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The case of pluricentric languages

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Introduction

Legal knowledge structures and discourses are shaped by the varied ways in which social relations and institutions are organised across legal traditions and jurisdictions. These idiosyncrasies are reflected in culture-bound elements of legal texts and generate incongruities that are characteristic of legal translation. Studies in this field have traditionally focused on the challenges of meaning transfer between the source and target languages and legal systems, most often resorting to comparative law methods. In this context, the search for communicative adequacy in translation decision-making may also involve comparative analysis of legal concepts of national systems that share the same language. This applies to institutional translation into "pluricentric languages" or languages that are official in more than one jurisdiction in particular, as multiple interrelated legal norms and linguistic conventions operate, and may interact, in the same language at various levels (regional, state, supranational), and condition the translator's task.

Culture-bound singularities at the national or local levels also coexist with institution-specific preferences and conventions at the international level, which can be regarded as characteristic discourse features and "institutional cultures" themselves. These features call for conformity and consistency across institutional texts for the sake of legal certainty, standardisation and continuity (Prieto Ramos, 2014; Šarčević, 2018; Stefaniak, 2017).

This chapter will examine intralingual variation and intralingual interactions between national and international legal orders, and will question the extent to which forms of intralingual transfer are involved in legal and institutional translation into pluricentric languages or languages that are official in multiple national legal systems. To this end, it will first focus on cultural variations between jurisdictions in the same language. To gain a broader perspective, it will then review and illustrate other scenarios of intralingual translation primarily associated with time and knowledge as additional variation parameters (see, e.g., Zethsen, 2009, p. 809) that also apply to legal and institutional settings.

In this review, of a predominantly qualitative and by no means exhaustive nature, intralingual translation or rewording will be understood in line with the seminal definition by Jakobson (1959, p. 233) as "an interpretation of verbal signs by means of other signs of the same language". All

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forms of intralingual rewording or transformation will be considered, including those occurring for interlingual translation and those involving only parts of a text, particularly terminology and phraseology, and not necessarily reformulations of entire texts.

Intralingual variation and transfer across jurisdictional and institutional boundaries

As a communicative bridge between legal systems and traditions, legal translation is constrained by the multiple specificities of legal language across jurisdictions. This "jurisdictional variability" can be associated with legal cultural boundaries that result in both interlingual and intralingual incongruities between legal concepts and structures in different jurisdictions. Such variability is generally considered as a distinctive feature of legal language as opposed to specialised language in other domains, such as chemistry or medicine, which revolve around universal concepts.

Legal system-bound incongruities include not only conceptual and terminological divergences, but also differences in textual genres and their discursive conventions (see, e.g., Biel, 2009; Chromá, 2011; Mattila, 2013). It is thus not surprising that legal translation has often been described as a matter of comparative legal analysis (De Groot, 1988; Engberg, 2013; Pozzo, 2015) in which the search for a "tertium comparationis", or conceptual commonalities between incongruous legal notions, is essential for informed decision-making. While the primary focus in legal translation studies has been on inter-systemic and interlingual translation, comparative legal analysis may also be paramount in intra-systemic translation (i.e., translation within a multilingual legal order), especially when translation decisions are made for an international audience sharing the same target language. This will be one of the four major instances of intralingual jurisdictional variation and transfer illustrated as follows.

Inter-systemic translation into pluricentric languages or between same-language jurisdictions

The most typical consequence of intralingual jurisdictional variation is the need not only to situate the source text within its legal framework but also to identify the legal framework of reference for the production of the target text (TT) among several jurisdictions that share the same language. For example, the translation of a divorce decree issued by an Irish court for several administrative purposes in Spain will be different from the translation of a judgment of dissolution of marriage from California to be used in Peru (Example 1). Likewise, the translation of a bilingual confidentiality agreement prepared by a multinational company for several Spanish-speaking jurisdictions may require adaptations depending on the target legal system (Example 2). The regulations and established terminology with regard to courts, termination, administrative proceedings or company types, to name but a few aspects, may differ significantly between countries.

While national jurisdictions that share the same language also often share the same broad legal tradition, for example, the civil law tradition in French-speaking or Spanish-speaking countries, the influences on particular branches of national law may be very diverse, and not only from the legal system of the original colonising countries (see, e.g., Eder, 1950, for a historical overview of the impact of common law on Latin American legal systems). Culture-bound singularities can be especially marked in denominations of bodies and legal procedures, as they tend to reflect local idiosyncrasies and traditions. Jurisdictional variations may call for transfer adaptations in parallel, that is, several simultaneous target versions for several jurisdictions, or subsequent retranslations based on the original source text (ST) and/or a previous translation into the same target language.

The degree of rewording will primarily depend on the level of divergence between national legal orders on the subject at hand and the concomitant need to conform to local requirements and expectations to ensure the relevant legal effects. For instance, in the preceding Example 1, the documentary translation in question (according to Nord's (1997, pp. 47–52) distinction between documentary and instrumental translation) will facilitate target readers' understanding of the details and nature of the original document so that a divorce can be recognised for administrative purposes in the target system. To this end, it might require adaptations to certified translation requirements in each of the countries involved. In the case of a divorce decree to be translated for official use by the Peruvian and the Spanish administrations, adaptations may affect not only parts of the wording, but also the format and certification formulas to be adhered to by a certified translator ("traductor público juramentado" in Peru and "traductor-intérprete jurado" in Spain) (on official translation, see, e.g., Mayoral Asensio, 2003).

In Example 2, where the instrumental translation will be part of bilingual copies of an agreement to be signed by the parties, intralingual rewordings and clause adaptations to local regulations may be mandatory. In clauses on contract termination and dispute settlement, for instance, special attention must be paid to court names and proceedings, and to concepts such as "resolución" and "rescisión", which may express "termination" under varying circumstances and with different effects according to the national legal system of reference for each target version.

Compromise building in the translation of international legal texts into pluricentric languages

In the context of translation for the production of multilingual legal texts at international organisations, intralingual jurisdictional variability inevitably leads to processes of linguistic compromise building to facilitate understanding among international audiences. While macrotextual genre conventions are specific to each institution, terminological issues often emerge when translating notions whose closest corresponding concepts in the target language diverge between national jurisdictions to be covered by the translation. Intralingual comparative legal analysis thus becomes critical in the process of interlingual translation within an international legal order, especially when no rendering has been clearly established for the term in question.

The ultimate aim of such a comparative analysis is to provide translations that are "neutral" and broadly understandable to a global community of target language users. This entails avoiding national singularities and prioritising conceptual commonalities when making translation decisions. If we take the example of "due process" in the context of translating European Union (EU) texts and other international legal texts into Spanish, the primary referent legal system in the target language will be that of Spain (the only Spanish-speaking Member State) in the case of the EU, as opposed to those of the entire Spanish-speaking community in the case of intergovernmental organisations such as the United Nations (UN) or the World Trade Organization (WTO).

The concept, which originated in common law, can be defined as: "The conduct of legal proceedings according to established rules and principles for the protection and enforcement of private rights, including notice and the right to a fair hearing before a tribunal with the power to decide the case" (Garner, 2014, p. 610). Table 19.1 shows the concepts that correspond most closely to "due process" in the most populated Spanish-speaking countries, including in constitutional law and procedural law, both civil and criminal. The concept of "garantías procesales" can be considered the most widespread "common denominator" in Spanish. It encapsulates the essential principle without conveying any national singularities. Albeit less used in national legislations, "debido proceso", which reflects the influence of common law, can also be understood across jurisdictions in Spanish. These two concepts actually predominate in institutional database recommendations

Table 19.1 Procedural concepts corresponding to "due process" in most populated Spanish-speaking countries (Prieto Ramos & Guzmán, 2018, p. 87)

	Constitution	*Criminal procedure legislation*	*Civil procedure legislation*
Mexico	formalidades esenciales del procedimiento; garantía del debido proceso legal	garantías	
Colombia	debido proceso	garantías procesales	debido proceso
Spain	tutela efectiva	garantías procesales	tutela judicial efectiva; garantías procesales
Argentina	juicio previo fundado en la ley		
Venezuela	debido proceso	debido proceso; garantías del debido proceso	garantías procesales
Peru	debido proceso; tutela jurisdiccional		igualdad efectiva de las partes en todas las actuaciones del proceso
Chile	proceso previo legalmente tramitado; garantías de un procedimiento y una investigación racionales y justos	juicio previo y proceso legal	
Guatemala	derecho de defensa	garantías procesales	
Ecuador	debido proceso; garantías básicas	juicio previo; garantías previstas	

for the translation of "due process" into Spanish (in the EU's Interactive Terminology for Europe [IATE], the UN's UNTERM and the WTO's dispute settlement glossary), while "tutela judicial efectiva" is also included in IATE in line with the terminology used in the Spanish legal system (Prieto Ramos & Guzmán, 2018, pp. 86–88; see also Bestué Salinas, 2009, on the translations into Spanish of the UNIDROIT Principles of International Commercial Contracts and the Principles of European Contract Law).

However, institutional standards or recommendations do not always exist for such concepts, or they are insufficiently reliable or simply not applicable to a particular translation (see Prieto Ramos, 2020). They may vary between institutions and translation precedents (see next subsection), thus contributing to further constraints on the translation process. In all these instances, the intralingual comparative analysis remains "hidden" as part of terminological research to make interlingual translation decisions for international audiences. They do not involve the intralingual transfer between a ST and a TT but an instrumental intermediate step that permeates translators' cognitive processes and may be reflected in translation resources (e.g., terminological entries).

Intralingual adaptations to international institutional conventions

The varying nature and scope of supranational and international legal orders (e.g., EU law *versus* WTO law), and the divergent discourse conventions that characterise "institutional cultures" in each official

language, condition translation work and also become apparent when such legal orders interact in the same language. The intralingual inconsistencies that derive from fragmented terminological work, in particular, often result in lexical dispersion not only between institutions but also between texts within the same institution. Regardless of the degree of terminological uniformity or disparity between or within institutions, editing and intralingual adaptations may be necessary when communicating with a particular organisation in order to conform to its conventions, for example, in a national notification on financial regulations for more than one international organisation (Example 1) or in references to EU trade measures in the context of WTO texts on trade policy implementation (Example 2).

In the first case, the terminology preferred for "hedge fund" in Spanish, for example, may vary greatly between institutions. The International Monetary Fund (IMF) includes the borrowing and several other renderings of the term in its English-Spanish glossary: *hedge fund*, *fondo de inversión especulativo*, *fondo especulativo de cobertura*, *fondo de inversión de alto riesgo*, *fondo de cobertura*, *fondo de retorno absoluto*, *fondo de inversión libre* (IMF, 2016). The last three translations were added in the 2016 edition of the glossary, which specifies that Spanish legislation is the source for "fondo de inversión libre". Interestingly, UNTERM and IATE also integrated "fondo de inversión libre" in line with the term introduced by Spanish law in 2005.[1] However, other translations of the term were also previously recommended and became widespread in international institutional settings, especially "fondo de cobertura" at the UN, which called for institution-specific intralingual adaptations. The persistent lack of harmonisation in the target language complicates translation work. This tends to affect the initial stages of importation of neologisms from English more severely (on terminological innovation and harmonisation in international organisations, see Prieto Ramos & Morales Moreno, 2019).

While these institutional variations may occur in any field, texts of a legal nature are particularly sensitive to inconsistencies, not only because of their thematic heterogeneity, but also, in particular, because of the need to ensure legal certainty and the implications for the implementation of legal obligations. Conformity to terminological preferences may even entail intratextual inconsistencies in instances of interinstitutional quotations. In Example 2, the concept of "*prima facie* evidence" was translated as "información que contenga a primera vista elementos de prueba" in "information showing *prima facie* evidence" in Council Regulations (EC) 597/2009 and 1225/2009 on antidumping and anti-subsidy procedures, and in the latest amendments of these "basic regulations", Regulations (EU) 2016/1036 and 2016/1037 of the European Parliament and of the Council. However, IATE has included a diversity of other recommendations for the translation of the term into Spanish over the years, while an internal glossary of mandatory reference for the subject, *Léxico antidumping y antisubvenciones* of 1997 (later updated in 2009), recommended "indicios razonables". As a result, this translation of "*prima facie* evidence" prevails in EU texts on trade defence in Spanish. However, the Spanish formulation in the aforementioned basic regulations is used in EU notifications on antidumping or countervailing measures to the WTO, where, in fact, "prueba *prima facie*" is the preferred term employed in Spanish (see Prieto Ramos, 2020, pp. 139–143). Interinstitutional inconsistencies may thus be necessary within a same text in order to observe divergent conventions at several institutions. In turn, this can lead to persistent intralingual terminological fuzziness and to perpetuating the recourse to the original English text for legal interpretation and disambiguation purposes.

Conceptual transplants from international into national jurisdictions

Intralingual cross-jurisdictional transfer also takes place when international or supranational legal concepts are integrated into national legislation based on legal instruments produced at the

supranational level in a common official language. The implementation of international legal innovations at the national level may rely on the direct applicability of legal acts (e.g., EU regulations) or may require the adoption of some domestic legislation (e.g., multilateral agreements integrated into national law through domestic statutes).

The transposition of EU directives, that is, their incorporation into EU Member States' national laws through domestic legislation, constitutes a particularly interesting example of the latter scenario. This process of "translating" or "localising" EU directives into national law has been described as a form of intralingual translation (Kjaer, 2007, p. 77; Biel, 2014, p. 59). In order to reinforce the autonomy of EU law and promote the harmonisation of EU national laws, without causing confusion or interference with national legal concepts, efforts are made to avoid the adoption of these national concepts to express EU legal concepts. More "neutral" and non-national-specific terminology is preferred. This is reflected in Principle 5.3.2 of the *Joint Practical Guide of the European Parliament, the Council and the Commission* (European Union, 2015, p. 18): "As regards legal terminology, terms which are too closely linked to a particular national legal system should be avoided". The following example is provided:

> The concept of "faute", which is well known in French law, has no direct equivalent in other legal systems (in particular, English and German law); depending on the context, terms such as "illégalité" and "manquement" (in relation to an obligation) etc., which can easily be translated into other languages ("illegality", "breach", etc.), should be used instead.[2]

This kind of "legal engineering" (Prieto Ramos, 2014, p. 318) thus tends to involve both interlingual and intralingual legal analyses in processes of drafting and translation, as well as intralingual verifications and adaptations in the context of transposing directives. The intralingual transfer into national legislation, however, does not need to be literal. The "forms and methods" are chosen by the national authorities (Article 288 of the Treaty on the Functioning of the European Union). According to the CJEU:

> transposing a directive into national law does not necessarily require the provisions of the directive to be enacted in precisely the same words in a specific express legal provision of national law, since the general legal context may be sufficient if it actually ensures the full application of the directive in a sufficiently clear and precise manner.
>
> (Judgment in Case C-58/02 *Commission v Kingdom of Spain* [2004] *ECR* 0000, para. 26)[3]

Paradoxically, the terms used in the same official language for the same EU concept may differ between national legal systems as a result of divergent transposition decisions. For example, "advertising" in Directive 2006/114/EC was localised as "marketing communication" in Ireland's Statutory Instrument No. 774 of 2007 (see this and other examples of "localisations" of EU terminology of consumer protection directives in UK, Irish and Maltese transposing acts in Biel & Doczekalska, 2020, pp. 201–203).

When EU terminology is not homogeneous as a result of inconsistent translations into an EU language (as in the situation described in the previous subsection), this variability may be replicated at the national level in the same language. For example, Peruzzo (2012) observed that there has been a proliferation of EU Italian terms for "restorative justice" since 2002 and a more limited variation of terms to refer to the same new concept in Italian national legislation (see also Van Wallendael, 2016, summarised in English in Temmerman, 2018, on the impact of transposing Directive 2013/32/EU on migration in EU Dutch into transposing acts in Dutch in the Netherlands and Belgium).

Intralingual adaptations to diachronic changes and specific target group needs within a jurisdiction

Other instances of intralingual rewordings can be associated to time and knowledge variation parameters in legal and institutional settings. As opposed to the cross-jurisdictional interfaces considered earlier, the focus here will be on intralingual adaptations that take place within the same jurisdiction, either national or international, and not as a result of interactions between legal orders or diverse legal conventions across jurisdictions in a common language.

The fact that legal provisions are in constant evolution makes legal communication subject to *diachronic adaptations* in line with new legal realities or amendments. Legal reforms may overturn previously existing denominations and definitions and trigger intralingual rewordings of related documentation (e.g., regulations, institutional websites, brochures), especially when they may have an impact on legal rights and obligations. For example, in the context of the reform of the French judicial system in 2019, two types of courts, "tribunaux d'instance" and "tribunaux de grande instance", were merged into a single category, "tribunaux judiciaires".[4] Likewise, the reform of Spanish criminal procedure in 2015 brought about, among other changes, new terminology to avoid the confusing and pejorative connotations of "imputado".[5] Following recommendations of the "Comisión para la Claridad del Lenguaje Jurídico", which promotes clear legal language, the term was replaced by "investigado" to refer to the "accused" during the pre-trial investigation phase, and "encausado" when initiating the trial (see also intralingual rewordings in the context of the reform of the Hungarian Criminal Code in Dobos, 2020, pp. 86–87). Given their further-reaching legal implications, intralingual translations of entire legal instruments are understandably uncommon. A prominent example is the intralingual translation of the Greek Civil Code from the Katharevussa form of Greek into Modern Greek, which was completed in 1984 with a view to modernising and simplifying the language (see Vlachopoulos, 2007, which also examines the special case of Cypriot common law in Greek).

Simplification is also a major strategy of intralingual translations that are aimed at facilitating the comprehension of legal provisions and proceedings among the general public or specific *non-expert target groups*. Accessibility to the law has traditionally been hindered by the intricate formulations of "legalese", a formal style or jargon developed by legal specialists for legal purposes (see, e.g., Mattila, 2013; Tiersma, 1999), and often perceived as "wordy, unclear, pompous [and] dull" (Mellinkoff, 1963, p. 24). Given the importance of law for many aspects of social life, it is not surprising that the demands for clear legal communication emerged as a key driving force of the so-called "plain language movement", particularly since the 1970s in the United States, and then in other English-speaking countries and the rest of the world (see Williams, 2015, for a historical overview). According to the International Plain Language Federation: "A communication is in plain language if its wording, structure, and design are so clear that the intended audience can easily find what they need, understand what they find, and use that information".[6]

The rewriting of legal texts in *plain language* to meet the needs of lay readers has gained momentum around the world and is probably the most widespread form of intralingual translation of legal texts to date. Interestingly, some of the earliest and most significant plain language rewriting initiatives were undertaken in areas where citizens' understanding of legal texts can be especially beneficial for the functioning of justice and the legal system, including the rewriting of tax legislation in New Zealand (subsequently followed by the UK, Australia and South Africa; see Richardson, 2012; Sawyer, 2013a, 2013b), and the rewording of court instructions for juries and divorce law forms in the United States (see, e.g., Dyer et al., 2014; Marder, 2006). Table 19.2

Table 19.2 Examples of California's civil jury instructions before and after rewriting in plain English[7]

Before (Book of Approved Jury Instructions)	*After* (Judicial Council Civil Jury Instructions)
Failure of recollection is common. Innocent misrecollection is not uncommon. (Instruction 2.21)	People often forget things or make mistakes in what they remember. (Instruction 107)
"Preponderance of the evidence" means evidence that has more convincing force than that opposed to it. If the evidence is so evenly balanced that you are unable to say that the evidence on either side of an issue preponderates, your finding on that issue must be against the party who had the burden of proving it. (Instruction 2.60)	A party must persuade you, by the evidence presented in court, that what he or she is required to prove is more likely to be true than not true. This is referred to as "the burden of proof." (Instruction 200)
The amount of caution required of a person whose physical faculties are impaired is the care which a person of ordinary prudence with similarly impaired faculties would use under circumstances similar to those shown by the evidence. (Instruction 3.36)	A person with a physical disability is required to use the amount of care that a reasonably careful person who has the same physical disability would use in the same situation. (Instruction 403)

shows some illustrative plain English adaptations introduced in jury instructions for civil cases in California, a pioneering state in plain language drafting for the courts, in 2003 (see also Tiersma, 2006, 2010).

More recently, rewriting into *easy language* has emerged as another prolific area of intralingual translation of legal texts as a result of new national legislation for the inclusiveness of people with intellectual disabilities or special needs, in line with the UN Convention on the Rights of Persons with Disabilities of 2006 (see Broderick, 2020). In comparison with plain language, easy language involves a higher level of comprehensibility and simplification. It has been characterised as "the maximally comprehensible variety of a natural language" (Maaß, 2020, p. 42). In countries such as Germany, new legislation on equality for people with disabilities has led to a growing demand for legal translation into easy language.[8] According to Rink (2020), summarised in English in Maaß (2020, p. 126), legal texts "are rather problematic for readers with communication impairments as they are either too long and elaborate (*Scenario A*) or too short and trivial for them to develop concepts on the text subject (*Scenario B*)".

Other instances of intralingual tailoring to the needs of *specific target groups* may include age considerations, particularly for the dissemination of legal information of relevance for certain population segments. For example, Dobos (2020) discusses the retranslation of the Hungarian version of the UN Convention on the Rights of the Child into three versions for different age groups (see example in Table 19.3). This author also rightly notes that intralingual translation may also be necessary in the reverse direction, from non-expert to expert language, for example, in police interrogations and court trials (Dobos, 2020, p. 86). This points to intralingual register adaptations in oral interactions more broadly (see also Anesa, 2012; Heffer, 2005), including "popularising" communicative efforts by experts according to the needs of the target audience (see, e.g., Liao, 2013; Gotti, 2016).

Among the organisations responsible for supranational or international law production and dissemination, EU institutions have stood out as early advocates of clearer legal communication. The need for further clarity in EU legal drafting was explicitly recognised at the Edinburgh

Table 19.3 Intralingual translations of Article 12 of the UN Convention on the Rights of the Child into Hungarian for three different age groups (back translations from Hungarian into English from Dobos, 2020, p. 85)

Original text	*Version for group under 8 years old*	*Version for 8–12 year old group*	*Version for 12–16 year old group*
1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.	In any matters affecting you, you have the right to express your opinion. The adults should listen to you, and should consider what you are saying.	Any time when an adult makes a decision on a matter affecting you, you have the right to express your opinion, and adults should take it into consideration.	Children have the right to say what their opinion is about what should happen when adults make decisions on matters affecting them, and also have the right of their opinion being taken into consideration.

European Council in 1992 and was established as the first drafting principle to be observed by EU legislative drafters for the sake of legal certainty and citizens' equality before the law: "The drafting of a legal act must be: clear, easy to understand and unambiguous; simple and concise, avoiding unnecessary elements; precise, leaving no uncertainty in the mind of the reader" (European Union, 2015, p. 10).

Efforts have been made to address "Eurospeak" or "Eurolect" readability issues (see, e.g., Gardner, 2016; Sandrelli, 2018), particularly in English original texts, which, unlike their translations into other EU official languages, are not primarily drafted by language professionals. The "Fight the Fog" campaign was already launched by the European Commission in 1999 to promote plain English, including a guide on how to write clearly (see latest version, European Commission, 2015). More than two decades later, however, it is not easy to perceive tangible progress in light of the complexity of EU legislative procedures and the important weight of precedents and the *acquis communautaire* in the development of EU law.

This situation has made expert-to-layperson web communication even more critical for the dissemination of EU law and policies in plain language, especially as Brexit has added a renewed sense of urgency to the matter of EU communication with its citizens. Efforts have also been made to enhance accessibility among people with intellectual disabilities by providing easy language versions of key explanatory pages about the EU institutions (see European easy language standards in Inclusion Europe, 2017). Table 19.4 includes an example of how the functions of the European Commission are established in EU law and how they are outlined in EU webpages in plain English and easy-to-read English. The adaptation for the general public is characterised by a very significant restructuring of the content, as well as explicitation techniques, while the easy-to-read version highlights the central role of the European Commission in a most simplified way.

Table 19.4 Functions of the European Commission as expressed in EU law and their rewordings in EU webpages

Article 17 of the Treaty on European Union	*Plain English version*[1]	*Easy-to-read version*[2]
The Commission shall promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them. It shall oversee the application of Union law under the control of the Court of Justice of the European Union. It shall execute the budget and manage programmes. It shall exercise coordinating, executive and management functions, as laid down in the Treaties. With the exception of the common foreign and security policy, and other cases provided for in the Treaties, it shall ensure the Union's external representation. It shall initiate the Union's annual and multiannual programming with a view to achieving interinstitutional agreements	**What does the Commission do?** **Proposes new laws** The Commission is the sole EU institution tabling laws for adoption by the Parliament and the Council that: - protect the interests of the EU and its citizens on issues that can't be dealt with effectively at national level - get technical details right by consulting experts and the public **Manages EU policies & allocates EU funding** - sets EU spending priorities, together with the Council and Parliament - draws up annual budgets for approval by the Parliament and Council - supervises how the money is spent, under scrutiny by the Court of Auditors **Enforces EU law** - together with the Court of Justice, ensures that EU law is properly applied in all the member countries **Represents the EU internationally** - speaks on behalf of all EU countries in international bodies, in particular in areas of trade policy and humanitarian aid - negotiates international agreements for the EU	[T]he **European Commission** The people of the European Commission suggest laws for the European Union.

1 https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/institutions-and-bodies-profiles/european-commission_en
2 https://european-union.europa.eu/easy-read_en

Discussion and concluding remarks

Our review of scenarios of intralingual variation and transfer in legal and institutional settings, both between and within national and international jurisdictions, has revealed several forms of intralingual comparative legal analysis and rewordings, some of which are characteristic of pluricentric languages. As outlined in the following summary table (Table 19.5), we can conclude that the coexistence of a plurality of legal systems and discourses in the same language, denominated here as "intralingual jurisdictional variability", often entails intralingual comparative analysis for interlingual translation for an international audience, or may require adaptations of a translation for multiple national or regional audiences. While the intralingual analysis involved in the first scenario remains "hidden" and instrumental in translation decision-making, the cognitive effort

Table 19.5 Overview of intralingual variation and transfer in legal and institutional settings

Origin of intralingual variation	*Purpose*	*Main variation parameter*	*Form of intralingual analysis or transfer*	*Characteristic of pluricentric languages?*
Diverse legal conventions in several jurisdictions in the same language	(a) Adaptation to target language group in a selected jurisdiction in interlingual translation (inter-systemic)	Legal culture (national and international)	(a) Rewording for different national jurisdictions in the same language (more than one target text in the same language)	Yes
	(b) Intralingual compromise in interlingual translation for international audience (intra-systemic)		(b) Intralingual comparative analysis for interlingual translation	Yes
Diverse institutional conventions in the same language	Compromise-building for interlingual translation for international audience or consistency with institutional conventions	Legal culture (institutional)	Intralingual adaptations for interlingual translation or intralingual editing	Not necessarily, but more common
International legal provisions to be integrated into national law in the same language	Adapting national law to implement supranational or international law	Legal culture (national and international)	Intralingual adaptations for legal implementation	No, but more common
Legal reforms or innovations within a jurisdiction	Updating information in line with new legal provisions	Time	Intralingual rewording (ST and TT in same language)	No
Diverse levels of legal knowledge and special target needs within a jurisdiction	Adaptation to target reader needs to enhance understanding and accessibility	Knowledge	Intralingual rewording (ST and TT in same language)	No

required of translators may be partially comparable to that applied to interlingual textual reformulation, as incongruities between legal concepts and discourse conventions are above all culture-bound rather than a question of language difference.

In practice, legal translators working in pluricentric languages may spend as much time decoding the original texts as researching legal notions of several jurisdictions that share the same target language. Albeit not intralingual translation strictly speaking, this kind of intralingual process deserves acknowledgment. For example, translators of an EU text in English into French or German, two languages that are official in more than one EU Member State, will have to consider the potential implications of intralingual variation, as opposed to the translators of the same text into Latvian or Hungarian, with a single referent national legal system. The degree of intralingual jurisdictional variation, and therefore the need for intralingual verifications, will also be higher when translating UN texts into Arabic or Spanish than into Chinese or Russian, for instance.

Likewise, pluricentric languages that are official in several supranational and intergovernmental institutions are exposed to a wider diversity of institutional conventions or "institutional cultures", especially with regard to terminological preferences, which call for intralingual adaptations. Transposition processes of international legal provisions into national legal systems are also necessarily more diverse, and prone to intralingual disparities, in the case of pluricentric languages. All in all, culture-bound variations associated with jurisdictional and institutional singularities lead to distinctive intralingual considerations in legal and institutional translation into pluricentric languages.

In contrast, intralingual rewordings that derive from legal reforms (i.e., diachronic changes) or adaptations to specific group communicative needs (i.e., knowledge-bound variations) within a single jurisdiction are largely dependent on decision-makers' actions to update the law and facilitate access to it in an efficient and inclusive manner. Developments in the areas of legal and institutional translation into plain language and, more recently, easy language have been very significant, although not always recognised as "intralingual translation" (e.g., the intralingual rewordings of tax legislation mentioned earlier were officially known as "rewrite projects").

Despite the fuzzy labels, intralingual translation has gained momentum as a result of new legal measures on inclusiveness and accessibility to the law. As legal communication specialists facing extremely diverse communicative needs, legal translators are well equipped to take a leading role in this growing segment of the language industry. In an environment of increasing automation, such prospects may add new resonance to Obenaus's (1995) vision of the "legal translator as information broker", as well as further motivation to explore this under-researched field. It is expected that the overview and perspectives offered here will also contribute to stimulating future reflection on this subject.

Notes

1 *Real Decreto 1309/2005, de 4 de noviembre, por el que se aprueba el Reglamento de la Ley 35/2003, de 4 de noviembre, de instituciones de inversión colectiva, y se adapta el régimen tributario de las instituciones de inversión colectiva* (on collective investment undertakings).

2 This does not mean that EU legal concepts are not influenced by pre-existing legal traditions to varying degrees. When the same term is eventually used for an EU legal concept and a national one in a particular language, the meaning must be interpreted according to the applicable supranational or national legal framework, as confirmed by the case law of the Court of Justice of the EU (CJEU) (Case 283/81 *Srl CILFIT and Lanificio di Gavardo SpA v Ministry of Health* [1982] *ECR* 3415, and Case C-103/01 *Commission v Germany* [2003] *ECR* I-5369).

3 In line with other case law mentioned in this judgment: Case 29/84 *Commission v Germany* [1985] *ECR* 1661, para. 23; Case 247/85 *Commission v Belgium* [1987] *ECR* 3029, para. 9; and Case C-217/97 *Commission v Germany* [1999] *ECR* I-5087, para. 31.
4 See France's *Loi n° 2019–222 du 23 mars 2019 de programmation 2018–2022 et de réforme pour la justice*.
5 See Spain's *Ley Orgánica 13/2015, de 5 de octubre, de modificación de la Ley de Enjuiciamiento Criminal para el fortalecimiento de las garantías procesales y la regulación de las medidas de investigación tecnológica*.
6 www.iplfederation.org/plain-language/
7 See other examples at www.courts.ca.gov/partners/314.htm
8 Maaß and Rink (2021, p. 1) refer to a "robust translation market for the translation of legal text types into Easy Language" in Germany, in compliance with the right of people with communication impairments to receive "official notifications, general rulings, public-law contracts and printed forms in Plain and comprehensible language" ("in einfacher und verständlicher Sprache") and, if necessary, "in Easy language" ("in Leichter Sprache") according to para. 11 of the Federal Act on Equality for People with Disabilities (*Behindertengleichstellungsgesetz*, BGG), as translated by the same authors.

Further reading

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