The French Legal Linguistics Seminar
February – July 2021
Online

Mary C. Lavissière
University of Nantes – Centre de Recherche sur Identités Nationales et
Interculturalité (CRINI), France

Mary C. Lavissière is an Associate Professor of Applied Language and
Linguistics at the University of Nantes – Centre de Recherche sur Identités
Nationales et Interculturalité (CRINI), Nantes, France where she researches
language for specific purposes, morphosyntax, modality, historical linguistics and
linguistic methods applied to management sciences and language teaching. Her
recent work includes projects on legal language and textometry applied to
management sciences and language teaching.
marycatherine.lavissiere@univ-nantes.fr, https://orcid.org/0000-0002-4241-4389

The French Legal Linguistics Seminar took place from February to July 2021 in the form
of seven two-hour seminars. These sessions were organized by Johannes Dahm and Mary C.
Lavissière (University of Nantes) and Laurent Gautier, Arthur Joyeux, and Waldemar Nazarov
(University of Burgundy). The seminar aims to gather scholars and professionals working in
legal linguistics and associated domains such as legal translation, interpretation, and forensic
linguistics in France. It also seeks to create links amongst international researchers who are
interested in French approaches to legal language and linguistics. Finally, although current or
historical frameworks used in France are the focus of many invited speakers, the seminar
encourages conversations about how French methods and frameworks compare with those used
in other countries.

The seminar is organized several times a year in different universities in France. The
continuing health crisis in 2021, however, was the opportunity to move the seminar online. The
advantage of this format was clear from the diversity of participants. The speakers and audience
members came from twenty different countries and represented a large number of universities.
The digital format also favored a diverse audience in terms of professional domains and career
stages. Academic professions, including teachers and researchers ranging from full professors
(active and retired) to undergraduate students were able to take part in the discussion as were
lawyers, jurists, interpreters, and translators. Finally, the sessions were recorded and are

available for viewing on the seminar's website (Centre de Recherche sur les Identités Nationales et l'Interculturalité, 2021).

The focus of the 2021 sessions is the topic of stereotypes of and in legal language. The starting point for this reflection is a larger research program on stereotypes and representations in the CRINI laboratory at the University of Nantes. While the term *stereotype* is frequently evoked in scholarly and non-scholarly contexts, there is little consensus about its exact meaning in academic literature (Galeote, 2016). In the English-speaking world, especially in legal contexts, the term stereotype is highly charged with negative connotations. In contrast, *stéréotype* in French occupies a more neutral semantic space. It may indeed make reference to an enduring and unquestioned representation of a phenomenon that has problematic social consequences, however, *stéréotype* can also make a more neutral reference to an "enduring form, model, pattern" ["forme constante, modèle, patron" – author's translation] (*Analyse et traitement informatique de la langue française*, 2004). In linguistics, the term has sometimes been used to refer to semi-fixed linguistic elements, "Stable association of elements, group of words forming a unit that has become indecomposable, used after having lost all expressiveness and used with an abnormal frequency" [*"association stable d'éléments, groupe de mots formant une unité devenue indécomposable, réemployée après avoir perdu toute expressivité et avec une fréquence anormale."* –author's translation] (*Analyse et traitement informatique de la langue française*, 2004). Invited speakers in the seminar studied the functions, both social and linguistic, of stereotypes that impact legal language and associated disciplines. They also presented the way stereotypes impact the community using legal language and this community's views concerning its own linguistic production.

The seminar opened with Dr. Margarete Durr (University of Strasbourg – Centre Interlangues) on 19 February 2021 and her presentation entitled "Stereotypes and Relevance: Lines of Convergence." In her talk, Dr. Durr argued that while all language is a reservoir of (stereo)types, legal language is subject to a higher rate of typification at several levels. To explain her analysis of the connection between stereotypes and relevance, Dr. Durr made reference to the concept of *frames* (Ziem, 2008) as a semantic schema and entity of organization. From this theoretical standpoint, a stereotype can be given a wide definition as both a structure of experience and a frame. More narrowly, a stereotype can be defined as an association of an epistemological and an axiological element or a fixation of one variable in a frame's default instantiable slots. This fixed element is integrated into "the space of comprehension" (Ziem, 2008, p. 143) and specific communicative practices. Dr. Durr then introduced the concept of relevance about which she has authored a scholarly monography (Durr, 2020). Relevance is

related to processes of comprehension and sense-making. It allows for selection and for the activation of interpretative schemas. It also allows for the determination of relationships within a schema. Because relevance is inscribed in the semantic structure of a frame, we can conclude that the stereotype may be a fixation of relevance which blocks the latter's modification despite conflicting evidence that would call for an update.

The second session took place on 12 March 2021 with the presentation of Dr. Arthur Joyeux (University of Burgundy – Centre Pluridisciplinaire Textes et Cultures). Dr. Joyeux's presentation was entitled "Practitioners of Law and Language: Categorizations and Representations." He focused on the introduction of *standards* into different domains of French law, especially French contract law. Standards are characterized by their generality, their reference to social normality, their vagueness, and their indetermination. They include, for example, *reasonable person* (*personne raisonnable*), *reasonable time* (*délai raisonnable*), *reasonable cost* (*coût raisonnable*), and *legitimate expectations* (*attentes légitimes*). As seen from these examples, linguistically, standards are linked to the use of adjectives that make reference to a social norm. Standards, according to Pound (1919) allow for vagueness and confusion. On the other hand, they also allow for adaptation to social changes (Tunc, 1970). Finally, standards are linked to stereotypes. The standard may impose a different type of logic on the judge, a logic that makes reference to criteria of normality and reasonableness. The judge, therefore, may rely on social or professional stereotypes rather than on clearly defined criteria. In sum, the existence of an alternative type of reasoning calls for a wider examination of representations of judicial reasoning.

Dr. Laurent Gautier and Waldemar Nazarov, Ph.D candidate, (University of Burgundy, Centre Interlangues) presented their research in the third session of the seminar on 23 April 2021. Their communication was entitled "Co-drafting in Plurilingual Systems and Meaning Fossilization: A Semantic and Translation Studies Approach to Swiss Ordinances Linked to COVID-19." Their research explored the process of legal translation and legal drafting in multilingual countries under the pressure of the COVID-19 pandemic. More specifically, the researchers used frame semantics to examine how stereotypes about the words *Veranstaltungen* and *manifestations* ("gathering"/ "event") in Swiss German and French were connected to varying interpretations of a Swiss ordinance about the nature of restrictions on public and private gatherings. The varying interpretations led to the need for the Swiss government to clarify the ordinance in question. Their research shows the importance of considering entrenched social representations such as stereotypes while co-drafting or translating legal texts.

In the fourth session on 21 May 2021, Dr. Julien Longhi (University of Cergy-Pontoise - Institut des Humanités Numériques) presented his research about stereotypes in the French media coverage surrounding forensic linguistics in France. His presentation was entitled "Stylometry, Forensic Linguistics, Legal Linguistics: Corpus Studies to Separate Myths, Fantasies and Marginalization." Forensic linguistics has been the focus of a debate in the French media since the revelation that lawyers in the "Little Grégory Affair" had called for a linguistic analysis of some of the textual evidence in the case. This development led experts associated with the case as well as researchers and legal professionals to criticize the use of statistics and linguistics for author identification and other forensic analyses. Dr. Longhi presented some of the developments in forensic linguistics in France, whose legal system has given less authority to linguists than other Western judicial systems. Dr. Longhi presented several of his research projects which aim to make linguistics a tool for French policing institutions such as the *gendarmerie nationale*. He rejected the opposing media stereotypes of forensic linguistics that simultaneously represent this application of linguistic methods either as a panacea or as artifice. Dr. Longhi argues that linguistics is one of many disciplines that can contribute to an interdisciplinary approach to criminal investigations.

In the fifth session, Dr. Stefana-Olga Galatanu (University of Nantes) presented her study entitled "The Contribution of Semantico-Discursive Elements in the Theory of Semantics of Possible Argumentatives (SPA): Stereotypes of Lexical Entities and the Resolution of Interpretation Conflicts in the Discourse of Judicial Practices." The concept of stereotypes, in the more neutral French conception, is central to Dr. Galatanu's theory of semantics. In this theory, the stereotype is a block of internal argumentation that is attached to a word's set of essential internal traits. These are equally attached to external blocks of argumentation that allow for different interpretations of a word in discourse. In this study, Dr. Galatanu argued that the line separating legal terms from non-legal language is porous because of stereotypes. Judges and legal professionals are therefore constantly confronted by potential non-terminological argumentations that are attached to words which also serve as legal terms. Dr. Galatanu illustrated her theory with a diverse corpus of legal language including a dictionary of legal terms, extracts from courtroom proceedings, letters written by serial killers (Furio, 1998), and interviews with prisoners in France.

The sixth session included two speakers, Dr. Martina Nicklaus (University of Düsseldorf) and Dr. Paolo Canavese (University of Geneva). Dr. Nicklaus presented a talk entitled "Lying in Legal Contexts: Techniques of Identification, Illustrated Using Evidence from German." The detection of lies in testimony is crucial to judicial proceedings. This is especially true of

sexual abuse cases, where the testimony is often key evidence and sometimes the only evidence. Dr. Nicklaus focused on one lie-detection method in her talk: statement validity assessment (SVA). This method, which is widely practiced in Germany, includes linguistic analyses and is supported by experts in the field of psychology (Daber, 2014; Steller, Koehnken, & Raskin, 1989). Dr. Nicklaus highlighted the criticism of some stereotypical representations of language put forth in this technique. She presented excerpts of testimony that had been rated using this technique and underlined the potential of the truth criterion called *spontaneous corrections* when the latter is combined with pragmatic analysis, for example that of Stokke (2018).

Following Dr. Nicklaus's presentation, Dr. Paolo Canavese presented his talk entitled "'Misuse of English Expressions,' 'Inflation of English Terms,' 'Fight Against the Use of Anglicisms': Anglicisms in Swiss Institutional Language, Between Stereotypes and Empirical Findings." His research focused on the Swiss government's reaction to claims that the institutional languages of Switzerland were being threatened by excessive use of English words. This stereotype led to a push to pass legislation for the protection of languages spoken in Switzerland. None of the claims about the increase of English words in Swiss institutional discourse, however, had been the subject of scientific investigation. Dr. Canavese carried out a diachronic study of the corpus *LEX.CH.IT* (Canavese, 2020) which includes Swiss federal laws from 1974 to 2018, representing a total of 1.1 million words. His quantitative and qualitative studies of English words in the corpus point to a curated use of these words rather than an uncontrolled invasion. These words correspond to a language need, usually because an equivalent does not exist in Italian. Finally, the words are transparent and often defined in the texts that use them.

Dr. Dieter Stein (University of Düsseldorf) presented his research in the seventh and final session of the seminar. His communication was entitled "Jurilinguistique and Legal Linguistics: Some Myths and Stereotypes." Dr. Stein explored the stereotypes about language present in the disciplines of linguistics and of law. He focused specifically on the differences between the approaches to legal linguistics in France and those used in the wider English-speaking community of researchers. Dr. Stein put forth the hypothesis that the influence of structuralism in France has led researchers to focus on semantics and system-based approaches rather than favoring pragmatics-oriented approaches. This trend, however, does not exclude collaboration amongst researchers coming from these different theoretical backgrounds and should rather be seen as an opportunity for new joint efforts to understand language in legal contexts.

The French Legal Linguistics Seminar ends this series of meetings with the intention to continue sessions in the fall of 2021. The program will be announced on the webpage of the

seminar (Centre de Recherche sur les Identités Nationales et l'Interculturalité, 2021) in September 2021. While the organizers hope for a return to meetings in person, the possibility for researchers from around the world to attend the seminar online will be maintained through a hybrid format. In addition, an international conference entitled "Stereotypes and Representations in Times of Crisis," will be organized by the CRINI laboratory in Nantes, France, in June 2022. It will partly focus on representations and stereotypes during times of past, current, or future crises as seen through the lens of legal linguistics and its associated disciplines. The call for papers will be published in October 2021. The conference will be an opportunity for participants in the French Legal Linguistics Seminar to meet for a more extended period of time dedicated to research about linguistics and law.

References

Analyse et traitement informatique de la langue française. (2004). Stéréotype. In *Trésor de la langue Française informatisé*. CNRS. https://www.cnrtl.fr/definition/stereotype

Canavese, P. (2020). Els anglicismes en l'italià legislatiu suís: Extensió i naturalesa del fenomen. *Revista de Llengua i Dret, 0*(74), 18-37. https://doi.org/10.2436/rld.i74.2020.3545

Centre de Recherche sur les Identités Nationales et l'Interculturalité. (2021). Séminaire francophone tournant de jurilinguistique « Stéréotypes de la langue juridique et dans la langue juridique ». Centre de Recherche sur les Identités Nationales et l'Interculturalité. https://crini.univ-nantes.fr/activites/seminaire-stereotype-langue-juridique

Daber, B. (2014). Neue Entwicklungen in der Aussagepsychologie. In R. Deckers & G. Köhnken (Eds.), *Die Erhebung und Bewertung von Zeugenaussagen im Strafprozess: Juristische, aussagepsychologische und psychiatrische Aspekte | 4. Band* (pp. 259-266). BWB Verlag.

Durr, M. (2020). *La pertinence en traduction juridique: Un regard franco-allemand*. Peter Lang.

Furio, J. (1998). *The serial killer letters: A penetrating look inside the minds of murderers*. Charles Press.

Galeote, G. (2016). Introduction. *Iberic@l, Revue d'études ibériques et ibéro-américaines, 10*. Retrieved June 20, 2021, https://web.archive.org/web/20210610181828/https://iberical.sorbonne-universite.fr/wp-content/uploads/2017/02/Pages-from-Iberic@l-no10-automne-2016-1-Intro.pdf

Pound, R. (1919). *The administrative application of legal standards*. Bibliolife network.

Steller, M., Koehnken, G., & Raskin, J. D. (1989). Criteria-based statement analysis. Credibility assessment of children's testimonies in sexual abuse cases. In *Psychological techniques in law enforcement* (pp. 217-245). Springer.

Stokke, A. (2018). *Lying and insincerity*. Oxford University Press.

Tunc, A. (1970). Standards juridiques et unification du droit. *Revue internationale de droit comparé, 22*(2), 247-261. https://doi.org/10.3406/ridc.1970.15698

Ziem, A. (2008). Frames und sprachliches Wissen: *Kognitive Aspekte der semantischen Kompetenz.* De Gruyter.