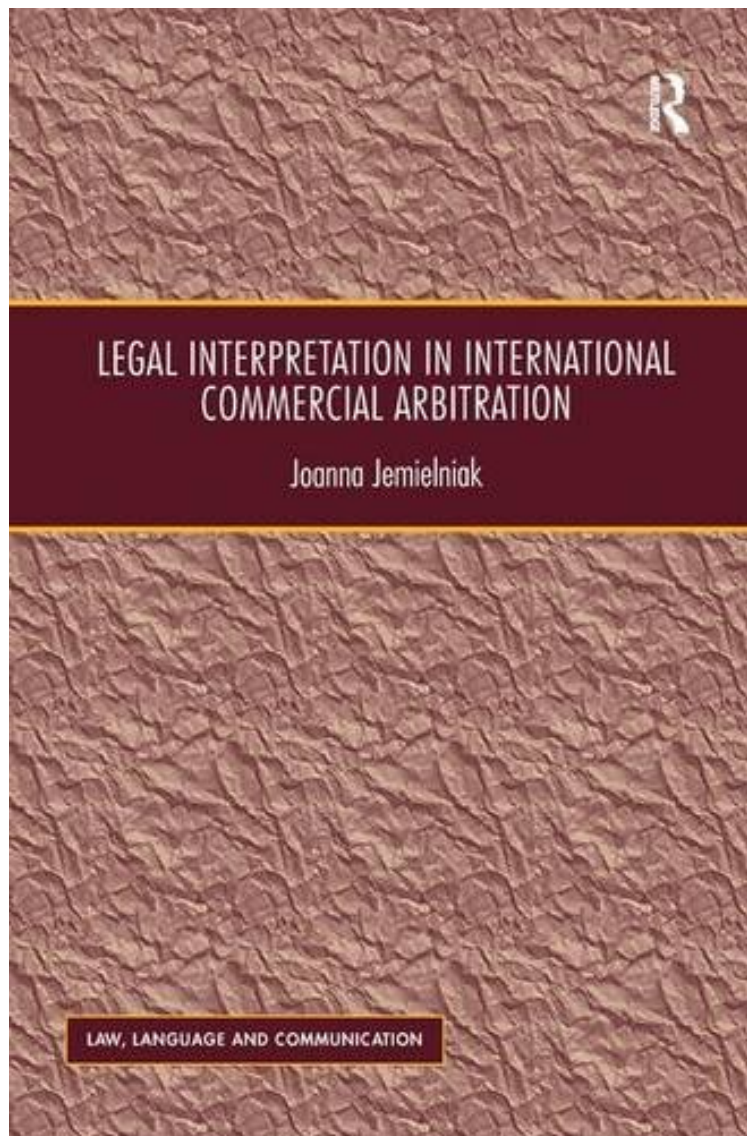


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Legal Interpretation in International Commercial Arbitration (Law, Language and Communication)

Joanna Jemielniak

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Legal Interpretation in International Commercial Arbitration (Law, Language and Communication):

This book fills a gap in legal academic study and practice in International Commercial Arbitration (ICA) by offering an in-depth analysis on legal discourse and interpretation. Written by a specialist in international business law, arbitration and legal theory, it examines the discursive framework of arbitral proceedings, through an exploration of the unique status of arbitration as a legal and semiotic phenomenon. Historical and contemporary aspects of legal discourse and interpretation are considered, as well as developments in the field of discourse analysis in ICA. A section is devoted to institutional and structural determinants of legal discourse in ICA in which ad hoc and institutional forms are examined. The book also deals with functional aspects of legal interpretation in arbitral discourse, focusing on interpretative standards, methods and considerations in decision-making in ICA. The comparative examinations of existing legal framework and case law reflect the international nature of the subject and the book will be of value to both academic and professional readers.

'It is impossible to fully understand the nature of legal interpretation in arbitration without taking into account the context in which arbitrators operate, including their legal training, and the panoply of legal traditions they are faced with. This book successfully incorporates these elements into analysis, which makes it a truly valuable contribution to the discussion about the subject.' Marek Safjan, Judge at the Court of Justice of the European Union, and the former President of the Constitutional Tribunal of the Republic of Poland 'This book combines academic thinking and practical insight. This combination is particularly powerful in the section on the comparative method where the book provides guidance for different ways to use comparative analysis which has become part of the "advocacy tool kit" in international commercial arbitration. The role of comparative analysis is explained for different theoretical representations of international commercial arbitration (as an emanation of national, pluralistic or autonomous legal order). I recommend this book to legal scholars as well as practising lawyers.' Anton K. Schnyder, University of Zurich, Switzerland

About the Author
Joanna Jemielniak, Ph.D., is an associate professor at the Faculty of Law, University of Copenhagen. She graduated from University of Warsaw and Harvard Law School. She was a Fulbright Fellow at Harvard University in 2004/05 and subsequently held visiting appointments at UNIDROIT (2006), Harvard Law School (2007), and the University of California, Berkeley School of Law (2008). She has also lectured at Kozminski University. She is a member of the Editorial Board of the International Journal for the Semiotics of Law and an International Collaborator to International Commercial Arbitration Practices: A Discourse Analytical Study. She specializes in international business law and arbitration, as well as in theory of legal interpretation.