

Editorial

In his classical novel “Uno, nessuno e centomila” (‘One, No One and One Hundred Thousand’, 1926),¹ the Italian writer Pirandello develops the metaphysical idea of countless human individual perceptions and the ensuing impossibility to really get to know a person. This very Kantian idea (“Das Ding an sich ist ein Unbekanntes”, reality as such, the “thing in itself”, always remains unknown to us), springs to mind when reading the contributions in this Issue (1/2023) of the Comparative Law and Language Journal (CLLJ).

Indeed, all the articles by young scholars with different backgrounds have essentially in common that they reflect upon how legal texts establishing rights and duties are perceived by countless subjects in various cultural, linguistic and political settings. Whether we look at the law in its various forms from a comparative, linguistic or legal point of view, the aim is invariably the same: to understand how the legal message is delivered, and how it is perceived in the various components of the (international) community. Bringing different research angles together undoubtedly enhances our understanding of these complex and often extremely subtle processes.

The contributions in this Issue also show the variety of topics which fall within the remit of this interdisciplinary and topical field of research. Indeed, the articles range from gender neutral language, issues of legal translation as well as the use of the present tense in linguistic versions of Treaty texts to the concept of legal paradigm shifts and the ensuing transformation process. The articles take us on a journey from the Philippines to Russia, passing through various European countries and languages.

In particular, in this Issue, two articles investigate gender-neutral language in legal contexts (another illustration of the importance of the perception and effects of legal concepts in society, and a topic already dealt with in the previous Issue (2/2022) as well).²

Florian Kim Dayag assesses gender-neutral language in decisions of the Philippine Supreme Court. The author’s case-study is particularly relevant as in the Philippines, both Filipino and English have official language status. Yet, whereas Filipino is a predominantly gender-neutral language, English employs gender-specific language. English being the main language used in court proceedings and processes, the legal system has embraced the use of gendered language. The author examines the use of “gendered” language in Philippine case law and the impact of recent guidelines to Supreme Court decisions which were issued in 2022 in that regard.

In a similar vein, Vince Liégeois takes a closer look at the legal concept of a “good family father”, present in various legal systems and deriving from the term “*bonus pater familias*” in Roman law. It refers to a standard of care, analogous to that of the reasonable man in English law. The author argues that a too conservative language policy in legislation might lead to legislative language becoming archaic, growing increasingly distant from the language used in other communicative settings, as well as the standard language norm.

¹ L. PIRANDELLO, *Uno, nessuno e centomila*, Foschi (Santarcangelo), 2017.

² See Maria Vittoria Buiatti’s article on gender neutral language: A Comparative Overview. CLL vol.1 No. 2 2022, <https://doi.org/10.15168/cll.v1i2.2361>.

As Prof. Elena Ioriatti aptly pointed out in a previous Editorial, “in the past century comparative law science and language mainly met in the field of legal translation”. Indeed, the translator, when working with legal texts, must carry out a comparative law exercise to be able to propose translational solutions adapted to the context in question. Likewise, to study foreign law, the comparative lawyer must rely on translation, as it allows them to understand foreign concepts and, consequently, to analyse the similarities and differences. Yet, despite the similarities, it is not the same exercise, as is demonstrated by Jorge Valdenebro Sánchez in his contribution.

In an intriguing article which takes a comparative law approach, Michelle Albani discusses the multi-layered and complex transformation process of the Polish property regime in the post-communist era. After the collapse of communism, the Polish legal system was predominantly influenced by both German and French traditions, which makes the case of Poland of particular interest with regard to legal harmonisation in the European Union.

Last but not least, in a contribution that takes a linguistic approach, Anton Osminkin underscores yet another subtle aspect of the interaction between language and law, as he examines the use of the present tense in English, French and Russian, which may lead to different normative outcomes depending on the language used. The basis of this comparative analysis is formed by international agreements, such as the United Nations Charter, the Universal declaration of Human Rights, as well as the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, as well as the Treaty on Eurasian Economic Union (of which the original text was drafted in Russian in 2014), the United Nations Framework Convention on Climate Change (drafted in English in 2015) as well as the Treaty on European Union (consolidated version of 2012).

Completing the issue is an interesting and insightful report written by Francesco Petrosino of the panel 'Methodology of Comparative Law' held at the International Roundtable for the Semiotics of Law (Rome, Auditorium Antonianum May 24th-27th, 2023).

Circling back to the idea of the countless aspects of persons and things, it may be argued that the exploration of law and language is a never-ending journey, yet a fascinating one, to which this Journal and this Special Issue consisting of contributions by young scholars in particular endeavour to make a meaningful contribution.

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