Translators face many general challenges as they prepare to render a document from one language into another. Who is the target audience? What is the purpose of the text? What register should be used? What is the best way to convey the source message in the target language? Are there stylistic, grammatical, or cultural issues to consider? What can be done to make the translation read as smoothly and naturally as the source text?

For legal translators, these challenges are exacerbated by the complex nature of law in general and legal writing in particular. Sentences in legal documents tend to be extremely long and complex. Words can have different meanings in legal writing than they have in normal usage. (For example, “consideration” can mean “careful thought, deliberation” or “a promise or object given by one party to persuade another to enter into a contract.”) Such terms as “stare decisis” are easily understood by legal professionals, but may require circumlocution for a non-legal target audience. In addition to these style and terminology challenges, translators may encounter instances where a legal concept exists in the source country but not in the target country, in which case there is no term for it in the target language. While the consequences of a poor or incorrect translation are always serious for translators, making a translation error in a legal document can be disastrous for both translator and client.

Basic Overview of the World’s Two Major Legal Systems

At the very least, French into English legal translators need to have a basic understanding of the world’s two major legal systems: civil law and common law.3

Civil Law: Practiced in 83 countries, civil law is the most widespread legal system. Developed during the Roman Empire, it is based on one or several written codes. The most famous civil law code is the French Code Civil. Civil court decisions are usually fairly short and formulaic. The judge cites only the relevant provision of the code and does not mention previous cases that are similar. It should be noted that Quebec and Louisiana have mixed systems that combine elements of both civil and common law.
Common Law: Practiced in 35 countries, common law is the second most widespread legal system. Common law was developed in England. It spread throughout the British Empire and is today mainly used in English-speaking countries, including the United States. Unlike civil law, common law is based on precedence, or prior court cases. Court decisions are usually very long, since the judge arrives at his or her decision through elaborate reasoning and refers to previous cases that are similar.

Religious Law: A third legal system, religious law, is practiced in 11 countries. There are three basic types of religious law: 1) Sharia, derived from the Koran and used in Islamic countries; 2) Halakha, derived from the Torah and used in Israel; and 3) Canon, derived from the Bible and used to regulate the internal order of the Roman Catholic, Eastern Orthodox, and Anglican churches. While translators should be aware of the religious law systems, they will most likely find themselves working between civil and common law systems.

Ideally, prior to accepting assignments in this area, legal translators should either have a law degree or have taken courses in legal studies. If this is not possible, reading about common law and civil law systems is highly recommended. Several interesting books on the subject include Introduction aux droits anglais et américain, Introduction to French Law, An English Reader’s Guide to the French Legal System, and Historical Introduction to Anglo-American Law in a Nutshell.

There are also many excellent websites that discuss civil and common law, such as Juriglobe – Groupe de recherche sur les systèmes juridiques dans le monde (www.juriglobe.ca).

In addition to traditional research methods (i.e., dictionaries and online glossaries), translators can also use primary sources to find translation terminology.

Suggested Resources for French into English Legal Translators

Resources for legal translation can be divided into three basic groups: print, electronic, and primary.

Print Resources

There are many reliable printed resources out there for legal translators working from French into English. For instance, Le Robert & Collins Super Senior Dictionary, available both in print and CD-ROM, is a two-volume set containing many general legal terms. Entries are subdivided by domain (e.g., the noun droit has 52 definitions under the legal category alone).

Most French into English legal translators are familiar with F.H.S. Bridge’s indispensable Council of Europe French-English Legal Dictionary. Another lesser known but equally useful dictionary is the small but complete Dictionnaire Comptable Fiscal et Financier, published by Cabinet Saxcé.

While this little gem focuses on accounting and financial terminology, the carry-over into legal areas makes it extremely helpful for translating business documents. Other recommended resources include the Dictionnaire Economique et Juridique, Dictionnaire Juridique Dahl, Lexique bilingue de l’anglais juridique, Lexique des termes juridiques, L’anglais des contrats internationaux, and Les motsclés du droit.

West Publishing Company has produced a series of 149 extremely readable books on various areas of American jurisprudence. Called the Nutshell Series, each volume provides an overview of one aspect of American law written in user-friendly language (contracts, criminal law, torts, immigration law, Internet law, accounting law, etc.). I highly recommend that legal translators read Legal Research in a Nutshell prior to beginning their translation career, as it lists valuable information on electronic means of legal research.

Electronic Resources

Thanks to the Internet, legal translators have a wealth of research information literally at their fingertips. Legal terminology may change from one country to another (Swiss, French, Belgian, Canadian, Congolese, etc.), so be aware of the site’s country of origin. Please see pages 22 and 23 for a nonexhaustive list of some useful legal research sites for French into English translators.

Primary Sources

In addition to traditional research methods (i.e., dictionaries and online glossaries), translators can also use primary sources to find terminology. Primary sources consist of original material that has not been evaluated or interpreted by others. In the case of legal translation, primary sources include court rulings and legislation.
Searching primary sources is extremely useful and easy to do. French into English translators are lucky, in that they have access to Canadian legal documents, which are often already translated in both languages. For example, while translating a ruling from the Quebec Superior Court, I encountered this clause:

De fait, comme ces témoins ont accepté de participer au stratagème proposé par l’appelant, soit d’usurper l’identité de tiers pour voter à leur place et ce, pour une somme dérisoire, pour certains, ils peuvent être considérés comme des témoins tarés.

For taré, the dictionary gave “defective, tarnished, tainted, corrupt.” In American English, this could be translated as a “tarnished witness” or a “tainted witness,” but since I was translating this for a Canadian client, I needed to know which adjective would be more appropriate. On Google, I entered “tarnished witness Canada” and found no references for this term. I then did an advanced search on Google, entering “tainted witness Canada Supreme Court” into the browser. I found a ruling, again by the Canadian Supreme Court, that included the expression “on the grounds of gross or manifest error.” I then knew that this term would be appropriate for the translation and was clearly a better choice than the more literal “manifest or dominant error.”

Google’s advanced search function is particularly useful for finding French terms in an English reference document. Enter your French term in the “Exact Wording or Phrase” box and then select English from the pull-down list. The French term may appear in an English document. For example, for one job, I needed to translate the following clause:

SUR LA DEMANDE EN DIVORCE.

Attendu qu’il est constant que le défendeur a abandonné sa famille depuis le 12 février 1997 ...

A check on WordReference.com returned only one hit containing a rather disconnected exchange of e-mail suggestions that did not seem related to the legal field. I then tried an advanced search on Google, putting in il est constant que in the “Exact Wording or Phrase” box. Since this translation was for a French client, in the “Search within a Site of Domain” box, I entered “fr”. This took me to a very reliable website from the Centre National de Ressources Textuelles et Lexicales, and the definition given was il est bien établi que, on ne peut pas douter que. This fit the legal context of the divorce document, so I was comfortable translating the phrase as “It is established from the evidence that ...”

Using the footnotes in your source text can also be a great place to start your terminology research. If the term you are researching is in a sentence that is footnoted to another court decision, go to that decision. In the case of Canadian court rulings, you can simply enter the case citation number (e.g., 1 S.C.R. 3, 2008 SCC 1). Again, using Google’s advanced search feature, specify that you are searching for documents in English. Most Canadian court rulings are translated officially into both French and English. You can mine old cases to find terminology for your translation. If your text cites legislation, find the official English translation of the legal code and compare it to your source document. This technique can be very helpful for terminology research, and you will often find that entire sentences are copied directly from the legislation into the court ruling.
Refine Your Technique

The Internet has made research much easier, but to take full advantage of all its possibilities, translators need to spend a good deal of time refining their search strategies. Your time will be well spent and your translation jobs will become less time consuming once you have mastered some basic research techniques.

Notes

1. Stare decisis is the principle in common law of adhering to precedent when deciding a legal case.

2. More general information on the civil law system can be found at http://en.wikipedia.org/wiki/Civil_law_(legal_system).


While translators should be aware of the religious law systems, they will most likely find themselves working between civil and common law systems.
Resources for Legal Terminology

Actions for Promoting French Business
www.apfa.asso.fr
This association is under the patronage of the General Delegation for the French Language and the Languages of France and the International Organization of the Francophonie. The site contains an online French-English glossary and directory of lexicons.

Bank of Troubleshooting Language
Office québécois de la langue française
www.oqlf.gouv.qc.ca

Base de données terminologiques
Corpus du réseau interministériel de terminologie
Recommended specialized technical terms and their English translation (their use is mandatory for government and government services).

BBP Avocats
www.bbp-avocats.com/glossaire-juridique.asp
The glossary of a French law firm.

Canadian Legal Research Guide
A guide to researching Canadian law published by the Harvard Law School Library. It is in English, well-designed, and user-friendly.

Code Civil du Québec (In French)

Code Civil du Québec (In English)

Dictionary of Legal and Contractual Matters and Projects

Dictionnaire Juridique
www.lexinter.net/JF/dictionnaire_juridique.htm
This is not really a glossary, but rather provides access to French legal resources that are organized by subject area (e.g., civil, tax, and criminal).

Droit.Pratique French-English Glossary
www.droit.pratique.fr/dictionnaire.php

Duhaime’s Legal Dictionary
Canadian law explained in plain English.

French Civil Code (In English)
http://lexinter.net/ENGLISH/civil_code.htm

French-English Dictionary
Greffe du Tribunal de Commerce de Paris

General Delegation for the French Language and the Languages of France
www.dglf.culture.gouv.fr/dglf_presentation_anglais.htm

Glossary of French Legal Real Estate Terms
www.french-property.com/reference/
french_legal_terms.htm
This glossary contains all of the French legal terms mainly used when purchasing a property within France.

Insurance Glossary
www.lerepairedesmotards.com/assurance/glossaire.htm
Contains information on French insurance law.

Inter-Agency Terminology Exchange
http://iate.europa.eu
Translators of the European Commission and Council of the European Union.
International Organization of la Francophonie  
www.francophonie.org/English.html

LAWperationnel  
www.lawperationnel.com  
Legal encyclopedia

Le Conseil d’État  
www.conseil-etat.fr/en  
The Conseil d’État advises the French government on the preparation of bills, ordinances, and certain decrees. It also answers the government’s queries on legal affairs and conducts studies at the request of the government or through its own initiative regarding administrative or public policy issues.

Le dictionnaire Juridique de Jurimodel.com  
http://dictionnaire-juridique.jurimodel.com

Le Grand dictionnaire terminologique  
Office québécois de la langue française  
http://w3.granddictionnaire.com

Merriam-Webster’s Dictionary of Law  
http://dictionary.lp.findlaw.com

Ministère de la justice  
www.justice.gouv.fr  
The official French government site.

Monolingual Legal Glossary (In French)  
www.net-iris.fr/lexique-juridique/

Online Advocate  
www.murielle-cahen.com/lexique.asp

Petit Lexique de la Justice  
A comprehensive monolingual legal glossary.

Portail-Juridique Monolingual Legal Glossary (In French)  
www.portail-juridique.com/pages/glossaire.html

Property Terms  
http://bit.ly/PropertyTerms

Researching French Law  
www.llrx.com/features/french.htm  
Law and technology resources for legal professionals.

Termium G8 and G20 Terminology Glossary  
Prepared by the Canadian government’s Terminology Standardization Directorate and the French Ministry of Foreign and European Affairs, the G8 and G20 Terminology Glossary contains approximately 700 entries. Most of the terms are related to finance, economy, trade, and security. Some entries include additional information regarding usage or meaning. The glossary is intended mainly for writers and translators, but it is also a good reference tool for anyone reading or writing about the G8 and the G20.

Trésor de la Langue Française informatisé  
http://atilf.atilf.fr/tlf.htm

University of Ottawa Law Database  
Easily searchable bilingual glossary of French and English legal terms.

Vos Droits.be  
www.vosdroits.be/fr/glossaire  
A site for Belgian law.

West’s Encyclopedia of American Law  
www.enotes.com/wests-law-encyclopedia  
Very clear, non-legalese descriptions of American legal concepts.