

## Editorial

Already two thousand years ago, Pliny the Elder (AD 23-79) in his *Naturalis Historia* used powerful language and narration to ‘convince’ humans of their moral obligation to do something against the (over) exploitation of the earth and to enact laws, for instance, prohibiting the mining and importation of marble<sup>1</sup>: “[...] so that our minds may rise [...] to contemplate when the centuries of exhaustion of the earth will have reached its limits and to what depths our greed will penetrate.”

Pliny’s ecological ethics can serve as compass in current discussions about how the green transition of our societies in Europe should be shaped and is one of the many narratives on the relationship between humankind and nature. In launching its Green Deal, the European Commission states that “climate change and environmental degradation are an existential threat to Europe and the world”.<sup>2</sup>

Pliny’s narrative resonates well with Pauline Phoa’s contribution to this journal on *Narratives in Flux Legal Language, Digital Technologies, and the Climate Crisis*, who writes the following:

“For jurists to be able to handle these challenges, we need to train our awareness of the narratives and normative qualities of our legal language, so that we are able to critically assess whether our vocabulary and regulatory toolkit is fit for the future.”

In this essay, meant to be a first reflection of an interesting research in progress, the author eloquently explains the important relationship between law, language and narration, and reinforces the need for us to develop our skills in “recognizing narratives and norms within legal language, as well as acknowledging that language is far from normatively innocent”.

In a different vein the important relationship between law and language also comes to the fore in the contribution by Stefaan Van der Jeught on *Linguistic Obstacles for Migrating Professionals in the EU Internal Market: Time for a Legislative Overhaul*. If there is one thing that makes the European Union stand out, is it enormous linguistic diversity. Not surprisingly linguistic differences thus constitute important barriers that EU citizens face in exercising their rights in the EU internal market. And Member States have, within the constraints of EU free movement law, the possibility to defend and promote the use of the national language.<sup>3</sup> In his article, Stefaan Van der Jeught elaborates on linguistic obstacles in the EU internal market, and more in particular seeks to determine in which cases and to what extent an assessment of linguistic proficiency may be admissible under EU law for professionals seeking employment in another EU Member State than their own.

‘Going back in time’ may not only be useful for a better understanding of also current narratives, as the reference to Pliny the Elder teaches, it is also crucial for gaining more insight into the historical background of languages and the law. The contribution by Anne-Sophie Milard revolves around Law French, which dates back to before 1066 but leaves traces in modern English law. The author has chosen the example of the ‘cestui que trust’ which meaning remains enigmatic and could be seen as the very vague equivalent of the French fiducie. But even today, it remains difficult to understand with certainty whether the trust and by extension the cestui que trust are products of Roman, Norman, English, French or other law.

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<sup>1</sup> J. VAN GELDER, M. NIEUWENHUIS & T. PETERS (vert.), *Plinius – De Wereld - Naturalis Historia* (Athenaeum, 2018). See also M. Wade: <https://www.jhiblog.org/2022/12/12/our-duties-to-the-earth-pliny-the-elder-as-a-proto-environmentalist/> (last consulted 10 December 2023).

<sup>2</sup> [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en)

<sup>3</sup> E.g. Case C-391/10, *Cilivics* ECLI:EU:C:2022:638.

The language of the law, and more in particular the way in which the law gives meaning to words, is the object of study of legal linguistics. In her contribution on *Les mots intraduisibles en droit à travers la comparaison entre les éléments du système juridique britannique, français et polonais* Agata de Laforcade further explores the specific vocabulary and discourse of legal systems and the challenges of legal translation. Sometimes the translator finds himself to be confronted with untranslatable words. And where legal comparison of terms is possible, the meaning of the law may still be modified. In the European Union, which is after all characterized by multilingualism and a diversity of legal cultures, there are specific challenges to legal translation, which relate to the in-part hybrid, new and autonomous legal system that the EU has created.

Elena Ioriatti's contribution fits in really well with this, as she addresses the challenges of multilingualism, and the nuanced process of translation and adaptation. She thereby emphasises that a multilingual EU legal narrative and multilingualism in the EU can only be preserved by means of *effective* multilingualism, and not when it is formally regulated and protected. After all, history shows us that a dominant language, such as French, may easily bypass the formal regulation and codification of multilingualism. This is not to say that certain common *forms* or *formats* in language are not relevant. In the end we will have to work towards a shared, common legal language in the European Union.

The issue is concluded by Alexander Teutsch's book review of the Volume "Language Choice in Postcolonial Law - Lessons from Malaysia's Bilingual Legal System" by Richard Powell.

All contributions in this volume endorse the importance of the study of the intimate relationship between law, narratives and language, not only with a view to gain a better knowledge of the law or to make us better jurists, but also with a view to make the law future-proof to deal with the challenges our societies face!

We express our gratitude to Mr. Cezary Węgliński for his valuable collaboration.

Prof. dr. Sybe A. de Vries (Utrecht University, The Netherlands), member of the CLL Editorial Board