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A Short History of the Formation of Hungarian Legal Terminology

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A Short History of the Formation of Hungarian Legal Terminology

1. Introduction

When researching Hungarian literature and the history of the particular fields of science in Hungary, an examination of the formation and development of the language and system of terminology used is unavoidable. This is especially interesting in the case of the law that directly affects the community, governs public and individual actions, and the jurisprudence that interprets and applies it.¹

The development of legal language was fundamentally influenced by the model of the European Christian states and the literacy practiced by the clergy. For centuries after the establishment of the sovereign Hungarian feudal state, Latin was the »official« language of state affairs, central governmental bodies, the legislature, the application of the law, and official communication. A good example of this is the first Hungarian law book, István Werbőczy's *Tripartitum*, which was published in Latin in 1517. Since the education and literacy of the medieval intelligentsia was based on a working knowledge of Latin, the use of the language is not surprising. Among the intelligentsia living in Hungary who spoke different mother tongues, Latin (*»lingua Latina«*) remained the dominant language² – both during and after the Middle Ages. The development of Hungarian legal terminology and legal literature was greatly hindered by the fact that until the beginning, or in some cases until the middle, of the 19th century, Latin was the language of not only legal practice but also scientific research and education.³ The national approach only came to the fore as a result of the change in the world of literature and science brought about by the Reformation. The late emer-

gence of the need for the development of the Hungarian legal language cannot be explained on purely linguistic grounds. This is all the more obvious given the fact that basic legal concepts have long been used in the language, especially in the spoken language of court proceedings and legal disputes.

Several socio-historical conditions and needs can be detected behind the development of the legal language, for example, the creation of a unified legal system that replaced legal particularism and eliminated the hegemony of diverse customary law. The feudal conditions, the different legal status of societal groups (e. g. nobles, priests, citizens, serfs), the system of privileges (e. g. exemption of free royal cities from the jurisdiction of the feudal landlords), and territorially different customary law were further obstacles to the development of coherent legal terminology. Another important precondition was the establishment of a unified judicial system hindered by centuries of feudalism and the heterogeneous institutional system resulting from legal particularism and the division of power. It was further reinforced by the different systems of jurisdiction that emerged in the 16th and 17th centuries as a result of the Turkish conquest and subsequent division of the country into three parts. This was accompanied by the heterogeneous legal interpretation of different legal forums, not to mention the diversity of juridical qualifications and levels of professionalism. Finally, the use of the same language is an essential condition for the development of a uniform legal terminology, the lack of which makes it all the more difficult to establish a unified judicial system. The language of law, such as court proceedings

1 On the history of the development of Hungarian legal language, see B. KOVÁCS (1995, 2002, 2003); BAKOS (1880, 1883); BECK (1952); BÓNIS (1971); GEDEON (2018); HERCZEGH (1904); ISTVÁNYI (1934); JUTAI (2008); KABÁN (2004); KARCSAY (1981); KNEZSA (1955); KOVÁCS F. (1964); KOVÁCS M. (2008, 2010); MEZEY (2016); NÓTÁRI (2014);

NYOMÁRKAY (2007); P. BALÁZS (1973); RÉVAY (2010); SIMONYI (1896); SZENDI (2017); SZÉP (2009); TÓTH (2015); VISZOTA (1905).

2 SOLYMOSSI (2011) 500.

3 The development and later unification of legal terminology would have greatly profited had education in Hungarian been more common. In this respect, the protestant institu-

tions were leading the way, but until the beginning of the 19th century, there was no breakthrough among educational materials written in Hungarian. Real change started after 1841/1844, which was furthered by Act 2 of 1844 regarding the introduction of compulsory education in Hungarian. After this, education in Latin was the exception.



(litigation), legislation, and administration, cannot be separated from the ethnic composition of the country. It is important to note that the Kingdom of Hungary was originally multilingual. With at least half a dozen languages spoken, choosing just one language presented some obvious challenges. The Hungarian feudal state was not organized on the basis of ethnic affiliation, but rather on the basis of territory (and system of personal dependence), and jurisdiction was established according to monarchical power and not a common language. Until the 17th–18th centuries, court proceedings were conducted orally at first instance in a language understood by both parties. The existence of multiple ethnicities thus resulted in a wide variety of rights and legal languages.⁴

The development of each professional language was always the result of a long historical process. The »word requirement« of the legal vocabulary is closely related to the development of the legal environment and jurisprudence at that time.⁵ Legal development constantly generates changes in the appropriate professional terminology. Linguists distinguished three main sources when it came to the development of the Hungarian legal terms: 1) the rediscovery of earlier – possibly forgotten – terms, some of which might have been assigned additional meanings; 2) the morphological adaption and inclusion of Latin words and concepts into the Hungarian vocabulary; and 3) the so-called mirror translations, which enriched the Hungarian legal language both as expressions that mirror Latin terms and as translations of German professional terms, demonstrating the significant influence of the German language in Central Europe.⁶ In light of the historical facts and experiences, it can be stated that »during the development of the mother tongue terms of the legal language, it was less feasible to follow the course suggested by linguists and revive the terms that used to exist in the older forms of the language that had faded into obscurity. A portion of the legal language reformers supported the adoption of foreign terms, and most argued for the translation of Latin and German terms.«⁷

The process of creating Hungarian terminology was accelerated by the ideas of the Enlightenment in conjunction with the language reform move-

ment that coincided with the »codification« of literary and common language. The introduction of vernacular terms fostered the growth of the vocabulary and the elimination of foreign (Latin or German) terms. The starting point for such language reform efforts was a rethinking of the political and legal vocabulary. Areas such as public affairs, administration, and the legal environment required the use of native language concepts that were consistent with the the general public's usage. Linguists usually divide the process of language reform that took place in the region between the second half of the 18th century and the end of the second third of the 19th century into three stages. The first stage was often characterized by (occasional) individual innovations, sometimes limited to just a single text. The second was portrayed as a collection of terms from different disciplines based on collaborative efforts, and the third stage described in terms of conscious use and dissemination.⁸ During this period, the usage and development of the mother tongue as well as the regulation of professional terminology became pressing issues for the general public.

2. The Development of the Hungarian Legal Language in the Middle Ages and the Early Modern Age

Domestic conditions in Hungary differed significantly from those in other Central European countries, where national languages spread earlier in legal practice. While the early 13th-century *Sachsenspiegel* or similar Czech legal codes in the 14th and 15th centuries were published in the national language,⁹ Werbőczy's *Tripartitum* was translated into Hungarian (under the title *Magyar Decretum*) in 1565.¹⁰ The first native language translation by Balás Weres was not a literal translation; in fact, it is a highly abstract version of the original work.¹¹ As a translator, he considered it important that people unable to read Latin should understand the requirements set out in the *Decretum*. Thus, we can conclude that towards the end of the Middle Ages – perhaps even a little later – the Hungarian language became more and more suitable for formulating legal texts and rules. The

4 B. Kovács (1995) 7–11;
Kovács M. (2008) 145–146.

5 BAKOS (1883) 25.

6 SZÉP (2009) 311.

7 SZÉP (2009) 320.

8 NYOMÁRKAY (2007) 186.

9 Kovács F. (1964) 85–86.

10 WERBŐCZY (1565).

11 PÉTER (2012).

complete translation of the first Hungarian legal code did not take place until 1611.¹² It should be noted, however, that the legal terminology used in the various editions of the *Tripartitum* could not yet be considered a professional language, as it mostly contains wordy translations and circumscribed terms.

The relatively late appearance of the Hungarian written texts of literature, of course, hindered the development of legal language and concepts. Instead of the »official« language, Hungarian was primarily used in everyday legal contexts and in lower-level legal disputes. It is fairly certain that a significant number of »literate« were trained during the time of the kings of the Árpád dynasty. Considered the »apostles« of the Hungarian legal language, they were initially trained in the chapter schools and later in the universities of Pécs and Óbuda (founded in 1367 and 1389, respectively).¹³ From the 16th century onwards, and after the Turkish conquest, the strengthening of Hungarian-language literature, especially in Transylvania and the territories under Turkish rule, required a systematic and well-thought-out terminological development. At the same time, mostly within the territory belonging to the Kingdom of Hungary, due to the growing influence and power of the House of Habsburg, the use of Latin became a symbol of Hungarian constitutionality and independence. The resistance of the Hungarian Estates found in the use of Latin a symbol that was a suitable means of demonstrating independence against the spread of the German language.

One cannot truly speak of a Hungarian legal language until the 16th century, though Hungarian expressions could occasionally be found in contemporary Latin texts. Thus, for a long time, there was a special »duality« in Hungarian legal terminology.¹⁴ While the use of Latin at the time was characterized by a rather circuitous style, the Hungarian language reflected the simple conciseness of the early Hungarian vernacular. Among the first to be considered the creators of the Hungarian legal language are figures such as Baron Tamás Nádasdy (1498–1562) – a former master of treasury, judge royal, later a palatine, who studied law in Bologna and Rome – and members of the so-

called »Nádasdy guard« (Markó Horváth, László Kerecsény, Ákos Csányi, Jakab Szél). After the crushing defeat of Hungarian forces at the Battle of Mohács (1526) at the hands of the Ottoman empire and the division of the country into three parts (1541), this generation consciously began to write in Hungarian. Though Balást Weres translated the *Hungarian Decretum*, he is not considered one of the creators because, as a practicing lawyer, he basically »received the already developed« contemporary Hungarian legal language used in the translation. Despite having collected around 300 basic legal terms and nearly 3,000 derivative legal terms from legal documents – along with indications of the references – for his then not yet published work on the vocabulary from the period up to 1565, Gábor Bakos's rather succinct statement that a complete professional Hungarian legal language was already formulated by the 1660s seems to overstate the facts.¹⁵

The further development of the written and legal Hungarian language was fundamentally influenced by the changes in the socio-historical context. It is important to point out that the Principality of Transylvania was the custodian of independent Hungarian statehood during its one-and-a-half century existence in the 16th and 17th centuries, when Hungarian first became an official state language. Among other things, this may have been due to the lack of adequate knowledge of Latin, which was a limiting factor in acquiring proficiency in legal practice. The unique independent status of Transylvania during the age of the principality significantly shaped the legislation and application of law. Public affairs, local and central administrations, law enforcement, and the administration of national affairs, such as the decisions of the Transylvanian assembly and legislature, used Hungarian as their »official language«, the only exception being the use of German in the Saxon cities. The ordinances of the Transylvanian assembly were consolidated in a single code of law. The two outstanding collections of legislation in Hungarian were the *Compilatae Constitutiones Regni Transylvaniae* (1669) and the *Approbatae Constitutiones Regni Transylvaniae* (1677), both published in Kolozsvár. The resulting legal system also included

12 WERBÓCZY (1611).

13 KOVÁCS F. (1964) 174.

14 See SZÉP (2009) 313; SOLYMOSSI (2011) 498.

15 Cf. B. KOVÁCS (1995) 9. Ferenc Kovács, who is the author of the most complete monograph on the development of Hungarian legal

concepts, is also of this opinion. Cf. Kovács F. (1964) 179.

traditional Hungarian law, customary law, and the rules used in early legislation. The Transylvanian legal vocabulary of the time thus had an extremely rich, multi-layered, complex system of terminology.¹⁶

There were no significant changes in the development of the Hungarian legal language in the 17th and 18th centuries. Only the Hungarian language reform movement at the end of the 18th century and the consequent political and legal changes brought significant progress in this area. The analysis of legal terminology clearly shows the range of legal terms used in Hungarian in the given period. The meaning of terms played a decisive role as to whether certain words and legal concepts were incorporated into the Hungarian legal language. For instance, the terms that litigants absolutely had to understand in legal disputes were the first to replace Latin terms.¹⁷

Among the works published in this period, János Kitionich's Latin text *Directio Methodica processus judiciarii Juris consuetudinarii, Incltyi Regni Hungariae* (1619) needs to be mentioned. Considered the only scholarly Hungarian legal handbook of its time, it basically describes how Hungarian jurisdictions functioned, especially with regards to the legal practice of the country's higher courts.¹⁸ It was translated by János Kászoni into Hungarian almost three decades after its original publication in 1647 under the title *Rövid igazgatas A' Nemes Magyar Országának és hozzá tartozó Részeknek szokott teorveny folyasiról* [A Brief Report on the Legal Customs of Hungary and its Territories].¹⁹ Its significance is demonstrated by the fact that it was included as an appendix to the official editions of Hungarian legislation (*Corpus Iuris Hungarici*) from the second half of the 17th century until the end of the 19th century.²⁰ A comparison of the terms used in Kitionich's Hungarian translation and in the *Magyar Decretum* shows that no substantive changes to the Hungarian legal language had taken place in almost a century, as there are significant traces of the old vocabulary.

Of the documents that contributed the most to the equalization of the Hungarian language, it is important to note Albert Szenci Molnár's Hungarian-Latin and Latin-Hungarian dictionaries, published in 1604, and Ferenc Pápai Páriz' Latin-Hungarian dictionary, first published in 1708,²¹ with several further editions still to come.²² Following the example set by these two authors, a great number of dictionaries²³ and glossaries were published in the 19th century. These are the works that comprise the foundation of Hungarian legal terminology.

3. The Impact of Enlightenment and »Language Renewal« on Legal Language

In the 18th century, an important element of the centralization efforts of the Habsburg Court was the creation of a linguistically unified empire. The first comprehensive educational provision, the *Ratio Educationis*, published in 1777 during the reign of Maria Theresa, prescribed an increase in the number of German as a foreign language classes in schools. The aspirations of the Habsburgs was also served by gradually requiring the use of German in certain official contexts, which also meant that Latin was pushed further into the background. Issued by Joseph II in 1784, the decree made German compulsory in public administration, though it was revoked in 1790 due to widespread resistance. It is important to note here that the protests in the counties promoting a domestic / national language technically referred to the continued use of Latin, as it was considered the *patria lingua*.²⁴ From the earliest stages of the Hungarian Enlightenment (1772), language reform was a central issue. Writers, poets, and everyone calling for a reform of the Hungarian language became involved in the process. Ferenc Kazinczy and many authors associated with him became the driving force behind the development

16 For more, see TAMÁSNÉ (2004, 2007). Of the Hungarian legal literature of Transylvania in the later period that influenced the development of legal terminology, the following are worth mentioning: BALIA (1791); BENKŐ (1806); BÉVEZÉS (1828); KILYÉNI SZÉKELY (1818). The various collections of legislation also played an important role in the formation of

the legal vocabulary: Az Erdélyi (1828) 26.

17 B. KOVÁCS (2002) 229.

18 KITIONICH (1619, 1647).

19 It is worth referring to the Latin-Hungarian bilingual edition published three years later: KITIONICH (1650).

20 GEDEON (2006) 18.

21 SZENCZI MOLNÁR (1604).

22 PÁPAI PÁRIZ (1807).

23 Among them, the work of Márton Josephi [MÁRTON (1818)], with two thousand printed pages, is noteworthy. The legal appendix (see 1752–1853) contains the collected terminology of the old dictionaries.

24 SZEKFŰ (ed.) (1926) 32.

of language reform and transforming it into a social movement. Outstanding poets, writers, and scholars of the period, such as György Bessenyei, Ferenc Kölcsey, Miklós Révai and Ferenc Verseghy, discussed the importance of using the Hungarian language. Moreover, and according to the modern concept of the nation, the Hungarian intelligentsia actually first became ›Hungarian‹ when they were able to conduct academic research in its national language.

Soon thereafter, a great number of leaflets, essays, poems and other texts were published, all taking a stand on the issue of the development and the use of the Hungarian language. In his work *Pannóniai Fénix avagy hamvából fel-támadott magyar nyelv* [The Phoenix of Pannonia, or the Hungarian Language Rising from the Ashes],²⁵ published in 1790, Sámuel Decsy calls for the introduction of Hungarian in the fields of public administration, education, and science. In fact, Joseph II's efforts significantly boosted the development of the Hungarian language. The need for the renewal of Hungarian, which came to the fore as the language of official relations (in place of German), gave further impetus to the language reform movement. Dávid Baróti Szabó's dictionary, published in 1784, served as a model for many of the dictionaries (glossaries) that followed: it explained the meaning of the Hungarian (and occasionally Latin) terms by providing synonyms and commentary.²⁶ Although the aim was to create a dictionary written and edited for an educated general audience, the interpretation and meaning of many legal concepts contained in this voluminous text meant that it became a reference work for professionals.

The Diet of Hungary adopted the Act XVI of 1790/91 prescribing the use of Hungarian –instead of a foreign language – for public affairs. At the same time, the law stipulated that Latin would continue to be used in government matters. Two years later, with the consent of the monarch, the Diet enacted Act VII of 1792 on the ›Teaching and Use of the Hungarian Language‹, an even further reaching law regarding the use of the language. The Act made significant progress in the management

of public affairs regarding the communication between the county and the Council of Lieutenancy of Hungary.

In the effort to create a unified legal language, the Hungarian edition of *Planum Tabulare* should be considered an important element. Published in 1825 (the original was published in 1769), it was based on the decisions handed down by the Royal Curia of Hungary.²⁷ The version published in István Czövek's translation has become one of the mandatory sources of the Hungarian legal corpus in everyday legal practice on a customary basis. Since the collection was cited both in the jurisprudence and in legal practice as a source of law, it played an important role in the spread and use of Hungarian legal terminology. From the point of view of the development of the Hungarian legal language, this work is also significant because, unlike previous legal glossaries, it used one Hungarian term as an equivalent for a Latin legal term. It should also be mentioned here that the new judicial ordinance issued by Emperor Joseph was published in 1789 by András Cházár.²⁸ The challenges presented by constantly having to translate legislation – i.e. the use of clear and consistent terms without synonyms – directly facilitated the development of a unified legal terminology.

A substantial change in the development of legal language can be observed at the turn of the 18th to the 19th century. During this period, several legal works had been published in Hungarian. Farkas Cserei's ›*A' Magyar és Székely Aszszonyok' Törvénye* [Laws on Hungarian and Szekler Women], presumably published in the 1760s and 1770s, is one of the earliest relics of popular legal knowledge.²⁹ The collection of writings on relevant laws, customary law, court judgments, and judicial commentaries was, of course, not only a collection of rules for ›women‹ but also intended, according to the author, to further the development of Hungarian legal language.³⁰ In terms of its goals, György Aranka sought to achieve the same by writing his short book *Anglus és Magyar Igazgatásnak egybenvetése* [The Comparison of English and Hungarian Public Administration], published in 1790, in

25 DECSY (1790).

26 BARÓTI (1784).

27 *Planum Tabulare* (1825).

28 Törvény-rend (1789).

29 CSEREI (1800).

30 CSEREI (1800) XII.

which he compared the public law systems of the two monarchies.³¹ It is worth mentioning that the work *Báró Martini természet törvényéről való állatásainak magyarázatja* [The Explanation of Baron Martini's Statements on the Law of Nature] was the first list of legal-theoretical literature in Hungarian ever published.³² This work is a translation of the German edition of the second volume of Karl Anton Martini's *Positiones de lege naturali*, published in 1792, courtesy of Sámuel Dienes, a former student at the University of Heidelberg. In the preface to his book, which was a completely novel enterprise in Hungarian jurisprudence up to that point in time, Dienes draws attention to the importance of using Hungarian in »necessary and useful« scholarly works and research.

The most significant private law work of the period was Illés Georch's four-volume *Honnyi Törvény* [National Laws], published between 1804 and 1809.³³ Here the author assessed the Hungarian laws according to the scientific standards of the time, thus consciously laying the foundations for the national legal literature. Georch's work is of historic significance because it is essentially the first general and comprehensive work of private law published in Hungarian. For at least two decades, it displaced Latin-language works and was used both as a textbook and even a practical handbook. Given the book's extreme popularity in professional circles, its impact on the use and further development of Hungarian terminology is comparable to the legal glossaries. Regarding legal terminology, Georch both relied on definitions used in previous translations as well as terms used in daily legal practice.

As a continuation of Act VII of 1792, Act IV of 1805 on the »Use of the Hungarian Laws« obliged the Council of Lieutenancy of Hungary to reply to the submissions in Hungarian, and further prescribed the use of Hungarian in court proceedings. Thanks to this law, one of the most important institutional systems of legal practice was now open to the Hungarian language. According to the provision of the Act, however, submissions to the Court Chancery had to be issued in both Latin and Hungarian hereafter as well.

4. The Influence of Legal Glossaries, Official Dictionaries and Legal Literature on the Formation of Hungarian Legal Terminology

From the perspective of the development of legal practice and jurisprudence, it became necessary to complete the development of the Hungarian legal language. Therefore, Hungarian lawyers and jurists immediately began to create the missing elements of the legal language. As a result, a large number of legal glossaries, official dictionaries, and other works advancing the legal lexicon were published. In the first half of the 19th century, more than 40 such works were published. The authors included lawyers as well as linguists and writers.³⁴ The need for legal glossaries was exemplified by the »hieroglyphic language« (i. e. mixed language) that, with the exception of a few Hungarian words, was dominated by terms derived from Latin, and was commonly employed in contemporary legal language.³⁵

At the beginning of the 19th century, the counties introduced the use of Hungarian in all areas of their respective laws in accordance with Act IV of 1805. The first instance of official dictionaries was that of Pest-Pilis-Solt County.³⁶ Published in 1806, the work, which was also sent to the other counties, was created by some of the most outstanding jurists of the time, such as József Szilassy, György Laczkovics, László Szentkirályi, László Tomka, Dániel Glosius, Dózel Ottomán, and Miklós Révai, the famous linguist, who also reviewed the finished work prior to publication. In a similar way, Ferenc Verseyhy took part in the compilation of the Zala County dictionary³⁷ a year later.

There was no cooperation between counties regarding the creation of official dictionaries. Both the Viennese Court and the central government used the means at their disposal to hinder this process. Rivalry and disregard for one another's results characterized this process, and the same, to an extent, can be said of the dictionaries created by individual authors. We are aware of only one attempt by county delegates to discuss the principles and vocabulary of Hungarian legal terminol-

31 ARANKA (1790).

32 Báró Martini (1792).

33 GEORCH (1804–1809).

34 For glossaries and dictionary initiatives in the language reform era, see CZIFRA (2015).

35 A similar mixed legal language prevailed in the use of English legal language until the end of the 18th century, in which – in addition to English – a special mixture of French and Latin could be found in the

various contemporary documents of court proceedings.

36 OTTLIK (1806). As far as the creation of official dictionaries is concerned, see KERÉNYI (2002) 30–35.

37 Tiszti szótár (1807).

ogy during a parliamentary recess. Based on all the legal glossaries published up to that point, the plan was to create a fairly precise legal glossary that included a strict process of control and review. Completed in 1807, the authors eventually deemed the manuscript unworthy of publication, and it was placed in the Pest County Archives for later consideration.³⁸ After this failed attempt, the counties did not even try to publish a joint dictionary, and none of the respected figures held the mobilization of jurists and linguists of the era for a common goal at that time.³⁹

The very first dictionaries were, in fact, simply collections of words containing a large number of synonyms, which were originally collected for compilations. Since these works did not contain definitions, they were unsuited to provide unambiguous explanation or clarification of concepts. The majority of the consecutive legal glossaries were based on, supplemented, or expanded the terminology of previously published works. Thus, the dictionaries after 1806 became more up to date by including more Hungarian words. There was a significant change in the terminology of works published in the 1830s. The glossary of the Royal Curia (*Magyar Törvénykezési Szótár* [Hungarian Judicial Dictionary]), published in 1837, already contained many concepts that replaced a number of terms in the dictionaries from the turn of the century. In addition to the positive effects stemming from the language reform, negative trends also followed. The inadequate development of rules for word formation was a serious problem during this period, resulting in heated debates among those involved. The development of legal language was particularly hindered by the lack of consensus in this area.⁴⁰ Often isolated from each other, the authors and editors involved in the creation of the terms usually took different approaches to the task. Orthologists disapproved of the methods used during the language reform and sometimes, as in the case of Antal Szirmay, centuries-old terminology was used to compile their dictionaries, whereas neologists such as János Fogarasi created new words to include in their work.⁴¹

At the time, one of the first and most complete legal dictionaries was Sámuel Pápay's collection titled *Észrevételek a' magyar nyelvnek a' polgári igazgatásra, és törvénykezésre való alkalmaztatásáról* [Observations on the Application of the Hungarian Language to Civil Administration and Legislation], published in 1807. In his introductory remarks, he pushed for a conceptual approach to creating terminology.⁴² His work was guided by two goals. First, he wanted to create Hungarian legal concepts that would replace the Latin terms in use up to that point. Second, he felt it important to continue the use of long-standing foreign terms that had been »Hungarianized«. Pápay also drew attention to the significant role of the precise definition and use of terms in the conceptualization process as a means to address significant challenges present in the Hungarian language. In order to facilitate the uniform interpretation and thus use of the terms, he considered it important that legal terms should have the same meaning for everyone. Unfortunately, his works were not widely known.

At about the same time as Antal Pápay, Szirmay (Szirmai) published his *Magyarozattya azon szónak, melyek A' Magyar országai Polgári, s' Törvényes dolgokban elő-fordúlnak, némelly rövidebb formákkal* [An Explanation of Legal Language of the Words Occurring in Hungarian Civil Law, with Some Shorter Forms].⁴³ Appearing in 1806, he included an extensive introductory study in his collection of terminology, in which he criticized the mixed language used at the time, and thus objected to the addition of Hungarian suffixes to Latin legal terms, which was the preferred solution in the absence of a suitable Hungarian equivalent. Moreover, his introductory remarks also reject the violent conceptualization that erupted as a side effect of the language reform efforts. Like Pápay, he preferred the use of the older Hungarian terms. His work also contains examples sourced from older legal texts and manuscripts.

The works of Pápay and Szirmay demonstrate several similarities. Although probably not aware of the other person's activities, as advocates in moderate language reform they both considered

38 See further BAKOS (1883) 31.

39 For more information regarding the controversial circumstances surrounding the birth of official dictionaries of the counties, see JUTAI (2008) 23–25.

40 As far as its relationship to the language reform movement, see KAZINCZY (1819).

41 JUTAI (2008) 26.

42 PÁPAY (1807).

43 SZIRMAI (1806).

it important to use old Hungarian concepts that had become part of everyday practice and rejected the use of »mixed language«. At the beginning of the 19th century, their respective profession-oriented works stand out from the list of official dictionaries created in the period. Their findings certainly should have received more attention within the legal profession.⁴⁴ The purpose of the long line of dictionaries and other manuals that eventually followed was to enhance and elaborate the development of a more comprehensive professional legal language.⁴⁵

Of these dictionaries, Károly Puky's *Honni törvény szótár* [National Legal Dictionary], first published in 1830 (with several editions to follow), is certainly worth examining in more detail. The preface indicates that the author's primary intention was to both enrich Hungarian expressions and revive long-forgotten Hungarian terms by using books previously published in this field as well as the minutes of the Diet of Hungary. The dictionary's conscious aim was to present sometimes three, four, or more Hungarian equivalents of a Latin word. Moreover, until the mid-19th century, a number of other legal glossaries, official dictionaries, and collections of examples appeared, among which we also find special collections of legal concepts related to certain fields and areas of law.⁴⁶

In the meantime, significant changes had taken place in the regulation of the use of legal language. At the Diet of Hungary (Reform Diet) in 1825–27, the representatives summarized their aspirations regarding the use of Hungarian and agreed on the need to inscribe it as the state language. Act VIII of 1830 on the »Use of the National Language« essentially confirmed the language use rights already enshrined in law. According to the main provisions of Act III of 1836 on the »Hungarian Language«, in the case of Latin-Hungarian dual column editing, the Hungarian legal text was considered the official version. The law obliged the Royal Table (Royal Court of Appeal) to issue the judgment in Hungarian at the end of the

proceedings if it was conducted in Hungarian. Act VI of 1840, also pertaining to, among other things, the Hungarian language, obliged the ecclesiastical and secular legislatures, as well as the Royal Hungarian Chamber, to use Hungarian in their correspondence. Act II of 1844 finalized the triumph of Hungarian as the legal language by elevating it to the status of the state's official language. Pursuant to this statutory provision, Hungarian became the official language of royal writings, laws and decrees, parliamentary deliberations, and all tribunals.⁴⁷

In the rush caused by the nationalistic frenzy, the official dictionaries and other works written in the first four decades of the 19th century intending to enrich the legal vocabulary often resulted in an incomprehensible multitude of synonyms. To realize its goal of creating an »official« codification of the Hungarian legal language, the Royal Curia published the word collection *Magyar Törvénykezési Szótár* [Hungarian Judicial Dictionary] in 1837,⁴⁸ the aim of which was the elimination of conceptual ambiguity in the application of law. To this end, a Hungarian equivalent was provided for each Latin term (when possible). The selection of Hungarian terms was based on entries in earlier dictionaries, and it should be noted that the selection of terms and concepts by the unknown authors or editors was well thought out.

A few years later, when directly faced with the problems, the Hungarian Learned Society (later the Hungarian Academy of Sciences) decided to compile an official dictionary. In 1843, a dictionary titled *Törvénytudományi Műszótár* [Dictionary of the Legal Sciences] was published for practitioners of the »scholarly branches« of the society's Department of Legal Studies that provided Hungarian equivalents for all Latin terms.⁴⁹ The interesting thing about the dictionary is that it was edited by the top linguists and jurists of the period (Pál Szlemenics, György Stettner, Antal Sztrokay, János Perger, Ferenc Kölcsey, István Lassú, Pál Jászay Sr., László Bártfay, György Zsivora, Dániel Csapó),

44 Kovács M. (2010) 281.

45 The most significant of these works are HUSZÁR (1816); PAULY (1827a, 1827b); PUKY (1830); FOGARASI D. (1833); FOGARASI D. (1835, 1842); KUNOSS (1834, 1835).

46 Cf. BOKRÁNYI (1844); CSÁSZÁR (1840, 1843); KASSAY (1852); RÁTH (1853–1854).

47 NÁDOR (2000).

48 Magyar Törvénykezési Szótár (1837).

49 Törvénytudományi Műszótár (1843, 1847).

who examined previously published legal dictionaries and other legal works. Its glossary consisted of about 12,000 items and approximately 40,000 Hungarian legal words. The truly innovative aspect of the volume is that it includes the bibliographic sources of the Hungarian versions of each term. However, one major shortcoming was that it provided several Hungarian terms as equivalents for Latin terms, which did not serve the creation of uniform legal concepts, as it served to codify the already existing »conceptual confusion«. ⁵⁰ It is important to note, however, that the work admittedly did not seek to establish uniform concepts for legal terms, but instead aimed to provide the most comprehensive collection of suitable concepts and terms. The task of selecting the most appropriate concept was intentionally left to future generations, which would allow enough time to reach a consensus about the best terms. The result of this process would be the creation of a dictionary that could be considered truly definitive.

Just two years later, in 1845, the Hungarian Royal Court Council (Chancery) published *Hivatalos műszótár* [Official Dictionary] in Vienna, the primary aim of which was, as opposed to the prior endeavor, to offer only one Hungarian equivalent for each Latin term. ⁵¹ This method of editing a dictionary did not catch on, as the preface to the second edition of the *Törvénytudományi Műszótár* (1847) states that it is an expanded edition using terms taken from *Hivatalos Műszótár*. ⁵² The efforts of the Chancellery to unify Hungarian legal terminology had failed. In essence, this edition marked the end of a four-decade attempt to create official dictionaries and legal glossaries intended to establish a Hungarian legal language.

Regarding the history of the development of Hungarian legal terminology, it is important to note that a large number of Latin-language legal works that had been published in the early 19th century were later published in Hungarian. For instance, the Hungarian versions of Imre Kelemen's *Institutiones juris privati Hungarici* and *Historia juris Hungarici privati* were published respectively in 1814 and 1818, and Pál Szlemenics's

Elementa juris Hungarici civilis privati was published in Hungarian in 1819. ⁵³ In the latter case, the author himself created the significantly expanded Hungarian version. ⁵⁴ It should also be mentioned here that Sándor Kövy's main work, *Elementa iurisprudentiae Hungaricae*, originally published in 1800, was also published in Hungarian in 1839 under the title *Magyarhoni magános törvénytudomány elemei: Kövy Sándor után* [Elements of Private Jurisprudence in Hungary], translated and partly revised by János Fogarasi. ⁵⁵ This was followed by two other works written by Kövy that were published in Hungarian and used as textbooks. The founder of practical legal education in Hungary, Kövy attempted to summarize feudal Hungarian private law in 1798 under the title *A Magyar törvények rövid summája* [Short Summary of the Hungarian Laws]. ⁵⁶ By 1848, the work had been published multiple times, which meant that students attending the *gymnasium* in Sárospatak were able to learn legal concepts in Hungarian. His book *A magyar polgári-törvény* [Hungarian Civil Law] ⁵⁷ was also published in Hungarian in 1822, which was awarded the Marczibányi Prize for the most outstanding legal work published in Hungarian. It is also worthy noting that Frank Ignác's *A közigazság törvénye Magyarhonban* [Laws of Justice in Hungary], published in 1845, was a Hungarian reworking of his educational manuals originally published in Latin in the 1820s and 1830s. ⁵⁸

The publication of scientific works in Hungarian was primarily advocated by the institutions of the Reformed Church. The first independent philosophical work in Hungarian was written by János Sz. Szilágyi in the spirit of Kantianism. His book *Az Oskolai Tanító Könyv a Tétető (practica) Filozofia második része: Természeti Törvény Tudomány* [Practical Philosophy Textbook, Part Two: The Science of Natural Law], ⁵⁹ published in 1813, was primarily aimed at promoting education and research in the national language, addressing the domestic needs, and thus supporting the process of social emancipation. In this context it is also worth mentioning János Nep. Újfalusy (1790–1849), who became a well-known commentator of Karl

50 BAKOS (1883).

51 *Hivatalos Műszótár* (1845).

52 *Törvénytudományi Műszótár* (1847) IX.

53 Cf. KELEMEN (1820, 1822); SZLEMENICS (1823).

54 Other works written by Pál Szlemenics in Hungarian: SZLEMENICS (1836, 1845).

55 *Magyarhoni* (1839).

56 KÖVY (1798).

57 KÖVY (1822).

58 FRANK (1845–1847).

59 Sz. Szilágyi (1813).

Anton Martini's teachings in Hungarian legal philosophy. In his book entitled *A' természeti hármastörvény* [The Three Laws of Natural Law],⁶⁰ published in 1825, he followed in the footsteps of Sz. Szilágyi. This text expanded the possibility of researching natural law, in addition to the previously dominant Latin-language literature, to include Hungarian while at the same time presenting this discipline to law students in Hungarian higher education. While newer editions of Latin-language works were still published until the mid-19th century, during this same period, the number of theoretical legal textbooks published in Hungarian were clearly on the rise, which furthered the development of the legal language. The works of Zsigmond Carlowszky, Imre Csatskó, Mihály Greguss, Tivadar Pauler, Gábor Szeremley, and János Wurga all had a positive impact on the use of legal terms.⁶¹

After the unsuccessful War of Independence in 1848/49, the era of neo-absolutism was a critical period for the development and unification of Hungarian legal terminology. The majority of the Hungarian legal community did not want to cooperate with the Austrian government. The introduction of the Austrian Civil Code in Hungary did not serve the formation of the legal language in Hungarian either, as its Hungarian translation was not completed until 1853. The »adoption« of the Austrian Civil Code in the field of private law was severely hampered by the virulent customary law. In the field of administrative law, the influence of German law in this period was quite significant. The translation of decrees from German into Hungarian, in which jurists working in the public administration were involved, further shaped legal terminology. The codification activity following the Austro-Hungarian Compromise (1867) resulted in the expansion of Hungarian legal terminology via translation. The first Hungarian commercial act, drafted in 1875, is just such an example. It followed the German template so closely that certain sections were literal translations.

5. Conclusions

By the turn of the 20th century, Hungarian legal terminology had reached a level of development capable of eliminating the prior terminological confusion. Innovations in the use of legal terms were inconceivable without the efforts to promote modernization. In the early 1880s, Gábor Bakos, a leading figure in the use and renewal of the Hungarian legal language at the time, developed a program to bring the desired clarity to the language. In his draft, he included the envisioned duties of jurists, namely to compile a complete set of the most useful vocabulary (including synonyms), to formulate precise definitions of legal terms, to make distinctions between synonyms, and to identify obsolete and redundant terminology. As a further condition for the creation of a long-term lexicon, and following the »preparatory« work carried out by jurists, linguists should then go about clarifying the grammatical rules for determining the appropriate terms and their synonyms. This would make it possible to mark improper, i. e. unnecessary, terms, to find new ones to replace obsolete technical terms, or fill in any gaps.⁶² This could only be achieved through a close co-operation between jurisprudence and linguistics under the auspices of the Hungarian Academy of Sciences. It is also important to mention that Bakos felt the need to publish a work on the principles and grammatical laws of legal language prior to the compilation of the dictionary. Three years later, Bakos himself wrote a handbook: *A magyar jogi műnyelv alapelvei és törvényei: elméleti és gyakorlati útmutató jogi műnyelvünk tisztítására és javítására* [Principles and Laws of the Hungarian Legal Language: A Theoretical and Practical Guide to the Clarification and Improvement of Our Legal Language]. This work was meant to offer guidelines for jurists working in either the theoretical or the practical fields. He wanted to present the origins, development, and contemporary state of the Hungarian legal language before laying out the principles and laws governing language reform,

60 ÚJFALUSY (1825).

61 Cf. CARLOWSZKY (1811); CSATSKÓ (1839); GREGUSS (1837); PAULER (1842–1843); SZEREMLEY (1849); WARGA (1834–1835).

62 Gábor Bakos' description of the task. Cf. BAKOS (1880) 38–39.

word composition and word formation, the acquisition of foreign terms, and the principles and rules of correct grammar.⁶³ In other words, he sought to create a practical handbook that took into account the contemporary requirements of both jurisprudence and linguistics, allowed jurists to recognize incorrect words, and enabled the creation of the proper terms.

A unified legal language, i.e. a linguistically and conceptually adequate legal vocabulary, was actually developed by the beginning of the 20th century. The publication of the six-volume *Magyar Jogi Lexikon* [Hungarian Legal Lexicon] (1898–1907), edited by Dezső Márkus, which sought to give precise definitions of certain legal concepts, played a decisive role in generating a consensus on the Hungarian legal language.⁶⁴ Created with the help of 175 jurists and legal scholars, the encyclopedia helped to clarify the terms in a work of ca. 5,600 printed pages.⁶⁵

As was the case in many European countries, Latin dominated for a long time. Having served as the official language in Hungary for nine centuries, the only other externally influential language was

German during the time of Habsburg absolutism. An important aspect of the reform era was the strong encouragement to use Hungarian in the official proceedings of the legislative bodies and political organizations of the Estates, so it became important to create an appropriate conceptual apparatus for the legal language. The development of Hungarian legal terminology was an identity-defining element of the process of becoming a nation, and it served as the basis for the development of legal practice for the social, economic, political, and legal modernization of the age. During the period of neo-absolutism, the attempts to force the incorporation of certain elements of the Austrian legal system into Hungarian law, in some respects, only helped to reinforce Latin as the language used by jurists. All this can be seen as an attempt to balance out the influence of the German language. As a practical legal language, however, Latin terminology steadily declined. It has for all intents and purposes disappeared, and now only survives as an »ornamentation« of legal literacy. ■

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63 BAKOS (1883) 7.

64 MÁRKUS (ed.) (1898–1907).

65 The team of authors includes the finest representatives of the contemporary legal and scholarly elite, including: Pál Angyal, Péter Ágoston, Arthur Balogh, Jenő Balogh, Dénes Berinke, Ferenc Finkey, Károly

Illeller, József Illés, Károly Illés, Viktor Géza Kiss Mór Kiss, Bálint Kolosváry, Sándor Kolosvári, Géza Magyarai, Arthur Meszlény, Ernő Nagy, Ödön Polner, Gyula Schvarcz, Gusztáv (Szászy-) Schwarz, Bódog Somló, Károly Szladits, Rustem Vámbéry, Gyula Wlassics.

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