

Professional Discourse across Medicine, Law, and Other Disciplines

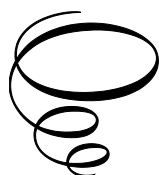
Professional Discourse across Medicine, Law, and Other Disciplines:

Issues and Perspectives

Edited by

Girolamo Tessuto, Richard Ashcroft
and Vijay K. Bhatia

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Professional Discourse across Medicine, Law, and Other Disciplines:
Issues and Perspectives

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Edited by Girolamo Tessuto, Richard Ashcroft and Vijay K. Bhatia

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SERIES EDITOR'S PREFACE

This volume grew out of the 6th International Conference *Cutting Through Medicine, Law and Other Disciplines - Interdisciplinary Challenges and Opportunities* (20-21-22 May 2021) organised by the Centre for Research in Language and Law (CRILL) of the University of Campania 'Luigi Vanvitelli'. The conference was attended by highly renowned international keynote speakers, Professors Richard Ashcroft (UK), Vijay K. Bhatia (Hong Kong, Greece), Ruth Breeze (Spain), Giuliana E. Garzone (Italy), Rick Iedema (UK), Srikant K. Sarangi (Denmark), and Robin Walker (Spain), who lectured on different topics, alongside the impressive response received from national and international scholars and researchers contributing to a wealth of presentations. As part of the newly established CIRLaM (Centre for Interdisciplinary Research in Language and Medicine) building upon research done by CRILL, this volume is a selection from those papers presented at the CRILL symposium, reshaped into articles after a double-blind peer review for inclusion in the current volume of the *CIRLaM Medical Discourse and Communication*, new international double-blind refereed series.

I would like to recognise the serious commitment made by some members of the CIRLaM International Academic Board (Vijay K. Bhatia and Richard Ashcroft) to double-blind peer review (alongside myself) the various conference contributions included in this book. Last but not least, my warm thanks to Stephen J. Spedding (member of the Crill/Cirlam team) for his tireless efforts in liaising with contributors, checking sources and preparing the manuscript for publication.

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INTRODUCTION

GIROLAMO TESSUTO

Setting the scene

Over the last few decades, professional discourse across a range of disciplinary domains has become fully-fledged among many researchers working in the area of languages for specific purposes (ESP), or specialized languages, and other experts. Growing out of the ground-breaking research into the field (Gunnarson et al. 1997) and facilitated by the need for “differentiation and specialization of professions” (Gunnarson et al. 1997: 1), professional discourse studies have developed side by side with the related fields of organizational discourse, workplace discourse, institutional discourse, or corporate discourse, and further elaborated upon in relation to changing contextual frameworks (Gunnarson 2009; Kong 2014). While most of these fields have addressed issues of professional communication arising from specific academic, professional, institutional, or other workplace contexts, albeit from different theoretical orientations, “[t]he important role played by discourse within the construction and reconstruction of the professions” (Gunnarson et al. 1997: 1) has been influential to understand variation of discourse in each professional domain, where language-in-use is reflected in and enabled by “a unique set of cognitive needs, social conditions and relationships with society at large” (Gunnarson et al. 1997: 5). Likewise, this crucial role has portrayed the legitimacy of professionals as built on their variant constituent social and discursive practices that are bound to be ideologically framed in their respective social institutions (Goodwin 1994; Gunnarson et al. 1997).

From the earliest studies until now, the field of professional discourse/communication has developed into a very crowded room for interdisciplinary research, and discourse analysis has occupied a pivotal position to map it out. This is because discourse analysis shares certain key premises about how language-in-use is to be understood in many different social domains, or in our case it is constitutive of different social and discursive practices of the professionals, and allows a combination of expertise and intellectual tools to cross disciplinary boundaries to deal

with analysis of professional discourse in an integrated whole. In saying this, any discourse analytical procedure that matters to researcher commitment and feeds into the practices of the professions through boundary crossing ought not to escape some description of the interdisciplinary research engagement.

Profiling interdisciplinary research engagement

The last few decades have witnessed many scholars recording and explicating research that crosses disciplinary boundaries, and providing a major topic in academic and policy oriented-discourse on knowledge production and professional practice (Klein 1990; Becher and Trowler 2001; Porter and Rafols 2009; Wagner et al. 2011; Simon and Schiemer 2015). This type of scientific inquiry, commonly referred to as ‘interdisciplinary’ research, is often understood as a process that integrates insights from two, or more scientific disciplines - the constituent parts of the word ‘interdisciplinary’ can easily be derived from the prefix ‘inter’ signifying “between, among, in the midst” or “derived from two or more”, and from the adjective ‘disciplinary’ signifying “of or relating to a particular field of study” (Stember 1991: 4). Although there are several reasons for crossing boundaries (Klein 2008; Wagner et al. 2011), a widely used framework to describe this boundary crossing is one which often distinguishes between a ‘multidisciplinary’, ‘interdisciplinary’, and ‘transdisciplinary’ approach to scientific research, each construct however having its own features and implications for science and society (Rosenfield 1992; Klein 2008). Just as these approaches are grounded in the ability of scientific research to deal with tangible research questions that societies need to tackle, so too they focus on ‘research collaborations’ and ‘knowledge integration’ as legitimate measures of interdisciplinary work, formal education programmes, and professional practice.

Because there are potentially as many forms of crossing boundaries as there are disciplines, and challenges are commonly confronted by those who wish to implement them, the value of this integrative process is not just altogether new in both scientific research and professional discourse practice, but creates a common ground by which methods, tools, concepts, and/or theories from different disciplines are synthesised or blended to produce integrated knowledge and gain coherent understanding of “problems and issues that cannot be addressed or solved within the existing disciplines” (Moran 2010: 13; Klein and Newell 1996). In a sense, to suggest otherwise would be to confine this process within individual disciplines or “academic tribes” (Becher and Trowler 2001), which carry

with them different epistemologies, or theories of knowledge, cultures and languages, and as such are distinguished from one another by several factors, including the ways of asking about “the problems, topics, and issues that constitute their subject matters” (Shulman 2002 vi-vii).

Viewed this way, the role of integration in interdisciplinary studies or interdisciplinarity becomes of the essence in developing a distinctively interdisciplinary theory-based research process in the evolving social constructs of disciplines (Newell 2007), and gaining comprehensive understandings and cognitive advancements in research on real-world problems that are beyond the ability of any single discipline to address comprehensively (Moran 2010; Bromme 2018; Hara et al. 2003).

Interdisciplinarity of professional discourse research

In terms of researcher commitment to analysing data as required by the discourse of a profession, different discourse analytical approaches and bodies of specialised knowledge have grown out of this interdisciplinary engagement. They have drawn insights not just from the disciplines of linguistics, applied linguistics, sociology, business, law, medicine, communication and organizational studies, to mention just a few, but also from a variety of methods, procedures and methodologies, including (critical) discourse and genre analyses, and interactional sociolinguistics. Standing alongside this dimension of interdisciplinarity is the recognition that an applied discourse, or more aptly an “applied linguistics of professions” (Sarangi 2005) orders a rich set of analytical tools for researchers concerned with solving “real-world problems” in which description and interpretation of language-in-use are key (Brumfit 2001), and ultimately homes in on the organizational dimensions of disciplinary and/or professional practices pertaining to a diverse array of domain-specific contexts and practices, where “a keen focus on the pragmatic values of language expression” is required for “specialised discourse” to operate (Gotti 2018: 2).

For the professions, therefore, synthesizing or integrating subject matters, methodological/theoretical perspectives and/or modes of practices from different disciplinary boundaries not only illustrates the epistemic dimension of knowledge involved in interdisciplinary discourse-based research done for a variety of purposes, but also reveals the ways in which the dynamic discourses themselves reflect the product of specific processes that occur within the institutions themselves. By the same token, favouring knowledge integration feeds into the analysis of all forms of semiotic resources (linguistic as well as multimodal) used in specific

academic, professional, institutional, or other workplace contexts of professional discourse and communication, where the effects of “framing” can equally involve

select[ing] some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition (Entman 1993: 52).

An integrated whole of this kind, therefore, does not just contribute to fixing a more qualified agenda about the value and the extent of working across disciplines, and so operationalise the most interdisciplinary communities. It also takes a critical stance towards much intuitive and ad hoc interdiscursive analysis of the professional discourse practices designed to give value to, and engage with the “reciprocity of perspectives which goes to the heart of applied linguistics” (Candlin and Sarangi 2004: 3) and achieves an enlarged understanding of socially relevant research.

Integrated views of professional discourse: work across disciplinary boundaries

This way of integrating epistemic knowledge and getting interdisciplinary work done speaks to the robust character of language and law discourse-based studies, with many scholars developing academic research agendas from across a range of social science and humanities disciplines, including linguistics and communication studies. Not only have these scholars treated the notion of “language in use” (Gee 1999, 2005) as an irreducible part of social reality through which discourse acts as an instrument of “social action” and “social practice” (Bhatia et al. 2008: 1-2), they have also taken on board the context-bound nature of professional and institutional legal discourse alongside its relationship to the power, identity, and ideology constructing effects that bear upon those who use it in socio-cultural and interactional contexts. Academic research agendas like these have been refined and developed through a host of theoretical and methodological issues, so that interdisciplinary connections have given the floor to language-and-law scholars investigating specific types of spoken and written legal discourse (Engberg and Kjær 2011; Bhatia et al. 2017; Tessuto et al. 2018; Tessuto et al. 2020; Bhatia and Tessuto 2021; to name but a few), casting light on the complexity and dynamism of “interdiscursive” as well as “textual” and “contextual” practices (Bhatia 2017) that are enabled and constrained by disciplinary members across academic, professional, and institutional settings.

In the same vein, interdisciplinary arrangements speak to the vigorous academic research agendas focusing on the discourse of medicine and healthcare in language-based fields, and valuable insights have offered an understanding of the different types of discourses going side by side with the linguistic practices of participants involved in the textual universe of medicine and healthcare. In this regard, floor has been given to scholars investigating the ways meaning is negotiated in doctor-patient interactions (Roberts and Sarangi 2005), how specific styles are constructed in multilingual primary care consultations (Roberts et al. 2005), the ways ideologies are forged in society through interviews with health professionals (Stevens and Harper 2007; Shaw and Greenhalgh 2008), and how communication is established in the context of medical practice, medical research or the internet (Gotti et al. 2015), to name but a few key areas of interest. Very obviously, the extent to which these insights are gained by the reflexive mode of the discipline paves the ground for assuming the intrinsic actions and goals of medicine itself, understood broadly as the science and art of treating and preventing disease (Tessuto 2021: 2-3). In this, it hardly needs arguing that ‘medicine as a science’ will mostly attend to gaining knowledge about body systems, their diseases and treatments, as much as ‘medicine as an art’ will mostly have to do with the application of such knowledge to specific contexts of medical practice, such as diagnosis and treatment, therefore providing the “science-and-art shared meaning of medicine” (Tessuto 2021: 3) with intrinsically motivated goals and actions in healthcare contexts. However, what is seen as yet relevant to these insights is the ways of taking cognisance of the type of reflexive language constructed around written or spoken texts and genres of medical and healthcare discourse, and the ways in which language use looks upon the professional and socially-situated practice of medicine imbued with values, interests, and commitments that “support the performance of social activities and social identities” alongside “human affiliation within cultures, social groups, and institutions” (Gee 2005: 1).

Indeed, context-sensitive discussions, where one’s own and others’ issues are evaluated by standards of reasonable discourse via linguistic activity, are not just limited to research agendas from the cross-roads of two disciplines alone, such as linguistics and law, and linguistics and medicine. They also extend over communication across several disciplines and professions, such as law, medicine, healthcare, bioethics, business, or physics, which require wider understandings of the most urgent real-world problems and phenomena of the modern day, as a result of prolific advances made for scientific and professional knowledge. This way of taking commonality at a shared or meta-discursive level and responding to

interdisciplinary dynamics is key to answering increasingly complex and sophisticated research questions raised by the medico-legal dilemmas in clinical practice, or by human health and healthcare delivery, where insights are combined from the health social sciences, biomedical research data, as well as legislation/case law. Besides an ever-unfolding conversation of interprofessional teams, such as occupational therapists, psychologists, and nurses, furthering an understanding of health problems and the ways in which society can cope with these, the regulation of emerging technologies for personalised medicine, or the input that physics and computer science offer to medicine in the diagnosis and treatment of diseases, exemplify just how researchers can learn each other's conceptual vocabulary, methods, and insights in order to collaborate in exploring problems and focus on the epistemic dimension involved in boundary crossing. Considering that the current test of the interdisciplinarity of a problem, issue, or intellectual question is one of proximity between disciplines or professions, bringing together insights, concepts, theories, and methods from two or more fields of study with intent and scope squares with a combined, or integrative process and action – one which aims at a common research task in the quest for a broader understanding of closely related phenomena. This, then, has the effect of producing new knowledge, new meanings and cognitive advancements for explaining and solving real-world problems.

No doubt, these interdisciplinary arrangements are echoed and reinforced by the changing nature and expansion of disciplines inside the academy, with the teaching of the various 'law and's, such as 'law and economics', 'law and sociology', or other combinations, growing up over the years to keep a close fit with organizational structures in universities. This way of creating the 'in-between' space for collaboration between academic disciplines draws together two important aspects related to the transformative nature of disciplines themselves. Firstly, claims about the autonomy of law as a discipline and professional practice have become less than fashionable in recent years, making it possible for the discursive operation of law to absorb from the social and applied sciences as well as the humanities to substantially manage legal inquiries, and to ultimately order epistemic knowledge and action. Allied with this is the fact that the 'law and' scholarship often coincides with a boom in disciplines that are complementary to law, such as economics. This field, in fact, has become more empirical in developing a more rigorous theory of crime and its effects on society than other social science disciplines, including law, have ever done. Just as this complementarity moves the disciplinarity limits of law away from a single category to other social formations, so too it goes

with an empirical legal research model by which the empirical legal scholar offers a positive theory of a law or legal institution and then tests that theory using quantitative techniques developed in the social sciences alongside evidence collected systematically from real-world observation (Cownie 2004; Genn et al. 2006; McConville and Wing 2007; Tessuto 2012: 5-7). In the same way, complementarity can be seen in the medical education research community which often describes its activities as interdisciplinary through insights, methods, and knowledge drawn from several distinct disciplines, including anthropology, sociology, humanities, and psychology (Albert et al. 2020). In this, embedding research and action within a variety of complementary disciplinary approaches to medicine and health is conducive to “health practitioners [who] often come together as interprofessional health and social care teams” (Tessuto 2021: 8) to provide constant explanation, adaptation and scientific readjustment from all researchers and practitioners involved.

So, while commonality at a shared, or meta-discursive level can support this kind of interdisciplinary research, there can also be implicit tensions between applied discourse research and fundamental problems of knowledge, alongside conflicts between existing disciplines and emerging ones as these are now constantly moving and subject to renegotiation. This is not to say that the knowledge arrangements within a single discipline are not the bone of contention in terms of a discipline’s professional integrity, but when the boundaries of ‘law ands’ are settled between scholarly communities, they allow the integrative process to create common ground between conflicting insights into a particular problem from two or more disciplines or professional practices.

By transcending disciplinary knowledge through this integrative process and transforming the way we think within and across a discipline’s discourse and cultural practice, we could discern the ways in which specializations of traditionally distinct fields become socially embedded and actualized in the larger external society, and address the many challenges and opportunities, whether methodological, contextual, or social, brought about by rapid changes to contemporary academic culture. With professional discourse and communication being at the root of these challenges and opportunities, attention will thus turn on professional practices in specific disciplinary, institutional, or organisational contexts within which discourses are embedded and provide a fertile ground for the mechanisms of “interdiscursivity” (Fairclough 2003; Bhatia 2017) deployed across texts and genres for a socially and professionally informed interdisciplinary research practice of the modern day.

Precisely these issues, although certainly not exhaustive with respect to the analysis of interdisciplinary dynamics, are addressed in this volume by the authors who provide the overarching theme to their seemingly heterogeneous topics.

Content of this book

The seventeen chapters included in this book are intended to be descriptive and interpretive of a variety of issues involved in the analysis of disciplinary and professional domains and discourses, where applied linguistics, law, medicine, healthcare and others domains are played out in socially and culturally-informed topic areas. As a result, a multifaceted overview of the ongoing research highlights the discourse analytical dimensions offered by the contributors on a range of issues that fall within the scope of individual articles, where specific perspectives, varied applications, and different methodological procedures are presented in qualitative and quantitative data sets to account for a host of texts and genres (spoken or written) in different discourse-shaping actions and professional practices.

The book opens with the keynote chapter by **Giuliana E. Garzone**, *Metaphor and disease in the media*, dealing with the COVID-19 pandemic that has contributed to an upsurge in linguists' and discourse analysts' attention for the representation of disease in public discourse and the media. Within this context, the author argues, an element that has emerged clearly is the tendency to rely extensively on metaphor in communication about disease, metaphor being defined here "as a matter of crossdomain mappings in conceptual structure which are expressed in language" (Steen et al. 2010, p. 21). This tendency can be seen as related not only to the popularizing function that recourse to metaphor serves, as widely acknowledged in the relevant literature (Calsamiglia van Dijk 2004, pp. 376-37; Garzone 2020, pp. 151-218), but more aptly to the framing effect (Entman 1993) it may have on the way people perceive and think about certain health problems. According to the author, this is all the more important as diseases are not purely medical facts, but are heavily charged with cultural meanings, and are socially constructed as a function of how people understand them and how those afflicted live with them. Indeed, in many context diseases are a taboo topic (Allan and Burridge 2006) and metaphor makes it possible to conceptualize a taboo domain by means of a domain that is less taboo, and therefore less emotionally disturbing. Against this detailed background, the author focuses on the use of metaphors in communication about diseases and discusses research work

on metaphor (cf. among others, Black 1962; Lakoff and Johnson 1980; Charteris Black 2004; Semino 2008), and more specifically on metaphor and disease, from Sontag's seminal essays on illness (1978) and AIDS (1989), including more recent works (e.g. Nerlich and Hamilton 2002; Semino, Demjén and Demmen 2018; Hommerberg, Gustafsson and Sandgren 2020). The author then goes on to discuss the use of metaphors in the printed and online media to deal with some of the most common harmful diseases. Special attention is given to metaphors used in the representation of COVID-19 in the 2020-2021 pandemic and the critical debate that has taken place both in the academia and in the press since the outbreak of the pandemic (cf. Semino 2019; Garzone in press).

In the second chapter, *Discrimination in organ allocation: addressing implicit bias in decision making through argumentation theory*, **Paola Catenaccio** provides the 'big context' for her study by informing the reader about the complexity of the decision-making process surrounding organ transplantation, which is beset with ethical quandaries. In the face of a chronic shortage of organ availability, the author argues, assessment procedures for organ allotment involve a number of criteria which are not clinical *strictu sensu*, but which involve complex psychosocial evaluations (Bayley et al. 2021). She goes on to describe how a number of highly publicized cases have highlighted the plight of people with disabilities over the last few years, including children (Statter and Noritz 2020), who are often denied access to organ transplantation because of their condition. Such denial amounts to effective discrimination, and has recently been challenged in a number of venues, often leading to decision reversals. Based on this, the author examines a corpus of scientific articles and policy documents concerning disability-related discrimination in organ transplantation assessment and decision-making and focuses on the identification of lexical nodes which indicate key factors leading to the discrimination of people with disabilities. In particular, lemmas such as assumptions, misconceptions and bias are used to introduce the most common underlying reasons for discrimination. The rhetorical articulation of the arguments put forth to challenge such assumptions provides interesting insights into the ideological underpinnings of clinical decision-making in organ allocation.

In the third chapter, *Generic integrity in the discourse of Coroner's Courts: Findings from inquests in a common law jurisdiction*, **William Bromwich** takes as a starting point the insights provided by critical discourse analysis, with its focus not simply on textual realisations but also on the institutional and professional practices that frame and determine discourse, to examine the professional practice and conventions

of Coroner's Courts in a common law jurisdiction: New South Wales, Australia. Arguably, the interface between the legal and medical profession is nowhere more evident than in the role of the Coroner, who in common law jurisdictions may be either a legal or a medical practitioner, a unique and unparalleled requirement, not found in any other profession. Regulations vary across common law jurisdictions but in the case of the UK, the ratio of legal to medical practitioners among coroners is 85:15, highlighting the importance of the legal profession in these proceedings. In analysing a series of inquests in the Coroner's Court in New South Wales, the initial focus of the research was to determine whether the discourse of inquests is predominantly legal or medical. However, the Coroner, constructing a discourse aimed at both professional and lay audiences, particularly the relatives of the deceased, was found to draw on a much wider range of disciplinary practices and discourses than was initially expected, while making extensive recourse to metadiscourse. The author's study seeks to examine the resources used by the Coroner to embed the discourse of a wide range of disciplines into the deliberations of the Court, to make findings that have far-reaching implications for those concerned, not just for the relatives attempting to put the affairs of the deceased in order, while dealing with their grief and sense of loss and working towards closure, but also for the professionals involved in the events leading up to the inquest, whose professional integrity may be called into question in the public domain, with doubts cast on their competence and integrity. As a result, rather than relying predominantly on the generic conventions of either the legal or the medical profession, the discourse of the Coroner is found to constitute a *genre sui generis* at the interface of a number of disciplinary and professional domains. An analysis of the inquests provides evidence in support of the view that in this institutional setting, the law relies heavily on the wisdom of other disciplines and professional practices, while exerting a significant influence on them.

The fourth chapter by **Giulia Adriana Pennisi**, *Interdisciplinary dynamics and generic conventions: the case of Clinical Ethics Committees*, gets inspiration from Clinical Ethics Committees (CECs), which have become increasingly institutionalised in recent years by way of a growing belief that they play an important role in successfully helping health care professionals to address ethical dilemmas. The author spells out that the majority of members have a medical or nursing background, with an increasing number of legal members, lay, and religious representation, and discuss a variety of issues that might arise in clinical settings, from Withholding and Withdrawing Treatment and Do Not Resuscitate Orders, to Advance Directives and Confidentiality, to name just a few. In this

regard, the UK Clinical Ethics Network (UKCEN) was established in 2001 to provide support for the growing number of CECs and groups that were developing in National Health Service Trusts and some private hospitals in the UK. The author investigates the UKCEN's newsletters (2004-2020) to explore the interdiscursive mechanism deployed in a written genre where traditionally distinct fields (medicine, ethics, law) become socially embedded and actualised in the larger external society, while addressing contextual, social, and institutional challenges and opportunities. From a comprehensive analysis of the newsletters written by the Board of Trustees as part of the annual report, it is evident the need to go beyond the textual data to consider intertextuality as well as interdiscursivity (Candlin and Maley 1997; Sarangi and Coulthard 2000; Prentice and Barker 2017). Eventually, the socio-pragmatic aspects of the construction, interpretation, and use of newsletters not only becomes the interesting foci for the exploration of the interactive interdisciplinary process, but also reveals a 'hidden agenda' (Bhatia et. al 2008; Garzone 2012) realised through a conscious bending of the generic conventions to 'promote' corporate interests (Bhatia and Flowerdew and Jones 2008; Flowerdew 2014), rather than simply informing about the development of ethics support in the UK and the promotion of a high level of ethical debate in clinical practice.

The fifth chapter by **Stefania D'Avanzo**, *Europe 'wears' green: investigating legal implementation of 'green economy' policies*, 'green' economy is understood as one in which environmental, economic and social policies and innovations enable society to use resources efficiently — enhancing human well-being in an inclusive manner, while maintaining the natural systems that sustain us. Along these lines, the EU has committed itself to promoting a responsible use of economic resources with respect for the environment. More specifically, the EU attempts to boost resource efficiency while maintaining ecosystem resilience through the fulfilment of some environmental policy targets and objectives by 2050. Starting from these assumptions, the author investigates EU legislative procedures adopted by the EU in order to guarantee an efficient use of economic resources while preserving human well-being. The corpus under scrutiny includes all the legal documents mentioned in the 'Towards a green economy in Europe' project and adopted by the EU from 2009 to 2020. Methodology includes studies from a corpus-based approach (Stubbs 2001, Baker 2006) which help to analyse patterns of language semantically related to 'green economy' conceptualizations. More specifically, the co-text of the key words investigated are analysed in terms of 'semantic preference', intended as the relation between a word

form and a set of semantically related words. In short, this study seeks to examine EU commitment to provide EU citizens with promotion of a more 'sustainable' economic path.

In the sixth chapter by **Michela Giordano**, *Healthcare power of attorney and the living will: comparing and contrasting medical-legal genres*, the topic for discussion is advance directives in the form of healthcare powers of attorney and living wills, which are fundamental end-of-life care medical-legal instruments. These make a patient's decisions legally-binding and avoid litigation among family members and friends who are unable (or not entitled) to choose medical measures in the event of sudden accidents or life-threatening illnesses. Based on this, the author investigates a corpus of American advance directives to highlight the differences between living wills (which set out people's preferences regarding life-sustaining treatments) and healthcare powers of attorney (which allow the mandators to appoint an agent to speak on their behalf on health care matters). More precisely, the study explores the generic nature of the two instruments, looking into the specific moves (Bhatia 1993; Swales 1990) and the rhetorical features which characterize them. Both legal and medical discourses are scrutinized in order to find out the extent to which these two types of texts may represent specialised and interdiscursive genres in their own right in interdisciplinary, professional, institutional and social contexts. Issues considered include life-prolonging medical care, pain management, medical and surgical treatment, artificially supplied nutrition and hydration, organ donation and also funeral arrangements, cremation or burial preferences. Archaic legal formulae, textual mapping devices (Bhatia 1987), conventional routines, creative specialized lexicon (agent, proxy, attorney-in-fact, patient advocate or surrogate), rhetorical features such as acronyms (DNR for Do Not Resuscitate Order), and alliterative lists (such as the five Ds: Decade, Death, Divorce, Diagnosis, Decline), contribute to helping people make critical self-care decisions in order to improve the quality of life and death.

The seventh chapter, *Pro-Life vs Pro-Choice: A CDA of Discourses on the Alabama Human Life Protection Act*, by **Antonella Napolitano** and **Maria Cristina Aiezza**, focuses on legislation passed in Alabama on 15 May 2019, the so-called Human Life Protection Act, that sets a near-total ban of abortion in the state, with no exceptions for rape or incest, and makes performing an abortion a felony in almost all cases. The law attempted at overturning 1973's *Roe v. Wade* decision of the US Supreme Court, which had ruled that the Constitution of the United States protects a pregnant woman's liberty to choose to have an abortion without excessive government restriction. On 29 October 2019, the authors add, US District

Judge Myron Thompson issued a preliminary injunction, blocking the law from taking effect since it violates constitutional rights. Alabama's new legislation was strongly opposed by Democrats but also criticised by some Republicans. Moreover, it prompted an outcry from abortion rights activists across the country on the basis that reproductive rights are essential human rights, as everyone should be free to decide whether to start a family, to plan their future and control their destiny. Against this backdrop, this study investigates the legal discourse of the Human Life Protection Act and its interpretation and opposition in pro-choice discourse. In particular, the authors focus on the online discourse about the issue on NARAL (National Association for the Repeal of Abortion Laws) website. Since the ban also generated strong reactions on social media, their analysis also considers NARAL posts and user comments on Twitter. Through Critical Discourse Analysis, a valid framework to investigate how discourse reinforces power and ideological meanings and sustains hierarchically gendered social orders, the authors seek to outline how abortion is framed in legal discourse and how online discourse by a pro-choice organisation popularises and challenges the law as a form of patriarchal control over the woman's body. This study also focuses on social media posts and the responses they generated, examining the discursive means used by online users to express their position, as a means of direct citizen participation in political debate.

In the eight chapter by **André L. F. Augusto, Amitza Torres Vieira** and **Vicente Ricco**, *Violence or play? Multimodal analysis of video evidence from Brazilian Military Justice*, the starting point for discussion is the argument in Silbey's works (2004, 2008) whereby the analysis of evidence in audio-visual records performed by legal professionals is deficient. In this study, the authors seek to interpret the work of legal professionals dealing with video evidence and use the case study method (Yin, 2015, 2016) for a qualitative analysis (Denzin; Lincoln, 2010) of the empirical data extracted from a video used as evidence in Brazilian Military Justice. Their research focuses on the arguments developed concerning the video evidence by the Brazilian Military Public Office and the Public Attorney Office and discusses different views about the video - whether it was an act of violence or a joke. A multimodal analysis of the video is performed using ELAN software based on the conventions from Mondada (2014). In addition, the data analysis is based on the concepts of framing (Bateson 1972) and contextualizing clues (Gumperz 1982). Finally, the authors conclude that the situational framework under focus is understood by the victim as an act of aggression, while the accused demonstrates an orientation towards the playful framework. Additionally,

the legal professionals reproduce those perspectives according to their roles in the trial.

The ninth chapter by **Anna Iegorova**, *Bioethics of Surrogacy: A Discourse-Analytic Perspective on Public Attitudes Expressed in Online Comments to News Reports*, explains the rationale of the study referring to the report of the International Bioethics Committee, where assisted reproductive technologies (ART) procedures are resulting today in more than 4% of annual births in rich countries (IBC 2019: 5). The issues related to an increasing use of ART, including surrogacy, go far beyond medical science, technology and legal regulations (with legislation varying significantly across different jurisdictions), since ART and surrogacy have proved to have broader implications of an ethical, psychological, cultural, religious and ideological nature. In this study, then, the author covers major sensitive issues of surrogacy as reported by the International Bioethics Committee (IBC 2019) alongside an overview of legislation in different jurisdictions. The study also seeks to present a critical discourse analysis of public attitudes expressed on Facebook in comments to five thematically different news reports related to the topic of surrogacy. The latter show the major stereotypes of the public regarding the issues of the well-being of children, family, parenthood and society in general, as well as the major strategies used by the commentors to convey them.

In the tenth chapter, *The Protection of 'Essential' Workers during COVID-19: Contrasting Trade Unions' Discursive Practices in Italy and the USA*, **Pietro Manzella** introduces the topic claiming that the ongoing pandemic has affected the working population in important respects. In order to tackle the spread of the virus, decision-makers halted business operations, closing down a number of companies. However, while some workers were in a position to work remotely to reduce the risk of contagion, those engaged in essential services (e.g., healthcare and food processing) continued working in spite of the threat of the virus. Against this background, trade unions sided with essential workers to ensure safe working conditions and workplace protection. Interestingly, union leaders made use of a series of discursive practices to make sure that the employee's voice was heard, which can be different cross-nationally and cross-linguistically. Based on the considerations above, the author sets out to investigate the linguistic tools used by unions to defend essential workers' rights in the time of COVID-19. Specifically, an analysis is provided of union discourse in both English and Italian in order to examine the linguistic devices and strategies implemented to safeguard essential workers in Italy and the USA, respectively. To this end, a dataset consisting of documents distributed by trade unions in the countries

surveyed are investigated, with a view to casting light on the discursive practices put in place to promote essential workers' rights during the pandemic.

In the eleventh chapter, *Clinical standards and their legal standardisation*, **Marco Mazzocca** considers clinical practice guidelines, which are generally considered as recommendations intended to optimize patient care. They are usually developed by the techniques of evidence-based medicine and are meant to facilitate good medical practice. In recent years, clinical practice guidelines have become increasingly important even in the legal field. Indeed, many medical malpractice litigations often address the issue of adherence of physician actions to those suggested by the guidelines. However, such legal cases appear to indicate a discrepancy between the medical application and the legal interpretation of clinical practice guidelines. The medical application aims to provide the most clinically appropriate and up-to-date medical practices to patients. In contrast, the legal interpretation clarifies the most legally appropriate behaviour that physicians ought to hold. In this study, the author's main objective is to investigate whether it is possible to consider the statements in clinical guidelines as both suggestions intended to support clinical decision-making and legal prescriptions. For this reason, after comparing some features of clinical guidelines with those of normative legal acts, the distinctive nature of the guidelines statements is highlighted. Specifically, on the one hand, the critical difference between giving a central role to clinical guideline statements and treating them directly as effective and directly enforceable legal standards is highlighted. On the other hand, this study seeks to demonstrate some possible interpretive strategies that allow the 'translation' of statements developed (in a language designed for clinical practice) to assist clinicians in their work into binding legal prescriptions (and, thus, in legal language).

The twelfth chapter by **Ginevra Peruginelli** and **Sara Conti**, *Designing GDPR in the healthcare sector: a new way of communicating legal concepts*, focuses on communication for lay audiences as a fundamental clinical skill that, if performed competently and efficiently, facilitates the establishment of a relationship of trust between the medical staff and the patient-customer. Organizations with strong communication policies can enrich their patients' health, while those that do not have effective procedures in place can negatively affect patient well-being. In such a context, healthcare organizations need to invest time and capital in effectively communicating legal concepts related to data protection to patients. The General Data Protection Regulation (EU) 2016/679 (GDPR) sets important challenges for the health care sector, outlining stringent new

policies for collecting, processing, and securing personal data. Visual techniques applied to GDPR provisions can play an effective role in correctly spreading awareness and knowledge on this relevant issue. The power of visualization lies in the fact that the human brain has the potential to identify images and other visuals (charts, maps, infographics, videos, pull-quotes, memes, diagrams or annotations) very quickly. It not only simplifies the learning process, but also helps lay-learners to understand the concepts more clearly, reinforcing cognition and overcoming specialized languages barriers. In this regard, appropriate visual law techniques applied to GDPR in the context of health care are considered, including all the legal and ethical implications. In particular, the authors look at infographics as information design tools that combine both graphical and textual elements explaining the main points of the data protection regulation addressed to customers/patients. This is in line with many current initiatives widely using infographics as a dissemination instrument by governments and legislators around Europe.

In the thirteenth chapter, *EU Legal Language on Medicine and Health: What Impacts from Covid-19?* **Colin Robertson** claims that the Covid-19 pandemic has brought the EU institutions into the front line in debates about the handling of the pandemic and obtaining vaccines. Behind the issue, however, lie deeper questions touching on the competence and role of EU law and language in respect of matters concerning medicine and health policy more generally. The author's study aims to explore some of these questions from an EU legal-linguistic perspective. It first considers the language of EU treaties with respect to health and medicine as regards competence and powers, noting the primary role for member states. It then reflects on past legal texts of EU institutions connected to health and medicine and asks how far these texts have been primarily aimed at coordination between member states and more broadly with the market for the supply of products and services, including freedom of movement for medical personnel, as part of the internal EU market. From there, the study poses the following questions: how far has Covid-19 changed EU legal discourse in relation to health matters? Is there an appetite for developing an EU health policy further? What might be its discursive foundations? It is suggested that this may be an emerging field for language, discourse, translation and terminology. Lastly, the author speculates on whether there may be connections with developments possibly underway towards a more 'ecological' attitude to business, in line with concerns about climate change and loss of biological diversity. If so, it could be part of a wider shift in consciousness about the place of humans in the 'community of beings' on the planet, with implications for language, translation and

terminology. Could this all have an impact on EU law and shift the primary focus from trade towards health and well-being as fundamental aims of EU law?

The fourteenth chapter by **Juliette Scott** and **John O’Shea**, *Impacts and repercussions of legal translations in medical settings*, the authors look at translations in medical settings at the interdiscursive interface of medicine and the law (Bhatia 2004, Tessuto 2017). They do so within the framework of a wider project which examines the impacts and repercussions of written legal translation at micro, meso and macro levels of specialized communicative interactions (Engberg 2015, Scott and O’Shea 2021) and employs a risk management lens. The authors draw examples from, inter alia: personal injury and patient safety cases; government-issued public health notices certain of which, affecting minority groups, relate to the current pandemic; medical devices; labelling; medical trials; and regulatory compliance. Issues involved include: competing expert witness reports pertaining to cross-systemic and cross-linguistic misalignments; inappropriate use of translation technologies; reverberations from deficient national transpositions of EU law; and courts electing to dispense with professional translation services. The authors posit that the due diligence applied to written legal translations in medical matters may be insufficient as a result of the generally unrecognized status of the translation process in many spheres and at all stages (Dam & Zethsen 2009, Pym et al. 2012, Scott 2019), by the corporate world, by legal professionals, by national or supranational authorities, and by the judiciary.

In the fifteenth chapter, *Causation and Loss of chance among law, science and medicine*, **Bruno Tassone** is inspired by the conclusion made in a great number of modern studies on causation whereby it is not possible to build a theory which can be applied to any situation, up to the point of either: evoking different truths narrated by the characters of the well-known Akira Kurosawa movie “Rashomon” (Cendon); stating that “causality is a nail to which the judge can hang the hat he likes most” (Hart and Honoré); or just seeing it as a tool which permits the most “unscrupulous” legal policy operations (Alpa). The problems of this legal category have been magnified since the Italian Courts – along with some other jurisdictions – have reverted to the “more likely than not” standard, which has brought them to consider causation established if the plaintiff succeeds to prove that it is more probable than not that the damage was caused by the defendant. One of the reasons of the above-mentioned problems lies in the acknowledgement of the so-called “loss of chance” doctrine in various legal systems, where a plaintiff can claim damages if he is simply being neglected the possibility of getting benefit or avoiding

harm with the probabilities of these happenings higher than 50% or – according to others – fairly substantial; in such case, the plaintiff is entitled to a compensation proportional to the lost chances. Indeed, it is still unclear how a finding of causation based on a probabilistic approach (because of the mentioned more likely than not standard) is to be coordinated with the indemnification of a “loss” also defined in stochastic terms. Furthermore, the subsequent issues are particularly difficult in the area of medical malpractice, where the link between the defendant’s behaviour and the plaintiff’s damage can very often be established only through statistics, medicine, epidemiology and other sciences. Nevertheless, the consideration of how other disciplines define probabilities and cope with the questions raised by causation can unveil a new way to solve the problems under discussion and may lead to innovative legal solutions.

The sixteenth chapter by **Adriano Laudisio**, *Body of proof: standardization and variability of forensic and medical genres in crime drama*, sets the scene by reference to the mass media, which have acquired an increasingly central role in the representation of specialised professions and popularisation of knowledge, thanks to notoriously hybridised genres attracting the non-specialist audience. However, the author argues, only limited research has so far been carried out on the processes responsible for the merging of specialised and media genres employed for popularising and entertaining purposes. The author sets out to identify the discursive features of crime drama as a genre, which borrows from the discourses of medicine, biochemistry, forensics, and science, and so contributes to their popularisation. Using a representative corpus of texts from the US crime drama *Body of proof* episodes (2011-2013) alongside the methodological tenets of genre analysis, the author interrogates the occurrence of discipline-specific features of genres employed within fictional reproductions of legal-forensic discourse (suspect interrogations) and medical-forensic discourse (corpse analysis) by identifying the appropriation of generic resources on a textual, intertextual and contextual level (Bhatia 2004). The author’s findings show similarities in the generic patterns employed to popularize discipline-specific contents, alongside structure-level features of variability arising from interaction between participants and leading to genre hybridization.

The seventeenth chapter by **Daniela Giordano**, *Linguistic insights into crime drama as a popularising genre*, closes this book. The source of this study is the increasingly complex and multifaceted world of scientific popularization, where mass media have acquired an increasingly central role in the representation of specialised professions and popularisation of knowledge to a lay audience. However, the author argues, only limited