Title of proposed paper:

“Equivalence or lack of equivalence: the impact of legal terminology and its untranslatability on language parity in the EU”

Name/Affiliation:

David Albert BEST, Faculté de Droit et de Criminologie, Université libre de Bruxelles

Email:
davibest@ulb.ac.be

Abstract text body:

In the context of the EU’s “mother-tongue-plus-two” multilingualism policy, this paper focuses on key language issues that have arisen through the bloc’s strategy for harmonised communication at the level of the Union’s bedrock: its founding Treaties, legal instruments, and cumulative body of laws known as the *acquis communautaire*.

Language parity is the rule at the foundation of EU multilingualism, enshrined in Regulation No 1, 15 April 1958 determining the languages to be used by the European Economic Community. All language versions of EU legal instruments that emanate from its institutions thus, unquestionably, have equal force of law. But how can this work when scholars in the specialist field of legal drafting concur that – in translation terms – no isomorphic parallels exist?

“Law is the very model of the untranslatable text, because the language of law is self-enclosed,” states Bellos, “however, laws do get translated, because they must”. So can “language parity” and “equal force of law” across different-language legal systems be achieved if equivalence evades us?

Clearly a stumbling block of sorts: but what “levelling” devices can drafter-translators or, indeed, the elite sphere of practitioner (lawyer)-linguists resort to in order to overcome the alleged anisomorphism of legal language when it is incorporated into the EU lexicon, where not only do we see 24 “official” languages in use but also the conjoining of 28 – often incommensurable – legal systems, all pivoting on language signs as a means of making Europe and European Laws more interpretable for 500 million citizens?

Entering into dialogue with scholarly works (Wagner, Scarpa, Raus, Creech, Cosmai) and employing EU publications (*Joint Practical Guide to legal drafting*), in-house tools (*Misused terminology in EU publications*), and other in-house bulletins for practitioners (DG Translation’s *Studies on translation and multilingualism*) as sources from which to gather
authentic case studies, alongside instances of my own experience gained in teaching Legal English and EU multilingualism, this paper will closely address the issue of equivalence (or non-) between the lexicons of national legal systems, in the multilingual field of supranational European Law, and in EU Legal Translation.

Basic bibliography:


Cosmai, Domenico, *Tradurre per l’Unione europea. Prassi, problemi e prospettive del multilinguismo comunitario dopo l’ampliamento a est* (Hoepli, 2007)

Cosmai, Domenico & David Albert Best (ed./trans), *The Language of Europe: Multilingualism and Translation in the EU Institutions* (Editions de l’Université de Bruxelles, forthcoming November 2014)


Gardner, Jeremy (European Court of Auditors), “A brief list of misused English terminology in EU publications” (EC internal document: translation guidelines), 7 January 2012


Short bio-sketch:

DB teaches Legal English and EU multilingualism/translation policy at the Faculty of Law, Université Libre de Bruxelles. He has taught Italian language, literature and cultural studies at University College Cork, the University of St Andrews, and Trinity College Dublin, and has published on 20th/21st-century Italian literature. He is author of the monograph, *Ruralism in Central Italian Writers, 1927-1997: from Strapaese Landscapes to the Gendering of Nature* (2010).