Different Texts for Different (Legal) Languages: In Search of a New Approach

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Abstract
This article, which is based on an ongoing research project, explores new methodologies that could make the approach of students and “ordinary” (non-specialists) speakers to the language of the law more stimulating, thereby helping them achieve a better understanding of this specialized language. At present, as testified by the constant growth of plain English and fight the fog campaigns, there is a strong need for a more exhaustive understanding of this language, with which every individual is obliged to interact in his/her life, regardless of his/her status and/or profession. This article thus exploits audio-visual materials and comics that translate intersemiotically the language used in various types of texts (articles, codes, contracts etc.), or that attempts to reproduce the language spoken by specialists in the courtroom. By so doing, it demonstrates the intrusion of legal language in everyday life and suggests the need for an increased awareness of the modus operandi of this language. Furthermore, this paper argues for the need of a new generation of expert translators, who should be able to translate interlinguistically (from one legal language into another), intralinguistically (from specialized to plain language), interculturally (from one legal system to another) and – at least in part – “intersemiotically” (from the verbal code to multimodal and multimedia codes). This paper therefore provides some strategies and puts forward some suggestions that might become useful in the formation of such new professional figures, simultaneously anticipating further research in the field.

Keywords: Legal language, Intersemiotic translation, Interlinguistic translation, Intralinguistic translation, Comics
1. Introduction

1.1 The Language of the Law: Between Specialization and Popularization

Despite the fact that specialized languages have long been perceived as the realm of an élite, very often ordinary people come across them in their daily lives: within the legal field, for instance, among many other examples it is possible to think of, the contracts we stipulate with various companies in different situations can certainly be defined as “legal texts”. Furthermore, in recent times, there has been an incredible increase in the number of audio-visual and graphic products (documentaries, films, television series, graphic novels, comics), whose aim is to translate intersemiotically various specialized languages, including legal English, thereby making these languages more popular and creating the impression they are, at least in part, more accessible (see Canepari, 2013).

Clearly, although some features of specialized languages are maintained during this process, others are necessarily adapted to the different medium and intralinguistically translated into a language recognizably closer to ordinary language. For this reason, these products might be understood as one of the many expressions of the need of a “plainer” English on the part of the vast public. Consequently, they appear worthy of academic interest, in that they can become valid allies in the creation of a new generation of citizens and “practitioners” within the legal field(s).

1.2 Aims and Methodology

The purpose of this article is thus to investigate these materials and turn them, at least partially, into case studies to be analyzed, making them useful tools through which a higher awareness of the way legal language works can be achieved, suggesting already acquired strategies and further developments in this area.

The paper is based on an ongoing research project focused precisely on the challenges posited by various specialized languages (the language of medicine, economics and the law) and on my experience as a consultant and a sworn translator for Italian tribunals and police forces. Through the preparation and administration of questionnaires in strategic places such as tribunals, counselling centers, police stations etc., as well as private individuals, the research has so far provided a certain amount of quantitative data, bringing to the fore the needs and the fallacies of a system (and a language), which often appear, to ordinary subjects, impenetrable. Furthermore, since my research work informed my teaching activity too, this study is also based on a course I taught in 2017-2018 for 3rd year students reading foreign languages at the University of Parma (Italy) and some shorter modules I previously taught at the same University. Indeed, the course I held was conceived as a first attempt to tackle the problem at its very origin, in order to try and prepare students to face not only, or not necessarily, a specific profession in the field of translation, but – in more general terms – life in the 21st century.

The article therefore presents some of the activities at the basis of this methodological approach, which – considering that many of the students reading foreign languages will actually work within the field of cultural mediation – appear coherent with their vocational training, too. In this paper, the notion of translation therefore appears paramount. In fact, as
mentioned in the previous section, many of the analyses carried out and the activities students were required to complete are based on products that translate intersemiotically the language of the law in various forms. Furthermore, the very notion of translation informs the general approach propounded here, since the emphasis is precisely on the need, in the legal field, of different (interlinguistic, intralinguistic and intersemiotic) translation practices.

In actual fact, it is my contention here that, just as the Medical Humanities are demonstrating within the sphere of medicine, in the field of the law too, a different approach is required. This, both on the part of the various institutions involved in the legal process, and on the part of those institutes whose aim is to educate and form the future professionals of the field. These professionals clearly include all the people involved in the process at various levels: lawyers, judges, notaries and so on, who actually practice the law; cultural mediators, who are required to assist foreign clients during private lawyers/clients consultations, hearings, trials etc.; translators, who have to render in a different language written or spoken legal texts, and institutions such as universities and schools of high specialization, whose aim is to train them.

As a matter of fact, the issue of the difficulty legal language poses to non-specialists has been at the center of many scholarly discussions (see for instance Cutts, 2009; Stephens, 2010; Stoop, 2011; Tiersma & Solan, 2012; Tartaglia, 2015; Williams, 2015). Not only this, but institutions such as the European Union, among others, have taken a great interest in the matter, in an attempt to achieve a simplification of legal language (see for instance the “Clear writing campaign” launched by the EU early in 2000s). Indeed, the issue is deeply felt all over the world and is therefore tackled in many different countries, as the Plain Writing Act signed by former US President Obama in 2010 testifies. The Act aimed in fact to “make the rules clearer, more consistent, and more readable – all without changing the meaning” (Kimble 2010: 34) and therefore pointed to the need of a change in the way this language is used in different corners of the globe (Tiersma & Solan, 2012: 67). If this is so, it is because, as Blömer states, “even well-educated native speakers often find it hard to understand the language used in court” (2015: 4).

This article therefore follows the path set by previous research in the field. As such, it puts forward that various types of non-specialists will benefit from the results of the activities proposed here and the various forms of translation this paper addresses. For reasons of space, the detailed description of the research project on which this paper rests and the teaching activities it stimulated could not be granted adequate space. I hope nonetheless that, while the project reaches its conclusion, the examples presented here might be valuable, in spite of their partiality and conciseness.

This paper therefore posits itself in an area which has already been acknowledged as worthy of academic and critical attention, in the attempt, however, to expand the results obtained so far. As mentioned above, the rationale of this article coincides with that of the research projects it stems from and presents a sample of the activities employed to achieve, on the students’ part, a higher awareness of the needs that the people involved in legal processes (including themselves) might have. Indeed, the goal of the course illustrated here is to forge not only a new generation of “practitioners” and/or “translators”, but also – and more importantly – future members of
society. The latter, by having a better understanding of the workings of legal language and the contents it conveys, could in fact achieve a better knowledge of the surrounding reality and their place in it, acquiring the necessary tools to act in the world (and interact with other human beings) in an adequate manner.

This appears particularly essential at present, when education is still far from globalized in individual countries and the mobility of the world population often increases the level of illiteracy in all countries (see for instance the statistical data provided by the Council of Europe or the Center for Immigration Studies, online). The need for more inclusive strategies in the management of social life is therefore stronger than ever, at all level of society.

The course briefly described here has actually demonstrated to be an excellent testing ground for the research that originated it, and has obtained very good results in terms of the students’ performance and the various projects they developed independently after the end of the teaching activities.

In actual fact, by exploiting documentaries, videos of real trials, television series and comics, which all focus on the language of the law, the course was useful at more than one level. In the first place, these materials made the students appreciate the value of intersemiotic translation within the field of specialized languages too. In addition, they made them aware of the bearing legal language has in everyday life and made them acquire some of its basic features. Finally, they enabled them to understand the reasons behind its intricacy and redundancy, helping them realize how essential intralinguistic translation is in order to obtain a “legal plain language”, even when they are acting as interlinguistic translators.

Indeed, this research ultimately takes into consideration whether an actual legal, plain English (which therefore could maintain its prescriptive nature in spite of its comprehensibility) might actually be possible, an issue which, in consideration of various institutions’ recommendations, appears today as a priority.

1.3 The Corpus of Analysis

The important stage of corpus selection was, as always, rather difficult, especially because of the abundance of products which have focused on legal language. In addition, there are innumerable products, like crime dramas, where legal language, even though is not the focus of the series, is nevertheless present and interacts with other specialized languages. Similarly, comics have infiltrated many specialized domains: from the humanities (with various intersemiotic translations of literary classics, illustrated historical accounts or texts of philosophy, etc.), to the hard sciences (see for instance books such as The Physics of superheroes, published by Kakalios in 2005; Wonderful life with the elements, by Bunpei Yorifuji, 2009, and Medcomic, by Muniz, 2015).

Given these premises, the fact that comics should make their appearance in the field of the law does not come as a surprise. In point of fact, in the field of “visual law”, it is possible to find many different products: from guides such as Comic Art, Creativity and the Law (Greenberg, 2014) or The Illustrated Guide to Criminal Law (Nathaniel Burney, 2018) to series such as Public Defender in Action and Daredevil. The former products have, at least partially, an
educational value and use comics as a way of spreading some of the terminology and basic notions of legal language to a wider audience. On the contrary, the latter, in a similar way to the audio-visual products analyzed here, by representing legal firms and courtrooms, often depict the spoken language used within the field in tangible (albeit fictional) situations.

The available materials are therefore many. As a consequence, what follows is the result of a process that was determined by “didactic” reasons (in the broadest meaning of the term) and personal, thus subjective, decisions. The corpus of analysis chosen for this study, then, includes: scenes from different television series (Bones, Drop Dead Diva, Law and Order, Psych, The Good Wife, How to Get Away with Murder); recordings from the Jodie Arias trial, the Deborah Moss trial and the Ricky Chavis trial; written extracts from the Penal and the Civil Code and some of the tables from the comics Public Defender in Action and Daredevil.

Naturally, resorting to fictional works implies the presence of unauthentic legal language. However, if adequately adapted and used side by side authentic materials, audio-visual goods and comics might become extremely valuable tools: they can help students understand some of the main features typical of legal language, simultaneously stimulating them to identify intralinguistic strategies that might become useful not only in academic settings but in their everyday life too. This didactic approach has actually been exploited in other specialized fields. Films such as A Beautiful Mind (2001) were inserted, for instance, in the syllabus of psychiatry courses held at Caltech in 2015; various comics series are regularly exploited for didactic reasons within the field of medicine, and – as my course testifies – they can become useful in the field of legal language too.

Clearly, various adjustments were necessary, mainly due to the fact that what receivers see on screen, or read in a comic book, is clearly characterized by fictionality. Yet, very often, the language used in these products (especially in recent times) is extremely precise. Naturally, it is nonetheless important to underline the didactic use of these products, emphasizing how, in many ways, they might be understood, at least partially, as the result of needs analysis (Munby, 1978; Hutchinson and Waters, 1987; Otilia 2015), which naturally provides the general basis of a suitable syllabus in courses such as the one illustrated here.

Indeed, scholars such as Taillfer (2007) and Cowling (2007) have demonstrated that the better performances are obtained when the syllabus is designed on the basis of the students’ actual needs, which clearly depends on whether they aim to enter a legal profession, become translators/mediators or undertake a different profession altogether. Furthermore, as suggested above, needs analysis can be considered at the very heart of many fictional products that attempt to translate legal language intersemiotically, in that many of their features are modulated not only on the intradiegetic (Genette 1972) needs of the fictional product itself, but are often adjusted to the extradiegetic viewer, who is the ultimate receiver of the product. For instance, the protagonists of the television series or the comics under discussion often assume the role of “ESP practitioners as teachers” which Dudley-Evans and St. John describe (2009, 13). At the same time, other characters play the part of pupils or non-professionals, thereby justifying the explanation of many specialized notions within the fictional narrative. The extradiegetic receivers, then, similarly posit themselves as learners, and just as the
intradiegetic “non-specialists” evolve and gain a higher awareness of the discipline on which the product is focused, so the receivers in the extradiegetic world develop with them.

Consequently, it is true that the explanations we frequently find in these fictions are introduced so that the various characters can follow what is happening in their microcosm. However, since these explanations often appear (intradiegetically) redundant, they can be justified only by taking into consideration the extratextual receivers.

Thus, since needs analysis helps learners adapt to a new learning system, and is therefore considered extremely helpful in academic situations (Carkin, 2005; Chamot, 2007), it can turn these popular products in valid tools, both within explicit “teaching” environments and, in broader terms, in what could be defined as “learning” environments of various kinds. Their general purposes can actually be identified as giving/receiving information; offering/obtaining entertainment and, to some extent, orienting the receivers’ actions (Halliday, 2005). Clearly, their aim is not to offer an in-depth knowledge of a specific specialized field, but to enable viewers to acquire what Hymes would call a communicative competence (1972) in sectors that, until recently, were considered a prerogative of specialists. Clearly, these products can often appear simplified, in that the amount of information offered and their level of specialization are adjusted to the mass audience’s needs. Yet, as this paper suggests, the theoretical analysis of legal language could certainly benefit from the exploitation of these materials at more than one level.

Indeed, as demonstrated by the results obtained by the students who attended my course, these products are perceived as highly motivating, and therefore help learners to lower their affective filters, which, as demonstrated repeatedly, play a major role in language learning (Dulay and Burt, 1974; Krashen 1981; Arnold 2001). Furthermore, these products easily lend themselves to both top-down and bottom-up analyses. For instance, besides the analysis of the micro-linguistic choices made, television series or comic books can facilitate the identification of the similarities and/or dissimilarities that distinguish solicitors, barristers etc., thereby pointing to the differences that English language and the culture it voices establish between one legal profession/role and the other. Moreover, various episodes can be used to illustrate the differences between macro-categories such as civil and criminal law, as well as some of their sub-categories (for instance contract case, tort case and so on). In actual fact, as various scholars have emphasized (Gibbons 2013), within a single genre such as “provision”, it is possible to identify various sub-categories, which are characterized by specific linguistic features, and which will be used in different situations in order to perform different functions.

As Gozdz-Roszkowoski emphasizes,

*What is routinely referred to as ‘legal language’ represents an extremely complex type of discourse embedded in the highly varied institutional space of different legal systems and cultures. In other words, the designation ‘legal language’ should be viewed as an umbrella terms referring to a universe of remarkably diverse texts, both written and spoken. (2011: 1)*

Naturally, it is not possible to approach the various sub-genres during a 30 hour-course. Yet, this notion acquires a fundamental importance, not only for law students, but also for students
of foreign languages, as well as ordinary people, who are eventually bound to be confronted by these distinctions in their lives.

These are also the distinctions that are often represented in the products analyzed here, which therefore become useful to illustrate at least some of the various sub-categories of legal language. Clearly, on screen, the semantic and pragmatic functions of language, the presence of speech, and the visual aspects television reproduces (namely those elements that belong to the grammar of visual design Roberts and Philip discussed in 2006, i.e. color choices, shot length, body language, gaze behavior, etc.) – act in synergy with other features of audio-visual products such as music. The result is therefore a dynamic, albeit fictional, representation of the world, in this specific case that of the courtroom. Some of these features are equally present in comics, despite the fact that, consisting of still images, they offer a static representation of reality. Yet, comics are characterized by various elements that enable them to come closer to audio-visual products, thereby suggesting a dynamic depiction of scenes. For instance, the sequentiality of their framed images evokes actual motion and the passing of time; the presence of the visual and its interaction with verbal communication render their language context-bound, just as speech is (Halliday 1985); the dialogues contained in speech and thought balloons, by being linked to the characters’ mouths, evoke real dialogue; in addition, their form and trait allow the introduction, in the written text, of prosodic elements typical of speech, like pitch, pace etc. Finally, the presence of onomatopoeia creates the illusion of an actual soundtrack. Because of this, comics can be placed on the intersection between printed texts and screen products (this is the reason why, in terms of interlinguistic translation, too, they share some of the space and time constraints typical of AVT).

2. Different Forms of Translation and the Popularization of Legal Language

As mentioned supra, these products often adopt highly specialized terminology. Yet, by providing explanations into ordinary English of various technicisms, they might be conceived as translating the specialized language of the law intralinguistically, thereby becoming tools of the plain English campaigns mentioned above. In actual fact, the development of these campaigns within the legal domain comes as no surprise. Indeed, throughout history, legal language has often been attacked for its incomprehensibility, and although modern plain English movements came about during the 1970s, there exist important precedents (Gowers, 1951, 1954; Orwell, 1946 and, not least, the Statute of Pleading of 1362). In particular, as maintained by Robinson, Greene and Goldstein (1996), for a long time there has been the need for two codes: one for the general public and one for those directly involved in the legal process, which gives support to one of the main assumptions of this article.

Naturally, if legal language has promoted such disputes, it is because its morphosyntactic, lexical and textual features, as identified by scholars such as Swales and Bhatia (1983), Crystal (1999) and, in more recent times, Marmor (2014) and Blömer (2015) among others, make these texts particularly obscure. As Stephens emphasizes, “readers have difficulty with unfamiliar words. [They] can sometimes figure out the meaning of an unfamiliar word from the context in which it appears, but their interpretations are not always correct.” (2010: 100). Thus, as Cutts emphasizes, this “foggy style is also bad because […] readers may miss the point” (2009: 12).
Thus, also in consideration of the fact that the different functions legal language is supposed to perform often lead to a violation of general characteristics of specialized languages such as conciseness (Gotti, 2005) and the flouting of pragmatic principles such as the Maxims of cooperation (Grice, 1975), in this field, various forms of translation become essential. As Crystal recognizes, “what is needed is a translation exercise with people rephrasing their material to suit the perceived audience need” (online), which is what lawyers do, on television and in comics too, by means of relexicalizations, repetitions and similar strategies.

Hence, to make students aware of these strategies, various activities in my course aimed to highlight the differences between highly specialized texts and the popular renditions of the language of the law. As suggested infra, in order to vary the activities, maintain the students’ interest, and facilitate the learning process, the course-work alternated between the analysis of written, audio-visual and visual texts, often using these different modalities to discuss the same aspect, an approach various scholars in the past have advocated (Mayer 1989; Fadel 2008; Pashler et al. 2008). As suggested, in fact, both audio-visual and comics have been recognized as helping the learning process (see for instance Clark & Lyons 2004; Hasset & Schieble 2007). Indeed, researchers in the medical field have demonstrated that comics increase the readers’ engagement and understanding of the processes described and the language used to describe them (Cooper et al., 2016). Thus, just like Carter (2007), I believe comics can become extremely valuable tools in various educational field, including specialized arenas such as that of the law. Following the findings of Allen and Ingulsrud (2003), and considering that comic readers can comprehend complex notions even without a thorough knowledge of the disciplinary language, they appeared extremely relevant in a field such as the legal one, where the complexity of the concepts and the language that expresses them often work as barriers for the average receiver.

Indeed, as Stephens states, “people easily grasp the meaning of a sentence when they can visualize it. They need to see a person or a thing doing something they can act out in their mind’s eye” (2012: 103). Thus, even though the scholar is mainly referring here to the use of concrete vs abstract words, it is evident that comics (as well as other visual products) could become extremely relevant and work as helpful mediating devices.

As demonstrated by the course described here, in fact, comics have been used in legal contexts, albeit rather occasionally, to overcome the difficulties experienced by uneducated people, people with learning disabilities and foreigners (Gorman, 2003; Botes, 2017). However, as the research project on which the course was based suggests, this approach might well become an extremely valuable asset, whenever laypeople (i.e. non-specialists) are confronted with legal language.

3. Findings and Discussion

In this section, the various phases of the course and some of the activities students were required to complete are presented, in order to show some of the aspects these popular products introduce to the non-specialists’ benefit and the way they can be fruitfully adapted by teachers.
3.1 The Initial Phases of the Course

In an analogous fashion to the research project on which it rested, the course began and ended with a questionnaire and some practical activities of intralinguistic translation that students were asked to complete. This was meant to identify the prior knowledge and understanding they might have of the language of the law and monitor the results achieved once the course had come to an end. Thus, very simple questions were initially asked, such as: “When signing a contract agreement with phone providers do you normally read and understand all the clauses in their contract?”; “When you open a bank account or require a cash card, do you understand the terms employed by the bankers?”; “If you have rented or bought/sold a house in the past, could you understand the terms of the contract/deed?”. The results were rather revealing, in that, for example, various students did not immediately connect the language used by phone companies or the terms of agreement found on many websites to the language of the law.

During the questionnaire, students were also asked to read the extract below (figure 1), taken from a textual type with which they might already be conversant (i.e. car insurance contracts) and answer some simple questions like: “What must an insurer do in order to render the contract valid and binding?”; “When is an insured party entitled to payment?”; “What does “grace period” refer to?”

![Figure 1. Example of motor car insurance](https://www.slideshare.net/junfalcon/introduction-to-non-life-insurance-short-course)

Source: https://www.slideshare.net/junfalcon/introduction-to-non-life-insurance-short-course

Afterwards, students were shown a visual account of the various phases which placing an insurance claim entails (online), and were asked to evaluate these visual extracts in terms of their usefulness by assigning a grade between 1 and 5.
Figures 2 & 3. How to file a car insurance claim

Source: www.allstate.com

Although the latter document is not a comic book *per se*, since it consists of a series of still images shown in a sequential order, where the animations are kept to a minimum, it served the purpose, providing a text similar to the written contract above in a different modality, thereby facilitating the comprehension process.

Once the questionnaires were completed, the brief extract above was compared to the following text, taken from the *Penal Code*, on the basis of which students were required to perform various activities:

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CHAPTER I
1. This Ordinance may be cited as the Penal Code, and is generally referred to hereinafter as “this Code.

CHAPTER III
OF PUNISHMENTS
52. The punishments to which offenders are liable under the provisions of this Code are Firstly: Death. Secondly: Imprisonment, which is of two descriptions, namely: (a) rigorous, that is, with hard labour; (b) simple. Thirdly: Whipping. Fourthly: Forfeiture of property. Fifthly: Fine.
53. Sentence of death shall not be pronounced on or recorded against any person who, in the opinion of the court, is under the age of eighteen years; but, in lieu of that punishment, the court shall sentence such person to be detained during the President's pleasure.
54. Sentence of death shall not be pronounced on or recorded against any woman who is found in accordance with the provisions of section 282 of the Code of Criminal Procedure Act No. 15 of 1979, to be pregnant at the time of her conviction, but, in lieu of that punishment, the court shall sentence her to imprisonment of either description for life or for any other term. (The Penal Code, online).

OF TORTS AND QUASI-TORTS
Forcible damage.
1030. Any person who makes use, within the proper limits, of a right coextensive to him, shall not be liable for any damage which may result therefrom, […]
1032. (1) A person shall be deemed to be in fault if, in his own acts, he does not use the prudence, diligence, and attention of a bonus panefamilias […] (online).
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Figure 4. Extracts from the *Penal Code*

Source: https://www.refworld.org/pdfid/4c03e2af2.pdf

Students were then asked to recognize the features that in their opinion pointed to the specialization of the language used (i.e. numerals, complex subordinate and coordinate constructions, lists of events and/or items, words of Latin origin, deontic “shall”, archaic expressions, fixed and formulaic language, Latin expressions, auto-referentiality, absence of personal pronouns, French expressions and words of French origin). This data, which conforms to the description of legal language provided by scholars such as Tiersma (1999), Haigh (2004) and Butt (2013) among others, was then systematized in a shared table, which would be
gradually completed and in which, step by step, these general features would be ascribed to the various textual types analyzed.

During the following phase, students were confronted with the legal language spoken in the courtroom, by exploiting some of the audio-visual materials serving as the corpus for this analysis. They were then asked to identify at least some of the same features that characterized the written texts above in the spoken language represented on screen. The exploitation of these materials was particularly beneficial during the initial phases of the course. However, it must be noted that they would be very useful at later stages too, when students were encouraged to identify mistakes and/or specific nuances, put forward alternative strategies to those actually adopted in the audio-visual materials at their disposal etc.

By so doing, emphasis was laid on the occupational purposes that often underlie the study of specialized languages. In addition, these activities represented an opportunity for students to develop their higher order thinking skills (Bloom 1956), encouraging them to find strategies that could enable them to translate (if only in their minds) English for legal purposes into plain and ordinary English, relating it to the actual occurrences they might experience in their life.

In this sense, the television legal drama How to Get Away with Murder appeared particularly suitable. Indeed, besides the representation, as in other television shows, of the intraspecialistic, interspecialistic and popular levels, the university setting of the series enabled the explicit depiction of the didactic level too. Usually, the latter is left implicit in other products and is for example represented, marginally, in the depiction of the relationship between the younger and older partners of the firm on which the filmic narrative is focused. This aspect therefore rendered the series particularly useful, in that the students perceived this setting as more familiar and, consequently, more easily relatable to. Moreover, the analysis of this product made it possible to note how other legal languages and the different systems they represent work, bringing for instance to the fore the differences between Common and Civil Law.

3.2 Representing Lawyer/Witness and Lawyer/Judge Interactions

Throughout the course, resorting to documentaries and authentic audio-visual products was in reality fundamental. In spite of this, in consideration of the target (namely third year undergraduates) (Note 1), the exploitation of humoristic materials appeared particularly appropriate. These products, especially on the outset, were in fact able to lower the students’ emotional filters, making the learning process more profound, easier and less time consuming (Fadel 2008, 12). To this end, the students were presented with some humorous extracts from the television series Psych (S1 E12), where the “don’ts” of debates in the courtroom emerge with clarity. Students were then asked to provide some alternatives to the way the exchange was conducted in the television show and compare it to the representation found in panels such as the one below, from the comic series Daredevil, thus furthering their considerations on the way lawyers should address the witnesses and the Court:
In particular, the students were required to focus on some of the lexical elements present in the illustrations provided (in the above figure, for instance, “cross examination” and “lead counsel”) and provide their intralinguistic translation, adopting some amplification strategies. Furthermore, they were encouraged to note the features typical of speech (in particular: hesitations, pauses and intonation patterns, indicated in the illustration above by the use of specific typographical devices such as capital letters, bold, as well as punctuation) which, while absent in the written texts previous analyzed, are evident both in the episode from Psych and in these panels.

In addition, students were encouraged to do some research on their own and find other useful resources (written/spoken texts and other popular products such as video-games, mangas etc.). These additional materials either became part of the corpus used during the course, or were analyzed as individual projects in view of the oral exam or their final dissertations. This task was actually very effective, and enabled for instance students to discover the existence of various documents and video-game series like Ace Attorney (created in 2001 by Shū Takumi and published by Capcom), thereby demonstrating the pervasiveness of legal language.

Further examples, taken from the television series Bones (S1 E8: 00:29:36-00:28:56), were then used to show how lawyers exploit re-lexicalization, often translating intralinguistically the language of the law or other specialized languages that might enter the courtroom thanks to the testimonies of expert witnesses, in order to help the jury better comprehend the object of discussion. In addition, these extracts demonstrated how lawyers resort to yes/no questions to stir the exchange towards the version of the events they want the jurors to acknowledge as the truth.

Afterwards, filmed extracts of actual trials such as the Deborah Moss’s trial were shown to make evident how the same kind of strategies are exploited in real courtrooms. These audio-visual products were later compared to examples taken from the comic series Daredevil, where the lawyers’ tendency to stir the answers of the witness in a specific direction is patent:
In this case, too, students were required to analyze the panel in terms of the turn-taking system reproduced in the exchange between the lawyer and his witness, thus providing an interesting prompt to discuss issues relating to power and ideology in the legal field. Indeed, the analysis of the written and (audio) visual texts this article addresses helped stimulate the students’ critical reflection on issues of context and register. This, not only in terms of what Halliday (1985) names the field but, obviously, also in relation to the mode and the tenor of discourse, since in specialized sectors, power relations often assume a fundamental importance. Because of time constraints, during the course it was not possible to accomplish a proper analysis from the perspective of Critical Discourse Analysis, but having commented upon some of the lexical choices employed during the exchanges analyzed, the students were encouraged to develop this topic independently, which resulted in various final dissertations on this topic.

Afterwards, some extracts from the recordings of the Jodie Arias’s trial were used to illustrate how actual lawyers resort to these same strategies in authentic situations, in order to emphasize specific elements and bring the jury to focus on them (which is usually met by the objection “asked and answered” on the part of the opponent lawyer). Moreover, these extracts were exploited to illustrate how lawyers handle the closing arguments, when they rely on these strategies to recap the various elements that came to light during the different testimonies.

Students were then shown extracts from Drop Dead Diva (S4 E1: 00:27:32), which, despite presenting rather weak legal plots, has the advantage of being a product of light entertainment, and was therefore useful to create a less stressful environment in the classroom. Both the original scenes and their dubbed versions were shown. In addition, by integrating this analysis with other reading activities of texts such as Rules for evidence, the students were encouraged to focus on linguistic and interlinguistic translation issues, taking for instance into consideration the differences in the use that British and Italian cultures make of formulaic
language. Naturally, because of time constraints, the issue of interlinguistic legal translation – on which various scholars have focused throughout the years (see for instance Šarčević, 1997; Garzone, 2000; Harvey, 2002; Longinotti, 2009) – could not be addressed properly during this course. However, by showing the same product in two languages enabled the students to appreciate some of the main differences between English and Italian legal language. Among the many, the use of binomials appeared rather evident. In fact, students immediately realized that whereas English relies a great deal on these forms, legacy of the Norman Conquest (Gotti, 2011: 38), they are generally absent in Italian. Furthermore, some other scenes from Bones (S5E21) were exploited to draw the students’ attention to the turn-taking system at work in the courtroom. The analysis made in fact evident that, as a rule, one of the interlocutors – usually either the lawyer or the judge him/herself – dominates the lexical choice and the turn transition relevant places. This is typical, for example, when lawyers are questioning a witness on the stand and are in charge of the allocation of the conversational turns. Thus, whenever witnesses self-select, the lawyers or the judge him/herself immediately reprimands them.

Later, brief scenes from Drop Dead Diva (S4 E2: 00:33:06-00:33:24) were shown, to illustrate some other peculiar features of this specialized language, encouraging students to identify examples of technical terminology, auto-referentiality, numerals, ritualistic language, modals, passive forms etc. In an analogous fashion, various extracts from The Good Wife (S1E6) were employed to demonstrate the rare use of personal pronouns, and the ensuing impersonal tone, as well as the recourse to the inclusive “we” and more formal substitutes such as “the said” or “the aforesaid” (Butt, 2013: 278).

By exploiting the way legal language is used in the comic book series Public Defender in Action, this part of the course was brought to an end by asking students to analyze some panels such as the following:

![Figure 7. Public Defender in Action](http://crimeandpunishmentcomics.blogspot.com/2011/12/public-defender-in-action-mercy-of.html)
In these examples, students could easily observe the same language they had already identified in other products. Through the knowledge they had acquired beforehand, they were thus able to comprehend the difference between “counsellor” and “public defender”, as well as other words and expressions typical of legal English. Students were therefore asked to complete a chart by providing intralinguistic and interlinguistic translations of expressions such as “to hold court”, “the mercy of the court”, “pending date of trial”, “plead”, “sentence suspended” and do on.

Once other extracts from the Jodies Arias were showed and commented on, the students were required to find examples, in the various texts used that far, of words of Latin origin (identifying their etymology to understand the meaning better), simultaneously thinking about their possible intralinguistic and interlinguistic translations. At the same time, students were asked to find and insert in their chart Latin expressions (“versus”, “affidavit”, “alibi”) (Note 2),

Source:
terms of French origin (“bail”, “bailiff”, “Court”) and instances of ritualistic language (“The truth, the whole truth, and nothing but the truth, so help you God”).

3.3 Representing the Differences Between Spoken vs Written (Legal) Language

By resorting to scenes from *Law and Order* (S10 E12), the students’ attention was then drawn to the differences between the language spoken in the courtroom and the language written in legal texts. For instance, in the examples briefly analyzed *supra*, the absence of personal pronouns (Butt, 2013: 278; Scotto di Carlo, 2015: 38) and the use of impersonal constructions conform to the general features of specialized language such as the lack of emotions and impersonality (Gotti 2011), and often make legal language incomprehensible to the average receiver. In this specific product, however, the emotive nature of the language lawyers often resort to in the courtroom emerges very clearly. Indeed, this is evidently a more informal language and is typical not only of settlements and plea-bargaining, that are normally debated by lawyers outside the courtroom, but also of the closing arguments that are discussed when the Court is in session. In addition, questions, while being absent in written legal language, are normally exploited in Court. This, to intensify the emotiveness of the witnesses’ or the defendants’ contributions and, as suggested above, elicit particular answers from the interlocutor and, by so doing, stir the communicative exchange in the preferred direction.

Because of its nature as a process (Halliday 1985), in any circumstance, spoken language is generally less specific than writing, presenting a minor lexical density and vaguer lexical choices. Yet, in legal contexts, the ambiguity and imprecision on which language often relies, have strategic ends, as demonstrated by different scenes from various television shows (see for instance *The Good Wife*, S1 E6: 00:21:12-00:35:56). This aspect was then used as a prompt to draw the students’ attention to the insertion, in spoken legal language, of highly ideological items, which on the contrary tend to be avoided in its written variety. Like all specialized languages, in fact, the latter tries to be as objective and neutral as possible. Indeed, written legal language is generally performative and prescriptive. On the contrary, when this language is used in its spoken mode, it often performs a conative function. As such, it might resort to connotation, irony, intertextuality, rhetorical questions and metaphors, all elements that are essentially culture-bound and might therefore be worded differently in other languages.

With the purpose of illustrating other features of legal language, students were presented with other written texts and required to identify elements which, while characterizing the written language previously analyzed, are normally absent in the spoken examples found in television products. Clearly, the use of capital letters, the relative lack of punctuation and other features typical of writing (Note 3), appear rather evident in any written text, including illustrated ones:
However, these elements are represented on screen with some difficulty and only when the ocularization of the camera (Schlickers, 2009: 249) lingers on the written texts that lawyers are perhaps reading or showing to the jury during trial. Yet, audio-visuals where legal documents are read aloud (The Good Wife, S4 E13) were exploited to make the students note the features generally ascribed to the language of the law in English in both its written and its spoken form, furthering their grasp of its mechanisms.

With this goal in mind, authentic audio-visual materials were then exploited more substantially, in order to show how courtrooms actually work. Students were thus required to identify the similarities and the differences between these products and the fictional television series exploited earlier in the course.

3.4 Final Results

As anticipated above, the course ended with the administration of another short questionnaire, which encouraged students to self-assess their progression. Thus, they were asked questions such as: “After attending this course, do you feel you would understand legal texts of various types better?”; “Do you feel you have a better grasp of the pragmatic and sociolinguistic issues entailed by legal language?”; “Do you feel you can now handle the lexical and morphosyntactic peculiarities of legal language?”; “Which textual type, among the various used during the course, have you found most useful?”. In order to monitor the actual improvements students obtained by attending the course, they were presented with a sample of texts originally written in “legalese”, and asked to translate them intralinguistically and interlinguistically. Students worked on these translations as homework, with all the aids they could find (bilingual and monolingual dictionaries, internet resources, corpora etc.). The selected extracts represented textual typologies which students attending their final year of university were particularly eager to understand, namely job and house contracts. The results
were actually very interesting: most students could translate intralinguistically the texts and their specialized language, adopting plain English instead. Subsequently, in the majority of cases (80%), they translated into Italian the simplified version of the contracts, thus avoiding an actual interlinguistic specialized translation. This was, however, not always the case, and some of the students (20%) went on studying legal language, furthering the issue of its intralinguistic and interlinguistic translation in their final dissertation projects.

Finally, it must be noted that most students (84%) considered comics and other visual aids exploited during the course (of which just a small sample could be presented here), very helpful, stating they helped understand some formal features of legal language and its contents better.

4. Conclusion

The provisional results of the research project and the course illustrated here clearly demonstrate that the use of “popular” products can provide non-specialists some help in the development of the skills they need to handle the legal language they are bound to be confronted with in their life.

In particular, on the basis of the final questionnaire and the previous modules taught, this work points to the usefulness of translating the language of the law not only intralinguistically, but also intersemiotically, in order to allow non-specialists to master it adequately.

As a consequence, it is my contention here that – in a similar way to the field of medicine, where comics and posters are used, often with a conative function, to advise patients (see Canepari, 2017) – they should find a more systematic use in the legal field, too. Indeed, in the past, some tentative attempts have actually been done to enable people who do not master “legalese” to communicate adequately about legal matters. This is for instance the case with the two contracts presented in the panels below, which, despite their exploitation of the comic format, are legally binding (online):

Source: https://creative-contracts.com/examples/

Figure 11. School contract
Naturally, as my course testified, working with comics results particularly useful in a teaching environment (Syma and Weiner, 2013), since these products appear particularly appealing to a younger audience. Students, in fact, find this form of intersemiotic translation more easily comprehensible, when compared to some of the difficulties the spoken language of audio-visual products can create, especially when the pace of the diction on screen is accelerated. However, research suggests that most people, irrespective of their age, relate very positively to comics (Hassett and Schieble, 2007; Sabin, 2016).

Indeed, through a strategic combination of the visual (thanks to which, for example, the contract parties become the characters of a story that develops in a specific geographical and temporal setting, thereby providing various contextualizing clues) and plain verbal language, the use of comics can make documents such as the above accessible to most people.

This is why, as scholars such as Happio, Plewe and de Rooy suggest (2016), recently followed by Botes (2017), South Africa has been tentatively experimenting with legally binding comics, although in a limited number.

The results of the course and the research project on which this paper is based, confirm at least two essential elements: there is a very strong need to translate legal language in plain language, and this rather irrespective of the national language used. In fact, legal English is, without doubt, particularly complex. However, the same need is felt in Italian as well, as testified by the choice made by many students to translate specialized English into non-specialized Italian. This in spite of the fact that, contrary to English, Italian legal language is less distant from ordinary language.

Furthermore, intersemiotic translation appears to provide a further evolution in the dispute between legal and plain language, offering very interesting opportunities to communicate both “legally” (therefore prescriptively) and “comprehensibly”, thus opening the paths to new modalities of communicating within the legal field.
As my course has demonstrated, the possibilities (and challenges) of intralinguistic and intersemiotic translation appear evident, and the strategies applied in these translation settings, can then be borrowed during the phase of interlinguistic translation and mediation too.

This is why, with the aid of some colleagues and students from the Visual Arts and the Legal Studies Departments, my research project will focus on the organization of some workshops, during which some templates of the most common legal texts (contracts of tenancy, employment, car insurance etc.) are going to be translated in comic form. This activity is certainly going to be extremely useful for language students, who are going to further their translation work in the legal field.

At the same time, it might result in extremely useful tools which, if approved by the competent authorities, might render the relationship with legal matters less frustrating and demanding for a large part of the population, both in the U.K. and abroad.

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Notes

Note 1. The students attending this course initially had a C1-- level of English. The course-work extended for a total of 30 hours, on top of which students were required to add 114 hours of individual study.

Note 2. For instance, in Drop Dead Diva (S4 E3: 00:05:08-00:05:12) we can find the expression “Aut viam inveniam aut faciam”, which is immediately translated interlinguistically and intralinguistically in plain English as “If we can’t find a way, we’ll make one”.

Note 3. It must be however noted that, even in the written mode, these features have recently changed, leading for instance to the insertion of punctuation in contemporary documents.

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