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REVIEW of Laura Mori (ed.), *Observing Eurolects: Corpus analysis of linguistic variation in EU law*. Amsterdam/Philadelphia: John Benjamins Publishing Company 2018. XIV + 395 pages. ISBN 9789027201706.

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Broader Context[1]

Europe has always been multilingual, and linguistic zones have not necessarily followed borders between realms. In the course of historical development, this situation has given rise to the problem of the official status of the languages spoken within state boundaries, and that of their translation for official purposes. One of the best examples, relatively close to our time, is the Habsburg Monarchy, known in the final stage

[1] The language of the paper has been checked by Doctor *Ellen Valle* of the University of Turku, to whom the author expresses his warmest thanks.

of its existence as the Austro-Hungarian Empire. This Empire was a mosaic of peoples and languages. Indeed, it is only quite recently that the number of the official EU languages has exceeded the number of the languages which, one way or another (generally, regionally or sectorally), have held official status in "Kakania" (to use name for the Empire coined by Robert Musil). The Regulations of the Imperial Army for instance, were printed in eleven languages. Consequently, the various activities involving administrative and legal translation were well-organized in the Monarchy.

This demonstrates that the problems we are now witnessing in the European Union connected with language use, and with translation in official contexts, are a less unique phenomenon than is sometimes assumed. Indeed, earlier experience, such as that of the Austro-Hungarian Empire, offer us important lessons. As noted by Michaela Wolff in a recent book, "the Habsburg Monarchy may be a kind of experimental laboratory for the European Union – from the point of view of language policy, of the status accorded to different languages, and of the effective handling of complex multilingual situations".[2] Wolff shows that in their efforts to solve the problems which arise in these situations, the Imperial authorities tested various methods that are well-known today, both in the European Union and in many individual bi- or multi-lingual states, including among others qualifying examinations for translators and terminology commissions.

The world, however, has changed considerably over the past one hundred years. In Western Europe at the end of the 20th century and the beginning of the 21st, the idea of democracy, and consequently that of the importance of linguistic equality and the protection of small languages, have received unprecedented emphasis. At the same time the volume and diversity of linguistic contacts in the European Union (in particular the volume of administrative and legal translation and the number of language combinations) have grown extremely high. On the other hand, the spectacular development of information technology now permits the processing of massive amounts of information by computer. All this means that it is both necessary and possible to carry

[2] Michaela Wolf, *The Habsburg Monarchy's Many-Languaged Soul: Translating and Interpreting, 1848— 1918*. Translated by Kate Sturge (Amsterdam: Benjamins 2015), pp. XVI—XVII. A general description of the book can be found in my review (in French) in *Parallèles* 29(1) 2017: 111—114.

out research on EU language contacts on a much more extensive scale than before, so as to identify possible means to remedy the problems faced. This background makes understandable the launching of the *Eurolect Observatory Project*, the first stage of which has now resulted in a publication entitled *Observing Eurolects: Corpus analysis of linguistic variation in EU law*.

Goals, Methods and Realization of the Project

The objectives of the research are clearly set out already in the Preface, by Ingemar Strandvik, Quality Manager at the European Commission's Directorate-General for Translation: "Based on corpus research, the *Eurolect Observatory Project* explores whether there is such a thing as a specific variety of European legal language – a Eurolect – and, if so, what are its characteristic features and linguistic markers" (p. vii). More widely, the goals of the project are outlined in the Introduction, written by the initiator of the project and editor of the book, Laura Mori. The basic issue to be examined has been: if and to what extent "language contact through translation of EU legislation has resulted in the creation and dissemination of standardized lexical variants, structural features and textual patterns in many EU official and working languages" (Mori p. 1).

The answer to this problem is offered by corpus research. A common research template was developed, covering the elements of lexis, lexical morphology, verb morphology, morphosyntax, syntax and textual discourse; these were then studied in relation to several EU languages, using (at least) two corpora: on the one hand, a large number of EU directives from 1999—2008 (approximately 660 in total), which were obligatory for all countries examined, on the other the corresponding national implementation instruments, determined by the techniques of EU implementation in the countries concerned (Mori pp. 11–15). This allowed examination of the material using both a quantitative and a qualitative approach. Despite some differences in the approaches of the individual researchers (Mori pp. 17 and 372), the use of the same EU corpus, the same research template and (basically) the

same method made comparisons of the results from each country possible (Mori pp. 11, 15, 17 ja 19).[3]

The Eurolect study involves eleven languages in all: Dutch, English, Finnish, French, German, Greek, Italian, Latvian, Maltese, Polish and Spanish. It can thus be described as exceptionally extensive.[4] The Germanic and Romance languages are well represented, with Dutch, English and German representing the former and French, Italian, and Spanish the latter, along with one Slavic language (Polish) and a few languages belonging to other language groups (Finnish, Greek, Latvian, Maltese). It is also important that the two legal systems dominant worldwide – Civil Law (also known as Romano-Germanic or Continental law) and Common Law – are considered in the material: the legal language of Great Britain (England) has the common-law system as its juridical background.

The process of choosing the languages to be studied (and the countries, in the case of languages official in two or more States) is not discussed in the Introduction. It would have been interesting to read

[3] The creation of the corpora, as well as their characteristics and use, are presented in detail in the article by Marco Stefani Tomatis (pp. 27—46).

[4] There are a great number of more limited comparisons of European languages with regard to their administrative and legal use. Many studies have been published in specialized reviews, such as *Comparative Legilinguistics*, *International Journal of Speech, Language and the Law*, *Revista de llengua i dret and Zeitschrift für Europäische Rechtslinguistik*. Numerous books have likewise been published over the last few decades. Some of them have been compiled from the specific perspective of a Europe in a state of integration; these include Rodolfo Sacco & Luca Castellani (dir.), *Les multiples langues du droit européen uniforme* (Turin: Editrice L'Harmattan Italia 1999), Barbara Pozzo & Marina Timoteo (a cura di), *Europa e linguaggi giuridici* (Milan: Giuffrè Editore 2008) and Susan Šarčević (ed.), *Language and Culture in EU Law: Multidisciplinary Perspectives* (Farnham/Burlington: Ashgate 2015). Obviously, the study and comparison of EU languages is only one part of research on legal languages in general. Interesting studies on East-European and non-European languages have been increasingly published; recently e.g. Aleksandra Matulewska, Kyong-Geun Oh & Daria Zozula, 'Exponents of Deontic Modality in Korean, Indonesian, English and Polish: A Contrastive Translative Perspective', *Rocznik orientalisticzny*, T. LXX, Z. 2, 2017, s. 185–211). On the other hand, the relationships among different legal languages have been examined from the theoretical perspectives both of law-and-language research and of legal studies: one example is Jean-Claude Gémar & Nicholas Kasirer (dir.), *Jurilinguistique: entre langues et droits – Jurilinguistics: Between Law and Language* (Brussels & Montreal: Bruylant & Les Éditions Thémis 2005) and Marcus Galdia, *Lectures on Legal Linguistics* (Frankfurt am Main: Peter Lang Edition 2017).

briefly about the basis for the choices. For instance, as far as Scandinavia is concerned, it is noteworthy that Sweden, which has been one of the pioneer countries in the field of plain legal and administrative language, is not participating in the research team. On the other hand, it might have been useful to include Romania, both for cultural reasons (the country's past as part of the Turkish Balkans, its decades of an original Socialism, and its recent EU accession) and for linguistic ones (its specific features as a Romance language). Indeed, Romanian differs substantially from the other languages of the Neo-Latin family. Its vocabulary, notably its administrative and legal terminology, was nevertheless essentially re-Latinized, following French and Italian models, during the past few centuries, in an ideological climate which emphasized the Latin origin of the people.[5] Perhaps these countries will join in the study at a later date.

The members of the research team include scholars from several European countries. However, some of the presentations of major languages – in addition to Italian, also English, French (in part), German and Spanish – have been written by scholars from the *Università degli Studi Internazionali di Roma*.[6] The quality of the national reports is very good in both cases (Italian and non-Italian *rapporteurs*), reflecting the high level of comparative LSP research not only in Europe in general but particularly in Italy.

In the Conclusions chapter, Laura Mori refers to the heterogenous scientific profiles of the researchers (Mori p. 372). This can be seen as a strength: the members of the team represent diverse backgrounds. Several branches of linguistics are solidly represented among the authors' specialisms (among them the field of traductology and language use in the European Union) as demonstrated by their

[5] This concerns particularly the terminology of private law. See, e.g., M. L. Stângu, 'Quelques réflexions sur le Code civil français, en tant que source d'inspiration pour le langage du Code civil roumain', *in* I. Lamberterie & D. Breillat (dir.), *Le français langue du droit* (Paris: Presses Universitaires de France 2000), pp. 73–82.

[6] The authors of the national reports in the book are: *Gert De Sutter* and *Fee De Bock* (Netherlandic Dutch), *Annalisa Sandrelli* (English), *Mikhail Mikhailov* and *Aino Piehl* (Finnish), *Stéphane Patin* and *Fabrizio Megale* (French), *Fabio Proia* (German), *Vilelmini Sosonis*, *Katia Lida Kermanidis* and *Sotirios Livas* (Greek), *Laura Mori* (Italian), Gatis Dilāns (Latvian), Sergio Portelli and Sandro Caruana (Maltese), Łucja Biel (Polish) and Lorenzo Blini (Spanish).

earlier publications.[7] The editor of the volume, Laura Mori, is a specialist in sociolinguistics, textual linguistics and pragmatics, having been involved in teaching and research in the field over the past fifteen years.[8]

In this context, it is worth mentioning that the text of *Observing Eurolects* has been carefully edited. The appearance and layout of the book are pleasing as well. The volume includes both a subject index and a language index; both are very useful, notably in a book such as this, with multiple authors, which cannot be as homogenous as a monograph by a single author. In the subsequent publications of the project, however, the editor might slightly develop the technique of subject index compilation. An index in which one keyword (entry) is followed by a long list of page numbers, without any specification, is quite awkward to use. The index would be more helpful if each main entry were followed by descriptive labels (indented and possibly preceded by a dash), showing the context of the various page references, so that the reader would at once know whether or not the reference is of interest. The editor might also consider adding a list of abbreviations, since this kind of text often contains a multitude of abbreviations and initialisms. Finally, a brief outline of the contributors' background (as in the second book of the project) would certainly be of interest in the following publications as well.

Results of the Study

The results of the first phase of the project are presented and evaluated as a whole by Mori in the Conclusions. The initial main hypothesis of the research was generally confirmed for most of the countries: the language of the EU directives constitutes a distinct variety compared to the language of the legislation implementing it (Mori p. 371). This finding is equally valid for all the elements examined in the study: lexis, morphology, syntax and others. It is evident that there are some

[7] For instance Łucja Biel, *Lost in the Eurofog: the Textual Fit of Translated Law* (2nd ed. Bern: Peter Lang 2017).

[8] See the presentation of the authors in Stefania Cavagnoli & Laura Mori (eds), *Gender in Legislative languages* (Berlin: Frank & Timme 2019).

uncertainty factors (arising among other things from differences in the methods of the national research teams and in the constitution of the research corpora). However, the results certainly give a valid overall picture of the reality, and will thus be very useful.

The differences and similarities observed are due to numerous factors, including the following: time of EU accession; sociolinguistic profile of the country; legal culture of the society (common law vs. continental law); and the language model used in technolect creation (French- or English-oriented translation). The importance of the second of these, the sociolinguistic profile, is hard to verify but it is clearly important. Mori briefly mentions – with good reason – the cases of bilingualism / diglossia and those of linguistic colonization (p. 385); evidently, such factors have strongly shaped language use in administrative and legal contexts in some Member States. This issue receives only a few lines in the Conclusions; in the future, it might be worth giving them closer scrutiny.

The various articles in the book also include interesting general information on individual languages, mainly summed up by Mori in the Conclusions. For instance, one might mention that in Italy the rhetorical principle of *variatio* is commonly followed, and that this is reflected in recurrent terminological changes (Mori p. 233), which is dangerous from the point of view of legal certainty. In Germany, due both to the rules of word formation in German and to a traditional bureaucratic style, we find a great number of compounds, often extremely complex. A drastic example occurs in the title of the federal act, *Verkehrsinfrastrukturfinanzierungsgesellschaftsgesetzes*, a compound noun (in the genitive case) consisting of 55 characters! (Proia 157—158). Another phenomenon, occurring not only in Germany but in other EU countries as well, concerns initialisms and so called semantic Europeisms. These often appear in EU directives; in internal legislation they are normally written out in full (Proia pp. 152-154).

Due to my own earlier studies concerning legal Latin, I find the findings concerning the use of Latin particularly interesting. In Scandinavia, Latin expressions are generally avoided in official administrative and legal texts. This attitude clearly appears in the present study as well: not only the Finnish national laws implementing EU directives but also the Finnish versions of EU directives have been

purified of Latin expressions (Mikhailov & Piehl, p. 100).[9] The same applies to Germany (Proia p. 164), certainly due to the strong influence of the *Eindeutschung* ideology of the past, notably the nineteenth century, apparent for example in the language of the German Civil Code of 1900.

In many other countries there is a clear difference between directives and implementing acts in this respect (i.e. in the use of Latin). In the case of UK English the situation is complex (Sandrelli p. 77) but in Italy traditional Latin expressions are rarer in national implementing acts than in Italian-language directives (Mori p. 213) – a fact even more perspicuous (the expression *in vitro* excepted) in the case of Poland (Biel p. 318). These are significant observations; it is plausible to assume that they reflect a way of thinking according to which the addressees of divergent types of administrative and legal texts are not the same. In countries such as Italy and Poland, directive translators evidently expect (and rightly so) that the principal addressees of EU directives will be civil servants, who will then transform them – in national laws – into a linguistic form which will be read by broader groups (citizens) in their country, and which consequently must be more easily understandable. Latin expressions are therefore used in directives, but are mostly eliminated in implementing national laws.

A particularly noteworthy observation is that in some EU countries, such as Spain (Blini, p. 362) and Italy (Mori p. 238), the directives are generally written in clearer and more understandable form than the national laws of these countries. In consequence, the EU directives presumably have a positive impact on the style used in the preparation of laws in these countries. The directives thus constitute a kind of bridge, transmitting important ideas of modern legal drafting (Mori, p. 387). One might add that these ideas may originally have come from other Member States. Particularly in Sweden the ideology of plain administrative and legal language has been dominant over

[9] Only two expressions of medical Latin, *in vivo* and *in vitro*, have been preserved in the Finnish version of directives (Mikhailov & Piehl p. 100 of the present book). The terms of legal Latin (expressing precise juridical concepts) are likewise extremely rare. However, one can find – according to my own observations – a few expressions of this kind in the Finnish texts of various EU statutes (outside of the Eurolect study), such as *negotiorum gestio* ja *culpa in contrahendo* (in the EU regulation on the law applicable to non-contractual obligations 864/2007).

decades in the preparation of national laws, and has presumably been propagated in their work by EU drafters of Swedish origin. It would be interesting to know if Switzerland too has played any role in this regard. True, Switzerland is not an EU country, but it is situated in the middle of the EU area, it shares common languages (German, French, Italian) with several leading EU countries, and it has strong plain-language traditions as far as legislation is concerned. The Swiss Civil Code of 1907 is generally considered to be a genuine monument of plain legal drafting – long preceding any plain-language movements in the common-law world.

In addition to research findings in the strict sense of the word, it is worth mentioning that some of the national reports in the book also include fascinating linguistic information of general cultural value. Examples include the report on Maltese: in administrative and legal Maltese, various words of Arabic origin bind together administrative and legal terms of Italian or English origin and define their grammatical function (Portelli & Cruana, p. 267ff). While Modern Greek is more widely known than Maltese, it is interesting to read about the influence of the high language variant of Greek, Katharevousa, on the language of the Hellenic versions of EU directives (Sosoni, Kermanidis & Livas, pp. 174, 194). This variant is still visible in Greek internal law as well, as noted in other sources.[10]

Continuation of the Project

The second phase of the project (2017—2020) is currently (as of September 2019) in progress, and the second volume by the research team has already been published.[11] Presumably – and hopefully – the team will continue its work after 2020. In the Introduction and the Conclusions of *Observing Eurolects*, Laura Mori lists and evaluates several ideas for the second phase of the project (Mori, pp. 4—5, and

[10] See Eléni Panarétou (Ελένη Παναρέτου), *Νομικός λόγος. Γλώσσα και δομή των νόμων* (Athens/Αθήνα: Εκδόσεις Παπαζήση 2009), pp. 116–117.
[11] Cavagnoli & Mori 2019 (note 8).

383—384); one of these is the examination of other binding instruments and other sources of EU law, such as Primary Law and EU case law.

Indeed, this last element (case law) would extend the study to a second important category of official legal texts, i.e. judicial decisions. Direct EU comparisons, however, would be more difficult in this field. The two categories (legislation and case law) are divergent in many respects, notably in an EU context. It is true that the texts of cases decided by the Curia are translated into all the EU languages, but this court has a linguistic regime of its own, quite different from that of EU statute drafting. In addition, the number and nature of legal matters dealt with by the Curia vary widely, and judicial matters have no "implementing texts" in the same sense as in the case of legislation. A Curia decision will subsequently be reflected in the various Member States in court cases and other contexts, the number and nature of which is hard to predict.

Probably, as far as case law is concerned, it would be less complicated and more fruitful to compare the European traditions of judicial style and language use more generally, rather than to examine the linguistic reflections of EU cases in national case laws. Notably, the comprehensibility of court decisions in various EU countries could be compared from the perspective of the ordinary citizen. Interesting contrastive studies on European judicial languages already exist, some of them recent,[12] but their scope is more limited; to my knowledge, an in-depth study covering a range of legal cultures in the EU is still lacking, and some of the classic works in this field date back many years.[13]

In terms of the intelligibility of judicial language to citizens, the use of Latin would be a particularly interesting subject of study. There are important differences between EU countries (as well as among other

[12] A recent example is Emilia Lindroos' doctoral thesis – a two-country comparison entitled *Im Namen des Gesetzes: eine vergleichende rechtslinguistische Untersuchung zur Formelhaftigkeit in deutschen und finnischen Strafurteilen* (Rovaniemi: Universität Lappland 2015. Acta electronica Universitatis Lapponiensis 165) which won the German *Sprache und Recht* prize. The thesis can be accessed at http://urn.fi/URN:ISBN:978-952-484-806-0

[13] Such as Jutta Lashofer's *Zum Stilwandel in richterlichen Entscheidungen*. *Über stilistische Veränderungen in englischen, französischen und deutschen zivilrechtlichen Urteilen und in Entscheidungen des Gerichtshofs der Europäischen Gemeinschaften* (Münster: Waxmann 1992).

European and non-European countries) with regard to the frequency of Latin expressions in court decrees. In some legal cultures, such as the common-law countries and Poland, Latin expressions occur in the grounds given for judicial decisions.[14] Obviously, this reflects (as in the case of the directives) the idea that the grounds for the judgments are essentially directed to professional lawyers (unlike the texts of statutes). In the Nordic countries, on the other hand, it is considered that court decrees too should as far as possible be intelligible to ordinary citizens – including the detailed juridical reasoning of the judges expressed in them. Consequently, all Latin expressions and maxims, and most adapted Latinisms as well, are entirely banned in Scandinavia in judicial decisions.

In comparing judicial languages, it is important that the researchers take into account the special characteristics of court decisions in various instances. The clearest differences between various legal cultures, notably between the common-law system and the civil-law system (the Romano-Germanic system), are often found at the top of the judiciary. The volume, underlying reasoning and structure of the decisions of Supreme Courts are dictated by several country-specific factors: the functions of the judicial organ in question (is it a cassational body or not?), the preparation of court proceedings (are there judge-rapporteurs or not?), etc. In France, for instance, Supreme Court decisions are brief and laconic, but should be read together with the detailed reports of the judge-rapporteurs (*conseillers rapporteurs*). There are also important differences in the frequency of references

[14] A comprehensive empirical study has shown that during the second half of the 20th century, certain Latin expressions and maxims appeared in the decisions of higher courts in Poland a total of tens of times, the expression *ratio legis* even hundreds of times. See Witold Wołodkiewicz and Jerzy Krzynówek: *Łacińskie paremie w europejskiej kulturze prawnej i orzecznictwie sądów polskich* (Warsaw: Liber 2001). Among recent studies, we may cite, for example, Krzysztof Szczygielski, 'Latin Legal Maxims in the Judgments of the Constitutional Tribunal in Poland', *Studies in Logic, Grammar and Rhetoric* 49 (62) 2017, pp. 213—223, and – more generally – Joanna Woźniak, 'Latynizmy w tekstach prawnych i prawniczych – ujęcie kontrastywne polsko-niemieckie', *Comparative Legilinguistics* vol. 31/2017, pp. 69—88 (a comparison of Polish and German legal texts available in the Eur-lex databases), https://pressto.amu.edu.pl/index.php/cl/issue/view/938

made in court decisions to other types of juridical texts, notably to the legal literature, i.e. to academic legal writers.[15]

Such expansion of the scope of the research to encompass judicial texts is just one possible orientation for future research. It remains to be seen what particular direction the project will adopt.

Conclusion

With the publication in 2018 of *Observing Eurolects: Corpus analysis of linguistic variation in EU law*, Laura Mori and her team have successfully completed the first stage of their research program. On the basis of the rich results of this book, and taking into account the publication in 2019 of the second volume, *Gender in Legislative languages*, scholars of legal linguistics and related disciplines have every reason to look forward to the subsequent work of the team.

[15] See H. Mattila, 'Cross-references in Court Decisions. A Study in Comparative Legal Linguistics', *Lapland Law Review* 1 (2011): 96–121. Can be read in: https://www.ulapland.fi/loader.aspx?id=cf63f3d8-df0d-4c67-bd09-aa3133e0bfda.