Global Reach: Translations Spread Faculty Ideas around the World

By Meredith Heagney
Professor Douglas Baird doesn’t speak Chinese, but if you speak only Chinese, you can still learn game theory from him. Baird’s celebrated 1998 book *Game Theory and the Law*, written with Professor Randy Picker and Booth School of Business Professor Robert Gertner, has been translated into Chinese and is popular among legal academics in that country. Some have even told Baird face-to-face how grateful they are for the translation.

“It’s surreal to know that people halfway around the world are reading it, but satisfying,” said Baird, Harry A. Bigelow Distinguished Service Professor of Law. He also had a recent article on intellectual property translated into Spanish for a Peruvian journal.

Our faculty’s work is in demand around the world, and translations are an invaluable way to make sure as many people as possible read the scholarship. What is produced here has real impact, and potential for impact, outside of the United States.

Faculty say they’re almost always happy to be translated, even if there’s no way to guarantee that the translation is a good one. Most of the time they can’t read it, after all, to verify for themselves.

“No translation is ever perfect, and there’s a certain acceptable error rate,” said Professor Tom Ginsburg, Leo Spitz Professor of International Law. “You have to be realistic about it. As long as the ideas get out there, that’s what matters.”

Demand varies depending on the part of the world. Right now, Asia and Latin America are hot markets and Europe is less so, said Ines ter Horst, foreign rights manager at the University of Chicago Press.

China in particular is translating at a high rate, ter Horst said. The press issues an average of 140 licenses a year to foreign presses that want the right to translate one of their titles. Forty of those, on average, go to China.

“China has woken up and is thirsty for knowledge. And their population doesn’t necessarily speak English. You need to be translated in order to be known in China,” ter Horst said. “In countries such as Germany or Sweden, where most people speak English, or at least people educated to a certain level who would read our books, then there’s no need to translate.”

The University of Chicago Press issues between ten and fifteen licenses a year for books to be translated into Spanish, most commonly in Argentina, Mexico, and Colombia. Brazil is also increasingly translating titles into Portuguese. The press’s philosophy titles are especially popular in Brazil, ter Horst said.

European academics generally don’t want translations because they read English and have their own competing scholarship. But titles with potential for general readership are popular for European translations.

In Europe, there is much more interest in the humanities among a nonacademic audience than exists in the United States, said Professor Martha Nussbaum, a philosopher. She has standard Italian, Spanish, and Dutch publishers who routinely translate her work, and all three signed contracts for her book coming out in 2015 after seeing just one chapter. The book explores anger and forgiveness and is based on the Locke Lectures she delivered at Oxford University in the spring. She’s even doing a book tour in the Netherlands and Belgium in December to promote the Dutch translation of her 2013 book *Political Emotions: Why Love Matters for Justice*, which is also being translated into Italian, German, Spanish, Korean, and Chinese.

“If you want to be read beyond a narrow circle of academics, you have to rely on translations,” said Nussbaum, Ernst Freund Distinguished Service Professor of Law and Ethics.

As for the Arab world, academic publishers would like to sell more translations there, ter Horst said, but the region’s political unrest and haphazard distribution structure make deals difficult. Sometimes, the press agrees to terms in the Netherlands and Belgium in December to promote the Dutch translation of her 2013 book *Political Emotions: Why Love Matters for Justice*, which is also being translated into Italian, German, Spanish, Korean, and Chinese.

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“In some instances, you take risks to increase scholarship worldwide,” ter Horst said.

Our faculty scholarship is not just marketable in other countries; it can have real impact on current events. For example, Ginsburg’s work on constitutions is designed to help developing nations determine what features and protections to put in their own nascent documents. “If I write a piece on the Thai Constitutional Court or the Arab Spring, I would prefer it be read by people in that region,” Ginsburg said. “Translations are a great way to do that.”

Professor Omri Ben-Shahar’s new book, *More Than*
You Wanted to Know: The Failure of Mandated Disclosure, is about the ineffectiveness of mandated disclosure as a legal tool. An example: the thousands of words in the iTunes terms of use that you never actually read before clicking “I agree.” (See page 40 for a story on the book.)

The book is now being translated into Chinese, and Ben-Shahar sees an opportunity to influence the development of consumer protection laws in China. As China’s legal infrastructure has developed, they’ve instilled more and more disclosures, said Ben-Shahar, Leo and Eileen Herzel Professor of Law and director of the Coase-Sandor Institute for Law and Economics. He would advise against that inclination.

“My book maybe can have impact there, before it’s too late,” he said, a much harder task in the United States where we’re already “drowning in disclosures.”

It’s clear that translation is an important endeavor, but it’s also a difficult one, especially with a precise topic such as law. Sometimes, there are no terms to translate a given term, or no concept in that language for what the author describes.

“What exactly is ‘equity’ in Chinese?” Ginsburg asked. Sometimes, he added, terms develop in the wake of this dilemma. The Japanese word kenri was created in the 19th century to mean “rights,” because the Japanese had no native concept for that.

“We think in an era of Google Translate that these things can be overcome, but there are always a lot of hidden assumptions in the words we use, particularly in law,” Ginsburg said. “Communicating that is more of an art than a science.”

Making sure the final product is a work of art is hard to do, but faculty have developed various safeguards. In the easiest cases, the professor reads the language well enough to review the work. (Professor Brian Leiter once caught an error in a French translation of one of his books, even though he was “stumbling my way through it.”)

Sometimes, the author asks colleagues or international students, especially LLMs, to take a look. Editors at presses can often read other languages, too; ter Horst, for example, knows Spanish and French. Some foreign presses even have a peer-review process. But, of course, none of it can guarantee a perfect translation.

“Even if a translation is not perfect, it’s beneficial that the translated scholarship reaches its audience,” ter Horst said. “It’s our mission to disseminate the best possible translations of important scholarship throughout the world.”

Of course, the best protection is to choose the best possible translator, and sometimes, that choice is the author’s.

For the Chinese version of More Than You Wanted to Know, Ben-Shahar fielded many requests from scholars who wanted the translation job. A translation is a prestigious assignment for a promising Chinese academic, Ben-Shahar said. He decided on Xiaofang Chen, an assistant professor at East China University of Political Science and Law who had attended the Law School’s Summer School in Law and Economics. The annual program, now called the Summer Institute in Law and Economics.
Economics, is part of the Coase-Sandor Institute for Law and Economics, which Ben-Shahar heads. He liked that Chen had a strong reputation both as a scholar and an English speaker and that her own work is on related themes. The Chinese version will come out next year.


Leiter felt comfortable recommending Ratti for Why Tolerate Religion? because of his diligence while working on Naturalizing Jurisprudence. “The kinds of things he checked on, it was clear he was doing a very conscientious job,” said Leiter, the Karl N. Llewellyn Professor of Jurisprudence and director of the Center for Law, Philosophy, and Human Values.

Ratti teaches at the Genoa Department of Legal Philosophy, founded by the author of the first comprehensive Italian monograph on American legal realism. Both Ratti and Leiter are legal realists, who believe that nonlegal factors such as political ideologies or personal backgrounds influence judges’ decisions and therefore the law. “Because of my academic interest in the research agenda defended in Naturalizing Jurisprudence, I was particularly eager to make Brian’s book available to a wider readership,” Ratti said.

The whole process took Ratti about a year and a half and involved a lot of back-and-forth with Leiter, both over email and in a face-to-face meeting in Pavia, in northern Italy.

“The biggest challenge was to strike the correct balance between elegant style and technical accuracy in the translation. This is even more difficult when the original text, as in the case of Brian’s book, is written in elegant prose,” Ratti said. “In my first draft, I focused on the accuracy of the translation, paying attention to the best way of translating theoretical terms and the jurisprudential theses. In preparing the final draft, I worked more on the style of the Spanish prose.”

Ratti is now working on the Italian version of Why Tolerate Religion? He should finish in February, and the translation will be printed in 2016.

Sometimes translation is a learning experience. Professor Peixin Luo of East China University of Political Science and Law has now translated 10 English books on commercial law into Chinese, but his first was Frank Easterbrook and Daniel Fischel’s 1996 book The Economic Structure of Corporate Law for Beijing University Press. Jianwei Zhang, another professor, was his cotranslator.

Luo said he was learning the field of corporate law as he worked on the translation, which came out in 2005. “This book is very familiar” today to legal scholars in China, he said. “It turned out to be the most cited book in the field of corporate law in China. I’m very honored to be the translator.” In fact, Luo thinks the book is so important that he used his payment for translating the second edition, in which he also wrote a preface in memory of Ronald Coase, to buy copies of the book for his students.

Ruoying Chen, LLM ’05 and JSD ’10, teaches at Peking University Law School in Beijing. She likes to read important works in English, but many of her students cannot as effectively, she said, so she assigns translations. Besides the Easterbrook/Fischel book, works by Coase, Baird, Nussbaum, Picker, Richard Epstein, Eric Posner, David Weisbach, and Judge Richard Posner are also very popular, she said. That’s why, during the International Summer Program in Law and Economics run by the Coase-Sandor Institute, professors are often treated like celebrities by the visiting scholars, who ask for autographs and snapshots.

“These works are classics in law and economics literature and everyone should read them, including Chinese students and scholars who don’t work with English,” Chen said.

Baird will never get used to signing autographs, but he’s thrilled that his work, and his colleagues’, is read around the world. He put his attitude toward translations in poetic terms: “Let a thousand flowers bloom.”