

## Our New Old Friend: Can Latin Become the Common Legal Language Again in Europe?

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This article explores the viability of adopting Latin as a common language for Europe, with a specific focus on the challenges it poses for legal translation in Central Europe. By analysing the historical context, linguistic dynamics, advantages, and challenges, the article aims to contribute to the ongoing discourse on European linguistic unity and legal harmonization.

**Keywords:** *Latin, history, common legal language, linguistic unity*

### Introduction

The diverse and culturally rich continent of Europe is home to a complex legal landscape, shaped by centuries of history, tradition, and evolving socio-political dynamics. Amidst this diversity, the pursuit of a common legal language has been a goal of the European Union (EU) and other regional organizations. The objective is to facilitate effective communication and cooperation across borders. However, the quest for a harmonized legal language in Europe is not without its challenges and problematics. The diversity of legal languages is an obstacle to integration, and therefore the plurality must be eliminated.<sup>1</sup> Although this raises the issue of whether Europe can possibly develop the common legal language when it does not even have a common general language (*lingua franca*). The use of a common language, such as English or French, is seen as a means to overcome linguistic barriers and promote unity. However, the pursuit of a single legal language faces several obstacles in this case. For example, when a French lawyer mentions *contrat*, the meaning of this word is radically different from the notion of *contract* in the mind of a common-law lawyer. Similar language translation problems

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<sup>1</sup> S. Wright. A Community That Can Communicate? The Linguistic Factor in European Integration. – Whose Europe? The Turn Towards Democracy. Oxford: Blackwell 1999, pp. 79–103.

could be solved by using a common language for legal texts.<sup>2</sup> But which language could become a common legal language? While several languages, such as English and French, have been considered due to their widespread usage, an unconventional yet intriguing option emerges: Latin. Often associated with legal and academic traditions, Latin presents both advantages and challenges as a potential common legal language for Europe.

### **The History of Latin in the Development of Law**

The history of Latin in the development of law is a rich and influential one, deeply intertwined with the evolution of legal systems, governance, and intellectual traditions. Latin, as the language of the Roman Empire and the dominant medium of communication in medieval Europe, played a pivotal role in shaping legal concepts, terminologies, and institutions that continue to influence legal systems today. In a way, Latin can be called the common mother tongue (*the lingua franca*) of Europe. Latin has influenced the development of all European languages. The language was carried by Roman soldiers, administrators, settlers, and traders to the various parts of their growing empire. The consequence was that a common civilisation was developed that varied little from country to country. Latin became the new common language of the new ruling power, was from this point on the language of government and administration, legalisation and the judiciary, trade and army operations as well. After the fall of the Roman Empire in 476, the significance of Latin did not lessen. In Europe during the Middle Ages and in the Renaissance and the Reformation etc., Latin was used in particular as the common language of the church, education and science as well. Latin served as the *lingua franca* of academia during the medieval and early modern periods. Legal education, especially in the study of canon law, relied heavily on Latin texts and lectures. Prominent universities, such as the University of Bologna, conducted legal instruction in Latin, ensuring that legal professionals across Europe had a common foundation of legal knowledge. The diplomacy and communication between states and nations was managed in Latin, as was the correspondence of intellectuals and scholars. The place of Latin in the history of the development of the law is also well known. The importance of Latin as the legal language may be traced back to the 450-451 BC, when the Twelve Tables were created and formed the basics

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<sup>2</sup> For example, in cross-border probate proceedings, the question of the translation and interpretation of wills arises in a new context. On the basic problem, see: Arató, Balázs: A végrendeletek értelmezésének egyes kérdései; in: Magyar Nyelvőr 147; 2023; pp. 78–92.; DOI: 10.38143/Nyr.2023.178.

of the subsequent development of Roman law. All major sources of our knowledge of Roman law are written in Latin. (For example: the *Corpus Iuris Civilis*, which is the collection of Roman Emperor Justinian).<sup>3</sup> In conclusion, the history of Latin in the development of law is a testament to the enduring impact of a language on legal systems and intellectual traditions. Latin's role in codifying Roman law, fostering legal scholarship, and shaping legal terminology has left an indelible mark on the evolution of legal systems and practices across Europe and beyond.<sup>4</sup>

### **Legal Translation Challenges in Central Europe: Navigating Linguistic and Juridical Complexities**

Central Europe, marked by its linguistic diversity and unique legal traditions, presents a challenging landscape for legal translation.<sup>5</sup> The region encompasses countries with distinct languages such as German, Czech, Polish, Hungarian, and more. As legal systems and terminology differ across these languages, accurate and effective legal translation becomes a complex endeavour.<sup>6</sup> Central Europe's linguistic mosaic complicates legal translation. Translators must be proficient not only in the source and target languages but also in the intricacies of the legal systems they represent. Nuances in legal vocabulary and concepts often do not have direct equivalents, posing challenges in preserving meaning, intent, and accuracy. But this was not always the case. Before the emergence of nation-states, Latin was the common legal language, and in some cases the official language.<sup>7</sup> Translating legal terms requires more than word substitution; it involves conveying complex legal concepts accurately. As legal systems vary across

3 Anna Petrasovszky (2019): A latin nyelv és az európai jogfejlődés. *Magyar Jogi Nyelv*, 2019.06.27.

4 See examples of terminology in the languages of Europe here: Balázs, Géza: Euroterminológia és a magyar nyelv. Szaknyelvi kommunikáció és nyelvstratégiai munka. *Magyar Orvosi Nyelv*, 2003/1: 9–12.

5 See further approaches to cases of rapport management here: Balázs Géza: Euroterminológia és a magyar nyelv (Szaknyelvi kommunikáció és nyelvstratégiai munka). 279–288. In: Balázs Géza szerk.: A magyar nyelvi kultúra jelene és jövője I. MTA Társadalomkutatási Központ, Budapest, 2004.

6 See the challenges of harmonising terminology of various languages here: Balázs Géza: Euro terminology and the Hungarian language. 18–29. In: Ed. Balaskó, M.-Balázs, G.-Galinski Ch.-Pusztay, J.-Skujina, V.: European Profiles of Language Policy. Terminologia et Corpora 1. Berzsenyi Dániel College, Szombathely, 2003. (2004) [2005]

7 Axer, Jerzy, and Maria Bożenna Fedewicz. "Latin in Poland and East-Central Europe: Continuity and Discontinuity." *European Review* 2, no. 4 (1994): 305–9.

Central European countries, a legal term in one language may not carry the same connotations or implications when translated into another language. The role of a legal translator is to bridge these differences while maintaining legal integrity. The common legal language in Central Europe could remove this difficulty. This also naturally raises the question of which language would be suitable to function as the common language in Central Europe?

### **Constructed International Language or Latin?**

The question of whether to use Esperanto or Latin as a common language in Europe is a complex one and depends on various factors. Both languages have their advantages and challenges, and the choice between them would require considering linguistic, cultural, historical, and practical aspects. Before anything else, Esperanto is a constructed international auxiliary language created in the late 19th century by L. L. Zamenhof. It was designed to be easy to learn and neutral, without the cultural baggage that natural languages often carry. Being a constructed language, Esperanto is free from the historical, political, and cultural associations that natural languages might have, potentially reducing linguistic biases.<sup>8</sup> Although this neutrality of Esperanto could be disadvantage as well, because Latin, as discussed earlier, has a historical connection to European legal, academic, and cultural traditions, but Esperanto does not have this privilege history. Also, if we look at the Esperanto legal language, we can see that Esperanto also uses words and expressions of Latin origin. The question then arises: why use an artificial language when you can use Latin? As the general common language, Latin can perform the same functions as the artificial Esperanto language. Ultimately, the choice between Esperanto and Latin would depend on the goals, preferences, and practical considerations of the European nations. Both options have their merits and challenges, and any move towards a common language would require careful consideration of linguistic, cultural, educational, and political factors. It's also worth noting that the adoption of a common language in Europe is a complex and multifaceted issue that involves more than just linguistic aspects. This is why, in my opinion, Esperanto cannot solve the language problems of Central Europe.

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<sup>8</sup> Pierre Janton: *Esperanto – Language, Literature and Community*. State University of New York Press, 1977.

## **Conclusion**

The pursuit of a common legal language in Europe is a complex endeavour that necessitates a thoughtful examination of its potential benefits and drawbacks. While a unified legal language could undoubtedly enhance cross-border communication and cooperation, the cultural, linguistic, and legal diversities of the continent must not be overshadowed. A balanced approach that respects both unity and diversity could pave the way for a more effective and inclusive legal framework in Europe. The proposal to make Latin the common legal language of Europe offers a unique perspective on addressing the challenges of linguistic diversity while honouring the historical foundations of legal systems across the continent. While there are clear advantages in terms of neutrality, precision, and cultural heritage, the practicality of implementing Latin as a working legal language should be carefully assessed. Striking a balance between tradition and the needs of modern legal systems is essential. Ultimately, the idea of Latin as a common legal language prompts a thought-provoking debate that highlights the intricate interplay between history, culture, and the evolving nature of law in Europe.