

# COMPARATIVE LEGAL LINGUISTICS

INTRODUCTION

# Comparative Legal Linguistics Comparative Legal Linguistics

**Thomas Lundmark**



## **Comparative Legal Linguistics Comparative Legal Linguistics:**

**Comparative Legal Linguistics** Heikki E.S. Mattila, 2016-05-23 This book examines legal language as a language for special purposes evaluating the functions and characteristics of legal language and the terminology of law Using examples drawn from major and lesser legal languages it examines the major legal languages themselves beginning with Latin through German French Spanish and English This second edition has been fully revised updated and enlarged A new chapter on legal Spanish takes into account the increasing importance of the language and a new section explores the use in legal circles of the two variants of the Norwegian language All chapters have been thoroughly updated and include more detailed footnote referencing The work will be a valuable resource for students researchers and practitioners in the areas of legal history and theory comparative law semiotics and linguistics It will also be of interest to legal translators and terminologists

**Comparative Legal Linguistics** Heikki E.S. Mattila, 2024-11-01 This book examines legal language as a language for special purposes evaluating the functions and characteristics of legal language and the terminology of law Using examples drawn from major and lesser legal languages it examines the major legal languages themselves beginning with Latin through German French Spanish and English This second edition has been fully revised updated and enlarged A new chapter on legal Spanish takes into account the increasing importance of the language and a new section explores the use in legal circles of the two variants of the Norwegian language All chapters have been thoroughly updated and include more detailed footnote referencing The work will be a valuable resource for students researchers and practitioners in the areas of legal history and theory comparative law semiotics and linguistics It will also be of interest to legal translators and terminologists **Legal**

## **Linguistics Beyond Borders: Language and Law in a World of Media, Globalisation and Social Conflicts**

Friedemann Vogel, 2019-07-31 The world of law has changed in the last decades it has become more globalized multilingual and digital The sections and contributions of this volume continue the interdisciplinary discussion about the challenges of this change for theory and practice of law and for the International Language and Law Association ILLA relaunched in 2017 First the book gives a broad overview to the research field of legal linguistics its history research directions and open questions in different parts of the world United States Africa Italy Spain Germany Nordic countries and Russia The second section consists of contributions about the relation of language law and justice in a globalized world with a focus on multilingual and supranational law in the EU The third section focuses on digitalization and mediatization of the law the last section reports about the discussion at the ILLA relaunch conference in 2017 *Legal Linguistics* Marcus Galdia, 2009 This book introduces into the problems of Legal Linguistics It starts with the most fundamental legal linguistic question i e how law is created and applied with linguistic means In breaking down this vast question the book identifies the linguistically relevant aspects of language use especially its terminology and scrutinizes the most significant legal linguistic operations such as the legal argumentation the legal interpretation and the legal translation Based on case analyses it canvasses the

language use strategies that are most instrumental in the developing of professionally convincing legal argumentation primarily around terminological units Towards the background of these and other linguistic operations in law the book reflects upon some practical problems related to the regulation of language use and the emergence of the global law

**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 *The Oxford Handbook of Language and Law* Peter M. Tiersma,Lawrence M. Solan,2012-03-08 This book provides a state of the art account of past and current research in the interface between linguistics and law It outlines the range of legal areas in which linguistics plays an increasing role and describes the tools and approaches used by linguists and lawyers in this vibrant new field Through a combination of overview chapters case studies and theoretical descriptions the volume addresses areas such as the history and structure of legal language its meaning and interpretation multilingualism and language rights courtroom discourse forensic identification intellectual property and linguistics and legal translation and interpretation Encyclopaedic in scope the handbook includes chapters written by experts from every contentint who are familiar with linguistic issues that arise in diverse legal systems including both civil and common law jurisdictions mixed systems like that of China and the emerging law of the European Union *Writing Chinese Laws* Ernest Caldwell,2018-05-23 The legal institutions of the short lived Qin dynasty 221 207 BCE have been vilified by history as harsh and draconian Yet ironically many Qin institutional features such as written statutory law were readily adopted by subsequent dynasties as the primary means for maintaining administrative and social control This book utilizes both traditional texts and archeologically excavated materials to explore how these influential Qin legal institutions developed First it investigates the socio political conditions which led to the production of law in written form It then goes on to consider how the intended function of written law influenced the linguistic composition of legal statutes as well as their physical construction Using a function and form approach it specifically analyses the Shuihudi legal corpus However unlike many previous studies of Chinese legal manuscripts which have focused on codicological issues of transcription and translation this book considers the linguistic aspects of these manuscripts and thus their importance for understanding the development of early Chinese legal thought *Writing Chinese Laws* will be useful to students and scholars of Chinese Studies as well as Asian law and history more generally *The Role of Legal Translation in Legal Harmonization* C. J. W. Baaij,2012-07-18 Nine distinguished contributors all leading experts and scholars in multilingual EU Law making legal translation studies comparative law or European private law explore and analyse the legal translation praxis within EU legislative institutions appropriate for the purpose of legal harmonization and examine both the potential and limitations of legal translation in the context of the developments of a single but multilingual

EU Legal language      **Language in the Negotiation of Justice** Girolamo Tessuto, 2016-04-15 This book explores the ways language is used by the professional legal community for the communication of its main business the negotiation of justice in today's globalized world The volume addresses three main aspects of language use in the negotiation of justice Beginning with the legal contexts of litigation arbitration and mediation the book moves on to discuss the main issues identified in those contexts and finally it explores the applications of legal linguistics These three aspects are studied across the themes of analyses of legal discourse and genres issues of power and ideology in the use of legal language cross cultural legal communication questions of recontextualization accessibility and plain language law and disciplinary identity and pedagogy of legal language With chapters set across a variety of jurisdictions the contributions offer analytical insights into the interface between law and language The book is a valuable resource for those in the legal community wishing to increase their understanding of the use of language for the negotiation of justice      *Methodologies of Legal Research* Mark Van Hoecke, 2011-02-28 Until quite recently questions about methodology in legal research have been largely confined to understanding the role of doctrinal research as a scholarly discipline In turn this has involved asking questions not only about coverage but fundamentally questions about the identity of the discipline Is it mainly descriptive hermeneutical or normative Should it also be explanatory Legal scholarship has been torn between on the one hand grasping the expanding reality of law and its context and on the other reducing this complex whole to manageable proportions The purely internal analysis of a legal system isolated from any societal context remains an option and is still seen in the approach of the French academy but as law aims at ordering society and influencing human behaviour this approach is felt by many scholars to be insufficient Consequently many attempts have been made to conceive legal research differently Social scientific and comparative approaches have proven fruitful However does the introduction of other approaches leave merely a residue of legal doctrine to which pockets of social sciences can be added or should legal doctrine be merged with the social sciences What would such a broad interdisciplinary field look like and what would its methods be This book is an attempt to answer some of these questions      *Charting the Divide Between Common and Civil Law* Thomas Lundmark, 2012-09-27

INTRODUCTION CHAPTER ONE The Discipline of Comparative Law CHAPTER TWO Comparative Legal Linguistics CHAPTER THREE Comparative Jurisprudence CHAPTER FOUR Lawyers CHAPTER FIVE Judges and Judiciaries CHAPTER SIX Lay Judges and Juries CHAPTER SEVEN Legal Reasoning CHAPTER EIGHT Statutes and their Construction CHAPTER NINE Judicial Precedents CONCLUSION      *Legal Discourse Across Languages and Cultures* Maurizio Gotti, Christopher Williams, 2010 The chapters constituting this volume focus on legal language seen from cross cultural perspectives a topic which brings together two areas of research that have burgeoned in recent years i.e. legal linguistics and intercultural studies reflecting the rapidly changing multifaceted world in which legal institutions and cultural national identities interact Within the broad thematic leitmotif of this volume it has been possible to identify two major strands legal discourse across

languages on the one hand and legal discourse across cultures on the other Of course labels of this kind are adopted partly as a matter of convenience and it could be argued that any paper dealing with legal discourse across languages inevitably has to do with legal discourse across cultures But a closer inspection of the papers comprising each of these two strands reveals that there is a coherent logic behind the choice of labels All seven chapters in the first section are concerned with legal topics where more than one language is at stake whereas all seven chapters in the second section are concerned with legal topics where cultural differences are brought to the fore

**Human Rights Discourse** Jekaterina Nikitina, 2025-02-11 This book explores the concept of human rights as constructed in language shedding light on discursive and professional practices at the European Court of Human Rights ECtHR as differentiated from other judicial institutions offering human rights defence mechanisms It unveils the system of genres at the ECtHR adopting a holistic outlook which caters for an interdisciplinary readership including both language and law professionals The genres along with the underlying professional practices and interdiscursive mechanisms are described following the lifecycle of cases starting from the initial application to the Court and ending with institutional press releases and execution of judgments which foster greater democratic participation The Court is depicted through its plurality of voices and stakeholders acknowledging the non monolithic nature of judicial discourse The work follows the knowledge migration path from national into international justice and traces how national and linguistically divergent elements are recontextualized in a supranational context It problematizes the coexistence of institutional and outsourced legal translation as well as their potential effects on the discourse of human rights The book covers issues of legal terminology phraseology dialogism pragmatics and knowledge dissemination dynamics The study will be an invaluable resource for academics researchers and translators working in the areas of law and language linguistics Translation Studies and Genre Studies

**Legal Translation and Court Interpreting: Ethical Values, Quality, Competence Training** Annikki Liimatainen, Arja Nurmi, Marja Kivilehto, Leena Salmi, Anu Viljanmaa, Melissa Wallace, 2017-10-24 This multidisciplinary volume offers a systematic analysis of translation and interpreting as a means of guaranteeing equality under the law as well as global perspectives in legal translation and interpreting contexts It offers insights into new research on language policies and linguistic rights in multilingual communities the role of the interpreter accreditation of legal translators and interpreters translator and interpreter education in multiple countries and approaches to terms and tools for legal settings The authors explore familiar problems with a view to developing new approaches to language justice by learning from researchers trainers practitioners and policy makers By offering multiple methods and perspectives covering diverse contexts e g in Austria Belgium England Estonia Finland France Germany Hong Kong Ireland Norway Poland this volume is a welcome contribution to legal translation and interpreting studies scholars and practitioners alike highlighting settings that have received limited attention such as the linguistic rights of vulnerable populations as well as practical solutions to methodological and terminological problems

**Paradoxes of European Legal Integration** Anne

Lise Kjær, Mikael Rask Madsen, 2016-12-05 Focusing on paradoxes and tensions of European legal integration this book investigates four complex and inherently contradictory processes constitutionalization and democratization institution building and market making cross cultural communication and European discourse and cultural exceptionalism and normalization to offer a new framework for understanding contemporary European integration The volume features contributions from some of the biggest names in European legal philosophy to include Neil MacCormick Yves Dezalay and Bryant Garth Pierre Legrand Heikki Mattila and David Nelken It presents a timely interdisciplinary approach to an important and topical area and will be of interest to those concerned with the place of socio legal processes language and culture in the continuous advancement of the EU project

*Multilingual Law* Colin D Robertson, 2016-06-17 This book introduces and explores the concept of multilingual law Providing an overview as to what is multilingual law the study establishes a new discourse based on this concept which has hitherto lacked recognition for reasons of complexity and multidisciplinary The need for such a discourse now exists and is becoming urgent in view of the progress being made towards European integration and the legal and factual foundation for it in multilingualism and multilingual legislation Covering different types of multilingual legal orders and their distinguishing features as well as the basic structure of legal systems the author studies policy formation drafting translation revision terminology and computer tools in connection with the legislative and judicial processes Bringing together a range of diverse legal and linguistic ideas under one roof this book is of importance to legal linguists drafters and translators as well as students and scholars of legal linguistics legal translation and revision

*The Ashgate Handbook of Legal Translation* Le Cheng, King Kui Sin, Wagner Anne, 2016-04-01 This volume investigates advances in the field of legal translation both from a theoretical and practical perspective with professional and academic insights from leading experts in the field Part I of the collection focuses on the exploration of legal translatability from a theoretical angle Covering fundamental issues such as equivalence in legal translation approaches to legal translation and the interaction between judicial interpretation and legal translation the authors offer contributions from philosophical rhetorical terminological and lexicographical perspectives Part II focuses on the analysis of legal translation from a practical perspective among different jurisdictions such as China the EU and Japan offering multiple and pluralistic viewpoints This book presents a collection of studies in legal translation which not only provide the latest international research findings among academics and practitioners but also furnish us with a new approach to and new insights into the phenomena and nature of legal translation and legal transfer The collection provides an invaluable reference for researchers practitioners academics and students specialising in law and legal translation philosophy sociology linguistics and semiotics

**Objectivity in Jurisprudence, Legal Interpretation and Practical Reasoning** Villa-Rosas, Gonzalo, Fabra-Zamora, Jorge L., 2022-10-18 This thought provoking book explores the multifaceted phenomenon of objectivity and its relations to various aspects of jurisprudence legal interpretation and practical reasoning Featuring contributions from an international

group of researchers from differing legal contexts it addresses topics relevant not only from a theoretical point of view but also themes directly connected with legal and judicial practice

**The Legal Language of Scottish Burghs** Joanna Kopaczyk, 2013-08-15 This book offers an innovative corpus driven approach to historical legal discourse It is the first monograph to examine textual standardization patterns in legal and administrative texts on the basis of lexical bundles drawing on a comprehensive corpus of medieval and early modern legal texts The book s focus is on legal language in Scotland where law with its own nomenclature and its own repertoire of discourse features was shaped and marked by the concomitant standardizing of the vernacular language Scots a sister language to the English of the day Joanna Kopaczyk s study is based on a unique combination of two methodological frameworks a rigorous corpus driven data analysis and a pragmaphilological context sensitive qualitative interpretation of the findings Providing the reader with a rich socio historical background of legal discourse in medieval and early modern Scottish burghs Kopaczyk traces the links between orality community and law which are reflected in discourse features and linguistic standardization of legal and administrative texts In this context the book also revisits important ingredients of legal language such as binomials or performatives Kopaczyk s study is grounded in the functional approach to language and pays particular attention to referential interpersonal and textual functions of lexical bundles in the texts It also establishes a connection between the structure and function of the recurrent patterns and paves the way for the employment of new methodologies in historical discourse analysis

Shallow Equality and Symbolic Jurisprudence in Multilingual Legal Orders Janny H.C. Leung, 2019-01-28 What challenges face jurisdictions that attempt to conduct law in two or more languages How does choosing a legal language affect the way in which justice is delivered Answers to these questions are vital for the 75 officially bilingual and multilingual states of the world as well as for other states contemplating a move towards multilingualism Arguably such questions have implications for all countries in a world characterized by the pressures of globalization economic integration population mobility decolonization and linguistic re colonization For lawyers addressing such challenges is made essential by the increased frequency and scale of transnational legal dealings and proceedings as well as by the lengthening reach of international law But it is not only policy makers legislators and other legal practitioners who must think about such questions The relationship between societal multilingualism and law also raises questions for the burgeoning field of language and law which posits among other tenets the centrality of language in legal processes In this book Janny H C Leung examines key aspects of legal multilingualism Drawing extensively on case studies she describes the implications of the legal practical and ideological dilemmas encountered in a given country when it becomes bilingual or multilingual discussing such issues as how legal certainty and the linguistic ideology of authenticity may be challenged in a multilingual jurisdiction how courts balance the language preferences of different courtroom participants and what historical socio political and economic factors may influence the decision to cement a given language as a jurisdiction s official language Throughout Leung elaborates a theory

of symbolic jurisprudence to explore common dilemmas found across countries despite their varied political and cultural settings and argues that linguistic equality as proclaimed and practiced today is a shallow kind of equality Although officially multilingual jurisdictions appear to be more inclusive than their monolingual counterparts they run the risk of disguising substantive inequalities and displacing real efforts for more progressive social change This is the first book to offer overarching discussion of how such issues relate to each other and the first systematic study of legal multilingualism as a global phenomenon

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