

Between Legal and Ordinary Language

Did you know?

Beyond notarial proceedings, notaries also take part in the legal education of citizens. For instance, they teach courses at community colleges or they are invited to events on what individuals have to be aware of in specific situations. Most of the time, legal advice of notaries also starts with a general explanation of the content of the law.²⁵

The legal system of civil law countries is based on codifications.²⁶ These codifications contain abstract concepts of law which are outlined in highly technical, legal language.²⁷ This abstract legal language has important benefits: it reduces complexity and ambiguity for those who understand the language.²⁸ This, in turn, increases legal certainty and lowers litigation costs.

However, people without a legal background cannot easily work with abstract concepts and access the technical language of the law.²⁹ An interpreter is needed to translate legal concepts into everyday language, and vice versa, to translate the preferences of individuals into legal language. Notaries fulfill this function.³⁰ They are the binding element between the legal and the non-legal sphere. Thereby, they foster the trust of individuals in their legal system and societal cohesion.³¹ They make sure that democratically enacted legal provisions are understood³² and that private preferences correctly enter the legal realm.³³

Key takeaway: Notaries explain technical legal concepts to individuals and translate their preferences into legal language. This enables civil law systems to benefit from abstract legal language while at the same time avoiding the costs of abstraction.