

THE SPIRIT OF THE LANGUAGE OF LAW

The Canadian Experience

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RESUMO

Em países bilíngues como o Canadá, a aplicação de duas tradições jurídicas e o bilinguismo oficial representam desafios consideráveis para tradutores e juristas. Sistemas legais e linguagens em que aqueles se expressam são inextricavelmente relacionados à cultura, história e o sistema social. O Direito está intimamente ligado à linguagem que o expressa. Traduzir o Direito significa levar em consideração o sistema legal em sua ligação cultural. Em conclusão, tradutores devem ser sensíveis às diferenças estruturais e culturais entre os sistemas legais e as linguagens coexistentes.

Resumo: Tradução; Bilinguismo; Linguagem jurídica.

ABSTRACT

In bilingual countries like Canada, bijuralism and official bilingualism represent considerable challenges for translators and lawyers. Legal systems and the languages in which they are expressed are inextricably linked to the culture, history, and social system. Law is intimately bound to the language that expresses it. Translating the law means taking hold of the legal system in its role as cultural bonding. In conclusion, translators must also be sensitive to the structural and cultural differences between the coexisting legal systems and languages.

Keywords: Translation; Bilingualism; Bijuralism.

INTRODUCTION

In bilingual countries like Canada, bilingualism and official bilingualism represent considerable challenges for translators and lawyers. How does one translate common-law concepts into French when they have evolved over the centuries in English? The Anglophone lawyer in Quebec, coping with a code directly inspired by the Napoleonic Code, confronts a similar issue. This raises the question of the specific nature of the legal vernacular. In other words, must the common law be expressed only in English and the civil law only in French? Are legal systems inextricably linked to the language in which they were conceived?

For celebrated jurilinguists like Gérard Cornu, legal systems (common law and civil law) and the languages in which they are expressed (French and English) are inextricably linked to the culture, history, and social system of the country to which they belong.

Are we obliged to concur with the renowned Spanish philosopher José Ortega y Gasset who said: “Translating is a utopia. Translating is essentially impossible because languages are embedded in their own social-cultural-political context”? In Canada, we hold to the belief—some would say naively—that translating legal notions from another legal system is not only possible; it is essential.

THE CHALLENGES FACING LEGAL TRANSLATION IN CANADA

In the exercise of their profession, legal translators who work from English to French become aware, as they go from one language to the other, that not only do the concepts and words change, but the relationships between them change, too. Each language favors certain forms, syntactical or stylistic processes, and terms.

In Canada, legislative drafting and legal translation present additional difficulties because of the coexistence of two languages (French and English) and two legal systems (common law and civil law), which have undergone parallel development. Hence the necessity for legal drafters and translators to acquire a firm grasp of the formal, conceptual, stylistic and organizational (apprehension of the world, spirit of the language) differences between the two languages and between the two legal systems.

THE INNATE SPIRIT OF THE LANGUAGE

Idiomatic expressions peculiar to legal French and legal English attest to the innate spirit of each language that defines its unique identity. As a rule, French employs deduction, beginning with principles and then applying them to concrete cases (from the general to the particular, the cognitive overview). English, on the other hand, prefers

induction, inferring principles from particular cases or using analogy (the hands-on reality level).

It is also often said that English functions with images and intuition at a concrete level while French, more abstract, and more logical, operates at a conceptual level. The assumption is also valid in the field of legal language, in which Francophone lawyers' natural impulse is to resort to a greater degree of abstraction than their Anglophone counterparts. This is best illustrated by the importance that law deriving from the Romano-Germanic tradition gives to codified law, which constitutes the principal source of the law, and the paramount importance that common law ascribes to jurisprudence and judge-made law. To illustrate the unique workings of our Canadian legal systems, here is a summary description:

Canadian Bilingualism and Bijuralism

Canada's duality can be best expressed by the co-existence and sometimes mutual penetration of two century-old legal traditions: British inspired common law and French civil law.

Canadian civil law is rooted in the widespread Romano-Germanic family of jurisdictions that govern most countries in Western Europe. Canadian Common Law issues from the juridical traditions found in most all English-speaking countries.

Sui generis differences setting both legal systems apart yet equal

To appreciate this uncommon duality, comparative law scholar René David has this to say:

[TRANSLATION] “English law will appear to us as being quite different from French law and other jurisdictions hailing from the Romano-Germanic family. Its structure is not the same as ours and in this structural difference resides the greatest difficulty that we find in the study of English law. The difference in structure that we shall observe is indeed total... Not corresponding to any concept known to us, the terms used by the common law are not translatable into our languages, as are the terms qualifying wildlife and vegetation from some other climate. When pressed at any cost to translate such terms, the meaning is most often warped, and the difficulty is not lessened when lured by something that seems obvious: the common law contract is no longer the equivalent of the French law contract. English Equity has nothing to do with French Equity. Administrative law does not mean “droit administratif”. Civil law does not mean “droit civil”, and Common Law does not mean “droit commun”. – René David, *Les grands systèmes de droit contemporains*, 8th ed., p. 341-342

In Civil Law jurisdictions, the legislator defines the rule of law in the form of principles and courts of law are bound to apply the foregoing principles to specific cases.

These rules are often consolidated into voluminous laws covering entire sectors of legislation and they bear the name “Code.” Among all such codes, doubtlessly the most renown of all is the “Code Napoléon”, France’s first Civil Code. Over the past two centuries, many civil law jurisdictions, which includes Québec, have taken their inspiration from the landmark « Code Napoléon » in order to implement their own Civil Codes.

In Common Law jurisdictions, the rule of law devolves from judgments of a court based upon each individual case. As these judgments regarding one specific issue accumulate, the courts are then capable of extracting greater or lesser applicable principles, and progressively formulate a body of jurisprudential rules of varying exhaustivity.

When legislators find some decision unacceptable, they are then free to derogate from the case-law rules by drafting a new statute. Nonetheless, since such new legislation will constitute a jurisprudential exception, the courts will interpret it restrictively.

Thus returning to Civil Law jurisdictions, in practice the civil law draftsman will employ wide sweeping general terms where on the contrary, the Common Law jurist who

is used to century-old restrictive court interpretations, will insist upon highly detailed statutory drafting.

In taking stock of both Common and Civil law legal systems, we note that each one is exclusively adapted to the spirit of their inimitable languages. Hence, the Common Law, by nature down-to-earth and pragmatic, seeks to proceed case by case accumulating similar examples that lead to principles that will be applied to yet-to-exist similar situations. This is a magnificent illustration of inductive reasoning that characterizes English thought patterns. The English Language Common Law jurist, like any other English speaking person, has little difficulty in handling ideas and concepts if he or she can relate them to tangible realities (an earthy perception as opposed to an abstract perception).

Contrariwise, his or her French-speaking Civil Law colleague will prefer general categories and generalizations, based upon recognized general principles. The civilian jurist is quite at ease surrounded by the codes that frame legislation and constitute the primary source for all legal reasoning. Yet for corresponding Common Law jurists, court contributions to case law bodies of jurisprudence constitute the main source of law.

Stated from a logical standpoint, the French jurist’s mind spontaneously rises to concepts and ideas following a

path of deductive reasoning leading to a level of abstraction unknown in English Common Law.

THE CO-DRAFTING OF LAWS IN CANADA: A MODEL ONE OF ITS KIND

Let's shortly examine what we call in Canada "the co-drafting of laws". Here is what Ms Marie-Claude Gaudreault of the Department of Justice Canada has written with regard to this unique model of bilingual legislative drafting¹:

Two different private law traditions coexist in Canada: the civil law in Quebec and the common law in the other provinces. The bijural nature of the Canadian legal system has an impact on the drafting of federal legislation, which must adequately address four legal audiences, namely the civil law and the common law in both English and French. In this regard, it often becomes necessary to build bridges between federal legislation and these two systems of law whose rules, principles and institutions are often different. This gives rise to specific challenges, described as follows by Professor Ruth Sullivan:

[f]ederal legislation in Canada is not only bilingual, but also bijural in the sense that

it is applicable to persons, places and relations that are subject to the civil law in Quebec and to the common law in the rest of Canada. This wealth of possibility creates a difficult challenge for federal drafters, and for interpreters of federal legislation. Although Quebec is the only province with a civil law system, the French version of federal legislation is meant to operate in all the provinces. This makes it impossible simply to reserve the English version of legislation for application in the common law provinces and the French version for application in Quebec².

The bilingual nature of the Canadian federation imposes obligations on both instructing officers and legislative drafters. Our unique system of co-drafting was developed in 1978 to meet these obligations. Co-drafting involves drafting the two language versions of legislation at the same time by using a team of two drafters, one of whom is responsible for the English version while the other is responsible for the French version. The technique of co-drafting ensures that each language version is properly drafted and reflects both the civil and common law systems.

¹GAUDREULT, Marie-Claude, Legislative Bijuralism: its Foundations and its Application, Department of Justice Canada, on-line: <http://www.justice.gc.ca/eng/bijurilx/tax-fisc/gaudr/fo1.htm>.

²Ruth Sullivan, Sullivan and Driedger on the Construction of Statutes, 4th ed., Vancouver, Butterworths, 2002, at p. 94-95.

Co-drafting is now a well-established practice that has proven to be effective in drafting federal bills and regulations to reflect the equal status of both official languages as enshrined in the Official Languages Act and later in the Canadian Charter of Rights and Freedoms.

The objective of co-drafting is to produce two original and equally authoritative versions through the close and constant cooperation of two drafters. Each version should fully reflect the departmental instructions while respecting the nature of each language as well as Canada's two legal systems, common law and civil law. In co-drafting, neither version is a translation of the other. As a result of working together, the two drafters often prompt each other to change or improve their versions. A critical component of co-drafting is the sound understanding by the drafters of both official languages.

Jurilinguist André Labelle adds these thoughts regarding the advantages of this initiative:

[TRANSLATION] The emancipation of laws drafted in French even had beneficial effects on the English version of our laws. The aged statutes of Canada were often characterized by a ponderous style that is associated by some as owing to the Common Law and by others to the English

language. Little does this matter, the English language legislative style has evolved, especially from its contacts with French and it is doubtful that this would have been the case had French remained a mere language of translation³.

The Higher Level of Abstraction in French

To express their thinking, native French speakers and native English speakers resort to the use of distinctly different linguistic resources.

One must bear in mind that in general, French speakers are more at ease with abstract concepts and generalizations (*mots signes* / lexical signs), whereas English speakers have greater facility in using words more attuned to reality (*mots images* / lexicalized imagery)

As early as 1958, Vinay and Darbelnet set forth two categories, one for French and the other for English, in order to depict semantic content in either language, namely that “generally speaking, French words (*mots signes*) most often reflect a level of abstraction superior to that of corresponding English ones” [TRANSLATION]. In French

³André LABELLE, La corédaction des lois fédérales au Canada – Vingt ans après : quelques réflexions, paper presented in LEGAL TRANSLATION - History, Theory/ies and Practice, International colloquium organized by the School of Translation and Interpretation of the University of Geneva and the Swiss Translators, Terminologists' and Interpreters' Association, at the University of Geneva, February 17 - 19, 2000

therefore, such words dispense with details characterizing reality”⁴. Vinay and Darbelnet named this phenomenon “le plan de l’entendement”, liberally rendered in English as the “rationale level” of language or abstraction.

⁴Vinay, J.-P, J. Darbelnet, *Stylistique comparée du français et de l’anglais*, Paris, Didier, 1958.

The counterpart for the English language then became the “plan du réel” or the reality level where meaningful words (mots images) tend to stick close to tangible, concrete phenomenon. The reality level as they considered it resorts to descriptive, down-to-earth, “hands on” terms leaving little to one’s imagination.

Exemplo:

From a contract:

If any party is prevented from performing any of its obligations hereunder by an unforeseeable occurrence beyond its reasonable control such as, but not limited to, acts of God, fire, flood, war, insurrection, riot, government action, embargoes, quotas, raw material shortage, strikes, labor dispute, shortage of labor, delays in transportation or lack of common carrier facilities, then the affected party shall be excused from performance for so long as such occurrence exists.

En cas d’incendie, d’inondation et de cas malheureux ou de force majeure, l’Éditeur ne pourra être tenu pour responsable des exemplaires détériorés, détruits ou disparus, et il ne sera dû aucun droit ni aucune indemnité à l’Auteur.

From two statutes:

A person who has reached the age of seventy years is not eligible to be appointed a member of an agency and a member thereof ceases to hold office on reaching the age of seventy years.

La limite d’âge pour l’exercice des fonctions de commissaire est de soixante-dix ans.

(2) A request to the Minister for approval of a proposed railway work pursuant to subsection (1) must be accompanied

(a) in all cases, by a plan of the work to which the request relates, which plan must include such drawings, specifications and other particulars as are prescribed;

(b) where paragraph (1)(a) applies, by a statement setting out the manner in which the work departs from the applicable engineering standards and the reasons for such departure; and

(c) where paragraph (1)(b) applies, by the response of the proponent to the outstanding objections.

(2) La demande visée au paragraphe (1) est accompagnée d'un plan des travaux visés par la demande, comprenant les dessins et précisions réglementaires, et d'une déclaration exposant selon le cas, les dérogations aux normes techniques applicables et les motifs de ces dérogations ou la réponse du promoteur aux oppositions formulées à l'égard des travaux.

General examples:

With one of his helpers, he walks along the edge of the forest and unrolls a band of red plastic warning tape.

Avec l'un de ses assistants, il érige un périmètre de sécurité autour du boisé.

The police cordoned off the crime scene.

Les policiers ont érigé un périmètre de sécurité autour du lieu du crime.

He breasted the tape three times in a row.

Il a remporté la victoire à trois reprises.

A basic consistency emerges from these examples. In these sentences, the English speaking author gives an account of a specific situation by relating it chronologically, as if he were to guide the reader as the situation unfolds. He uses words evoking the image (tape, cordon). On the other hand, the French speaker situates the description on a more abstract and generalized level (périmètre de sécurité).

This tendency of the French to prefer an abstraction is confirmed in other

examples involving the translation of common law concepts.

thin skull doctrine
clean hands doctrine
long-arm statute
cloud on title
poisonous tree doctrine doctrine
de la vulnérabilité de la victime
conduite irréprochable, droiture
loi d'application extraterritoriale
possibilité de contestation d'un titre
inadmissibilité des preuves obtenues illégalement

In all the preceding examples, the original metaphor disappears in the translation and is replaced by a more abstract term. The image contained in the English original is lost, but the translation is all the more faithful to the spirit of the French language.

To illustrate our observations, here are some insights taken from a soon-to-be published paper by Wallace Schwab, *Through the Legislative Looking Glass, Signs versus Reality*:

The following is an allegorical representation exemplifying the cultural orientations characteristic of top-to-bottom (French) deductive reasoning when set opposite (English) inductive or eclectic ways of thinking bringing together objects or phenomena that reasonably make obvious a predefined objective.

So, let's go for a walk through two gardens: one French, the other English.

Le Nôtre's Conception of the Versailles Garden

Versailles is a man-made universe wherein a casual stroller may contemplate calm symmetry and aesthetics surrounded by tranquility where order and logical thinking replace spontaneity, where the mind espouses the orderly forms and surprises of Mother Nature's artistic impulsiveness leaving an indelible impression on the human intellect. Straight predictable pathways, fragrances and colours of assorted plants releasing aromas, the stroller is surrounded by an "artificial" environment, yet oh so relaxing to contemplate. This methodical approach has something akin, minus the aesthetics, to how Quebec's Civil Code creates conceptual relationships. Therein, Cartesian reasoning takes hold of the core treatise, then subdivides and expounds its interlocking concepts that decline from the specific to the general in an orderly fashion. In the end, such linkage provides the building blocks for analytically based conceptual thinking.

So much now for Versailles, Codes and company, back to our gardening... English style.

Spontaneous Combinations of Finery

In turn, here expressed in lyrical terms is English drafting as portrayed by metaphorical paths wandering through an English garden with, of course, careful landscaping in a natural setting with varieties of plants, colours and

fragrances attentively arranged such that a strolling “promeneur” is comforted by spontaneous order that makes sense. In like manner “legal landscaping” forms an intimate part of sculpturing legal prose such that the pieces form an extremely coherent, but not necessarily logical or uniform whole as may be compared with French technical drafting.

At any time in one’s search for English language statutory information, small obscure places with unexpected data may meet the researcher’s eye. For lack of a logical structure, the finding of needed information is frequently satisfied by exhaustive and most often highly efficient cross-referencing systems.

A basic consistency underscores the foregoing examples. On the one hand the French-speaking author presents a Cartesian elaboration of the subject at hand, deliberately placing its pieces with razor-sharp logic. On the other hand, the English-speaking author takes into account a specific situation by relating it chronologically, as though he or she was leading the reader step by step over non-treaded landscape.

METAPHORS IN LEGAL DISCOURSE

Meanwhile back in court, we shall note another register of Common Law and Civil Law non-equivalences: Metaphors. The French Robert dictionary thus defines metaphor (free translation): “A rhetorical device that uses a tangible

term in an abstract context by means of an analogical substitution, without there being anything suggesting a comparison.”

Now we may have a better idea of the English language predilection for metaphors, especially in legal discourse. The metaphorical impact used as a pervasive tool is not to be underestimated, especially in English which, as we know, makes considerable use of this persuasive oratorical device.

Metaphors can be, and are, used rhetorically. They persuade us even as they please us. Metaphors are used in law to render the complex simple, to appeal to common sense, and to structure thinking about a particular issue⁵.

The metaphor is a privileged means for elucidating abstract concepts because it proceeds from some familiar reality to an abstract concept. By proceeding from the known to the less well known, the speaker communicates with listeners.

However, metaphors have their limits. As Patricia Loughlan rightly points out:

Metaphor functions within a language of moral and political persuasion in helping to portray where the ‘right’ lies. It has been

⁵Benjamin L. Berger, Trial by Metaphor: Rhetoric, Innovation, and the Juridical Text, Court Review, The Journal of the American Judges Association, University of Nebraska, Fall 2002.

*said that metaphor can take us to 'the silent territory just outside what has hitherto been said', and that is indeed one source of metaphor's power to enchant and to persuade. But metaphor in legal discourse can also help to lock us into the internal logic of an image or set of images, structure our thinking in a way that may weaken or distort our rational decision-making capacities*⁶.

Why Metaphors cause Trouble when Translating into French

When faced with translating a metaphor, must one carefully keep the original, perhaps eliminate it or replace it with a more user-friendly metaphor? It all depends upon what is at stake.

Let us examine some examples.

The Big Business Corporate Veil

In the expression piercing the corporate veil, a recent edition of the Termium on-line terminology bank offers 9 possible translations into French and 3 into English, some literal, others imaginative and at least one to be forgotten. It is frequently translated literally: « percer/lever le voile de la personnalité juridique », « percer/lever le voile social » and so on, especially in our Canadian context. However,

begging your pardon, in French all of them sound weird! Alert translators usually resort to less imagery and more precision, such as « faire abstraction de la personnalité morale ». Consider that in our role as “language comparatists” it is always more useful and safe to replace a poor translation by ferreting out conceptual analogies.

The right conceptual analogies will put you on the right track to an intelligent legally enforceable solution; the following description is meant to help you. In the Canadian and especially the Québec context, piercing the corporate veil evokes the penetration of any corporation protected by its legally recognized status per se in order to thwart fiscal misconduct. It means overriding its legal person status in order to bring to light the non-tax paying company's true economic situation⁷.

Other examples:

Of course, after an accused has once let the cat out of the bag by confessing (...) he is never thereafter free of the psychological and practical disadvantages of having confessed. He can never get the cat back in the bag. The secret is out for good. (United States v. Bayer)

⁶Patricia LOUGHLAN, “Pirates, Parasites, Reapers, Sowers, Fruits, Foxes... The Metaphors of Intellectual Property”, in Sydney Law Review, vol. 28, 211, at p. 226.

⁷Eric Engle, Transparence fiscale en droit comparé: France/USA, 2007 (http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1021595).

Bien sûr, dès lors qu'il s'est compromis en passant aux aveux, l'accusé (...) doit en assumer les conséquences tant psychologiques que pratiques. Il ne peut se rétracter. La divulgation du secret est irréversible.

The judge must refrain from getting down in the arena.

Variante : A judge must keep out of the arena.

Le juge doit s'abstenir d'intervenir (intempestivement) dans le débat / ne doit pas s'immiscer dans le débat.

Each party is required to put its best foot forward at the earliest opportunity.

Les parties doivent présenter leurs meilleurs arguments à la première occasion.

Generally speaking, literal translation is justified when one must present a concept in all its specificity. Indeed, in this respect one may refer to the American “sweat of the brow” theory (théorie de la « sueur du front ») whereby he or she who has worked, although not having done original work, must be remunerated for his or her efforts, of which artistic creation has found profit⁸. The same can

⁸Benoît Galopin, Jeux vidéo et droit d'auteur, 2003 (<http://www.glose.org/mem022-htm.htm>).

be said about historical concepts as the “Chancellor’s foot” . Only in a work in which the historical context is significant would the translator use the image of the Chancellor’s foot⁹.

The concept of arbitrary power and the Chancellor’s foot

Nineteenth Century English critics derided the discretion of the equity courts to enforce legal rights by complaining that the only standard by which to measure its authority was the size of the Chancellor’s foot.

Des auteurs anglais du XIXe siècle ont tourné en dérision le pouvoir discrétionnaire des tribunaux siégeant en equity en lui reprochant le fait que le seul critère permettant d'en mesurer l'étendue était la taille du pied du chancelier.

The Constitution is a living tree

When the Supreme Court of Canada ruled on the legality of same-sex marriage, the

⁹The image of the Chancellor’s foot is used in common law to signify the inherent power of courts having jurisdiction in equity (recalling England’s court of chancery in days gone by) to grant relief at their discretion in cases not provided for by common law. The standard regulating this type of relief is the size of the Chancellor’s foot, a trope traditionally employed to evoke the sovereign power of equity courts.

newspapers made a feeble attempt to translate the justices' remark: "La Constitution est un arbre vivant" for "The Constitution is a living tree," taken from a judgment by the Privy Council in 1930 (Lord Sankey L.C. from Edwards v. Attorney General for Canada).

Such a hopelessly literal rendering may seem childish, hardly unusual in slavish translations from English. French demands a greater level of abstraction. (Vinay and Darbelnet).

Tentative translation: LA CONSTITUTION EST EN CONSTANTE ÉVOLUTION / LA CONSTITUTION EST DYNAMIQUE

A man's home is his castle

A literal translation of this adage would fail to respect the genius of the French language. A better rendering would be le principe de l'inviolabilité du domicile or du caractère sacré du domicile.

Translators need to keep a critical distance from the text they're working on; they shouldn't be obsessed by it. For instance, rendering some figurative English expressions (thin skull doctrine) requires a greater degree of abstraction

in French (théorie de la vulnérabilité de la victime).

In conclusion, we should always remind ourselves that, in the exercise of their profession, legal translators who work from English to French become aware, as they go from one language to the other, that not only do the concepts and words change, but the relationships between them change, too. Each language favours certain forms, syntactical or stylistic processes, and terms.

CONCLUSION

Law is intimately bound to the language that expresses it. There exists in every nation a system of values, a way of thinking and a specific type of society issuing therefrom. Translating the law means taking hold of the legal system in its role as cultural bonding and ask oneself how are we to retribute and more importantly, respect the spirit of each language and in so doing, the identity of each people.

As we have seen in this paper, in a bilingual and bijural country like Canada, translators must also be sensitive to the structural and cultural differences between the coexisting legal systems and languages.

To be a legal translator is to embark on a passionate adventure, a never-ending dialogue between two cultures, two ways of thinking, two world-views (Weltanschauung). I would like to

conclude by saying that legal translation is the most intense, most arduous, but also the most passionate of dialogues. We are privileged, indeed, to practice this stimulating, continuously evolving profession.

BIBLIOGRAPHY

ARBATCHEWSKY-JUMARIE, Nadia, Aleksandrovic MELCUK et André CLAS. Dictionnaire explicatif et combinatoire du français contemporain, Coll. « Recherches lexico-sémantiques » -1, 2, 3, 4, Montréal, Presses de l'Université de Montréal, 1984, xvi-172 p.

BALEYTE, J. et autres. Dictionnaire économique et juridique, 4e éd., Paris, Éditions de Navarre, 1995.

BEAUCHESNE, Jacques. Dictionnaire des cooccurrences, Montréal, Guérin, 2001, 390 p.

BEAUDOIN, Louis et Madeleine MAILHOT. Expressions juridiques en un clin d'œil, 3e édition, préface de Gérard Cornu, Cowansville (Québec), Les Éditions Yvon Blais, © 2005, xvii-424 p.

BEAUDOIN, Louis, Les mots du droit : Lexique analogique juridique / Legal Thesaurus, 3e édition, préface de Jacques Picotte et de Gérard Cornu, Cowansville (Québec), Les Éditions Yvon Blais, © 2008, xiii-375p.

BENSON, Morton, The BBI Dictionary of English Word Combinations, rev. ed., John Benjamins Publishing Co., Amsterdam/Philadelphia, © 1997, 386 p.

BERGER, Benjamin L., Trial by Metaphor: Rhetoric, Innovation, and the Juridical Text, Court Review, The Journal of the American Judges Association, University of Nebraska, Fall 2002.

BISSARON, Sébastien. Guide du langage juridique – Les pièges à éviter, Paris, Litec, 2002.

BLACK'S LAW DICTIONARY (droit américain), 8e éd. sous la direction de Bryan A. GARNER, St. Paul (Minn.), West, 2004, 1820 pages, rigide.

BOCQUET, Claude, La traduction juridique – Fondement et méthode, Bruxelles, De Boeck, 2008, 119 p.

CALVET, Louis-Jean, Essais de linguistique – La langue est-elle une invention des linguistes ?, Paris, Plon, 2004.

CENTRE DE RECHERCHE EN DROIT PRIVÉ & COMPARÉ DU QUÉBEC, sous la direction de Nicholas KASIRER, Le droit civil, avant tout un style ? Montréal, Les Éditions Thémis, 2004.

COHEN, Betty. Lexique de cooccurrences: bourse, conjoncture économique. Préface de Paul A.Horguelin, Montréal, Linguattech, 1986, v, 125 p.

CORNU, Gérard. Linguistique juridique, 3e édition, Paris, Montchrestien, 2005, 443 p.

CORNU, Gérard. Vocabulaire juridique, 8e éd., Paris, P.U.F., 2000.

CRÉPEAU, Paul-André. Dictionnaire de droit privé et Lexiques bilingues, 2e éd. rev. et augm., Cowansville, Les Éditions Yvon Blais Inc., ©1991, 741 p.

DAVIAULT, Pierre. Langage et traduction, Ottawa, Secrétariat d'État, Bureau de la traduction, 1972.

DE GROOT, G.-R. « La traduction juridique. The Point of View of a Comparative Lawyer », Les Cahiers de droit, vol. 28, N° 4, 1987, p. 793-811.

DELISLE, Jean. L'analyse du discours comme méthode de traduction : initiation à la traduction française de textes pragmatiques anglais : théorie et pratique, Ottawa, Éditions de l'Université d'Ottawa, 1980, 282 p.

DELISLE, Jean. La traduction raisonnée – Manuel d'initiation à la traduction professionnelle de l'anglais vers le français. Ottawa, 2e édition, Ottawa, Les Presses de l'Université d'Ottawa, 2003.

DELISLE, Jean, Christel GALLANT et Paul A. HORGUELIN. La traduction au Canada, 1534-1984 / Translation in Canada, 1534-1984, Ottawa, Presses de l'Université d'Ottawa, 1987, 436 p.

DIDIER, Emmanuel. Langues et langages du droit : étude comparative des modes d'expression de la common law et du droit civil, en français et en anglais, Montréal, Wilson & Lafleur, ©1990, xx-477 p.

DUBÉ, Jacques. Lexique analogique, Ottawa, Ministère des Travaux publics et des Services gouvernementaux du Canada, 2e éd., 1997,

DUBOIS, Jean et autres. Dictionnaire de linguistique et des sciences du langage, Coll. « Expression », Paris, Larousse-Bordas/HER, 1999, lx-514 p.

EBERHARD, Cristophe, Le droit au miroir des cultures : pour une autre mondialisation, Paris, L.G.D.T., 2006.

ELLIOTT, Catherine. French Legal System and Legal Language : An Introduction to French, London and New York, Longman, 1998.

ENGLE, Eric, Transparence fiscale en droit comparé : France/USA, 2007.

GALOPIN, Benoît, Jeux vidéo et droit d'auteur, 2003.

GAUDREAU, Marie-Claude, Legislative Bijuralism: its Foundations and its Application, Department of Justice Canada, on-line: <http://www.justice.gc.ca/eng/bijurilex/tax-fisc/gaudr/fo1.html>

GEERTZ, Clifford, Local Knowledge: Further Essays in Interpretative Anthropology, New York : Basic Books, 1983.

GÉMAR, Jean-Claude et VO HOTHUY, Difficultés du langage du droit au Canada, 2e édition, Cowansville, Les Éditions Yvon Blais Inc., 1997, 182 p.

GÉMAR, Jean-Claude. Langage du droit. Essais de jurilinguistique / The Language of the Law and Translation. Essays on Jurilinguistics, collectif réalisé sous la direction de Jean-Claude Gémar, Département de linguistique et philologie de l'Université de Montréal (Canada), publié en coédition par : la Collection langues de spécialité Linguatex et le Conseil de la langue française, [s.l.], ©1982 Éditeur officiel du Québec, 320 p.

GÉMAR, Jean-Claude. Traduire ou l'art d'interpréter. Langue, droit et société : éléments de jurilinguistique. Tome 2 : Application. Traduire le texte juridique. Sainte-Foy (Québec) : Les Presses de l'Université du Québec, ©1995, ix-232 p.

GÉMAR, Jean-Claude et Nicholas KASIRER. Jurilinguistique : entre langues et droits – Jurilinguistics: Between Law and Language. Montréal, Les Éditions Thémis, Bruxelles, Les Éditions juridiques Bruylant, 2005.

GOVERNEMENT DU QUÉBEC, COMMISSION DE TERMINOLOGIE JURIDIQUE. Termes juridiques - Vocabulaire anglais-français. Gouvernement du Québec, 1997,

LE GRAND ROBERT DE LA LANGUE FRANÇAISE. 2e édition, entièrement revenue et enrichie, 9 tomes, dir. Alain Rey, Paris, Dictionnaires Le Robert

GROFFIER, Ethel et David REED. La lexicographie juridique : principes et méthodes, Montréal : Les Éditions Yvon Blais Inc., 1990, 151 p.

GREVISSE, Maurice. Quelle préposition ? 3e éd., Paris, Duculot, 1992.

HOUBERT, Frédéric, Dictionnaire des difficultés de l'anglais des contrats, 2e éd., Paris, La Maison du Dictionnaire, 2006, 220 p.

LASERRE, A., Est-ce à ou de ? 14e éd. Lausanne, Payot, 1980.

LAVALLÉE, François. Le traducteur

averti – Pour des traductions idiomatiques. Montréal, Linguattech, 2005, 232 p.

LOUGHLAN, Patricia, “Pirates, Parasites, Reapers, Sowers, Fruits, Foxes... The Metaphors of Intellectual Property”, in Sydney Law Review, vol. 28, 211, at p. 226.

MACDONALD, Roderick A. « Legal Bilingualism » Revue de droit de [l'Université] McGill, / McGill [University] Law Journal, vol 42, 1997.

MAILHOT, Louise (2004). Écrire la décision : guide pratique de rédaction judiciaire, 2e éd., Cowansville, Yvon Blais, 158 pages

MEERTENS, René. Guide anglais-français de la traduction, 2e édition, Paris, Chiron Éditeur, 2008.

MIMIN, Pierre. Le style des jugements, 4e éd., Paris, Librairies techniques, 1962.

ORTEGA Y GASSET, José, Miseria y splendor de la traducción. Obras completas. vol. 5, Rev. de Occidente, Madrid, 1976.

PICOCHÉ, Jacqueline. Dictionnaire étymologique du français, Paris, Dictionnaires Le Robert, 1994, Les Usuels de Robert.

ROLAND, Henri et Laurent BOYER. Dictionnaire des expressions juridiques, Lyon, Éditions l'Hermès, 1983, 428 p.

ROULEAU, Maurice. Est-ce à, de, en, par, pour, sur ou avec? - La préposition vue par un praticien,

Brossard (Québec), Linguattech, 2002.

ROULEAU, Maurice, Initiation à la traduction générale – Du mot au texte, Montréal, Linguattech, 2001, 241 p.

SAUSSURE, Ferdinand de, Écrits de linguistique générale, Paris, Gallimard, 2002.

SCHWAB, Wallace, Through the Legislative Looking Glass, Signs versus Reality, Québec, 2011 (forthcoming publication).

SCHWAB, Wallace, Les anglicismes dans le droit positif québécois, Québec, Éditeur officiel, 1984, 160 p.

SCHWAB, Wallace et al., Drafting Laws in French, Ottawa, Law Reform Commission of Canada, 1980, 200 p.

SCHWAB, Wallace, Les locutions latines et le droit positif québécois, with the collaboration of Roch Pagé, Québec, Éditeur officiel, 1981.

SELESKOVITCH, Danica et LEDERER, Marianne. Interpréter pour traduire, Paris, Didier Érudition, collection Traductologie, 2001.

SOURIOUX, Jean-Louis et Pierre LERAT. Le langage du droit, Paris, P.U.F., 1975.

SULLIVAN, Ruth, Sullivan and Driedger on the Construction of Statutes, 4th ed., Vancouver, Butterworths, 2002

TERMIUM : la base de données terminologiques et linguistiques du gouvernement du Canada, http://www.termium.com/site/accueil_home_f.html

VINAY, Jean Paul et Jean DARBELNET. Stylistique comparée

du français et de l'anglais. Méthode de traduction, Nouv. éd. revue et corrigée 1977, Chomedey (Québec) : Éditions Beauchemin, 1977 (Réimpression de 1998), 332 p.

VINCENT, Jean et Raymond GUILLIEN. Lexique des termes juridiques, 10e éd., Paris, Dalloz, 1995.

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