

Les Cahiers de droit



CENTRE DE TRADUCTION ET DE DOCUMENTATION
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Wallace Schwab

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l'on considère que l'UNESCO a déclaré 1995 l'année internationale de la tolérance.

L'ouvrage représente donc une contribution importante à nos connaissances philosophiques et juridiques, notamment la contribution perelmanienne. Si les actes de colloque sont, en règle générale, disparates, ce que le présent ouvrage ne contredira pas, il importe de souligner le haut niveau des contributions.

Le seul bémol que nous voulons mettre concerne l'introduction du directeur du livre, Guy Haarscher. En voulant initier les lecteurs au prétendu « perelmanisme », Haarscher évite de se poser la question s'il ne rendrait pas service aux lecteurs en utilisant l'introduction pour faire connaître davantage Perelman, ses travaux, son évolution, ses débats, son environnement intellectuel, etc. Nous apprendrons en fait plus chez des auteurs qui évoquent leurs rencontres avec Perelman (par exemple: Eugène Kamenka et Alice Erh-Soon Tay, François Terré) que chez Haarscher.

Nous recommandons fortement l'ouvrage sous la direction de Haarscher à tout lecteur avisé s'intéressant à la philosophie du droit, à la logique juridique et à la rhétorique juridique.

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CENTRE DE TRADUCTION ET DE DOCUMENTATION JURIDIQUES, *Lexique des lois et des règlements de l'Ontario/Lexicon of Ontario Statutes and Regulations*, Ottawa, Centre franco-ontarien de ressources pédagogiques, 1993, 1 540 p., ISBN 2-89442-018-8.

My first reaction in opening the LEXICON of Ontario Statutes and Regulations was disbelief: 50,000 entries! Just two years before, I had reviewed the Ontario Bilingual Lexicon of Legislative Terms with its 7,805 entries — a parallel work — and was deeply impressed. So, the present edition definitely goes beyond any expectations I could have had.

For an idea of content, a few lines from the introduction are quite sufficient: « The present work contains the results of a scanning of all the *Revised Statutes of Ontario, 1990* in effect in January 1993 (536 statutes...), together with the most important statutes enacted in 1992 and 1993 (a total of 42) and 11 regulations (p. vii). » Interestingly enough, of the entries retained, the Lexicon « includes only official terminology since the *Revised Statutes of Ontario, 1990* and subsequent legislation have been enacted in both official languages. This means that both the English and French versions have equal validity in law (p. vii). »

A typical entry is provided in the introduction and reproduced hereafter:

cancellation

rectification, setting aside or
cancellation (of written instrument)
(R.S.O. 1990, c. C.43; 108(2) 8).

rectification, annulation ou résiliation

Key word: cancellation

Expression: rectification, setting
aside or cancellation

Context: of written instrument

Equivalent: rectification, annulation
ou résiliation

Source (reference): R.S.O. 1990, c. C.43; 108(2) 8. The List of Statutes and Regulations Scanned shows that this is a reference to paragraph 108(2) 8 of the *Courts of Justice Act*, which is chapter C.43 of the *Revised Statutes of Ontario, 1990*.

Thereafter, pages xi to xxviii provide the « List of Statutes and Regulations Scanned », definitely a useful tool for researchers, draftspersons and translators. Then follows the Lexicon: in all 1,504 pages of alphabetically cataloged terminology, but only from English into French which will obviously reduce the work's utility for people traveling from

French to English. Since the Lexicon is a descriptive snapshot of existing legislative usage, it is legally prescriptive but not necessarily linguistically normative. Hence it will be of great use for people wanting the legally prescribed way of saying things in Ontario, yet of little use for anyone seeking reassurance that the saying is «correct» by accepted grammatical standards.

Because of the Lexicon's descriptive nature, it is a veritable treasure trove — albeit a wholesale glut of data — for socio-linguists interested in documenting this language of the law. For instance, comparative researchers looking for common law expressions in the French language will have no trouble finding examples: *chattels* (p. 236); *fee simple* — *fief simple* and *feoffment* — *inféodation* (p. 566); *trusts* (pp. 1455-1460); *writs* (p. 1575) and much more. Corporate specialists trained in Civil law will find interesting «wrinkles» in the French equivalents for *partnership*

(pp. 993-994), *company* (p. 282) and *corporation* (pp. 340-341). Finally feminists interested in documenting lexical shifts from a diachronic viewpoint may observe the co-existence of *sex* (p. 1307) and *gender* (p. 614), as with the use of *male job class* and *male person* (p. 835), *man* and *man-made* (p. 386) then *female job class* and *female person* (p. 567) but no woman or women anywhere to be found.

This random sampling serves as a reminder that any language's lexical repertory remains a diachronically open set that can become a synchronically closed subset when confined within the boundaries of the laws of one system at a particular point in time — a most useful device for performing one type of linguistic research.

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