PROBLEMS OF RESEARCHING THE INFLUENCE OF JUDEO-CHRISTIAN WORLDVIEW ON THE WESTERN NOTION OF LAW:
PHILOSOPHICAL & LINGUISTIC PERSPECTIVE

Introduction and the problem statement. “Western civilization,” is a complex amalgamation of countless ideas, beliefs, concepts, perceptions, and ultimately, different worldviews, which originated from diverse civilizations across the world. However, the most prominent and visible characteristic of the West is the overlap of two distinct civilizations – the Antique (Greek and Roman) and Judeo-Christian worlds. This union is so deep and intrinsic that it can rightfully be called a “fusion”.

While the influence of the Judeo-Christian worldview on the Roman notion of law in the West with an emergence of Christianity is a compelling topic, it poses numerous challenges for researchers. The fusion of two distinctive worlds has created a complex and multifaceted phenomenon that is difficult to study. 1) Firstly, it cannot be studied in isolation from other factors that have shaped Western civilization. 2) Secondly, it requires a multidisciplinary approach as the historical and cultural context of Western civilization is vast and intricate. Identifying and interpreting the various strands of influence accurately can be challenging. Furthermore, analyzing the influence of the Christendom on the inherited by the West authentic ancient Roman notion of law (especially in medieval period)** may encounter various interpretive and methodological challenges. These challenges will be explored in this article, along with a philosophical and linguistic analysis of the topic.

Understanding the problems and limitations of this kind of research has both theoretical and practical merits.

Theoretical merits:
• Improved research methods and techniques: Gaining a comprehensive understanding of the challenges, limitations, and underlying problems of this research can facilitate the development of more accurate and reliable research procedures and techniques, ultimately leading to more systematic and trustworthy results. By being aware of these issues, researchers can overcome the challenges and limitations and improve the quality of results of their findings.
• Improved research outcomes: By understanding all challenges of this enterprise, researchers can develop more rigorous and valid research studies.
• Increased knowledge about the issue: Critically examining the challenges and limitations of researching the influence of the Judeo-Christian worldview on the notion of law after emergence of Christianity can provide valuable insights not only into the research design and methodology, but into topic itself. This knowledge can help researchers to develop better research questions, hypotheses, and conceptual frameworks that are more suitable for investigating this complex and multifaceted phenomenon (see 1). Also, it may help to build a functioning interdisciplinary methodology for the studies, which should include at least two following disciplines: 1) Philosophy – for establishing conceptual frame of research and methodology; 2) Linguistics – for language oriented approach to the studies – semantic and etymological analysis of legal-related lexicon of the Latin-derived terminology in European languages, or in wide Indo-European context.

Practical merits:
• Understanding the underlying problems can help scholars in different field as well as legal professionals and others make more prudent, judicious and thoughtful decisions about legal systems and frameworks.
• Properly internalizing this knowledge (and being aware of its inherit problems) on a profound level, has the potential to fundamentally shift our understanding of the law, and how we perceive it, and serve as a catalyst for much-needed social changes and a more just and equitable legal system for all members of the world***.

Analysis of the sources on the current issue. Current subject of study has been an area of interest for many scholars from different disciplines. Analysis of the available research and publications reveals that there always has
been interest in investigating the influence of the Judeo-Christian tradition on the different spheres of the Western society, including on perception of law inside the Roman legal heritage. Multiple studies have been concentrating on this topic directly (as well indirectly) and were conducted in the boundaries of their specific fields and specific objectives, mainly trying to:

a) examine the historical and cultural factors;

b) analyze multifaceted linguistic aspects of legal-related language (including semantics and etymology) and how it may have changed with a passage of time and ultimately influenced different Western (predominantly Indo-European) as well as other world languages.

However, it’s better to arranged all available sources into categories:

I) sources that concentrates on different aspects of the topic;

II) sources that concentrate more on problems of the studies and trying to address them; or sources that draw out useful insights on inherit problems of the current topic as part of their research results and findings.

I. Sources that concentrate on different aspects of the topic

a) Sources with cultural and linguistic approach.

One of the first exemplary cases of such approach might be the works of Harold J. Berman where he explores the evolution of Western legal systems from the ancient world to the present day. Berman argues that the Judeo-Christian tradition played a central role in shaping Western legal thinking and that this tradition has had a lasting impact on the development of current Western legal systems, as we know them (both of the early stages and more later ones).

Also, the study by Richard Bauckham highlights the cultural influences of Judaism on the development of Western legal systems. Bauckham states that the Hebrew Bible, with its emphasis on ethical monotheism and the rule of law, played a significant role in shaping the Judeo-Christian legal tradition.


b) Sources with linguistic approach.

The semantics and etymology of legal-related terms and their evolution with the introduction of Christianity has been the subject or indirect byproduct of several studies. For example, Megan Williams in the work “Christianity and the Transformation of the Book: Origen, Eusebius, and the Library of Caesarea” (2006) hints on the transformation of some legal vocabulary in the Christian context, while van in work titled “Law, Language and Change: A Diachronic Semantic Analysis of Consideration in the Common Law” (2020) Caroline Laske explores wide range of questions and propose so much needed interdisciplinary approach to the current studies. She writes: “Legal history is, in itself, an interdisciplinary undertaking”.

II. Sources that addresses problems

There are some studies that have highlighted the challenges and complexities of researching the influence of Judeo-Christian worldview on the different spheres of the Western society, including on perception of law inside the Roman legal heritage. Multiple studies have been concentrating on this topic directly (as well indirectly) and were conducted in the boundaries of their specific fields and specific objectives, mainly trying to:

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The current article aims to outline main unresolved issues, especially philosophical and linguistic ones. Goal of the paper:

1) to identify and to map the main obstacles and problems of the study;

2) to explore comparative methodology, its merits and shortcomings;

3) to promote interdisciplinary and comparative approach;

4) to raise academic awareness of the current issues.
Problem analysis

1. General boundaries of conception: philosophical questions

“The narrowness of our concepts of law blocks our vision not only of law but also of history. Today people think of law primarily as the mass of legislative, administrative, and judicial rules, procedures, and techniques in force in a given country. The vision of history that accompanites this view of law is severely limited to the more or less recent past and to a particular nation.”

Our understanding of our Universe and our world, understanding its history, both in natural/physical and in human-related realms can change (and is actually changing now) our perception of that which we call “reality,” and also potentially can shape our future. That’s why it is so important to understand history as deeply as we can, at the most profound level and across the broadest possible range of contexts.

But a problem lies in the fact that we are embedded inside of history, and we are History itself, one of the many aspects of the unfolding Universe. In essence, we are a self-writing system that strives to comprehend itself.

What is the law? What is its nature? How does the notion of law differ across languages, and how has it changed within Indo-European languages over time? What are rights? Who or what can have them? Do all living beings have rights, and can inanimate entities have them as well? Are rights exclusively related to “intelligence,” “self-consciousness,” and “individuality,” or is this a collective-subjective and anthropocentric misperception of the phenomena? Can the concept of law be modified, and if so, what are its limits? These, and many more, are the questions that may arise from the perspective of different fields, including general and ethical philosophy, religious studies, philosophy of law, linguistics, and others. The answers to these questions depend on close collaboration among these fields.

The understanding of any given phenomenon (which in our case is “notion of law”) depends on the philosophical and scientific paradigms that serve as a prism through which we perceive the world and structure our worldview. Different bases of perception may give rise to completely different sequences of questions, leading to entirely distinct sets of answers. Therefore, it is crucial to be aware of our cultural (and even scientific) preconceptions, limitations in our temporal understanding, inherent boundaries of different methodologies, and borders of specific fields that may be present in research.

2. Boundaries of the language. The problem of translation

The importance of language cannot be overstated. The phenomena of language and writing are crucial aspects of human communication. However, these phenomena have inherent limitations. Language is primarily used to designate subjective reality, including space, time, and our world. Therefore, the presence or absence of certain parts of speech, syntax, vocabulary, and grammar structure is determined by our perception of reality.

Additionally, the language system itself is a closed loop with feedback and looping mechanisms. Our language undoubtedly influences our perception of what we refer to as “the world,” “actuality,” or even “reality.”

Words themselves often reveal implicit, encoded meanings and worldviews. This is why paying attention to etymology and semantics is crucial. Examining the unfolding of etymology sheds light on the natura intrinseca of the concepts conveyed by these words. Even the smallest details of morphology can provide additional information and surprising insights. For example, while “reality” and “actuality” are perceived as synonymous in our understanding, the gap between them is wider than it appears at first glance. This gap widens even further when these words are translated from other languages belonging to different language groups, and even more so when comparing words from different language families.

The process of translation (or an attempt to transfer meaning) from one language to another often results in a loss of the deep meaning embedded in the original word itself, leaving only the surface-level semantic approximation that enables the translation/transfer at all. Each language is a unique linguistic biome, a separate linguistic ecosystem, a distinct universe in its own right.

Initially, the concept of “untranslatability” was introduced by Sapir and then by Whorf and became known as Sapir-Whorf hypothesis (Sapir, 1929; Whorf, 1956). It suggests that language shapes our perception of reality and that different languages create different worldviews. According to this view, certain concepts or expressions in one language cannot be adequately expressed in another language, due to differences in grammar, vocabulary, and cultural context. Since then this hypothesis was a subject of debate in linguistics and related fields, with some scholars arguing that each language of the world is a separate linguistic universe and that the act of translation is merely an approximation.

But we should be very careful not to overexaggerate and absolutize this view. While it is true that language plays a role in shaping our thoughts and perceptions, it is just one of many factors that contribute to our worldview;

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* From a philosophical perspective it is rather useful to distinguish between these terms.

** “World” is not olam (hebr. עוֹלָם), мsoplioshi (georg. κόσμος), and mundus is not kosmos (greek κόσμος). As well as “law”, is not olam (hebr. νόμος), κ’ anoni [georg. κάνον] is not orenk’ (armen. օրենք), and lex is not nómos (greek νόμος).

*** This hypothesis has lead to development of radical concepts of “linguistic relativity” and “linguistic determinism.” First this is an extreme version of “untranslatability” concept. Linguistic determinism on other hand is the idea that language determines our thoughts and behavior, which is a more extreme version of linguistic relativity. Both these views have been widely criticized for its deterministic and reductionist assumptions, and it has been largely rejected by contemporary linguists and philosophers.
including culture, environment, and personal experience (Levinson, 1996)*. Also, researches have shown that people from different linguistic backgrounds nevertheless can understand and learn new concepts and ideas, even if they lack the words to express them in their own language (Lucy & Gaskins, 2001).

Despite the challenges of transferring meaning from one language to another, scholars have developed various strategies and approaches to facilitate the translation process. However, these approaches and methods have their limitations, and they may not always capture the full range of meanings and nuances of words and expressions in different languages.

That’s why we must be aware of this issue in order to gain a deeper understanding of language. To penetrate the phenomenon of language, we need to explore the intricate nuances and subtle differences between languages and their words, as well as the cultural and historical contexts in which they originated, evolved, and are used.

3. Comparative approach: its merits and shortcomings

The comparative method might be useful to establish semantic background and to clarify etymology of legal-related words in Indo-European languages (with relation to Latin). This approach can help shed more light on the semantics or meaning of the related words among these languages. By comparing the etymology of legal-related words in different Indo-European languages, researchers can identify common linguistic roots and patterns, as well as reveal differences in the way legal concepts are expressed and used in these languages. Even, though most of legal terminology in the West were influenced by (or directly borrowed form) Latin language, still there were many examples where languages stick to their authentic, native “equivalents” of the words. This might be useful, to show what common semantic traits they have shared and how they changed due to the influence of Christianity or due to some other factors.

Merits of the comparative approach:

– Revealing underlying cultural and historical influences: By looking into historical contexts and examining linguistic roots of legal-related words in different languages, researchers can uncover underlying cultural and historical influences that have shaped the development of legal concepts and practices over time. This can be especially helpful for understanding the way legal systems have evolved and adapted to different historical and cultural contexts.

– Facilitating cross-cultural studies: Comparative etymology can also facilitate cross-cultural research by providing insights into the cultural and linguistic context of concepts and terminology.

Nevertheless, comparative approach has its limitations:

– Limited scope: The comparative approach is limited to the study of legal-related terms in Latin and other Indo-European languages. This means that it may not be applicable to legal concepts and terminology in non-Indo-European languages or to legal systems that have developed outside of the Western tradition.

– Linguistic challenges: The comparative approach relies on a deep knowledge of multiple languages and their linguistic roots, which can be challenging for researchers who are not proficient in all of the languages being studied. Additionally, the meanings of words and concepts can change over time, which can make it difficult to identify linguistic connections and historical origins with certainty.

– Cultural biases: The comparative approach can also be subject to cultural biases, as researchers may bring their own cultural and linguistic assumptions and perspectives to their analysis. This can lead to a partial or incomplete understanding of the cultural and historical context in which legal concepts and terminology have evolved.

– Lack of consensus: There may be disagreements among scholars regarding the historical origins and linguistic connections of legal-related words and concepts. This can make it difficult to draw definitive conclusions from comparative analysis.

Conclusion. The article delves into general problems of researching the influence of Judeo-Christian worldview on the Western notion of law, which poses significant challenges for scholars due to its multifaceted and complex nature. Addressing these challenges requires developing new methodologies that take a multidisciplinary approach and ensure accurate identification and interpretation. This article aims to explore general interpretative and methodological challenges in analyzing the influence of Christendom on the authentic ancient Roman notion of law.

The article also outlines unresolved issues, particularly philosophical and linguistic ones. The paper’s goals include identifying and mapping the primary obstacles and problems of the study, exploring comparative methodology, its merits and shortcomings, promoting interdisciplinary and comparative approaches, and raising academic awareness of the problems.

Overall, the article explores challenges involved in studying the influence of the Judeo-Christian tradition on the Roman notion of law in Western civilization. It emphasizes the need for a comprehensive and interdisciplinary approach to accurately identify and interpret the various strands of influence. It contributes to the academic discourse by highlighting unresolved issues and promoting an awareness of the complexities involved in studying this topic.

* Though, mostly concentrating on exploring linguistic examples of “absolute” and “relative” spatial description and perception, Levinson, also makes other important observations about language.


For more details see Fowler, K. (2021). *Early Christian perspectives on Roman law and Mosaic law.* She quite relevantly notes that one of the first examples that tried to compare, contrast and reconcile two distinct legal traditions – Jewish (upon which the Christian one was based) and Roman were “Collatio Legum Mosaicarum et Romanarum” (4th–5th centuries), where Latin “collatio” stands exactly for reconciliation and comparison.

**Teoria ta istoriya deryvii i prava. Filosofiya prava**


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**Summary**

Denis Hadzhosa, *Problems of researching the influence of Judeo-Christian worldview on the western notion of law: philosophical & linguistic perspective.*

This article explores the difficulties and complexities that scholars face when researching the influence of Judeo-Christian traditions on the Roman notion of law in Western civilization. The author argues that a multidisciplinary approach is necessary to address these challenges, as well as the development of new methodologies to ensure accurate identification and interpretation of all nuances, aspects and its various manifestations.

The main part of the article lists general interpretive and general methodological challenges in analyzing the influence of the Christianity on the Roman notion of law. The author contends that the difficulty in studying the relationship between Judeo-Christianity and Roman law stems from the multifaceted nature of both systems. The Judeo-Christian worldview by its two-fold nature encompasses a vast array of ideas and values that have evolved over time, while the Roman notion of law is also multifaceted, having been influenced by various cultural, social, and political factors.

Further, author points that traditional methodologies may not be sufficient to accurately identify and interpret the influence of Christendom. Instead, it’s being suggested that scholars should take a comparative approach, drawing on insights from other disciplines such as philosophy and linguistics. Comparative methodology, while not without its limitations, allows scholars to better understand the differences and similarities between different legal systems and how they interact.

The article also highlights still open and unresolved philosophical (conceptual), linguistic and comparative problems, which pose challenges to scholars when studying the influence of the Christianity on the Roman law. As conclusion, the author states that promoting interdisciplinary and comparative approaches, as well as raising academic awareness of the issues, will facilitate further research and contribute to the ongoing discourse on the subject.

**Key words:** Influence of the Judeo-Christian worldview, comparative methodology, multidisciplinary/interdisciplinary approach, etymological and semantic analysis of vocabulary, interpretive challenges, methodological challenges.