



## Editorial

Law is a system intrinsically tied to our understanding of the world and the construction of human societies. As it has been noted, "[l]aw is totalizing ... it is part of the narrative that gives meaning to our lives, a narrative that we both inherit and construct".<sup>1</sup> It is therefore not a static set of abstract rules, but a *structuring language*, a carrier of values and orientations. Like language, law is not static: it develops through interpretation, dialogue, and the historical context in which it operates.

A fundamental insight into the relationship between language and law is expressed by Rodolfo Sacco, for whom language and law are central expressions of a people's culture and tools of collective life.<sup>2</sup> In this sense, both legal understanding and interpretive activity are rooted in the interaction between diversity and rules, between cultural plurality and the tension toward uniformity.

As Sacco observed in an essay on identity and diversity in law and culture, published 25 years ago, had language not 'exploded' into countless idioms, it would have remained a handful of words. Similarly, had law not evolved into multiple systems, it would have remained bound to primitive forms of ownership and social order.<sup>3</sup> This invites us to consider language and law as dynamic, culturally embedded processes rather than fixed systems. In this regard, legal knowledge – the aim of comparative law – could also be identified as linguistic knowledge, as both these cultural universes, the legal and the linguistic one, can even be understood as a coherent system of concepts within its own scientific, but not natural order.

Sacco's reflections exhort us to consider law as language and language as law, in a continuous dialogue among norms, meanings, and contexts.

It is in this perspective that the articles collected in the current issue are situated—exploring the multiple ways in which language structures and conditions law, and *vice versa*. Whether dealing with Luxembourg's multilingual legal landscape, the shifting status of State languages in Europe, or the delicate balance between linguistic rights and national unity in the United States, each article interrogates the tension between legal norm and linguistic meaning—and how this tension is mediated precisely through language.

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<sup>1</sup> « Law is totalizing, ... is part of the narrative that gives meaning to our lives, a narrative that we both inherit and construct. Like language, law offers us a form of understanding ourselves, understanding the world, and giving meaning to the relationship between the world and us », D. BONILLA MALDONADO, *Legal Barbarians. Identity, Modern Comparative Law and the Global South*, Cambridge University Press, Cambridge 2021, p. 2-4.

<sup>2</sup> See, for instance: R. SACCO, « Le droit muet », in *Revue trimestrielle du droit civil*, 94, pp. 783-796, 1995. R. SACCO, « Langue et droit », in *Rapports nationaux italiens au XVème Congrès International de Droit Comparé Bristol 1998*, Milano, 1998 ; R. SACCO, L. CASTELLANI (eds.), *Les multiples langues du droit européen uniforme*, Torino, 1999 ; R. SACCO, « Language and Law », in G. ZACCARIA, *Übersetzung im Recht/Translation in Law (Ars interpretandi)*, pp. 117-134, Münster, 2000.

<sup>3</sup> «Se la lingua non avesse voluto esplodere per far posto a mille idiomi differenti, essa sarebbe rimasta ciò che era al momento della sua prima apparizione, ovvero un insieme di cinque o sei vocaboli. Se il diritto non avesse voluto esplodere per far posto a mille sistemi differenti, esso avrebbe dovuto restare ciò che era al momento dell'umanizzazione dell'homo habilis, con una proprietà-possesto garantita dall'autotutela (vale a dire: dalla forza del possessore), dei quasi-contratti nascenti dal l'attività (ad es.: di caccia) svolta in comune, con una gerarchia sociale in centrata sull'autorità-forza del padre e sul prestigio di un personaggio dominante», R. SACCO, «La diversità nel diritto (A proposito di unificazione), Parte I Diversità, variazione, diritto», in *Rivista di diritto civile* – 2000, pp. 15-30, p. 18.



This issue of *CLL – Comparative Law and Language* brings together six contributions, each in its own way addressing the complex interaction between legal regimes and linguistic realities. Through empirical mapping, theoretical innovation, or normative critique, the authors collectively illuminate how language functions not only as a tool of legal expression but also as a contested site of identity, authority, and inclusion.

Two of the articles — by Indira Boutier and Loreno D’Angelo — highlight the persistent marginalization of linguistic rights in both legal doctrine and practice. In her French-language article, Boutier grounds her argument in an analysis of case law and migration policy, challenging the residual status of linguistic rights in international law. She reframes them not as secondary or derivative, but as constitutive of human dignity and democratic participation, calling for a fundamental reorientation of the legal imaginary. D’Angelo, in turn, brings this discussion into the U.S. context. His article traces the tension between a multilingual society and a political-legal push toward monolingualism, showing how case-law and public education policy often fail to protect minority languages and their speakers.

Przemysław Kusik shifts our attention to methodology. His article bridges comparative law and legal translation, proposing a more nuanced and pluralistic use of comparative legal methods in the service of translation. This “translational comparative legal analysis” invites translators not only to convey legal meaning but also to navigate systemic legal differences with methodological rigor—a perspective that holds promising implications for both fields.

The following articles focus on the language policies of states and their legal-institutional contexts. Borbora Tomečková presents an analysis of the relationship between *de jure* and *de facto* state languages in 42 European countries. Her empirical categorization provides a valuable tool for future work in both sociolinguistics and comparative constitutional law.

Stefaan Van der Jeught, on the other hand, offers an in-depth study of Luxembourg, the only EU member state with a fully trilingual legal system. His analysis not only dissects Luxembourg’s legal framework, but situates it within broader historical and social trends, revealing tensions between national identity and multilingual governance.

Finally, Jan Engberg’s book review prompts reflections not only on content but also on form. Reviewing four volumes originating from the same series of Summer schools on EU legislative language, Engberg raises a productive scepticism about the risks of repetitiveness in legal-linguistic research. At the same time, he acknowledges the enduring value of sustained empirical engagement with EU legal texts and processes—a theme that resonates throughout this issue.

Taken together, the six articles reveal how language and law are co-constitutive: the ways we legislate, adjudicate, and translate both shape and are shaped by the languages we use. They also emphasize an ongoing challenge for comparative legal-linguistic research: to remain attentive to context without falling into reductionism, and to embrace pluralism without fragmenting coherence.

In publishing this issue, we continue to invite interdisciplinary contributions that push the boundaries of law and language. The work presented here reminds us that the project of comparative legal-linguistic analysis is not merely academic, it is also deeply political, shaped by power, history, and, by the voices we choose to listen to.

Caterina Bergomi

On behalf of the Editorial Board