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ARTICULO DE INVESTIGACIÓN ORIGINAL

A CORPUS-BASED BILINGUAL GLOSSARY OF LEGAL TERMS TO IMPROVE THE TRANSLATION OF LEGAL TEXTS

GLOSARIO BILINGÜE DE TÉRMINOS LEGALES BASADO EN CORPUS PARA PERFECCIONAR LA TRADUCCIÓN DE TEXTOS LEGALES

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ABSTRACT

The translation of legal documents has become an all-important pursuit in the current international arena. Its main target is to link cultures and societies that have been so far distant. This article presents a corpus-based bilingual glossary of legal terms for university English Language students. This glossary is aimed at improving their performance in the translation of legal documents. **Objective**: to present a bilingual glossary (English-Spanish) of legal terms. **Methods**: theoretical methods such as analysis and synthesis and the historical-logical were employed. Regarding empirical methods, documents analysis, the corpus linguistics method and the survey were followed. **Results**: the elaboration of a bilingual glossary (English-Spanish) of legal terms based

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on a 450-text corpus. This corpus consisted of acts, bills and proclamations taken from the websites of The White House and US Congress respectively. **Conclusions**: this glossary is a modest contribution to the improvement of the translation activity carried out by university students.

Keywords: translation; corpus analysis; glossary; legal terms

RESUMEN

Introducción: La traducción de documentos legales se ha convertido en una actividad vital en la arena internacional actual. Su principal propósito es unir culturas y sociedades que hasta ahora habían estado distantes. Este artículo presenta un glosario bilingüe de términos legales basado en corpus para estudiantes de Lengua Inglesa de la universidad. Dicho glosario tiene como objetivo perfeccionar el desempeño de los estudiantes en la traducción de documentos legales. **Métodos**: se emplearon métodos tales como análisis-síntesis y el histórico-lógico. Con respecto a los métodos empíricos, se implementaron el análisis de documentos, el método de lingüística de corpus y la encuesta. **Resultados**: la elaboración de un glosario bilingüe (inglés-español) de términos legales basado en un corpus de 450 textos. Este corpus estuvo compuesto de leyes, proyectos de ley y proclamas tomadas de los sitios web de la Casa Blanca y el Congreso de los Estados Unidos respectivamente. **Conclusiones**: este glosario es una modesta contribución al perfeccionamiento de la actividad de traducción realizada por los estudiantes universitarios.

Palabras clave: análisis de corpus; glosario bilingüe; terminología legal; textos legales; traducción

INTRODUCTION

The translation activity has been an intrinsic part of the human being since the early stages of humanity. One of its major contributions has been the bridging of different cultures and societies, taking the world interconnectedness to unprecedented levels. There is a new

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cultural openness in today`s world brought about by several determining factors such as the incredible progress in global communications, the fast-growing international trade throughout the entire world, as well as the new international awareness of many languages and cultures that for centuries were dominated and suppressed. Despite the increasing number of language courses and training programs meant to raise people´s competence in languages other than their own, the need for language mediators and translation training courses is growing (Vigo, 2019).

Undoubtedly, all this shows that the role of translation is once again becoming critical in shaping history and helping civilization make the transition into the next age. Concerning the role of the translator, De Luxán (2020) states that he plays a very important role within a global society and enables the establishment of relations among people with different backgrounds and languages. When doing so, the translator is taking part in the cycle of communication,

where the characters of author, translator and reader are interchangeable.

Many authors have carried out different in-depth studies in the field of terminology and corpus linguistics focused on the creation of practical tools for the translator. With the impact of globalization, there is a growing interest in the translation of official documents and therefore, an increase in the elaboration of linguistic tools such as dictionaries and glossaries in this field. One of the most inclusive works in this field is the fourth edition of the Dictionary of Law by Collin (2004). This work provides legal terms with their definitions but does not provide equivalents in Spanish.

It has been observed that 4th year students of the degree course English Language with French as a Second Foreign Language at the Central University "Marta Abreu" of Las Villas face difficulties in the subject *Traducción de Documentos Oficiales* (Translation of Official Documents) when it comes to translate legal texts from English into Spanish. These

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difficulties arise out of the complexity of this kind of text and its corresponding terminology. Another reason for this is the current limitation of bilingual reference sources so that students can improve their lexical competence in this field. This was confirmed with a preliminary survey in which fourth year students referred to their perceptions concerning the availability of bilingual reference sources. Most of them expressed their need to increase the availability of bilingual linguistic tools for the aforementioned subject.

This research has a practical contribution because the proposed glossary will enhance the lexical competence of 4th year English Language students in the field of law. As the glossary is alphabetically-ordered, students will be able to improve their performance when taking translation exams and will not have to spend too much time consulting scattered sources related to the topic. Besides, this bilingual glossary can be a useful tool for translation teachers when preparing their lessons and even when choosing

the corresponding texts for exams. Specialists in the field of law such as lawyers, law professors and students can also benefit from the glossary.

Due to the aforementioned needs concerning a practical bilingual tool helping the students with their translation tasks, the author of this study established the following objective:

To present a bilingual glossary (English-Spanish) of legal terms with the purpose of improving the translation performance of 4th year students of the degree course English Language with French as a Second Foreign Language at the Central University "Marta Abreu" of Las Villas.

THEORETICAL FRAMEWORK

Legal translation is considered to be one of the most challenging activities when it comes to mediating between two or more culturally-different parties. For Matulewska & Wagner (2020), this type of translation is to provide efficient communication in legal settings to all communication process participants. Therefore, the task of intermediaries (translators) in this

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communication process is to ensure the quality of expression and quality of understanding between the message senders and recipients. Commenting on the features of legal sphere texts, Loskutov (2020) claims:

> They are full of terminological words and collocations. These words have an official status and some specific features differentiate them from other words used in a text and even in a sentence. A term tends to have the only one meaning, thus they cannot be interpreted differently. They are always of neutral style so their use shall not be depending on the particular context. (p. 85)

The proposed glossary in this research was compiled with the help of corpus linguistics analysis. Given its highly usage of Information and Communication Technologies (ICT), this methodology is becoming increasingly popular among lexicographers in the creation of terminological works such as thesauri, dictionaries, glossaries, etc. In this regard, Egbert, Larsson & Biber (2020) argue that the technological capabilities of corpora and corpus analysis methods have been increasing at an astounding rate, allowing practitioners to carry out research studies of an unimaginable scope just a few decades ago. One remarkable benefit of these resources is that the practicing researcher does not need technical expertise in computer science or engineering to perform corpus analyses. That is, corpora are now so readily available, and many corpus analysis tools are so user-friendly, that we are all able to carry out sophisticated corpus analyses with relative ease.

While the scholarly world defines corpus in a number of ways, this article adheres to the definition provided by Desaulier (2018). For him, a corpus is a body of material (textual, graphic, audio, and/or video) upon which some analysis is based. For that collection to count as a

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corpus, it has to meet certain criteria such as sampling, balance, representativeness, comparability and naturalness.

According to Mirza (2019), there are as many types of corpora as there are research topics in linguistics. However, there are two main types commonly used by language researchers today: general corpora, which serve as a widely available resource for baseline or comparative studies of general linguistic features and specialized corpora, that focus on a particular spoken or written variety of language.

As stated above, corpus analysis is a key methodology in order to create dictionaries and glossaries. The glossary has become an important tool in the translation process. It is useful when it comes to understanding new or specialized vocabulary. This study follows the definition conveyed by the Dictionary of Lexicography, which considers a glossary as a type of reference work, which lists a selection of words, phrases, or terms in a specialized field, usually in alphabetical order, together with minimal definitions or translation equivalents (Hartmann & James, 1998).

For the glossary to be really helpful for its intended users, it has to be well-presented and properly organized; that is why, it is usually alphabetically ordered by main entry. In addition, it has a double structure, usually referred to as the macrostructure and the microstructure. By macrostructure, we mean the list of all the words that are described in a dictionary. The microstructure, on the other hand, is all the information given about each word in the macrostructure that is to say, the arrangement of information within the individual dictionary entries. That information is organized systematically into easily distinguishable smaller and larger sections per word (Van Sterkenburg, 2003).

METHODOLOGY FOLLOWED

To carry out this study a sample of 450 texts was chosen for analysis. From the 450 texts selected, 400 were acts or bills and 50 were proclamations. All the texts were taken from authentic sources such as the

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websites of The White House and the US Congress which were published between 2011 and 2016. The corpus is entirely composed of legal documents belonging to the United States government because these are the ones used by 4th year students of the degree course English Language with French as a Second Foreign Language in the subject *Traducción de Documentos Oficiales.*

The research methodology belongs to a qualitative paradigm since it follows an inductive approach, in which a certain pattern or linguistic phenomenon is analyzed on the basis of the collected data. Involving a move from the specific to the general, it is sometimes called the bottom-up approach.

Overall, the compilation of the bilingual glossary went through different stages. Firstly, the author did research into the domain of specialty of the glossary. Secondly, a corpus was compiled from the websites of the White House and the US Congress respectively. Thirdly, the set of texts from the corpus was processed by means of the software AntConc3.5.0w created by Laurence

Anthony in order to obtain a comprehensive list of all the words present in the corpus; and finally, the glossary of legal terms was elaborated using the concordancer software and some dictionaries.

For the creation of the bilingual glossary of legal terms herein presented, this research followed the stages proposed by Vargas (2005) for the elaboration of any terminological product: (1) definition of the glossary, (2) research about the domain of specialty the glossary encompasses, (3) corpus compilation and analysis, (4) definition of terms and creation of the terminological entries, (5) revision and assessment of the glossary and (6) the edition of the glossary (Vargas, 2005). Avoiding comprehensive explanations, just some of these stages will be highlighted.

Definition of the glossary

The terminological work herein presented is a bilingual glossary (English-Spanish) of terms employed in the field of law. This glossary is, according to Cabré criteria (1992), synchronic, systematic and

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multilingual. It is synchronic because it includes only the terminology of a specialized domain, in this case, law and it does not refer to the evolution of terms. It is systematic since it covers a set of terms and phrases from a specialty area, not the specific analysis of a single phrase or term. It is also multilingual (bilingual) because two languages are used, English and Spanish.

As to the linguistic functions, this glossary is descriptive because it only provides a definition or explanation of terms, without taking into account their morphology, use or origin. Furthermore, it focuses on the pursuit of terminological material used by specialists taken from a corpus of specialized texts.

Research about the domain of specialty the glossary encompasses

Prior to the compilation of any dictionary or glossary, it is critical to highlight the kind of information the author has compiled in order to start the terminological process as such. To carry out this study two types of information sources were utilized: primary information sources, to get familiar with the research foundations and to understand the process of research methodology and secondary information sources, with the use of information taken from dictionaries and glossaries.

Corpus compilation and analysis

The corpus compilation is extremely important to determine the quality of the final product. For the compilation of the corpus herein presented, the following compilation criteria were taken into account: size, transmission mode, level of specialization, type of text, authorship, language of the corpus and date of publication.

The table below summarizes the features of the selected corpus

Size	A corpus of 450 texts (word tokens: 2 116 498, word types: 19 095)
Transmission mode	Written and transformed into txt format.

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Level of specialization	Specialized texts of the specific domain of law
Type of texts	Acts or bills and proclamations
Authorship	All the texts were written by different American senators and policymakers
Language of the corpus	Texts written originally in English by native speakers
Date of publication	Texts published from 2011 to 2016

The texts extracted from the websites of the White House and US Congress were initially in *html* format and were converted into *txt* format so as to make them compatible with the software used to process texts.

Processing of the corpus using the software AntConc 3.5.0 (Windows)

In order to process the corpus selected for this research, the software AntConc 3.5.0 for Windows was employed. AntConc is a program for analyzing electronic texts in order to find and reveal patterns of language. This software was chosen since it is a lightweight, simple and easy-to-use corpus analysis toolkit that has been deemed extremely effective. In addition, it offers many of the essential tools needed for the analysis of corpora, with the added benefit of an intuitive interface and a freeware license.

AntConc contains some tools that can be accessed either by clicking on their 'tabs' in the tool window, or using the function keys F1 to F7. One of them is the Concordance Tool, which shows search results in a 'KWIC' (Key Word In Context) format. This allows to see how words and phrases are commonly used in a corpus of texts. Another important tool commonly used in this software is the Word List that counts all the words in the corpus and presents them in an ordered list. This allows to quickly find which words are the most frequent in a corpus. The File View tool shows the text of individual files, which allows to investigate in more detail the results generated in other tools of the program. The Keyword List shows which words are unusually frequent (or

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infrequent) in the corpus in comparison with the words in a reference corpus (Anthony, 2014). Other tools are the Concordance Plot, the Clusters/N-Grams and the Collocates.

During the processing stage of the corpus there were two tools that were particularly useful, the Word List Tool and the Concordance. When the words in the corpus were analyzed with the Word List tool, the author noted that the words with the highest frequency were all function words such as conjunctions, prepositions, definite and indefinite articles, among others. These words were not considered for the extraction of the possible terms and the creation of the glossary. With the list created by the Word List tool, all 19 095 word types were examined to determine the possible candidates to be included as terms.

Then, each possible term was analyzed with the Concordance Tool to obtain another list of the word in its context with the purpose of identifying compound lexical units like *block grant* or *burden of proof*. Finally, a word

was included in the glossary when its meaning in a given context matched with the equivalents found in the different dictionaries.

Definition of terms and creation of terminological entries

A total of 201 legal terms were identified after the verification and careful scrutiny of the lists of words. It is important to highlight that there are several words and phrases that though not considered as "terms", were included in the glossary due to their high occurrence in legal texts. Most of these lexical units are archaisms like *thereafter* and *whereof*. This glossary also includes names of U.S. agencies and organizations with their equivalents in Spanish.

To determine the terminological value of the lexical units as well as their definitions, several terminological resources related to law were consulted. They were:

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To find the definition of the terms in English: Dictionary of Law by P. H. Collin (2004) (digital version); The Merriam-Webster's Dictionary of Law (2011) (digital version); The Merriam-Webster's 11th collegiate dictionary (2003) (digital version); Oxford Dictionary of Law (2003) (digital version); The Nolo's Plain-English Law Dictionary (2009) (digital version); Webster's New World Law Dictionary (2006) (digital version); The Free Dictionary.com, http://legal-dictionary.thefreedictionary.com and https://www.oregonlaws.org.

To find the equivalents in Spanish:

English-Spanish Legal Dictionary by Jorge Andrade (2006) (digital version)

The bilingual online Oxford dictionary

 http://context.reverso.net;

 http://www.wordreference.com

https://www.usa.gov.

All of the aforementioned sources are recognized for their value and reliability. For the definitions of the lexical units included in the final version of the glossary, some techniques were used: classical analytical definition (a word is defined by a characteristic that distinguishes it from any other association) and the substitution principle (the definition of an entry from an equivalent word), that is common in Terminography, especially in bilingual glossaries or dictionaries.

RESULTS AND DISCUSSION

The design of the glossary that is, its macrostructure and microstructure, was organized based on each terminological entry.

Macrostructure

The general organization of the glossary is designed to be user-friendly, that is, easy to follow, clear and easy to understand. The glossary starts with a brief

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introduction stating the purpose of the glossary, the description of the organization of the entries as well as its potential users.

The entries of the glossary are alphabetically arranged to facilitate its use. Each entry is bold typed to distinguish it from its equivalent in italics. The definition is placed one space below the entry and beneath it, in a smaller font, the source from which the definition was taken.

Both simple and compound words have their own entry. Compound words are always ordered by the first word that forms the compound. In some cases, each simple word might already be defined independently in the glossary.

Microstructure

Every entry of the glossary is followed by its equivalent in the target language (Spanish). The original definition is provided in the same language of the entry (English) with the source from which it was taken. It should also be

noted that the definitions are elaborated following English language lexicographical traditions.

Where there is more than one usage or 'sense' of the term, this is indicated by the insertion of the numbers "(1)" "(2)" and so on, before each separate definition.

Sample of the glossary

Abduction: *Secuestro*

The unlawful carrying away of a wife or female child or ward for the purpose of marriage or sexual intercourse. This definition has its roots in common law. As statutorily defined, mainly in the 19th century, abduction was generally stated to include taking away or detention of a woman under a certain age, usually 16 or 18, with or without her consent or knowledge of her age.

Source: Merriam-Webster's Dictionary of Law.

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Acquit (v): *Absolver*

To set a person free because he or she has been found not guilty.

Source: Dictionary of Law (2004)

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Acquittal: *Absolución*

A decision by a judge or jury that a defendant in a criminal case is not guilty of a crime. An acquittal is not a finding of innocence; it is simply a conclusion that the prosecution has not proved its case beyond a reasonable doubt.

Source: Nolo's Plain-English Law Dictionary.

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Act: *Ley*

A statutory plan passed by Congress or any state legislature which is a "bill" until enacted and becomes law.

Source: Nolo's Plain-English Law Dictionary

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Acts of God: *Casos de fuerza mayor*

An extraordinary natural event (as a flood or earthquake) that cannot be reasonably foreseen or prevented.

Source: Merriam-Webster's Dictionary of Law.

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Ad hoc: *Ad hoc*

For the particular end or case at hand without consideration of wider application.

Source: Merriam-Webster's Dictionary of Law.

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Ad litem: *Ad litem (propósitos de la demanda)*

Latin, meaning "for the purposes of legal action only". A person who files a lawsuit for minor child or for a person who is incompetent acts as "guardian ad litem" (guardian just for the purposes of the lawsuit). A person acting ad litem has the responsibility to pursue the lawsuit and to account for the money recovered for damages.

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Source: Nolo's Plain-English Law Dictionary.

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Adjourn (v): *Aplazar, diferir.*

To put off further proceedings of either indefinitely or until a later stated time.

Source: Merriam-Webster's Dictionary of Law.

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Adoption: *Aprobación*

The act of agreeing to something so that it becomes legal.

Source: Dictionary of Law (2004).

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Advocacy: *Defensa*

The skill of pleading a case orally before a court.

Source: Dictionary of Law (2004).

Aforementioned: *Antes mencionado*

Having been mentioned earlier.

Source: Dictionary of Law (2004).

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Agency for International Development: *Agencia de los Estados Unidos para el Desarrollo Internacional*

The U.S. Agency for International Development (USAID) is the principal U.S. agency to extend assistance to countries recovering from disaster, trying to escape poverty, and engaging in democratic reforms.

Source: https://www.usa.gov/federal-agencies/u-s-agency-for-international-development

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Allegation: *Alegación, alegato*

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A statement, usually given in evidence, that something has happened or is true.

Source: Dictionary of Law (2004).

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Allegiance: *Lealtad, fidelidad*

The duty of obedience owed to a head of state in return for his protection. It is due from all citizens of that state and its dependencies and also from any alien present in the state (including enemy aliens under license; for example, internees).

Source: Oxford Dictionary of Law.

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Allocation: *Asignación, distribución*

The stage in civil litigation when a decision is made as to how the case is to be dealt with.

Source: Oxford Dictionary of Law.

Alteration: *Alteración*

A change that, when made in a legal document, may affect its validity. Alterations made after execution do not affect the validity of the deed if their purpose is to correct an obvious error. If, however, a material alteration is made to a deed after execution without the consent of the parties, the deed may become void in part.

Source: Oxford Dictionary of Law.

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Amendment: *Enmienda*

The alteration of a writ, pleading, indictment or other document for the purpose of correcting some error or defect in the original or to raise some new matter, claim or allegation.

Source: http://legal-dictionary.thefreedictionary.com/amendment

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American Psychological Association: *Asociación Estadounidense de Psicología*

The American Psychological Association was founded in 1892 with 31 members and grew quickly after World War II. Today, APA has more than 115,700 members and 54 divisions in subfields of psychology. It aspires to excel as a valuable, effective and influential organization advancing psychology as a science. Its strategic goals include expanding psychology's role in advancing health and increasing recognition of psychology as a science.

Source: http://www.apa.org

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Amicus curiae: *Amicus curiae (amigo del tribunal)*

Latin for "friend of the court," a party or an organization interested in an issue which files a brief or participates in the argument in a case in which that party or organization is not one of the litigants.

Source: http://dictionary.law.com.

Appeal: *Apelación*

Timely resort by an unsuccessful party in a lawsuit or administrative proceeding to an appropriate superior court empowered to review a final decision on the ground that it was based upon an erroneous application of law.

Source: http://legal-dictionary.thefreedictionary.com/appeal

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Appellate review: *Revisión de las apelaciones*

It refers to the power of a higher court to examine the decision or order of a lower court for errors. Appellate review performs several functions, including: the correction of errors committed by the trial court, development of the

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law and precedent to be followed and anticipated in future disputes, and the pursuit of justice.

Source: https://definitions.uslegal.com/a/appellate-review/

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Apportionment: *Distribución*

The act of sharing out such as property, rights or liabilities in appropriate proportions.

Source: Dictionary of Law (2004).

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Appropriation: *Consignación, dotación*

The allocation of money for a particular purpose such as distributing parts of an estate to beneficiaries.

Source: Dictionary of Law (2004).

Attorney General: *Fiscal General*

In a US state or in the federal government, the head of legal affairs. In the US Federal Government, the

Attorney-General is in charge of the Justice Department.

Source: Dictionary of Law (2004).

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Attorney's fee: *Honorarios del abogado*

The payment made to a lawyer for legal services. These fees may take several forms: hourly, per job or service. Attorney fees must usually be paid by the client who hires a lawyer, though occasionally a law or contract will require the losing party of a lawsuit to pay the winner's court costs and attorney fees.

Source: Nolo's Plain-English Law Dictionary.

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Bad faith: *Mala fe*

The intentional refusal to fulfil a legal or contractual obligation, misleading another, or entering into an agreement without

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intending to or having the means to complete it. Most contracts come with an implied promise to act in good faith.

Source: Nolo's Plain-English Law Dictionary.

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Assessment of the glossary by specialists

The glossary was assessed by six specialists from Central University "Marta Abreu" of Las Villas. All of them are university professors, four belong to the Department of English Language and two teach in the Department of Law.

These specialists were given a survey with some descriptors for assessing the glossary following criteria from 1 to 5, considering 1 as the lowest criterion and 5 as the highest one. From the application of the survey the following results were obtained:

Accuracy of information:

All (6) specialists (100%) marked criterion 5

Objectivity:

All (6) specialists (100%) marked criterion 5

Currency:

(5) specialists (83,3%) marked criterion 5 and (1) specialist (16,7%) marked criterion 4

Reliability:

All (6) specialists (100%) marked criterion 5

Format and presentation:

(4) specialists (66,7%) marked criterion 5 and (2) specialists (33,3%) marked criterion 4

Some of the specialists suggested enlarging the glossary and adapting it to the Cuban juridical norms so that law students could use it when studying the different Cuban laws and regulations.

Summing up, all the specialists agreed that the glossary is a

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valuable tool for fourth year students of the degree course English Language with French as a second Foreign Language when taking translation exams in the subject *Traducción de Documentos Oficiales*. They also considered the glossary is user-friendly, easy to use and greatly covers the need of bilingual reference sources in the aforementioned subject.

CONCLUSIONS

Corpus linguistics has had a significant impact on the study of modern languages and has led to the creation and improvement of numerous terminological works such as glossaries, dictionaries, etc. This article highlighted the importance of translation in our increasingly interconnected world and as a modest contribution to the teaching of Translation at the Central University "Marta Abreu" of Las Villas, specifically to the subject *Traducción de Documentos Oficiales*, it presented a bilingual glossary

(English-Spanish) of legal terms. As stated by some specialists, this glossary is a useful tool for both, law professionals and English Language students.

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