

Law and Legal Language: A Comparative Analysis of Legal and Linguistic Rules

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Abstract

The relationship between law and language is intrinsically intertwined, as legal discourse relies on specific linguistic conventions and expressions to communicate effectively within the legal domain. This is particularly evident in the interpretation of legislative acts, where the linguistic form of legal texts plays a crucial role, as do the challenges associated with legal translation. The present study undertakes an analysis of these Issues by examining a broad range of texts, including academic articles, monographs, and conference proceedings. In the two analyzed realities (those of law and language), the language inevitably serves for the communication of law, it is a function of law and makes the norm subsist. The legal norm needs to be interpreted in order to be understood, which is why language plays an indispensable role. The interpretation of the norm requires that words be given their own meaning according to the connection between them. This paper underscores the intricate demands involved in the processes of legal interpretation and translation, both linguistically and technically. It highlights the need for enhanced collaboration among legal professionals, linguists, and translators to address these challenges effectively, emphasizing the importance of interdisciplinary cooperation in this field.

Keywords: law, legal language, interpretation, translation, linguistic rule.

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1. Introduction

The legal norm necessitates the use of language for its expression. Consequently, like all specialized fields, it employs a distinct linguistic system, referred to as legal language, which constitutes an integral component of both legal science and the broader legal system. The legal language, therefore, has characteristics that differentiate it from languages and cultures. Indeed, there are numerous lawyers and

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linguists who have devoted their research to definitions, interpretations, and conclusions in this regard.³

The law is primarily understood as a system of legal norms, distinct from customary norms in that they consist of pre-established rules regulating citizens' behavior, perceived both as obligations and rights. The legal norms are addressed to all citizens and regulate their conduct in an absolutely mandatory manner. They aim to establish the legal order in society, enshrining those principles that everyone is obliged to observe in order to pursue their own interests without harming others. They are based on a particular principle: that of reciprocity. The law in this view is typically the instrument that guarantees the integration of society: it is an instrument of social control, thus, the component that can guarantee the order and integration of the society, any society.⁴

The law and the language, whether in their written or oral form, have always existed together. Language has made possible the transmission of the rules of a state in a mutual exchange. We can say that language is a function of law and, law cannot exist without language. The legal norm needs to be interpreted.⁵ That is why language plays an indispensable role. The literal interpretation requires that words be given their own meaning according to the connection between them. In itself, "laws or legal regulations cannot exist without the possibility of being articulated or described by language and, secondly, language is an indispensable medium for law".⁶

Referring to the Treccani encyclopedia, "law is an ordered set of norms, varying from time to time and from people to people, which prescribe or prohibit certain actions and behavior; these norms are intended to regulate the fundamental relations on which society is based, establishing together the means suitable for preventing harmful actions or resolving conflicts dangerous to the peace of the group".⁷

The same text provides also a definition of its own for legal-administrative language:⁸ "it is the sectorial language of which the texts produced in the legal field are typically made up: normative texts, such as laws, decrees, regulations; application texts in the procedural field, such as judgments, appeals, and administrative texts, such as ordinances, certificates; interpretative texts, such as monographs, articles in specialist journals. In the legal field, language is not only a tool for exposition, argumentation, narration, and description but also a constitutive element of the law. The law is constructed through language: e.g., a crime is only a crime if it is established by law,

³ R. Guillien et J. Vincent: *Lexique des termes juridiques*, (17e édition, Dalloz, Paris 2010), 314, G. Cornu, *Vocabulaire juridique*, (Paris: 12 éd. PUF, 2018), 19 May 2023 [https://insidercambodia.asia/files/VocabulairejuridiquebyGerardCornu\(z-lib.org\).pdf](https://insidercambodia.asia/files/VocabulairejuridiquebyGerardCornu(z-lib.org).pdf) 1219; P. Fiorelli, *Intorno alle parole del diritto*, (Milano: Giuffrè Editor, 2008); J. Fometeu, Ph. Briand, *La langue et le droit*, (Paris: éd. L'harmattan, 2018).

⁴ B. Malinowski, *Diritto e costume nelle società primitive*, (Roma: Newton Compton editore, 1972).

⁵ *Treccani Enciclopedia*. Istituto della Enciclopedia Italiana fondata da Giovanni Treccani S.p.A, 15 April 2023, <https://www.treccani.it/enciclopedia/ricerca/interpretazione-giuridica/>.

⁶ M. P. Tiersma, "What is Language and Law? And does anyone care?" in *Legal Studies Paper*, No. 2009-11, (March 2009), 4.

⁷ *Treccani Enciclopedia*. Istituto della Enciclopedia Italiana fondata da Giovanni Treccani S.p.A, 14 May 2023, <https://www.treccani.it/vocabolario/diritto/>.

⁸ *Ibid.*

which is a linguistic product". Legal translation began to assert itself as a scholarly topic not longer than a few decades ago.⁹

The theory of the interpretation of the legal norm leads us to share Cortelazzo's opinion that the concept of legal language is a multiform and complex concept, and yet it does not occupy the entire field of legal texts (where other special or sectorial languages are also present).¹⁰

It can be deduced from what has been said that, although law and language are autonomous systems, there is a strong connection between them. Their common point is the social dimension in which they are present and located and through which their subject matter is realized, considering the cultural and historical and social context to which they refer.¹¹ The need to find new methods in the service of the understanding of concepts in different legal systems has increased the interaction between lawyers and linguists. Determining the general principles for legal translation based on legal and linguistic criteria would help the understanding and proper translation of the legal text.¹² Our presentation will begin with the characteristics of the legal text, then we will deal with the interpretation and understanding of the legal norm and conclude with its translation, referring specifically to the particularities of European law.

2. Materials and methods

The research was conducted through an analysis of a wide range of texts, including scholarly articles, monographs, and conference proceedings, with a particular emphasis on the legal interpretation of legislative acts, their linguistic structure, and challenges related to legal translation. The methodologies employed for this analysis include desk research, various methods of legal interpretation, as well as comparative, contrastive, and deductive approaches.

3. Characteristics of the legal text

A legal text is distinguished not only by its specific content but also by its communicative function. According to some authors, the law itself is considered a language system.¹³ While on the one hand, the issuer freely expresses his thoughts by

⁹ T. Mazzaresse "Legal Translation. A Survey of Traditional Problems and New Challenges." in *Rivista di filosofia del diritto*, 1/2020 (Bologna: il Mulino 2020), 120, 14 May 2023, <https://www.rivisteweb.it/doi/10.4477/97024>.

¹⁰ M. A. Cortelazzo, "Lingua e diritto in Italia: il punto di vista dei linguisti" in *La lingua del diritto: difficoltà traduttive, applicazioni didattiche* (Atti del primo convegno internazionale, Milano, 5-6 ottobre 1995, Centro linguistico dell'Università Bocconi), (Roma: a cura di L. SCHENA, C.I.S.U., 1997), 36.

¹¹ D. Tiscornia, "Il linguaggio giuridico nella prospettiva computazionale" in *Lingua e Diritto, Livelli di Analisi*, (Genova: a cura di Jacqueline Visconti - Università degli Studi di Genova LED Edizioni Universitarie, 2010), 322-323.

¹² S. Šarčević, "Legal translation" in *Encyclopedia of language and linguistics (Second Edition)*, (Croatia: Keith Brown Editor, 2006), 26, 16 May 2023 in <https://www.sciencedirect.com/science/article/abs/pii/B0080448542004843>.

¹³ R. Szczepaniak, "Semantic aspects of research on the application of private law in the public sector within the legal culture of Continental Europe (with particular emphasis on Polish experience)", *Juridical*

formulating the legal norm, on the other hand, he leaves freedom of interpretation to the recipients, or at least to those without legal training.

The legal texts could be divided into three fields: normative, applicative, and interpretative texts.¹⁴ The normative texts include: laws, codes, conventions, statutes, the texts of European Union law, etc.; applicative texts: court judgments, ordinances, or orders, etc.; interpretative texts: monographs, manuals, commentaries, etc.

Legal texts also have characteristics at the lexical level.¹⁵ One of the most common uses of vocabulary concerns the lexicon of ordinary language, which in legal texts acquires a technical value through the extension of meaning, for example, the term *arrest* in ordinary language can have the following meanings: to interrupt the operation of a machine, to interrupt the course of a trial, and only the third meaning takes on a purely legal connotation: *to deprive someone of personal liberty by placing them in a state of detention*.¹⁶ The use of common terms or ordinary vocabulary also has strength because it gives even the common speaker the possibility of understanding the meaning of many legal words: *offended person - one who has suffered an offence*.

For those who are not from the legal and administrative sphere, many times these texts are very complex and difficult to understand in terms of the information and meanings they convey.

From the 1990s onwards, many institutions, as well as lawyers and linguists, have tried to improve the drafting of laws with the motivation of simplifying the language used to communicate with citizens.¹⁷ Despite this, legal texts still have a morphosyntactic and lexical structure that is complex enough for all citizens to understand.

European legislation is a typical and significant example of legal language.¹⁸ Since the birth of the European Union, there has also been a need to communicate legal texts in different languages for the founding states. The obligation of candidate countries to translate EU legislation, before the 2004 and 2007 enlargements, means thousands upon thousands of pages of translation for each candidate country.¹⁹ The translation of legal concepts requires taking into account not only the main differences of legal concepts but also the linguistic characteristics of different countries, they must

Tribune - Tribuna Juridica, Volume 8, Issue 2, June 2018, 325, 27 May 2023 in: <https://www.tribuna.juridica.eu/arhiva/An8v2/1.%20Rafal%20Szczepaniak.doc.pdf>.

¹⁴ Garavelli, B. M., *Le parole e la giustizia. Divagazioni grammaticali e retoriche su testi giuridici italiani*, Torino, Einaudi, 2001.

¹⁵ Maniowska, K. *La grammatica del linguaggio giuridico. L'analisi comparativa di alcune varianti di una legge regionale*. Italica Wratislaviensia, 9(2), 2018, pp. 143–160.

¹⁶ <https://www.treccani.it/vocabolario/arrestare>, accessed on 19.12.2024.

¹⁷ T. De Mauro, “La legge è uguale per tutti?” in *Dalla legge alla legalità: un percorso fatto anche di parole. Atti del Convegno*, Firenze, 13 gennaio 2006, (Firenze: Regione Toscana, 2008), 20-23.

¹⁸ *Il linguaggio giuridico nell'Europa delle pluralità*, Atti del Convegno, il 7 novembre 2016, Senato della Repubblica Italia, 2017.

¹⁹ In K. Bednárová-Gibová, “Acquis Communautaire as Supranational Legal Texts and their Interlingual Reproduction across Multilingual Europe” in *Procedia – Social and Behavioral Sciences*, Volume 236, (published by Elsevier Ltd., 2016), 162, 17 May 2023 in <https://www.sciencedirect.com/science/article/pii/S1877042816316913>.

have legal and linguistic knowledge.²⁰ The motto of the European Union has always been 'unity in diversity'. This 'unity in diversity' must also be expressed on a linguistic level. Therefore, we speak of a phenomenon of widespread multilingualism. This has resulted in all accession and member states of the European Union doing a great deal of work on legal texts at all levels. In addition to drafting, correcting, and revising, right up to the approval of the texts, the suggestion from the national authorities was to try to make legal texts as morpho-syntactically and lexically simple as possible. This is not to diminish the value of national languages or national identities, but rather to make it easier for all European citizens to understand and translate these texts. In this way, typically national expressions that make translation difficult are avoided with unambiguous terms.

The drafting of an act of European law requires a very long process at the level of decisions, consultation of institutions at the national level, and European structures, not to mention the whole process of translation into all official languages, considering that the European Union currently has twenty-four official languages. All legal acts of general application are translated into twenty-four languages. None of the twenty-four language versions of EU texts have the status of the original nor translation in line with the official EU language policy. There is a certain fluidity between the source text and target text: the source text is recycled, it may become translation which may then function as a source text in transcoding into other languages.²¹ Multilingualism is to be considered not only a great asset but at the same time a great challenge, not only at the linguistic level but above all at the level of producing legal acts.

4. Legal interpretation and linguistic understanding

There is much to be said on legal interpretation, as there is on the drafting of a legal text. It should be repeated that the need for a legal text starts and arises from everyday experience, hence from a concrete need. It is based on a casuistry, which needs to be expressed on a linguistic level. Even judges who have the task of concretely applying the legal text, i.e., a law, a regulation, or a decree, in their sentences, can often give a subjective interpretation of certain regulations. A subjective interpretation is not always possible and, when an official interpretation is requested by the competent body, the legal interpretation issued by the competent body applies and there is no room for further interpretation.

It is interpretable a legal text for which there is at least one meaning according to a certain technique. The interpretable legal text is analyzed through one or more interpretation techniques provided by the law or enshrined by the doctrine.²² In order to

²⁰ N. Udina, "Law education: language and legal translation perspectives" in *Procedia – Social and Behavioral Sciences*, Volume 214, (published by Elsevier Ltd., 2015), 1136, 17 May 2023 in <https://www.sciencedirect.com/science/article/pii/S1877042815060838>.

²¹ K. Bednářová-Gibová, "Acquis Communautaire as Supranational Legal Texts and their Interlingual Reproduction across Multilingual Europe" in *Procedia – Social and Behavioral Sciences*, Volume 236, (published by Elsevier Ltd., 2016), 165, 17 May 2023 in <https://www.sciencedirect.com/science/article/pii/S1877042816316913>.

²² L. Dogaru, "Notion sur l'interprétation des normes juridiques" in *Courant juridique (nouvelle série)*,

complete the logical-linguistic analysis of the legal text, the use of systematic and functional interpretation is necessary.²³ Legal interpretation can resolve many doubts in case law in practice. The legal interpretation determines whether a case is time-barred, lawful or unlawful. A correct legal interpretation must have good reasoning at its basis. For it to be considered as such, the interpreter must identify the rational, correct meaning of the law. Historically, the division of interpretation by Savigny,²⁴ who identified grammatical, logical, historical and systematic interpretation, had a great impact. While Giorgio Lazzaro identifies two interpretations:²⁵ (i) the interpretation *in abstracto* (or text-oriented), which consists in identifying the meaning content - the normative content - expressed by, and/or logically implicit in, a normative text without reference to any concrete case; (ii) the interpretation *in concreto* (or fact-oriented), which consists in subsuming a concrete case within the scope of a norm previously identified *in abstracto*.

The language used in the formulation, application, commenting and discussion of the law is usually referred to as "legal language".²⁶ In legal language, the word "interpretation" suffers from multiple ambiguities: it is ambiguous in (at least) four aspects.²⁷

First ambiguity: the term 'interpretation' sometimes refers to an activity, sometimes to the result, outcome, or product of that activity.²⁸

Second ambiguity: the term 'interpretation' sometimes refers to the attribution of meaning to a normative text - 'T' means 'S' - and sometimes to the legal qualification of a concrete case - 'X constitutes murder' - a qualification that then provides the basis for the resolution of a specific dispute.

Third ambiguity: the term 'interpretation' sometimes refers to an act of knowledge, sometimes to an act of decision-making, and sometimes to an act of normative creation.²⁹

Fourth ambiguity: The term 'interpretation' sometimes refers to the attribution

Année XVIII, No. 4, Volume 63, (2015), 130, 19 May 2023, in http://revcurentjur.ro/old/arhiva/attachments_201504/recjurid154_10F.pdf.

²³ W. Baranowska-Zajac, "Perspectives of evolution of legal solutions concerning entrusting by local self-government units the public tasks to perform with other entities against the background of Polish law" in *Juridical Tribune - Tribuna Juridica*, Volume 9, Issue 2, June 2019, 465, 27 May 2023 in: <http://www.tribunajuridica.eu/arhiva/An9v2/13.%20W.Baranowska-Zajac.pdf>.

²⁴ F.C. von Savigny, *System des heutigen Römischen Rechts*, vol. I, Berlin 1840 (tr. it.: *Sistema del diritto romano attuale*, vol. I, Torino, 1886) – in <https://www.treccani.it/enciclopedia/interpretazione-giuridica>.

²⁵ G. Lazzaro, *Storia e teoria della costruzione giuridica*, (Torino: Giapichelli, 1965), p. 75.

²⁶ R. Colonna Dahlman, "Conveying meaning in legal language – Why the language of legislation needs to be more explicit than ordinary language" in *Journal of Pragmatics*, Volume 198, (2022), 43, 19 May 2023 in <https://www.sciencedirect.com/science/article/pii/S0378216622001394>.

²⁷ R. Guastini, "Introduzione alla teoria dell'interpretazione" in *Lingua e Diritto Livelli di Analisi*, a cura di Jacqueline Visconti (Genova: Università degli Studi di Genova LED Edizioni Universitarie, 2010), p. 44.

²⁸ G. Tarello, "Orientamenti analitico-linguistici e teoria dell'interpretazione giuridica", in U. Scarpelli (a cura di), *Diritto e analisi del linguaggio*, (Milano: 1976), p. 57.

²⁹ H. Kelsen, *Dottrina pura del diritto*, (Torino: Piccola Biblioteca Einaudi, 2021), p. 48; R. Guastini, *L'interpretazione dei documenti normativi*, (Milano: Giuffrè, 2004), p. 76; O. Pfersmann, "La notion moderne de constitution", in *Droit constitutionnel*, (Paris: L. Favoreu (éd.), 2003), p. 96.

of meaning to a text, sometimes to what, for lack of a better term, we will call it 'legal construction'.³⁰

Considering the complexity of legal texts, it is becoming increasingly urgent for the various legislators to consider the clarity of legal texts, to provide the possibility of easy and immediate comprehension at various levels. Countries such as England, the United States, Canada, and others have dictated clear rules on the drafting and easy comprehension of legal texts.³¹ Even clear and precise criteria and requirements on the use of language, text format, font, size, etc., have been established. When approving a legal text, the legislator "may intend to implicate certain contents by using certain linguistic forms – they may intend to convey generalized conversational implicatures."³²

Sometimes, in legal texts, one can identify also some concepts such as 'public interest' or 'public good' that are commonly used in legal language, but do not have legal definitions either in national or EU law.³³ A very important element with regard to European law and regulation is the comprehension by the reader of a legal text. Switching from one language to another can also lead to gaps not only at the linguistic level but also at the legal level and thus, render a term, a legal concept in the wrong way in the other language. Consequently, standardization of terminology in the text is necessary.³⁴

It is considered the responsibility of the issuer of a law or any legal act to make it as comprehensible as possible to all citizens. In fact, all countries, members of the European Union, are obliged to make all regulations and laws concerning member countries available in their own language and to have a database with all European legislation. On the other hand, European citizens have the right to communicate in their own language by writing to the EU institutions in one of the official languages and receiving a reply in the same language.³⁵

5. Legal translation

The translation of law involves not only knowledge of the linguistic structure of the language but also knowledge of legal terms, some of which may have different

³⁰ G. Lazzaro, *Storia e teoria della costruzione giuridica*, (Torino: 1965), p. 87.

³¹ D. Fortis, "Il dovere della chiarezza. Quando farsi capire dal cittadino è prescritto da una norma" in *Rivista italiana di comunicazione pubblica*. Fascicolo 25/2005, (2005), 1-35.

³² R. Colonna Dahlman. "Conveying meaning in legal language – Why the language of legislation needs to be more explicit than ordinary language" in *Journal of Pragmatics*, Volume 198, (2022), 46-52, 19 May 2023 in <https://www.sciencedirect.com/science/article/pii/S0378216622001394>.

³³ R. Szczepaniak, "Semantic aspects of research on the application of private law in the public sector within the legal culture of Continental Europe (with particular emphasis on Polish experience)" in *Juridical Tribune - Tribuna Juridica*, Volume 8, Issue 2, June 2018, 326, 27 May 2023 in: <https://www.tribuna.juridica.eu/arhiva/An8v2/1.%20Rafal%20Szczepaniak.doc.pdf>.

³⁴ S. Cavagnoli, "Interferenze sull'italiano giuridico nei processi di traduzione e di trasposizione dalla lingua tedesca", in *Il linguaggio giuridico nell'Europa delle pluralità*, Atti del Convegno, il 7 novembre 2016. Senato della Repubblica Italia, (2017), 109.

³⁵ *Il linguaggio giuridico nell'Europa delle pluralità*, Atti del Convegno, il 7 novembre 2016. Senato della Repubblica Italia, 2017, pp. 220-222.

meanings in a high legal system³⁶. This represents the need for a specialized translation.³⁷ According to the definition given by Umberto Eco, translation means *saying the same thing in another language, understanding the internal system and structure of a given text in order to construct a similar one that can produce similar effects in the reader, both on a semantic and syntactic level and on an emotional level*.³⁸ In this sense, translating a legal text means having knowledge of the words of the common language, of the terms of the legal field and the notions of which they are relevant, of the discourse of specialists in the field and their way of saying things.³⁹

By way of example, let us mention legal translation in criminal proceedings, the importance of which has led to Directive 2010/64/EU “On the right to interpretation and translation in criminal proceedings”.⁴⁰ Article 6 of the ECHR, as interpreted in the case law of the European Court of Human Rights,⁴¹ enshrines the right to interpretation and translation for those who do not speak or understand the language of the proceedings. It aims to ensure the right of suspects or defendants to interpretation and translation in criminal proceedings in order to guarantee their right to a fair trial.

According to Directive 2010/64/EU, executing Member States should provide interpretation and translation for the benefit of wanted persons who do not speak or understand the language of the proceedings and bear the costs thereof. For the application of this directive, Italy adopted a decree-law No. 32 of 4 March 2014.⁴² In contrast, in France, Law n°2013-711 of 5 August 2013 and Decree n° 2013-958 of 25 October 2013⁴³ were adopted for the application of this directive.

Despite the different linguistic challenges,⁴⁴ the languages of the EU countries themselves retain and have their own legal significance, so one could not and should not prevail over another or over the others. Considering the reality of the EU, one could compare the language of EU law with that of the individual national legal languages.

³⁶ J. C. Gemar, “Les fondements du langage du droit comme langue de spécialité. Du sens et de la forme du texte juridique” in *Revue générale de droit*, 719, 18 January 2023, in: <http://id.erudit.org/fr>.

³⁷ A. Buzurna-Tihenea Galbeaza & L. Nadrag, “The challenges of technical translation: case study” in *Ovidius University Annals, Economic Sciences Series*, Volume (0)2, (Ovidius University of Costanza, Faculty of Economics, 2015), 193, 19 May 2023 in https://stec.univ-ovidius.ro/html/_anale/ENG/2016/2016-II-full/s3/8.pdf.

³⁸ U. Eco, *Dire quasi la stessa cosa: Esperienze di traduzione*, (Milano: éd. Bompiani, 2013), p. 58.

³⁹ In: N. Udina, “Law education: language and legal translation perspectives” in *Procedia – Social and Behavioral Sciences*, Volume 214, (published by Elsevier Ltd., 2015), 1136, 17 May 2023 in <https://www.sciencedirect.com/science/article/pii/S1877042815060838>.

⁴⁰ J. Brannan, *L'article 3 de la directive 2010/64/UE: la traduction écrite en matière pénale devient un droit à part entière*, in <https://www.cairn.info/revue-ela-2016-3-page-281.htm>.

⁴¹ *Arret Kamansinski c. Autriche*, 19 décembre 1989; *Arret Brožicek c. Italie*, 19 décembre 1989.

⁴² C. Falbo, *L'interprétation juridique en Italie: Droit linguistiques et droits de défense*, in <https://www.cain.info/revue-ela-2016-1-page-43.htm>; E. Ballardini, *Traduire devant la justice pénale. L'interprète traducteur dans les codes de procédure pénale italiens aux XIXe et XXe siècles*, Bologna, Bononia University Press, 2012, p. 217 (Studi Interdisciplinari Su Traduzione, Lingue E Culture); E. Ballardini, “Traduire devant un juge.” in *Traduire les savoirs*, (Bern, Berlin, Bruxelles: Peter Lang AG, 2011), 359 – 377.

⁴³ <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000027805521/>, accessed on 19.12.2024.

⁴⁴ J. J. Sueur (sous la direction de), *Interpréter et traduire, Actes du colloque international des 25 et 26 novembre 2005*, Faculté de droit de Toulon, (Bruxelles: éd. Bruylant, 2007).

The result would be a rather complex and difficult-to-manage relationship. Still in the field of the drafting of EU legal texts, one could point out the complex process and the need for closer and more heartfelt cooperation between lawyer-linguists and translators on the technical drafting level as well.

The lawyer-linguists are the organizational corollary of the principle of equal authenticity of all official languages of the European Union. They have a role distinct from that of interpreters and translators although they depend on the work of the latter.⁴⁵ In concrete terms: to ensure the 'viability' of multilingualism in the institutions, interpreters make multilingual communication possible during meetings; translators translate working documents; lawyer-linguists examine all language versions of each legal text to verify, if necessary by correcting them, that they are identical with each other, i.e. that they produce the same effects throughout the European Union, comply with the Union's standards of editorial quality and that the legal terminology is correct.⁴⁶

The Lawyer-linguists work intensively on the quality of laws, language, and law. They have to know more and more languages, apply increasingly complex drafting rules, interact with a multitude of institutional actors belonging to different nationalities, understand and insert themselves into the decision-making procedures of the Union⁴⁷. The inspiring ideal is for all lawyer-linguists to contribute, albeit in a limited way, to bringing European legislation closer to the citizens by making it a little more understandable and appreciated.⁴⁸

In a reality such as the EU,⁴⁹ characterized by multiculturalism, multilingualism and multiple legal traditions, it is more than normal that there are errors in legal translations. In such a context characterized by linguistic, cultural, and legal diversity, in which the individuality of these elements is protected, individual languages, instead of being an obstacle to understanding, can become true bridges of greater solidarity between EU citizens and member states.

The consequences of the principle of the equal legal value of languages can be summarized as follows. Since all language versions in the official languages have the same authentic character, the interpretation of rules requires a comparison of all language versions. All versions have the same weight, regardless of the statistical importance of the population using the different languages. The ambiguity of one language version can be resolved by resorting to the other versions if they are clear and if the comparison can reveal wording errors in one of the languages. The central concept of the case law is, in line with the usual methods of interpretation of the Court of

⁴⁵ M. Guggeis, "I giuristi linguisti e le sfide per garantire concordanza, qualità redazionale e corretta terminologia giuridica nei testi normativi dell'Unione europea", in *Il linguaggio giuridico nell'Europa delle pluralità*, Atti del Convegno, il 7 novembre 2016, (Senato della Repubblica Italia, 2017), 55-64.

⁴⁶ Ibidem.

⁴⁷ Ibidem.

⁴⁸ N. Udina, "Law education: language and legal translation perspectives" in *Procedia – Social and Behavioral Sciences*, Volume 214, (published by Elsevier Ltd., 2015), 1138, 17 May 2023 in <https://www.sciencedirect.com/science/article/pii/S1877042815060838>.

⁴⁹ E. Grasso, *La questione della terminologia nell'Unione europea: il multilinguismo tra diritto alla differenza e uniformazione*, dottorato di ricerca, in <https://flore.unifi.it/retrieve/handle/2158/567697/16796/GRASSO%20Elena.pdf>.

Justice⁵⁰, functional in nature, applying the principle of *effetto utile*: the language version that best matches the objectives of the act to be interpreted must be preferred.⁵¹

European institutions are equipped with the largest translation-interpreting service in the world. In fact, they have thousands of translators, interpreters, lawyer-linguists and support staff.⁵² Every year, millions of pages are translated according to high standards of quality and punctuality (at the Commission alone, two million pages), thousands of hours of parliamentary sittings and other meetings are held with the simultaneous interpretation of up to 24 languages in all possible combinations. Nevertheless, the annual cost of multilingualism in the institutions is estimated to be in the order of EUR 1 billion, i.e., about EUR 2 per EU citizen.⁵³

Considering the complexity of drafting and translating legislative texts, a Joint Practical Guide of the European Parliament, the Council and the Commission was created. Indeed, it states that "firstly, the original text must be particularly simple, clear and straightforward, since any excessive complexity and any ambiguity, even slight, may lead to inaccuracies, approximations or outright errors in translation into one or more of the other languages of the Union". Furthermore, it is specified that 'the use of expressions or phrases - and in particular legal terms - that are too closely linked to a particular language or legal system is likely to create translation difficulties, and that such terms should therefore be avoided'.⁵⁴

6. Conclusions

Given the longstanding coexistence of law and language, it can be argued that language serves as a function of law, with legal principles inherently dependent on linguistic interpretation. The relationship between law and language is thus characterized by its complexity and continuous evolution.

In everyday practice and in contractual relationships, there is a growing necessity for legal language to become increasingly clear and precise avoiding ambiguities of meaning and interpretation as much as possible. In this regard, legal interpretation plays a fundamental role in different areas and levels, as much as on the subject have been elaborated theories.

⁵⁰ D. Nováčková, J. Vnuková, "Relationship between EU law and national law in the context of case law of judicial bodies" in *Juridical Tribune - Tribuna Juridica*, Volume 12, Issue 4, December 2022, 548, 19 May 2023 in <http://www.tribunajuridica.eu/arhiva/An12v4/7.%20Novackova,%20Vnukova.pdf>.

⁵¹ J. Ziller, "Lingue e politica linguistica nell'Unione europea" in *Il linguaggio giuridico nell'Europa delle pluralità*, Atti del Convegno, il 7 novembre 2016, (Senato della Repubblica Italia, 2017), 33-34.

⁵² La Commissione impiega nella traduzione 1750 linguisti e 600 addetti ai servizi di supporto, e nell'interpretazione 600 interpreti permanenti, 3000 freelance, e 250 addetti ai servizi di supporto. La Direzione generale della traduzione del Parlamento, dal canto suo, occupa 1200 persone e i servizi linguistici del Consiglio 900. F. Drexler, "La qualità del diritto alla prova del multilinguismo come fattore di complessità della procedura legislativa", in *Il linguaggio giuridico nell'Europa delle pluralità*, in Atti del Convegno, il 7 novembre 2016, (Senato della Repubblica Italia, 2017), 41-44.

⁵³ http://europa.eu/european-union/about-eu/figures/administration_it pp, accessed on 19.12.2024.

⁵⁴ G. Rossolillo, *Linguaggio giuridico e natura dell'Unione europea*, Guida pratica comune del PE, del Consiglio e della Commissione per la redazione dei testi legislativi dell'Unione europea, (Lussemburgo, 2015), 189.

An example of a great deal of work, study on legal norms, legal language, interpretation and understanding, as well as on the translation of legal texts, is offered to us by the states of the European Union, which have set as their main objective - alongside respect for cultural and linguistic diversity, protected through the principle of multilingualism and the equality of official languages - also the "approximation of national laws to the extent necessary for the functioning of the common market".⁵⁵

The diversity of languages and national legal systems, within a context defined by the equality of states and their citizens, ensures the equal legal standing of all components. Consequently, the technical drafting and editing of EU legal texts demand enhanced and close collaboration among lawyers, linguists, and translators from all member states.

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⁵⁵ L. Tafani, "Il fattore linguistico nel recepimento delle direttive europee", in Atti del Convegno. *Il linguaggio giuridico nell'Europa delle pluralità. Lingua italiana e percorsi di produzione e circolazione del diritto dell'Unione europea*, (Senato della Repubblica, 2016), 203-214.

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