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## Esperanto: An International Language for International Law

by *Ralph L. Harry\**

*The author surveys the role which Esperanto has played in the international community. The struggle for freedom of speech by speakers of the international language is noted, as are efforts by Esperantists to protect the rights of minority language speakers. The activities of the International Esperanto Association of Jurists are described, and the status of the international language in other world arenas is discussed.*

THE 62d WORLD Congress of Esperanto, held in Reykjavik, Iceland from July 30 to August 6, 1977,<sup>1</sup> gave a striking demonstration of the extent to which jurists using the international language have been making a contribution to the progressive development of international law, particularly in the field of human rights, as well as the growing maturity of Esperanto as a medium for precise legal thought and communication. The theme of the Congress, in which over a thousand Esperantists participated, was: "The Right of Communication." Following a keynote address by the Director-General, Mr. Amadou-Mahtar M'Bow, of Senegal, the Congress discussed various aspects of the right of communication in seminars, lectures and discussions of the Esperanto Summer University, and in plenary meetings.<sup>2</sup> Apart from translation for a few Icelandic and American experts and academics in some of the meetings, the proceedings were entirely in Esperanto.

### I. THE DEVELOPMENT OF MODERN ESPERANTO

Esperanto, the only neutral international *lingua franca* which has become a world-wide living language with a substantial literature, including books and periodicals on legal subjects, is only ninety years

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<sup>1</sup> ESPERANTO, Sept. 1977 (official organ of the Universal Esperanto Association).

<sup>2</sup> Language and the Right to Communicate (forthcoming report to UNESCO by the Universal Esperanto Association, Rotterdam, 1978).

old. Its inventor, Dr. L.L. Zamenhof, a Polish linguist,<sup>3</sup> after experimenting with the language for several years, and polishing it, published his first book, which included the sixteen basic grammatical rules of Esperanto, a vocabulary and exercises, in 1887. It was a masterpiece of logic and simplicity and quickly attracted the support of linguists, scientists and writers in many countries. Because it is phonetic, and with a regular stress, it was fascinatingly easy to learn as a spoken language. An important feature, from the point of view of legal expression, was the effort made by Zamenhof to avoid homonyms and synonyms. Each of his roots had a precise meaning, defined in Esperanto itself as well as by national equivalents. An extensive system of prefixes and suffixes made it possible to express a wide range of nuances with precision. Many new roots drawn from the international stock have been added, including many technical legal terms, but to a high degree the principle of "one root, one meaning" has been adhered to.<sup>4</sup>

Several early works in the international language included texts on legal subjects. Zamenhof's *Fundamental Krestomatio* of 1903<sup>5</sup> contained models for commercial correspondence and a selection of legal anecdotes. The legal terminology grew and was refined along with the general development of Esperanto literature, both translated and original.

## II. THE LEAGUE OF NATIONS AND THE INTERNATIONAL LABOUR ORGANISATION

One of the earliest essays in international law in Esperanto was the translation of the Covenant of the League of Nations. In the introduction the translators (Daniel Eyquem, a member of the Paris Appeal Court, Professor E. Grosjean-Maupin of the University of France, and W.M. Page, an Edinburgh solicitor practising in the Supreme Court of Scotland) made the following remarks about the English and French texts of the Covenant: "Anyone who will read and compare the English and French equally trustworthy and authoritative texts, will readily

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<sup>3</sup> M. BOULTON, ZAMENHOF—CREATOR OF ESPERANTO (1960); see also E. PRIVAT, VIVO DE ZAMENHOF (1946).

<sup>4</sup> The most comprehensive Esperanto dictionary is *Plena Ilustrita Vortaro* published in Paris by Sennacia Asocio Tutmoda. Announcement of a forthcoming second edition has recently been made.

<sup>5</sup> L. ZAMENHOF, FUNDAMENTA KRESTOMATIO DE LA LINGVO ESPERANTO (17th ed. 1954).

notice that (although both have been drawn up by competent specialist) in addition to many obscurities and inexactitudes, there exist between them differences that are well worth attention." They argued that this showed the "impossibility and unsuitability of accepting the parallel use as compulsory of both English and French . . . and the necessity of adopting a neutral international language which, favouring no one nation, untrammelled by the bonds of custom and routine, and obeying only the laws of comprehensibility, clearness and logic, is the only way to establish in connection with international relations of all kinds whatsoever a single authoritative and absolutely trustworthy text." Forty years later the present writer was to make a similar appeal at the United Nations Conference on the Law of Treaties, in Vienna in 1968, and by that time the suitability of Esperanto had been more amply demonstrated.

While the value of Esperanto was being examined by the League of Nations, at the instance of Lord Robert Cecil, Wellington Koo, Benes and others, and against vigorous French opposition the International Labour Office, following a resolution of the Third International Labour Conference, used Esperanto extensively for information purposes and correspondence.<sup>6</sup> The terminology of the Conventions and Recommendations of the ILO provided a useful pattern for further translations of treaties in other fields.

### III. LEGAL LECTURES AT SUMMER UNIVERSITIES

As early as 1908, Professor Edmond Privat of the University of Neuchâtel and Professor Papot of Chicago organised two weeks of summer courses, using Esperanto as the medium of instruction, at Chautauqua, in New York State. By 1925 occasional lectures at the university level were formalised into a Summer University of Esperanto in Geneva. Six hundred participants in the Universal Congress enrolled. In the law faculty, lectures were given in international arbitration (*internacia arbitracio*), interstate industrial legislation (*interŝtata industria leĝaro*), interstate postal conventions (*interŝtataj konvencioj poŝtaj*), and on an interstate convention on Aid to the Wounded (*interŝtata konvencio pri helpo al vunditoj*). Lectures were given alternately in the Palais des Nations, the International Labour Office and the University. With the exception of an interruption due to the Second World War, sessions of the Summer University have been held

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<sup>6</sup> See generally BUREAU INTERNATIONAL DU TRAVAIL, BULTENO DE LA INTERNACIA LABOR-OFICEJO, Nos. 1-43 (1923-31).

regularly since that time, and in most years there have been lectures on some aspect of international or comparative law and on international relations. By 1931 a Society of Esperanto Lawyers had been formed and its general secretary in that year published a dictionary of legal terms.<sup>7</sup>

#### IV. STRUGGLE OF THE ESPERANTO MOVEMENT FOR FREEDOM OF SPEECH

The growing strength of the Esperanto movement, with its internationalist philosophy, led to opposition and even persecution from the inter-war dictatorships both of the left and of the right. As early as 1895 the Czarist censors had banned the magazine *Esperanto*, because of an article by Tolstoy thought to be hostile to the regime. In 1911 the president of the Russian Esperanto League, A. Postnikov, was arrested for espionage and several Esperanto groups were dissolved. In the same year the leader of a group in Mukden, in China, was condemned as a revolutionary. Following the First World War, and the Russian Revolution, Esperanto came under attack by defenders of national cultures as a "dangerous" or even "Communist" language.<sup>8</sup> It was discouraged by the Hungarian Government and the Brazilian authorities. The Esperanto movement was actively persecuted by the Fascist dictators. Hitler in *Mein Kampf* condemned the international language as an instrument of the Jews. When Austria was occupied the movement was stifled there. In 1941 the Netherlands Esperanto Association was dissolved by a decree of the security police. There was similar persecution in Italy and in Franco's Spain. Far from being regarded by the Soviet Union as a "Communist" language, Esperanto barely survived in the U.S.S.R. during the period of Stalin.

#### V. THE DECLARATION OF HUMAN RIGHTS

Against this background of the denial of freedom of speech and association it was natural that the Esperanto movement should take a keen interest in the Bill of Rights drafted by the United Nations between 1945 and 1948. Esperanto translations were made of the Charter of the United Nations<sup>9</sup> and of the Universal Declaration of Human

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<sup>7</sup> JURISTISCHES WÖRTERBUCH (DEUTSCH-ESPERANTO) (S. Liebeck ed. 1931).

<sup>8</sup> U. LINS, LA DANĜERA LINGVO (1973) (published in Kyoto, Japan).

<sup>9</sup> ĈARTO DE UNUIĜINTAJ NACIOJ KAJ STATUTO DE LA INTERNACIA KORTUMO (1970) (published by the Universal Esperanto Association).

Rights,<sup>10</sup> and these documents were given a worldwide distribution through Esperanto publications like *Heroldo*, and the organs of the national associations. In this period a useful legal glossary (*leĝa terminaro*) also appeared, compiled by Dr. A. Mildwurf.<sup>11</sup> In his preface Dr. Mildwurf expressed the hope that his work would facilitate international legal relations and at the same time unify worldwide use of the technical language. He suggested that use of Esperanto could make possible cooperation of jurists, which would be a powerful source of progress.

The movement for international cooperation of jurists using Esperanto owes its effective launching to Dr. Ivo Lapenna of Zagreb, a member of the Albanian Government's team for the Corfu Channel Case in the International Court of Justice. Dr. Lapenna in 1952 published a substantial work written originally in Esperanto on current problems of contemporary international life (*Aktualaj Problemoj de la Nuntempa Internacia Vivo*).<sup>12</sup> This included an appendix on the meaning of the words "Charter of the United Nations" in Article 36(1) of the Statute of the International Court. It also included a chapter on "The Fundamental Human Rights and their Legal Protection."

Lapenna argued that the Universal Declaration had a quite special value for the Esperanto movement, that the International Language was *inter alia* an expression of the idea of racial, national, religious and therefore linguistic equality. For that reason it could flourish only in conditions of full and effective respect for basic rights and fundamental freedoms of mankind. He traced the history of the idea of human rights in English, French and American history, including a detailed analysis of the French *Déclaration des Droits de l'Homme*. He then outlined early attempts to "internationalize" human rights in the Hague Conventions and in the Covenant of the League of Nations, and the Declaration on the Rights and Duties of Nations drafted by the American Institute of International Law and discussed by the Institute of International Law in Rome in 1921.

Lapenna examined in some detail the antecedents of the United Nations Charter, from the Atlantic Charter through the Moscow Conference of 1943 and the Berlin Conference of 1945. He noted that the Charter not only reaffirmed "faith in fundamental human rights, in

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<sup>10</sup> UNIVERSALA DEKLARACIO DE HOMAJ RAJTOJ (1976) (published by the U.N. Office of Public Information, New York).

<sup>11</sup> A. MILDWURF, LEĜA TERMINARO (1946).

<sup>12</sup> I. LAPENNA, AKTUALAJ PROBLEMOJ DE LA NUNTEMPA INTERNACIA VIVO (1952).

the dignity and worth of the human person, in the equal rights of men and women and of nations large and small" but also, in Article 76(c) relating to territories under trusteeship, established respect for human rights as a general principle for the whole world.

The most interesting and original feature, however, of Dr. Lapenna's analysis of the Declaration of Human Rights was his discussion of its legal significance and scope. He was among the comparatively small number of writers in 1952 who attributed to the Declaration a legal weight greater than that of a mere declaration or recommendation of the General Assembly, its formal status. He examined in particular the statement by Mrs. Eleanor Roosevelt, Chairman of the Committee (of which the present writer was a member) which drafted the Declaration, in which she stressed that the Declaration was neither a treaty nor an international agreement, but a declaration to be approved by the Assembly. Lapenna took as his starting point the recognition by the Charter of the existence of human rights and freedoms. The Declaration, he contended defined and exhaustively listed the rights which the Charter already recognized as part of the obligations imposed by international law. The Declaration, he said, had a declaratory character. It did not create new rights, but by declaring those referred to in the Charter it was not a simple recommendation, but rather had a binding character. The rights would have existed without the Declaration, but the latter gave them precision and authority. Lapenna supported his thesis by arguing that the Declaration was proof that civilized nations recognized the freedoms and rights which it contained as general legal principles. He suggested, finally that the Declaration could be regarded as in the category of "teachings of the most highly qualified publicists" referred to in the Statute of the International Court of Justice.

## VI. PROTECTION OF LANGUAGE MINORITIES

While the Declaration of Human Rights, as interpreted by Dr. Lapenna, was regarded by the Esperanto movement as giving speakers of the International Language an enforceable right to personal freedoms, without discrimination on grounds of language, there was less certainty as to the extent to which local or national associations, or the worldwide movement, could be regarded as entitled to protection as a "minority". For some the principal text of the Declaration was Article 19, the Esperanto text of which reads:

Ĉiu havas la rajton je libereco de opinio kaj esprimado; ĉi tiu rajto inkluzivas la liberecon havi opiniojn sen intervenoj de aliaj, kaj la ra-

ĵton peti, ricevi kaj havigi informojn kaj ideojn per kiu ajn rimedo kaj senkonsidere pri la landlimoj. [Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.]

The role of the international language in relation to national linguistic minorities and its status as a minority in its own right were subjects keenly debated within the Universal Esperanto Association in the fifties. In 1946 the Economic and Social Council of the United Nations had authorized the Commission on Human Rights to establish a Subcommittee on the Prevention of Discrimination and the Protection of Minorities to undertake studies, particularly in the light of the Universal Declaration of Human Rights and to make recommendations to the Commission concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities. As Australian Permanent Representative at the European Headquarters of the United Nations in Geneva between 1953 and 1956 the present writer appeared before the Subcommittee to present the case for avoidance of linguistic discrimination.

The idea of an international language constituting a recognized medium of communication for groups in all countries, together comprising a universal "minority" was novel at that time. Even within the Esperanto movement more attention was given to the practical and political problems inherent in advocating the use of Esperanto as a conciliating *lingua franca* in countries where substantial linguistic minorities existed. Esperanto had been used in Switzerland for communication between German-speaking, French-speaking, and Italian-speaking Swiss citizens, and it had performed a similar function in Belgium and in Yugoslavia. But in submissions to the Subcommittee on the Prevention of Discrimination and the Protection of Minorities stress was laid on the international aspects, including the necessity for equality of treatment for people speaking different languages in international organizations.

Typical of the discrimination against Esperanto were the regulations in Australia which required Esperanto publications to comply with procedures for the control of newspapers in foreign languages. As late as 1953 the journal of the Australian Esperanto Association was required to include a leading article in English, and at least one quarter of its total contents had also to be in the English language. Copies of the magazine had to be sent to the Commonwealth

authorities, fortunately only for *ex post facto* control and not prior to publication. In July 1953, the Secretary of the Department of Immigration informed the Association that it had been determined that Esperanto was not a foreign language within the meaning of the "Publication of Newspapers in Foreign Languages Regulations" and that further consent to the Esperanto publication *La Rondo* would not be necessary.<sup>13</sup>

## VII. THE INTERNATIONAL ESPERANTO ASSOCIATION OF JURISTS

In 1957, at the 42d Universal Congress of Esperanto in Marseilles, an association of Esperanto-speaking jurists (*the Internacia Esperanto-Asocio de Juristoj*) was established with the objects of (a) extending the knowledge of Esperanto among lawyers and to promote its use in international contacts between jurists, and (b) increasing the usefulness of the international language to its members for specialist, professional and scientific purposes.<sup>14</sup>

The Association, known by its Esperanto initials, IEAJ, encouraged its members to become specialised delegates of the Universal Esperanto Association. The UEA "*delegitoj*" are, in effect, honorary consuls who assist members of the Association by providing non-political information, making travel arrangements and performing other consular-type services. In addition to its chief delegates in 1134 cities, the network includes over 2000 deputy delegates and specialists, who specify the field in which they are prepared to give assistance. Thirty-four legal specialists are listed in the current Yearbook of the Association (1977).

The IEAJ also arranges meetings within the framework of the World Congresses, held in a different country each year, in which Esperanto is the single language of communication. A typical IEAJ program includes short addresses to introduce papers on international and comparative law topics as well as business sessions.

In 1966, during the 51st Universal Congress in Budapest, it was decided to publish an Esperanto law review, the *Internacia Jura Revuo*, the first editor of which was Dr. Lajos Márton, secretary of the Hungarian Jurists' Association. The Review has carried a wide range of articles embracing the United Nations program for wider knowledge of international law,<sup>15</sup> comparative law, nationality, the legal profession, and selected topics of international law, including the law relating to

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<sup>13</sup> LA RONDO, July 1953, at 25.

<sup>14</sup> INTERNACIA JURA REVUO, Jan.-Mar. 1967, at inside front cover.

<sup>15</sup> *Id.* at 8.

outer space, the law of treaties and the international regime of the Antarctic.<sup>16</sup>

### VIII. OTHER FORUMS AND PUBLICATIONS

While the annual meetings of IEAJ and *Internacia Jura Revuo* have provided the principal forums in recent years for writing in Esperanto on technical legal questions, general aspects of international law have been popularised in Esperanto through the annual Summer University linked with the World Congresses and through such publications as *Scienca Revuo*, *Norda Prismo*, *Esperanto* and *Heroldo*.

In particular Dr. Ivo Lapenna has continued, through his articles, to enrich the technical legal terminology of Esperanto. In *Scienca Revuo* he has examined the problems of multilingualism in international public law and comparative law,<sup>17</sup> and has written on many topics including genocide<sup>18</sup> and the law of the sea.<sup>19</sup> *Heroldo* has published articles on human rights and the interpretation of multilingual treaties. This latter question has been treated also in *Language Problems and Language Planning*, as well as in its predecessor *Monda Lingvo-Problemo*.

Translations have been made of other international documents, including declarations of the United Nations on the granting of independence to colonial peoples and territories and on the seabed, and the texts of the conventions on the law of treaties and on diplomatic relations. Some of the most important, notably the Treaty of Rome constituting the European Economic Community, are still in manuscript, but the Final Act of the Helsinki Conference was published in 1976.<sup>20</sup>

### IX. LAW OF THE SEA

In 1973, during the 58th World Congress of Esperanto in Belgrade, I delivered a lecture to the International Summer University

<sup>16</sup> Harry, *La Internacia Reĝimo de Antarkto*, INTERNACIA JURA REVUO, Jan. 1968, at 7.

<sup>17</sup> Lapenna, *Kelkaj Aspektoj de la Lingva Problemo en Internacia Publika Juro kaj Kompara Juro*, 13 SCIENCA REVUO 67 (1963).

<sup>18</sup> Lapenna, *Genocido—Nova Kategorio de Internacia Krime*, 7 SCIENCA REVUO 82 (1956).

<sup>19</sup> Lapenna, *La Maro en Internacia Juro*, 9 SCIENCA REVUO 14 (1958).

<sup>20</sup> FINA AKTO DE LA KONFERENCO PRI SEKURECO KAJ KUNLABORO EN EŬROPO (1976) (published by the Czech Peace Committee and Slovak Peace Council, Bratislava).

on "The Evolution of the International Law of the Sea."<sup>21</sup> I was at that time leading the Australian delegation to the preparatory committee for the Third United Nations Conference on the Law of the Sea. I had a lively audience of about 150 persons. I included in my lecture, naturally, a section on fisheries in which I brashly predicted that the future Convention on the Law of the Sea would establish a 200-mile economic zone, in which the coastal states would have preferential rights of exploitation, but in which other states would have rights to fish any surplus which the nationals of the coastal state could not fully fish. As soon as I had finished my address the questions began. The first was from a fisherman of Reykjavik, who contended in fluent Esperanto that there must be an exclusive economic zone. Esperanto had come of age as a vehicle for discourse on international law!

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<sup>21</sup> Harry, *Evoluo de la Internacio Juro pri la Maro*, 25 SCIENCA REVUO, 233 (1973).