

New Legal English Dictionary: A Corpus-based Approach¹⁾

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1. Introduction

Legal English is difficult for at least two different reasons. One is that it involves many technical terms that are complex and often archaic. Another reason, perhaps less widely recognised, is that seemingly simple non-technical terms can carry technical meanings in legal contexts.

As for the first difficulty, one can refer to specialist legal dictionaries. Regarding the second difficulty, however, neither general English dictionaries nor specialist legal dictionaries seem to provide sufficient information. Legal dictionaries typically do not contain elaborate entries for non-technical terms. General English dictionaries can usually only spare a small space near the bottom of the entry for the technical usage of any given term.

This is not a happy situation, especially considering that such non-technical words are often placed in crucial positions within sentences to

1) This article is based on a paper jointly presented by Shin'ichiro Torikai and the author at the ICAME 36 conference held at the University of Trier, Germany, 27-31 May 2015.

connect technical terms in any given legal discourse. A nuanced difference between synonyms can indicate a crucial distinction in legal discourse. This situation presents an opportunity to build a dictionary that focuses on certain important non-specialist words. Such a dictionary could help users make effective use of such words and compose legal arguments more efficiently.

The purpose of this paper is to illustrate how corpus linguistics can assist the creation of such a dictionary. For this purpose, Torikai and I have compiled four different legal corpora.

2. Objectives, Data, and Methodology

2.1 Objectives

This paper has three objectives. First, we investigate how legal synonyms are shown and explained in general English dictionaries and law dictionaries. Second, we show what the corpus can reveal. Third, we show how a legal synonym can be presented in our corpus-based, production-oriented Legal English Dictionary.

The following legal synonyms will be discussed here:

liable, responsible, accountable, answerable, chargeable, blameworthy, culpable

The noun forms of these synonymous adjectives will also be examined:

liability, responsibility, accountability, answerability, chargeability, blameworthiness, culpability

All of these synonyms indicate a state of affairs wherein a person must bear the consequences of what he or she has done or what has happened.

2.2 Data

The following discussion is based on an analysis of the corpus data Torikai and I collected for the project of compiling a corpus-based, production-oriented legal dictionary. This project is supported by the Japanese government fund for scientific research (#90180207)²⁾. This study used the following corpora:

UK Supreme Court judgments issued in 2008 (UKJG): 1,451,263 words
US Supreme Court judgments issued in 2008 (USJG): 1,574,403 words
UK law journals issued in 2008 (UKLJ): 1,267,048 words
US law journals issued in 2008 (USLJ): 1,303,223 words

Regarding the two Supreme Court judgment corpora, the data were downloaded from the following official websites:

<http://www.supremecourt.gov.uk/>
<http://www.supremecourt.gov/>

The following UK law journals were used to compile our UK law journal corpus:

Cambridge Law Journal (2008), *Oxford Journal of Legal Studies* (2008),
Law Quarterly Review (2008), *Edinburgh Law Review* (2008), *Modern Law Review* (2008)

The US law journals we used to compile our US law journal corpus include the following:

2) For the earlier publication from our joint project, refer to Torikai (2014) and Torikai (2015).

Harvard Law Review (2008), *Stanford Law Review* (2008), *Columbia Law Review* (2008), *Yale Law Journal* (2008), *The University of Chicago Law Review* (2008), *New York University Law Review* (2008), *Michigan Law Review* (2008), *University of Pennsylvania Law Review* (2008), *California Law Review* (2008), *Virginia Law Review* (2008), *Duke Law Review* (2008), *Northwestern University Law Review* (2008), *Cornell Law Review* (2008), *Georgia Law Review* (2008)

3. Legal Synonyms in Conventional Dictionaries

How have conventional dictionaries treated legal synonyms? While general English dictionaries and specialised law dictionaries have their respective strengths, they also have limitations³⁾.

3.1 General dictionaries

One of the representative English dictionaries, *Longman Dictionary of Contemporary English (LDCE)* (Mayer 2009), defines *responsibility* in its relevant parts as follows:

- 1 IN CHARGE [U] a duty to be in charge of or take care of something or someone, so that you make decisions and can be blamed if something bad happens: *Kelly's promotion means more money and more responsibility.* | + for a manager with responsibility for over 100 employees | take/assume responsibility *Mike agreed to take responsibility for organising the party.* | **people in positions of responsibility**
- 2 BLAME [U] blame for something bad that has happened: **accept/take responsibility (for sth)** *Vince refused to accept responsibility for accident* | *No one has yet **claimed responsibility*** (= said that they were responsible) *for yesterday's bombing.*

3) A more thorough analysis of general and specialist dictionaries and a review of the relevant literature are found in Torikai's article listed in note 2.

The strength of this dictionary, which is shared by many general English dictionaries today, lies in its rich entries of illustrative usage. This is especially true of its definition of *responsibility*. However, *LDCE*'s treatment of *liability* is relatively brief by comparison. The definition of *liability* in *LDCE* is as follows:

1 [U] legal responsibility for something, especially for paying money that is owed, or for damage or injury: **accept/admit liability (for sth)**
The company did not admit any liability for the accident. 2 TECHNICAL
 the amount of debt that a company owes.

Defining *liability* as legal responsibility implies that *liability* is more amenable to legal discourse than *responsibility*. However, this definition does not provide much help in the way of discerning the difference between these two synonyms. The definition of *liability* contains the common phrase '**accept/admit liability (for sth)**', but the entry for *responsibility* also includes '**accept/take responsibility (for sth)**'. The example also gives the impression that *responsibility* and *liability* are interchangeable. While one could say, '*The company did not admit any liability for the accident*', '*The company did not admit any responsibility for the accident*' is equally appropriate.

3.2 Legal dictionaries

In *Black's Law Dictionary*, the leading American law dictionary, *responsibility* is defined as follows:

1. The quality, state or condition of being answerable or accountable; LIABILITY (1).
2. *Criminal law*. A person's mental fitness to answer in court for his or her actions. See COMPETENCY.
3. *Criminal law*. Guilt. – Also termed (in senses 2 & 3) *criminal responsibility*. – **responsible, adj.**

As a specialist dictionary, *Black's Law Dictionary* lists two specialist usages of

responsibility; however, the generic definition is just a list of synonyms. As is also typical of specialised dictionaries, the entry does not contain useful phrases.

However, the entry for *liability* in *Black's Law Dictionary* is more elaborate:

1. The quality, state, or condition of being legally obligated or accountable; legal responsibility to another or to society, enforceable by civil remedy or criminal punishment ⟨liability for injuries caused by negligence⟩. – Also termed *legal liability*; *subjection*; *responsibility*. Cf. FAULT
2. (*often pl.*) A financial or pecuniary obligation in a specified amount; DEBT ⟨tax liability⟩ ⟨assets and liabilities⟩.

In the first part, *Black's Law Dictionary's* approach is similar to *LDCE's*. It lists synonyms for *liability* and adds the qualifications 'legally' and 'legal'. However, the entry goes on to explain that responsibility here is 'enforceable by civil remedy or criminal punishment'. This, in fact, captures one of the distinguishing characteristics of *liability* that this paper will discuss by way of analysing our corpora. Nevertheless, this short phrase would provide only limited assistance to law students struggling to write legal reports.

3.3 Observations and analysis

This comparison of *LDCE* and *Black's Law Dictionary* reveals a gap. Although *LDCE* and other general dictionaries provide nuanced definitions and illustrative examples for general terms like *responsibility*, they do not devote as much space to more specialised terms such as *liability*, presumably because they are used less frequently. On the other hand, while *Black's* is stronger when it comes to defining specialised terms, the entries do not contain elaborate illustrations of usage. Presumably, *Black's* needs to reserve space for defining more specialised terms such as *respondere superior* and *libel*.

One of the aims of our dictionary is to fill this gap by enlisting the help of

corpus linguistics. Our dictionary will mainly focus on terms that are too specialised for general dictionaries but too generic for specialist dictionaries. The definitions will be more nuanced than those found in specialist dictionaries and will be sensitive to synonyms with subtle but important differences. Our dictionary is meant to help law students compose legal arguments by defining frequently used terms and listing the words or phrases the terms often appear in conjunction with. The entries will also contain usages extracted from the corpora.

4. Findings from the Corpora

Our dictionary will be informed by data collected from our analysis of the four legal corpora. The words that appear often in our legal corpora—especially those that appear with higher frequency than in non-legal corpora—are likely to play an important role in legal discourse. Among our synonyms, *liable/liability* and *responsible/responsibility* are such words. Therefore, those terms warrant emphasis in our dictionary. Once a target term is identified, collocation data can provide valuable information regarding the words that often follow the term and phrases in which the term often appears. Obviously, knowledge of frequently used words and phrases can be helpful for writing legal documents. Equally important is the fact that the distinguishing features of a given word can be identified by analysing collocation data. For the purposes of our discussion, the differences between *liable/liability* and *responsible/responsibility* can be identified by analysing differences in the patterns of words that are often used with each of them.

4.1 Frequencies of legal synonyms

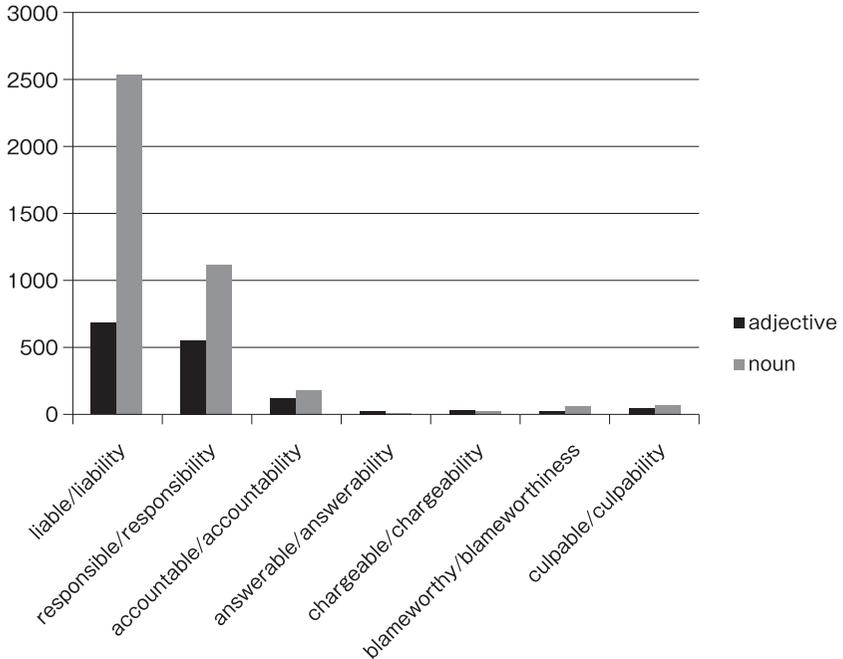
Table 1 and Figure 1 show the frequencies for *liable/liability* and *responsible/responsibility* and their synonyms in our corpora. Among those synonyms, *liable/liability* is most frequently used. The next most frequently used is *responsible/responsibility*, followed by *accountable/accountability*. The use of the remaining four synonyms—*culpable/culpability*, *answerable/answer-*

ability, chargeable/chargeability, and blameworthy/blameworthiness—is much more sparse⁴⁾.

Table 1 : The total number of words within the four legal corpora

[number]	liable liability	responsible responsibility	accountable accountability	answerable answerability
adjective	679	549	119	17
noun	2545	1117	186	3
[number]	chargeable chargeability	blameworthy blameworthiness	culpable culpability	guilty guilt
adjective	36	21	47	630
noun	6	61	70	262

Figure 1 : The total number of words within the four legal corpora



Contrary to the impression one might get from contemporary dictionaries—which explain *liability* and *responsibility* using synonyms such as *answerable* and *accountable*—the frequencies vary significantly among these synonyms. This suggests that one could prioritise the treatment of some legal synonyms for purpose of creating a dictionary and, in particular, for the earlier stages of training in legal English.

Table 2 and Figure 2 show regional and genre variation. The two law journal corpora contain more use of *liability*, *responsibility*, and *accountability* than the corresponding judgment corpora. In terms of region, the two UK corpora contain more frequent use of those synonyms than their corresponding US corpora.

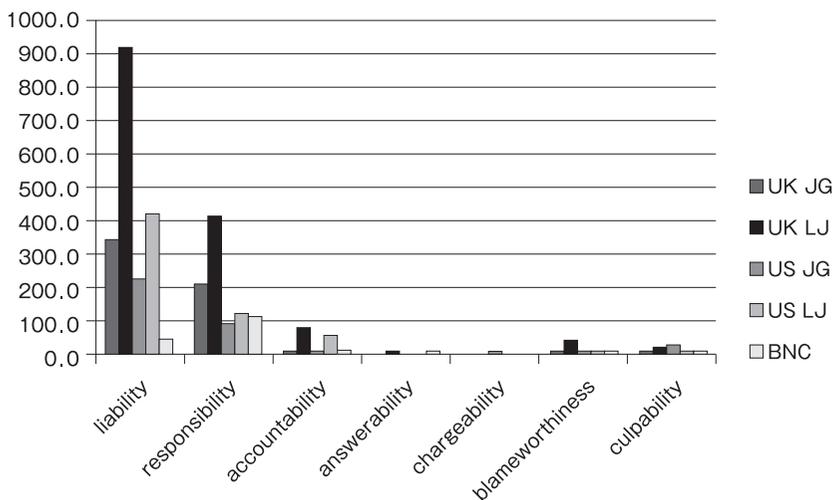
To show the distinct features of our legal corpora, Table 2 and Figure 2 present data from the *British National Corpus (BNC)*, which is a corpus containing samples of written and spoken British English drawn from a wide range of sources. Some interesting contrasts can be observed between the *BNC* and our legal corpora. While *responsibility* appears more often than *liability* in the *BNC*, *liability* occurs more frequently in all four of our law corpora. While all law corpora use *liability* more frequently than the *BNC*, the difference is less significant with regard to *responsibility*. In fact, the frequency of *responsibility* in the US corpora is not much different from that observed in the *BNC*. These contrasts suggest that although lawyers often use both *liability* and *responsibility*, the former is likely to play a more important role than the latter in legal discourse. In a sense, this observation corresponds to the definition of *liability* as legal responsibility found in many dictionaries.

4) One limitation of our corpora at the moment is its size. Although each of our corpora contains more than a million words, they were not large enough to analyse the use of *accountable*, *answerable*, and some other synonyms of *responsible* and *liable* that are less frequently used.

Table 2 : Frequencies of words within each of the legal corpora and the *BNC*

[per million]	liability	responsibility	accountability	answerability	chargeability	blameworthiness	culpability
UK JG	340.4	208.8	6.9	0.0	0.0	4.8	4.1
UK LJ	912.4	411.2	75.8	2.4	0.0	38.7	18.2
US JG	222.3	89.6	7.0	0.0	3.8	1.3	21.0
US LJ	418.2	116.6	52.9	0.0	0.0	2.3	6.1
BNC	43.1	106.8	10.9	0.1	0.0	0.1	0.6

Figure 2 : Frequencies of words within each of the legal corpora and the *BNC*



4.2 Collocation

Collocation is a term used in linguistics that can be defined as ‘the occurrence of two or more words within a short space of each other in a text’ (Sinclair 1991: 170). As a famous saying attributed to British linguist JR Firth (1890–1960) goes, ‘You shall know a word by the company it keeps’ (Mackin 1978: 149). Collocation data can show the patterns in sets of words that are

used together with a certain frequency. Such data can be useful for building a dictionary in various ways, including deciding which phrases and examples to focus on and identifying nuanced differences in meaning when slightly different words or expressions are used (Saito 2005: 207–226). Since the publication of *Collins COBUILD English Language Dictionary* (Sinclair 1987), collocation data based on the computer analysis of large textual corpora have been utilised in a number of major English-language dictionaries.

We have already observed that contemporary dictionaries often characterise *liability* as *legal responsibility*. What might this mean in practice beyond the fact that lawyers use *liability* more often than *responsibility*? The following analysis of the collocation data from our legal corpora will show that there are good reasons for defining *liability* as *legal responsibility*. The data also reveal that *liability/liable* tends to collocate more often with legal concepts or terms that carry legal consequences than is the case with *responsibility/responsible*.

4.2.1 *Responsible/liable for*

Being synonymous with each other, *responsible* and *liable* collocate with similar words.

As shown in Table 3, in all four corpora, the preposition that most often collocates with *liable* and *responsible* is *for*, which is followed by either *to* or *in*, depending on the corpora.

Table 3 : *Responsible/liable* + [preposition]

<i>liable</i>	UKJG	UKLJ	USJG	USLJ	<i>responsible</i>	UKJG	UKLJ	USJG	USLJ
for	86	38	28	14	for	77	69	30	19
to	33	12	10	3	to	3	5	1	0
in	25	29	0	1	in	2	3	1	1
under	24	3	3	1	under	1	1	0	1

When *responsible* or *liable* collocates with *for*, the most frequently used form is ‘be *liable/responsible* for’, as shown in the following sentences

extracted from our corpora:

[T]he police are not liable in tort for negligently failing to stop crimes.
(UKLJ)

Privacy professionals stress the importance of establishing specific staff who are personally responsible for privacy. (USLJ)

Also common is the form 'hold sbd *liable/responsible* for', as in the following extracts:

[A]labor union may be held jointly liable with an employer for discriminating in the formation of a collective-bargaining agreement.
(USJG)

[I]f a person unlawfully assaults another with intent to cause him really serious injury, and death results, he should be held criminally responsible for that fatality, even though he did not intend it. (UKJG)

One thing to note at this juncture is that the same phrasal form can be used with other synonyms, such as *accountable* and *answerable*, as in *be answerable for* or *held accountable for*. This is known in linguistics as 'construction grammar', which supposes that the grammatical form carries the meaning (McEnery 2011: 181).

4.2.2 *Responsible/liable for* what?

The difference between *responsible* and *liable* becomes obvious when we analyse what one can be (held) *responsible for* and what one can be (held) *liable for*. Table 4 shows the nouns that are often used after *responsible for*, and Table 5 similarly shows the nouns that frequently follow *liable for*.

Table 4 : *Responsible for* + [noun]

UKJG		UKLJ		USJG		USLJ	
conduct	7	outcome	10	insertion	1	violation	3
death	5	death	6	misfeasance	1	breach	2
consequence	3	consequence	3	unavailability	1	privacy	2
massacre	2	loss	3	ad	1	impasse	1
sub-letting	2	event	2	crash	1	hiring	1
failure	2	offence	1	defender	1	half	1
fatality	1	clumsiness	1	deficiency	1	offense	1
abuser	1	hiring	1	oversight	1	belief	1
plot	1	muddle	1	contamination	1	bill	1
deceit	1	waste	1	list	1	institution	1
collection	1	proliferation	1	disparity	1	role	1
shooting	1	non-disclosure	1	reimbursement	1	matter	1
enforcement	1	fire	1	zone	1	outcome	1
defect	1	destruction	1	expert	1	regulation	1
making	1	emergence	1	consequence	1	decision	1
executive	1	appointment	1	performance	1		
lack	1	rate	1	murder	1		
management	1	wrong	1	enforcement	1		
intimidation	1	administration	1	election	1		
repair	1	settlement	1	victim	1		
accident	1	management	1	act	1		
examination	1	exercise	1	rate	1		
behaviour	1	operation	1	cost	1		
worship	1	organisation	1				
seeker	1						

Table 5 : *Liability for* + [noun]

UKJG		UKLJ		USJG		USLJ	
injury	9	breach	5	damage	5	damage	3
damage	7	gain	3	conduct	4	action	2
act	6	damage	3	action	3	cost	2
defect	5	whole	2	misconduct	2	evil	1
loss	5			cost	2	misconduct	1
VAT	4			infringement	1	retaliation	1
negligence	3			subordinate	1	trading	1
crime	3			wrongdoing	1	loss	1
tax	3			misrepresentation	1	disclosure	1
payment	3			breach	1	decision	1
murder	2			training	1		
penalty	2			violation	1		
kind	2			act	1		
suicide	2			discrimination	1		
breach	2			crime	1		

A number of observations can be made by comparing these two tables. The nouns that come after *responsible for* cover a broad range of events that occur in the world, such as *death*, *massacre*, *subletting*, and *contamination*. By comparison, many of the nouns that follow *liable for* are legal concepts, such as *defect*, *injury*, *loss*, *damage*, and *negligence*. These concepts represent certain legal elements that must be proven before a certain conclusion is drawn according to the law. For instance, a person must prove that a product had a certain *defect* before he or she can receive compensation from the manufacturer. Similarly, it must be proven that a defendant's conduct can be characterised as *negligence* to recover damages—that is, to hold the defendant liable. In summary, the nouns that typically follow *liable for* are not just a group of random events but a set of legal concepts that carry direct legal consequences.

One can also observe that the variety of nouns that follow *liable for* is limited as compared with the nouns that follow *responsiblefor*. At the same

time, the frequency of individual words that follow *liable for* is higher than those following *responsible for*. The concentrated use of these limited varieties of legal concepts has important implications for education. Once students master a limited number of technical terms that collocate with *liability*, they can be confident that they have a good command of the term *liability*. On the other hand, students can confidently use a wide variety of nouns after *responsible for* without worrying too much about which technical terms to use.

4.2.3 Adjective + *responsibility/liability*; adverb + *responsible/liable*

The adjectives that collocate with *responsibility* and those that collocate with *liability* also show the differences between *responsibility* and *liability*. Table 6 lists the modifiers that collocate with *responsibility*, and Table 7 lists those that collocate with *liability*.

Table 6 : [Adjective] + *responsibility*

UKJG		UKLJ		USJG		USLJ	
parental	16	personal	79	primary	9	criminal	19
criminal	11	outcome	50	civic	3	individual	14
specific	4	individual	24	ultimate	3	superior	7
legal	4	moral	24	cardinal	2	trust	5
overall	3	parental	21	job	2	moral	3
strict	3	legal	6	regulatory	2	adjudicatory	2
additional	3	causal	5	warmaking	1	penal	2
primary	3	fiduciary	5	diminished	1	sole	2
constitutional	2	criminal	5	tutelary	1	collective	2
respective	2	regulatory	4	reserve	1	primary	2
full	2	social	4	lawmaking	1	god-given	1
particular	2	relative	3	disciplinary	1	directorial	1
term	2	primary	3	shift	1	law-making	1
duty	2	own	3	daily	1	diminished	1
		constitutional	3	assigned	1	overlapping	1
		ministerial	2	superintendent	1	civic	1

		command	2	respective	1	elaborate	1
		professional	2	operational	1	decision-making	1
		collective	2	oversight	1	disciplinary	1
		direct	2	existing	1	professional	1
		full	2	former	1	official	1
		corporate	2	principal	1	contractual	1
		family	2	executive	1	core	1
				security	1	ultimate	1

Table 7 : [Adjective] + *liability*

UKJG		UKLJ		USJG		USLJ	
strict	38	restitutionary	55	accomplice	31	criminal	86
civil	18	strict	32	supervisory	23	corporate	43
criminal	15	criminal	30	disparate-impact	13	entity	19
potential	10	concurrent	23	criminal	7	insider	14
tortious	6	civil	21	antitrust	6	trading	14
secondary	6	primary	17	attempt	6	tax	13
legal	6	several	17	potential	6	civil	8
such	6	prima	15	disparate-impact	5	fiduciary	7
vicarious	5	facie	15	civil	5	monetary	7
accessory	4	assistance	14	vicarious	4	american	7
delictual	2	corporate	13	arranger	4	tort	6
contractual	2	dishonest	11	strict	4	third-party	4
future	2	recipient	10	alleged	4	core	4
several	2	secured	10	personal	4	future	4
new	2	personal	10	several	4	individual	4
common	2	auditor	9	damage	4	duty	4
		delictual	8	such	4	damage	3
		product	8	duty	3	trademark	3
		vicarious	7	respondeat	2	potential	3
		secondary	7	disparate-treatment	2	vicarious	2

		proportional	6	superior	2	treble	2
		accessorial	5	tort	2	promissory	2
		accessory	5	extent	2	joint	2
		risk-based	5	state-law	2	enterprise	2
		tortious	5	employer	2	university	2

When Tables 6 and 7 are compared, one can see that most adjectives contained in Table 6 are used in combination with *liability* to form legal concepts. For example, *strict liability*, *vicarious liability*, *accomplice liability*, *accessory liability*, and *joint and several liability* are all concepts that are explained in textbooks on tort law or criminal law. Compared to these, the adjectives in Table 7 are less technical. For example, *parental responsibility* simply refers to the responsibility a parent has for a child, and *personal responsibility* refers to certain responsibilities for his own action or as an individual. Many of the adjectives before *responsibility* can be read as literally explaining the nature of responsibility. For further examples, *primary responsibility* means main, as opposed to secondary, responsibility, and *moral responsibility* simply means moral, as opposed to legal, responsibility.

One might observe that while *strict* is frequently used before *liability* in all corpora, it also appears before *responsibility* in the UK judgment corpus. This also reveals a pattern in which adjectives before *liability* often constitute legal concepts, while adjectives before *responsibility* usually simply explain. While the following excerpt discusses highly technical issues involving the interpretation of regulations, *strict*, as in *strict responsibility*, simply indicates that the degree of responsibility is high:

[S]ome specific nexus ... is required between the equipment and the employer's undertaking, before the employer comes under the strict responsibilities imposed by the regulations.

This passage does not indicate whether the employer must pay compensation or suffer criminal liability; rather, it explains the overarching approach of the

regulation.

On the other hand, when someone is held *strictly liable*, there is a direct legal consequence. For example, when an offence involves strict liability, criminal penalties apply regardless of the offender's state of mind:

To that extent the offence is one of *strict liability* and it is no defence that the accused believed the other person to be 13 or over. (UKJG)

In other words, the concept of *strict liability* has the direct consequence of eliminating certain legal defences.

The pattern of adverbs that collocate with *responsible* and *liable* mirrors the patterns of adjectives that are often used with *responsibility* and *liability*. In the case of the UK judgment corpus, *liable* often collocates with the following adverbs and creates legal categories:

vicariously (13), strictly (11), criminally (9), jointly (7), potentially (5), legally (5), personally (3), severally (2), statutorily (2)

These correspond to legal concepts such as *vicarious liability*, *strict liability*, and *joint and several liability*. The adverbs listed above can be contrasted with the less technical adverbs that collocate with *responsible* in the UK judgment corpus:

legally (5), criminally (3), causally (2), allegedly (2), primarily (2), directly (2), actually (2), therefore (2), exclusively (1), personally (1), jointly (1), strictly (1), accordingly (1), fully (1), simply (1)

Some of these adverbs might appear rather technical. For instance, *jointly* is used before both *liable* and *responsible*. The sole instance of *joint responsibility* in the UK judgment corpus is as follows:

The judge had decided that where several defendants were jointly

responsible for a fraud, and the property thus obtained was jointly held by them, each benefited in the amount jointly held and there was no requirement to apportion that amount between them.

Here, *jointly responsible* refers to the factual situation where all defendants were involved, just as the other use of *jointly* in the same excerpt describes a factual context. Compared with this, *jointly liable* in the following excerpt indicates a legal consequence:

Where several persons join to attack a victim in circumstances which show that they intend to inflict serious harm and as a result of the attack the victim sustains fatal injury, they are jointly liable for murder.

4.2.4 *Responsible* or *liable* as modifier

Another difference between *responsible* and *liable* is that *responsible* is more frequently used as a modifier than *liability*. In the UK judgment corpus, nouns that are modified by *responsible* are as follows:

authority (8), decision-maker (1), minister (1), adult (1), individual (1), government (1), landlord (1), state (1)

The word *responsible* carries the connotation that the relevant person or entity is under a certain continuous or ongoing duty or obligation, as in the typical usage that follows:

Responsible prison authorities would wish to conduct an inquiry of some kind into all of these incidents. (UKJG)

By comparison, *liable* is rarely used as a modifier. However, it is not impossible to use *liable* as a modifier, as shown in the following extract from the US judgment corpus:⁵⁾

In resolving contribution claims, the court may allocate response costs among liable parties using such equitable factors as the court determines are appropriate. (USJG)

In this example, *liable* refers to the court's conclusion that the parties at issue are under obligation to pay 'response costs'. This is also consistent with the recurring theme that *liability* or *liable* typically refer to certain obligations determined by the court, as opposed to *responsibility* or *responsible*, which usually imply certain ongoing duties that one owes to the broader community.

4.2.5 Verbs

A comparison of verbs that collocate with *responsibility* and *liability* also reveals a contrast. The contrast is most prominent in the UK judgment corpus, where *liability* often collocates with the following verbs:

impose (34), establish (9), escape (8), dispute (6), incur (6), admit (6), limit (5), extend (5), reimpose (3), apportion (3), evade (3), concede (3)

The verbs that collocate with *responsibility* in the same corpus are as follows:

assume (31), accept (13), avoid (9), bear (7), impose (7), take (7), engage (6), exercise (4), discharge (3), undertake (2), share (2)

Although there is some overlap between these lists, the list for *responsibility* contains those verbs that tend to be forward-looking, such as *assume*, *bear*, *accept*, and *undertake*. This seems to imply that *responsibility* is something that is taken up with regard for the future, as expected by the society. By contrast, verbs that collocate with *liability* imply a situation where damage has already been done, and the issue concerns who will bear the consequences. So, if a

5) This usage is not found in UK Judgment corpus.

defendant refuses to *admit* or *concede* liability and *disputes* liability, the claimant must *establish* liability in court. These contrasts are consistent with the recurring theme that *liability* is more legalistic than *responsibility*.

4.2.6 Variation among the corpora

While there are no dramatic differences across the corpora in the ways *responsible* and *liable* are used, some distinct patterns can be discerned. The contrast is most apparent when the use of *liability* is examined with collocating verbs in the UK judgment corpus and the US law journal corpus.

In short, UK judgments tend to be analytical in the use of *liability*, while US law journals are more policy oriented. Thus, *liability* in the UK judgment corpus collocates with verbs such as the following:

impose (34), establish (9), escape (8), dispute (6), incur (6), admit (6), limit (5), extend (5), reimpose (3), apportion (3), evade (3), concede (3)

On the other hand, *liability* in US law journals collocates with verbs such as the following:

impose (12), limit (9), assign (4), favor (4), base (4), expand (3), eliminate (3), extend (3), create (3), preclude (2), recognize (2), increase (2)

These two lists overlap (*impose* and *limit*), but the verbs from the UK judgment corpus reflect the frequent use of *liability* in courtroom scenes: parties can *dispute* liability, but once a plaintiff *establishes* liability or a defendant *concedes* or *admits* liability, the defendant must *incur* liability, though in some circumstances one may *escape* or *evade* liability.

On the other hand, US law journals use *liability* from the perspective of policymakers, outside of courtroom contexts. Thus, policymakers sometimes *recognize* and *create* certain liabilities and then *expand* and *increase* them, while

other times they *eliminate* or *preclude* liability. When liability is *based* on certain policy considerations, it might be justified, and liability can be *assigned* among several parties based on other policy considerations. The policymaker may also *favor* one kind of liability over another.

The same verb can be used in different contexts. Compare the contrasting use of *liability* in the following extract from the UK judgment corpus:

[S]ections 6 to 8 of the Human Rights Act 1998 impose civil liability on public bodies that fail to respect Convention Rights. (UKJG)

Now, from the US law journal corpus:

From a comparative perspective, such liability marks the United States as relatively unique. Few other Western countries impose entity liability. (USLJ).

Even though both sentences contain *impose*, the UK example reflects the judge's interpretive analysis of certain sections of the legislation. The US example, however, is a discussion of national policies regarding certain kinds of liability.

4.2.7 Implications and application

As observed above, *liability/liable* is used by lawyers more often than *responsibility/responsible*. This contrasted with general discourse as represented by the *BNC*, where *responsibility/responsible* appeared more frequently than *liability/liable*. This justifies a more elaborate treatment of *liability/liable* in our dictionary, as distinguished from general dictionaries such as *LDCE*.

We further asked in 4.2 what collocation data can tell us about the differences between these synonyms. Several observations are possible.

First, based on the different contexts in which *liability* and *responsibility* appear, we know that *responsibility* implies wide-ranging, ongoing duties

toward society, while *liability* normally indicates certain duties imposed by law and particularly by court order. This is evidenced by the way *responsible* and *liable* are used as pre-noun modifiers (4.2.4) and by the verbs that collocate with *responsibility* and *liability* (4.2.5).

Second, *liability* is often used in conjunction with legalistic words, or terms that have direct legal consequences, whereas *responsibility* can collocate with a wide range of general words. This was found to be true for nouns that follow *responsible for* or *liable for* (4.2.2), adjectives that modify *responsibility* and *liability*, and adverbs that modify *responsible* and *liable* (4.2.3). This observation has pedagogical implications. Since the words that collocate with *liable* or *liability* are legalistic, their variety is limited, and each appears with high frequency as compared with words that collocate with *responsible* or *responsibility*. This means that if students can master the limited categories of words connected with *liable* or *liability*, they can confidently use those words in a professional way.

For the purposes of our dictionary, this observation justifies more careful choices of phrases and examples. For instance, as mentioned in 3.1, *LDCE* includes the following example in the entry for *liability*:

The company did not admit any liability for the accident.

This usage might be natural in general discourse. However, as already noted, *liability* in this example is interchangeable with *responsibility*, which obscures the distinction between these two words in legal discourse. To avoid this problem, for the purposes of our legal dictionary, the following example is more attractive:

[T]he appellant has admitted liability for negligence and has undertaken to pay the respondent's damages.

Note that *liability for* is followed by a legal concept, *negligence*, while in the earlier example, *liability for* was followed by a general word indicating a

particular event (*the accident*).

Third, while the use of *liability* and *liable* was largely consistent across our four legal corpora, there are some variations. While *for* was the preposition that appeared most frequently after *liable* or *responsible* in all four corpora, *liability to* and *liability in* appeared particularly frequently in the UK corpora (Table 3). The verbs that collocated with *liability* in the US law journal corpus tended to be more policy oriented, whereas those in the UK judgment corpus were more analytical (4.2.6). Viewed from a pedagogical perspective, these contrasts can be useful for training students to combine *liability* with verbs that are appropriate for different legal contexts.

5. A Sample Entry from the Corpus-based, Production-oriented Legal English Dictionary

Our dictionary will be informed by the analysis of legal corpora conducted thus far. Below, we show what the entry for *liability* will look like.

The entry will begin with the definition:

liability

Liability refers to legal responsibility for something, especially for paying money that is owed, for damages under court judgments. Although *liability* and *responsibility* can be used interchangeably, *liability* often refers to payment, compensation, penalty, or some other legal category that is typically recognised by court judgments. By comparison, *responsibility* tends to be used more broadly and is typically recognised in social contexts that do not necessarily connect to any legally categorised incident.

The definition here is not significantly different from contemporary dictionaries. However, the intention is to be sensitive to differences with synonyms and, in this entry in particular, with *responsibility*.

The definition will be followed by frequency, which will indicate whether the relevant term is frequently used in each category of legal

communication.

Regions: UKJG: 337.9 ; UKLJ: 899.7 ; USJG: 214.0; USLJ: 409.8 (normalised per million)

The basic meaning and usage are consistent across the corpora, though frequencies vary. The UK corpora includes more instances of *liability* in forensic contexts, where liability is denied, admitted, accepted, disputed, determined, or established. In the American corpora, however, and especially in the USLJ, policy-oriented use is more prominent, as when liability is expanded, eliminated, extended, precluded, created, or increased.

Although variation is limited in the case of *liability*, if there are any contrasting patterns of usage in the US or UK, or in journals or judgments, it will be explained in detail.

ADJECTIVE +

UKJG: strict (38), vicarious (5), civil (18), potential (10), tortious (6), secondary (6), accessory (4), criminal (15), delictual (2), contractual (2), future (2), joint and several (2). *Parliament did not intend to impose **strict liability** on an employer regarding an item of equipment he did not know about.* | *A claim may be brought against employers on the basis of **vicarious liability** for sexual assault.*

USJG: accomplice (31), supervisory (23), disparate-impact (18), antitrust (6), vicarious (4), arranger (4), attempt (6), potential (6), strict (4), civil (5), alleged (4), respondeat superior (2). *Accomplice liability would not attach for any crime committed by the principal so long as the accomplice knowingly aided in any one of the crimes.* | *Defendants would be subject to **supervisory liability** if they were deliberately indifferent to that discrimination.*

UKLJ: restitutionary (55), strict (32), concurrent (23), prima facie (15), primary (17), joint and several (17), civil (21), criminal (30), dishonest assistance (11), recipient (10), secured (10), auditor (9), corporate (13), vicarious (7), delictual (8), secondary (7), product (8). *Just as the reasons for imposing **restitutionary liability** must carry moral weight, so must the reasons for denying that liability.* | *It is one thing for the law to impose **strict liability** for*

the wrongful taking of a valuable document but quite a different thing to create strict liability for wrongly assuming the right to advance someone else's claim.

USLJ: criminal (86), corporate (43), insider trading (14), entity (19), fiduciary (7), monetary (7), tort (6), third-party (4), tax (13), core (4), civil (8), future (4), American (7), vicarious (2). *The ICTR lacked jurisdiction to prosecute persons for committing a crime through the extended form of **joint criminal enterprise liability** during an internal armed conflict. | The critics decried the lack of a centralized approach to the expansion of **corporate criminal liability** in the United States.*

Collocation is meant to inform users about words that are typically used in conjunction with the given term in each category of communication. Illustrative usage will follow.

VERB +

UKJG: impose (34), escape (8), dispute (6), incur (6), admit (6), reimpose (3), apportion (3), limit (5), evade (3), concede (3), establish (9), extend (5), accept (9), liquidate (2), avoid (4). *The regulations are intended to **impose absolute liability** on an employer in a very wide ... range of factual circumstances. | The evidence needed to **establish liability** at common law and under the statute may well be different.*

USJG: face (5), apportion (2), escape (2), avoid (5), incur (2), satisfy (4), impose (12), preclude (2), establish (5), understand (2), bar (2), recognize (2), create (2), base (3). *Police officers are entitled to rely on existing lower court cases without **facing personal liability** for their actions. | The District Court **apportioned liability**, assigning the railroads 9% of the total remediation costs.*

UKLJ: impose (25), deny (14), escape (10), determine (13), admit (6), discharge (5), incur (5), accept (10), exclude (5), restrict (5), defeat (3), create (10), distribute (3), recognise (5), assign (3), permit (4), reduce (4), limit (4), undertake (3), meet (3), base (7). *The Chief Constable had taken the unusual step of **admitting liability** in negligence and **accepting liability** for all damages flowing from the fatal shooting of the deceased. | There is legitimate concern that an apology may amount to an admission and therefore*

directly or indirectly create liability.

USLJ: avoid (11), assign (4), impose (12), limit (9), favor (4), escape (2), determine (6), resist (2), expand (3), eliminate (3), extend (3), preclude (2), establish (4), see (2), base (4), face (2), recognize (2), find (3), create (3), increase (2). *Few other Western countries impose entity liability, and those that do impose it comparatively infrequently and under the threat of far less serious punitive consequences.* | *German prosecutors lack the type of far-reaching and virtually unbridled authority that American prosecutors possess and have used to expand entity liability.*

+ PREPOSITIONAL PHASE

Of the propositions that are used after *liability*, *for* is used most frequently. Note, however, the distinction between *liability for stg* and *liability in stg*. While *liability for stg* refers to a specific loss or injury, *liability in stg* refers to certain areas of law, such as tort or contract, under which one is liable.

UKJG: for (74), in (39), of (21), on (15). *In the present case, the appellant has admitted liability for negligence and has undertaken to pay the respondents damages.* | *Liability in negligence for harm caused by the deliberate wrongdoing of others cannot be founded simply upon foreseeability that the pursuer will suffer loss or damage by reason of such wrongdoing.*

USJG: for (26), on (10), in (9), under (6). *Congress had no intention of insulating tobacco companies from liability for inaccurate statements about the relationship between smoking and health.* | *Congress intended to impose liability on entities not only when they directly dispose of waste products but also when they engage in legitimate sales of hazardous substances.*

UKLJ: for (116), in (74), of (34), under (13). *Why do jurisdictions such as Germany and England have general rules excluding liability for pure economic loss but not France, Italy and the Netherlands?* | *Liability in contract may be contrasted with that imposed in the tort of negligence.* | *Failure to respect the duty to inform engages the liability of the party on whom the duty is imposed.* | *The rules on remoteness of contractual damages would be a significant limitation on liability under the trust duty.*

USLJ: for (24), based on (4), in (1). *A Texas statute that created tort liability for the failure to exercise ordinary care in making health care treatment decisions.* | *The crucial distinction between liability based on fiduciary duties*

and liability based on insider trading. | Liability in tort in some states may depend on compliance with federal law.

The dictionary will include a column that explains the difference between *liability* and *responsibility*.

SYNONYMS

Although *liability* and *responsibility* are often used interchangeably, there are certain differences. While *responsibility* is used in broad social contexts, *liability* tends to be used in legalistic ways; therefore, many dictionaries define *liability* as legal responsibility. *Liability* appears more frequently in legal discourse than in general English discourse. In general English discourse, *responsibility* is used more often than *liability*.

Therefore, if you discuss a situation where someone is under obligation to provide compensation or pay a certain amount of money, typically following a court judgment, try using *liability* rather than *responsibility*.

A contracting party will be liable for damages for losses that are unforeseeably large.

Typically, *liability*, or *liable*, is often used with reference to legal categories, as in liability for damage(s), injury, loss, defects, and negligence.

On the other hand, if you describe a situation where someone caused a certain event and may be held accountable for it, use *responsibility*.

The interests of PC Sherwood, as a person acquitted of murder and who was responsible for the shooting, must be relevant.

Responsibility or *responsible* can be used with a variety of non-legal terms that refer to events, such as the following: *massacre, fatality, death, conduct, plot, shooting, consequence, and failure*.

Liability is often used with adjectives that are connected to legal categories, such as *vicarious, civil, potential, tortious, secondary, accessory, criminal, delictual, contractual, future, and joint and several*. Similarly, *liable* is

often used with legal adverbs, such as *vicariously*, *criminally*, *strictly*, *jointly*, *potentially*, *legally*, *personally*, *severally*, and *statutorily*.

On the other hand, *responsibility* is used with various adjectives that explain the kind of responsibility, such as parental, specific, constitutional, respective, additional, primary, legal, full, or particular. Similarly, *responsible* is often used with explanatory adverbs.

In this connection, lawyers make a clear distinction between *strict liability* and *strict responsibility*. *Strict responsibility* simply indicates a high level of responsibility. However, *strict liability* is a legal concept, meaning the kind of liability that a defendant owes, even though he or she is not negligent.

Responsible is often used before a noun to indicate someone who is in charge and is supposed carry out certain duties.

responsible local authority; responsible adult

Liable is rarely used in this form. When it is used in this form, it often indicates someone who is under legal obligation to pay.

The court may allocate costs among liable parties using such equitable factors as are appropriate.

- Garner, B. A. et al. (2004). *Black's Law Dictionary*. St. Paul, Minnesota: West, a Thompson business.
- Hori, M. (2009). *Introduction to Collocation Studies in English*. Tokyo : Kenkyusha.
- Mackin, R. (1978). 'On Collocations: Words Shall Be Known by the Company They Keep' in P. Stevens (ed.) *In Honour of AS Hornby*. Oxford : Oxford University Press.
- Mayer, M. et al. (eds.) (2009). *Longman Dictionary of Contemporary English*. Essex: Pearson Education Ltd.
- McEnery, T. & A. Hardie (2011). *Corpus Linguistics: Method, Theory and Practice*. Cambridge : Cambridge University Press.
- Sinclair, J. (ed.) (1987). *Collins COBUILD English Language Dictionary*. London :

New Legal English Dictionary: A Corpus-based Approach (Masayuki Tamaruya)

Collins ELT.

Sinclair, J. (1991). *Corpus, Concordance, Collocation*. Oxford : Oxford University Press.

Tanaka, H. et al. (eds.) (1991). *Dictionary of Anglo-American Law*. Tokyo : Tokyo University Press.

Torikai, S. (2014). 'General English Words in English Legal Discourse', *Language, Culture, and Communication: Journal of the College of Intercultural Communication*, vol 6, pp 87-103.

Torikai, S. (2015). 'Synonyms in Legal Discourse: A Corpus-based Approach to a New Legal English Dictionary', *Language, Culture, and Communication: Journal of the College of Intercultural Communication*, vol 7, pp 37-63.