Classeurs/St. Paul, Minnesota: West Publishing Company, 1985, pp xvi, 885, xvi, 899, DM 670,—

The work of legal practitioners, as well as that of national legislators and civil servants, has become increasingly enmeshed in transnational contexts: contracts or company documents drawn up in foreign languages, foreign municipal or international law to be considered in drafting national legislation, or official translation of foreign-language instruments – they all confront lawyers with the frequent necessity to apprehend the substance of foreign legal terminology. The eminent rôle of English as a global *lingua franca* and the wide dissemination of the Common Law tradition will often create demand for more detailed understanding of terms from 'Anglo-Saxon' legal systems, not least that of the U.S. It is such demand that the book reviewed here is intended to meet.¹

Law as a cultural phenomenon, diverse according to time and place – and an art as much as a science – sometimes rules out direct semantic equivalence between legal terminologies of different languages. Comprehension of foreign terms is frequently better assured through explanatory definitions than by word-for-word translation. It is therefore helpful that the present dictionary is based on a large number of headwords drawn from Black's Law Dictionary, together with their English-language definitions where the term is further elucidated. Besides the entries taken from Black's, there are a number of others from civil law jurisdictions considered important in modern international intercourse. Thus we find a host of appellations of German enactments, titles of official gazettes and terms from various areas of company law.

Each headword and its definition in English are followed by renderings in German, Spanish, French, and Italian; these translations occasionally take the form of nutshell definitions when direct translation seems to have appeared problematical.

The body of entries is preceded by a pronunciation guide and followed by five appendices, of legal abbreviations common in the five languages, of air distances between major cities, of countries and their capitals, an international telephone code directory, and a table of weights and measures.

Among the entries we find a great deal of purely historical matter, principally from older English law (eg 'common appendant', 'filacer', 'hearth silver', 'petit cape', and 'thrave', to name but a few) which should not be particularly important to present-day lawyerly occupations. On the other hand, many legal and business terms to be found, for example, in C.H. Beck's excellent English-German legal dictionary by Dietl, Moss and Lorenz,² are regrettably absent from this work.

1 Cf Neue Juristische Wochenschrift, 1986, Heft 7, xx

2 Reviewed in VRÜ 3/1985, 414

It is not clear, moreover, by what standards the headwords from the legal terminologies of the other four languages besides English have been selected. The German and French terms included, for example, do not make the book a full-blown legal dictionary of these two languages, and it remains obscure why, even to these entries, there have been appended ›translations‹ into German or French, as the case may be, which sometimes are mere repetitions of the original headword (cf ›Gewerblicher Rechtsschutz‹, ›Gewerbsteuer‹) and sometimes reformulations in the same foreign language (cf ›Geschäftsanteil‹, ›Geschäftsführer‹) which, in relation to the headword and the English-language definitions, would rather tend to becloud the explanation (cf eg the German rendering of the headword ›Gefährdungshaftung‹).

Substantive differences between legal terms of different languages and traditions being what they are, imprecisions in the foreign-language renderings of the headwords would have been difficult to avoid throughought, but some of the translations examined leave much to be desired (eg ›Trinity House‹ into ›Pilotenbehörde‹ (sic), ›youth‹ into ›Jugendlicher‹ without reference to the provisions eg of the U.K. Children and Young Persons Acts or the German Jugendgerichtsgesetz, or ›Konzern‹ into ›Kombinat‹ without indication that the latter is a term of art only in the German Democratic Republic, or the bald translation into German of the U.S. term ›implied powers‹ without mention of its U.S. specificity and limited import in eg German consitutional law).

The attempt to combine a monolingual and a set of bilingual dictionaries centred on English-language definitions has produced an infelicitous synthesis without lexicographical synergy: the user in search of explanations of a given term is generally well served by a monolingual dictionary such as Black's; those in need of translations into other languages do not find in the renderings added to each entry suggestions likely to be technically more reliable than those which the user competent to understand the English-language definitions might not have arrived at independently.

Modern dictionaries have lately been compiled more and more in cooperation between publishers from the linguistic areas in question which, as in the case of Collins' coproduced bilingual dictionaries, has notably enhanced their quality. The cooperation between the three publishers of this legal dictionary is an equally welcome step in the same direction in the field of specialised reference books. Such cooperation would, however, seem more promising in the compilation of genuinely plurilingual dictionaries; increased inclusion in such works of the established multilingual terminologies of the European Communities or Canada might prove of considerable benefit.

This new publication would not seem to combine the strengths of existing monolingual and multilingual legal dictionaries, falling short in historical depth compared with Black's and in up-to-dateness compared with Dietl/Moss/Lorenz. It is debatable whether possible gains realised in this rather eclectic compilation match the publishing effort required and, indeed, the considerable price.

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