LEGAL TERMINOLOGY IN TRANSLATION PRACTICE: DICTIONARIES, GOOGLING OR DISCUSSION FORUMS?

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Abstract.

The article discusses terminology mining on a small scale as used by legal freelance translators in practice, and recent developments in this area. Major properties of legal terms are discussed from the Cognitive Linguistics perspective where terms are seen as prompts that activate background knowledge structures. Next various resources are presented, including the most traditional ones, i.e. dictionaries, to more recent online and electronic resources such as googling, and discussion forums. Their major advantage is reduction of search time, increased functionality of translation and insight into how other translators have tackled a similar terminological problem before (established equivalents).

It is generally acknowledged that finding suitable equivalents of legal terms is a source of constant and time-consuming problems faced by legal translators in their practice (cf. e.g. Pieńkos 1994: 304, Cao 2007: 53). Arntz and Picht's study estimates that in general terminology mining takes up to 75 per cent of translation time[1] (qtd. in Austermühl 2001: 102). Most translators work to tight deadlines under substantial time pressure and in reality have little time to carry out in-depth comparative-law analyses. It is vital for them to retrieve accurate equivalents as quickly as possible and recent technological developments have substantially accelerated the process. In this paper an attempt will be made to examine the ways in which translators search for equivalents of legal terms and how they have evolved in the last decade. The ultimate goal is to investigate how new tools improve translation quality and what they reveal about the nature of terminological problems.

1. Legal translation: equivalents of legal terms

Legal translation is a special type of LSP translation involving crosslinguistic communication in the legal context. As stressed by Wilss (1994: 38):

> Many aspects of translation, in particular in the field of LSP, transcend cultural boundaries and are, in some sense, universal. Simplifying somewhat, translation can be depicted as a domain of socioculturally determined linguistic behaviour with both culture-specific and universal components.

In contrast to other types of LSP translation, such as medicine, science or technology, legal translation tends to involve more culture-specific than universal components. It is to a large

degree attributable to the system-bound nature of legal terminology since legal concepts are usually the product of a national legal system (Šarčević 1997: 232). Legal systems have their own history, organising principles, patterns of reasoning and have been designed to answer the needs of a particular nation. This inevitably leads to the incongruity of legal concepts between national systems. There are few publications on legal language and legal translation which would not acknowledge this fact; yet few go beyond mere acknowledgement. It is therefore necessary to investigate the nature of incongruity in more detail.

Sager (1998: 261), one of the most distinguished terminologists, defines terms as depositories of knowledge and units with specific reference in that they "refer to discrete conceptual entities, properties, activities or relations which constitute the knowledge space of a particular subject field". Terms are therefore embedded in complex knowledge structures and cognitive linguistics may come in handy to explain how such structures are organised and how meaning emerges from them.

As noted by Langacker (1997: 234), the cognitive approach adopts Haiman's encyclopaedic semantics which does not make a distinction between linguistic and extralinguistic knowledge. Therefore, meaning resembles an encyclopaedia rather than a dictionary; hence, it is not perceived as a bundle of features but as a dynamic mental process which emerges during discourse processing. "A lexical item," argues Langacker (2000: 4), "is not thought of as incorporating a fixed, limited, and uniquely linguistic semantic representation, but rather as providing access to indefinitely many conceptions and conceptual systems, which it evokes in a flexible, open-ended, context-dependent manner." In this view linguistic units have a certain semantic potential and are able to evoke complex knowledge structures in a usage event (Evans 2006: 493); they function as cognitive routines (Langacker 1988). Correspondingly, legal terms may be seen as points of access to concepts and prompts for conceptual operations that activate relevant background knowledge. In order to characterise a legal concept it is necessary to refer to other cognitive domains which are presupposed by and incorporated in such a concept. For example, to understand the *Articles of Association* we have to evoke the domain of *company, incorporation, members;* we may evoke *promoters, Companies House, Table A,* etc. Additionally, concepts are interrelated and embedded in various structured cultural models, cognitive models and frames which are to a certain extent delimited in national legislation and case law. Take for example the *Board of Directors* which evokes a one-tier corporate governance model versus *Zarząd* (Management Board) which evokes a two-tier corporate governance model with two distinct entities: *Zarząd* with managing functions and *Rada Nadzorcza* with supervisory functions. These knowledge structures are expected to be internalised and intersubjectively shared by the legal profession to make specialised communication effective.

Furthermore, legal concepts are built around causal scripts. Kjær (2000: 146) argues that legal reasoning is based on the if-then mental model where a legal term connects legal conditions with effects and functions as "a reduced representation of legal rules". A similar view was proposed by a Polish scholar Gizbert-Studnicki (2001: 52), who sees legal concepts as shortcuts that connect a set of facts with a set of consequences: set of facts and circumstances → connecting concept → set of consequences. This aspect of legal concepts has been convincingly described in Walker's textbook on the Scottish legal system (2001: 93):

> A legal concept is an abstract general notion or idea which serves as a category of legal thought or classification, the title given to a set of facts and circumstances which satisfies certain legal requirements and has certain legal consequences…. These and other similar concepts are the terms of legal thought and expression, in that doctrines, principles and rules are built up of them and legal consequences attach to them. So, if a court holds that the relationship between two persons was a 'marriage,' there immediately attach to them all the legal consequences which many statutes, cases and authoritative books have prescribed as the legal consequences of marriage, such as the duty to adhere and to aliment, the inability of either to marry another, and so on.

The quote emphasises another important aspect of legal concepts – namely, their **intertextuality**, i.e. how their meaning may be shaped and stabilised by other sources, including legislation and case law. For this reason there are grounds for supposing that sets of facts and sets of consequences will rarely be identical in two legal systems; hence, terms will hardly ever have the same semantic potential in the SL and TL. This inevitably raises a question of equivalence in legal translation.

It is worth emphasising that the very concept of equivalence has evolved significantly, *inter alia*, under the influence of cognitive science. First of all, equivalence forms a continuum and is scalar (Tabakowska 2005: 244). By extension, it is no longer regarded as a relationship of identity but as a relationship of similarity (Tymoczko 2005:1092) or "the optimum degree of approximation" (Alexieva 1993: 103). This shift has been also noted in legal translation despite the traditional sacrosanct approach to the original (cf. Wagner 2005: 223). Pieńkos (1993: 298-307) emphasizes that identicalness is not possible in legal translation and Alcaraz and Hughes (2002: 179) acknowledge that it is elusive and illusory. Šarčević (1997) regards equivalence as fidelity to the spirit rather than to the letter of the law or a search for equal intent.

In general, translation strategies range from **foreignising** (SL-oriented equivalents) to **domesticating** (TL-oriented equivalents) where the former "seeks to evoke a sense of the foreign" while the latter involves assimilation to the TL culture and is intended to ensure immediate comprehension (Venuti 1998). Domestication has been long present in translation history, at least since ancient Rome (Venuti 1998: 240). It is a generally preferred strategy and so is the resulting invisibility of translators:

> A translated text (…) is judged acceptable by most publishers, reviewers and readers when it reads fluently, when the absence of any linguistic or stylistic peculiarities makes it seem transparent, giving the appearance that it reflects the foreign writer's personality or intention or the essential meaning of the foreign text – the appearance, in other words, that the translation is not in fact a translation, but the 'original'. (Venuti 1995: 1)

Venuti's claim may be extended to LSP translation. He himself notes that foreignising strategies have been used in literary rather than technical translation which is predominantly domesticated, "intended to support scientific research, geopolitical negotiation, and economic exchange, it is constrained by the exigencies of communication and therefore renders foreign texts in standard dialects and terminologies to ensure immediate intelligibility" (Venuti 1998:244). A foreignising approach may, as Jamieson (1996: 122) notes, create obstacles to smooth communication: "Source-oriented translation requires the reader to walk the tight-rope of communication across

the still-yawning cultural gap between the original and derivative texts". Domestication may be regarded as a preferred strategy in LSP translation and even an industry standard, which is confirmed by a random overview of translation agencies' websites and the way in which they describe (or rather advertise) their services: *a meaningful translation, we deliver a smooth and eminently readable text, we are determined to provide seamless communication between people of different languages and cultures, lucid translations that read like original texts, language styles that are tailored, fluent, interesting and persuasive*. It may suggest that functional equivalence (i.e. domestication) is ubiquitous and the industry standard is to answer the "readers' aesthetic horizon of expectation" (Jauss qtd. in Munday 2001: 156) by providing reader-friendly translations.

The tendency to domesticate goes in pair with what Pym (2004) describes as the paradigm shift in Translation Studies from the source text to the target text contributable to Skopostheorie and Descriptive Translation Studies. The reorientation towards the target text has been also observed in legal translation: as rightly emphasised by Engberg (2002: 382), a legal translation is perceived as an independent text which is able to "function on its own in the new situation without necessary recourse to the source text". Alcaraz and Hughes (2002: 178-9) note that a translation should be "at least as readable and natural as their source predecessors". The functional turn is however not always extended to legal terms and scholarly opinion seems to be divided as to its acceptability in legal translation. Whereas Weston (1991: 23) regards TL-oriented (functional) equivalence as "the ideal method of translation", Šarčević (1997: 236) conditions the acceptability of TL-oriented equivalents on a degree of incongruity between SL and TL concepts. Kierzkowska (2002: 59) argues that TL-oriented equivalents may be misleading by creating an impression of identicalness of legal concepts while Rayar (1988: 542) claims it would refer the recipient to the wrong legal system, which "would inevitably lead to confusion of the reader. This reader, accustomed to a different system, will automatically approach the text from his own frame of reference." However, in light of linguistic relativism (Sapir-Whorf hypothesis) our perception of the world is to a certain degree limited by our language; therefore, it would be difficult for a reader to escape 'his own frame of reference'.

Another obstacle which may limit the applicability of functional equivalents in legal translation is a problem of determining what a target legal system and recipients are. Ideally, a translation brief should provide such details; yet this is rarely the case. It is not so much a problem when translating from English into a language with one standard variety, such as Polish, but vice versa, i.e. legal translation into English. Is the target text intended for the UK, US, Australian or Canadian audience? If for the UK audience, is it England or Scotland with its distinct legal system? The translation may be also intended for some undefined European audience, for which English is not a native language but is a lingua franca used to access texts written in languages of limited diffusion. As noted by Weston (1991: 36), it is more likely that an English translation will be read by a non-native rather than a native speaker of English. Would this audience prefer common law-based legal English or non-common-law based one (cf. Rayar 2007)? When it is difficult to identify the target, it may be difficult to find TL-oriented equivalents.

To sum up, unless the degree of incongruity is too large, the translator should strive to find a natural TL-equivalent or in other words "a term designating a concept or institution of the

target legal system having the same function as a particular concept of the source legal system" (Šarčević 1997: 236). A TL-oriented equivalent allows the recipient to activate knowledge structures attached to it; it allows him/her to access the unfamiliar through the familiar.

An equivalent of a term should show the properties of a term, that is a specific reference to the right legal system/knowledge base from which its meaning emerges and it should be short and practical. To function properly, there must be some convention (agreement) in the speech community as to what it refers to. Equivalents have their own life: they may be adopted by a speech community, used repeatedly and become entrenched as cognitive routines. Such an equivalent is called an **established** equivalent (Molina and Hurtado Albir 2002: 510), in fact it may be either SL-oriented or TL-oriented. Take for example one of the Polish partnerships, *spółka komandytowa*. It has a well-established equivalent, i.e. a *limited partnership*, which refers to a similar entity in the English legal system; hence, it is a TL-oriented equivalent. On the other hand, another partnership with a similarly low degree of incongruity, *spółka partnerska*, has a SL-oriented equivalent, i.e. *professional partnership,* while it could easily be referred to through a TL-oriented equivalent – *limited liability partnership*. It is a matter of convention in the speech community how Polish knowledge structures are accessed through an English term. Some equivalents are so entrenched that translators rarely attempt to use other equivalents and if they do, they pose a risk of being called incompetent or unaware of the existing discourse. For example, *spółka z ograniczoną odpowiedzialnością* is usually translated as a *limited liability company* although it is misleading to a US recipient, the closest equivalent being *close/private corporation*. Entrenchment is achieved thanks to available translations of major legislation; in the Continental Europe it may be codes, such as the Polish Code of Commercial Companies and Partnerships, which was translated by three publishing houses, i.e. Translegis, CH Beck and Zakamycze. All the publishers used the same equivalents for the names of the Polish business entities; moreover, similar equivalents are also used in other English-language publications for foreign investors, including *How to do business in Poland* published regularly by Deloitte and PAIiIZ. When an equivalent becomes established, in most cases it is a must – or the mark of professionalism - for the translator to use it. The translator has to conduct terminology mining, find an equivalent and check how established it is.

2. Terminology mining: searching for established equivalents of legal terms

Having examined some basic theoretical problems connected with legal translation, let us now go on to translation practice and investigate the ways in which translators search for equivalents. The discussion will start with the most traditional ones, that is dictionaries, and will move to more recent electronic and online tools, focusing on the Google search engine and KudoZ, the Proz.com discussion forum.

2. 1 Dictionaries

Dictionaries are one of the oldest companions of translators: the oldest surviving glossary is a 7th-century-B.C. Akkadian word list from central Mesopotamia and in the Western world it is a 1st-century-A.D. lexicon by Pamphilus of Alexandria (Britannica 2002). There are various types of dictionaries and they differ both in terms of macrostructure and microstructure. In this paper analysis will be narrowed down to two types – namely, monolingual and bilingual dictionaries of law. In the context of English, the first major monolingual dictionaries of law include: Rastell's *Exposiciones Terminorum Legum Anglorum* (1527) and Cowell's Interpreter (1607) (McDowell 2000: 262-263) while the oldest bilingual dictionary of law is considered to be *The law-French dictionary alphabetically digested… to which is added the law-Latin dictionary … collected out of the best authors by F.O.,* published in 1701 (Reynolds 1986: 551).

2.1.1 Monolingual legal dictionary

Monolingual dictionaries of law provide definitions of legal concepts that constitute a conceptual network of a single legal system in one language. Their usefulness for translation purposes depends mainly on the amount of encyclopaedic knowledge included in an entry. Some dictionaries, e.g. *Oxford Essential Dictionary of Legal Words, A Dictionary of Law (Oxford Paperback Reference), Longman Dictionary of Law*, provide succinct definitions reduced frequently to prototypical senses of a term and/or synonyms. According to Bergenholtz and Nielsen (2002: 6), brief definitions are suitable for a translator who "is in doubt as to the meaning of a particular term or combination of terms and wants his opinion confirmed" but not if the translator "lacks systematic knowledge". At the other extreme there are large-scale encyclopaedic endeavours improved over the years in revised editions, the most renown being the *Black's Law Dictionary* which may boast 1810 pages and 8 revised editions. Even though it is written from the US perspective, it is a bible for legal translators. An entry provides information on separate senses, links to other related concepts, sources of authority, etc.

The advantage of encyclopaedic monolingual dictionaries is that they enable the translator to understand a SL concept by providing background knowledge the translator has not internalised. The definiens may specify the place of the concept in horizontal and vertical taxonomies (definition by genus, e.g. *arbitration is a method of alternative dispute resolution,* and the differentia, i.e. how a term differs from others in the same class), and depending on the degree of detail – evoke relevant frames, scripts and cognitive models necessary for understanding a concept. Such understanding may be passive or active: as pointed out by Sager, "we understand passively when we have only a vague idea of the place of a concept in the knowledge space. We understand fully when we know the precise place of a concept in relation to other concepts" (1998: 259).

Having understood the SL concept, the translator should ideally be able to match a corresponding term from the target language system. Obviously, it involves a conscious or subconscious comparative-law analysis in which the translator assesses the degree of incongruity. As noted by Bergenholtz and Nielsen (2002: 6), translators are semi-experts in that they "have acquired substantial factual knowledge as a result of their education, training and

work within LSP". They are however rarely real experts and their knowledge of source and target system is fragmented unless they have a legal training in both of them. It may be therefore insufficient to identify an equivalent and/or to assess the incongruity. In such a case, the translator will still need to find a translation equivalent and feel a need to consult a bilingual dictionary.

2.1.2 Bilingual legal dictionaries

A bilingual dictionary provides TL equivalents of SL legal concepts. In most cases, an entry has a limited degree of detail and contains a mere litany of words without any information on differences between equivalents and the degree of incongruity to the SL concept. Take for example the Polish *spółka akcyjna* which altogether has 15 equivalents in six EN>PL legal and business dictionaries[2]: *joint-stock company / joint stock company, public limited company, public company limited by shares, public limited company with share capital, public limited liability company, publicly held corporation, stock company limited by shares, incorporated company, incorporated enterprise, registered company, private limited company, stock corporation, stock company, public limity company*, company limited by share**. Still, the preferable US functional equivalent *public corporation* is not listed at all and the last two equivalents contain a typo (marked with a star: *limity* instead of *limited* and *share* instead of *shares*). Three equivalents, *incorporated company, incorporated enterprise* and *registered company,* may be regarded as hypernyms which, being taken from a higher level of taxonomic hierarchy, are too schematic and general to convey the meaning of *spółka akcyjna* accurately. There is however no mention of different levels of specificity in the entries. Three dictionaries provide limited geographical information: 5 equivalents are referred to the Great Britain system and 5 equivalents are referred to the US system, where in fact only one, *publicly held corporation*, may be regarded as a functional equivalent. In general, there is little or no information on the degree of equivalence: whether it is full, partial or zero and if it is partial (the most frequent case) whether it is near, approximate or remote (cf. Nielsen 1994: 169); the type of equivalence: whether an equivalent is a SL-oriented or TL-oriented; and the degree of entrenchment: how established the equivalent is. To be more practical, more data is needed to facilitate the choice of the equivalent and reduce the time and number of operations to be performed by the translator. Having been confronted with so many potential equivalents, the translator still faces quite an extensive additional research as s/he will certainly be aware of the fact that absolute synonymy is virtually nonexistent in legal translation. As reasonably argued by Šarčević (1989: 279), "if a dictionary is to be reliable, the burden of the choice cannot be placed entirely on the user". All in all, it is surprising that despite the general reorientation towards the target text and reception of translation, LSP dictionaries have stayed behind.

It should be also remembered that there is certain disagreement which equivalents should be included in an entry. It is unclear how to measure a degree of equivalence and whether to include partial equivalents which cover only a small portion of the semantic and pragmatic properties of a lemma; for example Nielsen (1994: 172) argues that it is unacceptable to

incorporate a partial equivalent which covers only 5 or 10% of the lemma. Secondly, large blocks of words have a questionable status and are rarely included in entries.

LSP dictionaries usually provide decontextualised lists of equivalents abstracted from the context of use, without collocations and examples of use. Another type of problems connected with the use of bilingual dictionaries in translation practice is connected with polysemy and the translator's insufficient knowledge to choose the right sense of a term. As noted by Langacker (1988: 51), polysemy is a norm in language: "a frequently used expression typically displays a network of interrelated senses" with varying degrees of cognitive salience, the most prominent ones being referred to as a prototype. Some senses of a given term may be coded through a different lexical item in the target language. A good illustration is provided by *inventory* which would typically have three equivalents in a dictionary: *inwentarz, zapasy* and *zasoby*. Each equivalent corresponds to a distinct sense of *inventory* and only the second one is able to evoke the specialised accounting sense and refer to the value of current assets consisting of raw materials, work in progress, finished goods and advances on deliveries. In the case study analysed, the translator chose *inwentarz*; his limited background knowledge did not allow him to choose an equivalent which corresponds to the right sense of a lexical unit. As seen above, overreliance on bilingual dictionaries may be disastrous for the quality of the translation.

Furthermore, LSP dictionary publishers are unwilling to provide electronic versions of their dictionaries on CD-ROMs or online due to frequent copyright violations in some countries (e.g. Poland). Electronic versions have an obvious advantage of reducing the time required to retrieve an equivalent and to carry more advanced searches. Secondly, owing to a relatively long time of publishing paper dictionaries, they do not contain the most recent terms or senses. The latter is of special importance in countries that undergo transformations. For example, after the fall of Communism in the Eastern Block and the transformation from the socialist to free-market economy, a large number of legal concepts were introduced. This, combined with the rapid inflow of foreign direct investments, created an urgent need for reliable legal dictionaries to replace, in the Polish context, the insufficient English-Polish dictionary by Bar (1964 initiative). In Poland, after the initial vacuum, quite a few legal English>Polish dictionaries appeared; however, their quality leaves much to be desired. They are prepared in a hurry without sufficient advisory teams and reviews by lawyers. Since they sell well, publishers rarely revise them. It is not infrequent to find typos, inconsistencies between entries, false cognates or other types of errors. One of the afflictions is an omission of certain crucial concepts in the abundance of backtranslations nonexistent in relevant law, e.g. Ożga and Kienzler list *spółka kapitalizacyjna* (capitalisation company) and *spółka posiadająca osobowość prawną z mocy przywileju lub rejestracji* (equivalent of an incorporated company)*, spółka z nieograniczoną odpowiedzialnością* (Ożga, Polish equivalent for *unlimited company*) in the absence of *spółka kapitałowa, spółka cywilna, spółka partnerska* or *spółka komandytowo-akcyjna*, some of basic company and partnership types in Polish law. It seems that being system-specific, legal terminology is less reversible than other LSP terminology.

As noted by Šarčević, the prevalent opinion in the field of law is that bilingual dictionaries provide little assistance to translators and, owing to the inherent incongruity of legal terms, they are less informative than monolingual dictionaries (1989: 277). Referring to Paepcke who rejects standard bilingual dictionaries and argues for a conceptually-oriented bilingual

dictionary with "a synthesis of two monolingual law dictionaries", she proposes a conceptual proposal has been made nearly 20 years ago; however, little has been done since that time. It is worth coming back to this claim as such dictionaries are still needed (preferably online or in an electronic form).

2.2 Online tools

With the advent of the Internet, new tools have developed which answer some of the needs of legal translators. In fact, over the last two decades the translation process has been revolutionised by technological developments. The importance of new technologies in translation practice has been acknowledged in Austermühl's *Electronic Tools for Translation* (2001) published by the St Jerome Publishing. First of all, computers substantially reduced typing and editing speed. Secondly, CAT tools, such as Trados, Word Fast or Déjà vu, allow translators to translate repetitive texts faster and to improve translation quality by ensuring terminological consistency, which is of seminal importance in large-scale projects. The CAT tools also function as translation memories where translators store their own translations or may import external memories. The Trados Concordance option allows the translator to search the memories for a SL term and view how it was earlier translated in context (Concordance shows a SL sentence and its translation). With Trados Multiterm, the translator may create glossaries or microglossaries for each client and/or project. Additionally, translators frequently use electronic termbanks, such as Eurodicautom.

Last but not least, the Internet. Online tools that facilitate the choice of an equivalent and reduce a search time include online law collections, search engines (e.g. Google), and discussion forums (e.g. Proz.com, Translatorscafe.com, pl.hum.tlumaczenia (EN>PL)). Online law collections serve as an authoritative knowledge base. One of the most important databases for EU translators is EUR-Lex, which allows the translator to obtain a bilingual view of legislation (side by side) and retrieve an equivalent from the context. Thus, this database functions as a parallel corpus. The general property of parallel corpora is that they provide "invaluable sources of information for discovering the typical and well established translation equivalents of given terms and expressions" (Laviosa and Avellis 2001). Further analysis will focus on the last two tools: the Google search engine and the Proz.com discussion forum.

2.2.1 Search engines: Googling

Search engines enable the translator to search the content of numerous websites posted on the Internet. The Internet is a source of immediately-retrievable data, including dictionaries, encyclopaedias, and up-to-date legal information. This tool substantially reduces the time needed to obtain the required information. Resources available on the Internet are multi-faceted and range from field-specific knowledge to linguistic information.

One type of this information is the linguistic context of use. The Internet is a huge corpus, containing both comparable and parallel documents. As emphasised by Laviosa and Avellis

(2001), "comparable corpora are particularly useful for discovering the typical linguistic context in which equivalent terms and expressions are used in the target language". The Google enables the translator to reduce SL interferences by checking the frequency of collocations. The number of hits is in most cases indicative of their correctness and idiomaticity. The translator may check not only whether a given phrase is correct but also whether it is in habitual use and unmarked and in which parts of the world it is used. This feature is an expected advantage of monolingual corpora as demonstrated by Bowker's experiment in which one group of students working with a monolingual corpora achieved better qualitative results than students working with conventional aids (qtd. in Avellis and Laviosa 2001). This feature is of special importance in inverse translation from languages of limited diffusion, such as Polish, where translations into English are carried out mainly by non-native speakers. Polish translators are expected to be flexible enough to translate both from English into Polish and from Polish into English. Yet since they do not have a native-speaker competence in English, they are aided by search engines.

However, the applicability of the Google goes far beyond stylistic and grammatical advice and extends to terminology. First of all, the translator may browse the client's website to learn the company lingo, an in-group language. Secondly, the translator may check official translations of institution names by consulting its website, i.e. *Polish Constitutional Tribunal* for *Trybunał Konstytucyjny*, where the tribunal is used rather than a court, or through googling. The latter may be illustrated by the *International Centre for Settlement of Investment Disputes*. When this phrase is entered into the search engine and is combined with an educated guess concerning one word from this phrase, e.g. *centrum*, the Google immediately shows *Międzynarodowe Centrum Rozstrzygania Sporów Inwestycyjnych* on reliable websites.

In respect of legal terms, googling may help to resolve polysemy and provide information if explicitation is required in translation. In sentence (1):

(1)   *The definition of racial harassment was taken from the MacPherson report into the Stephen Lawrence enquiry.*

the MacPherson report into the Stephen Lawrence enquiry was translated into Polish as *raport MacPhersona z badania przeprowadzonego przez Stephena Lawrence'a* (lit. the MacPherson report on the study carried out by Stephen Lawrence). The term *enquiry* is polysemous and requires explicitation in Polish. The Polish text is a mistranslation because the translator chose the wrong sense of *enquiry*. A quick googling of 'Stephen Lawrence' shows that he was a black British teenager murdered on racial grounds in 1993. Therefore, in this context *enquiry* means investigation and requires explicitation into *dochodzenie w sprawie zabójstwa Stephena Lawrence'a* (lit. investigation into the murder of Stephen Lawrence).

Furthermore, googling may facilitate the choice of equivalents found in a dictionary entry. Since a dictionary provides decontextualised lexical units, the search engine narrows down potential equivalents by showing their typical context of use (senses), frequency of use and geographical origin. Take for example Polish *akcje uprzywilejowane* (a high-ranking type of shares with certain rights attached). A dictionary entry includes the following equivalents: *preference shares, preferred shares, preferential shares, priority shares* and *privileged shares*. The translator is looking for an equivalent which is best suited for the UK client; however, this

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information is not included in the dictionary. The Google's Language Tools contain the Search Specific Languages or Countries option where the translator may limit a search to a specific language ("Search pages written in…") or to a specific country ("Search pages located in"). Each of the dictionary equivalents is checked on English websites located in the UK and in the USA. The next table shows search results:

Equivalent	Google hits / UK	Google hits / US
Preference shares	53,100	514,000
Preferred shares	740	2,430,000
Preferential shares	356	11,200
Priority shares	126	15,000
Privileged share	16	497

The table suggests that the best TL-oriented equivalent and the most established equivalent for the UK audience would be *preference shares* while for the US audience it would be *preferred shares*. The remaining equivalents have a markedly lower distribution and pose a risk of failing to activate relevant knowledge structures evoked by *akcje uprzywilejowane*. Their low frequency suggests that these are SL-oriented equivalents. The literal equivalent, *privileged shares*, is a good case in point: it appears on the UK websites predominantly in the context of Bulgaria, Cyprus, Greece and Russia.

The analysis shows how the Google works as a contextualisation tool for decontextualised lexical units encountered in bilingual dictionaries and how it may provide an insight into established equivalents and a degree of entrenchment. The overall result is the translator's increased confidentiality and the functionality and naturalness of translation

2.2.2 Discussion Forums: Proz.com

Discussion forums are an example of interactive tools where translators ask other peers terminological questions. One of such discussion forums is ProZ.com, a global translator community, which offers its members a possibility to advertise their services, quote on translation jobs (marketplace), verify clients' payment practices, as well as to ask terminological questions and search previous questions and members' glossaries. ProZ.com has a sophisticated system of asking terminology questions (a terms help network) called KudoZ^{TM}, which, according to the description available on the site, offers "free assistance in translating tough terms". A translator asks a question and other members who received e-mail notifications may post their answer or comment on any existing answers (an agree, disagree or neutral comment). In most cases answers provide information on equivalents with the rationale behind it and authority (e.g. relevant websites or dictionaries). The asker chooses the best answer and awards points. The points scored by the answerer are broken down according to fields and shown in his/her profile as a mark of expertise. Members also have the option of arbitrage when in their opinion the selected answer is wrong. As a result, in many cases the quality of answers is good. Furthermore, previous questions and answers are stored in one place and are searchable; hence,

they function as a glossary of terminological problems most frequently encountered by translators.

The study covered questions asked in the category of Law and the subcategory of Contract in the period of 6 months, from 1 January to 30 June 2007, in the English to Polish and Polish to English language pairs. In the period covered by the analysis, 386 questions concerned English terms (the English to Polish language pair) and 151 questions concerned Polish terms (the Polish to English language pair). The statistics shows that EN>PL questions were asked 2.5 times more often than PL>EN ones. At a first glace, the higher frequency of EN>PL questions seems surprising as one may expect more uncertainty for the non-native pair (most questions were asked by native speakers of Polish); however, my observations suggest that English legal terms have fewer established equivalents in Polish than Polish terms have in English.

One of the underlying factors behind questions is time constraints in translation practice. As already noted, translators work to tight deadlines and have rush jobs; they may have little time for searching and analysing equivalents. KudoZ enables them to obtain the answer quickly from other translators. Take for example questions asked in the PL>EN category in March. Out of 30 questions, 28 were answered within less than an hour (of which 11 were answered within 5 minutes). Wilss (1994: 42) rightly observes, "every professional translator knows that rapidity in performance, search, and decision-making are absolutely imperative to efficiently cope with routine duties under multifarious situational conditions demanding quick delivery of the translation product."

The questions have a varying degree of difficulty: some of them are complex and concern a highly specialised or ambiguous meaning. Other questions are clearly asked by novice translators or translators who are experts in other fields and lack sufficient knowledge to understand the source text and/or to find (established) equivalents. In such a situation, the translator is involved in "local processing of information, gathering bits of data without anticipating how they will all fit together (…) Rising expertise combines breadth and depth of knowledge and allows more global and efficient processing" (Wilss 1994: 41).

Secondly, KudoZ is used when an equivalent may not be found in dictionaries or through googling. It may happen with novel terms, abbreviations or lexical units which show what Shelov refers to as low degrees of terminologicality (qtd. in Thelen 2002: 196). Surprisingly, the questions rarely concern 'proper' terms, i.e. purely technical terms that are found only in the field of law and have a relatively stable meaning (Alcaraz and Hughes 2002: 16). More frequently, the questions concern semi-technical/mixed terms, e.g. *denied parties list, acts of government, less secured charges, weekly tenancy agreement* or even everyday vocabulary, e.g. *whereas, to the contrary, it is understood, on-site service personnel, mechanical licence.* As noted by Alcaraz and Hughes (2002: 16-17), this group is "semantically more complex, involving the translator in a wider range of choices" as the translator faces "the familiar dilemma raised by connotation, ambiguity, partial synonymy and the fact that the precise nuance is often context-dependent". It is interesting to note that over 70% of the EN>PL questions concern expressions having more than two words, frequently entire clauses: *were concerned in the course of your employment, made as of the date signed by, save as varied hereby, salary free of charges ruled by court of law.* The expressions are too long to be listed in a dictionary; in some cases they involve grammatical rather than lexical problems, which confirms Langacker's observation

that the boundary between the lexicon and grammar is fuzzy. Another group of mixed terms is a subject + verb expression: *process may be served, prove negligence, make representations, enter judgement, pledge the credit of, file a petition in bankruptcy, waive compliance.*

One of the reasons is that translators have difficulty with inferring meaning from a particular cotext and context: they understand each word but are not able to understand a longer phrase because of local rather than global processing. In some cases the translator needed a confirmation to reduce his/her uncertainty (*"Do I understand this sentence/clause/phrase correctly? Am I on the right track?"*). Some phrases were problematic because of insufficient context (lists, single occurrences of polysemous words), ambiguity, the translator's insufficient knowledge to explicate in Polish, a synthetic language (*non-reliance clause → klauzula ograniczonego zaufania*) or a non-standard or novel use (*"I don't understand X in this context"*). In a few questions the failure to understand a phrase was due to the fact that the English source text was not written by a native speaker of English or was a backtranslation from Polish. There were also questions where the emerging meaning seemed to be illogical or inconsistent with the preceding discourse or which contained an error (e.g. a typo). It should be noted that problems with understanding the source text were more frequent in the English>Polish questions than in the Polish>English questions.

Another significant group of questions pertained not so much to the translator's failure to understand a SL term but rather to a failure to express it in the target language (*"I know what it means but I don't know how to say it in idiomatic Polish"*). It was mainly due to non-equivalence or a high degree of incongruity where it was necessary for accuracy reasons to use a descriptive equivalent. In most cases descriptive equivalents would be clumsy or too long to be practical, i.e. they would not show the necessary properties of a term. Therefore, askers want to find out how other members solved a similar problem, without compromising either functionality or accuracy, and whether the solution is standardised (established equivalents).

It is important in conclusion to emphasise the need of more research into questions posted by translators on discussion forums. Such questions provide an abundance of researchable material and insight into problems encountered by professional translators, an insight which is otherwise difficult to obtain. The questions may help to identify their needs while answers may throw more light on the rationale behind the decision-making process. As indicated above, some of the questions go beyond the analysis of terminological problems and may be extended to LSP translation in general. This may help to link the academia, frequently accused of being 'the ivory tower', with the real world of translation practice.

Conclusions

The foregoing discussion has attempted to show how terminology mining has been revolutionised in the last decade with a noticeable shift from paper LSP dictionaries to electronic and online tools. Market requirements, increased competition and the specificity of translation process itself force translators to look for faster, more reliable and interactive tools, such as search engines or online discussion forums. Being experts in finding the information needed as quickly as possible (Austermühl 2001: 102), translators have readily embraced the new technological developments, which dethroned traditional paper dictionaries from being a preferred choice. It should be however emphasised that all the tools, both traditional and electronic ones, are in fact complementary.

The new terminology mining methods help to improve not only a translation speed, but above all translation quality. First of all, the translator may increase the functionality of translation at the level of style through more natural and idiomatic language, a language which is 'unmarked' and does not draw attention to itself as a translationese. This is of special importance in the case of inverse translations where translators do not translate into their mother tongue and are more susceptible to SL inferences. Secondly, the new tools enable translators to talk as experts do; hence, they facilitate cross-cultural communication between experts. Translators may retrieve more conventional, established equivalents of legal terms that are easily recognised by a professional community and activate links to relevant legal knowledge structures. This results in a more standardised translation with at least partially reconstructed intertextual links.

References

ALCARAZ, Enrique., HUGHES, Brian. 2002. *Legal Translation Explained.* Manchester : St Jerome Publishing.

ALEXIEVA, Bistra. 1993. A cognitive approach to translation equivalence. In ZLATEVA, P. *Translation as Social Action. Russian and Bulgarian Perspectives.* London : Routledge, 1993, pp. 101-109.

AUSTERMÜHL, Frank. 2001. *Electronic Tools for Translation.* Manchester : St Jerome Publishing.

AVELLIS, Giovanna, LAVIOSA, Sara. 2001. A *COMIC* Multimedia Resource for Translating Business Italian [online]. Available at: <http://ec.europa.eu/information_society/istevent/2006/cf/document.cfm?doc_id=2705>.

BERGENHOLTZ, Henning, NIELSEN Sandro. 2002. Terms in the Language of Culture-Dependent LSP Dictionaries. In *Lexicographica*, 2002, vol. 18, pp. 5-18.

CAO, Deborah. 2007. *Translating Law.* Clevedon : Multilingual Matters Ltd.

Encyclopaedia Britannica. 2002. [CD-ROM]. Standard Edition CD-ROM.

ENGBERG, Jan. 2002. Legal meaning assumptions – what are the consequences for legal interpretation and legal translation? In *International Journal of the Semiotics of Law,* 2002, vol. 15, no. 4, 375-388.

EVANS, Vyvyan. 2006. Lexical concepts, cognitive models and meaning-construction. In *Cognitive Linguistics,* 2006, vol. 17, no. 4, pp. 491-534.

GIZBERT-STUDNICKI, Tomasz. 2001. Problem przekładu tekstów prawnych. In *Dziedzictwo prawne XX wieku. Księga pamiątkowa z okazji 150-lecia TBSP UJ.* Zakamycze : Kraków, 2001, pp. 41-55.

JAMIESON, Nigel. 1996. Source and Target-Oriented Comparative Law. In *The American Journal of Comparative Law,* 1996, vol. 44, pp. 121-129.

KIERZKOWSKA, Danuta. 2002. *Tłumaczenie prawnicze*. Warszawa : Wydawnictwo Tepis.

KJŒR, A.L. 2000. On the structure of legal knowledge: The importance of knowing legal rules for understanding legal texts. In LUNDQUIST, L., JARVELLA, R.J. (eds.). *Language, Text, and Knowledge. Mental Models of Expert Communication.* Berlin/New York : Mouton de Gruyter, 2000, pp. 127-161.

LANGACKER, Ronald W. 1988. A View of Linguistic Semantics. In RUDZKA-OSTYN, B. (ed). *Topics in Cognitive Linguistics.* Amsterdam/Philadelphia : J. Benjamins, 1988, pp. 45-90.

LANGACKER, Ronald W. 1997. The contextual basis of cognitive semantics. In NUYTS, J., PEDERSON, E. *Language and Conceptualisation*. Cambridge: Cambridge University Press, 1997, pp. 229-252.

LANGACKER, Ronald W. 2000. *Grammar and Conceptualisation*. Berlin : Mouton De Gruyter.

MCDOWELL, Gary L. 2000. The Politics of Meaning: Law Dictionaries and the Liberal Tradition of Interpetation. In *The American Journal of Legal History*, 2000, vol. 44, no. 3, pp. 257-283.

MOLINA, Lucía, HURTADO ALBIR, Amparo. 2002. Translation Techniques Revisited: A Dynamic and Functionalist Approach. In *Meta* [online], 2002, XLVII, vol. 4, pp. 498-512. Available at: <http://www.erudit.org/revue/meta/2002/v47/n4/008033ar.pdf>.

MUNDAY, Jeremy. 2001. *Introducing Translation Studies. Theories and applications*. London/New York : Routledge.

NIELSEN, Sandro. 1994. *The Bilingual LSP Dictionary; Principles and Practice for Legal Language*. Tübingen : Gunter Narr Verlag.

PIEŃKOS, Jerzy. 1993. *Przekład i tłumacz we współczesnym świecie*. Warszawa : Wydawnictwa Naukowe PWN.

PYM, Anthony. 2004. Localization from the Perspective of Translation Studies: Overlaps in the Digital Divide?. In *ELDA* [online]. Available at: <http://www.elda.org/en/proj/scalla/SCALLA2004/Pymv2.pdf>.

RAYAR, Louise. 2007. The Use of 'International Legal English'. In KIERZKOWSKA, D. *Court Interpreting and Legal Translation in the Enlarged Europe 2006.* Warszawa : Translegis, 2007, pp. 19-30.

RAYAR, W. 1988. Problems of Legal Translation from the Point of View of the Translator. In NEKEMAN, P. (ed.). *Translation our Future. Proceedings of the XI World Congress of FIT*. Maastricht: Euroterm, 1988, pp. 451-462.

REYNOLDS, Thomas. 1986. Comparative Legal Dictionaries. In *American Journal of Comparative Law*, 1986, vol. 34, pp. 551-558.

SAGER, Juan. 1998. Terminology: Theory. In BAKER, M. (ed.). *Routledge Encyclopedia of Translation Studies*. London/New York : Routledge, 1998, pp. 258-262.

ŠARČEVIĆ, Susan. 1989. Conceptual Dictionaries for Translation in the Field of Law. In *International Journal of Lexicography*, 1989, vol. 2 no. 4, pp. 277-293.

ŠARČEVIĆ, Susan. 1997. *New Approach to Legal Translation*. The Hague : Kluwer Law International.

ŠARČEVIĆ, Susan. 2000. Legal Translation and Translation Theory: a Receiver-oriented Approach. Genéve 2000: Actes [online]. Available at: <www.tradulex.org>.

TABAKOWSKA, Elżbieta. 2005. Językoznawstwo kognitywne a translatologia: ekwiwalencja na poziomie tekstów, modeli języka i kategorii interdyscyplinarnych. In KARDELA, H. et al. (ed.) *Kognitywistyka. Problemy i perspektywy*. Lublin : Wydawnictwo UMCS, 2005, pp. 241-247.

THELEN, Marcel. 2002. Relations between terms: a cognitive approach. The interaction between Terminology, Lexicology, Translation Studies and translation practice. In *Linguistica Antverpiensia,* 2002, vol. I, 193-209.

TYMOCZKO, Maria. 2005. Trajectories of Research in Translation Studies. In *Meta* 2005, vol. 4, pp. 1082-1097.

VENUTI, Lawrence. 1998. Strategies of Translation. In BAKER, M. (ed.). *Routledge Encyclopedia of Translation Studies*. London/New York : Routledge, 1998, pp. 240-244.

VENUTI, Lawrance. 1995. *The Translator's Invisibility: A History of Translation*. London/New York : Routledge.

WAGNER, Emma. 2005. Translating and/or Editing -- The Way Forward? In ANDERMAN, G., ROGERS, M. *In and out of English: For Better, for Worse?* Clevedon : Multilingual Matters Ltd, 2005, pp. 214-226.

WALKER, David M. 2001. *The Scottish Legal System. An Introduction to the Study of Scots Law*. Edinburgh : W. Green/Sweet & Maxwell.

WESTON, Martin. 1991. *An English Reader's Guide to the French Legal System*. New York/Oxford : Berg.

WILSS, Wolfram. 1994. Translation as a Knowledge-Based Activity: Context, Culture, and Cognition. In de BEAUGRANDE, R. et al. (eds). *Language, Discourse and Translation in the West and Middle East.* Amsterdam/Philadelphia : J. Benjamins, 1994, pp. 35-43.

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[1] Arntz and Picht's publication is dated 1989; therefore, it does not take in account recent technological developments.

[2] The dictionaries consulted: Kienzler, I. 2005. Polsko-angielski słownik terminologii gospodarczej. Dictionary of Economic Terms Polish-English. Vol. II. C.H. Beck; Kozierkiewicz, R. (2005). Dictionary of Business Terms. Polish-English. Vol. II. C.H. Beck; Myrczek, E. (2005). Dictionary of Law Terms. Słownik terminologii prawniczej angielsko-polski, polsko-angielski. C.H. Beck; Łozińska-Małkiewicz, E., J. Małkiewicz. (2005). Polsko-angielski słownik terminologii prawniczej. Toruń: Wydawnictwo Ewa Jerzy Małkiewicz; Ożga, E. (2001). Słownik terminologii prawniczej. Część 1 polsko-angielska. 2nd Ed. Bydgoszcz: Oficyna Wydawnicza Branta; Pieńkos, J. (2002). Polsko-angielski słownik prawniczy. Kraków: Zakamycze.