Dire la Giustizia: lingue, culture e traduzioni del diritto

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The University of Milan has a long tradition of linguistic studies investigating the use of foreign languages in professional communication, particularly in fields such as business, medicine and law. These studies often adopt a contrastive linguistic perspective. This tradition is particularly associated with researchers such as Giuliana Garzone and Paola Catenaccio, who have extensive experience in this area. However, a new generation of researchers is emerging, particularly in the field of contrastive work on how language is expressed in different languages, cultures, and jurisdictions. Since 2024, Naiara Posenato has led a project titled '*Linguaggio giuridico e diritti fondamentali nei contesti multilinguistici e comparati*' (*Legal language and basic rights in multilingual and comparative contexts*) at the University of Milan. The project aims to bring together local stakeholders and establish a framework for collaboration within and beyond the university, focusing on the comparative analysis of legal language. This conference was part of the project, with Naiara Posenato acting as the main organiser alongside Chiara Preite and Jekaterina Nikitina.

The title of the conference, *Dire la Giustizia: lingue, culture e tradizioni del diritto*, which translates as '*Expressing the Law: languages, cultures and traditions in law*', indicates that the scope of the conference's studies was intended to be fairly broad. The presentations were given partly by invited speakers from other universities and partly by local researchers. Both invited speakers and local researchers specialise in the study of legal communication across a variety of languages, which is why the plural 'languages' in the conference title was appropriate. Participants had a background in both law and linguistics, as well as basic education. First, I will present the contributions by the invited speakers, and then I will proceed to the contributions by the local researchers.

All contributions address topics at the intersection of language and law. The underlying idea is that law exists among the citizens of a jurisdiction because it has been expressed in language, allowing it to be communicated and debated. However, the different contributions emphasise one of the three perspectives mentioned in the title (language, culture or tradition) more than the others. Below, I will present the conference contributions grouped according to their focus and point of departure.

Traditions as constitutive of a (national) culture was specifically central for the contributions by Lorenza Acquarone (Modernità e retorica postcoloniale nella riforma della giustizia penale Indiana) and by Maria del Carmelo Angelillo (Innovazioni linguistiche nella riforma della giustizia penale indiana e retaggi filosofici e religiosi nel diritto degli animali), where specificities in the Indian society and culture and their influence upon the law and its formulations were presented. Another work focusing on cultural traditions, albeit with a more comparative approach, was the presentation by Naiara Posenato (*Sentenze, cultura e linguaggio giuridico fra competizione degli ordinamenti e legittimazioni del discorso*). The focus of her study was court decisions as expressions of specific legal traditions in the form of textual conventions. Such conventions typically go beyond the minimally necessary in order to signal the role of the institution issuing the decision. She summarised her deliberations on court decisions in four statements: 1) they are sites of complexity; 2) they participate in the discussion and development of different legal models; 3) they are sites of legal construction; and 4) they legitimise the institution that made the decision. Based on stylistic investigations, she sees the traditional French approach (complex structure, impersonal, court as a collective, hermetic argumentation) and the traditional English approach (discussing style, inclusion of many different factors, court as consisting of individuals) to writing decisions and building argumentation as to ends of a scale. A competition between the two is visible in international courts. Furthermore, this competition is evident in technological developments in different jurisdictions, such as the ability to conduct asynchronous deliberations among court

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members on shared platforms. This allows for greater transparency in deliberations, even in jurisdictions that traditionally adhere to a more closed argumentation style.

Another group of contributions departed from the cultural perspective, addressing more language-oriented questions of cultural influence. Barbara Pozzo of Insubria gave a talk entitled '*The myth of equivalence in legal translation*', discussing the general problem that legal meaning is traditionally rooted in the national legal system to which it belongs. This makes it difficult to fulfil the purpose of legal translation, which is to find equivalents for legal terms in the source language in the target language system that render the deep meaning of the source language terms. This is despite the fact that there are typically differences in categorisation and conceptualisation between the source and target languages. She presented a number of issues arising from these differences but concluded that the absence of single terms with identical deep meanings does not preclude valuable translations. This is because concepts may exist in both languages, albeit in different statutes and positions within their respective systems. Comparative law studies are therefore central to assisting translators in their quest for suitable equivalents. A second area of translational challenges discussed in the talk was translation in the multilingual legal system of the EU, where an independent legal system is being developed alongside the languages of the member states, each of which has its own existing legal terms and concepts. Once again, conceptual work based on comparative law studies was presented as an important tool, for example through establishing common frames of reference. Finally, she highlighted a specific issue in this context: concepts introduced into national legal systems based on a common framework may diverge if not supervised externally. The emergence of an actual EU legal culture that lawyers would feel part of would probably help here.

Departing from a similar context than the last part of Pozzo's talk Jekaterina Nikitina (*Multilingualism and translation in international human rights courts*) focused upon the characteristics of the international and multilingual field of human rights as treated in different human rights courts (European Court of Human Rights, Inter-American Court of Human Rights, African Court of Human and People's Rights). Although they all work with the general concept of human rights, her research has shown that they must be considered as three distinct discourses on the topic, emerging from different contextual conditions. While there are examples of conceptual convergence across regional contexts (e.g., the importance of the concept of 'reasonable time'), there are also examples of divergence (e.g., the concept of 'just satisfaction', which only appears in the European context). Interestingly, from a cultural framework perspective, she found clear examples of conceptual dynamics resulting from trans-regional dialogue, i.e., drawing inspiration from the other discourses to develop the regional fields. Thus, a kind of overarching human rights culture appears to exist.

Two papers also departed from culture but in a different sense than the previous two. One was the project presented by Margaret Rose with the title "*Linguistic and Cultural aspects of a Shakespeare Theatre Workshop at Milan's Cesare Beccaria Young Offenders Institute"*. In this project, the power of Shakespeare's plays is used as a pivot to bring together students of law as well as literature and languages with young offenders serving time or out on probation. Following discussions about justice and law they rewrote a court scene from the play and positioned it in a modern context well-known especially to the young offenders. Here, Shakespeare's cultural product enabled the participants to learn a lot about each other's worlds and views. The second presentation in this group was by the author of this report, Jan Engberg, Aarhus, who was another of the invited speakers. The talk had the title *"Legal cultures as knowledge communities - How* dire la giustizia *helps constructing communities of different scope*". The idea was to investigate how the cultural elements characterising law are mediated to the general public in a specific true crime show. The basis of the talk was a distinction between different communities related to law in a society suggested by Anesa (2024), reaching from the community of legal experts sharing knowledge and expertise in law to the citizens of a society that are involved in the law because they are potentially affected by it, although they have neither knowledge nor expertise about it.

Two papers also departed from the theme of culture, albeit in a different sense to the previous two. One was the project presented by Margaret Rose, titled 'Linguistic and Cultural Aspects of a Shakespeare

Theatre Workshop at Milan's Cesare Beccaria Young Offenders Institute'. This project used the power of Shakespeare's plays to bring together students of law, literature, and languages with young offenders serving time or on probation. After discussing justice and the law, the participants rewrote a court scene from a Shakespeare play and set it in a modern context familiar to the young offenders. Here, Shakespeare's work enabled the participants to learn a great deal about each other's worlds and perspectives. The second presentation belonging to this category was given by Jan Engberg from Aarhus, who was one of the invited speakers. His talk was titled "*Legal cultures as knowledge communities: How dire la giustizia helps construct communities of different scope*". The idea was to investigate how cultural elements characterising law are mediated to the general public in a specific true crime show. The talk was based on a distinction between different legal communities in society, as suggested by Anesa (2024). These range from communities of legal experts who share knowledge and expertise in law, to citizens who are involved in the law because they are potentially affected by it, despite having no knowledge or expertise in the field. Mediating legal knowledge through true crime shows is seen as an attempt to influence the views of citizens involved in the law by making selected characteristics of legal expert culture available to them. In analysing an episode of the true crime show '*Auf den Spuren der KuDamm-Raser*', the focus was on how the professionals from the police and courts were described as highly competent individuals with a human side, performing the role of experienced and objective specialists in their field. The episode was characterised by an attempt to present the authorities as trustworthy by showing their professionalism and the everyday nature of their work, while simultaneously creating an emotional bond with the professionals based on their individual personalities. Therefore, the investigated crime show can be viewed as an attempt to make legal principles, such as objectivity and neutrality, accessible to the general public by presenting them in a relatable and entertaining format and thus supporting the building of communities.

The rest of the presentations at the conference may be seen as belonging to the same category, i.e., a category of works departing primarily from linguistic factors in a wide sense in order to investigate elements of legal culture and tradition. We find here first the presentation by the third invited speaker, Łucja Biel, Warsaw. Her talk with the title *"An anatomy of legal terms: The complexity of EU terminology"* was a description of the different elements of the complex structure underlying terms in EU law. It thus was well connected to the presentation by the other invited speaker, Barbara Pozzo. Focus was upon different elements of complexity that characterize the anatomy of EU terminology and as a tendency make them difficult to process and work with. Examples here are multilingualism, length, grammatical characteristics, breadth of topics, and polysemy between the meanings of national and EU terms, to name but a few. The presentation by Mario Matarrita (*La pragmática lingüística de los tribunales constitucionales: el caso de Costa Rica*) departed from an investigation of pragmatic strategies and speech acts in order to better understand the culturally rooted practice of the constitutional tribunal of Costa Rica. Bettina Mottura (*Il linguaggio giuridico-istituzionale cinese*) investigated language and discourse in the Chinese constitution of 2018 in order to understand the amendments introduced in this version. Other than often the case in such studies she took an institutional rather than purely legal approach in order to grasp the special characteristics of laws and constitutions in a jurisdiction in which there is no distinction between the state and the ruling party. Hence, through studying a major investigation of different genres she found that the Chinese constitution is used as an instrument to achieve the political goals of the ruling party and also to legitimate the claim of the party to govern the country. Maria Cristina Paganoni (*Naming gender-based violence: news discourse and the law in Italy and the UK*) presented a study of links between the development of the concept of femicide in legal contexts since 1976 especially in UK and in Italy, on the one hand, and the general media coverage of the concepts, on the other. The concept is highly discussed in an Italian context since some years, leading to it being an independent concept in the Italian criminal code since November 2025, whereas it is subsumed under the concept of murder in a UK context. Her study focused upon a comparison of naming and framing of the concept in news articles in the UK during the first year of the COVID period, where there was a focus on the repercussions of families being forced to be together within a limited space. Media coverage seems to conceptualise the problem as mainly a consequence of the virus, whereas discourse studies indicate that femicide is more related to systemic aspects of coercive control. Finally, Chiara Preite e Silvia Cacchiani (*La cortesia linguistica nel discorso giudiziario: analisi*

contrastiva di sentenze della Cour de Cassation *e della* Supreme Court of the United Kingdom) departed from the linguistic and pragmatic concept of positive and negative face in order to establish links to differences between the French and the UK-English legal cultures like the ones also presented in the presentation by Naiara Posenato. The categories of the pragmatic concept of face, especially face-threatening and face-flattering acts can be used to describe the linguistic aspects of such characteristics as the more discursive style and ways of deciding in the UK legal culture as opposed to the more impersonal and authoritative way of argumentation and deciding. Thus, they presented an innovative way of understanding and conceptualising the differences between legal philosophies.

I was very happy to participate in this interesting and thought-provoking event. And I can only recommend that you keep an eye on future developments in the cooperation of the colleagues at the university of Milan – interesting things are about to emerge from that context, I am sure!

References

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