Legal Integration and Language Diversity: The Case for Source-Oriented EU Translation

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THE CASE FOR SOURCE-ORIENTED EU TRANSLATION
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SUMMARY (244 words)

In the European Union ("EU"), law and language are inherently connected. On the one hand, the EU pursues legal integration, i.e. the incremental harmonization and unification of its Member States’ laws, for the purpose of reducing national regulatory differences between Member States. On the other hand, in its commitment to the diversity of European languages, its legislative institutions enact legislative instruments in 24 languages. This combination of policy objectives generates a puzzling question: how can the EU create laws that are uniform in a multitude of languages? Specifically, how is it to attain both legal integration and language diversity simultaneously, without the latter compromising the former? This book intends to answer this question. The answer lies in the domain of translation. A uniform interpretation and application of EU law begins with the ways in which translators and jurist-linguists of the EU legislative bodies translate the original legislative draft texts into the various language versions. This book critically assesses contemporary translation practices in the EU legislative procedure, or: “EU Translation,” and proposes an alternative approach that promises to better serve the policy objectives of the EU: a ‘source-oriented approach.’ This proposal suggests, contrary to the orthodox view in academic literature and the current policies of the EU, that the English language version should serve as the original and only authentic legislative text and that translation into the other language versions should prioritize syntactic correspondence and neologisms for distinctly EU legal concepts over clarity and fluency.