

# Origin, Reception and Application of Modern Legal Terminology

Research Area: Social Sciences

Research field: Law

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## Introduction

The research project "Origin, Reception and Application of Contemporary Legal Terminology" is carried out by a team of the Faculty of Law of Sofia University and aims to provide a comprehensive **demonstration of the roots of legal terminology used in continental legal culture**, tracing its Roman law etymology, subsequent development and contemporary application in the Continental Law Family.

On the basis of the linguistic foundation of legal dogmatics outlined in this way, research efforts are directed towards the characteristics of the functioning of **contemporary legal language as a language of thinking in legal formulas, but also a language with open meanings** ("open texture"), implying the need for legal interpretation and underpinning law-making and law-enforcement processes.

The project's research aims to demonstrate the fundamental characteristics of legal language as a language of formulas, historically established meanings and a gradual move away from the "ordinary language" by **encapsulating ancient usages in current legislation**.

## Methodology



The language of law is the living link between the historical evolution of legal phenomena and their understanding and development today. The **genetic links between legal history and contemporary legal terminology** are in turn a convenient basis for introducing law students to the disciplines they study. Legal language – from a particularly important practical point of view – is also the necessary key, both for the recapitulation of foreign legislation and for the correct application at home of international and European law.

The project team starts from the idea that characteristics of legal language can be demonstrated through the consistent representation of **original Roman legal ideas and their successive 'imprints' in various modern European legal acts**.

The main part of the work on the Project consists in the systematization and translation of the main Roman law maxims and linking them to current legislative provisions. The illumination of the direction of **development of legal language as a unity of terminology and thought constructs** is demonstrated through the presentation of the uses of Roman law maxims in legislation, scientific jurisprudence and judicial doctrine.

## Results

The Project team is working on a comprehensive **systematization of Roman legal maxims** used in continental law. The print edition planned for publication is intended to provide an overview of the continuing topical relationship of continental law to its Roman law foundation.

Simultaneously with the work on Roman law maxims and their contemporary applicability, the Team is exploring **the current state of Bulgarian legal language**, and will present a series of individual studies on theoretical aspects of the formulaic and open character of legal language, analysed on the basis of its existence in the national legal system and its interaction with the language of international and European law.

The opinions reached by the team members are reviewed by an **International Board** of eminent specialists in the field of legal language and the Roman legal heritage:

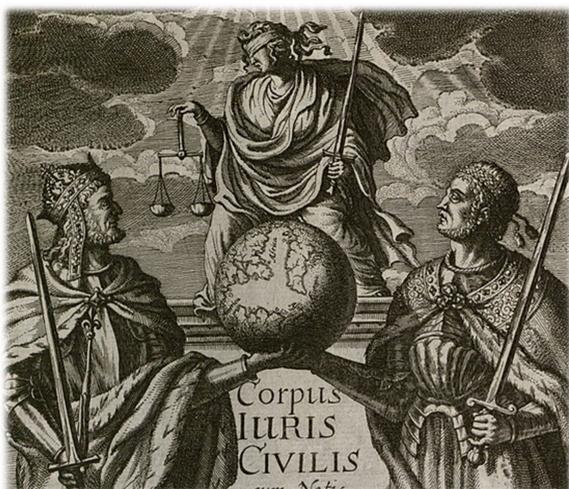
1. Juan Manuel Blanch Nougues, University SEU San Pablo, Madrid, Spain.
2. Tomislav Karlović, University of Zagreb.
3. Prof. Dr. Marija Ignatovich, University of Niš, Serbia.



## Importance of the field study

**ANIMA LEGIS** is what we call our project for short, based on the idea that language is the "soul" of the law or – by analogy with the most ancient notions of the "soul-body" relationship: language is the "breath" through which laws speak. At a further level, the Latin legal terminology we are examining bears the most vivid imprint of unity in the development of continental law, insisting that there is a certain legal culture at the heart of European legal orders beyond the purely formal dimensions of rules duly adopted by an authorities.

In the line of thought sketched, we do not, of course, underestimate that 'The law is more than the sum of laws' and is not confined to the imperative of observing norms, but carries the idea of justice (G. Radbruch). The law requires respect also for the "spirit beyond the letter", for as Article 20(3) of the German Basic Law says: "the administration of justice is bound by law and justice". At the same time, the great spirit - i.e. **the basic principles of certainty, justice and guarantee of rights - cannot find expression if the laws are not precise and clear**, consistent in their wording and based on the right balance between definiteness in favour of strict enforcement and indefiniteness giving room for reasonable discretion.



## Conclusion

A **Project conference** is planned for November 2024 to showcase the research being conducted under the project and to provide the scholarly community with an opportunity to learn about the proposed model for examining legal language through its Roman law roots and its application to legal scholarship and education.

The goals of the presented project are directed towards the **improvement of teaching** in the Faculty of Law, where a new multidisciplinary format developing the relevant matter is being developed since several academic years. The linguistic issues of law and legal scholarship are thematically divided into the two interrelated parts of the elective courses "Classical Legal Terminology" in the winter term and "Modern Legal Terminology" in the summer term of the first year.

It is no exaggeration to say that the "soul" of the laws becomes a conduit for the "spirit" of the law where good legal expression is present - not as an empty form, but as a construction based on a **high legal culture**. We hope that the series of presentations and publications on the project can be our contribution to this cause and its potential impact on the **development of legal education as a unit of the rule of law** in Bulgaria.

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