

MERIKE RISTIKIVI

Latin terms in the Estonian legal language:
form, meaning and influences



TARTU UNIVERSITY
PRESS

Faculty of Law, University of Tartu, Estonia

Dissertation is accepted for the commencement of the degree of Doctor of Philosophy (PhD) in law on December 14, 2009, by the Council of the Faculty of Law.

Supervisors: Prof. Dr. Marju Luts-Sootak (University of Tartu)
Prof. Dr. Anne Lill (University of Tartu)

Opponents: Prof. Dr. Heikki Eero Sakari Mattila (University of Lapland)
Prof. Dr. Marko Petrak (University of Zagreb)

Commencement will take place on January 15, 2010 at 12:15 in the Faculty of Law, Näituse 20 room K-03.

Publication of this dissertation is supported by the Faculty of Law, University of Tartu.

ISSN 1406–6394
ISBN 978–9949–19–286–1 (trükis)
ISBN 978–9949–19–287–8 (PDF)

Autoriõigus: Merike Ristikivi, 2009

Tartu Ülikooli Kirjastus
www.tyk.ee
Tellimus nr. 583

TABLE OF CONTENTS

LIST OF ORIGINAL PUBLICATIONS	7
ANALYTICAL COMPENDIUM TO A CUMULATIVE DISSERTATION	8
1. INTRODUCTION.....	8
2. PREVIOUS STUDIES.....	11
3. METHODOLOGY OF CURRENT STUDY	14
3.1. Research subject and material	14
3.1.1. Legal language	14
3.1.2. Legal journals as object of study	15
3.1.3. Legal journals in Estonian	16
3.2. Research questions, method and hypothesis	18
3.3. Structure of doctoral thesis: compendium and articles	20
4. RESULTS OF RESEARCH.....	22
4.1. Latin terms in the research material.....	22
4.1.1. Statistical data and the dynamics of the usage of terminology	22
4.1.1.1. Periodicals <i>Õigus</i> and <i>Juridica</i>	22
4.1.1.2. Periodicals <i>Nõukogude Õigus</i> and <i>Eesti Jurist</i>	27
4.1.2. Terminological variety	31
4.1.2.1. Latin terms in context	31
4.1.2.2. Most frequent Latin terms	33
4.1.3. Functions in usage of latin terms.....	35
4.1.3.1. Specific legal terms.....	35
4.1.3.2. Medical terms	38
4.1.3.3. Expressions related to the academic field and university studies	40
4.1.3.4. Expressions and sayings in general language	44
4.1.4. Historical conditions and changes in the usage of Latin terms	47
4.1.4.1. The periodical <i>Õigus</i>	47
4.1.4.2. The periodicals <i>Nõukogude Õigus</i> and <i>Eesti Jurist</i> ...	50
4.1.4.3. The periodical <i>Juridica</i>	52
4.1.5. Latin terms in law textbooks.....	55
4.1.6. Summary	57
4.2. Practical issues in application of Latin legal terms	58
4.2.1. Mistakes in orthography.....	58
4.2.2. Gender and case forms and prepositions.....	61
4.2.3. Latin citations in Estonian sentences	63

4.2.4. Summary	65
4.3. Latin terms and legal education: acquisition of professional terminology	66
4.3.1. The Republic of Estonia 1918–1940	66
4.3.2. The Soviet era	69
4.3.3. The Republic of Estonia after regaining independence.....	71
4.3.4. Summary	74
5. CONCLUSION AND FURTHER RESEARCH PERSPECTIVES	75
REFERENCES	77
SUMMARY IN ESTONIAN	85
APPENDICES.....	92
Appendix 1: Latin terms in <i>Õigus</i>	92
Appendix 2: Latin terms in <i>Nõukogude Õigus</i>	109
Appendix 3: Latin terms in <i>Eesti Jurist</i>	110
Appendix 4: Latin terms in <i>Juridica</i>	112
Appendix 5: Latin terms in textbooks.....	121
Appendix 6: Juridical periodicals in Estonian	124
Appendix 6: Juridical periodicals in Estonian	124
PUBLICATIONS	127
CURRICULUM VITAE	129

LIST OF ORIGINAL PUBLICATIONS

This dissertation is based on the following publications:

1. Merike Ristikivi. Latin terms in Estonian legal journalism in the interwar period: Practical tools for a young legal culture. – *Juridica International*, 16/2009, pp. 231–239.
2. Merike Ristikivi. Terminological Turn as a Turn of Legal Culture. – *Juridica International*, 15/2008, pp. 175–182.
3. Merike Ristikivi. *Lexica iuridica* in *Juridica*: Latin Terms as a Reflection of Europeanisation of Estonian Legal Culture. – *Juridica International*, 12/2007, pp. 173–179.
4. Merike Ristikivi. Ladina õigusterminite vormilisest ja sisulisest korrektsusest. – *Eesti Rakenduslingvistika Ühingu aastaraamat 4. Estonian Papers in Applied Linguistics 4*. Tallinn: Eesti Keele Sihtasutus, 2008, pp. 157–170.
5. Merike Ristikivi. Язык римского права: теоретические принципы и методы преподавания в Тартуском Университете. *La lingua del diritto romano: principi teoretici e metodi d'insegnamento nell'Università di Tartu*. – *Древнее Право/Ius Antiquum*, 18/2006 (2), pp. 211–216.
6. Merike Ristikivi. Ladina terminid tsiviilõiguses: eestikeelsed originaalõpikud *versus* tõlkeõpikud. – *Eesti Rakenduslingvistika Ühingu aastaraamat 5. Estonian Papers in Applied Linguistics 5*. Tallinn: Eesti Keele Sihtasutus, 2009, pp. 225–238.

ANALYTICAL COMPENDIUM TO A CUMULATIVE DISSERTATION

I. INTRODUCTION

The present doctoral thesis¹ analyses the usage of Latin legal terms in the Estonian legal language, analysing it primarily on the basis of legal journals. In the historical and cultural framework, Estonian-language based jurisprudence and its terms are relatively young phenomena which for the most part developed at the beginning of the 20th century in connection with the founding of a nation state (1918). Legal texts as translations had been published in Estonian already at the beginning of the 19th century², but the wording of those translations was awkward and difficult to understand, and it cannot be considered as legal language. These texts were statutes for the peasantry which had to be understood by common people. Estonian-language jurisprudence developed during the establishment of sovereignty and the opening of Tartu University in 1919, with Estonian as the language of instruction for the first time in its history. The Faculty of Law could not start working until the beginning of 1920, though, for lack of suitable lecturers. Together with founding national jurisprudence the development of the Estonian legal language was undertaken. In the 1920s, a wide-scale language reform and language planning movement took place in Estonia, instigating a legal language reform and enrichment of vocabulary, among other things.³ This was conditioned by the development of society and the ensuing urgent need and desire to develop the everyday language of the peasants into a functioning cultural language. The language reform led by young intellectuals defined as its objective the idea that by becoming European, the nation should still remain Estonian.⁴ Considering the history of the Estonia of the beginning of the 20th century⁵ we realise that the

¹ Writing of this dissertation was supported by ESF Grant 7923.

² In 1805 a translation into Estonian of “Eestima Tallorahwa Seädus, Moisa wanne-mattest noutud ja meie Sure armolisse Keisri Herrast kinnitud 1805 aasta sees” was made by O. R. von Holtz, D. G. Glanström. Tallinn: C. J. G. Minuth, 1805. In 1816, “Eestima Tallorahwa Kasso-Ramat” was published, translated by O. R. von Holtz. Tallinn: Minuthi lesk, 1816.

³ About the development of the Estonian legal language during the first half of the 20th century see A. Vettik, R. Kull. *Tagasivaade eesti õigussõnavara kujunemisloole (1920–1940)*. Tallinn: Eesti Teaduste Akadeemia Emakeele Selts, 2002. In more detail about language planning in Estonia at the beginning of the 20th century see T. Ereht. *Eesti keelekorraldus*. Tallinn: Eesti Keele Sihtasutus, 2002, pp. 46–122.

⁴ More about Noor-Eesti, the society of young Estonian intellectuals at the beginning of the 20th century and the language reform see N. Andresen. *Noor-Eesti ja keeleuudendus*. – *Looming*, 9/1970, pp. 1421–1429.

⁵ Concisely but in detail about the history of Estonia and other Baltic states during that period see Z. Kiaupa, A. Mäesalu, A. Pajur, G. Straube. *The History of the Baltic*

notion *European* suggested turning away from the sphere of influence of Imperialist Russia towards western culture with its historical traditions which have, among other things, strong ties with the Latin language that has played an important role in developing the terminology.

In fact, two epochs can be identified in the history of Estonian law and legal language, both characterised by the desire to be 'western' and the conscious attempt to be European. The current doctoral thesis focuses on these two consciously western oriented periods from 1918 to 1940 and from 1991 to present. The Soviet era between them was marked by turning away from the West. This period is excluded from the present study; for examination and comparison the last years of the Soviet regime have been selected from 1985 to re-establishing independence in 1991.

The periods under observation are interesting primarily because of the cultural-political changes in law and legal language. The first period of independence in Estonia (1918–1940) was an era when sovereignty could be enjoyed for the first time, a parliamentary democracy was established, and the Estonian language began to be used for law studies, legislation and practice of law in general.⁶ The keywords that characterise this period are drafting a new legislation and developing of the Estonian legal language, because until the adoption of new laws the old laws imposed during the tsarist time in the Estonian and Livonian provinces remained in force. Drafting legislation in the native language and preparing lawyers who would have higher education required a properly functioning systematic legal vocabulary. Hence the "Õigusteaduse sõnastik" (Dictionary of Law)⁷ was issued in 1934 as a result of the work done in the field of Estonian legal terminology, which included also terms in Latin and their Estonian counterparts.

The Soviet era (1940–1941, 1944–1991) brought along the Soviet legal system and the influences of the Russian language.⁸ Estonian on the one hand shared the areas of usage with Russian (such as public information, administration) and on the other hand introduced Russian models: on the basis of

Countries. 3rd, revised ed. Tallinn: Avita, 2002, in particular the chapter The Baltic States 1914–1939, pp. 129–164.

⁶ In more detail about the development of Estonian legal order: T. Anepaio. Die rechtliche Entwicklung der baltischen Staaten 1918–1940. – Modernisierung durch Transfer zwischen den Weltkriegen. Hrsg. T. Giaro. Frankfurt am Main: Vittorio Klostermann, 2007, pp. 7–30; M. Luts-Sootak. Estland. – Handwörterbuch zur deutschen Rechtsgeschichte. Lfg. 6. (Eid-Familienfideikommiss). 2. Aufl. Berlin: Erich Schmidt Verlag, 2007, p. 1430; P. Järvelaid. The Development of the Estonian Legal System. – Zeitschrift für Europäisches Privatrecht. 2000 (8 Jhg.), pp. 873–877.

⁷ Compiled by F. Karlson, J. V. Veski, ed. E. Ilus. Tartu: Akadeemiline Kooperatiiv, 1934.

⁸ About the condition of the Estonian language in written texts during the Soviet regime see H. Metslang. Eesti kirjakeel kasutusvaldkondade lõikes: probleeme ja lahendusteid. – Toimiv keel II. Töid rakenduslingvistika alalt. Tallinn: TPÜ Kirjastus, 2004, p. 199.

Russian, terminology was organised, juridical texts and documents were translated from Russian. Typically, drafting legislation relied on Russian as a model, too. The dominating influence of Russian resulted in a great number of foreign words in the Estonian legal language, but Latin terms were seldom used. A special publication in Estonian which would have contained all Latin legal terms did not exist at that time. In addition to the law textbooks only reference books and lexicons contained a few professional terms in Latin and their explanations.

In the period of re-independence (1991 – until the current time) the Soviet legal system has been replaced by the orientation towards the western world. Therefore also the conceptual systems and languages of influence have changed: the importance of Russian has vanished and the major languages of influence are now English and German due to European Union legislation and the rulings of the European Court of Justice. Through European law and languages of influence the usage of Latin terms has increased and for the first time in the history of the Estonian legal language a Latin-Estonian Legal Dictionary has been edited.⁹

Latin terms constitute the object of the present doctoral thesis because usage of Latin terminology in its correct form needs a profound analysis from the aspect of its relation to Estonian. Language contacts in the field of terminology contribute to the development of knowledge and communication among the specialists in every discipline, among them in jurisprudence. To connect the knowledge in law with linguistic competence needs also competence in Latin. It will be of help in theoretical and practical activity when the usage of concepts and expressions relies on the firm and profoundly analysed terminological principles.

Law in Continental Europe has developed on the basis of Latin and proceeds from the system of notions derived from Roman law. Historically, Latin has been in very close connection with the development of European law, while in previous centuries the bulk of literature on jurisprudence, as well as legislation, was compiled in Latin. Although in the 20th and 21st centuries Latin is no longer an active language of law and science, it remains an important means of professional communication for jurists in Europe.¹⁰ The usage of Latin terminology is favoured due to their semantically accurate definition and linguistic economy.

⁹ K. Adomeit, M. Ristikivi, H. Siimets-Gross. *Ladina-eesti õigussõnastik*. Tallinn: Eesti Keele Sihtasutus, 2005.

¹⁰ N. Benke, F. S. Meissel. *Juristenlatein. Lateinische Fachausdrücke und Redewendungen der Juristensprache, übersetzt und erläutert*. Wien: Juridica, 1997, p. 10.

2. PREVIOUS STUDIES

Until recently, little scholarly research into the usage of Latin in the Estonian legal language and its influence on terminology had been done. Topical issues regarding the Estonian legal language, language policy, terminology and translation problems are touched upon in the journal *Õiguskeel*¹¹, in which three articles were published about the usage of Latin legal terms and the related problems. An article by A. Lill¹² compares the influence of Latin in Estonian and English legal languages. E. Silvet's article¹³ searches for an answer to the question in what circumstances it is appropriate to use Latin terms and when they are preferable to native expressions. A joint publication by A. Lill and P. Kask¹⁴ focuses on the faulty usage of the expression *restitutio ad integrum* (in medicine: 'full healing, total recovery') in juridical context instead of the correct legal term *restitutio in integrum* ('restitution to the previous condition'). All the abovementioned articles either discuss particular terms or focus on the general issues of legal terminology. Therefore, the present doctoral thesis goes further in this line of research, attempting to give a more comprehensive overview of usage of terminology in the Estonian legal language, being based on observing historical development.

As for international research, a study about Latin terms in legal language carried out in Finland ought to be mentioned.¹⁵ The objective of the author H. E. S. Mattila was to establish the extent to which juridical Latin was used in Finland in the 1990s and to compare the results to the usage of Latin in the juridical literature in Finland in the 1950s. The analysis included material from all areas of law, and yet it does not encompass all juridical literature published in Finland in the 1990s. The selection of materials is limited to juridical textbooks, doctoral theses and the reference book "Encyclopaedia Iuridica Fennica". The role and significance of Latin legal terms in the legal language of different nations are also dealt with in two other works by the same author: "Vertaileva oikeuslingvistiikka"¹⁶ and "Comparative Legal Linguistics".¹⁷ The

¹¹ *Õiguskeel*. Publication of the Legal Terminology Committee of the Government of the Republic (1995–1999), Publication of the Ministry of Justice (since 2000). Editor-in-chief P. Pikamäe, editor A. Vettik. Starting from 2008, the journal is issued online on the website of the Ministry of Justice, <http://www.just.ee/23345>.

¹² A. Lill. Ladina keel õiguskeele alusena. – *Õiguskeel*, 4/1996, pp. 9–13.

¹³ E. Silvet. Ladinakeelne väljend õiguskeeles. – *Õiguskeel* 2/1997, pp. 16–19.

¹⁴ P. Kask, A. Lill. Õigustermini *restitutio in integrum* ja väljendi *restitutio ad integrum* kasutamine. – *Õiguskeel* 3/1997, pp. 12–14.

¹⁵ H. E. S. Mattila. Latinet i den finländska juridiska litteraturen. – *Tidskrift utgiven av Juridiska Föreningen i Finland*, 3/2000, pp. 269–322.

¹⁶ H. E. S. Mattila. *Vertaileva oikeuslingvistiikka*. Helsinki: Kauppakaari Lakimiesliiton Kustannus, 2002, pp. 201–266.

¹⁷ H. E. S. Mattila. *Comparative Legal Linguistics*. Aldershot: Ashgate, 2006, pp. 125–158.

present thesis relies on Mattila's study as a good example of research methods as regards statistical analysis in particular. However, it delves deeper into the usage of terminology, and numerical data is complemented by semantic analysis.

A comparison of the usage of terminology in the materials published in Estonia and Finland in the 1990s¹⁸ reveals that the vocabulary based on the Latin language and adopted by the lawyers and jurists of the two countries largely coincides in regard to both the frequency of occurrence and the individual expressions used. The comparison was made possible by the virtually equal quantity of material and the cultural similarity between the two nations. Of particular significance from the linguistic point of view are the similarities in the Estonian and Finnish language systems. The current thesis does not deal with this terminological comparison, since it also covers the usage of terminology during re-independence in the 21st century, and thus the scope of materials and the changes in content would render juxtaposition inadequate.

W. Wołodkiewicz and J. Krzynówek researched the frequency of occurrence of Latin terms in the court materials in Poland.¹⁹ The survey included the judgements of the Constitutional Court, the Supreme Court and the High Administrative Court, covering a time span of thirty years (from 1971 to 2001). The Latin terms employed in Estonian court judgements have not yet been surveyed. An analysis of the usage of terminology in court judgements would be a logical continuation of the line of research in the present study, enabling us to draw conclusions about legal language in practice.

In addition to the thorough analyses of terminology by Finnish and Polish scholars, Latin terminology has received attention in less extensive studies, too. D. Kurzon looked into the problem of incorporating Latin quotations into English text, relying on various juridical materials.²⁰ The pronunciation of Latin terms, particularly in the Anglo-American legal environment, has been analysed by H. A. Kelly.²¹ The current thesis examines this issue in the context of the Estonian language in Chapter 4.2, concentrating on the incorporation of Latin legal terms into the Estonian sentence and the errors in orthography conditioned by Latin pronunciation rules.

¹⁸ M. Ristikivi. Ladina keel ajakirjas *Juridica* 1993–2002. – *Juridica*, 10/2003, pp. 727–732.

¹⁹ W. Wołodkiewicz, J. Krzynówek. *Lacinskie paremie w europejskiej kulturze prawnej i orzecznictwie sądów*. Warszawa: Liber, 2001. The findings of this study are briefly discussed in R. Manko's article, see: *The culture of private law in Central Europe after Enlargement: a Polish Perspective*. – *European Law Journal*, 11/2005, pp. 527–548.

²⁰ D. Kurzon. Latin for lawyers: Degrees of textual integration. – *Applied Linguistics* 3, 8/1987, pp. 233–240.

²¹ H. A. Kelly. Lawyers' Latin: *Loquenda ut vulgus?* – *Journal of Legal Education*, 1988, pp. 195–207.

The author of the present thesis has published an article in two parts in the journal *Õiguskeel*, analysing the semantic aspect of Latin terms and their context.²² A more extensive study in the same field is my Master's thesis "Ladina päritolu juriidilised terminid eesti õiguskeeles" ('Legal Terms of Latin Origin in the Estonian Legal Language')²³, which is based on the research done in order to compile "Ladina-eesti õigussõnastik" ('Latin-Estonian Legal Dictionary')²⁴. The publications that are based on the results of the latter studies²⁵ partly also form the basis for this doctoral thesis. The articles included in this dissertation, though, elaborate on the issues under observation as regards both the quantity and scope of the material, while the general overview of the development and spread of Latin terminology in Europe has been excluded in favour of focusing on Estonian juridical texts and the Estonian legal language.

In comparison with earlier studies, the present dissertation is more comprehensive, analysing the material that covers a longer period. Also, research material is different, being constituted by the dynamic genre of juridical periodicals. It combines the qualitative and quantitative method of study and takes a contextual approach to the analysis of the usage of terminology, while previous studies mostly concentrated on the quantitative usage of terminology.

²² M. Ristikivi. *Ignoratis terminis artis ignoratur et ars*. – *Õiguskeel*, 2/2005, pp. 27–36; *Õiguskeel* 3/2005, pp. 36–40.

²³ M. Ristikivi. *Ladina päritolu juriidilised terminid Eesti õiguskeeles*. Magistritöö. Tartu, 2006 (a copy available at the Library of Tartu University).
<http://dspace.utlib.ee/dspace/bitstream/10062/1016/5/ristikivim.pdf>

²⁴ K. Adomeit, M. Ristikivi, H. Siimets-Gross. *Ladina-eesti õigussõnastik*. Tallinn: Eesti Keele Sihtasutus, 2005.

²⁵ M. Ristikivi. *Ladina juriidiline fraseoloogiasõnastik – kellele ja milleks? – Toimiv keel II. Töid rakenduslingvistika alalt*. Tallinn: TPÜ Kirjastus, 2004, pp. 236–243; M. Ristikivi. *Latin: The Common Legal Language of Europe? – Juridica International*, 10/2005, pp. 199–202.

3. METHODOLOGY OF CURRENT STUDY

3.1. Research subject and material

3.1.1. Legal language

Legal language is the technical language of jurists, i.e. specific and functional usage of language. General language and technical language can be distinguished mostly by the differences in vocabulary and phrasing deriving from the purpose and peculiarities of usage. General language is a form of language used by the public at large. In comparison, technical language is more specific: its distinctive features are clarity and precision, its expressions are formal and standardised, and it can be characterised as being international.²⁶

The usage of language in the sphere of jurisprudence can be divided into the technical language of jurisprudence and the language of legislation.²⁷ The language of legislation is used when raising people's awareness of and dealing with issues that carry importance for the entire society, whereas the technical language of jurisprudence is applied when juridical problems are dealt with in a scholarly fashion and the ideas expressed in the language of legislation are described and analysed.

The object of study in the current doctoral thesis is the technical language of jurisprudence, and the material is mainly comprised of juridical publications. Legislative texts and the problems in using Latin legal terminology in Estonian court judgements are not investigated; hence the term legal language in the current thesis refers to the language of jurisprudence.

From the viewpoint of terminological analysis, the differentiation between the language of jurisprudence and the usage of language in legislation and court rulings has significance primarily with reference to the target group. The phrasing in judicial decisions and legislative texts ought to be comprehensible to a wide range of readers, including individuals who have not studied jurisprudence. For that reason, in these texts native words are preferable to foreign words and terms. The target group of legal journals is usually lawyers, so the usage of professional foreign terms in order to communicate information

²⁶ More about the relationship between general language and language for specific purposes see E. Oksaar. Alltagssprache, Fachsprache, Rechtssprache. Zeitschrift für Gesetzgebung, 4/1989, pp. 210–237; W. Otto. Die Paradoxie einer Fachsprache. – Die Sprache des Rechts und der Verwaltung. Hrsg. I. Radtke. Stuttgart: Klett-Cotta, 1981, pp. 44–57; R. Kull. Kirjakeel, oskuskeel ja üldkeel. Tallinn: Eesti Keele Sihtasutus, 2000, especially pp. 11–13, 98–101.

²⁷ About classifying legal language see K. Kerge. Kirjakeele kasutusvaldkondade süntaktiline keerukus. – Tekstid ja taustad. Artikleid tekstianalüüsist. Ed. R. Kasik. Tartu Ülikooli eesti keele õppetooli toimetised 23. Tartu: Tartu Ülikooli Kirjastus, 2002, pp. 37–38, E. Oksaar. Alltagssprache, Fachsprache, Rechtssprache. Zeitschrift für Gesetzgebung, 4/1989, pp. 233–235.

from lawyer to lawyer is expected and justified. Latin terms, being precise and economical, uphold and formulate the corpus of concepts in the field of law; they constitute the basic elements of expression for the object and essence of the subject, and as such they are an integral part of the language of jurisprudence.

3.1.2. Legal journals as object of study

The research material for the thesis is the major legal journals published in Estonian in the 20th and 21st centuries. Periodicals have a special role as one of the media for law and jurisprudence. In comparison with other types of scholarly texts, such as course books, monographs, or dissertations on jurisprudence, as well as legislation and court rulings, the choice of journals for terminological analysis has a clear advantage with regard to the topicality of its subject matter. Formally, periodicals are the most dynamic medium of law, reflecting the daily life of a particular legal culture.²⁸ Legal journals respond promptly to the changes in the legal affairs, and in those new legislation and topical juridical issues are analysed and commented on. As a result, juridical periodicals can be called “a medial crossing-point” where jurisprudence, court and administrative practice, regulatory policies and politics in general meet.²⁹ In short, this is the everyday life of a particular legal culture.

Presenting relevant legal information, a legal journal becomes the memory of a legal culture of a particular age. From the point of view of terminological studies, this enables us to draw conclusions concerning the subject matter and areas that jurists have discussed most in their writing, using Latin terms.

In the context of legal literature in Estonian, legal journals are also the only genre of academic discourse offering a comprehensive overview of the main areas of law in the periods under observation. Although several law textbooks written in Estonian were published prior to World War II and study books for university students were translated from Russian into Estonian in the Soviet era, not all areas of law were covered by the material in Estonian in those periods. As the journals selected for this thesis were the major, or even the only, media for communicating juridical information to the readers in their respective periods, they contain articles about all major areas of law, thus allowing to conduct a comparative study as regards their content.

²⁸ About legal journalism in Europe in the 18th–20th centuries see M. Stolleis. *Juristische Zeitschriften – die neuen Medien des 18.–20. Jahrhunderts. – Juristische Zeitschriften. Die neuen Medien des 18.–20. Jahrhunderts. Ius Commune Sonderhefte, Studien zur Europäischen Rechtsgeschichte*, 128. M. Stolleis (Hrsg.). Frankfurt a.M.: Klostermann 1999, pp. XII–XIV.

²⁹ *Ibid*, p. XII.

3.1.3. Legal journals in Estonian

Publication of legal journals in Estonian began in the first decade of the 20th century.³⁰ A total of 15 periodicals have been issued in a hundred years.³¹ The first journal – *Seadus ja Kohus* ('Law and Court'), started in 1909 – was published in St. Petersburg, not in Estonia, as a supplement to the newspaper *Peterburi Teataja*. During the years of Soviet occupation, *Õigusteaduslik Ajakiri* ('Jurisprudential Journal') was published outside Estonia, issued in Stockholm and Lund. All other legal journals were published in Estonia: Tallinn, Tartu or Pärnu.

The 20th century was politically a very controversial time for Estonia, and the need for legal information produced a remarkable number of legal journals. Yet, in terms of substance and volume, all these journals are very different. Several periodicals were only issued in a few single volumes, while others have had considerable influence on jurisprudence and legal competence in Estonia for decades. The latter have been selected as the research material for the current doctoral thesis.

Subsequently, the object of study in the thesis are the following journals: *Õigus* ('Law', 1920–1940), the most influential legal journal prior to World War II (i.e. during the first period of independence in Estonia); *Nõukogude Õigus* ('Soviet Law', 1967–1989; in this thesis the last five years of publication, 1985–1989, are researched), characterising the end of the Soviet legal system; *Eesti Jurist* ('Estonian Lawyer', 1990–1994), characterising the transition period; *Juridica* (1993–2008), the legal journal containing articles written after independence was regained.

Õigus was issued by the Association of Jurists in Tartu. The authors and the editorial board included professors at Tartu University, judges of the Supreme Court, prominent lawyers, the Chancellor of Justice – the most active and renowned figures in the field of law in Estonia at the beginning of the 20th century. *Õigus* mostly consists of articles and overviews of the activities of the Supreme Court. In addition, some issues contained reviews of new legal literature published in Estonia as well as in foreign countries, overviews of international congresses and conventions, advertisements and practical legal information, as well as presentations and speeches at the *Õigusteadlaste Päev* (Day of the Jurists). Much space was dedicated to writings about the legal matters and legislation in the neighbouring countries – Finland, Latvia, Soviet

³⁰ About publication of juridical periodicals in the Baltic provinces of the Russian Empire in the 19th century see: M. Luts. Die juristischen Zeitschriften der baltischen Ostseeprovinzen Russlands im 19. Jahrhundert: Medien der Verwissenschaftlichung der lokalen deutschen Partikularrechte. – Juristische Zeitschriften in Europa. Hrsg. M. Stolleis, T. Simon. Frankfurt am Main: Vittorio Klostermann, 2006, pp. 67–116.

³¹ In Appendix 6, an overview of all juridical periodicals in Estonian published in the 20th–21st centuries is given.

Russia – as well as other European countries – such as Poland, Hungary, Italy, Germany, Belgium – and even China.

The transition from the Soviet legal order to the Western legal system is investigated in the thesis, relying on the journals *Nõukogude Õigus* and *Eesti Jurist*. Most years of publication of *Nõukogude Õigus* were excluded and only the last five years, 1985–1989, were included. *Eesti Jurist* was published in 1990–1994. Subsequently, five years of the issues of both journals were selected for the research.

The latter two journals were published by the Ministry of Justice, officially the Ministry of Justice of the Estonian SSR until 1991, and from then on the Ministry of Justice of the Republic of Estonia. Formally, the editorial board of *Nõukogude Õigus* continued to publish a new periodical *Eesti Jurist*. In the new periodical, several features of *Nõukogude Õigus* were maintained, and also the layout remained the same for the time being. In addition to articles proper, information about defences of dissertations was presented, and also lists of the names of the students who graduated from the Faculty of Law of Tartu University were printed; another feature that was retained was printing reviews of conferences in the Soviet Union and in foreign states, travel accounts and interviews with foreign jurists and lawyers. Overviews of the activities of the Prosecutor's Office, the Court of Arbitration, the Bar Association and the Ministry of Justice appeared. Both journals introduced new legal literature, legal acts and the practice of the Supreme Courts of the USSR and the Estonian SSR / later the Republic of Estonia. Starting from 1993, *Eesti Jurist* was published by the Association of Estonian Lawyers. Not only was the former editorial board replaced, but also the layout was modernised and photos and other types of illustrative material began to be used. The journal became first and foremost a means of disseminating practical information on the questions of law. In 1994, *Eesti Jurist* was merged with *Juridica*, which had been started a year earlier, in 1993, at the Faculty of Law of Tartu University.

Juridica is a periodical issued by the Faculty of Law at Tartu University, in which the majority of Estonian juridical publications appear. *Juridica* has a wide circle of authors, thus having become a representative object of linguistic study. In years, besides jurists and lawyers, specialists from different academic fields have had their articles published in it. By 2007, i.e. in fifteen years of publication, the number of authors in *Juridica* increased to 540.³² The range of topics includes besides public and private law in Estonia also international law and EU law, as well as legal theory, legal history, legal philosophy. However, articles written about legal history and Roman law, which due to the subject matter include numerous Latin terms, are rather scarce. The issues of *Juridica* tend to be dedicated to specific themes, and frequently summaries of different areas of law are given: the current problems in legislation are discussed and

³² P. Pruks. *Juridica* 150 numbrit ja 15 aastat – kuidas edasi? – *Juridica*, 4/2008, p. 263.

theoretical and practical commentaries are printed pertaining to the issues that have arisen in the process of implementing legislative acts.

3.2. Research questions, method and hypothesis

Latin terminology and its influence on the Estonian legal language is a subject that covers an almost century-long period from the development of special vocabulary in Estonian to integration into Europe. According to N. Fairclough, socio-political developments have an impact on language usage³³, so the current doctoral thesis deals with both intralinguistic and extralinguistic aspects and the relationship between those.

The chapter of results focuses on the following issues: how the usage of Latin terms on sentence level in legal texts in Estonian differs in the aforesaid three periods – prior to World War II, on the example of the journal *Õigus*; during regained independence on the basis of *Juridica*; and in the so-called transition period on the example of *Nõukogude Õigus* and *Eesti Jurist*. From an intralinguistic viewpoint, also the question of the role of Latin terms in legal language is explored, i.e. to what extent, in the context of legal reforms and new legal environment, are Latin terms for authors of juridical articles a means of signifying legal structures, relationships, values and changes.

From an extralinguistic or social aspect, this study analyses whether and how the changes in political system and legal order are reflected in the usage of Latin terminology in articles written by jurists. In addition, as part of the problem of the study, the difficulties and errors in the usage of Latin terms are examined. Since these difficulties and errors do not result directly from the existing political structures, it is necessary to analyse also the connection between the usage of Latin legal terms and law education.

In carrying out the present survey, lexical-semantic analysis was used as the main research method, which relies on statistical analysis for quantitative structure of research material. The chapter of results encompasses Latin legal terms as the lexical units of technical language in the context of the Estonian sentence, in which become evident their linguistic parameters – the meaning of a term and its syntactic function that would correspond to the Latin morphological form. From the aspect of lexis, the language contacts apparent in the usage of native expressions containing elements from foreign languages are examined. In respect of semantics, the analysis concentrates on the essence of Latin terms and their contextual meanings. A diachronic (over time) and synchronic (at a particular point in time according to the source) comparison was made of the numerical data collected on the basis of research material in order to describe the qualitative changes in text. Such a combination of the

³³ N. Fairclough. *Critical Discourse Analysis*. London: Longman, 1995, pp. 74–78.

qualitative and quantitative research methods ensures more substantive and practical results than relying on quantitative analysis only.

The hypothesis about legal reforms and changes in political structures, as well as their effects on terminology and legal language, being reflected in juridical publications is based on the research conducted by the sociolinguists M. A. K. Halliday and N. Fairclough³⁴, according to which the author of a text uses language selectively for his purposes. The correlation between the usage of language and political power, particularly ideology, began to be examined systematically from the middle of the 1970s. Such research was largely based on M. Halliday's work. Later, in the 1990s, N. Fairclough led the way in this field. The theoretical standpoint of this school of thought is that language reflects and creates reality. Halliday and Fairclough remark that in making linguistic choices – choosing words and terms, sentence structures, and other rhetorical systems – the author creates a text of certain characteristics and meaning. The author of the text uses language as a tool for presenting his own judgements, attitudes, and comments; he/she constructs text from a certain standpoint and thus writes for himself/herself the corresponding role in the discourse.³⁵ Halliday says that the homogeneity or heterogeneity of texts (either one or several aspects are dealt with) can be linked to the power structures associated with the given phenomenon or institution.³⁶ Consequently, the text produced may be censored, lacking the discourse that would present diverse viewpoints, as this censorship results from the social situation and the existing power relations and ideologies. These matters and subjects clearly come to the fore in the current doctoral thesis, because in all periods under examination changes in legal order occurred, which subsequently had an effect on legal

³⁴ M. A. K. Halliday. *Text as Semantic Choice in Social Contexts. – Grammars and Descriptions. Studies in Text Theory and Text Analysis.* Eds. T. A. van Dijk, J. S. Petofi. New York: Walter de Gruyter, 1977, pp. 176–225; M. A. K. Halliday. *Language as Social Semiotic: The Social Interpretation of Language and Meaning.* Baltimore: University Park Press, 1978; M. A. K. Halliday. *The Semiotics of Culture and Language.* London: Pinter, 1984; M. A. K. Halliday, R. Hasan. *Language, Context and Text: Aspects of Language in a Social-semiotic perspective.* Oxford: Oxford University Press, 1985; M. A. K. Halliday. *The Language of Science.* London, New York: Continuum, 2004; M. A. K. Halliday. *Language and Society.* London, New York: Continuum, 2007; N. Fairclough. *Language and power.* London, New York: Longman, 1989; N. Fairclough. *Discourse and Social Change.* Cambridge: Polity Press, 1992; N. Fairclough. *Discourse and Text: Linguistic Intertextual Analysis within Discourse Analysis. – Discourse and Society, 3/1992 (2), pp. 193–217; N. Fairclough. Analysing Discourse: Textual Analysis for Social Research.* London: Routledge, 2003.

³⁵ M. A. K. Halliday. *Language as Social Semiotic: The Social Interpretation of Language and Meaning.* Baltimore: University Park Press, 1978, pp. 136–144; N. Fairclough. *Critical Discourse Analysis.* London: Longman, 1995, pp. 17–19, 70–86; also N. Fairclough. *Discourse and Social Change.* Cambridge: Polity Press, 1992, pp. 38–43.

³⁶ M. A. K. Halliday. *Language and Society.* London, New York: Continuum, 2007, pp. 197–203.

culture. Legal culture, in its turn, finds expression in legal language, a part of which are also terms derived from Latin.

The method chosen for the current thesis enables to research legal language and terminology and to look for hidden structures in written text. We can examine the choices made by the authors: what is communicated and what is discarded, what is highlighted and what is hidden, what is the subject matter and what is not. The main hypothesis is based on the relationship of the social conditions and the developments of legal language. Latin-based terms play a significant role in this. Not only do the quantitative data vary in the usage of Latin terms, but also the contextual and semantic parameters differ. The ways in which the dynamics and the qualitative characteristics in the usage of Latin terms are connected with the process in the scholarly discourse in law reflect the development of legal language in general. Latin terms are not only an ornamentation and traditional device in the texts, but play an active role in explaining juridical issues. The sphere in legal language in which Latin terms and expressions are used has its roots in European legal culture. There exists a connection between the usage of foreign terminology and legal education.

3.3. Structure of doctoral thesis: compendium and articles

The doctoral thesis consists of six articles, of which three – ”Latin Terms in Estonian Legal Journalism in the Interwar Period: Practical Tools for a Young Legal Culture”, ”Terminological Turn as a Turn of Legal Culture” and ”*Lexica iuridica* in *Juridica*: Latin Terms as a Reflection of Europeanisation of Estonian Legal Culture” – analyse the impact of the radical legal reforms in Estonia in the 20th and 21st centuries on legal culture and examine how it is mirrored in the usage of Latin legal terms in legal journals in Estonian.

The article ”Ladina õigusterminite vormilise ja sisulise korrektsusest” (‘Accuracy of the Form and Content of Latin Legal Terms’) deals with problems in the usage of Latin terms on the basis of the journal *Juridica*, investigating the most frequent errors in the orthography of Latin words and in translation of Latin expressions, as well as difficulties in incorporating Latin quotations into the Estonian text.

The articles ”Ladina terminid tsiviilõiguses: eestikeelsed originaalõpikud versus tõlkeõpikud” (‘Latin terms in civil law: original textbooks in Estonian versus translated textbooks’) and ”Язык римского права: теоретические принципы и методы преподавания в Тартуском Университете” (‘Language of Roman Law: Theoretical Principles and Teaching Methods at the University of Tartu’) continue the analyses in the aforesaid articles and examine how and on what basis the usage of Latin terms of today’s lawyers has developed. All these articles are interconnected also in regard to the subject matter: Latin terms originating from Roman law convey and formulate the professional concepts of

modern civil law, being the necessary means of expression to denote the object and content of the discipline.

The results of the research are presented in three subdivisions in the next chapter. The part of the dissertation concerning the results follows the themes of the articles and explores how many and which particular Latin terms occur in the writings of Estonian jurists, what are the difficulties in using them, and according to which principles professional vocabulary is acquired.

The first subchapter (4.1) reviews the lexical material collected from legal journals. The articles included in the doctoral thesis examine the usage of terminology in each period and journal separately. Subsequently, this is the first time that all the findings of previous studies are subjected to comparative analysis, enabling us to describe the usage of terminology from the point of view of the Estonian language and culture, and identify the characteristics or similarities of different periods, as well as draw conclusions regarding possible future trends.

The second subchapter (4.2) observes practical issues as regards the usage of Latin terms by Estonian authors and focuses on the specific aspects of the orthography and morphology of Latin words incorporated into the Estonian sentence. The third subchapter (4.3) concentrates on the subject of law studies and teaching professional vocabulary in Latin in the years surveyed in the course of the research.

4. RESULTS OF RESEARCH

4.1. Latin terms in the research material

4.1.1. Statistical data and the dynamics of the usage of terminology

4.1.1.1. Periodicals *Õigus* and *Juridica*

The comparison of the results achieved from the analysis of the journals *Õigus* and *Juridica* is justified by the similarity of the cultural-political context: a few years before *Õigus* and *Juridica* began to be published, Estonia became an independent state and in both periods there was a conscious attempt to orient towards western legal thinking. Both periodicals were the principle means of circulating juridical material in Estonian in their respective periods and additionally, the periods of publication of both are comparable: *Õigus* was published for 21 years in 1920–1940, while *Juridica* has been issued since 1993. As for *Juridica*, originally statistical data from 1994–2006 was given, but the present summary also comprises more recent data up to 2008. Thus, information regarding 16 years of publication of *Juridica* is included in the research.

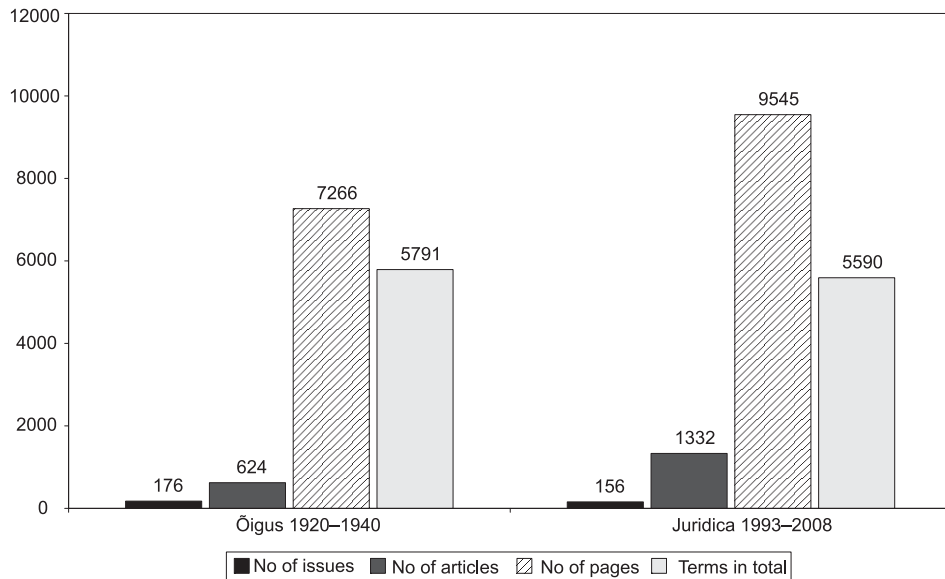
In previous publications, *Õigus*³⁷ and *Juridica*³⁸ were examined separately and the inner dynamics of the usage of terminology in both was analysed. In current research, however, those results are the object of a comparative analysis. The general statistical data about the scope of material and the terms examined are summed up in Graph 1.

With regard to the scope of research material, it must be pointed out that in total, 176 issues of *Õigus* were published in 21 years. In both the first and the last year of its publication, only three issues appeared. From 1921 to 1928, eight issues of *Õigus* were published per year, on average³⁹, and from 1929 onwards, as many as 10 issues per year. All in all, the research material comprises 624 articles and 7266 pages.

³⁷ A detailed review of Latin terms occurring in the journal *Õigus*: M. Ristikivi. Latin terms in Estonian legal journalism in the interwar period: Practical tools for a young legal culture. – *Juridica International*, 16/2009, pp. 231–239 (the original article of the current thesis, i.e. publication I).

³⁸ About Latin terms in the language of today's lawyers see M. Ristikivi. *Lexica iuridica* in *Juridica*: Latin Terms as a Reflection of Europeanisation of Estonian Legal Culture. – *Juridica International*, 12/2007, pp. 173–179 (publication III).

³⁹ In 1921 and 1928, several issues appeared as voluminous and thematically compiled editions containing for instance the presentations made at the conferences of the Association of Legal Scientists.



Graph 1: General statistical data: periodicals *Õigus* and *Juridica*

According to the previous results of the article on which the doctoral thesis is based⁴⁰, the 136 issues of *Juridica* analysed for the study include 1192 articles and 8077 pages. In the first year, 1993, six issues were printed but in all subsequent years ten issues were published. Therefore 20 new issues, 140 articles and 1468 pages have been added to the research material in two years, 2007–2008; all in all, 16 years of *Juridica* comprises 156 issues, 1332 articles and 9545 pages.

Comparing the two journals, it is noteworthy that even though throughout the years of its publication *Õigus* had 20 issues more than *Juridica*, the latter has twice as many articles and about 2300 more pages. This means that while 35 articles per year appeared in *Õigus*, more than twice as many have appeared in *Juridica*, amounting to approximately 85 articles per year. As both were edited in periods marked by influential changes and significant reforms in Estonian legal history, the differences in the scope of the materials cannot be explained by alterations in legal order and the ensuing need for up-to-date juridical information. Rather, the differences can be explained, on the one hand, by the dissimilarities of the content – in *Juridica* the main focus is on analytical articles, with little space being devoted to information about conferences and recent literature. *Õigus* contained, next to the articles on jurisprudence and commentaries on legislation, also information about legal practice: each issue

⁴⁰ M. Ristikivi. *Lexica iuridica* in *Juridica*: Latin Terms as a Reflection of Europeanisation of Estonian Legal Culture. – *Juridica International*, 12/2007, pp. 173–179 (publication III).

ended with a summary of the decisions made by the Supreme Court (*Riigikohus*). Once a year, a statistical review of the activities of different court instances in various towns in Estonia was printed (the number of cases heard, the number of cases settled, and the number of pending cases). In addition, some issues included summaries of the activities of the Parliament (*Riigikogu*), overviews of new literature on law in Estonia as well as abroad, reviews of international congresses and conventions, and summaries of the presentations of the speakers at the *Õigusteadlaste päev* ('Day of the Jurists') conferences.⁴¹

On the other hand, the average number of articles in *Juridica* is greater because the pieces of writing printed in it are more exhaustive. In the earlier years of publication the articles were relatively short, only 2–3 pages on average and approximately over a hundred articles were published in a year. The biggest qualitative change occurred in 2000, when the periodical had 687 pages altogether and the number of articles decreased to 74, making the average length about nine pages.⁴² In the past five years, 2004–2008, the same volume-to-article-number ratio has been retained – i.e., about 70 articles per 734 pages published in a year, with the average length about ten pages. Hence the articles have become longer and more comprehensive over the years and the brief reviews and commentaries of the early years have been replaced by more extensive and detailed analyses.

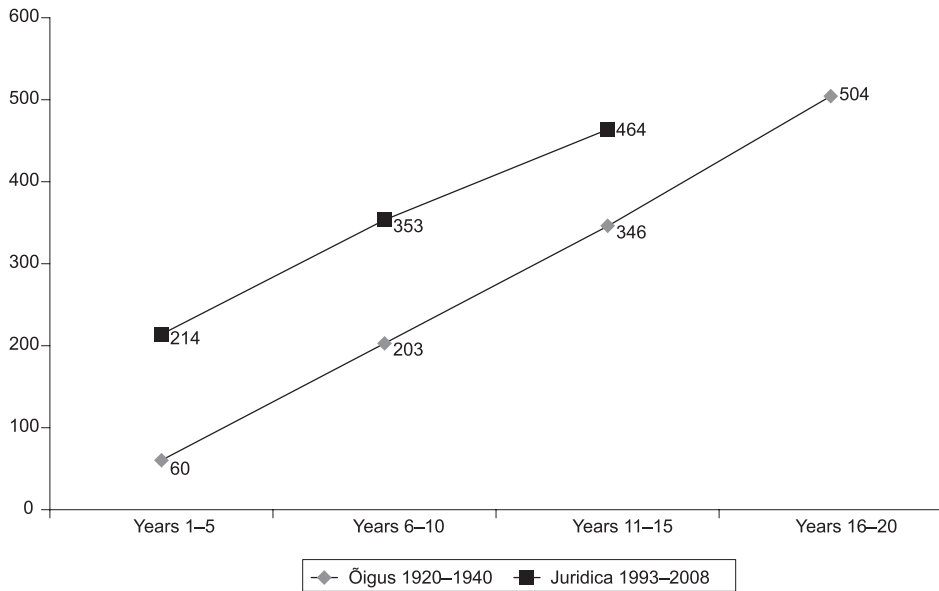
The comparison of the frequency of Latin terms in the two journals reveals that in *Õigus* Latin terms were used 5,791 times, with 32 Latin expressions per issue and 9 Latin terms per article on average. If we divide the number of pages by the number of terms, we can see that, on average, 0.8 expressions per page were used; i.e., the Latin language appears on almost every single page of *Õigus*.

In *Juridica*, the number of Latin terms in the 16 years of publication is 5590. In comparison with *Õigus*, there is a greater number of terms per issue – on average, 35 terms. However, calculating the frequency of occurrence per article and per page, we find that in comparison with *Õigus*, in *Juridica* only half as many Latin terms are used – 4 expressions per article and 0.5 per page, i.e. the Latin language appears on every second page of *Juridica*, on average.

The dynamics of the occurrence of Latin terms throughout the years (Graph 2) reveals that in the years of its publication, *Õigus* enjoyed a steady growth in the usage of terminology. The graph shows us the average frequency by five-year periods. The number of Latin terms used, being around 60 terms per year in the initial years of publication, steadily rose to 300 and even more in later years, finally totalling 500.

⁴¹ M. Ristikivi. Latin terms in Estonian legal journalism in the interwar period: Practical tools for a young legal culture. – *Juridica International*, 16/2009, p. 234 (publication I).

⁴² M. Ristikivi. *Lexica iuridica* in *Juridica*: Latin Terms as a Reflection of Europeanisation of Estonian Legal Culture. – *Juridica International*, 12/2007, p. 174 (publication III).



Graph 2: Dynamics of terminology usage: periodicals *Õigus* and *Juridica*

In *Juridica* Latin terms are used more frequently from the very beginning of the publication of the journal, 200 instances per year on average. In the middle years of publication this number is *ca* 350, and in recent years the trend has continued, totalling 464 Latin terms per year in 2003–2007. The average of 2008 – 434 instances of usage – indicates that the trend is continuing.

In both *Õigus* and *Juridica* the dynamics of the usage of terminology reflects the situation of the Estonian legal order and its changes during the years of publication of the periodicals. *Õigus* appeared at a time when legal science in the Estonian language was founded. A major task faced by the new legal culture was to draft new laws and develop terminology in the native language. The widespread usage of Latin terms in the writings of the jurists of the time did not minimise the importance of the efforts to introduce and popularise legal terminology in the native language, though. On the contrary, Latin terms supplemented and specified the new vocabulary and acted as an intermediary when the German and Russian legal languages employed earlier were replaced by the Estonian legal language. Making use of the Latin terms that the jurists were already familiar with next to the new Estonian terms made it easier to understand and explain the latter.

Using Latin terms in *Õigus* was conditioned directly by the existing laws. Until the adoption of the new laws, the old ones remained in force, having been imposed in the Estonian and Livonian provinces during the tsarist regime, e.g.

the Baltic Private Law Act⁴³, which relied heavily on Roman law⁴⁴ and contained a great number of Latin terms. The Baltic Private Law Act, the basis for the new Estonian Civil Code which was being drafted, remained in force until the Soviet occupation in 1940, and formed one of the central elements in the juridical discourse.⁴⁵ The more frequent usage of Latin terms in the middle and at the end of the 1930s was influenced by the drafts of the new Civil Code prepared in those years, which naturally led to corresponding scholarly discussions.⁴⁶ Thus, Latin terms had an intermediary role not only in the process of developing a new legal language, but also in preparing and, above all, expounding on new regulatory policies.

The substantial changes in the development of the law in Estonia have also had an effect on the usage of terminology in *Juridica*. After the Republic of Estonia regained her independence in 1991, a radical legal reform followed, which can be characterised in brief as abandoning the former Soviet law and becoming part of the Western legal environment, which largely depends on the Latin language. In this era, also the accession of the Republic of Estonia to the European Union took place (on 1 May 2004). This, in turn, has brought along the application of European law and the rulings of the European Court of Justice within the context of the laws of the Estonian state. The integration into

⁴³ Provincialrecht der Ostseegouvernements. Dritter Theil. Privatrecht. Liv-, Est- und Curlaendisches Privatrecht. Zusammengestellt auf Befehl des Herrn und Kaisers Alexander II. St. Petersburg: Buchdruckerei der Zweiten Abtheilung Seiner Kaiserlichen Majestät Eigener Kanzlei 1864. The original version of the code was prepared in German, the Russian version was also compiled and published immediately: Svod mestnyh uzakonenij gubernij ostzejskih. Cast' tretja. Zakony grazdanskie. St. Petersburg, 1864. About the different redactions of the Baltic Private Law Act see T. Anepaio. Tuntud tundmatu seadustik. Baltieraseaduse väljaanded. – Õpetatud Eesti Seltsi Aastaraamat 1994–1999. Tartu: Õpetatud Eesti Selts, 2002, pp. 302–324. About compiling the Baltic Private Law Act and its importance see M. Luts. Private Law of the Baltic Provinces as a Patriotic Act. – *Juridica International* 5/2000, pp. 157–167; B. Dölemeyer. Das Privatrecht Liv-, Est- und Kurlands von 1864. – *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte*. Hrsg. H. Coing. Bd. 3. Teilbd. 2. München: Beck, 1982, pp. 2076–2090.

⁴⁴ About the role of Roman law in the Baltic Private Law Act, see H. Siimets-Gross. Roman Law in the Baltic Private Law Act – the Triumph of Roman Law in the Baltic Sea Provinces? – *Juridica International* 12/2007, pp. 180–189.

⁴⁵ The influence of the Baltic Private Law Act goes back further in time: for instance, in regulation of types of servitudes it was transmitted into the 1993 Law of Property Act through the 1940 draft Civil Code Act. More about that see M. Luts. Textbook of Pandects or New Style of Legislation in Estonia. – *Juridica International* 6/2001, pp. 152–158. In 2003, the corresponding sections in the Law of Property Act were repealed, see Asjaõigusseaduse, kinnistusraamatuseaduse ja nendega seonduvate seaduste muutmise seadus. RT I 2003, 13, 64.

⁴⁶ In 1935 (No 6) and 1936 (No 7), special issues of *Õigus* were published, introducing the drafts of the Civil Code and its differences in comparison with the Baltic Private Law Act.

international trade and cross-border transactions additionally entails the growing import of private international law.

The legal reform in Estonia has been accompanied by changes in the usage of terms by Estonian lawyers. In the periodical *Juridica*, the integration of the Estonian legal language into European legal culture is reflected by a relatively great increase in the usage of terms in Latin, both in the sense of the general occurrence of terms and with regard to the adoption of numerous new Latin terms.

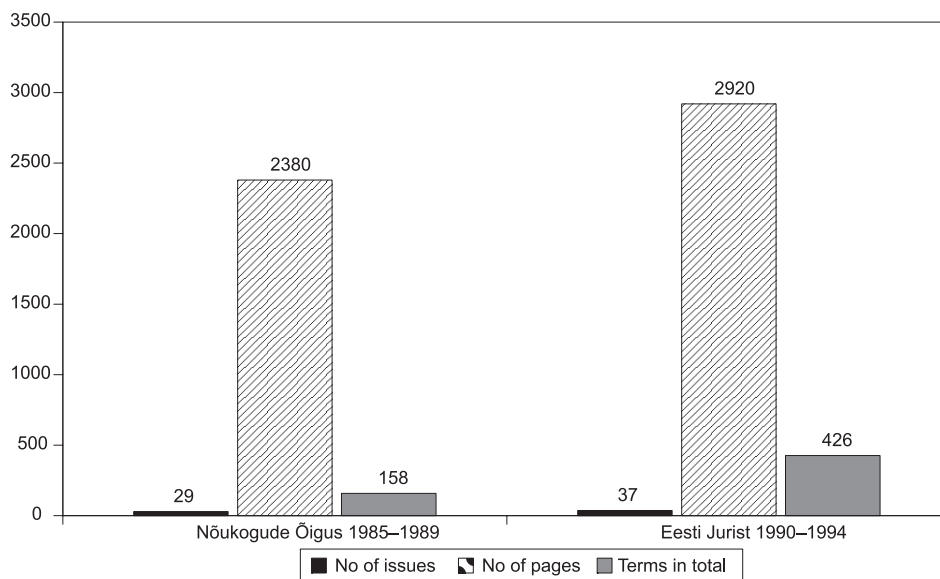
The data on the dynamics of terminology usage in *Õigus* and *Juridica* show that in both journals there has been a steady increase in the usage of Latin terms throughout the years. The conscious desire to be European is mirrored in the usage of language of the authors who are jurists, as well as in their vocabulary, which traditionally relies heavily on the Latin language.

4.1.1.2. Periodicals *Nõukogude Õigus* and *Eesti Jurist*

Statistical comparison of *Nõukogude Õigus* and *Eesti Jurist* concerns five years of publication of both. Even though *Nõukogude Õigus* was published from 1967 to 1989, the article on which this doctoral thesis relies⁴⁷ analysed the issues of the last five years of publication, 1985–1989. The last five years enable us to contrast the results with those regarding the journal *Eesti Jurist* which was published from 1990 to 1994. Together, these ten years clearly mark the transition from the Soviet legal order to the European legal environment.

The comparison of general statistical data (Graph 3) shows that the research materials include 2380 pages of *Nõukogude Õigus* which had 29 issues in five years. The volume of *Eesti Jurist* is 2920 pages, published in 37 issues. Until 1993, both journals had six issues and 480 pages per year on average. In 1993, a noticeable change occurred in *Eesti Jurist*: the layout of the journal was altered, 12 issues per year began to be printed and the number of pages grew from approximately 480 to 750. This change came about due to the replacement of the publisher and the editorial board: earlier both periodicals had been issued by the Ministry of Justice. In fact, *Eesti Jurist* developed from *Nõukogude Õigus*, because in 1990, when the new periodical began publication, the editorial board was not replaced and even the features and layout remained the same. In 1993, *Eesti Jurist* began to be published by the Association of Estonian Lawyers and the whole editorial board was replaced.

⁴⁷ M. Ristikivi. Terminological Turn as a Turn of Legal Culture. – *Juridica International*, 15/2008, pp. 175–182 (publication II).



Graph 3: General statistical data: periodicals *Nõukogude Õigus* and *Eesti Jurist*

Until 1993 both periodicals were compiled in a similar fashion: *Nõukogude Õigus* as well as *Eesti Jurist* published besides scholarly articles also extracts from new laws and decisions of higher courts, as well as reviews of new literature. This kind of material in *Nõukogude Õigus* took up more than half of each issue, so in all issues the 8–10 articles published were relatively short, about 2.5–4 pages, and rarely included an exhaustive analysis of the topic at hand. In *Eesti Jurist* the articles made up also about a half of each issue, but the articles were longer and fewer in number, *ca* 7–8 per issue, being 4–5 pages long.

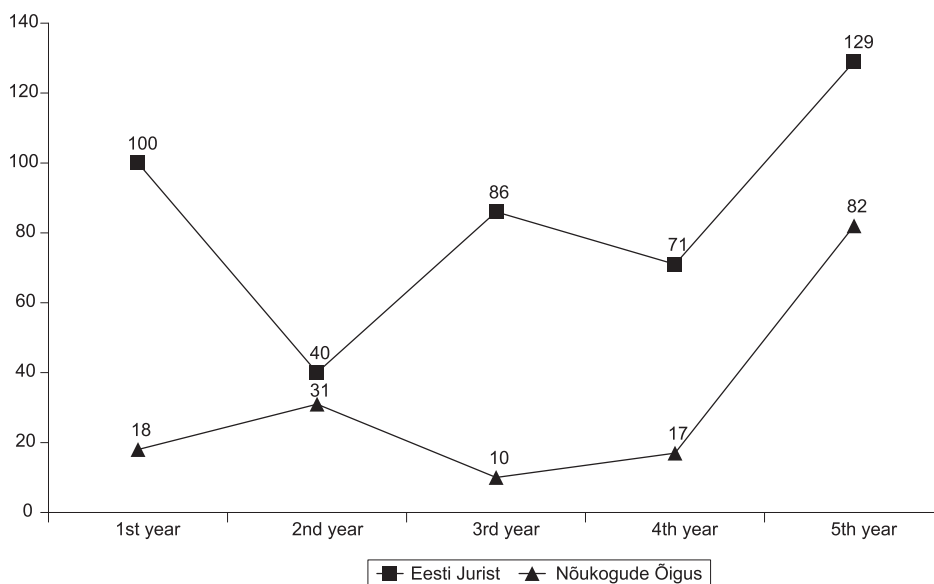
In 1993, the whole concept of *Eesti Jurist* was transformed: first and foremost, practical legal information began to be disseminated. The bulk of the content comprised legislative texts and commentaries on them, with articles now taking up only a third of the periodical. Overviews of court practice continued, and reviews of the legislation by ministries and local governments were added, as were chronicles of the Estonian Parliament (*Riigikogu*) proceedings. Much space began to be devoted to the bibliography of new legal literature and reviews of articles on juridical issues that appeared in Estonian newspapers.

The greatest difference between these two journals and *Õigus* and *Juridica* lies in the usage of terms in Latin. A large proportion of the content of *Õigus* was also dedicated to court practice and reviews of legal publications, but Latin occurs virtually in these overviews as well. In *Juridica*, analytical overviews of decisions of the Supreme Court is a new feature, but several reviews of new books have appeared. Considering the overall volume of the journal, these take

up rather little space, and thus the bulk of the journal consists of articles, but Latin terms are found in all parts. In *Nõukogude Õigus* and *Eesti Jurist* Latin has been used only in articles and historical reviews – i.e., in about half of the content. The remaining half, which distributes practical information and introduces new legal acts, as a rule contains no Latin terms.⁴⁸ This also explains the small number of Latin terms in both. In the articles in *Nõukogude Õigus*, Latin was used 158 times in five years, thus on average 5.4 terms per issue. If we divide the number of pages by the number of terms, we can see that the Latin language appears only on every 15th page of *Nõukogude Õigus*, on average. In the articles in *Eesti Jurist*, Latin was used 426 times in total in the corpus – on average, 11.5 terms in each issue. Dividing the number of pages by the number of terms, we see that Latin appears on every 6–7th page of *Eesti Jurist* on average. This result demonstrates that Latin expressions are used twice as often as in *Nõukogude Õigus*, but nevertheless significantly less frequently than in *Õigus* and *Juridica*, in which Latin terms appear on each or every second page on average.

The dynamics of terminology usage (Graph 4) shows the evenly low frequency of usage of Latin terms in *Nõukogude Õigus*. As the study concentrates on five years of publication, the graph gives the total number of terms in those years. In the first four years, 1985–1988, Latin terms occur 17–18 times per year. This is half of what can be detected in *Õigus* and *Juridica* per issue (*ca* 32 and 35 Latin terms per issue, respectively).

⁴⁸ The only two Latin terms in the 1992 *Eesti Jurist* occur in the section about legal acts – *ex officio* and *ad hoc*. The former is used with reference to Regulation No. 257 of the Government of the Republic of 31 August 1992 “On Procedure for Drafting, Entering Into, Publication and Maintenance of International Agreements” (“Rahvusvaheliste lepingute ettevalmistamise, sõlmimise (nendega ühinemise), avaldamise ja hoidmise korra kohta”), RT 1992, 39, 520; and the latter in a contract between the Republic of Estonia and the Republic of Finland for investment promotion and protection, RT 1992, 18, 256.



Graph 4: Dynamics of terminology usage: periodicals *Nõukogude Õigus* and *Eesti Jurist*

The biggest increase can be witnessed in the issues from 1989: Latin was resorted to 82 times in the course of the year. Such a large difference with regard to terminology can be explained with the change of conceptual system and the languages of influence – the importance of Russian as the source of reference diminished, and German and English became most influential instead.

Up to 1989, no references to foreign-language sources were made in the articles. The majority of citations referred to Soviet authors and the ‘obligatory’ quotations from Lenin, Marx, and Engels. In 1989, scientific literary works in foreign languages became more readily available to Estonian lawyers, and several authors were able to go abroad. References to sources in English, French, and German in that year’s articles reveal that the authors were eager to study literature in other languages and to rely on a variety of foreign sources. Subsequently, the topics discussed began to change. Looking at the last years of *Nõukogude Õigus*, we notice that numerous articles in 1989 dealt with topics such as the possibility of self-determination of nations, sovereignty, and international law, which required more frequent use of Latin (e.g., in discussion of the sovereignty of the Republic of Estonia *de facto* and *de iure*). These trends continued in *Eesti Jurist*, which began publication in 1990.

In the journal *Eesti Jurist* the usage of Latin terms over the years studied was more frequent in comparison with *Nõukogude Õigus*. On average, 85 Latin terms per year occurred in *Eesti Jurist*, i.e. 4–5 times less frequently than in *Õigus* and *Juridica*. The greatest fall in the number of Latin terms used came in

1991, when Estonia regained independence. The journal mainly focused on distributing practical information: the changes in state structures and the release of new laws and regulations. As no Latin terms are used in Estonian legislation, and as the part of the journal that comprised articles was smaller in 1991, the number of Latin expressions used dropped. In the last year of publication, 1994, a remarkable 129 Latin terms were employed. It is impossible to cite any particular reason for this or refer to any specific theme; simply, many articles included Latin terms and this was becoming a natural part of juridical language use. In 1995, *Eesti Jurist* merged with *Juridica*.

Summing up the figures represented in Graph 4, one can claim that, although officially Estonia regained independence in 1991, readiness to resume orientation toward Europe was clearly evident a few years earlier – in 1989 and 1990. The society was becoming oriented toward the West, and close contacts with the rest of the world were established. The legal environment changed and the language usage changed as well. The rearrangements in the Estonian legal system compelled the Estonian lawyers to include in their usage of legal language those Latin terms that have become rooted in the legal tradition of Europe.

4.1.2. Terminological variety

4.1.2.1. Latin terms in context

In addition to the quantitative analysis of Latin terms, also a qualitative study of this material has been carried out with a view to detecting terminological variety. A qualitative analysis makes it possible to compare and draw conclusions about the linguistic diversity of the jurists of the periods under observation: how many different terms are known and used in professional writing, which terms are the most numerous and what have been the major terminological changes that have occurred.

Table 1 summarises the years of publication of the journals studied, the total number of Latin terms and the number of different terms.

Table 1: Total number of Latin terms and the number of different terms

Journal	Publication	Latin terms in total	Different terms
<i>Õigus</i>	21 years	5791	1342
<i>Juridica</i>	16 years	5590	807
<i>Nõukogude Õigus</i>	5 years	158	65
<i>Eesti Jurist</i>	5 years	426	128

The results reveal that the number of different terms in Latin is the greatest in *Õigus* – while the total number of terms is 5791, the number of different terms used is 1342. Dividing the total number of terms by the number of different terms, we see that one and the same term occurs slightly more than four times per article on average. In *Juridica* the total number of terms used in the 16 years of publication is huge – 5590 instances of occurrence of Latin phrases all in all. In case the same frequency of usage continues, it is likely that in the next five years this number will exceed the total number of Latin terms found in *Õigus*. Simultaneously, the number of different terms in *Juridica* – 807 – is about a third smaller than that of *Õigus* and calculations show that one and the same term occurs approximately 7 times per article on average.

It must be noted, though, that the great number of different terms in both *Õigus* and *Juridica* is accounted for by a considerable variety of Latin expressions. Such a considerable number of terms would be sufficient for an average glossary. An example is a glossary compiled by W. Schwab and R. Pagé.⁴⁹ It consists of the Latin terms found in the documents concerning Québec court proceedings and contains approximately 700 legal terms and phrases. For comparison, also J. Bruss' glossary⁵⁰ might be considered, which contains 1387 Latin legal terms as entries. This comparison indicates that the authors of *Õigus* and *Juridica* have not limited themselves to merely a few practical legal terms. The willingness and readiness to rely in their work on vocabulary derived from Latin were remarkable in the periods studied in the course of the current thesis.

The period considered with regard to *Nõukogude Õigus* and *Eesti Jurist* is approximately three times shorter than with regard to *Juridica* and four times shorter than with regard to *Õigus*. Even when we multiply the total number of terms and that of different terms by three or four, it is clear that the product will be a much smaller number than that found in *Õigus* and *Juridica*. Comparing the numerical data concerning these two periodicals, we notice that the authors in *Nõukogude Õigus* employ relatively modest usage of terminology in comparison with the language of the authors in *Eesti Jurist*: Latin terms are fewer in number and less diverse: from 1985 to 1988, only 14 different Latin terms can be counted, on average, in the articles for the whole year (i.e., six issues in total, with around 450 pages in total). The main change occurred in 1989, when the terms grew in number: usage of terminology increased to 82 cases and 44 different Latin terms per year can be counted. This indicates that the linguistic quality of legal texts improved in terms of variety and a more Western style of expression was adopted.

⁴⁹ W. Schwab, R. Pagé. *Les locutions latines et le droit positif québécois. Nomenclature des usages de la jurisprudence*. Québec: Editeur officiel du Québec, 1981.

⁵⁰ J. Bruss. *Lateinische Rechtsbegriffe*. 2. durchgesehene Auflage. Freiburg, Berlin, München, Zürich: Haufe Verlagsgruppe, 1999. In this glossary, foreign words of Latin origin in the German legal language are given as entries besides Latin legal terms.

4.1.2.2. Most frequent Latin terms

The majority of terms in all periodicals have been used just once. About half the terms in *Juridica* and *Eesti Jurist* have been used at least twice, whereas in *Õigus* and *Nõukogude Õigus* about a third of all terms are used twice. The terms that occur five times or more are even more uncommon: only 12 to 15 per cent of all terms found in the journals *Õigus*, *Nõukogude Õigus* and *Eesti Jurist*. In *Juridica* this number is bigger, as nearly 21 per cent of terms have been used five or more times.⁵¹ Considering the length of the period studied, we may infer from the results that the vocabulary used in the articles does not abound in repetition of the same terms and for the most part the authors have resorted to expressions not found in the texts by the other authors.

In contrast, the terms that do recur throughout the articles become all the more prominent. Table 2 introduces the Latin terms employed most frequently in the periodicals. The first ten most common terms are given with the number of occurrences in brackets.

Table 2: Most frequent Latin terms

Journal /No	Õigus	Juridica	Nõukogude Õigus	Eesti Jurist
1.	laesio enormis (197 times)	versus (478 times)	stud. iur. (studiosus iuris) (17 times)	cum laude (35 times)
2.	expressis verbis (118)	corpus iuris (248)	ca (circa) (15)	de facto (23)
3.	ex officio (72)	expressis verbis (233)	alma mater (11)	ca (circa) (18)
4.	de lege ferenda (47)	op. cit. (opus citatum/opere citato) (156)	cum laude (11)	versus (16)
5.	contra legem (35)	lex mercatoria (145)	dr. iur. (doctor iuris) (11)	alma mater (14)
6.	ipso iure (34)	ius cogens (144)	Album Academicum (7)	de iure (13)
7.	detentor (32)	de lege ferenda (143)	de lege ferenda (6)	dr. iur. (doctor iuris) (12)
8.	detentio (31)	culpa in contrahendo (83)	Academia Gustaviana (5)	in vitro (12)
9.	in solidum (30)	ad hoc (78)	de iure (4)	de lege ferenda (11)
10.	praeter legem (27)	de facto (71)	ius gentium (4)	Bibliographia Iuridica Estonica (10)

⁵¹ See also Appendices 1–4, which include frequency lists for all Latin terms used in the research material.

Table 2 shows that a great variety of terms is used recurrently in the periodicals examined. Juxtaposing the results of the study of four periodicals⁵² we realise that the term which occurs most commonly is *de lege ferenda* ('desirable to establish according to the law'). This term is used in discussions about laws that are being drafted as opposed to the legislation in force (*lex lata*). In fact, it is to be expected that such a term should be found so often in legal journals, as these constitute a forum for debates on current legislation and the laws being drafted. Both in *Õigus* and *Juridica* the term *expressis verbis* ('explicitly') occurs frequently, which semantically belongs to the general vocabulary of law, and can be found equally in articles discussing all areas of law.

In *Juridica* and *Eesti Jurist*, the most frequently used terms are *versus* and *de facto*. *Versus* is typically used to distinguish between the opposing parties in court cases; *de facto* ('by the fact, in fact') designates action that happens in practice, without being officially established. Its antithesis, *de iure* ('by the law, in law'), referring to what the law says, is very common in *Nõukogude Õigus* and *Eesti Jurist*. The more frequent occurrence of these terms in *Nõukogude Õigus* and *Eesti Jurist* at the time was conditioned by the topicality of, and thus lively debates about, the matters concerning international law and, above all, national sovereignty. In both journals the Latin abbreviation *ca* (*circa*, 'about, around') can be found, which in actual fact cannot be regarded as a legal term. The same applies to the expressions *cum laude* ('with praise'), *dr. iur.* (*doctor iuris*, 'doctor of the law') and *alma mater* ('nourishing mother, i.e. university') in the list of frequently used terms in *Nõukogude Õigus* and *Eesti Jurist*, which semantically belong to the field of university studies.

In the list of ten most frequently used Latin terms in the journals examined, we can clearly distinguish between the Latin vocabulary in *Õigus* and *Juridica* on the one hand, and *Nõukogude Õigus* and *Eesti Jurist* on the other. In the first two, terms from professional vocabulary are among the ten most common terms characteristically used in discussions about particular areas of law, such as the terms *laesio enormis* ('gross disparity'), *detentor* ('detainer'), *detentio* ('detention'), *in solidum* ('for the whole') and *culpa in contrahendo* ('pre-contractual liability') in the context of civil law, or *ius cogens* ('peremptory norm') and *lex mercatoria* ('(international) commercial law') in the context of international law and international private law. Among the top ten terms in *Õigus* and *Juridica*, there are also terms which do not belong to any particular field and which are used in the context of different topics, such as *corpus iuris* ('body of law'), *ex officio* ('by virtue of office or position'), *contra legem* ('contrary to the law'),

⁵² About the most commonly used terms in each periodical separately see: M. Ristikivi. Latin terms in Estonian legal journalism in the interwar period: Practical tools for a young legal culture. – *Juridica International*, 16/2009, pp. 236–237 (publication I); M. Ristikivi. Terminological Turn as a Turn of Legal Culture. – *Juridica International*, 15/2008, pp. 180–182 (publication II); M. Ristikivi. *Lexica iuridica* in *Juridica*: Latin Terms as a Reflection of Europeanisation of Estonian Legal Culture. – *Juridica International*, 12/2007, pp. 176–177 (publication III).

praeter legem ('beyond the law'), *ipso iure* ('by the law itself') and *ad hoc* ('for this, for this special purpose'). The abbreviation *op. cit.* standing for *opus citatum* or *opere citato* ('quoted book, in the quoted book'), frequently used in *Juridica*, is fairly common in scholarly writings to refer the reader to an earlier citation.

There are significantly fewer professional terms among the Latin expressions most commonly used in the journals *Nõukogude Õigus* and *Eesti Jurist*. Besides the abovementioned, *de lege ferenda* and *de iure*, in *Nõukogude Õigus* there is also the term *ius gentium* denoting the law of the nations. In *Eesti Jurist* the medical term *in vitro* ('within the glass') is employed in disputes over legal problems with regard to artificial insemination. Both journals contain a number of expressions concerning law studies. As many as six expressions among the top ten in *Nõukogude Õigus* refer to this field. In *Nõukogude Õigus*, the abundance of Latin terms associated with university studies can be explained by the fact that in 1989, the 70th anniversary of the national university was celebrated.⁵³ Even though the University of Tartu was originally founded in 1632, the anniversary of reopening the Estonian language based university⁵⁴ in the first period of independence (1919) was celebrated separately.

4.1.3. Functions in usage of latin terms

4.1.3.1. Specific legal terms

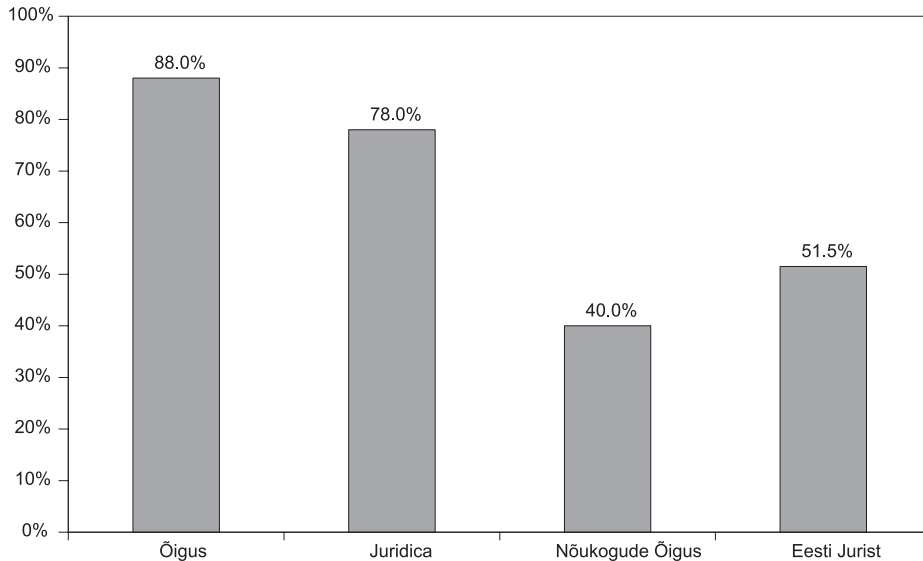
Analysing the research material from the point of view of the meaning and function of the terms, we realise that professional juridical vocabulary is the most prominent. This category comprises the terms which, as normative argu-

⁵³ In *Nõukogude Õigus*, several articles about the celebration of the anniversary of the university were printed in Volume 5/1989: P. Järvelaid. *Academia Gustaviana*'st rahvusülikoolini. pp. 317–322; L. Leesment. Teadustöö Tartu Ülikooli õigusteaduskonnas 1919–1940. pp. 322–324; J. Sootak. Kriminaalõiguse õpetamine Tartu Ülikoolis 1919–1940. pp. 325–327; P. Pruks. Kriminialistika õpetamine Tartu Ülikoolis 1927–1940. pp. 327–329; E. Laasik. Tsiviilõiguse õpetamine Tartu Ülikoolis 1920–1940. pp. 334–336; T. Põder. Rahvusvahelise õiguse õpetamine Tartu Ülikoolis 1920–1940. pp. 338–341; A. Traat. Mälestuskilde õpinguist Tartu Ülikooli õigusteaduskonnas aastail 1935–1938. pp. 352–355; H. Randalu. Marginaale õigusteaduskonnast 1934–1940. pp. 355–357; I. Orgo. Õigusteaduskond rahvusülikooli 70. juubeli künnisel. pp. 358–360.

⁵⁴ In earlier centuries, the language of instruction was Latin, German or Russian, depending on the scientific culture and political regime in the country: in the 17th century basically Latin, in the 1st half of the 19th century mainly German and less Latin and in the 2nd half German and Russian.

ments, precisely and fully convey the concepts they express, i.e. they carry specific juridical information.⁵⁵

When we compare the lists of terms collected from all the journals under observation, it becomes evident that strictly legal terms are remarkably more numerous in *Õigus* and *Juridica* than in *Nõukogude Õigus* and *Eesti Jurist*. The percentage of specific legal terms in the total number of terms in all journals is given in Graph 5.



Graph 5: Specific legal terms

Of all the Latin phrases in *Õigus*, as many as 1181 terms belong in this category, constituting 88% of the total (the total number of terms in *Õigus* is 1342). In *Juridica*, 628 specific legal terms can be counted, making up nearly 78% of the total number (807) of Latin expressions. In *Nõukogude Õigus*, of the 65 different expressions, 26 belong in this group; in *Eesti Jurist*, 66 out of 128. Thus, about 40% of all Latin phrases in *Nõukogude Õigus* and 51.5% (i.e., about half) in *Eesti Jurist* are used in their narrow juridical meaning.

A common feature in all periodicals examined is the fact that the more frequently one term occurs, the wider the scope of topics it is used to discuss. For instance, the terms *de lege ferenda* ('desirable to establish according to the law'), *de lege lata* ('according to the law in force'), *contra legem* ('contrary to the law'), *praeter legem* ('beyond the law'), *intra legem* ('within the law'),

⁵⁵ E. A. Kramer. Lateinische Parömien zur Methode der Rechtsanwendung. – Steuerrecht. Ausgewählte Probleme am Ende des 20. Jahrhunderts. Festschrift zum 65. Geburtstag von Ernst Höhn. Bern: Verlag Paul Haupt, 1995, p. 142.

causa ('cause'), *ex lege* ('from the law'), *sine lege* ('without a law'), *ipso iure* ('by the law itself'), *conditio* ('condition'), *lex specialis* ('special statute'), etc. cannot be identified as topic-specific. Such terms, applied in various areas of law, constitute the basic juridical terminology and are part of the vocabulary of all lawyers.

It also appears that the less frequently a term occurs, the more specific it is and the more likely it is to be related to a definite area of law. For example, in *Õigus*, the term *mare clausum* ('closed sea'), used once, denotes in international law a sea under the jurisdiction of a particular country and not open to other nations⁵⁶; in *Juridica*, the expression *lex superior derogat legi inferiori* ('superior law overrules inferior law') denotes the primacy of the Constitution in the hierarchy of legislation. In *Nõukogude Õigus*, the term *gestor* has been used once, referring to the principle of *negotiorum gestio* in Roman law denoting the person who acts for another or transacts another's business. The phrase *nullum crimen nulla poena sine periculo sociali* ('there is no crime and no punishment without danger to society') found in *Eesti Jurist* is known in penal law – but only in the so-called penal law of social protection which links the punishability of an act and the degree to which this act is dangerous to society. This kind of penal law was established in Soviet Estonia.

The greatest number of specific legal terms can be detected in articles about civil law, whose vocabulary is derived from Roman law. Specifically legal terms can also be found in articles that discuss penal law, legal theory and the philosophy of law. The terms in these areas originate from the sources compiled in the modern times and the Middle Ages, rather than in antiquity. Typically, such terms are lengthy expressions, often consisting of more than one sentence. There is a clear link with the topic: the more general issues the article talks about and the greater the number of lawyers and jurists dealing with these issues in practice, the more frequently the well-known terms are used. And the opposite is true also: the more specific the content of the article, the more numerous are the foreign terms applied in that particular area only.

The frequent use of professional vocabulary in Latin in the articles about international law and EU law attests to the practical value of Latin terms in international exchange of information and multi-language communication. Using specific legal terms and even coining new terms in Latin in these areas is justified and indeed expected. In the context of the abovementioned specialties, legislative drafting and legal practice operate across national languages, and foreign language units which can be considered neutral as to style and connotation enable us to ensure that the text is understood in the same way by

⁵⁶ The term *mare clausum* has been taken from John Selden's 1635 book by the same title, written as a response to Hugo Grotius's 1609 work entitled "Mare liberum" which dealt with the principle of the freedom of the seas. More about this: W. S. M. Knight. *The Life and Works of Hugo Grotius*. London: Sweet & Maxwell, 1925, pp. 110–112.

everyone involved in the discourse.⁵⁷ Hence, Latin terms are universal aids in international legal relationships and facilitate communication between other languages.

4.1.3.2. Medical terms

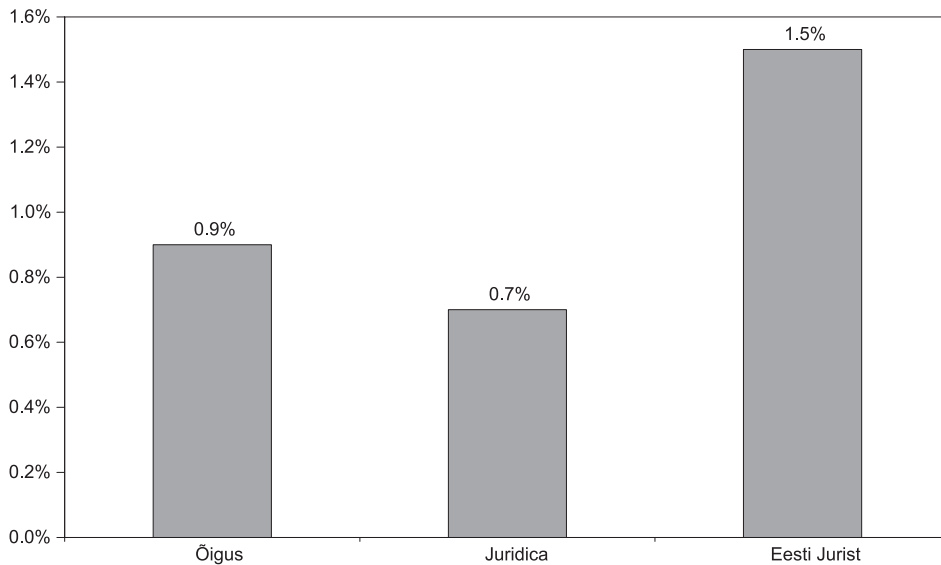
In addition to specific legal terms the journals *Õigus*, *Juridica* and *Eesti Jurist* contain Latin terms from the medical field. In the five years of publication of *Nõukogude Õigus* no medical terms were employed. Although the total number of medical terms is not significant, these are part of the professional vocabulary, because doctors still use a great number of terms in Latin. Furthermore, this is the only area outside jurisprudence whose Latin terms lawyers use. When a lawyer is to make a juridical assessment of a medical case, he/she employs medical terms. It does not mean, however, that these terms should be considered as part of legal language. A professional term originally used in the medical field becomes part of legal language when it takes on a legal meaning in juridical discourse.⁵⁸

Graph 6 presents the number of medical terms detected in the periodicals.

In *Õigus* we find 12 medical terms, which makes up 0.9% of the total number of terms in Latin detected in this periodical. The six terms used in *Juridica* constitute 0.7% of the total. As *Eesti Jurist* comprises much fewer Latin expressions in general, the two medical terms discovered make up 1.5% of the total. Therefore, even though the number of medical terms in *Õigus* is greater than in the other journals, their percentage is smaller and they do not dominate in the corpus of the terms in this journal. By comparison, in *Eesti Jurist* the two medical terms used constitute a much larger percentage and appear thus more conspicuous.

⁵⁷ Naturally, even Latin legal terms cannot avoid polysemy completely. In different legal systems, or in the course of centuries, several terms have acquired new meanings which express similar as well as not so closely related notions. However, polysemous terms are not particularly numerous and they are not considered a difficulty in professional usage. More about this: H. E. S. Mattila. De aequalitate Latinitatis jurisperitorum. – *Revue internationale de droit compare*, 3/2002, pp. 717–758; M. Ristikivi. Ladina keelest pärit terminite polüseemia ja sünonüümia eesti õiguskeeles. – *Eesti Rakenduslingvistika Ühingu aastaraamat 3. Estonian Papers in Applied Linguistics 3*. Tallinn: Eesti Keele Sihtasutus, 2007, pp. 253–267.

⁵⁸ More about this: see U. Neumann. Die Sprache der Juristen. – *Universitas: Zeitschrift für interdisziplinäre Wissenschaft*. 569/1996 (Jg. 51), pp. 148–157; in *Estonian U. Neumann. Juristide keel*. – *Akadeemia*, 4/2001 (145), pp. 782–793.



Graph 6: Medical terms

In all the abovementioned three periodicals, medical terms are mainly present in articles dealing with the topic of abortion. Additionally, in *Juridica* and *Eesti Jurist* articles discussing the embryo protection act and artificial insemination comprise medical vocabulary. The terms used in these contexts are: *in vitro* ('within the glass') and *in utero* ('in the uterus') and *ex utero* ('from the uterus'), *foetus* ('fetus, embryo'), *foeticidium* ('feticide, abortion'); in *Õigus* the historical overview of this subject⁵⁹ also includes terms referring to the standpoint of the church in this matter: *foetus animatus* ('animated fetus'), *foetus non animatus* ('non-viable fetus').

In *Õigus*, several medical terms can be found in an article describing injuries to the skull and the brain, and the corresponding legislation.⁶⁰ The following terms appear: *contusio cerebri* ('cerebral contusion, contusion of the brain'), *compressio cerebri* ('cerebral compression, compression of the brain'), *commotio cerebri* ('cerebral commotion, concussion of the brain'), *basis cerebri* ('base of the brain'), *basis cranii* ('base of the skull'), *neurosis traumatica* ('traumatic neurosis'), *arthritis deformans* ('deforming arthritis').

In *Juridica* we detected a specific term in anatomy: *precuneus* ('structure in the brain positioned above the *cuneus* and located in the parietal lobe'). It

⁵⁹ P. Poom. Miks on abort karistatav? – *Õigus*, 6/1925, p. 149.

⁶⁰ W. Lindeberg. Kolju ja peaaju vigastuste väär formuleerimine kehtivas õiguses. – *Õigus*, 2/1932, pp. 79–85.

occurs in an article discussing cognitive neuroscience on the disclosure of lying and concealing potentially incriminating information.⁶¹

When questions pertaining to medical science and law are handled together in the articles in *Juridica*, ethical issues emerge, too: in medical and legal terms, does the patient's will or the patient's health take precedence? In such discussions the expressions *salus aegroti suprema lex* ('well-being of the patient is the most important law') and *voluntas aegroti suprema lex* ('patient's will is the first commandment') are used. Although here a person is mentioned who is important from the medical point of view, i.e. the patient, these phrases cannot be classified as medical vocabulary. These are moral principles which may acquire juridical content under certain circumstances.

This kind of term usage draws attention to the fact that technical language has its own characteristics setting it apart from general language. The neutral vocabulary of general language, legal terms, the technical terms of the particular fields involved, and the grammar of modern written language constitute the instruments of legal language.⁶² This means that legal texts have specific characteristics; yet, besides legal terms, the terminology of the field that is the object of the particular legal text concerned, in addition to general language, has an effect on legal language.⁶³

In addition to law, medicine is one of the disciplines that have for centuries expanded professional vocabulary on the basis of the Latin language. As a result, both fields abound in terminology that includes besides foreign words of Latin origin also terms entirely in Latin. It is to be expected, then, that in the articles on such topics the authors choose to convey names and diagnoses with the help of precise professional terms in Latin.

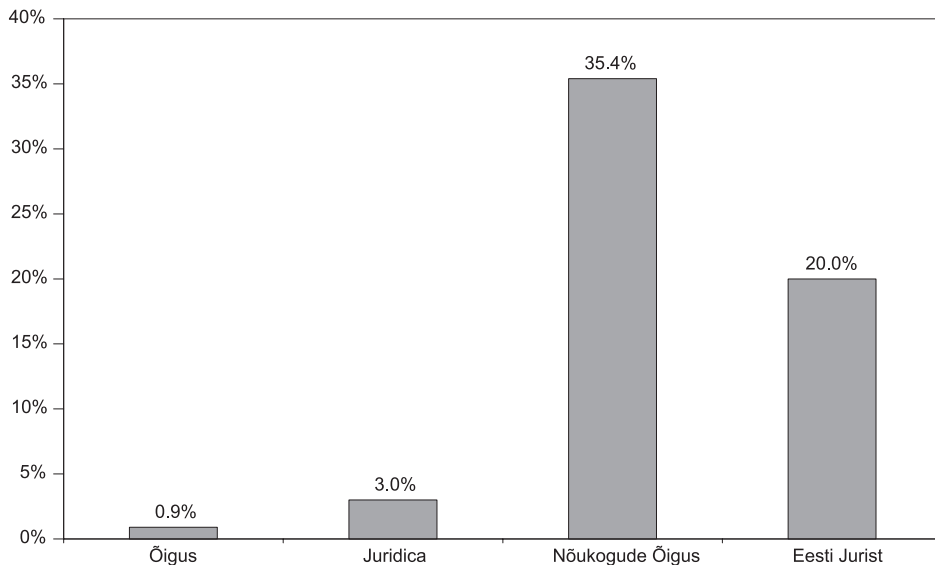
4.1.3.3. Expressions related to the academic field and university studies

More numerous than medical terms are those related to the history of Tartu University or its Faculty of Law, or law studies generally. All the periodicals examined include articles focusing on the developments in the academic world in the past or in the modern times. Yet, there are significant differences between the journals as regards the number of Latin terms used to discuss these topics. Statistical information is presented in Graph 7.

⁶¹ T. Bachmann. Kognitiivse neuroteaduse ja psühholoogia võimalustest valetamise ja varjatud süülise teadmise avastamisel. – *Juridica*, 4/2007, pp. 215–228.

⁶² K. Kerge. Õiguskeel, tema vahendid ja väljavaated. – *Õiguskeel*, 4/1995, p. 6.

⁶³ R. Narits. Õigusteaduse metodoloogia I. Tallinn: Juura, 1997, pp. 80–82.



Graph 7: Expressions related to the academic field and university studies

The smallest number of this kind of vocabulary is found in *Õigus* whose Latin vocabulary includes 12 terms concerning the subject of academic affairs. Out of the total number of terms, this makes 0.9%. As pointed out earlier, an equal number of medical terms occur in *Õigus*. In *Juridica* there are twice as many, i.e. 25 different phrases related to academic affairs, constituting 3% of the total. Significantly more medical terms are to be detected in *Nõukogude Õigus* and *Eesti Jurist*. In *Nõukogude Õigus*, 23 such expressions could be found, remarkably accounting for 35.4% (a third) of all Latin phrases used. In *Eesti Jurist*, 26 expressions, i.e. 20% of the vocabulary, concern the topic of university.

All four journals have printed the Latin name for Tartu University, *Universitas Tartuensis*, as well as the metaphor *alma mater* (literally ‘nourishing mother’) to refer to the university: *alma mater Tartuensis*. The expression is also combined with the historical name for Tartu (Dorpat): *alma mater Dorpatensis*. In writings about the history of the university the names *Academia Gustaviana* (1632–1665)⁶⁴, *Academia Gustaviana Carolina* and *Academia*

⁶⁴ On 30.06.1632, the King Gustav II Adolf of Sweden signed the Foundation Decree of *Academia Dorpatensis* (= *Academia Gustaviana*). During the time of Swedish rule, the Academy in Tartu functioned with philosophy, law, theology and medical faculties on the basis of the University of Uppsala privileges. On account of the Russian-Swedish War the Academy moved to Tallinn in 1656 and in 1665 it closed down. Tartu University under Swedish rule see K. Inno. *Tartu University in Estonia during the Swedish rule (1632–1710)*. Stockholm: Vaba Eesti, 1972; *Tartu Ülikooli ajalugu 1632–1982*. Vol. I: 1632–1798. Ed. H. Piirimäe. Tallinn: Valgus, 1982; G. von Rauch. *Reflexe des*

Gustavo-Carolina (1690–1710)⁶⁵ appear, referring to the founder of the university, Gustav II Adolf, king of Sweden, and the operating of the university under Swedish rule.

Law studies are discussed with the help of such expressions as *studium* and *studia iuridica*. The successful completion of studies is assessed in Latin with *cum laude* (‘with honour’), *magna cum laude* (‘with great honour’), *summa cum laude* (‘with highest honour’). Law students are referred to as *studiosus iuris* or with the help of the abbreviation *stud. iur.* Members of the academic teaching staff are usually referred to in Estonian, but in *Juridica* the Latin word *emeritus* can be found, denoting a retired professor. In *Õigus* the term *doctores utriusque iuris* (‘doctors of both laws’) is used, which in the Middle Ages and early modern times used to denote a scholar who was a specialist in both civil law and church law (*doctor iuris civilis et canonici*).

Academic degrees are expressed in Latin, too. These mostly occur in the abbreviated form: *dr. iur.* (*doctor iuris*) and LL. D. (standing for *legum doctor*) for Doctor of Law, *mag. iur.* (*magister iuris*) and LL. M. (*legum magister*) for the Master’s degree. Candidate used to be an academic degree in the Soviet era (*кандидат юридических наук*), awarded for a research paper corresponding to the present doctoral thesis. But in *Õigus* and *Juridica* the expression *candidatus iuris* (in articles, as a rule, in the abbreviated form *cand. iur.*) denotes a degree which according to a law in tsarist Russia in 1819 could be awarded to a student who had passed the final examination and submitted a written assignment.⁶⁶ In *Juridica* this term appears together with the expression *gradus studiosi*, denoting, according to the same law, the lowest degree which was given to a student upon completion of studies after passing the final examination.⁶⁷

The frequent occurrence of phrases which belong to the field of academic affairs in *Nõukogude Õigus* and *Eesti Jurist* can be explained by the fact that in 1989, *Nõukogude Õigus* celebrated the 70th anniversary of the Estonian-language national university⁶⁸ and in 1992, *Eesti Jurist* celebrated the 360th

abendländischen Geisteslebens an der schwedischen Universität Dorpat. – Die Universitäten Dorpat/Tartu, Riga und Wilna/Vilnius 1579–1979. Hrsg. G. von Pistohlkors, T. U. Raun, P. Kaegbein. Köln, Wien: Böhlau Verlag, 1987, pp. 11–18; G. von Rauch. Die Universität Dorpat und das Eindringen der frühen Aufklärung in Livland, 1690–1710. Essen: Essener Verlaganstalt, 1943.

⁶⁵ In 1690 Tartu became a university town again. *Academia Gustavo-Carolina* moved shortly after from Tartu to Pärnu as a result of the coalition against Sweden and the Great Famine of 1695–1697. *Academia Gustavo-Carolina*, which had opened in Pärnu in 1699, was closed because of the surrender to Russian forces in 1710 during the Great Northern War.

⁶⁶ M. Luts-Sootak. Der lange Beginn einer geordneten Juristenausbildung an der deutschen Universität zu Dorpat (1802–1893). – Juristenausbildung in Osteuropa bis zum Ersten Weltkrieg. Hrsg. Z. Pokrovac. Frankfurt am Main: Vittorio Klostermann, 2007, p. 377.

⁶⁷ *Ibid.*

⁶⁸ See also chapter 4.1.2.2.

anniversary of *Academia Gustaviana*. We may assume that in the so-called transition period during which *Nõukogude Õigus* and *Eesti Jurist* were published there was a great deal of interest in the earlier activities in the field of law. On the one hand, law is one of the four specialties in which academic education has been received ever since the university was founded. Thus the historical continuity of the founding and functioning of European universities is reflected in the articles, part of which is the corresponding Latin vocabulary. On the other hand, the anniversaries offered the authors opportunities to survey the work of the lawyers who had taught at the university prior to World War II.⁶⁹ Growing interest in the persons who at the beginning of the 20th century laid the foundations for Estonian-language based jurisprudence, as well as the similarity in the situations in which the nation confirmed its identity – transition to a national legal order – help us to understand why the abovementioned topics received extra attention. Latin terms in such articles were employed to describe the academic careers and research activities of the earlier colleagues.

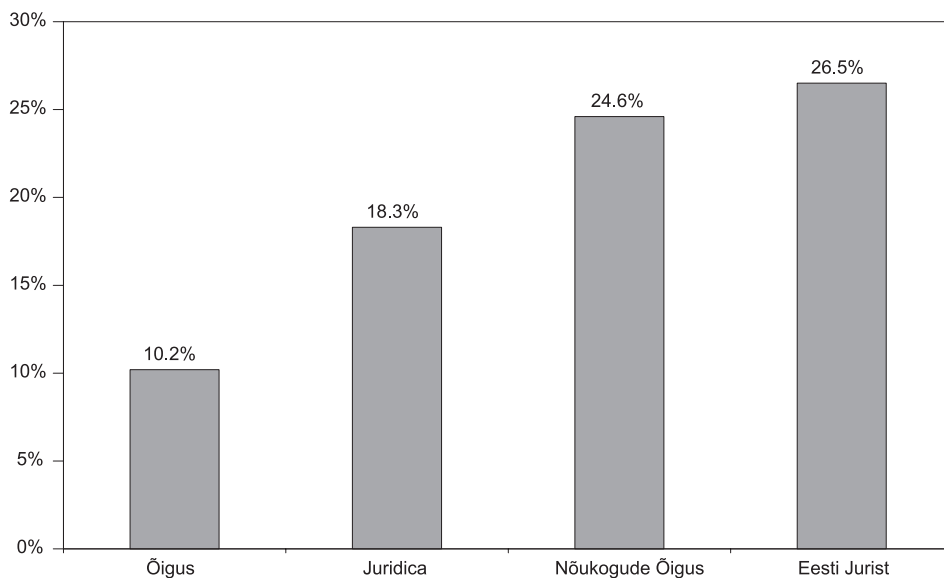
During the time that *Juridica* has been issued, there have been several university anniversaries but these have not received as much attention. *Õigus* did not write about the 300th anniversary of the university in its articles in 1932, either. Consequently, there does not seem to be a correlation between the anniversaries of the university and the treatment of the Latin tradition in Europe in juridical journalism. Besides, it can also be attributed to the particular interests of the authors and lack of alternative periodicals.⁷⁰ And we must not underestimate the ideological background – in transition periods, history is a reference point in a sense and a source for constructing identity. Obviously, this condition was intensified by the ideological background of the Soviet era, when the official view of history was characterised by adjustment and suppression of facts.

⁶⁹ In *Nõukogude Õigus* 5/1989, the following articles about earlier jurists were printed: I. Rebane. Karl Saarmann – Tartu Ülikoolis esimesena kriminaalõigust eesti keeles õpetanud professor. pp. 330–331; H. Saarsoo. Õigusteadlane Richard Räägo. pp. 331–334; T. Pöder. Tartu Ülikoolis esimene eesti rahvusest riigiõiguse professor Nikolai Maim. pp. 341–342; P. Järvelaid, T. Pöder, I. Sootak. Õigusajaloo professor ja Eesti Teaduse Akadeemia akadeemik Jüri Uluots. pp. 343–345.

⁷⁰ In 2002, a special issue of “Ajalooline Ajakiri” was issued, devoted to the 200th anniversary of reopening the university in Tartu. It included articles about the history of the Faculty of Law, see M. Luts. Johann Ludwig Müthel – Tartu Keiserliku Ülikooli õigusteaduskonna isa. pp. 75–96; P. Järvelaid. Professor Oswald Schmidt. Üks õigusajalugu õpetanud rahvusliku ärkamis- ja natsionalismiaja jurist Liivimaalt. pp. 149–160; T. Anepaio. Leon Victor Constantin Casso – vene (?) jurist Tartu ülikoolis. pp. 161–176.

4.1.3.4. Expressions and sayings in general language

The language of law is closely connected with traditions, history and culture, which is why generally known Latin expressions are to be found in juridical publications for illustrative purposes. This is partly a matter of rhetoric: Latin is used as a stylistic tool, an aesthetic medium or manifestation of professional competence.⁷¹ Graph 8 shows the use of widespread Latin expressions and abbreviations.



Graph 8: Widespread Latin expressions and abbreviations

In the journal *Õigus* there are 137 commonly used Latin expressions, i.e. slightly more than a tenth of the total number of terms. In *Juridica* the 148 generally known Latin expressions constitute 18.3%. In *Nõukogude Õigus* and *Eesti Jurist* an even greater number of widespread Latin maxims and abbreviations are used – such phrases make up about a quarter of all Latin expressions employed. 16 of these can be found in *Nõukogude Õigus*, i.e. 24.6% of the total, and 34 in *Eesti Jurist*, i.e. 26.5% of the Latin vocabulary detected. As the research material consists of periodicals whose authors are lawyers and whose function is to publish legal information for the readers, who are also lawyers, the results concerning the last two journals are rather surprising. The

⁷¹ H. E. S. Mattila. *Comparative Legal Linguistics*. Aldershot: Ashgate, 2006, p. 136; E. A. Kramer. *Lateinische Parömien zur Methode der Rechtsanwendung. – Steuerrecht. Ausgewählte Probleme am Ende des 20. Jahrhunderts. Festschrift zum 65. Geburtstag von Ernst Höhn*. Bern: Verlag Paul Haupt, 1995, p. 142.

assumption about such specialised communication is that the authors do not have to consider a target group of non-lawyers and can thus make abundant use of technical terminology.

At the present stage of research it is difficult to say why so much non-specific vocabulary has been used. It is not exactly known what the role of editors or censorship was in *Nõukogude Õigus*. But in *Eesti Jurist* this could not have been a problem any longer. Apparently such usage of terminology reflects the condition of teaching Latin and Roman law, which were attached less importance to in the Soviet period⁷², as a result of which the authors were less familiar with the professional vocabulary in Latin or felt unsure when resorting to foreign language phrases.

All periodicals contain abbreviations commonly found in scholarly texts. These are an integral part of academic writing and particularly frequent in references to sources or authors, for instance *et al.* (standing for *et alii*, ‘and others; i.e. and other authors’), *id.* (*idem*, ‘the same; i.e. the same author or book’), *ibid.* (*ibidem*, ‘in the same place or book’), *op. cit.* (*opus citatum, opere citato*, ‘quoted book, in the quoted book’). They also occur in examples or explanations, or when comparing research materials: *e.g.* (*exempli gratia*, ‘for example’), *i.e.* (*id est*, ‘that is’), *cf.* (*confer*, ‘compare’). With the words *supra* (‘above’) and *infra* (‘below’) the authors refer to a passage or a source mentioned earlier or later in the text.

Similarly, almost all periodicals include expressions used in other fields of scholarly research or in the general language, for instance *expressis verbis* (‘pointedly’), *status quo* (‘the situation in which; i.e. the current situation’), *ad hoc* (‘for this; i.e. for this special purpose’), *ex officio* (‘by virtue of office or position’), *a priori* (‘from the former’), *prima facie* (‘at first sight’), *sui generis* (‘of its own kind’), *mutatis mutandis* (‘with the appropriate changes’). Such expressions are ordinarily used in their general and neutral meaning in the articles. However, in the juridical context, these may acquire a more specific meaning. Although strictly speaking only such phrases are regarded as juridical that cannot be used outside the legal framework or which presuppose a legal framework, there are expressions which are also considered to be part of juridical vocabulary because they have a certain meaning in law, even though they usually occur in more general contexts.⁷³ Expressions like ‘*ad hoc*’ or ‘*prima facie*’ are of the kind used by lawyers in their general meaning as well as in a specific juridical meaning.

Lengthy maxims in Latin appear seldom in *Nõukogude Õigus*, *Eesti Jurist* and *Juridica*. Yet, one hexametric line can be found in *Nõukogude Õigus*: *tempora mutantur et nos mutamur in illis* (‘times change and we change with

⁷² Teaching terminology in Latin during the Soviet era is discussed in subchapter 4.3.2.

⁷³ H. E. S. Mattila. *Vertaileva oikeuslingvistiikka*. Helsinki: Kauppakaari Lakimiesliiton Kustannus, 2002, pp. 170–171.

them’), which is a reference to Ovid’s “Metamorphoses”.⁷⁴ The expression *sine ira et studio* (‘without anger and without partiality’) found in *Eesti Jurist* originates from the “Annales” 1.1 (‘The Annals’) by Tacitus.⁷⁵ The phrases *audi alteram partem* and *audiatur et altera pars* detected in *Juridica* both mean that the other side must be heard, referring to the principle that no person should be judged without a fair hearing in which each party is given the opportunity to respond to the evidence against him. The latter principle was already expressed in “Eumenides”, an Ancient Greek tragedy by Aeschylus.⁷⁶ Even though all these phrases can be traced back to the works of ancient authors in one form or another, they are generally quite well known and occur besides literature also in scholarly writing. The usage of such phrases is an indication of the familiarity of the authors with literature and cultural history but does not require particularly detailed knowledge of the Latin language.

In this respect, *Õigus* differs significantly from the other journals because in it the authors incorporate more frequently long quotations from works in Latin originating from the ancient times or the Middle Ages. For example, in issue 6/1927 of *Õigus* there is a review of the 6th Day of the Jurists. The minutes printed in the journal⁷⁷ include the discussions that followed the presentations, and the following four-line hexametric verse taken from Ovid’s “Metamorphoses” (13.9–12) was used in one of the ensuing debates:

*Tutius est igitur fictis contendere verbis,
quam pugnare manu, sed nec mihi dicere promptum,
nec facere est isti: quantumque ego Marte feroci,
quantum acie valeo, tantum valet iste loquendo.*⁷⁸

This quotation is a reference to the fight between Ulysses and Ajax during the Trojan war which was to show who was the bravest Greek. Instead of physical struggle a debate was chosen as the means of determining the winner, and the physically stronger Ajax was beaten by the ingenious and eloquent Ulysses. On

⁷⁴ Ovid, *Met.* 15.165: *omnia mutantur* (‘all things are changing’). P. Ovidius Naso. *Metamorphoses*. II. With an English translation by F. J. Miller. Cambridge: Harvard University Press, 1984, pp. 376–377.

⁷⁵ P. Cornelius Tacitus. *Annales*. With an English translation by J. Jackson. Cambridge: Harvard University Press, 1979, pp. 244–245.

⁷⁶ Aeschylus. *Eumenides*, 428: [Aθηνα:] δυοιν παρόντων ἡμισυς λόγου πάρα ([Athena:] ‘Two parties are here present; half only of the case is heard’). Aeschylus. II. *Agamemnon*. Libation-bearers. *Eumenides*. Fragments. With an English translation by H. Weir Smyth. Cambridge: Harvard University Press, 1983, pp. 312–313.

⁷⁷ Used by M. Linnasaar as a comment to A. Piip’s presentation, see A. Piip. *Riigivanem kui riigipea Eesti põhiseaduse järele*. – *Õigus*, 6/1927, pp. 184.

⁷⁸ ‘Tis safer, then, to fight with lying words than with hands. But I am not prompt to speak, as he is not to act; and I am as much his master in the fierce conflict of the battleline as he is mine in talk.’ Ovidius. *Metamorphoses*. II. With an English translation by F. J. Miller. Cambridge: Harvard University Press, 1984, p. 229.

the one hand, using this Latin excerpt in the impromptu discussion following a presentation suggests that the jurists at the time had very good knowledge of Latin, and on the other hand, such a poetic citation subtly expressed irony directed at the interlocutors.

More examples of Latin quotations used as specific vocabulary can be found in three most detailed and extensive articles about Old Estonia (i.e., the time before and around the introduction of Christianity).⁷⁹ These articles are interesting not only from the viewpoint of legal history; they are also fascinating from the philological aspect, because all three quoted extensively the original *Heinrici Chronicon Lyvoniae*⁸⁰ in Latin, which had been written in the 13th century. The use of those quotations is a sign of the author's mastery of Latin: the translations provided by the author himself for many of the quotations demonstrate his good knowledge of the vocabulary of the Middle Ages, in which the meanings of terms may differ greatly from those applied in Roman law.

References to such sources verify that the role of Latin in *Õigus* was not limited to a few practical legal terms; also lengthy citations from sources of legal history in Latin had their firm place in juridical argumentation.

4.1.4. Historical conditions and changes in the usage of Latin terms

4.1.4.1. The periodical *Õigus*

All the journals examined for the purposes of this doctoral thesis were published in the periods marked by profound political changes and the ensuing reforms in the Estonian legal order. Legal reforms have also influenced the usage of Latin terminology.

In the 1930s, during the period of publication of the journal *Õigus*, a significant political change occurred in Estonia. The worldwide economic recession in 1929–1933, the Great Depression, had an impact on the political system in Estonia, bringing about the non-violent military coup d'état in 1934. Following the example of the most powerful states in Europe, Estonia adopted an authoritarian regime based on the ideas of etatism, nationalism, corporatism and centralisation of economy.⁸¹ Also in the field of law, new ideology developed.

⁷⁹ J. Uluots. Eestlaste lepingud võõrastega XIII sajandil. – *Õigus* 2/1935, pp. 75–94 and 2/1936, pp. 49–72; J. Uluots. Vana-Eesti rahvakoosolekutest. – *Õigus* 8/1937, pp. 337–343.

⁸⁰ Edition used by J. Uluots: *Heinrici Chronicon Lyvoniae. Ex recensione W. Arndt.* Hannover: Hahn 1874.

⁸¹ About the ideology of the authoritarian regime in Estonia in the 1930s see: T. Karjahärm, V. Sirk. *Vaim ja võim. Eesti haritlaskond 1917–1940.* Tallinn: Argo, 2001, pp.

But ideology is closely linked to language, because language could be one of the primary media of social control and power.⁸² Considering the tendencies in German jurisprudence during the same period, when the National Socialist party programme clause 19 in effect declared Roman law objectionable⁸³ and suggested that studies of and research into Roman law should be handled legally, politically and scientifically in a more “suitable” fashion⁸⁴, we might expect a fall in the frequency of usage of Latin terms which most often originate from Roman law. Yet, Latin terms were not abandoned in *Õigus* even after the authoritarian coup which called attention to nationalist ideals. Hence, in contrast to Germany, whose law and jurisprudence declared war on Roman law and its allegedly formalist nature, Estonian national jurisprudence did not feel threatened by Latin and there was no change in usage of terminology.

While *Õigus* was published, the most extensive changes in the usage of terminology concerned the development of the Estonian legal language and drafting of legislation in Estonian, with Latin having a specific function. Latin terms played an intermediary role in the communication between Estonian and two foreign languages (German and Russian) and provided the required specificity of concepts. From the very first issue up to 1922, lists of terms appear in *Õigus*, providing Estonian translations of the formerly used Russian and German terms. In order to determine the semantic accuracy and meaning of the new words, also Latin versions were given in addition to Russian and German translations. The new Civil Code was being drafted throughout the interwar period and this topic was constantly under discussion on the pages of *Õigus*. Thus the usage of language by the lawyers at that time was noticeably affected by the abundance of Latin terms occurring in the previous legislation, the Baltic Private Law Act. The topics written about in *Õigus* requiring particularly frequent use of Latin included land ownership and the right of

15–16, 284–308. Concisely but in detail: Z. Kiaupa, A. Mäesalu, A. Pajur, G. Straube. *The History of the Baltic Countries*. 3rd, revised ed. Tallinn: Avita, 2002, pp. 144–146.

⁸² Extensive treatments of language, ideology and power relations: N. Fairclough. *Language and power*. London, New York: Longman, 1989; T. A. van Dijk. *Society and discourse: how social contexts influence text and talk*; T. A. van Dijk. *Ideology: a multidisciplinary approach*. London: Sage, 1998, in particular pp. 135–190.

⁸³ G. Feder. *Das Programm der NSDAP und seine weltanschaulichen Grundgedanken*. 19. Aufl. München: 1933, p. 17: “Wir fordern Ersatz für das der materialistischen Weltordnung dienende römische Recht durch ein deutsches Gemeinrecht.”, quoted in: P. Landau. *Römisches Recht und deutsches Gemeinrecht. Zur rechtspolitischen Zielsetzung im nationalsozialistischen Parteiprogramm. – Rechtsgeschichte im Nationalsozialismus. Beiträge zur Geschichte einer Disziplin*. Hrsg. M. Stolleis, D. Simon. Tübingen: Mohr, 1989, p. 11.

⁸⁴ D. Simon. *Die deutsche Wissenschaft vom römischen Recht nach 1933. – Rechtsgeschichte im Nationalsozialismus. Beiträge zur Geschichte einer Disziplin*. Hrsg. M. Stolleis, D. Simon. Tübingen: Mohr, 1989, pp. 162–163.

succession, which needed to be analysed in detail in the context of the new legal situation.⁸⁵

Subsequently, the usage of Latin terms was a reflection of the development of contemporary legal order and accompanied it. But when the legal situation changes, linguistic needs change too and terminology is adjusted. Accordingly, the recent reorganisation of the legal system has changed the vocabulary of the lawyers active at present and we detect in the pieces of writing in *Juridica* only a few Latin expressions commonly found in *Õigus* in articles about the right of succession, such as *hereditas iacens* ('resting inheritance'), which denotes succession that has been opened but where the inheritance has not been transferred to heirs. Also the terms *beneficium inventarii* ('benefit of inventory'), *beneficium separationis* ('right to have the goods of an heir separated from those of the testator in favour of creditors'), *successio singularis* ('singular succession'), and *successio universalis* ('universal succession') have been used once in *Juridica* in an article about the draft Law of Succession Act. These are well-known institutes both now, as they were in the earlier period, so these Latin terms are part of active vocabulary today.

But all the important terms used in *Õigus* in writings about relations regarding land and ownership relations have failed to find their way into the vocabulary of today's jurists, for example *dominium directum* ('strict ownership, the right of a landlord'), *dominium utile* ('ownership of the soil itself, the right of a tenant'), *dominus directus* ('direct owner'), *dominus utilis* ('tenant or person who uses the property') and *emphyteusis*, which denotes a contract by which a landed estate was leased to a tenant, either in perpetuity or for a long term, of many years, upon the reservation of annual rent and upon the condition that the tenant improve the property, by building, cultivating, or otherwise, and with a right vested in the tenant to alienate the estate or pass it to his heirs. Such disappearance is not surprising, since the laws concerning ownership of land have changed completely. The divided property principle, created in the Middle Ages, and discarded in the process of developing modern private law, was adhered to in Estonia between the World Wars.⁸⁶ It was conditioned, on the one hand, by the existing legislation pertaining to private law inherited from the Russian tsarist regime.⁸⁷ At the same time, it was used to solve the regulatory

⁸⁵ In more detail about the usage of Latin terms in the context of the right of succession and ownership of land see: M. Ristikivi. Latin terms in Estonian legal journalism in the interwar period: Practical tools for a young legal culture. – *Juridica International*, 16/2009, pp. 237–239 (publication I).

⁸⁶ More detailed contemporary studies about the *obrok* in *Õigus* see: J. Tjutrumov. Pärilikust obroki õigusest Balti õiguse järele. – *Õigus*, 7/1929, pp. 209–216; T. Grünthal. Otsese omaniku õigustest kruntrendile (obrokile) antud kinnisvara suhtes. – *Õigus*, 8/1931, pp. 358–364.

⁸⁷ Definition and general regulation of the divided property in the Baltic Private Law Act, see *Provincialrecht der Ostseegouvernements. Dritter Theil. Privatrecht. Liv-, Est- und Curlaendisches Privatrecht. Zusammengestellt auf Befehl des Herrn und Kaisers*

problems that came with the new social reforms.⁸⁸ In *Juridica* these terms do not occur because in the new legal environment there is no practical need for such terms. The divided property principle could be found in the Baltic Private Law Act, but the current private law in Estonia recognises undivided or absolute property.

4.1.4.2. The periodicals *Nõukogude Õigus* and *Eesti Jurist*

The period when the journals *Nõukogude Õigus* and *Eesti Jurist* were edited, 1985–1994 is directly connected with the profound socio-political changes that brought about extensive legal reforms. This transition era can be characterised in brief as abandoning the former Soviet law and becoming part of the Western legal environment.

A noticeable change in the usage of terminology in *Nõukogude Õigus*, which included only a few Latin legal terms in 1985–1988, occurred in 1989 when more than half as many Latin terms were used in comparison with the number of terms employed in the previous four years altogether. For the first time the authors began to use the well-known terms *de iure* ('by the law, in law'), *de lege lata* ('according to the law in force'), *ius cogens* ('peremptory norm') and *ex tunc* ('from the outset', referring to the retroactive nature of a norm or agreement). In the same year, also the famous quote by Celsus from the Digests (Dig. 1.1.1.pr.) *ius est ars boni et aequi* ('law is the art of the good and the just')⁸⁹ was used for the first time, as well as the juridical principle of *ex iniuria ius non oritur* ('illegal acts cannot produce legal result or rights') in an article about the Molotov-Ribbentrop pact.⁹⁰

Even though in 1989 several topics were publicly discussed which had previously been prohibited, officially the country was under Soviet rule. Considering this, the use of the phrase *salus populi suprema lex* ('the safety of the people is the supreme law')⁹¹ is significant, originating from one of the most prominent works of Cicero on legal philosophy, *De legibus* ('On the Laws')⁹², in which the people and their welfare is placed above everything else.

Alexander II. St. Petersburg: Buchdruckerei der Zweiten Abtheilung Seiner Kaiserlichen Majestät Eigener Kanzlei, 1864, Art. 942–952; about *obrok* see Art. 1324–1334.

⁸⁸ About the Land Reform see A. Weller. The agrarian reform in Esthonia from the legal point of view. Berlin: Baltischer Verlag und Ostbuchhandlung, 1922.

⁸⁹ Editorial. – *Nõukogude Õigus*, 6/1989, p. 411.

⁹⁰ H. Lindpere. Saksamaa ja NSV Liidu vahel 23. augustil ja 28. septembril 1939. a. sõlmitud paktide hinnang rahvusvahelise õiguse seisukohast. – *Nõukogude Õigus*, 4/1989, p. 249.

⁹¹ A. Traat. Mälestuskilde õpinguist Tartu Ülikooli õigusteaduskonnas aastail 1935–1938. – *Nõukogude Õigus*, 5/1989, p. 354.

⁹² M. Tullius Cicero. *De re publica. De legibus*. With an English translation by C. W. Keyes. The Loeb Classical Library, 213. Cambridge: Harvard University Press, 1988.

Among legal terms there is a maxim from classical Roman literature. The expression *in medias res* ('into the middle of things')⁹³ comes from the most famous poem by Horace *Ars poetica* ('The Art of Poetry').⁹⁴ This term describes a narrative technique which places the reader in the middle of the events, while the background and previous affairs are discussed later in the course of the current actions. The fact that this particular phrase (as well as other new expressions that entered the authors' vocabulary in 1989) was employed reveals that the authors were prepared and willing to accept terminological changes, which was clearly influenced by better and easier access to literature in foreign languages.

At the time *Eesti Jurist* was published, the Republic of Estonia regained her independence in 1991. Prior to that, in 1990, the possibility of restoring independence was thoroughly discussed and hence the terms *de iure* ('by the law, in law') and *de facto* ('by the fact, in fact') occurred frequently. Restoring the independent republic also meant that particular attention had to be paid to the question of citizenship, so in the same year the articles in *Eesti Jurist* made use of the terms *ius sanguinis* ('right of blood') and *ius soli* ('right of soil'), by which citizenship is determined by having an ancestor who is a citizen of the state or by place of birth.

Comparing the terms in *Nõukogude Õigus* and *Eesti Jurist*, the appearance in the articles of the principle of penal law *nullum crimen nulla poena sine lege* ('there is no crime and no punishment without a law fixing the penalty') is significant. The phrase was used for the first time in 1991 when an article was printed about the infamous paragraph 58 about criminal offences against the state found in the Russian SFSR Penal Code⁹⁵, which proved tragic for many people during the rule of Stalin.⁹⁶ In the 1985–1989 articles in *Nõukogude Õigus* this term is no longer to be found.⁹⁷ In the legal language of today the

The exact quotation by Cicero is even more imperative, De leg. 3.3.8: *ollis salus populi suprema lex esto* ('the safety of the people shall be their supreme law').

⁹³ H. Saari. Kui filoloogil on sõnaõigust. – *Nõukogude Õigus*, 6/1989, p. 421.

⁹⁴ Q. Horatius Flaccus. *Satires, Epistles and Ars Poetica*. With an English translation by H. R. Fairclough. The Loeb Classical Library, 194. Cambridge: Harvard University Press, 1978, v. 148: *semper ad eventum festinat et in medias res* ('ever he hastens to the issue, and hurries his hearer into the story's midst'). Horace used this phrase to praise Homer whose *Iliad* begins dramatically with the quarrel between Achilles and Agamemnon during the Trojan War.

⁹⁵ U. Lõhmus, J. Sootak. Õigusteadlased kommenteerivad VNFSV KRK § 58¹. – *Eesti Jurist* 3/1991, p. 210.

⁹⁶ M. Luts-Sootak. Null on number – karistusõiguses. – *Tractatus terribiles: artiklilogumik professor Jaan Sootaki 60. juubeliks*. Koost. A. Parmas, P. Pruks, M. Ruttu. Tallinn: Juura, 2009, p. 180–181.

⁹⁷ According to M. Luts-Sootak, the term *nullum crimen...* did not occur in Soviet teaching materials either. M. Luts-Sootak. *Null on number – karistusõiguses*. – *Tractatus terribiles*, p. 181.

term *nullum crimen nulla poena sine lege* is fairly common, and in *Juridica* there are several variations of this term used besides the most ordinary form.⁹⁸

4.1.4.3. The periodical *Juridica*

The periodical *Juridica* was being issued on a regular basis when the Republic of Estonia acceded to the European Union (on 1 May 2004). The harmonisation of local legislation with EU law and the European Court of Justice rulings has introduced the terminology used in the EU, resulting in the appearance of quite a few new Latin terms in the articles in *Juridica*. However, it is important to note that the qualitative change in usage of Latin terms did not occur only after Estonia became a member of the EU. The most significant changes in terminology started years earlier when the readiness to try to again become part of the European legal environment surfaced.⁹⁹ Thus, the rearrangements in the Estonian legal system have caused Estonian lawyers to include in their usage of legal language those Latin terms that have become rooted in the legal tradition of Europe.

Through the decisions of European Court of Justice such terms as *fumus boni iuris* and *fumus non mali iuris* were adopted in 2007. Word for word translations of these would be ‘an air of good law’ and ‘an air of the not bad law’. In the European Court of Justice, these terms are used in application of interim measures, and in that context *fumus boni iuris* has the meaning ‘probability of the alleged claim’¹⁰⁰, i.e. a strong presumption that the action is well founded or that it should at least be *prima facie* clearly well founded.¹⁰¹ The *fumus boni iuris* can be altered into weaker requirement *fumus non mali iuris*, i.e. the applicant is not required to demonstrate that the allegations in the main action are *prima facie* well-founded but merely that the case must not be obviously unfounded.¹⁰² Subsequently, these are strictly professional terms whose direct meaning does not seem closely related to concepts which they denote and because they have limited application they are not very common in legal texts yet. Therefore, before these become firmly rooted in our legal

⁹⁸ More about this: see Appendices 1–4 which list all Latin terms found in the legal journals studied.

⁹⁹ M. Ristikivi. *Lexica iuridica* in *Juridica: Latin Terms as a Reflection of Europeanisation of Estonian Legal Culture*. – *Juridica International*, 12/2007, pp. 175–176 (publication III).

¹⁰⁰ W. A. Kennett. *Enforcement of judgements in Europe*. Oxford: University Press, 2000, p. 160.

¹⁰¹ D. Sinaniotis. *Interim Protection before the European and National Courts*. Alphen aan den Rijn: Kluwer Law International, 2006, p. 23; also W. Frenz. *Handbuch Europarecht*. Band 3: Beihilfe- und Vergaberecht. Berlin, Heidelberg: Springer, 2007, p. 507.

¹⁰² K. Lenaerts, D. Arts. *Procedural Law of the European Union*. London: Sweet and Maxwell, 1999, p. 300.

language, it would be practical to add translations or clarifying comments to them.

The term *fumus boni iuris* is also a good example of the spread of Latin legal terms in the European legal environment. A decade ago, when legal language was discussed, the prevalent viewpoint was that Europe's legal systems have developed in too different directions to detect any common vocabulary and that Latin's role as a *lingua franca* in Europe is an illusion.¹⁰³ This standpoint was exemplified by pointing out that the term *fumus boni iuris* is found in the writings of Italian lawyers, but not in other legal orders. Nonetheless, the materials included in the current research indicate that by now this term has entered the professional literature in Estonia as well as other countries through the decisions of the European Court of Justice. Thus it can be inferred that in the past ten years Latin terminology has acquired greater significance and is the connecting link between the legal languages in Europe.

The rulings of the European Court of Justice and the European Court of Human Rights have altered the usage of the term *versus* in the Estonian legal language. Earlier the term *versus* was relatively rare in the articles in *Juridica* and it was primarily used for juxtaposition of two situations or circumstances: "the meaning of law *versus* provision of law", "personal interest *versus* public interest", "minor infringements *versus* serious violations", "guilt *versus* harmfulness", etc. In recent years, this term has become noticeably more frequent. It mostly occurs in the abbreviated form *ver.*, *vs.* or *v.*, referring to particular European court judgements, and denoting the parties of a court case (e.g. "X *vs.* Y").¹⁰⁴

The term *versus* is used in a similar way in the court practice in the Anglo-American legal system, but this subject has not received much attention in *Juridica*. Therefore the change in the usage of the term cannot be attributable to that factor. So far, only a few Latin terms used in Anglo-American law have been employed in *Juridica*, such as *mens rea* ('guilty mind'), *actus reus* ('guilty act') or *habeas corpus* (literally 'you shall have the body', i.e. a legal action or

¹⁰³ P. Berteloot. Der Rahmen juristischer Übersetzungen. – Recht und Übersetzen. Hrsg. G. R. de Groot, R. Schulze. Baden-Baden: Nomos, 1999, p. 101.

¹⁰⁴ In Estonia, registration numbers are used for judicial decisions instead of names of the parties. The registration number of a decision has five digits (e.g. 3-2-1-4-01), with a specific meaning for each digit. The first position (3-2-1-4-01) stands for the court instance in the Estonian judicial system (3 – the court of third instance, i.e. the Supreme Court; 2 – courts of second instance, i.e. circuit courts; 1 – courts of first instance, e.g. city courts and county courts). The second position (3-2-1-4-01) denotes the type of the court case: 1 – criminal offences and misdemeanours; 2 – civil disputes, 3 – administrative matters, 4 – constitutional review proceedings. The third position (3-2-1-4-01) reveals the type of the proceedings: 1 – cassation, 2 – review procedure, 3 – correction of court error, 4 – rulings of a Special Panel appointing a competent court. The fourth position (3-2-1-4-01) denotes the number of the case and the fifth position (3-2-1-4-01) is the year of registration. More about this on the website of the Supreme Court (www.riigikohus.ee/?id=584; last accessed 10.11.09).

writ, through which a person can seek relief from the unlawful detention). It can be said that the orientation towards the western legal system is generally limited to the influences of Continental Europe, but the terminological principles of the Anglo-American legal system have not spread.

However, not all new terms appearing in *Juridica* lately are part of the terminology needed for discussing the topics related to European Union. In 2008, *speculum practici* ('mirror of practice') was used for the first time to name a new column in *Juridica*, in which commentaries mainly on the practice of the Supreme Court are presented. The word *speculum* ('mirror') is a reference to a tradition dating back to the Middle Ages when the so-called Mirrors of Wisdom, Morality and Law were compiled.¹⁰⁵ In legal history, the best-known mirror is "Sachsenspiegel" (*The Saxon Mirror*) compiled by Eike von Repgow in the 13th century, on which was modelled also the 14th-century Law Mirror of Livonia.¹⁰⁶

In 2006, an article was printed in *Juridica* about the scholarly traditions of Roman law,¹⁰⁷ which added to the corpus several terms originating from Roman law, for instance *accessio* ('increase'), *acquisitiones naturales* ('natural acquisitions'), *acquisitiones originariae* ('original acquisitions'), *animus rem sibi habendi* ('intention to keep the thing in one's possession'), *nova species* ('new species; new shape or form given to materials'), *res nullius* ('property of nobody'), *usus modernus pandectarum* ('new use of Pandects'). The article focuses on the institute of *specificatio* ('specification'), i.e. giving of form to materials and describes the basic features of the scientific methods of two different legal scholarly traditions – *usus modernus pandectarum* and the historic school that came after it.

Thus, not only modern law and EU vocabulary is represented in the usage of terminology in *Juridica* as a result of socio-political changes. New terms derived from Latin have been taken over in the articles in *Juridica* also through working with materials regarding legal history. As we can see in the *speculum practici* example, the term from the Middle Ages has found new application, establishing a link with the historical tradition.

¹⁰⁵ More about on the way Roman and medieval authors used the mirror as both instrument and metaphor, see: E. P. Nolan. Now through a glass darkly: specular images of being and knowing from Virgil to Chaucer. Michigan: University of Michigan Press, 1990, pp. 290–291.

¹⁰⁶ J. Sootak. Uus rubriik – *Speculum practici*. – *Juridica* 2/2008, pp. 127–128.

¹⁰⁷ H. Siimets-Gross. Rooma õiguse uurimistraditsioon Tartu Ülikoolis 19. sajandi keskel. – *Juridica* 10/2006, pp. 720–729.

4.1.5. Latin terms in law textbooks

The comparison of the usage of terminology in legal journals and law textbooks¹⁰⁸ is based on the fact that these sources have a common feature – the material is classified as scientific text, suggesting that there may be noticeable similarities in the usage of terminology. Yet, textbooks and legal journals may also be distinguished as separate types of text.¹⁰⁹ While scientific articles are written for the purpose of responding quickly to the changes happening or being planned in the legal order and communicating new knowledge, the function of textbooks is first and foremost introducing the particular field in detail and summarising the existing knowledge. And the target groups are different: the comments and analysis in scientific articles are addressed to lawyers, whereas textbooks are written for students.

The research material comprises eight textbooks¹¹⁰ and 2723 pages. In total, the material includes 158 instances of Latin, with terms occurring on every 17th page on average. In comparison with legal journals,¹¹¹ textbooks make much less frequent use of Latin phrases. Among all 158 instances of term usage, 100 different terms can be detected. In textbooks, which give an overview of an entire area of law, it is expected that vocabulary contains very few repetitions and presents various new terms. Therefore the majority of terms occur only once, and just 13 terms occur twice or more. The same variety can be found in legal journals in which the bulk of terms are used only once, and a third up to a half of the terms are used twice or more, depending on the periodical.

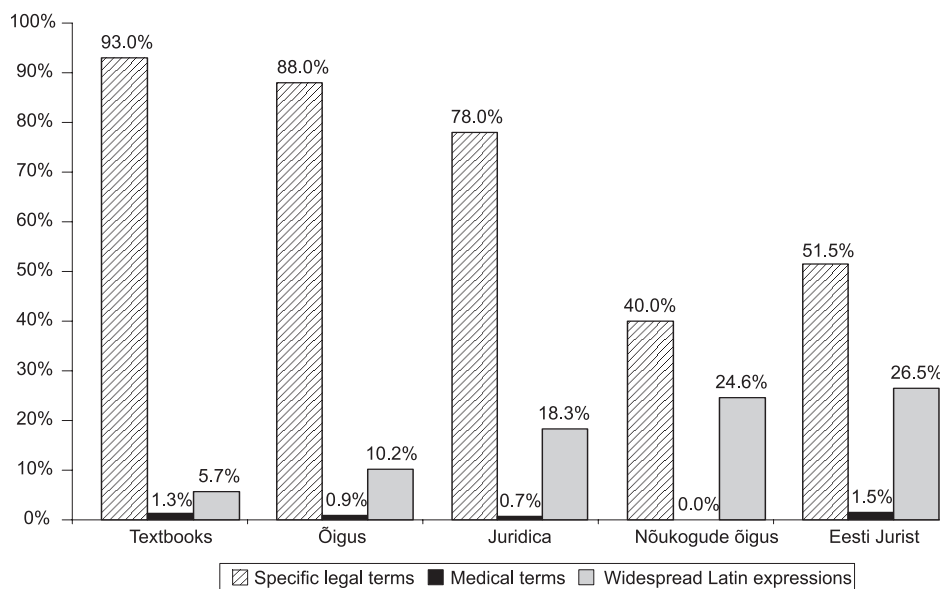
An analysis of the terms as regards their meaning and function reveals that textbooks exclusively make use of professional terms in their narrow juridical meaning. The vocabulary that refers to the academic word is totally absent and medical terms as well as more generally used Latin expressions make up a relatively small percentage of all the terms in civil law textbooks. Graph 9 shows the percentages of the Latin terms in textbooks and periodicals.

¹⁰⁸ About using Latin terms in Estonian textbooks on civil law see M. Ristikivi. *Ladina terminid tsiviilõiguses: eestikeelsed originaalõpikud versus tõlkeõpikud*. – Eesti Rakenduslingvistika Ühingu aastaraamat 5. Estonian Papers in Applied Linguistics 5. Tallinn: Eesti Keele Sihtasutus, 2009, pp. 225–238 (publication VI).

¹⁰⁹ About types of academic discourse see V. K. Bhatia. *A Generic View of Academic Discourse*. – *Academic Discourse*. John Flowerdew (ed.). London: Longman, 2002, pp. 32–33

¹¹⁰ H. Brox. *Pärimisõigus*. Tallinn: Juura, 2003; I. Kull. *Lepinguõigus*. Tallinn: Juura, 1999; U. Liin. *Pärimisõigus*. Tallinn: Ilo, 2005; A. Lüderitz. *Perekonnaõigus*. Tallinn: Juura, 2005; I.-M. Orgo, M. Muda, G. Tavits, T. Treier. *Tööõigus*. Tallinn: Juura, 2003; P. Schlechtriem. *Võlaõigus*. Eriosa. Tallinn, Juura, 2000; K. H. Schwab, H. Prütting. *Asjaõigus*. Tallinn: Juura, 1995; R. Tiivel. *Asjaõigus*. Tallinn: Juura, 2007. See also Appendix 5, which includes frequency list for all Latin terms used in textbooks.

¹¹¹ Numerical data on the usage of terminology can be found in subchapter 4.1.1.



Graph 9: Latin terms in textbooks and legal journals

The comparison of the usage of terminology in textbooks and periodicals on the basis of meaning and function brings out a clear distinction. The most frequently used Latin terms in legal journals are specific legal terms but their percentage is lower than that in textbooks. The latter use Latin phrases first and foremost in their main function, as can be expected, and they convey specific juridical information. In this group belong 147 terms, i.e. 93% of all terms found in textbooks. The publication on which this doctoral thesis is based only concentrates on textbooks on Civil Law, so the most frequently used terms relate to this field¹¹²: *causa* (17 occurrences, ‘cause, reason’), *culpa in contrahendo* (4, ‘pre-contractual liability’), *invitatio ad offerendum* (4, ‘invitation to offer’), *condictio indebiti* (3, ‘claiming the recovery of money handed over in the mistaken belief that it was due’), *consensus* (3, ‘consent’). Other more common terms, such as *ex nunc* (5, ‘from now on’, i.e. the norm or contract is valid only for the future), *de lege ferenda* (3, ‘desirable to establish according to the law’) and *ipso iure* (3, ‘by the law itself’), cannot be associated with Civil Law terminology only, as these are used in other areas of law too.

Comparing with the corpus of terms in juridical periodicals we notice that all these above mentioned phrases occur in *Juridica*. In *Õigus*, only *invitatio ad offerendum* cannot be found. But in *Nõukogude Õigus* and *Eesti Jurist* the

¹¹² About the distribution of terms between the different areas of civil law, see M. Ristikivi. *Ladina terminid tsiviilõiguses: eestikeelsed originaalõpikud versus tõlkeõpikud*. – *Eesti Rakenduslingvistika Ühingu aastaraamat 5. Estonian Papers in Applied Linguistics 5*. Tallinn: Eesti Keele Sihtasutus, 2009, pp. 232–234 (publication VI).

vocabulary does not include these terms – the only expression that is used is *de lege ferenda*. Moreover, the number of specific legal terms in the latter two journals is also considerably smaller.

In addition to legal terminology, nine expressions common in the general usage of Latin vocabulary appear in the textbooks studied. In comparison with the vocabulary in the periodicals, in which commonly used Latin expressions are more numerous, these constitute an insignificant percentage – only 5.7. Medical terms are very rare in textbooks, as in the periodicals, with the two phrases used making up 1.3% of the total number of terms.

The comparison of the usage of terminology in textbooks and legal journals reveals that in both the main focus of attention is on legal terms. The number of other Latin expressions is considerably higher in the periodicals, which can be explained with the differences in genres: Latin sayings and maxims appropriate in articles are unsuitable for textbooks in which substance and form depend to a larger extent on the distinctiveness of the particular field under observation.

Somewhat surprising is the small overall number of Latin terms used in textbooks. In the latter, it is customary to present the basic vocabulary of the area of law that is being introduced, and it might be assumed that professional vocabulary in Latin is eagerly used. As the authors of scholarly publications often presume that the reader is familiar with juridical vocabulary, the usage of terminology in law textbooks draws attention to the more general issue of the knowledge and understanding of foreign materials and to the practical problems with the usage of Latin terms.¹¹³

4.1.6. Summary

The analysis of the Latin vocabulary detected in the research material establishes that the terms have been used most widely during the two periods of independence in Estonia. In both periods a new legal order was established and new legislation was drafted, and in both periods a conscious choice to accept European legal culture was made. The end of the Soviet era, which came about between the periods marked by the publication of *Õigus* and *Juridica* abounding in Latin terminology, is characterised by *Nõukogude Õigus* with its sporadic usage of Latin expressions. The last year of publication of *Nõukogude Õigus* witnessed a significant increase in the usage of Latin terms, continued in *Eesti Jurist*, due to contacts with the Western world and better access to international legal literature.

Subsequently, the results of the research allow us to infer that language usage keeps up with the developments in society. When the legal environment changes, language usage in legal texts changes, too. The terminology used in *Õigus* was directly related to the regulations dating back to the tsarist period,

¹¹³ Typical mistakes made in using Latin term are reviewed in subchapter 4.2.

resulting in the appearance of terms used in the Middle Ages and pertaining to the divided property institute which was in effect in Estonia then. Such an institute is absent in modern law, so these terms are unnecessary from the practical point of view and do not occur in the articles of the later journals. In the later years of *Nõukogude Õigus*, several terms pertaining to this sphere and international law appear in the articles, attributable to the prospect of re-independence for Estonia. Today's language is to a large extent influenced by the terms adopted through European law and the rulings of the European Court of Justice.

The analysis of the terms as regards their function confirms that not only strictly legal terms are employed in the articles in the periodicals. Texts on the topic of law include also other vocabulary in Latin, such as medical terms, words and phrases concerning academic affairs, as well as Latin expressions and abbreviations typical of non-specific language use. This lexis, adopted in professional writing by lawyers and jurists, has an effect on the quality of a legal text in general and allows us to assess the state of legal language in different periods. In *Õigus* and *Juridica* mostly specific legal terms are used and other kinds of expressions are fewer. On the other hand, the authors of the articles in both *Nõukogude Õigus* and *Eesti Jurist* were rather modest in their usage of strictly legal terms. More freely employed were expressions that are widely used also outside legal language and the vocabulary of the studies of law.

The comparison of the usage of terminology in law textbooks and legal journals reveals the similarities and differences in these types of scholarly writing. In both types the vocabulary used mainly consists of terms that have a narrow juridical meaning. Another similarity lies in the particular expressions used: the terms used in textbooks can also be found in *Juridica* and *Õigus*. When the terminology in law textbooks is compared to *Nõukogude Õigus* and *Eesti Jurist*, we realise that the terms used do not coincide. This highlights the peculiarities of the genre of textbooks which can be expected to focus on professional terminology when introducing new topics, and other expressions in Latin receive less attention.

4.2. Practical issues in application of Latin legal terms

4.2.1. Mistakes in orthography

Jurisprudence is a science based on text where the linguistic means of expression have a particularly significant impact. Words or expressions acquire juridical power directly through language, which is why terminological accuracy is of high importance. The desired accuracy in professional communication is achieved with Latin terms whose meanings have developed in centuries and are not so easily affected by changes in nuances of meaning, which is characteristic

of modern languages. The required precision is not achieved by incorrect usage of Latin terms.

During the years of publication of the journals *Õigus* and *Juridica* Latin has had its firm role to play in the Estonian legal language; yet, the usage of foreign language material has caused several practical problems. The publication “Ladina õigusterminite vormilisest ja sisulisest korrektsusest” (Accuracy of the Form and Content of Latin Legal Terms),¹¹⁴ included in the present doctoral thesis, deals with the language errors occurring in the usage of Latin terms on the basis of the material collected from the periodical *Juridica*. The present chapter also includes the mistakes detected in *Õigus*. The issues of *Nõukogude Õigus* and *Eesti Jurist* published in the period under investigation contain only some Latin expressions and no incorrect forms could be discovered. Thus the following analysis focuses on the problems with the orthography and morphology of the Latin vocabulary employed in *Õigus* and *Juridica* as well as its incorporation into the Estonian sentences.

The orthography, or spelling, of Latin terms proves to be the most common problem. In *Juridica*, there are mistakes in the spelling of compound words as well as in the use of vowels and consonants. Such mistakes do not necessarily occur in writing less known or seldom used terms – incorrect spelling is also found in expressions which according to numerical data occur frequently and ought to be part of the general vocabulary of lawyers.

It is generally accepted that Latin legal terms may have variants as regards writing words and prepositions as one or two words, e.g. *iuris prudentia* and *iurisprudencia* (‘jurisprudence’). A combination of a verb and a declinable word, for instance *respondeatsuperior* used in an article in *Juridica*, must definitely be written as two words, though: *respondeat superior* (‘a superior person shall be responsible’). The combination of the negative particle, a numeral and a preposition must also be spelt separately in Latin, for example *ne bis in idem* (‘not twice for the same thing’) instead of *nebisin idem*.

In the usage of vowels the letters *a* and *o* often get mixed up in *Juridica*, e.g. *ultimō ratio pro ultimā ratio* (‘last resort’); *culpa levissimō pro culpa levissimā* (‘the slightest fault’). In the example *vōcatio legis pro vācatio legis* (‘absence of law’, i.e. the period between the proclamation of an act and the moment it enters into force) the mistake made by the user changes the meaning of the term: while *vacatio* means ‘lack, absence’, *vocatio* stands for ‘calling’. Relying on the context we concluded that the author did not intend to use the term in the latter meaning. In *Õigus* a similar spelling mistake occurs in the quotation of the Law of the Twelve Tables: *uti lingua nuncupassit, ita ius estā pro estō*.

¹¹⁴ M. Ristikivi. Ladina õigusterminite vormilisest ja sisulisest korrektsusest. – Eesti Rakenduslingvistika Ühingu aastaraamat 4. Estonian Papers in Applied Linguistics 4. Tallinn: Eesti Keele Sihtasutus, 2008, pp. 157–170 (publication IV).

Both journals contain other mistakes in the usage of letters, too, such as *sine qua non* pro *sine qua non* ('indispensable condition')¹¹⁵ and *sensus verborum est anima legis* pro *sensus verborum est anima legis* ('the meaning of words is the spirit of the law') in *Juridica*. In *Õigus*, an error has obviously been made while printing the author's manuscript and in the article the phrase *seltra vires hereditarias* pro *ultra vires hereditarias* ('beyond the authority of the inheritance') can be found. The editorial board did remind the authors that in order to avoid errata the manuscripts ought to be in clearly legible writing and without corrections, and it was recommended that typed texts be submitted¹¹⁶, but it is likely that several incorrect forms appeared in the articles precisely because the manuscripts had been written down in difficult handwriting or because the typist was not familiar with Latin terms.

In several instances the pronunciation of the legal term causes the insecurity of the author in using it and the resulting spelling mistakes. Since the beginning of the 19th century, there have been two approaches to the pronunciation of Latin.¹¹⁷ The so-called classical approach follows the pronunciation of Ancient Rome which as a rule does not have differences in the spelling of the word and the way it is spoken (*ti* [ti], *c* [k]). The other, traditional approach favours the pronunciation which had spread by the 4th century during the late Latin period and which became the basis for the Romance languages that developed from Latin. According to this approach, the pronunciation of certain sounds and sound combinations differs from the spelling (e.g. *c* [ts], *ti* [tsi]). In Estonian cultural environment, classical pronunciation is recommended when Latin is studied with the purpose of learning about the Ancient times and reading the texts by ancient authors. But when juridical or medical terminology is studied, it is advisable to follow the traditional pronunciation which better reveals the connections between Latin and foreign words, e.g. Latin *obligatio* – in Estonian: obligatsioon ('obligation'), Latin *ius civile* – in Estonian: tsiviilõigus ('civil law').

The mistakes in the usage of consonants in the articles in *Juridica* primarily concern the letters whose pronunciation is different from spelling and similar to the pronunciation of another letter. Similarly pronounced and most problematic are *c* and *s*, *q* and *g*, *q* and *c*, *t* and *d*, for instance *ius est ars boni et aequi* pro *ius est ars boni et aequi* ('law is the art of the good and the just'); *lucrum*

¹¹⁵ The shortened form of the term *conditio sine qua non* 'indispensable condition', i.e. an indispensable requirement without which the result cannot be achieved.

¹¹⁶ Kaastõolistele! – *Õigus*, 3/1930, p. II.

¹¹⁷ Anglo-American lawyers and jurists follow a different principle, pronouncing Latin according to the pronunciation rules of English. More about this principle of pronunciation of Latin, see H. A. Kelly. Lawyers' Latin: Loquenda ut vulgus? – *Journal of Legal Education*, 1988, pp. 196–200. See also the instructions for pronouncing Latin terms in *Black's Law Dictionary*. 6th ed. St. Paul, Minn.: West Group, 1998, pp. VII–X. This kind of pronunciation is not common among Estonian lawyers yet, and it does not affect the spelling of Latin terms.

sessum pro *lucrum cessans* ('ceasing gain'); *numerantur sententiae, non ponderander* pro *numerantur sententiae, non ponderantur* ('votes are counted not weighed'); *qui prodest* pro *cui prodest* ('who benefits (from it)'). The error in the latter example alters its meaning: *qui prodest* should be translated into Estonian as 'kes või mis on kasulik (who or what is useful)', as the pronoun is in the nominative case, but in the original it is in the dative.

The rule concerning unadapted foreign words and expressions says that those should be spelt like in the original language.¹¹⁸ However, in the articles in *Juridica* incorrect forms are to be found, in the writing of which the authors have relied on the pronunciation in Latin. Namely, in Estonian, the letters *c* and *x* are not used. In foreign words, the corresponding sounds are represented by *-ts* and *-ks* (e.g. *spetsiaalne* 'special', *ekspress* 'express'). In *Juridica*, some errors occur which reveal the authors' habit of writing down words according to their pronunciation, as in Estonian. For instance, *ekspressis verbis* pro *expressis verbis* ('explicitly'); *lex spetsialis* pro *lex specialis* ('special statute'); *sine periculo sotsiali* pro *sine periculo sociali* ('without danger to society'). Yet, the terms *expressis verbis* and *lex specialis* are among the most frequently used legal terms in the publications, so we cannot see a correlation between the accurate usage of the term and its being well-known. It must be mentioned, though, that these mistakes were made in the early years of publication of *Juridica*, i.e. in the period of "re-westernisation" of Estonian law, and in later years such errors did not occur.

4.2.2. Gender and case forms and prepositions

In the articles in both periodicals, errors can be detected in the case and gender forms of Latin legal terms and the use of prepositions. These errors are an indication of the difficulties faced by the users of Latin who are influenced by Estonian language background. For example, the formation of various gender forms and the agreement between those is problematic because the Estonian language lacks the category of gender entirely.

In Latin, the noun and the adjective agree in gender. The Latin word *mos* ('custom') is a masculine noun and requires the masculine form of an adjective. In one article in *Juridica*, however, there is an expression in which the feminine adjectival form has been used: *bonae mores* pro *boni mores* ('good morals'). A common mistake is the wrong usage of the term *ius* ('right, law'), which is neuter in Latin and combines with the neuter form of an attributive adjective. But in several articles we find masculine and feminine endings in adjectives: *ius naturalis* pro *ius naturale* ('natural law'); *ius scripta* pro *ius scriptum* ('written law'). In *Juridica* we may also see phrases *ius commutativa* pro *ius*

¹¹⁸ About the principles of using foreign language items in Estonian see T. Erelt. *Eesti ortograafia*. 3. täiend. tr. Tallinn: Eesti Keele Sihtasutus, 1999, p. 16

commutativum and *ius distributiva* pro *ius distributivum*, apparently derived from *iustitia commutativa* ('commutative justice') and *iustitia distributiva* ('distributive justice'). In an article in *Õigus* discussing the classification of legal provisions, the expression *legus perfecta* can be detected. The word *legus* does not exist in Latin and the author evidently meant either *lex perfecta* ('perfect law', i.e. in Roman law, the law that contained sanction), its plural form *leges perfectae* or *ius perfectum* ('perfect right').

Nouns and adjectives in Latin always agree in case, too. In the expression *mala fide* ('in bad faith') the headword and the attribute must both be in the ablative case, but in *Juridica* we found the variant *mala fidem*, with the adjective in the ablative and the noun in the accusative. Problems also occur in the usage of the expression *lex posterior derogat legi priori* ('new laws are given preference over old laws'), in which *lex posterior* agrees in the nominative and *legi priori* in the dative singular. In the variant discovered in one article, *lex posteriori derogat leges priori*, several grammar rules have been ignored: there is no agreement between the nominative and the dative of *lex posteriori*; *leges priori* has no agreement in number: here we have the plural nominative combined with the singular dative. The same lack of agreement in number and case can be observed in the term *ius representationes omnimodae* pro *ius representationis omnimodae* ('full right of representation') detected in *Õigus*, which uses the ending of the plural nominative instead of the singular genitive. In the articles in both *Õigus* and *Juridica* there are several occurrences of the term *stricto sensu* 'in the strict sense' in the incorrect form *strictu sensu*, in which the adjective is used with a noun case ending.

In addition, there are inaccuracies in the use of a Latin preposition and the required case. The preposition *ad* 'at, towards, to' requires the accusative case, but in an article in *Juridica* we see the ablative used: *poena absoluta ad effectum* pro *poena absoluta ad effectum* 'full penalty to gain an effect'. The preposition *ex* 'from, out of' must be used with the ablative, but in one article the genitive has been used: *ex iniuriae ius non oritur* pro *ex iniuria ius non oritur* 'illegal acts cannot create law'. Also in *Õigus* the preposition *ex* was used with the genitive ending instead of the ablative, but here the endings of the masculine form are faulty: *obligatio ex delicti* pro *obligatio ex delicto* ('an obligation arising from a tort').

In these errors, too, there is no correlation between how widely the term has spread and whether it is used correctly. Several terms were used in incorrect forms, which according to the frequency of usage should be widely known and which might thus be expected to appear in text in the correct form. Taking into account the Estonian language, which lacks the category of gender as well as prepositions, the authors ought to be more attentive to the spelling of foreign terms.

4.2.3. Latin citations in Estonian sentences

In using Latin terms, the most general problem is incorporating citations into the Estonian text. Latin, which is principally a synthetic language, denotes grammatical relationships with the help of suffixes, unlike the major modern languages in Europe, such as English, French, or German, which employ analytic means for that. In Estonian, grammatical relationships are also indicated with inflectional endings, which ought to give the Estonian user of Latin an advantage when writing the terms, as the language systems are similar in this respect and it should enable an Estonian speaker to understand and use the terms in Latin with less effort.

Yet, the research material reveals that the similar principle of grammatical endings applied in both Latin and Estonian is of little help to the user and the recognisability and comprehensibility of a Latin expression may even be hampered by the alteration of the singular and the plural. Most often this problem arises when using Latin neuter nouns of the 2nd declension ending in *-um* with the plural ending *-a*, such as *pactum*, pl. *pacta* ('pact, agreement'); *argumentum*, pl. *argumenta* ('proof, evidence'); *obiter dictum*, pl. *obiter dicta* ('something said in passing'). The named plural ending coincides with the singular ending of the nouns of the 1st declension: *culpa*, pl. *culpae* ('guilt, negligence'). Therefore the word *digestum*, pl. *digesta* ('arranging, composing') is often translated into Estonian as *Digestad* (pro *Digestid*), making a mistake in the agreement in the plural, using simultaneously the plural endings of both Latin and Estonian.

A specific type of error occurs when instead of the nominative basic form of the term its genitive stem is written. For example, in *Juridica*, instead of the word *natio* ('nation, people') the form *nation* has been used: "Kannavad ju ka kreekakeelne *ethnos* ja ladinakeelne *nation* sama tähendust." [The Greek *ethnos* and Latin *nation* carry the same meaning.] Similarly, the stem *iur* has been used instead of the object in the accusative *ius*¹¹⁹: "Tööjaotust kohtuniku ja protsessiosalistele vahel näitab tabavalt sentents – *Narra mihi factum, ego tibi narrabo iur* – näita mulle asjaolud ja mina näitan sulle õigust." [Division of labour between the judge and the parties to a proceeding is well demonstrated by the maxim *Narra mihi factum, ego tibi narrabo iur* – tell me the facts and I'll tell you the law.] Such mistakes usually occur because a great number of Latin terms (particularly those of the 3rd declension) appear in foreign words and foreign languages on the basis of their stems. The words *natio* and *ius*, too, are known in Estonian and other languages by their stems *nation-* and *iur-* (compare with the Estonian *natsionaalne*, *juuridiline*; English *national*, *juridical*; German *national*, *juristisch*; French *national*, *juridique*).

¹¹⁹ *Ius* 'right, law' is a neuter noun whose nominative and accusative (the object case) forms coincide.

Language planners emphasise the fact that unadapted foreign words and expressions are entirely foreign and ought to be written like the original. These do not coincide with their basic forms, and they are set apart from the rest of the text with a different writing style, such as italics. In compound words, foreign words are joined with a hyphen and declensional endings are added after an apostrophe.¹²⁰ In *Õigus, Juridica* and *Eesti Jurist* the term *quasi* ('as if') has been used in compounds, and in all periodicals it is correctly joined to the Estonian words, such as *quasi-röövimine* ('*quasi*-robbery'), *quasi-seadusandlus* ('*quasi*-legislation') and *quasi-vakantsus* ('*quasi*-vacancy').

Separating Estonian case markers from the Latin word with an apostrophe is even more important from the viewpoint of the reader, in order to clearly distinguish the Latin part of the term and the Estonian declensional ending. Such a precise marking is particularly necessary in new or less frequently used terms. For instance, the missing apostrophe in the expression *ius honorariumi pro ius honorarium'i* ('law based on the rulings by magistrates') may lead a reader who is not very proficient in Latin to thinking that the Estonian case marker is part of the Latin term and use the wrong form when quoting.

Incorporation of two forms of Latin terms – the basic form in the nominative and the ablative adverbial form – into Estonian sentences proves complicated for the authors of *Juridica*. For instance, the Latin terms *ultima ratio* 'last resort' and *lex artis* 'law of the art' are used in text in their basic form in the nominative, not agreeing with the rest of the sentence grammatically: "Abinõud on halduslikud ning neid kohaldatakse nagu likvideerimistki *ultima ratio*." [The measures are administrative and those will be taken, like abolition, *ultima ratio*.] The ablative form would be more appropriate in this sentence: *ultima ratione* 'as a last resort' or add an Estonian explanatory word in the required form, e.g. *ultima ratio*-põhimõttel ('according to the *ultima ratio* principle'). In the sentence "Üldtunnustatud on seisukoht, et arst peab ravi läbi viima arstikunsti reeglite kohaselt ehk *lex artis*." [Generally accepted is the viewpoint that a doctor is to treat a patient in accordance with the laws of the art, i.e. *lex artis*.] it would have been more accurate to use the ablative of the term: *lege artis* 'in accordance with the law of the art' or to place the term towards the beginning of the sentence with the necessary Estonian case marker: "...arstikunsti reeglite ehk *lex artis*'e kohaselt" [in accordance with the laws of the art, i.e. with *lex artis*].

In the sentence "Kohus otsustas, et Inglise kohtuotsuses kasutatud mõiste "hästi käituda", see on mitte käituda *bonos mores* (ld. k. head kombes) vastaselt, mida Inglise õiguses on defineeritud kui käitumist, mis on "enamiku kaasinimeste arvates pigem vale kui õige", on ilmselt ebaselge ega anna piisavat juhust selleks, kuidas tulevikus käituda." [The court decided that the concept "to

¹²⁰ About marking unadapted foreign words in the text see T. Erelt. *Eesti ortograafia*. Tallinn: Eesti Keele Sihtasutus, 1999, pp. 16–17, S. Mäearu. *Keelekasutuse keerdkäigud. Õigekiri. – Keel ja õigus*. Ed. A. Vettik, E. Silvet. Tallinn: Kirjastus Juura, 2005, p. 171.

behave well”, used in a British court judgement, i.e. not to behave contrary to *bonos mores* (Latin for good morals), which in English law has been defined as behaviour that is “in the opinion of most other people, wrong rather than right”, is obviously vague and does not give good guidance for future.] the Latin term *contra bonos mores* ‘against good morals’ is unfinished, as instead of the Latin preposition *contra* the Estonian postposition *vastaselt* is used. The author also added an inaccurate translation of the term: *bonos mores* is the accusative (object case) of ‘good morals’, which does not agree with the rest of the sentence.

Many mistakes made when incorporating Latin citations into Estonian text in the articles in *Juridica* seem to be attributable to relying on juridical texts in foreign languages and using secondary sources. In German or English text, where grammatical relationships are not always marked with the grammatical forms of the words (declensional or personal endings) the Latin terms agree with the rest of the sentence with the help of auxiliary words. In order to use a Latin term correctly in an Estonian sentence, however, also the inflectional endings in Estonian must be taken into account in addition to the grammatical forms of the Latin words. Avoiding such mistakes and using terms in their accurate form is all the more important when we wish to prevent inaccurate forms from recurring in juridical texts.

4.2.4. Summary

The study of the accuracy of the form and content of Latin legal terms revealed the characteristic problems that Estonian-speaking users of foreign terminology have. As regards mistakes in orthography, the most conspicuous errors are those conditioned by the peculiarities of Latin pronunciation (*s pro c*, *g pro q*, *c pro q*, *ks pro x*, *ts pro c*). In addition, the writing of letters that look similar may be faulty (*a* and *o*) and the form of unadapted foreign words often appears to be incorrect. In the usage of Latin terms, the most common problem is the conceptual suitability and grammatical agreement of the foreign expressions in the Estonian sentences. All these issues have an effect on the syntactic and semantic structure of the Estonian text.

Errors occur in the articles in *Juridica* and *Õigus*, while no mistakes can be detected in the usage of Latin terms in *Nõukogude Õigus* and *Eesti Jurist*. However, the latter two periodicals contain very few strictly professional terms, as the authors mostly use universally known Latin phrases or the vocabulary regarding university studies, which minimises the possibility of making errors.

Another issue that arises in connection with journals as research material is the question of language editors and their preparation for recognising and correcting specific Latin terms. A language editor is more likely to recognise and correct, if necessary, the mistakes in the usage of widespread foreign terms. But when very specific, rarely used terms are employed, even legal glossaries

may be of no help because the particular expression may not be included. One more difficulty may arise when the author uses a term in some case form but incorrectly. In order to detect such problems, good knowledge of Latin grammar is indispensable. At the same time, the correctness of Latin terms in legal language needs to be paid special attention to because spelling mistakes can change the meaning of the word. In such cases, the usage of Latin terms fails to fulfil its purpose of rendering ideas in a concise and unambiguous way. Quite the contrary – the text becomes misleading for the reader.

Several mistakes in the publications in the periodical *Õigus* seem to have appeared when the manuscripts were typed. Copying and rewriting the materials also explains a number of mistakes found in the articles in *Juridica*. In their texts, the authors of *Juridica* rely to a great extent on materials in foreign languages and numerous orthography and morphology errors are attributable to the careless rewriting of citations or the examination of poor quality copies. Such errors reflect the user's poor knowledge of Latin. Considering the great number of Latin terms occurring in *Juridica*, we may infer that authors today are willing and prepared to employ foreign terms. Nevertheless, correct usage cannot be achieved without appreciating the linguistic peculiarities of Latin terms.

4.3. Latin terms and legal education: acquisition of professional terminology

4.3.1. The Republic of Estonia 1918–1940

The usage of Latin terminology provides an opportunity to assess the educational level of lawyers and the situation of legal culture, including the quality of legal education. That is, we can appraise the quality of the preparation of Estonian lawyers, as their usage of Latin legal terms depends on that preparation.

At the beginning of the century and in the interwar period, Latin was a natural part of schooling in Estonia.¹²¹ At university level, Latin was considered even more important. For instance, the students of the Faculty of Law at the

¹²¹ In brief about the requirements concerning the knowledge of Latin at the Faculty of Law at Tartu University in the interwar period see M. Ristikivi. Latin terms in Estonian legal journalism in the interwar period: Practical tools for a young legal culture. – *Juridica International*, 16/2009, p. 232 (publication I). About teaching Latin in upper secondary schools see the article by E. Nurm, the author of several handbooks of Latin: E. Nurm. *Mälestusi Tallinna Nikolai Gümnaasiumist 1907–1914*. – *Keel ja Kirjandus*, 1981, pp. 300–309.

University of Tartu¹²² were required to know enough Latin to be able to manage compulsory reading: Caesar's *Commentarii de Bello Gallico* ('Commentaries on the Gallic War'), Cicero's speeches, Ovid's *Metamorphoses*, and excerpts from the works of Horace and Livy.¹²³ In law, learning Latin focuses primarily on Roman law and the corresponding terminology. Therefore it was demanded in the interwar period that students should pass their Latin exam prior to taking their Roman law exam.¹²⁴ At that time, Roman law was taught in two stages at Tartu: in the first year, the students became familiar with the history and sources of Roman law, and the second year focused on study of the system of Roman law. Knowledge of professional terminology in Latin was perfected in practical classes during those courses, as extracts from the 'Institutes' of Gaius and Justinian were read and translated.¹²⁵

In 1935, L. Leesment's compilation "*Excerpta iuris Romani*. Roomaõiguslikud tekstid" ('Texts on Roman law') was issued.¹²⁶ As L. Leesment was teaching the history of Roman law at the time, this compilation was meant to be used for practice in classes during the academic course of Roman law.¹²⁷ In the introduction the compiler writes that the compilation is designed for improving the students' knowledge of Latin. He points out that the texts in the book are not easily available but they are necessary for young lawyers in particular. The sources selected for the compilation introduce different aspects of Roman law, with preference given to linguistically simpler texts and main attention paid to extracts from the Institutes of Gaius. Excerpts from the Institutes of Justinian and *Regulae* by Ulpian are fewer, but the book also contains comparative passages from the Sachsenspiegel, the Livonian legal mirror, town law in Riga and Tallinn and the Baltic Private Law Act. The latter excerpts were not written

¹²² In the interwar period and during the Soviet era, law could only be studied at Tartu University in Estonia. The majority of the authors whose texts have been published in the juridical periodicals under observation have been educated at Tartu. In newly independent Estonia, law can also be studied at private universities, but the present thesis does not investigate Latin studies at those for lack of specific information. That is why the comparison in this chapter is always made with the curricula at Tartu.

¹²³ The decision of the Faculty Council of 18.12.1923. Eesti Ajalooarhiiv (Estonian Historical Archives), 2100.10.17, 28–29, 40–43.

¹²⁴ A. Traat. Mälestuskilde õpingutest Tartu Ülikooli õigusteaduskonnas aastail 1935–1938. – Nõukogude Õigus, 5/1989, 352–355; H. Randalu. Marginaale õigusteaduskonnast 1934–1940. – Nõukogude Õigus, 5/1989, 355–357.

¹²⁵ About teaching Roman law at Tartu University in the interwar period see H. Siimets-Gross. Die Lehre des römischen Rechts an der Universität Tartu in den Jahren 1919–1940. – Juristische Fakultäten und Juristenausbildung im Ostseeraum: zweiter Rechtshistorikertag im Ostseeraum, Lund 12.–17.03.2002. Stockholm: Rönnels Antikvariat AB, 2005, pp. 343–347.

¹²⁶ L. Leesment. *Excerpta iuris Romani*. Roomaõiguslikud tekstid. Tartu: Akadeemilise Kooperatiivi Kirjastus, 1935.

¹²⁷ H. Siimets-Gross. Die Lehre des römischen Rechts, pp. 361–362.

in Latin; the author used these as examples of the principles of Roman law being conveyed in later sources.

Questions arise when we consider the amount of attention paid to the Institutes of Gaius in this book. It cannot be asserted that the choice of texts to be included was above all based on the simplicity of language because the students at that time had been prepared to deal with much more complicated texts in Latin. Those who had read the prose of the greatest Roman authors such as Livy and Cicero in order to pass their Latin exam could certainly not find Justinian's texts too challenging. The superb knowledge of Latin of the jurists at the time is reflected in the publications in *Öigus*, which include citations from very specific Latin sources, such as the Law of the Twelve Tables, the Digests and Justinian's *Codex*. Besides the sources of Roman law, also Latin quotations from *Codex Iuris Canonici* have been used.

Highlighting the texts by Gaius may have been conditioned by the topicality of such material in the context of legal literature in those days. At the time of publication of L. Leesment's compilation in 1935, the *Institutiones* by Gaius was one of the subject matters that received most attention in Europe in the research into Roman law. In addition to the manuscript discovered in Verona in 1816, new materials were found in Egypt in 1933, on the basis of which the text of the Institutes was reconstructed. This was followed by several scholarly publications about the very topic.¹²⁸ However, the abovementioned new findings were not mentioned in *Öigus* and only a small number of references to the Institutes of Gaius are to be detected. The primary source for citations is the various parts of *Corpus iuris civilis*.

Yet, neither Leesment's reader nor *Öigus* refer to the anniversaries of Justinian's codification.¹²⁹ The 1400th anniversary was celebrated with *Codex Iustinianus* ('Code of Justinian'), issued in 529/534,¹³⁰ and *Digesta* and

¹²⁸ The additional material found about the Institutes of Gaius was discussed in detail by: E. Levy. Neue Bruchstücke aus den Institutionen des Gaius. – *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 54, 1934, pp. 258–311; F. de Zulueta. The new fragments of Gaius. – *Journal of Roman Studies*, 24, 1934, pp. 168–186; P. Collinet. Les nouveaux fragments des Institutes de Gaius. – *Revue historique de droit français et étranger*, 13, 1934, pp. 96–117.

¹²⁹ All parts of Justinian's codification together, named *Corpus Iuris Civilis*, were issued in 1583 in Geneva by French jurist Denis Godefroy (Dionysius Gothofredus). L. Wenger. *Die Quellen des römischen Rechts*. Wien: Holzhausen: 1953, p. 596; F. Wieacker. *Privatrechtsgeschichte der Neuzeit*. 2., neubearbeitete Aufl. Göttingen: Vandenhoeck & Ruprecht, 1967, p. 167. About the earlier name for Justinian's codification, *corpus iuris*, see F. C. von Savigny. *Geschichte des römischen Rechts im Mittelalter*. Bd. 3. Bad Homburg: Hermann Gentner Verlag, 1961, pp. 516–520.

¹³⁰ The first edition of this code was prepared in 529. In 534, it was revised and reissued under the title *Codex Iustinianus repetitae praelectionis*; the revisions were based partly on Justinian's own new legislation. More about both editions of *Codex Iustinianus* see L. Wenger. *Die Quellen des römischen Rechts*. Wien: Holzhausen: 1953, pp. 570–576; 638–651.

Institutiones Iustiniani, originally published in 533. The named event did not go totally unnoticed, though, as on 21 November, 1933, a public ceremony was organised in the assembly hall at Tartu University, introducing the parts of *Corpus iuris civilis* and their significance in the history of law.¹³¹ At the present stage of research it is not known why such an important occasion failed to be recognised on the pages of *Õigus*.¹³² Nonetheless, it did not affect the extent of the influence that this source had, or the abundant use of quotations taken from it in legal publications.

The systematic organisation of teaching Latin prior to World War II ensured the students' familiarity with the sources, and this period witnessed more frequent usage of Latin than any other in the history of juridical journalism in Estonian. Relying on the Latin vocabulary in the periodical *Õigus*, it is possible to declare that in the interwar period expressions in Latin had a major role in the Estonian legal language. In the 20 years of the journal's publication, Latin terms in the articles were great in number; also, the terminological variety of the vocabulary of the jurists was remarkable. The few errors detected in the usage of the terms prove that the preconditions for the effective use of Latin terms were created by the educational achievements in the given period, which allowed the professionals not only to quote short technical terms consisting of a few words but also to cite the Digests of Justinian and sources in Latin originating from the Middle Ages.

4.3.2. The Soviet era

In the Soviet era, the knowledge of the Latin language and terminology was mainly acquired at university, since this subject was excluded from the curricula at secondary school. But the teaching of Latin for two semesters at university was in fact a quick overview of Latin grammar, rather than a systematic study

¹³¹ The ceremony conducted at the university was described in the articles “Õigus-teadlaste 'piibel' 1400 aastane”, see the newspaper *Postimees*, 21.11.1933, and “Õiguse piibli' mõju eestlastele. *Corpus iuris'*e 1400 a. juubeliaktus ülikooli aulas”, *Postimees* 22.11.1933. Because of the ceremony, the lectures at the Faculty of Law were cancelled that day and the students were urged to go and listen to the presentations. More about this in the section “Ülikool”, see *Postimees*, 15.11.1933.

¹³² It cannot be said that in *Õigus* the anniversaries of the major works in the history of law were ignored. For instance, in 1925 articles were published to celebrate the 300th anniversary of Hugo Grotius' “*De iure belli ac pacis*” (1625): J. Uluots. Hugo Grotius. Elulugu. – *Õigus*, 8/1925, pp. 198–200; F. Korsakov. Hugo Grotius ja rahvusvaheline õigus. – *Õigus*, 8/1925, pp. 200–204.

of professional terminology based on original sources.¹³³ Two particular reasons for such superficial instruction focusing on general vocabulary can be listed.

On the one hand, during the Soviet rule, the official curricula at Estonian universities did not include Classics as a separate speciality.¹³⁴ The abolition of classical philology cannot be explained by the official ideology and the rhetoric of “for people’s own good” only, as Classics continued to be taught at universities in Moscow, Leningrad (St. Petersburg), Kiev and Tbilisi. Also in Lithuania, Classical studies were kept alive thanks to very strong (catholic) cultural traditions. Classical philology did not pose a direct ideological threat, since it was not anti-Soviet. In Estonia, both subjective as well as local and objective reasons brought about the change. What was significant was that in studying and researching antiquity, it was possible to be directly in contact with western thought and culture. All similar fields of study vanished in Estonia during the Soviet time. Another significant cause was that within a limited range of means and possibilities first those subjects were closed which were considered to be dispensable because they seemed too impractical and not directly sympathetic to the ideological cause of the regime. The mentality of the lecturers was also considered inappropriate, as most of them had been educated during the time of the first independence. The circle of professors who taught Classics included those who actively resisted the Soviet regime, emigrated or died in the Second World War.¹³⁵

On the other hand, lack of motivation for learning and teaching Latin legal language can be associated with the break in the continuity of the research into Roman law at Tartu in this period. As a separate subject, the basics of Roman private law was taught within the framework of the law curriculum, but no corresponding research was done.

Subsequently, a characteristic problem at that time was that even though both subjects were taught to students of law, the courses of Latin and Roman law were not integrated and the students failed to see the link between them. As a study aid, H. Freymann’s “Latin Reader for Law Students”, published in 1958, was used¹³⁶, whose vocabulary and presentation of grammar followed the traditions of other contemporary Latin textbooks designed for students of

¹³³ In brief about the condition of Latin at Tartu University during the Soviet era see M. Ristikivi. Terminological Turn as a Turn of Legal Culture. – *Juridica International*, 15/2008, p. 176 (publication II).

¹³⁴ Study of the speciality of classical philology was abandoned at the University of Tartu in 1954 and resumed in 1990.

¹³⁵ More about teaching Classics at Tartu University during the Soviet era see A. Lill. *Kakssada aastat klassikalist filoloogiat Eestis: kahe alguse lugu. – Kakssada aastat klassikalist filoloogiat Eestis. Morgensterni Seltsi toimetised I. Ed. I. Volt. Tartu: Tartu Ülikooli Kirjastus, 2003, pp. 11–12.*

¹³⁶ H. Freymann. *Ladina keele lugemik õigusteaduse üliõpilastele. Tallinn: Eesti Riiklik Kirjastus, 1958. Revised editions were later issued by Tartu Ülikooli Kirjastus in 1969, 1972 and 1977.*

humanities. Since the vocabulary acquired in Latin classes was largely of general language rather than professional legal terminology, in practice the efficiency of learning and understanding the terms pertaining to Roman law and other areas of law left to be desired.

The decreasing importance of Latin and Roman law in the curricula throughout the decades is clearly reflected in the articles printed in the issues of *Nõukogude Õigus* in the last few years of its publication, in which Latin expressions are rare. In view of the fact that virtually a whole generation of lawyers failed to receive systematic and methodical instruction in professional terminology in Latin it is not surprising that for the most part only well-known Latin maxims and vocabulary related to the academic field occur in the publications. The number of specific legal terms began to increase in the last couple of years of the Soviet era when the topics written about started to change and sources in foreign languages became available as a result of opening up to western influences.

4.3.3. The Republic of Estonia after regaining independence

A course of Latin legal terminology for once semester is compulsory for all first-year students of law today.¹³⁷ Since Latin is currently taught at a very small number of upper secondary schools¹³⁸, the majority of students first come into contact with Latin at university level. In Latin classes (lectures and seminars) pronunciation and the basics of grammar and vocabulary is taught, focusing mainly on the lexica and sources of Roman private law, which is an obligatory course in the first year.¹³⁹ Legal Latin is taught with the help of the textbook

¹³⁷ A detailed discussion of teaching Latin at the Faculty of Law at Tartu University in the period of regained independence in Estonia can be found in M. Ristikivi's article "Язык римского права: теоретические принципы и методы преподавания в Тартуском Университете. La lingua del diritto romano: principi teoretici e metodi d'insegnamento nell'Università di Tartu." – Древнее Право/Ius Antiquum, 18/2006 (2), pp. 211–216 (publication V); an overview also in M. Ristikivi. *Lexica iuridica* in *Juridica: Latin Terms as a Reflection of Europeanisation of Estonian Legal Culture*. – *Juridica International*, 12/2007, p. 174 (publication III).

¹³⁸ According to the Estonian Ministry of Education and Research and the Estonian Education Information System, in the academic year of 2008–2009 Latin was taught at six general education schools, and seven teachers taught Latin as an elective. See the data in EHIS (Eesti Hariduse Infosüsteem; Estonian Education Information System) www.ehis.ee (10.11.2009).

¹³⁹ In-depth knowledge of Roman law terminology can be acquired by attending an elective course "*Fontes iuris Romani*" ("Rooma õiguse allikad"), meant for students who have passed the legal terminology course, lasting for one semester and complementing the concurrent lectures on the Basics of Roman Private Law. The course on the source materials introduces the most important original texts on Roman law: the Law of the Twelve Tables, *Institutiones* by Gaius, *Corpus Iuris Civilis*, and touches

“*Ladina keel juristidele*” (‘Latin for Lawyers’)¹⁴⁰. This textbook is based on the special literature that has been or is published in Estonia: the journal *Juridica*, new course-books for students of law compiled by the professors of University of Tartu, as well as various textbooks on Roman law.

The influence of Roman law is most recognisable in the terminology of modern civil law but Latin terms are also used in penal law, international law and other areas of law. These terms, too, are included in the course and in the textbook about Latin legal terminology. In addition, several terms and quotations in Latin have been given in the abovementioned textbook, which concern international law and diplomacy and the Anglo-American legal system.

The efficiency of learning professional terminology lies at the moment in the integration of various subjects and emphasising their common ground – the form and aspects of meaning of the terms are discussed in Latin classes, aimed at ensuring their grammatically correct usage later in academic research or in practice, while in law lectures the content of the same terms is explained in the context of a particular area of law. Thus the large legal vocabulary based on Latin is made more easily understandable for students, helping them to memorise the terms with less effort and time.

For the first time in the history of the Estonian legal language a Latin-Estonian Legal Dictionary has been compiled¹⁴¹, which helps to ensure correct and balanced usage of Latin terms. A thorough dictionary containing Latin legal terms did not exist in Estonia earlier. A limited number of Latin legal terms and their translations could be found in reference books and study aids. The new Latin-Estonian Legal Dictionary contains over 3400 entries, the selection of which is based on practical considerations: mostly those terms are included which a lawyer may come across in more recent professional literature both in Estonian and other languages. The dictionary standardises the Estonian translations of Latin terms and helps in understanding the meaning of expressions as well as their suitability in Estonian texts.

In order to acquire professional vocabulary, contact study is complemented by the possibility to read and research materials (in a foreign language) about a particular field which are now readily available at libraries. A close study of the periodicals *Eesti Jurist*¹⁴² and *Juridica*¹⁴³ revealed that both published articles in

upon texts relating to Roman law of persons, family law, property law, contract law and succession.

¹⁴⁰ M. Ristikivi. *Ladina keel juristidele*. Tallinn: Juura, 2000 (2nd edition 2003, 3rd edition 2006, 4th edition 2009).

¹⁴¹ K. Adomeit, M. Ristikivi, H. Siimets-Gross. *Ladina-eesti õigussõnastik*. Tallinn: Eesti Keele Sihtasutus, 2005.

¹⁴² Merike Ristikivi. Terminological Turn as a Turn of Legal Culture. – *Juridica International*, 15/2008, pp. 175–182 (publication II).

¹⁴³ M. Ristikivi. *Ladina õigusterminite vormilisest ja sisulisest korrektsusest*. – *Eesti Rakenduslingvistika Ühingu aastaraamat 4. Estonian Papers in Applied Linguistics 4*. Tallinn: Eesti Keele Sihtasutus, 2008, pp. 157–170 (publication IV).

which the authors rely on foreign-language, predominantly German, sources. This is to be expected, since the influence of German law on Estonian legal culture has always been very strong and German law is also currently the basis of legislative drafting in Estonia. Moreover, study aids translated from German are being used to educate Estonian law students. A comparative study of terminology conducted on the basis of four original textbooks written in Estonian and four textbooks translated from German¹⁴⁴ reveals that in translated materials Latin terms are more numerous as regards both their total number and the number of different terms used. Yet, the corpus of terms in translated textbooks is so dissimilar to that in original Estonian textbooks that the German influence so pronounced in law in general seems less manifest in terminology.

A similar study was conducted by H. E. S. Mattila¹⁴⁵, comparing the Latin terminology in Finnish, German, English and French textbooks on the right of succession. The results of his study confirm that the common share with reference to terminology is rather limited, even though Finland, Germany and France, all part of the legal system in Continental Europe, have developed their legal terminology relying on Roman law.

Such results raise the question whether Latin terms, which are considered to be the carriers of European legal culture, could be determined by a particular society and its legal system instead. This is a claim typically made about modern languages, explaining the universal role of Latin terms in legal terminology. But when we contrast the terms included in original and translated textbooks with those found in *Juridica*, we see that the majority are used in legal journalism. Thus these terms are not unknown in legal language; they have a firm role in legal analyses and commentaries. In order to gain more specific knowledge about the content and function of Latin terms in real-life legal situations, more professional vocabulary in teaching materials should be included. It would also help to ensure correct usage of foreign terms by future lawyers.

Characterising the situation in Estonia after regaining independence we can say that Latin has been restored in its vital role in law. Teaching Latin has been integrated with teaching law subjects, a new study aid has been prepared and a new dictionary with Latin terms has been published. The articles in the journal *Juridica* are another indication that the authors are prepared and willing to employ foreign terms. Over the years, the occurrence of Latin terms in publications has increased in number and many new expressions have been adopted. The usage of vocabulary associated with the academic world and

¹⁴⁴ M. Ristikivi. Ladina terminid tsiviilõiguses: eestikeelsed originaalõpikud *versus* tõlkeõpikud. – Eesti Rakenduslingvistika Ühingu aastaraamat 5. Estonian Papers in Applied Linguistics 5. Tallinn: Eesti Keele Sihtasutus, 2009, pp. 225–238 (publication VI).

¹⁴⁵ H. E. S. Mattila. De Latinitate recentiorum doctrinarum ad iura hereditaria pertinentium. – Syntymästä kuolemaan, oikeudesta informaatioon. Ahti Saarenpää 60 vuotta. Suomalaisen Lakimiesyhdistyksen julkaisuja E-sarja, 17/2006, pp. 113–136.

general language which was predominant in the Soviet era has decreased significantly and replaced by specific professional terms. Drawing parallels between the frequent use of Latin terminology during the first period of independence in Estonia and the present situation, we can maintain that Latin terms have once again become indispensable tools for lawyers.

4.3.4. Summary

Examination of legal journals clearly reveals the connection between the usage of foreign terminology and legal education. Accurate and relevant usage of professional terms of foreign origin requires a basic knowledge of the structure of the foreign language concerned.

In the first period of independence in the Republic of Estonia, knowing Latin was an integral part of being a lawyer. The basic knowledge acquired at upper stage of secondary school about the structure of Latin and the vocabulary memorised by reading ancient authors provided a solid foundation for learning juridical terminology at university. Reading and translating Latin sources in the lectures and seminars on Roman law helped the students, that is, the future lawyers, to comprehend the peculiarities of Latin legal terminology. A comprehensive knowledge of professional terminology and linguistic preparation were also manifest in the articles published by the authors of the time in the periodical *Õigus*.

As regards the general attitude towards ancient languages and the vocabulary of Roman law, the Soviet era stands in sharp contrast to the period between two World Wars. The imperfect knowledge of professional terminology is mirrored in the articles published in *Eesti Jurist* in the first years of its publication and in particular in *Nõukogude Õigus*, in which specific legal terms are very few. In the Soviet years, the knowledge and usage of Latin expressions by lawyers showed their general cultural background and schooling.

In newly independent Estonia, the importance of Latin in law has increased again. Acquisition of professional terminology is based on the connections and common ground between the Latin language and the different areas of law. Unlike the Soviet era, the period of re-independence is characterised by abundant use of Latin terms in the articles in *Juridica*, and foreign terms are predominantly employed to convey juridical accuracy. Consequently, Latin terminology has once again become an inherent part of legal language.

5. CONCLUSION AND FURTHER RESEARCH PERSPECTIVES

The analysis of the research material conducted for the present doctoral thesis focused on the usage of Latin terms in legal texts in Estonian in three periods: prior to World War II on the basis of the journal *Õigus*, during re-independence on the basis of the journal *Juridica*, and in the transition period before and after re-establishing independence on the basis of the journals *Nõukogude Õigus* and *Eesti Jurist*. All periods under the observation are characterised by conceptual changes in the Estonian legal order, accompanied by radical reforms in legislation and the legal system in general.

The results of the study reveal that socio-political developments have had an impact on terminology and the principles of language usage. Using Latin terminology was most frequent in the years of publishing *Õigus* and *Juridica*, i.e. in the two periods of independence in Estonia. In both periods the Estonian legal order was reformed, and in drafting new legislation, European legal culture, which had developed on the basis of the Latin language, was looked upon as a good model. The total number of Latin terms used is greatest in those two periods and also the number of different terms is significant. Another factor that encouraged the usage of foreign terms during the publication of *Õigus* and *Juridica* was the quality of law education, since prior to World War II, students were required to examine rigorously original texts in Latin in the course of studying Roman law. After regaining independence Latin legal terminology has been taught in an integrated manner with other subjects on the law curriculum.

The usage of terminology in the interwar period reflects the natural link between Latin and scientific discourse. However, the results of the research into the usage of terminology in that era do not confirm entirely the hypothesis concerning the impact of the changes in political system on the usage of language and terminology. The authoritarian coup d'état in the 1930s was undoubtedly triggered by the ideology of nationalism. It would be logical to assume, for instance, that the usage of Latin terms in juridical texts should indicate an equivalent change. Similarly, from a comparative perspective, this trend could be justified. For example, the juridical discourse conditioned by the National Socialist ideology in Germany was very hostile towards Roman law, the terminology of which was deemed formalist and impractical and had to be discarded. Yet, after the coup in Estonia in 1934, there was no noticeable decrease in the usage of Latin terms. Throughout the years of publication of the journal *Õigus*, Latin legal terms constituted an essential part of the active vocabulary of lawyers and a practical tool in the course of legal reforms when drafting, explaining, and assessing the new legislation.

Consequently, it can be acknowledged that small-scale political upheavals – in this case a shift from a democratic parliamentary system to an authoritarian and presidential one, but still continuing to develop the legal order of an

independent nation state – may not have an effect on legal language and usage of the Latin terms examined in the present thesis.

In comparison, the hypothesis about a correlation between the changes in political system and usage of terminology during major socio-political upheavals was confirmed by the results of the analysis of the material in the current thesis. In the Soviet era the cultural influences changed and the western legal tradition was replaced by the Soviet legal system and the dominance of the Russian language. The usage of terminology in the journals *Nõukogude Õigus* and *Eesti Jurist* at the end of the Soviet era and in the transition period, explored in the course of the present research, revealed that the number of Latin terms in the abovementioned two periodicals is significantly smaller than the number of Latin terms in *Õigus* and *Juridica*. The negative attitude towards teaching and researching the Latin language and Roman law that developed during the Soviet era was mirrored in the language of lawyers. Besides infrequently used professional terms in juridical articles, a number of well-known Latin proverbs and expressions concerning academic affairs were employed in *Nõukogude Õigus* and *Eesti Jurist*. The analysis of the research material revealed that the terminological change and an increase in the usage of Latin terms came together with the transformation of the legal culture and policy at the end of the Soviet era.

The line of research in the current dissertation can be expanded to research comprehensively legal periodicals of the entire Soviet era published in the Estonian language. A comparative study of these and the journal *Õigusteaduslik Ajakiri* (1957–1960, 1963–1964), issued in Sweden and compiled by Estonian lawyers and jurists who fled from the Soviet occupation, can be conducted, analysing the correlation of the usage of terminology with authority and ideology.

Another perspective is to widen the scope of material and compare the usage of Latin terminology in legal practice and law education, in addition to legal journalism. As for legal practice, the material could comprise the decisions of the Supreme Court. As for law education, juridical dissertations could be researched besides original teaching materials in Estonian. The problem to be studied in further research would be the means and methods of acquisition of legal terminology and the application of legal terms in the usage of language in legal practice. Such a comparative analysis would give a comprehensive overview of the usage of Latin legal terms in the Estonian legal environment.

REFERENCES

Research materials

1. Juridica: Tartu Ülikooli õigusteaduskonna ajakiri. Peatoim. P. Varul, vastutav väljaandja P. Pruks. Tartu: Iuridicum, 1993–2008.
2. Eesti Jurist. Eesti Justiitsministeeriumi ajakiri. Tallinn: Eesti Justiitsministeerium, 1990–1993; Õigusteabe AS Juura, 1994.
3. Nõukogude Õigus: Eesti NSV Justiitsministeeriumi juriidiline bulletin. Tallinn: Eesti NSV Justiitsministeerium, 1985–1989.
4. Õigus: juriidiline ajakiri. Väljaandja: Tartu Õigusteadlaste Selts. Toim. F. Karlson, R. Räägo. Tartu, 1920–1940.
5. H. Brox. Pärimisõigus. Tallinn: Juura, 2003.
6. I. Kull. Lepinguõigus. Tallinn: Juura, 1999.
7. U. Liin. Pärimisõigus. Tallinn: Ilo, 2005.
8. A. Lüderitz. Perekonnaõigus. Tallinn: Juura, 2005.
9. I.-M. Orgo, M. Muda, G. Tavits, T. Treier. Tööõigus. Tallinn: Juura, 2003.
10. P. Schlechtriem. Võlaõigus. Eriosa. Tallinn, Juura, 2000.
11. K. H. Schwab, H. Prütting. Asjaõigus. Tallinn: Juura, 1995.
12. R. Tiivel. Asjaõigus. Tallinn: Juura, 2007.

Literature

1. K. Adomeit, M. Ristikivi, H. Siimets-Gross. Ladina-eesti õigussõnastik. Tallinn: Eesti Keele Sihtasutus, 2005.
2. Aeschylus. Agamemnon. Libation-bearers. Eumenides. Fragments. With an English translation by H. Weir Smyth. The Loeb Classical Library, 146. Cambridge: Harvard University Press, 1983.
3. N. Andresen. Noor-Eesti ja keeleeuendus. – Looming, 9/1970, pp. 1421–1429.
4. T. Anepaio. Tuntud tundmatu seadustik. Baltieraseaduse väljaanded. – Õpetatud Eesti Seltsi Aastaraamat 1994–1999. Tartu: Õpetatud Eesti Selts, 2002, 302–324.
5. T. Anepaio. Leon Victor Constantin Casso – vene (?) jurist Tartu ülikoolis. Ajalooline Ajakiri, 1–2/2002 (116/117), 161–176.
6. T. Anepaio. Die rechtliche Entwicklung der baltischen Staaten 1918–1940. – Modernisierung durch Transfer zwischen den Weltkriegen. Hrsg. T. Giaro. Frankfurt am Main: Vittorio Klostermann, 2007, 7–30.
7. T. Bachmann. Kognitiivse neuroteaduse ja psühholoogia võimalustest valetamise ja varjatud süülise teadmise avastamisel. – Juridica, 4/2007, 215–228.
8. N. Benke, F. S. Meissel. Juristenlatein. Lateinische Fachausdrücke und Redewendungen der Juristensprache, übersetzt und erläutert. Wien: Juridica, 1997.
9. P. Berteloot. Der Rahmen juristischer Übersetzungen. – Recht und Übersetzen. Hrsg. G. R. de Groot, R. Schulze. Baden-Baden: Nomos, 1999, 101–113.
10. V. K. Bhatia. A Generic View of Academic Discourse. – Academic Discourse. John Flowerdew (ed.). London: Longman, 2002.
11. Black's Law Dictionary. 6th ed. St. Paul, Minn.: West Group, 1998.
12. J. Bruss. Lateinische Rechtsbegriffe. 2. durchgesehene Auflage. Freiburg, Berlin, München, Zürich: Haufe Verlagsgruppe, 1999.
13. M. Tullius Cicero. De re publica. De legibus. With an English translation by C. W. Keyes. The Loeb Classical Library, 213. Cambridge: Harvard University Press, 1988.

14. P. Collinet. Les nouveaux fragments des Institutes de Gaius. – *Revue historique de droit français et étranger*, 13, 1934, 96–117.
15. T. A. van Dijk. *Ideology: a multidisciplinary approach*. London: Sage, 1998.
16. T. A. van Dijk. *Society and discourse: how social contexts influence text and talk*. Cambridge: Cambridge University Press, 2009.
17. B. Dölemeyer. *Das Privatrecht Liv-, Est- und Kurlands von 1864*. – *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte*. Hrsg. H. Coing. Bd. 3. Teilbd. 2. München: Beck, 1982, 2076–2090.
18. T. Erelt. *Eesti ortograafia. 3. täiend. tr.* Tallinn: Eesti Keele Sihtasutus, 1999.
19. T. Erelt. *Eesti keelekorraldus*. Tallinn: Eesti Keele Sihtasutus, 2002.
20. N. Fairclough. *Language and power*. London, New York: Longman, 1989.
21. N. Fairclough. *Discourse and Social Change*. Cambridge: Polity Press, 1992.
22. N. Fairclough. *Discourse and Text: Linguistic Intertextual Analysis within Discourse Analysis*. – *Discourse and Society*, 3/1992 (2), 193–217.
23. N. Fairclough. *Critical Discourse Analysis*. London: Longman, 1995.
24. N. Fairclough. *Analysing Discourse: Textual Analysis for Social Research*. London: Routledge, 2003.
25. W. Frenz. *Handbuch Europarecht. Band 3: Beihilfe- und Vergaberecht*. Berlin, Heidelberg: Springer, 2007.
26. H. Freymann. *Ladina keele lugemik õigusteaduse üliõpilastele*. Tallinn: Eesti Riiklik Kirjastus, 1958.
27. H. Freymann. *Ladina keele lugemik õigusteaduse üliõpilastele*. Tartu Ülikooli Kirjastus, 1969 (2nd edition 1972, 3rd edition 1977).
28. T. Grünthal. *Otsese omaniku õigustest kruntrendile (obrokile) antud kinnisvara suhtes*. – *Õigus*, 8/1931, 358–364.
29. M. A. K. Halliday. *Text as Semantic Choice in Social Contexts*. – *Grammars and Descriptions. Studies in Text Theory and Text Analysis*. Eds. T. A. van Dijk, J. S. Petofi. New York: Walter de Gruyter, 1977, 176–225.
30. M. A. K. Halliday. *Language as Social Semiotic: The Social Interpretation of Language and Meaning*. Baltimore: University Park Press, 1978.
31. M. A. K. Halliday. *The Semiotics of Culture and Language*. London: Pinter, 1984.
32. M. A. K. Halliday, R. Hasan. *Language, Context and Text: Aspects of Language in a Social-semiotic perspective*. Oxford: Oxford University Press, 1985.
33. M. A. K. Halliday. *The Language of Science*. London, New York: Continuum, 2004.
34. M. A. K. Halliday. *Language and Society*. London, New York: Continuum, 2007.
35. *Heinrici Chronicon Lyvoniae. Ex recensione W. Arndt*. Hannover: Hahn, 1874.
36. Q. Horatius Flaccus. *Satires, Epistles and Ars Poetica*. With an English translation by H. R. Fairclough. The Loeb Classical Library, 194. Cambridge: Harvard University Press, 1978.
37. K. Inno. *Tartu University in Estonia during the Swedish rule (1632–1710)*. Stockholm: Vaba Eesti, 1972.
38. P. Järvelaid. *Academia Gustaviana'st rahvusülikoolini*. – *Nõukogude Õigus*, 5/1989, 317–322.
39. P. Järvelaid, T. Pöder, I. Sootak. *Õigusajaloo professor ja Eesti Teaduse Akadeemia akadeemik Jüri Uluots*. – *Nõukogude Õigus*, 5/1989, 343–345.
40. P. Järvelaid. *The Development of the Estonian Legal System*. – *Zeitschrift für Europäisches Privatrecht*. 2000 (8 Jhg.), 873–877.

41. P. Järvelaid. Professor Oswald Schmidt. Üks õigusajalugu õpetanud rahvusliku ärkamis- ja natsionalismiaja jurist Liivimaalt. – *Ajalooline Ajakiri*, 1–2/2002 (116/117), 149–160.
42. T. Karjahärm, V. Sirk. Vaim ja võim. Eesti haritlaskond 1917–1940. Tallinn: Argo, 2001.
43. F. Karlson, J. V. Veski. Õigusteaduse sõnastik. Toim. E. Ilus. Tartu: Akadeemiline Kooperatiiv, 1934.
44. P. Kask, A. Lill. Õigustermini restitutio in integrum ja väljendi restitutio ad integrum kasutamine. – *Õiguskeel* 3/1997, 12–14.
45. H. A. Kelly. Lawyers' Latin: Loquenda ut vulgus? – *Journal of Legal Education*, 1988, 195–207.
46. W. A. Kennett. Enforcement of judgements in Europe. Oxford: University Press, 2000.
47. K. Kerge. Õiguskeel, tema vahendid ja väljavaated. – *Õiguskeel*, 4/1995, 6–8.
48. K. Kerge. Kirjakeele kasutusvaldkondade süntaktiline keerukus. – *Tekstid ja taustad. Artikleid tekstianalüüsist. Toim. R. Kasik. Tartu Ülikooli eesti keele õppetooli toimetised* 23. Tartu: Tartu Ülikooli Kirjastus, 2002, 29–46.
49. Z. Kiaupa, A. Mäesalu, A. Pajur, G. Straube. The History of the Baltic Countries. 3rd, revised ed. Tallinn: Avita, 2002.
50. W. S. M. Knight. The Life and Works of Hugo Grotius. London: Sweet & Maxwell, 1925.
51. Kohus ja Prokuratuur: Eesti NSV Kohtu Rahvakomissariaadi, Eesti NSV Prokuratuuri ja Eesti NSV Ülemnõukogu häälekandja. Eesti NSV Kohtu Rahvakomissariaat, kodifikatsiooni-osakond. Tallinn: Eesti NSV Kohtu Rahvakomissariaat, 1941; 1–5.
52. F. Korsakov. Hugo Grotius ja rahvusvaheline õigus. – *Õigus*, 8/1925, 200–204.
53. E. A. Kramer. Lateinische Parömien zur Methode der Rechtsanwendung. – *Steuerrecht. Ausgewählte Probleme am Ende des 20. Jahrhunderts. Festschrift zum 65. Geburtstag von Ernst Höhn*. Bern: Verlag Paul Haupt, 1995, 141–158.
54. R. Kull. Kirjakeel, oskuskeel ja üldkeel. Tallinn: Eesti Keele Sihtasutus, 2000.
55. D. Kurzon. Latin for lawyers: Degrees of textual integration. – *Applied Linguistics* 3, 8/1987, 233–240.
56. E. Laasik. Tsiiviilõiguse õpetamine Tartu Ülikoolis 1920–1940. – *Nõukogude Õigus*, 5/1989, 334–336.
57. P. Landau. Römisches Recht und deutsches Gemeinrecht. Zur rechtspolitischen Zielsetzung im nationalsozialistischen Parteiprogramm. – *Rechtsgeschichte im Nationalsozialismus. Beiträge zur Geschichte einer Disziplin*. Hrsg. M. Stolleis, D. Simon. Tübingen: Mohr, 1989, 11–24.
58. L. Leesment. Excerpta iuris Romani. Roomaõiguslikud tekstid. Tartu: Akadeemilise Kooperatiivi Kirjastus, 1935.
59. L. Leesment. Teadustöö Tartu Ülikooli õigusteaduskonnas 1919–1940. – *Nõukogude Õigus*, 5/1989, 322–324.
60. K. Lenaerts, D. Arts. Procedural Law of the European Union. London: Sweet and Maxwell, 1999.
61. E. Levy. Neue Bruchstücke aus den Institutionen des Gaius. – *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 54, 1934, 258–311.
62. A. Lill. Ladina keel õiguskeele alusena. – *Õiguskeel*, 4/1996, 9–13.

63. A. Lill. Kakssada aastat klassikalist filoloogiat Eestis: kahe alguse lugu. – Kakssada aastat klassikalist filoloogiat Eestis. Morgensterne Seltsi toimetised I. Toim. I. Volt. Tartu: Tartu Ülikooli Kirjastus, 2003, 9–18.
64. W. Lindeberg. Kolju ja peaju vigastuste väärdumise formuleerimine kehtivas õiguses. – *Õigus*, 2/1932, 79–85.
65. H. Lindpere. Saksamaa ja NSV Liidu vahel 23. augustil ja 28. septembril 1939. a. sõlmitud paktide hinnang rahvusvahelise õiguse seisukohast. – *Nõukogude Õigus*, 4/1989, 246–251.
66. M. Luts. Private Law of the Baltic Provinces as a Patriotic Act. – *Juridica International* 5/2000, 157–167.
67. M. Luts. Textbook of Pandects or New Style of Legislation in Estonia. – *Juridica International* 6/2001, 152–158.
68. M. Luts. Johann Ludwig Müthel – Tartu Keiserliku Ülikooli õigusteaduskonna isa. – *Ajalooline Ajakiri*, 1–2/2002 (116/117), 75–96.
69. M. Luts. Die juristischen Zeitschriften der baltischen Ostseeprovinzen Russlands im 19. Jahrhundert: Medien der Verwissenschaftlichung der lokalen deutschen Partikularrechte. – *Juristische Zeitschriften in Europa*. Hrsg. M. Stolleis, T. Simon. Frankfurt am Main: Vittorio Klostermann, 2006, 67–116.
70. M. Luts-Sootak. Der lange Beginn einer geordneten Juristenausbildung an der deutschen Universität zu Dorpat (1802–1893). – *Juristenausbildung in Osteuropa bis zum Ersten Weltkrieg*. Hrsg. Z. Pokrovac. Frankfurt am Main: Vittorio Klostermann, 2007, 357–390.
71. M. Luts-Sootak. Estland. – *Handwörterbuch zur deutschen Rechtsgeschichte*. Lfg. 6. (Eid-Familienfideikommiss). 2. Aufl. Berlin: Erich Schmidt Verlag, 2007, 1430.
72. M. Luts-Sootak. Null on number – karistusõiguses. – *Tractatus terribiles: artiklikogumik professor Jaan Sootaki 60. juubeliks*. Koost. A. Parmas, P. Pruks, M. Ruttu. Tallinn: Juura, 2009, 177–200.
73. U. Lõhmus, J. Sootak. Õigusteadlased kommenteerivad VNFSV KRK § 581. – *Eesti Jurist* 3/1991, 209–210.
74. R. Manko. The culture of private law in Central Europe after Enlargement: a Polish Perspective. – *European Law Journal*, 11/2005, 527–548.
75. H. E. S. Mattila. Latinet i den finländska juridiska litteraturen. – *Tidskrift utgiven av Juridiska Föreningen i Finland*, 3/2000, 269–322.
76. H. E. S. Mattila. De aequalitate Latinitatis jurisperitorum. – *Revue internationale de droit compare*, 3/2002, 717–758.
77. H. E. S. Mattila. Vertaileva oikeuslingvistiikka. Helsinki: Kauppakaari Lakimiesliiton Kustannus, 2002.
78. H. E. S. Mattila. De Latinitate recentiorum doctrinarum ad iura hereditaria pertinentium. – *Syntymästä kuolemaan, oikeudesta informaatioon. Ahti Saarenpää 60 vuotta. Suomalaisen Lakimiesyhdistyksen julkaisuja E-sarja*, 17/2006, 113–136.
79. H. E. S. Mattila. *Comparative Legal Linguistics*. Aldershot: Ashgate, 2006.
80. H. Metslang. Eesti kirjakeel kasutusvaldkondade lõikes: probleeme ja lahendusteid. – *Toimiv keel II. Töid rakenduslingvistika alalt*. Tallinn: TPÜ Kirjastus, 2004, 195–206.
81. S. Mäearu. Keelekasutuse keerdkäigud. Õigekiri. – *Keel ja õigus*. Koost. A. Vettik, E. Silvet. Tallinn: Kirjastus Juura, 2005, 169–185.
82. R. Narits. *Õigusteaduse metodoloogia I*. Tallinn: Juura, 1997.
83. U. Neumann. Die Sprache der Juristen. – *Universitas: Zeitschrift für interdisziplinäre Wissenschaft*. 569/1996 (Jg. 51), 148–157.

84. U. Neumann. Juristide keel. – Akadeemia, 4/2001 (145), 782–793.
85. E. P. Nolan. Now through a glass darkly: specular images of being and knowing from Virgil to Chaucer. Michigan: University of Michigan Press, 1990.
86. E. Nurm. Mälestusi Tallinna Nikolai Gümnaasiumist 1907–1914. – Keel ja Kirjandus, 1981, 300–309.
87. Nõukogude Õigus: Eesti NSV Kohtuministeeriumi, Ülemkohtu, Prokuratuuri, Siseministeeriumi ja Advokatuuri informatsiooniline bulletin. Tallinn: Eesti NSV Kohtuministeerium, 1959; 1.
88. E. Oksaar. Alltagssprache, Fachsprache, Rechtssprache. Zeitschrift für Gesetzgebung, 4/1989, 210–237.
89. I. Orgo. Õigusteaduskond rahvusülikooli 70. juubeli künnisel. – Nõukogude Õigus, 5/1989, 358–360.
90. W. Otto. Die Paradoxie einer Fachsprache. – Die Sprache des Rechts und der Verwaltung. Hrsg. I. Radtke. Stuttgart: Klett-Cotta, 1981, 44–57.
91. P. Ovidius Naso. Metamorphoses. II. With an English translation by F. J. Miller. The Loeb Classical Library, 43. Cambridge: Harvard University Press, 1984.
92. A. Piip. Riigivanem kui riigipea Eesti põhiseaduse järele. – Õigus, 6/1927, 172–184.
93. P. Poom. Miks on abort karistatav? – Õigus, 6/1925, 148–152.
94. P. Pruks. Kriminallistika õpetamine Tartu Ülikoolis 1927–1940. – Nõukogude Õigus, 5/1989, 327–329.
95. P. Pruks. Juridica 150 numbrit ja 15 aastat – kuidas edasi? – Juridica, 4/2008, 257–264.
96. T. Pöder. Rahvusvahelise õiguse õpetamine Tartu Ülikoolis 1920–1940. – Nõukogude Õigus, 5/1989, 338–341.
97. T. Pöder. Tartu Ülikoolis esimene eesti rahvusest riigiõiguse professor Nikolai Maim. – Nõukogude Õigus, 5/1989, 341–342.
98. H. Randalu. Marginaale õigusteaduskonnast 1934–1940. – Nõukogude Õigus, 5/1989, 355–357.
99. G. von Rauch. Die Universität Dorpat und das Eindringen der frühen Aufklärung in Livland, 1690–1710. Essen: Essener Verlaganstalt, 1943.
100. G. von Rauch. Reflexe des abendländischen Geisteslebens an der schwedischen Universität Dorpat. – Die Universitäten Dorpat/Tartu, Riga und Wilna/Vilnius 1579–1979. Hrsg. G. von Pistohlkors, T. U. Raun, P. Kaegbein. Köln, Wien: Böhlau Verlag, 1987, 11–18.
101. I. Rebane. Karl Saarmann – Tartu Ülikoolis esimesena kriminaalõigust eesti keeles õpetanud professor. – Nõukogude Õigus, 5/1989, 330–331.
102. M. Ristikivi. Ladina keel juristidele. Tallinn: Juura, 2000 (2nd edition 2003, 3rd edition 2006, 4th edition 2009).
103. M. Ristikivi. Ladina keel ajakirjas Juridica 1993–2002. – Juridica, 10/2003, 727–732.
104. M. Ristikivi. Ladina juriidiline fraseoloogiasõnastik – kellele ja milleks? – Toimiv keel II. Töid rakenduslingvistika alalt. Tallinn: TPÜ Kirjastus, 2004, 236–243.
105. M. Ristikivi. Ignoratis terminis artis ignoratur et ars. I – Õiguskeel, 2/2005, 27–36.
106. M. Ristikivi. Ignoratis terminis artis ignoratur et ars. II – Õiguskeel 3/2005, 36–40.
107. M. Ristikivi. Latin: The Common Legal Language of Europe? – Juridica International, 10/2005, 199–202.
108. M. Ristikivi. Ladina päritolu juriidilised terminid Eesti õiguskeeles. Magistritöö Tartu Ülikooli Raamatukogus, 2006.

109. M. Ristikivi. Язык римского права: теоретические принципы и методы преподавания в Тартуском Университете. *La lingua del diritto romano: principi teoretici e metodi d'insegnamento nell'Università di Tartu*. – Древнее Право/*Ius Antiquum*, 18/2006 (2), 211–216.
110. M. Ristikivi. Ladina keelest pärit terminite polüseemia ja sünonüümia eesti õiguskeeles. – *Eesti Rakenduslingvistika Ühingu aastaraamat 3. Estonian Papers in Applied Linguistics 3*. Tallinn: Eesti Keele Sihtasutus, 2007, 253–267.
111. M. Ristikivi. Lexica iuridica in *Juridica: Latin Terms as a Reflection of Europeanisation of Estonian Legal Culture*. – *Juridica International*, 12/2007, 173–179.
112. M. Ristikivi. Ladina õigusterminite vormilisest ja sisulisest korrektsusest. – *Eesti Rakenduslingvistika Ühingu aastaraamat 4. Estonian Papers in Applied Linguistics 4*. Tallinn: Eesti Keele Sihtasutus, 2008, 157–170.
113. M. Ristikivi. Terminological Turn as a Turn of Legal Culture. – *Juridica International*, 15/2008, 175–182.
114. M. Ristikivi. Ladina terminid tsiviilõiguses: eestikeelsed originaalõpikud versus tõlkeõpikud. – *Eesti Rakenduslingvistika Ühingu aastaraamat 5. Estonian Papers in Applied Linguistics 5*. Tallinn: Eesti Keele Sihtasutus, 2009, 225–238.
115. M. Ristikivi. Latin terms in Estonian legal journalism in the interwar period: Practical tools for a young legal culture. – *Juridica International*, 16/2009, 231–239.
116. H. Saari. Kui filoloogil on sõnaõigust. – *Nõukogude Õigus*, 6/1989, 421–427.
117. H. Saarsoo. Õigusteadlane Richard Räägo. – *Nõukogude Õigus*, 5/1989, 331–334.
118. F. C. von Savigny. *Geschichte des römischen Rechts im Mittelalter*. Bd. 3. Bad Homburg: Hermann Gentner Verlag, 1961.
119. Seadus ja Kohus: õigusteadlane ajakiri. Peterburi Teataja kaasanne (1909, 1911, 1912, 1913); Pealinna Teataja kaasanne (1910). Väljaandjad A. Einer, A. Vares, M. Jaakson; vast. toim. A. Einer, A. Vares, J. Reinthal; tegevtoim. M. Pung, A. Birk. Peterburi, 1909–1911, 1913.
120. H. Siimets-Gross. Die Lehre des römischen Rechts an der Universität Tartu in den Jahren 1919–1940. – *Juristische Fakultäten und Juristenausbildung im Ostseeraum: zweiter Rechtshistorikertag im Ostseeraum*, Lund 12.–17.03.2002. Stockholm: Rönnels Antikvariat AB, 2005, 343–347.
121. H. Siimets-Gross. Rooma õiguse uurimistraditsioon Tartu Ülikoolis 19. sajandi keskel. – *Juridica*, 10/2006, 720–729.
122. H. Siimets-Gross. Roman Law in the Baltic Private Law Act – the Triumph of Roman Law in the Baltic Sea Provinces? – *Juridica International*, 12/2007, 180–189.
123. E. Silvet. Ladinakeelne väljend õiguskeeles. – *Õiguskeel*, 2/1997, 16–19.
124. D. Simon. Die deutsche Wissenschaft vom römischen Recht nach 1933. – *Rechtsgeschichte im Nationalsozialismus. Beiträge zur Geschichte einer Disziplin*. Hrsg. M. Stolleis, D. Simon. Tübingen: Mohr, 1989, 161–176.
125. D. Sinaniotis. *Interim Protection before the European and National Courts*. Alphen aan den Rijn: Kluwer Law International, 2006.
126. I. Sootak. Kriminaalõiguse õpetamine Tartu Ülikoolis 1919–1940. – *Nõukogude Õigus*, 5/1989, 325–327.
127. I. Sootak. Uus rubriik – *Speculum practici*. – *Juridica*, 2/2008, 127–128.
128. I. Stolleis. *Juristische Zeitschriften – die neuen Medien des 18.–20. Jahrhunderts*. – *Juristische Zeitschriften. Die neuen Medien des 18.–20. Jahrhunderts*. *Ius*

- Commune Sonderhefte, Studien zur Europäischen Rechtsgeschichte, 128. Hrsg. M. Stolleis. Frankfurt a. M.: Klostermann, 1999, VII–XIV.
129. W. Schwab, R. Pagé. Les locutions latines et le droit positif québécois. Nomenclature des usages de la jurisprudence. Québec: Editeur officiel du Québec, 1981.
 130. Sõjamehe Kodu: Põllumajandusline, juriidiline ja ilukirjandusline nädalaleht. Eesti Demobiliseeritud Sõjameeste Liidu Pärnu osakond. Toim. K. Kadak, A. Evert. Pärnu, 1921–1922.
 131. P. Cornelius Tacitus. Annales. With an English translation by J. Jackson. The Loeb Classical Library, 249. Cambridge: Harvard University Press, 1979.
 132. Tartu Ülikooli ajalugu 1632–1982. I kd: 1632–1798. Koost. H. Piirimäe. Tallinn: Valgus, 1982.
 133. I. Tjutrumov. Pärilikust obroki õigusest Balti õiguse järele. – *Õigus*, 7/1929, 209–216.
 134. A. Traat. Mälestuskilde õpinguist Tartu Ülikooli õigusteaduskonnas aastail 1935–1938. – *Nõukogude Õigus*, 5/1989, 352–355.
 135. I. Uluots. Hugo Grotius. Elulugu. – *Õigus*, 8/1925, 198–200.
 136. J. Uluots. Eestlaste lepingud võõrastega XIII sajandil. – *Õigus*, 2/1935, 75–94; 2/1936, 49–72.
 137. J. Uluots. Vana-Eesti rahvakoosolekutest. – *Õigus*, 8/1937, 337–343.
 138. A. Vettik, R. Kull. Tagasivaade eesti õigussõnavara kujunemisloole (1920–1940). Tallinn: Eesti Teaduste Akadeemia Emakeele Selts, 2002.
 139. A. Weller. The agrarian reform in Esthonia from the legal point of view. Berlin: Baltischer Verlag und Ostbuchhandlung, 1922.
 140. I. Wenger. Die Quellen des römischen Rechts. Wien: Holzhausen: 1953.
 141. F. Wieacker. Privatrechtsgeschichte der Neuzeit. 2., neubearbeitete Aufl. Göttingen: Vandenhoeck & Ruprecht, 1967.
 142. W. Wolodkiewicz, J. Krzynówek. Lacinskie paremie w europejskiej kulturze prawnej i orzecznictwie sądów. Warszawa: Liber, 2001.
 143. F. de Zulueta. The new fragments of Gaius. – *Journal of Roman Studies (JRS)*, 24/1934, 168–186.
 144. “Õiguse piibli” mõju eestlastele. *Corpus iuris*’e 1400 a. juubeliaktus ülikooli aulas. Postimees 22.11.1933.
 145. Õigus ja Kohus: õigusteadusline ajakiri. Päevalehe, Aja, Koidu hinnata eralisa. Väljaandjad B. Mäns, J. Luiga; toim. J. Vilms, G. E. Luiga, T. Kurrikoff, K. R. Pusta, P. Ruubel. Tallinn: Pert, 1912–1914.
 146. Õigus: Meie Aastasada, Sakala, Meie Kodumaa õigusteadline hinnata kaasanne. Väljaandja ja vastutav toim. K. Pikk, toim. O. Rütli. Tartu, 1913–1914.
 147. Õigus: õigusteadline ajakiri. Toim. J. Reinthal, M. Pung. Tallinn: Ühiselu, 1912.
 148. Õigus: õigusteadline lisa: Tallinna Teataja, Tallinna Uudiste, Meie elu, Peterburi Teataja, Tartu Päevalehe, Meie Aastasaja, Oleviku, Sakala, Meie Kodumaa hinnata lisa nr 1; Tallinna Teataja hinnata kaasanne nr 2. Toim. A. Birk. Tallinn: Ühiselu, 1914; 1–2.
 149. Õigusabi: kirjastuse “Perona” juriidiline nõuandeleht. Väljaandja Lääne-Eesti Pank. Pärnu: Perona, 1991–1993.
 150. Õiguskeel. Vabariigi valitsuse õigusterminoloogia komisjoni väljaanne (1995–1999), Justiitsministeeriumi väljaanne (al. 2000). Peatoim. P. Pikamäe, tegevtoim. A. Vettik. Tallinn, 1995–2009.
 151. Õigus Teada: ajaleht juristidele. Toim. Ü. Siivelt. Tartu: Eesti Õiguskeskus, 1996–2002.

152. Õigusteadlaste “piibel” 1400 aastane. Postimees, 21.11.1933.
153. Õigusteaduslik Ajakiri. Toim. A. Taska. Stockholm, Lund: Artur Taska, 1957–1960, 1963–1964.
154. Õigus: õigusajakiri kõigile. Väljaandja: Sotsiaal-Humanitaarinstituut. Toim. A. Ottenson. Tallinn, 2009; 1.
155. Ülikool. Postimees, 15.11.1933.

Legislation

1. Asjaõigusseadus. Vastu võetud 9.06.1993. a. seadusega, jõustunud 1.12.1993. RT I 1993, 39, 590.
2. Asjaõigusseaduse, kinnistusraamatuseaduse ja nendega seonduvate seaduste muutmise seadus. Vastu võetud 15.01.2003, jõustunud 01.07.2003. RT I 2003, 13, 64.
3. Digesta Iustiniani. Corpus Iuris Civilis. Recognovit T. Mommsen. Berolini: Apud Weidmannos, 1922.
4. Eestima Tallorahwa Käso-Ramat. Tlk. O. R. von Holtz. Tallinn: Minuthi lesk, 1816.
5. Eestima Tallorahwa Seädus, Moisa wannemattest noutud ja meie Sure armolisse Keisri Herrast kinnitud 1805 aasta sees. Tlk. O. R. von Holtz, D. G. Glanström. Tallinn: C. J. G. Minuth, 1805.
6. Eesti Vabariigi ja Soome Vabariigi Valitsuse vaheline investeringute soodustamise ja kaitsmise leping. RT 1992, 18, 256.
7. Eesti Vabariigi Valitsuse määrus 31. augustist 1992, nr 257 “Rahvusvaheliste lepingute ettevalmistamise, sõlmimise (nendega ühinemise), avaldamise ja hoidmise korra kohta”. RT 1992, 39, 520.
8. Provincialrecht der Ostseegouvernements. Dritter Theil. Privatrecht. Liv-, Est- und Curlaendisches Privatrecht. Zusammengestellt auf Befehl des Herrn und Kaisers Alexander II. St. Petersburg: Buchdruckerei der Zweiten Abtheilung Seiner Kaiserlichen Majestät Eigener Kanzlei, 1864.

Online sources

1. EHIS: Eesti Hariduse Infosüsteem (Estonian Education Information System) www.ehis.ee (10.11.2009)
2. Riigikohus (Supreme Court), www.riigikohus.ee/?id=584 (10.11.2009)
3. M. Ristikivi. Ladina päritolu juriidilised terminid Eesti õiguskeeles. Magistritöö. Tartu, 2006, <http://dSPACE.utlib.ee/dSPACE/bitstream/10062/1016/5/ristikivim.pdf> (10.11.2009)
4. Õiguskeel. <http://www.just.ee/23345> (10.11.2009)

Archive material

The decision of the Faculty Council of 18.12.1923. Eesti Ajalooarhiiv (Estonian Historical Archives), 2100.10.17, 28–29, 40–43.

SUMMARY IN ESTONIAN

Ladina terminid Eesti õiguskeeles: sinemiskuju, tähendus ja mõjutused

Doktoritöö koosneb varem avaldatud publikatsioonide seeriast, mille juhatab sisse iseseisev kokkuvõtlik ülevaateartikkel. Uurimus keskendub ladina terminite kasutamisele eestikeelses õigustekstis ning analüüsib eelkõige juriidilise ajakirjanduse alusel, milline on olnud Eesti 20.–21. sajandi õiguskorra radikaalsete reformide mõju õigusterminoloogiale. Käsitletaval ajavahemikul on toimunud põhimõttelised muutused õiguskorras, mis on mõjutanud ka õiguskultuuri. Õiguskultuur omakorda leiab väljenduse õiguskeeles, mille osaks on ladina keelest pärit terminid.

Ladina terminid on doktoritöö uurimisobjekt, sest nende kasutamine kuulub euroopaliku õigusteaduse juurde. Mandri-Euroopa õigus on arenenud ladina keele baasil ning lähtub Rooma õigusel põhinevast mõistete süsteemist. Ladina keel on olnud tihedas ajaloolises seoses Euroopa õiguse arenguga, peamine hulk õigusteaduse alasest kirjandusest, aga ka õigusaktid on koostatud möödunud sajandite jooksul ladina keeles. Ehkki 20. ja 21. sajandil ei ole ladina keel enam aktiivne õigus- ja teaduskeel, on säilinud tema tähtsus Euroopas juristide kommunikatsioonivahendina eelkõige erialaste terminite näol.

Uurimuse eesmärk oli käsitleda õiguskeelt mõjutanud keelelisi ja ühiskondlikke aspekte ning nendevahelist suhet, analüüsides seejuures ladina termineid kui õigusartiklite autorite vahendeid õiguslike struktuuride, suhete, väärtuste ja muutuste tähistamisel õigusreformide puhul; sotsiaalse aspekti mõju alusel tuua välja poliitilise võimu ja õiguskorra muutus ladina terminoloogia kasutamises juristide artiklites; määratleda ladina terminite kasutusega seotud praktilised probleemid ja keelevead; võrrelda uuritavate perioodide õigushariduse seisu kajastumist ladina õigusterminite kasutuses.

Sõnavara kasutuse iseloom avaldub sotsiolingvistide M. A. K. Halliday ja N. Fairclough' teooriate alusel autorite keelelistes valikutes. Valides sõnu ja termineid, lausestruktuure ja teksti retoorilisi süsteeme, loob jurist kui autor teatud tunnustega ja teatud tähendusega teksti. Koostatud tekstis ehk õigusartiklis võivad seetõttu esineda või puududa erinevaid vaateid esitavad diskursused, tingituna ühiskondlikust situatsioonist ning selles valitsevatest võimuhettest ja ideoloogiast.¹⁴⁶ Töö hüpoteesiks oli sellele tuginedes püstitatud väide, et ühiskondlik-poliitilised muutused kajastuvad eriala terminoloogias ja keelekasutuspõhimõtetes. Ühiskondlike tingimuste ja õiguskeele arengu seoste iseloomust ja eripärast sõltuvad kvantitatiivsed ning kontekstuaalsed ja semantilised parameetrid ladina terminite kasutamisel. Dünaamilised ja kvalitatiivsed karakteristikud ladina terminite kasutamisel peegeldavad nende osatähtsust

¹⁴⁶ Doktoritöö hüpoteesi ja uurimisküsimusi käsitleb pt 3.2.

õiguskeeles üldiselt ning osutavad nende lülitumisele teadusdiskursuse konteksti.

Ajaloolis-kultuuriliselt piiritledes on eestikeelne õigusteadus ja selle keel suhteliselt noored nähtused, mis kujunesid põhiosas välja alles 20. sajandi alguses seoses omariikluse tekkega. Rahvusliku õigusteaduse rajamisega käsi-käes toimus eesti õiguskeelega kujundamine. Sisuliselt tähendas see pöördumist Vene impeeriumi mõjuvallast lääne kultuuri ja traditsioonide poole. Euroopa kultuuri tugevad ajaloolised sidemed ladina keelega on mõjutanud oluliselt teadustermnoloogia kujunemist ja arengut.

Eestikeelsete õigusajakirjade avaldamine sai alguse 20. sajandi esimesel kümnendil, 1909. aastal. Samas on eestikeelsed õigusajakirjad nii sisult kui mahult üsna erinevad. Paljude ajakirjade avaldamine on piirdunud paari üksiku numbriga. Teised aga on mõjutanud Eesti õigusteadust ja -teadvust aastakümnete jooksul – need on ka selle uurimise alusteks.

Käesolevas doktoritöös on uuritud juristide teadlikku euroopalikele eeskujudele tuginemist enne II maailmasõda ilmunud ajakirja *Õigus* (1920–1940) ning tänapäevase ajakirja *Juridica* (alates 1993) artiklite terminikasutuses. Nende vahele jääb nõukogude periood kui läänest ära pöördumine. Uurimiseks ja võrdlusmaterjaliks on võetud nõukogude võimu lõpuaastad ja üleminekuajajakirjade *Nõukogude Õigus* (1985–1989) ja *Eesti Jurist* (1990–1994) baasil. *Nõukogude Õiguse* viimased viis ilmumisaastat peegeldavad sel perioodil toimunud sisulisi muutusi nõukogude süsteemis. Nõukogude aeg, mis oli kaasa toonud nõukoguliku õiguskeelega, hakkas uuritava perioodi lõpus uuesti orienteeruma euroopalikule õiguskultuurile. Seega tuli osalt meelde tuletada siinmail hästi ära unustatud vana, osalt ära õppida see, mis vahepeal sealpool raudset eesriiet oli uut tulnud.

Ajakirjad võimaldavad uurida erialaleksika kasutamise aspekte iga perioodi kõige päevakohasema õigusteabe kontekstis. Õigusajakirjad reageerivad kiiresti muutustele õiguselus, nendes analüüsitakse ja kommenteeritakse uusi seadusi ning aktuaalseid juuraprobleeme. Formaalses mõttes on perioodika kõige dünaamilisem õiguse meedium, mis peegeldab konkreetse õiguskultuuri tava-praktikat. Terminiuuringu puhul võimaldas see teha järeldusi teemade ja valdkondade kohta, mida juristid on oma artiklites enim käsitlenud ja seejuures on ladina termineid kasutanud. Eestikeelse õiguskirjanduse kontekstis on õigusajakirjad ühtlasi ainus akadeemilise diskursuse liik, mis võimaldab saada tervikliku ülevaate peamistest õigusvaldkondadest uuritavatel perioodidel. Ehkki enne II maailmasõda ilmus mitmeid eesti keeles kirjutatud juuraõpikuid ja nõukogude perioodil tõlgiti ülikoolide õpikuid vene keelest eesti keelde, ei olnud siiski nendel perioodidel olemas eestikeelset materjali kõigi õigusvaldkondade kohta. Kuna doktoritöösse valitud õigusajakirjad on olnud oma ajastu olulisemad või ainsad õigusteadusliku teabe kajastajad, on neis avaldatud artikleid

kõigi peamiste õigusvaldkondade kohta, mis laseb neid ka sel põhjusel sisuliselt võrrelda.¹⁴⁷

Uurimuse tegemisel kasutati meetodina leksikaal-semantilist analüüsi, mis tugines statistiliselt kvantitatiivselt liigendatud materjalile. Uurimus hõlmas ladina õigustermineid kui oskuskeele leksikaalseid üksusi eesti keele lausekontekstis, kus ilmnesid nende lingvistilised parameetrid – terminitähendus ning ladina morfoloogilise vormiga sobiv süntaktiline funktsioon. Leksika seisukohalt on jälgitud keelekontakte emakeelse väljenduse esinemisel koos võõrkeeltest pärit elementidega. Semantika suhtes keskendus uurimus ladina terminite sisule ja kontekstilisele tähendusele. Kogutud arvandmeid võrreldi teksti kvaliteedimuutuste iseloomustamiseks. Seega ühendati materjali analüüsimisel sisulisemate ja praktilisemate tulemusteni jõudmiseks kvalitatiivne ja kvantitatiivne uurimisviis. Kvalitatiivse analüüsi lisamine ja kvantitatiivsete tulemuste kontekstualiseerimine eristab siinset uurimust olemasolevatest rahvusvahelistest käsitlustest.

Uurimismaterjalis esinenud ladina terminite analüüs näitas, et kõige intensiivsemad terminikasutuse perioodid on olnud Eesti riigi mõlema iseseisvuse aastatel. Mõlemat ajastut iseloomustavad uue õiguskorra ja uute seaduste loomine ning mõlemal korral on teadlikult pöördutud Euroopa õiguskultuuri poole. Ajakirjade *Õigus* ja *Juridica* terminirohkete perioodide vahele jääva nõukogude ajajärgu lõppu näitlikustas *Nõukogude Õiguse* äärmiselt napp ladina terminite kasutus. Suurem avatus välismaailmale ning võõrkeelse õiguskirjanduse kättesaadavus tõid *Nõukogude Õiguse* viimasel ilmumisaastal kaasa ladina terminite olulise tõusu, mis jätkus ajakirjas *Eesti Jurist*.¹⁴⁸

Uurimistulemuste põhjal saab järeldada, et terminikasutus käib kaasas ühiskonna arenguga. Kui õigusruum muutub, muutub ka õiguse keel. Ühest küljest olid ajakirjade *Õigus* ja *Juridica* avaldamisperioodid sarnased oma orientatsioonilt, teisest küljest tuli analüüsi käigus välja sisuline ja terminoloogiline erinevus, mis oli tingitud kehtivast õiguslikust regulatsioonist. Ajakirja *Õigus* terminikasutus oli seotud tsaariajast pärit ja Eesti Vabariigis endiselt kehtivate regulatsioonidega. Näiteks esines tollastes artiklites muuhulgas ka keskajast alguse saanud ja Eestis tollal kehtinud Balti Eraseaduse (1864) kaudu kinnistatud jagatud omandi instituudiga seotud termineid. Jagatud omandi instituuti kasutati ka maareformi käigus moodustatud uute talude puhul – nende ülemomanik oli riik ja asunikule kuulus üksnes kasutusomand. Seega oli antiiksele Rooma õigusele võõras, keskajal kujundatud ja modernse eraõiguse poolt

¹⁴⁷ Õigusperioodikat kui uurimismaterjali käsitlevad pt 3.1.2 ja 3.1.3.

¹⁴⁸ Ladina õigusterminite kasutust nimetatud ajakirjades analüüsivad artiklid “Latin terms in Estonian legal journalism in the interwar period: Practical tools for a young legal culture.” – *Juridica International*, 16/2009, 231–239 (siin publikatsioon I); “Terminological Turn as a Turn of Legal Culture.” – *Juridica International*, 15/2008, 175–182 (publikatsioon II) ja “*Lexica iuridica* in *Juridica*: Latin Terms as a Reflection of Europeanisation of Estonian Legal Culture.” – *Juridica International*, 12/2007, 173–179 (publikatsioon III); uurimismaterjali kokkuvõtvalt ja võrdlevalt analüüsib pt 4.1.1.

kõrvale heidetud õpetus jagatud omandist sõdadevahelises Eestis veel täies elujõus. Ajakirjas *Juridica* ei ole neid termineid kasutatud mitte kordagi, sest muutunud õiguslikus keskkonnas puudub selliste terminite järele praktiline tarve. Jagatud omandi instituuti tundis küll veel Balti Eraseadus, Eesti kehtiv eraõigus tunnustab aga jagamata ehk absoluutset omandit.¹⁴⁹

Ajakirja *Õigus* ilmumisperioodi uurimise tulemused sundisid siiski mõneti korrigeerima sotsiolingvistilist teesi võimumuutuste vahetust mõjust keele- ja terminikasutusele. 1930-tel aastatel toimunud autoritaarne riigipööre oli vaieldamatult kantud rahvuslikkuse ideoloogiast. Nii võiks oodata teatud pööret ka näiteks ladina terminite kasutamisel juriidilistes tekstides. Võrdlevas perspektiivis võiks niisugune trend olla samuti õigustatud. Näiteks Saksamaa natsionaalsotsialistlikust ideoloogiast kantud õigusteaduslik diskursus oli väga vaenulik Rooma õiguse suhtes, mille väidetavalt formalistlik ja elukauge terminoloogiagi tuli kõrvale heita. Eesti 1934. aasta pöörde järel ei toimunud aga mingit märgatavat vähenemist ladina terminite kasutamisel. Ladina õigusterminid kuulusid kogu ajakirja *Õigus* ilmumise ajal juristide põhisonavarasse ning olid õigusteadlaste praktilisteks töövahenditeks õigusreformide läbi viimisel, nii seaduseelnõude ettevalmistamisel ja põhjendamisel kui ka kritiseerimisel.

Uurimistulemuste põhjal tuleb seega tõdeda, et väiksematel poliitilistel murrangutel – antud juhul pööre demokraatlikult parlamentaarselt valitsusvormilt autoritaarsele ja presidentaalsele, aga ikkagi jätkuvalt iseseisva riigisõltuva õiguskorda üles ehitades – ei tarvitse olla kohest sügavat mõju õiguskeelele ja antud töös uuritud ladina terminite kasutusele. Sõdadevahelisel perioodil peegeldas terminikasutus pigem ladina keele loomulikkust seost õigusteadusega.

Seevastu nn suurte ühiskondlik-poliitiliste murrangute puhul leidis sotsiolingvistiline tees võimumuutuste ja terminikasutuse korrelatsioonist ka siinses töös uuritud materjali pinnalt kinnitust. *Nõukogude Õiguse* lõpuaastatel ja *Eesti Juristi* ilmumisperioodi alguses tõi Eestile taasavanenud riikliku suveräänsuse perspektiiv artiklitesse mitmeid selle valdkonna ja rahvusvahelise õiguse termineid. Nende terminite tihedam esinemine oli tingitud vastava probleematika tollasest aktuaalsusest ning seega ka elavast kõneksvõtmisest.¹⁵⁰

Kaasaja keelekasutusele on mõju avaldamas Euroopa Liidu õiguse ja Euroopa Kohtu lahendite kaudu ka Eesti juristide sõnavarasse jõudvad terminid. Lülitumine Euroopa õiguskeskkonda on toonud kaasa Euroopa Liidu õiguse ja Euroopa Kohtu otsuste kohandamise oma riigi seadustega. Integratsioon rahvus-

¹⁴⁹ Ajalooliste tingimuste mõju terminikasutusele käsitleb pt 4.1.4.1. Ladina terminite kasutamist ajakirja *Õigus* maaomandi teemalistes artiklites puudutab põhjalikumalt doktoritöö alusartikkel “Latin terms in Estonian legal journalism in the interwar period: Practical tools for a young legal culture.” – *Juridica International*, 16/2009, 238–239 (publikatsioon I).

¹⁵⁰ Ajakirjades *Nõukogude Õigus* ja *Eesti Jurist* kasutatud ladina termineid analüüsib artikkel “Terminological Turn as a Turn of Legal Culture.” – *Juridica International*, 15/2008, 175–182 (publikatsioon II) ning pt 4.1.4.2.

vahelisse kaubandusse ja piiriüleesse tsiviilkäibesse tähendab ka rahvusvahelise eraõiguse tähtsuse otsustavat tõusu. Uurimismaterjali analüüsimine osutas, et õigusreformiga on kaasnenud ka muudatused juristide terminikasutuses. Ajakirjas *Juridica* peegeldas eesti õiguskeele lülitumist Euroopa õiguskultuuri ladina terminite kasutamise märkimisväärne suurenemine. Seda nii terminite esinemise üldmahu tähenduses, kui ka paljude uute ladina terminite kasutusse võtmise näol.¹⁵¹

Terminite analüüsimisel kasutusfunktsiooni alusel jõudis autor järelduseni, et õigusajakirjade artiklites ei esine ainult spetsiifilist erialast tähendust kandvad terminid. Õigusteksti osaks on ka muu ladina keelest pärit aines, nagu meditsiiniterminid, akadeemilise sfääriga seotud väljendid ning laiemalt levinud ladina väljendid ja lühendid. Kogu selline juristide poolt artiklites kasutatud leksika mõjutab õigusteksti kvaliteeti üldisemalt, kuid võimaldab iseloomustada ka erinevate perioodide õiguskeele olukorda. Ajakirjade *Õigus* and *Juridica* puhul on kasutatud põhiliselt spetsiifiliselt juriidilisi termineid ning muu funktsiooniga väljendeid esines vähem. Seevastu *Nõukogude Õiguse* ja *Eesti Juristi* autorid olid spetsiifiliselt juriidiliste terminite kasutamisel pigem tagasihoidlikud. Samas kasutati rohkelt väljaspool õiguskeelt käibivaid väljendeid ning ülikooliõpingute ja akadeemilise sfääriga seotud sõnavara. Erialast juriidilist sisu kandvate terminite osakaal hakkas kasvama alles nõukogude perioodi paari viimasel aastal, kui avanemisega läände hakkas muutuma artiklite temaatika ning võõrkeelne kirjandus muutus kättesaadavamaks.¹⁵²

Ajakirjade *Eesti Jurist* ja *Juridica* uurimisel osutas analüüs, et mõlema ajakirja artiklites on autorid tuginenud võõrkeelsetele, suures osas saksa keelsetele materjalidele. See on mõistetav, sest Saksa õiguse mõju Eesti õiguskultuurile on olnud märkimisväärselt suur ning Saksa õigus on võetud ka Eesti praeguse õigusloome aluseks. Samuti kasutatakse eesti tudengite õpetamisel ka saksa keelest tõlgitud õppevahendeid. Nelja eesti keeles kirjutatud originaalõpiku¹⁵³ ja nelja saksa keelest tõlgitud õpiku¹⁵⁴ põhjal tehtud terminivõrdlus näitas, et tõlkeõpikutes esines ladina termineid rohkem nii üldmahult kui ka erinevate terminite kasutuselt. Samas erines tõlkeõpikute terminivara eesti

¹⁵¹ Lähemalt käsitlevad ladina terminite kasutust ajakirjas *Juridica* artikkel “*Lexica iuridica in Juridica: Latin Terms as a Reflection of Europeanisation of Estonian Legal Culture.*” – *Juridica International*, 12/2007, 173–179 (publikatsioon III) ning pt 4.1.4.3.

¹⁵² Ladina terminite kasutusfunktsiooni käsitleb pt 4.1.3.

¹⁵³ I. Kull. *Lepinguõigus*. Tallinn: Juura, 1999; U. Liin. *Pärimisõigus*. Tallinn: Ilo, 2005; I.-M. Orgo, M. Muda, G. Tavits, T. Treier. *Tööõigus*. Tallinn: Juura, 2003; R. Tiivel. *Asjaõigus*. Tallinn: Juura, 2007.

¹⁵⁴ H. Brox. *Pärimisõigus*. Tallinn: Juura, 2003; A. Lüderitz. *Perekonnaõigus*. Tallinn: Juura, 2005; P. Schlechtriem. *Võlaõigus*. Eriosa. Tallinn, Juura, 2000; K. H. Schwab, H. Prütting. *Asjaõigus*. Tallinn: Juura, 1995.

õpikute omast niivõrd palju, et otsest mõju, mis muidu Saksa õigusel on Eesti õigusele, terminoloogilisel tasandil ei saa välja tuua.¹⁵⁵

Õigusõpikute terminikasutuse võrdlemine õigusajakirjadega tõi välja sarnasused ja eripärad nendes teaduskirjanduse liikides. Mõlemal juhul puudutas kasutatud sõnavara peamiselt spetsiifiliselt juriidilisi termineid. Sarnasus ilmnes samuti sõnavara osas: õpikutes esinenud terminid on kasutusel ka ajakirjades *Juridica* ja *Õigus*. Õpikute võrdlemisel ajakirjadega *Nõukogude Õigus* ja *Eesti Jurist* oli kokkulangevusi kasutatud terminite osas vähe. See omakorda juhib tähelepanu õpikute žanrilisele eripärale, mille puhul on ootuspärane, et uue teadmise vahendamisel keskendutakse erialasele terminoloogiale ning muud ladinakeelsed väljendid on tagaplaanil.¹⁵⁶

Terminite sisulise ja vormilise korrektsuse uurimine osutas iseloomulikele probleemidele, mis kaasnevad võõrterminite kasutamisega eesti keele taustalt. Ortograafiavigade puhul torkasid silma ladina keele häälduspõhimõtetest tulenevad eksimused (*s* pro *c*, *g* pro *q*, *c* pro *q*, *ks* pro *x*, *ts* pro *c*). Eksitud oli ka sarnase kirjaõiguse tähtede (*a* ja *o*) kirjutamisel ning tsitaatsõna korrektsel tähistamisel. Ladina terminite kasutamisel osutus kõige üldisemaks probleemiks aga tsitaatsõna sisuline sobitumine ja keeleline ühildumine eestikeelse tekstiga. Kõik need probleemid mõjutavad ladina terminite eestikeelses kontekstis kasutamisel ka lause süntaktilist ja semantilist struktuuri. Vead esinesid ajakirjade *Juridica* ja *Õigus* artiklites. Ajakirja *Õigus* artiklites leiduvad trükivead tunduvad olevat tekkinud käsikirjaliste artiklite ümbertrükkimisel. Materjalide kopeerimine ja ümberkirjutamine selgitab ka mitmeid trükivigu *Juridica* artiklites, kuid selles ajakirjas ilmnemine ka eksimused, mis tulenevad ladina ja eesti keele struktuuride erinevustest. Ühelt poolt peegeldavad sellised vead ladina keele vähest tundmist. Teisalt tõuseb ajakirjade kui uurimismaterjali puhul üles keeleteimetajate küsimus ning nende ettevalmistus spetsiifiliste ladinakeelsete terminite tundmiseks ja korrigeerimiseks. *Nõukogude Õiguses* ja *Eesti Juristis* ladina terminite kasutamisel eksimusi polnud. Samas esines kahes viimases ajakirjas väga vähe spetsiifiliselt erialaseid termineid ning suures osas oli kasutatud üldtuntud ladina väljendeid või ülikooliõpingutega seotud sõnavara, millega eksimise võimalus võib olla väiksem.¹⁵⁷

¹⁵⁵ Põhjalikult analüüsib seda teemat “Ladina terminid tsiviilõiguses: eestikeelsed originaalõpikud versus tõlkeõpikud.” – Eesti Rakenduslingvistika Ühingu aastaraamat 5. Estonian Papers in Applied Linguistics 5. Tallinn: Eesti Keele Sihtasutus, 2009, 225–238 (siin publikatsioon VI); uurimisperioodi kontekstis samuti pt 4.3.3.

¹⁵⁶ Õigusõpikute ja -ajakirjade terminikasutust käsitleb võrdlevalt pt 4.1.5.

¹⁵⁷ Praktilisi probleeme ladina terminite kasutamisel käsitleb põhjalikumalt “Ladina õigusterminite vormilisest ja sisulisest korrektsusest” – Eesti Rakenduslingvistika Ühingu aastaraamat 4. Estonian Papers in Applied Linguistics 4. Tallinn: Eesti Keele Sihtasutus, 2008, 157–170 (siin publikatsioon IV); ajakirjade *Õigus* ja *Juridica* keeleõiguse analüüsib võrdlevalt pt 4.2.

Õigusperioodika uurimine juhtis tähelepanu otsestele seostele võõrterminite kasutamise ja õigushariduse vahel.¹⁵⁸ Erialaste oskussõnade korrektne ja asjakohane kasutamine eeldab elementaarseid teadmisi vastava keele süsteemist. Eesti Vabariigi esimese iseseisvuse perioodil kuulus ladina keele tundmine juristiameti juurde. Gümnaasiumist saadud põhiteadmised ladina keele süsteemi kohta ning antiikautorite tekstide lugemisel omandatud sõnavara olid heaks aluseks juriidilise terminoloogia õppimisel ülikoolis. Ladinakeelsete õigusallikate lugemine ja tõlkimine Rooma õiguse loengutes ja seminarides aitas tudengitel kui tulevastel juristidel selgemini tunnetada ladina õigusterminoloogia eripära. Erialase sõnavara põhjalik tundmine ja keelehariduslik ettevalmistus kajastuvad hästi ka selle perioodi juristide artiklites ajakirjas *Õigus*.

Kahe maailmasõja vahelisele perioodile olid sügavaks kontrastiks nõukogude aastad nii üldise suhtumisega antiikkeeltesse laiemalt kui Rooma õiguse sõnavarasse. Erialase terminoloogia napp tundmine peegeldus ka *Eesti Juristi* algaastate ja eriti *Nõukogude Õiguse* artiklites, kus spetsiifiliselt juriidilisi termineid leidis väga vähe. Ladina väljendite tundmine ja kasutamine kajastas nõukogude ajastul pigem juristide üldkultuurilist haritust.

Taasiseseisvumisajal on ladina keele tähtsus õigusteaduses taas suurenenud. Erialase terminoloogia omandamine põhineb ladina keele ja õigusteaduse valdkondade ajalooliste seoste ning ühisosa väljatoomisel. Erinevalt nõukogude perioodi vähesest terminikasutusest on ajakirja *Juridica* artiklites ladina terminite kasutus väga intensiivne ning võõrtermineid kasutatakse eelkõige juriidilise täpsuse edastamiseks. Seega on ladina terminitest saanud tänapäeval taas õiguskeele loomulik osa.

Doktoritöö raames tehtud analüüs aitas välja selgitada ladina terminite kasutuse eripära ja dünaamikat õiguskeeles. Ilmnesid keelevälised ja keelesised mõjutegurid. Adressaatkeel ehk eesti keel avaldas mõju ortograafiale ja süntaktilistele parameetritele õigusteaduse alastes tekstides. Uurimistulemused diferentseerisid töö peahüpoteesi võimumuutuste mõjust õigusterminoloogiale. Analüüs osutas, et muutused ladina terminite kasutamisel kaasnesid suurte ideoloogiliste ja õiguslike murrangute puhul. Samas ei toonud iga võimuideoloogia pööre (uuritud materjalis 1934. aasta pööre) kaasa muutusi juristide keelekasutuses ja sõnavaras. Uurimismaterjali põhjal selgus, et ladina õigusterminite kasutamise oluliseks faktoriks on ka haridus.

¹⁵⁸ Ladina õigusterminite omandamise temaatikat puudutab artikkel “Язык римского права: теоретические принципы и методы преподавания в Тартуском Университете” – Древнее Право/Ius Antiquum, 18/2006 (2), 211–216 (publikatsioon V); võrdlev analüüs on uurimisperioodide alusel on toodud pt-s 4.3.

APPENDICES

Appendix I: Latin terms in *Öigus*

laesio enormis	197	actio	21
expressis verbis	118	confusio	21
ex officio	72	culpa	21
de lege ferenda	47	etc./et cetera	21
contra legem	35	cessio	20
ipso iure	34	emphyteusis	20
detentor	32	ius generale	20
detentio	31	vacatio legis	20
in solidum	30	actio pro socio	19
praeter legem	27	in fine	19
ad hoc	26	rei vindicatio	19
bona fide	26	status quo	19
causa	26	argumentum a contrario	18
de lege lata	26	bona fides	18
ibid./ibidem	26	evictio	18
iudex	26	modus vivendi	18
onus probandi	26	a contrario	17
quasi	26	condictio	17
aequitas	25	de facto	17
contra	25	negotiorum gestor	17
dolus	25	primus inter pares	17
nota	25	animus	16
op.cit.	25	mala fide	16
ratio legis	25	pacta servanda sunt	15
sui generis	25	possessio	15
dr.	24	sponsio	15
eo ipso	24	De iure belli ac pacis	14
in concreto	24	iustus titulus	14
lex cit./lex citata	24	pro parte	14
lex specialis	24	universitas	14
loc. cit./l.c.	24	dolus directus	13
resp.	24	implicite	13
societas	24	leges speciales	13
supra	24	a priori	12
animus domini	23	lex patriae	12
hereditas iacens	23	corpus iuris	11
id./idem	23	nullum crimen nulla poena sine	11
lex generalis	23	lege	
usucapio	23	condominium	10
veto	23	contra bonos mores	10
ex	22	culpa lata	10
ex lege	22	in principio	10
pro	22	ius accrescendi	10
res certa	22	ius cogens	10

numerus clausus	10	praescriptio	6
ratio	10	status	6
transmissio hereditatis	10	stipulatio	6
beneficium divisionis	9	stricto sensu	6
conditio sine qua non	9	vis maior	6
intra legem	9	actio communi dividundo	5
mala fides	9	analogia legis	5
solutio	9	beneficium inventarii	5
titulus/tit.	9	causa solvendi	5
traditio	9	dominus utilis	5
communio	8	dos	5
corpus	8	exceptio	5
dolus eventualis	8	exceptio plurium	5
dr. iur.	8	in abstracto	5
genus proximum	8	in integrum restitutio	5
infra	8	in praxi	5
iudex facti	8	iniuria	5
ius civile	8	iure gestionis	5
naturalia	8	lex loci contractus	5
periculum	8	lex rei sitae	5
ultra vires	8	meliores	5
usus	8	modus	5
vis absoluta	8	nemo plus iuris ad alium	5
animi domini	7	transferre potest, quam ipse	
contractus	7	habet	
culpa levis	7	non facere	5
donatio mortis causa	7	nullum crimen sine lege	5
facere	7	possessor	5
lex posterior derogat priori	7	praesumptio iuris	5
luxuria	7	primus omnium	5
mutatis mutandis	7	res fungibiles	5
novatio	7	sedes materiae	5
precarium	7	titulus putativus	5
sic!	7	ultra dimidium	5
ususfructus	7	vindictio servitutis	5
beneficium competentiae	6	accipere	4
cessio hereditatis	6	actio nata	4
communis opinio doctorum	6	actio negatoria	4
constitutum possessorium	6	actio Pauliana	4
dominium utile	6	analogia iuris	4
hereditatis petitio	6	beneficium separationis	4
inter vivos	6	causa donandi	4
iura novit curia	6	clausula rebus sic stantibus	4
leges generales	6	Codex Iustinianus	4
lex fori	6	contusio cerebri	4
locus regit actum	6	corpus delicti	4
lucrum cessans	6	Corpus iuris civilis	4
media via	6	differentia specifica	4
nudum ius	6	dominium maris baltici	4

dominus	4	benigna interpretatio	3
dominus directus	4	causa acquirendi	3
donatio sub modo	4	commodatum	3
dr. med.	4	commotio cerebri	3
exceptio doli	4	compossessio	3
exceptio non adimpleti	4	contradictio in adiecto	3
contractus		custodia honesta	3
exceptio plurium concubentium	4	De iure belli ac pacis libri tres	3
exceptio plurium	4	de iure/iure	3
constupratorum		depositum	3
exceptio rei iudicatae	4	depositum irregulare	3
genus	4	derelictio	3
homonunculus	4	domini utilis	3
in dubio	4	essentialia negotii	3
iniurias atroces	4	et	3
iuris successio	4	ex novo	3
ius concretum	4	ex post	3
ius repraesentationis	4	ex tunc	3
omnimodae		explicite	3
ius singulare	4	fideiussio	3
lex loci solutionis	4	fixum	3
litis contestatio	4	Formulaes procuratorum	3
negligentia	4	fundus	3
negotiorum gestio	4	habitatio	3
nemo plus iuris	4	i.e./id est	3
obligatio ex delicto	4	immutatio veritatis	3
pati	4	in blanco	3
quod ab initio vitiosum erat, non	4	in fraudem creditorum	3
potest tractu temporis		inter legem	3
convalescere		interdictum recuperandae	3
ratihabitio	4	possessionis	
reservatio mentalis	4	interdictum retinendae	3
sapienti sat	4	possessionis	
societas re	4	interpretatio restrictiva	3
successio	4	ipso facto	3
successio singularis	4	iura acquisita	3
universitas iuris	4	ius	3
uno ictu	4	ius gentium	3
volenti non fit iniuria	4	ius in re aliena	3
accessio	3	ius prohibendi	3
actio infortoria	3	ius resistendi	3
ad infinitum	3	lex domicilii	3
adoptio naturam imitatur	3	lex posterior	3
adulterium praesumptum	3	littera	3
animus donandi	3	mandatum post mortem	3
apprehensio	3	mutuum	3
beneficium cedendarum	3	naturalia negotii	3
actionum		ne eat iudex ultra petita partium	3
beneficium excussionis	3	non pati	3

nudum dominium	3	carceris squalor contra	2
occupatio	3	naturalem aequitatem	
operis novi nuntatio	3	casus	2
parte	3	casus a nullo praestantur	2
patricii	3	causa credendi	2
periculum est emptoris	3	cautio damni infecti	2
portio legitima	3	cessante ratione formae, cessat	2
post mortem	3	forma ipse	
pretium affectionis	3	cessio necessaria	2
publica fides	3	cessionarius	2
res nullius	3	clausula maiestatis	2
seniores	3	codex	2
soluti retentio	3	Codex iuris canonici	2
species	3	cogito ergo sum	2
species facti	3	colere	2
specifica	3	collatio	2
status quo ante	3	commotio-contusio cerebri	2
successio universalis	3	communi dividendo	2
terminus technicus	3	communio incidens	2
tertium non datur	3	communiter	2
transmissio	3	compressio cerebri	2
ubi rem meam inuenio, ibi	3	condemnatio	2
(eam) vindico		condictio causa data causa non	2
ultra vires hereditatis	3	secuta	
varia	3	condictio indebiti	2
vis compulsiva	3	condictio sine causa	2
ab intestato	2	consensus	2
accidentalia	2	contra testamentum	2
actio aquae pluviae arcendae	2	contrarius consensus	2
actio auctoritatis	2	conventio	2
actio bonae fidei	2	copula carnalis	2
actio furti	2	Corpus iuris canonici	2
actio in rem	2	cum animo rem sibi habendi	2
actio libera in causa	2	curriculum vitae	2
actio popularis	2	damnum emergens	2
actio spoli	2	De iure praedae	2
actiones bonae fidei	2	delictum sui generis	2
actus solemnis	2	deposito	2
adoptio minus plena	2	diligens pater familias	2
alluvio	2	dolus in fraudem legis	2
alma mater	2	dominium	2
anno	2	dominium directum	2
appetitus societatis	2	emptio	2
argumentum e contrario	2	emptio spei	2
auctoritate rationis	2	error in persona	2
auxilium	2	error iuris nocet	2
basis cranii	2	ex contractu	2
bona deducto aere alieno	2	ex professo	2
caput/cap.	2	exceptio veritatis	2

familiae erciscundae	2	Liber Censu Daniae	2
fiat iustitia, pereat mundus	2	liberum veto	2
fideiussor	2	licita sollertia	2
fides	2	mala fides superveniens non nocet	2
fides sponsalicia	2	Mare liberum	2
fiducia	2	Meditationes ad Pandectas	2
foeticidium	2	memorandum	2
foetus	2	minoris pretii	2
foetus non animatus	2	missi dominici	2
fructus	2	mundium	2
glebae adscriptus	2	nemo iudex sine actore	2
hereditas	2	non ex verbis legis, sed ex interpretatione placet	2
heres	2	nova	2
hoc enim ipso quod tacuerunt, consensisse videtur	2	novum	2
homicidium	2	nulla poena sine lege	2
id enim est solacium post mortem	2	nulla poena sine praevia lege poenali	2
ignorantia facti	2	nulli res sua servit	2
ignorantia iuris	2	nullum crimen sine lege, nulla poena sine lege	2
imitatio naturae	2	obligatio	2
in genere	2	pacta sunt servanda	2
in natura	2	pactum de cambiando	2
in solidum debitum	2	pars indivisa	2
in specie	2	patrimonium	2
in toto	2	peculium	2
incidenter	2	per genus proximum et differentiam specificam	2
inquisitio generalis	2	petitio principii	2
inquisitio specialis	2	pollicitatio	2
interpretatio ad hoc	2	portio statuaria	2
interregnum	2	potestas	2
interventio principalis	2	praecipium	2
iurisdictio voluntaria	2	praesumptio	2
ius administrandi	2	praesumptio iuris et de iure	2
ius facit inter partes	2	pretium certum	2
ius nudum	2	prima facie	2
ius scriptum	2	primogenitus	2
ius sui generis	2	promovens inquisitionis quaestio facti	2
ius voluntarium	2	quaestio vexata	2
iustitia fundamentum regnorum est iustitia	2	quarta Falcidia	2
laedens	2	qui suo iure utitur, neminem laedit	2
laesio enormissima	2	quod non est in actis, non est in mundo	2
lege artis	2	ratio scripta	2
lege ferenda	2		
lege lata	2		
legum cupidae iuventuti	2		
lex posterior generalis non derogat legi priori speciali	2		

ratione auctoritatis	2	manente communione	
rebus sic stantibus	2	actio conducti	1
rem habere licere	2	actio cum condemnatione	1
res fungibilis	2	actio de peculio	1
restitutio in integrum	2	actio ex conducto	1
salus rei publicae	2	actio ex locato	1
salus rei publicae suprema lex esto	2	actio ex sponsa	1
semel heres semper heres	2	actio exercitoria	1
semel societas, semper societas	2	actio finium regundatum	1
separatio	2	actio iniuriae	1
sine anno/s. a.	2	actio nata est	1
sine ira et studio	2	actio negotiorum gestorum	1
societas scelerum	2	actio noxalis	1
solidum	2	actio praescriptis verbis	1
solvendi causa	2	actio sine condemnatione	1
status civitatis	2	actio ultra dimidium et quanti minoris	1
status libertatis	2	actio vectigalis	1
status subiectionis	2	actiones	1
substitutio pupillaris	2	actiones stricti iuris	1
substitutio quasipupillaris	2	actiones utiles	1
successores	2	activa	1
summarissimum	2	actor sequitur forum rei	1
summum ius, summa iniuria	2	actum	1
suo iure/iure	2	actus contrarius	1
superficies	2	ad calendas graecas	1
suum cuique	2	ad haesio	1
tacita relocatio	2	ad legem Aquiliam	1
testamenta correspectiva	2	ad legem falcid.	1
testamenta reciproca	2	ad maiorem Dei gloriam	1
ultima ratio	2	ad moderandum regum	1
unicum	2	libidinem	
usucapio pro herede	2	ad placitandum in Rāigele	1
venditio	2	convenire solebant	
vere dictum	2	ad placitum	1
vir bonus, dicendi peritus	2	adiagendum vel defendendum	1
volens nolens	2	aditio hereditatis	1
a dato	1	administratio	1
a maiori	1	adoptio	1
ab imis	1	adoptio plena	1
ab initio vitiosum	1	affirmanti incumbit probatio	1
aberratio ictus	1	ager emphyteuticarius	1
absoluta	1	ager vectigalis	1
Acta et Commentationes Universitatis Tartuensis	1	agere	1
Acta litterarum ac scientiarum Universitatis Francisco-Iosephinae	1	agere non volenti non currit praescriptio	1
actio communi dividendo	1	alea	1
		alibi	1
		allatura uxorea	1

allatura uxorea reservata	1	casus impotentiae	1
alter ego	1	casus noluntatis	1
altera pars	1	causa aequat effectum	1
alterius positio, non est alterius	1	causa civilis	1
exclusio		causa debendi	1
amorum certamen inter Aiacen	1	causa favorabilis	1
anatocismus	1	causa obligationis	1
animi possidentis	1	causa retentionis	1
animus alieno nomine	1	causae efficientes	1
possidendi		cautela Socini	1
animus auctoris	1	cautio	1
animus nocendi	1	cautio iudicatum solvi	1
animus possidendi	1	caveant consules, ne quid	1
animus possidentis	1	detrimenti capiat respublica	
animus pro alio habendi	1	cedes	1
animus socii	1	Celsus libro quinto decimo	1
appellare	1	Digestorum	
arbiter	1	census	1
arbitrium	1	certa res	1
arenarii	1	certum	1
argumentum a minore ad maius	1	cessante natione cessat lex	1
argumentum ad hominem	1	cessante ratione legis cessat lex	1
arthritis deform.	1	cessante ratione legis non cessat	1
avicitas	1	lex ipsa	
basis cerebri	1	cessio legis	1
bellum iniustum	1	circulus vitiosus	1
bellum iustum	1	circulus vitiosus in	1
beneficia iuris	1	demonstrando	
beneficium	1	circumstantias causae	1
beneficium abstinendi	1	civilem penam infligunt	1
beneficium excussionis	1	civis	1
personalis		civis Estoniae, tua res agitur	1
beneficium excussionis realis	1	Codex Theodosianus	1
bilatera	1	coitus interruptus	1
bona	1	comitas	1
bona coniunctis incommodis	1	comitiis calatis	1
bona non intelleguntur nisi	1	commentarius in ius Lubecense	1
deducto aere alieno		commissarius	1
bonae fidei iudicii	1	commixtio	1
bonus pater familias	1	commoda et incommoda	1
cambium vires acquirit eundo	1	communio prorogata	1
cand. iur.	1	communis opinio	1
caput Estonie cecidit, id est	1	compensatio culpae	1
seniores Osilie et seniores		competentia ratione materiale	1
Rotaliae et aliarum		competentia subiective	1
provinciarum		composessio in solidum plurium	1
casum sentit dominus	1	esse non potest	
casus clinicus	1	composessio plurium in	1
casus garantivae	1	solidum	

conceptus pro iam nato habetur	1	materia aedificaverit	
conclusio	1	cum laude	1
concordia domi	1	cum omnibus necessariis	1
concordia domi – foris pax	1	clausulis atque requisitis	
condiciones sine causa	1	constituiret	
condictio ob causam datorum	1	cum transactio ad hoc sit	1
condictio ob turpem causam	1	inventam, ut fines litium	
condictio ob turpem vel	1	imponatur	
iniustam causam		cum viribus	1
condictiones	1	cura absentis	1
conditio	1	curae	1
conductor omnia secundum	1	curia novit iura	1
legem conductionis facere debet		dando	1
et, si quid in lege praetermissum		datio in solutum	1
fuerit, id ex bono et aequo debet		datum	1
praestare		de acquirendo rerum dominio	1
confessio	1	de actionibus empti	1
connubium	1	de distractione pignorum	1
consensu	1	de emptione et venditione	1
consensus ad idem	1	de exceptionibus doli	1
consensus facit nuptias	1	de fideiussoribus	1
consilarii regis	1	de herede instituendo	1
consortium litis	1	De imperio summarum	1
constans et perpetua voluntas	1	potestatum circa sacra	
ius suum cuique tribuendi		de lege	1
contractus aestimatorius	1	de omni agro	1
contractus emphyteuticarius	1	de procuratoribus et postulando	1
controversia de fine	1	de rescindenda venditione	1
convalescere	1	de rescinenda venditione	1
convenire et conveniri	1	de seniorum terrae consilio	1
conventiones	1	iudicabit, quae fuerint iudicanda	
coram actis	1	de syndic.	1
corporationes bonorum	1	debita coniugalia	1
corpore corpori datum	1	deducto aere alieno	1
credendi causa	1	definiendum	1
credo	1	delatio hereditatis	1
cui non facile sit scire, ei	1	delegatio debiti	1
detrimento non sit		delicta iuris gentium	1
cuius regio, eius religio	1	delicti sui generis	1
culpa gravis	1	delictum	1
culpa in contrahendo	1	depositum regulare	1
cum animo domini	1	dies pro homine appellat	1
cum autem regionibus dividi	1	diligentes patres familiae	1
atiquis ager		dimidium	1
cum causa	1	dispensi	1
cum clausula rebus sic stantibus	1	doctores utriusque iuris	1
cum fundum communem	1	dolus emptoris qualitate facti	1
cum grano salis	1	non quantitate pretii estimatur	
cum in suo loco aliquis aliena	1	dolus indirectus	1

dolus malus	1	excl./exclusive	1
dolus praesumitur	1	exceptio plurium	1
domestici iuris compendium	1	exceptio rei iudicatae	1
domini directi	1	exhereditatio testamentaria	1
dominium civile	1	exilium	1
dominium divisum	1	expromissio	1
dominium maris	1	expropriatio	1
dominium naturale	1	facere, non facere, pati	1
dominium maris	1	facta concludentia	1
dominus et deus	1	falsa demonstratio non nocet	1
dominus non patitur colonum in	1	familia	1
fundo esse		favor testamenti	1
dominus sciens	1	feci, sed iure feci	1
donans unicuique eorum	1	fictio repraesentationis	1
provinciam, id est kylegundam		fictis verbis	1
unam, in feudo		fideiussio in duriorem causam	1
donatio remuneratoria	1	fideiussor principalis	1
dr. iur et pol. st.	1	fides efficax	1
duodecim quibusvis mensibus	1	fiscus	1
semiunciae		fiscus semper habet ius pignoris	1
dura lex, sed lex	1	foetus animatus	1
e contrario	1	forum	1
edictum de suspectis heredibus	1	fragmenta	1
editio	1	fructus industriales	1
effectus exsuperat causam	1	fundamentum divisionis	1
enormis laesio	1	furtum	1
eosdem aureos dare spondes	1	genus servitutis sepultura	1
error iuris nulli prodest	1	vivorum	
error sive ignorantia iuris	1	germanicarum in usum	1
essentiale negotii	1	scholarum	
Estones de tota Ugaunia	1	Grotius hic Hugo est, Batavus,	1
convenerunt ad placitum		Captivus	
et ita invicem se circumscribere	1	hec pauca	1
ex aequo bono	1	hereditas damnosa	1
ex ante	1	hereditas lucrativa	1
ex bono et aequo	1	hereditas vice defuncti fungitur,	1
ex delicto	1	personam defuncti sustinet	
ex eadem causa	1	heres testis	1
ex facto oritur ius	1	holographum	1
ex fide bona	1	homines vani	1
ex his enim tantum modo causis	1	homo est, et qui est futurus	1
ex integro	1	hypotheca	1
ex nunc	1	idem fide tua iubet	1
ex parte	1	idem per idem	1
ex ungue leonem	1	ideo si plures sint in fundo	1
exceptio litis pendentis	1	ignorans	1
exceptio non numeratae	1	ignorantes	1
pecuniae		ignorantia iuris nocet	1
exceptio spoli	1	illius fit aedificium, cuius et	1

solum est		instrumenta	1
imperium	1	inter arma silent leges	1
impossibile nulla obligatio est	1	inter pignus autem et hypothecam tantum	1
impotentia coeundi	1	interdictum quod vi aut clam	1
impotentia coeundi et generandi	1	interdicum uti possidetis	1
impotentia concipiendi	1	internum	1
impotentia concipiendi et parturiendi	1	interpretatio extensiva	1
in bonae fidei iudiciis quod inaequaliter factum esse constiterit, in melius reformabitur		interusurium	1
in commertio	1	interventio accessoria	1
in complexu	1	intimatio	1
in conventionibus	1	intra muros	1
contrahentium voluntatem potiusquam verba spectari placuit		ipso iure dividuntur	1
in dubio pro fisco	1	is, cui bonis interdictum est, stipulando sibi acquirit; tradere vero non potest, vel promittendo obligari	
in extenso	1	ita ius esto	1
in facto	1	iubente domino	1
in folio	1	iudex ne procedat ex officio	1
in fraudem creditoris	1	iudex secundum allegata et probata a partibus iudicare debet	1
in fraudem legis	1	iudex secundum alligata et probata iudicare debet, non secundum conscientiam	1
in infinitum	1	iudices	1
in limine liti	1	iudices itinerantes	1
in pendente	1	iudices iurati	1
in praesens vel on praeteritum collata	1	iudici fit probatio	1
in praeteritum non vivitur	1	iudicium	1
in quod interest actoris	1	iudicium imperfectum	1
in rem suam	1	iugum	1
in rem versio	1	Iulianus ait, confessum certum se debere legatum omnimodo, etiam si in rerum natura non fuisset quia confessus pro iudicato habetur	
in solidum peculium	1	Iulianus: si communi fundo meo et tuo serviat fundus	1
in solutum datio	1	iura christianitatis	1
in subsidio	1	iura in re	1
in suspenso	1	iuramentum calumniae	1
in thesi	1	iuramentum malitiae	1
incertam partem possidere nemo potest	1	iure imperii	1
incivile est nisi tota lege perspecta una aliqua particula eius proposita iudicare vel respondere		iure proprio	1
incl. /inclusive	1	iuris civilis	1
indignus	1	iurisdictio inhaeret imperio	1
infamia notati	1	ius abstractum	1
iniuria atrox	1	ius acquisitum	1

ius civile vigilantibus scriptum est	1	lex contractus	1
ius dispositivum	1	lex ferenda	1
ius est ars aequi et boni	1	lex generalis posterior non derogat legi speciali	1
ius et obligatio correlata sunt	1	lex imperfecta	1
ius facit inter omnes	1	lex loci	1
ius honorarium	1	lex originis	1
ius in re quaedam immobili	1	lex personalis	1
ius inventarii	1	lex posterior derogat legi priori	1
ius naturale	1	lex posterior generalis non derogat legi speciali priori	1
ius naturale sive naturae	1	lex posterior non derogat speciali priori	1
ius primae noctis	1	lex ripuaria	1
ius privatum	1	liberando	1
ius publicum pactis singulorum mutari non potest	1	libri	1
ius retentionis	1	linea collateralis	1
ius sine obligatione non intellegitur	1	linea directa	1
ius vicinitatis	1	litigantes	1
ius viduale	1	litis ordinandi gratia	1
ius vigilantibus scriptum est	1	litisconsortium	1
iusta causa traditionis	1	litisconsortium necessarium	1
iusticia est fundamentum regni	1	passivum	1
iustitia fundamentum mundi	1	locare	1
iustitiarum itineratis	1	locatio conductio rei	1
laesio enormis de lege ferenda	1	locatio-conductio operis	1
lapsus calami	1	locus certus ex fundo	1
lapsus linguae	1	longa consuetudo optima legum	1
legatarius	1	interpretis	1
legator	1	longi temporis praescriptio	1
legatum per damnationem	1	luxus	1
legatum per vindicationem	1	magister iuris	1
lege Aquiliae posse agi non dubio	1	Magna Charta libertatum	1
leges cit.	1	magno excessu	1
leges erratae	1	mala fides superveniens	1
leges minus quam perfectae	1	male in re locata versari	1
leges particulares	1	male iure suo uti non debemus	1
legis actiones	1	malitiis non est indulgendum	1
legitima tutela	1	malum necessarium	1
legus perfecta, imperfecta, plus et minus quam perfecta	1	mancus	1
levis dum faxat castigatio concessa est docenti	1	mandatum mea gratia	1
lex ad praeteritum non valet	1	mandum gratiae	1
lex Anastasiana	1	manebit servitus	1
lex barbarorum	1	mare clausum	1
Lex Burgundionum	1	mare liberis defensi adversus	1
lex commissoria	1	welwodium	1
		Mare liberum	1
		maritalis cohabitatio	1
		matrimonia libera esse debent	1

matrimonii finis primarius est	1	nec vi, nec clam, nec precario	1
procreatio		nececcarii heredes	1
matrimonium non existens	1	negatio	1
mera subtilitas	1	negotium nullum	1
merita causae	1	negotium stricti iuris	1
mimi	1	nemine contradicente	1
minus dimidis (pars) iusti (veri)	1	nemo ad alterum plus iuris	1
pretii		transferre potest, quam ipse	
minus plena	1	habet	
miraculum dei concessioni	1	neque enim lucrum intelligitur	1
modicus excessus	1	nisi omne damno deducto	
modus procedendi	1	neurosis traumatica	1
momenta iuris	1	nihil certe est hoc argumento	1
monendi et docendi causa	1	infirmius	
monumenta	1	nihil fuit contrarium actum	1
mora accipiendi	1	nihil licet actori quod non licet	1
moribus per praetorem bonis	1	reo	
interdicitur hoc modo: quando		nolens-volens	1
tibi bona paterna aviataque		nolumus leges Angliae mutari	1
nequitia tua disperderis		nomine alieno	1
mortis causa	1	non ratione imperii, sed imperio	1
mortuus aperit oculos viventis	1	rationis	
motu proprio	1	nos	1
mutuo dissensu	1	nos utique utilitati terrae et	1
nam et hos [legatarios]	1	commodo neophitorum	
coniunxit ad societatem non		intendentes.	
consensus sed res		notorium non eget probatione	1
nam frui pro parte possumus, uti	1	Novellae	1
pro parte non possumus		novus	1
narra mihi factum, ego tibi	1	noxae deditio	1
narrabo ius		nudus consensus	1
nasciturus	1	nulla domina potest aliquid	1
naturale negotii	1	fideiubere	
naturalis ratio	1	nulla mulier potest bona sua	1
ne actor e dolo suo lucretur	1	nullum crimen sine lege poenali	1
ne bis in idem	1	anteriori	
ne cuius deterior causa fiat ex	1	ob turpem causam	1
alieno facto		obligando	1
ne in plures adversarios	1	obligatio accessoria	1
distringatur, qui cum uno		obligatio ex quasi delicto	1
contraxerit		obligatio naturalis	1
ne intempestiva cultura	1	obligationes ex delicto	1
deteriorem fundum faceret		occupatio rei nullius	1
ne peccetur	1	omnemque iniuriam aut corpus	1
ne procedat iudex ex officio	1	inferri aut ad dignitatem, aut ad	
nec enim sola pretii vilioris	1	infamiam pertinere	
querella contractus sine ulla		omnibus modis proconsul id	1
culpa celebratus litigiose		agit, ne cuius deterior causa fiat	
strepitu turbandus est		ex alieno facto	

omnis definitio periculosa est	1	intulerit	
opera libertatis	1	periculum creditoris est	1
operae in rerum natura	1	persona certissima	1
opinio doctorum	1	persona iuris privati	1
opinio necessitatis	1	personae obligatio	1
opiniones doctorum	1	personae, quae artem ludicram	1
optima est legum interpretis	1	faciunt, infames (sunt)	
consuetudo		personalia	1
Osiliani veri de omnibus villis	1	pestis infantium	1
ac proviciis convenientes		petitio hereditatis	1
otium cum dignitate	1	pignoris causa indivisa est	1
pacta conventa	1	pignus	1
pacta fiduciaria	1	pignus conventionale	1
pactum de matrimonio	1	pignus necessarium	1
contrahendo		pignus voluntarium	1
pactum subiectionis	1	placita	1
palmarium	1	placitum	1
par inter paribus	1	placitum generale	1
parentate	1	plebs	1
pars domini	1	plus petitio temporis ratione	1
pars fundi	1	poena conventionalis	1
pars in toto	1	poena omnium miserrima atque	1
pars pro indiviso	1	molestissima	
pars quanta fructum	1	Pomponibus ait: in pretio	1
pars rei	1	emptionis	
partes	1	Pomponius autem lectionum	1
passiva	1	libro secundo	
pater is est quem iudices	1	ponere se super patriam	1
demonstrant		possessor ad usucapionem	1
pater semper incertus	1	post meliorum suorum	1
paterna paternis, materna	1	occisionem, Letthorum iam	
maternis		magnum ceperant habere	
paternitas	1	timorem	
patres	1	posterior non derogat	1
Paulus: Si partem praedii	1	praedones	1
nactus sim		praelegatio per damnationem	1
Paulus: si praedium tuum mihi	1	praelegatio per vindicationem	1
serviat		praemissa maior	1
per	1	praemissa minor	1
per argumentum a maiore	1	praescriptio acquisitiva	1
per iuratam patriam	1	praescriptio extinctiva	1
per legem	1	praesumptio boni viri	1
per manum	1	praesumptio Muciana	1
per matrimonium subsequens	1	pretium iustum	1
per praesentiam	1	pretium verum	1
per praetorem	1	primus inter omnium	1
per substitutos	1	princeps legibus solutus est	1
perceptio	1	principale trahit accessorium	1
periculum aliquod donatori	1	principium exclusi tertii	1

privatissimum	1	quanti omnibus valeret	1
pro arrha	1	quaternio terminorum	1
pro fisco	1	quem nuptiae demonstrant	1
pro forma	1	querela inofficiosi testamenti	1
pro herede gestio	1	qui ad certum tempus conducit,	1
pro indivisio	1	finito quoque tempore colonus	
pro lege	1	est; intellegitur enim dominus	
pro mille	1	quum patitur colonum in fundo	
pro parte indivisa	1	esse, ex integro locare, et huius	
pro parte rata	1	modi contractus, (...) nudo	
pro parte servitus neque acquiri,	1	consensus conualescunt	
neque imponi potest		qui alit, sepelit	1
pro parte servitus retinetur	1	qui legibus est solutus	1
pro qualitate delicti et	1	qui tacet, convenire debetur	1
circumstantiarum		quia confusione perinde	1
pro rata parte	1	extingitur obligatio ac solutione	
pro re nata	1	quia ipso iure ita se res habet	1
pro reo	1	quia par utriusque domini ius in	1
pro temerario litigio	1	utroque fundo esse incipit	
pro tota terra	1	quia peccatum est	1
pro viribus (hereditatis)	1	quia stipulatus est sub	1
probatio diabolica	1	condicione	
probatio in rei perpetuam	1	quid piam	1
memoriam		quod et in aedibus potest dici, si	1
procuratorium	1	dominus pariete	
producta	1	quod initio vitiosum est, non	1
promiscue	1	potest tractu temporis	
promittendo	1	conualescere	
pronuntiatio	1	quod legibus omissum est, non	1
proprietas	1	omittetur religione iudicantis	
proprio motu	1	quod non est in actis, est in	1
prorogatio iurisdictionis	1	mundo	
provinciae adiacentes	1	quod princeps placuit, legis	1
publicatio	1	habet vigorem	
putativus	1	quod vero contra rationem iuris	1
putus	1	receptum est	
quacunque ratione	1	quot delicta tot poenae	1
quae argumenta adquem modum	1	quota liti	1
probandae cuique rei sufficient,		re aut verbis: re quotiens manus	1
nullo certo modo satis definiri		inferuntur, verbis, quotiens	
potest		convicium fit	
quae male excogitata sunt, ea	1	Receptae sententiae	1
nec longa consuetudinae		recognitares	1
confirmari volumus		rei iudicatae	1
quaecumque mulier Burgundia	1	rei obligatio	1
vel Romana		relatio	1
Quaestio Domitiana	1	relationes et fundamentes	1
quaestiones perpetuae	1	rem maioris pretii si tu vel	1
quanti minoris	1	patertuus	

rem sibi habendi	1	si nullus dolus adversarii	1
repertorium	1	probari possit	
replicatio	1	si partis fundi ususfructus	1
res	1	constituatur	
res clamat dominum	1	si praedia mea praediis tuis	1
res corporales	1	serviant et tuorum partem mihi	
res derelictae	1	et ego meorum partem tibi	
res extra commercium	1	tradidero, manebit servitus	
res habilis	1	si praeter voluntatem parentum	1
res hereditariae nullius sunt	1	inter arenarios aut mimos sese	
res incorporales	1	filius sociaverit	
res iudicata	1	si quis fraude venditoris ad rem	1
res mali exempli	1	emendam inductus	
res nullius cedit primo	1	si quis in alieno solo sua materia	1
occupanti		aedificaverit	
res publico usui destinatae	1	si tacuisses	1
res se movens	1	si universitas ad unum rediit	1
responsio Celsiana	1	si universitas ad unum rediit,	1
restipulatio	1	magis admittur posse eum	
restitutio in pristinum statum	1	convenire et conveniri, cum ius	
rogati	1	omnium in unum recci derit et	
sacramentum	1	stet nomen universitatis	
salarium	1	si voluntate tua fundum tuum	1
salvo tamen in omnibus	1	filius tuus venumdedit, fundum	
sapientis est consilium mutare	1	venumdatum recipias	
in melius		sibi imputent	1
sciens	1	sic volo, sic iubeo	1
sciente domino	1	signum temporis	1
scientes	1	sin autem communes nummos	1
scientia	1	credam aut solvam	
secundum legem	1	sine causa	1
securitatis publicae causa	1	sine iure	1
sed et si secundo quoque anno	1	sine lege nullum crimen	1
nihil fuerit		sine loco/s.l.	1
sed iuris ignorantiam non	1	sine qua non	1
prodesse		sit venia verbo	1
sed si quae	1	sive colendo	1
senatusconsultum Velleianum	1	sive locando	1
sententia praedio datur	1	societas omnium bonorum	1
servitus fundo utilis esse debet	1	socius	1
servitus oneris ferendi	1	socius litis	1
servus	1	sola fide	1
si de interpretatione legis	1	solemnis editio legis	1
quaeratur		solidus	1
si debitor heres extiterit creditor	1	solo cedit	1
si divisit fundum regionibus	1	solutionis causa adiectus	1
si interim dominus fuere	1	specialiter	1
coeperit		spiritus rector	1
si mimos sequitur	1	sponsalia de futuro	1

sponsalia de praesenti	1	testator	1
sponsio – stipulatio	1	titulus iustus	1
sponsionis causa	1	traditio nihil amplius transferre	1
sposa	1	debet vel potest ad eum qui	
sposare	1	accipit, quam est apud eum, qui	
sposo	1	tradit	
squalor carceris	1	ubi successit creditor debitori	1
statuit ex eis seniores et iudices	1	veluti solutions iure sublata	
in omnibus provinciis suis		Ulpianus ad edictum sive autem	1
status activitatis	1	locando fundum	
stipulatio duplae	1	una eadamque nobilitas	1
stipulatio in favorem tertii	1	unilatera	1
stipulatio poenae	1	universitas bonorum	1
stipulatio servi communis	1	universitas personarum	1
stricti iuris	1	universitas rerum coherentium	1
strictis verbis	1	universitas vasallorum	1
stricto iure	1	universum ius	1
suaviter in modo, fortiter in re	1	unus actus	1
sub condicione	1	unusquisque in solidum mandati	1
subpignus	1	iudicio teneatur	
subrogatio	1	urbi et orbi	1
substitutio vulgaris	1	usucapiens	1
substantiae donatoris	1	usus longo tempore unus est	1
substitutio fideicommissaria	1	legum corrector	
succedere	1	usus modernus pandectarum	1
succedere in ius	1	usus uniusquisque in solidum	1
successio generalis	1	est: neque enim minus me uti	
successio in ius	1	quod et alius uteretur	
successio in ius defuncti	1	ut fiat iustitia sed non pereat	1
successio in locum et in ius	1	mundus	
successio iuris	1	ut opera rustica suo quoque	1
successio ordinum et graduum	1	tempore faciat	
successio vidualis	1	uti lingua nuncupasset, ita ius	1
summa potestas	1	esto	
suo nomine	1	utile per inutile non vitiatur	1
superaddita	1	vacuum	1
superadditum	1	variae causarum figurae	1
superadditum est	1	venditio gratiosa	1
tabula rasa	1	venia aetatis	1
tempora mutantur, mutamur nos	1	versus	1
in illis		vi	1
tempus	1	vi, clam, precario	1
termini technici	1	vigilantibus iura	1
terminus	1	vindicatio	1
terrae potestas finitur ubi finitur	1	vir	1
armorum vis		virtus	1
testamentifaculo activa	1	vis absoluta et compulsiva	1
testamentum correspectivum	1	visucorporis	1
testamentum reciprocum	1	vitiosa possessio	1

vitiosum	1	volumen	1
vivat iustitia, pereat mundus	1	volunte generale	1
volentem ducunt fata, nolentem	1	volutas donandi et acceptio doni	1
trahunt			

Appendix 2: Latin terms in *Nõukogude Õigus*

stud. iur.	17	de lege lata	1
ca	15	de mortuis nil nisi bene	1
alma mater	11	dr. ing. et mag. chem.	1
cum laude	11	dr. rer. pol.	1
dr. iur.	11	ex iniuria ius non oritur	1
Album Academicum	7	expressis verbis	1
de lege ferenda	6	gaudeamus	1
Academia Gustaviana	5	gestor	1
de iure	4	in medias res	1
ius gentium	4	in memoriam	1
canonici	3	incl.	1
Universitas Tartuensis	3	lingua franca	1
dr. med.	2	lupa	1
ex tunc	2	lupanarium	1
ius est ars boni et aequi	2	mag. chem.	1
ius cogens	2	mag. pharm.	1
maxime sufficit	2	meretrix	1
resp.	2	post factum	1
tempora mutantur et nos mutamur in illis	2	professor emeritus	1
vacatio legis	2	prostibula	1
Academia Gustaviana-Carolina	1	Publicationes Bibliothecae Litterarum Tartuensis	1
Academia Gustavo-Carolina	1	salus populi (rei publicae)	1
acta	1	suprema lex	
ad absurdum	1	salus rei publicae	1
Annales	1	senior	1
bona fide	1	servi	1
cand. iur.	1	societas	1
causa sui	1	status quo	1
civilis	1	studia iuridica	1
Constitutio Criminalis Carolina	1	Studia iuridica: historia et theoria	1
Corpus iuris canonici	1	universitas	1
Corpus iuris civilis	1	vivat academia, vivant professores	1
de facto	1		
De iure belli ac pacis	1		

Appendix 3: Latin terms in *Eesti Jurist*

cum laude	35	ad referendum	2
dr.	24	contra	2
de facto	23	defensor legis	2
ca	18	delictum sui generis	2
versus	16	e.g.	2
alma mater	14	homo soveticus	2
de iure	13	lia	2
dr. iur.	12	ius cogens	2
in vitro	12	ius sanguinis	2
de lege ferenda	11	ius soli	2
Bibliographia Iuridica Estonica	10	iustitia	2
nullum crimen nulla poena sine lege	8	lex posterior derogat legi priori	2
etc.	7	lex specialis	2
Academia Gustaviana	6	Liber primus titulus primus de consulibus et declirionibus	2
Album Academicum	6	mag. iur.	2
lex	6	mutatis mutandis	2
Acta et commentationes Universitatis Tartuensis	5	nullum crimen sine periculo sociali	2
fontes iuris	5	pacta sunt servanda	2
in memoriam	5	post mortem	2
peculatus	5	praeter legem	2
ad hoc	4	pro bono	2
cf.	4	quasi-rapina	2
et al.	4	restitutio in integrum	2
ex officio	4	sic	2
i.e.	4	studia iuridica	2
ius commune	4	Studia Iuridico-Historica Estonica	2
Academia Gustaviana Carolina	3	ultima ratio	2
Album Academicum Universitatis Tartuensis	3	Universitas Tartuensis	2
crimen residui	3	vacatio legis	2
de lege lata	3	ab initio	1
ibid	3	Acta Universitatis Marie Curie-Sklodowska	1
numerus clausus	3	Acta Universitatis Uppsaliensis	1
op. cit.	3	actus contrarius	1
PhD	3	ad placitandum	1
quasi	3	ad valorem	1
societas delinquere non potest	3	Album Fratrum Academicorum	1
stricto sensu	3	Album Livonorum	1
sui generis	3	Apophoreta Tartuensis	1
supra	3	arcana imperii	1
universitas	3	Bibliographia iuridica Fennica	1
Academia Gustavo-Carolina	2	Carolina Rediviva	1
Acta Universitatis Wratislaviensis	2	condicio sine qua non	1

contra legem	1	nihil novo sub sole	1
corpus juris	1	nullum crimen	1
crimen sacrilegii	1	nullum crimen nulla poena sine	1
curriculum	1	periculo sociali	
dixi	1	nullum crimen sine lege	1
expressis verbis	1	partes	1
fiat iustitia	1	perpetuum mobile	1
Folia Bibliographica	1	post mortem auctoris	1
forum shopping	1	prof. emer.	1
furtum	1	proprietas	1
grosso modo	1	quattuor facultates in	1
in concreto	1	universitate sunt	
in fraudem creditorum	1	ratio status	1
in utero	1	ratione materiae	1
incl.	1	salus rei publicae suprema lex	1
infra	1	esto	
interim	1	seniores	1
ius	1	sine ira et studio	1
ius conventionis	1	statuta	1
ius Estonicum	1	Studia Iuridica: Historia et	1
lex posterior	1	Theoria	
lex posterior derogat	1	terra incognita	1
lex posterior derogat priori	1	verbum exit	1
maxime audiatur et altera pars	1	videre licet	1

Appendix 4: Latin terms in *Juridica*

versus	478	conditio	24
corpus iuris	248	lex specialis	24
expressis verbis	233	accessio	23
op. cit.	156	ius	23
lex mercatoria	145	causa	22
ius cogens	144	ne bis in idem	22
de lege ferenda	143	contra	21
culpa in contrahendo	83	speculum practici	20
ad hoc	78	curriculum vitae/cv	19
de facto	71	lex	19
lex fori	71	ph D	19
de lege lata	68	alma mater	18
doctor iuris/dr iur	67	in vitro	18
circa/ca	66	ipso iure	18
magister iuris	65	lex posterior derogat legi priori	18
forum	64	actus contrarius	17
sui generis	58	ex tunc	17
cum laude	57	mens rea	17
prima facie	56	ratione materiae	17
erga omnes	54	bona fide	16
ultima ratio	53	ius gentium	16
et al.	50	nullum crimen nulla poena sine lege	16
a priori	49	stare decisis	16
pacta sunt servanda	49	ultra vires	16
lex specialis derogat legi generali	48	actio Pauliana	15
conditio sine qua non	45	clausula rebus sic stantibus	15
numerus clausus	43	lex posterior derogat priori	15
ibid/ib	39	ratio legis	15
LL. M.	36	resp.	15
per se	36	ex nunc	14
praeter legem	36	in re	14
de iure	35	lex posterior	14
ex officio	35	media sententia	14
etc	33	nullum crimen sine lege	14
ex ante	32	preambula	14
obiter dictum	32	usus modernus	14
ex post	31	ad rem	13
lex fori concursus	31	hereditas iacens	13
intra legem	28	lex generalis	13
ratio decidendi	27	lex rei sitae	13
ratione personae	27	occupatio	13
supra	27	quasi	13
contra legem	26	vacatio legis	13
in dubio pro reo	26	Corpus Iuris Civilis	12
status quo	26	idem/id	12
bona fides	25		

in abstracto	12	res iudicata	6
in corpore	12	usus modernus pandectarum	6
inter partes	12	vis absoluta	6
ipso facto	12	ab initio	5
lex specialis derogat generali	12	actio popularis	5
nulla poena sine lege	12	actus reus	5
stricto sensu	12	anus	5
universitas	12	argumentum a fortiori	5
forum academicum	11	bis	5
in concreto	11	Constitutio Criminalis Carolinae	5
ius civile	11	ex post facto	5
ratio	11	forum externum	5
superficies solo cedit	11	genus proximum	5
ex parte	10	homo oeconomicus	5
nota	10	ius in bello	5
opinio iuris	10	ius soli	5
pro	10	lex generalis posterior non	5
ad acta	9	derogat legi speciali priori	
anno	9	mutatis mutandis	5
de minimis	9	nulla poena	5
digesta	9	nulla poena sine culpa	5
ius commune	9	nullum crimen	5
lis pendens	9	obiter dicta	5
restitutio in integrum	9	opuscula	5
vis compulsiva	9	post mortem	5
a contrario	8	pro rata temporis	5
acta iure gestionis	8	ratione loci	5
acta iure imperii	8	ratione temporis	5
conditiones	8	referendum	5
i.e./id est	8	AD/anno Domini	4
mala fides	8	caritas	4
negotiorum gestio	8	corrigendum	4
non liquet	8	defensor legis	4
sic	8	eo ipso	4
actio libera in causa	7	ex vivo	4
de iure belli ac pacis	7	fundamentum divisionis	4
homo sociologicus	7	Ius ad Bellum	4
inter vivos	7	ius puniendi	4
iura novit curia	7	ius scriptum	4
lege artis	7	lex loci	4
lex causae	7	locus standi	4
occupatio bellica	7	magister artium	4
arbiter	6	magistra legum	4
doctor/dr	6	mala fide	4
forum internum	6	methodus demonstrativa (in iure)	4
ius naturale	6	nemo iudex in causa sua	4
ius sanguinis	6	opinio iuris sive necessitatis	4
memorandum	6	post factum	4
mortis causa	6	productum sceleris	4

salus aegroti suprema lex	4	ius respondendi	3
sensu stricto	4	lex flagi	3
sine anno/s.a.	4	locatio conductio operarum	3
summa summarum	4	lucrum cessans	3
typus sui generis	4	nemo plus iuris transferre posset	3
venire contra factum proprium	4	quam ipse habet	
a posteriori	3	nemo tenetur se ipse/ipsum	3
Acta et Comm. Universitatis	3	accusare	
Tartuensis		nemo tenetur se ipsum vel	3
alluvio	3	prodere	
alter ego	3	non bis in idem	3
animus	3	nullum crimen sine lege et sine	3
animus rem sibi habendi	3	periculo sociali	
audiatur et altera pars	3	occupatio quasi bellica	3
claris verbis	3	pactum de contrahendo	3
codex	3	pareto optimum	3
culpa	3	passim	3
culpa lata	3	peculium	3
culpa levis	3	precuneus	3
culpa levissima	3	reformatio in peius	3
de iure civili	3	Rerum Cottidianarum	3
delictum sui generis	3	res extra commercium	3
differentia specifica	3	status activus	3
dolus	3	successio universalis	3
dolus directus	3	vice versa	3
dolus eventualis	3	actor sequitur forum rei	2
dominus membrorum suorum	3	aditio hereditatis	2
nemo videtur		animus domini	2
ergo	3	animus sibi habendi	2
et seq.	3	ars	2
ex lege	3	assessor	2
ex mortuo	3	audi alteram partem	2
foeticidium	3	aut dedere aut iudicare	2
fontes iuris	3	bonos mores	2
forum shopping	3	candidatus juris	2
fumus boni iuris	3	cf.	2
in dubio pro libertate	3	communis opinio	2
in dubio pro natura	3	conceptus generalis	2
Institutiones	3	condominium	2
intentio lectoris	3	confusio	2
inter alia	3	constitutio	2
inter nationes	3	corpus delicti	2
inter se	3	Corpus Iuris Secundum	2
intra vires	3	culpa post contractum finitum	2
ius dispositivum	3	curia	2
ius est ars boni et aequi	3	damnum emergens	2
ius imperativum	3	de lege lata et ferenda	2
ius nudum	3	Dissertationes iuridicae	2
ius poenale	3	universitatis Tartuensis	

dominus negotii	2	persona	2
e contrario	2	poena extraordinaria	2
edictum perpetuum	2	prima causa	2
effectus	2	primus inter pares	2
ex aequo et bono	2	princeps	2
exceptiones in personam	2	pro et contra	2
extranei heredes	2	pro forma	2
fides	2	producta et instrumenta sceleris	2
forum arresti	2	quinqües	2
forum non conveniens	2	quo vadis	2
hermeneutica iuris	2	res in transitu	2
homicidium	2	sapere aude!	2
implicite	2	secundum legem	2
in absentia	2	sic volo, sic iubeo	2
in rem	2	sine loco	2
incl./inclusive	2	societas	2
infra	2	societas delinquere non potest	2
instrumentum sceleris	2	species	2
intentio auctoris	2	specificatio	2
intentio operis	2	status activitatis	2
invitatio ad offerendum	2	status civitatis	2
iura	2	status libertatis	2
ius distributiva	2	status quo ante	2
ius honorarium	2	sua sponte	2
ius inter gentes	2	tabula rasa	2
ius publicum	2	ultra partes	2
ius repraesentationis	2	ultra vires hereditatis	2
ius strictum	2	voluntas aegroti suprema lex	2
iustitia	2	a limine	1
legis actio	2	a maiore ad minus	1
legis fictio	2	a minore ad maius	1
lex artis	2	ab intestato	1
lex domicilii	2	ab ovo	1
lex electronica	2	abrogatio legis expressa	1
lex loci celebrationis	2	abrogatio legis tacita	1
lex loci delicti	2	abusive	1
lex loci solutionis	2	abusus	1
lex stricta	2	acquisitio originaria	1
locatio conductio	2	acquisitiones naturales	1
modus operandi	2	acquisitiones originariae	1
ne ultra petita	2	actio	1
nova species	2	ad astra	1
nullum crimen nulla poena sine	2	aerarium	1
lege certa		agenda	1
onus probandi	2	Album Academicum	1
par in parem non habet imperium	2	Universitatis Tartuensis	
pari passu	2	alienatio	1
pars pro toto	2	aliud	1
perpetuum mobile	2	alma mater Dorpatensis	1

alma mater Tartuensis	1	concurrere	1
alteri stipulari nemo potest	1	condictio indebiti	1
amicus curiae	1	conductor	1
amicus letter	1	consensus	1
amita	1	consensus ad idem	1
animadverto	1	constitutio principis	1
animal rationale et sociale	1	contemporarius	1
animo sibi habendi	1	contra bonos mores	1
animus actoris	1	contractus sui generis	1
animus iniurandi	1	contradictio in adiecto	1
animus possidendi	1	conventio	1
animus socii	1	corpus	1
ante	1	credo	1
argumenta non sunt numeranda, sed ponderanda	1	criminalia	1
argumentum a minore ad maius	1	cui prodest	1
argumentum a simile	1	cuius est solum, eius est usque ad inferos	1
argumentum ad hominem	1	cuius regio eius religio	1
argumentum e contrario	1	culpa gravis	1
auctoritas	1	culpa post contractum	1
aut punire, aut dedere	1	cultura	1
avunculus	1	cum ex aliena materia species aliqua facta sit ab aliquo	1
banca	1	cum quis ex aliena materia speciem aliquam suo nomine fecerit	1
beneficium inventarii	1	cum viribus hereditatis	1
beneficium separationis	1	curriculum	1
bona receptitia	1	de acquirendo rerum domino	1
boni mores	1	de iure canonico medii aevi	1
bonum commune	1	de iure divino	1
bonus paterfamilias	1	de iure imperii	1
capitis deminutio	1	de lege artis	1
casus	1	de novo	1
causa causans	1	definitio	1
causa efficiens	1	definitio periculosa	1
causa sine qua non	1	delegatus non potest delegare	1
ceterum censeo	1	delicta commissiva per omissionem	1
circulus inextricabilis	1	delicta omissiva	1
civiliter uti	1	dicta	1
claris et expressis verbis	1	dictum	1
clausula	1	Digestae	1
clausula rebus	1	divisio	1
clausura	1	do ut des	1
Codex Iuris Canonici	1	doctorum opinio	1
codicillus	1	dolus praemeditatus	1
collatio	1	dolus repentinus	1
comitas gentium	1	domestici heredes	1
commendatio	1		
commixtio	1		
commune	1		
communicatio	1		

dominium	1	id eodem iure nostrum fit	1
dominium plurium in solidum	1	ignoratio elenchi	1
donatio virginitatis causa	1	illusio	1
dum spiro, spero	1	imperite	1
e.g./exempli gratia	1	imputatio facti	1
ecclesia non sitit sanguinem	1	imputatio iuris	1
ego	1	in aeternum	1
eiusdem generis	1	in aliis quoque speciebus	1
elegantia iuris criminalis	1	naturalis ratio requiritur	
emeritus	1	in camera	1
emptio venditio	1	in claris non fit interpretatio	1
ex cathedra	1	in corpore et in genere	1
ex iniuria ius non oritur	1	in dubio contra reum	1
ex iniuria non ius oritur	1	in dubio pro	1
ex iure	1	in dubio pro labore	1
ex novo	1	in memoriam	1
exceptiones in rem	1	in natura	1
exclusive	1	in se	1
executio generalis	1	in statu nascendi	1
executio singularis	1	in terrorem	1
exitus acta probat	1	in toto	1
expressis et claris verbis	1	inaedificatio	1
extra	1	indicatio	1
facere	1	indicia	1
facio	1	infanticidium	1
falsa demonstratio	1	inquisitio	1
favor legis	1	institutio	1
favor testamenti	1	institutio heredis	1
femina	1	instrumenta sceleris	1
fides publica	1	insula, quae in mari nata est,	1
filia ultimi gentis	1	occupantis fit	
fiscus	1	inter omnes	1
forum contractus	1	interpretatio recta	1
forum domicilii	1	intuitu personae	1
forum prorogatum	1	iudex legibus solutus non est	1
fraudolus	1	iudicium	1
fructus delicti	1	iudicium dabo	1
fructus naturalis	1	iura quaesita	1
fumus non mali iuris	1	iurisdictio cautelararia	1
functus officio	1	iurisdictio voluntaria	1
genus	1	Iurisprudencia forensis secundum	1
gradus studiosi	1	Pandectarum ordinem in usum	
habeas corpus	1	auditorii proposita	
Hannibal ad portas	1	ius aequum	1
heredes voluntarii	1	ius animatum	1
homo sapiens	1	ius circa sacra	1
hostis	1	ius criminale	1
hostis humani generis	1	ius disponendi	1
humanae vita	1	ius ecclesiasticum	1

ius in sacra	1	lex Scantinia	1
ius lex humana est	1	lex scripta	1
ius Magdeburgense	1	lex sportiva	1
ius nullum	1	lex Sundqvist	1
ius proprium civile	1	lex superior derogat legi inferiori	1
ius publicum est, quod ad statum	1	lex talionis	1
rei Romanae spectat, ius		lex voluntatis	1
privatum, quod ad singulorum		Libri tres iuris civilis	1
utilitatem pertinet		LL. D./legum doctor	1
ius publicum privatorium pactis	1	locatio conductio operis	1
mutare non potes		locatio conductio rei	1
ius representationis omnimodae	1	locator	1
ius scripta	1	locum tenens	1
iusta causa	1	locus delicti	1
iustitia commutativa	1	locus regit actum	1
iustitia fundamentum regnorum	1	longa consuetudo	1
est		luxuria	1
lacunae	1	M.C.L	1
laesio enormis	1	Magna Charta	1
lapsus	1	magna cum laude	1
lato sensu	1	mala fides superveniens non	1
legatum	1	nocet	
leges	1	mala per se	1
Leges duodecim tabularum	1	malam partem	1
leges speciales	1	Malleus Maleficarum	1
legibus solutus	1	manus manum lavat	1
legis actio per conditionem	1	mare liberum	1
legis vicem	1	matertera	1
legitimatio activa	1	medius	1
legitimatio passiva	1	mi factum, dabo tibi ius	1
lex Aquilia	1	minima non curat praetor	1
lex celebrationis	1	mixtum compositum	1
lex concursus	1	mobilia sunt vigilia	1
lex contractus	1	moribundi	1
lex imperfecta	1	mortuus aperit oculos viventis	1
lex iniusta non est lex	1	mos Gallicus	1
lex loci actum	1	mos Italicus	1
lex loci delicti commissii	1	mos maiorum	1
lex loci domicili	1	mulieris portio vel viscerum	1
lex loci laboris	1	multis	1
lex maritima	1	narra mihi factum, ego tibi	1
lex mitior	1	narrabo ius	
lex monetae	1	natio	1
lex nationalis	1	neglegentia	1
lex non distinguit	1	neminem laedere	1
lex personalis	1	nemo iudex in propria causa	1
lex posterior generalis non	1	nemo plus iuris transferre potest	1
derogat priori speciali		quam ipse habet	
lex publica	1	nihil nocere	1

non enim numero haec	1	poena absoluta ad effectum	1
iudicantur, sed pondere		poena naturalis	1
non salus aegroti suprema lex,	1	poena relata ad effectum	1
sed voluntas aegroti suprema lex		pontifex	1
nudum ius	1	possessor hoc ipso, quod	1
nulla poena nullum crimen sine	1	possessor est, plus iuris habet	
lege		quam ille, qui non possidet	
nullo actore nullus iudex	1	possessor pro herede	1
nullum	1	possessor pro possessore	1
nullum crimen nulla poena sine	1	post	1
lege parlamentaria		potestas delegata delegari non	1
nullum crimen nulla poena sine	1	potest	
lege scripta		praecipium	1
nullum crimen nulla poena sine	1	praetor peregrinus	1
lege scripta stricta		prima ratio	1
nullum crimen nulla poena sine	1	primum non nocere	1
lege stricta		princeps legibus solutus est	1
nullum crimen sine lege stricta	1	principia	1
nullum ius sine scientia	1	prior tempore potior iure	1
numerantur sententiae, non	1	privatus	1
ponderantur		pro bono	1
numerus fixus	1	pro patria	1
obiter	1	pro viribus hereditatis	1
obligatio erga omnes	1	procurator	1
contractantes		producta sceleris	1
obligationes erga omnes	1	proprio motu	1
occidit, qui non servat perituum,	1	prospicere	1
ubi potest		punitio	1
oeconomus	1	quantum meruit	1
omitto	1	quod non est in actis, non est in	1
omnis deligentia	1	mundo	
pacta	1	ratio legis est anima legis	1
pactum	1	rebus sic stantibus	1
pactum conventum	1	referendarius	1
partitio	1	repetitio	1
pater	1	rerum repetitio	1
pater familias	1	res communis omnium	1
patere legem quem fecisti	1	res immobiles	1
patruus	1	res ipsa loquitur	1
peculium castrense	1	res mobiles	1
per stirpes	1	res nullius	1
perduellis	1	res publica	1
pereat mundus, fiat iustitia	1	res specialis	1
perinde ac cadaver	1	respondeat superior	1
persona ficta	1	restitutio	1
persona sui iuris	1	restitutio ad intergrum	1
philosophia perennis	1	salus rei publicae lex suprema est	1
plagium	1	sciens et volens	1
poena	1	se defendo	1

secunda	1	suum cuique	1
semper apertus	1	tacitus consensus populorum	1
senso lato	1	temporarius	1
sensu largo	1	tempus	1
sensus verborum est anima legis	1	tenere	1
serpula lacryma	1	tenor	1
sexies	1	ter	1
si ex uvis meis vinum feceris	1	terminus	1
signum	1	terra incognita	1
sine loco et anno	1	testamenti factio	1
sine qua non	1	testamentum	1
singularia non sunt extendenda	1	testamentum holographum	1
sit venia verbo	1	thesaurus	1
situs	1	titulus	1
sol invictus	1	traditio	1
specificans	1	transmissio	1
stat pro ratione	1	ubi homo, ibi ius	1
status ex ante	1	ubi societas, ibi ius	1
status iuris	1	ubique	1
status iuris quo ante	1	ultimum remedium	1
status subiectionis	1	ultra	1
stricte	1	unitas actus	1
studium	1	uno actu	1
sub voce	1	usus	1
substitutio heredis	1	usus fructus	1
subtractum	1	ut res magis valeat quam pereat	1
successio per universitatem	1	utile per inutile non vitiatur	1
successio singularis	1	utilitas publica	1
sui heredes	1	venia legendi	1
sui iuris	1	verbis aut re	1
summa cum laude	1	veritas	1
summa potestas in cives legibus	1	veteres	1
soluta		vetustas	1
summis desiderantis	1	vicarius	1
suo iure	1	vigilantibus iura scripta sunt	1
suo moto	1	vim ne facias possidenti	1
suo nomine	1	vis obligandi	1

Appendix 5: Latin terms in textbooks

H. Brox. Pärimisõigus. Tallinn: Juura, 2003.

ex nunc	2
cum viribus hereditatis	1
diligentia quam in suis	1
in vitro	1
ipso iure	1
nasciturus	1
pro viribus hereditatis	1
testamenta mere simultanea	1
testamenta reciproca	1
volenti non fit iniuria	1

I. Kull. Lepinguõigus. Tallinn: Juura, 1999.

causa	14
invitatio ad offerendum	4
consensus	3
culpa in contrahendo	3
consensus ad idem	2
ius commune	2
mutatis mutandis	2
agregatio mentium	1
animo contrahendae obligationis	1
damnum emergens	1
essentialia negotii	1
intuitu personae	1
lucrum cessans	1
naturalia negotii	1
nudum pactum	1
quantum meruit	1
stipulatio	1
tibi promitto si feceris, si dederis	1
tibi promitto si mihi promittis	1

U. Liin. Pärimisõigus. Tallinn: Ilo, 2005.

eo ipso	2
expressis verbis	2
hereditas iacens	2
inter vivos	2
legis fictio	2
contra factum protestatio non valet	1
domestici heredes	1
extranei heredes	1
favor testamenti	1
ipso iure	1
legatum	1
mortis causa	1

pro herede gestio	1
successio singularis	1

A. Lüderitz. Perekonnaõigus. Tallinn: Juura, 2005.

de lege ferenda	3
argumentum	2
ex tunc	2
in praeteritum non vivitur	2
in vitro	2
manus	2
prima facie	2
ad hoc	1
canon	1
cessio legis	1
Codex Iuris Canonici	1
consensus facit nuptias	1
culpa in contrahendo	1
de lege lata	1
de praesenti	1
Decretum Gratiani	1
desertio	1
emancipatio	1
ex nunc	1
familia	1
in concreto	1
in flagranti	1
in natura	1
ius sanguinis	1
ius soli	1
legitimatio per rescriptum principis	1
peculium	1
peculium castrense	1
praeteritum non vivitur	1
privilegium Paulinum	1
quasidesertio	1
sclerosis multiplex	1
separatio tori mensae ac habitationis perpetua aut temporaria	1
sponsalia de futuro	1
status quo	1
ultima ratio	1
venire contra factum proprium	1

I.-M. Orgo, M. Muda, G. Tavits, T. Treier. Tööõigus. Tallinn: Juura, 2003.

ultima ratio	2
--------------	---

P. Schlechtriem. Võlaõigus. Eriosa. Tallinn, Juura, 2000.

aliud	5
condictio indebiti	3
peius	3

condictio ob rem	2
conditio sine causa	2
ex nunc	2
lex specialis	2
actio negatoria	1
actio pro socio	1
cessio legis	1
condictio ob causam finitam	1
condictio ob turpem vel iniustam causam	1
ipso iure	1
lege artis	1
locatio conductio operarum	1
locatio conductio operis	1
nasciturus	1

K. H. Schwab, H. Prütting. Asjaõigus. Tallinn: Juura, 1995.

bona fides	1
causa	1
rei vindicatio	1
unctim	1
numerus clausus	1
possessio	1
superficies solo cedit	1
tempus	1

R. Tiivel. Asjaõigus. Tallinn: Juura, 2007.

causa	2
hypotheca	1
superficies	1

Appendix 6: Juridical periodicals in Estonian

1. Periodicals published prior to 1918 (before the creation of the Republic of Estonia):

- Seadus ja Kohus: õigusteadline ajakiri. Peterburi Teataja kaasanne (1909, 1911, 1913); Pealinna Teataja kaasanne (1910). Väljaandjad A. Einer, A. Vares, M. Jaakson; toim. A. Einer, A. Vares, J. Reinthal, M. Pung, A. Birk. Peterburi, 1909–1911, 1913.
[Law and Court: legal journal. Supplement to gazette Peterburi Teataja (1909, 1911, 1913); supplement to gazette Pealinna Teataja (1910). Published by A. Einer, A. Vares, M. Jaakson; St. Petersburg, 1909–1911, 1913]
- Õigus: õigusteadline ajakiri. Toim. J. Reinthal, M. Pung. Tallinn: Ühiselu, 1912.
[Law: legal journal. Ed. J. Reinthal, M. Pung. Tallinn: Ühiselu, 1912]
- Õigus ja Kohus: õigusteadusline ajakiri. Päevalehe, Aja, Koidu hinnata eralisa. Väljaandjad B. Mäns, J. Luiga; toim. J. Vilms, G. E. Luiga, T. Kurrikoff, K. R. Pusta, P. Ruubel. Tallinn: Pert, 1912–1914.
[Justice and Court: legal journal. Free special supplement to Päevaleht, Aeg, Koit. Issued by B. Mäns, J. Luiga. Ed. J. Vilms, G. E. Luiga, T. Kurrikoff, K. R. Pusta, P. Ruubel; Tallinn: Pert, 1912–1914]
- Õigus: Meie Aastasada, Sakala, Meie Kodumaa õigusteadline hinnata kaasanne. Väljaandja ja vastutav toim. K. Pikk, toim. O. Rütli. Tartu, 1913–1914.
[Law: free juridical supplement to Meie Aastasada, Sakala, Meie Kodumaa. Editor-in-chief K. Pikk. Ed. O. Rütli. Tartu, 1913–1914]
- Õigus: õigusteadline lisa: Tallinna Teataja, Tallinna Uudiste, Meie elu, Peterburi Teataja, Tartu Päevalehe, Meie Aastasaja, Oleviku, Sakala, Meie Kodumaa hinnata lisa nr 1; Tallinna Teataja hinnata kaasanne nr 2. Toim. A. Birk. Tallinn: Ühiselu, 1914; ilmunud nr 1–2.
[Law: juridical supplement: free supplement no. 1 to Tallinna Teataja, Tallinna Uudised, Meie Elu, Peterburi Teataja, Tartu Päevaleht, Meie Aastasada, Sakala, Meie Kodumaa; free supplement no. 2 to Tallinna Teataja. Ed. A. Birk, Tallinn: Ühiselu, 1914; issues 1–2]

2. Periodicals published in 1918–1940 (Republic of Estonia):

- Sõjamehe Kodu: Põllumajandusline, juriidiline ja ilukirjandusline nädalaleht. Eesti Demobiliseeritud Sõjameeste Liidu Pärnu osakond. Toim. K. Kadak, A. Evert. Pärnu, 1921–1922.
[Home of the Soldier: agricultural, juridical and belletristic weekly gazette. Department of the Association of Demobilised Estonian Soldiers in Pärnu. Ed. K. Kadak, A. Evert. Pärnu, 1921–1922]
- Õigus: juriidiline ajakiri. Väljaandja: Tartu Õigusteadlaste Selts. Toim. F. Karlson, R. Räägo. Tartu, 1920–1940.
[Law: juridical monthly. Published by Association of Jurists in Tartu. Editor-in-chief F. Karlson. Ed. R. Räägo. Tartu, 1920–1940]

3. Periodicals published in 1941–1989 (Soviet occupation):

- Kohus ja Prokuratuur: Eesti NSV Kohtu Rahvakomissariaadi, Eesti NSV Prokuratuuri ja Eesti NSV Ülemnõukogu häälekandja. Eesti NSV Kohtu Rahva-

komissariaat, kodifikatsiooni-osakond. Tallinn: Eesti NSV Kohtu Rahvakomis-sariaat, 1941; ilmunud nr 1–5.

[Court and Prosecutor's Office: Gazette of the Estonian SSR People's Commissariat for Courts, Estonian SSR Prosecutor's Office and Estonian SSR Supreme Council. Estonian SSR People's Commissariat for Courts, Department of Codification. Tallinn: Estonian SSR People's Commissariat for Courts, 1941; issues 1–5]

- Õigusteaduslik Ajakiri. Toim. A. Taska. Stockholm, Lund: Artur Taska, 1957–1960, 1963–1964.
[Jurisprudential Journal. Ed. A. Taska. Stockholm, Lund: Artur Taska, 1957–1960, 1963–1964]
- Nõukogude Õigus: Eesti NSV Kohtuministeeriumi, Ülemkohtu, Prokuratuuri, Siseministeeriumi ja Advokatuuri informatsiooniline bülletään. Tallinn: Eesti NSV Kohtuministeerium, 1959; ilmunud nr 1.
[Soviet Law: Informational Bulletin by the Ministry of Courts, the Supreme Court, the Prosecutor's Office, the Ministry of the Interior, and the Bar Association of Estonian SSR. Tallinn: Ministry of Courts of Estonian SSR, 1959; issue no. 1]
- Nõukogude Õigus: Eesti NSV Justiitsministeeriumi juriidiline bülletään. Tallinn: Eesti NSV Justiitsministeerium, 1967–1989.
[Soviet Law: Juridical Bulletin of the Ministry of Justice of Estonian SSR. Tallinn: Ministry of Justice of Estonian SSR, 1967–1989]

4. Periodicals published in 1990–2009 (re-independence):

- Eesti Jurist. Eesti Justiitsministeeriumi ajakiri. Tallinn: Eesti Justiitsministeerium, 1990–1993, Õigusteabe AS Juura, 1994.
[Estonian Lawyer: Periodical of the Estonian Ministry of Justice. Tallinn: Estonian Ministry of Justice, 1990–1993, Juura, 1994]
- Juridica: Tartu Ülikooli õigusteaduskonna ajakiri. Vastutav väljaandja P. Pruks, peatoim. P. Varul. Tartu: Iuridicum, 1993–.
[Juridica: Law Review of the Faculty of Law, University of Tartu. Editor-in-chief P. Varul. Tartu: Iuridicum Foundation, 1993–]
- Õigusabi: kirjastuse “Perona” juriidiline nõuandeleht. Väljaandja (1991, nr 18–1992) Lääne-Eesti Pank. Pärnu: Perona, 1991–1993.
[Legal Assistance: juridical advice printed by publishing house “Perona”. Published by West Estonian Bank (1991, no. 18 – 1992). Pärnu: Perona, 1991–1993]
- Õigus Teada: ajaleht juristidele. Toim. Ü. Siivelt. Tartu: Eesti Õiguskeskus, 1996–2002.
[Right to Know: newspaper for lawyers. Ed. Ü. Siivelt. Tartu: Estonian Law Centre, 1996–2002]
- Õigus: õigusajakiri kõigile. Väljaandja: Sotsiaal-Humanitaarinstituut. Toim. A. Ottenson. Tallinn, 2009; ilmunud nr 1.
[Law: legal journal for everybody. Published by Institute of Humanities and Social Sciences. Ed. A. Ottenson. Tallinn, 2009; issue no 1]

PUBLICATIONS

CURRICULUM VITAE

Personal

Name: Merike Ristikivi (former Soodla)
Born: July 9 1973, Tallinn
Citizenship: Estonia
Marital status: Married (husband Kristo Ristikivi)
Current position: Lecturer (Latin and Roman Law), Institute of Private Law,
Faculty of Law, University of Tartu
Address: Näituse 20, 50409 Tartu
Phone: +372 737 5396, Fax: +372 737 5996
E-mail: merike.ristikivi@ut.ee

Education

Since 2006 PhD student, Faculty of Law, University of Tartu
2006 MA in Classical Philology, University of Tartu
1995 BA in Classical Philology, University of Tartu

Employment

2006–current Lecturer, Faculty of Law, University of Tartu
1997–2006 Lecturer, Faculty of Philosophy, University of Tartu
1995–1997 Assistant, Faculty of Law, University of Tartu
1993–1995 Teacher of Latin language, Gymnasium of Ülenurme

Main areas of research

Legal terminology and legal linguistics. Usage of Latin legal terms in modern legal language. Development of Latin legal terminology and Roman Law. Orthography and morphology of Latin terms and their relationship to the Estonian sentence. Semantics of foreign terms and their connection with the semantic aspect of native vocabulary.

List of main publications

1. M. Ristikivi. Latin terms in Estonian legal journalism in the interwar period: Practical tools for a young legal culture. – *Juridica International* 16/2009, 231–239.
2. M. Ristikivi. *Ladina keel juristidele*. 4. trükk. Tallinn: Juura, 2009.

3. M. Ristikivi. Ladina terminid tsiviilõiguses: eestikeelsed originaalõpikud *versus* tõlkeõpikud. – Eesti Rakenduslingvistika Ühingu aastaraamat 5. Estonian Papers in Applied Linguistics 5. Tallinn: Eesti Keele Sihtasutus, 2009, 225–238.
4. M. Ristikivi. Latin terms in Soviet and post-Soviet Estonian legal journals during the transition period as expressions crossing the eastern and western legal cultures. – 4th Yearbook of Young Legal Historians. München: Martin Meidenbauer Verlag, 2009, 426–439.
5. M. Ristikivi. Terminological turn as a turn of legal culture. – *Juridica International* 15/2008, 175–182.
6. M. Ristikivi. Ladina õigusterminite vormilisest ja sisulisest korrektsusest. – Eesti Rakenduslingvistika Ühingu aastaraamat 4. Estonian Papers in Applied Linguistics 4. Tallinn: Eesti Keele Sihtasutus, 2008, 157–170.
7. M. Ristikivi. Ladina õigusterminite ühtsusest Euroopas. – *Õiguskeel* 2005–2007. Artiklikogumik. Tallinn: Juura, 2008, 29–34.
8. M. Ristikivi. *Ignoratis terminis artis ignoratur et ars*. – *Õiguskeel* 2005–2007. Artiklikogumik. Tallinn: Juura, 2008, 143–155.
9. M. Ristikivi. *Lexica iuridica* in *Juridica*: Latin Terms as a Reflection of Europeanisation of Estonian Legal Culture. – *Juridica International*, 12/2007, 173–179.
10. M. Ristikivi. Ladina keelest pärit terminite polüseemia ja sünonüümia eesti õiguskeeles. – Eesti Rakenduslingvistika Ühingu aastaraamat 3. Estonian Papers in Applied Linguistics 3. Tallinn: Eesti Keele Sihtasutus, 2007, 253–267.
11. M. Ristikivi. Язык римского права: теоретические принципы и методы преподавания в Тартуском Университете. La lingua del diritto romano: principi teoretici e metodi d'insegnamento nell'Università di Tartu. – *Древнее Право/Ius Antiquum*, 18/2006 (2), 211–216.
12. M. Ristikivi. Ladina keel juristidele. 3., muudetud trükk. Tallinn: Juura, 2006.
13. M. Ristikivi. Ladina keel tänapäeva juriidilises kirjanduses. – *Õpetatud Eesti Seltsi aastaraamat* 2004–2005. Tartu, 2006, 204–218.
14. M. Ristikivi. Ladina päritolu juriidilised terminid Eesti õiguskeeles. Magistritöö. Tartu, TÜ Raamatukogu, 2006.
15. M. Ristikivi. Латинская юридическая терминология в Эстонии. Latinskaja juriditšeskaja terminologija v Estonii. La terminologia Latina giuridica in Estonia. – *Древнее Право/Ius Antiquum*, 2/2005, 192–200.
16. M. Ristikivi. Ladina õigusterminite ühtsusest Euroopas. – *Õiguskeel*, 4/2005, 14–19.
17. M. Ristikivi. Latin: The Common Legal Language of Europe? – *Juridica International*, 10/2005, 199–202.
18. M. Ristikivi. *Ignoratis terminis artis ignoratur et ars*. I. – *Õiguskeel*, 2/2005, 27–36.
19. M. Ristikivi. *Ignoratis terminis artis ignoratur et ars*. II – *Õiguskeel*, 3/2005, 36–40.
20. K. Adomeit, M. Ristikivi, H. Siimets-Gross. Ladina-eesti õigussõnastik. Tallinn: Eesti Keele Sihtasutus, 2005.
21. A. Lill, M. Kanter, M. Ristikivi. *Studia Latina*. Ladina keele õpik humanitaarerialade üliõpilastele. 2., parandatud trükk. Tallinn: Eesti Keele Sihtasutus, 2004.
22. M. Ristikivi. Ladina juriidiline fraseoloogiasõnastik – kellele ja milleks? – *Toimiv keel* II. Tõid rakenduslingvistika alalt. Tallinn: TPÜ Kirjastus, 2004, 236–243.

23. M. Ristikivi. Latin and English at TPU: Principles and Perspectives. – Multicultural Perspectives on English Language and Literature. Tallinn-London: RTK, 2004, 134–139.
24. M. Ristikivi. Ladina keel juristidele. 2., täiendatud ja parandatud trükk. Tallinn: Juura, 2003.
25. M. Ristikivi. Ladina keel ajakirjas *Juridica* 1993–2002. – *Juridica*, 10/2003, 727–732.
26. M. Ristikivi. Ladina keel Tartu Ülikooli õigusteaduskonnas. – Kakssada aastat klassikalist filoloogiat Eestis. Duo saecula philologiae classicae in Estonia. Morgensterni Seltsi toimetised I. Acta Societatis Morgensternianae I. Tartu: Tartu Ülikooli Kirjastus, 2003, 162–169.
27. A. Lill, M. Kanter, M. Ristikivi. *Studia Latina*. Ladina keele õpik humanitaarerialade üliõpilastele. Tallinn: Eesti Keele Sihtasutus, 2002.
28. Ladina-eesti sõnaraamat. 2. parandatud ja täiendatud trükk. (M. Ristikivi: kaasautor-toimetaja; tähemärgid v-z; õigusterminoloogia konsultant) Tallinn: Valgus, 2002.

CURRICULUM VITAE

Üldandmed

Nimi: Merike Ristikivi (end. Soodla)
Sündinud: 09.07.1973, Tallinn
Kodakondsus: Eesti
Perekonnaseis: abielus (abikaasa Kristo Ristikivi)
Töökoht: lektor (ladina keel ja Rooma õigus), eraõiguse instituut,
õigusteaduskond, Tartu Ülikool
Aadress: Näituse 20, 50409 Tartu
Telefon: +372 737 5396, Faks: +372 737 5996
E-mail: merike.ristikivi@ut.ee

Haridus

Alates 2006 õigusteaduskonna doktorant, Tartu Ülikool
2006 *magister artium* klassikalise filoloogia erialal, Tartu Ülikool
1995 *baccalaureus artium* klassikalise filoloogia erialal, Tartu Ülikool

Teenistuskäik

Alates 2006 lektor (ladina keel ja Rooma õigus), õigusteaduskond, Tartu
Ülikool
1997–2006 lektor, filosoofiateaduskond, Tartu Ülikool
1995–1997 assistent, õigusteaduskond, Tartu Ülikool
1993–1995 ladina keele õpetaja, Ülenurme Gümnaasium

Peamised uurimisvaldkonnad

Juriidiline terminoloogia ja õiguslingvistika. Ladina õigusterminite kasutamine
tänapäeva õiguskeeles. Ladina õigusterminoloogia areng ja Rooma õigus.
Ladina terminite ortograafia ja morfoloogia ning suhe eestikeelse lausega.
Võõrterminite semantika ja seos omakeelse sõnavara tähendusliku küljega.

Peamiste publikatsioonide loetelu

1. M. Ristikivi. Latin terms in Estonian legal journalism in the interwar period: Practical tools for a young legal culture. – *Juridica International* 16/2009, 231–239.
2. M. Ristikivi. Ladina keel juristidele. 4. trükk. Tallinn: Juura, 2009.
3. M. Ristikivi. Ladina terminid tsiviilõiguses: eestikeelsed originaalõpikud versus tõlkeõpikud. – Eesti Rakenduslingvistika Ühingu aastaraamat 5. Estonian Papers in Applied Linguistics 5. Tallinn: Eesti Keele Sihtasutus, 2009, 225–238.
4. M. Ristikivi. Latin terms in Soviet and post-Soviet Estonian legal journals during the transition period as expressions crossing the eastern and western legal cultures. – 4th Yearbook of Young Legal Historians. München: Martin Meidenbauer Verlag, 2009, 426–439.
5. M. Ristikivi. Terminological turn as a turn of legal culture. – *Juridica International* 15/2008, 175–182.
6. M. Ristikivi. Ladina õigusterminite vormilisest ja sisulisest korrektsusest. – Eesti Rakenduslingvistika Ühingu aastaraamat 4. Estonian Papers in Applied Linguistics 4. Tallinn: Eesti Keele Sihtasutus, 2008, 157–170.
7. M. Ristikivi. Ladina õigusterminite ühtsusest Euroopas. – *Õiguskeel* 2005–2007. Artiklikogumik. Tallinn: Juura, 2008, 29–34.
8. M. Ristikivi. Ignoratis terminis artis ignoratur et ars. – *Õiguskeel* 2005–2007. Artiklikogumik. Tallinn: Juura, 2008, 143–155.
9. M. Ristikivi. *Lexica iuridica* in *Juridica*: Latin Terms as a Reflection of Europeanisation of Estonian Legal Culture. – *Juridica International*, 12/2007, 173–179.
10. M. Ristikivi. Ladina keelest pärit terminite polüseemia ja sünonüümia eesti õiguskeeles. – Eesti Rakenduslingvistika Ühingu aastaraamat 3. Estonian Papers in Applied Linguistics 3. Tallinn: Eesti Keele Sihtasutus, 2007, 253–267.
11. M. Ristikivi. Язык римского права: теоретические принципы и методы преподавания в Тартуском Университете. La lingua del diritto romano: principi teoretici e metodi d'insegnamento nell'Università di Tartu. – Древнее Право/Ius Antiquum, 18/2006 (2), 211–216.
12. M. Ristikivi. Ladina keel juristidele. 3., muudetud trükk. Tallinn: Juura, 2006.
13. M. Ristikivi. Ladina keel tänapäeva juriidilises kirjanduses. – Õpetatud Eesti Seltsi aastaraamat 2004–2005. Tartu, 2006, 204–218.
14. M. Ristikivi. Ladina päritolu juriidilised terminid Eesti õiguskeeles. Magistritöö. Tartu, TÜ Raamatukogu, 2006.
15. M. Ristikivi. Латинская юридическая терминология в Эстонии. Latinskaja juriditšeskaja terminologija v Estonii. La terminologia Latina giuridica in Estonia. – Древнее Право/Ius Antiquum, 2/2005, 192–200.

16. M. Ristikivi. Ladina õigusterminite ühtsusest Euroopas. – *Õiguskeel*, 4/2005, 14–19.
17. M. Ristikivi. Latin: The Common Legal Language of Europe? – *Juridica International*, 10/2005, 199–202.
18. M. Ristikivi. *Ignoratis terminis artis ignoratur et ars*. I. – *Õiguskeel*, 2/2005, 27–36.
19. M. Ristikivi. *Ignoratis terminis artis ignoratur et ars*. II – *Õiguskeel*, 3/2005, 36–40.
20. K. Adomeit, M. Ristikivi, H. Siimets-Gross. Ladina-eesti õigussõnastik. Tallinn: Eesti Keele Sihtasutus, 2005.
21. A. Lill, M. Kanter, M. Ristikivi. *Studia Latina*. Ladina keele õpik humanitaarerialade üliõpilastele. 2., parandatud trükk. Tallinn: Eesti Keele Sihtasutus, 2004.
22. M. Ristikivi. Ladina juriidiline fraseoloogiasõnastik – kellele ja milleks? – Toimiv keel II. Töid rakenduslingvistika alalt. Tallinn: TPÜ Kirjastus, 2004, 236–243.
23. M. Ristikivi. Latin and English at TPU: Principles and Perspectives. – *Multicultural Perspectives on English Language and Literature*. Tallinn-London: RTK, 2004, 134–139.
24. M. Ristikivi. Ladina keel juristidele. 2., täiendatud ja parandatud trükk. Tallinn: Juura, 2003.
25. M. Ristikivi. Ladina keel ajakirjas *Juridica* 1993–2002. – *Juridica*, 10/2003, 727–732.
26. M. Ristikivi. Ladina keel Tartu Ülikooli õigusteaduskonnas. – Kakssada aastat klassikalist filoloogiat Eestis. Duo saecula philologiae classicae in Estonia. Morgensterni Seltsi toimetised I. *Acta Societatis Morgensternianae* I. Tartu: Tartu Ülikooli Kirjastus, 2003, 162–169.
27. A. Lill, M. Kanter, M. Ristikivi. *Studia Latina*. Ladina keele õpik humanitaarerialade üliõpilastele. Tallinn: Eesti Keele Sihtasutus, 2002.
28. Ladina-eesti sõnaraamat. 2. parandatud ja täiendatud trükk. (M. Ristikivi: kaasautor-toimetaja: tähemärgid v-z; õigusterminoloogia konsultant) Tallinn: Valgus, 2002.

DISSERTATIONES IURIDICAE UNIVERSITATIS TARTUENSIS

1. **Херберт Линдмяэ.** Управление проведением судебных экспертиз и его эффективность в уголовном судопроизводстве. Тарту, 1991.
2. **Peep Pruks.** Strafprozesse: Wissenschaftliche “Lügendetektion”. (Instrumentaldiagnostik der emotionalen Spannung und ihre Anwendungsmöglichkeiten in Strafprozess). Tartu, 1991.
3. **Marju Luts.** Juhuslik ja isamaaline: F. G. v. Bunge provintsiaalõigusteadus. Tartu, 2000.
4. **Gaabriel Tavits.** Tööõiguse rakendusala määratlemine töötaja, tööandja ja töölepingu mõistete abil. Tartu, 2001.
5. **Merle Muda.** Töötajate õiguste kaitse tööandja tegevuse ümberkorraldamisel. Tartu, 2001.
6. **Margus Kingisepp.** Kahjuhüvitis postmodernses deliktiõiguses. Tartu, 2002.
7. **Vallo Olle.** Kohaliku omavalitsuse teostamine vahetu demokraatia vormis: kohalik rahvaalgatus ja rahvahääletus. Tartu, 2002.
8. **Irene Kull.** Hea usu põhimõtte kaasaegses lepinguõiguses. Tartu, 2002.
9. **Jüri Saar.** Õigusvastane käitumine alaealisena ja kriminaalsed karjäärid (Eesti 1985–1999 longituuduurimuse andmetel). Tartu, 2003.
10. **Julia Laffranque.** Kohtuniku eriarvamus. Selle võimalikkus ja vajalikkus Eesti Vabariigi Riigikohtus ja Euroopa Kohtus. Tartu, 2003.
11. **Hannes Veinla.** Ettevaatusprintsip keskkonnaõiguses. Tartu, 2004.
12. **Kalev Saare.** Eraõigusliku juriidilise isiku õigussubjektsuse piiritlemine. Tartu, 2004.
13. **Meris Sillaots.** Kokkuleppemenetlus kriminaalmenetluses. Tartu, 2004.
14. **Mario Rosentau.** Õiguse olemus: sotsiaalse käitumise funktsionaalne programm. Tartu, 2004.
15. **Ants Nõmper.** Open consent – a new form of informed consent for population genetic databases. Tartu, 2005.
16. **Janno Lahe.** Süü deliktiõiguses. Tartu, 2005.
17. **Priit Pikamäe.** Tahtluse struktuur. Tahtlus kui koosseisupäraste asjaolude teadmine. Tartu, 2006.
18. **Ivo Pilving.** Haldusakti siduvus. Uurimus kehtiva haldusakti õiguslikust tähendusest rõhuasetusega avalik-õiguslikel lubadel. Tartu, 2006.
19. **Karin Sein.** Ettenähtavus ja rikutud kohustuse eesmärk kui lepingulise kahjuhüvitise piiramise alused. Tartu, 2007.
20. **Mart Susi.** Õigus tõhusale menetlusele enda kaitseks – Euroopa Inimõiguste ja Põhivabaduste Kaitse Konventsiooni artikkel 13 Euroopa Inimõiguste Kohtu dünaamilises käsitluses. Tartu, 2008.

21. **Carri Ginter.** Application of principles of European Law in the supreme court of Estonia. Tartu, 2008.
22. **Villu Kõve.** Varaliste tehingute süsteem Eestis. Tartu, 2009.
23. **Katri Paas.** Implications of Smallness of an Economy on Merger Control. Tartu, 2009.
24. **Anneli Alekand.** Proportsionaalsuse printsiip põhiõiguste riive mõõdupuuna täitemenetluses. Tartu, 2009.
25. **Aleksei Kelli.** Developments of the Estonian Intellectual Property System to Meet the Challenges of the Knowledge-based Economy. Tartu, 2009.