

## **Preface to the Special Issue**

The study of the legal system of People's Republic of China, through the analysis of original sources of law, is object of interest for sinologists from all over the world, representing, along with other spheres of law and together with the language, the key to the reading of a country, of its roots, its culture and of the political framework which governs it.

However, although China is no longer the unexplored place it once was, the difficulties of accessing the Chinese language remain a significant limitation for those who are interested in Chinese legal studies. Chinese courts have themselves stated that the clarity of language in civil field, among them in business decisions and relationships, has become increasingly critical in China.

The role of the specialized linguist and the sinologist-jurist are therefore of fundamental importance, in bridging the communication gap between market operators and the market itself. There is increasing evidence that it is an inseparable professional combination that necessarily requires cross-knowledge and skills.

This volume of *Comparative Legilinguistics*, the second in a series of two special issues devoted to legal Chinese with special emphasis placed on the *Issues of Mistranslation in the Business Field* and guest edited by Federica Monti, hosts a contribution by Deborah Cao and a co-authored contribution by Clara Ho-yan Chan & Marcus Galdia.

Cao focuses on the interrelation of language and law and legal translation issues, stressing the importance of language in the legal context, beside shedding light on the complexities which come, when more than one language is involved in interlingual and cross-cultural communication in law filed. Here, translation (or mistranslation)

problems to/from legal Chinese become *naturally* part of the interpretation of the system. The author, in her contribution draws exemplary case histories to the reader's attention to shed light on how even a single misplaced comma can change the meaning of the matter, challenging even the adjudicating courts themselves. Of great interest is the image of humans as creative «signifying animals», according to which by means of deliberate and conscious choice of words, then the use, abuse or disuse of language, the choice of some terms over others or even the silence, they can instill far more than what a 'words', that coldly appears to the (noncritical) reader, reveals. In this sense, Chinese language, far more than other languages, can boast wider and deeper ramifications of meanings. This realization which can be traced back to Confucius and which nowadays becomes even more important in a context of globalized and digitized markets.

In assonance, stands the contribution of Chan & Galdia who turn the attention of their reflections to the different meanings that can emerge from legal texts, in the course of interpretative and translation works, as well as at the same time of authentic legal interpretation. Problems, more often than not, related and connected to the system of 'legal transplantation' or in other words the adoption of models and systems, elsewhere already present and 'chosen and borrowed' by the country, for the edification of its own law. Chan & Galdia also make use of interesting examples based on translations of legal texts not limited to mainland China, but also from Hong Kong and Macau to support their analysis, showing and demonstrating how legal translation, legal language formation – and I would add – an authentic legal interpretation of the Chinese (or any other) legal system are closely related creative activities, not forgetting that the Chinese language is also the official language in contractual dynamics and judicial events, even with international parties.

Let me briefly remind the first issue (vol. 54, 2023), which has welcomed the prestigious contributions by Jacques Henri Herbots and Lara Colangelo and which completes the collection of selected thoughts and analysis by a core part of prominent scholars, internationally known.

On behalf of the editorial board:

Federica Monti