

6th ILLA General Conference:

Law, language and legal knowledge

Global processes and local practices



BOOK OF ABSTRACTS

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PLENARY LECTURES

Ruth Breeze (University of Navarra)

Moving legal operations and dispute resolution online: Challenges and opportunities for legal linguists?

The move to digital platforms and screen-based interactions has often been viewed as enhancing efficiency and streamlining administration. During the pandemic, such affordances made it possible for legal and administrative operations to keep going in many countries. Online dispute resolution has also become increasingly popular. However, it has also become apparent that the move to online platforms and video-based operations poses certain challenges. Digitalisation of procedures might exclude vulnerable members of society, or make it more difficult for them to participate. The use of video in judicial procedures has been problematised. Moving dispute resolution online also brings about changes in the way people communicate. This paper will outline some challenges and opportunities for legal linguists in researching the ongoing transformation of communication practices in judicial procedures, ADR and administration.



Ruth Breeze is Full Professor of English at the University of Navarra, Spain, and PI of the Public Discourse Research Group in the Instituto Cultura y Sociedad. Her most recent books are *Pandemic and Crisis Discourse: Communicating COVID-19 and Public Health Strategy* (with Andreas Musolff, Bloomsbury, 2022), *Teaching English Medium Instruction Courses in Higher Education* (with Carmen Sancho Guinda, Bloomsbury, 2021), and *Imagining the Peoples of Europe: Populist Discourses across the Political Spectrum* (with Jan Zienkowski, John Benjamins, 2019).

Bartosz Brożek (Jagiellonian University)

Abstract legal concepts

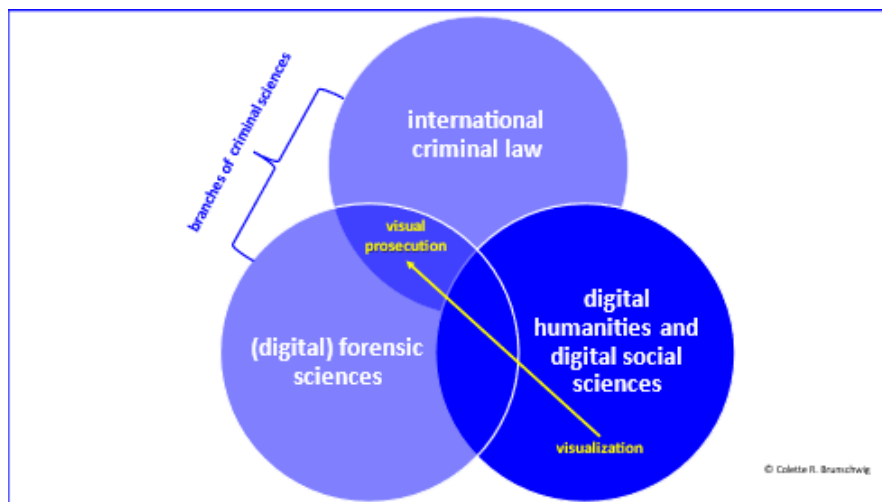
The legal conceptual scheme includes numerous abstract concepts such as ‘obligation’, ‘legal person’, ‘claim’ or ‘guilt’. In the talk, various theories which aim at explaining the nature and function of abstract legal concepts will be assessed and rejected, including the ‘semantic emptiness’ reading by A. Ross, the inferential conception (G. Sartor) as well as the metaphorical approach based on the work of G. Lakoff. Also, a competing explanation will be provided, one rooted in the dual coding theory and underlining the role of abstract legal concepts in the interplay between thinking in language and using imagination (mental simulation) in solving legal problems.



Bartosz Brożek specializes in law, philosophy and cognitive science. He is a full professor at the Department for the Philosophy of Law and Legal Ethics at the Jagiellonian University in Kraków, and the Director of the Copernicus Center for Interdisciplinary Studies of the Jagiellonian University. His areas of research include law & cognitive science, rationality & argumentation, normativity, legal methodology, philosophy & cognitive science of mathematics, philosophy of science. He is the author of 25 book monographs and more than 100 research papers, including *The Methods of Legal Reasoning* (Springer), *Rule-Following* (Copernicus Center Press) and *The Legal Mind* (Cambridge University Press).

**New horizons for visual prosecution under international criminal law?
Visual prosecution of international crimes committed by Russia's forces
in Ukraine as a case in point**

The Prosecutor of the International Criminal Court (ICC) has deployed a forensics and investigative team to Ukraine. The team is responsible for conducting the ICC's investigations into international crimes, which fall under the Court's jurisdiction (e.g., genocide, war crimes, crimes against humanity). The team bases its work on the ICC's legal framework, as well as on (digital) forensic photography, a branch of (digital) forensics. As criminal sciences, both disciplines belong to the same knowledge domain. Broadly speaking, it constitutes a conglomerate of information aimed at tackling problems in connection with (visually) prosecuting crimes. As such, international criminal law and (digital) forensic photography are related to two other knowledge domains that explore visualization: the digital humanities and the digital social sciences. While the digital humanities investigate data and information visualization (e.g., network visualization, spatiotemporal visualization, digital reconstruction, digital simulation) and media visualization, the digital social sciences focus, among others, on photography and photographs. As its name suggests, (digital) forensic photography visually captures crime scenes as completely and accurately as possible and studies the photographic results. Scant research, however, exists on how the insights of the digital humanities and the digital social sciences into visualization might help advance international criminal law and (digital) forensic photography (see figure below). Exploring this question, this talk suggests that those insights could benefit visual prosecution, and therefore should be brought to the attention of the ICC team responsible for identifying and visually documenting alleged international crimes.





Colette Reine Brunschwig, law educator, researcher, born Zurich, Switzerland, April 10, 1959; M.A., Department of Law, University of Zurich, 1978-83; Ph.D., 1995-2000. Research associate Prof. Dr. Wolfgang Larese, Zurich, Switzerland, 1984-87; Internship Alexander Weber, attorney at law, Zurich, Switzerland, 1987-88; Auditor, District Court, 1988-1989; Legal writer René Flum, attorney at law, Uster, Switzerland, 1990-91; Auditor legal sect., Commercial Registry, Zurich, Switzerland, 1991-92; Senior Research Associate Department of Law, University of Zurich, Zurich, Switzerland, 1992-; Conference co-organizer Internationales Rechtsinformatik-Symposium, University of Salzburg, Salzburg, Austria, 2002; Member of the Scientific Committee Internationales Rechtsinformatik-Symposium, University of Salzburg, Salzburg, Austria, 2005-; Committee member Commission for Occupational Health, University of Zurich, Zurich, Switzerland, 2002-2017; Committee member Human Resources Committee, University of Zurich, Zurich, Switzerland, 2003-2015.

Colette R. Brunschwig is responsible for the content management of the Legal Visualization Unit's legal image database. Her research focuses on law's visualization (e.g., e.g., pictures, diagrams, charts, maps, pictograms, visual animations, visual games), audiovisualization (e.g., videos, films, animations), and multisensorization (e.g., virtual realities, humanoid robots). Her publications, postings, and presentations at national and international conferences strive to promote, expand, and intensify the ongoing debate on these subject matters.

As the visualization, audiovisualization, and multisensorization are important topics of digital law, she undertakes further relevant research. Specifically, she explores in greater depth whether and how visual, audiovisual, and ultimately multisensory legal design might have positive impacts, be it at a cognitive, an emotional, and a motivational level.

Context is key: The use of corpus analysis in statutory interpretation

Over the past decade, corpus analysis has increasingly been used by judges, lawyers, and legal scholars to aid in the interpretation of U.S. statutes. This practice has been variously embraced (e.g., Lee and Mouritsen, 2018; 2021), empirically challenged (Tobia, 2020; Choi, forthcoming), and criticized (e.g., Hessick, 2017; Bernstein, 2021). One of the main critiques has been the claim that legal corpus linguistics “ignores the crucial contexts in which legal language is produced, interpreted, and deployed” (Bernstein, 2021). This argument has arisen from the fact that the majority of those applying corpus methods to their legal analyses have focused on Original Meaning, an interpretive canon that instructs judges to follow the ordinary or commonsense meaning of the word or phrase in question. This talk presents an analysis of an iconic United States Supreme Court case, *Holy Trinity Church v. United States* (1892) that demonstrates that corpus methods can equally be applied to legal questions focusing on ordinary meaning and those addressing legislative history – oftentimes with findings that support both interpretive approaches (see, e.g., Gales and Solan, 2020). The question in *Holy Trinity Church* concerned whether a law making it illegal to pay the transportation of a person entering the U.S. under contract to perform “labor or service of any kind” applied to a wealthy Manhattan church that had paid to bring its new rector from England to New York. The Supreme Court unanimously ruled that the law did not apply to the church’s contract, relying first on the ordinary meaning of “labor” and second on the legislative history of the single construction “labor or service.” Highlighting the use of corpus linguistic methods, this study tests the arguments presented by the Court and reveals new insights through an analysis of historic and contemporary reference corpora and a specialized corpus of U.S. statutes. The findings challenge the previous critiques by demonstrating that when corpus linguistic methods are used appropriately, they can address a number of important interpretive questions, all of which consider how the meaning under question is used in various contexts.



Tammy Gales is an Associate Professor of Linguistics and the Director of Research at the Institute for Forensic Linguistics, Threat Assessment, and Strategic Analysis at Hofstra University, New York. Her research interests cross the boundaries of language and the law and forensic linguistics, where she applies corpus and discourse analytic methods to the interpretation of meaning in legal statutes and to disputed meanings in trademark cases, and to the examination of authorial stance in threatening communications, parole board hearings of disadvantaged populations, cross-examinations of assault victims, and questioned confession statements. Gales has trained law enforcement from agencies across Canada and the U.S.; has served on the Executive Committee for the International Association of Forensic Linguists and the Law and Corpus Linguistics Consultancy; and is co-editor of the new *Elements in Forensic Linguistics* series from Cambridge University Press.

Laurence Horn (Yale University)

Insincerely yours: How to unwarrant truth

As is often observed (Carson 2010, Stokke 2018, Marsili 2021), to lie or commit perjury one must assert, and to assert one must warrant the truth of what one says. A speaker is normatively accountable for what she asserts, subject to modulation or negotiation (Haugh 2013). But if speaker S, knowing p is false, utters p in a non-truth-warranting context—if S is joking or being sarcastic, if S is rehearsing a script, arguably if S is speaking under threat or duress—then S makes no assertion, practices no insincerity, and does not lie. On commitment-based theories of assertion (Peirce 1932, MacFarlane 2011, Geurts 2018), such a speaker might be said to unwarrant or uncommit to the truth of p. Speakers, especially on the political stage, invoke the sarcasm defense as a get-out-of-accountability-free card, often citing a purported indicator of insincerity accompanying the critical utterance. But the proffered plausible deniability is often implausible, and sometimes legally in doubt. What criteria can be applied to evaluate the credibility of the sarcasm or “only joking” defense, especially when made retroactively? In this talk, I survey and evaluate a set of devices for signaling insincerity across different genres—casual conversation, political speech, testimony under oath—from the 17th century (equivocation, the doctrine of mental reservation, crossed fingers) to our own times (winks, utterance-final “NOT”, the use of sincerity-canceling markers like <jk> and /s in social media posts).



Laurence R. Horn is the Immediate Past President of the Linguistic Society of America. He received his PhD from UCLA in 1972. His dissertation, *On the Semantic Properties of Logical Operators* in English, introduced scalar implicature. Since then, he has sought to extend the Gricean program for non-logical inference to a class of problems in the union (if not intersection) of logical and lexical semantics and the analysis of negation. Since 1981 he has been at Yale University where he is now Professor Emeritus of Linguistics and Philosophy; he previously taught at UC Berkeley, USC, Wisconsin-Madison, and Aix-Marseille; at LSA Institutes at Stanford, UC Santa Cruz, Illinois, and Michigan State U; and at the LOT summer school at Utrecht. He is the author of *A Natural History of Negation* (Chicago, 1989; reissued with new introduction by CSLI, 2001) and of over 100 papers and handbook entries on negation, polarity, implicature, presupposition, grammatical variation, word meaning, lexicography, and lying. He edited *The Expression of Negation* (De Gruyter, 2010) and *From Lying to Perjury: Linguistic and Legal Perspectives on Lies and Other Falsehoods* (De Gruyter, 2022) and is a co-editor with Y. Kato of *Negation and Polarity* (Oxford, 2000), with G. Ward of *The Handbook of Pragmatics* (Blackwell-Wiley, 2004), with I. Kecskes of *Explorations in Pragmatics* (de Gruyter, 2007), with R. Zanuttini of *Micro-Syntactic Variation in North American English* (OUP, 2010), and with K. Turner of *Pragmatics, Truth and*

Underspecification (Brill, 2018). With Raffaella Zanuttini and Jim Wood, he is a charter member of the Yale Grammatical Diversity Project (<https://ygdp.yale.edu/>). He was editor of the Garland/Routledge series of Outstanding Dissertations in Linguistics (1995-2005). A longtime member of the LSA and the American Dialect Society, he is an elected fellow of the LSA and twice served on the Society's Executive Committee.

THEMATIC PANELS

HISTORICAL PERSPECTIVES ON LEGAL DISCOURSE

Coordinators:

Dieter Stein (Heinrich Heine University Düsseldorf)
&
Paulo Greco (University of Naples Federico II)

Valentina Ferrari (University of Oxford)

Linguistic analysis and formulary models: The notarial documents of Langobardia minor from the 9th century

In this contribution we observe the relationship between some linguistic structures and the formulaic character of the Latin notarial documents of the 9th century preserved in the Archive of the Badia della S.ma Trinità of Cava dei Tirreni. In particular, we examine the interaction between the macro-textual level and the syntactic and lexical levels in sale and donation contracts. We reflect more generally on the role played by the legal stereotype in the drafting of texts by examining phenomena from several levels of analysis.

The investigation also refers to the problem of the transition from Latin to the Romance vernaculars, sometimes observable in linguistic deviations from the Latin model and fixed formulas. The documents place the scholar in front of texts with a complex and stratified linguistic structure (Sornicola/D'Argenio/Greco 2017). They tend to have a rigid, formulaic structure, which is recognizable in the recurrence of highly repetitive parts. The textual arrangement of the documents refers to the formularies handed down by tradition, which notaries commonly used. However, some variation in the internal linguistic structures is observed.

As observed in Ferrari (2017), the formulas recur with the same syntactic pattern in numerous documents, especially regarding the order of Verb and Object. However, the structures show some degree of variation. The same lexical item can cover a variety of grammatical functions, without changing the meaning of the formula. In general, the words relevant to the pragmatic value of the formulas are placed in the same position, regardless of the syntactic organization of the sentence. This can sometimes cause syntactic inconsistencies and offers further evidence of the pervasive influence of the formulaic dimension of the text.

With regards to the default lexical repertoire used by notaries, the various lexical choices are not always easy to interpret. In similar formulas there are alternatives such as, for example, *accipere / recipere, conligere / obligare, componere / restituere/ restaurare*. The not strictly juridical lexicon, such as that used to describe territory, alternates elements such as for example *aqua / aquaria / aquarium, clausum / clusa / clausuria, vocare / nuncupare / cupare / nominare*. For some of these options it is possible to identify precise differences in meaning. In other cases, however, it is not clear whether the terms can be considered synonymous. In addition, the lexemes are characterized differently in terms of conservatism and innovation compared to the Latin model and formulary repertoires.

The investigation proposal highlights the complex interweaving of factors to be considered in the study of early medieval notarial texts. Linguistic analysis, focused in particular on problems of syntax, general semantics and historical semantics, cannot in fact be separated from the study of the reception of formulaic traditions.

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Valentina Ferrari is currently a research assistant at the University of Oxford. After completing her PhD in Naples, she was a postdoctoral researcher at the University of Naples and the University of Chieti-Pescara. Her interests in historical linguistics focus on the transition from Latin to Romance and aspects of the development of medieval Romance varieties and dialectal variation, with a special attention to the lexical and the syntactic levels. She has been collaborating with a research group engaged in the study of Latin notarial documents from early medieval Campania, investigating the interface of syntactic and macro-textual levels in constituent order.

Social perception of women in legal discourse

This paper argues for diachronic studies of legal discourse, using textual representation as a conceptual tool, thus bringing together both the explicit legal discourse and the encoded meanings.

The specific field of application identified for this research is the legal status and legal capacity of underprivileged groups in society, such as women. Legal research in this area has tended to be based on content analyses of legislation or judicial precedent and gender-legal research usually addresses specific gendered legal issues, such as access to credit (Ågren 2018), to assets and land (Hutton 2013) and any legal capacity within the judicial process (Beattie 2019). These studies tend to be prescriptive, including at times quantitative evaluation (Stevens 2012). However, this approach does not necessarily reflect the entire reality of women's experience of the law in matters relating to the exercise of their legal capacity.

The hypothesis is that a major element of the reality of women's legal capacity lies in the experience of the attitudes/biases they face beyond the prescriptive content of rules and legislation and which impose constraints on their capacity to act with legal authority. To achieve an all-round comprehension, including the historical perspective, there is a need to go beyond the normative framework that can be found in the legal/administrative sources and to examine these for the linguistic expression used to regulate women's legal status and their capacity to act with legal authority. This provides new insights in relation to source material from a completely different angle: that of decoding meanings and underlying discourses about the legal capacity of women.

Although legal language is considered as performative and even neutral, like other language usages, it is similarly constituted of underlying meanings and sociolinguistic content that also need to be studied using, for example, big data analysis and corpus linguistics (Laske 2022). The specific studies discussed in this paper on textual representation of women in medieval Normandy, Saxony and Norway and which are a part of a larger on-going project, have applied these methodologies to validate the hypothesis that a better understanding of the social perception of women as a group and of the attitudes/biases they experience will reflect the reality of the legal constraints on their capacity to act with legal authority.

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“The dissent, however, is only a dissent”. Diachronic representation of the dissent in SCOTUS opinions

Judicial opinions are a major genre in legal discourse, especially in Common Law countries. However, relatively little is known about their rhetorical structure from a linguistic point of view (Goźdz-Roszkowski, 2020b). This paper explores how *dialogism* (Bres et al., 2016) can be used as a theoretical framework to analyze the representation of the dissent in Supreme Court opinions. This representation can be seen in *Ramos v. Louisiana* (2020) in the opening of section IV.A, representing the dissents' arguments, “If Louisiana’s path to an affirmance is a difficult one, the *dissent’s* is trickier still.”

Three recent studies have analyzed the structure of legal opinions. Goźdz-Roszkowski (2020b) bases his study on a corpus of Polish Constitutional Court opinions. He uses move analysis (Swales, 1990) and identifies five prototypical moves that occur in a specific order. In a second study, Goźdz-Roszkowski (2020a) shows that dissenting opinions are structured around specific and fixed phraseological units. Finally, in the field of natural language processing, Kalamkar et al. (2022) argue that Indian judicial opinions have 12 *rhetorical roles* and one unnamed category. However, none of these studies examines the representation of the dissent in time.

To fill this gap, we show that dialogism can be used to describe the diachronic evolution of this rhetorical division. Basing their linguistic framework on Bakhtin’s work, Bres et al. (2016, p. 81) argue that dialogism “consists of the orientation of any discourse towards other instances of discourse.” In this paper, we use dialogic linguistics to analyze the word *dissent* in the COSCO-US corpus (*BYU Law & Corpus Linguistics*, 2017). Although *dissent* is absent from the earliest opinions (1754-1799), our results show that starting in 1800, *dissent* appears as a separate and individual voice used with first person pronouns in dissenting opinions. From 1856, we observe dialogic representation of the *dissent* in majority opinions and dissenting opinions, through the citation of past dissenting opinions and present dissent.

Our paper, therefore, shows how a new discursive macrodivision appears and is integrated into majority opinions through dialogic processes.

Keywords: discourse analysis; move analysis; judicial opinions; dialogism; historical linguistics

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Support verb constructions in German language Swiss legal texts

Support verb constructions (Funktionsverbgefüge) are a typical linguistic and stylistic feature in German language legal texts (Nussbaumer 2008: 2138). They consist of a semantically “light” verb and a deverbal nominalisation replacing a simple verb, e.g. to take a decision instead of to decide. These constructions have been criticised as orotund and technocratic expressions (Harm 2020: 5). Nominalisations, however, are not interchangeable with simple verbs at any rate: e.g. the German construction *Einwilligung erteilen* ‘to give consent’ is not only more emphatic than *erteilen* ‘to consent’, but it also focuses on the result of the action (Oksaar 1988: 99–101). What is more the construction and the verb have different arguments (consent to sth. vs. give consent to sb.) referring to different semantic roles. These syntactical, semantical and pragmatical functions are an essential means for a precise expression. This precision however presupposes legal knowledge and textual competence, making the texts less accessible for laypeople, which is problematic in a democracy.

Although the use of support verb constructions is controversial, there is no quantitative or qualitative study in German language Swiss legal texts. The use of nouns has increased as well as the length and complexity of sentences in German language Swiss legal texts from 1850 to 2015 (Abegg/Peric 2021: 68, 75). In German law texts from the 18th to the 20th century, the support verb constructions increased, but the variety of new types decreased with a preference for grammatical constructions and phraseologisms (Seifert 2004: 251–252).

For this study, there are three questions: (1) How has the use of support verb constructions changed and how does the use differ from text type to text type? (2) What grammatical, syntactical, semantical or pragmatical functions do the constructions have? (3) What does their use and function tell us about the communication, political attitude and legal tradition? The research questions are answered based on a corpus including all German language Swiss Federal Court decisions and messages of the Swiss Federal Council from 1850 to 2019 as well as all Swiss parliamentary debates from 1891 to 2019. Based on Seiferts (2004) extensive list of support verbs commonly used in German law texts, frequent support verb constructions are uncovered. Frequency analysis allows to determine which constructions are most frequently used. Combined with a diachronic analysis, changes in the usage of support verb constructions in general, but also of individual constructions can be plotted. A statistical analysis of metadata such as POS-tags allows a closer look at the grammatical and syntactical functions of these constructions. Collocation profiles of support verb constructions provide information about their context of use and thus about their semantic and pragmatic function. The analysis of support verb constructions in Swiss legal texts gives us further insights in their function, use and change. What is more, their use reflects the political attitude, legal tradition and communication of legal knowledge in Switzerland.

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Livia Sutter is a research assistant and lecturer at the Zurich School of Applied Sciences (ZHAW). As part of an interdisciplinary team, she researches language use in the context of Swiss law with a specific focus on the influence of digitisation on legal language and practices. In her doctoral thesis, she analyses Switzerland's first journal published by and for homosexual people between 1932 and 1942. The project investigates linguistic style as a tool of identity formation. Livia studied German Philology and Political Sciences at the University of Zurich (UZH) and at the Ruprecht-Karls-University Heidelberg (Germany).

On some variation patterns in the verbal syntax of early-medieval notarial texts from Southern Italy

The paper aims at examining some aspects of verbal syntax in different types of subordinate clauses found in a corpus of notarial acts, dating back to the X and XI centuries, and written in Latin in the Lombard areas of Salerno and Benevento, in Southern Italy. The general relevance of notarial documents and the special interest of this specific corpus both from an historical and linguistic point of view have been widely highlighted in different traditions of studies. In a linguistic perspective, in the last twenty years, these documents have been deeply analysed in innovative theoretical and methodological frameworks, including historical sociolinguistics and pragmatics. On this occasion, the structural exam of data is then integrated with a sociolinguistic, pragmatic, and stylistic analysis.

The research is focusing on traditional syntactic contexts of occurrence for imperfect subjunctive forms. As in previous stages of Latin, the domain of imperfect subjunctive includes both circumstantial subordinate clauses and complement clauses governed by different kinds of lexical predicates. In these domains, the documents of the corpus display a variation between the use of imperfect subjunctive and other Tense and Mood. In some deeds, like in other Late Latin texts, imperfect subjunctive forms, e.g., *veniret*, are in competition with (a) perfect subjunctive forms, e.g., *venisset*, (b) indicative plusperfect forms like *venerat*. Moreover, in some specific texts, a variation between traditional imperfect subjunctive forms and pseudo-infinitive verbal forms such as *venire* having different interpretations is observed. The selection by the authors of these verbal forms, both in circumstantial and complement clauses, is crucial for many reasons especially because it contributes to show some evolution of legal Latin and, in complement clauses, to convey different legal meanings, stylistic nuances, and writers' attitudes towards the subject matter. In a sociolinguistic perspective, the variation patterns, which I outlined just above, contribute to identify different stylistic levels in notarial documentation. The work finally aims to verify to what extent the selection of the one of the competing forms characterizes the juridical language of notarial early-medieval charters, in comparison with different types of texts, especially legal, as they are described in bibliography. This way, the investigation aims at highlighting specific characteristics of notarial documentation language, which, crucially for its function, is in a close relation with other non-technical language varieties.

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PRAGMATICS OF LEGAL DISCOURSE

Coordinators:

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Guidelines and proceedings among the district of Bologna: An inquiry through the database of the ClearAct project

On 28th October 2022 the Italian Council of Ministers approved the civil justice reform (d. lgs. 149/ 2022) which introduced in the normative system the principles of clarity and concision of court proceedings. This legislative intervention outlines the concrete impact of forensic language in the efficiency and fairness of trials: concise and clear legal text contribute to an effective participation of the plaintiff and the defendant. granting them the possibility to fully exercise the right to defence.

To facilitate counsels' activity and thanks to the synergic dialogue between legal and linguistic experts, local and national Observatories and Bar Associations have proposed several good practices targeting lawyers in their drafting of proceedings. The need to adopt a common framework in legal texts emerged during the Covid-19 pandemic: the health emergency caused a contraction of hearings and led to a considerable increase in judicial acts (due to the so-called *udienza cartolare*), thus indirectly affecting legal writing.

The *ClearAct* PRIN project, financed by the Ministry of University and Research, represents a unique resource in the Italian scientific landscape, as it aims to collect the first Italian database of court documents and proceedings and to provide digital access to these documents for the first time (although, for confidentiality reasons, transcripts were pseudonymised and obscured when sensitive data were involved).

The first objective of the proposed survey is to test the readability of the good practices adopted in the district of the Court of Appeal of Bologna, one of the most active and prolific districts implementing these guidelines. Using the automatic language processing software Read-it, which integrates the traditional raw text features with lexical, morpho-syntactic and syntactic information, we intend to assess the readability of these texts, by highlighting the changes introduced in legal texts due to COVID-19.

The second objective is to verify whether there is a correspondence between the good practices and protocols adopted so far in the district of the Court of Appeal of Bologna and the sample of judicial acts referred to the same Court, collected through the *ClearAct* database, also regarding the degree of readability found for these good practices. By means of an innovative method that combines linguistic tools and legal analysis, we propose to verify whether there is a correspondence between the acts referable to the Court of Appeal of Bologna contained in our database and the guidelines issued by the same district, and whether this adherence can be correlated with the readability of the same guidelines. This analysis could be extended to other courts, with the secondary objective of promoting the use of concise, clear, and simple language not only in lawyers' acts but also in the guidelines that should be their model. The interdisciplinary perspective, significant in relation to the empirical and instrumental approach of this investigation, also allow to point out possible divergences between law in books and law in action.

In conclusion, the proposed topic appears to be relevant for the mentioned reform that may lead to new developments in good practices and protocols and may prompt new trends in legal language which the *ClearAct* project would trace and examine analytically.

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How to improve the intelligibility of legal texts? – Evaluation of the linguistic legal editorial in the German Federal Ministry of Justice

How can we make the law more understandable for specific target groups? - This was one important question of a project, that evaluated the legal-linguistic editorial in the German Federal Ministry of Justice (2019-2021, Vogel et al 2022). The project consists of three sub-projects exploring three main questions:

How can the comprehensibility of norm texts be modelled and evaluated from a text pragmatic and holistic perspective?

Which assumptions and contextual conditions accompany the daily work of the legal-linguistic editing in and at the Ministry of Justice?

How do different recipient groups perceive federal regulations that have been revised in the context of such an editorial?

For this study, we used an approach of mixed methods to get a comprehensive view combining text linguistics and text version difference analysis of four selected legislative procedures (including several stages of the drafts), and qualitative content and corpus linguistic analysis of further 50 randomly selected revisions of legislative drafts. Additionally, we could conduct several interviews and group discussions with the members of the linguistic editorial teams and the lawyers or non-legal experts who prepared the original drafts we examined. Finally, we used an online survey to learn something about the reception of revised norm texts.

The talk will give an overview to the most important results of the study: For making laws more understandable and, ultimately, both law-making and legal practice more efficient, an intensive and permanent cooperation of linguistic and legal expertise is necessary. The reason for this is, that working with the language of the law is also working on and with the law, and many legislators confirmed, with the help of the legal-linguistic review of their drafts, they could even improve the regulative logic itself. Furthermore, we should overcome the idea, a text could be understandable for everyone. Actually, this is clear for pragmatic linguists as well as to many lawyers, but legislative guidelines, for instance, do not consider the question of addressees adequately. If we want to improve the intelligibility of legal texts, we must better know, how norm texts are read and used by different target groups.

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The many faces of metaphorical imagery in legal language

The paper is devoted to the discussion of the metaphorical dimension of legal language. Theoretically, it is subscribed to the cognitive linguistics and sociopragmatic view that metaphoricity is one of the 'natural' dimensions of language (e.g., Lakoff & Johnson 1980/2003; Lakoff 1987; Gibbs 2008), along with the tenets of , e.g., underdeterminacy and linguistic meaning being perspectival.

Among the problems that are present in the interface of legal and language studies, metaphoricity is itself a bone of contention as many lawyers still perceive metaphor purely as a rhetorical device used in argumentative discourse. In fact, even where the underlying metaphorical dimension for linguistic imagery is accepted, it is still challenging to propose a clear-cut distinction between "invisible", dead metaphors interwoven in all discourse, and rhetoric-oriented ones as there are many instances that fall into a shaded area in between.

The present paper provides characteristics of metaphorical linguistic images divided into three main groups, viz. fossilised metaphors disguised as literal language, creative metaphors used for an argumentative, rhetorical effect, and the middle ground metaphors that may prove surprisingly influential in the legal rhetoric context (c.f., e.g., the concept of theft vis-à-vis theft of intellectual property).

Using any metaphor involves foregrounding selected aspects of the topic in question and backgrounding some other aspects. Dead metaphors do that silently, while creative metaphors, whether in poetry or law, do that explicitly. It is argued that the middle ground metaphors can influence legal reasoning in a tacit way exerting real impact on the application of the law, even in cases where the legislator did not envisage the linguistic potential of the text that they drafted. The discussion is illustrated with real life examples culled from English and Polish-language legal cases and legislation.

It is claimed that raising awareness about the general metaphorical dimension of language, together with the variety of metaphorical patterns is important for both linguists and lawyers. It is connected with the exposition of the shaded borderline between the realm of law and the 'real world'. It can also lead to a better understanding of legal practice and human cognition, emphasising not only the fact that cognition is reflected in language, but also the fact that linguistic imagery can invite cognitive and interpretational patterns.

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LEGAL INTERPRETATION AND JUDICIAL ARGUMENTATION

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Consequentialist arguments in judicial opinions – using word embeddings to judicial arguments in Poland and the United States

Word embeddings – real-valued numeric vectors representing the meaning or context in which a given term is used in a corpus of texts (Mikolov et al. 2013) – are a text-mining tool that has been increasingly frequently used in social sciences (Rodman 2019; Rodriguez & Spirling 2022), where they serve tasks such as analyzing the relative lexical similarity between pairs of relevant terms or exploring semantic shifts of important words and expressions. Still, the potential of this technique appears largely unnoticed in the area where the relative abundance of well-structured corpora spanning decades would make it particularly helpful – analysis of judicial opinions (cf. Nyarko & Sanga 2022; Cloi 2024).

One judicial context that calls for application of word embeddings is the analysis of legal argumentation. In this project, I focus on the particularly interesting class of *arguments from consequences* (Canale & Tuzet 2023). What is the actual function of such arguments in justifying legal decisions? Are they mostly used to corroborate a decision grounded in a more standard way, or do they tend to be used against a decision that would be otherwise reached? What diachronic texts in its presence in judicial opinions can be identified?

To answer such question, in this project I work in parallel on two large corpora of judicial opinions: those of U.S. federal courts as well as those of the Supreme Court and the Constitutional Tribunal of Poland. Word embeddings (as implemented by the *word2vec* algorithm) are used in two ways in this project: First, to identify expressions that are indicative of a consequentialist argument and, second, to analyse semantic relations in which such expressions enter, in order to answer the main questions of this project.

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The interpretation of international law applicable to cyberoperations in national statements: A study of the processes and methods

More and more States are publishing national statements on how international law applies to cyber operations, as recommended by the UN General Assembly.¹ It highlights a major issue: the determination of the interpretation of international law in this field and the battle of influence that States are waging to this end. This struggle is all the more important because certain obligations, such as the principle of sovereignty or due diligence, are the focus of strong opposition.

The objective of this contribution is to identify the processes and methods of interpretation used by States in these documents to determine whether, beyond the results of the interpretation, there are general interpretative trends regarding the methods of interpretation used. This analysis is necessary to refine our understanding of State positions on a shifting field, but also to understand where international law is going on this subject. By identifying the sources of the interpretative work, this study aims to contribute to a better understanding of international digital law and to bring a sectoral study to the work on interpretation in international law.

First, I will look at the conduct of the interpretation itself, and more specifically at the rules² of interpretation (text, context, purpose and object, etc.) as well as the techniques used, that is the arguments used to support the interpretation (case law, specificities of the technologies, etc.), and the criteria used (thresholds, functional criteria, etc.) to interpret the obligations mentioned in States' declarations. By resorting to the Vienna Conventions rules, this will enable me to identify the interpretative approach in which each State places the interpretation of a given obligation. This approach has two dimensions: the affirmation of the existence of an obligation in itself and the place of interpretation in the study of a given obligation (by the mention of 'cyber' or 'ICT', by using examples or by using interpretation to define the content of the obligation). Thus, depending on the obligations in question, States simply note their existence, mention their applicability, sometimes adding the word 'cyber', note the existence of an obligation on the basis of the interpretation, or interpret them with or without adopting a position on the existence of the obligation per se.

The preliminary results of the study show that any systemization of the rules and approach used is extremely difficult, whether we look at a particular State or a particular obligation. On the other hand, the arguments and criteria used to conduct the interpretation are more harmonized. This tends to show that even when two views on the interpretation of international law applied to cyberoperations seem identical, the process and spirit of the interpretation differ, which could lead to different results when facing a real situation. The purpose of this paper will therefore be to present the complete results of the study and to draw conclusions regarding the interpretation of international law applicable to cyber operations and the development of State practice in this area.

¹ A/RES/76/79.

² Vienna Convention on the Law of Treaties, art. 31 and 32.

**Strategies of justification in resolving conflicts of values and interests.
A comparative analysis of constitutional argumentation in cases of animal
sacrifice**

It is in the nature of constitutional adjudication that judges are faced with the task of resolving conflicts involving competing principles, values and interests (Virgílio Afonso da Silva 2011). If the decisions concern morally sensitive issues, such as abortion, euthanasia, or same-sex marriage, they are bound to receive intense media attention evoking a range of emotive responses from the audiences. Viewed from that perspective, judicial decisions operate to mediate disputes in a diverse society. Designed to account for a judicial decision-making process, legal justification offers an indispensable tool that can be used by judges to meet the requirement of soundness by having their decisions based both on the contents of arguments and the acceptance of the argumentation by the audience(s) to which it is addressed (Perelman and Olbrechts-Tyteca 1969). To achieve this, judges need to construct their justifications selecting appropriate linguistic and rhetorical means. Since morally sensitive decisions are essentially value judgments, judges must demonstrate that the choices made and the values used to justify the decision are not arbitrary but they are fair and in accordance with the law.

The question addressed in this paper is how a constitutional court can resolve conflicts and communicate motives behind its decision in morally sensitive issues and how evaluative language is instrumental in achieving this strategic goal. To this end, I examine two cases in which judges resolve a conflict between freedom to exercise religion and animal welfare. In *Church of the Lukumi Babalu Aye v. City of Hialeah* (1993), the Supreme Court of the United States addressed the constitutionality of animal sacrifice for religious purposes. It voted unanimously to strike down a set of local ordinances prohibiting the practice because they specifically targeted the Santeria religion. In Poland, the Constitutional Tribunal in its decision (K52/13 2014) ruled for the *Act on the Protection of Animals* to be unconstitutional inasmuch as it banned and penalised the killing of animals in a manner required by religious rituals. Both cases address the fundamental conflict between the freedom of worship and the right of the state to exercise some control over how faith is practiced in order to minimize the suffering of animals. The courts resolve the dispute by giving priority to the freedom of worship but they construct the rationale behind these decisions in radically different ways.

The analytical focus in this paper is on value-based lexis, understood as lexemes indicating major argumentative premises (*topoi*), values and argumentation schemes (Frost 2016). Using the methodology of Corpus-Assisted Discourse Studies (Partington et al. 2013), I utilize the quantitative technique of extracting keywords to identify a list of statistically salient lexis used in the justifications to reference values. The lexical items are then analysed based on the discourse approach that examines and interprets the discourse surrounding the target item to identify its function. The study demonstrates that while the argumentation in the Constitutional Tribunal decision is heavily axiological, utilizing value-based language to engage in fundamental values and principles, the SCOTUS opinion avoids broad, abstract reasoning by resting the argumentation on low-level and medium-level principles (Sunstein 2018) translated into concrete rules and standards.

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Interpretation of time in law. Global meanings and local practices

The belief that 'the law is always speaking' seems to be widespread among lawyers and legislators regardless of the legal culture represented. It is emphatically expressed, for example, in the American Guide to Legislative Drafting issued by the South Dakota Legislature (Legislative Research Council (2021)): "Use the present tense. The present tense is the most natural and simplest form of expression." (sec. 8.4.1., p. 33)³. This grammatical form allows for the proper interpretation of the act (see e.g. Canada's Interpretation Act R.S., c. I-23, s. 10⁴ and Plain English Manual 2013, p. 21⁵). Are such practices common to the two most important legal cultures, Anglo-Saxon and continental? And why is the present tense the most natural way of expressing norms of law? And importantly, are these conventions or canons of expressing temporal relations universal or do they vary locally between cultures or languages?

The category of time in law may be viewed from various research perspectives and studied with different methodological tools, such as those of philosophy (e.g. Saint Augustine, R. Ingarden), (theory of) law and legal logic (T. Gizbert-Studnicki, M. Zieliński, Z. Ziemiński, A. Malinowski), or linguistics (Z. Saloni, J. Lyons, R. Grzegorzczkowska, H.E.S. Mattila). Some partial studies exist (e.g. B. Lanckoroński 2019; M. Adruszkiewicz 2010; E. Malinowska 2007; D. Berry 1997; R. Alexy 1995; T. Gizbert-Studnicki 1992, 1982), also in translation (Šarčević 1997), but they do not focus on legislative canons and guidelines.

Albeit the way time is conceived and its meaning determined is not a focus of legal sciences, owing to the significance of time in legal relationships, it is important to be aware of the possible conceptions of time. At the intersection of law and language, there exists a plurality of different ways of understanding time. At the normative level, relative time, not absolute time (related to points in space), predominates (Gizbert-Studnicki 1992, p. 157-158). In linguistic studies, tense is an inflectional category used specifically in legal language. It is also one of the distinctive properties of the verb, being a part of speech occupying a central place in the lexical resource of language and being the dominant feature of every utterance understood as a basic communicative unit (Saloni 2005, p. 5). In the linguistic interpretation of law, time is often linear in nature. The construction of laws is often governed by the principle of temporal chronology and the use of past and future tenses. In particular, it is important to distinguish between two situations: (a) circumstances and conditions occur simultaneously with the legal action (present tense), (b) circumstances and conditions precede the legal act (present perfect tense) (Xanthaki 2014, chapter 11; cf. also Krzeszowski 1991, p. 84-90).

³ *Drafting Manual* at <https://sdlegislature.gov/> (DOA 3.01.2023)

⁴ "The law shall be considered as always speaking, and where a matter or thing is expressed in the present tense, it shall be applied to the circumstances as they arise, so that effect may be given to the enactment according to its true spirit, intent and meaning" (Interpretation Act, R.S., c. I-23, p. 10).

⁵ *Plain English Manual*, 2013, Australian Government, Office of Parliamentary Counsel: „Even if the event is yet to happen, the law speaks in the present because an Act is ‘always speaking’ ” (p. 21), https://www.opc.gov.au/sites/default/files/plain_english_0.pdf (DOA 10.01.2018).

The purpose of this cross-cultural and interdisciplinary qualitative research in progress is to establish and juxtapose the legislative conventions of expressing time in norms of law from legal and linguistic perspectives. The analysis is based on legislative drafting guidelines and institutional translation guidelines, and contrasts common law and civil law cultures. It further aims to establish clear-cut pattern distinctions of temporal relations in normative syntax. The main research question is the significance of the grammatical category of tense in legislative texts in view of the assumption of their normativity. Other research questions include: (1) how are temporal relationships expressed in law - explicitly or rather by means of the verb tense, and what are the functions of verbs; (2) what forms of tense (present, past, future) are used in legal texts and what meanings do they convey?; (3) is the principle of formulating legal rules in the present tense a universal principle?; and (4) what are the dominant patterns, or legislative conventions of expressing legal norms through verb tenses and other linguistic means in common law drafting guidelines (English, Canadian, American, Australian)?

The research design encompasses two stages: (1) identification of patterns through cross-systemic comparisons between common law drafting guidelines and EU guidelines; and (2) contrastive (cross-linguistic) analysis of legal texts on the basis of multilingual instruments of EU and international law in English and Polish. The additional review of legal sources on legal interpretation will support the formulation of conclusions on the validity of time expressing conventions for the correct interpretation of legal instruments. Various conceptions of time may determine the way in which norms of law are interpreted. The research will also have some practical implications for legal translation, thereby limiting translator's choices.

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Evaluative language of the Court of Justice of the European Union

This paper investigates evaluative linguistic devices in the judicial variety of the English Eurolect from a comparative corpus- and genre-based perspective. It analyses two interconnected genres, namely English-language versions of judgments issued by the Court of Justice of the European Union (CJEU) and Advocate Generals' (AGs') opinions, and addresses the main question of whether and to what extent AGs' opinions and CJEU judgments are evaluative. Evaluation is understood as the manner in which judges (and AGs) express their subjective opinion (attitude, stance) in legal argumentation which is stereotypically viewed as a strictly objective type of institutional discourse (Goźdz-Roszkowski 2018). Despite AGs' opinions being impartial and independent, they are not binding for CJEU judges. Nevertheless, AGs' arguments are often considered by the court, which might result in a transfer of evaluation. Moreover, there are no dissenting or concurring opinions in CJEU's decision-making. Not least for these reasons, the interplay between both AGs' opinions and CJEU judgments constitutes a compelling research area, given the central importance of evaluation (stance) in judicial argumentation.

Evaluative linguistic devices have been found to act as a distinctive feature of the English Eurolect (Biel et al., 2021), but they have not been studied contrastively across two interrelated genres in the CJEU context. They have also been studied based on judgments drafted in languages other than English, e.g. Italian (Goźdz-Roszkowski et al., 2013) or Polish (Koźbiał 2020), and other legal systems.

It is hypothesised that AGs utilize more evaluative devices than CJEU judges owing to the fact that AGs' opinions, as opposed to CJEU judgments, are not written in an overly formal and highly standardized language, differing stylistically from CJEU judgments, which is why they may have more room for evaluative language. On the other hand, CJEU judges are assumed to provide covert assessment of AGs' arguments. In addition, evaluative linguistic devices are hypothesized to form recurring sequences. Overall, evaluative language is deemed to hold the argumentation of both CJEU judges and AGs together.

The study uses corpus-based and corpus-driven methods, along with a manual qualitative analysis of selected evaluative linguistic devices and their co-text. The comparable corpus is made up of two subcorpora: (1) English language versions of AGs' opinions and (2) English language versions of CJEU judgments issued following an AG's opinion. The reference corpus is the UK Supreme Court Judgments Corpus (UKSC), which serves as a benchmark of non-translated English judicial language against which translated EU judgments are compared. The main tools used in the study are Wordsmith Tools 8.0 and Sketch Engine.

The study is relevant to the current strand of research focusing on the linguistic, corpus-assisted study of evaluation in legal language, and, more specifically, its judicial variety (cf. Goźdz-Roszkowski 2013, Goźdz-Roszkowski et al. 2018, Biel et al. 2021). The findings will shed more light on the discursive interactions occurring between AGs and CJEU judges. In addition, they will enrich our understanding of the English Eurolect, thus contributing to the field of legal linguistics.

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Open texture of law and vagueness in the light of possibilities of automated decision making

Recent advances in the use of large language models, most notably the public release of the ChatGPT (ChatGPT, 2022) variant of GPT 3.5, has sparked a great debates over its possibilities for the use in legal settings. Use of similar technologies, mostly those based on machine learning algorithms, has however been the subject of discussion for quite some time now, focusing not only on the possibilities but on the risks as well (Larson, 2016). The topic in the forefront of such discussions is usually the inherent bias of such systems, stemming from their (over)reliance on, and the capacity to amplify, past (tainted) data (Praharaj, 2020). This focus is quite understandable, since bias (in law) is an effect we observe, and try to mitigate even in non-automated proceedings, and there has been some catastrophic outcomes in facial recognition technologies, or non-judicial decision making (Dastin, 2018).

While an important issue, the linguistic capabilities and focus, of large language models that are now being rolled out, points the light to other issues, namely on those of legal development standardly perpetrated by the development of legal interpretation. In the following paper I will focus on two key areas, that might be affected. Before that, I will shortly introduce some technical aspects of machine learning algorithms and their use, since the issue stems mostly from the technological means. Then I will introduce the concept of the open texture of law, as described by H.L.A. Hart, and explain the need for vagueness in law (Bix, 1991). This will be contrasted with the statistical regressive methods of ML algorithm developments, which do not allow for such indeterminacy, and in lieu of this they present a problem for second, closely tied legal concept, of the law as a living instrument. This concept will be introduced as a second focal point of the paper, and will be demonstrated on the European Convention of Human Rights and its (progressive) interpretation by the European Court of Human Rights (Letsas, 2012). This mode of legal interpretation will be then again contrasted with the introduced machine learning methods in the light of their, very often sole, reliance on past data, driving home the already stated point, that if law is a living instrument, this could be the way to kill it (Crawford, 2021). The conclusion of this paper should shortly summarize further possibilities of automated means in legal settings, with focus on the conflict between justice, and its need to be individualised for a given case (Derrida, 1992) and the need for efficiency and legal certainty, introduced by the technological means.

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Uses and misuses of literal meaning in legal interpretation

In my speech I will tackle an issue of perception and functioning of literal meaning in legal interpretation. To begin with, views on its relation to legal meaning vary. They range from the strong textualist one that equates literal meaning with legal meaning to those denying literal meaning's role in legal interpretation (e.g. from poststructuralist or Dworkinian positions). What is more, there is a considerable divergence in what legal theoreticians and practitioners take literal meaning to be. For instance, Flanagan (2010) equals "literal" and "plain". On the other hand, (Solum, 2013) distinguishes "literal" and "plain", while they both agree to equate "literal" with "semantic". To give another example, it is rather commonly accepted among legal scholars that "ordinary" should not be equated with "literal" as literal content mostly cannot indicate ordinary communicative content. Nonetheless, Slocum (2015) compiles a list of cases in which the US Supreme Court used literal meaning as a synonym for ordinary meaning.

I have two goals in my speech. First, I will present understandings of literal meaning in legal theory and legal practice in selected legal orders of the Western legal tradition. These findings will be based on a literature review conducted mainly in English, but to a lesser extent also in French, Polish, Portuguese, and Spanish. Then I will proceed to provide a tentative classification of literal meaning's uses, but without conducting a metalinguistic negotiation. Second, I will sketch out a handful of problems associated with some of the understandings present in the legal domain. For instance, I will demonstrate that philosophical-linguistic debate regarding the semantics/pragmatics distinction undermines a position that equates literal meaning treated as semantic meaning with legal meaning. I will argue that restricting interpretation to literal meanings of words/utterances is either infeasible – if we automatically use contextual information irrespective of our awareness of this fact (e.g. Searle, 1978); or inconclusive – if their content does not lead to truth-evaluable propositions (e.g. Odrowąż-Sypniewska, 2013, 89 ff.).

Due to the research's goals and nature, conceptual analysis is a primary method employed. The systematic literature review serves as a tool to gather knowledge necessary for categorizations and critical assessment of the current views on literal meaning.

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The discourse of judicial dissent in separate opinions of the European Court of Human Rights

Judicial discourse is by no means a monolithic construct, and separate opinions clearly demonstrate how many-voiced it is. Yet, the discourse of separate opinions has received scant scholarly attention from a legal linguistics standpoint, with few notable exceptions (Goźdz-Roszkowski, 2020; McKeown, 2021). This study analyses separate opinions as a (sub)genre and a part of the professional and discursive practices within a specific context of the European Court of Human Rights (ECtHR). In addition to the paucity of legal-linguistic research on separate opinions, discursive practices of the ECtHR remain also largely underresearched. This study intends to fill in the existing gap by contributing both to the description of the ECtHR discourse and specifically to the description of separate opinions in this supranational court. The study adopts a multiperspective approach including insights from Critical Genre Analysis (CGA, Bhatia, 2017) and Corpus-Assisted Discourse Study (CADS, Partington *et al.*, 2013) with a corpus of 150 separate opinions attached to the Grand Chamber judgments of the ECtHR. Separate opinions are first conceptualised as distinctive generic products highlighting the relationship between discourse and professional practices in the CDA vein. The study outlines convergent and divergent trends between two main types of separate opinions: concurring vs dissenting, detailing also other possible variations (e.g. partly concurring, partly dissenting or just a declaration of vote without motivation). On a textual level, opinions are frequently treated as part of the judgment, although in terms of heteroglossia and authorial presence, they involve significant stance-taking and some degree of disagreement with the majority reasoning, thereby coming to represent an instance of the so-called discourse of dissent (Langford, 2009). This study applies CADS to assess whether the discourse of dissent is realised through identifiable and replicable lexicogrammatical choices, and whether different types of separate opinions present similar patterns. On a qualitative level, the study investigates how the patterns identified using the corpus linguistics software contribute to framing the dissent with the majority opinion.

Preliminary results report significant variation in form and content of separate opinions, tentatively explained by varying judicial temperament and broad discretion; however, distinct moves of disagreement and motivation are traceable across all separate opinions. While the tacit rule of separate opinions is to avoid being overly critical, dissenting opinions abound in overtly criticising framing of the majority opinion, whose voice is also reported more frequently by the dissenting judges. Concurring opinions, on the other hand, invoke the voices of dissenting judges almost as frequently as the majority reasoning.

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Normative intertextuality: The use of textual building blocks in Swiss law

Contemporary law – not only in Switzerland – is by no means a rigid and hierarchically ordered, but rather a highly dynamic intertextual network of texts that constantly refer to one another. This is evidenced not least by the frequent use of quotations and paraphrases, without which modern legal texts are practically inconceivable. In recent times, however, another intertextual practice has become increasingly popular, especially in the production of court decisions: the use of textual building blocks written in advance. These form “prefabricated elements of reasoning” (“vorgefertigte Begründungselemente”) (Tschannen, 2010), which can be used as needed and linguistically changed in basically any way, as long as their meaning remains intact.

This is accompanied by two potentially problematic developments: on the one hand, the origin of building blocks lies outside the publicly available legal text network. Thus, unlike citations or paraphrases, they cannot usually be provided with a literature reference. On the other hand, frequently repeated building blocks acquire normative quality after a certain time, which tends to be undesirable in the Swiss legal system, which heavily relies on legislative normativity. It is therefore useful to analyse the nature and prevalence of textual building blocks in Swiss court decisions. It can be assumed that their use has become more widespread with the advent of digitalisation and currently serves as an established, albeit largely non-transparent, legal cultural technique.

Despite the relevance of textual building blocks in Swiss law, their research has not progressed very far, not least because for a profound analysis, large text corpora and digital methods are needed. Apart from a few early reflections on the possible effects of the digitisation of law (e.g. Grossfeld, 1984), only one study by Kälin from the 1980s can be mentioned, which deals with the use of building blocks in asylum law (Kälin, 1988). Since then, building blocks have largely remained unquestioned in Swiss legal practice.

This analysis aims to change that. For this purpose, a corpus of decisions of the Swiss Federal Court (Abegg & Peric, 2021) was examined for similar sentences using digital methods, comparing the similarity of signs, similarity of words and similarity of meaning. The results were first filtered to separate out common legal phrases; afterwards, the potential building blocks were categorised according to their similarity (from complete matches to only partially similar sentences) and counted.

It can be shown that textual building blocks in decisions of the Swiss Federal Court have indeed been increasing continuously and rapidly since the 1970s; currently, more than 12% of all sentences in the corpus can be presumed to belong at least partially to a building block. This raises various questions, for example that of the legitimacy of the courts to establish normative statements intertextually, but also that of the nature of law or jurisprudence in the age of digitalisation – is the use of building blocks a practice that, as Vismann (2012) puts it, has been predetermined by certain digital media and that merely serves to increase efficiency, or is a genuine paradigm shift taking place that needs critical observation?

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**Uncovering prejudice, stereotypes and bias in judicial discourse.
An exploratory study on international case law on sexual, reproductive
and parental rights**

In the last few decades, there has been a burgeoning interest in discourse studies dealing with gender. Yet, when it comes to judicial discourse (see, among others, Goźdz-Roszkowski & Pontrandolfo 2022), scarce attention has been devoted to the relationship between gender and sexuality and international law. Even successful analysis of gender from a corpus-based discursive perspective did not focus on judicial discourse of international courts and, more specifically, on crucial topics such as sexual, reproductive and parental rights and their gendered narratives. In addition to that, the sociological literature focusing on judicial facts as narratives or international lawyers who explored the role of prejudices, stereotypes and bias (Brems & Timmer 2017; Fikfak et al. 2022) have not yet addressed key topics such as access to sexual, reproductive and parental rights from a discursive, gender and lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) perspective.

This proposal aims at filling this gap by exploring, from an interdisciplinary perspective, the discursive constructions of judicial facts and international case-law developments having an impact on the wellbeing of gender and sexual minorities. To this end, by taking the European Court of Human Rights and Inter-American Court of Human Rights as key international judicial bodies, the study aims at uncovering possible prejudice, stereotypes and bias about a specific gender and LGBTIQ people in the relevant case law. While the legal analysis will look at the conscious and unconscious restrictions of human rights suffered by or imposed to alleged victims, the linguistic analysis will focus on the discursive construction of the applicants in terms of prejudices, stereotypes and biases (e.g., how the courts/judges depict the applicants in their argumentation and evaluation) as well as the discursive construction of conflict in terms of evaluative language and rhetorical arguments, with a particular focus on the discursive tensions within the judicial space (e.g., cases of evaluative clashes between concurring and dissenting opinions/judges, isolation of gendered and discriminatory narratives).

From a methodological perspective, the study integrates traditional methods of legal analysis with the quality dimension of critical discourse analysis applied to legal and judicial discourse (Olsen 2017, Goźdz-Roszkowski 2018) with the quantitative dimension of corpus linguistics applied to gendered discourse. The focus of the linguistic and legal analysis relies on a bilingual comparable corpus of judgments delivered by the European Court of Human Rights and the Inter-American Court of Human Rights in English and in Spanish concerning sexual, reproductive and parental rights.

The identification of the gendered and LGBTIQ narratives in this specific international case law will represent the first step towards broader research into the way judges argue about gender and sexual minorities' issues and how their discourses might have an impact on the enjoyment, restriction or denial of specific human rights.

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Hypotheticals and judicial reasoning in Supreme Court oral arguments

This study investigates the use of hypothetical questions (HQs) in US Supreme Court oral arguments and it makes two central claims. First, it argues that the justices' use of HQs indicates that they act attitudinally. Second, it argues that the combination of discourse analysis, sensemaking theory and the audience-based perspective on judicial behaviour offers a useful window on judicial decision-making.

Hypothetical reasoning allows people to imagine non-actualised situation types, to consider alternative causal links and to compare a range of eventualities. Hypothetical constructs offer inferences from an "assumed truth", rather than a "validated truth" (Meyer, 1980), and are a form of conjecture aiming to elicit an alternative cognitive framework. Invoking the notion of irrealis, speakers offer imaginary scenarios based on their own beliefs, knowledge and evidence, as well as their individual experiences and attitudes.

Given their persuasive potential, HQs serve argumentative purposes in legal settings including Supreme Court oral arguments. In this context, justices recruit HQs as probing devices to test the outer limits of an advocate's position and those of their potential decisions, and to consider particular policy choices beyond the confines of specific factual patterns (Prettyman, 1984; Johnson, 2004). They too employ HQs to communicate their positions to fellow justices and the general public, and to challenge or assist advocates' arguments (Malphurs, 2013).

Following earlier work on Supreme Court rhetoric, in the current study, I argue that understanding the justices' relationship with their audiences is central to understanding their linguistic behaviour and decision-making, and that the justices' use of HQs aims to advance their own argument while limiting a balanced consideration of alternative positions. To this end, I present evidence from the oral argument in *Morse v. Frederick* (2007), a First Amendment case concerning freedom of speech at a school-supervised event, in the case of which the justices articulated their views on protected speech in educational settings. Combining discourse analysis with the biased sensemaking approach (Malphurs, 2013) and the audience-based perspective on judicial behaviour (Baum, 2006), I demonstrate how the justices manage HQs in interaction with the advocates and how they address their colleagues' HQs to advance their argument. I give primary attention to how HQs reveal the justices' post-decision attitudes, considering them in relation to the arguments in the majority and separate opinions. By showing dependencies between the HQs and the arguments offered in the opinions, I provide evidence that HQs are not neutral information-gathering tools, but that they reflect the justices' commitments and evaluations.

In sum, the study demonstrates the explanatory power of discourse analysis, sensemaking theory and the audience-based approach to judicial behaviour as well as suggests ways in which they can aid our understanding of SC justices' discursive interaction and decision-making. It also provides evidence in support of the claim that HQs are instruments with which the justices publicly stake out their positions, influence the trajectory of the argument, and seek to affect the perception of the case in order to advance their own interpretation of crucial case issues like those related to freedom of speech.

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On cognitive blending and legal reasoning: In search of a true dialogue between legal theory and linguistics

The paper is focused on the metaphorical dimension of legal discourse, the language of the law and on cognitive blending presented in linguistics as a general theory of human cognition (e.g., Fauconnier 1994, Fauconnier & Turner 2002).

The authors present a powerful metaphor of the “fruit of the poisonous tree” to demonstrate that its understanding and use both in legal discourse and in ordinary language, i.e., the everyday language of common people, can successfully illustrate the problems encountered in the interface of legal communication and lay communication, making especially clear the fact that metaphorical imagery is clearly not just linguistic, but cognitive in nature.

Combining a lawyer’s and a linguist’s perspective, the authors point to the interplay of cognitive and linguistic images related to the “poisonous tree” metaphor and its use, both natural (in the sense of “innocent”, unpremeditated, which seem to “just happen”) and explicitly rhetorical (i.e. premeditated and purposeful) in legal contexts.

Starting with the cognitive metaphor theory in the tradition of Lakoff and Johnson, the authors show the transfer from the inevitable metaphorical dimension in the use of language towards uses being part of someone’s rhetorical agenda. Blending in this context appears to be not only a process of human cognition, but a process by which language users can foreground and background selected aspects of meaning, which is of special significance within the legal domain. Innocent images and their related meanings, e.g. PRODUCING FRUIT IS GIVING LIFE (BIRTH), A TREE IS A PARENT, are associated with legal images of A LEGAL PROCESS IS A LIFE CYCLE, and A BASIS/BEGINNING (=REASON) IS A TREE (TRUNK/ROOTS), or RESULT/CONSEQUENCE IS FRUIT, which are widely used in legal discourse, and consequently (or originally), in legal reasoning. Thus, in a simple picture “producing fruit” is in a biblical way associated with the idea that a good tree produces good fruit, while “poisoning” means adding something bad to something good. Consequently, a misdemeanour, a tort is often discussed in terms of “a stain” or a kind of disease or deterioration, damaging the original immaculate state. The authors want to demonstrate how such images lead to the image of SECONDARY PROOF OF EVIDENCE FROM A PROHIBITED ACT IS THE FRUIT OF A POISONOUS TREE.

Eventually, the authors provide a tentative assessment of the dialogue between linguistics and legal theory in the context of blending.

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LANGUAGE AND POWER IN THE COURTROOM

Coordinators:

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The discursive functions of if-conditional clauses in U.S. Supreme Court oral arguments: From conditionality to power negotiation in the courtroom

Language is central to law; in a courtroom, it is “a powerful tool” used by the participants to achieve their goals (Wagner & Cheng, 2011). In this paper, I discuss how and why *if*-conditional clauses are used by lawyers and justices in the U.S. Supreme Court to advance arguments and formulate hypotheses, but also negotiate power during oral arguments. This paper is based on results obtained in the context of my PhD project on the oral exchanges of justices and lawyers during U.S. Supreme Court oral arguments (2018-2020).

Traditionally, *if*-conditional clauses have been associated with expressing a cause-consequence relation between two clauses, with *if* being the traditional marker of conditionality. Yet, they do not form a homogeneous group, especially in interactional situations; they can serve various functions, especially at the interpersonal level (Lastres-Lopez, 2019). Given the versatile nature of *if* and its high frequency in my specialized corpus, it is important to conduct an analysis of its distribution and functions.

Oral arguments in the U.S. Supreme Court are a specialized, argumentative, and complex dialogue between legal experts. They represent a key moment in the American judicial process both for justices and lawyers. For lawyers, it is the last opportunity to represent their clients, to highlight important arguments and answer justices’ questions; for justices, it is a unique opportunity to ask the parties’ legal representatives direct questions and to discover their colleagues’ stance and arguments on the case before the final vote. Over the course of this complex conversation, justices and lawyers also express a stance (Biber et al., 2007) and negotiate power (Johnstone, 2008). My research reveals that they do so using various linguistic tools, among which *if*-conditional clauses. Numerous studies have analyzed conditional constructions, assessing the degree of probability they express or their discourse-pragmatic functions. Among these, very few studies focus on spoken legal discourse, and this paper aims at helping to fill this gap.

Since lawyers and justices have different statuses, discourse roles and discourse purposes during oral arguments, my hypothesis is that they follow an unspoken discursive rule that influences their speech. In the case of *if*-conditional clauses, I hypothesize that the two groups of participants use them differently and for different goals.

To test this hypothesis, I rely on a computerized 1.2 million-token corpus of oral argument transcripts divided into two sub-corpora depending on the type of participant (lawyers and justices). The comparative analyses are conducted on subsets of the two corpora, using the textometry software TXM. The method used is that of corpus linguistics and more specifically Corpus-Assisted Discourse Studies (Partington, 2013), meaning that it aims at uncovering non-obvious meanings by combining quantitative and qualitative approaches in a comparative study.

Results show that lawyers and justices resort to *if*-conditionals in order to fulfil three main functions: discourse organization, argument advancement and creation of a relationship with their co-speakers. When breaking down the results, it appears that each category of participant uses *if*-conditionals for specific reasons which can be explained by their discourse roles and purposes. Overall, it seems that the different functions of *if*-conditionals reflect the participants' status and associated power in the courtroom.

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Genealogies of legal vision: Symbolic capital vs neoliberal digital justice

The power of judicial images is a useful ally to revive the foundational principles of fair trial and due process. What are the benefits and what are the limits of drawing on the past tradition of judicial symbols in Europe?

Taking into account recent developments about visual studies within the Law, the originality of the project is to see historical research combined with juristic definitions of images as a new way to assess legal epistemology and its discontents, through the lens of imaginative art. The importance of the visual legacy of law and the visual dimension of legal phenomena is often overlooked by positivistic legal scholars. Often viewed as ambiguous, overdetermined and closer to the unconscious than to logic reasoning (Douzinas and Nead, 1999), images are fleshy and are not deprived of carnal appeal (Garapon and Hayaert, 2014).

Our research is premised on three convictions: a) Images have a potential for action inside the tribunal, as they may even act as substitutes for real people (judges). b) Artworks are full social agents, situated at the interface of institutions and emotions. c) An image is not a discourse. We thus need to pay special attention to the plurivalence of images. The discourses on legal images are themselves a part of a process of institutionalization (Legendre, 1993). Taking into account the variegated audiences involved, we will address the question of the historicity of the eye (Baxandall, 1988) by framing different practices of seeing and observing. Images of justice are sensitive to the kinds of interpretative skills their beholders bring to them. Inside the courtroom space, a litigant, a lawyer, a magistrate will, or will not, presumably bring a mass of assumptions drawn from his own professional concerns.

Research aims and methodology

Focusing primarily on the study of criminal courts, we need to understand why the early modern coherence (the Christian paradigm) has now left a problematic lack of transcendence in our contemporary courthouses' designs. From Robert Jacob's formulation of the double delegation process (1994) to recent studies about ancient Christian representations of Justice (Zapalac 1990, Prosperi, 2008 and 2018), the presence of the Last Judgment in early modern European courtrooms has been recognized as a particularly coherent imagery. They would highlight the sharp edges of the law in process, the burdens of judging, the intricacies of trials. It is because the judge passing a judgment is overlooked by God himself depicted above him as the ultimate judge that the image of divine jurisdiction reminds him that in so doing he must act justly.

Images such as these were not merely decorations or appendages to the law, but they also helped to sustain legal authority and secure its transmission. How did these images serve to connect the law's invisible and institutional structures to the sensory and intimate experiences? How did they shape the subjects' submission to legal authority? Conversely, how have they provided openings for fierce legal criticism or social change?

The last two decades have seen a burst of scholarship on the importance of visibility for the history of legal thought: among them, the works of Stolleis (2008); Resnik and Curtis (2011); Goodrich (2014); Sherwin and Wagner (2014); and Manderson (2018) are major contributions.

Loris Isabettini (University of Windsor)

Exploring the effects of language, multimodal communication, and music in courtrooms and legal settings

This research project explores how language, multimodal communication, and music create a powerful atmosphere in courtrooms and legal settings. This includes looking at the intersection of kisceral argumentation and other informal logical strains of rhetoric to understand better how such tools can help influence a jury's or judge's decision-making process. The research focuses on the courtroom as a site of power and potential manipulation and the role that language, multimodal communication, and music play in constructing legal arguments and proceedings.

In conducting this research, credence was given to the different modes of argumentation—logical, emotional, visceral, and kisceral—as formulated by Michael A. Gilbert (2011). All four can be found in the rhetoric that has made up most of the existing argumentative theories. As argumentation is primarily a linguistic phenomenon (Novaes 2021), much information has been explicitly resourced on language and the language sciences. In addition to this, the research has considered how music and other forms of sound work to create an emotional atmosphere within the courtroom and how this contributes to creating powerful narratives. Finally, this project investigates how Christian mysticism and other manifestations of religious rhetoric may be used to support a legal cause.

To answer the research questions, this project utilized various research methods, mainly a literature review and interviews, court transcripts, news articles, books, and other visual materials. The primary goal has been to better understand the complex relationships between language and power and argumentative outcomes in legal situations based on these phenomena.

The findings of this project provide insight into how language, multimodality, and music are used to shape the legal narrative in courtrooms, as well as uncover any correlations between Christian mysticism and legal decisions. By better understanding these concepts, the research aims to investigate the power of language within legal settings, provide recommendations for legal practitioners, and provide guidance for individuals seeking justice within the legal system.

Loris Isabettini (he/him) is a Ph.D. student in Argumentation Studies at Windsor University and an opera singer who combines music, culture, and language to delve into critical thinking. He holds a Bachelor's in Music and Italian Studies from Brock University and a Master's in Theology from the University of Toronto. His current research navigates the intersections of Kisceral Argumentation, AudioSonic Resonance, and Secular Mysticism, highlighting his unique interdisciplinary approach.

“... and I’m telling you honestly, I don’t measure”: Emotive reframing and evasiveness in expert testimony

Expert testimony has attracted much scholarly attention, with researchers focusing on the legal constraints governing admission of expert evidence (Sales and Shuman, 2005), its epistemological and philosophical foundations (Haack, 2014), as well as linguistic mechanisms underlying lawyer-expert witness interaction (Cotterill, 2003). When questioned in court, expert witnesses offer their assessments based on “sufficient facts or data” and share their specialised knowledge with a “reasonable degree of scientific certainty” to enable the trier of fact, i.e. jurors, to form independent opinions about the evidence. This finds reflection in the linguistic practices such witnesses pursue when interacting with attorneys, both during direct examination and cross-examination.

It is during cross-examination that the validity of the testimony and the witness’s credibility are being challenged by opposing counsel. While cross-examiners resort to an array of tactics aimed at deconstructing the witness’s narrative, the witnesses themselves employ response strategies which allow them to convey varying degrees of certainty, ranging from zero commitment, through evasiveness, to high certitude. Central to the (re)negotiation of epistemic claims are these strategies which are linked to evasiveness, i.e. the witness’s attempt to “move away” from threatening concepts in discourse space or, put differently, to avoid full commitment to the propositions advanced by the cross-examiner. Being a complex pragmatic skill, linguistic avoidance involves choices in different linguistic systems that modify meanings at different levels of linguistic organisation and it may entail reformulations of each of the elements in the formula: *I say ‘x’ to you, here and now* (Janney, 2007). As earlier research suggests, such reformulations, or emotive reframing – encompassing evaluative dispositions, evidential commitments, volitional stances, relational orientations and degrees of emphasis – are an important stance-taking resource in courtroom interaction (Janney, 2007).

Against this background, using transcripts and video recordings from an Anglo-American criminal trial, the analysis highlights patterns of metapragmatic framing in expert testimony. Building on earlier work on emotive communication (Caffi and Janney, 1994), it demonstrates how two expert witnesses (one of whom is evasive but cooperative, the other of whom is evasive and uncooperative) “move away” from threatening concepts in confrontational interaction. The main research questions addressed in the study are as follows: 1) What avoidance patterns are found in expert testimony? 2) How is avoidance realised linguistically in cross-examination? 3) What are the differences between the patterns found in the testimony of an evasive cooperative witness and that of an evasive uncooperative witness? In the analysis, avoidance is considered in relation to five dimensions: certainty (certain vs uncertain), proximity (near vs far), evaluation (negative vs positive), specificity (clear vs vague) and quantity (more vs less). The findings reveal certain regularities in the deployment of reframing strategies as well as point to differences between the avoidance strategies favoured by the less cooperative witness and those employed by the more cooperative one.

In sum, the study deepens our understanding of how expert witnesses address opposing knowledge claims in cross-examination as well as demonstrates how the concept of emotive reframing can be applied to the analysis of expert testimony in the adversarial procedure.

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LANGUAGE AND MULTIMODAL COMMUNICATION IN LEGAL SETTINGS

Coordinators:

Michał Dudek (Jagiellonian University)
&
Giuseppe Lorini (University of Cagliari)

FEATURED SPEAKER

Gregory Matoesian (University of Illinois at Chicago)

“This is Mickey Mouse”: Multimodal oratory and laminated voices in an actual jury deliberation

The U.S. Constitution gives every citizen the right to an impartial trial by a jury of their peers. More specifically, the right to both civil and criminal cases is provided by the 6th and 7th Amendments in the Bill of Rights. Standing between the citizen and the massive power of the state, the right to a jury trial represents the centerpiece of American Democracy and guards against governmental tyranny and overzealous prosecution. And the most crucial aspect of that democracy is the jury deliberation – a decision-making process designed to reach a unanimous (or in some cases majority) verdict of guilt or innocence. According to jury scholars like Lippman 2021 (288; see also Devine 2012: 113), the “most important factor in jury decision making tends to be the interaction between jurors in the jury room.” But since deliberation among jurors occurs behind closed doors (where recordings are not permitted except for a Frontline: Inside the Jury Room special) empirical studies of actual decision-making have been rare. Other than the pioneering work of Manzo (1993, 1994) and Maynard and Manzo (1993) (that uses the Frontline deliberation as data), no studies (at least to the best of my knowledge) have investigated actual jury interactions during the deliberation process. In this study (also using the Frontline deliberation but with a different segment of data) I build on the work of Manzo and Maynard yet instead of focusing on the practical reasoning and accountability of jurors during deliberation (from an ethnomethodological perspective that looks more or less exclusively on the speech of jurors) I analyze the multimodal resources – co-speech gestures, gaze, body movement, and material objects – jurors bring to bear on the interdiscursive construction of poetic oratory and laminated voices en route to a verdict, embodied conduct designed to persuade fellow jurors to acquit the criminal defendant.

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**Twitter and the law – who uses the word 'judgment' (Pol. *wyrok*)
and under what circumstances**

The development of social media influences the transformation of language and the entire communication process. Traditional media and social media use different types of codes to formulate communications. The code that has so far been conceived as the primary one - language - is now competing in the communication process with image, sound or colour, among others. The aim of the proposed research is to undertake a multimodal analysis of utterances appearing in the public domain containing expressions referring to judgements and rulings.

Twitter is one of the most popular media created by a variety of entities. These can be professional journalists, lawyers or academics, but also non-professionals. A multimodal analysis of Twitter discourse on issues related to the law can be one of the descriptive elements of the public perception of the law or elements of the discourse on the law. Multimodality is a research paradigm that can be complementary to logical-linguistic or hermeneutic analysis in the study of law (Kawka, 2016). To date, the potential of multimodal analysis has been acknowledged in the study of the behaviour of litigation participants (Wang, 2017; Chen, 2020). The presentation will involve the analysis of statements appearing on the Twitter platform containing phrases such as 'Judgment' or 'Ruling'. The presentation will combine logico-linguistic and multimodal analysis methods. The analysis will not only look at the linguistic side of the utterance, but also at the other codes used in the individual messages. This may lead to a better understanding of the mechanisms of communication on law-related topics in the public domain, in particular in non-professional discourse. The results of the research will be descriptive in nature and will allow us to reconstruct the patterns of appearance in the social media sphere of phrases directly related to the application of law.

The research will refer both to the sphere of discourse on law-related topics and the communication of legal knowledge, legal awareness or social perception of law. The entire analysis thus falls within the scope of socio-legal research. And it can be influential in capturing the current state of linguistic and social changes in discourse on legal topics.

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Public Discourse". Her research is meticulously centered on the examination of legal discourse within the public domain, with a specific focus on its presence in non-professional spheres, including social media.

The multimodal dimension of intersemiotic legal translation

Recent studies have emphasised the importance of examining non-verbal semiotic tools in the legal field (Boehme-Neßler, 2011; Dudek, 2015; Lorini & Moroni, 2020). In particular, legal design scholars have investigated the use of non-verbal semiotic tools in enacting the proactive function of legal documents, and an increasing number of scholars highlight the potential application of multimodal communication in the legal field (Brunschwig, 2013, 2021; Compagnucci Corrales et al., 2021; Haapio & Hagan, 2016). The term ‘multimodality’ refers to the coordination of multiple different systems of signs to communicate a single or unified message or meaning. According to linguist and semiotician Gunther Kress (2010), ‘multimodality is the normal state of communication’.

Non-verbal semiotic tools also play a significant role in intersemiotic legal translation. Indeed, intersemiotic translation can be used to transpose legal contents from a semiotic system (e.g., verbal) to another type of semiotic system, such as one more familiar to the addressee (e.g., graphic). Roman Jakobson (1959) coined the term ‘intersemiotic translation’ to describe translation involving the interpretation of a sign by another sign belonging to a different semiotic system. Through intersemiotic translation, a message can be made accessible by using different semiotic resources, such as signals, indicators, expressions, gestures and their interconnections.

Intersemiotic legal translation and multimodal legal communication share the pragmatic assumption that all semiotic resources should be exploited in service of communicating legal meaning. Indeed, the creator of multimodal texts and the intersemiotic translator both intend to exploit the availability of different semiotic resources in order to facilitate the communication process.

The literature does not currently distinguish between intersemiotic legal translation and multimodal legal communication. However, we assert that legal communication through multimodal means should not be conflated with intersemiotic legal translation. Because a multimodal text may not be an intersemiotic translation and an intersemiotic translation may not be multimodal, overlapping these two concepts is problematic and inhibits an in-depth analysis of the possible relationships between them.

This paper aims to examine the relationship between intersemiotic translation and multimodal communication in legal contexts and will therefore distinguish between two forms of intersemiotic legal translation: multimodal intersemiotic legal translation and monomodal intersemiotic legal translation. This research presents an analysis of examples drawn from contract design, such as comic contracts, multimodal agreements and video contracts. The purpose of this paper is to provide conceptual clarification of multimodal communication and intersemiotic translation in the legal field.

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How to communicate law to busy and distracted people? Behavioral approach in lawmaking

The law is a complex matter consisting of numerous orders, prohibitions and entitlements that the legal subjects are required to know. After all, the assumption of the rule of law demands that the legal agents are familiar with the law so they can obey it. However, an impelling question emerges at this point: are state coercion and the threat of sanctions alone enough to effectively enforce compliance with the law? Or are there other effective methods of mobilizing the legal subjects to comply?

Another question that shall be asked goes as follows: is it right and effective to formulate laws tailored for legal subjects with this assumption in mind that people behave like *homo oeconomicus*? Then again, maybe it is worth making a paradigm shift in the context of the cognitive limitations of the legal subjects and, according to the knowledge of cognitive biases and heuristics, adjust the legal message so that the legal agents find it easier to comply with? Research indicates that the content of the law can be expressed in such a way that compliance with the law becomes easy, more effortless for the subjects of the law. A legal agent makes decisions in an environment called choice architecture, and this architecture can (and should) be designed as best as possible by the legislator, especially the architecture making the subject familiar with his legal duties.

Hypothesis 1: The legislator, when choosing ways to reach the legal recipient with regulations, should take into account such phenomena as choice overload, availability bias, cognitive load, friction costs, primacy, social norm, and recency effect, because adjusting the message based on knowledge of these phenomena makes it easier for the recipient to understand the message and eventually make a good decision.

Hypothesis 2: Legislators should use the following tools when formulating public policies: checklists, framing effect, salience, simplification, feedback, head start, identifiable effect, relative ranking, prompts to increase the persuasive power of the message. Moreover, the aforementioned tools are great for use in graphic form, which is more effectively memorable and requires less effort to understand.

Based on a case study of implemented and evaluated public policies, I will assess the usefulness and effectiveness of behavioral tools in law.

Contemporary awareness of responses to specific stimuli should not be ignored by the legislator in the process of law application, since skillful use of this knowledge can bring considerable benefits. The legislator should, in appropriate circumstances, change the language he employs when communicating the content of the law to the legal subjects in order to tailor his messages to the recipient.

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LAW, MEDIA AND COMMUNICATION OF LEGAL KNOWLEDGE

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Multimodal analysis – exploring public discourse concerning the law

Increasingly, both traditional and social media play an important role in the society and, consequently, they are becoming a forum for the discussion of legal issues and a platform for the communication of legal knowledge. Communication based on combining diverse elements involving sound, image and word in media communication is a new challenge in legally oriented research.

Statements appearing in the public discourse - both in social media and traditional media - often address significant legal and legislative issues. As their form adapts to prevailing trends - it is becoming increasingly more complicated - from short verbal statements on Twitter, through more elaborate ones containing images or links, and up to videos published on Tiktok, news programmes, podcasts or vlogs. Modern communication contains many modes that require innovative approaches (Wang, 2017). The analysis of social attitudes towards the law, as well as the occurrence of legal topics or the activity of lawyers in the media, requires going beyond the standard methods of analysis used by lawyers. It seems that, due to the presence of numerous modes, logical-linguistic or even hermeneutic analysis are not sufficient to make a correct description of expressions or attitudes. In order for the picture of legal research to be complete, it is necessary to combine the aforementioned methods of legal research, with research of the wider social context. Therefore, in considering the public perception of norms, the public impression of lawyers, it is necessary to take into account the determinants of new technologies and social media. Social media activity has value in the sphere of communication. However, it is a particularly conditioned communication. Therefore, research should go beyond the framework of logico-linguistic analysis, enriching the perspective with elements of interdisciplinary analysis - cognitive, linguistic, sociological. In the case of this presentation, the emphasis will be on discourse analysis carried out in the multimodality strand. Thus, it will refer to communications concerning law, combining different modalities. Multimodal analysis might enable the exploration of the different communicative modes visible in the media and their mutual relations (Kawka, 2016; Kampka, 2017). It has the potential to be a helpful tool in descriptive research on public perceptions of the law and the visibility of legal issues in public discourse.

The aim of the research is to demonstrate the possible benefits of using discourse analysis in research on legal issues. The proposed presentation aims at outlining the main assumptions of multimodal analysis and how it can be used in research conducted by lawyers. Firstly, significant examples of messages present in the social media sphere will be selected. They will be analysed using a logical-linguistic and then multimodal method. This will serve to illustrate the differences between the two approaches. Thus, some examples of multimodal analysis of messages appearing in Polish traditional and social media will be presented. The first aim of the presentation is to present a multimodal analysis as a tool for research concerning the study of the social aspects of law. The applicability of the sociological method in the study of an interdisciplinary sphere such as traditional media and social media will be examined. The second aim is to present some results of the analysis of exemplary communicates in the context of modes appearing in the Polish public discourse in the field of law. Thus, the examples of multimodal analysis on messages derived from Polish public discourse will be

presented. The analysed examples will concern issues of particular interest to the public eye, e.g. concerning the demonstrations on the availability of abortion in Poland or statements related to ecology and climate protection issues.

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How much information, how much entertainment? A case study of the legal infotainment show “Auf den Spuren der Kudamm-Raser”

The purpose of the study is to assess the legal knowledge communicated in a legal infotainment show on a criminal case with considerable societal impact.

1. What legal knowledge content from which legal fields (procedural law, criminal law, legal argumentation, ...) is communicated in the show?
2. What legally significant knowledge content is conveyed by actors from which disciplines (public prosecutor, psychologist, victim, ...) in the show?
3. What level of complexity is reached in the presentation of the knowledge concepts?
4. Which elements of expert knowledge were chosen for presentation in the show?
5. What is the balance between predominantly informative and predominantly entertaining elements in the show?

Law is a special discipline in the way that its generated knowledge is intended to help solve potential societal conflicts. It can only fulfill this role if the law is known to and accepted by citizens. In this way, legal concepts have to exist as social facts in a society in order for them to work. This means that it is necessary for law as a discipline to inform society about its principles, its concepts, and especially about the content of revised legal concepts. Such communicative processes have been investigated under the heading of dissemination and popularization of law (see, for a recent overview (Engberg et al., 2018; Pontrandolfo & Piccioni, 2022)). Legal documentaries (= instances of infotainment) is one possible tool for such legal knowledge communication. Contrary to what is the case for fictional crime shows this type of infotainment has not yet been studied to any substantial degree from the point of view of dissemination and popularization. Through the development of analytical approaches for the systematic assessment of the knowledge presented in such shows, we want to offer tools for quality assessment of instances of legal knowledge communication.

In our multiperspectivist analysis, we use a number of different analytical approaches:

- Based on the Legal-Linguistic Comprehensibility Model (Luttermann, 2010), we assess the expert knowledge system underlying the instance of knowledge communication and compare this with what is actually chosen for explicit communication in the documentary.
- Based on the concept of the level of explanatory ambition (Engberg, 2020), we assess to what extent the documentary shows the ambition of the producers to explain the legal concepts in detail and in their disciplinary complexity.
- Using approaches for the analysis of interactive knowledge construction (Bucher, 2020), we include comments from the public, for instance in the form of Facebook comments, in order to assess the socio-cognitive context in which the documentary is embedded.

Legal documentaries as instances of infotainment may contribute to generating institutional trust in the legal system. Hence systematic analysis of the knowledge conveyed is a relevant tool in quality assessment.

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The language of online courts

The paper explores online court forms as an interactive genre essential for legal-lay communication in civil and family proceedings. Traditionally, court forms elicit key information from predominantly lay court users for the purposes of court administration and the judiciary. The information presented in court forms thus defines the agenda and communicative focus of the subsequent hearings and settlement negotiations, and in some instances even the path the proceedings would take. Yet, the comprehensibility of court forms and legal genre more generally has remained a challenge for the layperson engaging with the justice system. Recently, the shift in the administration of court application processes towards online and digitised formats of court forms has brought additional language-related challenges. The paper considers the existing and new challenges of completing physical court forms and smart court forms online, which provides an opportunity to highlight opportunities to support court users with comprehension and narrativisation. The paper argues that it is important to consider court forms in terms of their comprehensibility as well as functionality for eliciting legally coherent narratives and facilitating efficient engagement of lay participants with the proceedings.

The case study draws on the combination of corpus linguistics and discourse analysis to explore two versions of the court form most frequently used by lay court users in England and Wales, i.e. the form used by parents to make child arrangements as part of divorce or post-separation proceedings or resolve a dispute about the upbringing of children. The comparison of the paper form and its redesigned online version identifies the improvements made as part of the digitisation process, but also indicates communicative challenges which can prevent the layperson from presenting the relevant information. The paper shows that the digitisation of the form has brought several positive changes: lexical and syntactic simplifications, more explanation of administrative steps, clarification of procedural or case management steps, and exemplification of some of the key legal concepts. There are, however, several aspects which require further consideration: further lexico-grammatical simplifications, clarification of definitional ambiguities, improving elicitation strategies, and supporting court users with building their narratives. The discussion provides an opportunity to reflect on the role of language in online courts.

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Evans Konye (Kenyatta University)

The People's Court on Twitter: A sentiment analysis of reactions to the Kenya Presidential Election Petition 2022

Social media data is a window through which we can access people's sentiments about social issues. This paper focuses on sentiments regarding political and judicial processes in the Kenyan context. Kenyan presidential elections have gained a reputation of ending in protracted dispute. The results of the last three presidential elections (2013, 2017 and 2022) were petitioned before the Supreme Court. Given the heightened political temperature that characterizes electioneering processes in Kenya, the resultant election petitions are highly charged and they attract a lot of public interest. The Presidential Election Petition 2022 was no exception.

The three-day hearing and the subsequent ruling were aired on live television. Therefore, the lay public had opportunity to follow the courtroom drama and copiously react to it on social media platforms. In fact, one media house described the hearing as "one of Kenya's reality television moments." The data for this paper were sourced from the social media commentary on the court proceedings. Using reactions extracted from trending hashtags on Twitter for a period of six days (31st August to 5th September 2022) we aim to show the varied sentiments expressed on the legal process as well as the judicial, political and institutional actors in the process.

Through this analysis, we hope to reveal the people's sentiments about the notions of justice and fairness as well as their assessment of the credibility of the judicial process and the actors in it. Sentiment analysis is not only a well-established procedure but also one with a wide range of application (Drus and Khalid, 2019). However, there are glaring disparities in published research on this procedure in the Global North and Global South. With respect to this, we intend for this research to be pioneering in the Kenyan context. Specifically, we aim to document the shortcomings of machine-based sentiment analysis when working with multilingual data.

Python v.3.10 programming language was used to collect and analyse the data. Twitter API snsrape was used to scrape the data. The function TwitterSearchScraper was used to search through trending Twitter hashtags such as #kenyasupremecourt. A total of 4556 tweets were collected and saved as panda data frame. These were later converted to csv. files to allow for preprocessing of the corpus before analysis could be done. Preprocessing involved standardization, tokenization and vectorization. Further, duplicate tweets were deleted as were all the punctuations, emoticons, html tags and numbers. Common words and phrases such as 'Raila', 'Ruto', 'supreme court' were also removed as well as English stop words. One hot encoding was used to convert the tokens into machine readable language. The exploratory data analysis using frequency count and word clouds were used before applying NLP technique to assign sentiment to words.

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LANGUAGE OF PREJUDICE, DISCRIMINATION AND VIOLENCE

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Of Chads, Beckys and Stacys: Visual polarisation in the incel subculture

In the last years, the term “manosphere” has become popular to refer to a collection of websites, blogs, and online forums promoting masculinity, misogyny, and opposition to a very specific view of feminism. Within the manosphere, one of the most popular groups is the “incel subculture” (portmanteau of “involuntary celibates”) that has drawn the attention of many scholars due to their outstanding relevance for security reasons. Broadly speaking, “incel” is a term used for young, typically heterosexual white men who believe that they are oppressed in society because they form part of a group of inferior (beta) men that are rejected by women in favour of superior males (alphas) due to their ineludible status in society, all from a very biologically deterministic perspective. (Palma, 2019: 2). This leads to resentment eventually resorting to several dozens of violent attacks in the last decade being the most popular the one carried out by Elliot Rodger in 2014, who killed six people and himself in Santa Bárbara in 2014.

As any online subculture, the incels rely heavily on meme communication. Although its origin can be traced back to biology (Dawkins 1989), the concept of “meme”, as we understand it today, is an artifact typically product of Internet culture. As highly medium-specific constructions of discourse, memes are multimodal in essence combining image and text usually with humouristic purposes (Milner 2012). However, the very notion of humour is problematic, and memes have evolved towards other communicative functions some of which may be interpreted closer to extreme speech and radicalisation (Feilitz & Thurston, 2019) allowing “extreme message to masquerade as a medium specific parody” (Crawford 2020).

In this paper, we analyse 100 memes collected from 2020-2022 from social platforms such as Instagram, Reddit and 4chan that contain all the stereotypes of the incel subculture. Our analysis will follow a three-phased system that includes McCloud’s (1994) taxonomy for comics, and Shifman’s (2014) dimensions —content, form, and stance— to classify families of memes with a twofold purpose: to find out whether extreme language propagates easily in digital culture through apparently innocuous humorous multimodal artifacts such as memes, and second, to assess if this pervasive rhetoric can be a powerful tool of online radicalisation among youngsters. The results of our analysis show that such form of spreading polarization allows quick sharing can normalize or lessen the gravity of violent extremist narratives while its ambiguous nature make it difficult for content moderators or law enforcement to detect and remove potential threats.

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Defining femicide? Investigating the legal and discursive definitions of this hate crime

The killing of a woman because of her gender is unfortunately a well-known social phenomenon (WHO, 2012; EIGE, 2022). The crime has been labeled *femicide* quite recently in the mainstream media in France, although the term had been coined in the 19th century in England (Radford & Russell, 1992: p. x). Some institutions adopted a definition which includes eleven different types of femicides, a typology which has been adopted by the European Institute of Gender and Equality (EIGE)⁶. This definition focuses on the murder of a woman under different circumstances such as during armed conflict, during intimate partner violence, during dowry-related killings, etc. EIGE suggests also a second “statistical definition”: the killing of a woman by an intimate partner and death of a woman as a result of a practice that is harmful to women. Intimate partner is understood as former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim

This last definition is based on the most frequent scenario foregrounding the murder of a woman i.e. that the woman was a victim of “intimate partner violence” or IPV (WHO 2012). We hypothesize that the overlap between IPV and femicide of non partners may obscure, in discussions on the phenomenon, the drives of such crimes i.e. stereotyped gender roles, unequal power relations between women and men, among others. Our corpus driven study analysis tests this hypothesis. Our data consists in posts commenting articles focused on femicide in the French media (year 2022, roughly 20.000 words for each newspaper), collected in two mainstream newspapers the *Figaro* and *Le Monde*. We explore our data firstly from a quantitative perspective with the corpus linguistics tool SketchEngine to understand the framing of such phenomenon in the comments; the qualitative analysis considers the longest threads in the online conversations collected and is anchored in Critical discourse analysis (Berns, 2001; Fairclough, 2013). Our data analysis allows us to suggest along with Cacouault & Jaspard (2020) that the word is necessary but not sufficient. Indeed, if it renders visible a so far invisible ‘epidemia’ of women killing, its usage also feeds not only misogynistic discourse, but anti-feminist, homophobic and xenophobic statements. There is a need therefore of counter discourse such as more awareness campaigns on the issue and its origins.

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Patterns of antisemitic hate in politically moderate discourses

The study of antisemitism faces enormous challenges. Perhaps more than any other hate ideology, Jew-hatred is extraordinarily flexible, able to shapeshift with the times and take on new forms adapted to its surroundings (cf. Wistrich 1992, Schwarz-Friesel/Reinharz 2017). From religious anti-Judaism through to modern racial theories, antisemitism has found expression through a huge range of stereotypes and other concepts, at times deriving logically from one another, at others standing in direct contradiction. In the antisemitic imagination, Jews can simultaneously be the secret all-powerful rulers of the world and cowardly sub-human vermin; they appear both as predatory arch-capitalists and revolutionary communist plotters; as the harbingers of ‘progressive’ modernity while also being the stubborn defenders of a reactionary status quo. Due to the complexity and compatibility of the content of this hate ideology, it is not always easy to recognise antisemitic concepts, to take into account certain parallels of historical and contemporary communicates, or to justify the resulting interpretations. Even within those social and political movements which pride themselves on their commitment to anti-racist principles and activism, antisemitism is all-too-often left unrecognised or ignored, leading to claims that ‘Jews don’t count’ as authentic victims of racism in anti-racist political circles (Baddiel, 2021, Arnold 2022). The question of Israel and its relation to antisemitism is a primary factor here. However, there are further thorny problems: how to clarify the relationship between antisemitism and certain modes of anti-capitalism, anti-elitism and non-antisemitic conspiracy theories?

Furthermore, the complexity and diversity of the form of presentation of antisemitic communication itself – i.e. the language or other patterns through which these concepts are carried into the discourse – pose a problem that seems difficult to capture. If it is often straightforward to identify radicalised, i.e. unambiguous, hate speech, in extremist milieus, where the name of the target and the antisemitic image are explicitly stated. In contrast, antisemitic discourse within mainstream spaces is frequently characterised by implicit communication patterns which seek to disguise expressions of devaluation and exclusion and distract from clear messaging.

This paper provides a brief overview of antisemitic statements in mainstream online spaces and presents the approach of the *Decoding Antisemitism* project to develop a clear guide for the conceptual as well as linguistic challenges.

Dr Matthias J. Becker is a linguist, with a strong focus on pragmatics, (critical) discourse and media studies, research on prejudice as well as on social media studies. His research focuses on discrimination in mainstream society and the construction of implicit hate speech. Matthias leads the international research project “Decoding Antisemitism” at TU Berlin. Using a mixed methods approach that also incorporates AI-based methods, 15 researchers analyse antisemitism in mainstream discourse online in Germany, France, and in the UK. His doctoral dissertation analyses forms of national pride and Jew-hatred in British and German discourses on the Mideast conflict (*Antisemitism in Reader Comments*, Palgrave Macmillan, 2021).

Homophobic hate speech: Another version of racist discourse?

This paper seeks to fulfil the gap between a long tradition of research in the field of hate speech on the grounds of race and ethnicity, and comparatively scarce academic activity in the area of hate speech on the grounds of gender, and especially sexual orientation.

The present analysis aims at investigating discursive features of homophobic communications and contrasting them with those of racist narratives in order to answer the following two questions:

Is it possible to trace the homophobic ideology through the discursive characteristics of anti-gay messages?

Does homophobic hate speech have its own distinctive argumentation strategies or is it just another version of racist discourse?

Employing the Sociocognitive approach of the Critical Discourse Analysis (van Dijk, 2015), the research under consideration assumes that the connection between discourse and society is cognitive, that is, they link through the speakers' mental representations. CDA of day-to-day communication in this case unites macro (prejudiced ideology), meso (social practices of discrimination), and micro (language use and features of discourse) levels. Ideologies find their way into discourse as a social practice, and the discourse reveals the underlying mental models through specific language use.

On the macro level of the present analysis, I defined homophobia as the ideology of discrimination on the grounds of sexual orientation. The meso level was dedicated to the description of various social practices of homophobia, including discourse. Finally, on the micro level, the linguistic characteristics of homophobic narratives were examined, namely their discursive features, to trace the discriminatory system of beliefs that stands behind them. For this purpose, the corpus of texts (235,973 words) taken from the websites of 22 US homophobic groups was analysed with the help of the methodological synergy of a corpus-based approach (via Sketch Engine software) and Critical Discourse Analysis (Baker et al., 2008). In particular, key terms and concordances of the expressions closely related to the topic of homosexuality, specifically "gay", "homosexual", "same-sex" and "LGBT", served as the basis for the research in question.

The results revealed that, though some discursive features are shared by both discriminatory narratives, some practices are unique to hate speech on the grounds of sexual orientation, meaning that homophobic communication can be considered an idiosyncratic hateful discourse.

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Restrictions to online speech based on the ‘public morals’ clause

Article 19 of the 1966 International Covenant on Civil and Political Rights (ICCPR) recognises the freedom of opinion and the freedom of expression. Both freedoms are essential requirements for the development of every human being in a free and democratic society, for they represent the preconditions necessary to the exercise of other basic human rights, such as the freedom of assembly and association. In particular, the freedom of expression comprises far-reaching rights as the sentence “to seek, receive, impart ideas of all kinds [...]” demonstrates. In other terms, article 19 grants a right to think, speak and spread thoughts freely, no matter if they are good or bad. Though, it does not mean that International law acknowledges an absolute freedom of expression. Article 19, paragraph 3, indeed limits this wide-ranging right by establishing two limitative areas of restrictions which may relate either to “respect of the rights or reputations of others” or to the “protection of national security or of public order (*ordre public*) or of public health or morals.” According to this provision, limitations to the freedom of expression must comply, among the others, with the condition of legitimacy. Hence, any restriction has to be established with the exclusive purpose of protecting at least one of the legitimate interests detailed in article 19, paragraph 3.

However, this contribution argues that “public health or morals” are rather vague concepts that have not been precisely defined yet by any international body. Indeed, the Human Rights Committee - the body of independent experts that monitors the implementation of the ICCPR by its States Parties - has not specified until now when a restriction of the freedom of expression for public health reasons is possible. Nor it has clarified so far what “public morals” means, limiting itself to state in its General Comment No. 22 on Article 18 of the ICCPR that: “[T]he concept of morals derives from many social, philosophical and religious traditions; consequently, limitations [...] for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition.”

Far from being a merely theoretical problem, this uncertainty already allowed States to tolerate the spreading of fake news and conspiracy theories during the Covid emergency or to silence dissenting opinions for public moral reasons, as it happened after the killing of Mahsa Amini in Iran.

Therefore, the goal of this work is to scrutinise the possible meanings of the notions of “public health or morals” in order to contribute to a more precise delimitation of the (thin) line between a lawful and an unlawful speech according to international legal norms.

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Online hate speech: A study of comments on criminal cases of rape and homicide

Purpose & research problem

The aim of the study is to examine online hate speech through linguistic data extracted from an online platform. Specifically, users of the platform comment on two notorious criminal cases that were of great concern to Greek society in 2018. These are the fatal beating of a young man in the centre of Athens and the rape and murder of a young woman in Rhodes. The research problem of the study is the extensive mapping of the linguistic and pragmatic features that constitute hate speech and the connection with the two cases of hate crimes studied.

State-of-the-art

Hate crimes have already been linked to the implementation of hate speech by perpetrators (Culpeper et al., 2017). The contexts in which hate speech emerges are based on the use of abusive language, insults, threats, taboo words and attacks on one's identity and values (Waldron, 2012). However, as other research on online environments has pointed out (Assimakopoulos & Baider, 2018), the phenomenon of hate speech in online environments carries several characteristics that make it a complex and multidimensional linguistic phenomenon.

The mode of communication is not synchronic, but diachronic (Bou-Franch & Blitvich, 2014). This type of communication does not have the elements of a natural flow dialogue. The fact that a person knows that they can speak their mind which contains hate speech without there actually being any impact on their life provides them with the safety of being able to comment using such strategies (Langton, 2016).

Research questions

The main research questions are the following:

what are the linguistic and pragmatic features that make up hate speech?

what are the contextual elements that influence the linguistic context, i.e., how the context combines with the co-text to produce hate speech?

through which strategies the hate speech is ultimately enacted?

Methods and tools

In this research, linguistic data from online discussions between unknown users of the YouTube platform have been collected. The data were extracted from the discussion board of YouTube platform and have been analysed qualitatively. The tools used to analyse the data are primarily pragmatic and discourse analytic tools. In addition, principles of jurisprudence have been utilized, as well as legislation resulting from European law. For a better analysis of the data a qualitative research software is used.

Main conclusions

The research shows that hate crimes are characterised by hostility towards the victim, which is related to the social group to which the victim belongs or to which the perpetrator assumes the victim belongs. Hostility, which implies a state of violence and fear, is expressed

linguistically mainly through insults, which constitute the main expression of hate speech. Consequently, in the considered corpus of linguistic data, it follows that the realization of hate speech emerges through: the coexistence of specific pragmatic mechanisms and the public approval, denial, justification, or devaluation of crimes against human life through the system of online communication in which they are examined.

This conclusion comes to unite the set of linguistic tools and strategies with the legal framework concerning hate speech and, in particular, Council of Europe Decision 2003/2006 and European Union Decision 2008/913/JHA.

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When law deals with gender

The main purpose of this presentation is to discuss gender oriented laws as being, although they were generally voted to bring more equality forward. Laws appear in as written enunciations of a variety of discourses that preexist, which are discussed throughout “law projects”, which sometimes get fragmented through different laws (or “sub” laws of a specific law, “marriage for all”, is a sub law of the marriage general law, in France, which addresses only same sex people as in <https://www.assemblee-nationale.fr/14/projets/pl0344.asp>). In this frame, it seems that the more a law tends to be specific, the more it tends to lead to feelings of violence, discrimination and prejudice in its interpretations in everyday’s life. This leads to reflect about the way laws paradoxically aim at opening up on more equality of rights and, at the same time, how their interpretation can lead to more discrimination, prejudice and violence felt by the people than what the law was intended to be voted for.

In some French laws, as in some UK common laws, there sometimes seems to be specific implicit gendered oriented discourses about women, as mothers, wives, which tends to rule their rights on their bodies –abortion rights for instance. Also, to leave an “open space” for an hypothetical father to come and declare himself seems to be a leitmotiv in the way laws are written which seems to prevail in most of the countries throughout the world. On the contrary, punishing a fleeing father to be from its responsibilities doesn’t seem to have yet been considered important by the laws in the same way/proportions. Funded on biological reasons and children’s protection (<https://www.unicef.fr/convention-droits-enfants/>) laws seem to get generally more oriented towards the protection of men’s rights over their child (opened recognition over time) than, for an example, women from getting pregnant and just having no father staying for their kids. This difference of treatment, although founded on what seems to be biological reasons, appears as an inequity of the way laws deal with gendered role repartitions, and probably also with the definition of what being a “parent” means.

I will mainly take my examples in French law of marriage for all. My examples are taken from a corpus of 30 interviews with lesbian mothers who had to get married in order to adopt their spouse’s child(ren), although they actually had to be together in the first place to actually be able to conceive the child – so that, in fact, they need to get married to adopt their own child(ren)- but not in all circumstances. It depends of the conception’s way. The followed method has been to record interviews, transcribe them, and analyze them from an enunciative point of view, as well as with a statistical textual analysis tool *Lexico3*, in order to point the recurrences. Comparisons with other countries will be taken from field work, interviews, and readings gathered in Oxford and Pondicherry, India, in 2022. Theoretical frame is more especially the legal consciousness studies.

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Emotions and representation of intimidation and threat in covert stalking

In 2015, the Spanish Criminal Code was amended to include new crimes associated with gender-based violence, such as *stalking* and *sexting*. Specifically, Article 172 ter of the Spanish Criminal Code (2015) prohibits stalking. Stalking is considered a form of discrimination on the grounds of sex and a demonstration of power on the part of the aggressor aimed at subordinating the target, thereby violating their dignity.

Although the law's wording specifies the types of behaviour that can be sanctioned, it fails to explain how the aggressor can perform such behaviours. Since stalkers are aware that their behaviour is unlawful and socially stigmatised, their malicious intent is likely to be hidden under the protective mantle of ambiguity and indirectness to avoid indictment and criminal prosecution. The victim must then convince the court that the perpetrator's behaviour was so pervasive that reasonable people would have perceived it as creating an intimidating and threatening environment, capable of causing harm to the target's dignity (cf. Scarduzio and Geist Martin 2010).

The paper aims to demonstrate that it is necessary to understand the gendered nature of power concerning stalking and ideological positioning; otherwise, the victim of stalking is bound to be re-victimised by the court. The discussion raises three questions: a) how does a woman victim of stalking represent intimidation and threat? b) Why does the current law fail to fully protect a woman victim's rights to dignity, respect and freedom of movement? c) How can linguistics help to improve the court's understanding of the emotional impact and effects covert stalking has upon a woman victim?

Appraisal theory and the pragmatic notion of implicature will be used to analyse emotion and representation of intimidation and threat in the context of stalking. The analysis will be illustrated through its application to a court case of stalking involving intimate-partner violence in which the court re-victimised the victim. Moreover, the results of this qualitative analysis will be contrasted to those of a pilot survey conducted among 50 respondents, 25 females and 25 males, who were asked to place themselves in five hypothetical situations to test their emotional responses and interpretation of the suspect's communicative intent.

Findings from this paper demonstrate a gap between the legal approach to stalking and the experience of women victims when the crime is covert. The conclusions provide arguments in favour of revising the legal concepts of intimidation and threat under a gender perspective to improve the law's ultimate purpose: to recognise the harm caused by stalking and protect victims of such harm.

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Hate expression strategies in anti-LGBT+ statements

Even though hate speech receives a lot of attention from researchers in various fields, in practical expert work we still face difficulties when it comes to separating hate speech from offensive or unethical speech, or assessing whether the speech reflects an intention to incite. In Lithuania, a forensic linguist investigates possible hate speech at the request of a pre-trial investigator and gives an expert opinion. To improve our expert work and to step in to discussion about the boundaries of hate speech and also boundaries of different hate speech levels, we collected hate speech dataset from 88 pre-trial criminal cases in 2021-2022. We used quantitative textual analysis to analyse this dataset and to classify hate speech strategies and levels. We found that the most frequent target group in our dataset is LGBTQ+.

This study aims to describe the range of hate expression strategies used in the anti-LGBTQ+ statements and understand the prevalent types of anti-LGBTQ+ hate speech. Our questions are, first, what hate expression strategies commonly are used talking about LGBTQ+ group, second, how to recognize and assess the statements, that are on the boundary between hate and negative opinion, and finally, what strategies and intentions can be recognized in the statements about possible violent actions against the group. As a result, we found that common hate expression strategies are insulting, vulgarization, blaming, pathologizing, dehumanizing and rejection strategies, each of them can be implemented through stronger statements or weaker “border” statements between hate and not hate speech. Also promotion of violent actions alongside with the approval of the crimes committed by Nazi Germany are common strategies in the anti-LGBTQ+ commentaries. In our opinion, promotion of violent actions against the group, that takes place on the Internet commentaries, differs from incitement.

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Transrespect in supranational case law: Transgender identity labels in ECtHR judgments

The European Convention on Human Rights (ECHR) aims at protecting human rights and fundamental freedoms and promoting democracy among the 46 members of the Council of Europe. As such, it protects people against any form of discrimination, including discrimination based on gender identity or sexual orientation. When the ECHR was drafted, in the immediate aftermath of WW2, issues related to gender identity, sexual orientation, and the rights of LGBTQ+ people had almost no weight in social and political discourses. Consequently, the rights enshrined in the Convention (e.g. the right to marry) were mainly intended for people who were recognised as cisgender and heterosexual. However, the European Court of Human Rights (ECtHR) could not ignore the increasing visibility of gender and sexual diversity in society (Polese & Zottola, 2019, p. 80) and has been called to decide on the extension of ECHR rights to LGBTQ+ people several times.

Most research on the linguistic representation of trans identities have traditionally fallen under queer linguistics (Hall, 2013; Motschenbacher & Stegu, 2013) and more recently under trans linguistics (Zimman, 2020). These studies are relatively recent (Zottola, 2018, p. 241) and can be broadly divided into studies illustrating the representation of trans identities by people who are cisgender ('outsiders') and studies focusing on the self-representation and self-definition by trans people ('insiders').

While transgender issues in ECtHR's case law have already been explored from a legal standpoint, the linguistic representation of trans persons in ECtHR's judgments has not received much attention so far. This paper aims at narrowing the gap by investigating the use of three trans identity labels ('trans', 'transgender' and 'transsexual') by outsiders in a corpus of ECtHR's judgments in English compiled in Sketch Engine. The corpus is made of two subcorpora: the first contains judgments dealing with transgender issues from the very first case in ECtHR's history (*Van Oosterwijck v. Belgium*), while the second comprises the relevant separate opinions. The extracted labels were analysed to assess whether they were used in a way that showed transrespect, i.e. a form of respect for and recognition of individuals whose lived gender identity or gender expression differs from the gender role assigned to them at birth. To do so, the definitions and guidelines for respectful use of language of GLAAD (<https://www.glaad.org/reference/trans-terms>) and TGEU (<https://tgeu.org/glossary/>), two organisations involved in the promotion of equality for LGBTQ and transgender people, were used.

Given that the concepts and definitions referring to gender identity and sexual orientation have significantly evolved over time and that the sensitivity towards and awareness of these issues have also undergone remarkable changes, the extracted labels were examined from a diachronic perspective and by taking into account the fact that separate opinions generally feature a more subjective tone compared to majority opinions. The findings reveal a neglectable presence of 'trans' and a use in step with the times of 'transsexual' and 'transgender', which nevertheless often violate the guidelines (e.g. through the use of

potentially offensive modifiers). Despite the limited generalizability of the findings, it can be noticed that even a judicial authority fighting discrimination may occasionally make a discriminatory use of language.

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The social name in Brazil and the need to create legal instruments to avoid prejudice and discrimination

The name registration is widespread among written culture and the civil name is fundamental for any administrative or legal act. It constitutes the anthroponym most used in formal situations. The choice of the civil name is made, most of the time, by parents or guardians. In countries with a civil law system, the right to have a name, as well as its registration, is provided for by law. However, there are several situations in which one may want to change their name throughout their lives. According to Varennes & Kuzborska (2015), it is now increasingly accepted that individuals are entitled to have their names recognized and used, including names in a language that may not be the official language of the nation in which they live. One of the situations of changing names is observed with transgender people, who can adopt the “social name”, as defined by the Brazilian legal system. As an anthroponymic category and according to Federal Decree No. 8.727/2016, the “social name” corresponds to the name by which the transgender person identifies him- or herself and is socially recognized (Amaral, 2020, Amaral & Seide, 2022). New studies have shown that this category of name presents innovative graphic properties (e.g., *Raymund Brändhi*, *Zunnga Gllayzzee*) and tends to have a smaller extension than other anthroponyms (e.g., *Gabrielle*, *Kelly Sales*). In certain cases, it presents marks of identity and also traits related to the social context of the bearer. However, the social acceptance of this name has been controversial in Brazilian society. In the press, for example, the use of this term (*social name*, “nome social” in Brazilian Portuguese) or the reference to transgender people exhibits marks of prejudice and discrimination. The aim of this work is to analyze these signs of discrimination and relate them to recent legal instruments both from Legislative Power and Judiciary. The hypothesis is that these instruments can contribute to the recognition of the social name as an important right for transgender people, to avoid or minimize the prejudice and specially to function as a way to guarantee human dignity. The analysis is based on the interface between sociolinguistic studies on proper names with law studies (Ainiala 2016, Amaral 2020, Teutsch, 2016). The methods of this research are organized in three steps: firstly, we analyze the insertion of the social name in the Brazilian legal system observing some federal legal instruments and court decisions; secondly, we discuss the strategies to refer to transgender people in news about violence against this group of individuals; finally, we analyze data from oral interviews, with focus on linguistic beliefs and attitudes on changing names. The results show evidence of more acceptance of social names during the past years. This fact can be related with social and legal changes that have taken place from the second half of the 20th century onwards, as well as the expansion of human rights in recent decades, observed even in the right to choose one’s own name, as discussed by Varennes & Kuzborska (2015).

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The syntax of violence and hate: A focus on Lithuanian

The present study aims to examine the syntactic characteristics of hate speech (HS) in Lithuanian. The paper focuses on a relatively broad range of sentence structures in HS, which, to a large extent, reflect conversational grammar (as outlined by Biber et al. 1999) in terms of form, but also have some specific communicative functions, such as degrading, dehumanising, insulting, and threatening a target. The broader goal is to consider how these structures impact the tone of the HS message and express the negative emotional load of the speaker. In recent years, HS has been addressed from different perspectives including a number of studies applying discourse analysis and pragmatics, and an outstandingly rich body of research on automated HS detection. The amount of research focusing on morphosyntactic aspects of HS, however, is still limited. Some studies have touched upon some morphosyntactic forms such as neologisms, diminutives, and affixation (Vasilaki 2014; Ruzaitė 2021), but they have dealt with them just briefly in broader discussions of HS characteristics. So far, the most systematic and comprehensive research on grammar-related indicators of HS appears in Knoblock (2022), where the focus lies on several languages (Czech, Dutch, English, German, Greek, Russian, and Ukrainian). Although some syntactic patterns are addressed in this volume, this field still remains under-researched. The present study thus is an attempt to contribute to the area by considering the syntax of HS in Lithuanian.

The data has been collected from 160 court cases which examined instances of hate speech. The hate speech messages under investigation are of diverse genres (song lyrics, oral attacks in public spaces, internet comments, Facebook posts, and posters), but predominantly these are internet comments. In total, the dataset comprises 220 messages since some cases included more than one HS instance produced by the same person(s). The messages were analysed by adopting some categories of conversational grammar introduced by Biber et al. (1999) in combination with impoliteness theory (Culpeper 2011). The latter is used as an interpretative framework that allows relating syntactic realisations to impoliteness strategies, which further disclose speakers' attitudes, prejudice, and aggression. The research questions addressed are as follows: (1) What syntactic structures dominate in HS and how complex are they?; (2) Which categories indicate the speaker's emotional involvement and prejudiced attitudes?; (3) How do the syntactic categories relate to impoliteness strategies?

The results show that HS messages are overwhelmingly marked by dysfluency and error. A large portion of HS consists of extensive sequences of clause-like units without any or with a highly limited amount of punctuation, often resulting in syntactic blends. Alongside syntactic dysfluency, such clauses normally contain numerous errors in spelling and grammar. On the other hand, there are some comments that are very concise, take a highly reduced syntactic form, and are fully fluent. Often, these are non-clausal units constituted by a noun phrase or prepositional phrase used as (1) a condensed directive usually realised by an infinitive (*Pagauti ir išpjauti kiaušus* "To catch and cut out the balls") and (2) disparaging or abusive exclamations or insults (*Kandonai panaudoti* "Used condoms"). Predominantly, these structures are condensed emphatic threats referring to different forms of physical violence to be inflicted on the target group. Chaotic syntactic structures signal limited planning arguably arising from the high emotional involvement of the speaker. Strong emotional load can also be linked to the

vernacular range of expressions, tags, and prefaces (especially vocatives and interjections). Such categories as imperatives, some modals, infinitives, and vocatives can be linked to such impoliteness categories as threats and insults. The insights of this study can be useful for typological comparisons between languages. They can also be important when further developing criteria for HS identification, which could be used by linguists serving as experts in legal processes and for automated HS identification.

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LANGUAGE AND DISADVANTAGE BEFORE THE LAW

Coordinator:

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**Does Directive 2000/43/EC contain a prohibition of discrimination
on the grounds of language?**

European labour law does not explicitly protect employees against discrimination on the grounds of language. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, however, contains a prohibition of discrimination on grounds of racial and ethnic origin. The research problem of the paper is whether discrimination on the grounds of language can be understood as indirect discrimination on the grounds of ethnic origin. This could be argued if one interprets the term "ethnic origin" in such a way that members of *another* ethnic group suffer disadvantages because of a lack of or insufficient language skills. This interpretation had initially prevailed in German labour court case law (Federal Labour Court, judgments of 28 January 2010 – 2 AZR 764/08 – and 22 June 2011 – 8 AZR 48/10). Accordingly, applicants and employees are protected from employers requiring them to have language skills that are not necessary for the performance of the job and for intra-company communication. However, the term "ethnic origin" can also be interpreted restrictively to mean that it is only intended to protect against discriminations that result from belonging to a *particular* ethnic group. For some years now, the European Court of Justice (ECJ) has been supporting this restrictive interpretation. In the judgments CHEZ Razpredelenie Bulgaria (judgment of 16 July 2015 – C-83/14), Jyske Finans (judgment of 6 April 2017 – C-668/15) and Maniero (judgment of 15 November 2018 – C-457/17) that do not concern discriminations on the grounds of language, the ECJ has ruled that Directive 2000/43/EC only applies if there is discrimination on the grounds of a particular ethnicity, i.e. precisely because someone is Roma or Turkish, for example. The German Federal Labor Court considered itself bound by this case law and subsequently changed its jurisdiction: the requirement of "very good knowledge of spoken and written German and English" is not an indirect discrimination on the basis of ethnic origin because it is not to be regarded as inseparably linked to a particular ethnic origin (judgment of 23 November 2017 – 8 AZR 372/16).

The paper criticizes the restrictive interpretation of the term "ethnic origin" by the ECJ. Directive 2000/43/EC is not intended to protect certain supposedly homogeneous ethnic groups against discrimination, but is directed against racist and xenophobic behaviour. Even if the wording suggests that "ethnic origin" protects against discrimination because of membership to a group, according to the recitals and the drafting history, the aim of the Directive is to combat xenophobia and racism. It also seems problematic to clearly demarcate supposedly homogeneous ethnic groups from one another. For these reasons, the paper argues that the Directive should be interpreted to protect against discrimination based on a perceived "foreign" feature. These include place of birth, nationality, religion, cultural or traditional origin – and language. Each of these features is covered by the discriminatory ground of ethnic origin in its own right, not only as part of a bundle of criteria. Thus, discrimination on the grounds of language should be understood as indirect discrimination on the grounds of ethnic origin. Applicants and employees are therefore protected from employers demanding language skills that are not necessary for the job.

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EUROPEAN LEGAL CULTURE AND MULTILINGUALISM

Coordinator:

Anne Lise Kjaer (University of Copenhagen)

Assessing the comprehensibility of multilingual online forms: Decentering EU legislative texts to empower EU citizens

Back in 2002, the Declaration on Free Access to Law agreed in Montreal stated that legal information is part of the common heritage of humanity and should be accessible to all anonymously and free of charge. Twenty years onward, we are witnessing a digitization of legal services: not only is the medium of the law changing, but legal disputes are resolved by means of online forms. This image of a moving law reflecting the spirit of our times is especially visible in the field of consumer law, though a spill-over effect is noticeable in multifarious domains including marital property regimes, maintenance and inheritance rights, or debt-collection procedures. The rationale for introducing forms as a presumably simple way to resolve legal issues can be explained first, in relation to the growing number of cross-border legal disputes of mobile EU citizens pursuing freedom of movement and establishment, and second, in relation to the boom of the digital single market during the Covid-19 pandemic. Observed in this light, the prototypical user of legal information is changing accordingly: It is no longer the professional lawyer, but the citizens who are taking advantage of the free access to the law and the digital availability of legal services and materials (cf. Doherty 2020).

However, making law accessible to a wider audience may affect its form, content and manifestation (Curtotti, Haapio and Passera 2015), as well as comprehensibility, highlighting the need for rendering legal information in plain and comprehensible language in line with the requirement of transparency and the duty to inform (cf. Bajčić and Mišćenić 2022). After all, informational justice and access to transparent information is part of procedural justice (Greishofer 2021, 1755). Yet, the availability of multilingual online forms does not guarantee their comprehensibility to citizens as consumers or as parties to different procedures. To investigate the comprehensibility of forms as hybrid legislative texts displaying features of several micro genres (Greishofer 2021, 1747), we will first conduct a corpus-informed analysis of multilingual online forms with emphasis on terminological variation (both intralingual and interlingual), since variation in terminological designations may affect the comprehensibility, equal authenticity and in turn usability of forms. As a growing body of research into variation is indicating, variation is very much present in EU texts, warranting further inquiries into its causes and effect on the conceptual congruence of EU law (Bajčić 2023). Bearing in mind that usability is crucial to measure the quality of human-centered legal texts from the perspective of legal design (cf. Passera 2017, 37), the second step of the study will involve target-group-focused empirical methods (cf. Göpferich 2009, 34) to examine the forms' comprehensibility especially in terms of lexical simplicity and the familiarity of terms to the target group.⁷ It is hypothesized that the findings will point to a correlation between terminological variation and comprehensibility of forms, and enable drawing inferences about ways of improving their quality, while reducing risks to the requirement of transparency (and legal certainty). Mapping the usage of variants with a view to empowering citizens to know “the obligations and opportunities in law that will cost or save them time and money” (Doherty 2020, 6) is especially relevant in the context of recent legal-design and plain-language movements.

⁷ The exact methods, target group and online forms to be included in the research are yet to be determined.

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Termness of terms: EU multilingual legal terminology

As units of legal knowledge, language and communication, legal terms are “crystallization of legal rules” (Mattila 2013) and fundamental building blocks of legal discourse which activate rich knowledge structures necessary to interpret legal texts. There is a growing body of literature on multilingual legal terminology (cf. Bajčić (2017), Prieto Ramos and Cerutti (2022), Biel and Kockaert (forthcoming)), yet there is actually little empirical work into the formal linguistic nature of legal terms and reflection on what makes a lexical unit a (legal) term. This study is intended to fill in this gap.

The objective of this paper is twofold: (1) an empirical objective: to analyse the complexity of EU English legal terms as operationalized through their linguistic form, using the methods of corpus linguistics and language acquisition; (2) a theoretical objective: to reflect on the “termness” of EU terms – what constitutes a (legal) term and which terms could be regarded as a prototype. The core dataset analysed in the study is a special and salient category of terms — defined terms (cf. Jopek-Bosiacka 2011) which were extracted from a 10-year corpus of EU English Regulations and Directives. They are juxtaposed with reference datasets: (1) English terms documented in the EU IATE’s termbase to study intrasystemic variation; (2) terms extracted from comparable corpora of English and Irish statutes to study intersystemic variation; (3) general language corpora to assess their vocabulary load. The analysis covers the complexity of terms in respect of the number of constituents, their categorization into parts of speech and patterns, frequency and repetition of constituents, a local grammar of terms, their morphological properties and other features which affect the communicative potential of terms. The corpus design allows for a comparative analysis of term formation patterns and their complexity in monolingual and multilingual settings. This type of knowledge about the linguistic nature of terms can inform automatic term recognition, legislative drafting, clear language guides and translator training.

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The acceptable imperfection of translations in criminal law

Can criminal law be translated? The feasibility of translating criminal law is an increasingly important issue. The aim of this communication is to analyze to what extent the imperfection of translation can be acceptable in criminal law. Even if this is not a new subject, the current situation has evolved recently. Traditionally, criminal law used to fall within national jurisdiction. Nowadays, criminal law is partially detached from state sovereignty and has acquired a universal and European dimension, justifying not only the need to use more frequently the legal translation but also to re-examine the place of legal translation in this area of law. It seems that doing legal translation in criminal law entails accepting the imperfection of the result and mitigating such imperfections as much as possible, bearing in mind the purpose of the translated text and its recipients. First, different translation techniques must be adopted according to the purpose of the text. We can distinguish between texts that produce legal effects (e.g. an international treaty in criminal law), texts that aim to harmonize different national legislations (e.g. European directives on criminal law), and texts about comparative criminal law (e.g. a book about foreign criminal law). Accepting the imperfection of legal translation in those contexts means realizing that the translatability of a legal term does not mean that there are parallel legal regimes in the different legal systems whereby the equivalent legal term has exactly the same implications. The second point concerns the recipient of the legal text. Here the question that must be asked is the recipient's degree of knowledge of criminal law. Depending on whether it is a layperson or a criminal law specialist, the translation should be slightly different. The vocabulary in the target language should be adapted to make the text understandable. This paper will try to present the fresh consideration of those issues by focusing on acceptable imperfection more than on methods of translation. We will explore French criminal law and compare it with British and Polish criminal law to illustrate the current trends in this context.

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Through the lens of language: The impact of multilingualism on opinions of Advocates General at the Court of Justice of the European Union

This paper sets out the steps in developing a toolbox of research strategies through which innovative questions relating to the impact of language and multilingualism on the production of jurisprudence by the Court of Justice of the European Union (ECJ) can be examined. Focusing specifically on the significance of language for Advocates General at the ECJ, the paper considers the implications that changes related to the linguistic aspect of their role may have for the construction and consolidation of ECJ jurisprudence and, by extension, on the general formation and application of EU law.

The importance of AGs' opinions in relation to the evolution of EU law is considerable, and the dialogue between the court and its AGs has been significant in the development of some of the most fundamental principles of EU law. It is generally accepted that AGs' opinions have significant persuasive value both on the ECJ itself and in wider EU law scholarship, for which those opinions can fill in 'gaps' in the court's reasoning or provide more detailed nuanced arguments and discussions of the state of EU law. One element often cited as a key factor in the relative influence or persuasive nature of opinions is their individual nature (Albors-Llorens, 2011; Darmon, 1988). As their title suggests, opinions are the personal conclusions of the relevant AGs. Another is the discursive nature of the language of opinions, which historically AGs have drafted in their own mother tongue (Borgsmidt, 1988).

The research strategies considered in this paper aim to highlight the importance of the linguistic aspect of the AGs' role. Prior to 2004, AGs, by convention, drafted their opinions in their mother tongues. This, together with other factors, meant that opinions were not constrained in any way by language or a formulaic style of drafting and could be a free-flowing, academic-style document – a far cry, linguistically speaking, from the stilted 'Lego-like' judgments of the court (McAuliffe, 2011). However, since 2004, the court has requested that a number of AGs draft their opinions not in their own language but either in French (the working language of the Court) or in one of the court's 'pivot languages' (English, German, Spanish, Italian, Polish). Given that the discursive, speculative nature of AGs' opinions is due in no small part to the fact that historically those documents have been drafted in the language of the relevant AG (Borgsmidt, 1988), one might wonder whether that change in convention regarding drafting language may affect the style and potentially also the substance of some AG opinions. Using interviews and corpus linguistics techniques this paper considers whether AG opinions become more synthetic in construction, and their arguments more constrained by language as a result of drafting in a language other than their mother tongue. The strength of these research strategies lies in bringing them together to address broader research questions on how the institutional practice and culture behind the drafting of AGs' opinions are co-produced by language, and rely heavily on a collaborative, rather than individual, writing process (McAuliffe et al, 2022).

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The autonomous interpretation of concepts of EU law and their implementation. A comparative legal-linguistic perspective

Purpose statement

This proposal examines the autonomous concepts interpreted as such before the Court of Justice of the European Union and their implementation by the French and Italian national courts.

Research problem

The Court of Justice underlined, in *CILFIT*, that "Community law uses terminology which is peculiar to it".⁸ Besides, the Court of Justice has emphasized that legal concepts of European law do not necessarily have the same meaning with the ones expressed in the law of the Member States.⁹ Legal concepts at the European level, however, are usually expressed with terms that already exist in domestic law. As a consequence, this could create a problem of legal uncertainty for national courts when interpreting such concepts.

State of the art

Multilingualism has been subject of critiques in the literature; in fact, many scholars debate on the creation at the legislative level of a non-technical terminology by the European Institutions (Cosmai, 2014; Pozzo and Jacometti, 2008), and the use English as lingua franca, which cannot represent the differences among all European legal cultures (Glanert, 2008).

Research questions

- How does the Court of Justice interpret autonomous concepts of EU law?
- How do Italian and French courts deal with these concepts that have been interpreted autonomously within the EU legal order?

Description of the methods, instruments, and tools

The focal point of this research is that law is a linguistic phenomenon (Guastini, 2001), which is strictly connected to the culture of a legal order. On this premise, this proposal aims to employ legal methods, and more specifically comparative law, together with legal translation, and corpus linguistics.

Summary of the main conclusions or statement about the relevance and potential impact of the piece of research

The co-existence of 24 languages within the European union brings out a set of problems regarding the European terminology and more particularly the translation of legal terms. This proposal aims to describe the technique of autonomous interpretation at the Court of Justice and secondly, analyse how national courts deal with such terminology. It also intends to show the importance of the legal-linguistic approach to the legal sphere.

⁸ Judgment of 6 October 1982, *CILFIT*, C-283/81, EU:C:1982:335, para 19.

⁹ Ibid.

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Should we abandon ‘marriage’? Conceptual elimination in conceptual ethics

Purpose statement

I aim to analyze the semantic and metalinguistic presuppositions of the claims that the representational device (roughly, word or RD) ‘marriage’ *should* not be used in legal domain (Chambers, 2017) [hereafter: marriage sceptics].

Research problem

Although most studies in conceptual engineering (or ethics) concern the conceptual *amelioration* of meaning of our RDs (Burgess et al. (ed.), 2020), I will investigate the metalinguistic and linguistic presuppositions behind projects in conceptual *elimination*.

The metalinguistic motivation behind engineering a given representational device may come from the *epistemic* view that a RD does not adequately carve nature at its joints or *normative*, that a given meaning of RD is unjust. The marriage sceptics seem to engage in the *normative* conceptual engineering.

State of the art

Some (e.g., Ball 2020) aim at using Temporal Externalism [TE] (Jackman, 1999) to explain the projects in conceptual engineering. According to TE, our representational devices are open-ended in the sense that both past and future events can causally affect their content. The concepts of corresponding words have just multiple possible equilibria that explain the usage of our RDs. The TE explain how, from the semantic point of view, the conceptual innovation proceeds in the *ameliorative* projects like Haslanger’s.

I argue that the same mechanism can explain the *elimination* projects (such as the claims of marriage sceptics). For that, I differentiate between two views on meanings of social terms (as ‘marriage’): *genealogical-meaning* and *constructivist-meaning*. According to *genealogical-meaning* of social terms the past social arrangements causally impact on the present intension of a term which may force us to revisit the use of a given term. According to *constructivist-meaning*, we should not consider past social arrangements as fixing the intension, but extension of a term.

Hypotheses or research questions

Firstly, I will argue that according to the standard view on conceptual engineering marriage sceptics are categorized as conceptual *elimination* of the type of *revisionary analysis* (Ball, 2020). Second, I will show that the standard semantics of conceptual engineering, Temporal Externalism (Jackman, 1999) can explain the decisions to choose conceptual *elimination*, rather than *amelioration*.

Description of the methods, instruments and tools

I base my argument on conceptual analysis.

Summary of the main conclusions

Provided that my position is sound, it would mean that the Temporal Externalism can be a semantics for both amelioration and elimination projects in conceptual engineering.

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Is “expressive harm” constitutionally relevant?

Pildes and Niemi (1993) have devised the notion of “expressive harm” to refer to a specific kind of injuries, neither physical nor economic, but rather concerning the *message* expressed by official action: by communicating attitudes and social meanings incompatible with the values underlying the Constitution, expressive harms can “undermine collective understandings” and “the culture to which the Constitution aspires” (p. 755). This analysis belongs to a strand of legal and legal-theoretical thought that focuses on what the law *expresses*: the law can “make a statement” (Sunstein 1996, p. 2023) and can symbolically convey approval and endorsement or, conversely, indignation and stigmatization. In US constitutional doctrine, expressive readings have been applied, for instance, to the enforcement of the Establishment Clause, as in *Lynch v. Donnelly* ([1984] 465 U.S. 668).

M.D. Adler (2000) has argued that expressive approaches fail to show that the *linguistic meaning* of official actions can bear moral (or legal) significance in and of itself, regardless of its consequences. In a response to this, Anderson and Pildes (2000) clarify that, in their view, it is not the linguistic meaning of official actions that is morally/legally significant, but rather the attitudes and principles expressed by those actions. Regarding expressive harm, they specify that it ensues when the wrong principle or attitude is expressed by some action, independent of any causal consequences (which can determine further, nonexpressive harm). The paper will examine different characterizations of expressive harm and address the issue of whether such notion can provide an acceptable ground for legitimacy judgements in constitutional adjudication. The methodology that will be adopted is that of the analytical tradition in legal theory and philosophy of law.

First, Pildes and Niemi’s first “cultural impact” version of expressive harm will be analysed. It will be argued that this version cannot present expressive harm as a ground for constitutional adjudication, because it would require the judges’ reasoning and decisions to be happening outside of and above the law, rather than inside of it.

Second, the “moral expressivist” version from Anderson and Pildes (2000) will be analysed and rejected as adding, to the problem posed by the first version, further factors of unpredictability of the judicial assessment. Lastly, a different “consequentialist” version of expressive harm will be propounded and defended as the most plausible: the harm will be explained in causal terms by referring to the effects, both psychological and tangible, of stigmatizing messages conveyed by official action.

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Exceptions and restrictive interpretations. Identification and hunting of ideologies

Many jurists, especially Ibero-Americans, tend to sustain that exceptions to norms must be interpreted restrictively, especially when they limit the scope of a right (hereafter RIT). This statement is often found in the practice of various courts or is even expressly regulated in legislation and often has a significant impact on the way in which legal matters are resolved. Given this situation, I will argue that these types of statements are expressions of an ideology aimed to limit the scope of rights, at least some of them.

It should be noted that the concept of exception has not been much discussed. The most widespread theoretical positions hold that "exception" is either a rhetorical expression to represent a condition of application (Williams, 1988, Schauer, 1991, MacCormick, 1995), or it alludes to the defendant's burden of proof (Duarte d 'Almeida, 2015).

Given this, I will perform a conceptual analysis of exception and I will argue that it is an expression that lacks content if we analyze norm in an isolated fashion (it is not possible to distinguish a requirement from an exception). Instead, it has content when we analyze norms as part of a system, that is, when we consider their relations to other norms. I will argue that it is a notion that allows us to jointly represent that the interpreter has: i) identified a conflict between two norms; ii) resolved the conflict by giving preference to one of the rules; and iii) modified the non-preferred norm by incorporating a distinction in the antecedent (i.e., incorporating a new specification). When this is the case, an exception is a way of representing the identification of a distinction generated in order, in certain cases, to optimize a right. From this position, the identification (and creation) of an exception is the product of an interpretative act (understood from a skeptical approach, Guastini, 2019).

Based on this analysis, I will support some clarifications. First, identifying which are the exceptions of a norm depends on how we reconstruct normative systems. If they are the result of how the norms are related, then it depends on how the interpreter decides to reconstruct the system of norms. A property of the antecedent may or not be qualify as an exception depending on how we reconstruct its origin. An agent intending to use the RIT will prefer to reconstruct it as an exception (normative thesis to represent legal material).

Second, if the *pro homine* criterion is adopted in legal practice, according to which the content of rights must be interpreted extensively, then the RIT creates situations of indeterminacy. On the one hand, the exception is created to promote a right to be interpreted extensively. On the other hand, the RIE prescribes that such an exception must be interpreted restrictively. The conflict could only be resolved by an evaluative preference of the interpreter (normative thesis which interpretation guideline to choose).

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Hans Kelsen's theory of legal concepts

1 Purpose statement

The text is part of an attempt to reconstruct the neo-Kantian tendencies of Kelsen's Pure Theory of Law by means of analytical/linguistic philosophy.

2 Research problem

Throughout his career, Kelsen regards central legal concepts, like "right", "duty", "person", "will", with suspicion, holding them to be, in their ordinary use, both ideological in character and referring to metaphysically dubious entities. To deal with this situation, he resorts to different means: In his early writings, he takes these concepts to be "constructions" by legal dogmatics.(Kelsen 1911). In explicitly neo-Kantian writings from the 1920s, he regards them as "fictions" or "hypostatizations", which might be reduced to the "pure relations" of the general legal norm - the *Rechtssatz*, which is taken to be an ought-judgment, a normative proposition (Kelsen 1920). All this is in need of a rational reconstruction.

3 State of the art

While Kelsen's treatment of legal concepts has attracted some attention in secondary literature (see, e.g., Bryan/Langford/McGarry 2016), the neo-Kantian-cum-pragmatist context has so far largely been neglected, and his different approaches have not yet been systematically reconstructed.

4 Hypotheses

Leaning on Felix Somló, Kelsen distinguishes between concepts essential to the law (*Rechtswesensbegriffe*), and concepts which are regularly used to structure the content of law (*Rechtsinhaltsbegriffe*). The former consist of those elements which make up the *Rechtssatz*. They are the category of "ought", the "legal act", which is an act either of positing or of applying a norm (in the last instance, an act of coercion), and the "legal condition" which comprises all those facts that trigger the "oughtness" of coercion. The latter are mainly those concepts which represent "subjective law", that is, law in relation to a legal subject, like duty, right, person etc. On the one hand, Kelsen regards such concepts as fictions which might in the end be reduced to the basic frame of the general legal norm. On the other hand, they are not meaningless or superfluous, but serve the pragmatic purpose of structuring legal content and facilitate determining which act of coercion might count as a legal act.

5 Description of the methods, instruments and tools

The text employs textual exegesis, conceptual analysis, and exploration of the history of ideas.

6 Statement about the relevance

Kelsen's "semi-reductionist" treatment of legal concepts is intriguing, because it combines neo-Kantian transcendental idealism (primacy of the legal norm, understood as a cognitive normative judgment) with a pragmatist approach towards most traditional legal concepts: they do not denote any "given" entities, rather, they are purely heuristic means. This is an anti-ideological, critical approach. It has affinities with modern semantic theories, like the

inferential semantics of Brandom (1994), and can still contribute to current discourse. At the same time, it serves to highlight the commonalities between pragmatism and neo-Kantianism.

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Gender differences in reliability and guilt ascriptions in the context of violent crimes

It is rather uncontroversial that gender should have no influence on treating others as equal epistemic agents (Ferzan 2021, Gardiner 2021). However, is this view reflected in practice? This paper aims to test whether the gender of the testifier and the accused of assault is related to the perception of a testimony's reliability and the guilt of the potential perpetrator.

Testimonies given by female victims of sexual assault, certain speech styles have been reported to affect victim's reliability. For instance, the use of uptalk, a manner of speaking characterized by risen intonation at the end of a declarative sentence, has been reported to negatively affect the perceived reliability of female victims of sexual assault (Levon & Ye 2020). In addition, the reliability of a female victim of sexual assault would also drop when she was heard after the testimony of a man (Levon & Ye 2020). A powerful speech style on the other hand, which was reported to increase reliability of a speaker in court, has been reported to have an opposite effect, when employed by a victim of sexual assault (Hildebrand-Edgar & Ehrlich 2017). Research also indicates a possible gender bias in specific relation to adjudicating criminal activity. Data shows that women are more likely to avoid conviction and incarceration (Starr 2015). The relation of gender and ascribing reliability has not been exhaustively studied yet. Even though the aforementioned research partly covers this matter, the majority of experiments was conducted in relation to criminal court proceedings and studied prosecutors' and judges' decisions. Our aim is a wider approach, investigating gender bias in ascribing reliability to victims and perpetrators in the general population.

The main questions and hypotheses of the research were as follows:

Q1: Are people gender-biased in ascribing reliability to testifiers when adjudicating violent crimes?

Q2a: Does the gender of participants impact the ascriptions of the testifier's reliability in violent crimes?

Q2b: Does the gender of the testifier or suspect impact testifier's reliability assessments pertaining to violent crimes?

H1: When everything else is held fixed in the scenario, except for the gender of testifier and suspect, there are differences in the assessments of the testifier's reliability.

H2: Participants' gender affects their assessments of the testifier's reliability.

Two experiments were conducted, in which the subjects ($n = 361$, 47% females, 53% males) assessed the reliability of the testifier and the guilt of the potential perpetrator in four scenarios of assault accusation, in which the only difference was the gender of the people presented.

Eventually, the study uses parametric methods (such as ANOVA), non-parametric methods (such as Kruskal-Wallis test or Dunn's test), and elements of visual analysis. The statistical

analysis was performed using programming language R ver. 4.2.2, and JASP ver. 0.16.12 (JASP Team, 2022).

During the study, we have observed dependencies of gender and ascription of reliability, and, to a lesser extent, of guilt. The results of our research may constitute an argument for the existence of different epistemic status endowed on people depending on their gender and existing gender stereotypes.

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Theoretical and empirical analysis of foreseeability in law

The scientific goal of this article is to analyze the concept of foreseeability and reasonable foreseeability in law. In general, foreseeability is a principle in law that refers to the ability to reasonably anticipate the potential consequences of an action or event. It is often used in the context of tort law, where it is used to determine whether a person or entity can be held liable for damages resulting from their actions (De Villiers, 2015; Owen, 2009; Zipursky, 2009). In order to be considered foreseeable, the consequences of an action must be reasonably foreseeable to a person of ordinary prudence and intelligence (Kneer, 2022; Lagnado & Channon, 2008). This means that the consequences must be within the realm of possibility and not so remote or unlikely that they could not have been anticipated. Foreseeability is often used in conjunction with the principle of causation, which requires that the damages in question must have been caused by the defendant's actions in order for liability to be established (Alicke et al., 2015; Güver & Kneer, 2022; Lagnado et al., 2013). The concept of foreseeability puts a reasonable boundaries on the scope of liability by limiting it to the consequences that could be reasonably related to the wrongdoing.

Despite the fact that foreseeability seems to be a concept that has been fairly well studied by the doctrines of civil law and criminal law, the moment we begin to think about the very nature of this concept, certain problems may arise, which is the main motivation for undertaking the research tasks described in this article.

First of all, the basic problem, noted by legal theorists, is the exact nature of this concept (Moore, 2010). We may wonder whether foreseeability is a descriptive or normative concept. With a normative view of the concept, its content is regulated by the legislator and with a descriptive view of the concept, it is usually determined by a set of statistical characteristics assigned to people who behave in a standard way in a given situation (Moore, 2010). The choice between these approaches usually depends on the general conception of the definition of concepts that we adopt in a given branch of law. Based on these two possible approaches to the concept of foreseeability, we can speak of two theories we can use: normative (official) theory and folk theory. Having two such theories, we can wonder what is their relation to each other. In an optimal situation they are close to each other (this eliminates the possibility of errors in application of the concept), and in a suboptimal situation they are very far apart or contradict each other. Therefore, for the purposes of this article, it is worth asking a novel question: what is the relationship between the folk and normative theory of foreseeability in law?

What are institutional beliefs?

The number of papers on institutional beliefs is increasing every year. Philosophers consider ontology, epistemology and the ethics of institutional beliefs. However, the very notion of *institutional belief* is ambiguous. In fact, one of the common criticisms of institutional belief theorists is that it is not clear what they are exactly referring to.

Speaking of institutional beliefs, one can mean:

- (i) beliefs about institutions (e.g. “The Faculty of Mathematics, Informatics and Mechanics of the University of Warsaw exists, as a separate unit, since 1969”),
- (ii) beliefs attributed to institutions as collective entities (e.g. an opinion expressed in a resolution of the faculty board of the aforementioned department),
- (iii) institutionalized beliefs (e.g. theorems of mathematical theories).

It is worth pointing out that beliefs belonging to the above categories can be held by laymen, official and experts (this threefold distinction is particularly important in legal contexts). Thus, we have at least nine categories of beliefs that can be classified as ‘institutional’. In my speech, I will focus solely on (i), answering the following questions.

(The Ontological Question) Are institutional facts existentially dependent upon institutional beliefs?

(The Semantic Question) What are the truth-conditions for institutional beliefs (or rather their propositional content)?

(The Ethical Question) Are there any distinctive (doxastic) standards that institutional beliefs must conform to in order to be morally justified?

The Ethical Question can be refined as follows: can holding of an epistemologically unfounded institutional belief be nevertheless morally justified?

Although each of these questions have already been answered individually (Dyrda 2017), no systematic theory of institutional beliefs has yet been provided. Let us take the first step towards it. In my presentation, I intend to put forward and defend the following – somewhat counter-intuitive – theses: (T₁) institutional facts are *not* existentially dependent upon institutional beliefs (holding institutional beliefs may be sufficient, but is not necessary condition for the existence of institutional facts); (T₂) the relation of dependence involved in this context is *explanatory* rather than existential; (T₃) institutional facts provide truth-conditions for institutional beliefs (a vicious circle does not arise since the latter are not existentially dependent upon the former); (T₄) doxastic standards for institutional beliefs are *higher* for laymen than for officials or experts (since the former are mainly platitudes), and should be formulated in terms of evidentialism rather than fideism.

This view challenges opinions widespread in philosophical literature (e.g. (T₁) contradicts the influential thesis of John Searle, shared, among others, by Kenneth M. Ehrenberg (2016) or Luka Burazin (2015)). In my research, I use conceptual analysis, to some extent also applying formal methods.

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How are immunity passports discriminatory?

Immunity passports (the author will use the term in a broad sense – regardless of the source of immunity in order to cover vaccination certificates as well; IP later on) as one of the policies implemented to fight COVID-19 have become a subject of meticulous ethical and legal philosophical concern. Several objections to that policy, which were based, amongst others on privacy, freedom, solidarity, efficiency, and equality, have been introduced in the discussion. These worries seem to call into question the moral permissibility of IP. Analysis of the last of the mentioned concerns, namely the equality objection, which underlines the discriminatory character of IP, will be the main aim of the paper. In that context, the author will focus on three main areas of inequality. The first can be seen to be present in IP in principle as they allow only certain people to exercise their personal freedoms and rights based on a biological fact of possessing immunity [Schmidt 2020]. Such a basis for limitations of rights and freedoms can be seen as discriminatory in itself. The second area focuses on possible discriminatory consequences of IP within social realm, e.g., in the workplace (Brown et al. 2020) and at universities (Bardosh et al. 2022). Restricting access to certain crucial social goods without a plausible justification with respect to public health can be seen as discriminatory. The questions of what makes justification for public health plausible and if it has met this standard during the current COVID-19 pandemic will also be addressed in the paper. Finally, the third considers IP policy in a global perspective, addressing the discriminatory character of IP in the context of the so-called vaccination nationalism (Kampmark, Kurecic, 2022). Closed national borders in a situation of unequal access to vaccines can be seen as discriminatory. This paper should be seen as part of a larger enterprise, which is an attempt to answer the permissibility question. Addressing that question should not be considered only as a simple ex post evaluation, but rather as an effort to form a comprehensive and fair perspective of the possible usage of immunity passports for the future. The main consequence of this approach is that the analysis carried out in this document is triggered by and refers to circumstances that occurred during the COVID-19 pandemic, but is not limited to them. For example, the fact that current vaccines have limited influence on decreasing COVID-19 transmissibility should not be considered a reason to ignore answering the permissibility question. It will be claimed that some of the concerns within the equality objection are sound and serious enough for it to be prudent to see IP as permissible only if certain restrictive conditions are met. The paper will offer an ethical and legal philosophical perspective on the subject. Reflexive equilibrium as a typical tool for conducting an ethical deliberation will be the main method used in the paper.

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Linguistic problems regarding a pure normative theory of culpability ascription

1. Purpose statement

The aim of this paper is to outline linguistic problems underlying the widely disputed Polish pure normative theory of culpability ascription.

2. Research problem

Whenever a person commits a crime, and such crime is a subject of criminal proceedings, possible ascribing element of perpetrator's guilt must be assessed. Using pure normative theory, a person can be deemed guilty (and is therefore *culpable*) if their act was reproachable. A reproachable act does not have a clear legal definition. The closest doctrinal understanding of this notion is that it could have been reasonably self-determined by the perpetrator in the time the particular crime had been committed. Therefore, it seems that an utterance deeming someone guilty or not should be a descriptive, assertive one. This understanding, however, bears some practical problems. A judge's utterance deeming someone's act not reproachable (and, therefore, deeming this perpetrator not guilty) is not simply a descriptive one. This is clearly a performative utterance, as it changes some aspects of non-linguistic reality. Here, it creates the state of being not guilty, something a purely descriptive utterance wouldn't be able to do. Another problem that rises is one that legally understood guilt is not an existing entity. While assessing the guilt, what we are actually describing is the satisfaction of some conditions of what is understood as free and rational decision-making. Our utterances made in this process are of course descriptive ones, they just do not describe culpability, since its dimension is purely performative. Reproachability means that a person can be accused of disobeying a legal norm at the time of his unlawful, criminal and punishable act, although compliance with the legal norm could have been required of him. The notion of 'possibility of accusing a person' and 'possibility of requiring compliance with the legal norm' isn't simply equal with assessing a person's sanity or maturity. It is inherently performative in its nature, since this way a judge's utterance changes a person's status to accusable or not accusable.

3. Research questions, methods

The issues outlined above pose a possible problem of regression for pure normative theory of culpability ascription. Without adding a necessary descriptive component, it seems that guilt ascription has no actual base whatsoever. This could lead to a conclusion that the whole theory is not applicable to the problem of guilt ascription and should be replaced by one that does it in a way that could satisfy this problem, for example, the psychological theory of culpability ascription. The aim of my research is to outline this dilemma by analyzing utterances ascribing (or not ascribing) culpability, and suggest possible solutions that do not require abandoning the pure normative theory of culpability ascription.

4. State of the art

The subject of Polish theories of guilt ascription has not been closely analysed from the linguistic perspective. The closest analysis to this scope was one conducted in professor Mikołaj Małecki's works on the idea of exculpation, however, it was not satisfactory in this

regard and did not fully grasp the whole problem. This problem is specific to European law, particularly to Polish law. This requires a cautious use of (otherwise informative to a satisfying degree) foreign papers and theories regarding similar issues.

5. The relevance and potential impact of the piece of research

This research could potentially impact the ongoing debate on theories of guilt ascription in Polish criminal law.

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From lying to blaming and perjury: Deceptive implicatures in the courtroom and the materiality requirement

Recent literature has argued through massive online survey data collection that the folk concept of lying encompasses false implications (cf. for instance Wiegmann & Willemsen, 2017; Wiegmann & Meibauer, 2019; Reins & Wiegmann 2021).

In the courtroom context this findings is absolutely crucial. This is because, ‘perjury’, is defined as a crime when the witness makes a *statement* under oath, which she believes to be false and which is material. A false implication is thus not perjury. Yet in the famous Bronston case the lay jury ruled that a false implication was perjury.

As the Supreme Court of the United States in the Bronston judgment put it when overturning the lay jury’s verdict: ‘we are not dealing with casual conversation and the statute does not make it a criminal act for a witness to willfully state any material matter that *implies* any material matter that he does not believe to be true’. There are two main reasons for this state of affairs: (i) it is the duty of the questioning lawyer to ascertain all matters relevant to the case; and (ii) there is no duty of self-incrimination by the responding witness.

The materiality requirement for perjury means that the lie must be relevant to matters that will determine the case. In other words, it must be a lie that could influence the decision of the relevant authority. Jury instructions define a material lie as having ‘a natural tendency to influence the decision of the relevant authority’.

In the Bronston case, the Supreme Court overturned the lay jury verdict claiming that the witness committed perjury through false implication. Why was the jury verdict incorrect? I have argued with empirical data that it is due to the divergence between the folk concept of lying and the technical concept of perjury.

In the present follow-up paper I investigate (1) whether a false implication, which is immaterial to the case, is considered perjury; (2) whether perjury ascriptions are driven by blame ascriptions; (3) whether providing participants with alternative labels such as lying and misleading lowers the perjury judgments – whether participants differentiate between moral and legal responsibility; (4) whether perjury judgments are correlated with trust, blame, commitment, deniability and duty judgments.

I performed a survey experiment on the Qualtrics platform. Participants were recruited through Amazon Mechanical Turk (N = 400) to perform a survey based on a US case involving a fraudulent scheme of selling medical equipment to public hospitals. I employed standard Likert scales, see Figure 1.

I found that: (1) false immaterial implications are judged to be perjury (M=5.39, SD=1.53, difference from mid-point 4, $p < .001$, $d = 4.5$); (2) high blame levels, rather than materiality judgments, drive perjury ascriptions; (3) providing participants with alternative labels, such as misleading or lying, does not affect perjury ascriptions – participants do not make a sharp difference between moral and legal responsibility; (4) perjury judgments are best correlated

with blame judgments. This paper helps reforming jury instructions in perjury cases, cf. Figure 2.

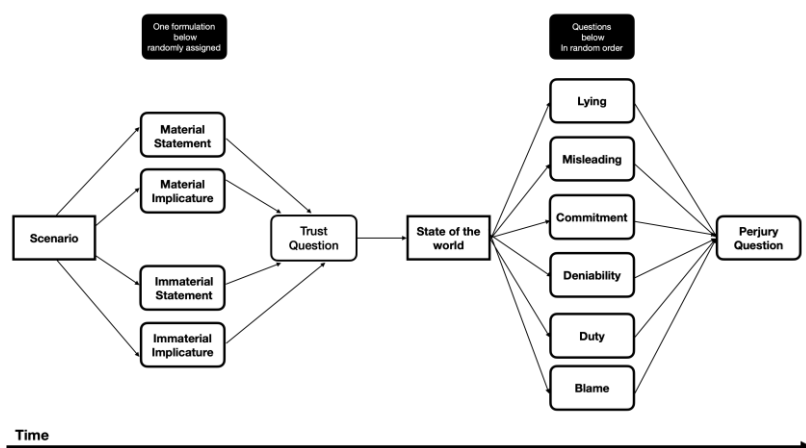


Figure 1 The experimental design.

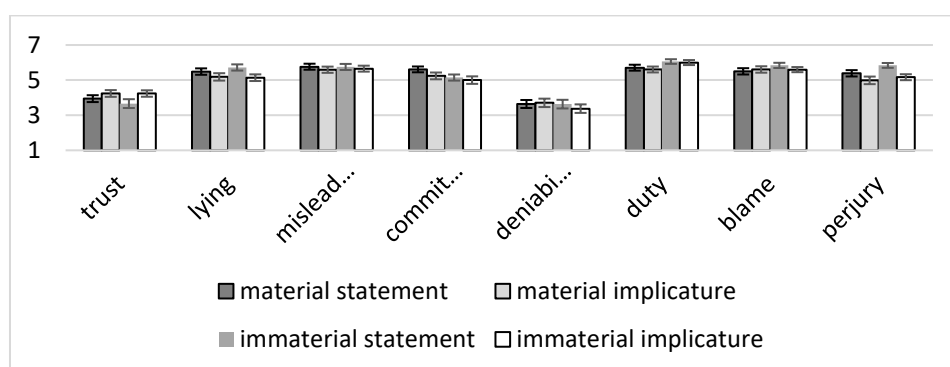


Figure 2 Mean answers on a 1-7 Likert scale on all the dependent variables (trust, lying, misleading, commitment, deniability, duty, blame and perjury) for all four conditions : statement (yes v no) times materiality (yes v no). Error bars indicate the standard error of the mean.

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What does Cognitive Linguistics (not) tell us about the (nature of) law? The dispute with legal positivism

Cognitive linguistics is not a uniform theory, but rather a conglomerate of related linguistic theories, such as conceptual metaphor theory, prototype theory, cognitive grammar, frame semantics, mental spaces and conceptual blending theory. The main topics of cognitive linguistics, i.e. lexical meaning, concept formation, and categorisation, are traditional areas of philosophical inquiry. The overlap is particularly strong between cognitive linguistics and analytic philosophy of language, of which cognitive linguists are often critical, dubbing it an “objectivist view of meaning”. The alternative view they propose renders meaning as dynamic, interactive, imagistic (as opposed to propositional), and imaginative (involving metaphor, blending, fictivity, and mental space construction), based on biologically embodied and socially embedded cognition. Cognitive linguistics, genetically linked to cognitive psychology and neuroscience, makes extensive use of empirical methods.

In this paper we intend to ask whether findings from cognitive linguistics may affect the very concept of law accepted by the dominant part of jurisprudence, namely legal positivism. In its contemporary form, legal positivism is the product of “the linguistic turn” in philosophy, whereas cognitive science is a basis for what B. Leiter has called “the naturalistic turn”. For instance, H. Hart viewed his own theory as an application of the Oxford ordinary language philosophy and is often presented as an opponent of using methods from empirical and even social sciences (i.e. sociology, psychology) for the analysis of legal concepts (Priel 2012). In a similar vein, A. Marmor claims that “[n]aturalizing jurisprudence...works fine as long as it is not really jurisprudence — understood as the philosophical question about the nature of law — that one attempts to reduce to a natural science” (Marmor 2011, 33-34).

On the other hand, cognitive linguists are often overtly critical about the philosophical assumptions of legal positivism. It is G. Lakoff who said: “Oxford philosophy is killing the world” (Williams, 2014). According to him “[s]cholars like H.L.A. Hart... all with agendas in philosophy and law ... took the agreed-upon central case as the real concept and claimed the contestations as mere ‘instantiations’ or ‘conceptualizations’ of the concept — whatever that was to mean. From the neural point of view, that makes no sense.” (Lakoff, 2009, 178). S. Winter, a major advocate of applying cognitive linguistics in the legal field, argues that findings of cognitive linguists actually invalidate positivist theory of law. For him, once we understand how language and thought really work, “the positivist claim cannot be sustained” (Winter 2001, 202).

We want to mitigate this dispute: cognitive linguistics does not invalidate positivist theory of law. On the contrary, it offers a powerful linguistic and cognitive explanation for some important intuitions of modern legal positivists, which is based on empirical research. The insight from cognitive linguistics allows legal scholars to draw the division line not between positivist and non-positivist theories of law, but rather between radical (i.e. both formalist and critical) and moderate theories of law.

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Judicial “yuk factor”: Common sense or moral heuristics?

In 2014 the European Court of Human Rights used the term *yuk factor* in a transgender case of *Hämäläinen v. Finland*. Even though the original idea of yuk factor was tied to social moral outrage about the idea of heterosexuals having sexual intercourse with transgender person, the term broadens up when used by Court. Generally, it describes overall societal disgust tied to transgender issues especially when sexual and family life of transgender person is concern. So, the term yuk factor was used to support argument that law should not treat problematic society 's moral indignation as a legitimate public interest.

Even though the concept of “yuk factor” has not been used by the Court ever since and is not a generally used in European legal framework, this paper argues that it is a common phenomenon especially when LGBTQ+ issues are decided. Thus, it might be useful to construct a theoretical background of the yuk factor in judicial decisions and search for tools on how to spot it. Therefore, the main research question is: How to describe a yuk factor within the law? Here, the phenomenon of judicial yuk is compared to *heuristics*, quick intuitional rules of thumb or mental shortcuts which can save one's mental energy, time, and resources. Building on Cass R. Sunstein's work on moral heuristics (Sunstein, 2003), Green's work on intuitive moral judgment (Greene et al., 2004) and Heidt's paper on social intuitions (Haidt, 2001), the yuk factor is constructed as a one form of a *moral heuristic*, a prominent societal moral short-cut. Although (moral) heuristics might be generally useful in quick everyday decision making, they can easily misfire back. As the moral heuristics were probably equipped by evolution thousand years ago (Cosmides & Tooby, 2006, p. 187), they might not suit modern judicial decisions. That is why, the author argues, they fundamentally fail if blindly applied as a part of judicial argumentation without thorough and deliberate reasoning. In addition, the moral heuristics might be disguised in case law under the term *public good*. But how can lawyers distinguish the moral heuristic of judge from legal concept of public morals or public order?

Applying the definition of the yuk factor as a moral heuristic, the author traces this phenomenon through all stages of the Czech justice system following a selected transgender case. While following the case of transwoman T.H., case very similar to *Hämäläinen v. Finland*, this paper examines how the yuk factor can be traced within these decisions, what phrases or collocations judges use and what specific terms of public goods mask the judicial yuk factor. These marks of yuk factor should be transferable across states and stages of judiciary. Arguing against blind use of judicial moral heuristics, this paper concludes that the main threat of hidden moral heuristics lies in embedding social intuitions into the law and thus preventing the evolution of judicial argumentation.

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LAW, LANGUAGE AND ACADEMIA

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Legal English as a Lingua Franca? Approaching non-Romance-speaking learners

When providing training in legal English as a foreign language, one of the common assumptions is that the goal of judges, prosecutors and lawyers is to communicate with native speakers, or at best, with other legal professionals with the same level of language or content knowledge. This is the case in high-level cross-border criminal cooperation, where liaison magistrates, extremely proficient in language and legal skills, work hand-in-hand with their foreign counterparts. However, when English is used as a lingua franca, the linguistic competence may vary, and not all users may have the same skills, especially regarding specialized lexis and terminology. Let us imagine a scenario where a judge from country A who wishes to directly contact a judge from country B regarding a case of human trafficking. While one judge has studied English at secondary and tertiary level and has attended international courses for legal professionals (e.g. those described in Campos, 2010), the other judge B has learnt English in evening lessons, and has limited knowledge of legal vocabulary in English, which might not even be his or her first foreign language. In these exchanges, while grammar complexity can be kept to a minimum, legal terminology may become a barrier: terms like *cassation*, *statute of limitations* or *jurisprudence* may prove unsurmountable if learners assume that such words are known to all speakers and lack the tools for rephrasing or lexical simplification. English words from French or Latin, which may appear simple because they resemble some learners' L1 (and are therefore considered "transparent"), may be difficult to recognize for other speakers whose legal vocabulary has resisted the influence of borrowing. In our study, we hypothesize that (1) speakers of non-Romance languages are likely to have specific difficulties with, and perceptions of, legal Latin-based vocabulary, and that (2) such difficulties tend to be attenuated by factors like knowledge of other foreign language, presence of cognates in their native language and experience in the specific subject domain. Our study starts with a survey among legal professionals taking part in courses in international Legal English on perceptions of the difficulty of selected legal terms; a comparison will be made between the responses given by speakers of Romance languages and speakers of a non-Romance language (Latvian). The results of such survey will lead to the determination of which lexical units are likely to be obscure in legal English as a lingua franca in international settings for non-Romance speakers, and if such difficulty may be impacted by additional factors like specific subject-matter mastery or knowledge of other foreign languages. On such basis, we shall explore different strategies (rephrasing, synonyms where feasible, examples, explanations) allowing users to overcome such gap. We believe that, if English is really to become an international lingua franca for law, and also in order to avoid power imbalances (Orts, 2015), users must be provided with the means to explain and negotiate meaning, while at the same time considering the dangers of excessive language simplification (Candlin et al., 2002).

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Making legal linguistics mainstream in legal education

The purpose of this paper is to link theoretical aspects of legal linguistics (Galdia 2009, 37, 142) (including but distinguished from comparative legal linguistics) to the need for this fledgling discipline (ibid 35, 65) to feature in practical legal education for lawyers and translators (Galdia 2021). The research question is how to establish (comparative) legal linguistics as a staple in the legal education curriculum? The state of the art is that, despite much discussion on the importance of legal-linguistic knowledge, little evidence exists of serious practical input in legal education. Moreover, the content – and indeed the definition – of the discipline has yet to be satisfactorily defined (Husa 2023). However, the ability to communicate interculturally in the world language of English has become an essential skill. Law is one of the areas in which English assumes a high profile as a global common language in inter-cultural contexts. Legal linguistics – the purposive scientific study of language in legal contexts – features prominently as a professional requirement, as does comparative legal linguistics, which defines as a special branch of knowledge combining comparative study of law and legal linguistics (Husa ibid). While translators and linguists undoubtedly require some knowledge of law in order to work with legal texts, lawyers may easily be assumed to wield linguistic skills that they do not possess. At the international and supranational levels, the chief hurdles for (comparative) legal linguistics to address appear to be conceptual problems including absence of equivalence as well as asymmetry between different legal languages and systems (Goddard 2022, 105-123). In addressing practical legal linguistic problems such as absence of equivalence between legal concepts and terminology in different legal languages, legal translators and lawyers operating in two or more legal languages can benefit from knowledge of how different societies address social and other institutions and social and other issues through law, language, or other means. However, legal linguistics currently occupies a precarious foothold in the academic curriculum (Lindroos 2019, 123-145). Although the advantages of such an interdisciplinary field are clear, so, too are the obstacles, as all interdisciplinary fields face the risk of being overshadowed by older established fields (Husa 2023). The hypothesis of this paper is that (comparative) legal linguistics should be integrated into the legal education curriculum (Goddard ibid, at 106). Methods, instruments & tools include, firstly, a synthesis, synopsis and analysis of the author's own papers in the field of legal linguistics published between 2004 and 2022 plus updated and ongoing research in the field, in the context of legal English as the lawyer's leading lingua franca. In sum, concerted institutional support is most likely to generate and maintain the impetus required to ensure that legal linguistics takes its proper place in legal education. Input could be at bachelor or master's level, or both, probably not as a standalone programme but (due to time constraints) with regular inputs such as a 24-hour starter course in legal English writing in international contexts, with further (comparative) legal-linguistic inputs on specific courses.

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Authoring Introductions to academic law research articles for metadiscursively constructed gender identity

Over the past twenty years, the relationship between discourse and gender has formed the subject of theoretical and empirical research from diverse disciplines, including sociology, linguistics, and sociolinguistics, with research continuing to stir debate around the ways language and discourse are gendered and how such gendering dynamically bears upon different facets of the individual's social identity including linguistic behaviours enacted by the social-cultural factors of male-female differences (e.g. Cameron 2010; Ellah 2021). In academic writing contexts, the significant role of gender and gendered practices has emerged from EAP/applied linguistics research where gender constitutes "a key dimension and therefore a possible factor in shaping the individual's projection of an authorial identity" (Tse/Hyland 2009: 106), including the ways "academic identity is constructed by individuals appropriating and shaping the discourses which link them to their disciplines" (Hyland 2012: 1). Such contexts are valorized by the specific ways in which gender differences affect the use of metadiscourse elements in academic writing genres (e.g. Ädel 2006; Tse/Hyland 2006/2009; Aziz et al. 2016), and also ratified by the ways in which male and female writers enact and construct their identity bestowed by the patterns of language that frame gendered interactions in the socially constructed view of academic discourse. But while gender has been signalled as a significant if complex dimension to academic writing practices, let alone the importance of gender inclusivity required for many writing forms, such as legislation and court submissions, far too little discourse studies have touched upon the significant role of gender differences in the employment of metadiscourse for academic legal writing.

Against this backdrop, I set out to see whether and to what extent gender patterns bear upon academic legal discourse by language use. Drawing largely upon Hyland's (2005) analytical framework of *interactional* metadiscourse markers in a representative corpus of Introductions to the genre of academic law research articles, I look at the similarities and differences in the rhetorical and discursive practices of male and female legal scholars as they set the tone for their research paper and textually construct an appropriate identity in gender-specific values of authorship. Both distributional and functional analyses of metadiscourse subcategories show that gender and discipline identities interplay significantly in these texts, with male and female academics using different repertoires of resources to present their preferred, personalised forms of interaction for positions, arguments, and meanings with readers, conveying what counts as an important discursively and interactionally constructed aspect of gender identity in contemporary academic legal writing and scholarship.

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