Translation in context
St Jerome and modern multilingual EU law

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1. Introduction

This paper reflects on the nature of legal language and in particular the legal language of the European Union (EU) and translation issues that arise in relation to EU law. The avenue explored here concerns ways in which EU legal translation differs from other kinds of translation. Taking a contrastive approach can help to delineate what legal translation 'is' and 'is not' as compared with other kinds of translation, and that can help us to concentrate more clearly on what it is that places legal language and legal translation apart from other types of text (on legal translation in general, see Šarčević 2000). The occasion offered by the invitation to speak in celebration of the life and translation work of St Jerome on the day associated with his memory as a saint, 30 September, at the Department of Professional and Intercultural Communication of the Norwegian School of Economics and Business Administration in its 75th year, 2011, presented an opportunity to explore certain contrastive issues, and the theme of this paper arose from this circumstance. As a celebration of the life and work of Jerome, it seemed of interest to take the subject of Biblical translation, of which Jerome was a supreme master, and compare it with the more mundane and secular work of EU legal translation, as two fields which at first glance do not seem to have much in common beyond that of involving translation. One can explore similarities and differences between the two genres and see whether there is a link between the age of Jerome and the modern age of European economic integration, and between Biblical and legal translation.

Religious ideas, in particular ideas from the Bible, underlie 'Western' culture and form the cultural basis on which the EU has been constructed. So that on reflection there does seem to be an intimate connection. Jerome conveniently serves as our starting point. He translated the Bible texts. Bible translation served (and serves) to standardise languages and the act of standardisation has had a significant impact on written language which in turn is the foundation of modern legal language and, by extension, of EU legal language and EU law. On a more personal note, Jerome's birthplace Stridon, wherever exactly it is situated whether within modern Croatia or Slovenia, will surely be within the EU and scope of EU law as a result of Croatian accession as 28th member state to the EU in 2013, following signing of the accession treaty on 9 December 2011[2]. In 2011 there have been a number of reasons for celebrating the life and work of Jerome as translator and for placing Biblical translation in contrast to EU legal translation. That said, the exercise is embarked on with a certain degree of trepidation stemming from a lack of personal experience in the specialised field of Biblical translation, as opposed to EU legal translation. Acccordingly a *caveat* is entered at the outset that all the expressions made here in that respect are made '*sous contrôle*' (as one says in EU meetings when speaking of things in the presence of experts) of those who are translators of Biblical texts and are better informed.

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[1] The views expressed in this paper are personal to the author.
[2] http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/genaff/126686.pdf (accessed 23 April 2012)

The approach taken in this paper is as follows: first there is a brief introduction to the life and times of Jerome. This is important because he was working at a critical juncture at a time when Christianity became the single official religion of the Roman Empire as opposed to being recognized by the state as one of many accepted religions. The new official state religion needed reliable texts to found on. Second, consideration is given to the modern translation of the Bible in English published with both Testaments in 1970 after a quarter of a century of work (New English Bible 1970). The aim is to set out a few words about the nature of the Biblical texts and identify some of the issues and problems faced by translators of biblical texts. Third, the attention is switched from there to the EU context and EU legal translation, in comparison with Biblical translation issues. A forthcoming paper, deriving from the same occasion as this one, will look at how the EU functions in 23 languages in some detail, so there is not a detailed exposition of the EU linguistic regime (Robertson, forthcoming). Fourth, from initial reference points in Biblical and EU legal translation, a more general discussion is proposed into issues of meaning and the problem of creating and determining meaning. For this, certain ideas relating to signs and semiotics are introduced to provide structure for the reflections. (The problem of meaning in EU multilingual legal texts is discussed more extensively in Robertson 2012.) The paper concludes with some observations on factors that unite Biblical and EU legal translation, as well as differences, and it is argued that in his work Jerome was a 'European' and helped lay the foundations for the modern European legal order, including that of the European Union. The cultural viewpoint behind the paper is that of a lawyer-linguist, engaged in practice on texts, with a 'view from the factory floor' and an idea of blending language and legal theory as an aspect of legal-linguistics.

And lastly, a theoretical question: Georges Mounin cites Uriel Weinreich as saying that "two or more languages can be said to be in contact if they are employed alternatively by the same persons" and that the "place of contact of languages, that is to say the place where interferences between two languages occur is always an individual speaker." (Mounin 1963: 3). We can bear in mind this question as we reflect on law and translation in the Biblical and EU multilingual contexts. The suggestion put forward here is that there is another dimension to this idea of "point of contact", namely that within a multilingual legal system languages are in contact, but this contact is not just individual, but social and collective. Furthermore it is structural and derives from the very nature of multilingual law and legal language as being bound by, and within a single legal system

2. St Jerome and his time

Eusebius Sophronius Hieronymus was born in the mid fourth century AD, perhaps between AD 340 - 342[3] , or AD 345 (McCulloch 2010: 1146) or 347 (Ballard 1992: 44) and died in Bethlehem on 30 September AD 420.[4] (Catholic Encyclopedia, entry "St Jerome"; Cain and Lössl 2009). Jerome was born in Stridon on the borders of Pannonia and Dalmatia. The town was destroyed by the Goths during his lifetime and ceased to exist. It seems that no one is quite sure today of its exact location nowadays but it is believed to have been located somewhere in the region of the Croatia-Slovenia border, perhaps in Slovenia and perhaps in Croatia. Slovenia is already an EU member state, Croatia has concluded a treaty to accede, and so wherever the precise location, his birthplace will definitely be within the EU in the near future. That provides a convenient justification for making a comparison between his

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[3] http://www.newadvent.org/cathen/08341a.htm (accessed 23 April 2012)
[4] http://jesusmarie.free.fr/jerome.html (accessed 23 April 2012)

translation work and modern EU legal translation work which has over the years enabled numerous EU accessions to take place.

Jerome studied in Rome, possibly literature and language. It seems he was initially interested in profane literature and then switched to Christian literature and translation (Ballard 1992: 44). Christianity had received recognition as one of the religions of the Roman Empire since AD 313 following the Edict of Milan (MacCulloch 2010: 189)[5], but in AD 380 Christianity became the sole official religion of the Empire, under Theodosius in the East and Gratianus in the West[6]. The traditional religions were suppressed[7]. In AD 382 Jerome became secretary to Pope Damasus 1 who asked him to establish a Latin text for all the scriptures, to replace the several often conflicting versions then in existence. This was necessary because the new state religion required a sound basis in reliable established texts for use throughout the Empire. Jerome began by translating the New Testament scriptures from Greek texts.

Although Jesus Christ and his disciples may have spoken Hebrew and/or Aramaic the New Testament scriptures were written down in Greek (Ballard 1992: 43). This is explained by the fact that at the time Greek was the universal language and the language of philosophy and civilization. Roman intellectuals such as Cicero also looked to Greek language and literature as a source of inspiration (Ballard 1992: 39-42). The choice of the Greek language was thus linked with a wish from the beginning to transmit a message that was universal and not restricted to any particular group or sect. Jerome, a brilliant linguist, lived at a critical period of transition from the old world of classical antiquity and its religions to the new intellectual climate in which Christianity, drawing on pre-existing ideas and methods, took the principal religious and cultural role. However, the foundation texts of the new state religion were not adequate to the task and needed to be revised.

For the Old Testament texts, Jerome's job was initially to revise existing Latin versions (*Vetus Latina*). The Old Testament was originally mainly written in Hebrew (and Aramaic) and it seems that the various texts that comprise it were put together over several centuries by different members of the Jewish Community (MacCulloch 2010). The texts had been translated into Greek, in part for the benefit of a Greek-speaking Jewish Community in Alexandria and it seems that there was a variation in the quality of the texts (Septuagint) MacCulloch 2010: 69). From Greek, the texts were translated into Latin and it was these versions that Jerome was asked to check and revise. Jerome had previously studied Hebrew. When he discovered problems with the quality of the Latin translations from Greek, he checked the Greek translations themselves and found he did not like them either because they were so literally translated in places that it was poor Greek. So he went back to Hebrew originals and used them for his translations into Latin. He moved to Bethlehem in 386 after the death of Pope Damasus two year earlier and lived there for the rest of his life, sending the texts produced by his team back to Rome (Ballard 1992: 45). Except for the Holy Scriptures, Jerome's approach was not to translate word by word but idea but idea. (Ballard 1992: 46).

Jerome was producing texts in a single target language, Latin, that would be used for the purposes of the new state religion that was in the process of asserting itself and needed reliable foundation texts. Christianity had just become the official religion in the Roman Empire and there was a pressing need for quality standardised texts in Latin, the language of

North Africa and Gaul (and parts of Britain). Jerome was the man for his times. We see two source languages. Greek for the New Testament texts and also for Old Testament texts. However, for the latter the originals were in Hebrew and the Greek texts were themselves translations (Ballard 1992: 43-44). Jerome's method seems to have been sound in going back to originals. We also see an initial job of reviser turning into one of translator, when it becomes evident that the quality is deficient. Also, he placed the focus on ideas and concepts. He explained his approach in his work *De Optimo Genere Interpretandi*[8]. Apart from the Holy Scriptures, where there was mystery, he strove in his translations to convey the meaning of the author without restricting himself scrupulously to the words. He placed emphasis on the sense rather than the letter. (Jerome, Epistola LVII) (For information on Hebrew, Aramaic, Ancient Greek, Latin and other languages see inter alia Dalby 1998 and the *Dictionnaire des Langues*).

What was Jerome aiming to do? We can postulate that, as an ecclesiastic, linguist, scholar and translator he was seeking to reproduce sacred texts containing the 'Word of God' in contemporary Latin for a readership that was first the Church hierarchy and second all Christians wherever they may be. So fidelity was paramount; fidelity of the message. It seems that it was poor linguistic style of the Greek versions and his knowledge of Hebrew that triggered his decision to dig deeper into the meaning of the source texts. He was concerned not only about style and clarity and but also about the accuracy of the message for Christian readers. In this respect, poor drafting blocked the message. (For further information on the history of Christianity see MacCulloch 2010 and for a history of translation see Ballard 1992.)

3. Bible translation and EU legal translation

There is a long history to Bible translation and the Bible texts have been translated into countless languages. One website offers 250 different language versions.[9] However, for the present purpose it is sufficient to take the example of one such translation in one language. In 1970 'The New English Bible' was published, using contemporary English language, after 25 years of work. It provides a modern example of Bible translation and has the merit of providing an introduction to each Testament which indicates the translation approach, methods and problems. Additionally, there are footnotes throughout the text raising translation issues. The 1970 text is a complete retranslation, using all available sources, including Aramaic texts. Many problems are mentioned in the Introduction to the Old Testament; there are many versions of the old texts and differences between them. Over time errors had crept in through countless recopyings. The traditional texts were originally written only in consonants, but vowel signs were later added to preserve what was believed to be the correct pronunciation, and there were different systems. The true meaning of many Hebrew words was not really known and there are ancient technical terms that have no modern counterparts. Another set of difficulties arose from the difficulty of conveying ancient practices into modern terms. The Introduction to the Old Testament (New English Bible 1970: xvi) observes:

> So much for the text of the Hebrew Old Testament as it lies before us; but it is certain that this does not always represent what was originally written. The translator must often go behind the traditional text to discover the writer's meaning.

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[8] Text and French translation: http://remacle.org/bloodwolf/eglise/jerome/pammaque4.htm (accessed 23 April 2012)

[9] http://www.ethnicharvest.org/bibles/ (accessed 23 April 2012)

The search for meaning leads to a study of many ancient versions. Jerome must have known of these problems and it supports his emphasis on meaning rather than the literal words.

In Bethlehem he was near the sources and culture. In addition, he benefited from Jewish scholarship and assistance. One example of a translation error which was subsequently corrected a long time later is in Exodus 34:29. Jerome took the verb "*karan*" to be a literal form of the noun "*keren*" which means a horn, so that when he came down from Mount Sinai a second time, he had horns. Subsequently it was realised that it meant "to emit rays"[10] or as it is phrased in the new English Bible: "the skin of his face shone".

Now, the focus of this paper is contrastive. Can we make comparisons between Bible translation and modern EU legal translation, and why do so? The Bible laid a basis for our Western culture, religion, morality, way of life and thought and European legal systems developed under its influence. EU law and language is a product of European legal thinking, combined with economic and political thinking. So there is a link.

Modern EU legal translation is not so very different in many ways from Bible translation; it also aims to produce a faithful text with good style. Yet, there is a big difference, in so far as Jerome was translating texts that were historical. When he was working on them they were already old. The New Testament texts were some 300 hundred years old and the Old Testament texts were very much older. He could not change the originals; he could just try and find the 'best' versions of old original texts and use them to work from. In a context where there may be a variety of candidates for attention and each slightly different from the others, how does one know which version is to be preferred? There is an element of choice here, as well as a lot of research and dedicated scholarship into subtle nuances. If a religion is founded on written texts, which is one of the significant features of major religions including Christianity, then the choice of text, and therefore of message, takes on special significance as the texts have the quality of being sacred or holy. Further, the culture and society described in the Biblical texts was not the same as contemporary European or North African society in Jerome's day. (North Africa was then an important centre of Christianity and Latin language.) Does one reproduce the ancient terms, concepts and meaning literally in the translation, while being aware that a contemporary 'modern' reader may not understand what they refer to, or does one replace them with contemporary concepts which convey meaning but which the ancient authors knew nothing of? Footnotes and comments were not allowed in Jerome's day. Other problems exist; for example the exact meaning of certain Hebrew terms having become lost (consider the example of the 'horns' of Moses); how does one solve this? An educated guess based on the whole context and knowledge of the style and intention of the (unknown) author(s)? One's own invention drawn from intuition and religious sentiment? Maybe by being in Bethlehem Jerome was culturally closer and gained insights to help interpret the meanings. He also worked closely with Jewish scholars and had direct access to ancient texts. Jerome was not able to ask the authors what they meant. He (and his team of assistants) had to decide, in consultation with their sources of advice. He was interpreting the meaning of the texts all the time and seeking to convey those meanings in the translations; hence his focus on ideas. Yet, if a text is sacred, is it the words used that are sacred or the ideas? If the words are sacred, no translation can bear the quality of being sacred or holy. If it is the ideas, then if a translation is declared to be faithful and reliable, it presumably can. So, Jerome's approach also tells us about the attitude taken towards the text.

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[10] http://www.askmoses.com/en/article/662,2068869/Did-Moses-have-horns.html (accessed 23 April 2012)

The emphasis was on the ideas and underlying message, to produce a single reliable and authoritative text. But Jerome did not escape criticism for his method, as his *Epistola LVII Ad Pammachum. De optimo genere interpretandi* indicates. And that brings us to legal translation and EU legal translation, in a context where it is necessary to create legal texts in 23 (24 with Croatian) languages in a context where each language version seeks to convey the same message in parallel, and each language version is equally authentic. This concept of 'authenticity' is perhaps a modern secular legal equivalent of the quality of sacredness or holiness.

If we turn to reflect on legal translation, we can consider it as a generic activity that broadly signifies translation of legal texts. From there we can identify three functions: first to provide information as to what is expressed in a source text; second, to produce an official version in the target language which is used for most purposes but where in the event of doubt, or dispute, regard is had only to the source text as authentic text; third the creation of a parallel authentic text with the same status as the source text. Within a multilingual legal system this third role is relevant. We have legal translation of texts within a legal system for the purposes of official use within that system as authentic original texts. The three contexts are not quite the same. The difference is significant for EU legal texts as the context is multilingual. We could add that there is also a multicultural dimension, as there is also for the translation of Bible texts into different languages. With both Bible texts and EU legal texts we can say that there is a 'singular' text being reproduced in a multiplicity of languages and the aim is to produce texts that are sacred or authentic, as representing the 'true' word, or to produce different parallel language versions of laws for official use. Here we can see a convergence.

For the translation of legal texts, one needs to know the source language, general culture and language (Language for general purposes: LGP) and specialised legal language and terminology (Language for specialised Purposes: LSP). One needs to know legal terms and terms from the domain the text is dealing with (agriculture, competition, etc). One also needs to have the same range of knowledge with respect to the target language, and in an EU context preferably knowledge of other languages to compare. The text is produced for information, to reproduce the message for the needs of the target readership. It is essentially a pragmatic activity.

On the other hand, if the text is being translated as a legal text for use within a legal system, then the translation acquires an official status which depends on law; either as a 'translation' or as an 'authentic text' with the same status as source as the 'original' version. If the two texts, source and target, exist within the same legal system and express the 'same' message with the status of authentic texts, then the 'same' meaning comes from both language versions equally. That is because a legal system generally aims to 'speak with one voice' and to provide one set of solutions to the same facts, regardless of the language version used. From that it follows that meaning comes from both, or all, language versions. They become 'tied' together and the search for meaning as to the rule to be applied passes through all the language versions (Robertson 2012). In this sense, they are in 'contact'. The nature of the contact depends on the way in which both versions have been produced, whether sequentially or in parallel. Both are possible. The former method implies drafting one language version and translating from it; the other method implies drafting the language versions together in parallel. The latter method is followed in Canada[11] in a bilingual context.

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[11] http://www.justice.gc.ca/eng/news-nouv/others-autres/2009/doc_32413d.html (accessed 23 April 2012).

Just as with religious texts where the quality of sacredness is an inherent feature, it is impossible to remove the factor 'law' from legal texts. The latter are both the expression of law and the object on which law operates. Law (that is to say legal rules) operates on legal texts and influences them. Each legal text is part of a system and serves the purposes of that system. Legal texts are in hierarchical (and temporal) relationship to each other and that has a bearing on the construction of meaning, inter alia through intertextuality. (The same may be true for religious texts.) The legal status of a text influences its meaning since a lower-ranking text is governed by a higher-ranking one as regards the meaning of terms used; they follow the superior text. One can see this in the context of EU legal texts, for example in EU Directives which set out the legal base in the treaty that indicates the delegated power to make the text and carries the implication that terms are to be understood in the same way. EU treaties are delegated powers to act also. It is impossible to remove the factor 'law' from legal texts. Further, 'law' goes beyond 'language' where a court analyses a law or contract for meaning, it looks for 'intention' and considers all aspects, including actions and behaviour. Is 'intention' linguistic? Law, and legal texts, are connected with actions in the real world; a pragmatic environment. Thus, coming back to Mounin and the theoretical impossibility of translation, legal translation, with an eye to the legal effects of the translation 'in the real world' is also pragmatic.

4. EU legal texts

While there is extensive translation within the European Union of legal texts for the purposes of information, for example, in order to be able to understand member state laws, for negotiations on new EU legislative texts, or as an official translation for the purposes of court cases before the Court of Justice of the European Union, it is the third category of 'authentic' multilingual legal texts that is of interest here. EU legislative and judicial texts come within this category as they are created within and for the purposes of the EU legal order. To the extent that EU law may be considered as comprising a systematic body of law that is internally self-coherent, self-consistent and internally self-referent, the legal texts may be regarded as 'system bound'; by which is meant that their meaning is intimately linked to the system as a whole. Source and target texts are bound together within the same system. Yet there are 23 language versions and if they are all of equal legal status which is 'source' and which 'target'? Under EU law they all become 'source' texts. Can we say the same about the 250 language versions of the Bible noted above? Which of those have an 'official' status and how would they acquire it?

Within a unified system of religious thought, one might expect source and target language versions of translated texts similarly to have the same status. However, it may also be the case that there is only one true version, which is that of the original language. The act of declaring source and target versions of a text as having equal status and validity is a 'legal' act. This suggests that the status of the text is not inherent to the text itself and the quality of the translation, but depends on external elements, in particular a set of rules, laid down perhaps in other texts which set out the conditions to be fulfilled in order for the translation to have the necessary status, whether it be a procedure, or ritual, of formal adoption. At this point we seem to be suggesting that EU legal texts and religious texts are proceeding in some sort of parallel fashion as regards establishing a formal status. That in turn raises the inference that there may be a close relationship between the functioning of law and the functioning of religion, or at least of organized religions based on written texts. Both lay down rules for conduct. Incidentally, one can speculate on the question of how far in the past the creation of new religions was linked to the wish to create new forms of society, rather like the modern

idea of creating a new political party to bring about some desired change in society. This thought emerges, for example through a study of the variety of religious ideas and initiatives that seem to have been circulating within the first few centuries of the Christian era (as described by MacCulloch 2010). Nonetheless, before any new text is accepted as 'fit for service', it is generally preceded by a close examination of the texts for equivalence to established texts.

Let's go further and make a few more comparisons between Bible translation and EU legal translation. EU translation is part of a process of text production; the source text is new, contemporary and modern. Often a source text is still in draft form when translated. The 'target' versions can, and do, influence and change the 'source' text. In negotiations, there are frequently requests to adjust a base text being negotiated in one language so as to deal with problems that occur for other language versions (Robertson 2010a). The EU drafters and negotiators are free to choose the language version to work on, but since some language are more widely known and understood than others, that leads to them being preferred. Historically, French was the preferred EU language of drafting. While that remains generally the case for Treaty texts and certain secondary law texts, there has been a trend towards English in recent years as a result of the accession of member states who felt more comfortable in that language. However, EU texts have also started life in German and Spanish. A text may be drafted in one language in the EU Commission and negotiated in a different language version in the EU Council or the European Parliament. All language versions must be approved in order for an EU text to be adopted because an EU legislative act exists only in all language versions. It is a single multilingual legal act. During their construction, the language versions are compared and, for example, an English base text may be adapted to French and other languages so as to align more exactly. For if the 'law speaks with one voice' the texts need to match as well as possible. Hence the need for specialised legal-linguistic revision (Robertson 2010a). Consequently, the concept of 'source' and 'target' languages becomes blurred. The legislative acts are prepared in parallel; there is a base version, on which others align, but the other languages influence the base, as well as each other. It is called 'co-drafting' (Šarčević´ 2000; 108-110). The result is 'hybridity': cultural and linguistic; terms and content are adapted to an audience of 27 member states, plus international business. The reader of an English text could be: native speaker, translator, non-native business man. For whom is one translating? Whose form of English, French, German? The EU has 23 official languages and soon it will be 24 with Croatian when Croatia accedes. However, EU legal acts are also translated into Icelandic and Norwegian, pursuant to the Agreement on the European Economic Area (1994). There is a mechanism in that Agreement to make certain EU acts binding also in the EFTA states of Iceland, Norway, Liechtenstein and Switzerland. So there are texts that exist in 25 language versions already.

Now let us compare with St Jerome's day. There is no mention of God. Although this was debated at the time of the drafting of the Constitution for Europe[12] it was not accepted; EU law is secular. To a certain extent it can be seen in mechanistic terms as a method of collaboration designed to bring about certain results, but legal texts in general may also be seen in those terms (doctrine of *effet utile*). Another factor is that Latin is not even included as one of the languages, which would surely have amazed (and probably disconcerted) Jerome. Latin was the *lingua franca* of Christian civilisation, but there is none today, though some claim English for that role[13]. The EU translator can often ask the source language authors

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[12] http://europa.eu/scadplus/constitution/index_en.htm (accessed 25 April 2012)
[13] http://eltj.oxfordjournals.org/content/59/4/339.full.pdf+html (accessed 25 April 2012)

what their text is intended to mean, and it is also possible to change the source text to clarify and resolve ambiguities. That was not possible for Jerome. It is the role of EU legal-linguistic revisers to check all language versions and to discuss problems and difficulties with the experts (Robertson 2010a).

Let us turn to questions of language and terminology. Bible language and EU language differ. The contexts are different, the historical time periods and cultural references are vastly different. The Bible texts relate to an essentially pastoral culture, as evidenced by expressions such as 'separating the sheep from the goats' whereas EU law relates to sophisticated industrial society, technology, commerce and the international organization of markets. The terminology in EU texts is specialised and covers legal, economic, political and technical fields. The terminology in the Bible texts is more general language in focus. The Bible texts were and remain texts for everyone to read. They were the central narrative of a community of people and their history. This places them somehow at the centre of general language, almost by definition, as the centre of personal and social life. We see this from the large number of names, terms and expressions which are encoded into everyday speech and language in societies that have the Bible as their central cultural reference point. On the other hand there are many ancient technical terms that are not known today. The classical Hebrew vocabulary as known today is small, with the consequence that the meaning of an unusually large number of words is uncertain or unknown. In such cases recourse may be had to the cognate languages. (Introduction to the Old Testament. New English Bible 1970: xvii).

The EU context, in contrast, was created by international treaty between humans; there is no mention of a deity. As already noted, that was discussed in the debate on the Constitution for Europe but not included. EU law is essentially 'mechanistic and material'. It is made to do a job and on the whole performs it well. It uses terminology of an extremely specialised nature and the texts are not easily accessible to non-specialists, despite the endeavours of those involved in creating and applying them. The Bible contains accounts of human actions and actions of God, the Prophets and his Son and Representative on Earth, Christ, and his followers. It is religious and mystical, and tells narratives; it is not mechanistic nor particularly materialistic.

EU texts are drafted in a single multilingual version, adopted, signed, published in the official Journal of the European Union and become law. The source Bible texts exist in different copies written by different hands, in different languages and varying versions. Authorship is generally unknown and there is no signature. We can add that the ancient texts take the physical shape of scrolls. The modern book form, or *codex*, arose for the first time with the compilation by Christians of the Bible (MacCullough 2010: 158).The ancient texts do not look like legal texts from a modern point of view, yet they have been a source of law for Christian societies and remain so, either explicitly or implicitly as a guide to conduct. [14] In the case of a common law legal system, based on decisions by courts there is perhaps not a great difficulty about incorporating certain provisions of the Bible as part of the legal system or about using Bible texts as a starting point for deducing certain consequences to apply to particular facts coming before the court. The Biblical ten commandments provide a possible example here. With civil law legal systems, based on codified written law, Bible texts influence and inspire the choice of rules set out in the codes which are then enforced by the courts. And, throughout, the Bible texts remain a source of guidance for issues relating to

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[14]   http://barthsnotes.com/2010/08/22/scottish-bible-society-cites-incest-case-as-evidence-of-the-bible-in-scots-law/ (accessed 25 April 2012)

natural law, as expressing God's wishes and commands. They are the starting point for exegisis.

EU legal texts form part of a specialized legal order and the words take their meaning from that context. Although there are currently 23 languages, there is broadly only one EU legal order and thus there is a degree of 'singularity' expressed through the dictum *'unity within diversity'*. This concept of unity has an impact on meaning and therefore on translation; for example each language version follows the same synoptic approach: same number of pages, same information on each page. Articles are structured and numbered in the same way. Sentences are set out in parallel on equivalent pages of the different language versions of the Official Journal (Robertson 2011). (We can note that the texts of the Bible are also structured and numbered.) More generally, the concept of unity is symbolically represented through the EU flag and the euro currency unit and the unofficial anthem (Robertson 2010b). The currency unit has iconic status. It is a sign and a symbol of the EU, like the EU flag, but expressed through language. This brings us to a semiotic viewpoint.

5. A semiotic viewpoint

From reference points in Bible and EU legal translation, we can turn attention to issues of meaning and the problem of creating and determining meaning. In that respect, we can use semiotics, the study of signs, to reveal certain features of the language versions, which have an influence on translation. In the EU context there are concepts which are the same, regardless of the language. For example, the concept represented by '*directive* '(FR) = '*directive*' (EN) = '*Richtlinie*' (DE) = (all other language names). This is because EU law is conceived as a single system of law and the concepts in it should reflect this singularity. Following that line of thought we have different words in EU languages to convey the same idea. Using the semiotics of Charles Sanders Peirce (see inter alia Deledalle 1978, Houser 2010, Merrell 2001, Scott 2004) according to which a 'sign' comprises three elements: object, representamen and interpretant (thing, label or name for it and range of ideas linking the thing to the word), we can say that the EU conceptual object is the same; the implications within the EU system are the same, but the label changes. At least in theory; the door is opened for a study of the extent to which reality does or does not reflect theory. This could arise because of the different structures and concepts of each language and different forms of interface with individual national legal systems arising through transposition.

Perhaps for concepts which are at the core of EU law and to that extend 'fixed' or 'standard' translation is theoretically possible, on the view one just changes representamen. Standard terms are an important part of EU multilingual law. We can go through EU legal texts and search for terms that represent purely EU legal concepts, for example, names of acts, institutions, procedures, concepts such as 'subsidiarity', 'comitology', 'codification' (standard terms, same in all languages). Standardisation (and repetition) is a feature of legal texts and legal language in general: standard layout, structure, clauses, sentences, words, punctuation (repeated in the texts). The 'units of meaning' are 'chopped up' using numbering and punctuation; this enhances alignment of multilingual texts. Standardisation and repetition lead to mechanisation and computer tools to create text, search for and align it, or to 'highlight' for control by a human reviser. One can imagine EU legal texts being produced by machine. Indeed they already are to a certain extent, using technology such as Legiswrite[15] for drafting

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[15] http://legiswrite.software.informer.com/ (accessed 26 April 2012)

and translator memory for translation[16]. Perhaps these lower the cost of multilingualism; they certainly can speed up the processes.

We also find that EU terms depart in meaning from terms used in the national legal context. We can show this through semiotics. Take for example the term '*trespass*', an ancient term of English law which arose in AD 1250 and has been "the fertile mother of actions" (Curzon 1993: 386). According to Article 345 TFEU the Treaties "shall in no way prejudice the rules in Member States governing the system of property ownership" (on that article, see inter alia Losada et al. forthcoming 2012) and it is an hypothetical example. If the term appeared in an EU text, it would be matched by 22 words in other languages to express the concept. The EU meaning would come from the 23 terms; most are civil-law connected languages which do not have the concept of trespass in the same way; so a cultural dimension would enter in. It would probably be necessary to define the EU term (for example, whether it covers trespass of land or to the person and what constitutes the act of trepass). Semiotically, the same word would have a different 'object' in English law as compared to the EU context and the 'interpretant' also would be different as one meaning is connected to the English law system and the other to the EU law system and mediated by the other 22 language versions. So for each EU language it seems there is an EU version of the language 'in parallel' to the national language. And EU directives have to be transposed into national law which exposes this duality of context and therefore meaning. Thus for example, the EU concept of 'trespass' would be carried over to English law which already had the term. English law would need to insert the new EU meaning into its structure of concepts as a variant. The word although already embedded in English law would in this respect remain linked to the EU concept and by extension to the other 23 languages, through a governing EU directive and the higher status of EU law. But how can this be known in practice if no attention is drawn to the link? This is an issue for transposition of EU law and reflects an inherent tension between EU and member states.

We can return to Bible translation and reflect on ideas of unity and standardisation. In Bible translation one might expect a similar sense of unity, insofar as God is consistent and the religious message needs to be clear and coordinated. But how much standardisation of the language is there? Not much perhaps. And originally there was not a standard version to work on, it seems. It was the job of Jerome to produce standardised (or standardisable) versions of the texts which could (and were) reproduced by copyists throughout the Middle Ages by hand, later by printing press.

What about machine translation of Bible texts? It is difficult to imagine machine translation of the Bible texts because of their variety and individuality. Computer tools using translator memory would seem possibly to offer some scope because of their flexibility. On the other hand, computer-asssisted translation seems quite feasible for religious texts which are repeated frequently and use standard formulae and expressions, and that applies to any texts involving repetition. The machines act by recognising signs in binary code. They recognise the 'representamen' and replace it by other ones. But what about object and interpretant? It is the human who assesses meaning and checks the object signified as an act of control, checking and revision. The question of 'meaning' lies at the heart of translation. What meaning does the source text have and what meaning to convey in the target text. With legal texts there is the added dimension that the texts are guides to action and behaviour; so the same actions should follow if the task of translation is efficiently done. Indeed, this can be

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[16] http://www.translationzone.com/en/translator-solutions/translation-software/ (accessed 26 April 2012)

seen as an 'acid test' for legal translation of authentic legislative acts. Does each language version lead to the same results and the same actions? If yes, then things are OK, if not, then review and revise. Divergences in syntax should not matter if the result is the same. Bible texts are also a guide to actions and behaviour; so here we find a similarity.

We can explore the problem of meaning from a semiotic point of view (Robertson 2012). If we consider that the viewer whether drafter, or reader brings to bear on the interpretation his or her culture and knowledge and uses it to give meaning(s) to the text. The job of drafter is to ensure as far as possible that the reader arrives at the intended reading. For EU legal texts, imagine an EU drafter and an EU reader, familiar with EU law who give meaning to them. Now consider a reader who knows only national law and language and no EU law? Will he/she give the EU text the same meaning? Are EU meanings or national law meanings assigned by them? We can add that the EU law/national law matrix is different for each system. These differences can be explored by examining how each legal system has implemented the same EU directive.

6. Transposition and intra-lingual translation

Now consider that EU legal acts are created in order to have effects within the member states and therefore within the national legal systems. EU law can be seen as purpose driven, dynamic, and dedicated to change. Future verbs ('will') and time limits for doing things abound. EU law texts are the opposite of Bible texts, which are past tense while having a present tense impact. Part of the EU process is to change national law for the future through transposition of EU Directives which are designed to bring closer, or unify, the different approaches between member states on the matters regulated. If we recall the semiotic approach, we can see that the EU context and national contexts are different. There is the same representamen (word) in the two contexts, but the interpretants differ: EU versus national. Is the object the same – or sufficiently similar? We can take any word occurring in both contexts and examine their meaning with this in mind. But that brings us to consider whether the term is a specialised term of EU law or national law or a term of another field such as science, industry or agriculture or of general language. With the latter categories it is more likely that the object and interpretant will be closer or the same. This question must be asked all the time for each word and sentence of an EU directive that is being transposed into national law.

With transposition, the EU directive is deconstructed from its EU language context and reconstructed in the national language (and law) context. The EU meaning and policy intention is analysed and extracted. This then becomes a policy question for the national law context. There are a range of issues, such as the spread of domains, or policy fields that are affected by the policy obligation and the question as to whether, and if so how far, as well as in which domains, the policy obligation is already implemented in national law. For example, with the EU Directive 2009/147/2009 on the conservation of wild birds[17] one asks whether national law protects particular species in the way required by the Directive. If yes, no action is needed; if no, then new national law is required. The method for doing this varies according to each system. A code may be amended, a new specialised law drafted or existing individual laws modified (Robertson 2011).

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[17] http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm (accessed 26 April 2012)

This brings us to intralingual translation within the same language; in this case from EU language to national language. The EU language versions are implemented in national legal systems in the same language code and that is the hidden trap in EU legal language. There are frontiers: a legal frontier between the EU and national systems, but also a linguistic frontier for terms. This derives from the concept of system as something that is self-contained and self-referring. The system creates the context and the terms are read and given meaning within that context. We noted how terms can be analysed semiotically to demonstrate this. The implication is that national law drafters are translators as well as interpreters and drafters.

What about intra-lingual translation for the Bible? The Bible texts stand as they are. Their purpose is to be immutable. They are translated into new versions as new languages are discovered or a demand arises for a new version in contemporary language. New discoveries and research findings also lead to fresh translations. The texts are read, interpreted and explained using language that is discursively between Bible language and everyday speech; popularisation, vernacular, explaining to youngsters, in church, the sermon, and so on. Yet, are not these all also a form of intra-lingual translation? The new version produces new words; the act of explaining focuses on concepts and ideas. Both form part of translation. So many similarities and also differences. What are the places of language contact?

7. Conclusion

From the foregoing brief foray into Bible and EU legal translation, it is proposed to conclude with some observations on factors that unite Biblical and EU legal translation, as well as differences. It seems that in his work Jerome was a 'European' and helped lay foundations for the modern European legal order, including that of the European Union. Jerome was brilliant at his job and his work has remained a foundation down the centuries. Good translations become sources, but the translators tend to be invisible and frequently forgotten (Venuti 1995).That is a pity as the task is not easy. On the other hand 'invisibility' perhaps gives some protection against actions for misrepresentation of original source texts – or worse. If William Tyndale had remained anonymous he might have lived longer and not been strangled and burned at the stake in 1536.[18] Martin Luther happily was more fortunate.

Yet, a focus on translation seems one of the best ways into a study of language as it forces comparisons and one learns from these. It raises questions to ask: why this and not that? We can see the benefits of this approach by making a comparison between different types of text as well as different languages. Bible texts are one genre which generates a particular set of problems and issues. EU legal texts are another genre which generates similar, but also different, problems and issues. Then there is the context: for Bible texts an historical context and the problem of conveying an ancient culture and language into contemporary language and culture. Which strategy? In each age painters have constantly reinterpreted the Biblical stories in different ways, adapting them to contemporary realities, and it is similar for language and translators. On the other hand, with EU legal texts the context is modern, future driven, specialised and technical and the problem is to ensure that the texts are adapted to technical needs, as a basis for specific action. EU legal language is new and has not had time to take on the patina of antiquity. Nonetheless it is changing, as one can see from the differences between the primary treaty texts since the 1950s (EEC, EC, TFEU, etc). However, the EU texts are fixed in present and future, constantly being reinterpreted and updated and each new act is an instruction for present and future action. Through time the member states

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[18] http://www.greatsite.com/timeline-english-bible-history/william-tyndale.html (accessed 26 April 2012)

are aligning more and more of their legal systems and coming closer together in an inter-locking grid articulated through EU, but also international, law.

Yet both contexts use language and languages. Translating the Bible effectively fixes the written form of a language. There is a need for consistency and coherence in the spelling of words, the meaning of words, the grammatical forms and syntax. Further, there is a need for clarity and good style. These are all essential ingredients for the standardisation of a language. It is precisely this standardisation that renders a language apt for use as a legal language and therefore an official language of the state. The EU constitutes a supranational legal order, created by states to achieve their objectives on behalf of their citizens and their economic activities. The EU languages are state languages, but projected into a new context and a new genre. They are all standardised languages and this standardisation has its roots in the texts of translations of the Bible.

So, Jerome, when he was translating and revising, with his colleagues, the ancient texts into Latin – a good form of Latin, well written, clear and well-structured – was without knowing it also laying a foundation for the other subsequent language versions that would over the centuries be created from it. Latin became the role model for language studies in every field and the Bible and the ancient Latin authors were at hand to provide texts. Bible translation 'fixed' the form and content of modern European languages and these underlie the official languages that are used by the European Union in its texts today. Thus Jerome by producing high quality texts in Latin in the 4th−5th century AD can be seen to have helped to lay a foundation, 16 centuries ago, for the construction of 'Europe' in the modern age. It is fitting that his birthplace, wherever located, will certainly be within the EU following Croatian accession.

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