

ROBERTSON, Colin (2016): *Multilingual Law: A Framework for Analysis and Understanding*. London: Routledge, 273 p.

Máirtín Mac Aodha

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ROBERTSON, Colin (2016): *Multilingual Law: A Framework for Analysis and Understanding*. London: Routledge, 273 p.

Language and Law make a natural combination, the latter is inextricably bound to the former in a monolingual context, and all the more so in a multilingual setting. This monograph looks at multilingual law. Although published some time ago, the book's relevance has endured. Its primary purpose is to "describe fields and activities that have a bearing on the practice and theory of multilingual law and to link them together conceptually within a frame of reference that can be used as a tool of enquiry" (p. 3.). A secondary purpose is to "reflect on the language(s) of law and the law of language(s)." The idea is to "find a means to identify and place in a pattern the different branches of activity that come together with a multilingual legal system, with a focus on practical matters" (p. 203). Activities addressed include translation, terminology, revision and training. This pattern unfolds over 15 chapters that are enlarged upon in the eight appendices which also point to future areas of research. The viewpoints of language and law are presented starting with the latter. This jurilinguistic tapestry has a semiotic strand at its core as do its individual elements (see for example the discussion of law and semiotics (p. 129), semiotics and translation (p. 133-134) and semiotics and terminology (p. 148-149). The chapters are all part of a progression towards the framework set out in chapter 14 and Appendix VIII. Thus, for example the following guidance regarding terminology is given in chapter 9:

In multilingual texts one needs to examine other language versions to see if they use different terms or the same ones in a similar way. It is possible for terms to be the same in one language in different text and different in other language versions and still be functionally accurate. However, one needs to be aware that by virtue of being placed in a legal text, for 'construction' by lawyers as to legal effects there may be a subtle shift in meaning from the same terms used in non-legal contexts (p. 147)

This is then fleshed out in the framework in Appendix VIII in the form of questions (p. 243):

Core meanings match?

Penumbral meanings overlap sufficiently?

Effects of using the terms: same results (effet utile)

Have the terms become linked as equivalent through constant practice or judicial interpretation?

Do the texts define the terms as equivalent in meaning?

Are all the language versions within the same or a different legal system/order?

[...]

The primary focus is on the EU context with its 24 authentic languages. The flexibility and constraints inherent in translation in that specific mechanism of law are illustrated neatly with the example of three language versions of a preliminary question from the Bundesfinanzhof to the EU Court of Justice (p. 157):

DE:

Ist Art. 13 Abs. 1, Abs. 2 Buchst. a der VO Nr. 1408/71 dahin auszulegen, dass er der Gewährung von (Differenz-)Kindergeld durch einen Wohnmitgliedstaat in den Fällen entgegensteht, in denen ein Kindergeldberechtigter — ebenso wie der andere Elternteil — in der Schweiz als Grenzgänger einer nichtselbständigen Beschäftigung nachgeht und dort Familienleistungen für seine im Wohnmitgliedstaat lebenden Kinder bezieht, die geringer sind als das im Wohnmitgliedstaat vorgesehene Kindergeld?

FR:

L'article 13, paragraphes 1, et 2, sous a), du règlement no 1408/71 (1) doit-il être interprété en ce sens qu'il s'oppose à l'octroi d'allocations familiales (différentielles) par l'État membre du domicile dans les cas où une personne ayant droit aux allocations familiales allemandes exerce (de même que l'autre parent) une activité salariée en Suisse en tant que frontalier et où elle y perçoit, du chef de ses enfants vivant dans l'État membre de résidence, des prestations familiales d'un montant inférieur à celui des allocations familiales qui sont prévues dans l'État membre de résidence?

EN:

Are Article 13(1) and Article 13(2)(a) of Regulation No 1408/71 (1) to be interpreted as precluding the granting of (differential)

child benefit by a Member State of residence, in cases where a person entitled to child benefit — like the other parent — is a cross-border commuter employed in Switzerland and draws family benefits there in respect of his children living in the Member State of residence which are lower than the child benefit provided for in the Member State of residence?

The flexibility is evident in the addition in the French version of the interpretative element **allemandes** after the words **allocations familiales**. Some of the constraints imposed by the process are reflected in the single sentence structure with a question mark.

Examples from other jurisdictions are also adduced including Belgium, Switzerland, Scotland and Ireland. Thus, in connection with the drafting languages in Ireland it is noted that English is the drafting language and that the texts are then translated into Irish, “a situation that places a target language at a relative disadvantage as it must follow the source language and concepts as best it can and it is moulded by the source language in terminology. In cases of doubt as to meaning, the source text is likely to carry the most prestige” (p. 64). It should be pointed out here that any perceived loss of prestige in this context is offset by the privileged position afforded to Irish under the Constitution. As regards bills passed and signed in the bilingual format, Article 25.4.6° provides that in case of conflict between the texts, the text in the national language (Irish) shall prevail.¹

The geographic scope of the work is impressive. It is surprising, however, that Canada, with its two legal systems and four legal languages (common law in English, common law in French, civil law in French and civil law in English), an ideal laboratory to study multilingual law *in vitro*, does not receive more attention. Its influence on the EU model is evident in IATE, for example, which draws heavily on Canadian sources to populate its database. This neglect is also evident in the bibliography with the omission of works from Canadian authors such as Jean-Claude G  mar (1982, 2005), one of the pioneers in the field of jurilinguistics.

Another minor criticism is the unequal treatment certain topics receive. Thus, an entire chapter is devoted to legal-linguistic revision, a topic of narrow interest for non-practitioners, whilst the merits of multilingualism are discussed in a single paragraph. The author points to the costs of multilingualism as the main drawback (p. 207). However, the disadvantages extend far beyond the mundane. For example, in the context of regulatory linguistic arrangements for product labelling, one author has called for a “comprehensive overhaul

in order to standardize and simplify the existing patchwork of different solutions and wordings’ to increase both consumer protection and legal certainty for producers, importers and distributors” (van der Jeught 2022, 51-52). More generally, McAuliffe, in her analysis of the functioning of the Court of Justice, a microcosm of the EU legal order, writes:

The concept of a single EU legal language that allows EU law to be uniformly applied throughout the Union is, in fact, necessarily based on a legal fiction. That fiction is a workable one since EU law does function reasonably effectively. It is nonetheless a fiction, and an awareness of the problems of language and translation should therefore condition our understanding of the multilingual EU legal order. (McAuliffe 2013: 23-34)

In a recent book on the topic, Nils Ringe (2022), whilst pointing to the merits of multilingualism in the EU, such as the depoliticization of politics which eliminates the potential for conflict, also identifies that same depoliticization as an issue: “divisive political problems may become unduly depoliticised, which is undesirable from a representational perspective” (Ringe 2022)². He further points out that a depoliticised language of politics is problematic for the EU as its “overly rationalised nature will likely be perceived by the general public as bland, abstract, and distant, which undermines the quality of representation and weakens the link between the EU and its citizens” (Ringe 2022).

These, however, are minor quibbles. This elegantly written impressive tome is a fine contribution to the field of jurilinguistics. The author’s fascination with the interaction between language and law, which was stimulated by studying the linguistic changes in Scottish law over the centuries, has led him on a jurilinguistic journey for which we are the richer.

M  IRT  N MAC AODHA
Dublin, Ireland

NOTES

1. For challenges to the dominant language canon, see Mac C  rthaigh 2007.
2. RINGE, Nils (2022b): *The languages of politics: How multilingualism affects policymaking in the European Union*. The London School of Economics and Political Science. Consulted on 1 August 2022, <<https://blogs.lse.ac.uk/europpblog/2022/03/29/the-languages-of-politics-how-multilingualism-affects-policymaking-in-the-european-union>>.

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- VAN DER JEUGHT, Stefaan (2022): Regulatory Linguistic Requirements for Product Labelling in the Internal Market of the European Union: How the curious Case of the Irish Dog demonstrates the Need for a more coherent EU Language Policy. *Comparative Law and Language*. 1(1):34-59.

BÉHAR, Roland et CAMENEN, Gersende, dir. (2020): *Scènes de la traduction France-Argentine*. Paris: Éditions Rue d'Ulm/Presses de l'École normale supérieure, 277 p.

Dans le sillage du désormais classique *El tabaco que fumaba Plinio: Escenas de la traducción en España y América* (Catelli et Gargatagli 1998), cet ouvrage collectif dirigé par Roland Béhard (École normale supérieure-PSL) et Gersende Camenen (Université Gustave Eiffel) propose non pas une *histoire*, narration rétrospective d'une causalité cohérente, mais des *scènes*, une diversité de moments, de voix et de registres dans une fresque dont l'hétérogénéité reflète les contradictions propres au réel.

La première partie, intitulée « Imaginaires de la langue, bilinguisme et traduction », nous rappelle qu'en Argentine comme ailleurs, la fabrique de la langue nationale résulte de la mise en tension de divers imaginaires de la langue. En ce sens, dans « ¿La versión de Babel? Imaginarios de lengua y traducción en la Argentina, 1900-1938 », Magdalena Cámpora rappelle un récit historiographique désormais bien consolidé: celui du conflit, fondateur, entre le castillan apatride, bigarré et anachronique qui caractérisait les versions bon marché des classiques français et cette « langue des Argentins » chère à Borges, enracinée, précise et elliptique, favorisée par l'avènement de la revue *Sur* et la modernisation du secteur éditorial argentin. C'est justement ce récit que l'auteur

se propose de nuancer: méprisé, l'espagnol des versions populaires, loin d'être homogène, serait toutefois le reflet de la cohabitation dialectale propre à la société argentine de l'époque. Consigné par l'oreille attentive de Roberto Arlt, cet espagnol babélique peut être lu non pas sous le signe du manque (comme le propose Ricardo Piglia) mais sous celui de l'abondance polyphonique.

Cette tension, qui fait s'entrechoquer plusieurs langues dans la langue, se manifeste également à l'échelle de la haute société argentine sous la forme d'une polyglossie conflictuelle, notamment vis-à-vis du français. En témoigne le cas de Delfina Bunge, poétesse aujourd'hui oubliée dont Axel Gasquet trace le portrait dans « Delfina Bunge y el bilingüismo poético femenino en la Argentina del Centenario ». Écartée de l'allemand de ses ancêtres, dont l'apprentissage sera l'apanage des hommes de la famille, empêchée, dans son désir d'écriture, par les conventions d'un patriciat s'exprimant en espagnol et reléguée en tant qu'écrivaine à l'espace domestique des « littératures mineures », c'est en français qu'elle publie ses recueils de poèmes.

La deuxième partie, intitulée « *Sur*, un pôle d'attraction », commence par la contribution de Victoria Liendo, « Contre la traduction: Victoria Ocampo en version originale », une analyse de ce que nous pourrions appeler, avec Antoine Bertran (1995: 75), l'« être-en-langues » de la célèbre fondatrice de la revue *Sur*. Un être-en-langues volontairement hybride, par le mélange d'espagnol et de français dont témoignent sa correspondance et ses écrits autobiographiques, mais également contradictoire, tirailé d'une part entre le français, qui est pour elle une sorte de langue adamique de l'enfance, et un espagnol territorialisé, résolument argentin. Il en ressort, chez cette figure de proue dans le changement de statut de la traduction en Argentine qui surviendra désormais, un rapport paradoxal à la traduction, poétiquement impossible mais historiquement nécessaire.

Aux portraits des médiatrices et des médiateurs s'ajoute dans la troisième partie la description des dispositifs de médiation, à travers les contributions d'Annick Louis, « La traduction dans la revue *Lettres françaises* (1941-1947) de Roger Caillois » et d'Armando Valdés-Zamora, « El deseo del viaje. La traduction de la literatura francesa en *Orígenes y Sur* (1944-1956) ». Annick Louis compare le projet éditorial de Caillois dans *Lettres françaises* à celui de la collection « La Croix du Sud ». De l'un à l'autre, une mutation s'opère dans la conception de la littérature chez Caillois: le lien entre littérature et langue nationale se défait, ce qui explique que pour lui le français puisse être « une des langues fondamentales » du continent américain (p. 111) et que des auteurs hispanophones comme Gabriela Mistral ou francophones comme Jules Supervielle