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Erika Arban, Maartje De Visser, Jeong-In Yun (eds.), *The Language of Comparative Constitutional Law: Questioning Hegemonies*, Hart, Oxford 2025

Jan Engberg *

The book under review is of general importance for the field of comparative law and especially comparative constitutional law and for this reason highly interesting for readers of our journal. In the format of an edited volume with 19 invited contributions and an introduction, the book treats different aspects of language with relevance for the comparative study of constitutional law. The aim of the volume is the following:

“The premise of this collection, then, is that language deserves to be acknowledged as playing a formative role in shaping approaches to doing and consuming comparative constitutional law, with the role of English as the established *lingua franca* warranting critical examination to ensure awareness of, and ideally formulate ways to reckon with, any attendant hegemonic tendencies.” (4)

A central aspect with importance for the formulation of the aim, also visible from the subtitle (“Questioning Hegemonies”), is that this field of legal study is specifically influenced by English for three reasons:

- In the field, scholarly writing is to a very high degree in English. As in many other disciplines, this means that researchers with good competences in writing in academic English have an advantage and that the Anglo-American writing style is prevalent.
- At least potentially, this dominance means that investigations may be dominated by researchers with a background in Anglo-American law. This bears the risk that comparisons will start in Anglo-American concepts of constitutional law with the consequence of “importation of concepts that are typical of the Anglophone common law legal tradition ... into writings regarding other legal families.” (4) Due to this importation researchers may miss some of the specificities of constitutions from such other legal traditions.
- *Furthermore*, the dominance of English in the scholarly work means that the empirical basis tends to consist of translations of constitutional documents into English, which potentially boosts the conceptual problem.

This is the description of a perfect storm generated from characteristics of language as consisting of signs generating knowledge in the minds of participants (language as the human capacity of expressing thoughts and ideas) and from characteristics of language as being national and thus connected to specific national legal systems (languages as historical systems). These characteristics function as potential barriers to the optimal development of comparative constitutional law studies as the truly global study that it aspires to be. The volume is created as a venue for presenting and discussing how to overcome those parts of this complex of problems that are connected to the dominance of the English language.

For most of the chapters, the characteristic of (national) languages being connected to specific (national) legal conceptual systems and the consequences of intending to have English as a *lingua franca* in this situation constitute the point of departure.

The book consists of three sections. The title of the first section is *Language Barriers and Epistemic Imbalances*. Focus here is upon the aspect that languages as historical sign systems may constitute barriers to knowledge generation about different constitutional systems. This is done by way of descriptions of specificities of constitutional law from Japan (Masaiko Kinoshita: *Causes, Consequences and Mitigation of Language Barriers in the Global Constitutional Dialogue: Insights from Japan*), Italy (Francesco Biagi: *Teaching Comparative Constitutional Law in English in a Non-English-Speaking Country: The Case of Italy*; Graziella Romeo / Elisa Bertolini *What is in a Name? The Case of the Impossible Translation of the Concept of “Forma di Stato”*), and Germany (Michael

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Goldhammer: *Blind Spots, Misunderstandings, and Enlightenment: German Experiences with English as Lingua Franca of Comparative Constitutional Law*). Focus is here, on the one hand, upon examples of the conceptual core-periphery structure of the epistemology of the field that arises from the prevalence of Anglo-American constitutional systems: non-anglophone constitutional systems are treated as more peripheral, because they deviate from the monolingually anglophone ones. On the other hand, emphasis is given to the more general characteristic of language that its signs generate knowledge based on the previous knowledge that communicators possess. This means that conceptual characteristics of non-anglophone constitutional systems may not be understood by researchers without competence in the language of the foreign constitutional system, unless an effort is made to make these characteristics visible through explanations, comments, etc. This state of affairs goes against the ideal of a *lingua franca* and shows that other sources than the mere translations of constitutional texts are necessary as sources for research. Hence, the *lingua franca* idea must be supplemented by an awareness of the epistemological limitations that follow if the researcher does not possess background knowledge from other sources in order to get the full relevant picture. Related to this are more general epistemological problems for the field of comparative constitutional law arising from overstressing the idea of the *lingua franca*. Joel I Colón-Ríos (*(Re)Inventing Constitutional Concepts*) shows how the lack of access to concepts developed in other languages than English has the consequence that the same concepts get invented more times, which affects the possibility of building upon previous thoughts, ideas and empirical studies. And Leonardo Pierdominici (*How European Integration became Constitutional: The Role of American Scholars and the Transplant of American Federal Concepts*) argues that the accessibility of US works on constitutions and the interest among US legal scholars in describing the process of European integration as a process of constitutionalisation (partly because that was in accordance with their thinking and linguistic habits rooted in history and structure of the US as a constitutional system). Hence, one important insight mentioned recurrently in these chapters is the insight that despite talking about a *lingua franca* in this field, no choice of language for description is truly neutral – as any language is tied to its historical and therefore also epistemological roots.

Going more towards the practical consequences for research and practice originating from the dominance of English, the chapters in section II (*Language Biases and Contextual Dilemmas*) present some attempts to solutions of the imbalances and dilemmas treated in section I. Two chapters (Odile Ammann: *English Language Bias in Comparative Constitutional Law Scholarship*; Ilker Gökhan Sen: *Untangling Buzzwords: Making Sense of the Vocabulary in the Anglosphere Literature of Constitutional Law*) focus upon the consequence of research in English being received more widely than research written in other languages, leading both to lack of attention towards non-anglosphere concepts and to the generation of ambiguous research concepts. Three chapters (Nomfundo Ramalekana: *The Uses of Ubuntu under the South African Constitution*; Vikram A Narayam / Uday Vir Garg: *Linguistic Colonial Continuity, Modernity and National Integration in India*; Aziz Ismatov: *Constitution-Building and Catch-Up Modernisation in Central Asia: From Semantic to Cognitive Dissonance*) are concerned with the consequences of choice of constitutional language for developments away from colonial concepts in post-colonial times (South Africa, India) and towards mixed constitutional concepts (Central Asia). In the last case, the problem is that the adoption of anglophone concepts to describe constitutional aspects prevent that regional semantic specifics that point in quite different directions than the Western concepts are discovered by research or practice. The last chapter from this section (Konrad Lachmann: *Towards a Cross-Linguistic Epistemology: Translanguaging as a Method of Comparative Constitutional Law*) could as well have been placed in the last section, which has more focus upon conceptual and methodological solutions. Departing from the fact that awareness about the local character of any conceptual system is central in order to generate relevant comparative knowledge and carry out good comparative studies, the author emphasizes that it is necessary to make differences clear by actually describing them or at least through the method of translanguaging (i.e., by applying words from the local language in anglophone research texts) to make readers aware that a regional concept is actually different from the (colonial) concepts indicated through the choice of anglophone words. Common to the chapters in this section is the call for awareness about the link between language and systems of conceptualization and ideas about how to react based on this awareness to achieve better and more non-hegemonic comparisons.



The third section (*Legal Translation, Multilingualism and the Discursive way*) is, as mentioned above, focused more than the other two sections upon attempts to proceed towards some kind of solution, once the characteristics presented above are taken into account. This section appears to me to be the least homogenous of the three. Three chapters (Claudia Marchese: *In Defence of Multilingualism: The Contribution of Legal Linguistics and Comparative Science to the Affirmation of Multilingualism*; CJW Baaij: *The Role of English in EU's Institutional Multilingualism*; Francesco Palermo: *Comparative Law in a Multilingual Constitutional Space, And its Limits: Language and Law in the EU*) discuss characteristics and risks in choosing a multilingual constitutional system. The three authors come to different conclusions concerning the feasibility of such a system. As in most scholarly writing on this topic, the perception of the relevant balance between legal certainty and accessibility to texts written in the language of citizens in multilingual states is decisive for whether multilingual constitutional systems are seen as sensible answers to the language problem. One chapter (Jaakko Husa: *Comparative Law, Comparative Constitutional Law and Linguistic Sensitivity*) discusses the different profiles of the two strands of comparative law. He sees modern comparative law as being more aware of the challenge from differences in the conceptualization by different national legal languages than modern comparative constitutional law. This has to do with the different roots: modern comparative law is rooted in an interest in creating an international private law through bottom-up processes (which favours awareness of the conceptual differences between national legal systems), whereas modern comparative constitutional law is rooted in an interest in exporting the Western ideas about democratic constitutions after World War II, which favoured a more top-down approach scrutinizing whether foreign systems used the Western concepts, primarily expressed in English. Finally, three chapters (Giovanna Tieghi: *The 'Language of the Law' and the 'Sentiment of the Language': A Cultural Challenge to Enrich Global English for Comparative Legal Studies with National Identities*; Lucja Biel / Hanem El-Farahaty / Francesca L Seracini: *Bridging Borders through Translation: Corpus Linguistics and Metaphor Analysis in Comparative Constitutional Law*; Ngoc Son Bui: *Discursive Comparative Constitutional Law*) depart from aspects of the idea that language may be conceptualised as the human capacity of expressing thoughts and ideas and the ensuing characteristics of language and texts. On this basis, different approaches may be used to find the meaning of texts and concepts by investigating constitutional texts from different perspectives. Two types of approaches are presented: on the one hand, the investigation of expression patterns in texts through corpus analysis and through metaphor analysis, to generate insights into content and underlying knowledge based on dominantly bottom-up linguistic methods, linked also to legal translation. The other type of methods consists of discourse analytical approaches whose focus is to describe the discursive context and law as a social practice with a specific focus upon power-oriented aspects of it. Hence, where the linguistic analytical approaches may help comparatists understand the meaning of texts and thus reveal conceptual differences, the discourse-analytical approaches may help study the hegemonic aspects mentioned in the subtitle of the volume.

By way of conclusion, this volume is a very interesting read that has good potential for sparking off some highly necessary discussion about the role of languages in comparative constitutional law. It especially highlights the problems that arise if the field aspires to have global reach and therefore works heavily towards using English as a *lingua franca*, but without accepting sufficiently the necessity of enabling the conceptualisation of non-anglophone constitutional systems. However, there is a certain heterogeneity over reading the book. I am not totally convinced about the differences between chapters in the first and second section, and I find differences to be quite clear between the chapters on multilingual constitutional systems and the methodological chapters in section three. Here, it would probably have been good to separate section three into two sections. However, this potential weakness of heterogeneity is balanced by a clear, consistent and concise presentation of the problems and potential solutions connected to the characteristics of language in the introduction. Hence, reading the introduction creates a clear framework for understanding the individual chapters and their connections. To achieve a fuller, although more heterogeneous picture reading the whole book is definitely recommendable.