BOOK OF ABSTRACTS

THE 7TH GENERAL ILLA CONFERENCE:

LANGUAGE AND LAW IN AN AGE OF UNCERTAINTY AND TRANSITION

THE FACULTY OF HUMANITIES & THE FACULTY OF LAW, VYTAUTAS MAGNUS UNIVERSITY

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PLENARY LECTURES

AUKSĖ BALČYTIENĖ (VYTAUTAS MAGNUS UNIVERSITY)

RESISTING UNCERTAINTY: LAYING THE GROUND FOR DIALOGUE IN THE TIMES OF DIGITAL EXPRESSIONISM

Abstract

As known, every technological revolution and diffusion of innovations requires an adequate social response – not only a change in individuals' mindsets and behaviors but also the development of new regulations and forms of governance for the emerging social organization (Castells, 2009). Unlike previous revolutions of steam or electricity, the implications of digital transformation require consideration of additional impact factors beyond the technological realm, specifically, the change's reach across the globe and its accelerating nature.

The new revolution of digitalization is genuinely transformative by offering new means of information reach, accessibility, and (political) expressionism (Cardoso, 2023). The digitalization of communication radically changes the structures, systems, and media organizations where these individuals' actions occur. By reshaping institutional structures, digital change fundamentally challenges the normative foundations of contemporary societies, especially issues of common good, social inclusion, responsibility, and accountable performance. Resulting in the decline of trust, the rise of manipulations, radicalism, populist politics, and polarization become some of the most descriptive developments in modern societies. What kind of epistemologies and forms of communication need to be developed to promote cohabitation in a changing society?

To address these challenges, the paper suggests developing a new understanding of individual responses, evolving communication styles, and establishing rules in the digital public sphere.

Obviously, transforming epistemologies requires an analytical approach that balances the need for change and renewal with the sustainability of tradition. For that reason, the paper considers a Critical Realist tradition (Archer & Morgan, 2020) and examines how different digital sphere agents – those of a corporate and primary nature – respond to digital challenges and information disruptions, such as fake news, manipulations, and disinformation. The provided discussion demonstrates how individuals engage with new forms of communication, showcasing expressive opinions as well as manipulations, radicalism, and polarization in the digital sphere. Though individual responses are critically significant in assessing one's capabilities in meaningful communication, the paper proposes reconsidering the functions of the epistemic commons (Szegőfi & Heintz, 2022).

The paper raises the question of whether and how the epistemic communities – which include the media, educational institutions, and other cultural industries – can contribute to defining new principles of responsible communication (Balčytienė, 2023). As argued, to be effective public sphere agents, these institutions need to be more inclusive and attentive to citizens. As corporate agents, institutions must know their communities and the norms they cherish to promote public engagement and collaboration in developing and sharing credible and reliable information resources (Harambam, 2021). For such a purpose, an approach of governance and collaborative partnerships between different stakeholders (policymakers, journalists, researchers, educators, librarians, youth workers, IT activists, and citizens) must be further explored to foster the development of content, discourse types, linguistic forms, and legal rules adjustable to ideals and norms of resilient and responsible communication.

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Biodata

Auksė Balčytienė is a core founding person of the Journalism and Communications School at VMU (since 1998). Her main scholarly interests are in digital transformations and democratization, agency and citizenship, media policy and communication rights, media literacy, media cultures and European Public Sphere. Auksė is highly interested in diverse topics related to media's role in social/cultural changes; she has published widely on trends and effects of liberalization, democratization, Europeanization, and platformization. She is passionate about media infused social changes, and her most recent object of research and public speaking is democratic forms of public resilience against the so-called information disorders (disinformation, strategic manipulations, instigations to conflict, fake narratives, etc.). She acts as external reviewer at the ERC, as well as at the Baltic research foundations.

ELEONORA ESPOSITO (UNIVERSITY OF NAVARRA)

TECHNOLOGY-FACILITATED GENDER-BASED VIOLENCE: ANALYSING LANGUAGE, RETHINKING LAW, TACKLING HARM

Abstract

As our lives become ever more managed through the use of technology and the digital world, so too do the spaces and means for perpetrating gender-based violence. Technology and online spaces are increasingly being misused and weaponized against women and girls on the basis of their gender. Known as technology-facilitated gender-based violence (TF-GBV), this kind of digital violence is committed and amplified through the use of information and communications, technologies or digital spaces against a person based on gender. This presentation delves into the conceptualization, definition, and legislative framework surrounding TF-GBV at both international and EU levels.

To start with, it explores the intricate nature of TFGBV, acknowledging its intersectionality with other forms of discrimination and violence. It further examines how international conventions and directives, such as the Istanbul Convention and the new EU Digital Services Act and the Directive on Violence against Women and Domestic Violence, establish legal frameworks to address TF-GBV and aim to ensure better protection for victims. Secondly, this presentation elucidates the existing methods and tools for data collection and analysis in the context of TF-GBV, highlighting the challenges in accurately capturing and understanding the prevalence and dynamics of online violence. It discusses the importance of utilizing qualitative and quantitative approaches, as well as emerging technologies, to enhance data collection efforts and inform evidence-based policymaking. Additionally, this presentation draws upon case studies and examples from my scholarly research to illustrate the manifestations and impacts of TF-GBV across different online platforms, with a focus on women in politics and women activists. These case studies, grounded in a multimodal critical discursive approach, offer insights into the diverse forms of TF-GBV, including non-consensual sharing of intimate (and manipulated) images, and online harassment and incitement to misogynous hate examine their psychological, social, and economic ramifications on victims.

By synthesizing theoretical frameworks, legislative measures, methodological approaches, and empirical findings, this presentation provides a comprehensive overview of TF-GBV. It underscores the urgency of addressing TF-GBV as a critical human rights issue and calls for collaborative efforts among researchers, policymakers, tech companies, and civil society to effectively combat the phenomenon and create safer digital environments for all.

Biodata

Dr. Eleonora Esposito is a Seconded National Expert at the European Institute for Gender Equality (EIGE) and a Researcher at the Institute for Culture and Society (ICS) of the University of Navarra (Spain). A Marie Skłodowska-Curie Alumna (2019-2021), Dr. Esposito has been investigating cyber violence against women in politics as a deepening challenge to gender equality and democracy. At EIGE, she is a Researcher in the Gender-based Violence Team and the Project Manager of "Cyber violence against women and girls in the EU 27".

Some of her publications

Her talk "Countering cyber violence against women and girls. Challenges and ways forward"

CHRISTOPH A. HAFNER (CITY UNIVERSITY OF HONG KONG) & RODNEY JONES (UNIVERSITY OF READING)

GENERATIVE AI AND THE FUTURE OF LEGAL EDUCATION

Abstract

Generative AI will present different kinds of challenges for different workplaces and professions, and so will require different educational approaches to preparing students for these challenges. The challenges include both changes to the nature of work that AI will bring, especially in professions where writing is central, and the changes in workplace cultures that will result, especially when it comes to onboarding and training new employees. This talk focuses on the challenges that AI is presenting to the legal profession and suggests concrete steps that can be taken in legal education and in the socialisation of junior lawyers to deal with them. It will begin with an overview of these challenges based on the literature and on in-depth interviews with legal professionals and educators in Hong Kong and the United Kingdom. It will then present results from a series of 'AI Maker Spaces' where law students and legal educators worked together to design custom agents for legal education and practice. It ends with a discussion of the importance of taking a participatory approach to AI implementation-both in the classroom and in law firms-- in which learners and practitioners have a chance to learn about the capabilities and limitations of AI tools and a chance to influence how they are used.

Biodata

Christoph Hafner's principal research interests include English language teaching and learning, legal English and digital literacies. In particular, he is interested in studying how new technologies can be utilised to support the development of both 'traditional' domain-specific literacies (e.g. English for Law), and the 'digital literacies' which are necessary to exploit the potential of digital media. He has co-authored a book (with Rodney H. Jones) entitled Understanding Digital Literacies: A practical introduction (Routledge, 2012).

He is principal investigator in an ongoing action research project, which investigates academic literacy in the Hong Kong context (project website here). Most recently, this project has examined university students' use of digital video to create multimedia scientific documentaries in the context of a course in English for Science. He currently teaches courses in English for Specific Purposes, Writing for New Media and Language in Law and Crime.

Rodney H. Jones is Professor of Sociolinguistics and Head of the Department of English Language and Applied Linguistics at the University of Reading. He has published widely in the areas of digital literacies, mediated discourse analysis, and language and creativity. His main areas of interest are discourse analysis, interactional sociolinguistics, and language and digital media. He is particularly interested in how digital media affect the way people conduct social interactions and manage social identities.

He has authored or edited fifteen books and over one hundred journal articles and book chapters. Some of his recent books include *Health and Risk Communication: An Applied Linguistic Perspective* (Routledge, 2013), *The Routledge Handbook of Language and Creativity* (2015), *Spoken Discourse* (Bloomsbury, 2016), *Language and Media: A Resource Book for Students,* 2nd edition (with Sylvia Jaworska and Erhan Aslan, Routledge 2020), *Understanding Digital Literacies: A Practical Introduction,* 2nd edition (with Christoph A. Hafner, Routledge 2021), and *Discourse Analysis,* 3rd edition (Routledge 2024). He is also editor of *The Routledge Handbook of Language and Creativity (2015).*

In March 2022 he was made a Fellow of the Academy of Social Sciences.

RALF POSCHER (MAX PLANCK INSTITUTE FOR THE STUDY OF CRIME, SECURITY AND LAW)

EXTERNALISM OR INTERNALISM IN LEGISLATIVE INTENT. WHICH FICTION TO BELIEVE?

Abstract

Despite its prominence in legal hermeneutics, the concept of legislative intent has been subject to considerable scrutiny. Even if we accept reductionist reconstructions of collective intentions, it is highly unlikely that the preconditions of these reconstructions — which were developed for small groups — are met in modern legislative processes. How, then, can lawyers continue to make sense of their traditional notion of legislative intent? Two reconstructions are on offer: a more limited externalist version and a more comprehensive internalist version. Both rely on a fiction. This talk explores which is the more suitable fiction with which to reconstruct our hermeneutical legal practices.

Biodata

Legal scholar **Ralf Poscher** is a director at the Max Planck Institute for the Study of Crime, Security and Law (formerly Max Planck Institute for Foreign and International Criminal Law). At the Freiburg Institute he is setting up a Department of Public Law. Ralf Poscher has been a professor at the Law Faculty of the University of Freiburg since 2009. He has held the position of dean of the Faculty of Law since 2018. From 2013 to 2018, he was managing director of the Centre for Security and Society (CSS) at the University of Freiburg. He previously held a professorship at the Law Faculty of the Ruhr University Bochum. Earlier stations in his academic career include the Institute for Advanced Study, Princeton, USA, the Faculty of Law of the University of Osaka, Japan, and the Humboldt University in Berlin.

ROSANNA SORNICOLA (UNIVERSITY OF NAPLES "FEDERICO II")

"IN HOC TEMPORE BARBARICO". LANGUAGE AND LAW IN THE CRISIS OF THE ROMAN WORLD

Abstract

The fall of the Roman Empire and the dramatic transformations of the post-Roman world are major themes of historiographical research. Both the history of Roman Law and the history of the Latin language have significantly contributed to our understanding of the social and cultural changes that pervasively affected the post-Roman world in the time span that goes from the fifth to the eighth century. The continuities and discontinuities of cultural patterns of those momentous times have been a much debated issue, especially in what concerns the fundamental role played by the Germanic peoples in the dissolution of the Roman Empire and the creation of the new Romano-Germanic kingdoms. The traditional representation of the Germans as 'barbarians', invaders of the Roman territories and subverters of the ancient Roman civilization, has undergone a profound revision leading to a broader and more convincing view of culture contacts and interactions between Romans and Germans. Before taking over as the new rulers of the so-called 'Romano-barbaric' kingdoms, the Germans had been living within the borders of the Roman world for centuries, with a large spectrum of relationships with the Roman population that ranged from more or less pacific coexistence to warlike episodes of attacks and destructions. Especially in their early stages, the creations of the new Romano-Germanic kingdoms were characterized by upheavals and turmoils that produced social instability and culture clashes with effects in all aspects of everyday life. Language and law were deeply affected with parallel developments such as the emergence in legal texts of the so-called 'Vulgar Latin' and the shaping in written form of the orally transmitted Germanic laws, a process that was in various ways influenced by the tradition of Roman Law.

This paper will deal with the complex clashes and interaction of linguistic and legal cultures in the Romano-Germanic kingdoms of the Goths and the Langobards in Italy and the Visigoths in Spain. A few aspects of language and law will be discussed that show the dramatic cultural changes that took place in those times. It will be argued that these changes nonetheless turned out to be of great relevance to the formation of the new cultural identities of Italy and Spain.

Biodata

Rosanna Sornicola is a Professor of General Linguistics and Director of the European Master's Degree in Linguistics at the University of Naples "Federico II". She graduated in Linguistics and Modern Philology from the same university in 1975. She has held visiting positions at institutions including Wolfson College (Cambridge) and the University of California (Berkeley and Los Angeles). Prof. Sornicola has participated in major international research projects and collaborates on Italian sociolinguistics and dialectology with the Universities of Turin and Heidelberg. She is a member of various linguistic journal boards and has served as President of the Società di Linguistica Italiana since 1999. Her research focuses on spoken language, sociolinguistics, and the history of linguistics.

THEMATIC PANELS

HISTORICAL (SOCIO)LINGUISTICS AND LEGAL DOCUMENTATION

Coordinator:

Paolo Greco (University of Naples Federico II)

FABIO APREA (ISTITUTO OPERA DEL VOCABOLARIO ITALIANO (CNR))

HEURISTIC POSSIBILITIES OFFERED BY THE MEDITA DATABASE FOR THE STUDY OF THE MEDIEVAL LATIN STATUTORY LEXICON OF CENTRAL ITALY

Between the 11th and the 13th centuries, during the height of maximal Communes' autonomy in central Italy, the juridical Latin of municipal statutes—while still maintaining ties with the ancient tradition—served as a laboratory for significant innovations, adaptations, and experiments that set it apart from classical Latin. These developments reflect the profound transformation of institutions, social structures, and legal practices within the communal context. The linguistic changes attending this transformation of communal legislation emerged from a dynamic interplay among various forces, bringing the medieval Latin linguistic tradition, local customs, canon law, and Roman law into contact with an increasingly pervasive factor that would culminate in the fourteenth century with the phenomenon of vernacularized statutes: namely, the vernacular itself (lat. *vulgare*).

The blending of Latin and the vernacular, which greatly contributed to the evolution of legal language in this period, manifested at every level: vernacular words were adapted to Latin by adding Latin derivational and inflectional morphemes; vernacular terms were directly incorporated into juridical Latin—often to denote concepts or institutions lacking a classical Latin equivalent—while calques, vernacular phonetic features, and syntactic constructions characteristic of the vernacular also influenced the coeval juridical Latin. Despite these changes, Latin was still far from relinquishing its role as a model for the educated and as a reservoir of forms and rules for coining new words: communal juridical Latin produced numerous neologisms unknown to the previous tradition. This reflects the need to express new concepts arising from communal institutions, administrative practices, and new forms of law. Terms such as *districtualis* and *aliqualiter* exemplify this lexical innovation. In addition to lexical neologisms, semantic neologisms also appeared: many classical Latin terms underwent shifts in meaning, acquiring new senses within the medieval legal context. For instance, *culpabilis* took on the meaning "responsible," while *gravamen* came to mean "harassment" or "abuse," mirroring the social and economic changes of the time.

The present contribution aims to offer a substantial illustration of these phenomena, drawing on the corpus of Medieval Latin statutory documentation provided by the MEDITA textual knowledge base. The MEDITA project (Medieval Latin documentation and Digital Italo-Romance Lexicography. Integrated Resources for the New Historical and Etymological Lexicography) aims to advance the study of Medieval Latin—particularly its non-literary, practical applications—and its relationship with early Romance languages in Italy. This comprehensive initiative addresses a major gap in linguistic research by creating an extensive, accessible digital library of Medieval Latin texts, including a collection of communal statutes from Tuscany, Umbria, Marche and Latium, which will form the documentary basis of this contribution.

By means of the analysis presented here, it is possible to demonstrate the high degree of innovation characterizing the statutory legal lexicon of central Italy during the period in question and, through systematic comparison with TLIO data, to show how significant vernacular neologisms find their earliest expression in a medieval latin context.

Keywords: Medieval legal Latin; Vernacular texts; Communal statutes; Neologisms; Central Italy

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PIERLUIGI CUZZOLIN (ACADEMIA EUROPAEA)

FEATURES OF INFORMAL REGISTER IN GAIUS' COMMENTARII

Traditionally, the Latin language of laws has been correctly looked at as a technical language, which, by definition, shows some peculiar features such as, for instance, the tendency to avoid synonyms, to use some exclusive syntactic patterns or to use common words with a special, technical meaning. These features are more or less common to all traditions of the language of laws. According to this perspective, the Latin language of laws had been carefully analysed and described in the past two centuries by scholars by Kalb (1877) or Nordeblad (1932).

However, recently scholars started to observe that some elements of the everyday speech could even creep into the technical language of Roman laws (see Sornicola 2013). This is a particularly promising aspect of the historical sociolinguistics applied to the language of laws. In my contribution I will investigate Gaius' *Institutes* from this perspective, in which a relevant part is also played by the fact that this text had a didactic function and was also used as a manual of instructions for young lawyers.

Keywords: Legal Latin; Techincal language; Vulgar Latin

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ELISA D'ARGENIO (HUN-REN HUNGARIAN RESEARCH CENTRE FOR LINGUISTICS)

AT THE LINGUISTIC CROSSROADS OF ROMAN AND LANGOBARD LAW: THE LEGAL LEXICON OF THE EDICT OF ROTHARI

This paper aims at analysing the main linguistic characteristics of the legal lexicon in the Edict of Rothari, issued in Pavia (Italy) in 643. The approach adopted focuses on the lexical and semantic continuities and discontinuities with respect to the legal Latin of various periods. It is a pivotal viewpoint on processes of Roman-Germanic cultural hybridisation that underlie the formation of medieval and early modern Europe.

In the Edict of Rothari, the relationship between law, language, and society is peculiar in some respects: the putting in writing in Latin language of customary law that until then had been transmitted only orally in Langobard; the adaptations of the conceptions and usages of Roman law, that was a legal, ideological and cultural heritage and a direct and indirect source for the Langobards. Furthermore, Germanic peoples had a relevant role in the preservation and transmission of Roman law. In Italy, Langobard law remained in force for a long time and regarding certain legal institutions in some areas of Southern Italy until almost the beginning of the modern age.

Since law represents one of the most important aspects for Langobards' identity and one of its most dynamic expressions, the traditional Langobard heritage and Roman legal culture enter into contact in a notable way in the drafting process of the Edict of Rothari. A significant image of this assimilation can be provided by lexicon selection. The work of mediation then concerns, more generally, also the peculiar character of the language of law, which is conservative in its reference to models of the legal tradition, but also innovative, in order to meet the concrete needs of society. The linguistic result is the coexistence of lexical elements of different nature in the Edict of Rothari. In particular, the conservative tendency is manifested by: i) erudite formulas from Roman law and technical terms of legal Latin; ii) formulas with alliteration in Langobard; ii) Langobard terms adapted more or less to Latin morphology and not always glossed. The innovations are manifested by: i) lexemes or meanings of more recent attestation; ii) technical terms with remodeled meanings in order to adapt them to referring Langobard institutions; iii) specialization of lexemes as technical terms to express concepts and institutions specific to Langobard law. These points will be appropriately exemplified and analysed in this paper. In addition to this, in order to outline a comparative framework for the history of some words, the Langobard laws added to the Edict of Rothari and notarial documention from various writing centers of the Italian peninsula during the Early Middle Ages will also be considered.

Finally, the question of why the study of legal Latin and its legacy, from a perspective of historical linguistics, cannot disregard the analysis of texts such as the Edict of Rothari will be addresses: the choice of the Germanic peoples to draft their laws in Latin has made them an integral part of the history of the transformation and transmission of Roman Law.

Keywords: Edict of Rothari; Legal lexicon; Legal Latin; Roman Law; Langobard Law.

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ROLF KAILUWEIT (HEINRICH HEINE UNIVERSITY DUESSELDORF)

DOWN BY LAW? CO-OFFICIALITY OF THE CORSICAN LANGUAGE

This research explores the complexities surrounding language and law in the context of Corsican co-officiality efforts. A key issue is the ambiguity between regional linguistic aspirations and national legal frameworks, particularly regarding the interpretation of Article 2 of the French Constitution, which establishes French as the language of the Republic.

Despite growing support for bilingualism and co-officiality among Corsicans, the French state maintains its position on French as the sole official language. This legal ambiguity fuels tension between regional identity and national unity, Corsican nationalist aspirations for linguistic recognition, and the French government's adherence to linguistic uniformity.

The study examines the interplay between linguistic identity, political autonomy, and national policy in Corsica's unique cultural context. It raises questions about constitutional flexibility in accommodating linguistic diversity, minority language rights, and the balance between regional autonomy and national unity. From a glottopolitical perspective, it explores whether legal uncertainty strengthens Corsican solidarity, potentially benefiting language survival more than state-promoted co-officiality.

Recent studies show the high symbolic value and continuous *ausbau* of Corsican, despite a loss of first-language competence. The Corsican Assembly has approved co-officiality proposals, and initiatives to integrate Corsican in education and public administration have seen success. However, these efforts face legal and institutional barriers rooted in France's historical approach to linguistic nationalism.

Methodologically, the research employs discourse and power analysis, focusing on glottopolitics. It examines policy-making processes at supranational (EU), national (French), and sub-national (Corsican) levels, using legislative proposals, policy documents, and sociolinguistic surveys.

The study concludes that while progress has been made in revitalizing Corsican, achieving co-official status remains complex. It highlights the importance of addressing both status and corpus issues in language planning. The research contributes to understanding minority language rights within nation-states and the role of language policy in negotiating regional identities within broader national and European frameworks, potentially informing future policy debates and strategies for language preservation and cultural autonomy beyond Corsica

Keywords: Co-officiality; Corsican language; Language policy; Constitutional interpretation; Regional autonomy

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DOROTTYA PÁLFI (HUN-REN HUNGARIAN RESEARCH CENTRE FOR LINGUISTICS, INSTITUTE OF HISTORICAL LINGUISTICS AND URALIC STUDIES, RESEARCH GROUP FOR LATIN HISTORICAL LINGUISTICS AND DIALECTOLOGY, BUDAPEST, HUNGARY; ELTE EÖTVÖS LORÁND UNIVERSITY, DOCTORAL SCHOOL OF LINGUISTICS, BUDAPEST)

DEMONSTRATIVE USAGE IN THE CHARTERS OF LUCCA – ORDER FROM CHAOS?

The main scope of the present paper is the analysis of the demonstrative usage in the 8th century parchment charters related to Lucca (ChLA 30–39). The observations are based on a heterogeneous approach previously introduced in the examination of the 8th century St. Gall charters (Pálfi, 2023), i.e. the implementation of the charters' compositional tradition, the formulas into the linguistic analysis. The underlying hypothesis is the following: since formulas ensure validity and effectiveness, they resist changes to the extremes. Thus, normative formulas represent linguistic past, while anomalies (determiner multiplications, additional metalinguistic participles or spatiotemporal adjectives) occurring at least 3-4 times in the *corpus* can reflect inventive features. By applying this method, the data are organised into more concise, homogeneous pools by addressing the major challenge in analysing demonstratives in legal texts: the compositional rigidity resulting in the overrepresentation of certain demonstratives while relegating signs of linguistic change to the margins. Therefore, the following topics are discussed: 1) the formulaic tradition of Lucca and its comparability to the compositional style of St. Gall, 2) the trends in demonstrative usage with a particular emphasis on determiner multiplications (e.g. *hic+iste+N*), additional metalinguistic participles (e.g. *ipse+supradictus+N*) and spatiotemporal adjectives (e.g. *hic+praesens+N*), along with their possible interpretations. Finally, the results from the two analyses (Lucca and St. Gall) are compared to provide a diatopic-synchronic evaluation based on the formulaic-linguistic method.

Keywords: Medieval Latin demonstratives; 8th century charters; formulas; determiner multiplications

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LINGUISTIC MEANING IN LEGAL INTERPRETATION

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LINGUIST AS LANGUAGE SHERPA: LINGUISTIC PATHS TO LEGAL INTERPRETATION

Communicating linguistic insights to lawyers and judges critically involves (i) understanding the linguistic domain out of which interpretive difficulties arise, (ii) analyzing actual and perceived interpretations of texts, and (iii) framing analyses in a clear and convincing manner for audiences unfamiliar with linguistic categories and concepts.

This talk will review cases where semantic, syntactic, pragmatic, and stylistic ambiguities make interpretation difficult, and provide guidance on making linguistic analysis transparent. It will (i) survey the textual problems that generate the need for linguistic analysis and (ii) suggest ways to make expert linguistic testimony legible to non-specialists. The goal is to provide guidance for linguists who wish to be involved in this kind of work.

Addressing the first matter, what textual issues impel the need for linguistic expertise? Cases involving state laws, warranty deeds, collection notifications, and insurance policies are shown to involve a range of linguistic issues, including (i) imprecise lexical choices, (ii) bracketing ambiguities, (iii) insufficiently restricted anaphoric reference, (iv) improperly connected discourse passages, and (v) poor stylistic choices.

For example, in a case involving SC State Code, interpreters of the statute failed to notice that sentence initial *however* entails contrast as in (1), as opposed to the concessive *however* in (2). In so doing, they failed to understand the passage as providing an alternative remedy, as opposed to expanding upon one.

(1) I left early. However, I still arrived late.

(2) However you decide to travel, try to arrive on time.

The insurance policy exclusion in (3) was shown to be problematic in no less than four ways: (i) ambiguity of *conduct*, (ii) ambiguity of the *that*-clause, (iii) the imprecise use of *no person or organization*, and (iv) failure to include it among “Exclusions”.

(3) No person or organization is an insured with respect to the conduct of any current or past partnership or joint venture that is not shown as a Named Insured in the Declarations.

Turning to making linguistic testimony legible to non-specialists, there are two requirements. First, the linguist must provide solutions. That is, for every problematic passage, an unproblematic revision must be supplied, as in (4) given in place of (3).

(4) **You are not an insured** with respect to **the pursuit of business as a** current or past partnership or joint venture **unless that partnership or joint venture is shown** as a Named Insured in the Declarations.”

Second, analyses must be comprehensible to non-linguists. If linguist-provided texts are phrased in an overly technical manner, they will be of little use to a lawyer who cannot authentically present them. For example, explaining the ambiguity of the *that*-clause in (3), a report provided an example in plain language, showing that sentence-ending *that*-clauses can be adjacent to or separated from nouns they modify, as in (5).

(5) a. A **snag** emerged with respect to the plan **that we didn’t anticipate**.

b. A snag emerged with respect to the **plan that we had all agreed on**.

In constructing such explanations, basic, non-technical introductory texts are invaluable.

Keywords: expert witness; linguistic interpretations of legal texts

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TILDEN "TILLY" BROOKS (STANFORD UNIVERSITY)

FACTS, LAW, AND ORDINARY MEANING: LINGUISTICS IN THE INTERPRETIVE DOMAIN

Research Purpose and Problem. With the rise of textualism, "ordinary meaning" has become a central concept in statutory interpretation in the United States. Although the definition of the term is disputed (Eskridge et al., 2023), ordinary meaning of a statutory provision is generally understood as the meaning of a term or phrase in mainstream U.S. English at the time the relevant law was passed. In the interpretive process, ordinary meaning guides the determinations of textualist judges. Thus, U.S. judges often undertake descriptive linguistic work as they interpret the law. Although U.S. courts are increasingly likely to rely on empirical inquiries into natural language, the contributions of linguists to the interpretive process are often met with indifference, skepticism, and hostility (Ainsworth, 2006; Lawson, 1995; Gries & Gales, 2024; Brooks, 2025). In this paper, I argue that the division of factual and legal issues drives this state of affairs and propose that statutory interpretation is best considered a mixed issue of law and fact rather than a purely legal issue.

State of the Art. Previous work on statutory interpretation and linguistics has found that legal professionals' lack of engagement with linguistics is driven by misunderstanding, reliance on dictionaries, poor-quality linguistic work done by non-linguists, and the view that the interpretation of the law is a legal matter (Gries & Gales, 2024; Lawson 1995). This paper builds on the view that the fact-law distinction is a barrier to effective collaboration between linguists and legal professionals in interpretive matters.

Proposal and Discussion. I argue that the fact-law division functions to exclude the contributions of linguists on interpretive matters, even when their work is relevant to the issue at hand. The interpretation of the law has long been considered a legal issue. Thus, it is improper for non-legal experts such as linguists to opine on the meaning of the law. However, having made an empirical matter — ordinary meaning — the crux of this legal determination, the textualists of the judiciary of the United States have created a paradoxical state of affairs. Under this status quo, judges undertake descriptive linguistic work to identify ordinary meaning, while treating linguists' insights as inappropriate contributions to a legal debate. In other words, it has become a norm in the U.S. for judges to do linguistics without linguists. I argue that, when statutory interpretation is to be guided by ordinary meaning, judges should treat the matter as a mixed issue of law and fact rather than a legal one. Thus, the role of the judge as ultimate arbiter of legal interpretation is maintained, while linguists' valuable expertise receives proper consideration.

Conclusion. Because legal interpretation is currently viewed as a purely legal issue in the U.S., the valuable insights of linguists have gone unacknowledged by many in the legal profession. I argue that interpretation is best treated as a mixed issue of fact and law. This proposed change would both increase empirical rigor of ordinary meaning analysis and promote consistency in interpretive decision making.

Keywords: U.S. law statutory interpretation; ordinary meaning; interpretation

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PAULINA KONCA (UNIVERSITY OF SILESIA IN KATOWICE (UNIWERSYTET ŚLĄSKI)

CHANGE OF LINGUISTIC MEANING AS A REASON TO UPDATE LEGAL INTERPRETATION

Change of linguistic meaning as a reason to update legal interpretation The paper presents rules (called updating directives) that guide the courts in updating the meaning of a statutory text due to changes of various circumstances (developments in technology, social, economic and political changes and the evolution of language itself). Legal literature is used to thinking about timeframe in constitutional interpretation and few studies deal with dynamic statutory interpretation [Eskridge, W. (1994). Dynamic Statutory Interpretation; Kelly, M. D. (2023), The 'Always Speaking' Principle: Cracking an Enigma. https://ssrn.com/abstract=4529392]. The presentation is part of a project which analyses updating directives of three countries: Poland, Spain and Ireland. The choice of these three legal systems stems from the fact that the degree to which this issue is regulated differs in these countries: updating directives may simply form part of judicial practice or be enacted by legislature (although their content always has to be supplemented by judicial practice, which is typical of the so-called law of interpretation). The basis of the research is an analysis of the judicial practice on updating of a legal text in the countries mentioned. In order to make an update, the courts must make three decisions: (1) determine whether a change has occurred in a given area, (2) decide how it has affected the meaning of a legal text, (3) decide whether to update the meaning of the provision or merely to suggest to the legislator the need to make an amendment. One of the objectives of the research is to find out whether and how the courts justify their decisions to update (or not to update) the meaning at each of these three stages. Another aim is to examine whether the way in which decisions to update meaning are made and justified differs depending on what kind of change in circumstances is involved. It is important to ask whether and on what basis we could distinguish 'purely linguistic' changes. The fact that words change meaning often relates to changes of a different kind, for example social (definition of marriage), legal (new contexts for the use of certain expressions), technological (the terms used in legal provisions turn out to be obsolete), systemic (certain legal institutions collapse but remain in law as so-called legal survivals). The change in the meaning of particular words in legislation can be understood differently depending on the context. The objective of the paper is also to present what tools the courts use when

updating. Dynamic interpretation uses various methods, primarily associated with purposive interpretation, but the research has revealed that it also uses the tools of linguistic interpretation. It is interesting how courts use the instruments of linguistic interpretation in determining the meaning of a legal text in the face of change (for instance, a change in meaning may involve, for example, the selection of a new dictionary or the one created at the time the provision was drafted).

Keywords: Construction in changing circumstances; dictionaries; legal interpretation; legal meaning; updating directives

ELIZABETH COPPOCK & JILL ANDERSON (BOSTON UNIVERSITY)

THE SQUARE OF LITIGATION

We present a tool for getting a handle on the interpretation of texts involving negation and other scopally flexible words including *and* , *or* , *all* , and *any* (little words that make a lot of big trouble). We call it the Square of Litigation. As in the medieval/Aristotelian Square of Opposition, there is contradictory opposition along the diagnonals, but this is reinterpreted as the litigatory "I win, you lose" relationship.

This talk will illustrate seemingly unrelated interpretation disputes as instances of a single pattern. One class of disputes involves *not* and *all* , which can scope either above or below each other. *All dogs are not friendly* can be read either with **full negation** (*No dogs are friendly*) or **partial negation** (*Some dogs are not friendly*). The former occupies the top right (E) corner of the medieval square of opposition, and the latter the bottom right (O). *Caraco vs. Novo Nordisk* illustrates a full/partial negation ambiguity with a different pair of words: *not* and the indefinite article *a(n)* , in "... on the ground that the patent does *not* claim *an* approved method of using the drug." Some of Justice Kagan's remarks on this Supreme Court case were helpful, and some could have benefited from study of the Square of Litigation.

The Square of Litigation is a simple schema to map out these scopal ambiguities when they show up in litigation. One of the ways it can be helpful is in avoiding fallacious "If they had meant X they would have said Y instead of Z" thinking. In the Caraco case, the reasoning goes, "If they had meant *any* then they would have written that word instead." Unfortunately, replacing *an* with *any* produces a new sentence that is itself ambiguous, because here *any* is in an environment that allows it to scope either above or below the negation (the former is a free choice reading; the latter involves NPI *any*). Granted, it is XYZ thinking that underlies scalar implicature, an important component of non-literal meaning, but it can be applied in an overzealous manner.

We will also demonstrate the flexibility of the Square of Litigation by applying it to cases involving negation and Boolean connectives like *and* and *or* . In *Pulsifer v. United States* , which hinges on the relative scope of *not* and *and* , Kagan provides helpful guidance, and Gorsuch incorrectly presupposes that one of these readings is the "ordinary meaning" and commits the XYZ fallacy, insisting that *and* would have been replaced by *or* if the other reading was intended.

The Square of Litigation is a tool for mapping out the interpretations that various scope possibilities make available, and for keeping track of the ambiguities. We will provide audience members with the opportunity to practice spotting ambiguities and diagnosing scope interpretations as full or partial negation. We aim furthermore to ensure that participants will smile at least once.

JILL ANDERSON

"ANY" QUESTIONS -- LEXICAL VAGUENESS AND STRUCTURAL AMBIGUITY IN LEGAL INTERPRETATION

A leading candidate for the single most litigated and least understood word in English is *any. Any* has counterparts cross-linguistically, and no area of law is untouched by litigation over it. Yet despite countless opportunities to interpret *any* in American jurisprudence, judges and lawyers are mired in confusion about what it contributes semantically to a sentence, as examples ranging from patent law to insurance contracting to criminal procedure will show. Some courts have announced a "plain" or "ordinary" meaning of *any* in terms that are self-contradictory. Others describe it as "flexible" . . . even in contexts where it is not. And still other courts have hinted tongue-in-cheek at *any*'s resistance to explication by judges: "The Court is led to the unavoidable conclusion that the word 'any,' when used in a statute, should be construed to mean, in a word, any." I argue that the courts' confusion about *any* stems from their tendency to see its indeterminacy as a purely lexical matter. A linguistically informed approach, by contrast, would distinguish two broad categories of disputes: those involving *any*'s *lexical vagueness*, and those that arise from *structural ambiguity* (Kadmon & Landman 1993, Horn 1989). In the former class of cases, the parties disagree as to whether "any X" includes a marginal case (e.g., does a conviction in "any court" include foreign court decisions?). As to the second category, examples include disability insurance contracts in which it is unclear whether being "unable to perform any of your job duties" means you can do none of those duties, or that there is one you cannot do. Each type calls for its own analytical approach---principled line-drawing for lexical vagueness, an either-or decision as to the better of two divergent readings for structural ambiguity---both of which are advanced more by case-specific pragmatics than by any notion of "ordinary meaning." Untangling these two sorts of interpretation problems is thus a first step toward bringing coherence to a large class of cases. The bigger payoff in thinking about *any* this way, though, is that it may boost the courts' ability to recognize forms of ambiguity that have nothing to do with word-level meaning, and to appreciate the key role of pragmatic inference in making sense of ambiguous text.

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ARTHUR JOYEUX

THE EXPRESSION OF VAGUENESS IN LEGAL DISCOURSE AND THE ROLE OF THE INTERSECTIVE ADJECTIVES

Research problem

The globalization of law and the creation of transnational legal systems are changing the way in which legal rules and standards are formulated, interpreted and applied. Two important phenomena are 'gradual normativity' (Flückiger, 2007) and the generalization of 'fuzziness' (Delmas-Marty, 1986) or 'vagueness' in law (Endicott, 2000).

The "legal standard" (Pound, 1919) is one of the preferred instruments for expressing legal vagueness. Described as an 'elastic notion' (*reasonable person*, *significant imbalance*, etc.), deliberately incomplete

and not codified by the legislator, its meaning varies according to circumstances. But its formal aspect is regular and deserves the attention of linguists: it generally appears with N + Adj collocations.

State of the art and hypotheses

Many works have been done on the adjective in law. Those by Fjeld (2001, 2005) and Anesa (2007, 2014) are based on the typology of adjectives of Pinkal (1985) and Bierwich (1987). If the 'dimensional' or 'evaluative' character of adjectives can be one source of vagueness in law, we would like to show that the adjectives involved in the expression of legal standards have another specific property: they are intersective adjectives (Kamp, 1975).

According to our hypothesis, vagueness in law is based on this variety of adjectives and how they function. What are the linguistic and pragmatic dimensions of the intersective adjectives used in law to express the vague norm? How can they be identified? What are the consequences for the interpretation and application of the rule and, finally for the legal system as the whole?

Methods, instruments and tools

We will show translated examples taken from French and English legal corpora, identified by a manual search or observed by legal experts. In support of current research on the intersective adjectives (Partee, 2007, Cinque, 2010), we will show that the adjectives involved in the expression of the vague standard are predicative like the dimensional or evaluative ones, but they are contradictorily refractory to gradation. In fact, the use of intersective adjectives shows that legal standards are not based on vagueness by 'degree', or even on 'multidimensional' or 'extravagant' vagueness (Endicott, 2011), but on reference to an extra-legal standard (moral, ethical, economic, political, etc.).

Keywords: legal standards, vagueness in law, intersective adjectives

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KEVIN MÜLLER (ZHAW SCHOOL MANAGEMENT AND LAW), ANNETTE ZOLLER-ECKENSTEIN (ZHAW SCHOOL MANAGEMENT AND LAW)

TERMINOLOGY OF CIRCULAR CONSTRUCTION

The construction industry is currently striving to change from linear to circular material flows. Previously, building materials were produced, used and then disposed of afterwards (Streiff & Zoller-Eckenstein, 2023). As a result of this linearity, the construction industry is responsible for over 80% of the waste generated in Switzerland and is the largest Swiss consumer of raw materials. Today, the first pioneering projects are already repairing, reusing and recycling components. The aim is to close the cycle, which reduces greenhouse gas emissions, minimises waste and uses fewer raw materials. A rethink is essential (Streiff, 2023).

However, there is currently no common language for circular construction, which not only makes it difficult to draw up contracts under private law, but is also reflected in the lack of regulation, most of which is focused on linear materials management and barely takes circularity into account. For example, there are uncertainties regarding the applicability of laws and the legal qualification of components as waste or as a construction product, which in turn means different regulations for the storage of components (Streiff & Zoller-Eckenstein, 2023), liability, the conclusion of contracts and insurance (Menn, Ott & Streiff, 2024). The resulting legal uncertainty is preventing the construction industry from implementing circular construction on a large scale.

Establishing a common terminology for circularity is therefore of great importance. To do this, the existing vocabulary of circularity must first be analysed, i.e. which terms are already used in existing legal texts and in practice, what meaning(s) they have and what overlaps and gaps exist in the vocabulary. For example, the terms recycle and reuse are sometimes used as synonyms and sometimes with different meanings.

The vocabulary analysis is based on corpora consisting of most relevant federal legal texts and collections of other private standards. The meaning of the words is analysed using Barsalou's frame model (1992) on the basis of the syntagmatic relationships in the documents. The frame analysis has already been applied to other legal terms (Busse et al. 2018).

Such an analysis of the terminology is a prerequisite for the development of a standardised terminology so that contracts can be concluded and new regulations issued that serve legal certainty and can be used for interpretation.

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TIMOTHY W. GRINSELL (HOPPIN GRINSELL LLP)

ARE QUESTIONS HEARSAY? A SEMANTIC ANALYSIS OF QUESTIONS AS EVIDENCE

Purpose: This paper examines how linguistic semantics can resolve doctrinal uncertainty about questions as hearsay evidence under U.S. law, particularly through theories of presupposition and alternative semantics. The analysis aims to provide courts with semantic criteria for determining when questions constitute hearsay while explaining apparent inconsistencies in case law.

Research Problem: "Hearsay" as traditionally defined is an out of court statement offered to prove the truth of the matter asserted. However, questions are not statements, and questions cannot be true or false. Courts have reached contradictory conclusions about whether questions constitute hearsay, lacking a coherent theoretical framework for analysis. Some jurisdictions treat questions as hearsay if they contain assertions or demonstrate assertive intent, while others categorically exclude them as inherently non-assertive. This uncertainty has created significant challenges for evidence admissibility decisions, particularly in criminal cases.

State of the Art: Following Hamblin's (1973) work treating questions as sets of possible answers, alternative semantics provides tools for analysing both information-seeking and rhetorical questions. This approach, combined with Stalnaker's theory of presupposition, reveals how questions can communicate assertive content through multiple semantic mechanisms. For example, Han (2002) demonstrates how rhetorical questions systematically encode assertions through the elimination of possible answers.

Research Questions: The study addresses two primary questions: (1) How do theories of presupposition and alternative semantics explain and justify courts' varied treatment of questions as hearsay? (2) What semantic criteria can guide courts in identifying when questions function as assertive statements for hearsay purposes?

Methods: The study analyses key cases through formal semantic theory, examining how questions encode assertions through two distinct mechanisms. First, through presupposition, as in *Commonwealth v. Parker*'s analysis of "Can you tell Bey I didn't take anything?" where the question contains a verb of saying that presupposes the speaker's innocence. Second, through rhetorical questions, whose alternative semantics yield polarity-reversed assertions, as in *Powell v. State*'s "What, you think we ain't got guns?"

Conclusions: Questions can constitute hearsay through two distinct semantic mechanisms: presuppositions contained in questions and the alternative semantics of questions themselves. This theoretical framework reconciles apparently conflicting precedents while providing courts with semantic criteria for hearsay determinations. The analysis shows how formal semantic theory can both explain existing case law and guide future judicial decision-making. More broadly, it demonstrates the potential for linguistic theory to clarify complex doctrinal issues in evidence law, suggesting new approaches to analysing verbal evidence beyond traditional legal distinctions.

Keywords: hearsay; evidence law; alternative semantics; presupposition; rhetorical questions

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JENNIFER SMOLKA (JAGIELLONIAN UNIVERSITY KRAKOW)

LEGAL INTERPRETATION OF CONJUNCTION AND DISJUNCTION: CUMULATIVE AND/OR ALTERNATIVE

This contribution deals with the intersection of cognitive pragmatics and international law from the perspective of lexical pragmatics and legal interpretation, focusing on conjunction and disjunction. Its aim is to analyse the usefulness of pragmatic theories of ordinary language interpretation to the specialized interpretation of legal language by legal experts.

How is the interpretation of “and” and “or” impacted by international law’s rules of interpretation (RoI) – which constrain the interpretation of legal texts in order to limit and guarantee an official interpretation of a legal text – along with international lawyers’ argumentation? Are “nearly all uses of disjunctions in the law – and logic – … inclusive” (Noveck 2018, 78)? Analogously, may the use of conjunction in the law be assumed – and might it even be “widely claimed” (Carston 2013, 11) – to be equivalent to that of the logical operator “Λ”?

Carston hypothesizes that such a semantically minimal meaning of “and” will “unlikely … be accepted as a sound line of reasoning in most contexts, including in a court of law” (ibid.). Based on research in law and language, one may assume that conjunction in law may convey a pragmatically enriched or adjusted meaning, e.g., a relation of addition, contrast, temporal sequence, and causation. Analogously, disjunction in law may also convey a pragmatically enriched exclusive meaning.

To test this assumption, two dominant pragmatic theories are compared with regard to their approach to inferences: relevance theory (RT) and a selected neo-Gricean framework. The RoI can be integrated into these models as they “are instantiations of Gricean maxims” (Carston 2013, 17).

It has been argued that that arguments in national and international law are – at least in theory and despite the fact that both can be translated into (neo-)Gricean maxims – not exactly the same: the “universalist” hierarchy of the three main RoI, such as codified in Article 31 (1) VCLT, does not in theory apply to international law (cf. Smolka 2022). This contribution thus tests the claim that RT may be more suitable for modeling the interpretation of international law. While prominent neo-Griceans claim that, although defeasible, inferences as to what an utterance means are drawn by default – or in default contexts (Carston 2013, p. 13; Horn 2009, p. 22), RT claims that there are no defaults: every communicative situation is particularized (Noveck 2018, p. 27); that is, the drawing of inferences is always context-sensitive, guided by the principle of relevance. Which maxim – or RoI in Article 31(1) VCLT – is applied thus depends not on any hierarchy or defaults of RoI, but on its relevance (in RT’s technical sense) to the case.

Given that fact that which rule of interpretation will prevail likely depends on the preferred outcome, which likely depends on policy – or cultural or moral preferences (Murphy 2019, p. 15) –, this contribution will thus also focus on the limits of the usefulness of pragmatic theories of interpretation to legal interpretation.

Keywords: legal interpretation; conjunction; disjunction; rules of interpretation; pragmatics

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MATEUSZ ZEIFERT (UNIVERSITY OF SILESIA IN KATOWICE)

RETHINKING THE ROLE OF CONTEXT IN STATUTORY INTERPRETATION – DRAWING FROM RONALD LANGACKER'S COGNITIVE SEMANTICS

Purpose statement:

The purpose of the paper is to reconsider the role of context in statutory interpretation in light of Ronald Langacker's cognitive semantics.

Research problem:

Semantic theory of Ronald Langacker challenges the notion of linguistic meaning that pervades legal theory and judicial practice. According to Langacker, meaning resides in the process of conceptualisation characterised as dynamic, interactive, imagistic and imaginative. A linguistic unit (i.e. a word) is treated as a stimulus providing mental access to conceptual knowledge (content) in a particular way (construal). Meaning, therefore, is not a "thing", but a mental activity that involves both linguistic and extra-linguistic stimuli. It is *prompted* by words and grammatical constructions rather than *found in* them.

State of the art:

Most, if not all, contemporary theories of statutory interpretation acknowledge the role of context. In many European traditions, it has been even lexicalized under the terms "contextual" and "systemic" interpretation. Still, context is usually seen as an extrinsic factor capable of altering the meaning of the statutory text. This is exemplified by the commonly accepted distinction between linguistic (or literal) and non-linguistic (i.e. systemic or contextual and teleological or purposive) interpretation, as well as by the alleged primacy of linguistic interpretation cherished in different legal cultures (i.e. the Literal Rule in English Law, the ordinary meaning rule in USA, etc.). Also, context in statutory interpretation is limited to various types of linguistic contexts, excluding i.e. circumstances pertaining to the interpreter. Accordingly, most theories of law application draw a rigid line between law-finding and fact-finding as two independent cognitive operations.

Hypotheses or research questions:

The research question is: how does the application of the semantic theory of Ronald Langacker affect the way we understand context and its role in statutory interpretation?

Description of the methods, instruments and tools:

The paper combines the methods of linguistic analysis based on Ronald Langacker's Cognitive Grammar theory with legal case study (doctrinal analysis). It is a qualitative study based on international literature on the subject and Polish courts' decisions.

Summary of the main conclusions:

The preliminary conclusions based on a pilot study involve the following:

- There is no such thing as a purely linguistic interpretation.
- There can be no strict border between linguistic and non-linguistic (i.e. systemic and teleological) methods of statutory interpretation.
- The meaning of a statutory provision is partially determined by the facts of a given case.

Keywords: statutory interpretation; linguistic interpretation; case law; Cognitive Linguistics; encyclopedic semantics

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LANGUAGE AND POWER IN THE COURTROOM

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FIGHTING LAWLESSNESS AND MOB RULE: EXAMINING POWER, RACISM, AND SOCIAL ORDER IN JUDGES' SENTENCING REMARKS

In July 2024, after a stabbing attack in Southport (UK) resulting in the death of three children and severe injuries to others, false claims by far-right groups described the perpetrator as a Muslim asylum seeker. These false claims, compounded by other underlying factors such as social inequality and economic hardship, led to anti-immigration protests and riots across the UK, including racist attacks, looting and arson. In our paper we shall analyse the sentencing remarks for 10 cases involving such incidents.

Sentencing remarks are a comparatively understudied genre in courtroom language, the focus usually being on pre-sentencing exchanges (see Coulthard & Johnson, eds. 2010). However, their role is key, not only in the offenders understanding the proportionality of the sentence, but also because society is a secondary addressee, which enables the judiciary to legitimize justice and reinforce social norms (Campos Pardillos 2020). From a critical discourse analysis perspective Fairclough & Wodak 1997), we shall focus on how the crime narrative is constructed in order to justify the punishment. This is achieved by emphasizing the racist, islamophobic and xenophobic nature of the offences, using textual polyphony to reproduce the abuse uttered by perpetrators, and explaining harsh sentences by positioning defendants' actions as a threat to social order. Considering the double addressees of the remarks, i.e. offender(s), but also society in general, judges distinguish between peaceful protest (carefully preserving the right to free speech) and "mob rule" or "lawless behaviour", thus delegitimizing the underlying motivations of the protesters. Following sentencing guidelines, judges develop a narrative emphasizing the suffering of victims. To appeal to all types of audiences, judges mention asylum seekers ("endanger the lives of the many people trapped in the hotel"), but also police officers ("physical and psychological harm caused to officers and their families") and the general public. The power dynamics are clear: the court represents authority, possessing the power to punish and maintain order ("It is the duty of the court to do what it can to protect the public"), and also shapes public perceptions of justice and the protection of minorities. Nevertheless, while attempting to combat xenophobia, the judges' discourse often reproduces the "us vs them" framing through references to what is considered "normal" in the UK ("hard to believe this form of behaviour took place in the United Kingdom"). Hence, in doing so, the discourse unintentionally echoes aspects of xenophobic rhetoric, a phenomenon previously observed in British parliamentary debates (Neller 2013).

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TATIANA GRIESHOFER (BIRMINGHAM CITY UNIVERSITY)

THE PRINCIPLE OF ORALITY IN CIVIL PROCEEDINGS

The principle of orality is a key feature of legal systems rooted in adversarialism and is often considered a beacon of transparency and procedural justice (cf. Ainsworth 2017), but there is equally debate challenging many of the factors related to its implementation (e.g. criticism of cross-examination – cf. Gibbons 2003). The issues are especially prevalent in family and county courts, which deal with many common legal disputes, typically described as high volume but low impact for the justice system (though the impact on citizens is still considerable). It is the full implementation of the principle of orality that impacts the extent to which court users can engage with the proceedings and to what extent they feel heard.

Focusing on the ethnographical exploration of private family proceedings and small claims cases, the paper breaks down what the principle of orality stands for from the perspective of discursive practices and then moves to the discussion of examples from court proceedings and the exploration of the risks and advantages the different implementations of orality offer (Grieshofer 2024). The paper concludes by reflecting on how orality is managed across different adversarial and inquisitorial contexts, including the amalgamations of legal traditions in international courts.

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REBECCA JENKINS (SWANSEA UNIVERSITY), NURIA LORENZO-DUS (SWANSEA UNIVERSITY)

"MAYBE WE START BY JUST A SHOW OF HANDS": A GENRE-BASED LINGUISTIC ANALYSIS OF JURY DELIBERATION AND INTERPRETATION OF JUDICIAL DIRECTIONS

Deciding whether a defendant is guilty of a crime is an important juror task, with the jury deliberation stage of a trial being crucial in terms of accurate interpretation and decision making. This presentation reports the key findings of a study of intra-group dynamics in jury deliberations around the impact of deepfakes on accountability processes for human rights violations (see TRUE project for context). To do so, and adapting Swales' (1990) communicative genre approach, we set up, recorded, and transcribed 11 mock jury deliberation simulations in 2024 (12 jurors per jury; 96,000 approx. number of words). The jury deliberations took place following jurors' viewing of a video-recorded fictional trial – presided by a former judge of the International Criminal Court – that depicted a piece of real user-generated evidence of an airstrike in Yemen. Until now, jury deliberations, as a non-public, professional interactive event, has not been systematically identified as a linguistic genre. The analysis reveals the flexibility of jury deliberation as a communicative genre, including the non-fixed placement of moves, optional and obligatory elements, and the interplay between evidence- and verdict-driven approaches. The analysis also shows how, and vis-à-vis which deliberation moves, jurors self-govern what they perceive to be relevant decision-making considerations, despite judicial instructions and argumentation. This aspect of juror autonomy is often realised via storytelling, with stories serving primarily as positioning acts (Thornborrow 1997; Bamberg and Georgakopoulou 2008). As well as discerning how juries handle instructions, our analysis shows how jurors may challenge one another when judicial guidance is

overlooked, and how deliberations are manifested across a continuum of autonomy to instruction following. Our study results offer valuable insights that can enhance academic understanding of communicative genres, interpretation of judicial directions, and legal practice.

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GIULIA LOMBARDI (UNIVERSITÀ DI GENOVA)

PUNCTUATION AND PERSUASION IN LAWYERS' PLEADINGS AND WRITTEN TESTIMONIES

Courtroom interaction relies on asymmetrical discourse structures that shape both the presentation of lawyers' arguments and the narratives of witnesses. Participants often draw on semiotic and pragmatic resources to persuade their audience and maintain conversational control, whether the proceedings occur orally in court or exclusively through written documentation, albeit with differing dynamics.

Punctuation, by segmenting a text into semantic units, serves not only to hierarchize these units but also to introduce interactive elements that guide the reader toward an accurate interpretation of the intended message. Consequently, punctuation (alongside grammar) can be regarded as a rhetorical tool, as each punctuation mark contributes to the construction of textual meaning, shaping its semantic-pragmatic framework and the interpretative stance required of the reader. Beyond delineating semantic units—such as through the segmenting functions of periods, semicolons, and commas—punctuation also conveys hierarchical and interactive values, prompting the reader to actively engage in the interpretative process. Thus, analyzing punctuation provides insights into not only the semantic-syntactic structure of a text but also the author's communicative intent, illocutionary stance, and the interactive expectations placed on the reader.

This study investigates the role of punctuation in persuasive and rhetorical strategies employed in legal writing, particularly in lawyers' pleadings and written testimonies. These considerations gain significance in the context of Italy's civil procedure reforms, which increasingly rely on written documentation in place of oral arguments and in-person hearings. Using *Minerva*, a searchable database derived from the *AttiChiari* corpus of over 300 anonymized lawyers' pleadings written in Italian, supplemented with written testimonies shared by participating lawyers, we analyzed the interplay between punctuation and persuasion. We integrated textual analysis with a brief questionnaire administered to a small group of participants (approximately thirty). They were asked to assess the professionalism and authority of the authors of pairs of identical texts, in which only the punctuation had been modified.

Our findings align the functions of punctuation with the components of classical rhetoric:

1. *Ethos*: correct usage of punctuation seems to reflect professionalism and credibility, engaging all punctuation marks in achieving this effect.

2. *Pathos*: punctuation conveys pragmatic content with emotional impact, mimicking oral expression. Interactive marks such as ellipses, question marks, exclamation points, and quotation marks are particularly effective in this regard.

3. *Logos*: punctuation structures the semantic-informational architecture of the text, supporting logical reasoning. Marks like commas, colons, and semicolons play a pivotal role, especially in texts with explicit persuasive intent.

This study demonstrates how punctuation contributes to classical persuasive strategies employed by lawyers and witnesses when presenting arguments and testimonies exclusively through written documents.

Keywords: punctuation; lawyers' pleadings; written testimonies; persuasion; rhetoric.

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ANNA ALSINA NAUDI (PRINCETON UNIVERSITY)

EQUAL FOOTING IN THE COURTROOM? ATTORNEY'S PERSPECTIVES ON COURT INTERPRETING

Court interpreters play a crucial role in the US legal system by eliminating language barriers for individuals with limited English proficiency (LEP). Interpreting services place LEP litigants on equal footing with native speakers, by ensuring that they are present in a court of law, both physically and linguistically (Santaniello, 2018). Legal precedent, such as R v Lee Kun [1916] 1KB337, has established the principle that defendants must be 'present' in court, meaning they must comprehend and express themselves effectively. Similarly, in England and Wales, the principle of equal footing dictates that language access to court proceedings should not be compromised due to a litigant's linguistic vulnerability. The right to an interpreter is an integral part of the right to a fair trial (European Convention on Human Rights). However, the extent to which court interpreting achieves true equality remains a subject of debate (Palma 2020; Angermeyer 2015).

This study explores the perspectives of legal representatives on the work of court interpreters, an aspect that has received limited scholarly attention. Specifically, it examines attorneys' views on key issues, such as equal footing, satisfaction with court interpreting services, and the practical challenges encountered in legal proceedings. To investigate these questions, data was collected through an online survey, primarily employing a quantitative approach with ten close-ended questions designed to measure attorneys' perspectives on court interpreting.

Additionally, one open-ended question allowed for qualitative insights. The study sample consisted of twenty-two U.S. attorneys, of whom 72.7% specialized in criminal law, 18.2% in immigration law, 4.5% in multiple legal areas (criminal, family and immigration), and 4.5% in civil law. Additionally, three barristers from England and Wales participated, primarily practicing family law.

The questions addressed various aspects of court interpreting, including common challenges faced by attorneys, awareness of interpreter credentials, the availability of multiple interpreters for lengthy

hearings (over 60 minutes), concerns about privileged information when interpreters assist with legal counsel-client communication outside the courtroom, and the impact of remote hearings on LEP participation and communication with legal counsel.

Despite the study's limited sample size, the findings offer valuable insights into whether individuals with limited English proficiency can truly be considered on equal footing with native speakers in courtroom settings. The results contribute to ongoing discussions on language access in the legal system and highlight areas for potential improvement in court interpreting services.

Keywords: Court interpreters, attorneys, barristers, equal footing

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PAULINA NOWAK-KORCZ (UNIVESITY OF LODZ)

ON RHETORICAL STRATEGIES IN CLOSING SPEECHES FOR THE DEFENCE IN FRENCH CRIMINAL PROCEEDINGS

This paper aims to analyze the linguistic and argumentative strategies employed in defense speeches in French criminal proceedings from a legal-linguistic perspective. By examining the rhetorical and persuasive techniques used by defense attorneys, the study seeks to understand how language functions as a strategic tool in the courtroom, influencing judicial decision-making and audience perception.

Defense attorneys in French criminal courts construct their speeches by combining rhetorical persuasion, narrative techniques, and precise legal reasoning. However, little research has been conducted on how these elements interact within a legal-linguistic framework. Moreover, the impact of recent judicial reforms, particularly the introduction of the *Cour Criminelle* in 2019, on defense strategies remains underexplored. This study aims to bridge these gaps by examining the linguistic and argumentative patterns in defense speeches and their adaptation to different procedural contexts.

Existing studies on legal rhetoric and courtroom discourse primarily focus on general principles of legal argumentation and persuasion. In France, available works on courtroom speeches are mostly practical guides for legal practitioners (Sevino 2022; Créhange 2019) or collections of speech transcripts without in-depth linguistic analysis (Aron 2010). While some research addresses forensic linguistics, little attention has been paid to the specific linguistic and argumentative strategies employed in defense

speeches in French courts, particularly considering judicial reforms. This study aims to fill this research gap by providing a detailed legal-linguistic analysis of defense speech construction.

This study is guided by the following research questions:

- What linguistic and argumentative strategies are most used by defense attorneys in French criminal trials?
- How do lawyers structure their arguments to persuade judges and audiences?
- To what extent does the type of criminal procedure (e.g., *comparution immédiate* vs. *Cour Criminelle*) influence the choice of defense strategies?
- How have recent judicial reforms affected the rhetorical and argumentative patterns in defense speeches?

The research employs a qualitative methodology based on participant observation, involving direct attendance at court hearings in France. Defense speeches are documented and analyzed using discourse analysis techniques, with a focus on rhetorical structures, argumentation models (deductive, inductive, analogical reasoning), and linguistic markers of persuasion. The study will also draw on legal texts and interviews with defense attorneys to contextualize findings within the broader legal framework.

Preliminary findings indicate that French defense attorneys employ a hybrid approach to argumentation, blending traditional legal reasoning with rhetorical and narrative strategies. Persuasive techniques are adapted to the procedural context, with shorter, more direct speeches in expedited proceedings (*comparution immédiate*) and more elaborate, storytelling-based approaches in *Cour Criminelle* trials. The study contributes to both forensic linguistics and legal studies by highlighting the interplay between language, law, and persuasion in courtroom settings. The findings will be valuable for legal practitioners, forensic linguists, and scholars studying courtroom discourse and judicial communication.

Keywords: closing speech by the defense; criminal proceedings; defense speech; forensic linguistics

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A NEW CORPUS OF INVESTIGATIVE INTERVIEWS AND CRIMINAL JUSTICE CONTENT

Statement of purpose

We introduce CRIME – the Corpus of Recorded Investigative, Media, and Evidence-based proceedings, a searchable, structured language resource containing high-quality Automatic Speech Recognition (ASR) transcripts and audio from police investigative interviews, courtroom proceedings, and criminal-justice-focused media content. The data, collected from publicly-accessible YouTube channels and made available to researchers under the provisions of the EU Data Mining Act, enables research into linguistic, phonetic, pragmatic, and discourse aspects of criminal and courtroom proceedings.

Research problem

Despite advancements in understanding investigative interviewing, a major limitation persists: the lack of large-scale, systematically curated corpora that combine both transcripts and corresponding audio data. Existing research often relies on small datasets and isolated case studies, which may not reflect real-world complexities. Additionally, transcriptions may be unreliable due to inaccuracies in production, affecting the validity of the resulting analysis (Richardson, Haworth, & Deamer, 2022)

This gap limits researchers' ability to conduct robust, generalizable studies and hinders the development of data-driven methodologies for improving investigative practices. Addressing this problem requires innovative approaches to data collection and resource sharing, particularly in ways that respect ethical and legal standards while expanding access for academic inquiry.

State of the art

Research on investigative interviews has seen significant growth in recent years, reflecting a shift from traditional interrogation practices to more ethical and effective investigative interviewing techniques (see, e.g., Yuan, 2010), recognising traditional techniques' potential to elicit false confessions or unreliable testimony. Accordingly, research has been shaped by interdisciplinary perspectives, particularly from psychology, linguistics, and law enforcement studies (Denault & Talwar, 2023) and the diverse interdisciplinary field explores a range of topics. For example, some studies have focused on the question types and their impact in investigative interviews (see Oxburgh et al., 2010 for an overview), while others have examined the role of power in the discourse (e.g., Madrunio & Lintao, 2024).

However, much of the existing literature is based on limited datasets, case studies, or controlled experiments, with studies relying on excerpts, single cases or transcriptions only. While there are repositories for these media, this leaves a gap in the availability of large-scale, real-world corpora. Addressing this gap is essential for developing a deeper understanding of practices in investigative interviewing.

Hypotheses or research questions

We envision several potential applications for the corpus, including identifying words and constructions statistically associated with particular interviewing strategies or outcomes and using embeddings and large language models to find associations between utterance emotionality and interviewing outcomes.

Description of the methods, instruments and tools

The preliminary version of the corpus contains content from four YouTube channels: *Court TV* (American television channel for legal and crime-related coverage, founded 1991), *Law & Crime Network* (internet-based, founded 2017), *Across the Table* ("true crime interviews and police interrogations") and the "Interrogation Raw" playlist from the American *A&E* television channel. Transcripts and audio were collected using the open-source Python package yt-dlp.

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

The CRIME resource will enable corpus-based analysis and modeling of linguistic and discourse aspects of investigative interviews, criminal proceedings, and related content to enhance our understanding of these important interactions, potentially improving their efficacy and the delivery of justice, while shedding light on more general aspects of spoken communication.

Keywords: corpus linguistics, investigative interviewing, automatic speech recognition, data-driven research, criminal justice

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THE POWER OF LARGE LANGUAGE MODELS IN PROVING LITHUANIAN HATE SPEECH IN THE COURTROOM

Hate speech is one of the most significant and complex societal issues, with a multi-layered nature and the practical need to detect it automatically (Ruzaite, 2024). Indeed, hate speech detection has undergone a paradigm shift, where the evolution of transformer-based models has become the focus of modern hate speech detection systems (Garcia-Diaz, et al., 2023). The recent rise of powerful Large Language Models (LLM's) has also fueled inquiries on whether these can be used to reliably detect, annotate, or explain hate speech (Wang et al., 2023; Huang et al., 2023).

This research aims to explore one of the possible "next steps" in countering hate speech—proving one in a court of law. More specifically, we ask, first, how reliably these LLMs can detect and explain hate speech. We will use an annotated set of Lithuanian language commentaries developed by Kankeviciute et al. (2023) to analyse LLM's reliability in detecting and explaining hate speech. Experiments will be performed with the systematically selected set of language models, using different prompt engineering techniques, trying to determine the most accurate model and prompts.

Having done that, we can turn to the rules and principles of evidence admissibility in the Lithuanian courts to determine the evidentiary weight that could be assigned to the LLMs-generated outcomes, if any. Finally, we analyse whether there are any ethical issues or specific risks to be considered in using (or refraining from) this type of evidence in the Lithuanian court of law.

The outcome of this research will contribute to the knowledge and understanding of the reliability of LLM's in performing hate speech detection and explanation tasks, as well as the possibility and risks of using its generated outcome in the courtroom.

Keywords: Large language model; hate speech; admissibility of evidence

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MAGDALENA SZCZYRBAK (JAGIELLONIAN UNIVERSITY)

HIGH-CONFLICT LITIGANTS AND PSEUDOLAW TACTICS IN COURT: THE CASE OF SELF-REPRESENTED SOVEREIGN CITIZENS

Courtroom interaction involving pro se litigants has been the focus of much scholarly attention (Tkačuková, 2020; Grieshofer, 2024), but some types of encounter still remain underexplored. One such example is the communication between judges and self-represented sovereign citizens. The present study fills this gap by examining the tactics US circuit court judges employ when confronted by sovereign citizens and those of sovereign citizens themselves, who are notorious for making pseudolegal claims and using delaying tactics in court.

The sovereign citizen movement is a group of loosely connected anti-government individuals who refuse to recognise the legitimacy of the legal system and who consider themselves exempt from US law following their misinformed beliefs. Although they have no legal qualifications or relevant training, sovereign citizens often waive their right to legal counsel and choose to represent themselves in court. While denying the jurisdiction of the court and legitimacy of the legal process, they misinterpret legal concepts, use pseudolegal arguments (purportedly derived from the common law) and display indecorous behaviour.

In my talk, I will examine some of the ways in which, during pre-trial hearings, American judges elucidate legal concepts and clarify procedural matters to self-represented sovereign citizens whose mode of reasoning borders on the irrational. Using video footage from several US circuit courts, the analysis will demonstrate, on the one hand, the tactics with which judges communicate legal knowledge and assert judicial authority when confronted by high-conflict litigants, and, on the other, the tactics which sovereign citizens deploy to challenge the legality of the justice system and to counter judges' attempts at facilitating their participation in the judicial process.

Building on Arndt and Janney's (1987) notions of emotional, emotive and cognitive communication, as well as drawing inspiration from prior research into legal knowledge mediation (Turnbull, 2018), I will offer a framework for categorising the interactional behaviours of circuit court judges and those of quarrelsome litigants, who interact with conflicting communicative goals. At the same time, I will argue that knowledge mediation practices should not be thought of in terms of either cognitive or communicative strategies, but rather as a continuum of interactional behaviours combining conceptual, affective and evaluative meanings by way of verbal, prosodic, kinesic and material resources.

Summing up, the study will reveal how institutional actors (judges) and pro se litigants (sovereign citizens) negotiate meanings and power relations using various interactional means during pre-trial hearings. It will also demonstrate that both emotion and cognition are essential to navigating claims to knowledge in confrontational encounters, and that the concept of emotive communication can improve our understanding of knowledge mediation practices in the judicial process involving judges and high-conflict litigants in person.

Keywords: courtroom interaction; emotive communication; knowledge mediation; pro se litigants; sovereign citizens

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COMMUNICATING LEGAL KNOWLEDGE ACROSS MEDIA: MULTIMODAL AND TRADITIONAL LEGAL TEXTS

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PREVENTING LEGAL HALLUCINATIONS IN AI SYSTEMS: A SEMANTIC SEGMENTATION-BASED APPROACH IN LEGAL KNOWLEDGE GRAPH CREATION

Legal documents are often lengthy and exhibit complex hierarchical structures, including sections, articles, and paragraphs. Due to this complexity, processing such documents in their entirety presents significant challenges, necessitating their division into smaller, more manageable segments[1]. The development of specialized Legal Embeddings, legal document segmentation, chunking, indexing, and the provision of contextual metadata for semantic search within vector knowledge and graph databases for retrieval-augmented generation (RAG) represents a critical challenge in the field[2]. Recognizing the intricacies of legal language is essential for advancing artificial intelligence (AI) models in legal language processing, legal reasoning, and the generation of AI-driven legal responses.

This study aims to analyse various segmentation methodologies and evaluate their suitability for training AI models in legal contexts. The research is divided into two primary sections. The first section presents a theoretical discussion on the adaptation of legal texts for AI processing, drawing upon existing literature on legal language technologies. The second section describes an experimental study in which a legal assistant prototype will be developed and tested in real-world scenarios to address the needs of a Police Department chatbot. The tested functionalities will include RAG and a specialized local large language model (LLM) for Lithuanian, enabling the retrieval of relevant documents from a curated legal knowledge/graph base to enhance the AI's responses.

By implementing these strategies and methodological studies, this research seeks to establish a systematic approach for legal chatbot development that effectively processes legal texts, provides accurate legal information, and minimizes the risk of legal hallucinations.

Keywords: artificial intelligence, legal reasoning, semantic search, retrieval augmented generation, legal text processing

RUTH BREEZE (UNIVERSIDAD DE NAVARRA)

REDRESSING THE POWER BALANCE IN LEGAL KNOWLEDGE: MULTIMODALITY IN COMMUNICATING UK EVICTION LAW

The field of law is characterized by major knowledge asymmetries between experts and laypeople, which have considerable implications for equality and social justice. Communication plays a leading role in these asymmetries, as legal English texts are notoriously difficult for non-specialists to understand. In response to the need for the public to access information about areas that are important in their lives, various digital affordances have emerged which present legal knowledge and advice in a more comprehensible, user-friendly format, often making use of multimodal affordances (Bhatia & Tessuto, 2021).

One area of the law that has consequences for many people and has been a major focus of interest for social campaigners is that of eviction. In most cases, the power imbalance (owner-tenant) is exacerbated

[1] Vági, R. (2023). How could semantic processing and other nlp tools improve online legal databases?. Taltech Journal of European Studies, 13(2), 138-151. https://doi.org/10.2478/bjes-2023-0018

[2] Nazarenko, A., Lévy, F., & Wyner, A. (2021). A pragmatic approach to semantic annotation for search of legal texts – an experiment on gdpr.. https://doi.org/10.3233/faia210313

by a significant knowledge asymmetry. After considering the social background to eviction in the UK, this paper looks at how information concerning eviction is mediated across the expert-lay divide, in two different NGO websites intended to make legal information on this topic accessible to the public: one published by Citizens Advice and one by Shelter. The research questions addressed are: 1) What strategies are used to communicate legal knowledge with a non-specialist audience; and 2) How does the NGO position itself towards the user?

The differences between the two videos are analysed in terms of discursive and visual strategies to reduce knowledge asymmetry and build common ground with the viewer. I focus specifically on 1) the degree of explanatory ambition (Engberg, 2023); and 2) the projected relationship with the viewer, interpreted using positioning theory (Davies & Harré, 1990) with a particular focus on multimodal aspects of positioning (Matoesian & Gilbert, 2018). Results suggest that the Citizens Advice video adopts a more neutral stance as information provider, assuming less knowledge but also providing less. In contrast, the Shelter video gives more concrete information, and builds solidarity with its audience. Citizens Advice thus constructs the relationship with viewers as one between information provider-receiver, while Shelter takes an activist stance, geared towards empowering the audience.

Keywords: multimodality, expert-lay communication, eviction law, positioning, explanatory ambition.

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Is your section 21 invalid?

https://www.youtube.com/@shelteruk

SILVIA CACCHIANI (UNIVERSITY OF MODENA AND REGGIO EMILIA)

COMMUNICATING KNOWLEDGE ABOUT THE COSTITUZIONE DELLA REPUBBLICA ITALIANA ON HTTPS://WWW.SENATORAGAZZI.IT

Following the 75th anniversary of the adoption of the Costituzione della Repubblica Italiana ('Constitution of the Italian Republic') in 2023, this paper concentrates on communication and dissemination of knowledge about the Italian Parliament on Senatoragazzi (https://www.senatoragazzi.it/page/istituzioni/ragazzi) – the online platform of the Senate of the Republic that is expressly targeted at teenagers. We work on the assumption that communicating and diluting accessible and usable pedagogic and popularizing content meets the needs of the target audience while reinforcing trust in the institution.

Integrating the lenses of usability research (NN/g), (hyper-)multimodal analysis (Kress & Van Leuween, 2020; Maier & Engberg, 2021) and models of popularization (Calsamiglia & Van Dijk, 2004) and interaction in writing (Hyland, 2005), we provide a primarily qualitative appreciation of the ways in which text and image (co-)construct ideational and interpersonal meanings on the Senatoragazzi subdirectories.

The data suggest that, generally, actions are consistent with the practice of simplicity. However, there are significant variations in interpersonal meanings, plain language and recourse to specialist terminology, mostly depending on location and genre. For instance, at opposite ends of the ideational and interpersonal spectrums, digital written copy one page down in the website hierarchy tends to provide explanatory passages in objective expositions that strive for brevity, precision and conciseness. On the other hand, pdf expansions such as the comic strip Incontro con la Costituzione ('Meeting with the Constitution' – also available in print) combine interlocutive strategies, verbal and visual stimuli that are clearly intended to engage with users, arouse their curiosity, and promote identification with the represented participants and actions.

Keywords

Costituzione della Repubblica Italiana; ideational and interpersonal meanings; knowledge communication; (hyper-)multimodal analysis; Senatoragazzi.it

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AGATA DĄBROWSKA (UNIVERSITY OF LODZ)

MULTIMODALITY OF THE 'CONSTITUTION' IN POLISH PUBLIC DISCOURSE 2015-2023

The aim of this study is to analyse the multimodal use of the term "Constitution" in Polish public discourse between 2015 and 2023. By examining various contexts in which the term appeared—ranging from political debates to social movements, media, and visual representations—the research seeks to understand how references to the Constitution functioned as a rhetorical and symbolic tool in political and legal discourse. During the rule of the Law and Justice (PiS) party, references to the Polish Constitution became a central element of political opposition and public protest.

This research problematizes the ways in which the term "Constitution" was utilized across different levels of communication, including legal discourse, street demonstrations, social media, and material culture (e.g., clothing and banners). The study explores how these references shaped public engagement with constitutional issues and contributed to broader political debates. Current research on political discourse in Poland has extensively covered topics such as the rule of law crisis, judicial independence,

and the role of street protests in democratic mobilization. Studies have primarily focused on legal and political aspects of constitutional conflicts and the role of protest movements. However, it might be fruitful consider research according to multimodal and cross-platform use of legal references.

The research will address such problems as, how was the term "Constitution" used across different forms of communication in Poland between 2015 and 2023 or how did these references influence public perception of constitutional issues and legal discourse? The study is a combination of discourse analysis and netnography based on visual and material culture analysis (Cukier, Ngwenyama, Bauer, & Middleton, 2009; Czyżewski, Otrocki, Piekot, & Stachowiak, 2017; Kozinets, 2012). It allows to investigate the use of the term "Constitution" in protest banners, clothing, and other artifacts (Kurosz, 2021). The term “Constitutuon” was embedded in various forms of communication, from expert legal discussions to grassroots activism, demonstrating its role as both a legal and cultural construct. This study contributes to a deeper understanding of how legal language permeates public discourse and informs political mobilization (Carson, 2015). The results may have broader implications for the study of constitutionalism in polarized democracies and the role of legal language in shaping political identity and civic participation.

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JAN ENGBERG (AARHUS UNIVERSITY), KARIN LUTTERMANN (KATHOLISCHE UNIVERSITÄT EICHSTÄTT – INGOLSTADT)

EXPLANATORY DEPTH AND CONSTRUCTED KNOWLEDGE IN A LEGAL EDUTAINMENT SHOW – A CASE STUDY OF “AUF DEN SPUREN DER KUDAMM-RASER”

Following up on our contribution to the ILLA General Conference in 2023, we will investigate further aspects of the knowledge dissemination in episodes of an edutainment crime show. Communicative processes of this type are investigated under the heading of dissemination and popularization of law (see, for a recent overview Engberg et al., 2018; Pontrandolfo & Piccioni, 2022). Focus will be on the third episode of a three-episode series in a TV show with the title “ARD Crime Time”. The topic of the series is the so-called “Ku’damm-Raser-Fall”, in which two car drivers are presented with murder charges in connection with a car race on regular streets in Berlin in 2016, because the race ended with a crash with a third car not involved in the race, whose driver died in the crash.

The case is interesting, because it is a case of attempting to modify the characteristics of the concept of ‘Mord’ in German criminal law through a modified court interpretation of the concept. We are especially

interested in the way the crime show disseminates the expert legal knowledge about such processes of interpretation (e.g., knowledge about interpretation processes, knowledge about concept characteristics in connection with interpretation, knowledge about court systems and the role of different instances). This knowledge constitutes a center piece of modern legal practice but is not necessarily central in the general perception of legal practice outside the expert field. As the chosen format is that of a crime show, i.e., an instance of edutainment, we are also specifically interested in assessing the role of entertainment elements connected to presentation of the horrible details of the concrete case and the emotions of the experts and lay people involved in the case.

We are interested in the following questions:

1. What level of detail is reached in the multimodal presentation of the horrors of the case and ensuing emotions of the people involved?
2. What level of explanatory complexity is reached in the presentation of the concept of 'Mord' and of the German system of hierarchical court instances?
3. What is the balance between the perceived knowledge about the legal concepts and the perceived knowledge about the case and its frightening details?
4. Which elements of the expert concepts are perceived by viewers of the show and what level of explanatory complexity does the knowledge constructed by the viewers achieve?

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

- Based on the Legal-Linguistic Comprehensibility Model (Luttermann, 2021), 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, 2023), 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.

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DAVID GRIFFIN (UNIVERSITY OF CARDIFF), DANA ROEMLING (UNIVERSITY OF BIRMINGHAM)

LEGAL LANGUAGE AS AUTHORITY: A MULTIMODAL COMPARATIVE STUDY OF LEGITIMATE AND PSEUDOLEGAL TEXTS

Statement of purpose

This paper investigates the authoritative indexicality of legal language, focusing on how its features communicate authority to lay audiences and analyzing its dual role in professional and public spheres. By examining legitimate legal documents and pseudolegal texts, the study explores how legal language signals authority and how such features are appropriated by non-professionals to create perceived legitimacy.

Research problem

Legal language must balance two conflicting demands: serving the technical requirements of legal professionals while remaining accessible to the general public. This balance is crucial for maintaining the rule of law, as legal texts must be both precise and understandable. However, in practice, legal language is often opaque to laypeople, who may struggle to comprehend its technical content. For many readers, legal language serves less as a tool for understanding the intricacies of the law and more as an indexical signifier of authority - an indication that a text comes from a legitimate legal source - even if its actual meaning remains unclear. This study focuses on how this indexical function of legal language becomes more pronounced when examined through the lens of pseudolaw, which appropriates the forms and symbols of legitimate legal texts to convey authority. By analyzing the difference between genuine legal texts and pseudolegal ones, particularly in the context of the Sovereign Citizen movement, this study addresses the broader question of how lay audiences interpret and interact with legal texts and the power dynamics that underpin these interpretations.

State of the art

Legal language functions both as a technical tool and a publicly accessible signifier of authority (Goodrich, 1990). Legal positivism frames law as derived from societal authority, a concept that pseudolaw exploits by mimicking legitimate legal forms. Sovereign Citizen texts, for example, use legal signifiers to create the illusion of authority (Hobbs et al., 2024). Wessinger (2000) describes this mimicry as a "magical practice" that asserts power through imitation. The self-referential nature of legal authority (Derrida, 1990) allows pseudolaw to thrive by appropriating recognized legal structures. Recent studies also emphasize the importance of spatial and semiotic analysis in understanding how authority is communicated in legal texts (Griffin, 2024).

Hypotheses or research questions

This study explores:

1. Which features of legal writing most effectively communicate authority to lay audiences?

2. How do Sovereign Citizen pseudolegal texts mimic these features to claim perceived legitimacy?

Description of the methods, instruments and tools

This study uses multisemiotic analysis to examine two corpora: legitimate legal documents filed by licensed attorneys in an American courthouse and pseudolegal documents from the Sovereign Citizen movement filed in the same courthouse. A novel visualization method utilizes probability density estimation to create feature-based heatmaps showing the spatial distribution of key linguistic and visual elements across static multimodal texts.

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

The comparison reveals how Sovereign Citizens appropriate defining features of legitimate legal language to fabricate authority. This analysis sheds light on the semiotic markers that lay audiences associate with legal authority and introduces an innovative method for visualizing feature distributions, offering valuable tools for both legal linguistics and forensic applications.

Keywords: language and law, corpus linguistics, semiotics of law, sovereign citizens, pseudolaw, multimodality

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WALDEMAR NAZAROV (JOHANNES GUTENBERG UNIVERSITY OF MAINZ & UNIVERSITY OF BURGUNDY)

LINGUISTIC FLEXIBILITY IN CROSS-SYSTEMIC LEGAL COMMUNICATION: EXAMINING CHALLENGES IN INSTITUTIONALIZED DISCOURSES THROUGH A FRAME-SEMANTIC PERSPECTIVE

With language accessibility requirements on the rise, the need to popularize technical texts has become pivotal. Legal language, though composed largely of general lexical items, remains particularly incomprehensible to laypersons—who are, nevertheless, the primary recipients of legal texts such as statutes and contracts.

This paper examines the challenges associated with linguistic flexibility in law from a frame-semantic perspective in contexts beyond expert-to-expert communication, which forms the primary framework of legal translation. Such analysis must align with the following observations:

(1) Cross-systemic legal communication is an instance of knowledge communication (Engberg, 2021) and therefore demands a clear shift in focus toward the epistemic aspects that are semantically interpreted and transferred for recipients with different knowledge backgrounds.

(2) Knowledge of legal concepts is cognitively constructed via institutionalized frames that depict the abstract nature of law through the perception of linguistic signs (Busse, 1999). These metaphysical semantic fields are formed by the use of language within relevant legal sources, primarily legislation and case law, creating an institutionalized discourse. This discourse must be regarded separately from general language, which, however, formally shares much of its lexical inventory and constitutes the basis of legal terminologization.

(3) Transferring system-bound legal knowledge into other nations occurs in the face of a lack of identical terminologies, often leading to radical claims that inter-systemic legal translation is impossible. A solution to this phenomenon is legal comparison, granting access to complex source terms from functional or conceptual perspectives (de Groot, 2002).

The challenges that arise in expert-to-layperson communication of institutionalized legal concepts embedded in complex and unique ontological systems of reference will be exemplified by German civil-law concepts. The succession-law terms *Vermächtnis* and *Erbe* evoke relatively solidified frames, whose unique ontologies can be constructed by frame elements, including inter-/intra-relations. While, in a

general-language context, these terms are often used synonymously, their strict demarcation within the legal domain has led to significant legal repercussions due to undifferentiated usage. Similarly, the terms *Einwilligung*, *Genehmigung*, and *Zustimmung*, though separated by legal definitions, do not necessarily invoke institutionalized frames when encountered outside of legal discourse. This paper analyzes the limits and possibilities of how the context-dependent use of these sharply delineated terms can allow linguistic deviations following established translation methodologies (Monjean-Decaudin, 2022).

Keywords: legal translation; knowledge communication; legal ontology; legal terminology; frame semantics

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HENRIK OKSANEN (TAMPERE UNIVERSITY)

UNCERTAINTY OF MEANING IN COMPLEX LEGAL LANGUAGE STRUCTURES – VARYING FUNCTIONS OF COMPLEX SENTENCE AND TEXT STRUCTURES IN GERMAN AND FINNISH LEGAL TEXTS

Complex language, especially in the form of complex sentence constructions, is one of the most typical features in any legal language. However, structural complexity is hardly an intended goal in formulating legal texts, but rather a consequence of the intended sequence of information content (Fabricius-Hansen 1996, Piehl 2012, Mattila 2017: 112–113) and other features that are independent of the actual language. The function of legal texts as linguistic realisations of legal norms and the resulting binding nature of legal texts have a significant influence on these features (Piehl 2012, Mattila 2017: 52–53). The complex structural features can therefore be seen as a consequence of the various functions that influence legal texts.

In this presentation, I demonstrate how sentence and text structures of varying complexity are functionally motivated in German and Finnish legal texts, thus causing a certain level of uncertainty for their interpretation. I employ a usage-based constructional approach (e.g. Goldberg 2006) in order to display the interplay between the structural features and the various functions of complex legal language structures through linguistic constructions. These constructions are then categorized based on whether or not the complex structures serve a functional purpose either due to a standard linguistic function (e.g. a relative clause simply providing additional information on its matrix clause) or a more rigid legal function (e.g. a conditional clause expressing causality, for instance “IF offence X THEN consequence Y” construction). This categorization provides a transparent overview of the varying functions behind the complex linguistic constructions present in German and Finnish legal language, illustrating the interpretational uncertainty caused by linguistic complexity.

As the entirety of legal language would constitute a rather immense and unspecified set of texts, the analysed material will be limited with the help of branches of jurisprudence. The examples of the presentation are collected from laws and statutes concerning German and Finnish labour law, as it offers

a concise set of texts suitable for the aim of this presentation. The results of the analysis can be used, for example, in the field of legal language standardization and simplification.

Keywords: complex linguistic constructions; interpretational uncertainty; legal language; usage-based constructional approach

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KAREN PETROSKI (SAINT LOUIS UNIVERSITY SCHOOL OF LAW)

PSEUDOLAW SELF-PUBLICATION: FROM TEXT TO VIDEO

Purpose: This paper examines the development of "pseudolaw" discourse over the past several decades, focusing on the shift in distribution mode of pseudolaw materials, from self-published texts to online videos. Over this period, pseudolaw doctrines have also become more culturally and politically salient and, arguably, more coherent.

Research problem: In the twenty-first century, the phenomenon of pseudolaw, associated with a variety of fringe political groups as well as predatory entrepreneurs, has expanded from its origins in North America to Europe and the Australasian countries. While oppositional and autodidactic approaches to law and legal practice have a long history in the Northern European and North American contexts, pseudolaw is historically novel in its reach and scope. Most recently, pseudolaw-style positions have migrated into politically powerful extremist rhetoric and practice. This paper focuses on the implications of shifts in the channels of distribution for pseudolaw material: from primarily self-published books and pamphlets up to the 1990s, to self-made online videos over the past 20 years. The paper focuses on how the content of pseudolaw pedagogy and doctrine has developed over the past half-century or so in light of this shift in modes.

State of the art: There has been little academic work on pseudolaw (for exceptions, see, e.g., Dew 2019; Netolitzky 2023). The first comprehensive scholarly volume on the topic, by legal scholars, will be published in February 2025 (Hobbs et al. 2025). Work on the significance of self-publication channels and communication modalities for the consolidation and spread of pseudolaw doctrines is virtually nonexistent.

Research questions: The advent of platforms such as the Internet Archive (1996) and YouTube (2005) affected the accessibility, volume, and content of pseudolaw materials. The shift from textual to video

dissemination of pseudolaw ideas has affected the size of the pseudolaw audience, the content and coherence of pseudolaw doctrine, and the ways pseudolaw adherents interact with state institutions.

Methods, instruments, and tools: The paper takes a critical discourse analysis approach. Primary materials for analysis include several self-published books from the early twentieth century through the1990s and recent videos and websites by pseudolaw practitioner-entrepreneurs.

Relevance: We need a better understanding of the dynamics of pseudolegal discourse and its modes of dissemination. Over the past decade pseudolaw-style positions have increasingly migrated into politically active and newly powerful extremist rhetoric and practice, making it even more important to understand the history and the current form of pseudolaw discourse.

Keywords: pseudolaw; critical discourse analysis; online video; legal pedagogy

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JŪRATĖ RUZAITĖ (VYTAUTAS MAGNUS UNIVERSITY)

FRAMING HATE CRIMES: HOW 'STOP HATE UK' USES NARRATIVES TO RAISE AWARENESS AND MOBILISE ACTION

This study examines how the platform "Stop Hate UK" frames hate crimes by balancing rational explanations with emotional appeals to engage non-specialist audiences. Using Snow and Benford's (1988) framework of diagnostic, prognostic, and motivational frames, the analysis explores how narratives surrounding hate crimes inform, persuade, and mobilise the public. While framing legal issues for non-specialists has received some attention (e.g. Polletta, 1998; Edwards, 2016), research on its role in hate crime advocacy remains limited.

The study is based on data collected from "Stop Hate UK", which seeks to raise awareness of hate crimes and encourages reporting. While primarily an advocacy organisation, it also exhibits features of a social movement (Snow and Benford, 1988). By integrating legal explanations with emotional appeals, "Stop Hate UK" makes complex legal issues more accessible and relatable, serving as an effective model for public legal communication. This study aims to assess how different framing strategies are employed to balance rationality and emotion, creating narratives that are not only informative but also emotionally resonant and action oriented.

Applying content analysis from the perspective of frame theory, the research follows Benford and Snow's (2000) argument that frames shape perceptions, structure reality, and mobilise action. Originating from Goffman's (1974) work, frames simplify complex issues "to mobilize potential adherents and constituents, to garner bystander support, and to demobilize antagonists" (Snow and Benford, 2000, p. 614).

The study addresses the following research questions: (1) How does "Stop Hate UK" frame hate crimes?; (2) What techniques are used to simplify legal concepts for non-specialists?; (3) What emotional and

rational appeals contribute to mobilising action?; and (4) How are personal testimonies and case studies used to create a sense of urgency and responsibility?

Preliminary findings suggest that "Stop Hate UK" uses a well-integrated network of rational frames (legal aspects, reporting mechanisms) and emotional frames (personal stories, moral appeals). The platform employs two key **diagnostic frames**: *hate crimes as a threat to society*, highlighting their widespread impact on social harmony and individual well-being, and *victimisation and marginalisation*, emphasising the harm faced by targeted groups (e.g. racial, religious, LGBTQ+ communities). **Prognostic frames** are primarily rational and focus on solutions, including *reporting as a solution* and *legal support and resources*, which inform victims of their rights and available legal avenues. **Motivational frames** encourage action through a *call to action for solidarity and reporting* and *community empowerment and collective responsibility*.

Keywords: communicating law, hate crime, frames, mobilisation, emotional and rational appeals

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LANGUAGE OF PREJUDICE, DISCRIMINATION AND VIOLENCE

Coordinator:

Victoria Guillén-Nieto (University of Alicante)

VICTORIA GUILLÉN-NIETO (UNIVERSITY OF ALICANTE)

'MENA' AND ITS NEGATIVE LEXICALISATION IN SPANISH FAR-RIGHT ANTI-IMMIGRATION DISCOURSE

The ambitious theoretical framework presented by Critical Discourse Analysis (Van Dijk, 2015; Guillen-Nieto, 2023, pp. 59-84) is crucial for linking ideologies to social practices and discourses of discrimination, alongside deliberate choices regarding grammar and lexis. This paper focuses on the negative lexicalisation (Hom, 2008) of 'MENA'—the acronym for *menor extranjero no acompañado* (unaccompanied foreign minor)—within the anti-immigration discourse of the Spanish far-right (cf. Camaro Fernández, 2021). The paper hypothesises that 'MENA' has become, for certain sectors of the Spanish population, a pejorative term that can incite discrimination, hatred, hostility, or violence against unaccompanied immigrant minors arriving in Spain.

The purpose of the paper is threefold: 1) to demonstrate with empirical data the appropriation of the term 'MENA' by the Spanish far-right to further its political agenda against immigration from the Maghreb and Sub-Saharan Africa, 2) to explain the negative lexicalisation of 'MENA', and 3) to determine the meanings of 'MENA' in the anti-immigration discourse of the Spanish far-right.

The methodology incorporates three types of analyses: a) Semantic analysis of the meaning of menor extranjero no acompañado and the meaning of 'MENA', in the latter case drawing on the Theory of Combinational (Semantic) Externalism; b) Sentiment Analysis, employing the tool Lingmotif Sentiment Analysis (Moreno, 2017); and c) Critical Discourse Analysis. The procedure comprises the following steps. First, relevant legal texts on children's rights and the protection of unaccompanied migrant minors are compiled. Second, the meaning of niño and *menor extranjero no acompañado* is analysed in two relevant legal texts: Art. 31 of the Convention on the Rights of the Child (1989) and Art. 35 of the Organic Law 4/2000 on the rights and freedoms of foreigners in Spain and their social integration (RELOEX). Third, the semantic orientation of the already mentioned legal texts is analysed from the perspective of Sentiment Analysis. Fourth, a sample of 220 #MENA#, #MENAS# tweets published between 1 January 2019 and 6 December 2024 from the official X account of VOX (@vox_esp) is compiled with Twitter API. Fifth, the semantic orientation of the already mentioned tweets is analysed from the perspective of Sentiment Analysis. Finally, the paper discusses the pragmatic meanings (Elder, 2024) of 'MENA' in tweets and a political poster from the Spanish far-right during the 2021 election campaign.

Keywords: anti-immigration discourse; Critical Discourse Analysis; 'MENA'; Sentiment Analysis; Theory of Combinational (Semantic) Externalism.

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GINTARĖ HERASIMENKIENĖ (VYTAUTAS MAGNUS UNIVERSITY, FORENSIC SCIENCE CENTRE OF LITHUANIA)

REVEALING THE SPEAKER'S INTENTION THROUGH TEXT ANALYSIS: EXAMPLES FROM ECTHR CASES

In legal cases related to hate speech and discrimination, one of the important criteria for assessment is speaker's intention. The assessment of speaker's intention, along with other criteria, helps lawyers evaluate whether it is necessary to restrict freedom of speech by classifying the disputed statements as impermissible speech that violates the equality of people, or whether the person's intentions are in the public interest, even though the speech was harsh.

The speaker's intention or goals are determined both by an analysis of the content of the statement and by other indicators outside the text, such as speaker's attitudes, their previous or subsequent behaviour, the circumstances of the statement. The intention reflected in the content and expression of the text can be the subject of research by both a lawyer and a linguist, so cooperation between lawyers and linguists is important. Some linguistics publications discuss the application of speech act analysis in assessing speaker's intentions (e.g., Assimakopoulos, 2020; Culpeper, 2021), as well as give insights into what details of speech form and content reveal the speaker's intentions (Shabat-Savka, 2019). In order to apply the principles of speech act analysis to texts that are the subject of legal disputes, it is useful to analyse case law and how courts assess speaker's intention when making decisions in cases. It would allow harmonizing the understanding of concepts between jurists and linguists.

This report reviews how speaker's intentions are assessed in ECtHR cases. The ECtHR decisions do not pay much attention to the analysis of the utterance itself. However, these decisions provide guidelines on what kind of speech or discriminatory actions are punishable and allow us to see the law principles of assessing speech. In some ECtHR cases, these principles are described in more detail.

An analysis of ECtHR cases shows that there is a clear provision that political speech or discussions on the issues of public importance can only be restricted as violating the law in exceptional situations. We discuss this group of cases by showing what kind of utterances in political speech or public discussions were not assessed as hate speech or discrimination behaviour by the ECtHR, although national courts have issued convictions. Then we move to the second group of ECtHR cases, where the ECtHR assesses the disputed statements as belonging to the current debate or political speech, but at the same time violating the rights of other people, because the accusations made in the texts against a certain group, or the offensive language used fall into the category of hate speech. As a third group of ECtHR cases, we discuss situations, when the ECtHR assessed speaker's intention as directly aimed to incite hatred. Our paper links the assessment of intention reflected in ECtHR cases with the linguistic analysis of speaker’s intention.

Keywords: speaker’s intention, speech act analysis, hate speech, the European Court of Human Rights (ECtHR), case-law

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ELENA MORANDINI (UNIVERSITY OF ALICANTE)

MAFIA LANGUAGE AS EVIDENCE: A COMPUTATIONAL FORENSIC ANALYSIS OF ORGANIZED CRIME DISCOURSE

The Mafia language-coded nature has long challenged law enforcement and legal experts. Prosecutors like Louis Freeh and Giovanni Falcone have highlighted the importance of understanding such code in cases like the Pizza Connection trial. Nevertheless, Mafia discourse is dismissed as a subcultural lexicon rather than recognized as a structured anti-language specifically developed to obscure meaning, facilitate criminal activities, and enforce systems of coercion. This study explores the intersection of Mafia language with computational forensic linguistics, addressing a critical gap by systematically examining its coded structures, which have remained largely overlooked in previous research.

Halliday (1976) introduced the concept of anti-language, describing how marginalized or criminal groups develop specialized linguistic systems to resist dominant societal norms. Forensic linguistics has extensively analyzed hate speech (Guillén-Nieto, 2023), legal discourse (Shuy, 2014), and deceptive language (Nicklaus & Stein, 2022). Preceding research has classified criminal jargon (Gambetta, 2009), overlooking its systematic linguistic features. Combining Critical Discourse Analysis, Genre, and Speech Act Theories, this study aims to demonstrate that Mafia communication follows systematic linguistic patterns characteristic of an anti-language to promote secrecy, loyalty, and hierarchical control within the organization.

The research employs both qualitative and quantitative methods. A corpus of transcribed wiretap conversations from judicial documents (RICO Act trials retrieved from PACER) undergoes manual annotation (CATMA) for lexical, pragmatic, and power markers. Computational techniques (AntConc, Voyant Tools) analyze word frequencies, collocations, and dispersion patterns to detect linguistic structures that prove organized crime's operational strategies.

These findings improve law enforcement's interpretation of wiretap evidence, refine forensic linguistic analysis, and facilitate NLP-based crime detection model development, enhancing forensic methodologies and paving the way for new evidence-based strategies in criminal investigations and organized crime prosecution.

Keywords: Mafia Discourse; Organized Crime; Computational Forensic Linguistics; Anti-Language; Language as Evidence.

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ANA YARA POSTIGO FUENTES (HEINRICH-HEINE UNIVERSITÄT)

DECONSTRUCTING EXTREMIST NARRATIVES: A FRAMEWORK FOR ANALYSIS, CLASSIFICATION, AND CYBERCRIME ASSESSMENT

The interpretative framework presented in this presentation systematically deconstructs extremist narratives, providing a robust tool to analyse their linguistic, ideological, and discursive components across diverse contexts and formats, such as parliamentary speeches, social media posts, and traditional media. By dissecting narratives into their core elements—group identity, thesis, and outcome—the framework highlights the adaptability of extremist storytelling, both in its structural composition and in the ways multiple narratives combine to form cohesive ideological systems. It further introduces a spectrum of extremism based on two axes: the in-group versus out-group relationship and the proposed solution, enabling a nuanced assessment of the level of extremism within each narrative.

This framework is particularly valuable in addressing the complex question raised in the CfP: can extremist narratives constitute cybercrime? Particularly, what are the challenges in characterizing extremist narratives both as independent phenomena and as forms of cybercrime? By operationalizing the analysis of narratives, the framework identifies key elements that may qualify specific narratives—or their versions—as candidates for cybercrime classification, such as hate speech, incitement to violence, or disinformation campaigns. This approach underscores how understanding extremist narratives' inherent flexibility and adaptability can aid in evaluating their legality and potential harm in the digital sphere.

The framework's adaptability to diverse corpora—spanning social media, political discourse, and multimedia content—supports transdisciplinary research on the intersection of extremist narratives and cybercrime. Its forensic, educational, and policy applications are pivotal in designing interventions to disrupt the ideological and emotional appeal of extremism, thus contributing to the broader goals of addressing online hate, incitement, and the misuse of digital spaces.

To illustrate its practical applications, this presentation will include case studies demonstrating how the framework can be used to dissect extremist narratives, assess their extremism levels, and determine their potential to qualify as cybercrimes. Through these examples, the framework's potential to bridge

the linguistic, legal, and jurilinguistic dimensions of extremist narratives will be highlighted, offering a valuable contribution to the ongoing effort to counter extremist ideologies and their manifestation in online spaces.

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MAREK USZYŃSKI (JAGIELLONIAN UNIVERSITY)

BETWEEN LANGUAGE AND POLITICS: A NEW APPROACH TO THE STUDY OF FIGLEAVES

The basic medium of politics is language, and that relationship has been a source of great inspiration in the field of philosophy of language. There's much research being done on the topic of language as a political tool, especially regarding public figures and social norms. This has led to large advancements in the field of pragmatics in the ways of conveying meaning, that is controversial, unacceptable or in any other way infringing on social norms, without bearing the associated conversational costs.
This paper concerns one such method of communication called figleaves and it proposes a change in the dominant approach to study on the topic, represented mainly by Jennifer Saul who's done the most comprehensive research on that phenomenon. In her view, figleaves involve an addition of an utterance to a previous utterance which broke social norms of linguistic conduct, primarily regarding the norm of racial equality, which simply prohibits being racist, to block the recipient from recognising the violation of said norm by the speaker. So, a figleaf is supposed to obscure the fact, that what a speaker just said was racist by making the audience believe the speaker isn't racist and thus his or her utterance cannot be racist as well. An example of the simplest figleaf is an utterance: "I'm not racist, but…".

That approach, however, is entirely focused on the problem of racist and to a lesser extent sexist figleaves exclusively in their socio-political aspect. It is a valid concern, based especially on the phenomenon of the shifting standards of acceptance of racist utterances, by which some racist speech is blocked from being regarded as such with figleaves, thus becoming acceptable without the speaker being deemed racist. On the other hand, that narrow view of the issue limits the research on this topic, I argue that figleaves should be regarded as a general phenomenon of speech not being tied to racism only. That issue is crucial because the racism-central approach focusing on social and political sides of the problem demands exclusion of the aspect of speaker's intentionality, which the academic, objective view of racist utterances demands. While it serves its function in that important slice of the study of figleaves, it also excludes the perspective of the speaker as a competent user of language prioritising socio-political approach over purely linguistic matters thus narrowing our understanding of the phenomenon itself and excluding promising areas of research.

With rising social tensions and further political polarisation we need to keep a closer watch on public discourse and its effects. To that end, a full and effective theory of indirect speech acts is necessary. Thus, we need to reevaluate our knowledge, especially on the less studied phenomena, such as figleaves. Through analysing Jennifer Saul's account, I offer a critical look at the current state of research and showcase how we should improve it to better understand what we see and hear out there.

Keywords: figleaves, philosophy of language, socio-political philosophy of language, Jennifer Saul

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EUROPEAN LEGAL CULTURE AND MULTILINGUALISM

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ELIZA CHOJECKA (UNIVERSITY OF WARSAW)

LOST IN TRANSLATION? THE ROLE OF SELECTIVE TRANSMISSION IN TRANSLATING EU LAWS AND ITS IMPACT ON EU LEGAL CONSISTENCY

In my presentation I would aim to examine the challenges to EU legal consistency that arise from the intentional or unintentional use of selective transmission in translating EU legal texts into the languages of Member States.

The issue of selective transmission is closely linked to the idea of polysemy of language. It refers e.g. to the process by which, purportedly or not, certain nuances, concepts, or meanings bound with the 'original term' are prioritized or simplified in the 'translated term' to fit cultural or linguistic environment of its addressees. This issue arises when the translated term's semantic range overlaps decisively with the original term's meaning, but the nuances of the original term are lost or altered in translation. As a result, the audience of the translated term receives a different message from the one carried by the original legal text.

In the EU such translation challenges can result in subtly different interpretations of (allegedly) the same legal term across Member States, leading to divergent legal outcomes.

In my research I seek to tackle two main research hypotheses:

H(1): Translators of EU legal texts often employ selective transmission prioritizing certain nuances or simplifying concepts to fit linguistic or cultural contexts.

H(2): Selective transmission in EU legal translations leads to inconsistencies in interpretation and application of EU legal texts, creating divergent legal outcomes across Member States.

To address these hypotheses, I will resort to the legal text analysis so as to examine original EU regulations, directives and judgments, alongside their translations. I will focus on the translation of critical terms, where nuances may easily be lost or adapted in ways that impact their meaning or interpretation.

I would present the results of my analysis on a few examples of terms which have been translated with selective transmission. I would compare the treatment of the same legal text in multiple languages to detect translation discrepancies. I would pinpoint the impact of such not identical translations on the consistency of EU law. Then I would assess whether these terms could have been translated more adequately, bearing in mind the inherent differences between languages of Member States.

Based on the analysis, I would be able to draw initial conclusions about the extent of selective transmission in EU legal texts and its consequences for legal consistency. This could serve as a basis for further research, determining e.g. how often selective transmission occurs across the different languages, which specific concepts are most prone to misinterpretation, or if an inconsistency in translation led to divergent rulings in similar cases.

Keywords: polysemy; selective transmission; legislative drafting; legal text translation; legal language

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EDWARD CLAY (THE UNIVERSITY OF BIRMINGHAM)

THE IMPACT OF BREXIT ON THE LEGAL LANGUAGE OF THE EU

Ever since the 2016 referendum, researchers have speculated about the EU's post-Brexit linguistic landscape, variously forecasting an increased influence of other European languages, the uninterrupted dominance of English or a further strengthening of the position of English as a lingua franca. While these predictions are chiefly based on theoretical speculation, this paper explores the consequences of the UK's withdrawal from the EU from a linguistic perspective with the aid of empirical data. As part of a larger project, the focus here is EU English, the subvariety of English used in the EU (Mori, 2018), which constitutes the main drafting language of legislation in the EU system. This paper seeks to provide an insight on the following two research questions: i) How has EU English used in EU legal discourse changed since the UK's withdrawal? ii) What are the implications of the changes for the lawmaking environment of the EU? The methodology for this study involves a diachronic, monolingual corpus-based approach using Sketch Engine corpus analysis software to examine the evolution of the specific linguistic features of EU English in legal discourse (e.g. increased use of modal *shall*; decreased use of passive structures (Sandrelli, 2018)) to determine any changes that many have occurred since Brexit. As the current *de facto* source language in EU legal translation, English wields significant influence within the EU lawmaking environment and any changes will have wide-ranging implications for the development of EU legal language. Scholars have argued that the EU's language regime depoliticises the language question, defuses a potentially volatile issue and provides for an equilibrium, playing a part in broader European integration (Ringe, 2022). What effect, therefore, might the UK's withdrawal from the EU make to this delicate balance? A maintained or strengthened position of English in a post-Brexit EU could jeopardise transparency and pose a threat to the linguistic quality of EU texts with a consequential impact on democratic access to information and legal security of EU citizens (Gazzola & Burckhardt, 2018). Indeed, the UK's withdrawal radically shifted the demographic balance between linguistic groups, demoting English to the bottom of the list in terms of the number of L1 speakers in the EU, making the current "*tout à l'anglais*" approach more difficult to justify (ibid.).

Keywords: Brexit; EU legal discourse; EU English; Corpus linguistics

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RITA JUKNEVIČIENĖ (VILNIUS UNIVERSITY)

TRANSLATING COURT RULINGS FROM LITHUANIAN INTO ENGLISH: RENDERING GRAMMATICALLY ENCODED NECESSITY

This study investigates the translation of Lithuanian participles of necessity (henceforth: participles$_{nec}$), extracted from a corpus of court rulings, into English. Their translation into English is challenging because participles$_{nec}$, a distinct morphological form of the Lithuanian verb, have no corresponding equivalent in English, yet they are a characteristic feature of Lithuanian legal texts. The translation of expressions of necessity is particularly important for the communication of authorial stance in legal documents, which ensure social justice and have a direct impact on individuals.

Lithuanian participles$_{nec}$ express the meaning of necessity which is marked by the suffix *-tin-*, for example, *manytina* 'it is to be thought', *pasakytina* 'it is to be said'. They are treated in Lithuanian grammar as passive participial forms of the verb denoting "qualities associated with an action which is supposed to be carried out" (Ambrazas et al., 1997: 329). These forms are interpreted as markers of non-epistemic (deontic) modality (Šolienė, 2012). This explains their frequent occurrence in legal texts where references to duties, obligations, or a necessary course of action are an inherent feature. Cross-linguistic studies of Lithuanian and English legal discourse so far have dealt with lexical challenges (Pogožilskaja, 2012; Berūkštienė, 2017; Šeškauskienė, 2022), yet none of the studies deals with the translation of Lithuanian participles$_{nec}$ into English.

This presentation addresses two research questions: 1. What are the translational equivalents of Lithuanian participles$_{nec}$ used in translations of legal texts into English? 2. Is there a correlation between the syntactic function in which participles$_{nec}$ are used and its translation patterns into English?

The data for this corpus-driven analysis was extracted from a parallel unidirectional Lithuanian-English Corpus of Legal Texts (henceforth: LECOLT), consisting of 60 court rulings of the Constitutional Court of Lithuania (486,700 words), and their official translations into English (741,650 words). The documents were released between 2014 and 2021. LECOLT was processed with LancsBox X (Brezina & Platt, 2023). The query **tin** was run to identify all forms containing the suffix of participles$_{nec}$. Following manual revision and elimination of irrelevant cases, the final study sample contained 1,771 tokens of participles$_{nec}$ used in the context of a sentence and representing 47 lemmas (75 morphological forms) and their translations into English.

The results show that participles$_{nec}$ function in source texts as attributes, predicates of impersonal clauses, and predicatives of personal clauses, and there is a statistically significant correlation between the function and translation pattern. Used as attributes, participles$_{nec}$ acquire regular adjectival equivalents in English. However, more dubious cases and zero translational equivalents were found in the translation of participles$_{nec}$ used as predicates and predicatives. Interestingly, certain frequently used translation equivalents of Lithuanian participles$_{nec}$ are rare in British and American English corpora, if not unattested at all. The diversity of translational equivalents and frequent zero correspondences indicate that Lithuanian participles$_{nec}$ do not have a regular translation pattern into English and their rendering remains an unresolved task.

Keywords: court rulings; legal discourse; parallel corpus; participles of necessity; translation

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DARIUSZ KOŹBIAŁ (UNIVERISTY OF WARSAW)

EXPLORING FORMULAICITY IN JUDICIAL ENGLISH AND POLISH EUROLECTS: A CORPUS-BASED ANALYSIS OF GRAMMAR PATTERNS IN TRANSLATED AND NON-TRANSLATED LANGUAGE

The paper explores formulaicity in judicial English and Polish Eurolects (cf. Biel *et al.* 2021) through a comparative, cross-linguistic, corpus- and genre-based lens, focusing on Advocate Generals' (AGs') opinions and judgments of the Court of Justice of the European Union (CJEU). While both genres serve similar communicative functions, AGs' opinions are advisory, non-binding, and allow for greater stylistic flexibility. In the absence of dissenting or concurring opinions within the CJEU's decision-making process, AGs' opinions serve an important role. Through their persuasive nature, they enhance transparency and contribute to the democratization of the process.

The paper studies the application of grammar patterns (Hunston & Francis 2000), specifically the patterns *it v-link ADJ that* (e.g. *it is self-evident that*) and *it v-link ADJ to-inf* (e.g. *it is necessary to*), in descriptive research on formulaicity and evaluation in translated and non-translated judicial language. Grammar patterns have demonstrated significant potential for cross-linguistic research (cf. Grabowski and Groom 2021: 186), including the study of evaluation (Goźdź-Roszkowski 2024; Koźbiał, *forthcoming*).

The study hypothesizes that formulaicity in EU judicial discourse varies both internally (across sub-genres) and externally (in comparison to non-translated national judicial language). It posits that one of the discourse functions of grammar patterns is to convey evaluation, thereby influencing judicial argumentation. The research questions are: (1) How are selected English grammar patterns rendered in Polish, and what are their discourse functions? (2) Can the Polish equivalents be generalized into lexico-grammatical patterns specific to Polish?

The research material comprises a bilingual genre-based parallel corpus consisting of two pairs of sub-corpora with 55 translator-mediated texts each (time frame: 2020–2022): (1) English versions of AGs' opinions, (2) Polish versions of AGs' opinions, (3) English versions of CJ judgments issued following an AG's opinion, and (4) Polish versions of CJ judgments issued following an AG's opinion. The focus corpus includes only AGs' opinions and judgments related to actions for annulment of EU acts. Two reference corpora are used: (1) 50 non-translated UK Supreme Court judgments, and (2) 56 non-translated Polish Constitutional Tribunal judgments. The analysis is conducted using CQL queries in Sketch Engine.

The study demonstrates that texts along the supranational-national axis develop distinct formulaic profile and that high formulaicity is a defining feature of both AGs' opinions and CJEU judgments, even despite AGs' opinions having a more "idiosyncratic" style. Grammar patterns not only shape these profiles but are also crucial for expressing evaluative meanings and supporting judicial argumentation. The pattern grammar approach proves effective for the phraseological profiling of judicial texts in both English and Polish. The methodology, supplemented by qualitative analysis, helps to identify recurrent

lexico-grammatical patterns with shared discourse functions, providing useful insights for translators on "fixed" constructions and their "natural" equivalents.

The study contributes to research on the linguistic profiling of legal genres using corpus methods, advancing the field of legal linguistics. Its findings may inform the development of a Polish variant of pattern grammar, considering its typological differences from English.

Keywords: judicial discourse; Eurolects; phraseology; formulaicity; grammar patterns

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INESA ŠEŠKAUSKIENĖ (VILNIUS UNIVERSITY)

METAPHOR OR NON-METAPHOR? TRANSLATING THE HANDBOOK ON EUROPEAN NON-DISCRIMINATION LAW FROM ENGLISH TO LITHUANIAN

The metaphoricity of legal texts, which are considered rigorous and not subject to multiple interpretation, has been debated for many years. However, during the last decades, scholars have largely agreed on the inevitability of metaphor in such type of discourse primarily due to its highly abstract content (e.g. Winter 2001).

As is well-known in cognitively oriented studies, professional discourse abounds in constitutive metaphors (Boyd 1993), which give specialists necessary terminology, especially when they try to cope with unfamiliar issues. For example, the epidemic metaphor has served American legislators as constitutive metaphor to conceptualize domestic violence (Hofnung 2024).

The present paper focuses on the metaphoricity of two top most frequent words: *(non-)discrimination* and *right(s)* in the *Handbook on European Non-discrimination Law* (2018), a major study jointly produced by the European Court of Human Rights and the European Union Agency for Fundamental Rights. The investigation is based on a corpus of ca 100,000 words in English and approximately the same number of words in the document's officially translated version into Lithuanian. The text is not legally binding; it is rather meant as an explanatory and educational text for law professionals dealing with human rights.

The research methodology lies within the cognitive linguistic framework, including the Conceptual Metaphor Theory (Lakoff & Johnson 1980/2003) and contemporary works further developing the theory. The procedure of investigation consisted of four steps: 1) extracting concordances with the

words under study with the help of AntConc software (Anthony 2024); 2) identifying metaphorical and non-metaphorical combinations relying on the main principles of Metaphor Identification Procedure, especially the step concerned with the identification of the basic meaning (Pragglejaz Group 2007) and the notion of a metaphorical pattern (Stefanowitch 2006), consisting of a target domain word combined with a source domain word in the text; 3) manually extracting Lithuanian equivalents for English metaphorical patterns, and 4) identifying coinciding and differing metaphorical patterns, and interpreting them. For the last step, the model by Author & Urbonaitė (2018) was employed attempting to identify if the metaphors in the two languages are preserved, and if so, whether the same source domains are maintained.

Preliminary results demonstrate that English is more prone to metaphoricity in the selected corpus. In both languages, the majority of metaphors are either constitutive or deeply entrenched and hardly recognisable as metaphors, e.g. *victims of discrimination*. Discrimination metaphors are rather similar in both languages, whereas righ(s) metaphors are only similar in that person and object source domains prevail in both languages. However, rights are conceptualised as measurable object/material in English, which is not identified in Lithuanian.

Keywords: metaphor; legal discourse; translation; English; Lithuanian

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RASA VOLUNGEVIČIENĖ (VYTAUTAS MAGNUS UNIVERSITY)

CONCEPT OF FRAUD AT THE CROSSROADS OF MULTILINGUALISM AND HARMONISATION OF EU CRIMINAL LAW

The EU is first and foremost a Union of values. These values are an integral part of the area of freedom, security and justice as a common legal order and guarantee respect for cultural and linguistic diversity. Linguistic diversity or in other words, multilingualism, is therefore not a political guideline or a good

intention, but an essential part of legally binding EU law, which enables individuals to ensure that their rights are effectively protected in their own language. However, multilingualism not only enhances the effective protection of rights or ensures legal certainty, but at the same time creates a challenge to the harmonisation of laws in the Member States - eliminating or reducing legal differences, often caused by linguistic reasons (Colneric, 2019).

There is no doubt that criminal law has long been seen as a symbol of national competence and sovereignty and remains a sensitive area with significant differences amongst the national legal systems. More than in other areas of law, the legal language of criminal law has taken different linguistic forms under the influence of social and cultural factors.

The concept of fraud is not an exception- it has been affected by social and cultural changes incorporating new elements and characteristics. The lack of a clear definition of fraud in national legal acts after transposition of EU law, the variety of modern forms of crime, variable case law indicates about the arising challenges fighting with this criminal activity. The European legislator stated that the lack of a clear definition and differences defining fraud in legal acts of the Member States are one of the main obstacles to an effective protection of EU's financial interests (Directive 2017/1371, 2017) and obliged to fix definition of fraud by the help of directive (keeping Member States free to choose the ways how to reach this unification goal).

So, we need to answer, whatever the problem of divergence can be solved by harmonising law at the same time keeping respect to diversity of national concepts?

Furthermore, we are faced with a multidimensional problem. From one hand, respect for linguistic diversity must be promoted in all areas of social life, not excluding legislation. From other hand, differences in legal terminology of fraud are recognised as one of the main obstacles to efficient EU policy and necessary measures need to be taken to standardise legal concepts in all EU Member States. On the basis on these statements, it is necessary to clarify to what extent the goal of harmonisation of concept of fraud can be reached from the perspective of linguistic diversity or multilingualism in EU criminal law is only utopian (Afrosheh, 2017)? Finally, the lack of research on the interaction between multilingualism and harmonisation of criminal law reveals the gap what needs to be filled by using case study of fraud through comparative analysis of the current EU criminal law and its implementation ways in Lithuania, Germany and France. Finally, multilingual norms conflict with the goals of EU criminal law harmonisation. Nevertheless, in order to harmonise laws, we must not undermine the legal certainty guaranteed by unique legal concepts.

Keywords: EU criminal law; concept of fraud; harmonisation of legal concepts

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PAWEŁ BANAŚ (JAGIELLONIAN UNIVERSITY), MARCIN WOŹNY (JAGIELLONIAN UNIVERSITY)

TOPIC CONTINUITY, SEMANTIC IDENTITY AND THE LANGUAGE OF LAW

Is the legal institution of 'ownership' in English law identical to institutions like 'własność' in Polish law, 'propriedade' in Portuguese law, or '所有权' in Chinese law? Is there one universal (transnational) institution of Ownership that simultaneously unifies these four different conceptions at a time? Quite a similar problem is exemplified by the concept of 'legal personhood' across many legal systems: one can ask whether the recognition of environmental entities as legal persons, such as the Whanganui River in New Zealand and Pachamama in Bolivia and Ecuador, means that their personhood status is identical to the legal status of corporations or natural persons.

During our talk we wish to argue that, within a legal discourse, talking about the same legal institution across different times, legal cultures, and legal systems is best considered in terms of topic continuity, which can explain how even a radical change to the intension of a legal term preserves its communicative, representational, and inferential continuity with respect to the topic tied to this term. We will argue that the problem is analogous to the well-known controversy about the semantic stability of the theoretical terms of scientific theories: were Newton and Einstein talking about the same thing when they employed the term 'mass' in their theories? We plan to argue that a *prima facie* similar problem arises when legal terms such as 'prime minister', 'legal person', or 'marriage' are considered: it remains debatable how can such terms preserve some sort of meaning continuity across different legal systems described in different languages.

We will describe this issue as a semantic manifestation of the more general problem with "legal transplantation". A. J. Watson famously claimed that legal transplantation is probably the most fertile method of legal development. By legal transplantation one can refer to "the process, or to the results of a project of legal reforms, which is in turn initiated by a plan of legal change based upon an imitation of laws, doctrines and theories, and judicial decisions, already in place in different legal orders". Gunther Teubner suggested that the transfer of legal rules from one country to another can be better explained in terms of 'legal irritants' rather than 'legal transplants'. According to Teubner, legal irritants "cannot be domesticated"; instead, when a foreign rule is transferred into a domestic legal culture, it triggers a dynamic process that may result in a deep reconstruction of the internal context within this legal culture.

Despite these problems, it seems well-justified that we do recognise transplants/irritants as somehow affiliated with original legal institutions. And this can be best explained by grounding this affiliation in some normative characteristics of a legal discourse which the notion of topic continuity seems to nicely embrace.

Keywords: topic continuity; legal terms; legal discourse; semantic identity; legal transplants

BARTŁOMIEJ BRZOZOWSKI (JAGIELLONIAN UNIVERSITY)

THE EXPERIENCE OF A LEGAL TEXT. APPLICATION THE 'RELATIONAL INTERPRETATION' TO LEGAL THEORY

In the speech, the author will present the critical potential of applying the concept of 'relational interpretation' to legal theory. The project of 'relational interpretation' was proposed in the field of literary theory by the Polish researcher Agnieszka Dauksza. This theory assumes the phasic nature of the interpretation process and considers the role of affective experience during the initial stages of interpretation. An important element of the theory of 'relational interpretation' is its critical orientation toward traditional (hermeneutics, phenomenology, structuralism) and critical (post-structuralism) theories of interpretation (Dauksza, 2016, p. 268). Dauksza points out that these theories focus mainly

on the rational aspect of the interpretation process, and thereby, they marginalize the role of the bodily, affective experiences occurring during the reading process. In this presentation, the author will attempt to extrapolate this specific literary theory to the analysis and interpretation of law. The studies on the relationships between theories of interpretation developed in legal theory and literary theory are present in the research conducted within the Law and Literature movement. The author will take into consideration the current changes within this movement, which are related to the affective turn in the humanities and social sciences and will expand the discourse with the issue of affective and emotional factors impacting interpretation.

The presentation will consist of three parts. In the first part, the author will present the relationship between the Law and Literature and the new concepts and theories in the humanities. An important reference point will be the cultural turn in legal theory (Coombe, 2001) and literary theory (Burzyńska, 2012), which contributed to the emergence of theories of interpretation that consider the broader political, ethical, or cultural context in which text functions (Burzyńska, 2012; Nycz, 2017). In this part, the author will reconstruct Greta Olson's research on affective studies in Law and Literature, which she presented in her book *From Law and Literature to Legality and Affect* (Olson, 2022) and numerous articles, for instance (Olson, 2016). In the second part, the author will discuss the main assumptions of the 'relational interpretation'. Dauksza's theory is based on the same philosophical and theoretical tradition as Olson's analyses. It should be noted that Dauksza (2016) does not argue in favor of excluding the role of rationality from the act of interpretation, but shows that interpretation has a dual, rational-affective nature (Dauksza, 2016, p. 270). In the last part, the author will attempt to reflect on the main problem undertaken in the speech, which is criticism of rationally oriented theories of legal interpretation. The state of the art reconstructed in the first part of the speech will allow the author to assess the innovativeness of the application of 'relational interpretation' to legal theory.

Keywords: Interpretation; Affective Turn; Law and Literature; Literary Theory; Legal Theory

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AGATA CEBERA & JAKUB G. FIRLUS (JAGIELLONIAN UNIVERSITY)

SOCIAL MEDIA AS A THREAT TO LIBERAL DEMOCRACY AND GOVERNMENTAL COMMUNICATION

In recent years, mass communication has witnessed a growing trend in which public entities and officials establish profiles on social media (Mickoleit, 2014). Unlike traditional official channels, communication between public entities and citizens via social media allows for interactive engagement, including feedback mechanisms. Consequently, the government speech doctrine may not be fully applicable in this context (*Knight First Amendment Institute v. Trump*, 2018; *Davison v. Randall*, 2019).

The unique nature of social media, compared to conventional websites, stems from the fact that these services are provided by private, commercial entities. This distinction has significant implications:

1. From the perspective of public institutions, posts may be classified as misinformation, regardless of whether a community notes system (e.g., as implemented by X and recently by Meta) is in place or an external, expert-driven fact-checking program is used (as seen on YouTube and Meta during the COVID-19 pandemic). This dynamic contributes to epistemic uncertainty.

2. From the perspective of individual users, access to certain content may be subject to secondary restrictions. Posts can be removed, and users can be blocked not only by administrators acting on behalf of public entities but also by the platform's own moderators, raising concerns about the boundaries of public discourse (*Lindke v. Freed*, 2023).

The engagement of public entities in social media ecosystems has often been framed as an opportunity to enhance transparency (Yuan et al., 2022). The strategic value of these platforms became particularly evident during the COVID-19 pandemic, when they served as primary channels for crisis communication.

Scholarly discourse has also extensively examined the language of official posts and user generated comments from multiple perspectives. Some analyses highlight potential threats to freedom of expression, particularly regarding the classification of governmental social media activity as state action (*Lindke v. Freed*, 2023; *Garnier v. O'Connor-Ratcliff*, 2024; Song & Lee, 2022). Others emphasize the responsibility of political actors in fostering a secure and inclusive digital public sphere—an issue that aligns with European legal interpretations, including rulings of the ECHR (*Sanchez v. France*, 2023) and EU politics (European Commission, 2022).

This paper seeks to evaluate whether liberal democracy possesses the necessary resilience to navigate these challenges autonomously or whether a regulatory framework governing the role of social media in the public sphere is required. Such a framework, akin to the regulation of traditional media (press, television, and radio), would not constitute censorship but rather the establishment of clear normative and procedural standards.

Keywords: government speech, judicial review, social media

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ADAM DYRDA (JAGIELLONIAN UNIVERSITY), TOMASZ GIZBERT-STUDNICKI (JAGIELLONIAN UNIVERSITY)

Ronald Dworkin famously distinguishes three stages of interpretation. The first stage is “pre-interpretive”. This stage encompasses identification of patterns [of behaviour, thinking, belief of practice participants] that tentatively provide content of LEGAL practice. Dworkin does not pay much attention to this stage of interpretation. He writes briefly that at this stage “a very great degree of consensus is needed” (Dworkin 1985, p. 66). This is interesting insofar as at latter stages of interpretation it is rather disagreement, not consensus, that characterizes legal practice. However, the basic agreement on pre-interpretive stage is what provides boundaries, however vague, regarding the objects of LEGAL interpretation.

In the paper we aim to identify sort of agreement Dworkin could have in mind with respect to the pre-interpretive stage. We provisionally accept the following claims: (1) the minimal agreement as to what is the object of legal interpretation is necessary to distinguish legal interpretation from other interpretive activities (interpretation writ large); (2) pre-interpretive agreement also involves a minimal dose of interpretation,3) the agreement does not amount to a mere conventional rule of recognition (due to Dworkin's anti-positivism).

We have identified manifold gaps in Dworkin’s argument. It is not clear whether there are any a priori limits imposed on pre-interpretive agreement (e.g. regarding its content). Dworkin argues against treating the "pedigree test" as a relevant criterion, though one may wonder why this particular standard cannot be agreed upon. Perhaps it would be better to interpret Dworkin as claiming that this kind of criterion cannot be "decisive"? The problem of "pedigree test" is just an instance of Dworkin's general animosity towards treating other participants' interpretive activities as instructive in this regard. This attitude complicates any attempt to make sense of pre-interpretive agreement as a sort of conventional agreement. In this context we wonder what is the background for such a "consensus". How is it possible that the interpreters of the legal practice identify “raw materials” delimiting the practice in substantially the same way.

The relation between the identification of an interpretive practice and its very point remains unclear. Do we identify the practice first, and only then explain away its point (being instructive for further interpretive activities)? Or maybe it is the point that defines the practice, so once we understand the point of LEGAL practice in abstract terms, we could "locate" it within current social practices? Neither approach seems to be explanatory satisfactory

By discussing these matters we aim at explaining out the nature of Dworkin's pre-interpretive consensus. We will discuss the following hypothesis: [COORDINATION] If the interpreters wish to enter into an intelligible dispute relating to the point of the practice, they must make sure not only that they speak the same language, but also that they participate in the same practice and, therefore they must coordinate their understanding of the subject matter of such a dispute. The question remains as to what makes certain coordinative equilibria (agreements) salient: (i) natural facts (e.g. common psychological proclivities towards certain items and features); (ii) axiological preferences (e.g. moral, aesthetic); (iii) other pragmatic reasons. Which kind of explanation would be the most suitable in case of Dworkin's argument? This is the question about the most charitable strategy of interpreting Dworkin's work: shall we assume that Dworkin was a PURE INTERPRETIVIST, or merely HYBRID (or WEAK one; cf. Stavropoulos 2022; Dyrda 2022)? The first option forces us to argue that pre-interpretive agreement has moral grounds; the second – merely allows this possibility.

KATARZYNA ELIASZ (JAGIELLONIAN UNIVERSITY)

THREE REVOLUTIONARY CONCEPTS OF NATURAL RIGHT

The language of natural rights was at the forefront of legal debates during the French Revolution. Nevertheless, the relevance of the revolutionary natural right is often overlooked in current literature,

a significant exception being Dan Edelstein's comprehensive examination of the role of natural right behind the politics of terror (Edelstein, 2009; Edelstein, 2019). While Edelstein's work focused primarily on the Jacobin and sans-culotte variants of natural right, other perspectives also merit closer examination.

The presentation will address three issues. The first is to argue that the concept of natural right was not used in the revolutionary period consistently. Instead, one can find various concepts of natural right employed to justify a range of conflicting policies (like, for instance, arguing for the extension of suffrage [e.g., Condorcet, 2012, p. 156, de Gouges, 2021, pp. 24-28] or restricting democracy altogether [e.g., Saint-Just, see Talmon, 1961, pp. 98-131]. The second aim is to highlight the main differences among three prominent accounts of natural right that influenced legal debates during the Revolution: Condorcet's, Jacobin's, and Sieyès'. The three approaches varied in several key areas, namely: the subject of natural rights (their individual vs. collective character), their relationship towards legislation (the standard to be followed in legislation vs. the highest law allowing to trump all positive laws), and finally, the particular bundles of rights contained in the concept of natural right. The final issue to be tackled is the implications of the concepts of natural right for the legal-political system. 'Natural right' could justify strong democracy with robust and equal political as well as personal rights (Condorcet), a republican system with some limitations imposed on suffrage (Sieyès), or dictatorship, either popular or personal (Robespierre, Saint-Just). By examining the three different concepts of natural right, we may better understand the various faces that the Revolution assumed over the years.

Keywords: French Revolution; natural right; personal rights; political rights; legislation.

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WOJCIECH GRABOŃ (UNIVERSITY OF WARSAW)

LAW, IDEALIZATION, AND OBJECTUAL UNDERSTANDING: ON SOME ASSUMPTIONS ABOUT THE REPRESENTATIONAL CAPACITY OF LEGAL CONCEPTS

This talk aims to propose a framework for assessing the representational role of legal concepts assumed by different theories of legal interpretation, based on their capacity to enhance objectual understanding.

Objectual understanding, as defined by Dellsén (2020), refers to understanding a phenomenon by having a model of its dependence relations, which describes how different parts or elements of a system interact with each other. This model applies not only to simple objects but also to complex systems, where multiple interacting components are involved. Unlike 'understanding-why', objectual understanding does not require knowing an explanation for the phenomenon or its features. Furthermore, objectual understanding is a matter of degree, meaning one can have more or less (or

better or worse) understanding of a single phenomenon, depending on how well the interrelations of its parts are grasped.

Since the content of legal concepts cannot be reduced to that of particular legal norms (Gizbert-Studnicki & Klinowski, 2011), it can be argued that legal interpretation relies on certain background theories about what law encompasses, and therefore what legal concepts are supposed to represent. Depending on such underlying ontological (Wróblewski, 1986) and, consequently, epistemological assumptions about what law is and how it relates to reality, different theories of interpretation will vary in complexity and empirical adequacy. For instance, a Kelsenian type of underlying theory will assume the ontological simplicity of law and treat it as a system of norms detached from empirical reality and moral evaluation, limiting legal science to descriptions of norm structures and their logical relations (see Duarte, 2024). In contrast, a more realistically oriented approach will treat law as an ontologically complex phenomenon, to which we can gain access via various empirical methods (e.g., Leiter, 1997).

To analyze these differences, the notion of objectual understanding will be used to assess how legal concepts allow us to represent and grasp legally relevant phenomena, as well as to demonstrate how this affects legal reasoning (cf. Sartor, 2009). The representational capacity of concepts can be linked to objectual understanding by evaluating how effectively a concept reflects the internal dynamics and interdependent relations of a phenomenon, while also accounting for its connections to other phenomena. By assessing a concept's ability to support objectual understanding, one can determine whether it provides a sufficiently nuanced representation of legally relevant reality, thus enhancing both theoretical coherence and practical application in legal reasoning.

Since this account assumes that the enterprise of understanding law is no different in kind from scientific understanding, the notion of idealization will also be of use (see Strevens, 2016). Such an approach should enable both the development of a conceptual framework for assessing how various theories of interpretation treat legal concepts in terms of their epistemic functions, as well as bridging legal epistemology with that of other sciences.

Keywords: Legal Interpretation; Objectual Understanding; Legal Concepts; Representational Capacity; Idealization

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KLAUDYNA HORNICZAK (JAGIELLONIAN UNIVERSITY)

LEGAL CONCEPT OF GENDER: IN SEARCH FOR PATHS FOR AMELIORATION

This paper provides a critical analysis of legal concept of gender (LG) and offers a possible path for its amelioration. The main assumption is that legal gender is not purely a descriptive concept, but has a normative dimension, i.e., it is a tool for doing things in the social world (Ásta 2018). However, with a current breakdown of the concept of gender outside of the law, legal gender as it is traditionally understood, fails to meet its function. By traditional legal concept of gender, I understand LG characterised by three features: 1) binary, 2) based on visible anatomical features of the body, 3) stable in time and across all legal contexts. With the breakdown of the concept of gender, three features of legal gender are being challenged. By hypothesis, this stems from a conceptual gap, i.e., the fact that traditional legal gender reflects dominant gender kinds (Dembroff 2018) and fails to accommodate resistant and marginalised genders (what can be referred to as hermeneutical injustice, (Fricker 2007)), that leads to a 'metaphysical gap' (Dembroff 2020) in the legal conceptual framework).

Following Haslanger's (2012) framework, traditional legal gender can be described by its manifest and operative meaning:

- LG manifest concept – rules for gender categorisation: visible anatomical features that base categorisation into men or women

- LG operative concept – enablements and constrains of gendered laws, i.e., what one can and ought to do, based on their gendered role as indicated by their gender categorisation

Constructed to reflect dominant beliefs about gender, and interests of dominant gender groups, traditional LG struggles to accommodate then existence of gender variant people, and to protect their rights. The paper will offer a path of ameliorating LG by reversing the focus from dominant to marginalised gender groups. The LG target concept ought to consider both: catalogue of gender categories, and the enablements and constrains that accompany them (oftentimes resulting in ontological oppression, (Dembroff 2018)). Following a radical feminist methodology, the approach aims to shift the focus from dominant, to marginalised perspectives. However, contrary to radical feminism, it will delineate three sub-groups marginalised based on gender: 1) feminine people, 2) trans people in general, 3) non-binary and intersex people (as opposed to three dominant social groups: masculine, cis, and binary people). The target concept will offer a path for construction of legal gender that begins in the marginalised contexts, and allows for reconsidering the already existing institutional kinds, relations of power, and (legally) make sense of the ongoing social change in regard to gender.

Keywords: legal concept of gender; amelioration; feminist philosophy; hermeneutical injustice; gender justice

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MACIEJ JUZASZEK (UNIVERSITY OF SILESIA)

NEW HARMS OR OLD PROBLEMS? THE SHIFTING LANGUAGE OF HARM IN LAW AND MORALITY

Purpose Statement

In this paper, I examine the conceptual foundations of harm in legal and moral philosophy and ask whether contemporary challenges - such as climate change or online harms - require a fundamental shift in how harm is understood in legal and moral discourse, or whether existing frameworks can be adapted to address them.

Research Problem

The notion of 'new harms' raises fundamental questions about how legal and moral systems conceptualise harm. Many of these harms lack clear perpetrators, occur over vast temporal and spatial distances, and result from systemic rather than individual actions. However, it remains unclear whether these difficulties signal a genuine shift in the nature of harm, or whether they reflect longstanding theoretical issues that have surfaced in new contexts.

State of the Art

Some scholars argue that these harms arise from large-scale, diffuse processes, involve unintended consequences of everyday actions, and are difficult to regulate within existing frameworks. They suggest that conventional legal and moral principles based on individual responsibility and direct causation struggle to accommodate these complexities (Lichtenberg, 2010). Others question whether these harms are truly novel, arguing that they share essential features with historical cases such as slavery and industrial pollution, and that legal and moral concepts can evolve rather than be abandoned (Peeters, Bell & Swaffield, 2019). In the digital domain, regulatory debates about 'online harm' and the control of 'legal but harmful' content reveal tensions between expansive and restrictive conceptions of harm, raising questions about censorship, enforcement and the coherence of legal definitions (Bartolo & Matamoros-Fernandez, 2023). Furthermore, Harcourt (1999) challenges the foundations of harm-based reasoning, arguing that the harm principle has become so malleable that it no longer meaningfully constrains legal regulation, allowing conflicting policies to be justified within the same framework.

Research Question and Hypothesis

Q: Can existing legal and moral frameworks be adapted to address contemporary harms, or do they necessitate a fundamentally new approach?

H: I argue that contemporary harms do not require a radical reconceptualization of harm but can be addressed through an extension of existing legal and moral principles. Historical cases of systemic harm reveal that law has long adapted to complex forms of harm without abandoning its core principles.

Description of Methods, Instruments, and Tools

To explore this question, I use conceptual analysis and the method of reflective equilibrium, which are commonly applied in legal and moral philosophy.

Summary of Main Conclusions / Relevance and Potential Impact

At stake in this discussion is not only the legal regulation of harm but also the language through which harm is conceptualized, debated, and justified. The notion of "new harms" reflects broader uncertainties about legal intervention, governance, and the adaptation of law to social and technological change. By reassessing how harm is framed, I contribute to a broader discussion on how legal and moral reasoning evolves in response to uncertainty and transition. Through conceptual analysis and reflective equilibrium, I argue that legal and moral frameworks are more flexible than often assumed, and that the perceived novelty of contemporary harms may reflect a shift in discourse rather than a fundamental change in the nature of harm itself.

Keywords: harm principle, new harms, harm climate change, online harm

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MACIEJ MACUGA (JAGIELLONIAN UNIVERISTY)

THE RELATION BETWEEN VACCINE PASSPORTS AND MANDATORY VACCINATION: PUBLIC HEALTH ETHICS PERSPECTIVE

Recent COVID-19 pandemic with implementation of institutions and policies aiming at protection of public health has sparked a vivid philosophical and legal discussion on permissibility of those measures (Bardosh et al. 2022; Voo et al. 2021). The most significant of them were lockdowns, immunity or vaccination passports, and mandatory vaccination.The proposed paper is focused on the last two of the mentioned institutions with the main aim of disentangling the conceptual relation between them. The paper will consist of two main parts. The first part will be dedicated to answering the question whether vaccine passports are a (form of) mandatory vaccination as some of the authors suggested (Giubilini et al., 2021). Contrary to this view, the author will argue that vaccine passports and vaccine mandates should be treated distinctively. Despite of having an important thing in common, namely belonging to the same, broader category of coercive vaccination policies (Saunders, 2022), vaccine passports and mandates are significantly different. These differences are connected to mechanisms of enforcement, entities that conduct the enforcement as well as rights and freedoms that are being interfered with by implementation of each of the policies. In the authors view these differences are significant enough to substantiate a conceptual distinctiveness of the policies in question. Given that the argument from the first part of the paper is successful, the second part will provide an answer to the following question: which of the two policies is more restrictive (understood as infringement of liberty)? There appears to be a paradox. On the one hand, vaccine mandates impose a legal obligation to vaccinate, and vaccine passports do not. It would seem then that as vaccine mandates leave no room for a choice concerning vaccination this policy is more restrictive. On the other hand, when it comes to the consequences for the unvaccinated people, vaccine mandates are associated with financial fines or/and exclusion children from schools or kindergartens, which interferes with the right to an education. While vaccine mandates restrict access to places such as restaurants, workplaces etc. or certain activities such as international travelling or usage of public transportation in general. Those restrictions can be seen as constituting interferences with freedom of movement, right to work, right to an education and others. The author

will claim that those restrictions are more liberty infringing than those associated with vaccine mandates. Establishing a plausible answer to the question posed in the second part of the paper is significant from the perspective of one of the principles discussed in the public health ethics debate, namely the least infringement (Childress et al. 2002; Jamrozik 2022). According to this principle, other things being equal, a public health interference that is least restrictive should be preferred by the policymaker. Therefore, the paper aims at contributing not only to the conceptual part of the debate, but also to the part that concerns the problem of the moral justification of these policies.

Keywords: Public Health; Vaccine Mandates; Vaccine Passports; Coercion; Ethics

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KRYSTYNA MOKRZYCKA (JAGIELLONIAN UNIVERSITY)

TRANSITIONAL JUSTICE AS A POSSIBLE NEW VECTOR OF THERAPEUTIC JURISPRUDENCE – AN EXPLORATIVE STUDY

Transitional justice has gained a vast scholarship in the late 20th century. With persecutions, truth commissions, reparations and restitutions it aims not only to fix what was broken during a conflict, but also to bring the affected people a sense of justice and make up for their suffering and losses to as much extent as there can be. To analyze the mechanisms and postulate their better execution, the notion of therapeutic jurisprudence could be applied. While used mainly for the objectives of private and criminal law, therapeutic jurisprudence is a holistic approach to legal scholarship that originated in the 1990s in David Wexler's and Bruce Winick's works. The movement seeks to redefine the judicial role, emphasizing not only the administration of justice for society and offenders but also considering the well-being of all affected parties, thus requiring a more holistic approach. Some argue that professional knowledge in pschology and social sciences would be required here, others hold that a proactive, empathetic approach is enough to fulfill the therapeutic aim.

Recent research regarding generational trauma holds that in the countries affected by military conflicts (particularly ones affected by genocide) symptoms of war related PTSD are prevealent for up to two generations after its outbreak. The conflicts shape a country's economic landscape as well as its position

in the international politic arena for far more than years closely following their outbreaks. With a few decades of evaluating the means of transitional justice used previously, we may notice that most of them did not account for those far fetched implications of conflicts. According to Wexler's and Winick's works, some of the therapeutic jurisprudence vectors are preventive law, restorative justice, facilitative mediation, holistic law, collaborative divorce, and specialized treatment courts. In my paper, I argue that transitional justice should join this set. The holistic, future-oriented therapeutic approach is necessary in applying transitional justice measures, in order to prevent inequalities as well as simply aid society's wellbeing in the turbulent years that follow military conflicts. This research aims to enhance transitional justice by integrating therapeutic jurisprudence, offering solutions to better address the long-term psychological and social impacts of conflict. By evaluating existing mechanisms through a holistic, well-being-centered lens, it proposes more effective approaches to support societies in turbulent post-conflict periods.

Keywords: transitional justice, therapeutic jurisprudence, legal holism

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PEDRO MONIZ LOPES (UNIVERSITY OF LISBON - SCHOOL OF LAW)

A LINGUISTIC ACCOUNT OF ACTION SPECIFICITY - A STEPPING STONE FOR LEGAL THEORY AND LEGISPRUDENCE

My inquiry into this topic started out with a comment made on a draft paper presented by Ralf Poscher on the subject of discretion and descriptive inexhaustibility. I concluded that, if the law's function is intrinsically communicative and, as von Wright claims, it strives for an approximation between two descriptions (ideal and real), then the issue of descriptive incompleteness comes into play at the very core of the function of law. I wish to pick up from that preliminary conclusion.

Specificity is a semantic property predicated of things in the broadest sense; it is a claim about the uniqueness of an entity. On the other hand, speakers have referential intent: they intend that entities which form part of the Universe of Discourse either refer or not to something in the world. The classic Fregean account of referentiality is binary. But linguists such as Lyons and Givón have developed the idea of a gradation of referentiality. The basic idea is that the more informative an expression about the properties of the concrete or abstract entity, the more referential it is. Legal scholars frequently discuss legal specificity and discretion, but rarely do they focus on action verbs, a key component of legal norms. I now intend to examine the subject of action specificity and referentiality as scalar concepts.

My research question is the following: are hypernymy/hyponymy relations of sense exclusive to nouns or can they be drawn between superordinate, basic and subordinate action verbs *a la Rosch*? More specifically, can hypernymic action verbs also form a set which includes other hyponymic action verbs

as a subset? The research hypothesis is "yes". While hypernyms and hyponyms are typically used to refer to nouns, they can also be used on different parts of speech, including legal speech. The research hypothesis is based upon research assumptions, notably that a referent is not necessarily just an object; it can also be an action, state, relationship, or attribute in the referential realm. Although actions do not have a physical manifestation until they are performed, referents can be actions identifiable within discourse and signified in a mentally projected world.

I will argue that action specificity, relations of sense and consumptions of the referential scope are to be understood within the framework of the linguistic rules in force. Subsequently, I will both explore the relation between hypernymic actions, legal indifference and discretion and distinguish between type-discretion and token-discretion. Through the combination of linguistics and cognitive psychology, I will try to draw a fruitful parallel between Talmy Givón's degree of referentiality and Eleanor Rosch's insight on different levels of abstraction of objects. My main propositions will be applied to central discussions in legal theory and legisprudence, notably as stepping stones for the distinction between rules and principles and consideration of the variables for better regulation.

Keywords: specificity of actions; degree of referentiality; legal relevance; rules and principles; legal information; discretion.

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MAREK MALINOWSKI (JAGIELLONIAN UNIVERSITY)

ON THE LEGITIMACY OF SOCIAL SANCTIONS

Discussions on the concept of punishment have often ignored the existence of forms of punishment other than legal ones, i.e., so called social sanctions. Nowadays, the ubiquity of phenomena such as shaming or cancelling has influenced the recognition of social punishment as a distinct form of punishment. The relationship between social and legal types of punishment is however a source of numerous conceptual uncertainties.

In the presentation, I would like to discuss possible ways of arguing for a statement that social sanctions are legitimate. It is assumed that punishment requires adequate justification, that is, that it must be inflicted through a legitimate authority (Boonin 2008: 26-28). This situation raises a problem in the case of social sanctions. The condition of legitimacy proposed by Boonin was, as he understood it, originally used only to define legal sanctions (Boonin 2008: 27). While in cases of social sanctions defined as formal, i.e. inflicted within the relations of institutionalized hierarchy, Radzik's position, that they are analogous to legal sanctions, inflicted by authorized instances (employers, teachers, etc.), and thus legitimate, seems plausible, the problem of informal punishment, remaining a matter of equal

individuals, requires scrutiny. This problem can be solved in various ways. Zaibert (2006, 39-40) modifies the general definition of punishment and rejects the legitimate authority principle. Other authors argue that social sanctions are not punishment at all and thus, they do not have to meet the condition of legitimacy. Radzik (2020: 18) claims that there are certain cases in which equal individuals are authorized to inflict punishment on the others. The key question at this stage of the discussion is whether, given the high threshold of legitimacy for punishment, can social punishment ever be legitimate?

I would like to introduce two possible ways of justifying social punishment. First is the top-down strategy proposed and supported by Radzik (2020: 62-65), pointing out that there is a moral right respond to harm, that everyone is entitled to. In this account the delegation of the authority to punish to certain social institutions is a matter of maximizing social utility, rather than their exclusive moral authority to inflict punishments. The second strategy of argumentation comes from the social theory, particularly functionalist and institutionalist tradition. It points out, that the condition for the stable existence of social organism is the removal of deviance, thus responding to the harm caused. Outlined in this way, the relationship between deviance removal and stable existence of the society/group seems to provide an argument for allowing a certain amount of informal social punishment as a measure of social control, rather than just limiting it to institutionalized forms.

Analyzing and developing the presented strategies supporting the legitimacy of social punishment, will allow to recognize its place it in the broader framework of punishment theory. Examining the potential rationale for allowing social punishment is also important for determining which forms of it are consider appropriate and under which circumstances.

Keywords: legitimacy; social sanctions; social punishment; punishment

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KAROLINA ŚLIWECKA (JAGIELLONIAN UNIVERSITY), WOJCIECH CISZEWSKI (JAGIELLONIAN UNIVERSITY), MACIEJ PRÓCHNICKI (JAGIELLONIAN UNIVERSITY)

WHEN YES DOES NOT MEAN YES - THE FOLK UNDERSTANDING OF SEXUAL COERCION

It is widely recognised, at least in so-called Western countries, that sex without consent is a serious wrong and often a crime. It is also acknowledged that coercion, deception, and incapacity undermine consent. Among these, sexual coercion seems to be the least controversial – legal protection against it is established in most countries. However, while it is commonly accepted that coercion undermines consent, what constitutes coercion is less clear.

Some scholars (e.g., Wertheimer, 2003; Conly, 2004) argue that only coercion reaching a certain level of intensity (e.g., physical violence or threats of it) undermines consent, and this standard is often reflected in law (e.g., Article 197 of the Polish Penal Code). Thus, other, less intense forms of pressure are seen as unable to undermine consent.

However, recently it is argued that other types of pressures may also constitute coercion as sexual contact resulting from such pressure can be morally wrongful – a person's sexual agency is diminished and a person is objectified. Those types of pressure include, for example: the use of stereotypes (Dougherty, 2022); sulking into sex (Patwardhan, 2024); non-unlawful threats (e.g. cheating); repeated, burdensome requests for sex (Woodard, 2022).

How do these distinctions fare against the popular view of coercion? To examine the laypeople's view, we aim to conduct a series of vignette experiments. During our presentation, we will discuss the results of pilot studies.

The research design: a series of vignettes, describing a scenario of sexual contact resulting from various means of applying pressure, will be presented to laypeople. Each will differ in coercive method used to influence one's decision-making process on engaging in sexual intercourse. Each participant, on a Likert-type scale, will evaluate:

- whether the described behaviour is morally wrongful;
- whether sexual contact is consensual;
- the severity of the potential sanction.

We will analyse how laypeople's moral and legal judgments change in response to different means of applying pressure. According to our prediction, laypeople will tend to assess the described behaviours as morally wrongful; however, they will not consider them deserving of criminal punishment. To ensure transparency, the experiments' hypotheses will be pre-registered before running the experiments.

The study aims to provide valuable insight into the folk understanding of sexual coercion. The results will be compared with interpretation of sexual coercion in Polish criminal law, allowing to assess if and to what extent legal and folk understandings of coercion differ.

Keywords: consent; sexual coercion; rape; sexual autonomy

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NATALIA WITOSZA (JAGIELLONIAN UNIVERSITY)

CAN WE ACCEPT PUNISHMENT OUTSIDE THE LEGAL SYSTEM?

The aim of this paper is to examine the terminological framework of social punishment. The research problem concerns the meaning of social punishment, including its various contemporary forms, such as public shaming, boycotting, canceling, and no-platforming.

Although social punishment has not played a central role in philosophical discussions throughout history, it is not a new issue and has been considered by classical thinkers such as John Stuart Mill and John Locke. In recent years, the concept of social punishment has been discussed most comprehensively in the works of Linda Radzik. She examines the relationship between legal punishment and social punishment, distinguishing the latter from instances of what she calls private punishment (e.g., gossiping).

The main hypothesis of the paper states that social punishment plays a significant social function which is independent of the role of legal punishment. In other words, even with well-functioning legal institutions, social punishment practices are legitimate as a form of responding to wrongdoing or reinforcing moral norms.

The research methodology follows the approach typical of normative projects in political philosophy and legal theory. The primary method used is conceptual analysis, which is a crucial tool for developing the conceptual framework necessary to address the research problem.

In the first part of the paper, I provide a historical outline of the problem of social punishment. I refer to Mill because, in his work *On Liberty*, he discusses the idea of "moral coercion of public opinion" which he considers a threat to personal liberty (Mill 1977). Conversely, Locke, in *Two Treatises of Government*, views social punishment as a form of justice system within the anarchic state of nature, where no political institutions exist (Locke 1988).

In the second part, I analyze the contemporary notion of social punishment in contrast to legal punishment and private punishment. According to Radzik, social punishment consists of "non-legal forms of authorized, intentional, reprobative, reactive harming between people who are not acting within hierarchically-structured institutional roles" (Radzik 2020). I also introduce examples of contemporary social punishment practices public shaming, canceling, and no-platforming.

In the third part, I introduce two case studies of different forms of social punishment, in particular banning of Donald Trump's accounts on social media platforms following the attack on the U.S. Capitol by his supporters, and the cancellation of Roman Polanski and his works after the #MeToo movement. Based on these cases, I attempt to provide general conclusions about the conditions for the admissibility of social sanctions.

In conclusion, I summarize these considerations on the meaning of social punishment. I conclude by highlighting potential directions for further research on this important topic, as social punishment remains a highly relevant and contemporary issue that shapes public debate.

Keywords: social punishment; shaming; canceling; no-platforming; freedom of speech

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MONIKA ZALEWSKA (UNIVERSITY OF LODZ)

HANS KELSEN'S LANGUAGE GAMES

Purpose Statement

This research aims to explore how Wittgenstein's concept of language games can enhance our understanding of Kelsen's Pure Theory of Law. Specifically, the study aims to uncover how this approach provides new tools for interpreting legal cognition and Kelsen's intellectual evolution.

Research Problem

In his *Philosophical Investigations*, Ludwig Wittgenstein introduced the concept of language games, which framed language as a form of life governed by a set of rules. This reconceptualisation of language challenged the logical positivism of the Vienna Circle, offering a more dynamic and contextual understanding of meaning. Introducing this concept to Hans Kelsen's Pure Theory of Law opens new interpretive possibilities by analyzing legal cognition and the evolution of Kelsen's thought through the lens of language games.

This potential application exists on two levels. Firstly, from an internal perspective, Kelsen's description of legal cognition can be analyzed as the language of law—a specialized game in which participants, such as lawyers, adhere to specific rules and frameworks. However, to adequately describe this internal dimension, it is necessary first to address the external perspective: the various language games Kelsen himself played throughout his intellectual career. Following Heidemann's division of Kelsen's work into four phases, it can be argued that each phase corresponds to a distinct language game.

State of the Art

Some attempts have been made to integrate Wittgenstein's ideas. Notably, Carsten Heidemann examined the problem of implicit rules within this context, providing essential insights. Stanley Paulson was among the first to reference language games explicitly, using the phrase "a game of law" in the context of the transcendental argument. Additionally, the discussion between Paulson and Heidemann regarding the periodization of Kelsen's intellectual evolution offers a productive framework for analyzing the Pure Theory of Law phases as distinct language games.

Research Questions

- What insights emerge when Kelsen's intellectual development is analyzed as a series of distinct language games?
- How can the selective use of Wittgenstein's tools advance our interpretation of the Pure Theory of Law?

Methods, Instruments, and Tools

This study employs a conceptual methodology, selectively utilising Wittgenstein's notion of language games to analyze Kelsen's work. It is important to clarify that this analysis utilizes specific tools and concepts developed by Wittgenstein, such as the notion of language games, rather than embracing his

entire philosophical framework. This selective approach allows for a focused application of Wittgenstein's insights to Kelsen's theory without necessitating a wholesale adoption of his broader philosophical commitments.

The analysis includes:

1. Outlining Wittgenstein's concept of language games and distinguishing key elements relevant to legal theory.
2. Examining Kelsen's intellectual trajectory through Heidemann's four-phase framework.
3. Exploring the internal logic of legal cognition as a language game, highlighting overlaps and divergences with Wittgensteinian thought, specifically the basic norm.

Summary of Main Conclusions

This research concludes that Wittgenstein's concept of language games offers a powerful interpretive framework for Kelsen's Pure Theory of Law. By framing legal cognition as a language game and analyzing Kelsen's intellectual evolution, the study provides new insights into his theory. These findings underscore the broader relevance of Wittgenstein's tools in legal philosophy, with potential implications for interdisciplinary research.

WOJCIECH ZAŁUSKI (JAGIELLONIAN UNIVERSITY)

THE METAETHICAL STATUS OF MORAL NORMS IN EVOLUTIONARY FOCUS

Considering that evolutionary theory has provided a large number of precious insights into human nature, there is no doubt that it cannot be discounted in the fundamental philosophical discussion about the metaethical status of moral (and also, assuming ius-naturalism, legal) norms (that is: in the controversy over whether moral norms can be evaluated in terms of truthfulness and falsity – the view called „metaethical realism", or cannot be evaluated in this way – the view called „metaethical antirealism"). But what its implications in this context exactly are? The dominant view seems to be that evolutionary theory supports metaethical antirealism. The main argument for this view goes, roughly, as follows: (a) Human beings were endowed by natural/sexual selection with dispositions to act morally; one can therefore provide a plausible evolutionary genealogy of all of our moral dispositions; (b) and demonstrating an evolutionary genealogy of a disposition to take a moral act *P* constitutes in itself a reason for assuming an anti-realist character of a moral norm prescribing *P*. In the paper various flaws in this reasoning (its both steps) are spotted, and it is argued that given the lack of plausible evolutionary genealogy for multiple moral norms, and the lack of prospects for providing such a genealogy, metaethical antirealism is, overall, a more plausible view.

Keywords: metaethics; moral norms; evolutionary theory; realism; antirealism

APPROACHES TO LEGAL ARGUMENTATION AND INTERPRETATION

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RHETORICAL STRUCTURE OF SCOTUS MAJORITY OPINIONS

This paper examines the rhetorical structure of Supreme Court of the United States (SCOTUS) opinions through a move analysis (Swales, 1990) and manual annotation of a representative sample. It explores how the distribution of rhetorical units contributes to understanding of the structural organization of case law in English.

Despite far-reaching influence, little is known about the fine-grained rhetorical structure of SCOTUS majority opinions. Corpus-based move analyses of judicial opinions across legal cultures (e.g., Cheng & Sin, 2007) generally suggest that these texts are organized in five main moves, thus forming "bulky sections" (Han et al., 2018). This structural pattern is also recognized in US professional literature (Authors, 2024). A finer-grained model has been proposed for the justification section of Polish Constitutional Tribunal opinions (Goźdź-Roszkowski, 2020), which are acknowledged as "uniform and conventional" (p. 583).

This study hypothesizes that existing models may not adequately capture the variability of legal argumentation in SCOTUS opinions. Three questions are addressed:

R1: What is the fine-grained rhetorical structure of the SCOTUS opinions?

R2: How does the structure vary across texts and what factors account for this variation?

R3: What does this variation reveal about the SCOTUS opinion as a legal genre?

Researchers analyzed 10 representative samples of SCOTUS majority opinions (n=180, see Authors, 2024) published between 1945 and 2020. The corpus was segmented at the sentence level, resulting in 26,328 annotated segments (Authors, 2024). A hierarchical annotation scheme and corresponding guidelines were developed following established standards in the literature.

Statistical analysis of the corpus confirms that the annotated samples are representative of the corpus, with minimal intergroup variation ($\sigma = 0.65$) suggesting a prototypical structure at a high level of abstraction, consistent with current literature. However, intragroup variation – differences among individual opinions – remains high ($\sigma = 2.85$). Factors such as author and theme do not explain this variation. The positioning of certain discourse units, like the Court's holding, varies widely indicating potential changes in argumentation structure over time. Additionally, the distribution of some rhetorical functions indicates a greater reliance of justices on referencing legal sources than previously suggested academic discussions. These results point to a stable structure at a very abstract level, but high variation in the actual structuring of legal argumentation, thus informing and questioning the concept of *genre.*

Keywords: legal discourse, discourse analysis, rhetorical structure, case law, natural language processing

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MANON BOUYÉ (UNIVERSITÉ JEAN MOULIN LYON 3), MARGAUX GUILLERIT (UNIVERSITÉ PARIS CITÉ)

IMPROVING THE COMPREHENSION OF JUDICIAL ARGUMENTATION USING GENERATIVE AI: A COMPARISON OF *CHATGPT'S PERFORMANCE ON WRITTEN AND ORAL SUPREME COURT GENRES*

The aim of this talk is to explore the potential contributions of Generative Artificial Intelligence (AI) to improve the comprehensibility and quality of judicial discourse. Generative AI is now omnipresent in our societies and is playing an increasingly important role in research, hence the interest in using it in a reasoned manner and understanding its mechanisms (Crosthwaite & Baisa, 2023). As seen in various examples in Bouyé (in press), AI tools like ChatGPT offer possibilities to rewrite more incisive argumentation in judicial discourse and to make it more understandable for experts and lay audiences alike, as such texts have often been criticized for being too verbose and technically complex (Williams 2022: 102). As most studies have focused on judicial decisions at appellate level, this talk proposes to focus not only on reasons for judgments but also on oral arguments, a spoken genre produced in the US Supreme Court. The authors examine whether AI can reformulate narrative passages more easily than technical legal arguments, examining the quality of AI-generated simplifications of spoken vs. written texts. Based on a sample of decisions from the Supreme Court of Canada and oral arguments from the US Supreme Court, the authors use OpenAI's ChatGPT to create an AI-generated corpus of reformulated texts, with prompts designed to obtain summarized and plainer versions of the selected passages. Using complexity metrics and qualitative analyses, the study compares AI's reformulation of factual passages versus argumentative analyses, seeking to identify any additional challenges posed by the oral nature of the arguments. Ultimately, the project aims to improve prompt design for text simplification and raise awareness about the strengths, weaknesses, or inconsistencies when using AI tools in the legal field.

Keywords: Generative Artificial Intelligence; argumentation; spoken and written legal language; simplification; judicial discourse

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STANISŁAW GOŹDŹ-ROSZKOWSKI (UNIVERSITY OF LODZ)

VOICES OF DISSENT: RHETORICAL DIVERGENCE IN THE OBERGEFELL V. HODGES OPINIONS

This paper offers a comparative rhetorical analysis of the four dissenting opinions in *Obergefell v. Hodges* (2015), the landmark U.S. Supreme Court case that extended constitutional protection to same-sex marriage. Drawing on a novel ten-dimensional coding framework grounded in both classical rhetorical theory and modern linguistic analysis, the study examines how Chief Justice Roberts and Justices Scalia, Thomas, and Alito construct their dissents not merely as legal counter-arguments but as distinct rhetorical performances.

The framework operationalizes appeals (ethos, logos, pathos), tone/style, framing devices, intertextuality, rhetorical questions, figurative language, dissent framing, identity/community appeals, and lexical polarity to reveal how judicial dissent operates across multiple discursive layers. While united in outcome, the dissenters exhibit sharp rhetorical divergences: Roberts deploys a tone of institutional mourning grounded in judicial restraint; Scalia adopts a caustic, populist voice characterized by sarcasm and delegitimizing frames; Thomas advances a philosophical, minimalist defense rooted in natural rights theory; and Alito warns against the erosion of pluralism through controlled but emotive appeals.

Through close reading, the study shows that dissenting opinions serve not only as sites of legal disagreement but also as strategic acts of persuasion that project differing conceptions of constitutional fidelity, democratic identity, and the judiciary's cultural role. The findings challenge the view of dissent as a homogenous judicial genre, suggesting instead that dissenting opinions are individuated rhetorical artifacts, each shaping the constitutional discourse in distinct ways. This paper contributes to broader debates about judicial voice, rhetorical agency, and the evolving role of persuasion in constitutional democracies.

By foregrounding rhetorical divergence among dissenters, this study highlights how judicial dissent functions both within and beyond the courtroom—as a means of legal reasoning, democratic critique, and cultural narration. The methodological framework proposed here also offers pathways for future corpus-based research into the rhetorical dimensions of dissent across different legal systems and historical periods.

JEKATERINA NIKITINA (UNIVERSITY OF MILAN)

"IT SHOULD NOT BE MISTAKEN FOR CARTE BLANCHE TO RUBBER-STAMP ANY POLICY": METAPHORS FOR LEGAL REASONING

Metaphors, and especially conceptual metaphors (Charteris-Black 2004), play a crucial role in shaping any reasoning process, acting as cognitive tools that structure and convey complex concepts. In judicial prose metaphors frequently become "jurisgenerative", in that they create legal meaning and concepts (Golder 2019), rather than simply describe them.

Conceptual metaphor analysts typically "do not engage in the analysis of metaphor in argumentative discourse" (Wagemans 2016: 80); heralding its persuasive power instead (Charteris-Black 2011). Likewise, argumentation scholars have traditionally perceived metaphors as oratorically persuasive stylistic devices that are potentially conflicting with the reflective nature of legal argumentation (Ervas & Sangoi 2014).

Yet, metaphors need not be antithetical to rational deliberation. This paper explores how metaphors contribute to legal reasoning, argumentation and interpretation in judicial prose, analysing a corpus of judgments and separate opinions issued by the European Court of Human Rights.

Transposing the above considerations to the legal domain, I integrate my methodological toolkit of Critical Metaphor Analysis (CMA, Charteris-Black 2004) with research methods combining linguistics and contemporary legal argumentation theory (Goźdź-Roszkowski 2024). Specifically, I build on Wageman's (2016) method of analysing metaphors as (1) parts of a standpoint ("metaphorical standpoints") and (2) parts of an argument ("metaphorical argument"), rather than mere presentational devices. Similarly to political discourse, the use of metaphors in judicial argumentation is frequently dialogical as they "frame arguments in a way that is favourable to the case being proposed by the speaker […] through a process of foregrounding and revealing some aspects of a political issue and at the same time concealing other aspects by putting them into the background" (Charteris-Black 2011: 36). In addition to their role in argumentation, they may include value-laden language (e.g. "plaster on a wooden leg", "these are not traffic offences", "it constitutes a heresy in criminal law").

This paper hypothesizes that judges may rely on ontological metaphors as premises for their arguments. It further explores whether metaphors are more prevalent in separate opinions than in majority judgments.

This research has the potential to contribute to judicial training by enhancing judges' awareness of the cognitive role of metaphors and deepen public understanding of court reasoning by revealing how metaphors shape legal argumentation and interpretation.

Keywords: critical metaphor analysis; legal reasoning; judicial prose; human rights discourse.

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MIKOŁAJ RYŚKIEWICZ (UNIVERSITY OF WARSAW)

EMPIRICAL ANALYSIS OF SEMANTIC SHIFTS IN JUDICIAL OPINIONS: A CORPUS-BASED APPROACH

This study aims to investigate the evolution of legal terminology and argumentative patterns in Polish judicial opinions using empirical methods. The research seeks to identify semantic shifts over time using vector representations and other models, broadening our understanding of how legal language changes.

Judicial decisions are embedded in a complex linguistic landscape where legal terms and argumentation evolve, leading to challenges in maintaining stable interpretative frameworks. The core problem

addressed in this study is how to empirically detect and quantify these semantic shifts within a legal domain, and what implications such changes have for legal analysis and decision-making.

Recent advances in NLP and computational modelling have enabled the quantitative analysis of language change. Methods such as vector space models have been used to track semantic drift in various domains, yet their application to legal texts remains limited. This study builds on the integration of corpus-based techniques and cognitive linguistic theory, while using insights from prior works in semantic change analysis and legal linguistics.

Hypotheses:

1. Empirical models can effectively reveal semantic shifts in key legal terms over time within Polish judicial opinions.

2. Identified semantic changes are correlated with evolving legal argumentation strategies and interpretative practices.

The research employs a corpus-based methodology, analysing a collection of Polish judicial opinions from several decades. Empirical models, including vector space representations and additional quantitative approaches, will be fine-tuned and applied to the corpus to identify semantic evolution. The study will use Python-based natural language processing tools and statistical analyses to represent changes in semantic similarity and contextual usage. This approach leverages techniques from corpus and cognitive linguistics to understand the data and draw conclusions relevant to legal interpretation.

Preliminary findings suggest that semantic shifts in legal terminology are measurable and correspond with noticeable changes in judicial reasoning. Empirical models can serve as valuable tools for analysing legal language evolution, with potential applications in understanding legal decision-making domain. The synergy of empirical methods and legal analysis not only deepens the theoretical understanding of language change but also offers practical benefits in addressing hard cases of legal interpretation. The interdisciplinary approach underscores the potential impact of combining linguistic theory with empirical data in the legal domain.

Keywords: corpus linguistics; Natural Language Processing; legal language; semantic change; cognitive linguistics

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KEVIN TOBIA, BRANDON WALDON, NATHAN SCHNEIDER, ETHAN WILCOX, AMIR ZELDES
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LARGE LANGUAGE MODELS FOR LEGAL INTERPRETATION? DON'T TAKE THEIR WORD FOR IT

Recent breakthroughs in statistical language modeling have impacted countless domains, including the law. Chatbot applications such as ChatGPT and Claude, which incorporate 'large' neural network–

based language models (LLMs) trained on vast swathes of internet text, process and generate natural language with remarkable fluency. Recently, scholars have proposed adding AI chatbot applications to the legal interpretive toolkit. These suggestions are no longer theoretical: This year, a U.S. judge queried ChatGPT to interpret a disputed insurance contract and the U.S. Sentencing Guidelines.

We assess this emerging practice from a technical, linguistic, and legal perspective. This Article explains the design features and product development cycles of LLM-based chatbot systems, with a focus on properties that may promote their unintended misuse – or intentional abuse – by legal interpreters. Next, we argue that legal practitioners run the risk of inappropriately relying on such systems to resolve legal interpretative questions. We conclude with guidance on how such systems – and the language models which underpin them – can be responsibly employed alongside other tools to investigate legal meaning.

Keywords: large language models; interpretation; legal interpretation

IWONA WITCZAK-PLISIECKA (UNIVERSITY OF LODZ)

READDRESSING THE USEFULNESS OF A SPEECH ACT-THEORETIC APPROACH TO LEGAL PROBLEMS

The paper (re)addresses the problem of using the linguistics speech act theory in the context of legal disputes and legal communication in general.

Speech act theory, at least partly, originated from a mutual reflection that John L. Austin, a language philosopher, and H.L.A. Hart, an eminent legal theorist, shared on the nature of language in legal contexts. It seems that nowhere else is it so visible that words can “do things” in the world as in the law, e.g., when a judge delivers a verdict, in the process of pleading, but also in legal normative texts when they confer rights or impose obligation.

Speech act theory emphasises that language can be, and in most cases is, an instrument of acting in the social sphere. The US contexts provide numerous examples of legal cases in which linguists were invited as expert witnesses to provide their opinion in courts, which were then used in legal argumentation. There have also been numerous contexts where cases involved references to speech act theory and involved “translating” patterns of behaviour into messages (e.g., sleeping in a public place to protest about homelessness, public burning of a cross, burning an Army card), or construing linguistic utterances as actions. In all such cases speech act theoretical issues were explicitly or implicitly given argumentative value.

Convenient as it may seem, speech act theory produces some problems in such applications. The aim of this paper is to briefly review a number of attempts at applying speech act theory in the context of law and provide a critical reassessment of such applications in the light of selected theory-oriented issues, including the main tenets of speech act theory in the Austinian tradition.

SYLWIA WOJTCZAK (UNIVERSITY OF LODZ)

THE INFLUENCE OF AI-POWERED LEGAL INFORMATION SYSTEMS ON LAWYERS’ COGNITIVE CONTEXT IN LEGAL LINGUISTIC INTERPRETATION

Purpose statement: The purpose of the paper is to rethink the influence of AI-powered legal information systems on lawyers’ cognitive context active in legal linguistic interpretation.

Research problem: Contemporary lawyers use various tools in their work, including AI-powered legal information systems. It is not generally disputed that these tools somehow influence the legal system and the way lawyers perform legal interpretation. It is important to examine more carefully what this influence is and whether it involves the legal linguistic interpretation, which has been so far seen as a guarantee of the stability of law.

State of the art: Since the second half of 1960s, many new computer tools, especially databases have been created to help lawyers. However new advantages in AI technology, and especially in Large Language Models give such tools new capabilities, that go far beyond the simple browser that was accessible at the beginning. The use of these capabilities depends on the subtle and complicated knowledge, for example about the construction of the so-called prompts. So far, there is no research on how the AI milieu might influence the way legal interpretation is performed and how it influences the cognitive context of the lawyers which is involved in legal interpretation, especially linguistic legal interpretation.

Hypotheses or research questions: Do AI-powered legal information systems influence the way legal linguistic interpretation is performed? Do they influence the lawyer's cognitive environment and the cognitive context active in legal interpretation?

Description of the methods, instruments and tools: The paper uses the apparatus of cognitive pragmatics and cognitive linguistics combined with the theory of legal interpretation and the knowledge about technical aspects of AI-powered legal information systems.

Summary of the main conclusions:

The main conclusions are the following:

- AI-powered legal information systems influence legal interpretation more than older legal information systems.
- AI-powered legal information systems strongly influence the cognitive environment of the lawyers and the cognitive context within which legal linguistic interpretation takes place.
- The changes in the cognitive environment and the cognitive context in which legal linguistic interpretation takes place depend strongly on the type of the legal information system used and the technical competence of the lawyer.

Keywords: legal linguistic interpretation; legal information systems; Artificial Intelligence; Cognitive Linguistics; Cognitive Pragmatics

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LAW, LANGUAGE, AND POLITICS

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OF NORDIC LIGHTS AND GRIZZLED WARRIORS - INTERNATIONAL ARBITRATION AND THE BACKLASH AGAINST GLOBALIZATION

International arbitration is well-established as perhaps the leading means of resolving contractual disputes among international parties. Investor-state arbitration and less widespread state-to-state arbitration provide further fora for the resolution of disputes with states, occasionally resulting in multibillion-dollar awards for damages. Common to all arbitration is the constitution of a neutral tribunal for the unique purpose of bindingly determining the relevant parties' disputes outside the court system, albeit with variously the acquiescence and active support of national courts. On one level, arbitration is a set of procedural rules for the organization of proceedings, and, on another, a service provider to global commerce, whose fortunes depend on the free flow of goods and an at least tacit acceptance of international trade and foreign investment.

This presentation addresses reactions within the arbitration community to criticisms of neoliberal globalization in 2016. Those criticisms included both leftwing dissatisfaction with the expansive protections afforded investors, arguably to the detriment of the Global South. Moreover, there was concern that rightwing populists, above all the then newly elected US President, Donald Trump, would impede the free flow of trade that is the life blood of arbitration.

The presentation contrasts two very different responses. It considers the documentary *The Quiet Triumph – How Arbitration Changed the World,* released by the Stockholm-based arbitral institution, the SCC, in 2017, which casts arbitration as a means for the peaceful resolution of disputes that may otherwise lead to violence or even war. The film provides a historical account interwoven with comments by luminaries of both the institution and international law. The film marked the centenary of the SCC, but, while the documentary does not engage directly with then recent political anxieties, it is revealing to place it in that context.

The second response is that of Gary Born, one of the globally pre-eminent arbitration practitioners and author of expansive academic commentaries. Around 2016, he toured a cautionary lecture, *Is Winter Coming?.* The title alludes to the transition from a long peaceful summer to a cold, belligerent winter in the *Game of Thrones* novels and television series. Born elaborated on that theme in his 2018 speech at the prestigious Freshfields Lecture in London. Where the Stockholm film quietly hails arbitration as the unsung hero of global peace initiatives, Born's speech is a more aggressive call to arms that casts arbitration as under threat from dark forces.

The presentation concludes with tentative conclusions as to the arbitration community's perception of itself and the actual, largely successful course of arbitration in the past eight or so years. Arbitration is to a high degree self-regulated and its internal discussions are not widely followed outside the profession, still less are their rhetorical strategies and politico-economic assumptions scrutinized. The paper offers a rare analysis of a little addressed aspect of legal discourse and elite engagement with populist or popular critique.

Keywords: International arbitration; critiques of globalization; 2016 populism

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Gary Born, *Is Winter Coming?* (lecture 2016)

MANFRED HERBERT (SCHMALKALDEN UNIVERSITY OF APPLIED SCIENCES)

THE ADMISSION OF ENGLISH AS A COURT LANGUAGE IN INTERNATIONAL COMMERCIAL DISPUTES: A CRITICAL SURVEY OF RELEVANT INITIATIVES IN EUROPE

Court proceedings are generally conducted in the official language(s) of the place of jurisdiction. In some non-English-speaking European countries, however, there are efforts to admit English as a court language in international commercial disputes. The purpose of the paper is to examine the relevant initiatives in Europe from three perspectives: the reasons for these developments are shown (*explanatory part*), the relevant initiatives are presented (*descriptive part*) and assessed (*normative part*). The descriptive part examines the relevant legal sources of the countries that provide for English as a court language and refers to other relevant documents. The explanatory and normative parts are based on an analysis of data and a discussion of the relevant literature.

What are the reasons for introducing English as a court language? Parties to international business contracts usually choose the place of jurisdiction for possible disputes. One important criterion for their choice is the language used for the conclusion of contracts. As English is the lingua franca of international business, the contracting parties usually agree on English as the contract language and a place of jurisdiction in an English-speaking state or an English-speaking arbitration tribunal. Countries that admit English as a court language increase the attractiveness of their courts and thus improve their position on the market for dispute resolution (Themeli 2018). Against this background, special commercial courts have been established in some European countries where English is the court language: in France, Germany, the Netherlands and Switzerland (Isidro 2019; Kramer/Sorabji 2019). There are also ideas to establish a European Commercial Court before which proceedings would be conducted in English (Rühl 2018). The paper describes these projects and assesses the pros and cons: the argument in favor of introducing English as a court language is that it facilitates access to justice for international contracting parties (reduction of translation and interpreting costs, better understanding of the proceedings and the judgment). The main argument against it is the quality problem: there is a risk that proceedings and judgments in English will lead to a loss of precision. The paper argues that the quality problem is a serious one, but that it can be handled. This requires the use of a specific legal English of the civil law systems of continental Europe, which emancipates itself from the legal English of the Anglo-American common law systems. This further presupposes that only judges with an excellent command of legal English are selected. In conclusion, the paper argues in favor of the relevant initiatives and their extension to other countries. It also recommends the establishment of a European Commercial Court.

Keywords: The role of English in international dispute resolution; English as a court language in Europe; English as the lingua franca of international business

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ILLIA KLINYTSKYI (UNIVERSITY OF SILESIA IN KATOWICE)

DEFINING A LANGUAGE RIGHTS PROTECTION STANDARD FOR BENEFICIARIES OF INTERNATIONAL PROTECTION: A COMPARATIVE PERSPECTIVE

This research aims to establish a language rights (LRs) protection standard based on existing legal frameworks and the evolving needs of beneficiaries of international protection (BIP). It compares the European regional human rights framework with the U.S. approach, providing a comparative legal analysis of different methodologies for ensuring linguistic inclusion. Particular emphasis is placed on the European Union (EU) context, as the EU faces an unprecedented influx of displaced persons due to the war in Ukraine, highlighting the urgent need for a coherent and effective approach to LRs protection. A legal standard in this research refers to norms, principles, and evaluative methods that define the minimum threshold for language rights protection (Scheinin & Molbæk-Steensig, 2021).

The terms "language rights" (LRs) and "linguistic rights" are used synonymously, referring to the right of individuals or groups to use their language(s) in specific domains (Klinytskyi & Coady, 2023, p. 99). In scholarly literature, language rights are often contextualized within different theoretical frameworks. A dominant (socio)linguistic approach distinguishes between language human rights and language rights *sui generis* (Skutnabb-Kangas, 2023, p. 7). The former includes (1) the right to education in one's first language (L1) and (2) the right to use L1 in court proceedings, while the latter refers to rights aimed solely at language preservation (Skutnabb-Kangas, 2023, pp. 10–12).

From a legal perspective, language rights are often discussed in relation to state-recognized languages, aligning with national policies. Banaszak (2014, pp. 19–26) follows this approach, basing minority language definitions on state legislation. However, this state-centered methodology excludes groups not recognized under national minority frameworks. Kochenov and de Varennes (2015) acknowledge language as a key element of human rights, yet they do not define a comprehensive catalog of language rights.

Given the uncertainty mentioned above, this research proposes defining a catalog of language rights and a protection standard through European regional legal regulations. This focus is justified, as BIP status is most consistently standardized within the European regional legal framework (Klinytskyi & Coady, 2023, p. 103). Therefore, this study aims to:

1. Identify the international and regional norms that form the minimum standard for BIP language rights at regional, national, and EU levels.

2. Examine existing and proposed legal instruments designed to safeguard these rights.

To bridge theory and legal practice, this research employs a black letter law methodology, analyzing legal texts, judicial interpretations, and policy frameworks. Additionally, it applies interpretative analysis of language rights claims and legal rulings, incorporating economic, political, and social contexts that shape language policies. The U.S. case law-driven approach serves as a comparative perspective, offering alternative methods for resolving BIP language rights challenges.

The findings contribute to a broader discussion on how legal frameworks influence language policies, particularly in social integration and equal access to public services. By comparing European and U.S. legal approaches, this study seeks to provide evidence-based policy recommendations for improving linguistic inclusion and human rights protection for BIP.

Keywords: language human rights, language rights, beneficiaries of international protection, language policy, refugees

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STATE LANGUAGE - A VALUE PER SE OR A POLITICAL TOOL?

The research is devoted to the top topicality in the public discourse of Latvia since 2024: an attempt to strengthen the status of the national language in the aspect of national security of Latvia through the media environment: significantly limiting the broadcasting of public media in languages other than the only national language of Latvia - Latvian - (especially Russian-oriented) from January 1, 2026.

The problem of the research is based on the diametrically opposite reasoning of various state institutions regarding the appropriateness, proportionality and compliance of such a method with the Constitution of Latvia. It is unique and confusing that various institutions within the framework of the executive power (departing from the inverted definitions of the executive power existing in Latvia: all institutions that are not part of the legislature and the judiciary belong to the executive power in a broader sense) have expressed a public categorical position for or against the monopoly of the state language in public in the (state-funded) media.

The research is in progress, taking into account the fact that in November 2024, a case was initiated in the Constitutional Court regarding the use of minority languages in public electronic media. Until 2024, the Constitutional Court has considered 13 cases on the protection of the national language.

This is a large number of cases for the regulation of one issue (in the education system, etc.). The issue of the status of the national language is especially sensitive in Latvia - a country that has experienced the Soviet occupation and Russification, the dominant role of the Russian language. In its judgment, the Constitutional Court stated that the issues of the state language in Latvia should not be viewed separately from the policy implemented by the Soviet occupation regime and the complex ethno-demographic situation that has developed as a result. That is why (taking into account the relatively large number of Russian citizens in Latvia, the existence of non-citizens in Latvia, persons who freely used Russian propaganda media on a daily basis (until the war started by Russia in Ukraine), the protection of the national language is a matter of national security. The national security concept includes the condition that from 2026 As of January 1, the content of public media must be created only in Latvian and languages that belong to the European cultural space in the opinion of the Council of Electronic Media, such a new policy would conflict with the Constitution. Article 4 of the Constitution stipulates that the state language in the Republic of Latvia is Latvian. Article 114 of the Constitution stipulates that persons belonging to minorities have the right to preserve and develop their language. , ethnic and cultural uniqueness.

The main question is: to what extent these articles of the constitution can also directly mean the obligation to finance mass media in various minority languages that are not EU languages (including Russian, Romani, Hebrew, Belarusian). For now, this is an intriguing political and legal issue, which, like many politically sensitive issues, Latvian politicians are happy to refer to the constitutional court for a final decision. In the framework of the research, not only scientific literature will be used, but also policy planning, legislation development materials, as well as findings from the practice of the Constitutional Court, which according to the methodology of the sources of law in Latvia are considered to be generally binding independent sources of law.

The study is important in order to provide an analytical review of the implementation of the principle of Latvia as a nation state in political and legislative practice at the international level in the academic environment and to reduce confusion about the reasons why in Latvia all issues affecting the status of the state language, even 35 years after the restoration of independence, are still considered for sharply sensitive and acute.

Keywords: Status of state language; Mass media; Constitution; National minorities; Integration policy

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DISTINGUISHING THE CONSTITUTIONAL AND NATIONAL IDENTITY: CASE OF OFFICIAL LANGUAGES

The concept of constitutional identity has received a lot of attention recently. Even though there is a growing body of literature in this area, its conception is not uniform. First, it is possible to interpret constitutional identity as a protective shield of the national law of a Member State of the European Union against the application of EU law (Fabbrini, Sajó, 2019). The constitutional identity here is defined by the jurisprudence of the Constitutional Courts. In this judicial approach the constitutional identity is derived as part of the national identity that Article 4(2) TFEU seeks to respect. On the other hand, we encounter a doctrinal approach of constitutional identity, where it can be seen as core elements of the constitution determining its type, basic structure and leading principles (Grimm, 2024) but also as basic values and features of polity in certain cultures (Tomoszek, 2020, p. 292). Although these two overlapping approaches need to be distinguished from each other, some authors in doctrinal approach, such as Jacobson (2010), argue that even here the constitutional identity is part of the national. However, such connection is very problematic, especially if we try to apply it to elements with high national and cultural notions as (official) languages. With the aim to point out the inadequate interpretation of the constitutional identity as part of national identity, I, therefore, asked the question, how the official languages would be perceived if we consider constitutional identity as a part of national identity?

I answered this question mainly by a doctrinal approach. I interpreted and applied general knowledge of state, nation, national identity and constitutional identity since these create basic areas that manifest within the official language. At the border of these areas, I came across 3 interconnected problematic results (from the most general concepts of interpreted and applied terms to the specific problem of official language) from this connection that inherently deny the claim that constitutional identity is part of national identity:

1. National identity is linked to the nation, whereas constitutional identity is linked to the constitution of the state. This interlocking association of these identities in the end ignores their distinction.

2. What is more, not every nation has its own state, and, commonly, there are states which are multi-national and multilingual. It would mean that the constitutional identity interferes with the national identities of other nations in the state.

3. If, therefore, constitutional identity should be part of national identity, then elements of constitutional identity would be part of national identity. If the official language would be a part of constitutional identity it would be a part of the national identity of nations in the state.

These results open up a space for other possible directions. It is possible to build on them claims by Rosenfeld (2010) who perceives these identities as influencing each other, or completely new claims arguing whether it is possible to a certain extent to perceive national identity(s) as part of the constitutional.

Keywords: constitutional identity; national identity; official language; state; nation

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LOOKING FOR LEGISLATIVE INTENT

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THE IMPACT OF LEGISLATIVE INTENT ON JUDICIAL DECISION-MAKING: AN EMPIRICAL ACCOUNT

It is commonly taken for granted that legal texts, such as statutes, are enacted to convey the intention of the law-maker. On this assumption, judges often claim that legal texts ought to be interpreted so as to secure conformity with the intention of the authority that enacted them. The plausibility and strength of this standpoint is highly disputed, however. First, it is not clear whether legislatures qua collective bodies do have intentions, and how such intentions can be known (see, e.g., Radin 1930, 863; Dworkin 1986, 335ss.; Waldron 1999; Canale 2017; Canale & Poggi 2019). Second, when judges resort to legislative intent in legal interpretation, they sometimes look for the intention of the authority that enacted the law (original intent), but in other occasions they figure out what the intention of a counterfactual, rational or ideal legislature could have been (see, e.g., Bobbio 1971; Poggi & Ferraro 2023; Brunet & Poggi 2024). Third, the object of legislative intent is not univocally identified in legal practice. It is defined either as what the legislature intended to say, or as what the regulation was meant to achieve in societal life, or even as the intrinsic purpose of a law within a given legal system (see, e.g., Diciotti 1999, 312ff; Guastini 2008, 38ff; Velluzzi 2013, 74ff). In this paper we present the result of an empirical research on the use of the argument from legislative intent by Italian high courts over the past 10 years. The purpose of the research was to establish the impact of legislative intent on judicial decision-making. More precisely, research showed how often the argument is used by Italian courts, what forms the argument takes in the reasoning of the judges, what relationship this interpretative argument has with other arguments, and what weight is given to it by judges in different branches of the legal system.

Keywords: Experimental jurisprudence; Legal interpretation; Legislative Intent.

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GRICEAN PRAGMATICS AND THE CONSTRUCTION OF LEGAL STATUTES

An ongoing dispute in legal philosophy refers to the suitability of applying Gricean pragmatics to legal interpretation. Some (e.g., Greenberg 2010, 2011 and Slocum 2016, 2017) contend that Grice's conversational model for generating implicatures can address problems of vagueness and ambiguity and uncover unstated assumptions in legal texts. Others (e.g., Poggi 2010, 2016, 2020, Capone 2016, Poggi & Ferraro 2024) claim that the model is inapplicable because legal interpretation is radically different from the interpretative process carried out by hearers in ordinary conversations.

Gricean pragmatics is built on two main premises: (i) meaning can be explicated in terms of the communicative intention of the speaker, that is to say, in terms of her intention to communicate certain content to a hearer by means of the recognition of that intention; and (ii) speakers can communicate contents that go beyond what their utterances conventionally communicate –so-called implicatures– based on the presumption that speakers behave according to rational principles of communication, epitomised by the Cooperative principle and conversational maxims. Those who regard a Gricean approach inapplicable to legal interpretation point out that neither of these premises hold in the legal context: behind a legal statute there is not a unique, determined, collective communicative intention, and neither the Cooperative Principle nor the maxims exist as conventions in legal interpretative practices.

Independent of the merits of these criticisms, in this paper we argue that Gricean pragmatics (Grice 1957, 1975, complemented with Recanati's 1989, 2003 and Carston's 2002, 2013 contextualism) can provide a useful theoretical starting point to enhance the linguistic construction of legal statutes. More specifically, we will contend that such theoretical framework, when adapted to the factual circumstances and normative demands characteristic of law-making processes, requires from each legislator, *individually*, to propose (argue for and approve) linguistic formulations which maximise the chances that future addressees can construct interpretative hypotheses that sufficiently resembles the communicative intention of that very legislator (which does not mean, of course, that *the interpreter* should aim at reconstructing the communication intention of each legislator). In practice, this means that each legislator must ensure, to the best of her ability, that future addressees have the appropriate premises for formulating an interpretative hypothesis that resembles the legislator's communicative intention, namely: (i) a legal utterance (i.e. a normative disposition) whose (codified, conventional) linguistic meaning is consistent with the communicative intention that the legislator intends to make manifest; (ii) the presumption on the part of the addressee that legislators behave in accordance with some principle of communicative rationality, such as the CP and its maxims; and (iii) the contextual beliefs projected by the legislator to be shared with the addressee.

Keywords: communicative intention; Gricean pragmatics; intention of the legislator; law-making; meaning

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LEGISLATIVE INTENT AND LEGISLATIVE WILL IN DANISH PREPARATORY WORKS: A CONCEPTUALLY ORIENTED RHETORICAL CRITIQUE

This case study that I will present explores the relationship between two key concepts in legal theory, "legislative intent" (*lovgivers intention* or *hensigt*) and "legislative will" (*lovgivervilje*). I will do so empirically through an analysis of selected Danish preparatory legislative works from the period 1980-2024. In the Danish legal tradition, preparatory works are a legal source and serve a dual function: they explain why a proposed legislative initiative is considered desirable, and they offer guidance on how the proposed rules should be interpreted and applied. The justification of a legislative initiative is thus closely tied to its purpose: *why* it ought to be enacted. In Danish legal scholarship, this justification is often associated with the notion of legislative intent and its importance in the processes of interpretation as described by for example Danish law professors Knud Illum (1945) and W. E. von Eyben (1991).

The research problem addressed in this case study is the lacking clear distinction between legislative intent and legislative will. My hypothesis is that a cross-sectional analysis of "legislative intent" can help qualify our understanding of "legislative will." Shifting the focus from legislative intent to legislative will enables analysis of legal justifications from a broader rhetorical perspective, including more implicit rationales. To that end, the study draws on a conceptually oriented rhetorical critique, inspired by the work of professor in rhetoric James Jasinski, to outline the contours of "legislative will" as a concept. The conceptually oriented rhetorical critique relies on "the constant interaction of careful reading and rigorous conceptual reflection" (Jasinski, 2001, p. 139). In the presented case study, with Jasinski's words, I keep "legislative will" as a concept open and as a 'work in progress,' and I let the analyses of preparatory legislative works reflect on the concept - and vice versa.

This framework serves as a basis for discussing how the justification for legal enactment has changed over time in Danish legislative discourse. The working hypothesis is that these justifications have moved from focusing primarily on internal deficiencies within the legal system itself to emphasizing broader societal desirability. This shift involves appeals to rationalities that originate outside the legal domain, such as political or social reasoning, indicating a transformation in how legislative necessity is legitimized.

The rhetorical critique is operationalized through a mixed-methods approach that combines rhetorical close reading with corpus-based analyses. This combination enables both in-depth analyses and pattern recognition across a large body of texts. In the quantitative analyses, I use the software *SketchEngine* to analyze through concordances and collocations specifically how agency is attributed to various actors. The qualitative analyses build upon the theory of constitutive rhetorics and employ the linguistic appraisal framework developed by Martin and White (2005). Through the three domains of attitude, engagement, and graduation, I examine how the stated changes that the legislative initiative is intended to bring are rhetorically constituted and legitimized.

Keywords: Legislative intent; Legislative will; Law and Rhetoric; Preparatory Legislative Works

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LEGISLATIVE INTENT FROM THE PERSPECTIVE OF PHILOSOPHY OF MIND

"Intentionalism" claims that the content of legislation is constituted by the actual intention of a legislature (see e.g. Ekins 2012). This view is often criticized on the grounds that individual legislators, even those who support a given proposal, do not necessarily share the same semantic intention with respect to a given statute. Thus, there is a temptation for Intentionalists to propose that the legislature itself, taken as an irreducible object, is the source of the communicative intent behind the legislation. Recently, such a proposal has been explicitly put forward by Collins and Tan (2024), but many earlier proponents of Intentionalism (like Raz 2009) have simply assumed this view. However, the claim that legislatures have irreducible intentions presupposes the idea that they are systems with their own unique mental states – what philosophers of mind call *minded* systems. I will present two popular approaches in the philosophy of mind, namely functionalism and Dennett's (1989) intentional systems theory, and examine how they might, at least in principle, allow us to , understand legislatures as genuinely minded systems. I will argue that (1) functionalism allows for the abstract possibility that legislatures might possess genuine, irreducible intentions; but from the empirical perspective it is highly unlikely that any actually existing legislatures would meet the functionalist criteria for being a minded system. On the other hand, (2) intentional systems theory provides a plausible description of the behavior of legislatures; however, if we understand intentional systems theory correctly, then it turns out that it supports an instrumentalist-fictionalist approach to legislative intent (like the one described by Canale 2021), rather than a realist one. If this is right, then it appears contemporary philosophy of mind does not lend support to the idea that legislatures are irreducible agents, capable of having communicative intentions.

Keywords: Intentionalism; legislative intent; philosophy of mind; functionalism; Intentional Systems Theory

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