

**DIDIER, Emmanuel (1990) : *Langues et langages du droit*,
Montréal, Wilson et Lafleur, 477 p.**

Wallace Schwab

Volume 37, numéro 2, juin 1992

URI : <https://id.erudit.org/iderudit/004071ar>

DOI : <https://doi.org/10.7202/004071ar>

[Aller au sommaire du numéro](#)

Éditeur(s)

Les Presses de l'Université de Montréal

ISSN

0026-0452 (imprimé)

1492-1421 (numérique)

[Découvrir la revue](#)

Citer ce compte rendu

Schwab, W. (1992). Compte rendu de [DIDIER, Emmanuel (1990) : *Langues et langages du droit*, Montréal, Wilson et Lafleur, 477 p.] *Meta*, 37(2), 356–356.
<https://doi.org/10.7202/004071ar>

■ DIDIER, Emmanuel (1990): *Langues et langages du droit*, Montréal, Wilson et Lafleur, 477 p.

Langues et langages du droit is at present the most comprehensive compendium on the intricacies of the languages used to express Québec's and Canada's dual legal systems. A strong point of this interesting piece of research resides in the author's exhaustive approach to dealing with French and English legalese as a means for communicating standardized information on people, institutions and policies.

Within a five-chapter framework, Emmanuel Didier describes the internal and external features of the changing Canadian legal landscape — from beginning to now, the unique art and science of legal translation, a forward-looking glance at legal drafting, methodology, linguistics and documentation, plus interesting insights into converging, overlapping and conflicting notions of standards in law and in language. This last point is a daring one that has been waiting for years to be confronted by someone; thank you Mr. Didier.

The unique problem of Canadian legal documentation is most adequately covered in chapter 4 in which the author evokes the many problems encountered in resorting to offshore publications that are of definite high quality in their countries of origin, but dangerous for local consumption.

Although insufficiently developed, *Langues et langages du droit* does in some places provide useful tips and solutions for practitioners, as for instance the detailed mapping of typographical divisions of enactments in French and English texts (p. 312 *et seq.*).

While our bias regarding *Langues et langages du droit* is a positive one, it is by no means unconditional. Indeed, the main weak point of the book resides in its overwhelming academic approach to legalese. The author shows himself to be more of an astute observer of what is done rather than a "doer" himself. This should not disparage, however, a work of genuine scientific value, but it does underscore:

- how difficult it would be for any one person personally to master the many areas of specialization this work involves; and
- how dangerous it can be to assess untested and occasionally groundless analogies.

This last point requires some illustration. On page 135, the author ventures to affirm that "generative grammar makes it possible to circumvent the obstacles posed by form and get directly at propositions underlying the utterance." (My translation). By this and other comments he develops an incomplete and shaky argumentation insinuating that such linguistic tools would have some power to act as an agent in enlightening comparative law. Interesting speculation, but totally untested and hardly operational in my view at this primitive stage of the game.

A second Achilles' heel can be found in the absence of an index at the end of the book. As the book is a reference work worthy of the name, any wordsmith (which all legal draftpersons are) would expect a ready-reference directory for key-word look-ups. It's not there. Granted the table of contents in the beginning is exhaustive which is quite satisfying from a thematic standpoint, but this only addresses half of the problem.

WALLACE SCHWAB