

Comparative Law — Engaging Translation

Edited by
Simone Glanert



Comparative Law Engaging Translation

Anne Wagner, Aleksandra Matulewska



Comparative Law Engaging Translation:

Comparative Law - Engaging Translation Simone Glanert, 2014-06-27 In an era marked by processes of economic political and legal integration that are arguably unprecedented in their range and impact the translation of law has assumed a significance which it would be hard to overstate The following situations are typical A French law school is teaching French law in the English language to foreign exchange students Some US legal scholars are exploring the possibility of developing a generic or transnational constitutional law German judges are referring to foreign law in a criminal case involving an honour killing committed in Germany with a view to ascertaining the relevance of religious prescriptions European lawyers are actively working on the creation of a common private law to be translated into the 24 official languages of the European Union Since 2004 the World Bank has been issuing reports ranking the attractiveness of different legal cultures for doing business All these examples raise in one way or the other the matter of translation from a comparative legal perspective However in today's globalised world where the need to communicate beyond borders arises constantly in different guises many comparatists continue not to address the issue of translation This edited collection of essays brings together leading scholars from various cultural and disciplinary backgrounds who draw on fields such as translation studies linguistics literary theory history philosophy or sociology with a view to promoting a heightened understanding of the complex translational implications pertaining to comparative law understood both in its literal and metaphorical senses **The Oxford**

Handbook of Comparative Law Mathias Reimann, Reinhard Zimmermann, 2019-03-26 This fully revised and updated second edition of The Oxford Handbook of Comparative Law provides a wide ranging and diverse critical survey of comparative law at the beginning of the twenty first century It summarizes and evaluates a discipline that is time honoured but not easily understood in all its dimensions In the current era of globalization this discipline is more relevant than ever both on the academic and on the practical level The Handbook is divided into three main sections Section I surveys how comparative law has developed and where it stands today in various parts of the world This includes not only traditional model jurisdictions such as France Germany and the United States but also other regions like Eastern Europe East Asia and Latin America Section II then discusses the major approaches to comparative law its methods goals and its relationship with other fields such as legal history economics and linguistics Finally section III deals with the status of comparative studies in over a dozen subject matter areas including the major categories of private economic public and criminal law The Handbook contains forty eight chapters written by experts from around the world The aim of each chapter is to provide an accessible original and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come Each chapter also includes a short bibliography referencing the definitive works in the field

Comparative Law and the Task of Negative Critique Pierre Legrand, 2023-05-09 This book's essays seek to cleanse comparative law of some of the epistemic detritus it has been collecting and that has been cluttering its theory and practice

to the point where this flotsam has effectively stultified good comparison While a critique would pursue adjustments to the prevailing model this text's negative critique seeks a much more radical refurbishment as it utters an emphatic no to the governing epistemology it pursues in effect a deposition and a disposition of the leading epistemic configuration and the various assumptions regarding the acquisition of knowledge about foreign law that inform it Negative comparative law thus operates at a primordial level inasmuch as it concerns the matter of justice it aims to do justice to foreign law as foreignness finds itself appropriated and travestied by comparatists for ideological purposes In the process negative critique purports significantly to enhance comparative law's institutional intellectual and ethical respectability This book will benefit all law teachers and postgraduate law students interested in the workings of law on the international scene whether specialists in comparative law public international law private international law transnational law or foreign relations law in particular individuals bringing to bear a critical inclination to their subject matter

The Cambridge Handbook of Comparative Law Mathias Siems, Po Jen Yap, 2024-02-01 Comparative law is a common subject matter of research and teaching in many universities around the world and the twenty first century has aptly been termed the era of comparative law This Cambridge Handbook of Comparative Law presents a truly global perspective of comparative law today The contributors are drawn from all parts of the world to provide different perspectives on how we understand the law and how it operates in practice In substance the Handbook contains 36 chapters covering a broad range of topics divided under the following headings Methods of Comparative Law Part I Legal Families and Geographical Comparisons Part II Central Themes in Comparative Law Part III and Comparative Law beyond the State Part IV *Comparative Law and Legal Traditions* George Mousourakis, 2019-11-01 The primary aim of this book is to provide clear and reliable information on a number of central topics in comparative law At a time when global society is increasingly mobile and legal life is internationalized the role of comparative law is gaining importance While the growing interest in this field may well be attributed to the dramatic increase in international legal transactions this empirical parameter is only part of the explanation The other part and at least equally important has to do with the expectation of gaining a deeper understanding of law as a social phenomenon and a fresh insight into the current state and future direction of one's own legal system In response to the internationalization of legal practice and theory law schools around the world have expanded their comparative law programs Within the legal subjects that form the core of the curriculum there is a greater interest in comparative legal analysis as well as greater attention to how global developments and international actors and institutions affect domestic law Transnational legal education based on comparative reasoning is intended to help shape a new generation of lawyers public servants and other professionals who recognize and respect cultural diversity in an interconnected world The central topics discussed in this book include the nature and scope of comparative legal inquiries the relationship of comparative law to other fields of legal study the aims and uses of comparative law the origins and historical development of comparative law and the evolution and

defining features of some of the world's predominant legal traditions. It also deals with selected theoretical aspects such as the problem of comparability of legal events, the classification of legal systems into families of law, and the topics of legal transplants, harmonization, and convergence of laws. Chiefly intended for students, the book also discusses a number of fundamental issues concerning the development of comparative law and devotes certain sections to reviewing the salient features of the relevant literature on definitional, terminological, methodological, and historical issues.

The Politics of Translation in International Relations Zeynep Gulsah Capan, Filipe dos Reis, Maj Grasten, 2021-01-09 This volume concerns the role and nature of translation in global politics. Through the establishment of trade routes, the encounter with the New World, and the circulation of concepts and norms across global space, meaning-making and social connections have unfolded through practices of translating. While translation is core to international relations, it has been relatively neglected in the discipline of International Relations. *The Politics of Translation in International Relations* remedies this neglect to suggest an understanding of translation that transcends language to encompass a broad range of recurrent social and political practices. The volume provides a wide variety of case studies, including financial regulation, gender training programs, and grassroots movements. Contributors situate the politics of translation in the theoretical and methodological landscape of International Relations, encompassing feminist theory, de and post-colonial theory, hermeneutics, post-structuralism, critical constructivism, semiotics, conceptual history, actor-network theory, and translation studies. *The Politics of Translation in International Relations* furthers and intensifies a cross-disciplinary dialogue on how translation makes international relations.

Research Handbook on Jurilinguistics Anne Wagner, Aleksandra Matulewska, 2023-10-06 This Research Handbook offers a comprehensive study of jurilinguistics that not only presents the latest international research findings among academics and practitioners but also provides a new approach to the phenomena and nature of communicative flexibility, legal genres, vulnerability of interlingual legal communication, and the cultural landscape of legal translation.

Meaning and Power in the Language of Law Janny H. C. Leung, Alan Durant, 2018-01-18 Legal practitioners, linguists, anthropologists, philosophers, and others have all explored fundamental challenges presented by language in formulating, interpreting, and applying laws. Building on centuries of interaction between legal practice and jurisprudence, the modern field of law and language or forensic linguistics brings insights in linguistics and related fields to bear on topics including legal drafting and translation, statutory interpretation, expert evidence on language use, and dynamics of courtroom interaction. This volume presents an interlocking series of research studies engaged with different legal jurisdictions and socio-political contexts, as well as with the more abstract notion of law. Together, the chapters written by international leaders in their fields highlight recent directions in research and investigate in particular how law expresses yet also conceals power relations in its crafted use of words and in the gaps and silence between those words.

Traversing Legal Traditions George Mousourakis, 2025-07-01 This textbook provides clear, reliable, and comprehensive insights into key topics in comparative law.

and legal history As fundamental pillars of modern legal education comparative law and legal history play a crucial role in shaping a new generation of legal scholars and practicing lawyers who appreciate the significance of legal diversity while recognizing the shared foundations of legal systems worldwide By integrating these two disciplines scholars and professionals can better understand the dominant features and developmental trajectories of various legal systems fostering a broader more culturally informed perspective on the law This approach enables readers to develop the analytical skills and critical standards necessary to address the complexities of an increasingly interconnected and rapidly evolving legal landscape The book is divided into two main parts Part I explores the foundational principles of comparative law tracing its historical evolution and examining its relationship with other areas of legal study It provides an extensive overview of legal comparatism from classical antiquity to the modern period with particular attention paid to the contributions of eighteenth and nineteenth century thinkers who helped shape the field Additionally it assesses the role of comparative law in contemporary legal scholarship lawmaking and judicial decision making highlighting its methodological approaches and practical applications in both domestic and international contexts In turn Part II examines the historical development and defining characteristics of major legal traditions It begins with the Roman and civil law tradition followed by an exploration of the English common law tradition the Islamic legal tradition and various indigenous legal traditions Special attention is given to legal transplantation including a case study on the Japanese legal tradition and its interactions with Chinese and Western legal influences By integrating comparative law and legal history this book provides readers with the knowledge and analytical tools needed to navigate diverse legal traditions and systems promoting a deeper understanding of historical legacies and contemporary legal challenges

Analogies in International Investment Law and Arbitration Valentina Vadi, 2016 In recent years concerns have arisen in investor state arbitration with regard to the magnitude of the decision making power allocated to investment treaty tribunals This book explores whether the use of analogies can improve the functioning of such arbitration and how such analogies might be drawn

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