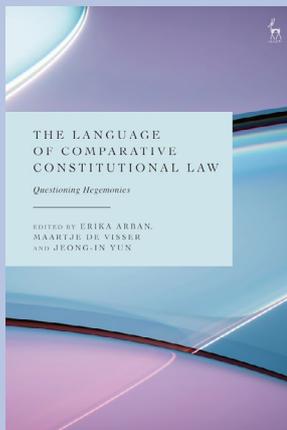

**THE LANGUAGE OF COMPARATIVE CONSTITUTIONAL
LAW: QUESTIONING HEGEMONIES** EDITED BY **ERIKA
ARBAN, MAARTJE DE VISSER AND JEONG-IN YUN**

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The book, *The Language of Comparative Constitutional Law: Questioning Hegemonies*, edited by Erika Arban, Maartje De Visser and Jeong-In Yun, constitutes the first comprehensive volume dedicated to the linguistic dimensions of comparative constitutional law. Recognizing the epistemological and conceptual implications of English as the predominant *lingua franca* in the field, the book examines how language shapes comparative constitutional inquiry from multiple perspectives. Its central aim is to heighten scholars' awareness of linguistic influence, particularly when engaging with foreign constitutional systems expressed in languages other than English. By doing so, the collection demonstrates that language is neither neutral nor merely instrumental; rather, it carries hegemonic expectations and exerts normative pressures. Featuring contributions from authors deeply embedded in national comparative constitutional discourses conducted in diverse languages, the volume offers a nuanced and wide-ranging analysis of the challenges posed by linguistic barriers in research within this field.

The book is divided into three parts, each deliberately organized to address distinct issues arising from linguistic practices in the comparative constitutional law.

The first part, “Language Barriers and Epistemic Imbalances”, comprising six chapters, examines a central challenge posed by linguistic constraints: the marginalization of non-English-speaking jurisdictions within the mainstream of comparative constitutional scholarship. Such exclusion risks narrowing theoretical development and analytical frameworks, which may become disproportionately shaped by experiences of English-speaking systems rather than a broader plurality of constitutional traditions. Drawing on perspectives from scholars in Japan, Italy, Germany and elsewhere, this section analyses the epistemic imbalances generated by the predominance of English and the resulting conceptual consequences.

The second part, “Language Biases and Contextual Dilemmas”, extends the discussion and raises further concerns about biases emerging from language choices in comparative research, particularly the recurring preference for English. Across six chapters, contributors offer personal and methodological reflections on the dilemmas created by linguistic barriers and reaffirm the necessity of engaging with local context when studying foreign jurisdictions. Such engagement is essential to mitigate distortions, marginalization and other complications introduced through translation.

The final part, “Legal Translation, Multilingualism and the Discursive Way”, presents critical reflections on the advantages and limitations of adopting either a single official language or a multilingual approach in comparative constitutional studies. Although the theoretical and technical dimensions of these debates are well developed in other disciplines, they remain underexplored within comparative constitutional law, and this section seeks to address that gap. Building on the insights of the preceding parts, it also proposes potential strategies for responding constructively to linguistic challenges in the field.

The volume begins with an introductory chapter by the editors, “Language Matters”, which outlines the foundational concepts that underpin the subsequent analyses. Addressing themes ranging from the relationship between language and law to the dynamics of *lingua franca* and hegemony, the editors argue for sustained attention to linguistic influences within comparative constitutional inquiry. These conceptual premises frame the discussions developed throughout the remainder of the book.

The first part examines linguistic barriers in comparative constitutional studies through the perspectives of six scholars from diverse cultural and legal backgrounds. The principal strength of this part lies in its

empirically grounded critique of English linguistic dominance, articulated through diverse national perspectives. By combining theoretical reflection with concrete case studies, it exposes the epistemic and methodological consequences of linguistic barriers while offering context-sensitive insights that substantially enrich comparative constitutional scholarship.

In chapters 2 and 4, Masahiko Kinoshita and Michael Goldhammer highlight challenges faced by scholars whose native languages differ substantially from English, as well as the limitations of relying on English as the *lingua franca*. They identify issues such as the under-representation of peripheral jurisdictions, the inadequate reflection of their experiences in global academic discourse, concerns over Anglophone constitutional imperialism and the epistemic distortions introduced by translation. Drawing on Japan, a jurisdiction with notably low English proficiency, Kinoshita offers a layered account of obstacles to Japanese participation in global comparative constitutional debates. He begins with the linguistic distance between Japanese and English, proceeds to consider the practical difficulties of accessing Japanese law in translation and concludes with proposals for improving engagement. Goldhammer develops a parallel critique from the German context. After defining linguistic hegemony within comparative law, he examines how dominant linguistic standards may be subtly imported into comparative reasoning as an unintended by-product of English's dominance. His argument is illustrated through three examples demonstrating the inadequacy of English translations of core German constitutional concepts. The disadvantages of English as a *lingua franca* extend beyond research and impact pedagogical settings as well. In Chapter 3, Francesco Biagi analyses the Italian experience of teaching comparative constitutional law in English. He identifies four principal challenges for instructors: translating foreign legal terminology into English, the influence of Anglo-Saxon teaching methods and curricula, the rise of multicultural classrooms and the growing expectation to broaden comparative coverage to additional legal systems. His analysis underscores the need for pedagogical adaptation in increasingly globalized educational environments.

Although the widespread use of English or other dominant languages has facilitated broader engagement in comparative constitutional scholarship, significant concerns remain. Translation limitations may lead to the unnecessary reinvention of established concepts or the loss of normative, historical and philosophical richness embedded in original terminology. These issues are addressed in chapters 5 and 6 by Joel I Colón-Ríos, Graziella Romeo and Elisa Bertolini. Colón-Ríos discusses how linguistic barriers can produce duplications of existing

constitutional ideas, thereby impeding conceptual clarity. Romeo and Bertolini examine the reliance of comparative work on translation and identify three categories of challenges: linguistic (structural differences between source and target languages); pragmatic (contextual factors such as time and place of translation); and cultural. Their analysis of the Italian term “*forma di Stato*”—and its inadequate English rendering, “form of state”—demonstrates how simplification for accessibility risks diluting academic rigor. While acknowledging the potential of artificial intelligence (AI) to assist with translation, they caution that human oversight remains indispensable. Concluding the first part, chapter 7 by Leonardo Pierdominici investigates the factors shaping the dominant narrative in contemporary comparative constitutional law. He argues that the prevailing discourse has been influenced both by the language used by scholars comparing the United States and European Communities (EC) law and by the federal English terminology adopted to describe key concepts of EC law.

Part II of the book continues the examination of linguistic biases and the contextual dilemmas they generate in comparative constitutional law. With six chapters covering jurisdictions from South Africa and India to Central Asia, this section analyses various manifestations of language bias and proposes methods for addressing them. Through this approach, linguistic bias is discussed within broader questions of power, identity and constitutional transformation across varied legal contexts. The section moves beyond critique to propose conceptually grounded approaches for addressing and decolonizing linguistic hierarchies in comparative constitutional law.

In the opening chapter, Odile Ammann identifies several forms of linguistic bias in comparative constitutional scholarship and outlines possible strategies for mitigation. Of particular interest is her discussion of AI as a potential tool for counteracting the dominance of English in the field. Building on this theme, Nomfundo Ramalekana offers a detailed analysis of epistemic injustice resulting from the adoption of English in South Africa, illustrated through the marginalization of the constitutional value of *ubuntu*. Examining judicial attempts to retrieve the philosophical substance of *ubuntu*, she argues that courts could develop a jurisprudence grounded in this concept to promote the decolonization of South African law and its emancipation from Western epistemic frameworks.

The persistence of English as a *lingua franca* in many post-colonial states is further explored in chapter 10 by Vikram Aditya Narayan and Uday Vir Garg. Focusing on India, they trace how English, initially entrenched

through colonial rule, has evolved into a lasting feature of governance and legal practice. Their analysis demonstrates that English has shaped India's postcolonial constitutional identity and that its retention as an official language reflects both elite preferences and the need to mediate between national aspirations and international engagement. In contrast, chapter 11 by Aziz Ismatov examines a different model of constitutional transition adopted in Kazakhstan, Kyrgyzstan and Uzbekistan. Rather than consolidating a single dominant language, these states engage in deliberate mixing of languages and terminologies with distinct conceptual foundations as part of their constitutional modernization projects. Through careful analysis, Ismatov argues that this semantic interplay serves to replace Western constitutional vocabulary with locally grounded concepts, enabling these states to balance stability with modernization. He concludes that strategic linguistic manoeuvring between national and global legal standards may help maintain a coherent yet adaptable political and legal order.

The final two chapters of part II, authored by Konrad Lachmayer and Ilker Gökhan Şen, examine linguistic factors from an epistemological standpoint, focusing on their influence on the development of legal terminology and constitutional concepts. In chapter 12, Lachmayer explores how language shapes the interpretation of foreign constitutional systems, the interplay between law, language and culture and the methods through which comparative constitutional knowledge is generated. He then introduces the concept of translanguaging as a means of cultivating a cross-linguistic epistemology that mitigates bias, promotes cross-cultural understanding and supports the broader project of decolonizing comparative constitutional law. While advocating for linguistic plurality, Lachmayer recognizes the practical necessity of employing a dominant reference language to ensure accessibility for readers and to support the coherent construction of comparative constitutional knowledge across different jurisdictions. Chapter 13, authored by Şen, addresses the epistemological imbalance between the state-centred theoretical and conceptual structures characteristic of Continental European legal traditions and the behavioural and descriptive approaches prevalent in Anglo-American scholarship. Seeking to "untangle" influential buzzwords originating in Anglophone discourse and integrate them more coherently into Continental conceptual frameworks, Şen proposes retaining established foundational categories while examining how these concepts interact within particular constitutional contexts. This approach, he argues, provides the most effective means of bridging methodological

and linguistic divides and reduces the risk of losing substantive insights through translation.

The final part of the volume addresses the gap between the theoretical and technical dimensions of debates concerning language choice in comparative constitutional law. Comprising seven chapters, this section examines multiple aspects of legal translation and multilingualism. Chapter 14, authored by Claudia Marchese, analyses the advantages of adopting multilingualism in the drafting of legal documents, drawing on insights from legal linguistics and comparative studies. She concludes that multilingualism facilitates a more accurate understanding of the complexity of multiethnic societies, strengthens democracy at the national level and promotes equality between states and international actors at the supranational level, thereby enhancing legal certainty on a global scale.

The interaction between multilingualism and comparative law, particularly within the context of European Union (EU) law, is further explored in chapters 15 and 16 by C J W (Jaap) Baaij and Francesco Palermo. Under Council Regulation No 1/1958, EU legislation exists in 24 languages, all of which are equally authentic. In practice, however, English has become the dominant language in legislative drafting and legal interpretation, creating practical constraints on the implementation of the EU's commitment to institutional multilingualism. These tensions are critically examined by Baaij in chapter 15, where he analyses the influence of pragmatism on EU language policy. He argues that pragmatism should not be viewed as a compromise of democratic principles but rather as a catalyst for enhancing democratic participation and transparent governance. The chapter concludes by proposing the promotion of English as a means of fostering broader public engagement in EU democratic processes. Building on this discussion, chapter 16 by Palermo highlights the inherently comparative nature of EU law, which arises from its complex linguistic regime. He identifies both the limitations of multilingualism and the essential role of comparative law in navigating multilingual legal environments within the EU.

Turning more directly to the relationship between language and comparative constitutional research, the subsequent four chapters of part III explore different dimensions of linguistic sensitivity in the field. In chapter 17, Jaakko Husa distinguishes between approaches to language in comparative law and comparative constitutional law. Noting the significant growth and diversification of comparative legal scholarship in the twenty-first century, particularly in constitutional studies, Husa observes that language is conceptualized differently across these

domains. While comparative law tends to treat language as an integral component of foreign legal systems, comparative constitutional law often prioritizes substantive analysis and accords language a more marginal role. He suggests that adopting a flexible vocabulary provides a more effective means of addressing language sensitivity across these related fields. Chapter 18, authored by Giovanna Tieghi, further examines the tension between multilingualism and the use of a common language in comparative constitutional studies. Seeking to promote a more realistic understanding of the field, she uses judicial language as a case study to identify existing challenges and propose solutions to issues of legal-linguistic interdiscursivity. Tieghi observes a growing reliance on comparative law in judicial reasoning, reflecting broader trends associated with the emergence of a “World English Umbrella”. This development demonstrates how the language of law can illuminate the contextual and socio-political variability of constitutionalism at a global level. In this process, the quality of translation plays a crucial role. However, translation has long been treated as a purely technical task and has only recently attracted sustained attention from comparative constitutional scholars. This renewed focus is taken up in chapter 19 by Lucja Biel, Hanem El-Farahaty and Francesca L Seracini, who examine the role of linguistic methods and translation in comparative constitutional law. They discuss two widely used analytical approaches: quantitative corpus linguistics and qualitative metaphor analysis. While corpus-based methods enable systematic comparison of constitutional texts and the identification of concepts specific to particular legal systems, metaphor analysis reveals shared foundations and cultural divergences in cross-constitutional interpretation. The authors conclude that, although translation facilitates access to foreign constitutional texts, it also reinforces reliance on English as a global *lingua franca* and risks imposing Anglo-centric perspectives on diverse constitutional traditions. They therefore argue that translation, especially translation made by AI, must be undertaken with expertise, interpretive skills of legal scholars and deep engagement with the source languages and legal cultures.

The final chapter of the volume, authored by Ngoc Son Bui, seeks to integrate a recent theoretical development—discursive institutionalism—into comparative constitutional law. This approach conceptualizes constitutional development as a process in which multiple actors deploy spoken and written language to articulate, disseminate and contest constitutional ideas across public, political and academic arenas. Chapter 20 offers a detailed examination of the core components of a discursive framework for comparative constitutional analysis, including

objects, actors, actions and spaces. A defining feature of the discursive approach lies in its shift of focus from language embedded in formal regulatory texts to constitutional discourse itself, encompassing both oral and written forms. These discursive objects are produced and shaped by a wide range of institutional actors, such as legislatures, executives, courts and civil society organizations, as well as by individual actors, including politicians, legal professionals and ordinary citizens. The approach is inherently comparative, as it entails the systematic comparison of constitutional discourses articulated by different actors across jurisdictions. At the same time, discursive comparative constitutional law faces linguistic challenges similar to those encountered in other comparative methodologies, requiring researchers to possess sufficient language proficiency to engage meaningfully with, and contribute to, cross-national constitutional discourse.

This edited volume by Arban, De Visser and Yun constitutes a substantial and innovative contribution to comparative constitutional studies by placing language at the centre of scholarly attention—an element long treated as peripheral or merely instrumental. The collection convincingly demonstrates that language is not simply a tool for accessing foreign constitutional materials, but a constitutive force that shapes comparative methodologies and the production of constitutional knowledge. By exposing the epistemic, normative and practical implications of linguistic choices, the volume challenges assumptions about neutrality and universality within comparative constitutional inquiry. Importantly, the book moves beyond diagnosis to offer constructive pathways forward. Through its diverse contributions, it equips comparatists with conceptual tools, methodological reflections and practical strategies for engaging more critically and reflexively with language in comparative research. At the same time, the volume could be further strengthened by the inclusion of additional empirical case studies from under-represented linguistic regions, such as parts of Africa beyond South Africa, Latin America or Southeast Asia, which would deepen its commitment to epistemic plurality. Moreover, while the book engages with AI and translation technologies, a more sustained and forward-looking examination of digital tools and their implications for comparative constitutional research would further enrich the analysis. Taken as a whole, this volume is not only of scholarly significance but also of practical value to students, legislators and judges who engage with constitutional ideas across linguistic and legal boundaries.

About the author

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